



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

National Policy

**ORDER
1400.9A**

Effective Date:
08/27/13

**SUBJ: Standards and Procedures Essential for Ensuring Access to Airport Facilities by
Persons with Disabilities**

This Order describes the Federal Aviation Administration (FAA) implementation of Title II of Public Law (P.L.) 110-325. This law is the Americans with Disabilities Act (ADA) of 1990 as amended (codified at 42 United States Code (U.S.C.) §§ 12101-12213).

The Order also describes the FAA implementation of Section 504 of the Rehabilitation Act of 1973 (Section 504) P.L. 93-112, as amended and codified at 29 U.S.C. § 794, as it applies to the Airport Improvement Program (AIP) airport grant program.

This Order also explains the procedures for filing complaints covered under Titles I and III of the ADA and provides information concerning the Department of Transportation (DOT) jurisdiction over the Air Carrier Access Act (ACAA) of 1986, as amended and codified at 49 U.S.C. § 41705.

Finally, this Order addresses the FAA's responsibility to ensure that airport operators, airport grant sponsors and public entities comply with Section 504 and Title II of the ADA in public use airports in the United States, as applicable.

A handwritten signature in black ink, appearing to read "Michael P. Huerta", with a circled "1" to the right.

Michael P. Huerta
Administrator

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Chapter 1. General Information

- 1. Purpose of This Order.** This Order provides FAA personnel with the policies, standards, and procedures by which to implement Title II of the ADA, as amended, which is codified at 42 U.S.C. 12101-12213, and Section 504 of the Rehabilitation Act of 1973 (Section 504) P.L. 93-112, as amended, which is codified at 29 U.S.C. § 794, applicable to the airport grant program. This Order helps ensure standardization and uniformity in the application of these regulations.
- 2. Audience.** All Federal Aviation Administration (FAA) employees.
- 3. Where to Find This Order.** You can find this Order on the MyFAA Employee Web site: https://employees.faa.gov/tools_resources/orders_notices/. This Order is available to the public at http://www.faa.gov/regulations_policies/orders_notices/.
- 4. What This Order Cancels.** The FAA Order 1400.9, “Americans with Disabilities Act and Rehabilitation Act Operating Procedures” dated November 18, 1999.
- 5. Explanation of Policy Changes.** This revision updates the previous Order that was issued in 1999, to reflect current organizational, regulatory, and programmatic changes. The changes include: an updated and strengthened policy statement of the FAA’s commitment to nondiscrimination in the FAA-assisted programs; current organizational changes such as in the Office of Civil Rights; an updated compliance review program and complaint process administration; identification of responsibilities for the FAA implementation of ADA and Section 504; and applicable new or revised program developments and regulatory requirements since 1999. Nondiscrimination based on Title VI of the Civil Rights Act of 1964, in the FAA-assisted programs is covered in the FAA Order 1400.11.
- 6. Distribution.** This Order is intended for: (1) all Assistant and Associate Administrators, and heads of offices and services that have responsibility for any FAA grant or other FAA-assisted program; (2) the division levels in the Offices of the Chief Counsel, Civil Rights, Airports, and (3) the Acquisition, Materiel, and Grants Division under the Air Traffic Organization, and the Center of Excellence Program Office under the Office of NextGen.
- 7. Authority to Change This Order.** Unless specifically reserved by the Administrator, the Assistant Administrator for Civil Rights may approve changes to this Order, except those affecting policy, delegation of authority, and assignment of responsibilities.
- 8. Definitions.** See Appendix B.
- 9. List of Acronyms.** See Appendix C.
- 10. Scope of Order.** This Order addresses the FAA’s responsibilities in monitoring airport grant sponsors and public entities for compliance with Section 504 and Title II of the ADA.
- 11. Policy.** The FAA is committed to compliance with all antidiscrimination laws, regulations and policies. There is zero tolerance for discrimination in the workplace on the basis of race, color, religion, sex (including pregnancy and gender identity), genetic information, national origin, age,

disability (mental or physical), sexual orientation or reprisal for participating in protected Equal Employment Opportunity (EEO) activity. It is also the FAA's policy is to actively ensure that recipients of Federal financial assistance in FAA programs do not discriminate on the basis of race, color, national origin, sex, creed, age, or disability, and that all FAA recipients comply with Title II of the ADA of 1990 (42 U.S.C. 12101–12213), as amended (P.L.110–325), and Section 504, as amended (29 U.S.C. 794) and other nondiscrimination requirements as a condition of receiving Federal financial assistance. This Order covers all recipients (and subrecipients) of Federal financial assistance from the FAA.

12. Reserved.

Chapter 2. Responsibilities

- 1. Assistant Administrator for Civil Rights.** The Assistant Administrator for Civil Rights (ACR-1) is the FAA's principal advisor on matters concerning the agency's responsibilities under the ADA and Section 504. In this capacity, ACR-1 assists the FAA Administrator in carrying out the provisions of statutory and regulatory authorities described in this Order. ACR-1 is delegated the authority to act for, represent, and speak for the Administrator on civil rights issues.
- 2. The Office of Civil Rights and the Airport Disability Compliance Staff.** The FAA Office of Civil Rights (ACR) and specifically the Airport Disability Compliance Program (ADCP) staff are responsible for investigating complaints of discrimination filed under the ADA and Section 504 and for conducting periodic reviews of airport operators' compliance with Section 504. ADCP staff provides technical assistance to airport operators, other public airports, and organizations as needed to facilitate compliance with program requirements. ADCP staff and ACR must also provide appropriate assistance to members of the public who need additional information on compliance requirements, including copies of the regulations and information on filing a complaint of discrimination or reporting a violation of the regulations.
- 3. Office of the Chief Counsel.** The Office of the Chief Counsel (AGC) is responsible for developing and recommending policies and procedures to ensure the agency's actions comply with the requirements of the law. As necessary, AGC and the regional counsel offices will act as legal counsel for the agency and its officers in the determination of an airport operator's or other entity's compliance with the applicable statutes and regulatory provisions.
- 4. Headquarters Airports Organizations.** The Associate Administrator for Airports, Office of Airport Planning and Programming (APP), Airport Safety and Standards (AAS), and Airport Compliance and Management Analysis (ACO) are responsible for planning and developing a safe and efficient national airport system. The Office of Airports will provide assistance to ACR to the extent possible to help ACR in the implementation of this Order and will notify ACR if it becomes aware of any ADA Title II or Section 504 issues at the nation's airports.
- 5. Regional Airports Divisions and Airports District Offices.** Regional Airports Divisions and Airports District Offices are responsible for implementing the AIP and Passenger Facility Charge (PFC) programs, and are responsible for all airport program. They are also responsible for all airport program matters pertaining to airport safety and certification, airport design and planning. The Regional Airports Divisions and Airports District Offices will provide assistance to ACR to the extent possible to help ACR in the implementation of this Order; will notify ACR if it becomes aware of any ADA Title II or Section 504 issues, and in carrying out any grant-related sanctions.
- 6. Departmental Office of Civil Rights.** Under its delegated authority from the Secretary, the Departmental Office of Civil Rights (DOCR) is responsible for providing leadership, direction, and guidance in carrying out DOT's civil rights programs. The DOCR's External Civil Rights Programs Division (S-33) functions as the DOCR's liaison to the modes on external civil rights functions, which include:

- a. Establishing departmental policy concerning the implementation of DOT and Department of Justice (DOJ) regulations concerning external civil rights;
- b. Providing appropriate training to airport operators and modal agencies;
- c. Periodically reviewing and evaluating the programs of the modal agencies;
- d. Assigning case numbers to complaints; and
- e. Tracking the status of complaints.

7. Office of the Assistant General Counsel for Aviation Enforcement and Proceedings. Under its delegated authority from the Secretary, the Office of the Assistant General Counsel for Aviation Enforcement and Proceedings is responsible for enforcing the Air Carrier Access Act (ACAA) of 1986 as amended, and implementing regulations at 14 CFR part 382, as amended.

8. Reserved.

Chapter 3. Basic Regulatory Requirements of the ADA, Section 504, and the ACAA

1. Overview.

a. This chapter provides a framework for an understanding of the basic requirements of the various laws and regulations, indicating where they overlap and where they vary. Because airport operators have limited obligations under DOT regulations 49 CFR parts 37 and 38, this chapter focuses primarily on the DOJ Title II regulation, 28 CFR part 35, and DOT Section 504 regulation, 49 CFR part 27.

b. To be in compliance with Section 504, an airport sponsor must comply with:

(1) All applicable requirements of the ADA, as amended, (42 U.S.C. 12101-12213);

(2) DOT's ADA regulations (49 CFR parts 37 and 38);

(3) Regulations of the DOJ implementing Title II of the ADA (28 CFR part 35);

(4) Regulations of the Equal Employment Opportunity Commission (EEOC) implementing Title I of the ADA (29 CFR part 1630) (49 CFR § 27.19 (a)); and

(5) 49 CFR part 27, which requires airport sponsors to ensure that terminal facilities and terminal services are readily accessible to and usable by individuals with disabilities, including individuals using wheelchairs.¹

c. Table 1 provides a summary of responsibilities of Title I, II, and III of the ADA, Section 504, and the ACAA for airport operators, airport sponsors, and other entities operating on airports.

Table 1

The following statutory requirement...	Is codified at...	Is included in the following regulation...	And applies to the following entities
Title I of the Americans with Disabilities Act	42 U.S.C. 12112 § 102	29 CFR part 1630	Any private or public entity that employs more than 15 people
Title II of the Americans with Disabilities Act	42 U.S.C. 12132 § 202	28 CFR part 35	Public entities; all activities, services, and programs of state and local government

¹ A sponsor is considered to comply with this obligation if it meets requirements applying to state and local government programs and facilities under DOJ's Title II Rule 28 CFR part 35 (49 CFR § 27.71(b)). The DOJ rule also incorporates provisions of Titles I and III of the ADA that are consistent with Section 504 regulations.

