

MEMORANDUM

January 5, 2018

To: Sen. Kirsten E. Gillibrand
Attention: Laura Driscoll

From: David Randall Peterman, Analyst in Transportation Policy, dpeterman@crs.loc.gov, 7-3267

Subject: Summary of S. 2219, the Stop Underrides Act of 2017

This memo is provided in response to your request for a section-by-section analysis of S. 2219, the Stop Underrides Act of 2017. Information in this memorandum may be used in other products for general distribution to Congress. Your confidentiality as a requester will be preserved in any case. If you have any questions or desire further information please let me know.

Section 1: Short Title: “Stop Underrides Act of 2017.”

Section 2: Findings and Purpose: Purpose is to reduce the number of preventable deaths and injuries caused by underride crashes.

Section 3: Definitions: Adds to 49 U.S.C. §30102(a) definitions of front underride guard, rear underride guard, side underride guard, semi-trailer, single unit truck, and trailer.

Section 4: Underride Guard Rulemaking: (a) Rear underride guards: adds new section 30129 to Title 49 U.S.C. establishing performance standards for rear underride guards; directs the Secretary of Transportation to issue a final rule within one year of enactment requiring all trailers, semi-trailers, and single unit trucks with a gross vehicle weight of more than 10,000 pounds manufactured after the date of enactment to have rear underride guards meeting those performance standards within one year of the final rule; and directs the Secretary of Transportation to issue a final rule within two years of enactment requiring that all such vehicles manufactured before the enactment of this act be retrofitted with rear underride guards meeting those performance standards within two years of the final rule.

(b) Side underride guards: similar to paragraph (a) for side underride guards, except that the phase-in period for retrofitting vehicles with side underride guards can be up to three years.

(c) Front underride guards: directs Secretary of Transportation to complete research within one year of enactment on equipping commercial motor vehicles (with a gross vehicle weight of 10,000 pounds or more) with front underride guards; to issue a final rule within two years of enactment requiring all such commercial motor vehicles manufactured after the effective date of the rule to be equipped with front underride guards; and to issue a rule within three years of enactment requiring all such commercial motor vehicles to have a front underride guard (i.e., requiring retrofitting for older vehicles).

(d) Maintenance requirements: directs Secretary of Transportation to require that underride guards be maintained in proper condition, be periodically inspected, including after a crash that affects an underride

guard, and that any vehicle with a guard that does not pass inspection be placed out of service until the guard is repaired or replaced (**Table 1**).

Table 1. Schedule of New Rules and Compliance Dates for Underride Guards Proposed in S. 2219

Guard Type	Final Rule Issued	Date to Comply With New Rule
Rear	Within one year of enactment for new vehicles	Within one year of final rule publication
	Within two years of enactment for old vehicles	Within two years of final rule publication
Side	Within one year of enactment for new vehicles	Within one year of final rule publication
	Within two years of enactment for old vehicles	Within three years of final rule publication
Front	Within two years of enactment for new vehicles	Within one year of final rule publication
	Within three years of enactment for old vehicles	Within three years of final rule publication

Source: S. 2219 Section 4.

Notes: “Enactment” refers to the date of enactment of S. 2219; “new vehicles” means trailers, semi-trailers, and single unit trucks with a gross vehicle weight of more than 10,000 pounds manufactured on or after the effective date of the final rule; “old vehicles” means trailers, semi-trailers, and single unit trucks with a gross vehicle weight of more than 10,000 pounds manufactured before the effective date of the final rule.

Section 5: Research and Periodic Review of Underride Guard Standards: Directs the Secretary of Transportation to issue a request for a proposal for the design of two high capacity rear underride barrier prototypes to prevent underride crashes at speeds of up to 65 miles per hour, and to update underride guard standards in light of new technology at least every five years.

Section 6: Committee on Underride Protection: Directs the Secretary of Transportation to create a Committee on Underride Protection to oversee the underride rulemaking process. The committee shall be composed of representatives of commercial vehicle manufacturers, motor vehicle engineers, motor vehicle crash reconstructionists, traffic safety organizations, public health or injury prevention professionals, and at least two people whose families have been affected by an underride crash.

Section 7: Publication of Victims of Truck Underride Crashes: Directs the Secretary of Transportation to publish data on victims of truck underride crashes on a publicly available website and to update the data at least quarterly.