



March 28, 2016

To whom it may concern,

The Airport Authority obtained feedback from a variety of sources concerning its new proposed Ground Transportation Regulations (the “Regulations”), including Ground Transportation Operators, the disability community, and the general public. Overall, the Airport Authority received 448 comments in response to the Regulations, the majority of which were received from individual commenters.

The Airport Authority has carefully reviewed and considered these comments to the Regulations. A copy of the Regulations in their final form accompanies this document. The significant, relevant issues raised by the comments to the Regulations are set forth below, as are the Airport Authority’s responses. Capitalized terms not defined in this document shall have the meanings set forth in the Regulations.

## **Categories of Ground Transportation Services**

### **1. Favorable Treatment for Public Operators**

*Feedback:* A commenter expressed concern about the categories of Ground Transportation Operators set forth in Section 4 of the Regulations, specifically suggesting that public or non-profit operators of transportation should not be treated more favorably than for-profit operators.

*Response:* The Airport Authority declines to change its treatment in the Regulations of Public Operators of ground transportation in this regard. The distinction noted by this commenter is consistent with many other ways in which public or non-profit entities generally are treated more favorably than for-profit entities. For example, public and non-profit entities may be afforded more favorable tax treatment, provided exemptions from registration or other fees, or have access to grant funding not available to for-profit entities. Additionally, federal regulations often allow airport operators to exclude public or non-profit entities from fees or regulations. Consider, for example 49 CFR Part 23, a federal regulation which concerns airport concessions and which only applies to “for-profit businesses” and excludes “government agencies.”<sup>1</sup>

---

<sup>1</sup> 49 CFR Part 23.3.

Finally, the Airport Authority notes that requiring for-profit Ground Transportation Operators to pay their fair share for the costs of Airport Authority infrastructure and operations is entirely consistent with the Federal Aviation Administration's Airport Sponsor Assurance 24, to which the Airport Authority is bound as a result of accepting federal grant funds from the Federal Aviation Administration (FAA), and which requires the Airport Authority to

maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection.

## 2. Definition of "Public Operator"

*Feedback:* A commenter wrote the following: "[w]e would like to ask for clarification of the WCAA's definition of a public transit operator. There are inconsistent definitions of a public operator on pages 2 and 10 of the regulation. The regulations cited (acts 51 and 162) are unfamiliar to us as a public transit agency. We are organized under Public Act 55, the State of Michigan's enabling legislation for many public transit agencies. We would ask that Act 55 be incorporated under a single definition of a public transit agency to avoid any future confusion."

*Response:* The Airport Authority first must acknowledge a certain level of difficulty in responding to this comment, in that the definition of a "Public Operator" is not "inconsistent" because the Regulations, consistently and without exception, define "Public Operators" as "municipal corporations" and "public transportation corporations" as such terms are defined in Intergovernmental Contracts Between Municipal Corporations, MCL 124.1. To the extent that the Regulations reference Act 51 of 1951 or Act 162 of 1982, the Regulations are simply quoting word-for-word from Intergovernmental Contracts Between Municipal Corporations. As this commenter was itself a municipal corporation, the Airport Authority will assume that the commenter is familiar with the definitions contained in Intergovernmental Contracts Between Municipal Corporations.

The Airport Authority declines to apply the definition of "public transportation" contained in Act 55 of 1963 for multiple reasons. First, Intergovernmental Contracts Between Municipal Corporations is a well-known and understood statute in the State of Michigan and provides ready-made definitions for the distinction the Airport Authority seeks to make. This includes a specific definition for "public transportation corporations" for those instances where a ground transportation operator is not a "municipal corporation." Second, and more importantly, Act 55's definition of a "public transportation" is used in very few statutes, is overly broad for purposes of the Regulations, and would lead to illogical results were it applied to transportation at the Airport. For example, if one

were to apply Act 55's definition at the Airport, the taxicabs, limousines, and charter buses operating at the Airport would qualify as "public transportation," as would, surprisingly, even the airlines.

## **Reserved, Pre-Arranged Operators**

### 3. High-Top Van Access

*Feedback:* A commenter, after writing, "[t]hank you for allowing the ground transportation services to provide input on the subject matter, this is a first that I am aware of in my 15 years that [company] has been in the business," noted as follows:

The reason for the request for revision is because [company] has two (2) Ford raised roof vans that won't fit under the ceiling of the normal entrance and if you have noticed Ford Motor Company starting in late 2014 or 2015 has been manufacturing the redesigned Ford Transit raised roof luxury vans to be used by the Limousine business.