The following statutory requirement...	Is codified at...	Is included in the following regulation...	And applies to the following entities
Title III of the Americans with Disabilities Act	42 U.S.C. 12182 § 302	28 CFR part 36	Any public services and accommodations operated by private entities
Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112)	29 U.S.C. § 794	49 CFR part 27	Programs receiving federal financial assistance
Air Carrier Access Act of 1986	49 U.S.C. § 41705	14 CFR part 382	Air Carrier Airlines

2. Administrative Requirements.

a. Coordinators. Airport operators are required under Title II of the ADA (28 CFR § 35.107(a)) and Section 504 regulations (49 CFR § 27.13(a)), to coordinate efforts to comply with the applicable regulations, including the investigation of complaints alleging its noncompliance with these Parts or alleging any actions that would be prohibited by these Parts.

b. Complaint Procedures. Airport operators with 15 or more employees are required to adopt complaint procedures for the prompt and equitable resolution of complaints alleging violations of Section 504 and Title II of the ADA.

(1) Title II of the ADA. 28 CFR § 35.107(b) requires entities that employ 50 or more persons to adopt and publish grievance procedures.

(2) Section 504. 49 CFR § 27.13(b) requires airport sponsors that employ 15 or more persons to adopt procedures that incorporate appropriate due process standards (prompt and equitable resolution of complaints).

c. Notice. Title II of the ADA and Section 504 require notice to various parties of the relevant regulations.

(1) Title II of the ADA. 28 CFR § 35.106 requires airport operators to provide notice to "applicants, participants, beneficiaries, and other interested persons" information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part; and

(2) Section 504. 49 CFR § 27.15 requires airport sponsors must provide initial and continuing notice to "participants, beneficiaries, applicants, and employees" including those with hearing and vision impairments, and to unions. The notice² must include the following information:

(a) The airport sponsor does not discriminate on the basis of disability in admission to, access to, treatment of, or employment in its programs, services, and activities; and

(b) Identification of designated Coordinator.

d. Self-Evaluations. Airport operators and sponsors are required to review their services, policies, and practices, to evaluate their compliance with the applicable regulations, and to take any appropriate remedial action. Both implementing regulations require that the airport provide for the Participation of interested persons, including persons with disabilities and organizations representing persons with disabilities in the evaluation.

(1) ADA. 28 CFR § 35.105 requires all entities to conduct the evaluation. All airport operators should have completed this process and met all requirements. While this requirement to conduct a self-evaluation is not extended in the revised regulations and because many Section 504 self-evaluations were conducted as long as four decades ago and programs tend to change, the DOJ encourages entities to continue with self-evaluations to determine compliance with the current and future revisions and resulting changes in regulatory requirements. Under Title II of the ADA, if an airport had previously conducted a self-evaluation under Section 504, only those policies and practices that were not included needed to be evaluated; and

(2) Section 504. 49 CFR § 27.11 requires that all airport sponsors conduct an evaluation and notify the FAA (ACR) of the persons responsible for evaluating its compliance and of the completion of the evaluation. Airport sponsors are specifically required to take the following actions:

(a) Evaluate current policies and practices;

(b) Identify shortcomings and describe the methods to remedy; and

(c) Begin to modify any policies or practices that do not meet the requirements of this part.

After each of these steps, the airport sponsors must consult with persons with disabilities and organizations representing persons with disabilities.

(3) The airport sponsors must then also:

² The FAA has created a Notice of Unlawful Discrimination Poster (see appendix D of this Order), that is required to be posted in conspicuous locations in the airport as a notice to the traveling public regarding discrimination (49 CFR part 21, appendix C (b)(2)).

(a) Take remedial steps to eliminate the effects of any discrimination caused by the violations; and

(b) Establish a system for periodically reviewing and updating the evaluation. All airport sponsors must keep the evaluation on file for three years (49 CFR §§ 27.11(c) (2) and (3)).

3. Employment. Both Title II of the ADA and Section 504 regulations incorporate the prohibition on employment discrimination from Title I of the ADA (28 CFR § 35.140 and 49 CFR § 27.19). Both rules also incorporate the Equal Employment Opportunity Commission (EEOC) requirements found in 29 CFR part 1630, including prohibitions on discrimination in job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment, as well as recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

To prevent duplicative efforts of federal agencies that are responsible for enforcing these laws, the DOJ and the EEOC have established procedures for coordinating and investigating employment-related disability complaints at 29 CFR part 1640 and 28 CFR part 37.

a. DOJ ADA Title I employment provisions.

(1) Apply to private employers and state and local government (as well as employment agencies and labor unions) that employ at least 15 employees;

(2) Title I is enforced by the EEOC under its regulations at 29 CFR part 1630; and

(3) Because the FAA has no authority to investigate Title I employment complaints, any Title I employment complaints received by the FAA must be forwarded by ACR to the EEOC in accordance with the DOJ/EEOC regulations

b. DOJ ADA Title II employment provisions.

(1) Apply to all state and local governments covered, regardless of the number of employees or any receipt of federal funding;

(2) EEOC's standards for compliance can be found at 29 CFR part 1630;

(3) If the airport sponsor is not covered by Title I, the standards for compliance are found at DOJ regulations, 28 CFR part 41, which empowers DOT to issue regulations to implement Section 504 (with respect to programs and activities to which it provides assistance); and

(4) Only Title II employment complaints that are not also covered by Title I or Section 504 are investigated by the FAA. For example, the FAA would investigate a complaint against a public airport that has fewer than 15 employees.

c. Section 504 employment provisions.

(1) 49 CFR § 27.19, covers employment for sponsors, regardless of the number of employees;

(2) 29 CFR part 1630 requires compliance with the EEOC regulation;

(3) 29 CFR § 1640.6 (d) (1) (ii), individual complaints of employment discrimination against airport sponsors over which the FAA has Section 504 jurisdiction must be forwarded to the EEOC for investigation under Title I, unless the complainant requests that the FAA investigate instead of the EEOC; and;

(4) 29 CFR § 1640.6(d) (1) (iii) and (iv), employment discrimination complaints against an airport sponsor that also allege discrimination in other practices or services by the airport or those that allege a pattern or practice of employment discrimination must be investigated by the FAA and not referred to the EEOC.

4. Program Accessibility.

a. 28 CFR § 35.150(a). An airport operator must ensure that its services, programs, or activities are accessible to persons with disabilities.

b. 28 CFR § 35.130(b)(7). Airport operators must make reasonable modifications to its policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the airport can demonstrate that the modifications would fundamentally alter the nature of the service, program, or activity.

c. 28 CFR § 35.150(a)(3). Airport operators are not required to take any action that will result in a fundamental alteration in the nature of a service, program, or activity that would result in undue financial and administrative burdens.

d. 28 CFR § 35.150(b). Existing facilities must be accessible to and usable by individuals with disabilities. Public entities must give priority to those methods that provide services, programs, and activities in the most integrated setting appropriate for persons with disabilities.

5. Physical Accessibility. The design and construction of new buildings and the alterations and the necessary structural modifications to existing buildings must comply with accessibility standards under Title II and Section 504.

a. Design Standards. Airports may only use the 2010 ADA Standards for Accessible Design (ADAAS – 2010 Standards) when constructing a new building or altering/renovating an existing building. In the past, airports were allowed to use the Uniform Federal Accessibility Standards (UFAS) or the 1991 ADA Standards for Accessible Design (ADAAS – 1991 Standards).

b. Structural Changes. All airport sponsors under Section 504 were required to submit a transition plan to the FAA for approval "where extensive structural changes" were necessary. Chapter 7 provides additional information on transition plans.

c. Title II Regulations. Airport operators subject to Title II regulations that employ 50 or more persons and need any structural modifications were to develop transition plans by July 26, 1992. The plan had specific requirements. The airport was required to provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the plan. If an airport already had developed a transition plan under Section 504, it needed only to review the policies and practices not included in the previous transition plan (28 CFR § 35.150(d)(4)).

d. Accessibility Standards. The Department of Justice published its revised final regulations implementing the ADA for Title II (state and local government services) and Title III (public accommodations and commercial facilities) on September 15, 2010. The revised regulations have updated the general nondiscrimination provisions implementing the ADA.

(1) The ADAAS, applicable to airport facilities, is the standard for accessibility that applies to airports (49 CFR § 27.71 (e)). The applicability of the Standards is based on the construction date of the specific structure. If the structure was built and not renovated or altered before the 1991 Standards were in effect, then the entity will not be required to meet the 1991 Standards. Under the 1991 Standards, airports are expected to meet requirements under ADAAS, Section 10.4 but for new construction and alterations, airports must follow 2010 standards. However, if the facility was built, altered or renovated after the 1991 Standards came into effect, requirements under the 1991 Standards had to be met. With the establishment of the ADAAS, airport operators need to address requirements under these Standards when a facility is newly constructed, altered, or renovated after March 15, 2012. These Standards apply to facilities in the private sector (places of public accommodation and commercial facilities) and to state and local government facilities, such as the airports, operated by such entities.

