

Disability Rights Legal Center

DRLC

Formerly Western Law Center for Disability Rights

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Office of Aviation Enforcement and Proceedings
400 Seventh Street, SW, Room 4107
Washington, DC 20590

Re: Complaints of Tim Maddox, Xiomara Osorio regarding Aero Port Services ("APS")

Assisted and Supported by: Service Employees International Union, Local 1877 ("SEIU Local 1877"); Los Angeles Alliance for a New Economy ("LAANE"); American Association of People with Disabilities ("AAPD"); California Alliance for Retired Americans ("CARA"); Communities Actively Living Independent & Free - Los Angeles ("CALIF"); Community Resources for Independence – Santa Rosa, California; Disability Rights Education & Defense Fund ("DREDF"); Protection and Advocacy, Inc. ("PAI")

Dear Administrator,

The Disability Rights Legal Center writes in support of the above-referenced complainants requesting this agency to enforce the provisions of the Air Carrier's Access Act, specifically 14 CFR 382.61(a)(6) requiring that air carriers shall require its contractors to provide training to the contractors' employees concerning travel by individuals with a disability.

The DRLC has been providing legal services to individuals with disabilities since 1975, making it the oldest cross-disability legal organization in the United States. The DRLC's mission is to promote the rights of people with disabilities and the public interest in and awareness of those rights by providing legal and related services. It fulfills this mission by focusing on Advocacy, Problem Solving and Community through its programs: Civil Rights Litigation Project; Cancer Legal Resource Center; Education Advocacy Project; Disability Mediation Center; Options Counseling and Lawyer Referral Service; and Community Outreach Project.

The Disability Rights Legal Center is in support of the complaint brought forth by employees of Aero Port Services ("APS"), a company contracted to provide passenger services by a coalition of airlines at the Tom Bradley International Terminal ("TBIT") of

the LAX. These employees of APS are concerned about complying with anti-discrimination laws and respecting the rights of people with disabilities.

The complainants assert that they are not being given adequate training on how to operate and move passengers from a wheelchair. Briefings, when they are provided, have been insufficient for them to do a competent job in handling the passengers with disabilities. Additionally, the poor physical condition of wheelchairs provided by APS prevents these employees from safely transporting passengers even if the act of transporting the passenger is presumably carried out properly. As a result, dangerous conditions arise for both passengers and employees. Employees are further not being provided with training with regard to sensitivity and appropriate responses to passengers with disabilities.

As such, their employer should provide them the tools and training necessary to protect the safety and rights of their passengers. APS must improve the provision and adequacy of trainings for workers who are responsible for providing services to individuals with disabilities when traveling on commercial air flights because air travel is a civil right, and must not be denied to certain individuals in society simply on the basis of disability.

A nationwide study by Open Doors Organization, conducted in 2005, found that 82% of air travelers with disabilities encountered obstacles at airports, while 84% said they had problems with airlines.

http://www.opendoorsnfp.org/db2/00169/opendoorsnfp.org/download/articledraft12_18_06postversion.pdf

"It is important that we remember that these are civil rights laws," says Sally Conway, a Department of Justice worker who handles complaints of ADA violations at airports. "These laws say it is no longer acceptable to segregate, separate or exclude people just because they have disabilities."

http://www.opendoorsnfp.org/db2/00169/opendoorsnfp.org/download/articledraft12_18_06postversion.pdf

The Disability Rights Legal Center is concerned with segregation and isolation of people with disabilities. Transportation, including airline travel is important element of independent living. "[A]ir travel is an essential component of many jobs in the global economy. For people with disabilities to be part of that economy, participate in the world community, and compete effectively for jobs requiring air travel, air carriers and federal oversight officials must ensure that their right to travel with appropriate accommodations is taken seriously and honored. Unfortunately, the National Council on Disability (NCD) has found that although things have improved since ACAA was passed in 1986, people with disabilities continue to encounter frequent, significant violations of the statute and regulations. When they complain, they encounter an enforcement effort that is both inconsistent and limited in scope. The ACAA is a rights law, but it has been largely implemented with the consistency of a customer service policy. NCD urges the President, Congress, the federal enforcement agencies, and covered entities to work together to address the inadequacies described in this report and the three reports to follow. For laws like ACAA to achieve the desired effect, they must be taken seriously

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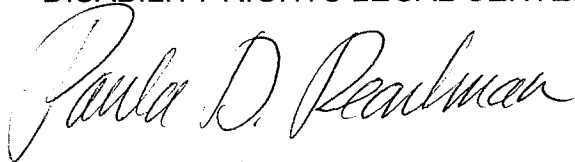
and owned by government and industry. The ultimate test of any civil rights law is the extent to which people in the protected class can count on the law for real protection.”

MARCA BRISTO, ENFORCING THE CIVIL RIGHTS OF AIR TRAVELERS WITH DISABILITIES: RECOMMENDATIONS FOR THE DEPARTMENT OF TRANSPORTATION AND CONGRESS—LETTER OF TRANSMITTAL (1999), <http://www.ncd.gov/newsroom/publications/1999/aaaa.htm#11>

We urge the agency to take all appropriate steps to enforce the ACAA and support Mr. Maddox and Ms. Osorio to ensure that APS provides the training and equipment to ensure appropriate service to passengers with disabilities traveling by air.

Respectfully submitted,

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A handwritten signature in cursive script that reads "Paula D. Pearlman". The signature is written in black ink and is positioned to the left of the typed name and title.

Paula D. Pearlman
Deputy Director