



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**



Deputy Administrator

1200 New Jersey Avenue SE.
Washington, DC 20590

August 14, 2019

The Honorable Kirsten E. Gillibrand
United States Senate
Washington, DC 20510

Dear Senator Gillibrand:

Thank you for your letter to the Secretary of Transportation Elaine L. Chao regarding the advance notice of proposed rulemaking (ANPRM) issued by the National Highway Traffic Safety Administration (NHTSA) on July 23, 2015, and the agency's estimated cost and benefits of a rear impact (underride) guard requirement for single unit trucks (SUTs).

We share your heartfelt concern for the families who have lost loved ones and individuals impacted by traffic crashes. We are committed to relying on the best possible information to assess safety initiatives.

You refer to an April 15, 2019, report from the Government Accountability Office (GAO) titled, "Truck Underride Guards, Improved Data Collection, Inspections, and Research Needed." GAO found that underride crash fatalities reported in NHTSA's Fatalities Analysis Reporting System (FARS) are relatively low but are likely undercounted due to variability in the data collection process. GAO issued two recommendations to NHTSA for improving the data collection process on vehicle underride. Considering that finding, you request that NHTSA re-evaluate the ANPRM's estimated cost and benefits of an underride guard requirement.

In the 2015 ANPRM, NHTSA requested comment on its analysis of the cost and benefits of a rear underride guard requirement for SUTs. This analysis did not rely on FARS data to estimate the number of fatalities from rear underride guard crashes involving SUTs. Instead, the fatality estimates are from the Trucks in Fatal Accidents (TIFA) survey along with supplemental information, collected as part of a NHTSA funded study, on the rear-end configuration of SUTs and trailers and the incidence and nature of underride and associated fatalities in crashes into the rear of SUTs and trailers. The study, "Heavy-Vehicle Crash Data Collection and Analysis to Characterize Rear and Side Underride and Front Override in Fatal Truck Crashes, (DOT HS 811 725)" was published in March 2013.

Page 2

The Honorable Kirsten E. Gillibrand

For more information about how NHTSA used the TIFA and supplemental data in its cost and benefit analysis, please refer to NHTSA's 2015 ANPRM (80 FR 43663). NHTSA will respond to public comments received on that analysis in a rulemaking notice to be published in the Federal Register.

If you need further information or assistance, please do not hesitate to contact me. A similar response has been sent to Senator Rubio.

Sincerely yours,



Heidi R. King