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

<table>
<thead>
<tr>
<th>Role</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>State/Local government entity</td>
<td>• Subject to Title II (Subtitle A) of the ADA and 28 CFR Part 35</td>
</tr>
<tr>
<td>Recipient of Federal assistance</td>
<td>• Subject to Sec. 504 and 49 CFR Part 27</td>
</tr>
<tr>
<td>Employer</td>
<td>• Subject to Title I of the ADA</td>
</tr>
<tr>
<td>Landlord</td>
<td>• Ensure tenants meet Title III requirements under the ADA</td>
</tr>
<tr>
<td>Transportation provider</td>
<td>• Subject to Title II (Subtitle B) of the ADA and 49 CFR Parts 37 and 38</td>
</tr>
<tr>
<td>Air travel</td>
<td>• Subject to Air Carrier Access Act</td>
</tr>
</tbody>
</table>
Airport Obligations (cont.)

ADA Accessibility Standards (ADAAS)

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

The ground transportation service provider is a private entity that is not acting as a contractor to a public service and is not using over-the-road buses.

Provider Primarily in the Transportation Business?

Yes

Vehicle is a van or bus?

Yes

Vehicle was new when acquired?

Yes

Fixed route service?

Yes

Vehicle capacity \( \geq 8 \) people?

Yes

Vehicle must be accessible

No

Vehicle does not need to be accessible. Equivalent service not required.

No

No

Fixed Route Service?

No

No

Large fixed route operator?

Yes

No

Vehicle does not need to be accessible if equivalent service provided.
Airport Obligations (cont.) - Public Operators

Ground transportation service provider is a public entity or a contractor to a public entity

- Yes
  - Fixed Route Service?
    - Yes
      - Vehicle must be accessible.*
    - No
      - Vehicle does not need to be accessible if equivalent service provided

- No
  - *Exceptions apply for unusual circumstances, including historic vehicles.
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

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

* see following slide
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, concessionarios 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 denuncias de discriminación deberán ser dirigidas inmediatamente al Administrador del Aeropuerto o a:

Federal Aviation Administration
Oficina de Derechos Civiles, 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:

USD Department of Transportation
Federal Aviation Administration
## 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

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Website Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA regulations</td>
<td><a href="http://www.ecfr.gov">www.ecfr.gov</a> for 28 CFR 35 and 36 and 49 CFR 37, 38</td>
</tr>
<tr>
<td>Sec. 504 regulations</td>
<td><a href="http://www.ecfr.gov">www.ecfr.gov</a> for 49 CFR 27</td>
</tr>
<tr>
<td>Standards for Accessible Design</td>
<td><a href="http://www.access-board.gov">www.access-board.gov</a> for Buildings &amp; Sites and Transportation</td>
</tr>
<tr>
<td>DOJ ADA website</td>
<td><a href="http://www.ada.gov">www.ada.gov</a></td>
</tr>
<tr>
<td>FAA Advisory Circulars</td>
<td><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</td>
</tr>
<tr>
<td>FTA Guidance</td>
<td><a href="http://www.transit.dot.gov/ada">www.transit.dot.gov/ada</a> for ground transportation</td>
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</table>
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