APPENDIX B
ACCESSIBILITY REQUIREMENTS AFFECTING RECIPIENTS OF FEDERAL AVIATION ADMINISTRATION FINANCIAL ASSISTANCE

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BACKGROUND

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits discrimination on the basis of handicap in any program receiving Federal assistance. On May 31, 1979, the Department of Transportation (DOT) published a Final Rule, effective July 2, 1979 (44 FR 31422), implementing Section 504. During the ensuing years, it became apparent to the Federal Aviation Administration (FAA), one of the major components of the DOT, that successful implementation of the regulations required a number of technical and substantive changes.

The technical changes were necessary to clarify the requirements. The substantive ones were needed to reflect (1) the experience gained since the effective date of the regulations, concerning the needs of persons with disabilities; (2) the relative abilities of various DOT recipients to meet these needs; and (3) new developments in the law.

An especially important legal development was the enactment of the Air Carrier Access Act (ACAA) of 1986, which prohibits discrimination by air carriers on the basis of handicap, consistent with the safe carriage of all passengers. On March 6, 1990, the DOT published a Final Rule (14 CFR Part 382) implementing the ACAA (55 FR 8008). It became effective April 5, 1990. At the same time, the DOT published for the FAA a Final Rule regulating exit row seating in air carriers of the United States (14 CFR Parts 121 and 135); an Advance Notice of Proposed Rulemaking (NPRM), asking for comments on issues related to the rulemaking to implement the ACAA (14 CFR Part 382); and, most relevant to this conference, a Final Rule amending a portion of the 1979 rule to implement Section 504 of the Rehabilitation Act (49 CFR Part 27).

All of these rules impact to a certain extent upon airport operators and owners. In addition, they are subject to the Architectural Barriers Act of 1973, as amended (42 U.S.C. 4141 *et seq.*). In addition, an NPRM published on February 9, 1990 (55 FR 4633), which would implement Section 794 of the Rehabilitation Act of 1973, as amended, concerning nondiscrimination in programs conducted *directly* by the DOT, has ramifications for some airport owners and operators, due to the presence of FAA facilities on their airports. The comment period closed just recently.

Last, but certainly not least, the courts have been extremely active in the area of transportation for persons with disabilities. A full discussion would go far beyond the 25 pages allotted to the presenters at this session, but you should be aware of at least the basic precepts established by the Supreme Court, and these will be covered herein.

KEY ISSUES

In the disabilities area, as in all other areas of civil rights law, certain questions occur—and very often reoccur—as the customs and mores of society develop; as technological changes occur; and as elected officials and key political appointments change. Sometimes the answers to these questions result in very marked philosophical swings. Sometimes the swings are moderate. If I had to characterize the 30 years since Title VI of the Civil Rights Act (42 U.S.C. 2000d *et seq.*) was passed I would say that, on balance, the path of progress in the civil rights requirements relating to Federal financial assistance has been down the middle of the road, following marked initial swings to greater rights for the group in question.

Persons with disabilities are relative newcomers in the process of asserting their needs and rights. The swing toward greater rights, therefore, still is very strong, with continuing controversy on the following key questions:

- Who are members of the protected group ("qualified handicapped persons")?
- What constitutes "reasonable accommodation"?
- Who must implement the requirements?
- Who covers the cost?

It is possible to detect, however, a balancing process in all of the regulations mentioned above and especially in the NPRM concerning amendments to 49 CFR Part 27, as it relates to federally assisted airports. The balancing process stems in large measure from two Supreme Court cases: *Southeastern Community College* v. *Davis* (442 U.S. 397, 1979) and *Alexander* v. *Choate* (469 U.S. 287, 1985).

Section 504 of the Rehabilitation Act of 1973, as amended (42 U.S.C. 794)

In *Southeastern*, the Supreme Court held that nondiscrimination on the basis of handicap does not require the imposition of undue financial and administrative burdens, nor does it require modifications that would result in a fundamental alteration of the nature of a program. In *Alexander*, the Supreme Court again examined the extent of accommodation required for persons with disabilities, finding that in *Southeastern* a balance was struck between "two powerful but countervailing considerations—the need to give effect to the statutory objectives and the desire to keep Section 504 within manageable bounds."

