

DISABILITY LAW AT THE AIRPORT

THE MOST COMPLICATED PIECE OF REAL ESTATE IN THE COUNTRY

Americans with Disabilities Act

“No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

42 United States Code §12132

ADA requires airports be accessible to people with disabilities and not create barriers to their use of a public transportation facility.

49 Code of Federal Regulations Part 27 “Transportation for Individuals with a disability”

The accessibility rules apply to people with wheelchairs, people who are deaf or hard of hearing, people who are blind, and people with other disabilities, such as epilepsy.

- **An estimated 4.8 million people with disabilities travel by air in the United States each year.**

The Authority's Efforts

- Overhead announcements available in visual format
- ADA awareness training for our employees
- Language in our contracts requiring new areas that are built to be ADA compatible
- Requiring our business partners to show us proof that they are meeting their ADA obligations when they provide services at our airports

Ground Transportation Permits

- Beginning in 2013, as part of its obligation to provide equal access to the services at Port Columbus International Airport, the Authority is requiring all companies applying for Contract, Corporate, Charter, Courtesy, Pre-Arranged and Scheduled Shuttle Ground Transportation Permits to provide information telling how their company is meeting its ADA obligations at the Airport

What We Are Asking For

- With respect to your vehicles that service the passengers at Port Columbus International Airport, please describe in detail how your company meets its obligations to provide full and equal enjoyment of your services as required by Sections 301 or 304 of the Americans with Disabilities Act and 49 C.F.R. Parts 36 or 37.

Include as part of your description:

- ADA specific training provided to your drivers/representatives;
- How you meet your obligations to provide services to:
 - Persons in wheelchairs and mobility devices who are able to transfer from the wheelchair or mobility device;
 - Persons in wheelchairs and mobility devices who are NOT able to transfer from the wheelchair or mobility device;
 - Persons with comfort or service animals;
 - Persons with visual and/or hearing disabilities
- Your ADA related complaint process

CAR RENTALS AND HOTELS

- Car rental facilities and hotels are Title III entities.
- Car rental and hotel shuttles are covered by DOT ADA regulations
- They are “private entities not primarily in the business of transporting people”.

PRIVATE TRANSPORTATION

- Taxis, shared-ride shuttles etc.
- Covered by Title III portion of DOT ADA regs
- These entities are primarily in the business of transporting people
- DOJ enforces DOT regs for Title III entities

COMPLICATIONS

- Some parts of DOJ ADA regulations differ from Air Carrier Access Act (ACAA) regulations and both of those differ from the DOT regulations
- ACAA allows emotional support animals (ESAs) on aircraft; DOJ regulations don't treat ESAs as service animals that Title II or III entities must accept.
- DOT and DOJ agree that ESA coming to airport should be able to use airport terminal and concessions

Service Animals



Service Animals

- Any animal individually trained to perform tasks for people with disabilities such as:
 - guiding people who are blind,
 - alerting people who are deaf,
 - pulling wheelchairs,
 - alerting and protecting a person who is having a seizure, or
 - performing other special tasks.
- Service animals are working animals, not pets.

How Do I Know?

- Usually you know by looking
- If you are not certain that an animal is a service animal, you may ask two questions:
 - Is it a service animal required because of a disability?
 - What work or task does the animal perform?
- You **MAY NOT** ask for documentation

What You Cannot Do

- People with disabilities who use service animals cannot
 - be charged extra fees,
 - isolated from other patrons, or
 - treated less favorably than other patrons.

What You Cannot Do, cont'd.

- A person with a disability cannot be asked to remove his service animal from the premises (your vehicle) unless:
 - the animal is out of control and the animal's owner does not take effective action to control it (for example, a dog that barks repeatedly during a movie) or
 - the animal poses a direct threat to the health or safety of others.

- Allergies and fear of animals are generally not valid reasons for denying access or refusing service to people with service animals

- Violators of the ADA can be required to pay money damages and penalties

REGULATORY CITATIONS

- DOT 504 rule – 49 CFR Part 27
- DOT ADA rules – 49 CFR Parts 37 & 38
- DOJ ADA rules – 28 CFR Parts 35 & 36
- FAA Order 1400.9, Americans With Disabilities Act and Rehabilitation Act Operating Procedures (1999) – currently being revised