



UNITED STATES
DEPARTMENT OF TRANSPORTATION

Accessibility in Transportation: Updates to the ADA

Presented by :

John Day, Federal Transit Administration

Calvin Gibson, Federal Railroad Administration

Wilbur Barham, Federal Aviation Administration

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FEDERAL TRANSIT ADMINISTRATION

FTA is an agency within the Department of Transportation that provides Federal financial assistance to public transit systems nationwide

The Office of Civil Rights ensures that public transit systems are in compliance with the ADA, DOT ADA regulations, and Section 504 of the Rehabilitation Act

We do this through complaint investigations, compliance reviews, and oversight of FTA grantees



Presented by John Day

U.S. Department of Transportation
Federal Transit Administration

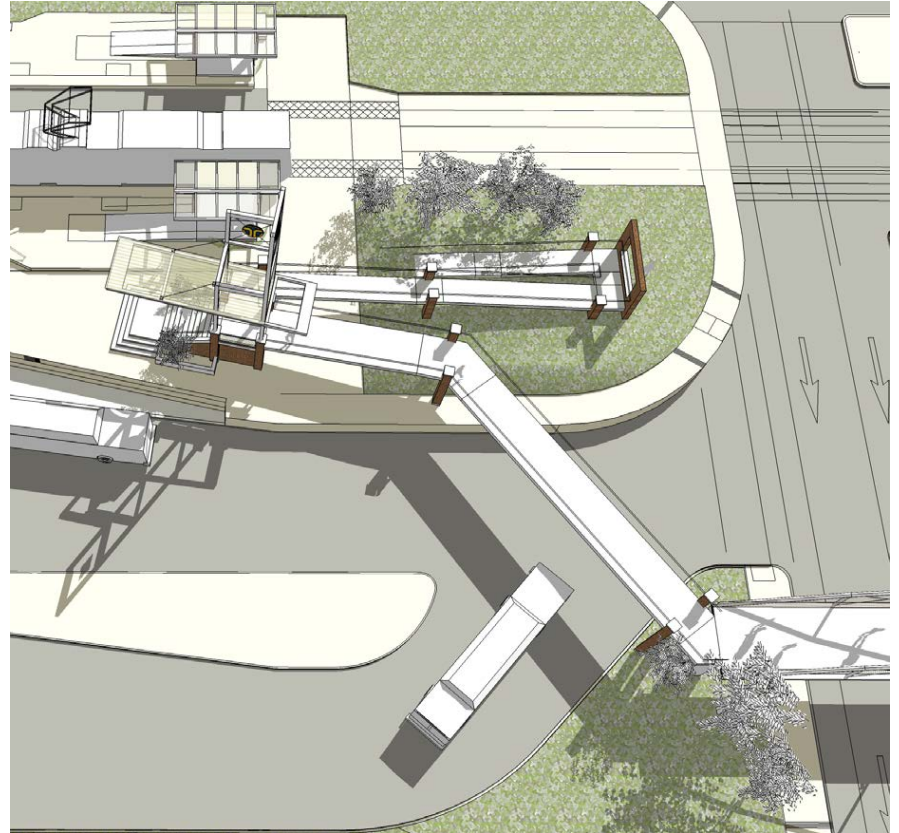
Murray Hill Station (LIRR)



- New pedestrian overpass
- No accessible path of travel

New Light Rail Station (Proposed)

- Accessible route departs from general path of travel
- Distance of accessible route not minimized
- Project sponsor redesigning



Proactive Measures

- Do

- Understand the regs
- Use the right standards
- Specify the right standards in contracts!
- Plan and budget to ensure that the facility or part of the facility constructed will comply with ADA standards upon completion
- Do your homework!

- Don't

- Don't rely solely on standards issued by county, municipality, state
- Don't rely on building inspectors, certificates of occupancy or other local "approvals"
- Don't rely on simple references to incorporate ADA requirements (e.g., "All facilities shall be ADA compliant.")
- Don't attempt to "avoid" certain ADA requirements

Federal Railroad Administration

Calvin Gibson
Office of Civil Rights

Personal Vision



What do we enforce?

- Intercity passenger railroads
- 49 CFR Part 37
- 49 CFR Part 38, Subpart F

Top Issues

- Station
- Platforms
- Equipment



**Federal Aviation
Administration**

FAA Office of Civil Rights

Airport Disability Compliance

Office Of Civil Rights

2014 DOT Civil Rights Virtual Symposium

*ACHIEVING SAFETY
THROUGH DIVERSITY*

Accessibility in Transportation: Updates to the ADA

Wilbur S. Barham

February 5, 2014

Current service delivery model.....

