



Owner-Operator Independent Drivers Association

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March 1, 2021

The Honorable Meera Joshi
Acting Administrator
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: Docket # FMCSA-2019-0211, “Parts and Accessories Necessary for Safe Operation: Rear Impact Guards and Rear Impact Protection”

Dear Acting Administrator Joshi:

The Owner-Operator Independent Drivers Association (OOIDA) is the largest trade association representing the views of small-business truckers and professional truck drivers. OOIDA has over 150,000 members located in all fifty states that collectively own and operate more than 240,000 individual heavy-duty trucks. OOIDA’s mission is to promote and protect the interests of its members on any issues that might impact their economic well-being, working conditions, and the safe operation of commercial motor vehicles (CMVs) on our nation’s highways.

OOIDA supports amending the Federal Motor Carrier Safety Regulations (FMCSRs) to include rear impact guards on the list of items that must be examined as part of the required annual inspection for CMVs. Rear impact guards have been proven as critical safety components in saving lives and reducing the severity of crashes. For this reason, rear-end protection devices have been required on CMVs for decades. We also agree with FMCSA’s proposal to amend the labeling requirements in section 393.86(a)(6) to be consistent with the changes made by NHTSA in 2004. When it comes to labeling standards, simply missing a decal should not be a violation on an otherwise compliant DOT bumper.

While rear impact guards have not been previously part of the annual inspection, it is currently a FMCSR violation to operate a CMV with a missing or damaged rear impact guard. As FMCSA acknowledges, the majority of motor carriers currently inspect rear impact guards despite it being absent from Appendix G. As noted in the proposal, rear impact guard violations comprise only 0.041 percent of all regulatory violations. Adding rear impact guards to appendix G should help improve compliance, but we do not expect many CMVs to fail the annual inspection or be placed out-of-service for insufficient rear guards.

OOIDA will continue working with federal regulators and other industry stakeholders regarding efforts to enhance performance standards for rear impact guards. In 2015, NHTSA proposed a rulemaking that would strengthen U.S. guards to the level of Canadian standards. Although this rulemaking has not been advanced, the March 2019 Government Accountability Office's *Truck Underride Guards: Improved Data Collection, Inspections, and Research Needed* report stated, "All seven of the eight largest trailer manufacturers—which are responsible for about 80 percent of the trailers on the road in the U.S.—we spoke with told us that they have been building to the stronger Canadian rear guard standard since those requirements became effective in 2007."¹ According to other industry sources, roughly 95 percent of rear guards on U.S. trucks already meet the Canadian standard, but we are open to further discussion about applying the Canadian standard to U.S. manufactured rear guards.

Operational experience and research have proven that rear impact guards are a critical safety component. The same cannot be said for front and side underride guards. OOIDA opposes efforts that would mandate the installation of front and side underride guards on CMVs and trailers exceeding 10,000 pounds in gross vehicle weight. Over the last several years, NHTSA has considered numerous options involving side underride guards, but has consistently concluded federal mandates would be impractical and costly, thus outweighing any perceived safety benefits. Any proposals to mandate side underrides disregards this reality and ignores the safety, economic, and operational concerns that have been raised by industry stakeholders.

While existing technologies may reduce passenger compartment intrusion in certain situations, mandating front and side underrides fails to recognize numerous other issues limiting the real world practicality. For example, installation of the equipment would unquestionably create challenges for truckers navigating grade crossings and high curbs, backing in to sloped loading docks, properly utilizing spread-axle trailer configurations, conducting DOT-required trailer inspections, and accessing vital equipment located under the trailer – such as brakes. We also want to reiterate that current proposals would mandate side underride guards on trailers that cannot physically accommodate them, such as intermodal, bulk, specialized, and flatbed trailers.

We also point out that a front/side underride mandate would require the creation of performance standards for such equipment. Meaning, if an underride guard fails to meet the standard while in operation, the vehicle would be placed out of service and unable to operate. We have no idea how a trucker would get a side underride guard, weighing approximately 1,000 pounds, delivered to the roadside. Nor do we have any idea how the equipment would be installed on the roadside.

In sum, currently proposed mandates for front/side underrides are not practical, would not physically work, and would create operational impossibilities. With an estimated price tag of tens of billions of dollars, these proposals would implement the costliest federal trucking mandate in history. Any move by the agency to advance such a measure is premature and shortsighted.

Rear-end protection devices have been required on trucks for decades and are practical pieces of equipment that save lives. OOIDA supports amending the Federal FMCSRs to include rear

¹ GAO, *Truck Underride Guards: Improved Data Collection, Inspections, and Research Needed*, [GAO-19-264](#) (Washington, D.C.: March 2019).

impact guards on the list of items that must be examined as part of the required annual inspection. However, we oppose any efforts that would mandate front and side underride guards for CMVs. Proposals to mandate front and side underrides would be especially burdensome for small-business truckers, many of whom have decades of safe driving experience without such equipment.

Thank you,

A handwritten signature in cursive script, appearing to read "Todd Spencer".

Todd Spencer
President & CEO
Owner-Operator Independent Drivers Association, Inc.