



March 14, 2019

The Honorable Roger Wicker  
Chairman  
U.S. Senate Committee on Commerce,  
Science and Transportation

The Honorable Peter DeFazio  
Chairman  
U.S House Committee on Transportation  
& Infrastructure

The Honorable Maria Cantwell  
Ranking Member  
U.S. Senate Committee on Commerce,  
Science and Transportation

The Honorable Sam Grave  
Ranking Member  
U.S House Committee on Transportation  
& Infrastructure

Dear Chairmen and Ranking Members Wicker, DeFazio, Cantwell and Graves:

I write to you on behalf of the American Trucking Associations (ATA), the largest national trade association representing the trucking industry, to address issues of highway safety and technology. And, to share with you our concerns for, and opposition to, the Stop Underrides Act of 2019, recently introduced in both the House (H.R.1511) and Senate (S.665).

Safety on our nation's roads and bridges, and the safety of the motoring public, is undeniably of paramount importance. And safety anchors the very foundation of the trucking industry, shaping our core values and decision-making. That is why the trucking industry invests approximately \$10 billion annually in safety initiatives, including truck onboard technologies such as electronic logging devices, collision avoidance systems, and video-event recorders. Investments that also include driver safety training, driver safety incentive pay, and compliance with safety regulations (*e.g.*, pre-employment and random drug tests and motor vehicle record checks). While some of these investments are made to meet a myriad of regulatory requirements, many of them are voluntary, progressive safety initiatives adopted by our members that are paying dividends in highway safety. That being said, there is still more work to be done, and we are committed to the goal of accident and fatality-free highways.

In that vein, I would like to bring to your attention ATA's concerns with the Stop Underrides Act of 2019. This legislation, while a well-intended heartfelt response to family tragedy, seeks to address a certain type of truck-involved accident through a highly prescriptive industry-wide mandate. Regrettably, the bill is not based on science, data or safety benefit. Moreover, it ignores potential technical issues a mandate of this nature raises, as well as the other technologies that exist for addressing these and other crashes, such as automatic emergency braking, camera monitoring systems, and adaptive turning assist. Finally, the bill ignores the diversity of our industry. In trucking, we know that one size does not fit all, and that investments in certain technologies that one company makes may not make sense for another. Standards for new and in-service truck equipment should be based on sound economic and engineering principles that enhance safety, take into account real-world operations, and weigh possible unintended consequences.

As an example of an unintended consequence, in comments filed with the National Highway Traffic Safety Administration (NHTSA) in May 2016, the Truck Trailer Manufacturers Association (TTMA) noted a European trailer manufacturer's experience of trailer failures due to the increased rigidity in the trailer structure from

added frame supports for side underride guards. The trailers were less flexible when operated over uneven road surfaces or on surfaces that produced twisting forces, which led to the trailers becoming disabled during highway use, presenting safety risks to other motorists. The TTMA comments also point out that there would be a significantly increased likelihood of high-centering of the side guards on steep changes in highway and street levels, such as elevated railroad crossings, and at warehouse docking wells. High-centering incidents already occur when operators of low frame trailers misjudge clearance heights at railroad crossings, which can result in tractor-trailers becoming stranded on railroad tracks. If all commercial vehicles were to have substantial side underride guards, as this bill requires, high-centering incidents would likely become more frequent.<sup>1</sup>

The Stop Underrides Act also fails to consider numerous complicating factors such as engineering tradeoffs involving weight, strength, and effectiveness of side guards. Currently, the only testing that has been accomplished involves a closed course staged dry van 53' trailer with a dummy car speeding perfectly perpendicular at its side underride guard well below highway speed limits. Furthermore, the bill raises significant operational issues related to ground clearance, moveable trailer axles, and the diversity of truck and trailer designs. For example, the ridged specified design of side underrides would not work well with tank and bulk trailers that are cylindrical in size and require underbelly accessibility; flatbed trailers, which unloaded, are naturally curved to suppress weight; and intermodal trailers that are shipped and locked onto specific designed chassis for hauling. Simply put, these glaring operational concerns do not signify real world applicability, nor justify an industry-wide mandate.