In *Southeastern*, the Supreme Court then went on to explain how this should be accomplished. It found the following:

1. Section 504 does not impose an affirmative action obligation on all recipients of Federal funds.
2. Failure to take affirmative action, however, might be tantamount to discrimination, through perpetuation of discriminatory past practices.
3. Failure to take affirmative action when programs could be opened up to handicapped persons "without imposing undue financial and administrative burdens on the State," (recipient) also might be tantamount to discrimination."

The FAA has made a concerted effort to understand the Supreme court cases and to give them effect in the new NPRM relating to airport access. That NPRM was issued by the Office of the Secretary of Transportation (OST), rather than by the FAA directly, but we have worked closely with OST in its development. During this discussion, you should keep clearly in mind that we are talking about Section 504 of the Rehabilitation Act and how it has been interpreted by the Courts. As of this writing, there are two bills in the Congress, S. 933 and H.R. 2273, each entitled the "Americans with Disabilities Act of 1990 (ADA)." Although neither bill deals with air transportation, each deals extensively with public and private transportation systems and with public accommodations which could impact upon airports, their contractors, and their concessionaires. These will be discussed further herein, following the review of the NPRM relating to Section 504. (The Americans with Disabilities Act of 1990 was enacted in July 1990—ed.)

The following would constitute key changes to Section 27.71, "Federal Aviation Administration—Airports" in Subpart D of 49 CFR Part 27, if the proposed amendment is adopted as a final rule:

1. *Questions concerning accessibility standards would be resolved.* Although recipients have been subject to the Uniform Federal Accessibility Standards (UFAS) since 1986 (51 FR 19017, May 23, 1986), Section 27.71(2) contains additional, somewhat confusing standards. Some of the additional standards were based upon erroneous notions concerning the needs of handicapped persons at airports. An example is the requirement that "Each airport ... ensure that there is sufficient teletypewriter (TTY) service to permit hearing-impaired persons to communicate readily with airline ticket agents and other personnel." Persons with disabilities are more apt to need a device to communicate with family or friends than to call airline ticket agents, who are seldom located on airports. Section 27.71(c)(4) would correct this problem, requiring at least one telecommunications device (TDD) in a clearly marked, readily accessible location, with airport signage clearly indicating the location, to enable persons with hearing impairments to make phone calls from the terminal.
   The NPRM also proposes an exemption procedure when compliance with the UFAS would be impracticable. Previously, exemptions were not available. The example given is that an exemption might be appropriate if the recipient would have to make extensive modifications to a terminal scheduled to be torn down in the near future upon the opening of a new, accessible terminal.
   Finally, the NPRM allows the use of a substantially equivalent standard—another indication of balancing and flexibility.
2. *Accessibility standards for terminal transportation systems (e.g., interterminal vans or buses, electric carts used for transportation within terminals, moving sidewalks) would be added.* Section 513(b) of the Airport and Airway Improvement Act of 1982, as amended, provides that projects may be allowable costs if they are "directly related to the movement of passengers and baggage in air commerce within the boundaries of the airport, including but not limited to, vehicles for the movement of passengers between terminal facilities or between terminal facilities and aircraft."
   As items covered by Federal financial assistance, there is no question, therefore, that vehicles such as buses and mobile lounges should be covered. Electric carts, on the other hand, are often owned by individual airlines and are used to transport their passengers only in the concourses in which the airlines are located. Coverage in the DOT regulation of these carts is an example of the Supreme Court's view that failure to take modest affirmative action may constitute discrimination.

Interestingly, buses and terminal vans are not presently covered under Section 27.71. During the initial promulgation of this section, there was some concern about covering vehicles that are not allowable costs for airport operators, such as buses going to parking lots, mass transit going to and from the airport, electric carts, etc. The basis for this was a line of court decisions that found that Federal agencies could not impose requirements upon recipients of Federal financial assistance that were not covered by that assistance.

The majority of the courts now support modest affirmative action, when not to engage in affirmative action would result in a discriminatory situation. Obviously, it would be discriminatory and an anomaly to prevent a person with a disability from leaving an accessible airport to go to an accessible aircraft, because the bus or van travelling between the two points is *not* accessible.

3. *There would be a provision that calls on airport operators to settle, in their contracts or leases with carriers, issues of who is responsible for compliance with accessibility requirements.* As the discussion of electric carts in the previous point illustrates, there will be times when control of the accessible item or structure is not directly in the hands of the airport owner or operator. In the regulation as it now stands, there is not a clear recognition of this. Instead, it is left to the airport owner/operator to solve any conflicts regarding responsibility.

