RESTORING BALANCE AND COMMONSENSE:

HOW WEAPONIZED REGULATION AND LITIGATION UNDERMINE THE CLEANEST FORM OF TRANSPORTATION

May 2025

The intercity motorcoach industry plays a vital and often overlooked role in America's transportation ecosystem. From connecting rural and urban communities to alleviating highway congestion and offering cost-effective travel options, motorcoaches are a sustainable, efficient, and inclusive mode of travel. In fact, they represent the lowest carbon-emitting form of passenger transportation in the United States today.

Despite these benefits, motorcoach operators face mounting legal and regulatory pressures stemming from state and local idling laws and their incorporation into federal environmental enforcement frameworks. The result is an escalating wave of punitive litigation, enabled by the citizen suit provision of the Clean Air Act (CAA) and embedded in EPA-approved State Implementation Plans (SIPs). These lawsuits and penalties often target brief, non-harmful idling incidents and disproportionately impact small- and mid-sized private bus operators.

This white paper outlines how current enforcement practices undermine the intent of the CAA, punish the cleanest mode of transportation, and jeopardize essential services. It presents a commonsense legislative solution that maintains environmental protections while restoring regulatory balance.





The Cleanest Mode Under Attack

According to the American Bus Association Foundation (ABAF) and a comprehensive study by the Texas A&M Transportation Institute (TTI), the motorcoach industry offers unparalleled environmental and social benefits:

- Motorcoaches emit just 53 grams of CO₂ per passenger-mile—the lowest among all transportation modes, including cars, trains, planes, and ferries.
- Energy efficiency is highest for motorcoaches, with an average of 195.3 passenger-miles per gallon of diesel equivalent (DGE).
- Compared to single-occupancy car travel, **motorcoach emissions are 7.7 times lower.**
- Transit buses emit over 10 times more CO₂ per passenger-mile than motorcoaches.
- In 2023 alone, motorcoach travel displaced emissions and costs equivalent to \$2.7 billion

in avoided environmental and health-related damage.

 Modern vehicles are equipped with Clean Idle-certified engines, which cut nitrogen oxide (NOx) emissions by nearly 50% below the EPA's regulatory limit of 30 g/hr.

Further findings from the ABAF's 2025 Sustainability Study support these facts:

- Motorcoaches deliver best-in-class performance across a range of pollutants including particulate matter (PM10 and PM2.5) and NOx.
- Compared to other modes, motorcoaches offer the lowest social cost of carbon, highlighting their public health and environmental value.
- Passenger-miles per DGE for motorcoaches (195.3) far outpaces alternatives such as transit buses (18.8), heavy rail (88.7), and commuter rail (36.9).

This evidence confirms that motorcoach operations are not contributors to America's air quality issues; they are a critical part of the solution.

Aligning with Sustainability Goals

Ensuring idling regulation is aligned with safety and operational realities of motorcoach operations also helps drive the continued growth of the cleanest transportation mode available. Enabling motorcoach companies to thrive encourages:

- Greater adoption of fleet modernization technologies, including alternative fuels and energy-efficient components.
- Increased access to low-emission group travel options, reducing total transportation emissions.



- Protection of essential service in communities underserved by rail and air.
- A pathway toward incremental electrification grounded in technological feasibility and infrastructure readiness.

Moreover, more than 65% of operators already have sustainability plans in place, and 60% report implementing anti-idling policies internally. Nearly one-third have invested in fuel-efficient or alternative-fuel vehicles, and many participate in grant programs to support these investments. The industry is committed to continuous improvement but it needs regulatory consistency and relief from opportunistic lawsuits to make real progress.

The CAA was never intended to become a backdoor mechanism for forcing electric vehicle adoption or bankrupting sustainable

transportation providers. The current regulatory and legal framework around idling restrictions punishes innovation and undermines the nation's cleanest mode of mass travel.

Weaponized Litigation: How the System Was Distorted

Virtually every U.S. state and many municipalities have enacted anti-idling laws that restrict engine idling to periods of 3 to 5 minutes. While well-

intentioned, these rules are increasingly used as tools of litigation against bus companies, especially when embedded in SIPs.

