

November 15, 2006

National Highway Traffic Safety Administration
Docket Room, PL-401
400 Seventh Street, SW
Washington, DC 20590

Re: Docket No. 25801; NMEDA Comments on National Highway Traffic Safety Administration's (NHTSA) Notice of Proposed Rulemaking: Electronic Stability Control Systems – FMVSS 126, September 18, 2006

Dear Sir or Madam:

The National Mobility Equipment Dealers Association (NMEDA) appreciates this opportunity to comment on the agency's proposed rule to implement a regulation requiring electronic stability control systems on vehicles. NMEDA is a non-profit association dedicated to providing safe and quality adaptive transportation and mobility for consumers with disabilities. NMEDA:

- Encourages collaboration and professionalism among its members comprised of dealers, manufacturers, rehabilitation professionals, government agencies, regulatory bodies, insurance and finance companies to provide consumers a seamless solution to their adaptive vehicle needs.
- Promotes and disseminates national guidelines to ensure safety for the consumer and public.
- Facilitates training and education so members are properly qualified and knowledgeable about the latest technologies available.
- Ensures consumers receive the highest quality vehicle modification through the Quality Assurance Program membership.
- Creates local community partnerships between, OEM and dealer members and consumers to maximize options for adaptive vehicle modification needs.

The ESC systems on current vehicles and probably the ESC systems on future vehicles are located in the occupant compartment, generally under one of the front row seats. Many wheelchair accessible vehicles remove the original vehicle floor and replace it with a floor structure that is approximately 6 to 12 inches lower, and provide clear floor space in the front row for occupants traveling or driving in a wheelchair. This will require relocating the ESC system on these lowered floor vehicles. As well, other vehicles are modified to render them accessible for people with disabilities by removing the original

front row passenger side seat and replacing it with a multi-function seat that facilitates egress. Again, this type of alteration to the vehicle requires that the floor area be unobstructed, therefore requiring the relocation of any systems installed by a previous manufacturer under the front row passenger seat. Finally, some mobility vehicles are equipped with a raised roof and a multi-function seat in the front row positions so as to allow a person in a wheelchair to transfer from the wheelchair to the front row position. This type of alteration would also require that any original vehicle systems located under the front row seats be relocated.

The ESCs are position sensitive¹ in a vehicle and their relocation is likely to affect the accuracy, performance and effectiveness of the ESC system. The relocation of the ESC systems, required to render vehicles accessible to the disabled, could therefore create a potentially dangerous and unpredictable vehicle response under certain driving conditions.

As stated in the NPRM, NHTSA supports the use of on/off switches but requires that the default mode be the 'on' position. Setting the system to 'off' would certainly be a means to compensate for the possible safety concerns created by relocating the ESC system but such a means would also create a dangerous situation in the event that the ESC system is not deactivated at every engine start. A permanent key operated 'off' position and an associated warning lamp, similar to an airbag deactivation system, integrated into the ESC system and software by the vehicle manufacturer is one method of ensuring that the ESC system is not accidentally activated.

NMEDA therefore requests that the proposed rule be modified to require an original vehicle manufacturer to provide a means to permanently deactivate an ESC system for vehicles manufactured, altered or modified after first retail sale for people with disabilities. As an alternative, the proposed rule could be modified so as to allow the permanent deactivation of ESC systems if the vehicle is manufactured, altered or modified after first retail sale in order to render it accessible to people with disabilities.

Respectfully submitted,

Dana Roelling,
Executive Director

¹ As defined in the NPRM, yaw rate and sideslip are a function of the vehicle center of gravity. Also, the ESC's horizontal plane of reference will likely be altered when an ESC system is relocated and therefore alter the performance of the ESC system.