

# Overview of Airport ADA/504 Obligations



Federal Aviation  
Administration

*Office Of Civil Rights*

ACHIEVING SAFETY  
THROUGH DIVERSITY

**Presented to:** Universal Access in Airports - 2018

**Date:** Aug. 28, 2018

# National External Operations Program Areas of Responsibility

- **Disadvantaged Business Enterprise (DBE) and Airport Concession DBE (ACDBE)**
  - DBE and ACDBE programs compliance (*49 CFR 23 and 26*)
- **Airport Nondiscrimination Compliance Program**
  - Title VI, Limited English Proficiency (LEP), and Environmental Justice (EJ) (*49 CFR 21*)
- **Airport Disability Compliance Program (ADCP)**
  - Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (*49 CFR 27 and 28 CFR 35*)

# Training Objectives

## Increase participants' understanding of:

- Airport Roles
- Applicable Regulations/Key Provisions



# Airport Disability Compliance Program

- Section 504 of the Rehabilitation Act (504)
- Americans with Disabilities Act (ADA)
- Air Carrier Access Act



# Airport Authority ADA/504 Obligations

Role	Requirements
<b>State/Local government entity</b>	<ul style="list-style-type: none"> <li>• Subject to Title II (Subtitle A) of the ADA and 28 CFR Part 35</li> </ul>
<b>Recipient of Federal assistance</b>	<ul style="list-style-type: none"> <li>• Subject to Sec. 504 and 49 CFR Part 27</li> </ul>
<b>Employer</b>	<ul style="list-style-type: none"> <li>• Subject to Title I of the ADA</li> </ul>
<b>Landlord</b>	<ul style="list-style-type: none"> <li>• Ensure tenants meet Title III requirements under the ADA</li> </ul>
<b>Transportation provider</b>	<ul style="list-style-type: none"> <li>• Subject to Title II (Subtitle B) of the ADA and 49 CFR Parts 37 and 38</li> </ul>
<b>Air travel</b>	<ul style="list-style-type: none"> <li>• Subject to Air Carrier Access Act</li> </ul>

# Airport Obligations (cont.)

## ADA Accessibility Standards (ADAAS)

- 1991 Standards vs. 2010 Standards
- ADAAS Accessible Route Requirements
- Protruding Objects



