

# Common Issues in Airport Disability Law Compliance



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

*Office Of Civil Rights*

*ACHIEVING SAFETY  
THROUGH DIVERSITY*

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# Topics of Discussion

- **Background**
- **Administrative Requirements**
- **Contractual Provisions**
- **Accessible Path of Travel**
- **Renovations**
- **New Requirements**
- **Maintenance**

# Background - Legal Framework

- Airports are under several statutory authorities:
  - Americans with Disabilities Act (ADA)
  - Sec. 504 of the Rehabilitation Act (Sec. 504)
  - Air Carrier Access Act (ACAA)
  - State and local laws



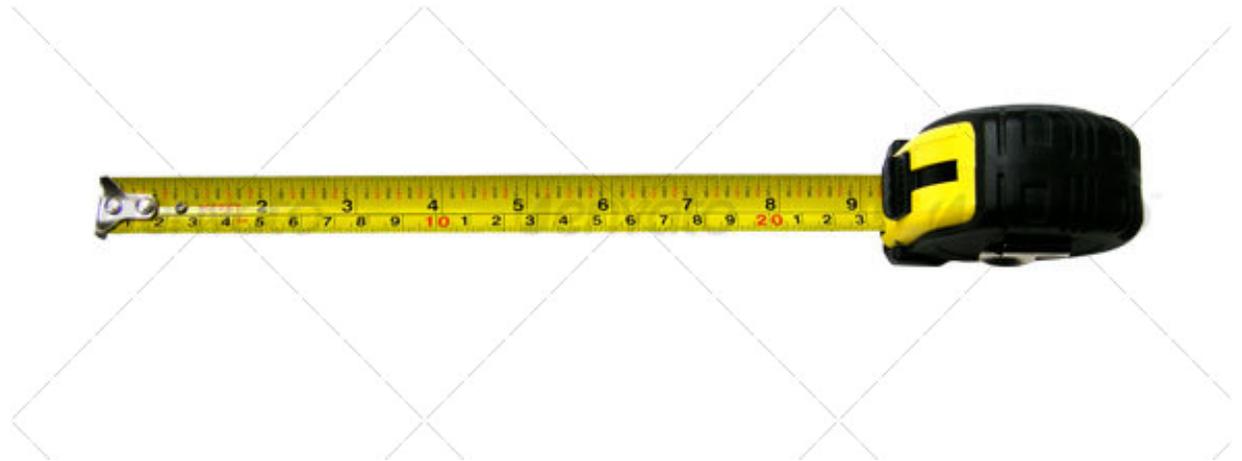
# Background - Legal Framework (cont.)

- Various implementing Federal regulations
  - ADA: 28 CFR 35 and 36; 49 CFR 37 and 38
  - Sec. 504: 49 CFR 27
  - ACAA: 14 CFR 382
- Advisory Circulars
  - AC 150/5360-14, Access to Airports by Individuals with Disabilities



# Background – Compliance Reviews

- Airport Disability Compliance Program (FAA Order 1400.9A)
- Diverse selection of airports reviewed each year
- Scope of reviews
  - Facilities
  - Programs
  - Policies
- Common findings



# Administrative – Self-Evaluations

- Evaluate facilities, policies, and practices (49 CFR 27.11)
- Corrective Actions
- Procedures for periodic updates



# Administrative – Complaints

- Complaint Process
  - Advertise complaint filing process (28 CFR 27.13)
  - Procedures for recordkeeping
  - Prompt response



# Contracts – General Requirements

- General ADA and Sec. 504 obligations must be passed on to contractors, tenants, and licensees
  - Non-Discrimination
  - Cite specific ADA and Sec. 504 regulations that apply at airports
  - Enforcement / termination clauses
- Additional requirements apply in some cases
  - Boarding assistance (28 CFR 27.72)
  - Ground transportation (49 CFR 37)
  - Maintenance (28 CFR 35.133)



