

Products Liability Law Daily Wrap Up, NOTICES—MOTOR VEHICLES— NHTSA receives inconsequential noncompliance petition for Freightliner Cascadia vehicles, (Mar. 2, 2020)

Products Liability Law Daily Wrap Up

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By Colleen Kave, J.D.

The subject vehicles fail to comply with the federal safety standard applicable to brake lights.

Daimler Trucks North America (DTNA) petitioned the National Highway Traffic Safety Administration (NHTSA) for a determination of inconsequential noncompliance related to approximately 74,675 model year 2017–2019 Freightliner Cascadia motor vehicles, manufactured between May 3, 2016, and December 17, 2018, that do not fully comply with paragraph S6.2.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Comments on the petition are due by March 30, 2020 (NHTSA Notice, [85 FR 11450](#), February 27, 2020).

The company explained that the noncompliance is that the subject vehicles are equipped with brake lights that illuminate when the low air warning light illuminates and, therefore, they do not meet the requirements specified in paragraph S6.2.1 of FMVSS No. 108.

DTNA stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety for the following reasons:

- The events contributing to a low air condition after initial vehicle startup are rare and are not expected in normal operation. If the condition was to occur during operation, the driver would be alerted to the circumstances with audible and visual low air warning and would be expected to apply the service brakes and pull over in a safe manner.
- If the pressure in both air systems drops below 70 psi, the parking brakes will slowly begin to apply.
- The Freightliner Cascadia Driver's Manual states "If the low air pressure warning is activated, check the air pressure gauges to determine which system has low air pressure. Although the vehicle's speed can be reduced using the foot brake control pedal, either the front or rear service brakes will not be operating at full capacity, causing a longer stopping distance. Bring the vehicle to a safe stop and have the air system repaired before continuing."
- Brakes are commonly applied—causing the brake lights to illuminate—when a driver sees a vehicle display warning or senses that the vehicle is experiencing a problem. Reducing vehicle speed in relation to a vehicle operational problem increases safety, providing following drivers the opportunity to increase the following distance. A low air warning would likely cause the vehicle driver to immediately engage the brake system and bring the vehicle to a safe stop. Brake light illumination for a brake system low air event would help provide early warning to following drivers to slow down.
- "Motorcoach Brake Systems and Safety Technologies," a Federal Motor Carrier Safety Administration (FMCSA) issued guidance, supports the expectation that a driver, upon receipt of a low pressure warning, would apply brakes and pull off the roadway. FMCSA stated: "Low Pressure Warning—In most cases, you should notice an air leak or malfunction before getting a low pressure warning; however, when a low pressure warning occurs, immediately bring the motorcoach to a safe stop, off of the roadway. Continuing to operate the motorcoach could result in an automatic application of the park brakes, possibly leading to a loss of control or a stop in an unsafe position."
- DTNA is not aware of any accidents, injuries, owner complaints or field reports related to this condition on the subject vehicles.

- DTNA also stated that NHTSA has previously granted petitions for decisions of inconsequential noncompliance for lighting requirements where technical noncompliance exists, but does not create a negative impact on safety.

Companies: Daimler Trucks North America

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