

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Consumer and Governmental Affairs, Media,)	GN Docket No. 21-140
and Wireless Telecommunications Bureaus)	
Seek Update on Commission’s Fulfillment of)	
the Twenty-First Century Communications)	
and Video Accessibility Act)	

**COMMENTS OF
THE ALLIANCE FOR AUTOMOTIVE INNOVATION**

The Alliance for Automotive Innovation (“Auto Innovators”) hereby comments on the *Public Notice* in the above-captioned proceeding, in which the Consumer and Governmental Affairs, Media, and Wireless Telecommunications Bureaus of the Federal Communications Commission (“FCC” or “Commission”) seek comment on the Commission’s implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”) and whether there is a need to update the Commission’s existing rules based on “changes in technology,” “industry practices,” and “consumer experiences.”¹

As set forth in more detail below, Auto Innovators shares the objective, embodied in the CVAA and emphasized in this proceeding, of ensuring that persons with disabilities can access products and services that are central to participation in everyday life, including communications services. Auto Innovators’ members, which include companies across the entire automotive ecosystem including automakers, suppliers, and technology companies, are part of a broader

¹ *Consumer and Governmental Affairs, Media, and Wireless Telecommunications Bureaus Seek Update on Commission’s Fulfillment of the Twenty-First Century Communications and Video Accessibility Act*, Public Notice, DA 21-405, at 2 (Apr. 7, 2021).

transformation in the auto industry that is revolutionizing transportation in ways that inure directly to the benefit of persons with disabilities. The Commission’s policies on accessibility and its implementation of the CVAA should take into account this type of technological development and ensure that its policies do not inadvertently hamper innovation. As the Commission takes a fresh look at CVAA implementation, it also should be cognizant of the uniquely long product cycles of the auto industry and the challenges that this business model poses for implementing new features. Finally, the Commission should aim to maximize the flexibility of covered manufacturers and service providers to implement accessibility solutions that work for their products and for consumers with disabilities alike. In particular, Auto Innovators proposes eliminating backwards compatibility requirements and allowing chat session technologies other than real-time text (“RTT”) to satisfy the accessibility and usability obligations for advanced communications services.

I. THE AUTO INDUSTRY IS COMMITTED TO INNOVATIVE SOLUTIONS THAT PROMOTE ACCESSIBILITY.

The auto industry is always working to bring new technologies into consumer vehicles, and to develop innovative solutions that improve every aspect of the driving experience. As related to accessibility, the industry’s innovation is not limited to the types of accommodations that have been raised by the FCC’s proceedings—although the industry has implemented many of those solutions, from text-telephony (“TTY”) enabled emergency calling to voice-over-video capabilities in rear infotainment systems. But the auto industry is poised to bring even more transformative benefits to the disability community through automation. Automakers are moving increasingly toward automation for individual vehicles and ridesharing alike, which will

give persons with disabilities unprecedented access to transportation, mobility, and opportunity.² Further, auto industry stakeholders are developing new products and services for the transportation sector with an eye toward reflecting the needs of persons with disabilities, to ensure that this community can benefit from technological progress every step of the way.³

Accessibility policy must not miss the forest for the trees, hampering transformative technological change to serve short-term objectives. The Commission’s approach to CVAA implementation and accessibility generally should take a holistic look at the benefits and capabilities of emerging technologies, and should be careful not to stifle innovation that inures to the benefit of persons with disabilities.

II. AUTOMOTIVE PRODUCT CYCLES CREATE UNIQUE IMPLEMENTATION CHALLENGES.

While automakers have a strong commitment to accessible technology, they face a challenge that other manufacturers do not: especially long and complex production cycles. The automotive product cycle takes several years, and it is difficult or impossible to make changes to component parts of the vehicle after it is designed. In particular, it typically takes 5 years to bring new technology to market for a single product platform and up to 10 years to phase technology in across the entire product portfolio.

² See, e.g., Petition of General Motors for Waiver of Certain Part 67 Requirements for Real-Time Text, GN Docket No. 15-178 (2018); *Self-Driving Cars: The Impact on People with Disabilities*, Ruderman Family Found. & Securing Am.’s Future Energy (2017).