I am bring this to your attention because now when we have to pickup clients from the McNamara Terminal we have to stop on the left side of the byway next to the Airport Authority Landside Ground Transportation Agent's booth. The Driver has to jump out of the vehicle, run over to the booth, check in with the Agent, run back to their vehicle. Depending on the time of day, this can take several minutes and can cause obstruction of traffic flow with vehicles trying to get around the van.

My suggestion is to allow the raised roof vans with seating capacity of 15 passenger or fewer, including the driver to follow Section 8. E. a. and check-in with the Agent the same as the buses. This will alleviate the issue that I stated above possibly causing obstruction of traffic flow.

*Response:* The Airport Authority has modified the Regulations to allow a Reserved, Pre-Arranged Operator using a high-top van with a passenger capacity of 15 or fewer, including the driver, to pick up passengers in the area of the McNamara Terminal GTC designated for Bus Operator pick-ups. However, because such vehicles experience difficulty efficiently checking in and redeeming Coupons/Permits at the McNamara GTC location designated for Reserved, Pre-Arranged Operators. As a result, Reserved, Pre-Arranged Operators using high-top vans may check in and redeem Coupons/Permits at the Airport Authority Landside Department booth next to the Bus Operator pick-up

location when conducting their pick-up. However, if a Reserved, Pre-Arranged Operator using a high-top van opts to use this location, it may not dwell and can only occupy the location for as long as it takes to check in, redeem its coupon, and actively load its passengers.

#### 4. Reserved, Pre-Arranged Operator Pick-Ups at the On-Site Hotel (the Westin)

*Feedback:* A commenter indicated concern about paying the standard access fee when conducting a pick-up at the on-site hotel, writing as follows: “The only regulation that I do not approve of is the charge at The Westin.”

*Response:* The Airport Authority notes that Reserved, Pre-Arranged Operators currently pay the same standard access fee regardless of where they pick up their passengers, be it in a GTC, in a terminal building, or at the on-site Hotel. The access fee is a fee for access to the Airport by commercial businesses. This Airport-wide arrangement works favorably for Reserved, Pre-Arranged Operators because it does not incentivize or disincentivize pick-ups at any particular location, and the Airport Authority is not inclined to change it.

#### 5. Out of State Reserved, Pre-Arranged Operators

*Feedback:* A commenter wrote the following: “We are an Ohio operator licensed by ODOT and PUCO to cross state lines and not subject to Michigan insurance requirements and/or Michigan licensing requirements for drivers? Please advise!”

*Response:* The relevant sections of the Regulations simply reference State of Michigan requirements and the Airport Authority cannot waive or supersede the State’s requirements. However, to the extent that State law or regulation renders an operator “not subject” to, or otherwise exempt from, State insurance or licensure requirements, the Airport Authority will treat the operator just as the State does.

#### 6. Unmanned Booth / Lack of Badges

*Feedback:* A commenter asked the following question: “What happens when the booth is not manned or they do not have an adequate supply of badges and we are unable to obtain a badge to enter the grounds.”

*Response:* The Airport Authority believes that its current staffing plan and quantities of badges on hand would make either situation a rare occurrence. Nonetheless, if either were to ever occur, the Airport Authority asks that operators contact the Landside Services Department at 734-955-8770 or 734-955-3869 to report the situation.

## 7. Transportation Network Companies

*Feedback:* One commenter, a taxicab company identifying itself as a “Licensed transportation provider,” expressed concern that it is “hearing from other long time providers that there are ‘Special’ arrangements being considered and negotiated for and by Ride Share organizations at the airport.” The commenter further articulated this concern, writing as follows: “I would be completely opposed to any changes that would give “Special consideration” to any unlicensed, under insured and otherwise illegal operators.” Another commenter asked “[w]hat can I do to help bust non-MDOT operators?” While the Airport Authority is not certain about the specific operators to which this commenter is referring, it will assume based on context that these commenters are referring to transportation network companies (TNCs) such as Uber and Lyft.

