

August 21, 2026

Daniel Cohen
Assistant General Counsel for Regulation and Legislation
Office of the General Counsel
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Re: Comment on the DOT Regulatory Agenda: the Side Underride Guard placeholder date (RIN 2127-AM54)

Dear Mr. Cohen,

I am responding to the Department's request for comment on the 2026 Regulatory Agenda, regarding NHTSA's entry for Side Underride Guards on Trailers and Semitrailers, RIN 2127-AM54. The notice provides no docket for electronic comment and directs comments to you.

Specifically, I write regarding the 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 "07/00/2026."

In September 2025 I wrote the Regulatory Information Service Center about this entry, attached. I asked for a specific next action, a real month and year, and disclosure of the missed statutory deadlines.

NHTSA has moved the target date three times without completing the action. It set "Analyzing Comments" at 12/00/2024 in the Fall 2024 Agenda, reset it to 01/00/2026 in Spring 2025, and moved it to 07/00/2026 in the current edition. The entry remains at the Prerule Stage, still tied to the April 2023 ANPRM, with nothing listed after "Analyzing Comments."

The Legal Deadline field lists only the February 2023 notice. It omits the report to Congress that Section 23011 of the Infrastructure Investment and Jobs Act required within 90 days of the close of comments. That report was due in October 2023 and delivered in June 2024, eight months late. Section 23011 required it to state whether the Secretary intends to develop performance requirements for side underride guards. It did not. The report deferred to the Advisory Committee on Underride Protection, which reported to Congress on July 2, 2024 and recommended that NHTSA withdraw or revise the ANPRM. NHTSA has not responded, and more than two years later has still not made the determination.

The Regulatory Agenda is meant to promote accountability by listing realistic next steps, tracking deadlines, and providing Congress and the public meaningful notice of agency progress. NHTSA has missed every deadline and moved the date out another six months. On an April 23, 2025 call, Eileen Sullivan told me, "We have no schedule to complete this action."

Therefore, I ask the Department to replace the "07/00/2026" placeholder in the RIN 2127-AM54 "Timetable" with a firm month and year for completing the "Analyzing Comments" step, including the Section 23011 determination on whether the Secretary intends to develop performance requirements.

After two years, three date changes, and no answer on the Section 23011 determination, NHTSA has not tracked progress on RIN 2127-AM54.

Sincerely,

Eric Hein

Attachment: Letter to the Regulatory Information Service Center on RIN 2127-AM54,
September 9, 2025

cc:

Jonathan Morrison, Administrator, NHTSA

Jack Danielson, Executive Director, NHTSA

Boris Arratia, Director, Regulatory Information Service Center, GSA

Mitch Behm, Deputy Inspector General, U.S. Department of Transportation

Senator Ted Cruz, Chairman, Senate Committee on Commerce, Science, and Transportation

Senator Maria Cantwell, Ranking Member, Senate Committee on Commerce, Science, and Transportation

Representative Sam Graves, Chairman, House Committee on Transportation and Infrastructure

Representative Rick Larsen, Ranking Member, House Committee on Transportation and Infrastructure