



Autonomous Vehicles: Disrupting Transportation Obstacles for Americans with Disabilities?

Insights

10.02.18

For those who live in large cities, the transformation of the automotive industry to a new era of autonomous vehicles and computer-aided transportation has already begun. By performing a quick search on YouTube, you can watch video of the first riders on driverless buses in Las Vegas and Detroit. In Columbus, Ohio, a low-speed driverless shuttle will soon begin operating on a specific downtown route.

And these cities are not alone. They join a growing number of municipalities with driverless buses: Lausanne, Switzerland; Trikala, Greece; Zhengzhou, China; Wageningen, Netherlands; Lyon, France; and Milton Keynes, UK, just to name a few. This new technology is being met with praise and excitement on one end, and, as we have seen in Columbus, bus driver union protests on the other.

Automated vehicle and other emerging transportation technology is popping up with surprising speed and often without advance regulation. The goal for businesses that pioneer new advances in transportation is often to fill an undiscovered niche for financial gain, whereas others are striving to transform the entire transportation infrastructure.

For example, one interesting effort that is expanding and worth watching is the Whim app. Whim is a mobility service currently based in Helsinki, Finland, that allows commuters to use all available transportation options, including rental cars, to travel around and within the city for one online monthly plan. Whim's plan is to supplant individual car ownership itself and proclaims this boldly on its website:

At Whim, we believe owning a car doesn't make much sense anymore for most people. Whim is a more affordable alternative for car ownership without all the hassles. Every journey is covered – whether it's taxi, public transport, a car service or a bike share. Simply pay as you go or travel even smarter with a monthly plan.

Disruption is in the air, and it is easy to imagine that self-driving vehicles will help Whim's vision. Some of the other emerging technologies have or are likely to create transportation monsters. If you have them in your city, electric scooters may come to mind. For others, this technology may prove to be a godsend.

One community that is certainly hoping to be transformed by changes in technology are those with disabilities. On November 2, 2015, the National Council on Disability issued [a 50-page report](#) regarding its recommendations to ensure that people with disabilities will have full access to self-driving cars of the future. For people with disabilities and our expanding senior population, self-driving cars are seen as creating a potential great leap forward in providing independence, inclusion, and greater economic opportunities, because inaccessible transportation has been one of the biggest barriers to employment and community involvement. During the last census, it was reported that nearly one in five people in the U.S. has a disability, about 56.7 million people. In 2016, the U.S. reached a milestone of having, for the first time, a population of over 50 million people aged 65 and older.

Further, for epileptics, those with vision impairments, and others who cannot obtain a driver's license, self-driving cars will likely open new opportunities for employment. Under the Americans with Disabilities Act (ADA), certain employers are required to provide reasonable accommodations to workers with disabilities in order to allow the employee to perform the essential functions of the job. For many positions, the ability to drive and possess a driver's license has been an essential function.

With the advent of self-driving vehicles, the ability to drive may no longer be essential, thus requiring new workplace modifications by rewriting job descriptions. Further, it is anticipated future employers may be asked to allow the use of, or even provide self-driving vehicles as a form of workplace accommodation, limited by reasonableness and undue costs. Although this may be a future burden to employers and spawn litigation in the future, it may also assist employers who are currently struggling to fill entry-level positions by giving them access to an expanding workforce.

Moving a little farther in the future, it is not hard to imagine that this technology may decentralize the workplace altogether. For example, if you run a business that requires light assembly jobs, one can imagine outfitting buses to serve as mobile workspaces with all the inventory and equipment on board. The employer could then send the self-driving vehicle to its employees, who enter the mobile workspace, complete the work, and leave. The self-driving vehicle then returns to the employer with completed work. Although this may appear farfetched, one thing is clear: the technology is here and it is rolling down the street.

The bottom line is that employers need to begin thinking about these issues because their employees are thinking about them. In the near term, employees unable to drive may turn to AVs as ADA accommodations. As AVs and alternative means of mobility drive the cost of transportation down, the question of whether such an accommodation presents an undue burden is sure to be litigated. Careful forethought and analysis is worthwhile.