DISABILITY ACCESS AT AIRPORT FACILITIES
OVERVIEW
&
AIR CARRIER ACCESS ACT REGULATION UPDATE
14 CFR Part 382

Airports Council International – North America
2009 Legal Issues Conference
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Accessibility of Airport Facilities - Federal Statutes and Regulations

Federal statutes and regulations that apply at airports:

- The Air Carrier Access Act (ACAA) and 14 CFR Part 382 (ACAA rule) apply to airport terminal facilities owned, leased or controlled by a carrier.

- Title II of the ADA and the Title II rules of the Department of Justice apply to those facilities owned by public entities like state and local airport authorities.
Accessibility of Airport Facilities -
Federal Statutes and Regulations

Federal statutes and regulations that apply at airports:

- Section 504 of the Rehabilitation Act of 1973 and the Section 504 rules of the Department of Transportation (DOT) also apply to terminal facilities owned by public entities if they receive DOT financial assistance.

- DOT’s 504 rules may also apply to airlines’ terminal facilities.
Accessibility of Airport Facilities - Federal Statutes and Regulations

- Federal statutes and regulations that apply at airports:
  - DOT’s Title II ADA rules apply to:
    - Transportation services provided by public entities (e.g., the airport authority).
    - Public transportation services that serve airports.
  - EEOC Title I ADA rules apply to:
    - Airport or airline employee shuttles
Accessibility of Airport Facilities - Federal Statutes and Regulations

- Federal statutes and regulations that apply at airports:
  - DOT’s Title III ADA rules apply when the services are provided by:
    - Private transportation serving the airport
Accessibility of Airport Facilities - Federal Statutes and Regulations

Federal statutes and regulations that apply at airports:

- DOJ’s Title III ADA rules apply when the services are provided by:
  - Public accommodations on airport grounds that serve the general public
Accessibility of Airport Facilities - Federal Statutes and Regulations

- Simplified guidelines adopted by the 1996 amendment to Part 382*:
  - Title II ADA requirements apply to public entity spaces
  - Title III ADA requirements apply to private entity spaces
  - ADAAG physical accessibility standards apply throughout the airport

*(61 FR 56417–56418, (November 1, 1996))
Carrier Requirements for U.S. Airport Facilities Accessibility - 382.51(a)

**U.S. Airports**

- Carriers must comply with the following requirements with respect to all terminal facilities they own, lease or control at a U.S. airport by May 13, 2009, for U.S. carriers, and May 13, 2010, for foreign carriers (exceptions noted):
Carrier Requirements for U.S. Airport Facilities Accessibility - 382.51(a)

- A carrier’s terminal facilities must be accessible and usable by individuals with disabilities including wheelchair users (ADA Title III - DOJ regulations implementing)

- If level entry boarding/deplaning or accessible passenger lounges to/from an aircraft is not available, carriers must ensure there is an accessible route from the gate to the aircraft boarding area (ADAAG sections 4.3.3 through 4.3.10)
Carrier Requirements for U.S. Airport Facilities Accessibility - 382.51(a)

- Carriers must ensure that intra- and inter-terminal transportation systems comply with applicable requirements of DOT’s ADA rules (49 CFR Parts 37 and 38).

- Contracts or leases with airport operators concerning the use of airport facilities must set forth airport accessibility responsibilities of both the airline and airport.
Carrier Requirements for U.S. Airport Facilities Accessibility - 382.51(a)

- Carriers must provide service animal relief areas in cooperation with the airport operator and in consultation with local service animal training organizations.

- All carriers must enable captioning at all times on all televisions and other audio visual displays capable of displaying captions by May 13, 2009 – captions must be high contrast if feasible.
Carrier Requirements for Airport Facilities Accessibility - 382.51(a)

When televisions or other audio-visual displays providing passengers with safety briefings, information, or entertainment do not have high-contrast captioning capability, they must be replaced with high-contrast equipment when replacement is in the normal course of operations and/or when the terminal undergoes renovation/expansion.
Carrier Requirements for U.S. Airport Facilities Accessibility - 382.51(a)

- After May 12, 2009, any newly acquired television or other audio-visual displays for passenger safety briefings, information, or entertainment must have high contrast captioning capabilities.
Carrier Requirements for Foreign Airport Facilities Accessibility - 382.51(b)

Foreign Airports

- Carriers must ensure that passengers with a disability can readily use all terminal facilities they own, lease, or control at a foreign airport.

