

117TH CONGRESS
1ST SESSION

S. 605

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

MARCH 4, 2021

Mrs. GILLIBRAND (for herself, Mr. RUBIO, Mr. BURR, Mr. BLUMENTHAL, Ms. DUCKWORTH, Mr. KING, Mrs. FEINSTEIN, Mr. WYDEN, Mr. LUJÁN, Mr. CASEY, Mr. MARKEY, Mr. BOOKER, and Mr. MERKLEY) 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 **SEC. 2. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress finds that—

1 (1) underride crashes involving passenger motor
 2 vehicles striking and traveling underneath a truck or
 3 trailer are a significant public health and safety
 4 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 and rear
 12 and side underride guards on single unit trucks to
 13 improve passenger motor vehicle safety; and

14 (4) this Act is introduced in the memory of the
 15 thousands of victims of underride crashes, includ-
 16 ing—

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

Hein, Erin Alexander, Jordan Hensley, Edward Hall, Leslie Rosenberg, Sophie Rosenberg, Ally Davis, Matthew Simon, Alexandria Dugas, David Kent Williams, Alexander David Wolf, Audria “Audi” Mignon Truelove, Caitlin Renee Preston, Catherine Rosella Shore, Jeri Lynn Monette, Michael Rossi, Carl Tackett, Abigail Johnson, Harold Doug Fitch, Zac Plantz, and Matthew Burnett;

(B) those whose catastrophic injuries dramatically changed their lives, including Julie Magnan, Nancy Meuleners, Joshua Rojas, Maiv Yang, Anita Plantage Bomgaars, Michael B. Hawkins, and Kerry Rois; and

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

(b) PURPOSES.—The purposes of this Act are—

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

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

SEC. 3. DEFINITIONS.

Section 30102(a) of title 49, United States Code, is amended—

1 (1) in the matter preceding paragraph (1), by
 2 striking “chapter—” and inserting “chapter:”;

3 (2) by redesignating paragraphs (1), (2), (3),
 4 (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13)
 5 as paragraphs (2), (3), (4), (5), (7), (8), (9), (10),
 6 (11), (12), (15), (20), and (22), respectively;

7 (3) by inserting before paragraph (2) (as so re-
 8 designated) the following:

9 “(1) ‘comprehensive underride protection sys-
 10 tem’ means all of the front underride guards, rear
 11 underride guards, or side underride guards, as appli-
 12 cable, installed on a motor vehicle.”;

13 (4) by inserting after paragraph (5) (as so re-
 14 designated) the following:

15 “(6) ‘front underride guard’ means a device in-
 16 stalled on or near the front of a motor vehicle that
 17 prevents or limits the distance that a vehicle struck
 18 by the vehicle with the device will slide under the
 19 front of the striking vehicle.”;

20 (5) by inserting after paragraph (12) (as so re-
 21 designated) the following:

22 “(13) ‘passenger motor vehicle’ has the mean-
 23 ing given that term in section 32101.

24 “(14) ‘rear underride guard’ means a device in-
 25 stalled on or near the rear of a motor vehicle that

1 prevents or limits the distance that the front end of
2 a vehicle striking the rear of the vehicle with the de-
3 vice will slide under the rear of the impacted vehi-
4 cle.”;

5 (6) by inserting after paragraph (15) (as so re-
6 designated) the following:

7 “(16) ‘Secretary’ means the Secretary of Trans-
8 portation.

9 “(17) ‘semi-trailer’ means a trailer, other than
10 a pole trailer, which is designed to rest upon, or be
11 carried by, a motor vehicle.

12 “(18) ‘side underride guard’ means a device in-
13 stalled on or near the side of a motor vehicle that
14 prevents or limits the distance that the front end of
15 a vehicle striking the side of the vehicle with the de-
16 vice will slide under the side of the impacted vehicle.

17 “(19) ‘single unit truck’ means a truck (exclud-
18 ing any attached trailer).”;

19 (7) by inserting after paragraph (20) (as so re-
20 designated) the following:

21 “(21) ‘trailer’ means a vehicle, with or without
22 motive power, that is designed—

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

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

1 (8) by inserting “The term” after the para-
 2 graph designation in each of paragraphs (1) through
 3 (22) (as so redesignated); and
 4 (9) in each of paragraphs (1) through (22) (as
 5 so redesignated), by inserting a paragraph heading,
 6 the text of which is comprised of the term defined
 7 in the paragraph.