   The task has been simplified in the Section 382.23, "Airport facilities," of the new regulations implementing the ACAA (14 CFR Part 382), mirror and place upon the airlines the same requirements that are placed upon airports, in regard to airport facilities under their respective control.

   In short, if an airline owns a terminal, it is subject, under the ACAA and 14 CFR Part 382, to the same requirements the airport operator/owner has under Section 504 and 49 CFR Part 27 in regard to a terminal it owns. The amendment to Part 27 would emphasize that responsibility must be accepted, divided, or shared, but cannot be avoided.

4. *Terminal transportation systems would be made accessible when "viewed as a whole."* DOT believes that under this standard, not every part of a facility or every vehicle need necessarily be accessible if the overall facility and service are accessible. This is not stated explicitly in the present rule. The proposed change is another example of the balancing that the Supreme Court discussed. This does not mean that under the proposed amendments to Part 27 you could expose persons with disabilities to unusual discomforts and inconvenience. It does mean, however, that a pragmatic approach to accessibility is envisioned.

   OST has asked the public to comment specifically on any cost or feasibility problems entailed by vehicle accessibility within the 3-year time frame of the proposal. Before the proposal was published, for example, an airport representative asked me whether it was necessary for all buses to be transformed into "kneeling" ones, when the cost of adding ramps to the buses was so much less. In this situation, the buses were quite low to the ground, and a detachable ramp worked well. My advice was to use the ramps. Not only did they work, but the lower cost enabled the airport to make a large number of existing buses accessible in a very short time. Depending on the views expressed in response to the NPRM, my answer might very well be different in the future. We will welcome your thoughts on the matter of how best to make airport transportation systems accessible.

5. *The proposed rule would cover "terminal facilities and services," including parking and ground transportation facilities, that are "owned, leased, or operated on any other basis . . . by an airport operator."* Here again, you have an example of permissible affirmative action, since parking lots are not allowable costs under the AAIA.

6. *The DOT seeks comment on whether, and to what extent, services and facilities provided by contractors or concessionaires also should be covered.* At present, the rule requires that the public areas leading to concessions be accessible, but it does not place requirements upon the concessionaires or contractors themselves. In a cafeteria, for example, there is no requirement that the food placement on the counters be low enough to enable someone in a wheelchair to self-serve. In a book store, there is no requirement that the aisles be wide enough to accommodate a wheelchair.

   In a variety of other regulations implementing statutes pertaining to the receipt of Federal financial assistance, concessions *are* covered as part of the airport operator/owner's airport program. In some situations, requirements also are placed directly upon the concessionaire or contractor. Under the regulations implementing Title VI or the Civil Rights act, for example, the nondiscrimination requirements "extend to any facility located wholly or in part" on the airport [49 CFR Section 21.3 (b)].

   Under the Disadvantaged Business Enterprise (DBE) (formerly the Minority Business Enterprise) regulations, recipients of DOT assistance must set

both contracting and concession goals for the participation of DBEs. In this process, non-DBE contractors and concessionaires can be required to set or meet goals for the participation of DBEs. In regard to federally assisted construction contracting, 49 CFR Part 23 is explicit on this point. In regard to the concessionaires, this has been the practice for several years. An NPRM published March 30, 1990 (55 FR 11964), would amend 49 CFR Part 23 and formalize this process [proposed Sections 23.97; 23.92 (b)(2); and 23.96 (a)(3)(4) and (5)].

As a subquestion, DOT asks whether coverage of concessions and contractors should be limited to those facilities and services directly related to transportation, like parking and terminal transportation systems. This was done in at least one FAA regulation in the past, 14 CFR Part 152, Subpart E, which implemented Section 30 of the Airport and Airway Development Act and then Section 520 of the Airport and Airway Improvement Act of 1982. In that regulation, affirmative action and nondiscrimination requirements relating to the provision of services and benefits and employment were levied upon only those organizations defined as "aviation-related activities": organizations providing goods or services to the public on the airport, the airport itself, or to other aviation-related activities on the airport. (While Section 520 was reenacted in the AAIA, as amended in 1987, no implementing regulations exist at present. The Office of Management and Budget failed to approve all the reporting requirements contained in Subpart E, so at present, Section 520 is considered to be a self-implementing nondiscrimination statute.)

