

**Bipartisan Discussion
of the
Roya, AnnaLeah & Mary
Comprehensive Underride Protection
Act of 2017**

RAM CUP





May 2017

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RAM CUP: A DIFFERENT STRATEGY TO ACHIEVE UNDERRIDE PROTECTION For Such A Time As This

Why, you might ask, would we write a piece of legislation calling for a **comprehensive** underride protection rule? Why not have separate bills for side underride and rear underride and front underride and Single Unit Trucks (SUTs), et cetera? [Why COMPREHENSIVE Underride Protection Legislation?](#) and below.

What can we discover from past attitudes or strategies to address underride deaths?

1. Fragmented approach to address underride
2. Various aspects of underride protection were treated as separate, unrelated issues
3. Various stakeholders worked in isolation rather than collaboratively
4. Waited for industry to take initiative (or express approval)
5. Not addressed with a sense of urgency- people are dying everyday
6. Statistical and cost/benefit analysis was flawed and inaccurate and inappropriately undervalued human life and health by putting expenses of providing improved safety on a par with lost lives.
7. Conspiracy of silence regarding deaths due to preventable vehicle violence with the result that too often too little was done too late to save lives.
8. Solutions did not always take into account all aspects of the system, including the crashworthiness of the passenger vehicle or the potential of energy absorption on the large truck.
9. A blaming the victim attitude too often overshadowed the responsibility of the industry to take action and find ways to make trucks safer to be on the road in order to protect vulnerable road users.
10. Confusion about how to solve the problem, along with other factors, may have contributed to inertia to do anything about it.
11. Multiple layers of responsibility has too easily led to No One taking responsibility. (GM Nod)
12. For whatever reason, there have been few R & D resources devoted to this issue.
13. Data has been limited or hidden, partially due to misunderstanding of the problem and lack of training for enforcement officials to identify the role of underride in truck crashes.
14. Isolated incidents of underride may have hidden the immensity of this obscure tragedy.
15. Skepticism about the possibility of technologically and practically feasible solutions has been an obstacle to wholehearted commitment to necessary R & D.
16. Concerns about potential liability may have caused resistance to acknowledge the issue.
17. The competitive nature of the industry may have contributed to a lack of cooperative effort to deal with a deadly design.

The development of a **COMPREHENSIVE** approach to taking care of the truck underride problem was probably first planted in my mind at the Underride Roundtable on May 5, 2016, with **the suggestion of a member of the trucking industry.**

Read about that here, including the subsequent actions that resulted in a Comprehensive Underride Consensus Petition which a group of us submitted to Secretary Foxx at DOT on September 23, 2016, and upon which the [Roya, AnnaLeah & Mary Comprehensive Underride Protection Act of 2017](#) is based.

- [Avoid an impasse: Follow-up Underride Roundtable with Negotiated Rulemaking Meeting](#) , May 21, 2016 It is my hope that we can pursue a **recommendation, made by a participant** of the [Underride Roundtable](#) during the afternoon [panel discussion](#) , and organize a group of affected individuals and [organizations/companies](#) to meet together and develop a proposal to take to NHTSA in order to bring about a **comprehensive negotiated rulemaking** . I am willing to do the organizing necessary to bring this meeting about. First of all, we need a location for the meeting and therefore I am asking if anyone would like to **step forward and host this Negotiated Rulemaking Underride Roundtable**. Once that is arranged, then we can proceed with selecting a date, developing an agenda, and sending out the notice.
- [Underride Roundtable Phase 2: Crafting Recommendations to Present to NHTSA For Final Rule](#), May 23, 2016
- [Knights of the Underride Roundtable: Finding Some Common Ground to Protect Travelers!](#), June 27, 2016
- [Underride Roundtable led to Consensus Underride Recommendations for Submission to NHTSA](#), July 27, 2016
- [Underride Roundtable Led to Recommendations Submitted as a Consensus Public Comment to NHTSA](#), August 9, 2016
- [Underride Rulemaking: Will we get it right this time?!](#), February 9, 2016
- [Comprehensive Underride Consensus Petition Letter to DOT 20160923_1212](#), September 23, 2016
- [Clarification of the Requests in the Comprehensive Underride Consensus Petition](#)

It is not necessarily the initial collision in a truck/passenger vehicle crash which kills but the [Second Collision](#) which occurs. In fact, it is quite possible that, of the over 4,000 truck crash deaths which occur every year, many of them could be prevented if adequate comprehensive underride protection were on every single truck.

Underride protection does not prevent a collision but it can prevent the violent injuries and deaths which occur from the Second Collision of the truck into the Passenger Compartment.