The Clean Air Act (42 U.S.C. § 7604) allows private citizens and advocacy groups to sue for violations of these SIP-based restrictions. The penalties are severe: up to \$121,275 per violation per day, plus attorney and expert witness fees.

One of the most prominent litigators in this space, the Conservation Law Foundation (CLF), has brought multiple lawsuits against intercity carriers, including Greyhound, Peter Pan, Dattco, and Academy Bus, since 2019. These lawsuits often target brief stops and layovers at terminals where idling is necessary for passenger comfort or vehicle readiness. In many cases, the real goal isn't reducing emissions—it's forcing a premature shift to electric vehicles (EVs) through court-mandated settlements. Yet current EV technology is often incompatible with long-haul or high-capacity motorcoach operations due to range limitations, insufficient charging infrastructure, and prohibitive costs.

This legal strategy circumvents regulatory processes and ignores motorcoach service's technical and economic realities. In doing so, it threatens the future of one of the cleanest, most accessible forms of transportation in the country.

Disproportionate and Unequal Enforcement

Private motorcoach companies also face inconsistent enforcement compared to public transit agencies:

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OPERATOR SUSTAINABILITY COMMITTMENTS

- In New York City, private citizens are financially incentivized to report idling vehicles. Academy Bus once received 200 citations in a single day, totaling \$120,000.
- The Metropolitan Transportation Authority (MTA), despite operating higher-emission vehicles, often has its citations administratively dismissed.
- In Washington, D.C., a private bus operator was fined over \$1.1 million for idling violations accrued over four years, with no prior notification until a payment demand was issued.

These examples illustrate a fragmented regulatory landscape where private operators are penalized disproportionately, even as they deliver significantly cleaner service than their public counterparts.

In addition, research shows that transit buses emit 10 times more CO_2 per passenger-mile than motorcoaches, yet are often excluded from local enforcement actions. This reflects an enforcement bias that punishes innovation and punishes operators who, despite limited resources, have invested in the cleanest available technology.

Safety and Operational Risks of Anti-Idling Policies for Motorcoaches

Anti-idling programs present significant safety risks for motorcoach operations, which differ fundamentally from those of freight trucks. Motorcoaches transport passengers—not goods and rely on air-operated systems critical to vehicle safety and functionality. These systems include the air brake systems, door operation, luggage bay locks, and kneeling systems, all of which require the engine to be running in a stationary position to generate and maintain sufficient air pressure. Operating without adequate air pressure is a serious safety hazard and is cited in state-level and CVSA Out-of-Service criteria. However, anti-idling regulations currently prohibit this necessary engine operation, placing vehicles and passengers at risk.

Motorcoaches utilize a closed HVAC system that depends on engine operation to circulate air throughout the cabin. Unlike other vehicles, motorcoach windows do not open, and fresh air can only be introduced via forced circulation powered by the engine. This poses health and comfort concerns for both passengers and drivers, especially during extreme temperatures. Furthermore, modern motorcoaches are equipped with emissions systems that require periodic Exhaust System Regeneration—a computer-controlled process that can only take place while the engine runs at a fast idle in a stationary position. If this process is interrupted due to idling restrictions, the engine may shut down entirely, rendering the vehicle inoperable. These operational requirements conflict directly with current anti-idling rules, highlighting the urgent need for regulatory adjustments specific to passenger-carrying motorcoaches.

Additionally, most Americans with Disabilities Act (ADA) compliant wheelchair lifts and ramps require electrical or hydraulic power, which comes from the engine-driven alternator or hydraulic system. Operation of these functions require the engine to be running for sufficient power and safety.

These systems collectively demonstrate why stationary engine operation is essential during certain periods of motorcoach service – especially for safety, accessibility, and regulatory compliance. Anti-idling policies and enforcement that do not account for these operational realities can unintentionally compromise both passenger safety and vehicle functionality.

The Broader Impact: Industry, Jobs, and Communities

The motorcoach industry includes nearly 2,000 companies operating over 48,000 coaches across North America. Most of these are small, locally owned businesses. In 2023, these companies provided over 40 billion passenger-miles of travel, employed more than 75,000 workers, and connected communities with essential services such as commuter lines, charter trips, and tourism.



