



July 20, 2023

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue S.E.  
West Building Ground Floor, Room W12-140  
Washington, D.C. 20590

Submitted via *www.regulations.gov*

**Comments of Consumer Reports to the  
National Highway Traffic Safety Administration on the  
Request for Comments: Side Underride Guards  
Advance Notice of Proposed Rulemaking  
Docket No. NHTSA-2023-0012**

Consumer Reports (CR), the independent, nonprofit member organization,<sup>1</sup> welcomes the opportunity to comment on the advance notice of proposed rulemaking by the National Highway Traffic Safety Administration (NHTSA) regarding side underride guards for trucks.

To protect consumers' safety on U.S. roads, CR supports requiring strong underride guards on the rear and sides of trailers, semi-trailers, and certain single-unit trucks,<sup>2</sup> as well as front bumpers or guards that help prevent underride/override if a truck rear-ends a passenger vehicle. Based on information we have reviewed from other organizations, we ask that NHTSA reconsider its estimates on the number of lives that could be saved and serious injuries that could be prevented each year through protection against side underrides. We urge the agency to revise these estimates as warranted ahead of publishing a notice of proposed rulemaking, as the safety benefits of a requirement for strong side underride guards may be significantly underestimated.

Truck underride guards are proven to help stop a passenger vehicle from continuing under a truck in the event of a collision. These guards help prevent windshield-first crashes and improve the chances that a vehicle's airbags and other lifesaving built-in occupant protection systems can function as intended.

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<sup>1</sup> Founded in 1936, Consumer Reports (CR) is an independent, nonprofit, and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to 6 million members across the United States.

<sup>2</sup> See, e.g., Consumer Reports Advocacy, "Consumer Reports urges Congress to pass the Stop Underrides Act" (press release) (Mar. 5, 2019) (online at: [advocacy.consumerreports.org/press\\_release/consumer-reports-urges-congress-to-pass-the-stop-underrides-act](https://advocacy.consumerreports.org/press_release/consumer-reports-urges-congress-to-pass-the-stop-underrides-act)).

As CR has previously reported, underride guards have the potential to save hundreds of lives each year.<sup>3</sup> Moreover, testing carried out by the Insurance Institute for Highway Safety (IIHS) in 2017 found that a side underride guard could successfully block a sedan at a speed of up to 40 mph.<sup>4</sup> This supports previous IIHS research that concluded that strong side underride guards could reduce injury risk in about three-fourths of crashes with a serious or fatal injury.

Before publishing a proposed rule, NHTSA should revisit its cost-benefit estimates and modify them as warranted. We consider such a step important for several reasons:

- In a recent regulatory comment, the IIHS said that “NHTSA should reconsider its dramatic underestimate of the number of lives that could be saved by requiring side underride guards for large trucks.”<sup>5,6</sup> The IIHS also said that side underride guards could save more than 10 times as many lives as NHTSA has projected. These estimates would flip the current cost benefit calculation, rendering the benefits greater than costs.
- The National Transportation Board (NTSB) also made note of the numerous ways in which the benefits might be underestimated – including the need for NHTSA to use more up-to-date data, explore effectiveness for speeds over 40 mph, expand the crash types included, and examine the potential benefits for vulnerable road users such as motorcyclists, cyclists, and pedestrians.<sup>7</sup>
- A recent collaborative investigation by FRONTLINE and ProPublica raises serious concerns about the influence of the trucking industry on NHTSA decisions over the years,<sup>8</sup> and underscores how critical it is for the agency today to turn the page and prioritize consumer safety in its work to prevent truck underride crashes.

Thank you for your consideration of our comments. We look forward to continuing to work with NHTSA, other safety organizations, and individual advocates to improve safety for everyone on our roads.

Respectfully submitted,



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<sup>3</sup> Consumer Reports, “How Tractor-Trailers Can Be Made Safer” (June 28, 2018) (online at: [www.consumerreports.org/car-safety/how-tractor-trailers-can-be-made-safer](http://www.consumerreports.org/car-safety/how-tractor-trailers-can-be-made-safer)).

<sup>4</sup> IIHS, “Side guard on semitrailer prevents underride in 40 mph test” (August 29, 2017) (online at: [www.iihs.org/news/detail/side-guard-on-semitrailer-prevents-underride-in-40-mph-test](http://www.iihs.org/news/detail/side-guard-on-semitrailer-prevents-underride-in-40-mph-test)).

<sup>5</sup> IIHS, “NHTSA study underestimates benefits of side underride guards for trucks” (June 13, 2023) (online at: [www.iihs.org/news/detail/nhtsa-study-underestimates-benefits-of-side-underride-guards-for-trucks](http://www.iihs.org/news/detail/nhtsa-study-underestimates-benefits-of-side-underride-guards-for-trucks)).

<sup>6</sup> IIHS, “IIHS Comment” (May 19, 2023) (online at: [www.iihs.org/media/6709730c-e09f-4b28-9edd-514feaa503b8/pe0K9Q/RegulatoryComments/comment%202023-05-19.pdf](http://www.iihs.org/media/6709730c-e09f-4b28-9edd-514feaa503b8/pe0K9Q/RegulatoryComments/comment%202023-05-19.pdf)).

<sup>7</sup> Comments of the National Transportation Safety Board to NHTSA on this notice (June 7, 2023) (online at: [www.regulations.gov/comment/NHTSA-2023-0012-0100](http://www.regulations.gov/comment/NHTSA-2023-0012-0100)).

<sup>8</sup> ProPublica and FRONTLINE, “Trapped Under Trucks” (June 13, 2023) (online at: [www.propublica.org/article/underride-crashes-nhtsa-dot-iihs-safety-cars-trucks](http://www.propublica.org/article/underride-crashes-nhtsa-dot-iihs-safety-cars-trucks)).