- **Federal Aviation Administration (FAA)**
- **Office of Civil Rights (ACR)**
- **Airport Civil Rights Program**
 - Policy and Compliance
- **Great Lakes Regional Office**
- **Airport Disability Compliance Program (ADCP)**

Airport Operator/Sponsor Obligations

Role	Regulatory Requirements
State/local Government entity	<ul style="list-style-type: none"> • Subject to Title II (Subtitle A) of the Americans with Disabilities Act (ADA) - New provisions in effect since March 15, 2011
Recipient of Federal Financial Assistance	<ul style="list-style-type: none"> • Subject to meeting requirements under Section 504 of the Rehabilitation Act • Subject to meeting requirements under the Architectural Barriers Act (ABA)
Employer	<ul style="list-style-type: none"> • Subject to Title I of the ADA
Purchaser of goods and services	<ul style="list-style-type: none"> • Subject to requirements of non-discrimination under the ADA
Transportation Provider	<ul style="list-style-type: none"> • Subject to Title II (Subtitle B) of the ADA
Landlord	<ul style="list-style-type: none"> • Ensure tenants meet Title III requirements under the ADA
Air Travel	<ul style="list-style-type: none"> • Air Carrier Access Act

Advisory Circulars

- **AC 150/5220-21C, Aircraft Boarding Equipment**
 - Addresses FAA's performance standards, specifications, and recommendations for the design, manufacture, testing and maintenance
 - Scope: Equipment used in the boarding of airline passengers
- **AC 150/5360-12F, Airport Signing and Graphics**
 - Addresses terminal and landside wayfinding, signing and graphics
 - Scope: roadways, parking, curbside and ground transportation, and terminal
- **AC 150/5360-14, Access to Airports by Individuals with Disabilities**
(Currently under revision.)
 - Addresses all relevant statutes and regulations
 - Scope: airport door to boarding area

Airport Operator/Sponsor Obligations

- **Aircraft and Airport Facility Accessibility**
 - Airport personnel involved in boarding assistance must be trained (49 CFR § 27.72(d))
 - ≥10,000 annual enplanements must provide devices that do not require lifting or carrying passengers to negotiate stairs (49 CFR § 27.72(b))
 - Clearly define responsibilities for provision of accessible airport services and facilities in leases and contracts (49 CFR § 27.71(f))
 - Must ensure accessible path between gate and aircraft boarding area (49 CFR § 27.71(c))

In summary.....

- **Must**

- Provide services and programs in most integrated setting
- Make reasonable accommodations to policies, practices and procedures to avoid discrimination
- Ensure structural accessibility of facility
- Provide auxiliary aids to ensure effective communication

- **Must not**

- Have criteria that exclude/screen out individuals with disabilities from participation or receipt of services
- Have a separate/different system that results in inequitable access for individuals with disabilities

Contact Information



Airport Disability Compliance Program

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UNITED STATES
DEPARTMENT OF TRANSPORTATION

Office of Aviation Enforcement and Proceedings

*Presented at the
DOT Civil Rights Virtual Symposium
February 5, 2014*

Presented By:
Livaughn Chapman, Jr.
Chief, Civil Rights Compliance Branch
Aviation Enforcement Office
U.S. Department of Transportation

Jurisdiction

We do not handle:

- Aviation ***Safety***
(this is regulated by the
Federal Aviation Administration)
- Aviation ***Security***
(this is administered by the
Transportation Security
Administration)

Jurisdiction

We do handle:

- Air Transportation
- Direct and Indirect Air Carriers
- Ticket Agents

Staffing & Structure

- One of six offices in Office of the Secretary's Office of the General Counsel
- **Legal Division** (Office of Aviation Enforcement and Proceedings, C-70)
 - 17 attorneys, including one Acting Assistant General Counsel and one Deputy Assistant General Counsel
 - 3 support staff
 - Three Branch Divisions
 - 1) Consumer Protection and Competition Law Branch
 - 2) Aviation Licensing Compliance Branch
 - 3) Aviation Civil Rights Compliance Branch

Aviation Consumer Protection Division (C-75)

- **Aviation Industry Analysts**
 - 17 professionals, including one Director
 - 2 support staff

Three Main Focus Areas

- Rulemaking
- Enforcement
- Outreach

The Air Carrier Access Act Regulation (14 CFR Part 382)

- The Air Carrier Access Act prohibits discrimination against air travelers with disabilities. DOT has promulgated detailed rules in Part 382 to implement this statute. Part 382 applies to U.S. and foreign air carriers.

