

FOR IMMEDIATE RELEASE

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TSC Statement: NHTSA Rear Underride Final Rule Inadequate

Washington, DC – Today the National Highway Traffic Safety Administration (NHTSA) announced released its [final rear underride guard rule](#) and announced its intent to comply with additional Congressional mandates to improve underride protections in Commercial Motor Vehicles (CMVs). Truck Safety Coalition (TSC) Board Member Jennifer Tierney, who lost her father to an underride crash, was unimpressed, “The gap between what is proposed and what is needed is shocking. There is no shortage of rear underride guards *already* in the marketplace that far exceeds the requirement proposed today. Sadly, this is a low bar to clear that will not move the needle on safety.”

Underride crashes involve a passenger vehicle passing under the front, side, or rear of a large truck. These crashes are nearly always fatal or result in severe injury because the standard safety features of a passenger vehicle frequently do not deploy as the vehicle passes underneath the CMV. This is a well-known and well-studied safety concern that the U.S. Department of Transportation (DOT) has been studying for 50 years. Despite passenger vehicles being safer than ever, 97% of fatalities occur to passenger vehicle occupants in large truck crashes

The rear underride guard rule proposed today fails to even meet Infrastructure Investment and Jobs Act (IIJA) requirements, dropping the directive to issue a standard effective at 35mph when 30% of the passenger vehicle overlaps with the rear underride guard. In fact, by NHTSA’s own admission, 94% of CMVs are already in compliance with the new proposed standard.

This rule does not go near far enough to save lives, despite acknowledging the cost of readily available guards that meet IIJA requirements ranges between \$100-\$1,000, a fraction of the cost to purchase and maintain a CMV. Additionally,

the rule neglects to require Single-Unit Trucks (SUTs) and Trailers to utilize a rear underride guard. This is deeply concerning as SUTs are increasingly on highways and in our neighborhoods with the explosive growth in last-mile delivery services.

The Truck Safety Coalition implores NHTSA to act aggressively to combat the recent surge in truck crash deaths and injuries. According to NHTSA, large truck fatalities increased 13% over the previous year. Annually, there are over 146,000 injuries. Since 2009, truck crash deaths have increased by 66%. These figures are sobering and behind every number is a family irreparably devastated for generations.

NHTSA Administrator Dr. Steven Cliff said in today's announcement that "NHTSA's priority is the safety of everyone on our roads." The Truck Safety Coalition wholeheartedly concurs safety MUST be NHTSA's top priority and urges NHTSA to use the full force of its rulemaking authority and take the following actions:

- Reissue a final rear underride rule that includes ALL elements of the Infrastructure Bill mandate, to include 30% overlap situations at 35mph.
- Initiate rulemaking to require rear underride guards on Single-Unit Trucks and Trailers.
- Work with relevant stakeholders to conduct an immediate interim edition update to Model Minimum Uniform Crash Criteria (MMUCC) that incorporates underride as a required data collection element with corresponding guidance. Current MMUCC edition revision timelines have extended the scheduled update for two years, until 2024. This timetable unacceptably delays the ability to collect statistically valid underride crash data that is desperately needed to inform rulemaking efforts, as NHTSA's final rule proposed today demonstrates. The Government Accountability Office (GAO) requested NHTSA complete this action in 2019.
- Expeditiously complete research into rear underride guard efficacy at 65mph and side underride guard efficacy that leads to the development of new performance standards for rear and side underride guards. Today's rulemaking calls into question NHTSA's willingness to propose impactful

side underride guard rulemaking following their research as mandated by the IIJA.

- Initiate research into front underride guard efficacy that leads to the development of a front underride guard performance standard.

Canada implemented essentially the same underride rule that NHTSA proposed today, 15 years ago. The Truck Safety Coalition and Ms. Karth had their petitions for strengthened rear underride guard rulemaking granted by NHTSA in 2014, 8 years ago. This is unacceptable. If regulatory business maintains this plodding pace, people will needlessly perish. TSC remains ready to help NHTSA expeditiously prevent further loss of life from underride-related crashes.

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The Truck Safety Coalition (TSC) is a partnership between Citizens for Reliable and Safe Highways (CRASH), also known as The CRASH Foundation, and Parents Against Tired Truckers (P.A.T.T.). The Truck Safety Coalition is dedicated to reducing the number of deaths and injuries caused by truck-related crashes, providing compassionate support to truck crash survivors and families of truck crash victims, and educating the public, policymakers, and the media about truck safety issues. Visit our website at <https://trucksafety.org>