

Airport Disability Compliance

Accessible Ground Transportation Requirements at Airports



**Federal Aviation
Administration**

Office Of Civil Rights

*ACHIEVING SAFETY
THROUGH DIVERSITY*

Presented to: NCRTC attendees

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Requirements

Authorities

- Americans with Disabilities Act (ADA)
- Sec. 504 of the Rehabilitation Act
- DOT ADA and Sec. 504 regulations (49 CFR Part 37)
- Airport Improvement Program (AIP) Grant Assurance 30 (DOT Order 1050.2A)
- Required FAA contract provisions (DOT Order 1050.2A)

Airport Responsibilities - Contract

- **Private Ground Transportation operators frequently have licensing or other contractual agreements to operate at airport facilities**

GROUND TRANSPORTATION SERVICE
OPERATING PERMIT

WHEREAS, it is in the best interest of the City and the traveling public to make such services available;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree that:

1. OPERATING AREA

City grants to Operator the right to conduct its transportation service at the location within the Airport grounds, which are hereinafter referred to as "Operating Area" and which shall be assigned by Airport Director as follows:

A. Ground Transportation Parking. Operator will be assigned two (2) parking spaces. Airport Director has designated a parking area for vehicles shown on Exhibit "A", attached hereto and made a part hereof, hereinafter referred to as "Shuttle Van Parking Area".

B. Reduction and/or Relocation of Parking. Due to scarce land resources and changing Airport needs, City reserves the right to reduce the number of parking spaces, and/or relocate the parking area on Airport upon thirty (30) days written notice to Operator from the Airport Director. Operator shall not be allowed any reduction in its fees to City as a result of any requirement to relocate the parking area.

Airport Responsibilities - Contract

- **General obligations that must be passed on to contractors, tenants, and licensees in licenses and other contracts:**
 - Nondiscrimination
 - Cite specific ADA and Sec. 504 regulations
 - Enforcement / termination clauses
- **Specific obligations that providers must be aware of:**
 - Personnel trained to proficiency in assisting people with disabilities
 - Nondiscrimination in service requirements
 - Use and maintain accessibility features
 - *Accessible vehicle requirements*



Vehicles - Accessibility Requirements

- Accessible vehicle requirement categories:
 - A. Always use accessible vehicles
 - B. Accessible vehicles or equivalent service
 - C. No accessible vehicle requirements



Vehicles - Accessibility Requirements

- “**Equivalent Service**” (with respect to):
 1. Schedule/Response Time
 2. Fares
 3. Geographic Area of Service
 4. Hours and Days of Service
 5. Availability of Information
 6. Reservations Capability
 7. Capacity
 8. Priority or Trip Purpose Restrictions

- **49 CFR § 37.105**



Vehicles - Primarily Engaged

- Requirements for Entities Primarily in the Transportation Business:
 - A. Always use accessible vehicles if:
 - Service type: fixed route
 - Vehicle size: capacity ≥ 8 , and
 - Acquisition type: new
 - B. Use accessible vehicle or equivalent service if:
 - Vehicle size: smaller capacity non-sedan, and
 - Acquisition type: new
 - C. No accessible vehicle requirements if:
 - Vehicle size: sedan, or
 - Acquisition type: used

- 49 CFR § 37.103



Vehicles - Not Primarily Engaged

- Requirements for Entities Not Primarily Engaged in the Transportation Business:
 - A. Always use accessible vehicles if:
 - Service type: fixed route, and
 - Vehicle size: capacity >16
 - B. Use accessible vehicle or equivalent service if:
 - All others
 - C. No accessible vehicle requirements if:
 - **Never!**
- **49 CFR § § 37.101, 37.171**

