



September 21, 2022

Dr. Steven Cliff
Administrator
National Highway Traffic Safety Administration (NHTSA)
1200 New Jersey Avenue SE
Washington, D.C. 20590

Re: Petition for Temporary Exemption: General Motors; Various Requirements of the Federal Motor Vehicle Safety Standards for an Automated Driving System-Equipped Vehicle (the Cruise Origin) Docket No. NHTSA-2022-0067

Dear Administrator Cliff:

I am writing on behalf of United Spinal Association in support of General Motors Petition for Temporary Exemption for the Cruise Origin. United Spinal is committed to supporting the creation of digital, innovative technologies and physical access for people with disabilities, especially for wheelchair users, in the transportation universe.

United Spinal Association is the largest non-profit organization, founded by paralyzed veterans, dedicated to enhancing the quality of life of all people living with paralysis, neurological conditions and other mobility disabilities, including veterans, and providing support and information to loved ones, care providers and professionals. United Spinal has over 75 years of experience educating and empowering over 5 million wheelchair users in the United States to achieve and maintain the highest levels of independence, health and personal fulfillment. United Spinal has 50 chapters, close to 200 support groups and more than 100 rehabilitation facilities and hospital partners nationwide including 14 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.

NHTSA's role and responsibility in considering accessibility and equity

Secretary Buttigieg operationalized NHTSA's role and responsibility in considering accessibility and equity when an exemption is sought for an ADS-equipped vehicle in a definitive accessibility policy statement he delivered during the DOT's March 24, 2022 Public Hearing [emphasis added below]:

"...The fundamental promise of our transportation system is that everyone should be able to travel freely to the places that they need to go to and if a person isn't able to travel simply because someone else decides it's too hard to accommodate them, the whole world shrinks. The world shrinks in a very big way for that would-be traveler and it shrinks for anyone else who would benefit from that traveler's presence and contributions...."

"Let me close with a broader point which is that according to the CDC one in four Americans has a disability and many people who don't have a disability today or identify as part of the community will develop one later in life. Disability cuts across race, gender identity, income, language and more. And that makes the disability community one of the most internally diverse in the nation as well as the largest group of Americans covered by civil rights legislation. It's a simple truth that no nation can succeed if a quarter of its population is not able to fully participate.

"We know that as well as the moral and simply civil imperative of ensuring that everybody is served equally and accommodated appropriately; it's also the case that many innovations which begin as disability

accommodations wind up benefiting everyone from curb cuts to closed captioning. And all that's to say that the investments we make in accessibility today will benefit all Americans in the decades ahead, whether they develop a disability or not. Because when more people are able to work, to travel, to access the resources they need, it means that our economy, our country and everyone's lives, are better for it.

"So yes, we know and we recognize that transportation is a field where we see major barriers to accessibility. We also know that when we do it right, transportation policy can break down barriers and allow everyone to reach our fullest potential."ⁱ

United Spinal fully embraces the Secretary's clear vision, practical understanding and comprehensive assessment of the tremendous positive economic, community and individual outcomes that can spring continuously from a fully accessible, seamless transportation system. United Spinal looks forward to working closely with the dedicated team at NHTSA in following the right path when it comes to advancing the next generation of transportation safety, autonomous vehicles.

An essential corollary to Secretary Buttigieg's above statement on the universal impact accessibility has on transportation is that safety is inherent in accessibility. The more accessible autonomous vehicles and related infrastructure are, the safer they are for everyone. The more successful NHTSA is in fully adopting this fundamental principle and premise, the more useful our nation's transportation system will be not only to people with disabilities but to everyone. So yes, accessibility and equity serve safety as well as the public interest.

Moreover, universal accessible design for autonomous vehicles, in which one size fits all also serves all, is a minimal standard DOT and NHTSA must adopt with deliberate speed. DOT and NHTSA must, to the fullest extent possible, seize this moment to serve the public interest as the auto industry teeters on the precipice of a tectonic shift of ushering in a whole new generation of vehicle platforms for ridesharing fleets of autonomous vehicles. Without such a universal design standard, wheelchairs users especially, once again will be left at the side of the road waiting, or worse, stranded because of an inadequate number of wheelchair accessible vehicles to serve their transportation needs from commercial or paratransit services.

