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May 3, 2022

Eric Boyette, Secretary
Department of Transportation
Highway Building
1 South Wilmington Street
P.O. Box 25201
Raleigh, North Carolina 27611

Secretary Boyette:

We lost our two youngest daughters, AnnaLeah (17) and Mary (13), after leaving our Rocky Mount home on May 4, 2013. While on I-20 in Georgia en route to Texas, we came upon slowed traffic. We slowed down but a truck driver collided with us -- spinning us around so that the back of our car went into the rear of another tractor trailer. The rear underride guard came off and the back of our car went under the truck. As a result, AnnaLeah died at the scene and Mary a few days later from her injuries.

In the aftermath, we learned that hundreds of people die every year from truck underride injuries. We also learned that the Insurance Institute for Highway Safety (IIHS) had proven that the current federal Rear Impact Guard standard from 1996 is too weak and does not perform as intended. Fortunately, engineers have designed stronger guards for which the IIHS has awarded the manufacturers. These guards with the TOUGHGuard level of strength are installed on most new trailers. However, there are millions of trailers which were built before the TOUGHGuard Rigs were developed.

In memory of AnnaLeah and Mary, we are petitioning the NCDOT to amend the current North Carolina rule, which reads as follows:

A semitrailer in excess of 48 feet must be equipped with a rear underride guard of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than 30 inches from the surface as measured with the vehicle empty and on a level surface.

[§ 20-115.1. Limitations on tandem trailers and semitrailers on certain North Carolina highways](#)

The amended rule would require semitrailers to have a rear underride guard which would meet the specifications of the IIHS TOUGHGuard as indicated by the Semitrailer Rear Impact Guard [test protocol](#) found on the IIHS website.

As a result of this revised rule, the State of North Carolina will realize these benefits:

1. More truck crashes will be survivable. There will be fewer catastrophic injuries and truck crash fatalities. (See this story, [N.Y. Man Saved By Stoughton Rear Underride Guard Featured In TV News Story](#), of Terry Rivett, a truck crash survivor, and the difference made by a TOUGHGuard.)
2. The State of North Carolina will reduce the costs and traffic congestion of fatal truck crash investigations.

Aftermarket RIG [Retrofit solutions](#) are available from most trailer manufacturers, as well as an innovative product developed by a North Carolina engineer, Aaron Kiefer, [TrailerGuards](#).

Visit our website, [annaleahmary.com](#), for other relevant information, including crash test videos. Please let us know if you have any questions.

Respectfully submitted,

Jerry Karth

Marianne Karth



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

May 26, 2022

Mr. and Mrs. Jerry Karth
Sent via email to: jkarth1@yahoo.com
mariannekarth@gmail.com

Dear Mr. and Mrs. Karth:


Thank you for your petition for rulemaking to the North Carolina Department of Transportation. Secretary Boyette asked me to review your request and study if options are available for an administrative code rule change.

I have studied the request with a team of traffic safety engineers. Please know that there is no current law in North Carolina that will allow the Department to modify requirements for all vehicles in the State. The General Assembly is the only entity that has the authority to modify General Statutes. Based on this, we respectfully must deny your petition for rulemaking.

We also have your request for support for State and Federal legislative changes that you presented to the Executive Committee for Highway Safety. We hope to have a decision on this topic soon.

Thank you again for your passion and advocacy for improved safety in North Carolina.

Sincerely,


J. Kevin Lacy, PE
Director, Transportation Mobility & Safety Division
State Traffic Engineer

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ec: J. Eric Boyette, Secretary of Transportation