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Comment from The Robyn Hightman Foundation

Posted by the National Highway Traffic Safety Administration on Jul 21, 2023

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Dear Acting Administrator Carlson,

I'm writing you concerning side underride guards (Regulation NHTSA-2023-0012).

Secretary Pete Buttigieg of the U.S. Department of Transportation (USDOT), detailed on January 27th, 2022, a National Roadway Safety Strategy (NRSS), to provide a comprehensive approach to significantly reducing serious injuries & deaths on our nation's highways, roads and streets. The NRSS provided at the Federal level, the country's first commitment to Vision Zero. In this there was a plan to address the disproportionate impact of crashes on people of color and on people outside of vehicles, such as pedestrians, bicyclist, the disabled as well as those using micro-mobility devices.

In Secretary Buttigieg's January 20th, 2023 speech to the annual U.S. Conference of Mayors in Washington, D.C., he provided a clear direction toward the goal of zero traffic deaths. The Mayors at the conference provided, "...common solutions: lower speed limits in residential areas, protected bike lanes and bus lanes, curb extensions, high visibility crosswalks, more frequent traffic signals - but also using the moral authority and visibility of the mayor's office to encourage a fundamentally safer culture for drivers, cyclists, and pedestrians."

In 2014, Polly Trottenberg was appointed by Mayor Bill de Blasio as the Commissioner of New York City's Department of Transportation, in this role she implemented the nation's first Vision Zero program. Part of the plan for making New York City streets safer, was the goal of adding hundreds of miles of new bike lanes and converting streets into pedestrian plazas. Sadly few of these goals were ultimately realized.

Polly Trottenberg was appointed by President Joe Biden to be Deputy Secretary of the USDOT.

For me the importance of side underride guards and truly protected bicycle lanes became personal on June 24th, 2019, when my 20-year-old daughter Robyn lost their life doing bicycle messenger work in New York

City, when a for-hire driver blocked the bicycle lane and the speeding distracted driver of a box truck knocked them to the ground and then crushed them into the road, when Robyn fell under the truck. A cabbie had to pursue the truck driver who had left the scene. When the truck driver returned to where my daughter lay dying on the pavement, he said he had no idea that anyone had been hit. Had a regulation for side underride guards been in place, my daughter might be alive today.

Thoughts of Robyn are always on my mind. It used to be anniversaries, birthday, holidays and the like, were something I looked forward too. Now they are a painful reminder of my daughter that was lost. I shall never again receive from Robyn a card, eMail, message, telephone call or text.

As a way of addressing this nation road safety crisis, I am asking you to support side underride guards for they are inexpensive and practical way to save lives. As demonstrated by USDOT's Volpe Center, side underride guards can spare the lives of both pedestrians & bicyclists. Measures for side underride guards were discussed by Congress as far back as 1969; regulations were supposed to go in place in the 1990s, but the USDOT has decided not to require them.

In this area, the U.S. is far behind other developed countries. There is substantial evidence to warrant immediately implementation of side guards. The European Union, Japan and many other nations have long mandated side guards. In the U.S., cities such as New York, have requited them on city-owned fleets, but not on private delivery vehicles. The National Transportation Safety Board (NTSB) has recommended side guards in 2014. Research shows they reduce can reduce bicyclist fatalities by 50 to 74 percent. These could have saved my daughter Robyn's life.

Industry respondents say truck companies who are interested in adding side guards are looking to the NHTSA to signal best practices and make regulations. Even companies which want to do the right thing now, hesitate out of fear they will need to upgrade their side underride guards should future regulations change the requirements.

I pray you can find empathy in your heart, for those of us who have lost so much, more than any parent should ever have bear, and support requirements for semi-truck trailer side underride guards.

Kindly, Jay A. Hightman

Justice for Robyn https://www.youtube.com/watch?v=Xj01jQPXtxw

Another dead cyclist in the city https://deadspin.com/another-dead-cyclist-in-the-city-1835855086

Safer Streets https://www.styleweekly.com/richmond/safer-streets/Content?oid=14867800

A grieving Dad turns agony to activism for his 'Incredible' daughter https://nyc.streetsblog.org/2023/06/18/a-fathers-dread-grieving-dad-turns-agony-to-activism-for-incredibledaughter

DOT Researchers suggested a way to make big trucks safer. https://www.propublica.org/article/dot-rejected-truck-side-guards-trucking-lobbyists-safety

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