History of the Air Carrier Access Act (ACAA)

- 1986: ACAA passed
- Mar 1990: Rule implementing ACAA
(14 CFR Part 382) issued
- April 2000: Extension of ACAA to foreign carriers
- May 2000: Guidance Notice to Foreign Carriers
Regarding ACAA and 14 CFR Part 382
- Nov 2004: NPRM proposing extension of part 382
to foreign carriers
- May 2008: Final rule amending ACAA rule to apply
to foreign carriers

Enforcement

- US Airways, Inc.
 - Order No. 2013-11-14
 - \$1.2 Million for Connecting Assistance Violations at PHL and CLT
- American Airlines
 - Order No. 2013-12-4
 - Egregious Violation
 - Failure to return a passenger's wheelchair in the condition it was received

Resources For Part 382 and Guidance Information

- Website: <http://www.dot.gov/airconsumer>; click on “Topics;” Click on “Disability”
 - Includes copies of Part 382 and Frequently Asked Questions
 - Includes recent enforcement orders
 - Includes guidance documents
- Other Useful Publications
 - Plane Talk: Passengers with Disabilities
 - (<http://www.dot.gov/airconsumer/planetalk>)
 - New Horizons
 - (<http://www.dot.gov/airconsumer/new-horizons-information-air-traveler-disability>)
- Disability Hotline: 1-800-778-4838 (voice)
1-800-455-9880 (TTY)

Supplemental Slides

Level Boarding

- 49 CFR 37.42

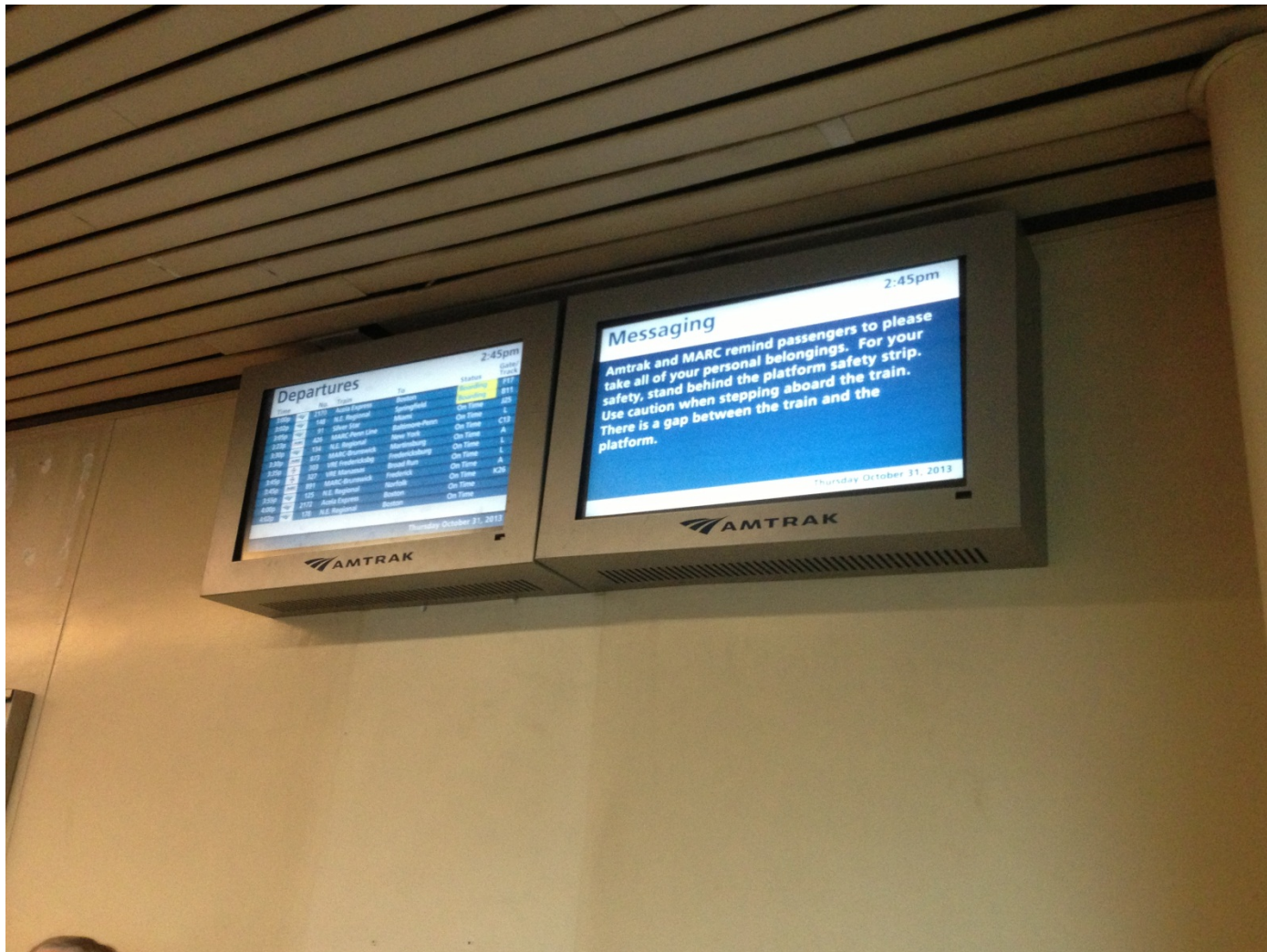
<http://www.fta.dot.gov/civilrights/12325.html>



Car Procurements



Dual Mode Communications



Compliance



Working

