

## **ADVISORY COMMITTEE ON UNDERRIDE PROTECTION CHARTER**

### **1. COMMITTEE'S OFFICIAL DESIGNATION:**

The committee's official designation is the Advisory Committee on Underride Protection (ACUP).

### **2. AUTHORITY:**

The Committee is established as a statutory committee under the authority of section 23011 of the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58 (2021), and established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

### **3. OBJECTIVES AND SCOPE OF ACTIVITIES:**

The Secretary of Transportation, or his or her designee, shall task ACUP to provide advice and recommendations to the Secretary of Transportation on safety regulations to reduce underride crashes and fatalities relating to underride crashes.

### **4. DESCRIPTION OF DUTIES:**

The Committee shall act solely in an advisory capacity. Duties include the following:

- a. Gathering information as necessary to discuss issues presented by the Designated Federal Officer (DFO).
- b. Deliberating on issues relevant to safety regulations related to underride crashes and fatalities from underride crashes.
- c. Providing written consensus advice to the Secretary on underride protection to reduce underride crashes and fatalities relating to underride crashes.

### **5. AGENCY/OFFICIAL TO WHOM THE COMMITTEE REPORTS:**

The Committee shall report to the Secretary of Transportation through the Administrator of the National Highway Traffic Safety Administration (NHTSA).

### **6. SUPPORT:**

NHTSA is the Federal sponsor of ACUP and shall furnish support services for its operation. At request of the Committee, NHTSA shall provide information, administrative services, and supplies necessary for the Committee to carry out the duties of the Committee.

### **7. ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS:**

The annual operating costs associated with ACUP's functions are estimated to be \$150,000 including all direct and indirect expenses. The cost estimate includes one full-time equivalent (FTE) position that are required to support the Committee.

**8. DESIGNATED FEDERAL OFFICER:**

- a. The DFO for the Committee is the Chief of the Special Vehicles and Systems Division in the Office of Rulemaking in the National Highway Traffic Safety Administration (NHTSA) or his or her designee.
- b. The DFO will approve or call all ACUP and subcommittee meetings, prepare and approve all meeting agendas, attend all ACUP and subcommittee meetings, adjourn any meetings when he or she determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.

**9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:**

The Committee shall meet at least once a year.

**10. DURATION:**

Continuing.

**11. TERMINATION:**

Unless otherwise renewed in accordance with FACA, the Committee will terminate 2 years after the date on which this charter is filed.

**12. MEMBERSHIP AND DESIGNATION:**

- a. The Committee shall comprise no more than 20 members, appointed by the Secretary, who—
  - i. are not employees of the Department; and
  - ii. are qualified to serve on the Committee because of their expertise, training, or experience.
- b. All members serve at the pleasure of the Secretary of Transportation and may continue to serve until their replacement have been appointed. The Secretary may extend appointments and may appoint replacements for members who have resigned outside a stated term, as necessary. If a member's status as a representative of an identified area materially changes after appointment, the member's representative status will be terminated, unless certain requirements are met. These requirements include the following: (1) continued active involvement in the identified area, (2) the concurrence by the NHTSA Administrator with the representative's continued participation, (3) the member's continued participation is consistent with applicable statutory authorities and Presidential directives, and the (4) the member's continued participation is deemed essential for the fulfillment of the committee's mission.
- c. The Secretary may reappoint members.
- d. The Committee shall include 2 representatives of each of the following:
  - i. Truck and trailer manufacturers.
  - ii. Motor carriers, including independent owner-operators.
  - iii. Law enforcement.

- iv. Motor vehicle engineers.
  - v. Motor vehicle crash investigators.
  - vi. Truck safety organizations.
  - vii. The insurance industry.
  - viii. Emergency medical service providers.
  - ix. Families of underride crash victims.
  - x. Labor organizations.
- e. Members appointed solely for their expertise shall serve as special Government employees.
  - f. To ensure the recommendations of the Committee have considered the needs of diverse groups served by the Department, the membership of the Committee shall, to the extent practicable, include persons with lived experience and knowledge of the needs of underrepresented groups with regard to race, ethnicity, religion, disability, sexual orientation, gender identity, and other factors.
  - g. Unless terminated, members may continue to serve until their replacements have been appointed.
  - h. The Chair shall be selected from among members of the Committee.
  - i. Members of the Committee shall not receive pay or other compensation from NHTSA for their ACUP service, but are entitled to reimbursement of their travel expenses, including per diem.

### **13. SUBCOMMITTEES:**

The NHTSA Administrator has the authority to create subcommittees. Subcommittees report back to the parent committee and do not provide advice or work products directly to NHTSA or the Secretary.

### **14. RECORDKEEPING:**

Records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee will be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedules. These records will be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

### **15. FILING DATE:**

This charter is effective June 30, 2022, which is the filing date of the charter. The charter will expire 2 years after this date unless sooner terminated or renewed.