7. *The proposal would require, under the authority of Section 504, that Essential Air Service (EAS) carriers comply with the requirements of Part 382 as a condition of receiving Federal financial assistance.* The preamble explains succinctly that in 1985, DOT inherited the EAS program from the former Civil Aeronautics Board (CAB). This program provides subsidies to some carriers—largely regional carriers—to provide service to small cities. The original CAB version of 14 CFR Part 382, which was issued under the authority of Section 504 of the Rehabilitation Act, covered the EAS carriers.

   Now, EAS carriers are covered under the new 14 CFR Part 382, issued under the authority of the ACAA, but given the demise of its predecessor Part 382, EAS carriers no longer are covered under regulations implementing Section 504. To close this gap, DOT proposes to cover EAS carriers under 49 CFR Part 27. The main reason for this is to reinstitute the sanctions which can be applied to recipients of Federal financial assistance, such as the cutoff or deferral of funding.

8. *The requirements of Section 27.71 would apply to terminal facilities and services even if the airport operator received Federal financial assistance only for other airport improvements.* This proposal reflects the long-standing view that the airport program encompasses the entire facility. A decision of the Supreme Court, *Grove City College* v. *Bell* (104 S. Ct. 1211, 1984) cast doubt on this point of view for a time. This held that civil right requirements which adhere due to the acceptance of Federal financial assistance must be "program specific"—i.e., they can apply only to the program actually receiving the money. *Grove City* was a Title IX, Education Act Amendments case, but Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Age Discrimination Act were also affected because all speak to "programs and activities." The Congress, however, took issue with the Supreme Court. On January 28, 1988, it passed, over a Presidential veto, the Civil Rights Restoration act of 1988, reinstating the previous interpretation that acceptance of Federal funds requires compliance by the entire entity and not just the portion directly affected by the funds.

9. *Outbound and inbound baggage facilities shall allow efficient baggage handling by qualified handicapped individuals.* This proposal also is an example of the balancing of interests. It would be economically and physically impossible to design a baggage facility that would allow retrieval of luggage regardless of the extent of the disability. Persons who can handle baggage despite their disability should not be subjected to barriers that would militate against self-help. The NPRM thus proposes that baggage facilities shall be designed and operated without unattended physical barriers, such as gates, that are inaccessible for individuals with handicaps.

Americans with Disabilities Act (ADA) of 1990

As previously stated, as of this writing, the Senate and House versions have not as yet been reconciled, and the President has not signed a bill into law (ADA enacted July 1990—ed.). If a law does emerge, it will have considerable impact on a wide range of governmental and private entities in the following areas:

1. Accommodations to employ persons with disabilities;
2. Provision of public services, including public transportation other than by aircraft;
3. Construction or alteration of facilities, including those related to public transportation other than by aircraft; and
4. Public accommodations, if the operations of such entities affect commerce, including a restaurant, bar, sales, or retail establishment; or a terminal, depot, or other station used for public transportation.

Airport operators/owners will recognize many of their concessionaires or contractors in the foregoing list, so whether or not these entities may be covered under Section 504 of the Rehabilitation Act may become a moot question.

Just as the Air Carrier Access Act filled a gap by covering air carriers that do not receive Federal financial assistance, the Americans with Disabilities Act would cover other entities that do not receive Federal financial assistance (as well as expanding the requirements placed upon entities that do receive Federal financial assistance for certain purposes).

It should be noted that in the House and Senate bills, privately owned transportation is covered only if it "affects commerce." "Commerce," in regard to transportation, is defined as transportation:

- Among the several States;
- Between any foreign country of any territory or possession and any State; or
- Between points in the same State but through another State or foreign country.

If this is to be taken literally, a private bus company operating between Washington, D.C., and Dulles Airport in Virginia would be covered, but a bus operating solely within Virginia would not, even though both were travelling to and from areas immediately adjacent to the airport. We will have to wait for the legislation as enacted and the Committee reports to understand the full ramifications.

The Architectural Barriers Act (ABA) (42 U.S.C. 4151 *et seq.*)

The ABA, to some extent, overlaps Section 504, since program and employment accessibility often depend on architectural or physical accessibility. Section 4151 states:

"As used in this chapter, the term building means any building or facility...the intended use for which either will require that such building or facility be accessible to the public, or may require that such building or facility be accessible to the public, or may result in the employment or residence therein of physically handicapped persons, which building or facility is --

(1) to be constructed or altered by or on behalf of the United States;
(2) to be leased in whole or in part by the United States after August 12, 1968;
(3) to be financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if such building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such grant or loan..."