# Airport Obligations (cont.)

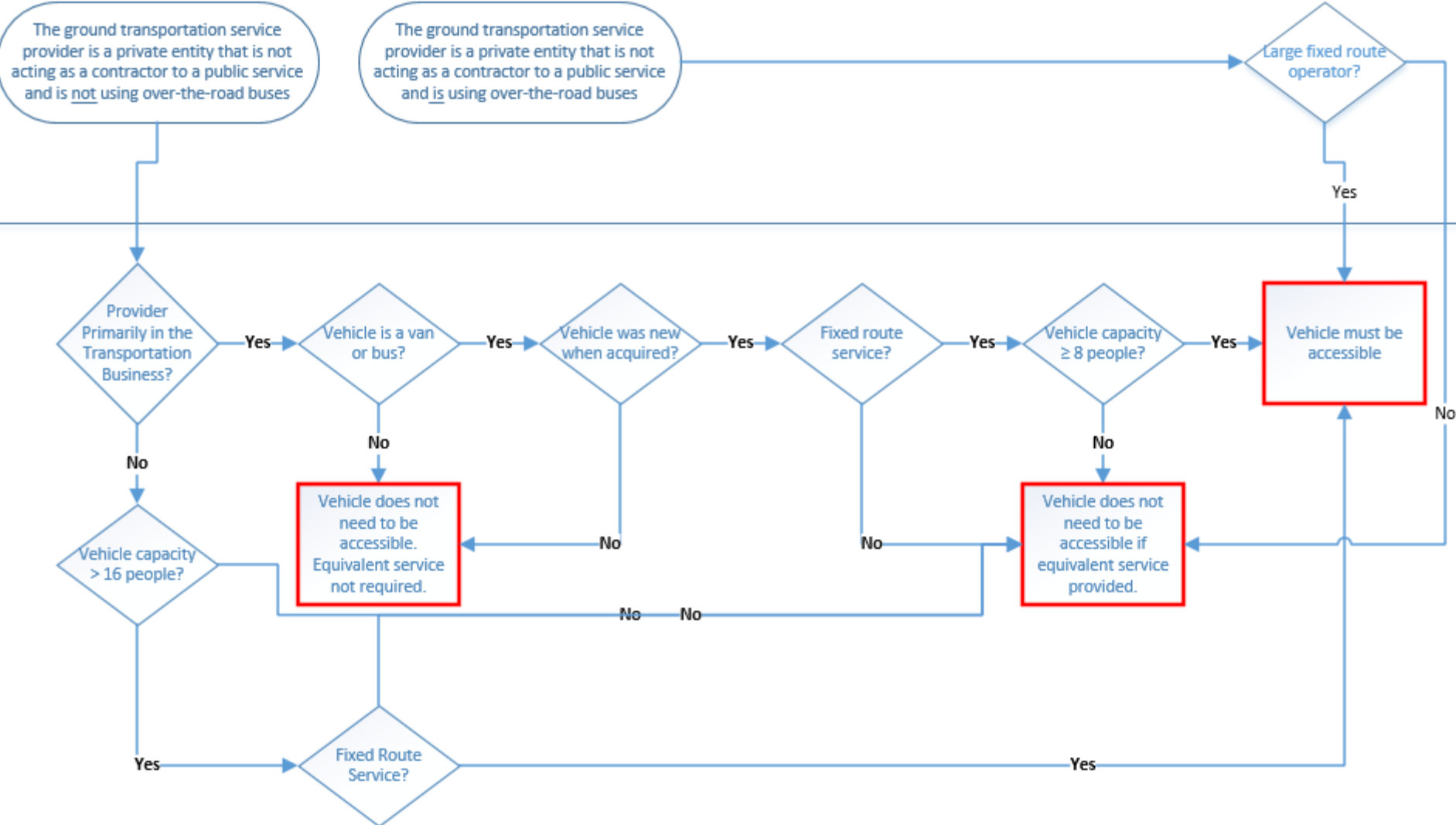
## Accessible vehicle requirement Factors

- Private or public service
- Over-the-road bus or standard bus/van/car
- Fixed route or demand responsive
- In or not in business of providing transportation
- Vehicles purchased/leased as new or as used