(2) UFAS. UFAS Standards are found at 41 CFR part 101-19.6, appendix A.

e. Elevator Exemptions. The exceptions for elevators in the 1991 Standards Section 4.1.3(5) and 4.1.6(1) (k) do not apply to airports or other public entities covered by the DOJ Title II regulations at 28 CFR part 35 (28 CFR § 35.151(c)).³

f. Historic Preservation. The DOJ Title II regulation makes allowances for accessibility to historic properties (28 CFR §§ 35.150(a) (2), 35.150(b) (2), and 35.151(d)).

g. Specific Airport Provisions. Airport operators must ensure that terminal facilities and services are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. An airport is considered to comply with this obligation if it meets the requirements applying to state and local government programs or activities and facilities under DOT's Title II rule (49 CFR § 27.71(b)).

³ In air traffic control towers, an accessible route shall not be required to serve the elevator cab and the floor immediately below the elevator cab. (2010 ADA Standards for Accessible Design – “Multi-Story Buildings and Facilities” (206.2.3. Exceptions)).

- (1) Airports must ensure that there is an accessible path between the gate and the area from which aircraft are boarded (49 CFR § 27.71(c)). (See Chapter 3).
- (2) Systems of inter-terminal transportation, including, but not limited to, shuttle vehicles and people movers, shall comply with applicable requirements of the DOT Section 504 rules (49 CFR § 27.71(d)).
- (3) The 1991 Standard, including Section 10.4 concerning airport facilities, is the standard for accessibility that applies to airports (49 CFR § 27.71(e)). For any new construction or alteration, airports must use the 2010 Standards (28 CFR § 35.151(c)).
- (4) Contracts or leases between carriers and sponsors concerning the use of airport facilities shall set forth the respective responsibilities of the parties for the provision of accessible facilities and services to individuals with disabilities as required by 49 CFR part 27 (49 CFR § 27.71(f)) and provisions of 14 CFR part 382, as amended, implementing the ACAA. (See Chapter 3);
- (5) 28 CFR § 35.136 defines Service Animals and requires public entities to permit the use of a service animal by an individual with a disability. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. In addition, a public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse that has been individually trained to do work or perform tasks for the benefit of the individual with a disability; and
- (6) The ACAA mandates that carriers who own, lease, or control airport terminal facilities at airports provide service animal relief areas for service animals that accompany passengers departing, connecting, or arriving at an airport on their flights. (14 CFR § 382.51(a) (5)).

6. Communications. Airports are required to take appropriate steps to ensure that their communications with individuals with disabilities are as effective as communications with other individuals, beneficiaries, and members of the public. In addition, under the 2010 ADAAS, there are signage requirements that address the need for directional and informational signs that communicate information about the location and availability of accessible services including areas of refuge and means of egress.

a. 28 CFR part 35 requires the following for persons with impaired hearing, vision, or speech:

- (1) 28 CFR § 35.161 requires an airport to provide Telecommunications Device for the Deaf (TDD's) or equally effective telecommunication systems if an airport communicates by telephone with applicants and beneficiaries to communicate with individuals with impaired hearing or speech;
- (2) 28 CFR § 35.162 requires direct access to individuals who use TDD's and computer modems telephone emergency services, including 911 services;
- (3) Access to information about the existence and location of services, activities, and facilities (28 CFR §35.163(a));

(4) 28 CFR § 35.163(b) requires signage at all inaccessible entrances directing users to an accessible entrance or to information about accessible facilities; and

(5) 28 CFR § 35.163(b) requires the use of the international symbol for accessibility at each accessible entrance of the facility.

b. Section 217 of 2010 the ADA Standards provides standards for Public Pay Telephones (ADA Standards for Accessible Design).

c. Section 810.8 of the 2010 ADA Standards provides standards for Clocks (ADA Standards for Accessible Design).

7. Vehicle and Transportation Systems Accessibility. Under the DOT ADA Title II, Subpart B, and Title III regulations at 49 CFR parts 37 and 38, public entities that provide designated or specified public transportation or intercity or commuter rail transportation must provide access for persons with disabilities. Since transportation by aircraft is excluded from the definition of designated or specified transportation, these regulations have limited applicability to airport operators. The areas of the regulation that apply are summarized below.

a. 49 CFR § 37.33 specifically addresses an airport's responsibilities in reference to airport-operated transportation systems. If an airport is operating a transportation system that provides designated public transportation (and connects parking lots and terminals or provides transportation among terminals) it is subject to the requirements in 49 CFR part 37 for fixed-route and demand-responsive systems. Airports that operate fixed-route transportation systems are subject to the requirements in 49 CFR part 37 for commuter bus service operated by public entities. The provision by an airport of additional accommodations (e.g., parking spaces in a close-in lot) is not a substitute for meeting the requirements in 49 CFR § 37.33(a); and

b. Fixed-route transportation systems. Fixed-route transportation systems operated by airports between the airport and a limited number of destinations in the area that it serves are subject to the requirements in 49 CFR part 37 for commuter bus systems operated by public entities (49 CFR Section 37.33(b)).

(1) *Private Entity Transportation Systems.* Private jitneys (small buses or vans that carry passengers over a regular route on a flexible schedule) or shuttle services that provide transportation between the airport and destinations in the area it serves, either in a route-deviation or another variable mode in a demand-responsive service, must provide accessible services in accordance with 49 CFR § 37.33(c) implementing Title III. It is the airport operator's responsibility to be aware of these requirements.

(2) *Taxis.* Private taxi providers are not required to purchase or lease accessible automobiles. However, if they purchase a vehicle other than an automobile, that vehicle must be accessible unless the provider can demonstrate equivalency as provided in § 37.105. Taxi providers using automobiles only may not discriminate against persons with disabilities who are able to use the automobile, in accordance with 49 CFR § 37.29 implementing Title III. It is the airport operator's responsibility to be aware of these requirements; and

(3) *Private Entities Not Primarily Engaged in Transportation.* Shuttle systems and other transportation services operated by privately owned hotels, car rental companies, or other public accommodations are subject to the applicable sections of 49 CFR part 37. (See §37.37(b)). It is the airport operator's responsibility to be aware of these requirements.

8. Aircraft and Air Carrier Facility Accessibility. Although the DOT Office of Aviation Enforcement and Proceedings, rather than the FAA, enforces the ACAA, Section 504 does place some responsibility for access to aircraft on the airport sponsor.

a. Boarding Assistance for Small Aircraft. The airport sponsor has the responsibility to train personnel to be proficient in using boarding assistance equipment for small aircraft and be knowledgeable of boarding assistance procedures that safeguard the safety and dignity of passengers (49 CFR § 27.72(d) and (e)).

b. Airport Facilities. Airport terminal facilities include parking and ground transportation facilities, owned, leased, or operated by commercial service airports (49 CFR § 27.71(a)). Under the ACAA, an air carrier is responsible for accessible facilities to the extent that it controls the selection, design, construction, or alteration of the property. It is the airport operator's responsibility to ensure that leases or contracts between airport operators and air carriers concerning the use of airport facilities define the respective responsibilities for providing accessible facilities and services to individuals with disabilities (49 CFR § 27.71(f));

c. Accessible Path. It is the airport operator's responsibility to ensure that there is an accessible path between the gate and the area from which aircraft are boarded. It is the airport operator's responsibility to ensure that a passenger with a disability can move through the airport to the area of boarding the aircraft (49 CFR § 27.71(c)).

9. Conditions Not Considered Disabilities. Examples of such conditions include:

- a.** 28 CFR §35.104. Sexual behavior disorders;
- b.** 28 CFR § 35.104. Compulsive gambling, kleptomania, and pyromania;
- c.** 28 CFR § 35.104. Psychoactive substance use disorders resulting from current illegal use of drugs; and
- d.** 28 CFR § 35.132. Appendix A Smoking.⁴

⁴ The DOJ has declined to state categorically that an allergy or sensitivity to cigarette smoke is a disability because the determination as to whether an impairment is a disability depends on whether, given the particular circumstances at issue, the impairment substantially limits one or more major life activities (or there is a history of or is regarded as having such an effect).

10. Enforcement.

a. 28 CFR part 35. An airport that is not a recipient of federal financial assistance is still subject to the DOJ enforcement procedures established in 28 CFR part 35. Under this rule, if the DOT/FAA issues a noncompliance Letter of Findings (LOF) to such an airport, ACR must: (1) forward a copy of the LOF to the Assistant Attorney General; and (2) initiate negotiations with the airport to secure compliance by voluntary means. If ACR cannot resolve the matter with the airport by voluntary means, ACR must forward it to the Attorney General with a recommendation for appropriate action (28 CFR § 35.174). ACR must obtain the concurrence of DOCR prior to referral to the Attorney General.

b. 49 CFR part 37. DOT has not established separate enforcement procedures for entities covered by its ADA rule (49 CFR § 37.11). Public entities covered by DOT's ADA regulation which are not airport sponsors are subject to DOJ enforcement rules at 28 CFR part 35. Private entities covered by DOT's ADA regulation, like taxicab providers and shuttle bus providers, are subject to the DOJ enforcement procedures established in 28 CFR part 36.

c. 49 CFR part 27. All airport operators, including public entities and private owners of public-use airports that receive federal financial assistance, are subject to the enforcement procedures set forth in 49 CFR part 27, Subpart C. If ADCP finds reasonable cause to believe an airport operator is not in compliance, it will notify the sponsor in accordance with 49 CFR § 27.123(d) and attempt to resolve the issue through informal means. (See DOT Order 1000.18 for sample correspondence.) If the ADCP is unable to resolve the matter by informal means, within 180 days of issuing the LOF, it will refer the matter for coordination with the FAA Airports Law Branch (AGC-600) or designated regional counsel, under § 27.125. ACR must notify ARP-1 of the referral to AGC-600.

d. The ADCP staff may make a recommendation of suspension or termination of grants or other appropriate steps. (Although no timeframe to resolve issues informally is included in the regulations, ACR has determined that 180 days is a reasonable period of time.) ADCP will advise ARP of this recommendation. AGC-600 or designated regional counsel is responsible for coordinating with the DOT Office of the General Counsel, in carrying out the provisions of 49 CFR § 27.125. ACR must notify DOCR of the referral to AGC-600. Whenever the DOT Office of the General Counsel completes the enforcement proceedings set forth in 49 CFR §§ 27.125, 27.127, and 27.129, ACR-1 must notify ARP-1 and request assistance implementing appropriate grant-related sanctions.

