11th Annual FAA National Civil Rights Training Conference for Airports

August 4-5, 2020

FAA ADA PROGRAM UPDATE

Presented by Lori Pierce
Equal Opportunity Specialist
FAA Office of Civil Rights
National Airports Policy and Compliance
Presentation Topics

• Celebration of the 30th Anniversary of the Americans with Disabilities Act

• DOT Notice of Proposed Rule Making on Service Animals

July Celebration of the 30th Anniversary of the Americans with Disabilities Act

• July 30, 2020 Program

• Focused on history, accomplishments/impacts in transportation industry since the passage of the ADA

• USDOT plans to build on its success to achieve access and mobility for all

• USDOT plans to release a Department-Wide Accessibility Strategic Plan in the very near future
USDOT Notice of Proposed Rule Making on Service Animals

- Office of Aviation Consumer Protection are continuing to move forward
- Received thousands of public comments
- Currently on schedule for the Spring agenda
Airport Emergency Evacuation Planning Best Practices Document

• “Addressing the Needs of Persons with Disabilities and Individuals with Limited English Proficiency in Airport Emergency Evacuation Plans” was published January 2020

• Assist airports to consider the needs of persons with disabilities and limited English proficiency in their emergency evacuation plans

• There are currently no specific regulatory requirements for an Airport Emergency Plan to include procedures for these groups of individuals
Areas of Focus

• **Emerging Technology:**
  • Beacon technology, social media applications i.e., Facebook, Twitter

• **Communication:**
  • Policies and procedures to airport and community, have information available in multiple and alternative formats and use airport maps to assist travelers

• **Response Mechanisms**
  • Allows responders to quickly identify physical or communication needs of the persons being evacuated and involve individuals with disabilities and limited English proficiency in emergency planning
Areas of Focus (cont’d)

• **Community Outreach:**
  - Identify interpreters/translators/wheelchair providers/first responders, and establishment of community partnerships

• **Evacuation Assessment:**
  - Airport sponsors evaluate current services, policies, practices and make modifications to comply and meet requirements, detail the airport non-English speaking population, address potential barriers to safe evacuation, seek input from bilingual employees
National Policy and Compliance Team Contact Information

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Summary

• USDOT Celebration of the 30th Anniversary of the Americans with Disabilities Act

• USDOT Notice of Proposed Rule Making on Service Animals

• Airport Emergency Evacuation Planning Best Practices Document
11th Annual National Civil Rights Training Conference
August 4-5, 2020

FAA DBE/ACDBE PROGRAM UPDATE

Presented by Nicholas Giles
Equal Opportunity Specialist
FAA Office of Civil Rights
National Airports Policy and Compliance
49 C.F.R. Part 23 Review Project

- In fiscal year 2018, FAA initiated a comprehensive review and analysis of 49 CFR Part 23.
- Identify areas that require additional guidance and/or possible modifications to remove any existing barriers and prevent any new barriers to participation of women-owned and small disadvantaged businesses in the ACDBE Program.
- Identify and update/correct any obsolete provisions and errors found within the regulations.
Methodology

- Solicit input/feedback via Stakeholder Listening Sessions
- Assessed Information and Conducted Additional Research
- Draft Report Based on Findings From Analysis
- Circulate Draft Report to internal stakeholders (e.g. AGC, DOCR and other transportation) for Comment and Feedback
- Update and Finalize Report
Issues – Subpart A

- ACDBE Program objectives

- Definition of “affiliation” to clarify how to account for gross receipts of joint ventures

- Development of concession-specific North American Industry Classification System (NAICS) codes

- Concession agreement assurance language requirements
Issues – Subpart B

- Direct Ownership Arrangements Good Faith effort requirement
- Nonhub Airports and ACDBE Program Requirements
Issues – Subpart C

- Personal net worth (PNW) cap and its third exemption

- Requirement for DBE Suppliers of Goods and Services to be certified as ACDBEs to count participation

- Counting participation after removal of ACDBE’s eligibility

- Size Standards for ACDBE Suppliers of Goods and Services
Issues – Subpart D

- Basic Overall Three-Year Goal Requirement
- Basic overall goal requirement concessions revenue threshold
- Overall Goal-setting for Management Contracts
Issues – Subpart E, Long-Term Exclusive Agreements

- Five-Year Threshold under the "Long-Term" Definition
- The “Exclusive” Definition
- LTE Approval Documentation Requirements
Issues – Joint Ventures

- ACDBE Personal Guarantee Requirement for Non-ACDBE Joint Venture Partner Financing
- Monitoring "Separate and Distinct Responsibilities" of Single Unit Locations
- Management Fees or Service/Administrative Fees
- Measuring ACDBE Joint Venture Participation with Ownership
- Review & Approval JV Agreements (Timing)
Issues – Uniform Report, Appendix A

- Participation of Joint Venture Partnerships (Block 5)
- Purchases of Goods & Services (ACDBE & Non ACDBE Combined) (Blocks 8 & 9)
- Reporting Instructions for Goods/Services (Blocks 5 through 9)
- Reporting Participation of ACDBE with Multiple Owners from Different Disadvantaged Groups
Current Status of Part 23 Report

- Circulating Draft Report among internal stakeholders (e.g. AGC, DOCR and other transportation modes) for Comment and Feedback

- Finalize Draft to Submit to ACR-1 and thereafter, to USDOT for approval
Stakeholder Comments / Suggestions

- Still Accepting Comments / Recommendations for Part 23 Project!

- Please Send Additional Comments for Part 23 Review Project to 9-AWA-ACR-ACDBE-review23@faa.gov.
Part 23 Review- Points Contacts

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Questions