## Equivalent Service as an alternative to accessible fleet

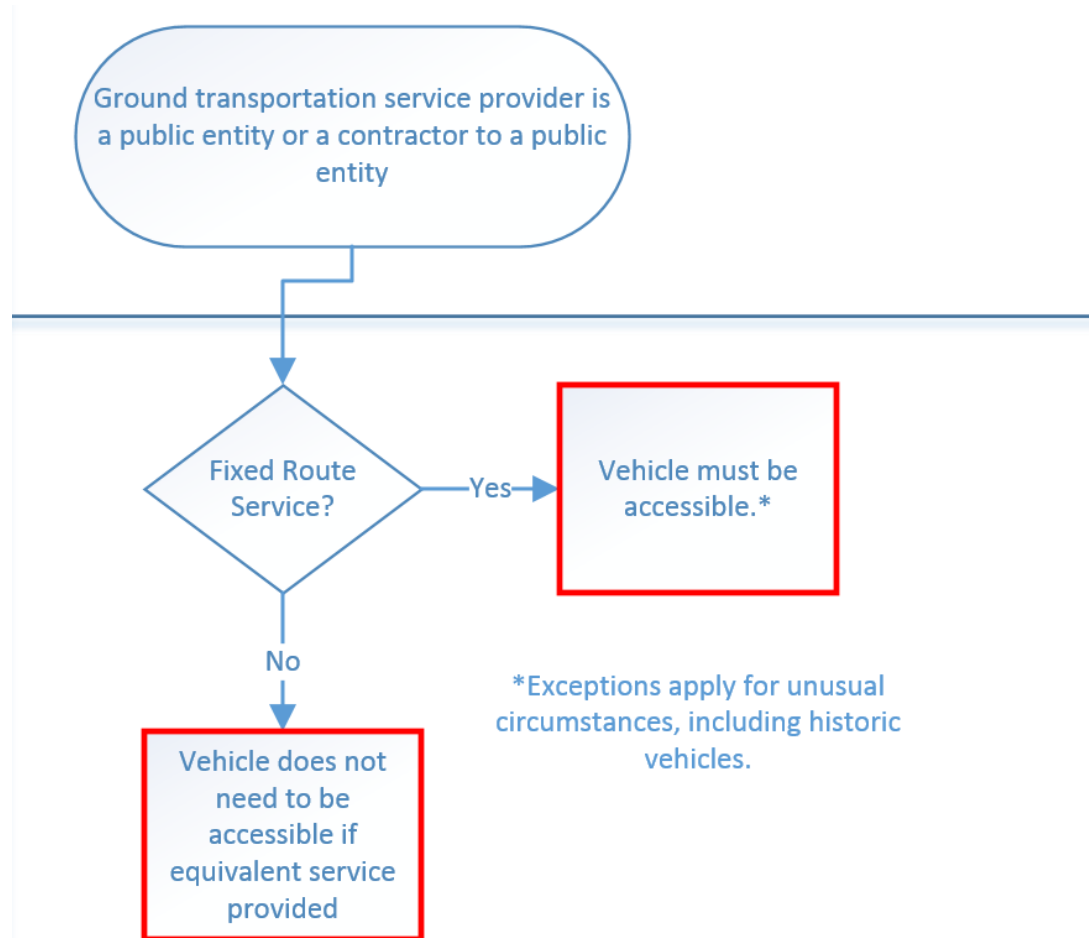


# Airport Obligations (cont.) - Private Operators





# Airport Obligations (cont.) - Public Operators



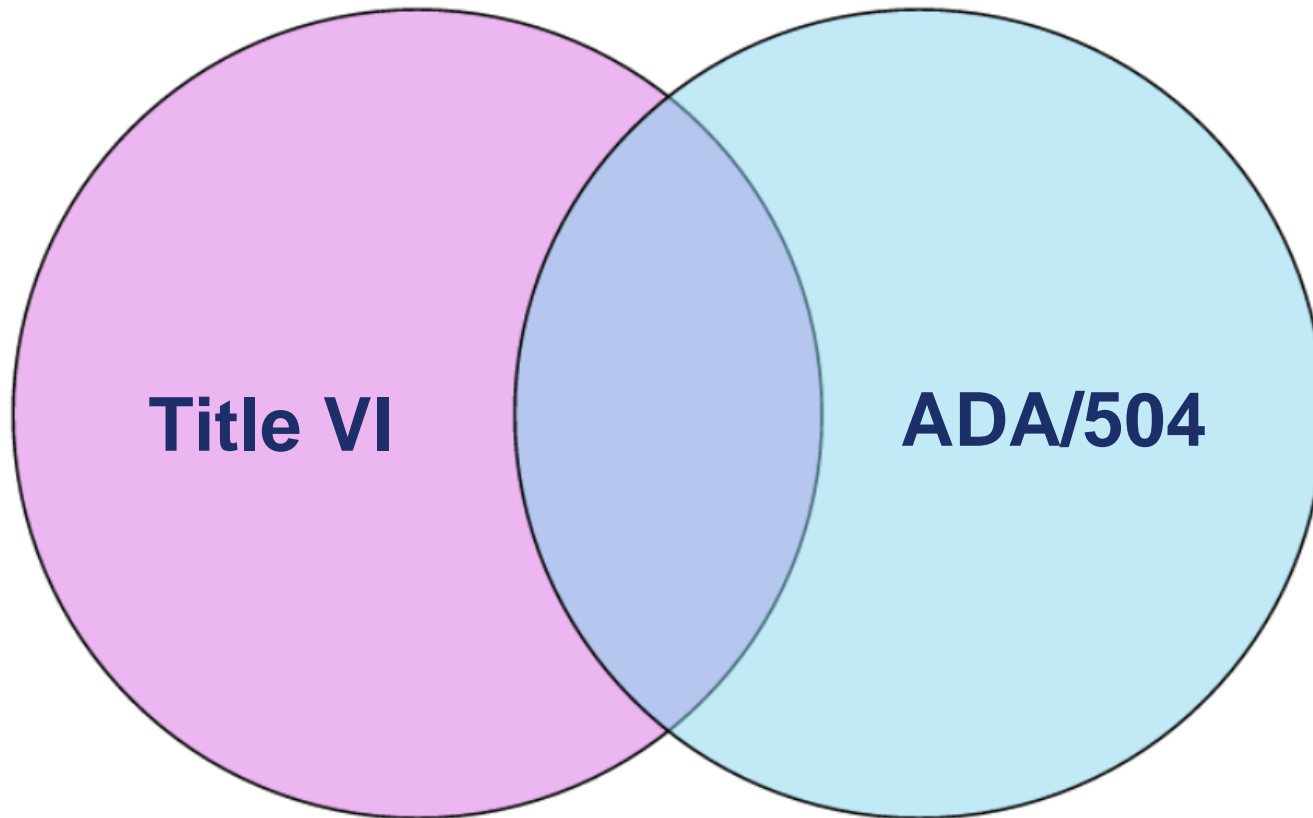
# Recent Developments

## Airports > 10,000 enplanements

- Post-security service animal relief area
- Closed captioning of audio-visual displays
- Accessible kiosks



# Overlapping and Similar Requirements for Title VI and ADA/504 Programs



# Title VI and ADA/504 Administrative Obligations

Requirement	Title VI	ADA/504
Airport-appointed coordinator for compliance issues and complaints	Suggested	<b><u>Required</u></b>
Airport retains records of complaints for at least 5 years	Suggested	<b><u>Required</u></b>
Adopt airport procedures incorporating due process standards for prompt and equitable resolution of complaints	Suggested	<b><u>Required</u></b>
Airport process for transmitting complaints received to FAA	<b><u>Required</u></b>	Not Required
Conspicuously display nondiscrimination poster *	<b><u>Required</u></b>	<b><u>Required</u></b>
Onsite Materials –applicable regulations are publicly available (49 CFR Part 21)	<b><u>Required</u></b>	Not Required
Airport process to receive and address accommodations/modification requests	Suggested	<b><u>Required</u></b>
Conduct periodic self-evaluations of programs and activities	Suggested	<b><u>Required</u></b>

\* see following slide

# 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. 20561

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. 20561

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

14C-1176E

# Title VI and ADA/504 Contract Obligations

## Requirements passed to contractors, tenants, and licensees

- Airport is responsible for ensuring compliance