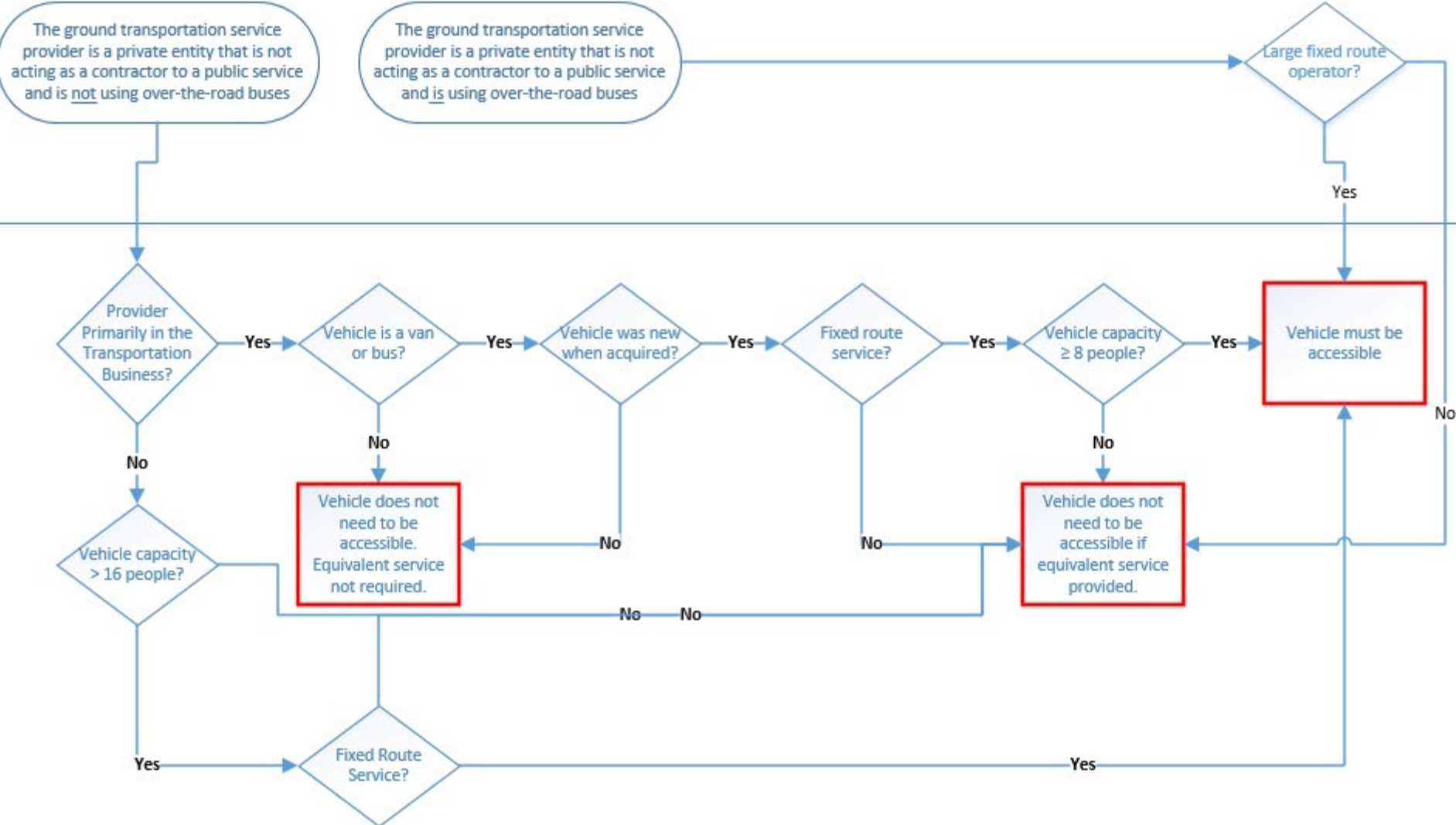


Vehicles - OTRB's

- **Over-the-road buses (OTRBs) are identifiable by elevated passenger deck.**
 - A. **Accessible Vehicle Required**
 - Large fixed route operators
 - B. **Accessible Vehicle or Equivalent Service Required**
 - Small fixed route operators
 - Demand responsive service
 - C. **No accessible vehicle requirements if:**
 - **Never!**



Handout - Private Entity Vehicle Requirements



Enforcement - Primarily Engaged

- **DOJ Enforcement Examples**

- U.S. v. Supershuttle International, Inc. (2002 Settlement)
 - <http://www.ada.gov/superstl.htm>
 - Issue: insufficient accessible vehicles resulting in denials of service
- U.S. v. Starline Tours of Hollywood, Inc. (2011 Consent Decree)
 - <http://www.ada.gov/star-line/starline-cd.htm>
 - Issue: inaccessible new fixed route vehicles and inaccessible on-demand service
- U.S. v. Supershuttle International, Inc. (2013 Settlement)
 - <http://www.ada.gov/supershuttle.htm>
 - Issue: surcharge and separate service for passenger with a service animal

Enforcement - TNC's

- **DOJ Enforcement Examples**

- Investigation of Mass. Bay Transit Authority (2021 Settlement)
 - <https://www.justice.gov/usao-ma/pr/mbta-resolves-allegations-ada-violations>
 - Issue: using TNCs for paratransit service created longer wait time for riders requiring accessible vehicles. Settlement conditioned on increase in wheelchair accessible vehicles.
- Investigation of City of Monrovia (2021 Settlement)
 - <https://www.justice.gov/usao-cdca/pr/monrovia-agrees-ensure-equal-access-persons-disabilities-its-transportation-services>
 - Issue: under program, riders could book (inaccessible) TNC ride or an accessible vehicle through Monrovia, with a different reservation method and service days/hours. Settlement requires TNC driver training to proficiency, and Monrovia service improvements/monthly monitoring to ensure equivalent response time, hours/days, reservation capability, etc.

Enforcement - Not Primarily Engaged

- **Hotel Shuttles**

- FAA complaint investigation and compliance review findings
- Frequently shuttles are waiting on the premises for immediate demand responsive service
- Such vehicles must be accessible or offer equivalent service



Questions