  - For foreign carriers this applies only to facilities that serve covered flights (flights ending in the U.S.)

- Passengers with a disability must be able to move readily through terminal facilities.

  - This requirement is in addition to providing enplaning, deplaning, and connecting assistance.
Carrier Requirements for Foreign Airport Facilities Accessibility - 382.51(b)

- Carriers must meet this obligation through combination of facility accessibility, auxiliary aids, equipment, the assistance of personnel, or other means consistent with the safety and dignity of passengers with a disability.

- Requirements must be met at foreign airports by May 13, 2010 – US and Foreign Carriers.
Information for Individuals with Vision or Hearing Impairments at Airports - 382.53

- US Carriers must ensure:
  - Prompt access to the same information provided to other passengers to passengers with a disability who self-identify as persons needing vision or hearing assistance.
  - Information must be provided upon request at each gate, ticketing area, and customer service desk that the carrier owns, leases or controls at any US or foreign airport to the extent it does not interfere with employees’ safety and security duties.
Foreign carriers must:

- Make information available to such passengers at each gate, ticketing area, and customer service desk owned, leased, or controlled at US airports.

- At foreign airports, make the information available at the above locations only for flights that begin or end in the US.
Information for Individuals with Vision or Hearing Impairments at Airports - 382.53

- At any covered **US Airport** where the airport has effective control over the covered gates, ticketing areas, and customer service desks, both US and foreign carriers are jointly responsible with the airport for compliance.
Information for Individuals with Vision or Hearing Impairments at Airports - 382.53

Information that must be provided includes:

- Flight Safety Information
- Ticketing
- Flight Check-in
- Flight delays or cancellations
- Checking Baggage
- Volunteer Solicitation on oversold flight

- Schedule Changes
- Boarding Information
- Connections
- Gate Assignment
- Individuals being paged
- Aircraft Changes
- Emergencies
Information for Individuals with Vision or Hearing Impairments at Airports - 382.53

- Information on claiming baggage must be provided to passengers who identify themselves as persons needing visual or hearing assistance no later than the time this information is provided to other passengers.
Security Screening Procedures for Passenger with Disabilities - 382.55

- All passengers, including those with disabilities, are subject to TSA security screening requirements at US airports.

- Passengers at foreign airports, including those with disabilities, may be subject to security screening measure required by the law of the country where airport is located.
Security Screening Procedures for Passenger with Disabilities - 382.55

- If a carrier imposes security screening that goes beyond that mandated by TSA, they must ensure the following:
  - Use same criteria for passengers with disabilities as other passengers.
  - Must not subject passenger with disabilities to additional screening because the person is traveling with mobility aid or assistive device.
Automated Kiosks - 382.57

If a carrier’s automated kiosks in airport terminals are inaccessible to a passenger with a disability for such functions as ticketing and boarding passes, carriers must provide equivalent service to the passenger (e.g., assistance from personnel in using kiosk or allowing passenger to come to the front of the check-in line).
Recent Developments


- Frequently Asked Questions (FAQs) issued by the Aviation Enforcement Office on May 11, 2009.
  - Implementation guidance to airlines in providing accommodations for passengers with disabilities in accordance with the law.
  - Information to passengers on their rights under the ACAA and Part 382.
  - Suggested best practices for carriers to use on a voluntary basis.
Upcoming Activity


- Part 382 SNPRM soliciting public comment on outstanding issues from the most recent rulemaking in 2010.

- Part 382 Technical Assistance Manual and Model Training Program in 2010.

- Anticipated amendment to 49 CFR Part 27 (DOT’s Section 504 rules).
Office of the Assistant General Counsel for Aviation Enforcement and Proceedings

Please contact us if you have any questions:

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