

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To reduce the incidence of death by underride by enhancing underride protection on trailers, semitrailers, and single unit trucks, which will result in more survivable truck crashes, to improve motor carrier, passenger motor vehicle, and Vulnerable Road User safety, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mrs. GILLIBRAND (for herself, Mr. LUJÁN, Mr. BLUMENTHAL, Mr. VAN HOLLEN, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To reduce the incidence of death by underride by enhancing underride protection on trailers, semitrailers, and single unit trucks, which will result in more survivable truck crashes, to improve motor carrier, passenger motor vehicle, and Vulnerable Road User 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       2.0”.

1 **SEC. 2. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) underride crashes involving passenger motor  
4 vehicles or Vulnerable Road Users, including motor-  
5 cyclists, striking and traveling underneath a truck or  
6 trailer are a significant public health and safety  
7 threat;

8 (2) the Advisory Committee on Underride Pro-  
9 tection established under section 23011(d)(1) of the  
10 Infrastructure Investment and Jobs Act (49 U.S.C.  
11 30111 note; Public Law 117–58) has reported that,  
12 since the formation of the National Highway Traffic  
13 Safety Administration over 50 years ago, “25,100  
14 underrides and 31,500 corresponding fatalities from  
15 side underride, rear underride, and front underride  
16 crashes” have occurred and concluded that “no sub-  
17 stantial progress has been made by DOT to prevent  
18 these horrific crash fatalities and injuries”;

19 (3) the National Transportation Safety Board  
20 has recommended the installation of rear underride  
21 guards, side underride guards, and front underride  
22 guards on tractor-trailers and rear underride guards  
23 and side underride guards on single unit trucks to  
24 improve Vulnerable Road User and passenger motor  
25 vehicle safety; and

1           (4) this Act is introduced in memory of the  
2       thousands of victims of underride crashes, includ-  
3       ing—

4                   (A) Roya Christine Sadigh, AnnaLeah  
5       Karth, Mary Lydia Karth, Sylvia Bingham,  
6       Roderick Cota, Moonjohn Kim, Corey Moore,  
7       Gregg Williams, Guy Champ Crawford, Carl  
8       Hall, Michael Higginbotham, Sandra  
9       Maddamma, David Mathis, Mary Katherine  
10      Mathis, James Mooney, Christopher Weigl, Bill  
11      Zink, David Magnan, Jasen Swift, Samuel Si-  
12      erra, Brittany McHargue, Christopher Samuel  
13      Padilla, Riley Hein, Erin Alexander, Jordan  
14      Hensley, Edward Hall, Leslie Rosenberg,  
15      Sophie Rosenberg, Ally Davis, Robin Hightman,  
16      Alex Wolf, Devyn Killion, Dustin Bosch, Ronald  
17      Alleman, Ashley Marie (Walker) Ramirez,  
18      Minh-Thi Nguyen, Melissa “Missy” De Leon,  
19      Mark Roderick, Karen Bucklew, and Tommy  
20      Yaqub;

21                  (B) those whose catastrophic injuries dra-  
22      matically changed their lives, including Julie  
23      Magnan, Nancy Meuleners, Joshua Rojas, Maiv  
24      Yang, Anita Plantage Bomgaars, Michael B.

1 Hawkins, Roosevelt Smith, and Robert  
2 Eshbaugh; and

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

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

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

9 (2) to ensure the efficacy of comprehensive  
10 underride protection systems on roads in the United  
11 States; and

12 (3) to improve Vulnerable Road User, motor  
13 carrier, and passenger motor vehicle safety.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) COMMERCIAL MOTOR VEHICLE.—The term  
17 “commercial motor vehicle” has the meaning given  
18 the term in section 31132 of title 49, United States  
19 Code.

20 (2) COMPREHENSIVE UNDERRIDE PROTECTION  
21 SYSTEM.—The term “comprehensive underride pro-  
22 tection system” means all of the front underride  
23 guards, rear underride guards, or side underride  
24 guards, as applicable, installed on a commercial  
25 motor vehicle.

