

117TH CONGRESS
1ST SESSION

H. R. 1622

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 HOUSE OF REPRESENTATIVES

MARCH 8, 2021

Mr. COHEN (for himself, Mr. DESAULNIER, Mr. HASTINGS, Mr. CARSON, Mr. PAYNE, Ms. SCHAKOWSKY, Ms. TITUS, Ms. MOORE of Wisconsin, Mr. GARCÍA of Illinois, Mr. GARAMENDI, Mr. ESPAILLAT, Mr. PRICE of North Carolina, Mr. RUPPERSBERGER, Mr. CARBAJAL, Ms. PINGREE, Mr. KEATING, Mrs. WATSON COLEMAN, Ms. PRESSLEY, Ms. MENG, Mr. KILDEE, Mr. MEEKS, Ms. CHU, and Mr. NADLER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) underride crashes involving passenger motor
4 vehicles striking and traveling underneath a truck or
5 trailer are a significant public health and safety
6 threat;

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

11 (3) the National Transportation Safety Board
12 has recommended the installation of rear, side, and
13 front underride guards on tractor-trailers and rear
14 and side underride guards on single unit trucks to
15 improve passenger motor vehicle safety; and

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

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

1 McHargue, Christopher Samuel Padilla, Riley
2 Hein, Erin Alexander, Jordan Hensley, Edward
3 Hall, Leslie Rosenberg, Sophie Rosenberg, and
4 Ally Davis;

5 (B) those whose catastrophic injuries dra-
6 matically changed their lives, including Julie
7 Magnan, Nancy Meuleners, Joshua Rojas, Maiv
8 Yang, Anita Plantage Bomgaars, and Michael
9 B. Hawkins; and

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

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

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

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

18 **SEC. 3. DEFINITIONS.**

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

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

23 (2) by redesignating paragraphs (1), (2), (3),
24 (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13)

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

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

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

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

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

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

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

20 “(14) ‘rear underride guard’ means a device in-
21 stalled on or near the rear of a motor vehicle that
22 prevents or limits the distance that the front end of
23 a vehicle striking the rear of the vehicle with the de-
24 vice will slide under the rear of the impacted vehi-
25 cle.”;

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

3 “(16) ‘Secretary’ means the Secretary of Trans-
4 portation.

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

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

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

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

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

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

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

21 (8) by inserting “The term” after the para-
22 graph designation in each of paragraphs (1) through
23 (22) (as so redesignated); and

24 (9) in each of paragraphs (1) through (22) (as
25 so redesignated), by inserting a paragraph heading,

1 the text of which is comprised of the term defined
2 in the paragraph.

3 **SEC. 4. UNDERRIDE GUARD RULEMAKING.**

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

7 **“§ 30129. Underride guards**

8 “(a) REAR UNDERRIDE GUARDS.—

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

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

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

22 “(C) any single unit truck—

23 “(i) the bottom of the carriage of
24 which is greater than 22 inches above the
25 ground;

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

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

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

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

17 “(B) an impact in which 50 percent of the
18 width of the passenger vehicle overlaps the rear
19 of the trailer, semi-trailer, or single unit truck;
20 and

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

24 “(3) COMPLIANCE DATE.—Compliance with the
25 rule issued by the Secretary under paragraph (1)

1 shall be required beginning 1 year after the date on
2 which the final rule is published in the Federal Reg-
3 ister.

4 “(b) SIDE UNDERRIDE GUARDS.—

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

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

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

18 “(C) any single unit truck—

19 “(i) the bottom of the carriage of
20 which is greater than 22 inches above the
21 ground;

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

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

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

10 “(3) COMPLIANCE DATE.—Compliance with the
11 rule issued by the Secretary under paragraph (1)
12 shall be required beginning on the date that is 1
13 year after the date on which the final rule is pub-
14 lished in the Federal Register.

15 “(c) FRONT UNDERRIDE GUARDS.—

16 “(1) IN GENERAL.—Not later than 2 years
17 after the date of enactment of this section, the Sec-
18 retary shall issue a final rule requiring the installa-
19 tion of front underride guards on—

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

24 “(B) 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) COMPLIANCE DATE.—Compliance with the
9 rule issued by the Secretary under paragraph (1)
10 shall be required beginning on the date that is 1
11 year after the date on which the final rule is pub-
12 lished in the Federal Register.