Already, even though the Americans with Disabilities Act has been the law of the land for over 32 years protecting the civil rights of those with disabilities in public transportation, manufacturers are producing autonomous vehicles for public ridesharing fleets that are not wheelchair accessible. Even more egregious, autonomous vehicle public ridesharing testing and commercial services are operating with fleets that are not wholly wheelchair accessible. Separate services are offered in a limited number of vehicles that are wheelchair accessible. Separate but supposedly equal service is unacceptable and does not work.

So United Spinal fully supports NHTSA "learning more about specific actions that manufacturers and operators of ADS-equipped exempted vehicles are taking to ensure that accessibility and equity goals will be met." Please know that United Spinal is constantly trying to ascertain from entities involving autonomous vehicles "how they ensure that their ride-hailing services comply with any applicable Americans with Disabilities Act (ADA) requirements" and especially how many vehicles will be wheelchair accessible.

Clearly, seamless and safe access to and from the vehicle is a primary concern of ours. NHTSA needs to not only ask these questions but promulgate standards on these critical points. Additionally, NHTSA must fully address wheelchair and wheelchair user's self-securement, sufficient redundant systematic emergency response and safe vehicle extraction issues, full access to all human-machine interface options available within vehicles as well as a host of other critical issues outlined in the Consortium for Constituents with Disabilities Transportation Task Force Autonomous Vehicle Principles which may be reviewed at: <https://www.c-c-d.org/fichiers/CCD-Transport-TF-AV-Principles-May-2022.pdf>. As you may know, 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 free from racism, ableism, sexism, and xenophobia, as well as LGBTQ+ based discrimination and religious intolerance.

And to best promote the public interest through the exercise of NHTSA's discretion in granting exemptions and establishing terms and conditions to such exemptions, the disability community must have a seat at NHTSA's table and the opportunity to review petitions for exemptions and related policy matters. In order for the disability community to realize the maximum potential autonomous vehicles holds, we must be part of the conversation and fully engaged in the development of this new era of transportation safety. To this end, we request that DOT, in concert with NHTSA, establish a Federal Advisory Committee (FAC) on AV with a subcommittee on Disability Access, as well as reach out to the U.S. Access Board for their consideration and recommendations. We believe the FAC and the Access Board could help ensure that the concerns of, and the opportunities for people with disabilities are more fully addressed as NHTSA develops a safety regulatory environment in which autonomous vehicles can be fully deployed in the nation's transportation commerce. Further, the FAC and Board could also serve as central conduits in terms of identifying and working with research resources on autonomous vehicles that are experienced in the provision of equal access issues for the disability community.

In terms of equity inclusion as a key component of the public interest, NHTSA should review petitions for exemptions by reviewing how many people with disabilities are employed by petitioning entities and importantly what role these employees played in developing the public interest to be served by the petition. While it is true that United Spinal continues to engage many autonomous vehicle entities, there is no substitute for the contributions of in-house employees with disabilities as engineers and other professionals can make to the research, design and development of a given proposed ride sharing fleet.

Clearly, for people with disabilities to have equal access to a national highway system and the other modes of transportation system that utilize autonomous vehicles technologies, it will be necessary to create a fully seamless infrastructure for members of our community. A seamless infrastructure supporting travel will allow us to move freely and safely into modes of transportation, to transfer inter-modally and to likewise depart the nation's multimodal transportation system with access just like everyone else.

United Spinal would eagerly partner with NHTSA and autonomous vehicle entities to gather information and data on how exempted vehicles would be used to improve accessibility and equity in serving underserved communities. Please know United Spinal endorses NHTSA requiring plans from entities that receive a grant of a petition about how they intend to ensure that access to their services are equitable in terms of neighborhood, income levels, race and ethnicity, age, disability (etc.), and that they should be required to provide reports of how they achieved those objectives through use of the exempted vehicles. United Spinal supports requiring manufacturers granted an exemption to report to NHTSA about how the exempted vehicles will be used to improve accessibility and equity in serving underserved communities. United Spinal agrees that data reported on these elements would help DOT and NHTSA assess if assumptions about the beneficial societal impacts of ADS-equipped vehicles are bearing out, and if not, why not.