As you can see, the ABA reaches both federally assisted and Federal building or buildings used for Federal activities. As airport operators and owners, you may have both types on your facilities—a terminal, for example, built with the assistance of Federal funds, and such installations as the air traffic control towers, a Flight Standards District Office (FSDO), General Aviation District Offices (GADOs), etc.

Exit Row Seating Rule, 14 CFR Parts 121 and 135

In closing, I will mention briefly the Exit Row Seating Final Rule, which is published in the Federal Register package you received from me. Although this is an FAA rule, rather than one published by the Office of the Secretary, it was included in this package because it relates to the Air Carrier Access Act rule.

During the regulatory negotiation to implement the ACAA, the participating groups representing persons with disabilities, the industry groups, and the Government were unable to reach agreement on the exit row seating issue. Accordingly, the OST formulated its own proposal on exit row seating (53 FR 23574, June 22, 1988). In it, OST took cognizance of the safety implications of exit row seating by proposing that carriers be prohibited from excluding persons from any seat on the basis of handicap, except in order to comply with an FAA safety rule.

On March 6, 1990, the FAA did publish a safety rule to regulate exit row seating (55 FR 8054). In brief, it will result in some persons being seated in seats other than those in exit rows, based on the application of neutral,

functional criteria. The criteria relate to the responsibilities that might fall to an exit row occupant during an emergency evacuation, such as assessing outside conditions, locating and opening the door, deploying the slide, removing and stowing an over-the-wing-exit, and others.

Exit row seating restrictions apply not only to persons with disabilities, but to parents with children; children under the age of 15; obese persons; elderly persons who are frail; persons who cannot understand or speak the English language; and pregnant women. Under the new rule, exit rows will contain special passenger information cards which:

1. Contain the criteria for exit row seating;
2. Explain the functions that may have to be performed; and
3. Ask, in the languages ordinarily used by the air carrier on its cards, that persons who do not meet the criteria or who cannot or do not wish to perform the functions, identify themselves so they can be moved to another seat.

The rule does not deny air carriage. Persons who are seated erroneously in an exit row must be reseated. Persons who do not wish to sit in an exit row must be reseated. On-demand air taxis that have nine or fewer passenger seats are exempt from the rule. The purpose of a charter flight very well may be to carry a person whose disabilities make other commercial flights unavailable. An example of the latter would be a small commuter plane in which the only space for a person with a leg cast would be in the row adjacent to the door.

RESEARCH NEEDED

As the preceding indicates, the FAA has made a concerted effort to prevent the denial of air transportation, while maximizing safety through its exit row seating policies. It is possible, however, that in some instances a person will have to turn to a charter flight to obtain air transportation. We are dealing with the reality of the space available in small commuters. Aisles are narrow, leg room is limited, manoeuvrability almost nil within the aircraft. A wheelchair occupant, especially a tall or heavy person, may have considerable difficulty in reaching a row beyond the initial one that is closest to the exit and thus not available under the rule.

As a result, the FAA embarked on a cooperative project with the Paralyzed Veterans of America (PVA), the Regional Airline Association (RAA), and the American Association of Airport Executives (AAAE) to develop a boarding chair that would be satisfactory.

At present, the FAA is working with a Canadian company, Mid-Canada. Its mandate is to produce a design that will enable movement of the passenger from the wheelchair to at least the third row from the entry. Realistically, the severe dimensional restrictions may preclude total success. The FAA calculates that some women may have more difficulty in being accommodated due to the severe dimensional restrictions of the aisles. Women, as a group, tend to have wider hips than men. Large, heavy men, of course, also will have a problem.

We often hear that the real answer lies in the elimination of seats of rows. That, of course, is an economic question. Fewer seats and rows mean higher fares that would impact on persons with disabilities as well as on other passengers. Since few airlines have a wide margin of profit, it also could mean the loss of service to some communities. Nothing occurs in a vacuum, and these are factors that *are* considered by someone (the airlines, the Congress, the Office of Management and Budget, state and local elected officials, the public, etc.), whether or not one thinks they should be.

