

Public Comment to ***NHTSA-2024-0017: Agency Information Collection Activities; Proposals, Submissions, and Approvals: Vehicle Information for the General Public***

In its notice and request for public comments, NHTSA stated that “For more than 40 years, under its NCAP, NHTSA has been providing consumers with vehicle safety information such as frontal and side crash results, crash avoidance performance test results, rollover propensity, and the availability of a wide array of safety features provided on new model year vehicles.” This is only partially true.

NHTSA does not provide consumers with information about the effectiveness of vehicle crash protection and crash avoidance in crashes with commercial motor vehicles. There are many such underride crashes and resulting fatalities. According to the federal Advisory Committee on Underride Protection, in the five decades of NHTSA’s existence, there were “25,100 underride crashes and 31,500 corresponding fatalities from side underride, rear underride, and front override crashes, averaging 630 underride-caused fatalities per year.” Underride crashes cause “life-threatening injuries to ... heads and torsos due to the intrusion into the passenger vehicle occupant survival space of the high bottom edge of the trailers and the axles of large commercial trucks or their cabs. Passenger compartment intrusion (PCI) can result in traumatic brain injuries, decapitation, Le Fort facial fractures, severe crush injuries, especially due to extended treatment and extrication time, as well as burning to death from fiery crashes.”

The ACUP stated that the cause of these injuries and deaths is “the physical mismatch between the dimensions of large commercial trucks (their sides, rear and front bumpers) and the passive safety features of other vehicles that share the roads with them. Bumpers, crumple zones, and restraint systems (airbags and seat belts) do not prevent PCI [passenger compartment intrusion] of the semitrailer’s bottom edge (in the case of side and rear-underrides) or the truck cab (in the case of front underrides).”

In other words, the vehicle safety information that NHTSA requires to be published through the NCAP misrepresents the protective value of these passive safety innovations since it reflects only their effectiveness in crashes with other passenger vehicles, not with commercial motor vehicles.

In the latest development for those information disclosures, NHTSA is proposing, as required by the Bipartisan Infrastructure Law, to “add to NCAP information about advanced crash avoidance technologies and vulnerable road user safety.” The BIL also created the federal ACUP (Section 23011), the final report of which we cited above.

Clearly, Congress intended for NHTSA to account for crashes between passenger vehicles and commercial motor vehicles, which the present information collection notice fails to do. Our comment aims to address this insufficiency and align NHTSA's proposed action with Congressional intent.

**The proposed information request should be amended to include information on the effectiveness of passenger vehicle crash avoidance technologies in tests with the sides and rear of commercial motor vehicles.**

Crash avoidance technologies rely upon sensors to detect the presence of a threatening obstacle. If the sensors fail to detect the obstacle, or find no physical evidence of the obstacle, they fail to trigger other aspects of the technology, such as automatic emergency braking, and the crash occurs. Failure to detect the presence of a threatening obstacle can happen if the line of sight of the crash avoidance sensor lies below the threatening obstacle. This is precisely the lethal threat posed by the high open spaces along the sides and between the axles of commercial motor vehicles.

According to the ACUP, "Automobile and motorcycle automatic braking technologies only work when their radar systems detect a physical obstacle. The gaping open space under large commercial trucks defeats these safety innovations, many of which are deployed due to government-mandated rules."

The intent of NCAP information and the proposed information collection is to inform consumers about the presence and effectiveness of safety technologies in passenger vehicles they are considering. The Monroney label itself is intended to display that information to consumers at the point of purchase.

However, it is an unstated assumption that these technologies work as intended only in crashes with other passenger vehicles and stationary objects. They may not work in crashes with the sides and rear of commercial motor vehicles due to the height of the commercial motor vehicle's trailer's bottom edge, which may be undetectable by the passenger vehicle's crash avoidance sensors.

Consumers deserve to know, and automobile manufacturers should disclose, the effectiveness of crash avoidance technology in protecting consumers in crashes with commercial motor vehicles. This disclosure will likely alert consumers to the dangers they continue to face after crash avoidance technologies are fully deployed. It will also alert vehicle manufacturers to the limits of the protective value of their technologies.

The ACUP concluded that new regulatory requirements for “[p]hysical underride guards, known as rear impact, side impact, and front impact guards, are necessary.” We concur. Until such regulatory action, however, NHTSA should inform consumers about the risks from underride crash death and injury, even when their cars are equipped with crash avoidance technologies.

Respectfully,

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([May 4, 2013](#))

Eric Hein  
Father of **Riley Hein**, *Underride Victim*  
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Steve Bingham  
Father of **Sylvia Bingham**, *Underride Victim*  
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Lois Durso  
Mother of **Roya Sadigh**, *Underride Victim*  
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