



July 20, 2023

BY ELECTRONIC SUBMISSION

Document Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
West Building Ground Floor, Room W12-40  
Washington, DC 20590-0001

**Re: Request for Comment on Parts and Accessories Necessary for Safe Operations; Side  
Underride Guards and Side Underride Impact Protections  
Docket No. NHTSA-2023-0012**

The National Association of Trailer Manufacturers (NATM) welcomes the opportunity to provide these comments relating to the National Highway Traffic Safety Administration's (NHTSA) Advanced Notice of Proposed Rulemaking (ANPRM) relating to understanding the overall effectiveness, feasibility, benefits, costs, and other impacts of side underride guards.

NATM shares NHTSA's resolve in seeking to promote best practices concerning vehicle and highway safety, which are core values for our not-for-profit trade association. NATM was founded in 1987 and represents manufacturers of light-and medium-duty trailers under 26,000 pounds Gross Vehicle Weight Rating (GVWR), as well as suppliers of products and services to the industry. NATM promotes trailer compliance through its Compliance Verification Program, which verifies that trailer manufacturers have the processes in place to meet all applicable Federal Safety Standards, regulations, and best practices. Additionally, NATM raises trailer safety awareness across the nation with its Trailer Safety Week for end users, and provides a voice for more than 1,000 member companies that share our commitment to putting safety first.

The proposed rulemaking concerning side underride guards aims to enhance road safety by preventing passenger vehicles from sliding underneath the sides of trailers during collisions. While the proposed regulation is commendable in its intention to reduce the severity of accidents, it is overly broad and fails to consider the differences between heavy- and medium-duty trailer designs and the functional impact the proposed regulation would have on medium-duty trailers.

Due to the wide range and unique nature of products considered "trailers" as defined in the Code of Federal Regulations, NATM urges NHTSA to evaluate the language used in this proposed rulemaking to specify which category of trailer this side underride rulemaking would apply to, so that the requirements are appropriately calibrated to the many different trailer product categories. It is crucial to understand the differences between heavy-duty trailers, semitrailers, and tractor-trailers compared to the smaller medium-duty trailers that are proposed to be included in the rulemaking. The studies cited in the ANPRM focus on crash data involving tractor-trailers and semitrailers, but fail to include specific data that demonstrates medium-duty trailers pose the same side underride risks as their larger counterparts.

Assuming the requirements for side underride guards will mirror the requirements in place for rear underrides, any trailer over 10,000 pounds GVWR with a side deck height over 560 mm would be required to install side

underrides. This proposed regulation would create unintended consequences affecting the usability of these medium-duty trailer units.

The proposed regulations could seriously compromise the functionality of these trailers in off-road applications, such as hauling livestock and construction equipment, as a side underride would drastically impact a trailer's clearance when being towed on dirt roads or other rough terrains. This would lead to issues with hauling farm equipment and other heavy machinery, in addition to posing safety risks for drivers towing trailers with side underrides over raised railroad crossings in more rural areas where medium-duty trailer towing is a necessity for owners' livelihoods.

Additionally, medium-duty trailers do not have the GVWR of larger semi-trailers, and will have their towing capacities drastically impacted. By adding 450 to 800 pounds of side underride guards, many trailers will have their overall tow rating drastically decreased. For instance, a 10,000 pound GVWR trailer would likely have 7,000 pounds of tow rating. Adding side underride would result in a roughly six to ten percent decrease in available towing capacity. This lowered tow rating of the trailer would impact an end user's ability to safely and efficiently haul goods between locations, as this extra weight from the side underride would have a much larger impact on towing capacity for a medium-duty trailer. This in turn would either lead to extra trips and more time on the roadways, or end users overloading trailers. This additional time spent on roadways would lead to increased traffic on roadways and an increased risk of motor vehicle-related accidents.

Furthermore, the additional cost of installing, maintaining, and completing annual commercial motor vehicle inspections of purchasing and maintaining a medium-duty trailer with a side underride would not be justified when no data exists for side underride incidents involving medium-duty trailers. If the proposed rulemaking for side underride mirrors the requirements in place for rear underride, a projected 115,000 medium-duty trailers could be impacted, with no data suggesting these incursions are prevalent.

Safety is paramount on our roadways, and NATM is supportive of thoughtful evidence-based solutions. We look forward to working with NHTSA and other industry partners on finding a solution that will make roadways safer, while not creating undue burdens on manufacturers and end users. Thank you very much for your consideration.

Sincerely,

*Alex Stowe*

Alex Stowe  
NATM Executive Director  
(785) 272-4433  
[Alex.Stowe@natm.com](mailto:Alex.Stowe@natm.com)

###

***About NATM:** NATM has been dedicated to improving trailer safety and performance for more than 30 years. The Association represents manufacturers that produce light- and medium-duty trailers, supplier and service providers, trailer dealers, and tow vehicle OEMs to the industry. NATM seeks to promote safety awareness and provide a voice for trailer manufacturers and their suppliers when issues of trailer safety and regulation are considered by Congress and relevant government agencies. Founded in 1987, the Association has grown to represent more than 1,000 companies belonging to the trailer industry.*

*NATM is dedicated to improving trailer safety. One way this is accomplished is through the mandatory Compliance Verification Program, requiring all trailer manufacturers to verify they have the manufacturing processes in place to build trailers that meet Federal Motor Vehicle Safety Standards (FMVSS) and industry best practices.*