



August 10, 2021

Dr. Steven Cliff
Acting Administrator
National Highway Traffic Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
West Building Ground Floor
Room W12-140
Washington, D.C. 20590

Re: Rulemaking to Amend 49 C.F.R. part 595 (Knee-bolster Airbag Exemption) for Car Rental Companies

Dear Dr. Cliff:

On December 28, 2020, the National Highway Traffic Safety Administration (NHTSA) issued a supplemental notice of proposed rulemaking (SNPRM) to amend 49 C.F.R. part 595 to allow rental car companies to temporarily disable knee bolster air bags so that hand controls requested by individuals with disabilities can be installed (the “Exemption”). Paralyzed Veterans of America (PVA),¹ the National Disability Rights Network (NDRN)², the National Council on Independent Living (NCIL),³ the Disability Rights and Education Fund (DREDF),⁴ and

¹ PVA is the only congressionally chartered veterans service organization solely dedicated to representing veterans with spinal cord injuries and/or disorders. Our members are considered to be people with disabilities under the Americans with Disabilities Act (ADA). Nearly all of them use assistive devices for mobility such as wheelchairs and scooters. These devices provide rehabilitation and increase their independence to help them participate in the mainstream of society.

² NDRN is the non-profit membership association of Protection and Advocacy (P&A) agencies that are located in all 50 States, the District of Columbia, Puerto Rico, and the United States Territories. In addition, there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navajo and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. P&A agencies are authorized under various federal statutes to provide legal representation and related advocacy services, and to investigate abuse and neglect of individuals with disabilities in a variety of settings. The P&A Network comprises the nation’s largest provider of legally-based advocacy services for persons with disabilities, including advocacy on accessible transportation to ensure people with disabilities who want to live in the community can do so.

³ The National Council on Independent Living is the longest-running national cross-disability, grassroots organization run by and for people with disabilities. Founded in 1982, NCIL represents thousands of organizations and individuals including: individuals with disabilities, Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), and other organizations that advocate for the human and civil rights of people with disabilities throughout the United States.

⁴ DREDF is a leading national civil rights law and policy center directed by individuals with disabilities and parents who have children with disabilities. Our mission is to advance the civil and human rights of people with disabilities through legal advocacy, training, education, public policy and legislative development.

Enterprise Holdings, Inc. (EHI) all submitted comments in support of the Exemption, and we are writing to collectively urge NHTSA to move forward with the Exemption expeditiously.

As NHTSA is aware, vehicle manufacturers, distributors, dealers, repair businesses, and rental companies “may not knowingly make inoperative any part of a device or element of design installed in or on a motor vehicle that is in compliance with an applicable standard.” NHTSA regulations currently exempt dealers and repair businesses from this prohibition in certain circumstances. Rental car companies, however, are not yet exempt from this statutory prohibition. As NHTSA recognizes in its SNPRM, this situation places rental car companies in the difficult position of having fewer cars that can be outfitted with hand controls needed by customers with disabilities, and substantially limits the vehicle choices for customers with disabilities who need hand controls to drive. The Exemption addresses this challenge by allowing rental car companies to make inoperative a knee bolster air bag, on a temporary basis, to permit the temporary installation of hand controls.

NHTSA should assign a high priority to this rulemaking and the finalization of the Exemption because vehicle manufacturers are producing fewer and fewer vehicles without knee bolster airbags which can accommodate hand controls. In EHI’s consolidated fleet, only 7%, 1% and 5% of vehicles in the Economy, Minivan, Full Size classes do not have knee bolster airbags. No vehicles in the Hybrid, Premium, and Luxury classes come without knee bolster airbags. To further complicate matters, only a fraction of vehicles without knee bolster airbags can accommodate hand controls due to other design and functionality impediments. In short, the vehicle choices available to individuals with disabilities who need hand controls has diminished greatly and will continue to do so unless the NHTSA adopts the Exemption.


PVA, NDRN, NCIL, DREDF, and EHI strongly support the Exemption because it will ensure that individuals with disabilities who use hand controls will have access to a much broader range of vehicles offered for rent by rental car companies. The widespread and increasing use of knee bolster airbags has created a serious barrier for individuals with disabilities who wish to travel in safe and new rental vehicles. The Exemption will remove that barrier.

Thank you for your consideration of this important issue. We hope NHTSA will take further action on this rulemaking as soon as possible to ensure that individuals with disabilities have meaningful options when they need to rent vehicles with hand controls. Should you need any additional information or wish to meet, please contact Claire Stanley at claire.stanley@ndrn.org or (202) 567-3501. We are available to provide any information that you may need and to meet with you to discuss this Exemption.

Sincerely,



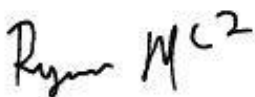
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