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February 15, 2024

Deputy Administrator Sophie Shulman
National Highway Traffic Safety Administration

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Ave. SE.
West Building Ground Floor, Room W12-140
Washington, DC 20590-0001

Re: Advanced Notice of Proposed Rulemaking; Side Underride Guards
[Docket No. NHTSA-2023-0012]

Dear Deputy Administrator Shulman:

The Truck Trailer Manufacturers Association (TTMA) continues to support NHTSA’s work on evaluating side underride accidents and will support rulemaking that calls for installation of side guards if they are shown to be technologically feasible and justified.

TTMA recently learned, however, that in a meeting with NHTSA on November 9, 2023, it was suggested that NHTSA should withdraw ANPRM No. 2023-0012 and replace it with a new Notice of Proposed Rulemaking that would require trailer manufacturers to install side guards “consistent with recommended practices” of TTMA. TTMA submits this letter to clarify for the record that TTMA has not issued any recommended practices for side guards.

Utilizing crash test data provided by the Insurance Institute for Highway Safety, TTMA began a project several years ago in an attempt to develop a potential Recommended Practice for optional side guards. That project ended due to safety concerns and a lack of necessary data on side crashes into trailers.

TTMA’s work on a potential Recommended Practice did not include any cost/benefit analysis or any economic assessment of the market for side guards. The project ended well before the ANPRM was announced and for reasons unrelated to any cost/benefit analysis such as that contained in the ANPRM.¹ The ANPRM does not appear to have altered the market for side guards. There was before, and is now, little or no apparent end user demand for side guards.²

¹ See, to the contrary, statement by Andrew Young at the 19:50 minute mark of the video record of the November 9, 2023 meeting.

² TTMA questions the data reported in 2019 by the Government Accountability Office (GAO) that “about 100” sets of side underride guards of the type tested by IIHS have been sold. (See GAO Report, GAO-19-264, p. 24). According to sworn testimony in 2021 by Perry Ponder, the inventor of that side guard design, sales have not exceeded a dozen, and these include sales to trailer manufacturers for evaluation.

TTMA agrees with the Government Accountability Office that much more data is needed about side crashes into trailers before reliable technical criteria for side guards can be developed. (See [GAO-19-264, TRUCK UNDERRIDE GUARDS: Improved Data Collection, Inspections, and Research Needed](#)). If necessary, relevant and reliable data is obtained and determined to show that side guards are feasible and justified, TTMA reiterates that it will support a regulated approach to addressing side crashes.

TTMA also again urges NHTSA to continue evaluating crash avoidance technologies, as these will ultimately be the most feasible and effective way to reduce the overall number of crashes.

Sincerely,

Jeffrey Sims

Jeff Sims - President

Cc (via email only)
Ryan Posten
James Myers
Callie Roach
Terrence Sommers
Sean Puckett
Larry Linoe
Lina Valivullah