In the course of writing the exit row rule, we also heard that the FAA should have written it in accordance with the airworthiness standard, rather than in accordance with the crashworthiness standard. Under the first, you weigh the probabilities. You build a plane that will fly the height and distance you have in mind on the theory that it will not crash. You must deal with probabilities—otherwise you would have to produce a craft so heavy that it never would get off the ground.

Under the crashworthiness standard, you presume that a crash has occurred. FAA's mandate, shared under the Federal Aviation act by the airlines, is to take all reasonable steps to ensure that as many persons as possible survive that crash. Seatbelts, baggage stowage, fire-blocking layers in seats, floor-level lighting, fire extinguishers in lavatories and cargo compartments, maximum distance restrictions between exits, and exit row seating—all these are examples of requirements that affect the ability of passengers to survive.

In view of this, our research project is of vital interest to us, since it will maximize accommodation at the same time that our interest in safety is preserved.

SUMMARY

As you can see, there exist at present three major statutes that affect accessibility on your airport in very marked ways: Section 504 of the Rehabilitation Act, the Architectural and Transportation Barriers Act, and the Air Carrier Access Act. In addition, there are a host of

single-purpose statutes, such as the FAA exit row seating rule, that also impact upon passengers with disabilities. Finally, there is prospective legislation that may be far-reaching and which may make some of your current efforts obsolete.

Although this welter of new and existing requirements may seem undecipherable, the situation today actually is much less confusing than it was in the past. For one thing, you probably have a much better understanding of what persons with disabilities want and need. The same holds true for Federal agencies. Second, what appeared unusual or even unrealistic now has begun to seem natural. You are becoming sensitized, and so are we. Finally, your presence here today signals your readiness to take action. If you're uncertain where to begin, look to your individual communities, as well as to your legal counsel. The community is almost certain to contain a number of groups, representing persons with disabilities, who will welcome your interest.

APPENDIX C
THE AIRPORT AS AN ACCESSIBLE FACILITY: THE USER'S VIEW

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OVERVIEW

Of the million who pass through airports each day perhaps a majority have some type of disability or have a close friend, colleague, or family member who is disabled. People with disabilities are like "everyone." They are of all ages and occupations. They have families, children, and business associates. They travel for business and pleasure. They travel alone or with others who may or may not have a disability of their own. And, most important, they are people with the same time constraints as other travellers—one flies because it is fast. Travellers with disabilities want and demand access to the same services, conveniences, and facilities provided to "everyone."

A brief look at statistics as well as the issue at hand will illustrate that virtually "everyone" will have a disability of limitation at some point in his or her life. (It is also important to remember that disability itself is not a medical issue. Although a particular disability may be the result of a medical condition or may have a medical condition associated with it, the disability per se has nothing to do with "illness.") A 1986 study by the Bureau of the Census concluded that of the noninstitutionalized adult population, approximately one-fifth had a functional limitation(*1*). The proportion of people with functional limitations varied by age and ranged from a low of one-twentieth of those aged 15-24 who are entering the job market, to one-seventh of those aged 35-44 who are often at the peak of their careers, to more than one-third of those aged 55-64 who may be nearing retirement. And finally, more than one-half of those aged 70-74 and almost three-quarters of those 75 years and older have functional limitations.

These numbers do not include others who also benefit from many "accessibility" features in airports or other buildings: children who benefit from the lowered drinking fountain and bathroom dispensers, parents who often push their children around in strollers, people with temporary impairments, the families or friends of people with disabilities, and almost anyone who goes to an airport with lots of luggage. It is therefore realistically stated that in providing "access" at the airport, we can accommodate everyone.

The most compelling reasons for creating universally usable airports are the human needs of people—all people—as they travel. There are clearly large numbers of people who do now and who will in the future, benefit from accessible features in airports. The features needed are for the most part well known, easy to provide, unobtrusive, and usable by everyone.

The market and the technology exist. What is missing often is a positive attitude, an understanding of related policy implications, and a commitment to apply the technology universally.

If the market factors are not a driving force, access legislation is. There are laws that mandate a certain degree of accessibility in airports. Early laws emphasized technical requirements for building accessibility whereas more recently enacted legislation has stipulated access to programs and has mandated nondiscrimination. Combined, the existing legislation applicable to airports can require fairly extensive accessibility in the facilities, services, and policies of airports.