1           (3) FRONT UNDERRIDE GUARD.—The term  
2           “front underride guard” means a device installed on  
3           or near the front of a commercial motor vehicle that  
4           prevents or limits the distance that a vehicle struck  
5           by the commercial motor vehicle with the device will  
6           slide under the front of the striking commercial  
7           motor vehicle.

8           (4) REAR UNDERRIDE GUARD.—The term “rear  
9           underride guard” has the meaning given the term  
10          “rear impact guard” in section 571.223 of title 49,  
11          Code of Federal Regulations (or a successor regula-  
12          tion).

13          (5) TITLE 49 TERMS.—The terms “passenger  
14          motor vehicle”, “semitrailer”, “side underride  
15          guard”, “single unit truck”, “trailer”, and “Vulner-  
16          able Road User” have the meanings given those  
17          terms in section 30102(a) of title 49, United States  
18          Code.

19 **SEC. 4. AMENDMENTS TO TITLE 49 DEFINITIONS.**

20          (a) IN GENERAL.—Section 30102(a) of title 49,  
21          United States Code, is amended—

22               (1) by redesignating paragraphs (11), (12), and  
23               (13) as paragraphs (12), (17), and (19), respec-  
24               tively;

1           (2) by inserting after paragraph (10) the fol-  
2       lowing:

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

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

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

9           “(14) ‘semitrailer’ has the meaning given the  
10      term in section 571.3(b) of title 49, Code of Federal  
11      Regulations (or a successor regulation).

12          “(15) ‘side underride guard’ means a device in-  
13      stalled on or near the side of a trailer, semitrailer,  
14      or single unit truck that prevents or limits—

15          “(A) the distance that the front end of a  
16      vehicle striking the side of the trailer,  
17      semitrailer, or single unit truck with the device  
18      will slide under the side of the impacted trailer,  
19      semitrailer, or single unit truck; and

20          “(B) prevents Vulnerable Road Users from  
21      sliding under the trailer, semitrailer, or single  
22      unit truck with the device.

23          “(16) ‘single unit truck’ means a large commer-  
24      cial truck (excluding any attached trailer).”;

1 (4) by inserting after paragraph (17) (as so re-  
2 designated) the following:

3 “(18) ‘trailer’ has the meaning given the term  
4 in section 571.3(b) of title 49, Code of Federal Reg-  
5 ulations (or a successor regulation).”; and

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

8 “(20) ‘Vulnerable Road User’ has the meaning  
9 given the term ‘vulnerable road user’ in section  
10 148(a) of title 23.”.

11 (b) TECHNICAL AMENDMENTS.—Section 30102(a) of  
12 title 49, United States Code (as amended by subsection  
13 (a)), is amended—

14 (1) in each of paragraphs (1) through (18), by  
15 striking the period at the end and inserting a semi-  
16 colon; and

17 (2) in paragraph (19), by striking the period at  
18 the end and inserting “; and”.

19 **SEC. 5. UNDERRIDE GUARD RULEMAKING.**

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

23 **“§ 30130. Side underride guards for trailers,**  
24 **semitrailers, and single unit trucks**

25 **“(a) RULEMAKING.—**

1           “(1) IN GENERAL.—Not later than 18 months  
2           after the date of enactment of this section, the Sec-  
3           retary shall finalize regulations that prescribe new or  
4           updated motor vehicle safety standards that meet  
5           the performance standard described in paragraph  
6           (2), including by requiring the installation of side  
7           underride guards that meet that performance stand-  
8           ard on new trailers, semitrailers, and single unit  
9           trucks.