Additionally, two transportation network companies addressed concerns about the Regulations’ apparent incompatibility with the transportation network company business model. In particular, one transportation network company suggested of the Coupon/Permit process that it “requires payment of fees in a way that undermines the cashless experience for riders and drivers and financially impacts drivers regardless of whether rides occur.”

*Response:* The Airport Authority has considered all of the above comments concerning transportation network companies and declines to revise the Regulations in response. The Regulations do not provide special consideration to or special arrangements for TNCs.

The Airport Authority Board previously considered revisions to the Airport Ordinance which would have brought TNCs into compliance with the Airport Ordinance. At that time, the Airport Authority Board voted to table consideration of these revisions, with some Board members expressing concern about enacting changes to the Airport Ordinance while proposed State legislation regulating TNCs is under consideration. Under the current regulatory framework at the Airport, TNCs and their drivers are Reserved, Pre-Arranged Operators, and they, just like all other Reserved, Pre-Arranged Operators, should be complying with applicable State of Michigan rules and regulations, and Airport Authority regulations applicable to this category of Ground Transportation Operators

Nevertheless, Ground Transportation Operators of all types should rest assured that the Airport Authority – to the extent it adopts regulations or enters into permits or other contracts with TNCs – will attempt to make the playing field between traditional ground transportation companies and transportation network companies as level as possible under the circumstances. In doing so, the Airport Authority would also attempt to account for fundamental operating differences between traditional ground transportation companies and transportation network companies. Ultimately, it will be up

to each passenger to choose which Ground Transportation Operator he or she prefers based on cost, service level, and other factors important to the passenger.

## 8. Coupon/Permit Purchases

*Feedback:* A commenter asked the following: “can a driver purchase a single coupon or must they be purchased in packs of 10?”

*Response:* Reserved, Pre-Arranged Operators may purchase individual Coupons/Permits. However, the Airport Authority strongly recommends that Reserved, Pre-Arranged Operators purchase the 10 coupon books as the Airport Authority has found such purchases make ground transportation operations easier and more efficient for both the Airport Authority and the Reserved, Pre-Arranged Operators providing services at the Airport.

## **Bus Operators**

### 9. Passenger Loading Time Limits

*Feedback:* A commenter believed it to be “unrealistic for buses to be given 60 seconds to load passengers. Literally, that is how much time we are given to load passengers ... It takes that much time just to open the bays for the luggage.”

*Response:* The Airport Authority notes that while buses must actively load or unload only, they are entitled to actively load or unload for however long the process takes, so long as the Bus Operator is engaged in a continuous active loading or unloading process. The Airport Authority acknowledges that this process may take as little as a matter of seconds or a number of minutes, depending on the number of passengers, amount of luggage, and other variables.

However, a Bus Operator may not dwell or otherwise occupy space in the GTC when not conducting operations. The Airport Authority advises each Bus Operator to have its entire group ready to board before sending a bus into the GTC to pick up its passengers. The Regulations state that the Airport is a bus stop, like at a bus route signpost on the side of the road, and not a bus depot, like Detroit’s Rosa Parks Transit Center or Ann Arbor’s Blake Transit Center. Just as buses briefly stop to load or unload at the signpost and then quickly move on, Bus Operators providing services at the Airport should do the same in order to better ensure that pick-up and drop-off locations are available for other Bus Operators.

## 10. Preference for One Pick-Up and Drop-Off Location at Each Terminal

*Feedback:* A commenter opined that it “would prefer one public transit pick-up/drop-off location at each terminal, with reasonable accommodations,” and numerous commenters suggested the same.

*Response:* The Airport Authority notes that these commenters’ suggestion appears to represent an endorsement of the Airport Authority’s current policy. There is currently one pick-up and drop-off area at each terminal for Bus Operators, including Public Operators.

The Airport Authority strives to maintain the excellent customer service for which it has been recognized by its industry and the general public. However, the Airport Authority has received some negative feedback about this current “one pick-up/drop-off location at each terminal” arrangement from both passengers and Operators who feel that the locations may be too distant from the terminal, noisy, or otherwise difficult to utilize for certain passengers, particularly those with disabilities.

In response to these concerns, the Airport Authority added reasonable accommodations at the McNamara Terminal location, including direct dial phones to wheelchair and mobility assistance services, additional heating elements in shelters, and the modification of the route to the enclosed area of the terminal to provide multiple accessible paths from these locations.