11. Reserved.

Chapter 4. Americans with Disabilities Act/ Section 504 Complaints

1. Overview.

a. Any person, or his or her representative, who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation based on their disability may file a complaint with the DOT or the FAA. These complaints are considered to be ADA or Section 504 complaints.

b. This chapter provides the FAA offices that oversee federal financial assistance programs with basic information on the processing of ADA and Section 504 complaints. This information is intended to assist the FAA offices in responding to initial inquiries on complaint matters from airports and others.

2. Filing Formal Complaints.

a. Timeframes. Complaints must be filed within 180 days of the alleged violation or discriminatory act unless the timeframe is extended by ACR (49 CFR § 27.123(b), 28 CFR § 35.170(b)). For ADA complaints, filing the complaint with any Federal agency will satisfy the time requirements.

b. Referrals to ACR. All complaints received directly by a Region or Center (Civil Rights Office) from a complainant must be date stamped as received by ACR and forwarded to ADCP. ADCP must forward a copy of the complaint to ACR headquarters to be controlled in the office correspondence management system within 5 days of receipt, and a copy to ACR-4, to be entered into the DOT complaints database.

c. Complete Complaint. The complaint must be a complete complaint (see definition of a “complete complaint” in appendix B of this Order).

d. Citation of Specific Statute/Regulation. A complainant need not specifically allege that Title II or Section 504 has been violated; an allegation of discrimination on the basis of disability by a public entity is sufficient.

e. Complainant Anonymity. Complainants may choose to remain anonymous throughout the complaint process. However, if the anonymity hinders the investigation, the FAA must notify the complainant that the privilege may need to be waived (49 CFR § 27.123(e)). If the complainant insists on anonymity and the investigation cannot proceed without divulging the complainant’s identity, ACR-4 will administratively close the complaint without prejudice.

f. Complaints Against Air Carriers. If the ACAA covers a complaint, which prohibits discrimination against qualified individuals with a disability in the provision of air transportation, then ACR-4 will forward the complaint to the following DOT office responsible for processing these complaints:

Aviation Consumer Protection Division,
ATTN: C-75-D
U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington, DC 20590

g. Concessionaire and Transportation Service Provider Complaints. Procedures for handling complaints involving concessionaires, taxi service, and other airport transportation providers are as follows:

(1) Concessions and transportation providers owned and operated by a private entity are covered by the DOJ's rule implementing Title III of the ADA (28 CFR part 36). Accordingly, such complaints will be forwarded to the DOJ; and

(2) Concessions and transportation providers owned and operated by an airport operator are subject to 28 CFR part 35 implementing Title II of the ADA and may be investigated by ACR.

h. Privatization. Services, programs, and activities provided or made available by a private firm under contract with an airport operator are subject to Title II of the ADA and 28 CFR §35.130(b)(3) and may be investigated by ACR.

3. Acceptance of Complaints. ACR-1 has the vested authority to accept or reject complaints of discrimination against airport operators. Except in unusual cases, ADCP has delegated authority to accept or reject complaints. ADCP will coordinate with ACR-4 in the acceptance or rejection of complaint issues in unusual, highly complex, highly sensitive or novel complaints. In accordance with applicable regulations and the External Complaints Processing Manual (DOT Order 1000.18), acceptance of a complaint is based on timeliness, sufficiency, and jurisdiction.

a. Assignment of Case Numbers. When the DOCR receives a complaint it will assign a DOCR docket number to the complaint and forward it to ACR-1. If ACR-1 receives a complaint, it will register the complaint in its correspondence system, and forward the complaint to ADCP, with a copy to ACR-4. ACR-4 will enter the complaint into DOCR's database, and obtain a DOCR docket number for the complaint.

b. Request for Additional Information from the Complainant. ADCP can request additional information in the event the complaint lacks sufficient information to determine jurisdictional responsibility or the information is otherwise incomplete. ADCP will promptly request the complainant to submit the supplemental information within 30 days following receipt of ADCP's letter. If the information is not submitted, ADCP will administratively close the complaint without prejudice, unless a satisfactory explanation is provided as to why additional time is needed.

c. Letters of Acceptance/Rejection. If ADCP accepts a complaint for investigation, it will promptly notify the complainant in writing and list the issues to be investigated. If one or more of the allegations of the complaint is not accepted, the letter will provide an appropriate explanation why the allegations are dismissed. The letter will also identify any allegations that are referred to another agency or to the DOCR for further review.

d. Timeframe for Completion. ADCP will develop a schedule for investigating a complaint so as to complete the investigation and issue a LOF to the parties within 180 days of receiving the complaint, or within another designated timeframe by ACR-1. In all cases, the Departmental timeframe is 180 days. ADCP's schedule should include time for coordinating any highly unusual, complex, or highly sensitive or novel complaints with ACR-4 and AGC before issuing the LOF.

4. Determining Jurisdiction.

a. Jurisdiction is based on two factors:

(1) Whether the allegations are covered by 28 CFR part 35, 49 CFR part 27, an applicable section of 49 CFR parts 37 and 38, or 29 CFR part 1640; and

(2) Whether the sponsor is subject to the specific regulatory provision identified.

b. ADCP ascertains whether the complainant meets the regulatory definition of "qualified individual with a disability."

c. ACR-4 delegates ADCP responsibility to determine jurisdiction. ADCP must coordinate with ACR-4, when necessary, and when the complaint may present complex, highly sensitive, or novel issues. Novel issues are those that raise substantive legal or policy questions, which are not addressed in existing regulations or guidelines. In such cases, ACR-4 may seek advice from AGC-600 on the jurisdictional issue and consult with DOCR to agree on an appropriate course of action. ACR-4 must approve ADCP's proposed determinations of jurisdiction in complaints with complex, highly sensitive, or novel issues.

5. Identifying Issues.

a. Issue Defined. An issue is a precise statement, written in the form of a question ("was the complainant..." or "whether or not the complainant..."), of the alleged specific manner in which the complainant was treated differently or affected differently or in which the sponsor failed to comply with the regulatory requirements. It includes the following information, as applicable:

- (1) Identity of complainant(s);
- (2) Specific alleged discriminatory act or violation;
- (3) Date and place of alleged act or violation;
- (4) Identity of sponsor;
- (5) Basis of discrimination; and
- (6) Specific regulatory citation that is applicable

b. Example. An example of an issue is: "was john doe discriminated against on the basis of disability when he was forced to park in an inaccessible space on May 1, 2009, in the short-term parking lot at Danson Regional Airport, in violation of 49 CFR §§ 27.7(a) and (b)(5), 27.19(a), and 28 CFR § 35.151(c)?" or "did the Danson Regional Airport comply with applicable nondiscrimination provisions and accessibility standards by providing sufficient accessible spaces in the short-term parking lot in accordance with 49 CFR §§ 27.7(a) and (b)(5), 27.19(a) and 28 CFR § 35.151(c)?"

6. Complaints that are Superseded by a Private Suit. Because the ADA does not require the exhaustion of administrative remedies, a complainant may elect to proceed with a private suit at any time during the complaint process. In some instances, if a complainant proceeds with a private suit, the FAA has the option to suspend continuation of the complaint investigation until the court procedure is completed.

7. Planning the Investigation. ADCP employees (investigator) charged with investigating ADA and Section 504 complaints are required to work through the process of investigative planning in a methodical manner as outlined in DOT Order 1000.18. Prior to conducting the investigation, the investigator will develop an investigative approach, analyze all data received, and further modify the approach as necessary. It is highly recommended that for complaints with multiple or novel issues, that a written Investigative Plan be developed. The Investigative Plan is a written statement of the basis for and approaches to be taken in investigating a complaint. Its purpose is to assist the investigator in focusing on the issues during the investigation. The Plan also assists the investigator in determining the scope of the investigation, in ensuring that all issues are thoroughly addressed, and in identifying relevant data needs. Guidance on the elements of an Investigative Plan and a sample Plan can be found in DOT Order 1000.18. Data is gathered throughout the investigation to answer two questions:

- a. What happened? Did the alleged violations even occur?; and
- b. Are the reasons for alleged violations accurate?