- All leases and contracts must require compliance

Requirement	Title VI	ADA/504
Nondiscrimination clause	<u>Required</u>	<u>Required</u>
Reverter and cancellation clauses	<u>Required</u>	<u>Required</u>
Reference all directly applicable statutes and regulations	<u>Required</u>	Suggested
FAA Contract Clause A6 for AIP funded projects	<u>Required</u>	Suggested
Incorporate detailed policies and procedures to verify compliance	Suggested	Suggested
Forward discrimination complaints to airport	<u>Required</u>	<u>Required</u>

# ADA/504 Websites

Description	Website Link
ADA regulations	<a href="http://www.ecfr.gov">www.ecfr.gov</a> for 28 CFR 35 and 36 and 49 CFR 37, 38
Sec. 504 regulations	<a href="http://www.ecfr.gov">www.ecfr.gov</a> for 49 CFR 27
Standards for Accessible Design	<a href="http://www.access-board.gov">www.access-board.gov</a> for Buildings & Sites and Transportation
DOJ ADA website	<a href="http://www.ada.gov">www.ada.gov</a>
FAA Advisory Circulars	<a href="http://www.faa.gov/regulations_policies/advisory_circulars">www.faa.gov/regulations_policies/advisory_circulars</a> for AC 150/5220-21C, AC 150/5360-12F, and AC 150/5360-14
FTA Guidance	<a href="http://www.transit.dot.gov/ada">www.transit.dot.gov/ada</a> for ground transportation
FAA Order 1400.9A	<a href="http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/1021907">www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/1021907</a>

# Upcoming Activities

- ADA/504 Webinars
- Title VI Webinars
- FAA Civil Right Connect Upgrades



# Questions



# Contact Information

Jonathan Klein

Airport Disability Compliance Program Team Lead

Airport Nondiscrimination Compliance Program Acting Team Lead

[Jonathan.Klein@FAA.gov](mailto:Jonathan.Klein@FAA.gov)