
Submission of written materials to the Advisory Committee on Underride Protection

1 message

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To: "Myers, James (NHTSA)" <James.Myers@dot.gov>, ACUP <ACUP@dot.gov>, callie.roach@dot.gov, ann.carlson@dot.gov

Cc: "Posten, Ryan (NHTSA)" <ryan.posten@dot.gov>, terrence.sommers@dot.gov

Good morning Ann, Jim, Callie, and Terrence:

On November 15, 2023, NHTSA hosted the second ACUP public meeting (ACUP meeting; 88 FR 73940; Docket No. NHTSA-2023-0045). On November 22, 2023, I emailed the attached written materials, questions, and comments through Jim to the Advisory Committee on Underride Protection (ACUP). The purpose of the attached materials is to request clarification of statements made during the ACUP meeting and model an approach for data driven discussions, which ACUP members support. Because I have not received a confirmation of my email transmitting the written materials, I am checking on the status of my submission.

I suggest this and any other other materials submitted to the ACUP should be posted online to allow for public access and transparency because the Federal Advisory Committee Act (FACA) provides "...for the contemporaneous availability of advisory committee records that, when taken in conjunction with the ability to attend advisory committee meetings, ensures that interested parties have a meaningful opportunity to comprehend fully the work undertaken by the advisory committee" (GSA Federal Advisory Committee Management; Final Rule; 66 FR 37728).

Finally, I note the following requirements of FACA relative to a member of the public filing a written statement:

- "Any member of the public is permitted to file a written statement with the advisory committee"; ([GSA Federal Advisory Committee Management; 66 FR 37728; § 102-3.140; p. 37745](#));
- "Members of the public are allowed to file written statements to FACA committees" ([DOT COMMITTEE MANAGEMENT POLICY AND PROCEDURES; DOT 1120.3D; 10\(g\)](#));
- "Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee" ([FEDERAL ADVISORY COMMITTEE ACT; 5 USC 10\(3\)](#)); and
- "GSA's discussion of meeting accessibility includes the requirement that any member of the public be permitted to file a written statement with the advisory committee. As part of its public accessibility tenets, the Final Rule also requires that any member of the public be permitted to file a written statement with the advisory committee" ([Congressional Research Service, 2023, Federal Advisory Committee Act; Meeting Requirements](#)).

I appreciate your assistance.

Please let me know if you have any questions.

Sincerely,
Eric Hein

 Eric Hein ACUP submission Request for Clarification .pdf
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