AMERICAN TRUCKING ASSOCIATIONS
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Chris Spear
President & Chief Executive Officer

June 1, 2018

The Honorable John Thune
Chairman
U.S. Senate Committee on Commerce,
Science and Transportation

The Honorable Bill Shuster
Chairman
U.S House Committee on Transportation
& Infrastructure

The Honorable Bill Nelson
Ranking Member
U.S. Senate Committee on Commerce,
Science and Transportation

The Honorable Peter DeFazio
Ranking Member
U.S House Committee on Transportation
& Infrastructure

Dear Chairmen and Ranking Members Thune, Shuster, Nelson and DeFazio:

On behalf of the American Trucking Associations (ATA), I write today on the issues of highway safety and technology. As we all agree, the safety of our nation's roads and bridges is of paramount importance, and something that we in trucking base our values and industry decision-making upon.

ATA is the largest national trade association representing the trucking industry, encompassing over 34,000 motor carriers and suppliers directly and through affiliated organizations. And while our members range in size and type, they share a core common interest in highway safety. Accordingly, the trucking industry invests approximately $10 billion in safety initiatives annually. These investments include technologies on the truck such as collision avoidance systems, electronic logging devices for driver hours-of-service compliance and video-event recorders. They also include driver safety training, driver safety incentive pay, and compliance with safety regulations (*e.g.*, pre-employment and random drug tests and motor vehicle record checks). And while some of these investments are made to meet a myriad of regulatory requirements, many of them are voluntary, progressive safety initiatives.

Without question, these investments are paying dividends in highway safety. Over the past decade, the number of truck-related fatalities has decreased by 11 percent despite steady growth in the overall number of trucks and truck-miles traveled. Furthermore, we have improved the injury crash-rates over this period. That being said, there is still more work to be done, and we are committed to the goal of accident and fatality-free highways.

In that vein, I would like to address the Stop Underrides Act of 2017, introduced in both the House (H.R.4622) and Senate (S.2219). This legislation, while well-intended and a heartfelt response to family tragedy, seeks to address a certain type of truck-involved accident through a highly prescriptive mandate. Regrettably, the bill is not based on science, data or safety benefit. Moreover, the bill ignores the potential technical issues it raises, as well as the diversity of our industry and other technologies for addressing these and other crashes. In trucking we know unequivocally that one size does not fit all, and that investments in certain technologies that one company makes may not make sense for another. Standards for new and in-service truck equipment should be

based on sound economic and engineering principles that enhance safety, take into account real-world operations, and weigh the potential unintended consequences.

As an example of an unintended consequence, in comments filed with the National Highway Traffic Safety Administration (NHTSA) in May 2016, the Truck Trailer Manufacturers Association (TTMA) noted a European trailer manufacturer's experience of trailer failures due to the increased rigidity in the trailer structure from added frame supports for side underride guards. The trailers were less flexible when operated over uneven road surfaces or on surfaces that produced twisting forces, which led to the trailers becoming disabled during highway use, presenting safety risks to other motorists. The TTMA comments also point out that there would be a significantly increased likelihood of high-centering of the side guards on steep changes in highway and street levels, such as elevated railroad crossings, and at warehouse docking wells. High-centering incidents already occur when operators of low frame trailers misjudge clearance heights at railroad crossings, which can result in tractor-trailers becoming stranded on railroad tracks. If all trailers were to have substantial side underride guards extended beneath the trailer sides, high-centering incidents would likely become more frequent.[1]

The Stop Underrides Act ignores several complicating factors such as engineering tradeoffs involving weight, strength, and effectiveness of underride guards. Further, it raises operational issues related to ground clearance, moveable trailer axles, and the diversity of truck and trailer designs. In December 2015, NHTSA initiated a rulemaking "that focuses on upgrading the Federal motor vehicle safety standards (FMVSSs) that address underride protection in light-vehicle crashes into the rear of trailers and semitrailers."[2] The agency is currently evaluating data and comments received in connection with their proposed rulemaking; information that will be critical to answering questions raised by this bill. NHTSA should be allowed to proceed with its efforts to improve underride guards without having the outcome predetermined by legislation.

ATA has long supported efforts to strengthen rear underride guards, based on data from years of study by NHTSA and the experiences of our members. NHTSA is currently examining the potential benefits and problems with side underride guards and should be able to continue with their work, and we look forward to the results of their research. In the meantime, ATA is committed to working with NHTSA, Congress and others on ways to improve highway safety. These include fostering the development of promising vehicle technology like automatic emergency braking, and collision warning systems, which can prevent many types of crashes in the first place, and supporting the congressionally-mandated implementation of electronic logging devices, which studies have shown are associated with decreased crash rates and hours of service violations. Recently, twenty automakers representing more than 99 percent of the U.S. auto market committed to make automatic emergency braking a standard feature on virtually all new passenger vehicles by 2022, which will help reduce many of the crashes where a passenger vehicle strikes a truck.

ATA also believes that the most dramatic improvements to road safety and crash avoidance will be found with continued improvements in the area of vehicle-to-vehicle (V2V) connectivity. In NHTSA's January 2017 V2V Notice of Proposed Rulemaking for light-duty vehicles, the agency estimates that four safety applications enabled by the proposed rule could avoid or mitigate 89 percent of light-duty vehicle crashes.[3] NHTSA is currently conducting research on V2V for heavy vehicles as well, and estimates that 70 percent of crashes involving trucks occurred in scenarios that could potentially be addressed by V2V systems.[4]

We need to be smart in directing safety-related resources, leveraging industry investments to result in the greatest potential benefit to highway safety, which is the only way we can hope to achieve the goal of accident

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[1] Truck Trailer Manufacturers Association letter to NHTSA Administrator Mark Rosekind, May 13, 2016. Docket No. NHTSA-2015-0118-0041

[2] 49 CFR Part 571 Docket No. NHTSA-2015-0118 RIN 2127-AL58

[3] 82 Fed. Reg. 3863.

[4] Chang, J. (2016, July). Summary of NHTSA heavy-vehicle vehicle-to-vehicle safety communications research. (Report No. DOT HS 812 300). Washington, DC: National Highway Traffic Safety Administration.

and fatality-free highways. Equipping the approximately 3.2 million trailers and semi-trailers pulled by Class 7 and 8 tractors and the 4.8 million Class 4-8 straight trucks in the U.S with side underride guards will far exceed the $10 billion the industry currently spends annually on safety.[5] As a result, the Stop Underrides Act would divert a significant amount of both NHTSA and industry resources away from important crash avoidance technologies with wide-ranging benefits in all types of crashes to focus on a narrow type of crash and a specific countermeasure that is unproven in real-world applications.

Based on the considerations outlined above – technical concerns and unintended consequences, diversity of operations and vehicle/trailer designs, consideration of alternative technologies – ATA must oppose the Stop Underrides Act. Nevertheless, ATA and the trucking industry remain steadfast in our commitment to improving the safety of our nation's roads and bridges, and supporting scientifically-backed and data driven pro-safety technologies. We look forward to working closely with your respective Committees, Congress, the Administration, enforcement, and other interested parties that share the goal of enhancing highway safety.

Thank you for your thoughtful consideration, and leadership on this critical issue.

Sincerely,

Chris Spear
President & CEO
American Trucking Associations

CC: Members of the Senate Commerce Committee, House T&I Committee, Bill Sponsors of S.2219 and H.R.4622

[5] Truck and trailer data from 2017 from ACT Research.

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