8 **SEC. 4. UNDERRIDE GUARD RULEMAKING.**

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

12 **“§ 30129. Underride guards**

13 “(a) REAR UNDERRIDE GUARDS.—

14 “(1) IN GENERAL.—Not later than 1 year after
 15 the date of enactment of this section, the Secretary
 16 shall issue a final rule to require the installation of
 17 rear underride guards that meet the performance
 18 standards described in paragraph (2) on—

19 “(A) any trailer with a gross vehicle weight
 20 rating of 10,000 pounds or more that is manu-
 21 factured on or after the effective date of the
 22 rule;

23 “(B) any semi-trailer with a gross vehicle
 24 weight rating of 10,000 pounds or more that is

1 manufactured on or after the effective date of
2 the rule; and

3 “(C) any single unit truck—

4 “(i) the bottom of the carriage of
5 which is greater than 22 inches above the
6 ground;

7 “(ii) with a gross vehicle weight rating
8 of 10,000 pounds or more; and

9 “(iii) that is manufactured on or after
10 the effective date of the rule.

11 “(2) PERFORMANCE STANDARDS.—A rear
12 underride guard shall be considered to meet the per-
13 formance standard referred to in paragraph (1) if
14 the rear underride guard is able to prevent intrusion
15 from the body or frame of a vehicle described in that
16 paragraph into the passenger compartment of a pas-
17 senger motor vehicle that contacts the guard while
18 traveling at 35 miles per hour, as verified through
19 crash testing while attached to a trailer, after—

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

23 “(B) an impact in which 50 percent of the
24 width of the passenger vehicle overlaps the rear

1 of the trailer, semi-trailer, or single unit truck;
2 and

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

6 “(3) COMPLIANCE DATE.—Compliance with the
7 rule issued by the Secretary under paragraph (1)
8 shall be required beginning 1 year after the date on
9 which the final rule is published in the Federal Reg-
10 ister.

11 “(b) SIDE UNDERRIDE GUARDS.—

12 “(1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this section, the Secretary
14 shall issue a final rule requiring the installation of
15 side underride guards that meet the performance
16 standards described in paragraph (2) on—

17 “(A) any trailer with a gross vehicle weight
18 rating of 10,000 pounds or more that is manu-
19 factured on or after the effective date of the
20 rule;

21 “(B) any semi-trailer with a gross vehicle
22 weight rating of 10,000 pounds or more that is
23 manufactured on or after the effective date of
24 the rule; and

25 “(C) any single unit truck—

1 “(i) the bottom of the carriage of
2 which is greater than 22 inches above the
3 ground;

4 “(ii) with a gross vehicle weight rating
5 of 10,000 pounds or more; and

6 “(iii) that is manufactured on or after
7 the effective date of the rule.

8 “(2) PERFORMANCE STANDARDS.—A side
9 underride guard shall be considered to meet the per-
10 formance standards referred to in paragraph (1) if
11 the side underride guard is able to prevent intrusion
12 from the body or frame of a vehicle described in that
13 paragraph into the passenger compartment of a pas-
14 senger motor vehicle that contacts the guard while
15 traveling 35 miles per hour at any angle between 10
16 degrees and 90 degrees.

17 “(3) COMPLIANCE DATE.—Compliance with the
18 rule issued by the Secretary under paragraph (1)
19 shall be required beginning on the date that is 1
20 year after the date on which the final rule is pub-
21 lished in the Federal Register.

22 “(c) FRONT UNDERRIDE GUARDS.—

23 “(1) IN GENERAL.—Not later than 2 years
24 after the date of enactment of this section, the Sec-

1 retary shall issue a final rule requiring the installa-
2 tion of front underride guards on—

3 “(A) any semi-truck with a gross vehicle
4 weight rating of 10,000 pounds or more that is
5 manufactured on or after the effective date of
6 the rule; and

7 “(B) any single unit truck—

8 “(i) the bottom of the carriage of
9 which is greater than 22 inches above the
10 ground;

11 “(ii) with a gross vehicle weight rating
12 of 10,000 pounds or more; and

13 “(iii) that is manufactured on or after
14 the effective date of the rule.