8. Conducting the Investigation. Questions regarding the appropriateness of initiating an investigation or how an investigation may be conducted may be directed to ACR-4.

a. Notice to Airport Sponsor. After deciding to proceed with an investigation of the complaint, the investigator must notify the airport sponsor that the complaint has been accepted for investigation. The notice to the airport sponsor must include a cover letter, the Information Request, and a copy of the applicable regulations. The notice must be sent to the airport's chief executive officer and may be modeled after the Department's "Notification of Investigation Letter to Airport Sponsors," contained in Tab 10 of DOT Order 1000.18.

b. Notice to Complainant. The investigator must notify the complainant of the investigation's acceptance. The notification letter to the complainant may be modeled after the Department's "Notification of Investigation Letter to Airport operators," contained in Tab 9 of the External Complaints Processing Manual and contain the following:

- (1) Acceptance of the complaint;
- (2) Restatement of complainant's allegations;
- (3) Brief summary of the investigative procedure;
- (4) Statement against retaliation;
- (5) Explanation of the FAA's role and interest in the complaint;
- (6) Freedom of Information Act and Privacy Act Information; and
- (7) Name of investigator and contact information.

c. Information Request Response. Upon receipt of the data from the airport operator, the investigator must review the information and also must determine if additional information is needed. Often the receipt of information from the airport sponsor will raise additional questions. The information also assists in deciding whether face-to-face interviews, and on-site observations and verifications, may be necessary. The investigator is also responsible for obtaining and clarifying any additional data, from the sponsor. The following are some general questions the investigator may ask about the information received from the sponsor:

- (1) Is the data authentic? For example, is the data a draft copy? Is the data or information as authored by the airport, signed, and dated?
- (2) Is the data timely? Is the time frame the same as that of the issue/allegation?
- (3) Does the document stand on its own or does it need validation, verification, or support?
- (4) Is the data responsive and relevant to the complaint?
- (5) Does the data conflict with other data collected?
- (6) Does the originator of the data have established expertise?

d. Determining if an On-site Investigation is Needed. An investigator can often conduct a thorough investigation without an on-site visit to the airport operator's facility. If the following conditions are present, the investigator usually can conclude that an on-site visit is not necessary. These conditions include:

- (1) Individuals are not the primary source of information needed (i.e., interviews are unnecessary or can be done by telephone).
- (2) All needed information can be specified precisely in the information request letter and can be easily provided by the airport sponsor.

(3) The airport operators can provide written documentation to verify its position in its response to the FAA's information request letter.

(4) There is good reason to conclude that the complainant is the only person affected by the discrimination.

e. Rationale For On-site. The investigator should consider the possibility of conducting a portion of the investigation on-site if any of the following apply:

(1) Maintaining personal contact with the complainant and the airport operators may yield information and clarification that might not otherwise be discovered by just reviewing written documents or speaking over the telephone;

(2) Obtaining a more accurate impression of the physical environment and general atmosphere of the airport operator can be obtained, which may help in making a determination regarding the complaint;

(3) Establishing more effective communication can be established with representatives of the airport operator who can be of assistance in the present or a future complaint investigation;

(4) Examining some documentation on-site because of the need to verify measurements, or visual confirmation, convenience, cost, format, or bulk; and

(5) Preparing for an on-site review includes notifying the airport sponsor well ahead of time (typically 30-45 days), making specific appointments with all relevant employees, and arranging for a time and place for the review of all relevant records maintained on-site. An on-site review should include an initial meeting with the airport point of contact, usually the ADA/504 Coordinator, the collection of additional information through interviews, record reviews, observations, and measurements, and an exit meeting with the Coordinator and all other appropriate airport personnel.

9. Informal Resolution. The FAA's ultimate responsibility is to ensure nondiscrimination in the programs to which it provides financial assistance. After the FAA accepts the complaint, ADCP may attempt to resolve a complaint informally, and may request information on acceptable relief and settlement options from the complainant and airport sponsor as early as possible. Both 49 CFR §27.123(d) and 28 CFR § 35.172(c) require that compliance matters be resolved by informal means whenever possible. To resolve complaints in which a complainant was found to have been excluded, denied, or otherwise discriminated against, the resolution must address the airport sponsor's remedial actions to overcome the effects of the violation (49 CFR § 27.11). Informal means of resolution include all methods to obtain voluntary compliance by the airport operator prior to enforcement proceedings.

a. Alternative Dispute Resolution (ADR). Both DOT Policy and DOJ's ADA regulations encourage the use of ADR. ADR is a collaborative, consensual dispute resolution approach that describes a variety of problem-solving processes that are used in lieu of litigation or other adversarial proceedings to resolve disagreements. There are several approaches to resolving a complaint that fall under the broad category of ADR. The approach can consist of staff informally

resolving the matter without completing a full investigation to using a neutral third party or mediator. Often staff will use an informal process whereby the airport operator is contacted by telephone, notified of the allegations, and (if appropriate) is provided technical assistance in resolving the complaint. It can also include the exchange of letters whereby the airport operator states it already has taken or will take specific action to remedy the specific issues of the complaint. When a resolution of any allegation has been obtained, the terms of the resolution must be provided in writing, and included in the letter closing the complaint.

b. Settlement Agreements. A settlement agreement is one means of informally resolving compliance matters after the issuance of a LOF (a settlement agreement is a type of voluntary compliance agreement). A settlement agreement must:

- (1) Be in writing and signed by ADCP and a representative of the sponsor who can commit the airport to the necessary corrective actions.
- (2) Address each cited violation.
- (3) Specify the corrective or remedial action to be taken, within a stated period of time, to resolve the compliance matters. The sponsor is required to take the corrective or remedial action that ACR deems necessary to overcome the effects of the violation on the complainant (49 CFR § 27.11).
- (4) Provide for submission of appropriate documents to the FAA, such as bid specifications, drawings, or plans that verify that the sponsor has executed the steps agreed to.
- (5) Specify the actions that the FAA will take if the sponsor fails to implement the corrective or remedial action.
- (6) In lieu of item 5, settlement agreements for airports that are not recipients of Federal financial assistance must:
 - (a) Provide for assurance that the discrimination will not recur (28 CFR § 35.173(b)(4)); and
 - (b) Provide for enforcement by the Attorney General (28 CFR § 35.173(b)(5)).

10. Closure Letter. ADCP closes the complaint by sending notification to the airport operator and the complainant in a Closure letter with a specific stated reason. ADCP issues different types of letters to the complainant and airport operator depending on the findings of an investigation or how the case is resolved. This includes administrative closures, letter of resolution closures, and LOF closures. The LOF Closure Letter provides the results of the investigation, and notification that the complaint is formally closed. LOFs include: (1) no violation LOF, and (2) violation LOF. Detailed guidance on the type of information that should be included in the various Closure Letters and sample letters are found in DOT Order 1000.18.

a. When ADCP signs the Closure Letter, they send the letter to ACR-4. ACR-4 will upload the letter in the DOT's complaints database.

b. Letters of findings for complex, and highly sensitive or novel complaints must be sent to ACR-4 for review prior to their issuance. ADCP will consult with ACR-4 if the complaint investigation raises questions not answered by existing departmental or the FAA regulations or guidelines, or raised novel or politically sensitive issues. ACR-4 will raise these issues with the FAA Chief Counsel's Office, the Departmental Office of Civil Rights, and the Department's Disability Law Coordinating Council as appropriate. Closure Letters for such complaints must be coordinated with ACR-4 prior to their issuance.

11. Request for Reconsideration.⁵

a. The FAA has adopted an informal review process called "Request for Reconsideration" for complainants who have received a LOF of "no violation" that are adverse to the complainant. The request must be in writing (or submitted initially in an alternate format, which the FAA must ultimately put into writing) and sent to ACR-1 within 30 days of receipt of the FAA's letter closing the complaint. The request must identify (1) the specific finding to be reconsidered, and (2) the basis for the request, including facts or evidence to support the request. Requests for reconsideration based solely on general disagreements with the investigative findings or remedies negotiated to bring the airport operator into compliance with the law will not be accepted.

b. Reasons for reconsidering a decision include, but are not limited to, the following:

- (1) Complaint allegations were not investigated;
- (2) The investigation was insufficient, (e.g. there was a failure to interview complainant's witnesses or perform an on-site visit when one was necessary);
- (3) Facts or evidence from the complainant were not adequately considered;
- (4) Issues were investigated under the wrong authority or the correct authority was applied inappropriately;
- (5) Material information became available that was not available previously.
- (6) Fraud or misrepresentation occurred; and
- (7) The FAA's decision would have a substantial impact on its policies, practices, or operations.

12. Enforcement. In the event that efforts to resolve a compliance matter resulting from a complaint investigation are unsuccessful, ACR will follow the enforcement procedures set forth in Chapter 2 of this Order.

⁵ Requests for reconsideration will be processed by ADCP in coordination with ACR-4. ACR-4 must concur in any decision not to accept a request for reconsideration.

13. Follow-Up Monitoring. ADCP will carry out appropriate monitoring activities to ensure that an airport sponsor implements the remedial steps to which it committed in a voluntary compliance agreement or in a letter to ADCP. ADCP will immediately notify ACR-4 upon learning the airport sponsor has not implemented the terms of such agreement. ACR-4 will, in consultation with ADCP and other appropriate agency officials, determine whether the matter should be referred to the Office of the Chief Counsel for commencement of enforcement proceedings in accordance with Chapter 2 of this Order.

14. Complaint Withdrawals. If a complainant wishes to withdraw their complaint, they must do so in writing. ADCP may determine to continue the inquiry as a compliance review under Section 504 or the ADA, in coordination with ACR-4. If such a decision is made, ADCP will also inform the complainant of its plans.

15. Reporting Requirements. ADCP will forward a copy of the following documents to ACR-4, in a timely manner for uploading into the DOT's complaints database: (1) the complaint; (2) acknowledgment letters to complainant and airport operator; (3) letters documenting complainant's issues accepted for investigation; (4) Closure Letter; and (5) any compliance and or settlement agreements. ACR-4 will upload completed documents and submit reports on the status of ADA/Section 504 complaints to ACR-1 and/or DOOCR as requested.

16. Reserved.

Chapter 5. Compliance Reviews

1. Overview.

a. Under 49 § 27.123(a), the FAA is responsible for periodically reviewing the practices of airport sponsors to determine their compliance with regulatory requirements.

b. ADCP is responsible for planning and conducting compliance reviews of airports, and for assisting airports to comply with their obligations under Section 504 and the ADA. ADCP should develop a multi-year plan for conducting reviews, and may use a variety of methods for conducting reviews, including desk reviews, electronic self-assessments, and comprehensive on site reviews, or a combination of methods .

