



U.S. Department of Justice

DJ No. 204-37-248

United States Attorney's Office
Eastern District of Michigan

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November 12, 2019

By E-mail and Certified Mail

C. Ndu Ozor
Associate General Counsel
University of Michigan
5010 Fleming Administration Building
503 Thompson Street
Ann Arbor, MI 48109-1340

Re: Letter of Resolution, D.J. No. 204-37-328, ADA Compliance Review of the
University of Michigan's Driverless Shuttle Program

Dear Mr. Ozor:

As you know, the U.S. Attorney's Office for the Eastern District of Michigan, a component of the Department of Justice (the "Department"), initiated a compliance review of the University of Michigan's autonomous transportation system. The Department is responsible for the enforcement and implementation of title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., ("title II"). The Department initiated this compliance review because media reports of the University of Michigan's autonomous transportation system featured vehicles that were inaccessible to individuals who have disabilities, specifically individuals with mobility impairments.

The University of Michigan (the "University") fully cooperated with this compliance review. During the compliance review, the Department confirmed that the University purchased two new vehicles for the University's autonomous transportation system; neither vehicle was equipped with accessible features. The University operates both vehicles on a fixed route during business hours. Title II requires that all new vehicles operating on a fixed route system be accessible. *See* 49 C.F.R. §§ 37.3, 37.71; *see also* 42 U.S.C. § 12142(a) ("It shall be considered discrimination ... for a public entity which operates a fixed route system to purchase or lease a new bus ... or any other new vehicle ... if such ... vehicle is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.") The relevant regulations do not provide any applicable exemptions for autonomous vehicles, pilot programs, or research programs.

The Department has determined that it is in the public interest and the University has determined that it is in its interest to resolve this matter amicably. Both the Department and the University agree that the emergence of autonomous transportation services has the potential to benefit individuals who have disabilities. The Department acknowledges the University denies any title II violation and that it has stated its commitment to ensuring equal access to its services, programs, or activities for qualified individuals who have disabilities. In consideration of the University's agreement to undertake the actions set forth below, the Department will close its compliance review of this matter.

The University agrees to the following:

1. Any future highly automated vehicles ("HAV") that the University purchases or leases for the Mcity driverless shuttle program, as operated as of the date hereof (the "Driverless Shuttle Program") or any other fixed route system must be equipped with the accessible features set forth in 49 C.F.R. Part 38 and 49 C.F.R. § 37.7(a), including, but not limited to, securement devices and lifts, ramps, and other means of access to vehicles.
2. For all accessible HAVs referenced above, the University shall maintain accessible features referenced above in operative condition consistent with 49 C.F.R. § 37.161.
3. Within 90 days of the purchase of an accessible HAV for the Driverless Shuttle Program, the University shall develop policies, procedures, and training materials that are consistent with 42 U.S.C. § 12184 and the implementing regulations, 28 C.F.R. pt. 36 and 49 C.F.R. pts. 37 and 38.
4. Until all HAVs operated to transport passengers in the Driverless Shuttle Program are accessible, the University shall provide equivalent services to individuals with disabilities, including individuals who use wheelchairs.
5. Upon request by an individual with a disability made during the term of the Driverless Shuttle Program, the University shall provide an in-person tour of the HAVs used in the Driverless Shuttle Program; provided, that the University shall be entitled to schedule such tours in batches and at such times as reasonably determined by the University.
6. At least 30 days prior to the operation of its first accessible HAV in the Driverless Shuttle Program, the University must make available adequate information concerning the Driverless Shuttle Program to individuals who have disabilities, including through the use of accessible formats and technology. *See* 49 C.F.R. § 37.167(f).
7. For a period of at least two years from inception or the duration of the Driverless Shuttle Program, whichever is longer, the University shall:
 - a. Convene a research group to evaluate the accessibility of autonomous transportation services to individuals who have disabilities. The University shall submit the composition and members of the research group to Department of Justice. The composition of the research group may include, but is not limited to, experts in paratransit, legal experts, disability advocacy groups, and individuals who have disabilities. This research group shall convene at least four times per year; and

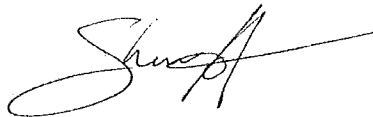
- b. Continue to research interactions between autonomous vehicles and passengers, pedestrians, bicyclists, and drivers who have disabilities.

This agreement does not constitute a finding by the United States that the University is or will be in full compliance with title II. The decision to close our compliance review of this matter does not affect the rights of private individuals to enforce their rights under title II against the University.

Please countersign and return a copy of this letter to us, indicating your agreement with the representations and terms set forth herein. Once we have received your countersigned copy, we will consider this matter resolved. We will take no further action on this matter unless we become aware of new information suggesting that the University is not complying with its obligations under title II or this letter of resolution.

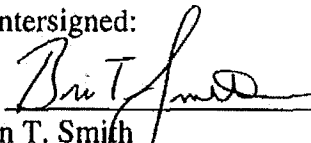
We appreciate your cooperation and that you affirmatively engaged with the Department of Justice. If you have questions or concerns regarding this letter of resolution, please do not hesitate to contact our Office. Please note that this letter may be made public by the Department of Justice, after it is a final document.

Sincerely,



SHANNON M. ACKENHAUSEN
Assistant United States Attorney
United States Attorney's Office
Eastern District of Michigan

Countersigned:

BY: 
Brian T. Smith
Associate Vice President for Finance
Regents of the University of Michigan

DATE: 11/12/19