

115TH CONGRESS
1ST SESSION

S. 2219

To reduce the number of preventable deaths and injuries caused by underride crashes, to improve motor carrier and passenger motor vehicle safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2017

Mrs. GILLIBRAND (for herself, Mr. RUBIO, and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reduce the number of preventable deaths and injuries caused by underride crashes, to improve motor carrier and passenger motor vehicle safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Underrides Act
5 of 2017”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Underride crashes involving passenger
2 motor vehicles striking and traveling underneath a
3 truck or trailer are a significant public health and
4 safety threat.

5 (2) The National Highway Traffic Safety Ad-
6 ministration has reported that hundreds of prevent-
7 able fatalities and life-threatening injuries have oc-
8 curred as a result of underride crashes.

9 (3) The National Transportation Safety Board
10 has recommended the installation of rear, side, and
11 front underride guards on tractor-trailers to improve
12 passenger motor vehicle safety.

13 (4) This bill is introduced in the memory of the
14 thousands of victims of underride crashes, includ-
15 ing—

16 (A) Roya Christine Sadigh, AnnaLeah
17 Karth, Mary Lydia Karth, Roderick Cota,
18 Moonjohn Kim, Corey Moore, Gregg Williams,
19 Guy Champ Crawford, Carl Hall, Michael
20 Higginbotham, Sandra Maddamma, David
21 Mathis, Mary Katherine Mathis, James Moon-
22 ey, Christopher Weigl, Bill Zink, David
23 Magnan, Jasen Swift, Samuel Sierra, Brittany
24 McHargue, Christopher Samuel Padilla, and
25 Edward Hall;

1 (B) those whose catastrophic injuries dra-
 2 matically changed their lives, including Julie
 3 Magnan, Nancy Meuleners, Joshua Rojas, Maiv
 4 Yang, and Anita Plantage Bomgaars; and

5 (C) those whose precious lives were cut far
 6 too short as a result of preventable underride
 7 crashes.

8 (b) PURPOSE.—The purpose of this Act is—

9 (1) to reduce the number of preventable deaths
 10 and injuries caused by underride crashes; and

11 (2) to improve motor carrier and passenger
 12 motor vehicle safety.

13 **SEC. 3. DEFINITIONS.**

14 Section 30102(a) of title 49 is amended—

15 (1) by redesignating paragraphs (5), (6), (7),
 16 (8), (9), (10), (11), (12), and (13) as paragraphs
 17 (6), (7), (8), (9), (10), (11), (14), (19), and (21),
 18 respectively;

19 (2) by inserting after paragraph (4) the fol-
 20 lowing:

21 “(5) ‘front underride guard’ means a device in-
 22 stalled on or near the front of a motor vehicle that
 23 limits the distance that a vehicle struck in the rear
 24 by the vehicle with the device will slide under the
 25 front of the striking vehicle.”;

1 (3) by inserting after paragraph (11), as redesi-
2 gnated, the following:

3 “(12) ‘passenger motor vehicle’ has the mean-
4 ing given that term in section 32101.

5 “(13) ‘rear underride guard’ means a device in-
6 stalled on or near the rear of a motor vehicle that
7 limits the distance that the front end of a vehicle
8 striking the rear of the vehicle with the device will
9 slide under the rear of the impacted vehicle.”;

10 (4) by inserting after paragraph (14), as redesi-
11 gnated, the following:

12 “(15) ‘Secretary’ means the Secretary of Trans-
13 portation.

14 “(16) ‘semi-trailer’ means a trailer, other than
15 a pole trailer, which is designed to rest upon, or be
16 carried by, a motor vehicle.

17 “(17) ‘side underride guard’ means a device in-
18 stalled on or near the side of a motor vehicle that
19 limits the distance that the front end of a vehicle
20 striking the side of the vehicle with the device will
21 slide under the side of the impacted vehicle.

22 “(18) ‘single unit truck’ means a truck with a
23 gross vehicle weight rating greater than 10,000
24 pounds (excluding any attached trailer).”; and

1 (5) by inserting after paragraph (19), as reded-
 2 icated, the following:

3 “(20) ‘trailer’ means a vehicle, with or without
 4 motive power, which is designed—

5 “(A) to carry persons or property; and

6 “(B) to be drawn by a motor vehicle.”.

7 **SEC. 4. UNDERRIDE GUARD RULEMAKING.**

8 (a) IN GENERAL.—Subchapter II of chapter 301 of
 9 title 49, United States Code, is amended by adding at the
 10 end the following:

11 **“§ 30129. Underride guards**

12 “(a) REAR UNDERRIDE GUARDS.—

13 “(1) IN GENERAL.—Not later than 1 year after
 14 the date of the enactment of this section, the Sec-
 15 retary shall issue a final rule to require the installa-
 16 tion of rear underride guards that meet the perform-
 17 ance standards described in paragraph (2) on all
 18 trailers, semi-trailers, and single unit trucks with a
 19 gross vehicle weight rating of more than 10,000
 20 pounds that are manufactured on or after the effec-
 21 tive date of the rule.