In 2015, NHTSA initiated a rulemaking “that focuses on upgrading the Federal Motor Vehicle Safety Standards that address underride protection in light-vehicle crashes into the rear of trailers and semitrailers.”<sup>2</sup> The agency is still evaluating data, configuring published and ongoing research, and reviewing comments received in connection with their proposed rulemaking – information that will be critical to answering questions raised by this bill. Also, while NHTSA, in 2015, released an advanced notice of proposed rulemaking relating to rear underride guards for single unit trucks, in DOT’s Fall 2018 Unified Agenda of Regulatory and Deregulatory Actions, NHTSA announced it was withdrawing this notice due to its economically significant impact.<sup>3</sup> ATA has long supported efforts to strengthen rear underride guards, based on data from years of study by NHTSA and the experiences of our members. Because NHTSA is currently examining the potential benefits and problems with side underride guards, ATA believes the agency should be allowed to proceed with its efforts to improve underride guards without having the outcome predetermined by legislation.

ATA also believes the most dramatic improvements to road safety and crash avoidance will be achieved by enhancing vehicle-to-vehicle (V2V) connectivity. In NHTSA’s January 2017, V2V Notice of Proposed Rulemaking for light-duty vehicles, the Agency estimates that four safety applications enabled by the proposed rule could avoid or mitigate 89% of light-duty vehicle crashes.<sup>4</sup> NHTSA is currently also conducting research on V2V for heavy vehicles, and estimates that 70% of crashes involving trucks occurred in scenarios that could be addressed by V2V systems.<sup>5</sup>

We need to be smart in directing safety-related resources, leveraging industry investments to result in the greatest potential benefit to highway safety, which is the only way we can hope to achieve the goal of accident and fatality-free highways. Equipping the roughly 3.2 million trailers and semi-trailers pulled by Class 7 and 8 tractors and the overall 35 million commercial trucks (all classes) in the U.S with side and front underride guards will far exceed the \$10 billion the industry currently spends annually on safety.<sup>6</sup> As a result, the Stop

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<sup>1</sup> Truck Trailer Manufacturers Association letter to NHTSA Administrator Mark Rosekind, May 13, 2016. Docket No. NHTSA-2015-0118-0041.

<sup>2</sup> 49 CFR Part 571 Docket No. NHTSA-2015-0118 RIN 2127-AL58.

<sup>3</sup> See *Retroreflective Tape for Single Unit Trucks*, RIN 2127-AL57.

<sup>4</sup> 82 Fed. Reg. 3863.

<sup>5</sup> Chang, J. (2016, July). Summary of NHTSA heavy-vehicle vehicle-to-vehicle safety communications research. (Report No. DOT HS 812 300). Washington, DC: National Highway Traffic Safety Administration.

<sup>6</sup> Truck and trailer data from 2017 from ACT Research.

Underrides Act would divert a significant amount of NHTSA and industry resources away from important crash avoidance technologies with wide-ranging benefits in all types of crashes to focus on a narrow type of crash and specific countermeasure unproven in real-world applications.

Based on the issues outlined above – technical concerns and unintended consequences, diversity of operations, vehicle/trailer designs, and consideration of alternative technologies – ATA must oppose the Stop Underrides Act. Nevertheless, ATA and the trucking industry remain steadfast in a commitment to improving the safety of our nation’s roads and bridges, and look forward to our continued work with your respective Committees, Congress, the Administration, enforcement, and other interested parties on the shared the goal of enhancing highway safety.

Thank you for your thoughtful consideration, and leadership on this critical issue.

Sincerely,



Daniel Horvath  
Vice President, Safety Policy  
American Trucking Associations

CC: Members of the Senate Commerce Committee & House T&I Committee