2. Selecting the Airport. ADCP should consider the following factors:

a. Whether there have been complaints against the airport;

b. Whether the airport has received or is anticipated to receive AIP funding for alteration or construction of facilities to meet accessibility standards;

c. Whether the airport is designing a new or remodeling a current terminal;

d. Frequency of use of the airport by people with disabilities;

e. Balancing geographical locations of airports nationwide and size and complexity of the airport for the review year; and

f. Input from disability advocacy groups, the FAA Office of Airports, and other officials as appropriate.

3. Scope of Review. ADCP should develop a compliance review plan that will include or address the following by an airport operator:

a. Applicable administrative requirements: a designated ADA/504 Coordinator, a notice of non-discrimination on the basis of an individual's disability, complaints or grievance procedure, and a self-evaluation of current services, policies and practices.

b. Program and facility accessibility requirements in 49 CFR §§ 27.71, 27.72, and ADA Standards for Accessible Design (1991 Standards) 28 CFR part 36 appendix A – *Standards For Accessible Design* 10.4.1 (if applicable), and other pertinent provisions of 1991 Standards, 2010 Standards or UFAS which apply, as well as pertinent provisions of 28 CFR part 35 (alterations, renovations and new construction must follow the 2010 ADA Accessibility Standards). Accessibility in the areas listed below and any others subject to the regulation should be reviewed for persons with hearing and vision disabilities as well as those with mobility impairments.

- (1) Airport terminal circulation and flow, and path between gate and aircraft boarding area;
 - (2) Use of the international accessibility symbol at accessible building entrances;
 - (3) Ticketing;
 - (4) Baggage check-in and retrieval;
 - (5) Public telephones;
 - (6) Telecommunication devices for the deaf
 - (7) Wayfinding and signage;
 - (8) Restrooms;
 - (9) Passenger loading and unloading;
 - (10) Parking;
 - (11) Seating in waiting areas and public spaces;
 - (12) Paging system;
 - (13) Service animal relief;
 - (14) Passenger services (including aircraft boarding devices); and
 - (15) Public services (access to concessions and other airport services, kiosks, self-service machines).
- c.** Accessibility of the airport's system of inter-terminal transportation, including, but not limited to, shuttle vehicles and people movers, as required under 49 CFR § 27.71(d).
- d.** The review of contracts or leases between air carriers and the airport operator on the respective parties' responsibilities with regard to the provision of accessible facilities and services to individuals with disabilities, as required under 49 CFR § 27.71(f).
- e.** The submission of a transition plan for structural changes as required under 49 CFR § 27.71(g).
- f.** The requirement that airports provide boarding assistance to individuals with a disability as required under 49 CFR § 27.72.
- g.** The review of disability-based employment discrimination complaints.

4. Conducting the Compliance Review. The planning stage of the compliance review should include: adequate notice to the airport chief executive officer, adequate time for the identification of data needs, the collection and the review of documents and other information requested prior to the on-site visit. There should be adequate coordination with the airport staff point of contact to enable the airport to make available documents, airport staff members, concessionaires, airline representatives, and others within the schedule requested, and to arrange for logistical concerns such as security.

a. Desk Review. ADCP may conduct a limited initial review requesting the airport to submit written responses to a list of questions and to submit supporting documents. Due to resource constraints, this method may offer the opportunity to increase the number of airports that can be reviewed in a fiscal year. At a minimum, the review should cover the administrative requirements that are outlined in Chapter 3 of this Order, and the program accessibility requirements that are also outlined in Chapter 3 of this Order. A more in-depth comprehensive on-site review may follow from this initial review.

b. On-site Review. The purpose of the on-site review is to provide ADCP staff the opportunity to review the airport's compliance with ADA and Section 504 requirements, to review original airport documents such as airport leases and contracts presented in their entirety, to make observations and take measurements to determine compliance with accessibility requirements, and to identify issues and confirm findings through interviews with all pertinent parties. Coupled with an initial review of documents that were requested in advance, the on-site review presents the best opportunity to conduct a comprehensive and in depth analysis.

c. On-site Review Team. The team should consist of ADCP staff and may possibly include an FAA airport representative from the Office of Airports where the airport is located to review the airport's compliance with accessibility requirements. ACR-4 staff may also participate in the review.

d. On-site Review Procedures. The on-site review should consist of the following components:

(1) An entrance or introduction meeting. The purpose of the meeting is to introduce the FAA and airport staff, and to provide an overview of the purpose and components of the review, and the schedule of activities that will take place in the days ahead. It is recommended that the airport chief executive officer and staff attend this meeting.

(2) The compliance review. This includes interviews, informal discussions, document reviews, site walkthroughs, observations, and measurements.

(3) Exit meeting. This meeting takes place at the end of the compliance review and is the concluding meeting. At this meeting, the FAA staff will deliver a summary of preliminary findings, and will review with the airport the subsequent steps for the issuance of the compliance review report, and procedures for voluntary compliance. It is recommended that the airport chief executive officer and staff attend this meeting. Any identifiable "best practices" demonstrated by the sponsor, should also be a part of the Exit Meeting.

5. Compliance Determinations.

a. An airport is in compliance with disability regulatory requirements when it correctly and fully implements the provision specified in the requirement. An airport has not achieved compliance if it has not implemented the regulatory disability provision; if it has incorrectly applied the requirement; or when it may have applied correctly some aspects of the requirement, but may need to make additional effort or changes to achieve full compliance.

b. The goal of the compliance review is to ensure that airports are complying with the applicable regulations, and to assist airports to achieve compliance through technical assistance and training, if full compliance has not been achieved.

6. Compliance Report.

a. ADCP should produce a formal written report of its compliance findings within 90 days of the preliminary findings and initial draft report. The formal written report should address each area or issue reviewed, the applicable regulatory reference and requirement, the finding and compliance determination, and recommended action. The report should also attach a summary table of each finding and recommended action, and columns for the airport to respond with a voluntary compliance action and response date.

b. Prior to its final issuance, the report should be reviewed and coordinated with ACR-4 and the responsible regional counsel staff.

7. Voluntary Compliance.

a. The goal of the compliance review, where non-compliance is found, is to achieve voluntary compliance by the airport sponsor. ADCP must make all efforts to assist the airport in achieving voluntary compliance, including providing technical assistance and training

b. The summary table of findings and the agreed upon actions attached to the final compliance report serves as a voluntary compliance agreement and a tracking system for the FAA staff.

c. ADCP will close-out the compliance review by notifying the airport sponsor within a mutually agreed upon time period, that there are no outstanding compliance issues, or the compliance issues have been resolved by the airport sponsor.

8. Enforcement. If attempts to achieve voluntary compliance by the airport fail, ADCP will forward a memorandum to ACR-4 documenting all efforts to achieve voluntary compliance with a recommendation to seek formal enforcement action. ADCP will coordinate this effort with regional and headquarters counsel, and the FAA Airports Division. See Chapter 3 of this Order for further information on enforcement authorities and procedures.

9. Reserved.

Chapter 6. Technical Assistance

1. Overview. The Airport Disability Compliance Program is designed to create, among other things, opportunities to provide technical assistance to airports, the public, and other agency employees with disability regulation implementation responsibilities. Some of these opportunities include participation at:

- a. Airport Disability Compliance Program events;
- b. Airport management events;
- c. Aviation industry educational events;
- d. Seminars and conferences sponsored by regional Airport Divisions; and
- e. Other seminars, forums, and conferences offered on ADA and other disability related regulations in the field of travel

2. Technical Assistance. The ADCP has access to a wide array of resources. These resources will help staff increase their own knowledge of disability legislation, stay abreast of technological innovations in improving accessibility and understand the issues posed by the disability community. This, in turn, will enhance staff response in directing airports and the general public to appropriate resources. Following is an abbreviated list of resources available at the time of publication of this Order. ADCP staff will supplement this list with additional and updated materials as they become available.

a. Non-discrimination Legislation. The following websites contain relevant information concerning disability legislation and how it applies to an airport setting.

(1) The Americans with Disabilities Act: www.ada.gov

(2) Non-discrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (49 CFR part 27): www.gpo.gov

(3) Air Carrier Access Act (14 CFR part 382): www.gpo.gov

(4) Accessibility Specifications for Transportation Vehicles (49 CFR part 38):
www.fta.dot.gov

b. Accessibility Standards: These web pages contain important information on accessibility guidelines and standards.

(1) 1991 ADA Standards - www.ada.gov

(2) 2010 Standards- www.ada.gov

(3) ADA Standards for Transportation Facilities- www.access-board.gov

(4) DOT Final Rule Adopting New Accessibility Standards- www.fta.dot.gov

c. FAA Advisory Circulars (ACs): ADCP staff is encouraged to check the FAA website regularly for updated ACs at: www.faa.gov which will help staff stay current on information received by airports from the Airports Division at the FAA in the form of Advisory Circulars.

d. Aviation Consumer Protection Division: This website provides information about the rights and protections afforded to air travelers with disabilities: www.dot.gov/airconsumer

e. Airport Corporative Research Program (ACRP). The ACRP carries out applied research on problems that are shared by airport operators. The program is funded by the FAA and administered by the Transportation research Board of the National Academies. A complete listing of all ACRP research projects and research results is available free of charge on the ACRP website at: www.trb.org/ACRP.

f. Disability/Accessibility Organizations. These sites will assist ACR staff in learning the priorities of the disability community, their interpretation of legislation, and the issues they are advocating for. These organizations have information about the latest technological innovations that will improve accessibility.

