

Enforcement of Proper Maintenance of Truck Underride Guards

After finding out that the American Trucking Associations (ATA) was hosting a Technicians' Conference in Raleigh, September 18-21, I looked into the possibility of attending because I live nearby. In particular, I was intrigued by the Task Force on Rear Underride Guard Repair to be held on September 19 from 10 to 10:30 a.m. Hosted by Gary Fenton (Stoughton Trailers).

I found out that the registration fee was \$775 (which meant that I was **not** going). But I contacted Gary Fenton (with whom I had had previous conversations), and he sent me the documents which were going to be discussed: [Recommended Practice](#) (RP) 732, Trailer Rear Impact Guard Repair Guidelines, and proposed modifications of the [Guidelines](#) . (See attachments.)

I printed off the documents, stuck them in a binder, and took off on a road trip with my husband Jerry. As we were traveling, we, of course, noticed the condition of the RIGs (Rear Impact Guards) which we saw on the multitude of trailers on the road.

The first thing which we talked about was our Comprehensive Underride Consensus Petition which we are refining and for which we are getting ready to seek support before submitting it to NHTSA to request major improvement in underride protection.

After we satisfactorily brainstormed some options to share with NHTSA, we turned our attention to identifying the areas of need for which we could petition the Federal Motor Safety Carrier Administration (FMCSA) related to underride protection, including:

- improved parking options for trucks; and
- enforcement of the requirements for [proper maintenance](#) of the rear underride guards.

We discussed the apparent lack of RIG maintenance that we could easily detect by simple observation with our untrained eyes. Of course, we had additional motivations due to concerns about the maintenance of the guard which failed to prevent our daughters' deaths due to truck underride. On top of that (as if that were not enough), we had witnessed a crash test earlier in the year in which a poorly-maintained RIG flew off upon impact.

We are well-aware that, although there are specific requirements for RIG maintenance, FMCSA reportedly does not have the funds and personnel to oversee the enforcement of this essential mandate adequately. We determined to come up with a way to solve this problem. After all, if nothing is done to change this situation, then nothing will change in the number of people who die due to poorly-maintained RIGs. And that is just not acceptable!

To back up a minute, we considered what might be the cause of damaged guards: namely regular contact with loading docks and collisions with other vehicles. One would assume that if a trailer were in a reported crash, it would be inspected for needed repairs. But, if a trailer suffered damage from bumping into a loading dock, who would notice it or do anything about it?

The first solution which we came up with was a plan to have FMCSA develop maintenance inspection training protocol with which every shipper would be required to train their employees. So every time a truck is loaded, an employee would be required to inspect the RIG for needed repairs. They would complete and submit a form to FMCSA for a violation and/or they would refuse to load the truck until necessary repairs were made. In other words, the truck would not go back on the road to make a

delivery until it was safe to do so.

Then we drove a little further and came up with a second option. The FMCSA would provide training and certification to private sector motor vehicle safety inspectors in the proper inspection of commercial motor vehicle underride equipment. These trucks would have to pass an annual underride equipment safety inspection.

In fact, the ATA's Technology & Maintenance Council (TMC) Recommended Practice (RP) 732, VMRS 077, Trailer Rear Impact Guard Repair Guidelines, “serves as a guide for the proper inspection and repair of trailer impact guards.”

Furthermore, this RP notes that,

Rear impact guards should be regularly inspected for cracked welds, cracked or fractured vertical members. Cuts and tears in any member for dimensional integrity. Trailer manufacturers may add bracing such as diagonal struts running from the center of the horizontal member to the vertical supports.

NOTE: FMCSR 393.86, which became effective on October 1, 1999 [the very day that Mary Lydia Karth was baptized in Grand Rapids, Michigan, 13 years before her underride death], requires that equipment users maintain the underride guard in a close-to-like new condition. This, in part, means that it should not deviate improperly from the dimensions given in Figure 1.

If underride guards had to pass this kind of inspection every year – just like the annual auto safety inspection – and get a tag to prove it, then we could ensure that trailers with guards in disrepair are pulled off the road until they are repaired or replaced.

We later found out from a truck driver acquaintance that, although he is required to have an annual safety inspection of his trailer by a certified safety inspection facility and prove it with a tag, the only thing that is made note of regarding the rear underride guard is that there is one installed. This verified our observation, from the Annual Vehicle Inspection Form which I bought from a truck stop, that because “Underride Guard” is not even listed on the inspection form, its condition is not thoroughly evaluated on a regular basis.

In a perfect world, no one would have to force trucking companies to take care of this; they would voluntarily ensure that their equipment was kept in the proper condition so as to not endanger others.

Therefore, we are petitioning FMCSA to enforce their requirement for the [proper maintenance](#) of rear underride guards, [FMCSR 393.86](#) by,

1. The provision of procedures for training and certification of both public and private sector safety inspectors in **thorough inspection** of underride equipment.
2. The utilization of truck underride guard inspection forms and annual tags for verification of underride equipment safety inspection—based on updated RP 732.
3. The administration of a system for reporting violations of this requirement (along with a fee), including a digital photo taken of the guard at the time of inspection, and a mandate/provision to take the truck/trailer off the road (Out of Service) until the guard is properly repaired.