

ADA AUDIO

Conference

ADA NATIONAL NETWORK

ADA Audio Conference Series September 27, 2016

This session is scheduled to begin at
2:00pm Eastern Time

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Listening to the Session, *continued*



MOBILE Users (iPhone, iPad, or Android device (including Kindle Fire HD)

Individuals may listen** to the session using the Blackboard Collaborate Mobile App (Available Free from the Apple Store, Google Play or Amazon)



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Captioning



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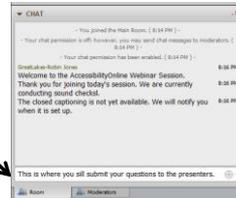
- ▶ Once selected you will have the option to resize the captioning window, change the font size and save the transcript.

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Submitting Questions



- ▶ If you are listening by phone you will be instructed by the Operator on how to ask a question.
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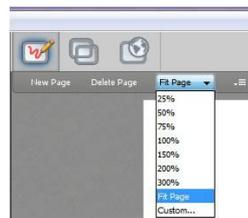
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Customize Your View



- ▶ Resize the Whiteboard where the Presentation slides are shown to make it smaller or larger by choosing from the drop down menu located above and to the left of the whiteboard. The default is “fit page”



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Customize Your View *continued*



- ▶ Resize/Reposition the Chat, Participant and Audio & Video panels by “detaching” and using your mouse to reposition or “stretch/shrink”. Each panel may be detached using the icon in the upper right corner of each panel.

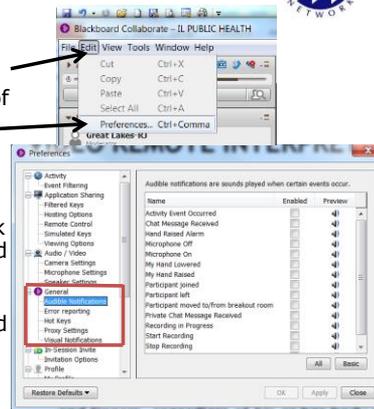


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Adjusting Preferences



- **To turn off notifications (audible/visual)**
 - Select “Edit” from the tool bar at the top of your screen
 - From the drop down menu select “Preferences”
 - Scroll down to “General”
 - select “Audible Notifications” Uncheck anything you don’t want to receive and “apply”
 - Select “Visual Notifications” Uncheck anything you don’t want to receive and “apply”
 - For Screen Reader User – Set preferences through the setting options within the Activity Window (Ctrl+Slash opens the activity window)



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Technical Assistance



- ▶ If you experience any technical difficulties during today's session:
 1. **In webinar platform:** Send a private chat message to the host by double clicking "Great Lakes ADA" in the participant list. A tab titled "Great Lakes ADA" will appear in the chat panel. Type your comment in the text box and "enter" (Keyboard - F6, Arrow up or down to locate "Great Lakes ADA" and select to send a message); or
 2. **By Email** webinars@ada-audio.org ; or
 3. **Call** 877-232-1990 (V/TTY)

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The U.S. Department of Transportation Office of Aviation Enforcement and Proceedings



Presented By:

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Chief, Aviation Civil Right Compliance Branch

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Team Leader, Disability

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Office Structure:

One of seven offices in the Office of the Secretary's Office of the General Counsel

Two divisions

- Office of Aviation Enforcement and Proceedings (C-70)
- Aviation Consumer Protection Division (C-75)

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Jurisdiction

US Department of Homeland Security

- Transportation Security Administration
 - Aviation Security
 - Training for TSA Agents



US Department of Transportation

- Federal Aviation Administration
 - Aviation Safety and Efficiency
 - Airport Accessibility (Office of Civil Rights)
- Office of Aviation Enforcement and Proceedings
 - Consumer Protection
 - Civil Rights
 - Economic Licensing



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Air Carrier Access Act (ACAA)

ACAA, 49 U.S.C. § 41705, prohibits discrimination against air travelers with disabilities.

ACAA also states that the Secretary of Transportation shall:

- Investigate each complaint alleging discrimination on the basis of disability
- Publish disability-related complaint data
- Review all disability-related complaints received by air carriers and report annually to Congress
- Implement a plan to provide technical assistance

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ACAA: DOT Implementation History

<u>1986:</u>	ACAA passed
<u>Mar 1990:</u>	Rule implementing ACAA (14 CFR Part 382) issued
<u>Apr 2000:</u>	Extension of ACAA to foreign carriers
<u>May 2000:</u>	Guidance Notice to Foreign Carriers Regarding ACAA and Part 382
<u>Nov 2004:</u>	NPRM proposing extension of Part 382 to foreign carriers and overall reorganization
<u>May 2008:</u>	Final rule.

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Who is covered?

U.S. Carriers

- All operations and aircraft.

Foreign Carriers

- Flights that begin or end at a U.S. airport and for aircraft used on those flights.

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What practices and activities are covered?

Carriers must not:

- Discriminate against a qualified individual with a disability, by reason of such disability, in the provision of air transportation.
- Require an individual with a disability to accept special services.

Carriers must:

- Modify policies, practices, and facilities needed to provide nondiscriminatory service consistent with the standards of section of 504 of the Rehabilitation Act.

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Who is protected?

