



Comments submitted to: National Highway  
Transportation Safety Administration (NHTSA)

Docket Number: NHTSA-2019-0036

Submitted by: Community Transportation  
Association of America (CTAA)

Date: Aug. 27, 2019

## Comments – [Removing Regulatory Barriers for Vehicles With Automated Driving Systems](#)

**Statutory Basis for the Advance Notice of Proposed Rulemaking (ANPRM):** The National Highway Transportation Safety Administration (NHTSA) request for comment is made pursuant to the general authority of the National Traffic and Motor Vehicle Safety Act (hereinafter “the Safety Act”), 49 U.S.C. 30111, as that statute have been amended.

<a href="#">CTAA AV PRINCIPLES</a>
Accessibility
Equity
Rural Connectivity
Safety

### *Introduction*

The members of the [Community Transportation Association of America](#)<sup>1</sup> (CTAA) are in the business of moving people – efficiently and cost-effectively – by transit, paratransit, volunteer transportation, and specialized transportation.

Every single day, CTAA members take people to jobs, to health care, to school, to day care, to grocery shopping and to other destinations that allow them to live, work, and enjoy their communities. Many of these rides are provided in conventional automobiles and some in personal vehicles.

CTAA is a leader in providing resources and analysis of automated vehicles (AVs) and their impact on mobility options. We are educating transportation professionals across the United States, providing AV technical assistance, presenting at conferences, and engaging in discussions with companies developing different aspects of AVs and associated software. We monitor AV issues daily to stay abreast of technological, legislative, and regulatory updates. We have connected with other national organizations with an interest in how AV development affects their constituencies. Our work increasingly integrates emerging business models, public-private partnerships, and shared-use experimentation and advances.

CTAA’s [AV principles](#)<sup>2</sup> call for AVs to provide: (1) Accessibility, (2) Equity, (3) Rural Connectivity, and (4) Safety. CTAA recommends that the FMCSA exercise its authority consistently with our [AV principles](#). In this comment, CTAA addresses the principles of accessibility and safety.

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<sup>1</sup> <https://ctaa.org/>

<sup>2</sup> [https://ctaa.org/wp-content/uploads/2018/12/CTAA\\_AV\\_Principles\\_10-26-18.pdf](https://ctaa.org/wp-content/uploads/2018/12/CTAA_AV_Principles_10-26-18.pdf)

CTAA supports fully automated transportation and envisions the life-changing benefits of automated vehicle (AV)<sup>3</sup> technology. We see great potential for saving lives and for providing independence to people with disabilities and older adults.

### **Accessibility**

CTAA is concerned that NHTSA's statutory authority and its regulations do not take into account the more than 20 percent of Americans who have a disability. The Centers for Disease Control estimates that one in four Americans has some type of disability (available at <https://www.cdc.gov/media/releases/2018/p0816-disability.html>), whether sensory, cognitive, or physical. Any retrofitting necessary to vehicles to accommodate people with disabilities takes place outside of NHTSA's current regulatory jurisdiction. However, a particular difference between AVs and conventional vehicles is that there is no rider in charge who operates an AV. Unlike today's driver, an AV rider might be a person who is unable to see, hear, or walk. Therefore, to enable the entire US population to use AVs, any operational or emergency interfaces must be accessible to persons with disabilities.<sup>4</sup>

This need for universally designed vehicles and human-machine interfaces (HMI), and the responsibility to adhere to the ADA, are critical due to the expectation that most AVs will operate as part of shared-use fleets and not as personally owned vehicles. Indeed, the GM Petition for exemption from the Federal Motor Vehicle Safety Standards (FMVSS) itself expressed the intention to use the exempted AVs for a "rideshare" program. See *General Motors, LLC-Receipt of Petition for Temporary Exemption From Various Requirements of the Safety Standards for an All-Electric Vehicle With an Automated Driving System*, 84 Fed. Reg. 10182, at 10185 (Docket Number: NHTSA-2019-0016, Mar. 19, 2019, available at <https://www.federalregister.gov/documents/2019/03/19/2019-05119/general-motors-llc-receipt-of-petition-for-temporary-exemption-from-various-requirements-of-the>).

Retrofitting our vehicles and transportation infrastructure in the future would be a costly endeavor. Now is the time, as AV services evolve, to embed accessibility into these new vehicles and systems. Universal designs and technology already exist; therefore, accessibility would not necessitate that original equipment manufacturers (OEMs) or other companies invent or create anything new. The entire USDOT should be encouraging those who do and will provide AV transportation to ensure that it will be available to all Americans whether or not they have a disability.

### **Safety**

CTAA is not an engineering research or standards organization. While CTAA represents members that provide the safest surface transportation modes in the U.S.,<sup>5</sup> and we support reducing regulation of

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<sup>3</sup> CTAA uses the term "automated vehicle" in this comment to mean an SAE level 4 or 5 vehicle, specifically a vehicle that does not need a human driver to operate the vehicle in normal conditions or for reaching a minimal risk condition in case of emergency, malfunction, emergency responder request, extreme weather conditions and similar circumstances.

<sup>4</sup> Americans with Disabilities Act (ADA), Pub. L. No. 101-336, 104 Stat. 328 (1990), and USDOT regulations promulgated pursuant to the ADA.

<sup>5</sup> See *2017 Data Reveals Rural Transit Continues Sterling Safety Record*, Community Transportation Association of America (Feb. 2019, available at [https://ctaa.org/wp-content/uploads/2019/02/Analysis\\_Rural\\_Safety\\_2019.pdf](https://ctaa.org/wp-content/uploads/2019/02/Analysis_Rural_Safety_2019.pdf)) (Discussing findings based on data submitted to the National Transit Database).

already safe modes of transportation, as an organization, CTAA lacks the expertise to analyze, for example, AVs tested within of their operational design domains (ODDs) versus in some simulation or geographic area outside of their ODD. Nor does CTAA have the expertise to determine what documentation would be sufficient to establish compliance with current or future FMVSS. Likewise, the sufficiency of simulation as a process for determining AV software, hardware, or vehicle safety is within the realm of expertise of CTAA transit, human-service transportation, volunteer transportation program, or other members.

As for most Americans, CTAA members rely on NHTSA regulation to ensure that whatever vehicles are manufactured are safe.<sup>6</sup> CTAA envisions the extension of the transit culture of safety to AV testing, pilots, vehicles, and transportation service.

CTAA urges NHTSA to coordinate with its sister modal agencies at the U.S. Department of Transportation (USDOT), particularly the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), so that AV research results, mandated documentation, and regulation can be applied consistently – and safely – across surface transportation modes.

### **Requests**

CTAA asks that neutral safety organizations with expertise in the fields identified above be consulted to analyze data, research, testing, and proposed rules. We ask that whatever collaboration and research is undertaken by NHTSA is implemented in an open process of shared data and public engagement.

CTAA appeals to NHTSA that safety means safe access for all AV riders, including people with disabilities. NHTSA must account for the fact that there will no longer be a human in charge of a vehicle's operation who has particular abilities and skills. While this reality is not the subject of the current request for comments, CTAA asks that this difference between today's vehicles and AVs inform NHTSA's approach as the agency moves forward.

CTAA also requests that NHTSA engage the small and medium-sized transit operators across the country that provide service to thousands of Americans each day to learn more about what AVs would mean for their operations and for their riders, particularly for people with disabilities and older adults. CTAA would be happy to engage our members to participate in such an effort.

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<sup>6</sup> Whether any USDOT agency should require safety inspections or documentation following manufacture and throughout the life of an AV is beyond the immediate request for comments, but it is a question worth examining.