15 “(2) COMPLIANCE DATE.—Compliance with the
16 rule issued by the Secretary under paragraph (1)
17 shall be required beginning on the date that is 1
18 year after the date on which the final rule is pub-
19 lished in the Federal Register.

20 “(3) REPORT.—Not later than 1 year after the
21 date of enactment of this section, the Secretary
22 shall—

23 “(A) complete research on equipping the
24 vehicles described in paragraph (1) with a front

1 underride guard to prevent trucks from over-
2 riding the passenger vehicle; and

3 “(B) submit to the Committee on Com-
4 merce, Science, and Transportation of the Sen-
5 ate and the Committees on Transportation and
6 Infrastructure and Energy and Commerce of
7 the House of Representatives a report on the
8 research described in subparagraph (A).

9 “(d) INSPECTION AND REPAIR REQUIREMENTS.—

10 “(1) POST-ACCIDENT INSPECTIONS.—To ensure
11 that all trailers, semi-trailers, and single unit trucks
12 are maintained in safe and proper operating condi-
13 tion at all times, the Secretary shall require that any
14 trailer, semi-trailer, or single unit truck involved in
15 an accident (as defined in section 390.5 of title 49,
16 Code of Federal Regulations (or a successor regula-
17 tion)) undergo and pass an inspection described in
18 appendix G to subchapter B of chapter III of title
19 49, Code of Federal Regulations (or successor regu-
20 lations), to certify that all components of the trailer,
21 semi-trailer, or single unit truck, as applicable, are
22 in safe and proper operating condition.

23 “(2) PRE-TRIP INSPECTIONS.—The Secretary
24 shall require drivers—

1 “(A) to conduct a pre-trip inspection of the
 2 comprehensive underride protection system re-
 3 quired under this section on their trailer, semi-
 4 trailer, or single unit truck—

5 “(i) to identify—

6 “(I) any metal perforated by rust
 7 or corrosion that compromises struc-
 8 tural integrity;

9 “(II) cracked welds;

10 “(III) cracked or fractured
 11 vertical members;

12 “(IV) cuts and tears in any
 13 underride guard; and

14 “(V) missing fasteners and loose
 15 fasteners; and

16 “(ii) to ensure the dimensional integ-
 17 rity of those guards;

18 “(B) to include the results of the inspec-
 19 tion described in subparagraph (A) in the driver
 20 vehicle inspection report; and

21 “(C) to complete any necessary repairs to,
 22 or replacement of, the underride protection sys-
 23 tem before the vehicle is operated.”.

24 (b) CLERICAL AMENDMENT.—The chapter analysis
 25 for chapter 301 of title 49, United States Code, is amend-

1 ed by striking the item relating to section 30128 and in-
 2 serting the following:

“30128. Vehicle rollover prevention and crash mitigation.
 “30129. Underride guards.”.

3 (c) RULEMAKINGS.—The Secretary of Transpor-
 4 tation shall amend—

5 (1) sections 396.11 and 396.13 of title 49,
 6 Code of Federal Regulations, in accordance with sec-
 7 tion 30129(d)(2) of title 49, United States Code (as
 8 added by subsection (a));

9 (2) section 396.17 of title 49, Code of Federal
 10 Regulations, to include a requirement that motor
 11 carriers and intermodal equipment providers include
 12 an inspection of the comprehensive underride protec-
 13 tion system (as defined in section 30102(a) of title
 14 49, United States Code) of the commercial motor ve-
 15 hicle in a periodic inspection required under section
 16 396.17 of title 49, Code of Federal Regulations;

17 (3) section 392.7 of title 49, Code of Federal
 18 Regulations, to include the comprehensive underride
 19 protection system (as defined in section 30102(a) of
 20 title 49, United States Code) in the list of parts and
 21 accessories and components required to be in good
 22 working order under each of subsections (a) and (b)
 23 of section 392.7 of title 49, Code of Federal Regula-
 24 tions; and

