



700 13th St. NW Washington, DC 20005 (202)347-3066 and (800)659-6428
(Voice), (202)737-7914 (Fax), (202)347-7385 (TDD) www.projectaction.org

Getting on Board: Facts for Customers of Motorcoach Service

The Americans with Disabilities Act (ADA) was passed on July 26, 1990, to protect the civil rights of individuals with disabilities. This comprehensive civil rights legislation prohibits discrimination against individuals with disabilities in employment, public services, public accommodations and telecommunications.

Using public and private transportation is one of the most important civil rights guaranteed under the ADA. The transportation provisions of the ADA guarantee individuals with disabilities equal access to the same public and private transportation services that are available to the general public.

Now you also have access to **accessible motorcoach service**. By law, all motorcoach companies must provide service in an accessible motorcoach to passengers with disabilities with 48 hours advance notice. An important qualifier to this rule for small charter/tour companies will be explained in greater detail below.

Isn't a motorcoach the same as a bus?

If you enjoy travel and choose to join a tour group for a vacation, attend an out-of-town event with a club or organization or visit a family member or friend, you may ride on a motorcoach. Hundreds of U.S. communities are served by motorcoaches in fixed-route, charter and tour services. A motorcoach is called an over-the-road bus (OTRB) in the ADA. According to the ADA, an OTRB is "a bus characterized by an elevated passenger deck located over a baggage compartment."

Fixed-route service operates along a prescribed route according to a fixed schedule. The ADA defines demand-responsive service as any service that is not fixed-route. Charter and tour service is considered demand-responsive service.

How can I obtain accessible motorcoach service?

Currently, not all motorcoaches are accessible. If you need to travel in an accessible motorcoach, **you must contact the motorcoach company at least 48 hours before your trip** to request an accessible motorcoach.

When calling a motorcoach company, state that you are calling to request an accessible motorcoach.

When your request is received, the motorcoach company must send you a confirmation called a Service Request Form to guarantee your trip in an accessible motorcoach or to guarantee equivalent service. Equivalent service is described in greater detail at the end of this document and is a service delivery option for small fixed-route companies only. The motorcoach company will complete lines 1–9 of the form. The confirmation must be sent to you no later than the end of the next business day. The confirmation will document your request for an accessible motorcoach for the entire trip (connecting motorcoaches and return trips) or equivalent service. Be sure to keep your Service Request Form, and take it with you when you travel. The form can be sent to you via first class mail or facsimile.

ADA rules permit the company to confirm your trip by telephone or email. If these methods are used, then the operator shall provide a unique confirmation number to you when your request is made and provide a paper copy of the form when you arrive for your trip.

If you wish to receive your confirmation by telephone or email, it is important to ask for this when you request an accessible motorcoach.

On the day of your trip the motorcoach company will complete lines 10 and 11 of the form and must provide a copy of the form to you on the scheduled date of the trip if the accessible or equivalent service is not provided.

What if I do not provide 48 hours advance notice?

If you do not provide 48 hours advance notice, the motorcoach company shall provide the service if it can do so by making a reasonable effort, but the service is not guaranteed.

What if I provide 48 hours advance notice and the motorcoach is not accessible?

If the motorcoach company does not provide you with accessible motorcoach service, you may file a complaint with the Disability Rights Section of the United States Department of Justice at 1-800-514-0301 (voice), (800)514-0383 (TTY), or on the Internet at this Web address: <http://www.usdoj.gov>. The instructions for filing a complaint may be found at <http://www.usdoj.gov/crt/ada/t3compfm.htm>.

What about rest stops during my motorcoach trip?

The ADA does not require that accessible motorcoaches have accessible restrooms. The ADA requires that when a motorcoach makes an intermediate stop or a rest stop, passengers with disabilities have the same right as all other passengers to get off the motorcoach to use rest rooms and other amenities. The driver and/or another motorcoach company employee must assist with exiting and boarding the motorcoach, and securing mobility aids if the passenger needs assistance.

Motorcoach companies sometimes, but not always, own, lease, control or contract for rest stop facilities. If this is the case, the company must ensure that the facilities meet ADA requirements.

If a motorcoach that does not have an accessible restroom is making an express run of three hours or more without a rest stop and a passenger with a disability requests an unscheduled rest stop, the driver must make a good-faith effort to accommodate the request. For example, if stopping for a rest room would increase the trip by a few minutes, then the driver must stop. If stopping for a rest room would increase the trip by hours, the driver is not required to make the stop, but does owe the passenger a rational explanation for the decision.

What about accessibility when a fixed-route trip involves more than one motorcoach or more than one company?

For “interline” service, you purchase a ticket or make a reservation with one company for a fixed-route trip of two or more stages in which another company provides a portion of the service. In this situation, the first company must arrange for an accessible motorcoach or equivalent service to be provided for each stage of your trip. Each company is responsible for providing the transportation for its portion of your interline trip. All fixed-route companies involved in interline service must have the capacity to receive communications from other motorcoach companies at all times concerning service for passengers with disabilities.

Equivalent service is described in greater detail at the end of this document and is a service delivery option for small fixed-route companies only.

If using connecting service, you will purchase a ticket with one company and you will need to transfer to another of the same company’s vehicles for one or more stages of your trip. In this situation, the company is responsible for providing an accessible motorcoach or equivalent service, for each stage of your trip.