# Contracts - Reasonable Modification

- 49 CFR 27.7(e) and 28 CFR 35.130(b)
- Reasonable modifications are required, except in cases of:
  - Undue burden
  - Fundamental alteration
  - Direct threat
- Contracts and airport policies should clarify obligations
- In addition to other obligations



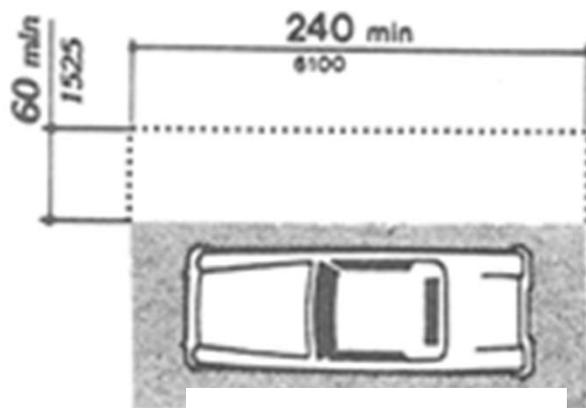
# Accessible Path of Travel

- ADA Accessibility Standards
  - Continuous path connecting all accessible elements and spaces
  - 36" wide (32" at pinch points), minimal slope, accessible doors
- Protruding Objects

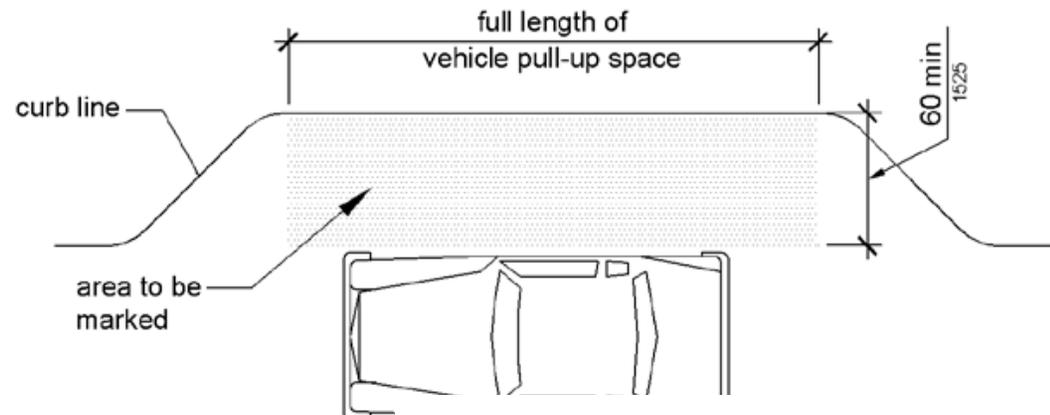


# Renovations – Loading Zones

- Alterations to accessible path of travel
  - Apply 2010 Standards after March 15, 2012
  - 20 percent cost threshold
- Loading Zones
  - 1991 Standard: provide signage
  - 2010 Standard: provide street marking for aisle, every 100 feet



**1991 Standard**



**2010 Standard**

# New Requirements – SARAs

- Service Animal Relief Areas (SARA)
  - At least one SARA in post-security area at each terminal
  - Consult with service animal training organizations for design/location
  - Previously allowed to be pre-security under ACAA regulations
  - New areas and renovations completed by Aug. 4, 2016
- Plan to comply, but if not:
  - Inform FAA
  - Plan to comply as soon as possible
  - Develop interim measures



# Ground Transportation

- Public Ground Transportation
  - Inter-terminal shuttles
  - Automated people movers
  - Public transit
- Private Ground Transportation Licensees
  - Hotel shuttles
  - Taxi services
  - Tour bus services
- Accessible Vehicles (49 CFR 37.7)
- Accessible Service (49 CFR 37.167)



# Maintenance

- Accessibility features must be maintained (28 CFR 35.133)
- Vehicles
- Bathroom fixtures
- Closed captioning
- Accessible counters



# Conclusions

- Evaluate contracts, policies, and facilities
- Training
- Monitoring



# Open Mic



- Questions
- Best Practices
- Future Topics



# Contact Information

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