22 “(2) PERFORMANCE STANDARDS.—A rear
 23 underride guard shall be considered to meet the per-
 24 formance standard referred to in paragraph (1) if a
 25 passenger motor vehicle traveling at 35 miles per

1 hour is prevented, as verified through crash testing
2 while attached to a trailer, from moving underneath
3 the rear of a trailer, semi-trailer, or single unit truck
4 on which the rear underride guard has been installed
5 after—

6 “(A) an impact in which the passenger ve-
7 hicle impacts the center of the rear of the trail-
8 er, semi-trailer, or single unit truck;

9 “(B) an impact in which 50 percent the
10 width of the passenger vehicle overlaps the rear
11 of the trailer, semi-trailer, or single unit truck;
12 and

13 “(C) an impact in which 30 percent of the
14 width of the passenger vehicle overlaps the rear
15 of the trailer, semi-trailer, or single unit truck.

16 “(3) RETROFIT REQUIREMENTS.—Not later
17 than 2 years after the date of the enactment of this
18 section, the Secretary shall issue a final rule requir-
19 ing the installation of rear underride guards de-
20 scribed in paragraph (1) on all trailers, semi-trailers,
21 and single unit trucks with a gross vehicle weight
22 rating of more than 10,000 pounds that are manu-
23 factured before the effective date of the rule required
24 by paragraph (1).

25 “(4) COMPLIANCE DATES.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), compliance with each of the
3 rules issued by the Secretary under paragraphs
4 (1) and (3) shall be required beginning 1 year
5 after the date on which the final rule is pub-
6 lished in the Federal Register.

7 “(B) PHASE-IN.—The Secretary may per-
8 mit a phase-in period (not to exceed 2 years)
9 for the installation of rear underride guards on
10 trailers, semi-trailers, and single unit trucks de-
11 scribed in paragraph (3).

12 “(b) SIDE UNDERRIDE GUARDS.—

13 “(1) IN GENERAL.—Not later than 1 year after
14 the date of the enactment of this section, the Sec-
15 retary shall issue a final rule requiring the installa-
16 tion of side underride guards that meet the perform-
17 ance standards described in paragraph (3) on all
18 trailers, semi-trailers, and single unit trucks with a
19 gross vehicle rating of more than 10,000 pounds
20 manufactured on or after the effective date of the
21 rule.

22 “(2) RETROFIT REQUIREMENTS.—Not later
23 than 2 years after the date of the enactment of this
24 section, the Secretary shall issue a final rule requir-
25 ing all trailers, semi-trailers, and single unit trucks

1 with a gross vehicle rating of more than 10,000
2 pounds manufactured before the effective date of the
3 rule required by paragraph (1) to be equipped with
4 side underride guards that meet the performance
5 standards described in paragraph (3).

6 “(3) PERFORMANCE STANDARDS.—A side
7 underride guard meets the performance standards
8 described in this paragraph if the side underride
9 guard is able to prevent intrusion from the body or
10 frame of a vehicle described in paragraph (1) into
11 the passenger compartment of a passenger motor ve-
12 hicle that contacts the guard while traveling 35
13 miles per hour at any angle between 10 degrees and
14 90 degrees.

15 “(4) COMPLIANCE DATES.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), compliance with each of the
18 rules issued by the Secretary under paragraphs
19 (1) and (2) shall be required beginning on the
20 date that is 1 year after the respective issuance
21 date of each such rule.

22 “(B) PHASE-IN.—The Secretary may per-
23 mit a phase-in period, not to exceed 3 years,
24 pursuant to paragraph (2) for the installation

1 of side underride guards on trailers and semi-
2 trailers described in that paragraph.

3 “(c) FRONT UNDERRIDE GUARDS.—

4 “(1) RULE REQUIRED.—Not later than 2 years
5 after the date of the enactment of this section, the
6 Secretary shall issue a final rule requiring all com-
7 mercial motor vehicles with a gross vehicle weight
8 rating of more than 10,000 pounds manufactured on
9 or after the effective date of the rule to be equipped
10 with front underride guards.

11 “(2) REPORT.—Not later than 1 year after the
12 date of enactment of this section, the Secretary
13 shall—

14 “(A) complete research on equipping com-
15 mercial motor vehicles with a gross weight rat-
16 ing of more than 10,000 pounds with a front
17 underride guard to prevent trucks from over-
18 riding the passenger vehicle; and

19 “(B) submit to the Committee on Com-
20 merce, Science, and Transportation of the Sen-
21 ate and the Committees on Transportation and
22 Infrastructure and Energy and Commerce of
23 the House of Representatives a report on the
24 research described in subparagraph (A).

