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

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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)

**Closed Captioning is not visible via the Mobile App and there is limited accessibility for screen reader/voiceover users.
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Once selected you will have the option to resize the captioning window, change the font size and save the transcript.

Submitting Questions
- If you are listening by phone you will be instructed by the Operator on how to ask a question.
- You may type and submit questions in the Chat Area Text Box or press Control M and enter text in the Chat Area. You will not be able to see the question after you submit it, it will be viewable by the presenters.
- If you are connected via a mobile device you may submit questions in the chat area within the App.
- Questions may also be emailed to webinars@ada-audio.org

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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"
Customize Your View  
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.

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).

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

Presented by:  
Livaughn Chapman, Jr.  
Chief, Aviation Civil Right Compliance Branch  
Anne Hammond  
Team Leader, Disability  

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)  

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
Air Carrier Access Act (ACAA)


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

ACAA: DOT Implementation History

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

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.
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 504 of the Rehabilitation Act.

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

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
**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.
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

Seating Accommodations → Bulkhead Seat

Traveling with a service animal
Fused or immobilized leg

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
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.

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.

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.
Main Focus Areas

- Complaint Handling
- Enforcement
- Rulemaking
- Outreach

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

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.
Top 5 DOT Disability Complaint Categories

<table>
<thead>
<tr>
<th>Year</th>
<th>Total DOT Disability Complaints</th>
<th>Percentage of Total DOT Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Wheelchair Assistance</td>
</tr>
<tr>
<td>2014</td>
<td>777</td>
<td>263 (34%)</td>
</tr>
<tr>
<td>2013</td>
<td>683</td>
<td>249 (36%)</td>
</tr>
<tr>
<td>2012</td>
<td>708</td>
<td>248 (35%)</td>
</tr>
<tr>
<td>2011</td>
<td>630</td>
<td>221 (35%)</td>
</tr>
<tr>
<td>2010</td>
<td>572</td>
<td>206 (36%)</td>
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</tbody>
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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

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
Questions?

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**Telephone** - The Operator to give instructions for asking a question.

**Email** – Send to webinars@ada-audio.org

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

The next scheduled session is:

**October 18, 2016**

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