

Timeline of Events Concerning the Volpe Center Side Guard Research Report

Year	Action	Reaction
2019	Safety advocates attempted to get access to the Volpe Truck Side Guard Report, which was completed and provided to the FMCSA (which oversaw the research).	DOT discusses the report behind closed doors.
2020	Safety advocates unsuccessfully attempted to get access to the Volpe Truck Side Guard Report, which was subsequently revised and published as a Literature Review on Lateral Protection Devices.	Safety advocates questioned the change and DOT claimed that the report changes were made as part of a multi-modal peer review process.
2020	<p>AnnaLeah & Mary for Truck Safety submitted a FOIA Request to FMCSA for a copy of the complete but unpublished Volpe Truck Side Guard Report.</p> <p>-</p> <p>Dear Ms. Karth,</p> <p>This is in response to your request under the Freedom of Information Act (FOIA). You are requesting a copy of the following documents pertaining to the <i>Study of Truck Side Guards to Reduce Pedestrian Fatalities</i>:</p> <ol style="list-style-type: none"> 1. September 2017 – Draft literature review. 2. January 2018 – Draft vehicle part interactions report. 3. July 2018 – Draft cost-benefit analysis report. 4. January 2019 – Draft final report 5. February 2019 – Final report <p>Your request for these draft documents are being withheld under FOIA exemption 5. Exemption 5 protects the integrity of the deliberative or policy-making processes within the agency by exempting from mandatory disclosure opinion, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. Exemption 5 also exempts from disclosure draft documents and recommendations or other documents that reflect the personal opinion of the author rather than official agency position. Finally, Exemption 5 exempts from disclosure deliberative records that may cause public confusion where the information were not the basis for an agency's action or final report.</p> <p>I understand that the Federal Motor Carrier Safety Administration (FMCSA), in coordination with the National Highway Traffic Safety Administration (NHTSA) released to you – the final report as a Literature Review. To release the requested draft reports, not approved by FMCSA and/or NHTSA, would potentially release flawed information and data.</p> <p>The fee for FOIA review and determination of this request is waived.</p> <p>I am responsible for this initial decision. If you are dissatisfied with this decision, you may appeal to Judith Kaleta, Deputy General Counsel, U.S. Department of Transportation, 1200 New Jersey Ave., S.E., Washington, DC 20590. If you prefer, your appeal to Ms. Kaleta may be sent via electronic mail to ost.foia.appeals@dot.gov. An appeal must be received within 45 days of the date of this decision and should contain any information and arguments you wish to rely on. The Deputy General Counsel's determination will be administratively final.</p> <p>Sincerely,</p> <p>Andrea Griswold Volpe Center's FOIA Officer Office of Legal Services</p>	The FOIA Request is denied.
2021	Safety advocates submitted a FOIA Request to DOT on side underride guards.	Over the course of time (several years), DOT issues partial responses, including redacted emails which make mention of the revision of the Volpe Center report.
2023	Safety advocates petitioned the DOT Office of Inspector General to investigate the suppression	DOT's reaction to this petition was not made available to the

	of research.	public or Congress.
2024	A former FMCSA employee, who oversaw the Volpe Center research study, became a whistleblower and issued a public statement .	DOT did not publicly react to the whistleblower's claim.
2024	The IIHS submitted a Request for Correction to DOT -- claiming that DOT violated DOT Information Quality guidelines and requesting that the Volpe Center report be corrected.	DOT denied the IIHS Request for Correction in 2025.
2025	AnnaLeah & Mary for Truck Safety submitted a separate and different Request for Correction to DOT.	DOT denied the ALMFTS Request for Correction.
2025	AnnaLeah & Mary for Truck Safety submitted an Appeal in the form of a Request for Reconsideration letter.	

DOT did not utilize a *peer review* process, as it claims.

The Department's response to ALMFTS's request for correction claimed that the draft report was "peer reviewed by multiple Agency subject-matter-experts, managers, and executives." This claim misrepresents what the agency did in its review and publication of this research.

The emails obtained through FOIA reveal that Department officials, not the Volpe study's authors, wrote the published report. That's a violation of OMB's guidance for peer review, which envisions critique and evaluation to be given by peer reviewers to study researchers for the improvement of their draft report.

In addition, the conduct of those Department officials violated federal standards for Gold Standard Science (GSS), **Executive Order 14303 (May 23, 2025)**, and **White House Office of Science and Technology Policy (OSTP) Guidance** for bias.

- **The Department's review of the Volpe Center's draft research does not meet the standard of "unbiased peer review."** See: OMB guidance and EO 14303.
- **Ghostwriting directly subverts the integrity of the "peer review" process.** The undisclosed insertion of unattributed content in sections 1.1 materially changes the paper's conclusions about lateral protection device effectiveness and bypasses the legitimate review process. The declination asserts, "during the review process for outsourced deliverables, the Department's agencies reserve the right to remove inaccurate and potentially misleading information at their discretion." Nowhere does the declination address the right to unilaterally insert unattributed content, including the entire target crash population analysis and the conclusion language asserting inefficacy of LPDs in turning crashes. This action of ghostwriting misrepresents the report's findings as the consensus product of the authors, when, in fact, they were manipulated by an anonymous, and potentially conflicted, source. Peer revisionism is not peer review.

- **The Department violated the "Transparent" Tenet:**
 - **Mandate Violated:** EO 14303 defines GSS as being "**transparent.**"
 - **Specific Violation:** Ghostwriting is an inherently non-transparent practice that conceals the true source and potential bias of the information. The report's failure to credit the ghostwriter(s) and disclose the authorship of inserted content is a direct breach of this principle, undermining public trust and accountability.
- **The Department violated the "Skeptical" and "Communicative of Error and Uncertainty" Tenets:**
 - **Mandates Violated:** The EO requires GSS to be "**skeptical of its findings and assumptions**" and "**communicative of error and uncertainty.**"
 - **Specific Violation:** The ghostwritten content, which downplays opposing evidence and data related to the effectiveness of lateral protection in crashes where the truck is not traveling parallel to the vulnerable road user, creates a false sense of certainty and avoids communicating the full range of findings and uncertainties. The declination misleads by stating, "Four sources presented in the Literature Review examined the effects of LPDs on side-impact crash fatalities during turning-crash events," as later in the declination, the Keigan 2009 study is admitted as also providing relevant data. The EO requires US DOT to *transparently acknowledge and document uncertainties* and show *how uncertainty propagates* through the analysis. Simply making data "available" is not the same as actively communicating uncertainty and applying a "**weight of scientific evidence**" approach that integrates the contradictory findings. This action defeats the requirement for the agency to approach scientific findings objectively and skeptically. This also violates the "**weight of scientific evidence**" principle, which requires "**each piece of relevant information**" to be considered, by relegating to the tables and appendix and not referencing in the main text at least two separate studies' relevant data (van Kampen 1999 and Keigan 2009, as well as Riley 1981 and Rechnitzer 1993) that would challenge the ghostwritten conclusions.