

January 27, 2021

Via Electronic Submission

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

Re: Comments Concerning Make Inoperative Exemptions; Vehicle Modifications to Accommodate People with Disabilities Supplemental Notice of Proposed Rulemaking (SNPRM) Docket Number: NHTSA-2016-0031

To Whom It May Concern:

United Spinal is pleased to submit comments in response to the National Highway Traffic Safety Administration (NHTSA) SNPRM regarding Federal Motor Vehicle Safety Standards (FMVSS) make inoperative exemptions.

Celebrating our 75th anniversary this year, our vision is to build an inclusive world and embrace the talents of all people with physical disabilities to achieve their full potential. Founded by paralyzed veterans, United Spinal Association is dedicated to enhancing the quality of life of all people living with spinal cord injuries and neurological disorders (SCI/D), including veterans, and providing support and information to loved ones, care providers and professionals. United Spinal has 75 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 57,000 members, 50 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.

Given that the automotive industry has been designing and manufacturing vehicles for well over a century, without producing a truly universal accessible vehicle for Americans with disabilities, it is disappointing in the extreme that the National Highway Traffic Safety Administration (NHTSA) would further advance this discriminatory inequity by suggesting a potential solution to safety concerns would be for companies to “cease the rental of vehicles to drivers requesting hand controls.” To further state that instituting such a discriminatory practice “**may** have implications for compliance with the Americans with Disabilities Act,” is an even more concerning statement from a federal government agency charged with executing the law.

Aside from the above unfounded proposition, United Spinal is convinced that until federal entities, like NHTSA, accept the governing principle that inherent in safety is a solid foundation of accessibility, Americans with disabilities will not have a fair shot at a full life. But that is not the only tragedy. As NHTSA should know, accessibility serves everyone’s safety, not just those with differing abilities.

We make the above point because the current request for comments on questions brought by two companies seeking to do the right thing are but the tip of the iceberg NHTSA will encounter as safety technologies advance and the safety compromises of Americans with disabilities will inevitably be further accelerated.

In light of the advance of technology, NHTSA must redouble its efforts to promulgate a regulatory environment based on independent research that includes all stakeholders, especially Americans with disabilities. United Spinal will continue to support federal appropriations to maximize the benefits of NHTSA research for every American, every business and our economy as a whole. Paramount to an equitable transportation universe for Americans with disabilities is that federal agencies, like NHTSA, communicate consistently with other federal agencies such as the U. S. Access Board, particularly when specific regulatory questions arise affecting those in our community.

While the public sector has failed ensuring equitable transportation accessibility and the private sector is only now promising accessibility with the next generation of transportation, automated vehicles, United Spinal recognizes the incalculable, long-standing contributions to transportation equity made by the National Mobility Equipment Dealers Association and its members. NHTSA must continually engage the knowledge and expertise of this national transportation accessibility resource.

As a member of the Consortium for Citizens Transportation Task Force, United Spinal supports the comments made by the Task Force chairpersons relative to this notice. We underscore the following points from their comments, “we understand that retrofitted rearview cameras are available and encourage installation if possible. Also, we strongly discourage long-term reliance on exemptions for purpose built accessible autonomous and manually operated vehicles. NHTSA should prioritize research towards, and vehicle manufacturers should seek to truly innovate by designing, vehicles that can be both safe and accessible for all passengers.”

Thank you for considering these comments. Please do not hesitate to contact Kent Keyser, Public Policy Fellow, with any questions at (718) 803-3782 or kkeyser@unitedspinal.org.

Sincerely,

Alexandra Bennewith

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