

Advocacy Recommends that DOT Provide Additional Small Business Impact Information on Passenger Vessel ADA Rule

On April 23, 2008, the Office of Advocacy (Advocacy) filed a comment letter with the Department of Transportation (DOT) on their *Notice of Proposed Rulemaking on Transportation for Individuals with Disabilities*. A complete copy of Advocacy's letter to DOT may be accessed at <http://www.sba.gov/advo/laws/comments/>.

- This proposed rule impacts all U.S.-flagged passenger vessels that carry passengers commercially. DOT is issuing this Americans with Disabilities Act rule to protect individuals against discrimination on the basis of disability in the service and policies utilized by passenger vessel operators. DOT intends to adopt guidelines on the physical accessibility and design requirements for passenger vessels at a later time.
- The U.S. Coast Guard inspected 5,985 small passenger vessels in 2004, and the National Association of Charterboat Operators (NACO) has also estimated that there are over 16,000 recreational for-hire fishing boats. Both NACO and the Passenger Vessel Association estimate that virtually all of these vessels are independently owned and operated by small entities.
- Small business representatives have recommended that DOT modify this rule to address the unique circumstances due to vessel size such as feasibility, safety and cost reasons. Other small business concerns include policies surrounding advance notice, the requirement of TTY communications devices, and the establishment of a Complaints Resolution Officer position.
- DOT has certified that this proposed rule will not have a significant economic impact on a substantial number of small businesses, but provided no factual basis for this determination. Advocacy recommends that DOT provide a factual basis for its certification or prepare an Initial Regulatory Flexibility Analysis on the impact of this rule on small entities, as required by the RFA.

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 or by phone at 202-205-6533.