

Aviation Group Client Update

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DOT Issues Final Rule for Airports Regarding Service Animal Relief Areas, Audio-Visual Displays, and Passenger Lifts

On [August 4, 2015](#) the Department of Transportation (DOT) published a final rulemaking regarding Accessibility of Airports. It includes new provisions for service animal relief areas and captioning of televisions and audio-visual displays that are similar to existing requirements applicable to U.S. and foreign air carriers under the DOT's Air Carrier Access (ACAA) regulations. It also reorganizes a provision concerning mechanical lifts for enplaning and deplaning passengers with mobility impairments, and amends this provision to require airports to work not only with U.S. carriers but also foreign air carriers to ensure that lifts are available where level entry loading bridges are not available. The new provisions go into effect October 5, 2015 and are applicable to federally-funded U.S. airport facilities with 10,000 or more annual enplanements.

DOT had earlier proposed specific requirements with respect to the dimensions, design, materials, and maintenance of service animal relief areas. After consideration of the comments that it received, DOT has decided not to mandate specific design requirements, except that service animal relief areas be wheelchair accessible. The final rule requires airports to consult with service animal training organizations regarding the design, dimensions, materials and maintenance of service animal relief areas. It also requires airports to provide at least one service animal relief area in each airport terminal, which must be located in the sterile area of each terminal to ensure that individuals with service animals are able to access service animal relief areas when traveling, particularly during layovers. U.S. airports have one year to comply with the requirement to establish at least one service animal relief areas per airport terminal.

DOT adopted in full its proposed regulations regarding high-contrast captioning on television and audio-visual displays in U.S. airports. Airport operators will be required to enable or ensure high-contrast captioning at all times on televisions and other audio-visual displays capable of displaying captions located in any gate area, ticketing area, first-class or other passenger lounge



provided by a U.S. or foreign carrier, or any common area of the terminal to which passengers have access. In the case of televisions and other audio-visual displays located in space leased by a shop or restaurant, the airport operator is obligated to ensure by contract or other means that the shop or restaurant enables the captioning feature on its televisions and other audio-visual display.

Finally, DOT is requiring airports to negotiate with foreign carriers, in addition to U.S. carriers, to ensure the provision of lifts, ramps and other devices used for boarding and deplaning where level-entry boarding is not available. This requirement only imposes the same requirement for foreign carriers that has existed for airport operators with respect to U.S. carriers. Due to the lack of commentary from the public, DOT has decided to refrain from imposing additional requirements on airports to purchase additional lifts.

If you have any questions or would like further information regarding these rules, please contact the following attorneys:

Lisa A. Harig + 1 703 247 5487
Margaret Giugliano + 1 212 868 6980
Shelley Ewalt + 1 703 399 6078

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McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.