Ryan,

Thank you again for the phone call on November 30. Among other things we discussed:

1. Front underride protection - Ohio bus/semi/SUV crash;
2. November 9 recording link and posting to docket;
3. Report to Congress;
4. ACUP meeting schedule & frequency.

I'd like to address each of those in further depth -- keeping in mind that they are actually interrelated.

First of all, you mentioned that you were already aware of the Ohio crash, as someone in NHTSA was connected to one of the victims of that crash. You said that you are waiting to hear the results of the crash investigation and that you wanted me to be aware that NHTSA is working on truck AEB, which could have changed the outcome of that crash. However, you did not address any of my questions about NHTSA's inaction on Front Underride Protection, which could potentially also have changed the outcome and reduced injury severity.

It is of concern to me that both Congress and NHTSA and, of course, the industry continually bring up the priority of crash avoidance technology over mandating underride protection -- as if embracing a both/and strategy were not consistent with the safe system approach and the Department's National Roadway Safety Strategy principles, especially when crash avoidance by itself is not guaranteed to prevent underride and deadly passenger compartment intrusion. After attending an international crash reconstructionist conference in April, I have been in touch with several experts who have educated me on the shortcomings of crash avoidance technology in this regards. See attached. NHTSA and the ACUP should hear a presentation from these experts.

After our phone conversation, I went to the ANPRM docket and -- voila! -- found that our November 9 meeting with NHTSA had been posted yesterday (instead of 6 documents, there are now 7). Thank you for that. However, I wanted to point out that our Ex Parte meeting information is in the same link as a document for a NHTSA meeting with intermodal stakeholders. Here is the link to the joint posting on the docket: *Memorandum and Ex Parte Meeting with Advocates for Side Underride Guards on Trucks and Trailers* I am curious about several things, including:

1. The fact that there were NHTSA rulemaking staff at the intermodal meeting which did not attend our presentation.
2. The fact that our meeting was recorded but the intermodal meeting was not.

You mentioned that NHTSA is working on the Report to Congress following the side guard ANPRM Public Comment period. It is of concern to me that it does not appear that the ACUP

will have the opportunity to provide advice and recommendations to the Secretary/NHTSA before that report is completed.

In our phone call, we agreed that ACUP needs to meet more frequently than it has in the past. I brought up the ACUP motion regarding that and the potential for publishing multiple meeting notices at one time in the Federal Register to streamline that process. Regarding that point, as well as all of the other items above, I have a suggestion/request to make to kill a lot of birds with one stone.

In the interest of transparency and in order to move the process along more expeditously, I propose that NHTSA schedule a weekly series of virtual technical briefings for NHTSA rulemaking staff, who are tasked with writing the Report to Congress which will ultimately impact whether a side guard rulemaking will be issued.

- As a member of ACUP, I already made a motion for technical briefings on topics relevant to the comprehensive underride problem (front, side, and rear) -- both in May and November. (See link and attachment.)
- Rather than wait to have those briefings at ACUP meetings, I propose that ACUP members be invited to attend those presentations -- including ones such as the intermodal industry made to NHTSA. NHTSA will be in Listening Mode, but provide ACUP members with the opportunity for Q&A at the end of the presentation.
- Record the meetings and make them publicly available on the docket. If an ACUP member can't attend the presentation, then they could watch it afterwards.
- In that way, when ACUP has its formal meetings, the members would come to it better informed.
- I would request the opportunity for all ACUP members to have input in the topics and presenters to be included in this Underride Briefing series.
- If information will be discussed which would be confidential in nature, ACUP members could sign a NDA.

Please let me know that you have received this request and when you will make a decision about moving forward with this strategy.

Marianne