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

(A) by redesignating paragraphs 6 (relat-
ing to safe loading) through 14 (relating to mo-
torcoach seats) as paragraphs 7 through 15, re-
spectively; and

(B) by inserting after paragraph 5 (relat-
ing to lighting devices) the following:

“6. REAR IMPACT GUARDS AND REAR END PRO-
TECTION.—Any trailer or semitrailer required under
section 393.86 to be equipped with a rear impact
guard or rear end protection—

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

“(B) that—

“(i) is missing; or

“(ii) has—

“(I) any metal perforated by rust
or corrosion that compromises struc-
tural integrity;

“(II) a cracked weld;

“(III) a cracked or fractured
vertical member;

“(IV) a cut or tear in any
underride guard component; or

1 “(V) a missing fastener or a
2 loose fastener; or

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

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

7 (a) REQUEST FOR PROPOSALS.—As soon as prac-
8 ticable, the Secretary of Transportation (referred to in
9 this section as the “Secretary”) shall issue a Request for
10 Proposals for the design of 2 high-capacity rear underride
11 barrier prototypes of a generic guard (with energy absorp-
12 tion and without energy absorption) to prevent underride
13 crashes and protect motor vehicle passengers against se-
14 vere injury at crash speeds of up to 65 miles per hour.

15 (b) EVALUATION.—The Secretary shall—

16 (1) evaluate the proposals received in response
17 to the Request for Proposals issued pursuant to sub-
18 section (a); and

19 (2) update the underride guard standards
20 under section 30129 of title 49, United States Code
21 (as added by section 4(a)), as appropriate, to pro-
22 vide the best underride protection that is techno-
23 logically feasible.

24 (c) PERIODIC REVIEWS.—

1 (1) IN GENERAL.—At such times as the Sec-
 2 retary determines to be appropriate, the Secretary
 3 may—

4 (A) conduct a review of underride guard
 5 standards to evaluate the need for changes in
 6 response to advancements in technology; and

7 (B) upgrade the standards accordingly.

8 (2) REPORT.—After each review conducted
 9 under this subsection, the Secretary shall submit to
 10 the Committee on Commerce, Science, and Trans-
 11 portation of the Senate and the Committees on
 12 Transportation and Infrastructure and Energy and
 13 Commerce of the House of Representatives a report
 14 on the results of the review.

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

16 (a) ESTABLISHMENT.—The Secretary of Transpor-
 17 tation shall establish the Committee on Underride Protec-
 18 tion (referred to in this section as the “Committee”) to
 19 monitor the ongoing underride rulemaking process.

20 (b) REPRESENTATION.—The Committee shall be
 21 composed of—

22 (1) 1 representative of truck manufacturers;

23 (2) 1 representative of trailer manufacturers;

24 (3) 1 roadside inspector;

1 (4) 1 motor vehicle engineer, who shall be a
2 technician who works on motor vehicle safety im-
3 provements;

4 (5) 1 motor vehicle crash reconstructionist;

5 (6) 2 representatives of consumer-oriented traf-
6 fic safety organizations;

7 (7) 1 representative of the truck and auto in-
8 surance industry;

9 (8) 1 law enforcement crash investigator;

10 (9) 1 emergency medical service provider;

11 (10) 1 public health or injury prevention profes-
12 sional; and

13 (11) at least 4 people whose families have been
14 impacted by an underride crash.

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

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

19 (A) monthly, via conference call; and

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

22 (2) subsequent to the issuance of the final rules
23 described in paragraph (1), annually, at the Depart-
24 ment of Transportation headquarters, to assess the
25 status of underride crash protection.

1 (d) ANNUAL REPORT.—The Committee shall submit
2 an annual report to the appropriate congressional commit-
3 tees that describes the progress made by the Secretary of
4 Transportation in meeting the rulemaking deadlines set
5 forth in section 30129 of title 49, United States Code (as
6 added by section 4(a)).

7 **SEC. 7. PUBLICATION OF VICTIMS OF TRUCK UNDERRIDE**
8 **CRASHES.**

9 The Secretary of Transportation shall—

- 10 (1) publish data on victims of truck underride
11 crashes on a publicly accessible website; and
12 (2) update the data described in paragraph (1)
13 not less frequently than quarterly.

○