INFORMATION REDACTED PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

June 20, 2024

Jerry and Marianne Karth
[redacted]
Raleigh, NC [redacted]
Email: [redacted]

Dear Mr. and Mrs. Karth:

This letter responds to three requests you sent to the National Highway Traffic Safety Administration (NHTSA) in 2022. The first is July 15, 2022 correspondence, styled as a "petition for reconsideration," that you submitted to the docket for the final rule of the same date that upgrades the requirements for rear impact protection.[1] The second is an August 18, 2022 petition for rulemaking. The third is an August 18, 2022 petition seeking a defect investigation into van-type or box semitrailers that lack effective Rear Impact Guards. All three requests concern rear impact guards and rear impact protection.

The issues you raise in each of these requests are similar in substance to those you have raised in previous correspondence to NHTSA, including in previous rulemaking petitions and in comments filed on rulemaking notices. While we understand the desire for continued action, your latest requests to initiate a new rulemaking and reconsider issues discussed in the recent final rule do not provide new or different information that would warrant such actions. In response to your defect petition, which seeks a defect investigation of van-type or box semitrailers, NHTSA opened Defect Petition DP22-004. After consideration of that petition, NHTSA determined that the issues raised are best addressed through rulemaking and the agency's ongoing actions under the Bipartisan Infrastructure Law (BIL). Accordingly, NHTSA is denying all three petitions and will include a discussion of the reasons for denial in forthcoming Federal Register notices.

Please be assured that we are continuing the important work of obtaining information on rear impact guards and rear impact protection to inform our decisions to improve safety. NHTSA has commenced research to assess the feasibility of guards that protect passenger vehicle occupants in crashes into the rear of trailers at speeds up to 65 mph. We are also evaluating the feasibility

[1] The correspondence does not meet all of the requirements for a petition for reconsideration, found at 49 CFR 553.35, because it did not contain "an explanation as to why compliance with the rule is not practicable, is unreasonable, or is not in the public interest." The agency has elected to treat the correspondence as a petition for rulemaking.

and cost-effectiveness of rear impact guard designs that could improve protection in 30 percent overlap crashes while maintaining or enhancing protection in the more common full and 50 percent overlap crashes at the higher speeds. NHTSA will assess the results of this research and work with recommendations from the Advisory Committee on Underride Protection to develop next steps. We look forward to obtaining the results of this research and reviewing the recommendations of the Advisory Committee.

Thank you for your deep and abiding commitment to this important safety issue. A copy of this response has been sent to the cosigners of the requests. If I can provide further information or assistance, please do not hesitate to reach out to me or Jason Levine, Director of the Office of Governmental Affairs, Policy and Strategic Planning at jason.levine@dot.gov.

Sincerely,

Jack Danielson
Executive Director

cc: [redacted]