

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.

IN THE SENATE OF THE UNITED STATES

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 _____

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

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;

(B) those whose catastrophic injuries dramatically changed their lives, including Julie Magnan, Nancy Meuleners, Joshua Rojas, Maiw 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.

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;

(2) by inserting after paragraph (10) the following:

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—

“(B) prevents Vulnerable Road Users from sliding under the trailer, semitrailer, or single 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—

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

“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.

(b) AMENDMENTS.—Section 23011(d) of the Infrastructure Investment and Jobs Act (49 U.S.C. 30111 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:

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—

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-

quarters, to assess the status of underride crash 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;

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 —

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 vehicles involved in those crashes;

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

9 (b) GAO STUDY

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

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.