

August 31, 2020

Deputy Administrator James C. Owens
National Highway Traffic Safety Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Administrator Owens,

United Spinal Association is pleased to provide comments on the United States Department of Transportation (DOT) National Highway Traffic Safety Administration (NHTSA) Request for Comment (RFC) on the "Automated Vehicle Transparency and Engagement for Safe Testing (AV TEST) Initiative" (Docket DOT-NHTSA-2020-0070) for the voluntary collection of information from entities testing vehicles equipped with an automated driving system (ADS).

United Spinal Association is a national 501 (c) (3) organization, founded by paralyzed veterans, dedicated to enhancing the quality of life of all people living with spinal cord injuries and disorders (SCI/D), including veterans, and providing support and information to loved ones, care providers and professionals. United Spinal has over 70 years of experience educating and empowering over 2 million individuals with SCI/D to achieve and maintain the highest levels of independence, health and personal fulfillment. United Spinal has over 56,000 members, 52 chapters, close to 200 support groups and more than 100 rehabilitation facilities and hospital partners nationwide including 10 distinguished Spinal Cord Injury Model System Centers that support innovative projects and research in the field of SCI. United Spinal Association is also a VA-accredited veterans service organization (VSO) serving veterans with disabilities of all kinds.

Safety in transportation is of paramount importance to every individual. Certainly unsafe conditions at any point within the transportation system disproportionately affect people with disabilities on many levels. Thus United Spinal enthusiastically endorses the vital role NHTSA must play in helping ensure safety standards in all aspects of ADS. While safety is a United Spinal bedrock principle, it is, however, not our only one.

United Spinal applauds the current transparency and engagement effort on automated vehicles as a good first step, but we strongly believe the centralized ADS database can be considerably strengthened to the benefit of every stakeholder, public and private.

First, it is incumbent upon our federal government not to help usher in a new generation of transportation onto our streets, highways and byways that has broad based barriers denying use, even access, to people who use wheelchairs. Yet if accessibility and inclusion are not addressed during the testbed phase of this nascent industry, severely restricted access will inevitably be the outcome. Accessibility and inclusion in ADS are not optional. These absolute necessities, as we have stated in past petitions to NHTSA and DOT, allow for the private sector to open transportation opportunities to all. Perhaps NHTSA feels accessibility and inclusion are so inherent in safety, that they do not require even being mentioned. If this is in fact the case, United Spinal could not disagree any more strongly.

Second, as DOT and NHTSA are aware, United Spinal's members are primed to assist every sector of ADS to accommodate the transportation needs of our nation. From original equipment makers to correct road marking and striping on the streets, through robust engagement with our members, we can enrich the knowledge base of innovators to serve a greater diverse population.

Therefore, we strongly urge NHTSA to incorporate accessibility and inclusion into every aspect of its transparency and engagement efforts. Moreover, United Spinal is convinced that these essential elements, which are vital to universal consumer success in ADS, must be fully integrated into DOT's overall transparency and engagement efforts. In order to accomplish this goal, United Spinal urges DOT to elevate the AV TEST Initiative centralized database administration to DOT's Office of the Secretary. The Office of the Secretary alone embodies the broad line of command and leadership necessary to help deliver accessible, inclusive ADS.

As an example of the benefits a more elevated effort could achieve, consider the critical role the Federal Transit Administration (FTA) should play in any ADS transparency and engagement effort. FTA can be better accommodated from the Secretary's office which would seek input and constant review from all of DOT's vast resources. Consider too, the importance this signals to the remainder of the federal government's resources that will be able to contribute to the cause.

United Spinal also shares the concerns expressed by the National Transportation Safety Board (NTSB) about the lackluster efficacy of information if gathered on a voluntary basis for the AV TEST Initiative from ADS developers and local authorities.

Further, United Spinal believes to be more fully efficacious, a set of specific data should be developed and sought from ADS developers and local authorities by NHTSA. As NTSB Chairman Robert L. Sumwalt, III said in his comments to DOT and NHTSA, dated August 21, 2020:

"In addition to the participation being voluntary, NHTSA and DOT do not propose requiring any specific information from ADS developers and operators who do decide to contribute to the digital platform. This lack of a requirement for specificity will likely lead to a patchwork of incompatible information from states and developers. Additionally, the [Request for Comments] does not include any indication that the submitted material will be evaluated for accuracy or the extent to which that material is safety-relevant. Such an evaluation would be pertinent not only to the material submitted by ADS developers, but also to the material submitted by the states." United Spinal agrees with NTSB's conclusion that, "for the AV TEST Initiative to be successful, a minimum set of reported information is critical."

Certainly among the critical data points that should be included in the Initiative are those related to accessibility and inclusion. United Spinal urges DOT and NHTSA to engage the disability community to ascertain useful accessibility and inclusive criteria for a more comprehensive, useful database. To this end, DOT AND NHTSA are aware of useful resources that include:

1. The Disability Rights Education Defense Fund's autonomous vehicle principles:

<https://autoalliance.org/wp-content/uploads/2019/05/DREDF-Fully-Accessible-Vehicle-Checklist-110718.pdf>

2. Consortium for Citizens with Disabilities (CCD) Transportation Task Force Autonomous Vehicle Principles:

<https://autoalliance.org/wp-content/uploads/2019/05/CCD-Transp-TF-AV-Principles-120318.pdf>

Finally, United Spinal supports a continuous dialogue centered on the information supplied by ADS developers and local authorities. As DOT has effectively used the IdeaScale platform in the past, we urge consideration of this communication tool to allow a productive public engagement with all stakeholders, including United Spinal and the disability community. As ADS developers and local developers fine-tune their individual testbeds, United Spinal and the disability community welcome a further exchange of experiences, expertise, interests ideas and innovations to make ADS a more productive, accessible, inclusive transportation opportunity.

United Spinal and its members look forward to working with DOT and NHTSA to accomplish an accessible transportation network every person can use and benefit from no matter what their level of abilities.

Thank you for considering these comments. Please do not hesitate to contact Kent Keyser, Public Policy Fellow, with any questions at kkeyser@unitedspinal.org.

Sincerely,

A handwritten signature in black ink that reads "Alexandra Bennewith". The signature is written in a cursive, flowing style.

Alexandra Bennewith, MPA
Vice President, Government Relations