Beyond those accommodations, the Airport Authority will be activating the new pick-up and drop-off locations contemplated in Section 13 of the Regulations, which are an additional accommodation for *all* ground transportation passengers with disabilities desiring a closer drop off or pick up location. These new locations provide an alternative for passengers who choose to use them and, to the extent that passengers do opt to use them, neither other passengers nor Ground Transportation Operators should be substantially inconvenienced. Keep in mind, that all passengers will be loading or unloading from a vehicle, regardless of where and how many times the vehicle stops, which means the only extra time spent when a passenger opts to use the new locations is the time that it takes to travel to the additional pick-up or drop-off location. As a result, for McNamara Terminal drop-offs, Ground Transportation Operators utilizing the GTC will spend only a few minutes to make an additional drop-off at the Departures Level curb. For McNamara Terminal pick-ups, and North Terminal pick-ups and drop-offs, the extra time will be insubstantial, as the vehicle would have passed either Door 402 at the McNamara Terminal GTC or Stall 5 of the North Terminal GTC as part of its usual pick-up or drop-off, as the case may be. Where ground transportation services are scheduled, the Airport Authority suggests that Ground Transportation Operators should build a few extra minutes into their schedules to ensure that all passengers arrive at or before the scheduled time.

## 11. Bus Operator Coupon/Permit Purchasing Process

*Feedback:* A commenter asked if there “is any way that passes can be purchased online, in advance?” This same commenter also suggested that it “is not clear where to purchase the passes,” and suggested that it “is not clearly spelled out that if you have one vehicle that picks up at North and then McNamara that only one \$30 pass, per pick up is required.” This same commenter also asked “[i]s there any way for large corporate moves that there is a better system in place to handle these purchases without having to go to the booth?”

*Response:* The Airport Authority currently does not offer online purchasing for Bus Operator Coupons/Permits. Coupons can be purchased from Airport Authority Landside Department staff at the customer service booth in the North Terminal GTC seven days a week, from 8:00 A.M. through 10:00 P.M., except for 2:30 through 3:00 P.M.

If the same bus is performing one trip to the Airport and picking up passengers at both terminals, the Bus Operator will only need to purchase one Coupon/Permit for that trip to the Airport.

Finally, where large groups or Bus Operators are conducting numerous pick-ups at the Airport, the Airport Authority offers Bus Operators the opportunity to establish a pre-pay account, which allows the Bus Operators to add money to the account at any time, and through which its drivers can receive Coupons/Permits.

## 12. One Bus Limit at the McNamara Terminal GTC, the North Terminal GTC, or the McNamara Terminal Departures Level Curb

*Feedback:* A commenter expressed its objection to the following requirement contained in the Regulations:

a Bus Operator, and any entity with which it has shared management or ownership, may not have more than one bus in the McNamara Terminal GTC, the North Terminal GTC, or the McNamara Terminal Departures Level curb at any time, without the express written consent of the Airport Authority, and any bus beyond the one currently occupying the facility must either circle around or wait at the staging area or areas designated by the Airport Authority until the first occupying bus departs

The commenter also suggested that the following Airport Authority finding was “unreasonable, and shows the lack of understanding that pervade the [Regulations]:”



The Airport Authority finds that entities with shared management or ownership should be able to stagger bus times, slow down buses on their way to the airport, and use other dispatch, operations, and communications techniques and technologies to keep from having two or more buses in a GTC or at the McNamara Terminal Departures Level curb at a time.

*Response:* First, with respect to the finding, the Airport Authority has considered this comment and changed the words “should be” to the word “are” in the above selection. This is done because Bus Operators are, in fact, able to do all of the above, subject to their willingness and resources.

More broadly, the Airport Authority received mixed feedback on the “one bus” limit. Some feedback indicated support for the limit, as its application would make it more likely that at least one bus parking spot remains available at any given time. The Airport Authority also received the above feedback, expressing opposition to the limit. The response that follows is offered in the context of the Airport Authority’s obligation to comply with the FAA’s Airport Sponsor Grant Assurance 36, which requires the Airport Authority to “permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport.”

