

Waiver of Warning Device Requirements

TERMS AND CONDITIONS OF THE WAIVER

I. PERIOD OF THE WAIVER

This waiver from the warning device placement requirements in 49 CFR § 392.22(b), the steady-burning lamp requirement in 49 CFR § 393.25(e), and the requirements for the types and number of warning devices in 49 CFR § 393.95(f), is approved for the three-month period from 12:01 a.m. on October 10, 2025, through 11:59 p.m. on January 9, 2026. Thereafter, absent violation of the terms and conditions of this waiver, or a notification under section IV.D. below, or a determination by the Federal Motor Carrier Safety Administration (FMCSA) of a safety deficiency under 49 U.S.C. 31315(a), this waiver will be reissued.

II. EXTENT OF THE WAIVER

A. Applicability to Aurora Operations, Inc

This waiver applies to Aurora Operations, Inc. (Aurora) for its operation of commercial motor vehicles (CMVs) equipped with a Level 4¹ Automated Driving System (ADS). This waiver also extends to any other motor carrier operating CMVs with a Level 4 ADS, provided such motor carrier provides written notification to FMCSA that includes the certifications specified in Section II(B).

B. Applicability to Other Motor Carriers

Any other motor carrier intending to operate CMVs under the terms and conditions of this waiver must notify FMCSA in writing prior to commencing operations covered by this waiver and must not commence operations until FMCSA acknowledges receipt of the notification, or the expiration of one business day after delivery, whichever occurs sooner. The notification must be sent to FMCSA via email to MCPSV@dot.gov certifying the following:

1. The motor carrier's legal name, USDOT number, and principal place of business, and point of contact of the motor carrier.
2. A statement that adequately demonstrates the motor carrier currently has cab-mounted warning beacons and the ability to comply with all terms and conditions of this waiver.
3. A statement affirming the motor carrier will comply with all terms and conditions of this waiver.
4. In accordance with 28 U.S.C. 1746, the statements required under this Section must include language in substantially the following form, "I, [Name], certify under penalty of perjury that the foregoing is true and correct. Executed on [Date], [Signature]."

¹ As used in this waiver, the term "Level 4" has the same meaning as Level 4 High Driving Automation set forth in SAE J3016.

C. Use of Cab-Mounted Warning Beacons

Aurora and any other motor carrier operating under the terms and conditions of this waiver (hereinafter “each motor carrier operating under this waiver”) pursuant to either Section II(A) or (B) may use cab-mounted warning beacons subject to the conditions in Sections III and IV, below, in lieu of warning device placement requirements in 49 CFR § 392.22(b), the steady-burning lamp requirement in 49 CFR § 393.25(e), and the requirements for the types and number of warning devices in 49 CFR § 393.95(f).

III. CONDITIONS

This waiver is contingent upon each of the following conditions.

A. Operations

1. Each motor carrier operating under this waiver, may operate its eligible Level 4 ADS-equipped CMVs under this waiver.
2. Operations under this waiver shall primarily occur on the U.S. Interstate Highway System. Operations on other public roads are permitted when operationally necessary to complete movements or access operational facilities, provided such roads are part of the validated Operational Design Domain for the specific ADS-equipped CMV.
3. Operations under this waiver are prohibited if operations would otherwise require a “N”, “H”, “X”, “P”, “S”, or “T” endorsement under 49 CFR 383.93—if a human driver were present.
4. Each motor carrier operating under this waiver is prohibited from operating as a for-hire or private passenger carrier, or transporting hazardous materials as defined in 49 CFR § 383.5, while utilizing this waiver.

B. Cab-Mounted Warning Beacon Specifications

1. The cab-mounted warning beacons, a safety device, used under this waiver must consist of forward- and rearward-facing flashing lights.
2. Mounting. At least one rearward-facing light must be mounted on each side of the cab, and at least one forward-facing light mounted on the front of the cab. The mountings must provide stable support for the beacons. The total width of the vehicle, inclusive of mountings and lights, may not exceed 122 inches.
3. Location. All lights must be mounted at least 100 inches from the ground and located at or above the upper edge of the sideview mirrors but below the top edge of the cab.
4. Performance. The cab-mounted warning beacons must be amber in color and meet the Class 1 photometric performance requirements of SAE J595.
5. Flash Pattern. The activation of the warning system must cause the beacons to flash at a rate different from the vehicle’s standard hazard warning signal flashers required under 49 CFR § 392.22(a).
6. Power. The beacons must be designed and installed with redundant power sources to prevent failure due to a single-point power failure.