1 “(3) RETROFIT REQUIREMENTS.—Not later
2 than 3 years after the date of the enactment of this
3 section, the Secretary shall issue a rule requiring all
4 commercial motor vehicles with a gross vehicle
5 weight rating of more than 10,000 pounds to be
6 equipped with a front underride guard.

7 “(4) COMPLIANCE DATES.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), compliance with each of the
10 rules issued by the Secretary under paragraphs
11 (1) and (3) shall be required beginning on the
12 date that is 1 year after the respective issuance
13 date of each such rule.

14 “(B) PHASE-IN.—The Secretary may per-
15 mit a phase-in period (not to exceed 3 years)
16 pursuant to paragraph (3) for the installation
17 of front underride guards on commercial motor
18 vehicles.

19 “(d) MAINTENANCE REQUIREMENTS.—

20 “(1) REVISED STANDARD.—

21 “(A) IN GENERAL.—The Secretary shall
22 require that the underride guard required under
23 this section be maintained in safe and proper
24 operating condition to maximize its effective-
25 ness in saving lives.

1 “(B) PERIODIC INSPECTIONS.—The Sec-
2 retary shall require periodic inspections of the
3 comprehensive underride protection system in
4 trailers, semi-trailers, and single unit trucks to
5 ensure that the guards are in safe and proper
6 operating condition, including identification of
7 any rust, corrosion, cracked welds, cracked or
8 fractured vertical members, cuts, or tears in
9 any underride guard to ensure the integrity of
10 the guard.

11 “(C) EFFECT OF INSPECTION RESULTS.—

12 “(i) PASSING.—In carrying out sub-
13 paragraph (B), the Secretary shall—

14 “(I) authorize motor vehicles that
15 pass the inspection described in sub-
16 paragraph (B) to display a Commer-
17 cial Vehicle Safety Alliance Inspection
18 Decal, which shall be valid for 3
19 months; and

20 “(II) permit the reinspection of
21 motor vehicles.

22 “(ii) NOT PASSING.—The Secretary
23 shall—

24 “(I) require that any motor vehi-
25 cle that does not pass the inspection

1 described in subparagraph (B) be
2 issued an Out of Service violation and
3 bear an Out of Service Vehicle sticker;
4 and

5 “(II) require the vehicle owner or
6 lessor—

7 “(aa) to pay a fine; and

8 “(bb) to repair or replace
9 equipment, as necessary, so that
10 the comprehensive underride pro-
11 tection system is in safe and
12 proper operating condition at all
13 times before a driver may operate
14 the vehicle.

15 “(2) INSPECTIONS AND REPAIRS.—

16 “(A) POST-ACCIDENT INSPECTIONS.—To
17 ensure that underride guards are maintained in
18 safe and proper operating condition at all times,
19 the Secretary shall require—

20 “(i) the inspection of underride
21 guards immediately following a crash that
22 impacts an underride guard; and

23 “(ii) the owner or lessor of the vehicle
24 involved in such crash to inspect and re-
25 pair or replace the underride guard so that

1 it is in safe and proper operating condition
 2 at all times before the vehicle is allowed to
 3 be driven.

4 “(B) PRE-TRIP INSPECTIONS.—The Sec-
 5 retary shall require drivers—

6 “(i) to conduct a pre-trip inspection of
 7 the comprehensive underride protection
 8 system of their trailer, semi-trailer, or sin-
 9 gle unit truck to identify any rust, corro-
 10 sion, cracked welds, cracked or fractured
 11 vertical members, cuts and tears in any
 12 underride guard, and to ensure the dimen-
 13 sional integrity of such guards;

14 “(ii) to include the results of the in-
 15 spection described in clause (i) in the driv-
 16 er vehicle inspection report; and

17 “(iii) to complete any necessary re-
 18 pairs to, or replacement of, the underride
 19 protection system before the vehicle is op-
 20 erated.”.

21 (b) CLERICAL AMENDMENT.—The chapter analysis
 22 for chapter 301 of title 49, United States Code, is amend-
 23 ed by striking the item relating to section 30128 and in-
 24 serting the following:

“30128. Vehicle rollover prevention and crash mitigation.

“30129. Underride guards.”.