(1) American Association of People with Disabilities (www.aapd.com);

(2) American Council of the Blind (www.acb.org);

(3) ADA Watch (www.adawatch.org);

(4) American Foundation for the Blind (www.afb.org);

(5) Disability and Business Technical Assistance Centers (adata.org);

(6) Disability Rights Education and Defense Fund (www.dredf.org);

(7) Disability Statistics Center dsc.ucsf.edu);

(8) Gallaudet University (www.gallaudet.edu);

(9) Independent Living Research Utilization (www.ilru.org);

(10) Job Accommodation Network (ask.jan.org);

(11) Little People of America (www.lpaonline.org);

(12) Mobility International USA (www.miusa.org);

- (13) National Association of the Deaf (www.nad.org);
- (14) National Council on Independent Living (www.ncil.org);
- (15) National Federation of the Blind (www.nfb.org);
- (16) National Organization on Disability (www.nod.org);
- (17) Online Resource for People with Disabilities (www.disabilityinfo.org);
- (18) Open Doors Organization (opendoorsnfp.org);
- (19) Paralyzed Veterans of America (www.pva.org);
- (20) RERC on Accessible Public Transportation (www.rercapt.org);
- (21) The Center for Universal Design (design.ncsu.edu);
- (22) United Spinal Association (www.unitedspinal.org);
- (23) United States Access Board (www.access-board.gov);
- (24) World Institute on Disability (www.wid.org).

3. Reserved.

Chapter 7. Transition Plans

1. Transition Plan Standards. Transition plans were required for airport facilities owned by airport operators by November 1, 1996, as part of the amendment to 49 CFR part 27 (§ 27.71(g)). This was to ensure that facilities, including streets, roads, and walkways achieved program accessibility. Currently, airport sponsors must ensure that their existing facilities meet accessibility requirements and, if not, to implement a transition plan immediately to assess the current state and prepare a reasonable plan to achieve program accessibility. An opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to Participate in the development of the transition plan is encouraged. A self-evaluation to determine compliance with applicable rules and regulations is the first step in addressing compliance and then establishing a plan for corrective action. This transition plan for corrective action should be available for review by ADCP.

2. Existing Facilities. Under 28 CFR part 35, an existing facility is one in which construction began on or before January 26, 1992.

a. 28 CFR § 35.150 requires that, subject to certain limitations, each service, program, or activity operated by an airport operator, when viewed in its entirety, must be readily accessible to and usable by individuals with disabilities. An airport operator is not required to make structural changes to existing facilities where other methods are effective in achieving compliance. Such other methods include redesign of equipment, reassignment of services to accessible buildings, and assignment of aides to beneficiaries.

b. Appendix A to 28 CFR part 35 reinforces these concepts. It states in part: Structural changes in existing facilities are required only when there is no other feasible way to make the airport operator's program accessible. (It should be noted that "structural changes" include all physical changes to a facility; the term does not refer only to changes to structural features, such as removal of or alteration to a load bearing structural member.) The requirements of § 35.151 for alterations apply to structural changes undertaken to comply with this Section. (28 CFR part 35, appendix A, § 35.150).

3. Periodic Reviews. 49 CFR § 27.11(c)(2) (v) requires airport operators to establish a system for periodically reviewing and updating the self-evaluation required by paragraph (c)(2) of that Section. 28 CFR § 35.151 requires that new construction and alterations be accomplished in accordance with appropriate design standards which, depending on the date of construction, can be the UFAS, 1991 Standards or the 2010 Standards. The specifics of the date and applicable design standards are as follows (28 CFR § 35.151(c));

Compliance Date for New Construction or Alterations	Applicable Standards
Before September 15, 2010	1991 Standards or UFAS
On or after September 15, 2010 and before March 15, 2012	1991 Standards, UFAS, or 2010 Standards
On or after March 15, 2012	2010 Standards

Appendix A. Overview of ADA, ACAA, and Rehabilitation Act

1. Americans with Disabilities Act (ADA). The ADA is the first federal statute that offers broad protections for individuals from discrimination based on disability. This statute protects individuals seeking employment or access to services from a public or private entity or from an agency that receives federal financial assistance. The ADA guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. It extends comprehensive civil rights protection to individuals with disabilities. The ADA does not apply to the executive branch of the Federal Government. However, it does cover Congress and other entities in the legislative branch of the Federal Government.

a. Digest of the ADA. The ADA has five separate titles, which are briefly described below. This Order covers the agency's responsibilities to enforce Title II and describes procedures for referring complaints subject to Titles I and III.

(1) Title I prohibits discrimination in employment on the basis of disability. The EEOC has responsibility for ensuring compliance with Title I under its regulations at 29 CFR Part 1630. The FAA's responsibilities for handling employment discrimination issues are discussed in Chapter 3.

(2) Title II prohibits discrimination on the basis of disability by public entities. Public entities include (1) any State or local government; and (2) any department, agency, special purpose district, or other instrumentality of a State or States or local government. Title II, Subtitle A, applies to all services, programs, or activities made available by an airport operator, regardless of whether it receives federal financial assistance. Under this Subtitle, DOT and the FAA have jurisdiction over public airports, including those that do not receive federal grant funds. DOJ regulations at 28 CFR part 35, § 35.190 (b)(8), delegate authority to DOT to investigate complaints alleging transportation-related violations of Title II of the ADA and to conduct other compliance activities under Title II.

DOT has delegated authority to the modal administrations to conduct compliance reviews and other enforcement activities (49 CFR § 1.83). In addition, an airport owned by an airport operator is required to comply with only those provisions of 49 CFR parts 37 and 38 pertaining to designated or fixed route public transportation systems, found in § 37.33(a) and (b); when these services are provided by the airport.

(3) Title III of the ADA addresses public accommodations, defined generally as private entities that affect commerce. Privately owned airports and airport facilities operated by concessionaires are subject to Title III and DOJ's regulations at 28 CFR part 36. DOT's regulations at 49 CFR parts 37 and 38 also cover Title III. Taxi service providers operating at an airport and private jitney or shuttle service between an airport and the surrounding area are subject to 49 CFR §§ 37.5, 37.29, and 37.33(c). Transportation services provided by hotel and car rental concessionaires are subject to 49 CFR part 37. See 49 CFR §37.37(b).⁶

⁶ Even though the FAA does not have authority to enforce these regulations, the airport is responsible to ensure that its lessees operate their businesses in a manner that allows the airport to meet its Title II obligations.

(4) Title IV of the ADA addresses telecommunications. This Order does not address any agency responsibilities under Title IV.

(5) Title V of the ADA addresses a number of miscellaneous matters, including the provision giving the Architectural and Transportation Barriers Compliance Board (United States Access Board), the authority to issue minimum guidelines and requirements for accessible design for facilities covered by Titles II and III of the Act. This Order does not address any agency responsibilities under Title V.

b. Congressional Findings. In passing the ADA in 1990, Congress enumerated a number of findings (codified at 42 U.S.C. § 12101) that provide background for the legislation. The findings are presented below to provide the FAA employees responsible for implementing the ADA with a better understanding of the context of the requirements.

(1) Physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination.

(2) Historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be serious and pervasive social problems.

(3) Discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, health services, voting, and access to public services.

(4) Unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination.

(5) Individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities.

(6) Census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society and are severely disadvantaged socially, vocationally, economically, and educationally.

(7) The nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full Participation, independent living, and economic self-sufficiency for such individuals.

(8) The continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

2. The Amendments to the ADA, signed into law on September 25, 2008 (ADA Amendments Act of 2008 – PL 110-325), broadens the definition of “disability” with the purpose to carry out the ADA’s objective of providing “a clear and comprehensive national mandate for the elimination of discrimination”. Note: DOJ published revised regulations for Titles II (28 CFR part 35) and III (28 CFR part 36) of the ADA on September 15, 2010. Some provisions of the revised regulations were effective as of March 15, 2011. Title II and Title III of the ADA covers full compliance with other requirements in the regulation based on the effective dates established for new construction or alterations of buildings.

3. Air Carrier Access Act (ACAA) of 1986. The Air Carrier Access Act (ACAA) of 1986 (49 U.S.C. 41705) provides that no air carrier may discriminate against any otherwise qualified individual with a disability, by reason of such disability, in the provision of air transportation. DOT’s Assistant General Counsel for Aviation Enforcement and Proceedings enforces the ACAA. The ACAA covers aircraft accessibility; airport facilities (air carriers are responsible only for those facilities or services at an airport that they own, lease, operate, or otherwise control); and provisions of services, such as refusal of service, seat assignments, stowage of personal and accessibility equipment, pre-boarding and deplaning, accommodations, and service animals. DOT’s regulation implementing the ACAA is found at 14 CFR part 382, which was amended to apply to foreign carriers, effective May 13, 2009.⁷

4. Rehabilitation Act (Section 504) of 1973. This Order covers only the agency’s responsibilities under Section 504, as it applies to the airport grant program (See Chapter 2). For informational purposes, other provisions of the Act are highlighted below as well.

a. Section 501. Section 501 requires federal agencies to provide equal employment opportunity and prohibit discrimination because of disability, executed through 29 CFR part 1614. Under the rule, an agency must make reasonable accommodation to the known physical or mental limitations of qualified employees and applicants with disabilities, unless the accommodation would impose an undue hardship on the operation of the agency’s program. Procedures for filing individual and class complaints of discrimination on the basis of disability are set forth in the rule.

b. Section 502. Section 502 created the Access Board (29 U.S.C. § 792), originally named the Architectural and Transportation Barriers Compliance Board to ensure compliance with the standards prescribed pursuant to the regulatory requirement that certain buildings financed with Federal funds are designed and constructed as to be accessible to the physically handicapped, approved August 12, 1968 (commonly known as the Architectural Barriers Act (ABA) of 1968).