There is a limited number of bus parking spots available, which is appropriate, given that Bus Operators represent less than 1% of ground transportation traffic at the Airport. In the context of Grant Assurance 36’s requirement that the Airport Authority must permit access to the maximum extent possible, it must resolve the tension between the interests of (i) smaller Bus Operators, which are greater in absolute number but each perform fewer operations, and therefore desire the two spots always be available for at least two unaffiliated Bus Operators, and (ii) larger Bus Operators, which are fewer in number but each perform more operations, and therefore desire the ability to occupy both bus spots.

The Airport Authority believes that either of these approaches to the issue would be reasonable, but ultimately chose to leave the “one bus” limit in the Regulations because (i) providing a greater number of Bus Operators access to the Airport is consistent with providing buses access to the Airport to the maximum extent practicable, as required by Grant Assurance 36, and (ii) the Airport Authority has built in a circuit breaker, if it appears the “one bus” limit is not the most efficient way to allocate bus parking spaces, in that it can waive the one bus limit through its express written consent.

### 13. Access Fee Waiver for Public Operators; Structure of Future Bus Operator Public-Private Partnerships

*Feedback:* A commenter wrote the following with respect to the Airport Authority's current waiver of the industry standard access fee for Public Operators and the structure of future Bus Operator public-private partnerships:

We appreciate the WCAA's intent to waive fees for public transit. We are concerned that this provision may immediately increase costs for our current contracted operations. For-profit contractors are a common tool for delivering bus services in the transit industry, although contractors in such circumstance are typically providing service exclusively to public transit customers with no mingling of for-profit customers. We wanted to ask whether a for-profit contractor acting under contract solely and exclusively to a public transit agency and serving only public transit customers would see fees waived or not.

*Response:* The Airport Authority understands this concern. In fairness to the partners in the "current contracted operations" to which this commenter referred – the AirRide service – the Airport Authority will continue to waive its access fee until the end of the last option year for the current contract between the Ann Arbor Area Transportation Authority and its contractor, on March 31, 2017.

However, in the event that this contract is extended beyond March 31, 2017, the Airport Authority will cease to waive its access fee for this contract after this date for reasons to be provided in an upcoming white paper discussing the applicability of the access fee waiver to the ever-evolving world of public-private partnerships. Further, as the AirRide service is the only public-private partnership currently providing bus service at the Airport, the white paper will discuss AirRide in detail.

The Airport Authority thanks this commenter for acknowledging that such contracts rarely, if ever, allow for the co-mingling of passengers that are customers of a private, for-profit operator and customers of the public-private partnership, as is the case with AirRide.

As for future Bus Operator public-private partnerships, the Airport Authority will conduct a review of whether the service is more public or private in nature, as will be discussed in the upcoming white paper. If a service is more private in nature, the Airport Authority would welcome the service just as it does other private transportation providers. However, in fairness to those other providers of ground transportation, the service would

have to pay the same fees as do those providers, in order for the service to bear its fair share of Airport infrastructure and management costs.

Ultimately, the Airport Authority encourages any Public Operator considering future contracted service to or from the Airport to provide relevant details about the proposed financial relationship, vehicle livery, and other variables that will affect the Airport Authority's holistic review of whether the proposed service is more public or private in nature.

#### 14. Moving Regularly Scheduled Service at the McNamara Terminal to the McNamara Terminal International Arrivals Level curb.

*Feedback:* A number of commenters suggested that the Airport Authority should move Bus Operators performing Regularly Scheduled Service to the McNamara Terminal International Arrivals Level curb.

*Response:* The Airport Authority will not, under any circumstances, move Bus Operators performing Regularly Scheduled Service to the McNamara Terminal International Arrivals Level curb. Buses performing Regularly Scheduled Service operated from this location prior to September 22, 2014, when the Airport Authority relocated them to their current location in the McNamara Terminal GTC. The Airport Authority relocated these buses because they were causing serious safety and congestion issues.

Nothing is more important to the Airport Authority than the safety of its customers, employees, and operators. When the Airport Authority experiences a situation like it did with the buses at the McNamara Terminal International Arrivals Level curb, it is compelled to act. The photograph below is but one of many photographs taken by the Airport Authority to demonstrate the unsafe conditions and traffic congestion in front of the McNamara Terminal's International Arrivals Level curb in September of 2014, when buses were picking up and dropping off there. Buses were stacked multiple lanes deep, mixing with private vehicles and pedestrians, and creating a safety hazard. For example, in the picture below, a bus is triple-parked in the third lane of traffic off of the curb while someone is running in front of a vehicle operating in an active lane of traffic.