As discussed below, transportation barriers negatively affect people with disabilities across a broad spectrum of missed economic opportunities. It is notable that the unemployment rate for people with disabilities consistently is about double that of non-disabled people. Currently, the unemployment rate for people with disabilities is: 7.8% versus people without disabilities: 3.6%.ⁱⁱ

NHTSA should seek information about the economic impacts of granting a petition. In addition, NHTSA should not only seek information on the potential for jobs and innovation creation, the agency should support such outcomes through inclusion of underserved diverse community like those with disabilities by conducting

research on breaking down barriers through adding resources like a dedicated labor supply of researchers from the disability community to tackle systemic barriers. The private transportation sector should be made aware of the tremendous economic potential of serving the disability community by including the community in their business models and plans.

NHTSA should partner with the disability community to market the potential positive economic outcomes of including accessible transportation for people with disabilities as well as seniors who also experience mobility, sight and hearing challenges. Older Americans are often dependent on loved ones for mobility, with 78% of caregivers providing, or arranging for, rides for family members.ⁱⁱⁱ Public transportation, paratransit, and taxis are often the only means of mobility for many Americans with disabilities. Still, 45% of Americans have no access to public transportation, while paratransit and taxi service response times can be highly variable.^{iv} 25.5 million Americans age 5 and older have self-reported travel-limiting disabilities. 13.4 million are age 18 to 64 and 11.2 million are age 65 and older. 3.6 million Americans with travel-limiting disabilities do not leave their homes because they are disabled or housebound.^v

The disability community already contributes significantly to the national transportation sector. For example, a 2020 study found that for the years 2018-2019, more than 27 million travelers with disabilities took a total of 81 million trips, spending \$58.7 billion on their own travel alone (up from \$34.6 billion in 2015).^{vi} Just Imagine the potential economic contribution and impact the disability community could have should accessible transportation be available across the country. The private transportation sector must recognize, also, that with the graying of America, these challenges will only increase and the potential economic impact of the disability community will continue to grow.

NHTSA must address the above issues because currently, the lack of available and inclusive transportation for those living with disabilities is one of the many, as well as one of the harshest, barriers our community faces in having a full and independent life. Across our nation, the daily lack of safe, reliable, on demand and accessible transportation deprives our community from equitable access to healthcare, even from getting to much needed medical appointments on time, if at all. It inequitably isolates and stymies our community from seeking diverse employment opportunities and certainly bars our maintaining a sterling on-time and dependable attendance record with current employment. And a lack of dependable transportation unequivocally denies our community their civil rights in order to fulfill their civic responsibilities, fully participate in the greater community, and engage in the social and economic life enjoyed by their fellow citizens.

In short, advances in autonomous vehicle technology have the potential to change the world for people with disabilities. To the extent DOT and NHTSA adopt universal design for fully accessible autonomous vehicles and related infrastructure, is the extent everyone can, in the words and vision of Secretary Buttigieg, reach “our fullest potential.”

The General Motors Cruise Origin Petition

United Spinal, as an article of faith, accepts General Motors’ and Cruise’s continuing commitment to design fully accessible vehicles, including wheelchair accessibility.

Our organization and members have and continue to engage in a productive dialogue with General Motors and Cruise about various issues unique to transporting wheelchairs and wheelchair users which are delineated in the above.

Cruise posits that the current petition for its current Origin vehicle model, shares many of the same design parameters as will its Origin wheelchair accessible vehicle (WAV). It then follows that data gleaned from the Origin’s operations will to an extent enhance further positive design considerations for the Origin WAV.

As is clear from our comments in the above, any process that speeds development and deployment of WAVs, has United Spinal's full support. The fact that this petition involves our trusted partners allows us to magnify our support and sincerely request that this petition be expedited in the public interest so that more underserved, disadvantaged and diverse communities and populations may be more expeditiously served with accessible autonomous vehicles to achieve greater inclusion and equity in America's transportation system.

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,

Alexandra Bennewith

Alexandra Bennewith, MPA
Vice President of Government Relations

ⁱⁱ Department of Labor, Office of Disability Employment Policy, <https://www.dol.gov/agencies/odep>

ⁱⁱⁱ National Aging and Disability Transportation Center. "Unique Issues Related to Older Adults and Transportation". <https://www.nadtc.org/about/transportation-aging-disability/unique-issues-related-to-older-adults-and-transportation/>.

^{iv} American Public Transportation Association. "Public Transportation Facts". <https://www.apta.com/news-publications/public-transportation-facts/>

^v Travel Patterns of American Adults with Disabilities. <https://www.bts.gov/travel-patterns-with-disabilities>

^{vi} <https://www.prnewswire.com/news-releases/economic-impact-of-disability-travel-reaches-58-7-billion-301162417.html>