⁷ The FAA has no responsibility to enforce this regulation. However, some ACAA provisions overlap with those of 49 CFR part 27, as discussed in Chapter 3.

The Access Board also conducts investigations, holds public hearings, and issues orders as it deems necessary to ensure compliance with the provisions of the ABA and the ADA.

c. Section 503. Section 503 requires certain federal contractors to take affirmative action to employ and advance in employment qualified individuals with disabilities. Section 503 also prohibits discrimination in the employment practices of such federal contractors. Compliance with Section 503 is the responsibility of the Department of Labor, Office of Federal Contract Compliance Programs.

d. Section 504. Section 504 prohibits discrimination against any qualified individual with a disability solely by reason of his or her disability in any program, service or activity receiving federal financial assistance or under any federally conducted program, service or activity.

(1) DOT/ FAA's regulation implementing Section 504 in its federal financial assistance programs is found at 49 CFR part 27. Further, Section 504 applies to services, programs, and activities provided by recipients of federal financial assistance either directly or through contractual, licensing, or other arrangements. It also covers employment and physical accessibility of the facilities. To be in compliance with Section 504, airport operators should also be in compliance with all applicable regulations under the ADA including 29 CFR part 1630, 29 CFR part 1640, 28 CFR parts 35 and 36, and 49 CFR parts 37 and 38.

(2) 49 CFR part 28 covers DOT/ FAA's regulation applying Section 504 to conduct programs, services, and activities. The Departmental Office of Civil Rights is responsible for investigating complaints under part 28.

Appendix B. Definitions

The following definitions are used in this Order. Where appropriate, a citation of the existing regulation from which the definition is taken is cited. For the term "program or activity," the Order incorporates the statutory definition. Although a term is not defined in 49 CFR part 27, a definition is included below to facilitate jurisdictional determinations and other matters of program administration.

- 1. Airport Operator.** Public agency or private entity that has management control (short-term and long-term planning, financial performance, maintenance, operation) of an airport; compliance with numerous federal, state and local laws and regulations is required.
- 2. Applicant.** One who submits an application, request, or plan to be approved by the departmental official or by a primary recipient as a condition of eligibility for federal financial assistance, and APPLICATION means such an application, request, or plan. (49 CFR § 27.5).
- 3. Auxiliary Aids and Services.** Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, TDD for deaf persons, videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; qualified readers, taped texts, audio recordings, brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments; acquisition or modification of equipment or devices; and other similar services and actions. (28 CFR § 35.104).
- 4. Commercial Service Airport.** A public airport that enplanes 2,500 or more passengers annually and receives scheduled passenger aircraft service. (49 U.S.C. §4 7102).
- 5. Complete Complaint.** A complete complaint is one signed by the complainant or the complainant's representative, and which includes at least the following:
 - a. A written explanation of what happened;
 - b. Information necessary to contact the complainant or complainant's representative (if the complaint is filed initially by e-mail, staff must request the sender to provide its full name and address, and a signed complaint form or letter);
 - c. Identification of the person or group injured by the alleged discrimination;
 - d. Identification of the person or organization alleged to have discriminated;
 - e. Basis for the alleged discrimination (e.g., race);
 - f. Sufficient information to understand the facts that led the complainant to believe discrimination occurred and when the discrimination took place.

6. Concessionaire. A firm that owns and controls a concession or a portion of a concession. (49 CFR § 23.3).

7. Designated Public Transportation. Transportation provided by a public entity (other than public school transportation) by bus, rail, or other conveyances (other than transportation by aircraft or intercity or commuter rail transportation) that provides the general public with general or special service, including charter service, on a regular and continuing basis. (49 CFR § 37.3).

8. Disability. With respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. (28 CFR § 35.104). The November 1, 1996, amendment to 49 CFR part 27 and 14 CFR part 382 substituted the term "disability" in lieu of "handicap" to reflect an amendment to Section 504 and to be consistent with the ADA, ADAAA and the ACAA.

9. Discrimination. Denying a person with disabilities the opportunity to participate in or benefit from any program or activity receiving federal financial assistance. (49 CFR § 27.5).

10. Facility.

a. For purposes of Section 504, the term "facility" means any or all portion of buildings, structures, vehicles, equipment, roads, walks, parking lots, or other real or personal property or interest in such property. (49 CFR § 27.5).

b. For purposes of Title II of the ADA, the term "facility" means any or all portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located. (28 CFR § 35.104).

11. Federal Financial Assistance. Any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

a. Funds;

b. Services of Federal personnel; and

c. Real or personal property or any interest in, or use of such property, including:

(1) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(2) Proceeds from a subsequent transfer or lease of such property if the federal share of its fair market value is not returned to the Federal Government (49 CFR § 27.5).

12. Fixed Route System. A system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule. (49 CFR § 37.3).

14. Primary Airport Recipient. Any airport operator authorized or required to extend federal financial assistance from the Department of Transportation to another airport operator for the purpose of carrying out a program. (49 CFR § 27.5). Note that for the purposes of this Order, the word primary does not relate to the activity level of the airport.

15. Public Accommodation. A private entity that owns, leases, (or leases to), or operates a place of public accommodation. (28 CFR § 36.104).

16. Qualified Individual. An individual who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the Participation in programs or activities provided by an airport operator. (28 CFR § 35.104).

17. Regarded as having such an Impairment. Individual who has a physical or mental impairment that does not substantially limit major life activities, but which is treated by a public or private entity as constituting such a limitation; has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or has none of the impairments defined but is treated by a public or private entity as having such an impairment. (49 CFR § 37.3).

18. Recipient. Means any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, organization, or other entity, or any individual in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance from the Department is extended directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary. (49 CFR 27.7)

19. Service Animal.⁸ Any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, providing emotional support, pulling a wheelchair, or fetching dropped items. (49 CFR § 37.3).

⁸ A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. (28 CFR § 35.136)

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Appendix B

20. Sponsor. A public agency or private owner of a public-use airport that submits to the Department of Transportation an application for financial assistance. (U.S.C. § 47102 (26)).

Appendix C. Acronyms

<u>Acronym</u>	<u>Description</u>
AAS	Office of Airport Safety and Standards
ABA	Architectural Barriers Act
AC	Advisory Circular
ACAA	Air Carrier Access Act
ACO	Office of Airport Compliance and Management Analysis
ACR	Office of Civil Rights
ACR-1	Assistant Administrator for Civil Rights
ACR-4	Office of Civil Rights National Airports Policy and Compliance
ADA	Americans with Disabilities Act
ADAAA	Americans with Disabilities Act Amendments Act
ADAAS	ADA Standards for Accessible Design
ADCP	Airport Disability Compliance Program
ADO	Airport District Office
ADR	Alternative Dispute Resolution
AGC	Office of the Chief Counsel
AGC-610	Office of the Chief Counsel, Airport Law Branch
AIP	Airport Improvement Program
APP	Office of Airport Planning and Programming
ARP	Office of the Associate Administrator for Airports
ARP-1	Associate Administrator for Airports
CFR	Code of Federal Regulations
DOCR	DOT Departmental Office of Civil Rights
DOJ	Department of Justice
DOT	Department of Transportation
EEOC	Equal Employment Opportunity Commission
FAA	Federal Aviation Administration
LOF	Letter of Findings
P.L.	Public Law
PFC	Passenger Facility Charge
S-33	DOCR's External Civil Rights Programs Division
TDD	Telecommunications Device for the Deaf
TRB	Transportation Research Board
U.S.C.	United States Code
UFAS	Uniform Federal Accessibility Standards

Appendix D. Notice of Unlawful Discrimination Poster

Unlawful Discrimination

It is unlawful for airport operators and their lessees, tenants, concessionaires and contractors to discriminate against any person because of race, color, national origin, sex, creed, or disability in public services and employment opportunities. Allegations of discrimination should be promptly reported to the Airport Manager or:

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, S.W.
Washington, D.C. 20591

Federal regulations on unlawful discrimination are available for review in the Airport Manager's Office.

Coordinator:
Phone:
Address:

Discriminación Ilegal

Se prohíbe a los operadores de aeropuertos y a sus arrendatarios, inquilinos, concesionarios y contratistas discriminar contra cualquier persona por motivo de raza, color, nacionalidad de origen, sexo, creencias religiosas, impedimento físico o discapacidad en lo que respecta a servicios públicos y oportunidades de empleo. Las alegaciones de discriminación deberán ser dirigidas inmediatamente al Administrador del Aeropuerto o a:

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, S.W.
Washington, D.C. 20591

Los reglamentos sobre discriminación ilegal están a la disposición de los interesados para su examen en la oficina del Administrador del Aeropuerto.

Coordinador:
Teléfono:
Dirección:



U.S. Department of Transportation
Federal Aviation Administration

HC-10/0086

Appendix E. FAA Form 1320-19, Directive Feedback Information

Directive Feedback Information

Please submit any written comments or recommendation for improving this directive, or suggest new items or subjects to be added to it. Also, if you find an error, please tell us about it.

Subject: Order

To: Directive Management Officer, _____

(Please check all appropriate line items)

An error (procedural or typographical) has been noted in paragraph _____ on page _____ .

Recommend paragraph _____ on page _____ be changed as follows:
(attached separate sheet if necessary)

In a future change to this order, please include coverage on the following subject
(briefly describe what you want added):

Other comments:

I would like to discuss the above. Please contact me.

Submitted by: _____ Date: _____

Telephone Number: _____ Routing Symbol: _____