C. Activation and Operation:

1. The beacons must activate as soon as possible, but in any event within 10 minutes, whenever the CMV is stopped on the traveled portion or the shoulder of a highway for any cause other than necessary traffic stops (i.e., whenever 49 CFR § 392.22(b) would otherwise apply).
2. The beacons must remain flashing for the entire duration of the stop, from the initial stop until the vehicle reinitiates movement or the vehicle is recovered.
3. Standard hazard warning signal flashers must also activate as required by 49 CFR § 392.22(a) and must continue flashing for the entire duration of the stop.

C. Other

4. Each motor carrier operating under this waiver, must comply with all other applicable Federal Motor Carrier Safety Regulations (49 CFR parts 350-399).
5. Each motor carrier operating under this waiver, shall, at FMCSA's request, meet with FMCSA to answer questions regarding data and information required to be provided under this waiver.
6. Each motor carrier operating under this waiver, may also apply for an exemption under 49 U.S.C. 31315(b)(3).

IV. REPORTING REQUIREMENTS

A. Crash Reporting

Each motor carrier operating under this waiver, must notify FMCSA via email to MCPSV@dot.gov not later than 5 calendar days of any crash involving a CMV while the cab-mounted warning beacons are activated or should have been activated per the conditions of this waiver. For the purposes of this waiver, the term "crash" shall have the same meaning as defined in the National Highway Traffic Safety Administration's (NHTSA) Third Amended Standing General Order (SGO) 2021-01.²

Notification must include all available information regarding the circumstances of the crash, including the following information:

1. Identifier of the Waiver ("Waiver of Warning Device Requirements").
2. Date and time of the crash.
3. City or town, and State, in which the crash occurred, or closest to the crash scene, and geolocation information.
4. Vehicle Identification Number (VIN).
5. Description of any property damage.
6. Number of individuals suffering physical injury.
7. Number of fatalities.

² Under NHTSA's Third Amended SGO 2021-01, "'Crash' means any physical impact between a vehicle and another road user (vehicle, pedestrian, cyclist, etc.) or property that results or allegedly results in any property damage, injury, or fatality. A subject vehicle is involved in a crash if it physically impacts another road user or if it contributes or is alleged to contribute (by steering, braking, acceleration, or other operational performance) to another vehicle's physical impact with another road user or property involved in that crash." The SGO is available at: https://www.nhtsa.gov/sites/nhtsa.gov/files/2025-04/third-amended-SGO-2021-01_2025.pdf.

8. The police-reported narrative of the crash (if available at the time of the report or provided upon its completion).

B. Waiver Term Report

Each motor carrier operating under this waiver, must submit a report to FMCSA via email to MCPSV@dot.gov not later than 30 calendar days of the end of this waiver's term (or not later than 30 calendar days of ceasing operations under this waiver, if sooner). This report must include the following information covering the entire period of operation under this waiver:

1. Total number of its CMVs that operated under the waiver.
2. Total vehicle miles traveled by its CMVs under the waiver.
3. Aggregate data on the frequency, duration, location (including road type: Interstate, state highway, local road, etc.), and reason for cab-mounted warning beacon activation events for its CMVs.
4. A summary of the overall performance and reliability of the cab-mounted warning beacons and their activation systems on its CMVs, including any malfunctions or power issues experienced.
5. The specific mounting locations of all cab-mounted warning beacons used on its CMVs.
6. Whether any variations in cab-mounted warning beacon types, mounting, or flash patterns were used across its fleet when operating under the waiver. If variations were used, any performance differences among the beacons.

C. Request to Treat Information as Confidential Business Information (CBI)

Nonpublic information submitted by a motor carrier under Section IV(A) or (B) above will be treated as CBI, which is defined as commercial or financial information that is both customarily and actually treated as private by its owner,³ if designated as such by the submitting motor carrier. FMCSA will withhold CBI from public disclosure to the greatest extent possible consistent with the Freedom of Information Act (5 U.S.C. 552), and DOT's implementing regulations at 49 CFR Part 7.

D. Safety Notification to FMCSA

Each motor carrier operating under this waiver, must notify FMCSA via email to MCPSV@dot.gov not later than 5 calendar days after it becomes aware, or otherwise determines, that the continued use of cab-mounted beacons covered by this waiver is no longer likely to maintain a level of safety that is at least equivalent to the level that would be achieved absent this waiver.

V. PREEMPTION

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR § 381.600, during the period this waiver is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this waiver with respect to a firm or person

³ *Food Mktg. Inst. v. Argus Leader Media*, 588 U.S. 427, 440 (2019).

operating under the waiver. States may, but are not required to, adopt the same waiver with respect to operations in intrastate commerce.

VI. TERMINATION

FMCSA will terminate this waiver with respect to any specific motor carrier if: (1) that motor carrier fails to comply with the terms and conditions of this waiver; (2) that motor carrier's operation under the waiver results in a lower level of safety than was maintained before it was granted; or (3) continuation of the waiver for that motor carrier would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(a).