SIZE OF THE U.S. MOTORCOACH INDUSTRY

The industry plays a unique role in providing transportation to rural areas, school groups, military personnel, and tourists. These services are especially critical in communities underserved by air or rail travel.

Yet aggressive and uneven enforcement threatens these businesses and the communities they serve particularly underserved rural and urban areas that rely heavily on bus transportation for mobility, economic access, and connectivity.

If left unchecked, the burden of litigation and fines could accelerate industry consolidation, eliminate local service providers, reduce mobility options, and increase emissions by pushing passengers to less efficient modes of travel.



Legislative Solution: Targeted Relief for Buses

As a patchwork of state enforcement and incentives for litigation against bus companies for short periods of idling, Congress is best positioned to reign in policies that have expanded well beyond Congress' original intent in the Clean Air Act. The proposals below outline two modest changes in the CAA to help protect bus companies from unnecessary and burdensome enforcement mechanisms that do not align with the spirit or goals of current law.

1. New Section 7604a – Protecting Bus Operators from Federal Lawsuits Based on Idling

"Notwithstanding any other provision herein, nothing in this chapter shall authorize any cause of action by the Administrator, a State or political subdivision thereof, or any other person against an owner or operator of an over-the-road bus (as defined in 42 U.S.C. § 12181(5)) or a school bus (as defined in 49 U.S.C. § 30125(a)(1)) based on or related to violations of engine idling restrictions under a State implementation plan approved by the Administrator."

Summary: This provision would eliminate the weaponization of lawsuits around bus idling, which has grown into a cottage industry and has needlessly incentivized burdensome and unjustified litigation. It ensures the Clean Air Act cannot be misapplied to punish the cleanest mode of public transportation for minor, non-harmful infractions.

2. New Paragraph 42 U.S.C. § 7410(a)(7) - Uniform 15-Minute Standard for Bus Idling

"Notwithstanding any other provision herein, no State plan may authorize any enforcement of engine idling restrictions against an owner or operator of an over-the-road bus (as defined in 42 U.S.C. § 12181(5)) or a school bus (as defined in 49 U.S.C. § 30125(a)(1)) where the engine was idling for less than 15 minutes."

Summary: This provision would set a uniform federal baseline and eliminate enforcement for short stops under 15 minutes, which constitute the vast majority of current citations. It reflects operational realities while preserving reasonable environmental protections.

This proposed standard mirrors the EPA's Model State Idling Law (EPA420-S-06-001), which permits buses to idle for up to 15 minutes in a 60-minute period when non-driver passengers are on board. The policy strikes a practical balance between environmental goals and operational feasibility.





2025 Motorcoach Census







About the American Bus Association (ABA)

The American Bus Association is a 501(c) 6 trade association representing North American motorcoach, charter bus, group travel, and tourism industries. ABA connects people with places through an international network of bus and motorcoach operators, manufacturers, tour companies, tourism bureaus, destination venues, and those who love to travel. Together, they support the growth of businesses through cross-sector events, industry research, philanthropy, and policy advocacy, which enables professional development, business connections, mobility, and travel. ABA members have exclusive access to ABA's suite of programs and services, including ABA professional staff, the ABA Foundation, ABA Marketplace, the National Bus Traffic Association, Women in Buses, the Bus Industry Safety Council, and eight other professional development councils. For more information, please visit **www.buses.org**



About the American Bus Association Foundation (ABAF)

The American Bus Association Foundation (ABAF), the philanthropic arm of the American Bus Association, is dedicated to advancing the motorcoach, travel, and tourism industry through research and education. The Foundation's mission is to support the motorcoach travel and tour industry with research and scholarships that benefit the ABA, policymakers, and the public. The ABA Foundation has awarded more than \$1 million in financial support to more than 300 scholars since the program began after the passing of then ABA President and CEO George T. Snyder Jr. in 1995. Our scholarship programs help ABA members and the public earn degrees that support the motorcoach travel and tour industry, as well as promote academic excellence and diversity.

For more information about the ABA Foundation and its scholarship program, please visit **www.buses.org/aba-foundation**.