Reflections on truck safety, October 2, 2013, Dawn King

I've been thinking about an injured family a lot lately. And as our government grinds to a halt and people express their frustration with the gridlock which is Washington I recognize their frustrations in my own ongoing feelings about the slowness of change toward truck safety. I know, I know... you don't see the connection. Let me try to illuminate.

As many of you know last May my family and I met in DC with other families who have been irreparably injured by large trucks. Families who have had members lost, injured, families whose lives are altered forever. The first day of our conference, Saturday, May 4, we told our stories, cried, welcomed with heavy hearts the new families, and talked strategy to make change.

That same day a [mother and her three children](#) were traveling on a road in Georgia. Their car was hit by a truck, spun, and was pushed under the rear of a semi. Her daughters, AnnaLeah, 17 and Mary, 13 were killed.

While we were sitting in a DOT boardroom hearing department after department tell us that they were studying a problem, contemplating a rule, considering change this mother was planning her daughters' funerals. While we were arguing that stronger wider rear guards should be mandated on commercial vehicles two more beautiful children died. Beautiful people are dying every day. And our government continues to study. To discuss. To consider.

So as I watch the government fight among itself I think the shutdown is a bigger reflection on our own fights for truck safety. If you were to ask most Americans they would side with safety. But the opinions of most Americans are not heard because we don't have the dollars or the influence that the trucking industry has. Even in the article I linked to this post the truckers are quoted saying the problem is with those of us in cars. We need to pay better attention they say. We need to drive more responsibly they say. That's all true.

But this mother was hit by someone else, and was spun into the semi. A stronger wider rear guard could have saved her children. Why can't we do this thing that would save lives? Why can't we get even small changes mandated for the safety of us all?

I get discouraged. And all the news coverage over the current government shutdown just brings home the sense of hopelessness about getting anything positive done in Washington. I get so discouraged.

But then last week as I was sorting through photos from our trip to DC I suddenly came across a photo of the framed collage full of faces of our lost family members that hangs in a DOT elevator lobby. There was Dad. Like a slap across the face I remembered why I can't be discouraged. Because these people, and all the people that have been killed or injured since, have no voice but ours. AnnaLeah and Mary have no voice but their mother's...and now ours. Their family is now part of our family. They are our children.

Marianne Karth, AnnaLeah and Mary's mother, has a facebook page celebrating her daughters' lives. Put faces on the numbers I so often quote...go visit her page. Please support her now at the beginning of her new reality.

For AnnaLeah and Mary, April 5, 2014, Dawn King

. . . listen to the story of AnnaLeah and Mary.

Last May while my family and I were joined in Washington DC with many other families who have been touched by needless tragedy, while we were sitting in the DOT board room being told by different members of that agency why they hadn't accomplished tasks they've been working on for years, while we listened to excuse after excuse why minimum insurance requirements hadn't been raised yet, why stronger rear underride guards hadn't been mandated, why there were no studies of side underride guards at all, why the federally legislated electronic onboard recorders weren't already implemented .

Well... while we were there listening to all these excuses AnnaLeah and Mary were dying in a horrific crash. Two beautiful girls just gone, another family irreparably changed.

You can hear their mother tell her story [here](#) , she does a lovely job, but I understand if you don't want to listen. If you want to remain untouched. If it can happen to them, it can happen to anyone. Best not to know, right?

Well, here's the short version: They were driving from North Carolina, heading to Texas for the wedding of their oldest sister. In Georgia they were hit by another vehicle and were spun under a semi. If that truck had had underride guards perhaps the girls would not have been killed. Did you know that every industrialized country in the world has underride guards on their semi trucks? But not the United States. Next time you're driving next to a semi glance over and see where that underside of that trailer would hit you in a crash. Even a crash that you didn't cause.

Think about that. It doesn't have to be your fault and you can still die. Family and friends can still die. Truck companies don't want to put protection on their vehicles to save lives of people in cars. They don't think it's their responsibility. They don't want to incur the costs. It's all about profit. But who is really paying for their profit? You and I and our families are paying that cost. Every single day.

OK. I'll get off the soapbox now. Please, just go to [this site](#) and read a little bit. Sign the petition that we plan to take to Secretary of Transportation Foxx in May, one year after AnnaLeah and Mary died. We want to convince him to join us in the fight on three issues:

1. Increase the minimum insurance truck companies have to carry to cover the damage to families involved in crashes with them. It hasn't been raised in 30 years.
2. Get the electronic onboard recorders implemented to keep drivers from cheating on their logbooks and driving longer hours than allowed.
3. Act to improve the safety of trucks by requiring better underride guards.

Even if you can't [listen](#) to AnnaLeah and Mary's Mom [talk](#) about her girls and the trip across country that ended not in a family wedding but in family tragedy, take a moment to read to the end to find out what else you can do to help. And think about these two beautiful kids next time you're on the road driving behind or beside or in front of a semi. Think about these kids and convince yourself it's not your problem.

