

September 9, 2025

Regulatory Information Service Center
Attn: Boris Arratia, Director
General Services Administration
1800 F Street, NW
Washington, DC 20405
Email: risc@gsa.gov; boris.arratia@gsa.gov

Re: Accountability and corrective steps for NHTSA's Side Underride Guard rulemaking entry (RIN 2127-AM54, Spring 2025 Unified Agenda)

Dear Director Arratia,

I write regarding the Spring 2025 Unified Agenda entry for the National Highway Traffic Safety Administration's (NHTSA) action titled [Side Underride Guards on Trailers and Semitrailers, RIN 2127-AM54](#). The entry lists the rulemaking at the "Prerule Stage" with the action "Analyzing Comments" and includes only a placeholder date of "01/00/2026." While permitted under Agenda conventions, this practice provides little insight into the agency's planned next steps and obscures the fact that statutory deadlines have not been followed.

Section 23011 of the [Infrastructure Investment and Jobs Act](#) required the US Department of Transportation (DOT) to assess side underride guards, publish findings for public comment, and submit a report to Congress within 90 days after the close of the comment period. NHTSA issued an [ANPRM on April 21, 2023](#), later extending the comment deadline to [July 20, 2023](#). By statute, the report to Congress was due in October 2023. Instead, DOT released its [Side Underride Protection: Report to Congress](#) in June 2024, eight months late, during which time an estimated 130 lives were lost to side underride crashes.

On an April 23, 2025, Zoom call, I directly asked NHTSA leadership when the agency intended to complete this overdue rulemaking on side underride guards. The response was clear: "*We have no schedule to complete this action*" (E. Sullivan). Despite this, the Spring 2025 Agenda projects the rulemaking into 2026 without explanation and without credible milestones for action.

The Unified Agenda is meant to promote accountability by listing realistic next steps, tracking statutory deadlines, and providing Congress and the public meaningful notice of agency progress. Placeholder dates such as "01/00/2026" undermine that purpose and obscure the fact that Congress's directive for expedited action has not been followed.

To restore transparency and align the Agenda with statutory requirements, I respectfully request that the Regulatory Information Service Center:

1. Require NHTSA to identify the specific next action in the Timetable for RIN 2127-AM54 (for example, "Notice of Proposed Rulemaking") and provide an estimated month and year for that action, rather than extending the generic "Analyzing Comments" entry indefinitely.

2. Ensure that the Legal Deadline field reflects all statutory requirements under Section 23011 of the Infrastructure Investment and Jobs Act, including the missed 90-day report to Congress, not only the ANPRM notice date.
3. Add an explanatory note in the Abstract or Additional Information fields acknowledging the missed statutory deadlines and indicating how the agency intends to address the delay.
4. Coordinate with the Office of Information and Regulatory Affairs (OIRA) to ensure that the Fall 2025 Unified Agenda includes either a date-certain NPRM milestone or, if NHTSA cannot commit, a reclassification that more accurately reflects the expected timing to the public.
5. Discourage the use of placeholder dates across Unified Agenda entries, especially in cases where statutory deadlines have already been missed.

Lives remain at risk while this rulemaking lingers. Clear milestones and disclosure of missed deadlines would align this entry with the transparency objectives of the Unified Agenda and restore accountability to the regulatory process.

Please include this letter in the public correspondence file for RIN 2127-AM54.

Thank you for your attention to these corrective steps.

Sincerely,

Eric Hein

ewh161@gmail.com

cc:

Office of Information and Regulatory Affairs (OIRA), OMB: oir_submission@omb.eop.gov

Jack Danielson, Acting Administrator, NHTSA: jack.danielson@nhtsa.gov

Jim Myers, Chief, Special Vehicles and Systems Division, NHTSA: james.myers@dot.gov

Mitch Behm, Acting Inspector General, DOT: Mitchell.Behm@oig.dot.gov

Senator Ted Cruz, Chairman, Senate Commerce Committee:

commerce_republicans@commerce.senate.gov

House Transportation & Infrastructure Committee (Majority): transportgop@mail.house.gov