13 “(3) REPORT.—Not later than 1 year after the
14 date of enactment of this section, the Secretary
15 shall—

16 “(A) complete research on equipping the
17 vehicles described in paragraph (1) with a front
18 underride guard to prevent trucks from over-
19 riding the passenger vehicle; and

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

1 “(d) INSPECTION AND REPAIR REQUIREMENTS.—

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

15 “(2) PRE-TRIP INSPECTIONS.—The Secretary
16 shall require drivers—

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

21 “(i) to identify—

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

25 “(II) cracked welds;

1 “(III) cracked or fractured
2 vertical members;

3 “(IV) cuts and tears in any
4 underride guard; and

5 “(V) missing fasteners and loose
6 fasteners; and

7 “(ii) to ensure the dimensional integ-
8 rity of those guards;

9 “(B) to include the results of the inspec-
10 tion described in subparagraph (A) in the driver
11 vehicle inspection report; and

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

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

“30128. Vehicle rollover prevention and crash mitigation.

“30129. Underride guards.”.

19 (c) RULEMAKINGS.—The Secretary of Transpor-
20 tation shall amend—

21 (1) sections 396.11 and 396.13 of title 49,
22 Code of Federal Regulations, in accordance with sec-
23 tion 30129(d)(2) of title 49, United States Code (as
24 added by subsection (a));

1 (2) section 396.17 of title 49, Code of Federal
2 Regulations, to include a requirement that motor
3 carriers and intermodal equipment providers include
4 an inspection of the comprehensive underride protec-
5 tion system (as defined in section 30102(a) of title
6 49, United States Code) of the commercial motor ve-
7 hicle in a periodic inspection required under section
8 396.17 of title 49, Code of Federal Regulations;

9 (3) section 392.7 of title 49, Code of Federal
10 Regulations, to include the comprehensive underride
11 protection system (as defined in section 30102(a) of
12 title 49, United States Code) in the list of parts and
13 accessories and components required to be in good
14 working order under each of subsections (a) and (b)
15 of section 392.7 of title 49, Code of Federal Regula-
16 tions; and

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

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

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

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

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

7 “(B) that—

8 “(i) is missing; or

9 “(ii) has—

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

13 “(II) a cracked weld;

14 “(III) a cracked or fractured
15 vertical member;

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

18 “(V) a missing fastener or a
19 loose fastener; or

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

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

24 (a) REQUEST FOR PROPOSALS.—As soon as prac-
25 ticable, the Secretary of Transportation (referred to in

1 this section as the “Secretary”) shall issue a Request for
2 Proposals for the design of 2 high-capacity rear underride
3 barrier prototypes of a generic guard (with energy absorp-
4 tion and without energy absorption) to prevent underride
5 crashes and protect motor vehicle passengers against se-
6 vere injury at crash speeds of up to 65 miles per hour.

7 (b) EVALUATION.—The Secretary shall—

8 (1) evaluate the proposals received in response
9 to the Request for Proposals issued pursuant to sub-
10 section (a); and

11 (2) update the underride guard standards
12 under section 30129 of title 49, United States Code
13 (as added by section 4(a)), as appropriate, to pro-
14 vide the best underride protection that is techno-
15 logically feasible.

16 (c) PERIODIC REVIEWS.—

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

21 (A) conduct a review of underride guard
22 standards to evaluate the need for changes in
23 response to advancements in technology; and

24 (B) update the standards accordingly.

1 (2) REPORT.—After each review conducted
2 under this section, the Secretary shall submit to the
3 Committee on Commerce, Science, and Transpor-
4 tation of the Senate and the Committees on Trans-
5 portation and Infrastructure and Energy and Com-
6 merce of the House of Representatives a report on
7 the results of the review.

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

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

13 (b) REPRESENTATION.—The Committee shall be
14 composed of—

- 15 (1) 1 representative of truck manufacturers;
- 16 (2) 1 representative of trailer manufacturers;
- 17 (3) 1 roadside inspector;
- 18 (4) 1 motor vehicle engineer, who shall be a
19 technician who works on motor vehicle safety im-
20 provements;
- 21 (5) 1 motor vehicle crash reconstructionist;
- 22 (6) 2 representatives of consumer-oriented traf-
23 fic safety organizations;
- 24 (7) 1 representative of the truck and auto in-
25 surance industry;

1 (8) 1 law enforcement crash investigator;

2 (9) 1 emergency medical service provider;

3 (10) 1 public health or injury prevention profes-
4 sional; and

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

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

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

11 (A) monthly, via conference call; and

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

14 (2) subsequent to the issuance of the final rules
15 described in paragraph (1), annually, at the Depart-
16 ment of Transportation headquarters, to assess the
17 status of underride crash protection.

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

1 **SEC. 7. PUBLICATION OF VICTIMS OF TRUCK UNDERRIDE**
2 **CRASHES.**

3 The Secretary of Transportation shall—

4 (1) publish data on victims of truck underride
5 crashes on a publicly accessible website; and

6 (2) update the data described in paragraph (1)
7 not less frequently than quarterly.

○