



November 4, 2019  
Via electronic mail

The Honorable Roger Wicker  
United States Senate  
555 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Frank Pallone, Jr.  
United States House of Representatives  
2107 Rayburn House Office Building  
Washington, DC 20515

The Honorable Maria Cantwell  
United States Senate  
511 Hart Senate Office Building  
Washington, DC 20510

The Honorable Greg Walden  
United States House of Representatives  
2185 Rayburn House Office Building  
Washington, DC 20515

RE: Requested Feedback on 3 Sections of a Future AV Bill

Dear Chairmen Pallone and Wicker, Ranking Members Cantwell and Walden,

The Consortium for Citizens with Disabilities (CCD) Transportation Task Force is pleased to submit comments in response to the request for feedback on three sections of a bicameral, bipartisan self-driving car bill. 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. We are attaching our feedback provided on August 23, 2019 for reference, and responding to the advisory council and exemptions process sections below.

### **Highly Automated Vehicle Advisory Council**

Thank you for including disability organizations in the membership of the advisory council and for requiring the advancement of mobility access in the issues to be studied. There is no substitute for the lived-experience and authentic voices of people with disabilities. The CCD Transportation Task Force recommends strengthening the advisory council by implementing the following changes:

#### *Membership*

1. insert in the list of members, at (b)(1)(A), (x) bicycle and pedestrian advocates, (xi) advocates for populations underserved by public transportation; (p.1, line 24)
2. At (b)(1)(B) insert a representative of the US Access Board; (p.2, line 1)

#### *Issues to be Studied*

1. at (e)(1)(B), insert (iii) efforts to ensure affordability for individuals with disabilities, senior citizens, populations traditionally underserved or low income (p.3, line 13)

2. at (e)(1)(G)(iii) include ‘the use and placement of shoulder belts, seatbelts and automatic securement systems for wheelchair users who remain seated in their mobility device’ (p.5, line 3)
3. after (e)(1)(I) insert ‘the impacts of highly automated vehicles on public transportation’ (p.6, line 1)
4. regarding the development of a framework that allows manufacturers to share relevant situational information:
  - At (e)(1)(D)(i) change to ‘any testing or deployment event on public streets resulting, or that reasonably could have resulted, in damage to the vehicle, any occupant, or nonoccupant of the vehicle, including people with disabilities’ (p. 4, line 5)

### **Highly Automated Vehicle Exemptions**

Thank you for including development of vehicles that promote access to transportation access for individuals with disabilities in the exemptions process. Currently, supply of fully accessible on-demand vehicles does not meet the need. The CCD Transportation Task Force recommends strengthening the exemptions section by implementing the following changes:

#### *Findings*

1. Edit (3)(vi)(I) from ‘the exemption would promote transportation access for individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.S.12102)’ to ‘the exemption would provide transportation access for all individuals with disabilities (as defined in the Americans with Disabilities Act of 1990 (42 U.S.C.12102)’ (p.5, line 3)

#### *Application Data Supplied by Manufacturers*

1. add (2)(c)(5)(A)(cc) - include ‘how the vehicle will protect the safety of wheelchair-using occupants who remain in their wheelchairs in the event of a crash at a safety level to be determined at least equal to the safety level of a non-exempt vehicle’ (p. 7, line 9)
2. Edit (2)(c)(6) to - if the application is made under subsection (b)(3)(B)(vi), a detailed analysis demonstrating how the vehicle would provide transportation access for all individuals with disabilities (as defined in the Americans with Disabilities Act of 1990 (42 U.S.S.12102)’, and how the vehicle would meet the needs specific to people with sensory, cognitive and physical disabilities, including wheelchair users. (p. 7, line 10)

#### *Process and Analysis*

1. Edit (2)(B) to include, ways in which a vehicle can be designed to ensure access for people with disabilities (as defined in the Americans with Disabilities Act of 1990 (42 U.S.S.12102) (p.12, line 3)

#### *Exemption Database*

1. Add (j)(1)(C) the exemption clause or clauses under which the exemption was granted as listed in (3)(B)(i), (ii), (iii), (iv), (v), or (vi) (p. 12, line 35)

*Reporting Requirements, Required Information*

1. Insert after (2)(B) information on vehicle features increasing safety for passengers and nonoccupants with disabilities (p.14, line 23)

In addition to highlighting the need for development of fully accessible vehicles, we continue to advocate for improvements in the existing Federal Motor Vehicle Safety Standards to ensure automated driving systems can detect, identify and safely respond to pedestrians. As noted in our feedback provided on August 23, 2019, any exemptions must also require the safety of pedestrians and passengers before deployment.

We also encourage a clear process that identifies accessibility features needed to grant an exemption, and encourage funding for necessary full-time staff to allow for the US Access Board's collaboration with NHTSA staff.

Finally, as you draft the remaining sections, we encourage you to take into account our concerns and recommendations regarding privacy, consumer education, rulemakings, required accessibility in public use AVs, infrastructure, and anti-discriminatory licensing provisions.

The CCD Transportation Task Force thanks you for the opportunity to provide recommendations regarding priorities and issues addressed in a self-driving car bill. Please do not hesitate to contact us with any questions. We look forward to continuing to work with the Committee as legislation is developed.

Sincerely yours,

CCD Transportation Task Force Co-Chairs

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Encl: CCD Transportation Task Force AV Bill Issues Feedback, August 23, 2019