

## ***Advocacy Advises the Access Board to Address Small Business Impacts of Americans with Disabilities Act Rules for Large Passenger Vessels***

On November 9, 2006, the Office of Advocacy (Advocacy) filed a comment letter with the Architectural and Transportation Barriers Compliance Board (Access Board), in response to the draft revised *Americans with Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels* (ADA Guidelines). The Access Board is an independent federal agency created in 1973 to create accessibility for people with disabilities. A complete copy of Advocacy's letter to the Access Board may be accessed at <http://www.sba.gov/advo/laws/comments/>.

- The Access Board released draft guidelines applicable to large passenger vessels in 2004, and re-released these draft guidelines in 2006 after receiving public comments. The proposed draft ADA Guidelines will affect passenger vessels which are permitted to carry more than 150 passengers or more than 49 overnight passengers, all ferries regardless of size and passenger capacity, and certain tenders which carry 60 or more passengers.
- According the Department of Transportation and the Passenger Vessel Association (PVA), there would be more than 900 vessels affected by the Access Board's ADA Guidelines. Approximately 95 percent of these vessel operators are small businesses.
- Advocacy spoke to small business representatives and enumerated their comments and concerns in this comment letter. Small entities agree that the applicability of the ADA Guidelines should be limited to large vessels that carry more than 150 passengers, because this coincides with the Coast Guard's regulatory framework and because creating accessibility in small vessels is very difficult and costly. Small entities are concerned that this rule includes all ferries, regardless of size. These entities are also concerned with particular definitions in the rule.
- In addition to urging that the agency take small business concerns into consideration, Advocacy recommended that the Access Board comply with the Regulatory Flexibility Act when they publish their Notice of Proposed Rulemaking. Advocacy encouraged the Access Board to complete regulatory analyses of the economic impact of their rule on small entities and to consider less burdensome regulatory alternatives.

For more information, visit Advocacy's Web page at <http://www.sba.gov/advo>, or contact Assistant Chief Counsel Janis Reyes by email at [Janis.Reyes@sba.gov](mailto:Janis.Reyes@sba.gov) or by phone at 202-619-0312.