³ See, e.g., General Motors: Diversity & Inclusion Report 6, https://www.gm.com/content/dam/company/docs/us/en/gmcom/GM_Diversity_and_Inclusion.pdf (describing the GM Able program, which “is focused on building a culture of inclusion that serves customers, employees and community through innovation, talent enrichment, awareness and outreach for people with disabilities and their allies,” and on providing opportunities for GM employees with disabilities to “provide valuable perspectives to the company regarding autonomous vehicle design, facility design and recruiting talent with disabilities”).

The Commission recognized this challenge in its 2018 *Memorandum Opinion and Order* granting Honda Motor Company a waiver of the Commission’s user interface rule.⁴ There, the Media Bureau determined that “the multi-year lapse in time between the design and development of the Acura MDX rear entertainment systems and the present explains why parts of these systems, including the microprocessing speed, memory, and software, cannot be easily retrofitted to provide the audio functionality needed to comply with the Commission’s accessible user interfaces rules.”⁵ The Bureau further recognized that the product cycle issue was a “unique aspect[] of the automobile manufacturing industry” that supported its conclusion that accessibility was unachievable there.⁶

Automakers do not seek to come out from under accessibility obligations, but rather to be subject to a regulatory regime that is compatible with their technical constraints. For automakers to deliver the accessibility solutions of the future, they need frameworks that give sufficient notice of regulatory changes and provide implementation timelines that allow for adoption to occur at the appropriate phases of the product design process. Auto Innovators urges the Commission to take manufacturing issues such as the automotive product cycle into account as it crafts accessibility policy, and to ensure that any future implementation timelines are consistent with those constraints.

III. THE COMMISSION SHOULD REVISE CERTAIN RULES IMPLEMENTING THE CVAA SO AS TO ENSURE THE REQUIREMENTS ARE APPROPRIATE FOR THE AUTO INDUSTRY.

Consistent with the foregoing, Auto Innovators urges the Commission to take two specific steps as it revisits its regulations implementing the CVAA. First, the Commission

⁴ *Accessibility of User Interfaces, and Video Programming Guides and Menus*, Memorandum Opinion and Order, 33 FCC Rcd 4450 (2018).

⁵ *Id.* ¶ 23.

⁶ *Id.* ¶ 22.

should revisit requirements that new technological solutions be backwards compatible with either earlier products or other technologies implemented in earlier products,⁷ and should decline to impose such backwards compatibility requirements in the future. The extended product cycles and highly specific design functionality that are characteristic of the automotive industry create challenges for backwards compatibility and can unnecessarily tie long-lasting products to obsolete technologies. Instead, the Commission should focus on encouraging covered manufacturers and service providers to update earlier products where economically feasible and focus on developing and adopting forward-looking solutions that will be able to transform accessibility on a broader scale rather than continuing to rely on legacy technologies.

Second, the Commission should seek more generally to allow for manufacturer and provider flexibility wherever possible. As companies consider the accessibility options for their own products, they can create innovative solutions that leverage unique aspects of their offerings and work well for their consumers. One area where the Commission could improve its policies in this regard is with respect to RTT. While Auto Innovators appreciates the Commission's efforts to enable solutions that provide a text-based accommodation for voice services that functions over IP-based networks, choosing a specific technology is unduly restrictive.⁸ The Commission should revise its Part 14 rules to allow providers of advanced communications

⁷ See, e.g., 47 C.F.R. § 67.2(b) (prescribing as a minimum functionality of RTT that covered services and devices be interoperable with legacy TTY devices).

⁸ See, e.g., Motion of General Motors Holding LLC to Withdraw Petition for Partial Waiver of Real-Time Text Minimum Functionality Requirements, GN Docket No. 15-178, at 3 (explaining that the non-interoperable RTT solution implemented in GM's Cruise AV system, whether through the in-vehicle service button or accessible devices, the passengers' personal smartphones, or a combination of the three, . . . would afford blind, low-vision, deaf, and hearing-impaired passengers a 24-7, 365 communication experience").

services to use any chat session technology that delivers the same minimum level of user experience, rather than providing a binary option of TTY or RTT.⁹

IV. CONCLUSION

Auto Innovators encourages the Commission to approach its fresh look at CVAA implementation consistent with the comments provided herein.

Respectfully submitted,

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⁹ 47 C.F.R. § 14.21(b)(3).