



DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

NEWS

FOR RELEASE TUESDAY
July 22, 1975

WASHINGTON, D. C. 20590

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The U.S. District Court in Birmingham, Alabama handed down a landmark decision on June 24 when it granted a motion for summary judgement by the Department of Transportation's Urban Mass Transportation Administration (UMTA) and dismissed a suit which sought to prohibit UMTA from funding transit buses that do not accommodate wheelchair-bound persons.

The suit, brought by Birmingham-area resident Jane Snowden, also sought to prohibit the Birmingham-Jefferson County Transit Authority (BJCTA) from procuring such buses. Snowden claimed that BJCTA and UMTA were violating Section 16(a) of the Urban Mass Transportation Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the "due process" and "equal protection" clauses of the Constitution of the United States.

In granting UMTA's motion for summary judgement and dismissing the case, Judge J. Foy Guin, Jr. noted that standard size transit buses designed and equipped to accommodate wheelchairs are not commercially available from any manufacturer. He also said it would gravely injure the general public, without in any way helping the plaintiff and others similarly situated, if procurement of transit buses were halted by court order until specially equipped buses could be designed, developed and produced.

Judge Guin ruled as a matter of law that the statutes relied on by the plaintiff do not require that all Federally funded buses be wheelchair-accessible.

Seven similar cases are pending in other State and Federal courts. UMTA's Office of the Chief Counsel is hopeful they will follow the Snowden decision or withhold action until an appeal filed with the Fifth Circuit U.S. Court of Appeals is decided.

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For further information contact the UMTA Office of Public Affairs at (202) 426-4043.

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