



## Owner-Operator Independent Drivers Association

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January 29, 2018

The Honorable Kirsten Gillibrand  
478 Russell Senate Office Building  
Washington, DC 20510

The Honorable Marco Rubio  
284 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Gillibrand and Senator Rubio,

On behalf of the 160,000 members of the Owner-Operator Independent Drivers Association (OOIDA), I would like to share our opposition to S. 2219, the *Stop Underrides Act of 2017*, which would mandate the installation of unsafe and costly rear, side and front underride guards on all trucks and trailers that exceed 10,000 pounds. S. 2219 would force small-business truckers to install costly devices that have no proven record of enhancing safety. In fact, the mandates you're promoting may actually increase the number of crashes on American highways, while simultaneously worsening their severity. Your legislation also creates serious economic hardships and operational challenges for small trucking businesses, which comprise 96% of U.S. motor carriers.

Over the last five decades, the National Highway Traffic Safety Administration (NHTSA) has considered numerous proposed rules involving underride guards, but consistently concluded mandates would be impractical and the costs associated with their implementation would far outweigh any perceived safety benefits. In more than 40 years, these conditions have not changed with a lack of research indicating underride guards would reduce crash severity and fatalities.

While underride guards may initially appear to be a straight forward approach to reducing passenger vehicle injuries and fatalities, we're concerned by the lack of consideration given to the new safety hazards these devices create when installed on heavy vehicles. Equipment with the strength needed to prevent underride would have little ability to absorb energy in a collision, creating potentially more severe dangers for automobile passengers. While most underride crashes do not involve intrusion of the passenger compartment, sudden impact with a high-strength underride guard could fully crush an automobile, causing more severe injuries and/or fatalities.

Furthermore, installation of the guards mandated in S. 2219 would displace nearly 1,000 pounds of a truck's payload. Reallocating nearly half a ton of freight from every truck currently on the road would create a monumental loss of capacity within our industry. To compensate for this dramatic loss, the number of trucks on American highways would surge and pressure to increase minimum weight allowances for heavy vehicles would intensify. Adding more and/or heavier trucks to the road would undoubtedly decrease highway safety, eliminating any assumed safety benefits associated with the mandated use of underride guards.

The mandates you support would also impose massive new costs and burdens on small-business truckers. The estimated cost for owner-operators to comply with a side underride mandate alone would be roughly \$1,560 per trailer. Mandating the installation of front, side and enhanced rear guards would cost billions of dollars and disproportionately impact small trucking businesses. Moreover, payload displacement from the weight of underride guards would immediately reduce the earnings of independent drivers, who already operate on the slimmest of margins.

Little consideration has ever been given to the impact underride guards would have on the daily operations of truckers, and deficiencies within S. 2219 lead us to believe no professional drivers were involved in the bill's crafting. With the installation of underride guards, truckers would face serious challenges navigating grade crossings, high curbs, and numerous other road conditions. Additionally, no front underride equipment is currently on the market because the concept lacks any practicality. There is no certainty within our industry how this equipment would look, what operational challenges it would present, how it would impact safety or what it would cost. Many OOIDA members utilize spread axle trailers to better distribute weight, providing a safer and legal loading option. Side underride guards could restrict the use of such axle/tandem movements, hindering the operational efficiency and safety of the trailer and the load it's carrying. These guards would also limit a driver's ability to easily inspect equipment located under the trailer, including critical safety systems, like brakes.

Because sufficient research is lacking and current crash statistics are imprecise due to inadequate reporting, there is no assurance the installation of underride guards won't actually contribute to more crashes, greater crash severity and higher fatality rates. Before mandating the use of unproven devices, Congress should take steps to better understand how underride guards would affect overall highway safety. OOIDA appreciates your concern for safety and would welcome the opportunity to work with your office on proven ways to reduce crashes and fatalities. However, we must oppose S. 2219 because it fails to guarantee safer highways and only assures trucking will become more costly and burdensome.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Spencer", with a stylized flourish at the end.

Todd Spencer  
Acting President  
Owner-Operator Independent Drivers Association, Inc.

cc: Members of the Committee on Commerce, Science & Transportation