10           “(2) PERFORMANCE STANDARD DESCRIBED.—  
11           The performance standard referred to in paragraphs  
12           (1) and (3)(B)(i) is that side underride guards  
13           shall—

14                   “(A) prevent intrusion into the occupant  
15                   survival space of a passenger motor vehicle  
16                   when the passenger motor vehicle is struck, or  
17                   strikes, perpendicular to a trailer, semitrailer,  
18                   or single unit truck at any closing speed up to  
19                   and including 40 miles per hour;

20                   “(B) impede a Vulnerable Road User from  
21                   passing underneath a trailer, semitrailer, or sin-  
22                   gle unit truck in an interaction along the side  
23                   of the trailer, semitrailer, or single unit truck;  
24                   and



1           “(C) contribute to fuel efficiency through  
2           the integration of aerodynamic design or com-  
3           ponents furthering fuel efficiency.

4           “(3) COST-BENEFIT ANALYSES.—In finalizing  
5           regulations under paragraph (1), the Secretary shall  
6           consider and calculate in any cost-benefit analysis—

7           “(A) the number of deaths and injuries  
8           among passenger motor vehicle occupants and  
9           Vulnerable Road Users prevented as a result of  
10          those regulations; and

11          “(B) net fuel savings, which shall be equal  
12          to the difference between—

13               “(i) the cost of fuel expected to be  
14               consumed by applicable motor vehicles as a  
15               result of the adoption of the performance  
16               standard described in paragraph (2); and

17               “(ii) the cost of fuel estimated to be  
18               consumed by applicable motor vehicles at  
19               the existing rate of voluntary adoption of  
20               aerodynamic side skirts without side  
21               underride guards as of the date on which  
22               those regulations are finalized.

23          “(b) COMPLIANCE.—The regulations finalized under  
24          subsection (a) shall require full compliance with the new  
25          or updated motor vehicle safety standards prescribed

1 under that subsection not later than 2 years after the date  
2 on which those regulations are finalized.

3 “(c) REVIEW OF REGULATIONS.—Beginning not  
4 later than 5 years after the date on which regulations are  
5 finalized under subsection (a), and not less frequently  
6 than once every 5 years thereafter, the Secretary shall de-  
7 termine whether any update to the motor vehicle safety  
8 standards prescribed under that subsection is necessary  
9 to better prevent fatalities caused by underride crashes  
10 and improve roadway safety.”.

11 (b) CLARIFICATION.—If the Secretary of Transpor-  
12 tation withdraws the advanced notice of proposed rule-  
13 making of the National Highway Traffic Safety Adminis-  
14 tration entitled “Side Underride Guards” (88 Fed. Reg.  
15 24535 (April 21, 2023)) before the Secretary of Transpor-  
16 tation finalizes regulations in accordance with section  
17 30130(a)(1) of title 49, United States Code (as added by  
18 subsection (a)), that withdrawal shall not affect the re-  
19 quirement to finalize regulations in accordance with that  
20 section.

21 (c) CLERICAL AMENDMENTS.—The analysis for  
22 chapter 301 of title 49, United States Code, is amended—  
23 (1) by striking the item relating to section  
24 30128 and inserting the following:

“30128. Vehicle rollover prevention and crash mitigation.”; and

1 (2) by inserting after the item relating to sec-  
2 tion 30129 the following:

“30130. Side underride guards for trailers, semitrailers, and single unit  
trucks.”.

3 **SEC. 6. ADVISORY COMMITTEE ON UNDERRIDE PROTEC-**  
4 **TION.**

5 (a) RECONVENING OF ADVISORY COMMITTEE.—Not  
6 later than 180 days after the date of enactment of this  
7 Act, the Secretary of Transportation shall reconvene the  
8 Advisory Committee on Underride Protection established  
9 under subsection (d)(1) of section 23011 of the Infrastruc-  
10 ture Investment and Jobs Act (49 U.S.C. 30111 note;  
11 Public Law 117–58) in accordance with the requirements  
12 of that section.

