

# Congress of the United States

Washington, DC 20510

March 31, 2022

The Honorable Pete Buttigieg  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Ave. SE  
Washington, DC 20590

Dear Secretary Buttigieg:

We write to you as members of Congress who supported the inclusion of the Underride provisions in the bipartisan Infrastructure Investment and Jobs Act (IIJA, P.L. 117-58). Signed into law on November 15, 2021, this legislation includes requirements for a rule on strengthened rear underride guards to be made within a year of enactment, the creation of a new Advisory Committee on Underride Protection, and the implementation of a study on the impact of side underride guards. These provisions are designed to address the urgent issue of preventable deaths caused by underride crashes, which occur when a car slides under the body of a truck, such as a semi-trailer, during a crash.

We urge the Department of Transportation (DOT) to provide clarification on the agency's schedule for executing these requirements mandated by the IIJA to mitigate underride incidents. We also urge you to utilize the Department's Office of Research and Technology in order to effectively find solutions for the Department's Underride Initiative.

Additionally, we write to reiterate Congress' intent on the aforementioned provisions and would like to see DOT, in coordination with the National Highway Traffic Safety Administration (NHTSA) and the Federal Motor Carrier Safety Administration (FMCSA), initiate the following:

1. Include the Insurance Institute for Highway Safety's (IIHS) TOUGHGUARD level of performance for any strengthened rule on rear underride guards that the agency puts out. This performance standard can prevent underride at speeds of up to 35 mph in all three of IIHS's rear underride tests — full-width, 50 percent overlap and 30 percent overlap.<sup>1</sup>
2. Consider moving forward with an Advance Notice of Proposed Rulemaking (ANPRM) for side underride guards to solicit public input and information for the agency's side guard research efforts. This is a public safety issue and we know these crashes are underreported. An ANPRM would assist in gathering all research on side underride guards, to ensure that your decision later this year – on whether to mandate side guards on semitrailer – is based on the most current technology and data.

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<sup>1</sup> <https://www.iihs.org/news/detail/utility-trailer-earns-iihs-award-for-new-standard-underride-guard#:~:text=IIHS%20introduced%20the%20TOUGHGUARD%20award,back%20of%20a%20parked%20semitrailer.>

3. Use a nomination procedure for the Advisory Committee on Underride Protection similar to the FMCSA Motor Carrier Safety Advisory Committee process which allows the agency to solicit nominations, and also allows individuals to self-nominate. There are many “Stop Underrides” advocates whose issue area knowledge and personal experiences could bring unique perspectives to the Committee and deserve the opportunity to be considered.

We urge you to expeditiously establish the Advisory Committee on Underride Protection and to complete the life-saving side guard research which we hope will lead to a proposed rule on side guards. Together these provisions will help save lives and aim to prevent passenger compartment intrusion from crashes with trucks.

Thank you for the steps which you have already taken to address this public safety issue, and please do not hesitate to contact our staff if you have any questions.

Sincerely,



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Kirsten Gillibrand  
United States Senator



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Steve Cohen  
Member of Congress



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Richard Blumenthal  
United States Senator



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Tammy Duckworth  
United States Senator



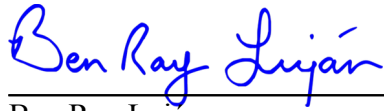
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Dianne Feinstein  
United States Senator



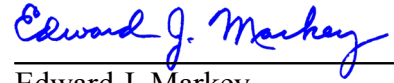
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Martin Heinrich  
United States Senator



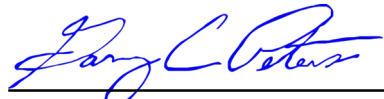
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Ben Ray Lujan  
United States Senator



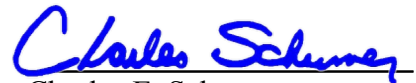
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Edward J. Markey  
United States Senator



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Gary C. Peters  
United States Senator



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Charles E. Schumer  
United States Senator



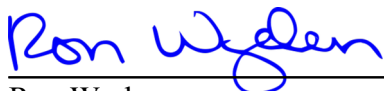
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Chris Van Hollen  
United States Senator



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Elizabeth Warren  
United States Senator



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Ron Wyden  
United States Senator



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Earl Blumenauer  
Member of Congress



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André Carson  
Member of Congress



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Matt Cartwright  
Member of Congress



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Judy Chu  
Member of Congress



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Mark DeSaulnier  
Member of Congress



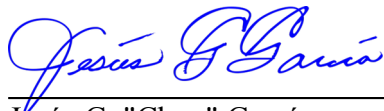
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Adriano Espaillat  
Member of Congress



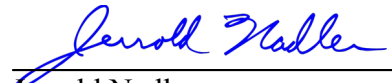
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John Garamendi  
Member of Congress



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Jesús G. "Chuy" García  
Member of Congress



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Jerrold Nadler  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



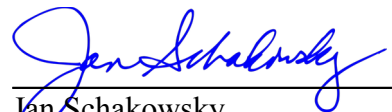
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Ayanna Pressley  
Member of Congress



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David E. Price  
Member of Congress



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Jan Schakowsky  
Member of Congress



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Dina Titus  
Member of Congress

Cc: NHTSA, FMCSA