



## Owner-Operator Independent Drivers Association

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March 7, 2019

The Honorable Kirsten Gillibrand  
478 Russell Senate Office Building  
Washington, DC 20510

The Honorable Marco Rubio  
284 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Gillibrand and Senator Rubio,

The purpose of this letter is to convey the Owner-Operator Independent Drivers Association's (OOIDA) strong opposition to S. 665, the *Stop Underrides Act*, which would mandate the installation of rear, side and front underride guards on all commercial motor vehicles (CMV) and trailers that exceed 10,000 pounds in gross vehicle weight (GVW).

OOIDA is the largest trade association representing the views and interests of small-business truckers and professional drivers. We have more than 160,000 members nationwide, all of which would be directly impacted by S. 665.

Over the last several decades, the National Highway Traffic Safety Administration has considered numerous options involving underride guards, but has consistently concluded federal mandates would be impractical and costly, thus outweighing any perceived safety benefits. The reintroduction of the *Stop Underrides Act* intentionally disregards this reality and ignores the safety, economic, and operational concerns we raised with you last Congress.

To be clear, OOIDA supports efforts to improve highway safety. In fact, we agree the existing rear underride guard on trailers – commonly referred to as a “DOT Bumper” in the United States – could be enhanced to reduce the risk of rear underrides for personal automobiles. If the Canadian standard was applied in the U.S. on the manufacture of new trailers, we would not oppose it.

Unfortunately, S. 665 goes too far. Regarding rear underride guards, it would mandate truckers install them on trailers that can't physically accommodate them, such as low boys, household goods trailers, auto transporters, etc. The mandate would retroactively apply to all trailers, including those nearing the end of their service.

S. 665 would also mandate the installation of side underride guards. While existing technologies may reduce passenger compartment intrusion in certain situations, the bill fails to recognize numerous other issues limiting the real world practicality of side underride guards. 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 S. 665 would mandate side underride guards on trailers that can't physically accommodate them, such as intermodal, bulk, specialized, and flatbed trailers.

Further, because the bill applies the underride guard mandate to all CMVs in excess of 10,000 pounds GVW, it would require dually trucks pulling wedge trailers – commonly referred to as “hot shots” – to install these devices. Yet, the exact same dually not operating commercially wouldn’t be required to have them. Here again, most wedge trailers can’t physically accommodate what this bill would mandate.

S. 665 also mandates a front underride guard on CMVs. Admittedly, we’re less familiar with these devices, because they aren’t currently commercially available in the U.S. However, similar to the rear and side underride guard provisions, this requirement would likely be extremely problematic for reasons we can discuss in more detail at a later time.

We would also point out that the bill would require the creation of performance standards for underride devices. 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, the bill mandates devices that aren’t practical, that don’t physically work, and that would create operational impossibilities. We should also note that the bill impacts millions of CMVs, trailers, straight trucks, and other vehicles. With an estimated price tag of tens of billions of dollars, S. 665 would implement the single most costly federal trucking mandate in history.

We would encourage you to learn more about the trucking industry, including its incredible diversity, before continuing to promote S. 665. One-size-fits-all solutions simply don’t work.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Spencer". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

cc: Members of the Committee on Commerce, Science & Transportation