Qualified individual with a disability:

- Any individual who has a physical or mental impairment that substantially limits one or more life activities, has a record of such an impairment, or is regarded as having such an impairment.
 - Permanent or temporary basis
- This includes:
 - Passengers
 - Anyone using facilities or services offered by an air carrier to the general public

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Boarding, Deplaning, and Connecting Assistance

Carriers must assist passengers:

- in getting on or off an airplane (including through the use of lifts/ramps)
- in between gates so passenger can connect to another flight
- in accessing key areas of the terminal
- to make a stop at the entrance of a lavatory
- with their checked or carry-on luggage
- to make a stop at an animal relief area

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Boarding, Deplaning, and Connecting Assistance

- Passengers must inform carrier that they have arrived at the airport and need assistance
- A carrier cannot leave a passenger who has requested enplaning, deplaning, or connecting assistance unattended in a ground wheelchair, boarding wheelchair, or other device, in which the passenger is not *independently mobile*, for more than 30 minutes.

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Aircraft Accessibility

What features are covered?

- Movable aisle armrests
- Accessible lavatories
- On-board aisle chair
- Stowage space for wheelchairs

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Seating Accommodations

Uses an aisle chair and cannot readily transfer over a fixed aisle armrest

→ *Seat in a row with a movable aisle armrest*

Carrier personnel must be trained in the location and proper use, including appropriate transfer techniques.

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Seating Accommodations

Personal care attendant

Reader/assistant for a passenger with a vision impairment

Interpreter for a passenger with a hearing impairment

Safety assistant

→ *Adjoining seats*

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Seating Accommodations

→ *Bulkhead Seat*

Traveling with a service animal

Fused or immobilized leg



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Service Animals

Carriers shall permit dogs and other service animals to accompany a passenger with a disability

- Must permit the service animal to accompany a passenger with a disability at his/her seat
- Shall not deny transportation to a service animal on the basis that its carriage may offend or annoy others
- Shall not impose charges for transporting a service animal

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Website Accessibility

Airlines must ensure that public-facing web pages on their primary websites meet the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standard.

Airlines must have an online accommodation request form available for passengers with disabilities to request services.

Airlines must provide equivalent service to customers unable to use their accessible website.

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On-Board Wheelchair Stowage

- There must be priority space in the cabin for a manual passenger wheelchair.
- The space must be big enough to stow a wheelchair with the following dimensions without disassembling:
13 in x 36 in x 42 in
- Space must be other than space for carry-ons.
- Only one wheelchair required.
- Applies to:
 - **US Carriers** – New aircraft with 100 or more passenger seats ordered after April 5, 1990, or delivered after April 5, 1992.
 - **Foreign carriers** – New aircraft ordered after May 13, 2009, or delivered after May 13, 2010.

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Seat-Strapping

- Alternative method of transporting folding passenger wheelchairs in the aircraft cabin.
- Involves placing a folding passenger wheelchair across a row of seats using a strap kit that complies with FAA or other foreign government safety regulations.

IF Seat-Strapping:

- Carriers generally must transport **TWO** wheelchairs if requested
- If stowage of a wheelchair displaces passengers, they would be entitled to Denied Boarding Compensation in accordance with 14 CFR Part 250.

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Main Focus Areas

Complaint Handling

Enforcement

Rulemaking

Outreach

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Complaint and Enforcement Procedures

Complaint Resolution Officials (CROs)

- Must be thoroughly familiar with Part 382
- Must have the authority to resolve complaints promptly.

Response to written complaints

- Within 30 days of receipt
- Summary of facts
- Specifically admit or deny that a violation occurred
- Inform complainant of her right to pursue DOT enforcement action

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Complaint Handling

Complaints received by DOT are reviewed by analysts and entered and tracked in a computer database

Complaints are referred to the airline for a written response to the consumer and DOT within 30 days

DOT reviews complaint and response to determine whether any violations of the ACAA occurred and provides investigation summary to both parties

Violations of regulations are pursued by aviation enforcement attorneys

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Top 5 DOT Disability Complaint Categories

Year	Total DOT Disability Complaints	Percentage of Total DOT Complaints	Wheelchair Assistance	Other Assistance	Seating	Assistive Device-	Service Animal
2014	777	5.0	263 (34%)	118 (15%)	89 (11%)	107 (14%)	50 (6%)
2013	683	4.4	249 (36%)	102 (15%)	76 (11%)	101(15%)	45 (7%)
2012	708	4.6	248 (35%)	92 (13%)	123 (17%)	81 (11%)	51 (7%)
2011	630	5.5	221 (35%)	66 (10%)	88 (14%)	70 (11%)	50 (8%)
2010	572	5.2	206 (36%)	75 (13%)	71 (12%)	61 (11%)	33 (6%)

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Negotiated Rulemaking

- In-flight entertainment
- Service Animals:
 - Definition of service animal
 - Safeguards against passengers falsely claiming that a pet is a service animal
- Accessible lavatories on new single aisle aircraft

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Outreach

- Speak at Forums organized by advocacy and industry organizations
- Meet with industry representatives
- Issue industry/consumer guidance
- Provide a Technical Assistance Manual
- Attend carriers' training classes
- Disability Hotline
- Disability Forums

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Questions?

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Thank you for participating in today's
ADA-Audio Conference Session

The next scheduled session is:

Topic to be announced

October 18, 2016

Register at: www.ada-audio.org or call 877-232-1990 V/TTY

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