I dare you.

**Brainstorming for A Strategy to Get
Comprehensive Underride Protection Legislation Passed**

**The
Roya, AnnaLeah and Mary Comprehensive Underride Protection
Act of 2017
(RAM CUP)**

*in memory of
AnnaLeah Karth (forever 17), Mary Lydia Karth (forever 13)
and
Roya Christine Sadigh (forever 26)*

An act to protect road users – pedestrians, cyclists, motorcyclists, and passenger vehicles – from the risk of death and/or serious injury from riding under Commercial Motor Vehicles.



Summary:

Hundreds of people die every year in the United States as a result of truck underride crashes. The current standards for truck underride are inadequate or nonexistent. This bill would direct NHTSA to initiate rulemaking and oversee the administration of enhanced truck underride standards. There are solutions in the marketplace that address the hazards and devastation of underride crashes to pedestrians, cyclists and passenger vehicles. This bill outlines standards and specifications for underride protection and incorporates:

- Underride protection at the rear of the truck or semi-trailer.
- Underride protection on single unit trucks (SUT).
- Underride protection on the sides of trucks/semi-trailers.
- Underride protection on the front of trucks.
- Reviews protocol for underride standards.
- Guidelines and enforcement for guard repairs.
- Timeline for rulemaking and enforcement.
 - Specifies all current bills in conflict become null and void.

March 20, 2017

Rear Underride Protection

Front Underride Protection

Side Underride Protection

Please note:

- **Truck Trailer Manufacturers Association (TTMA) letter to NHTSA on side guards, May 13, 2016** I included this letter because, although I do not agree with all of their conclusions or statements, I wanted to provide some history of the controversial issue and make note of TTMA's closing statement: *TTMA would support the implementation of side impact guards if they ever become justified and technologically feasible. We continue to support the NHTSA review of Petitioners' requests and stand ready to partner in the development of justified and feasible designs if they possibly emerge.* Sincerely, Jeffrey M. Siims, President <http://annaleahmary.com/2016/05/truck-trailer-manufacturers-assn-reminds-nhtsa-side-guards-are-not-cost-effective-says-who/>

Underride Protection on Single Unit Trucks (SUTs)

Today I saw another example of why I think that this planet needs **comprehensive** underride protection on trucks — including on Single Unit Trucks (SUTs), otherwise known as straight trucks, box trucks, work trucks.

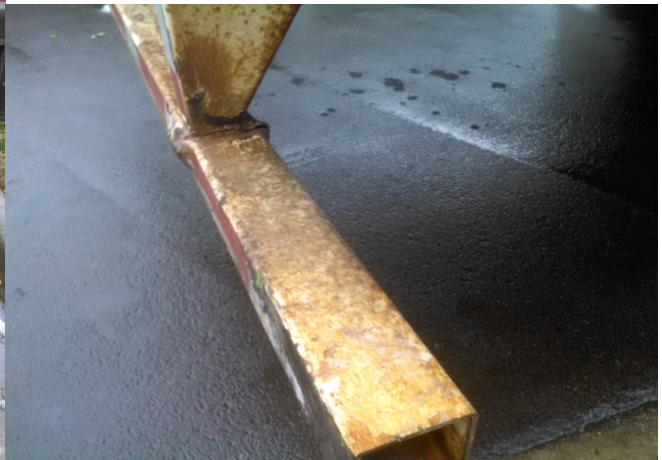


Currently, those kinds of trucks are **not required** to have underride protection. Some of them have voluntarily added some kind of wimpy thing that tries to pass as a rear underride guard. But looking at this one, I wonder whether they even understand the purpose of an underride guard.

If [people die](#) from riding under Single Unit Trucks, why aren't they required to have underride protection?

[If people die from riding under Single Unit Trucks, why aren't they required to have underride protection?](#)

Maintenance of Underride Protection



Research to Prove Outer Limits of Underride Protection

RAM CUP Cost/Benefit Chart

Option	Benefits	Costs
<p>Pass RAM CUP</p>	<p>Saved lives (241/yr. Average between 1994-2014, per NHTSA/FARS data) and Prevention of catastrophic injuries</p> <p>2017 241 2018 241 2019 241 2020 241 2021 241 2022 241 2023 241 2024 241 2025 241 2026 241 2027 241</p> <p>In the next 10 yrs., 2410 people might be spared from an unexpected, preventable, violent end to their life.</p> <p>Fuel savings when side guard technology is combined with side skirts</p>	<p>\$ spent on underride protective devices</p> <ul style="list-style-type: none"> • lost profit for trucking industry and/or • increased costs to buying public
<p>Don't Pass RAM CUP</p>	<p>\$ which is NOT spent on underride protective devices goes to truck industry profit &/or added costs are not passed along to buying public</p>	<p>Impact on truck drivers and their families when their truck is involved in a crash resulting in tragic, preventable death or serious injuries</p> <p>Cost to society from underride crashes</p> <p>Lost fuel savings from side guard/skirts</p> <p>2410 people will likely die, in the next 10 years, who might have been saved by better underride protection.</p> <p>2410 families will experience traumatic loss & a lifetime of complicated, unresolved grief</p>

Some of the Costs of Underride Protection

Over 2 million trailers on the road and 325,000 new ones manufactured and purchased each year.

