



May 29, 2020

Submitted to: www.regulations.gov

U.S. Department of Transportation
Docket Operations
1200 New Jersey Avenue SE
Washington, DC 20590

Re: Comments Concerning Occupant Protection for Automated Driving Systems
Docket Number: NHTSA-2020-0014

To whom it may concern,

Thank you for the opportunity to comment on the United States Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA) request for comments regarding occupant protection for Automated Driving Systems (ADS). The National Disability Rights Network (NDRN) urges DOT to consider the changes proposed in these comments.

NDRN is the non-profit membership association of Protection and Advocacy (P&A) agencies that are located in all 50 States, the District of Columbia, Puerto Rico, and the United States Territories. In addition, there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navajo and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. P&A agencies are authorized under various federal statutes to provide legal representation and related advocacy services, and to investigate abuse and neglect of individuals with disabilities in a variety of settings. The P&A Network comprises the nation's largest provider of legally-based advocacy services for persons with disabilities, including advocacy on accessible transportation to ensure people with disabilities who want to live in the community can do so.

NDRN and the P&A agencies have a long history of advocating for accessible transportation for people with disabilities. In that effort, we believe it is imperative that ADS-equipped vehicles and those without steering wheels are fully accessible. We also urge DOT to ensure that both the Americans with Disabilities Act (ADA) is upheld and that safety elements take into account the needs of people with disabilities as these technologies are developed. We view this time of innovation and reimagining as an exciting opportunity to not only maintain the current level of protection and performance offered by the 200 Series Federal Motor Vehicle Safety Standards (FMVSS), but also to improve the levels of safety and accessibility that they afford. Given that, we ask you to consider the following:

I. Regarding proposed changes to the FMVSS 208

A. S19.2.2 – Advanced Air Bag Suppression Telltale for Passenger Air Bags

NHTSA proposes to equip each front outboard passenger seat with telltales which emit light whenever the associated front outboard passenger air bag system is deactivated and does not emit light whenever the associated front outboard passenger air bag system is activated.

We urge you to take into consideration the needs of passengers who may be seated in the front outboard seats who are blind, deafblind, or low vision. Any light that is emitted must be substantial enough for people with low vision to notice the telltale. Auditory and haptic signals should also be added such as a series of beeps that are standard which could alert blind passengers to the status of the airbag. Haptic feedback (tactile or kinesthetic) should be added for deafblind passengers to be alerted as well.

We hope you will examine the research and contact the U.S. Access Board and advocacy organizations representing blind, low vision, and deafblind individuals for solutions regarding the planned research outlined during NHTSA's November 2019 meeting on safety measures for vulnerable and disabled road users that seeks to address, among other issues, effective display/communication options for users across disability categories.

B. S.19.5 and S.19.51 - Treatment of ADS Vehicles with Driving Controls When Children Are in the Driver's Seat

NHTSA proposes to minimize the risk that a child could ride in a front driver's seat without the protections afforded by advanced air bags, and seeks comment on whether ADS-equipped vehicles that have manual controls should not be capable of motion if a child is detected in the driver's seat. NDRN is concerned that child protections that limit the vehicle's motion would have the unintended consequence of prohibiting access and discriminating against adult drivers of short stature. A vehicle's sensors would not know the difference between a child and an adult driver whose weight and height may be similar. We recommend reaching out to Little People of America and the U.S. Access Board to identify potential solutions.

II. Necessary additional changes

The notice of proposed rulemaking (NPRM) seek to address ambiguities in applying current crashworthiness standards to ADS-equipped vehicles without manual steering, including in sections of the FMVSS where a driver's designated seating position is referenced. Changes to the FMVSS are meant to address potential barriers to develop and deploy autonomous vehicles. For these vehicles to uphold their promise of mobility for people with disabilities, they will need to be wheelchair accessible.

A. For multi-purpose vehicles manufactured for operation by persons with disabilities

Please consider necessary changes to FMVSS 208 S4.2 and S.4.2.1.2.

S4.2 defines trucks and multi-purpose vehicles manufactured for operation by persons with disabilities. Current FMVSS text states:

“These vehicles incorporate a level change device (e.g., a wheelchair lift or a ramp) for on loading or offloading an occupant in a wheelchair, an interior element of design intended to provide the vertical clearance necessary to permit a person in a wheelchair to move between the lift or ramp and the driver’s position or to occupy that position, and either an adaptive control or special driver’s seating accommodation to enable persons who have limited use of their arms or legs to operate a vehicle.”

“For purposes of this definition, special driver’s seating accommodations include a driver’s seat easily removable with means installed for that purpose or with simple tools, or a driver’s seat with extended adjustment capability to allow a person to easily transfer from a wheelchair to the driver’s seat.”

S4.2.1.2(b) provides a standard for seatbelt options in vehicles manufactured for operation by persons with disabilities and requires a Type 2 or Type 2A seat belt assembly to be installed for the driver's seating position. A Type 2 seat belt assembly is required for each other outboard designated seating position.

Language needs to be added to these provisions that takes into consideration the potential for wheelchair accessible ADS-equipped vehicles without manual controls or a driver’s seat and reference to a front left outboard seat.

B. Guiding Principles

The NPRM provides four guiding principles NHTSA is using to address FMVSS reform and regulatory barriers. These include: (1) maintaining current performance requirements, (2) reducing unnecessary barriers and uncertainty for manufacturers, (3) maintaining the current regulatory text structure, and (4) remaining tech neutral.

We acknowledge DOT’s repeated stated commitment to improving access and mobility for people with disabilities and older adults in Automated Vehicles 3.0 and Automated Vehicles 4.0. This commitment needs to be carried over to this document by NHTSA adopting a fifth guideline: “Ensuring access and safety for all passengers and road users, including passengers with disabilities and older adults”. The guidelines would be a reminder to staff and all stakeholders of the commitment and potential of this work going forward.

C. Ongoing Consultation with the Disability Community

ADS is an area of constant evolution and technological change. To ensure that this

change is fully accessible and safe for all people, we strongly recommend that NHTSA work with the U.S. Access Board and representatives from the disability community as new technology, vehicle designs and safety features are developed.

Please contact Cyrus Huncharek, Public Policy Analyst, at cyrus.huncharek@ndrn.org should you have any questions or concerns with these comments.

Sincerely,



Curtis L. Decker
Executive Director