



August 22, 2022

Mr. Gary Jensen  
Federal Highway Administration (FHWA)  
Office of Natural Environment  
Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590.

Dear Mr. Jensen:

**In the matter of establishing regulations setting minimum standards and requirements for projects funded under the National Electric Vehicle Infrastructure (NEVI) Formula Program and projects for the construction of publicly accessible electric vehicle (EV) chargers under certain statutory authorities. Citation: 87 FR 37262 Document No.: FHWA-2022-008**

The National Disability Rights Network (NDRN) thanks the Federal Highway Administration (FHWA) for the opportunity to submit comments for the notice of proposed rulemaking (NPRM) regarding electric vehicle (EV) charging stations funded by the National Electric Vehicle Infrastructure (NEVI) Formula Program. Transportation is an issue especially impactful to the disability community, and NDRN is excited to see what advancements can be made.

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.

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. NDRN supports many of the goals that the FHWA has highlighted in this NPRM and appreciates the chance to comment on a couple of the proposed regulations.

## 1. Installation, Operation, and Maintenance

The FHWA regulation proposes at least four chargers at each charging station funded by the NEVI Formula Program. NDRN supports this proposal, and the requirement for uniformity at all EV charging stations. Uniformity provides drivers with disabilities helpful information ahead of time as to what to expect regarding accessibility. The designs that currently exist mean that a particular charging station may not be usable because its design does not have space for a wheelchair user. NDRN urges the FHWA to either incorporate into the NPRM or cross reference and adopt the U.S. Access Board Design Recommendations for Accessible Electric Vehicle Charging Stations. <https://www.access-board.gov/ta/tad/ev/>.

NDRN is concerned that without incorporating the Access Board's Design Recommendations for EV Charging stations into the FHWA National Electric Vehicle Infrastructure Formula Program regulations, the design of the charging spaces will inadvertently be designed to create a situation where a person with a disability will be boxed in or unable to reenter his or her car while other drivers are charging their cars. NDRN also urges the FHWA Regulations to provide that when designing a charging station to serve multiple types of EV's with various vehicle charging inlet locations, that accessible vehicle charging spaces provide a variety of access aisle locations and charger configurations.

Touchless payment points must be made accessible for drivers with disabilities. For instance, they may not be placed too high where a wheelchair user could not reach. Along with the height, the angle of the screen and card reader, if provided, must be taken into consideration. If a person cannot read the screen because of the sun glare, the device will be extremely difficult to utilize. The font and contrast of any electronic messages should be large enough to allow easy reading. Additionally, the U.S. Access Board correctly identifies the triggering of Section 508 of the Rehabilitation Act when payment systems become information and communication technology (ICT). If such payment systems meet the threshold of ICT, they must comply with Section 508 to provide effective communication for persons with sensory disabilities. This could include the ability for a driver to sync his or her hearing aid with the communication device for trouble shooting.

NDRN also urges the FHWA to add specific provisions to the NEVI Formula Program regulations that require if a charging station is co-located at a traditional manned self-

service gas station, that charging assistance be provided in the same manner as required under the DOJ ADA guidance for assistance at self-serve gas stations. (<https://www.ada.gov/gasserve.htm>).

Similarly, if entities use NEVI Formula Program funds to build charging stations with staffed lounges and other services, such as envisioned in these articles: ([https://www.greencarreports.com/news/1135410\\_electrify-america-future-ev-charging-stations-solar-lounges-valet](https://www.greencarreports.com/news/1135410_electrify-america-future-ev-charging-stations-solar-lounges-valet); <https://www.autoweek.com/news/a40156968/ev-charging-lounges-plugging-in-experience/>; <https://www.edmunds.com/car-news/charging-stations-for-electric-vehicles-adding-coffee-lounges.html>) they should similarly be required to provide assistance for drivers who may need assistance in handling the charging cables and ports.

Finally, fully autonomous vehicles (AV) will eventually become a part of the EV landscape. When this happens, AVs may be used by drivers with other disabilities beyond physical disabilities. For instance, a driver may be blind and thus could not use a traditional screen and card reader. In this case, audio output will be needed. Although fully AVs are still years in the future, it is something that should be thought about now.

It is also inevitable that problems will occur with the technology and customer service is needed to report a problem. Information on who to contact should be provided at all locations in an accessible manner. Signage should be in large print with high contrast colors and if video displays are used, the information should include videos in American Sign Language (ASL). Furthermore, the technicians available to help in times of crisis should have necessary knowledge and technology to assist a driver with a disability including the ability to communicate by texting.

The type of connector and charging device must also be considered. There are multiple designs of charging devices: one that is Tesla specific and others that are not. The Access Board recommendations list the various charging devices that currently exist. At least one of these devices has been anecdotally reported to be heavier in weight than other options. This is an important factor to consider for drivers with physical disabilities. If a station only has one charger station, it must include the lighter in weight model. If the station has multiple charging spots, then at least one of the charging spots must include a lighter in weight model, and it would make the most sense to place that model in the spot with the wheelchair accessible access aisle.

## 6. Information on Publicly Available EV Infrastructure Locations

NDRN strongly promotes the widespread sharing of information for what stations are available where and what the locations specifically provide. As discussed previously,

different charging station designs may or may not accommodate some EV drivers with disabilities. As a result, although uniformity will help to ensure some level of confidence in accessibility, a clear distribution of information will enable drivers to know exactly what is available in their area to empower them to make the best decisions.

This information should be shared in multiple forms and venues. This will ensure that as many people as possible will have access to it. Additionally, it is vital that the websites, applications, and other modes of distributing information are kept up-to-date at all times.

Recent media coverage: <https://www.nytimes.com/2022/08/16/business/energy-environment/electric-vehicles-broken-chargers.html> indicates that broken chargers are currently a common problem, so up to date information is crucial. NDRN strongly promotes the widespread sharing of what stations are available, where and what each location specifically provides including the numbers and types of charges, the configuration of access aisles and charger location, the types of connectors, and whether human assistance is or is not available.

Thank you again for the opportunity to comment on this important and emerging topic; EVs are becoming more commonplace in our society. If you have any follow-up questions, please reach out to Claire Stanley, Public Policy Analyst, at [Claire.stanley@ndrn.org](mailto:Claire.stanley@ndrn.org), or 202 567-3501.

Sincerely,



Eric Buehlmann  
Deputy Executive Director for Public Policy  
National Disability Rights Network