REAR:

- New Trailers—Stoughton Trailers has designed stronger guards at no added cost or weight penalty on their new trailers
- Existing Trailers—Stoughton has produced Retrofit Kits for rear guards for \$500-600 to replace old, weak, damaged, or ineffective guards.

SIDE:

- Side Guards can be added to New Trailers
- Side Guards can be retrofitted to Existing Trailers
- Angel Wing Cost \$3,000 – 5,000 ????? Weight 800 lbs. ?????
- Trailer Guard Cost \$ Weight

These costs will be offset by up to \$20,000 in fuel savings each year.

Non-negotiables

- 1. Keep it comprehensive; don't divide it up into separate bills or amendments or rulemaking.**
- 2. Mandate the establishment of a committee to oversee underride protection (COUP) rulemaking (include at least two victim advocates)**
- 3. Specific deadlines for rulemaking timeline**
- 4. Research \$**
- 5. Strongly encourage the development of a voluntary truck safety certification program to include certification of underride protection (COUP)**

COUP/COUP

Upon reflection, it is my belief that the [system](#) for arriving at [regulations](#) has been working harder to protect the industry from [liability](#) than to protect road users from harm. Furthermore, this has led to a non-transparent process for arriving at appropriate and effective safety measures.

In stark contrast, the crafting of this bill, the *Roya, AnnaLeah & Mary Comprehensive Underride Protection Act of 2017*, was based upon extensive research and the gathering of experts and interested parties over the last four years,

- first of all, at the [Underride Roundtable](#) at IIHS on May 5, 2016;
- secondly, through a [follow-up meeting](#) at IIHS on June 24, 2016, to hammer out details of the **Rear Underride Guard** specifications then [submitted to NHTSA](#) on August 8, 2016, and IIHS [Underride Test Protocol](#) submitted to NHTSA on December 23, 2016;
- and third, through a continued discussion among engineering experts which led to the *Comprehensive Underride Consensus Petition* presented to Secretary Foxx on September 23, 2016 (see attached) -- upon which this Bill is based.

These discussions involved trucking industry representatives, including Ted Scott, VP of Engineering for the American Trucking Associations (ATA), and Gary Fenton, who is VP of Engineering for Stoughton Trailers and Chairman of the Engineering Committee for the Truck Trailer Manufacturers Association (TTMA). Participants also have included engineering experts from universities, [international](#) experts in truck underride, and two engineers who have designed side guards which have recently been successfully tested.

In my humble opinion, the interests of this country would best be served if this group would be formally recognized and commissioned to work with NHTSA and to develop the specifications for the final comprehensive underride protection rule. Why re-invent the wheel? Why delay the process any longer than necessary? Wasted time translates into more unnecessary death and life-long grief.

AND

The COUP truck safety certification program (modeled after the Transport for London [FORS](#)) could also be integrated into the comprehensive underride protection vision/scenario/strategy/bill:

COUP (Certification Of Underride Protection). In order to get fully certified, a trucking company would have to get an award in each aspect of underride protection, including:

1. Rear (Already introduced by the IIHS with their recent presentation of a ToughGuard award to five trailer manufacturers)
2. Front
3. Side
4. Maintenance of underride devices (annual inspection and training in how to do pre-trip inspections of the devices)
5. Training for drivers in what to do and not do in terms of parking and U-turns
6. Other (whatever I am forgetting right now)

This would be required for ALL trucks, including Single Unit Trucks (Straight, Box).

I plan to add this aspect to the drafted bill, along with a mandate for establishment of a Committee of Experts to Oversee This.

**RAM CUP: Action Plan
To Get This Legislation Passed**

Goal	Action Step	Who?	Start Date	Target date
Identify ideal strategy to reach best possible override protection				
Identify a sponsor or co-sponsors				
Garner additional support				
Obtain legal consultation on language of the bill				
Finalize content and language of the bill				
Introduce the bill				
Continue work on strategy to get the bill passed: * committee work? * Hearing? * Get on the schedule for a vote? * Mark-up? MARCH WITH A MESSAGE				