

ABA Position Paper

ADA: Closing the Mobility Gap for Passengers with Disabilities

Issue

In 1998, the DOT passed final rules establishing accessibility requirements for intercity motorcoaches. To be considered accessible, a motorcoach must now have a wheelchair lift and two wheelchair securement locations. This is an important and costly endeavor for the motorcoach industry.

Background

The Americans with Disabilities Act (ADA) accessibility requirements for motorcoaches began going into effect in October 2001. Carriers must provide accessible (*i.e.*, lift-equipped) service on 48-hours notice until their fleets are fully lift-equipped. The entire fleet of Class I carriers must have 50 percent of their fleet lift-equipped by 2006 and have 100 percent compliance by 2012. Charter and tour operators must also provide lift-equipped service on 48-hours notice beginning in 2001. DOT is required to review the actual demand for accessible motorcoach service in 2005 and report to Congress in 2006 with recommendations on whether to amend the accessibility requirements for motorcoaches under the ADA.

A wheelchair lift adds \$40,000 to the cost of a motorcoach, excluding the costs of maintenance, repair and employee training. Operators are concerned that providing accessible service will not generate sufficient additional revenue from new passengers with disabilities to cover the added costs of the service. In fact, early data indicates that demand for accessible service is substantially less than predicted by the DOT in establishing the ADA requirements.

Congress authorized funding for motorcoach operators to cover “up to 90 percent” of the incremental costs of ADA compliance. SAFETEA-LU provides approximately \$40 million in funding through 2009. The bill provided \$6.9 million in 2005, \$7.5 million in 2006, \$7.6 million in 2007, \$8.3 million in 2008 and \$8.8 million in 2009. The Transportation Research Board has estimated the annual cost of compliance to exceed \$40 million.

ABA Position

Congress should reauthorize and extend the compliance-funding program through the life of the next highway and transit bill, and increase the available funding for motorcoach operators to \$40 million annually to cover the actual costs of ADA compliance. Congress should provide funding for the DOT to conduct an adequate review of the actual use of accessible motorcoaches as required in the original statute. Motorcoaches providing commuter services should be eligible for the funds that FTA makes available to public commuter services for wheelchair lifts. Furthermore, the Federal Motor Carrier Safety Administration should ensure compliance with ADA by denying interstate registration to, and revoking the interstate registration of, bus companies which demonstrate that they are unwilling or unable to comply with DOT's over-the-road bus accessibility regulations. (November 2006)