



Paralyzed Veterans of America

Chartered by the Congress of the United States

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

Re: RIN 2127-AL67, Make Inoperative Exemptions; Vehicle Modifications to Accommodate People with Disabilities

Paralyzed Veterans of America (PVA) is writing to provide comments on the National Highway Traffic Safety Administration's (NHTSA) supplemental notice of proposed rulemaking (SNPRM) to include new exemptions relating to the federal motor vehicle safety standard (FMVSS) for rear visibility requirements and knee bolster air bags in rental vehicles. The notice was officially published for comment on December 28, 2020.

PVA is the only congressionally chartered veterans service organization solely dedicated to representing veterans with spinal cord injuries and/or disorders. Our members are considered to be people with disabilities under the Americans with Disabilities Act (ADA). Nearly all of them use assistive devices for mobility such as wheelchairs and scooters. These devices provide rehabilitation and increase their independence to help them participate in the mainstream of society.

The FMVSS must provide consideration for the equipment needed to make a vehicle accessible for drivers and passengers with disabilities. We thank NHTSA for proposing exemptions relating to rear visibility requirements in FMVSS No. 11 and permitting rental car companies to make inoperative knee bolster air bags on a temporary basis. We fully support these exemptions as they ensure transportation access for people who use mobility devices, including those who need hand controls to drive a vehicle.

Make Inoperative Exemption in Subpart C for Portions of FMVSS No. 111, "Rear Visibility"

PVA supports NHTSA's proposed exemption for the temporary installation of a personal mobility device (PMD) transporter on a vehicle. Many PVA members install a PMD trailer or lift platform on the rear of their vehicle as this is the only option for transporting the PMD. Such exemptions are already permitted for other vehicles such as trucks with trailers. It would be inappropriate to allow some vehicles to be exempt from the regulation, but overlook the same exemption for another community that has an equally, if not more significant need for one.

Make Inoperative Exemption for Rental Companies

Rental car companies are required to provide drivers with disabilities hand controls as an accommodation under the ADA. Rental companies comply by installing temporary hand controls that can be readily available with 48 hours' notice of the request. With the addition of air bag systems in newer vehicles for driver safety, rental companies have to disable or remove the driver's side knee bolster air bag to install hand controls. PVA supports the proposed exemption for rental car companies as it will ensure that drivers with disabilities are able to safely access vehicles when they travel.

Scope of an Exemption for Rental Companies

Question 1 – Should rental companies be provided exemptions from the make inoperative prohibitions to make temporary vehicle modifications, permanent vehicle modifications, or both?

Yes, rental car companies should be provided exemptions from the make inoperative prohibitions to perform temporary vehicle modifications. Rental car companies need this exemption in order to install hand controls that in some cases require making the driver's side knee bolster air bag inoperative on a temporary basis as an accommodation. This should only be done on a temporary basis because the vehicle is in a rental pool and will be used by other customers who do not need hand controls as an accommodation to drive. Reactivating the knee bolster air bag will ensure greater safety for drivers and allow the vehicle to meet NHTSA standards.

Question 2 – Should NHTSA provide a make inoperative exemption for other installations of adaptive equipment by rental companies?

Yes, if other accommodations are needed to ensure a person with a disability can drive a rental vehicle, then NHTSA should provide an inoperative exemption for those safety features that must be disabled or removed to ensure the driver can safely use the vehicle.

Question 3 – If a temporary modification to install adaptive equipment causes a malfunction telltale to illuminate, should the rental company be allowed to disable the telltale?

No, the telltale notification needs to be available in the event that another issue may render the air bag system in other parts of the vehicle non-functional.

Procedural Requirements for an Exemption for Rental Companies

Question 5 – Should rental companies need to request an exemption from NHTSA or should the exemption be provided automatically within the regulation?

No, rental companies should not have to seek an exemption from NHTSA in order to temporarily disable or remove the knee bolster air bag. Rental companies may need to make modifications quickly in order to respond to a customer's request for hand controls. Waiting on an exemption could jeopardize the business transaction for the company and leave the person with a disability without means of transportation. Requiring companies to request an exemption could also lead to them refusing to accommodate drivers with disabilities due to the burden of requesting an exemption.

Question 7 – Should rental companies be required to notify customers that a vehicle modified to accommodate the installation of adaptive equipment may have had devices or designs installed in compliance with an applicable FMVSS made inoperative?

Yes, it is important that a renter be informed that the installation of the hand controls required the knee bolster air bag to be disabled or removed. This information can easily be conveyed to the renter via the rental agreement. There is no need for a permanent label stating that the vehicle may not comply with all the FMVSSs since it is a temporary modification.

Question 9 – Should rental companies be required to notify subsequent renters and/or purchasers of rental vehicles that have been modified pursuant to this proposed "make inoperative" exemption that the vehicle was previously modified?

Yes, for those drivers with disabilities who are interested in purchasing the vehicle the knowledge that the vehicle has been modified in the past under the "make inoperative exemption" to install hand controls would be beneficial in the decision to purchase it.

Question 10 – What procedures could or should NHTSA require of rental companies to ensure the knee bolster air bag will be reenabled when the rental vehicle is returned and the hand controls are disabled?

Rental companies should be required to reenable the knee bolster air bag after the rental agreement ends and the vehicle is returned to the company's inventory. Removing the hand controls will allow the knee bolster air bag to be reconnected for greater safety and ensure the vehicle meets FMVSSs the next time it is rented to a non-disabled person.

Question 11 – To the extent car sharing companies (e.g. Zipcar) qualify as a "rental company" would all aspects of this proposal be reasonably applied to ride sharing companies, or would procedural requirements need to be different for them?

Ride share companies need to be held to the same standard to the extent they qualify as a rental company. If hand controls are requested and provided on the ride sharing vehicle, then the knee bolster air bag must be disconnected or removed to ensure maximum operation and safety for a driver with a disability.

Conclusion

PVA appreciates the opportunity to provide comments on NHTSA's proposed exemptions from FMVSSs to ensure that drivers with disabilities have access to vehicles whether they are renting a vehicle or transporting their PMD on their personal vehicle. Transportation often presents barriers for people who use wheelchairs and scooters. These exemptions will remove barriers that might inhibit the travel of people with disabilities.

Sincerely,



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