



Ms. Heidi King  
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Ms. King:

The National Mobility Equipment Dealers Association (“NMEDA”) is a non-profit trade association dedicated to expanding opportunities for people with disabilities to safely drive or be transported in vehicles. As the foremost trade association for the automotive mobility equipment industry, NMEDA and its members have demonstrated a nearly 30-year commitment to consumer safety and the improvement of transportation options for people with physical disabilities, mobility limitations, or ambulatory challenges (“people with disabilities”). In the past, NMEDA has worked closely with NHTSA on mobility vehicle matters, including NHTSA’s Make Inoperative Exemptions, and we hope to again function as a resource as NHTSA addresses emerging Automated Driving System (“ADS”) technology. This comment is submitted in response to the NHTSA-issued Federal Register notice regarding *Automated Driving Systems: A Vision for Safety* (NHTSA-2017-0082-0001) (“the guidance document”).

Gaining access to the freedom of the open road and introducing new modes of transportation for people with disabilities is a major theme throughout the guidance document released by the U.S. Department of Transportation (“USDOT”). USDOT Secretary Elaine Chao’s introductory message specifically cites the potential benefits of ADS technology for people with disabilities, and NMEDA has identified at least three pathways by which autonomous vehicles (“AVs”) could be made available to people with disabilities and thereby increase their mobility and independence:

- (1) Original Equipment Manufacturers (“OEMs”) prioritize accessible design and only manufacture AVs that can be accessed and used by all people, including wheelchair and mobility device-users.<sup>1</sup>
- (2) OEMs manufacture certified vehicles that are then altered specifically by independent mobility vehicle manufacturers or mobility equipment dealers to accommodate people with disabilities.<sup>2</sup>
- (3) OEMs design and make available OEM-built AVs that can generally accommodate people with disabilities (to a greater extent than vehicles produced today), but these designs will also allow for additional post-OEM vehicle alterations to accommodate specific disabilities or circumstances.

Stakeholders do not currently know by which pathway(s) AVs will be made available for use by people with disabilities, but one thing is for certain – no matter which pathway, or combination of pathways, is chosen, AV usage by people with disabilities must be thoroughly considered during the OEM’s AV design stage. Accommodation of people with disabilities cannot be relegated to an aftermarket afterthought.

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<sup>1</sup> If AVs will be purchased by individuals for personal use (as many mobility vehicles are today) rather than by fleets for ride-hailing services, this pathway will be less likely to be followed.

<sup>2</sup> This is the mobility vehicle distribution model used today.



Under the sixth ADS safety element, “Human Machine Interface,” the guidance document encourages entities engaged in testing and deployment of AVs “to seek technical and engineering advice from members of the disabled community and otherwise engage with that community to develop designs informed by its needs and experiences.” While NMEDA supports consultation and engagement of the disabled community, this portion of the guidance does not go far enough to address the specific ADS and automotive mobility needs of people with disabilities. There must be a structured environment, during the design process, to enable both the disabled community and the automotive mobility industry to share their knowledge and experience with, and to provide technical and engineering advice to, the entities engaged in AV design, testing, and deployment.

Proposed Congressional legislation regarding federal AV policy – specifically, H.R. 3388 (SELF DRIVE Act) and S. 1885 (AV START Act) – requires the establishment of councils or advisory committees tasked with ensuring – while AVs are being designed – an awareness of the needs of the disabled community and older adults in order to avoid impediments to full AV usage by those populations. NMEDA recommends that NHTSA not wait for these legislative proposals to become law, but rather act now to create a Federal Advisory Committee (“FAC”) under the existing Federal Advisory Committee Act (Pub.L. 92–463). Swift creation of such a FAC will significantly facilitate timely, productive discussion among federal and state governments, AV manufacturers, people with disabilities, and automotive mobility equipment industry providers (*i.e.*, providers that design, manufacture, test, supply, sell, install, maintain, and/or repair automotive mobility equipment including but not limited to vehicle lifts for wheelchairs and scooters; in-floor and foldout vehicle ramps; specialized seating; mobility device securements; and passenger restraints). USDOT’s formation of such a FAC will underscore NHTSA’s stated commitment to integrating accessibility and safety features into the design and body of AVs as entities are conceptualizing their vehicles for production.

The future of AV technology is indeed full of promise. As stated in the guidance document, one primary objective is to allow “millions more – including the elderly and people with disabilities – [to] gain access to the freedom of the open road.” NHTSA must therefore make every effort to ensure that entities thoroughly understand and consider the unique needs of those populations. Otherwise, the agency risks diminishing the critical importance of accessible design and may inadvertently overlook the interests and rights of disabled Americans seeking increased mobility and independence.