



September 16, 2020

Submitted via Regulations.gov

U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building Ground Floor, Room W12-140
Washington, DC 20590-0001

RE: NHTSA-2020-0086, Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles

The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The cochairs of the CCD Transportation Task Force are disappointed that manufacturers have been unable to implement FMVSS 141 in the four years allotted, which already included a delay of one full year. As such, we appreciate the Agency's decision not to fully grant the petition for waiver, and we strongly urge NHTSA not to allow any further delay in implementation of the minimum sound requirements for hybrid vehicles. Should any future delay be considered, we request that the Agency engage the normal NPRM process allowing a 30-day comment prior to issuing a final rule.

Regarding the production phase-in period, manufacturers made the explicit choice to employ different compliance strategies, including backloading production of compliant vehicles. While the pandemic was unexpected and the scale of disruption unprecedented, the companies knew of the upcoming deadline and specific requirements of the rule; therefore, they assumed the risk of a backloaded strategy if any disruption to the supply chain were to occur. Moreover, the pandemic has demonstrated the need for safe, walkable communities where people (including people who are blind or have other disabilities) can walk, cycle, and exercise safely during closures of businesses, gyms, parks and other public facilities.

While some disruption may have been inevitable, manufacturers should prioritize producing safe vehicles and contributing to accessible streets. Therefore, we disagree with the argument that continuing to allow production of pre-FMVSS 141 vehicles as a means of economic recovery is appropriate. Considering NHTSA is a safety agency, we encourage NHTSA to consider first and foremost the impact that this and other delays may have on pedestrians and other road users who rely on sound for their safe travel. We appreciate NHTSA's denial of a full-year implementation delay and the alternative phase-in option, which would substantively

undermine the intended safety effect of the rule. While we would prefer no delay in the standard's implementation dates, we strongly encourage NHTSA to refuse to grant any further delays to the FMVSS 141.

Thank you for the opportunity to comment on the interim final rule. If you have any questions about our comments, please contact Sarah Malaier, American Foundation for the Blind, at smalaier@afb.org or 202-469-6831.

Sincerely,

Sarah Malaier
American Foundation for the Blind (AFB)

Lee Page
Paralyzed Veterans of America (PVA)

Claire Stanley
American Council of the Blind (ACB)

Carol Tyson
Disability Rights Education and Defense Fund (DREDF)