

Disability Rights Education & Defense Fund **DREDF**

August 10, 2023

Alice Busching Reynolds, President
Genevieve Shiroma, Commissioner
Darcie L. Houck, Commissioner
John Reynolds, Commissioner
Karen Douglas, Commissioner

Public Utilities Commission
505 Van Ness Avenue
San Francisco, Ca 94102-3298

RE: CPUC Public Agenda 3531, Draft Resolution TL-19144 and TL-19145,
Authorization for Waymo LLC Service and Cruise LLC's Expanded Service in
Autonomous Vehicle Passenger Service Phase I Driverless Deployment Program

Dear President Reynolds and Commissioners Shiroma, Houck, Reynolds, and Douglas:

The Disability Rights Education and Defense Fund (DREDF) thanks you for the opportunity to comment on Draft Resolutions TL-19144 and TL-19145. DREDF urges the California Public Utilities Commission (CPUC) to table the proposed August 10, 2023, Draft Resolutions and take more time to develop and adopt minimum safety and accessibility standards so that the full promise of autonomous vehicles (AVs) can be achieved for people with diverse disabilities.

DREDF is a leading national civil rights law and policy center directed by individuals with disabilities and parents who have children with disabilities. We are headquartered in Berkeley. Our mission is to advance the civil and human rights of people with disabilities through legal advocacy, training, education, public policy, and legislative development. DREDF has long been engaged in the equity and disability access aspects of autonomous vehicle public policy. DREDF drafted the 2015 National Council on Disability (NCD) report on disability access to self-driving cars.¹ DREDF has participated in a CPUC Accessible AV working group, and is a leader in advocacy for safe, affordable, accessible, and equitable access to AV technology at the federal level. Last year, DREDF published a report reviewing disability bias within pedestrian detection and collision behavior algorithms, lack of disability representation in the datasets used to train and test AVs, and the need for ethics frameworks that give full recognition to disabled people's humanity and fundamental rights.²

In 2020, DREDF in partnership with Disability Rights California wrote in strong opposition to the CPUC's authorization of the deployment of autonomous vehicle passenger service by entities

¹ National Council on Disability, Self-Driving Cars: Mapping Access to a Technological Revolution (Nov. 2015), <https://ncd.gov/publications/2015/self-driving-cars-mapping-access-technology-revolution>.

² Ian Moura, Addressing Disability and Ableist Bias in Autonomous Vehicles: Ensuring Safety, Equity and Accessibility in Detection, Collision Algorithms and Data Collection (Nov. 2022), <https://dredf.org/wp-content/uploads/2023/03/DREDF-Moura-AV-AI-Brief-Nov-2022-UPDATE.pdf>.

without including any disability access requirements for the vehicles or services themselves.³ These concerns were disregarded. The expansion of AV services on our streets and in our communities without appropriate requirements for disability accessibility and safety can only worsen the exclusion of members of our community from the benefits of this technology revolution.

AVs have the potential to dramatically improve mobility, vehicle, and road safety for people with disabilities, including people with sensory, cognitive, and physical disabilities. However, the promise of AVs will only be realized if the vehicles and the surrounding infrastructure are fully accessible, with safety elements that consider all disabled people. If disability access and safety are not baked into new technology, history will repeat – we will experience delays, burdens, and frustration due to systemic transit barriers.⁴ And retrofitting vehicles and systems is always more expensive.

A foundational premise of the Americans with Disabilities Act is that when new things are built, they should be built to be accessible. Here, we have new vehicles, new systems, and new infrastructures. Now is the time for regulatory bodies like the Commission to require that AVs be designed, built, and deployed to fully include people with disabilities. Autonomous vehicles and the systems that support them must be fully accessible from the beginning.

The current resolutions allow AV operators to provide services without ensuring full accessibility and safety. This is not acceptable. The CPUC should delineate safety requirements that meet the needs of disabled people. Vehicles must be required to pull over to the curb to pick up and drop off passengers. Further, AVs must be able to detect and appropriately respond to all types of people outside the vehicles, including wheelchair and service animal users.

Further, AV providers must be required to serve people who use wheelchairs. The Commission must require clear metrics and timelines for the development of wheelchair accessible AVs, including testing and periodic opportunities for community engagement and feedback. Should providers not meet their timelines, their authorizations should be revoked until compliance is achieved. In the interim, because they have not yet built wheelchair accessible AVs, providers must provide equivalent non-AV WAV services with comparable response times.

DREDF supports the Commission's established goal to "expand the benefits of AV technologies to all of California's communities, including people with disabilities." We view this moment as an opportunity to reimagine mobility in line with principles of transportation and community inclusion as a civil right. The promise of AVs can be realized if accessible, integrated service is provided to all people with disabilities, and safety elements considering all types of people are designed and implemented at the outset. While we appreciate that Waymo and Cruise have each made progress on safety and accessibility, we need clear legal standards for providers. Without standards, people with disabilities will be excluded.

³ DREDF and Disability Rights California, Letter RE: Proceeding 12-12-011, Proposed Decision of Commissioner Shiroma – Decision Authorizing Deployment of Drivered And Driverless Autonomous Vehicle Passenger Service (Nov. 2, 2020), <https://dredf.org/wp-content/uploads/2020/11/2020-11-02-Letter-to-CPUC-from-DREDF-and-DRC-re-AV-Accessibility.pdf>.

⁴ Mary Johnson and Barrett Shaw, eds., *To Ride the Public's Buses: The Fight that Built a Movement* (2001), <https://www.advocadopress.org/to-ride-the-publics-buses/>.

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DREDF urges the Commission to table the Draft Resolutions and instead take the time to develop requirements that ensure the disability community has full access to this technology. Thank you, again, for the opportunity to provide comment. Please do not hesitate to reach out with any questions. DREDF looks forward to continuing to work with the CPUC and the broader AV stakeholder community to ensure access and safety for all are realized.

Sincerely,

A handwritten signature in black ink, appearing to read "Claudia Center". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Claudia Center
Legal Director