What are my rights when using accessible motorcoach service?

When you use motorcoach service, you have the right to:

- ✓ Ride in an accessible motorcoach with 48 hours advance notice;
- ✓ Receive courteous and respectful assistance and service during your trip;

- ✓ Have information about the motorcoach service in a format that you can use;
- ✓ Stand on the lift if you cannot use the steps to board and exit the motorcoach;
- ✓ Expect that the lift and other accessible equipment will be in good working order;
- ✓ Board the motorcoach using a common wheelchair or other mobility aid. A “common wheelchair” does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied.
- ✓ Travel in your own common wheelchair or mobility aid;
- ✓ Travel with a service animal;
- ✓ Travel with any necessary oxygen or medical equipment;
- ✓ Ample time to get on or off of the motorcoach;
- ✓ Board the motorcoach in your wheelchair forward or backwards;
- ✓ Get on and off of the motorcoach at any scheduled intermediate or rest stop.

What are the rules for acquiring accessible motorcoaches?

Large and **small** companies have different requirements for acquiring accessible vehicles. Under the ADA rules, a **small** motorcoach company has gross annual transportation revenue of less than \$5.3 million. If the motorcoach company is not a **small** company, it is a **large** company.

If the motorcoach company is a **large** fixed-route company:

- Each new motorcoach purchased or leased in October 2000 or later for the fixed-route portion of their fleet must be accessible.
- By October 2006, 50 per cent of the motorcoaches used to provide fixed-route service must be accessible.
- By October 2012, 100 per cent of the motorcoaches used to provide fixed-route service must be accessible.

If the motorcoach company is a **small** fixed-route company with more than 25 per cent of its fleet in fixed-route service:

- Each new motorcoach purchased or leased since October 2001 for the fixed-route portion of their fleet must be accessible.

- ▶ If the company chooses not to purchase any new motorcoaches and/or has no accessible motorcoaches in their fleet for service on 48 hours advance notice, the company is required to provide equivalent service to passengers with disabilities. Equivalent service is explained in greater detail below.
- ▶ There are no deadlines by which small companies must ensure that some or all of their fleet is accessible. These fleets will become accessible if and when the company replaces existing inaccessible motorcoaches with new accessible ones.
- ▶ Until their fleets become 100 percent accessible, small fixed-route companies can choose between providing service in an accessible motorcoach with 48 hours advance notice or providing equivalent service to people with disabilities.

What if the company is a large or small charter/tour company?

If you are contacting a motorcoach company to charter a vehicle for a group, the company must provide service in an accessible motorcoach to passengers with disabilities on a 48-hour advance-notice basis.

When contacting a motorcoach company that provides tours for individuals, **it is important to know the company's reservation policy** so that you can make a timely request for accessible service.

The company must provide service in an accessible motorcoach to passengers with disabilities on a 48-hour advance notice basis. The company does not have to fundamentally alter its normal reservation practices or displace other passengers in order to provide accessible service.

Here's an example: A motorcoach company requires all passengers to reserve space on the coach three months before the trip date, and this requirement applies to passengers with disabilities on the same basis as other passengers. In this case, if you use a wheelchair, you would have to request an accessible coach at the time you made the reservation at least three months before the trip date. If you wait and request space on the trip in an accessible motorcoach 48 hours before the trip date, the company could refuse your request, because all passengers were required to make reservations three months before the trip date.

What if the company is a small mixed-service company?

The company provides both fixed-route and charter/tour service and uses no more than 25 per cent of its coaches for fixed-route service.

The company must provide service in an accessible motorcoach with 48 hours advance notice for all of its trips.

What else should I know about the ADA and accessible motorcoach service?

- ▶ ADA rules require that accessible motorcoaches have at least two securement locations. If more than two people who use wheelchairs seek to travel on a trip, the motorcoach operator shall assign the securement locations on a first-come first-served basis. The operator shall offer boarding assistance and the opportunity to sit in a vehicle seat to passengers who are not assigned a securement location. If the passengers who are not assigned securement locations are unable or unwilling to accept the transfer, the operator is not required to provide transportation to them on the motorcoach.
- ▶ Motorcoach operators are not required to detach batteries from power chairs.

What is equivalent service?

Equivalent service is as good as the type of service provided to passengers without disabilities. For example, a different accessible vehicle is used to provide service to the same point for the same cost and the same timeframe as regularly scheduled motorcoach service. If the company provides equivalent service, you must be allowed to travel in your own wheelchair or mobility aid. It is important that the service is provided in a manner that does not segregate you from other passengers or separate you from travel companions. The service must be truly equivalent in all respects (e.g., response and waiting time for a vehicle.).

Equivalent service is not an option for demand-responsive or charter/tour service, since that service is often service for a group, and being part of the group and being able to interact with fellow group members is part of the trip experience.

Easter Seals Project ACTION is here to help

We offer technical assistance, training and products for people with disabilities and the transportation industry, including motorcoach operators and companies. This includes pocket guides, videos and training materials that are provided free of charge.

If you are interested in being added to our mailing list, or want additional information, please call (800) 659-6428 or (202) 347-3066. You may also reach us via fax (202) 737-7914 or by visiting our Web site at **www.projectaction.org**.

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