13 (b) AMENDMENTS.—Section 23011(d) of the Infra-  
14 structure Investment and Jobs Act (49 U.S.C. 30111  
15 note; Public Law 117–58) is amended—

16 (1) in paragraph (2)—

17 (A) in subparagraph (A), in the matter  
18 preceding clause (i), by striking “20” and in-  
19 serting “22”; and

20 (B) in subparagraph (B)—

21 (i) by striking clause (ix);

22 (ii) by redesignating clause (x) as  
23 clause (ix); and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(x) Families of underride crash vic-  
4 tims who were occupants of a passenger  
5 motor vehicle.

6 “(xi) Families of underride crash vic-  
7 tims who were Vulnerable Road Users (as  
8 defined in section 30102(a) of title 49,  
9 United States Code).”;

10 (2) in paragraph (4), by striking “meet not less  
11 frequently than annually” and inserting the fol-  
12 lowing: “meet—

13 “(A) until final regulations have been pro-  
14 mulgated under section 30130(a) of title 49,  
15 United States Code—

16 “(i) monthly, via conference call or a  
17 virtual meeting platform; and

18 “(ii) annually, in person, at the De-  
19 partment of Transportation headquarters;  
20 and

21 “(B) subsequent to the issuance of the  
22 final regulations described in subparagraph (A),  
23 not less frequently than annually, in person, at  
24 the Department of Transportation head-

1           quarters, to assess the status of underride crash  
2           protection.”;

3           (3) in paragraph (5), by inserting “including  
4           deliberative materials,” after “information,”;

5           (4) in paragraph (6), in the matter preceding  
6           subparagraph (A), by striking “a biennial” and in-  
7           serting “an annual”; and

8           (5) by adding at the end the following:

9           “(7) TERMINATION DATE.—Notwithstanding  
10          chapter 10 of title 5, United States Code, the Com-  
11          mittee shall terminate on September 30, 2031.”.

12 **SEC. 7. PUBLICATION OF UNDERRIDE RESEARCH, RE-**  
13 **PORTS, AND RECOMMENDATIONS.**

14          (a) IN GENERAL.—The Secretary of Transportation  
15          (referred to in this section as the “Secretary”) shall pub-  
16          lish a publicly accessible website to provide the industry,  
17          researchers, advocates, and the public with a repository  
18          of underride resources, including—

19               (1) research conducted or contracted by the De-  
20               partment of Transportation (referred to in this sec-  
21               tion as the “Department”) on rear underride guards  
22               or other rear impact guards;

23               (2) research conducted or contracted by the De-  
24               partment on side underride guards or other side im-  
25               pact guards;

1 (3) research conducted or contracted by the De-  
2 partment on front underride guards or other front  
3 impact guards;

4 (4) a link to the database for the Advisory  
5 Committee on Underride Protection established  
6 under section 23011(d)(1) of the Infrastructure In-  
7 vestment and Jobs Act (49 U.S.C. 30111 note; Pub-  
8 lic Law 117–58), which shall be updated in a timely  
9 manner;

10 (5) information and links relating to all  
11 underride rulemakings of the Department;

12 (6) stories of victims of underride crashes; and

13 (7) documentation of past and ongoing data  
14 collection relating to underride crashes.

15 (b) UPDATES.—The Secretary shall update the re-  
16 sources described in subsection (a) not less frequently  
17 than quarterly.

18 **SEC. 8. NASEM AND GAO STUDIES.**

19 (a) NASEM STUDY.—

20 (1) IN GENERAL.—Not later than 1 year after  
21 the date of enactment of this Act, the Secretary of  
22 Transportation shall seek to enter into an agreement  
23 with the National Academies of Sciences, Engineer-  
24 ing, and Medicine (referred to in this subsection as  
25 the “National Academies”) under which the Na-

1        tional Academies shall conduct a study on the preva-  
2        lence of crashes involving the front of large trucks,  
3        including the threat of those crashes on Vulnerable  
4        Road Users.

