

KIRSTEN E. GILLIBRAND

NEW YORK
SENATOR

RUSSELL SENATE OFFICE BUILDING
SUITE 478
WASHINGTON, DC 20510-3205
202-224-4451

COMMITTEES:
ARMED SERVICES
ENVIRONMENT AND PUBLIC WORKS
AGRICULTURE
SPECIAL COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510-3205

March 16, 2018

Mr. Todd Spencer
Acting President
Owner-Operator Independent Driver Association
1 NW OOIDA Drive
Grain Valley, Missouri 64029

Dear Mr. Spencer,

I write today in response to your letter sent on January 29, 2018, regarding the opposition of the Owner-Operator Independent Drivers Association (OOIDA) to the Stop Underrides Act of 2017 that I introduced, along with Senator Marco Rubio. I would like to address some of the concerns laid out in your letter in hopes that we can work together to eliminate the tragedy of truck underride fatalities.

In your letter you state that underride guards have no proven record of enhancing safety. However, research and experience clearly demonstrate that underride guards greatly increase a passenger's chances of survival in collisions with trucks where the vehicle travels underneath the trailer. In many instances, these accidents are fatal without underride protection. This is why Congress mandated that the Department of Transportation issue a rulemaking requiring all trucks to be equipped with rear underride guards in 1967. Moreover, the Institute of Insurance and Highway Safety (IIHS) has performed successful crash tests on both side underride guards and improved rear underride guards that verify their effectiveness. A list of additional research on this topic is attached to this letter.

Your letter incorrectly claims and without any substantiation that underride guards "may actually increase the number of crashes on American highways, while simultaneously worsening their severity." This is simply incorrect given the physical geometry of underride accidents. Underride guards are crash mitigation technology that reduces crash severity. Contact with rear and side guards prevent passenger vehicle underride and allows the safety features, such as airbags and the crumple zone, to function properly. The absence of an underride guard can result in a violent crash in which the car's windshield is the first thing to make contact with the trailer. The resulting passenger compartment intrusion means that passengers often suffer fatal injuries to the head and neck, or decapitation. Most underride crashes involve intrusion of the passenger compartment, and the only thing ensuring that this doesn't happen at lower speeds is an underride guard.

Your letter contends that the costs of requiring underride guards will outweigh the benefits to society. This claim relies on antiquated data that does not consider engineering enhancements that have occurred in the past few years. Prior to 2013, just one of the eight major trailer manufacturers offered a rear underride guard that could prevent a car traveling at 35 miles-per-hour (MPH) from riding under its trailer at a 30 percent offset. Currently, seven out of the eight major trailer manufacturers, who produce roughly 85 percent of the trailers in the U.S. market, now meet

these criteria. Similarly, commercially available side guards that can prevent a car traveling 35 MPH, and at a 90-degree angle from riding under a trailer, are now available.

The U.S. DOT calculates the value of a life saved at \$9.6 million. With an average of 178 fatal underride crashes annually, the cost to society is at least \$1.5 billion per year. Given the marginal costs of underride technology, this small investment can drastically improve safety for all road users including passenger vehicles, motorcyclists, bicyclists and pedestrians.

In your letter, you also voice a concern that underride guards will present challenges to truck drivers as they navigate grade crossings, high curbs, and other road conditions. As we see with underride guards that are already in use in major cities, such as New York and Boston, underride guards do not impede a truck's ability to maneuver curbs, crossings, and city streets. Underride guards currently on the market are 16-18 inches from the ground and therefore easily pass over an average curb or crossing. Likewise, it is our understanding that underride guards in current operation do not restrict the use of spread axle trailers or prevent inspections of equipment under the truck. However, I will be happy to work with the U.S. DOT to help ensure that any rule issued relating to underride guards does not inhibit truck operation or inspection.

Lastly, you express in your letter a concern that underride guards would displace nearly 1000 pound of truck's payload. We recognize this valid concern as it pertains to both safety and small businesses. As the authors of the Stop Underrides Act, hope that you will be willing to work with us on this legislation including to draft a tailored weight increase.

No driver is perfect. Every single one of us has made a mistake behind the wheel. However, one mistake by either a truck driver or car driver should not end in decapitation and death. We all have a responsibility to ensure that our roads are as safe as possible. For too long, both the federal government and industry have found excuses to avoid addressing the problem of truck underride, and thousands of people have died as a result. I hope that you will consider working to help prevent underride fatalities by encouraging your members to embrace changes in underride regulations as technologies that will save lives and protect drivers from the tragedy that is truck underride.

Sincerely,



Kirsten Gillibrand
United States Senator