1 (c) RULEMAKINGS.—The Secretary shall amend—

2 (1) section 396.17 of title 49, Code of Federal
3 Regulations, and appendix G to subchapter B of
4 chapter III of that title, in accordance with section
5 30129(d)(1)(B) of title 49, United States Code (as
6 added by subsection (a));

7 (2) section 398.8 of title 49, Code of Federal
8 Regulations, by revising Form MCS 64 in accord-
9 ance with section 30129(d)(1)(C)(ii) of title 49,
10 United States Code (as added by subsection (a));

11 (3) section 396.11 of title 49, Code of Federal
12 Regulations, in accordance with section
13 30129(d)(2)(B) of title 49, United States Code (as
14 added by subsection (a)); and

15 (4) appendix G to subchapter B of chapter III
16 of title 49, Code of Federal Regulations—

17 (A) by redesignating paragraphs 6 through
18 14 as paragraphs 7 through 15, respectively;
19 and

20 (B) by inserting after paragraph 5 the fol-
21 lowing:

22 “(6) REAR IMPACT GUARDS AND REAR END
23 PROTECTION.—Any trailer or semitrailer required
24 under section 393.86 to be equipped with a rear im-
25 pact guard or rear end protection—

1 “(A) that does not meet the requirements
2 under section 393.86;

3 “(B) that is missing or has rust, corrosion,
4 cracked welds, cracked or fractured vertical
5 members, or cuts or tears in any underride
6 guard component; or

7 “(C) for which the dimensional integrity of
8 the guard or protection is compromised.”.

9 **SEC. 5. RESEARCH AND PERIODIC REVIEW OF UNDERRIDE**
10 **GUARD STANDARDS.**

11 (a) **REQUEST FOR PROPOSALS.**—As soon as prac-
12 ticable, the Secretary of Transportation shall issue a Re-
13 quest for Proposals for the design of 2 high capacity rear
14 underride barrier prototypes of a generic guard (with en-
15 ergy absorption and without energy absorption) to prevent
16 underride crashes and protect motor vehicle passengers
17 against severe injury at crash speeds of up to 65 miles
18 per hour.

19 (b) **EVALUATION.**—The Secretary shall—

20 (1) evaluate the proposals received in response
21 to the Request for Proposals issued pursuant to sub-
22 section (a); and

23 (2) update the underride guard standards
24 under section 30129 of title 49, United States Code,

1 as appropriate, to provide the best underride protec-
2 tion that is technologically feasible.

3 (c) PERIODIC REVIEWS.—

4 (1) IN GENERAL.—Not later than 5 years after
5 the underride guard standards are updated pursuant
6 to subsection (b)(2), and every 5 years thereafter,
7 the Secretary shall—

8 (A) conduct a review of underride guard
9 standards to evaluate the need for changes in
10 response to advancements in technology; and

11 (B) update such standards accordingly.

12 (2) REPORT.—After each review conducted
13 under this section, the Secretary shall submit to the
14 Committee on Commerce, Science, and Transpor-
15 tation of the Senate and the Committees on Trans-
16 portation and Infrastructure and Energy and Com-
17 merce of the House of Representatives a report on
18 the results of the review.

19 **SEC. 6. COMMITTEE ON UNDERRIDE PROTECTION.**

20 (a) ESTABLISHMENT.—The Secretary of Transpor-
21 tation shall establish the Committee on Underride Protec-
22 tion (referred to in this section as the “Committee”) to
23 oversee the ongoing underride rulemaking process.

24 (b) REPRESENTATION.—The Committee shall be
25 composed of—

- 1 (1) truck and trailer manufacturers;
- 2 (2) motor vehicle engineers, including techni-
3 cians who work on motor vehicle safety improve-
4 ments;
- 5 (3) motor vehicle crash reconstructionists;
- 6 (4) traffic safety organizations;
- 7 (5) public health or injury prevention profes-
8 sionals; and
- 9 (6) at least 2 people whose families have been
10 impacted by an underride crash.

11 (c) MEETINGS.—The Committee shall meet—

12 (1) until the final rules have been issued pursu-
13 ant to section 30129 of title 49, United States Code,
14 as added by section 4—

15 (A) monthly, via conference call; and

16 (B) quarterly, in person, at the Depart-
17 ment of Transportation headquarters; and

18 (2) subsequent to the issuance of the final rules
19 described in paragraph (1), annually, at the Depart-
20 ment of Transportation headquarters, to assess the
21 status of underride crash protection.

22 (d) ANNUAL REPORT.—The Committee shall submit
23 an annual report to the appropriate congressional commit-
24 tees that describes the progress made by the Secretary of
25 Transportation in meeting the rulemaking deadlines set

1 forth in section 30129 of title 49, United States Code,
2 as added by section 4.

3 **SEC. 7. PUBLICATION OF VICTIMS OF TRUCK UNDERRIDE**
4 **CRASHES.**

5 The Secretary of Transportation shall—

- 6 (1) publish data on victims of truck underride
7 crashes on a publicly accessible website; and
8 (2) update the data described in paragraph (1)
9 not less frequently than quarterly.

○