5            (2) REPORT.—Not later than 180 days after  
6        the date on which the National Academies completes  
7        the study required under paragraph (1), the Na-  
8        tional Academies shall submit to Congress a report  
9        on the results of the study, which shall include—

10            (A) recommendations on—

11                    (i) how to better prevent crashes  
12                    where the front of large trucks contacts a  
13                    passenger motor vehicle in a manner that  
14                    causes the passenger motor vehicle to slide  
15                    under the large truck; and

16                    (ii) how to prevent deaths resulting  
17                    from those crashes;

18            (B) a description of the efficacy of prevent-  
19        ative or protective devices on commercial motor  
20        vehicles, such as front override guards, in pre-  
21        venting deaths resulting from those crashes;  
22        and

23            (C) statistics, since 2010, describing the  
24        prevalence of fatal and non-fatal crashes de-  
25        scribed in subparagraph (A)(i), including rear

1           underride and side underride crashes, which  
2           shall include—

3                   (i) the type, make, and model of vehi-  
4                   cles involved in those crashes;

5                   (ii) the types of roads on which those  
6                   crashes have occurred; and

7                   (iii) the number of fatalities that oc-  
8                   curred as a result of those crashes.

9       (b) GAO STUDY.—

10           (1) IN GENERAL.—Not later than 1 year after  
11       the date of enactment of this Act, the Comptroller  
12       General of the United States (referred to in this  
13       subsection as the “Comptroller General”) shall con-  
14       duct a study on the implementation of the final rule  
15       of the National Highway Traffic Safety Administra-  
16       tion entitled “Federal Motor Vehicle Safety Stand-  
17       ards; Rear Impact Guards, Rear Impact Protection”  
18       (87 Fed. Reg. 42339 (July 15, 2022)).

19           (2) REPORT.—Not later than 180 days after  
20       the date on which the Comptroller General completes  
21       the study required under paragraph (1), the Comp-  
22       troller General shall submit to the Secretary of  
23       Transportation and Congress a report on the results  
24       of the study, which shall include—



1 (A) an analysis of the implementation of  
2 the final rule described in that paragraph;

3 (B) if applicable, recommendations to the  
4 Department of Transportation describing im-  
5 provements to that final rule or its implementa-  
6 tion; and

7 (C) recommendations to Congress and the  
8 Department of Transportation on how to better  
9 prevent underrides in crashes occurring at the  
10 rear of trailers, semitrailers, and single unit  
11 trucks.

12 **SEC. 9. FARS REVIEW; WEB-BASED TRAINING FOR STATE**  
13 **AND LOCAL LAW ENFORCEMENT.**

14 (a) FARS REVIEW.—Not later than 1 year after the  
15 date of enactment of this Act, the Administrator of the  
16 National Highway Traffic Safety Administration (referred  
17 to in this section as the “Administrator”) shall conduct  
18 a review of the Fatality Analysis Reporting System of the  
19 National Highway Traffic Safety Administration to deter-  
20 mine—

21 (1) the number of fatalities in crashes reported  
22 as an underride crash by State or local law enforce-  
23 ment;

24 (2) the number of fatalities in crashes that were  
25 not reported as an underride crash by State or local

1 law enforcement but should have been reported as  
2 an underride crash, as determined by the Adminis-  
3 trator after reviewing, with respect to each such  
4 crash—

5 (A) the initial point of impact of the crash,  
6 if the crash is a fatal crash involving a large  
7 truck;

8 (B) the Crash Investigation Sampling Sys-  
9 tem of the National Highway Traffic Safety  
10 Administration;

11 (C) open-source media reports with docu-  
12 mented photo evidence of an underride occur-  
13 rence; and

14 (D) any other data and documentation, as  
15 determined appropriate by the Administrator;  
16 and

17 (3) recommendations that would improve inci-  
18 dent reporting by State and local law enforcement.

19 (b) WEB-BASED TRAINING.—Not later than 18  
20 months after the date of enactment of this Act, the Ad-  
21 ministrator shall develop free on-demand, web-based train-  
22 ing for State and local law enforcement on how to properly  
23 identify and document underride crashes.