Needless to say, the Airport Authority will not go back to the way things were prior to the September 22, 2014, bus stop relocation. To do so would be dangerous, irresponsible, and contradict the Airport Authority's commitment to provide a safe environment for all of its customers, employees, and operators.

## **Special Event Services**

### 15. Determinations of Special Event Status

*Feedback:* A commenter asked whether this category is “used to describe special interest groups such as non-profits, family reunions or corporations? Or all of the above? I am unclear as we provide management services to Corporations and need to know if this is considered a case by case situation or standard operating procedure.” The same commenter also asked, “[f]or large corporate groups, is there any possibility of Door 5 pickup?” and “[c]an a standard operating plan for these types of circumstances be worked out between representatives of our industry, the bus company management and the airport” for special event status, rather than providing contracts with service providers.

*Response:* As noted in the Regulations, the Airport Authority will consider requests for Special Event Service classification “on a case by case basis” based on the documentation submitted by the requesting person or entity. Persons or entities which might request Special Event Service classification should be prepared to offer documentation and other relevant data which legally binds its transportation operator to provide a certain number of trips at certain times, so that the Airport Authority can adjust

or not adjust its operations accordingly. This documentation requirement exists because, unfortunately, the Airport Authority has previously wasted precious resources making special plans for entities that did not actually realize the traffic volumes communicated to the Airport Authority.

## **Accommodation for Persons with Disabilities**

### 16. Airports' Requiring Third-Party Compliance Concerning Accessibility

*Feedback:* A commenter suggested that the Airport Authority, “instead of actually ensuring its facilities are accessible and compliant with Federal Law, is passing along its obligations to others.” The same commenter also proposed that the “‘update’ to the ground transportation regulations is an attempt by the WCAA to avoid fulfilling its obligations under Federal Law to ensure its facilities are accessible to individuals with disabilities, and in particular, that its facilities are accessible for disabled public transportation users.”

*Response:* The Airport Authority notes that, generally, its facilities are accessible and, more specifically, that the pick-up and drop-off locations used by the sole Public Operator at the Airport are accessible. This commenter is encouraged to consider the fact that the Airport Authority’s addition of optional, more accessible, pick-up and drop-off locations does not somehow render currently accessible pick-up and drop-off locations inaccessible.

The Airport Authority further notes that there is nothing improper about requiring third parties to perform, or refrain from performing, certain activities as a matter of achieving its goals or maintaining compliance with, among other statutes, the federal Americans with Disabilities Act, Rehabilitation Act, and Civil Rights Act. Over 18,000 badged individuals provide goods or services at the Airport, and the Airport Authority only employs approximately 600 people. As a result, the vast majority of services provided to the public at the Airport are provided by third-parties, and the Airport Authority must ensure compliance with various laws through regulations such as those being discussed here, as well as contracts and other methods. For example, while the Airport Authority does not control the televisions of its concessionaires, it requires that concessionaires turn closed captioning on where their televisions have the capability. Moreover, while the Airport Authority does not itself operate the terminal-to-terminal shuttle at the Airport, it does require the company that does so to ensure that *every* shuttle vehicle has ramps or lifts, audio paging, and other accessibility enhancements, even though only one such vehicle must have such enhancements. Other examples abound, but the point remains that the Airport Authority should and does ensure compliance with various laws and regulations through third-parties.

## 17. Whether the Proposed New Pick-Up and Drop-Off Locations Amount to “Segregation”

*Feedback:* A commenter suggested that “Federal Law prohibits segregation of disabled individuals as an accommodation, where the accommodation in question can be achieved in an integrated manner,” and suggested that the Airport Authority is “segregating” through its regulations or not providing services in an integrated manner. A few other commenters suggested that the new pick-up and drop-off locations would amount to “segregation,” but did not articulate why they felt so.

*Response:* The use of the new locations does not constitute “segregation,” and is not otherwise prohibited by the Americans with Disabilities Act. Segregation exists where an individual is *required* to use a facility separate from the general public, and does not have the *option* to use the same facility as everyone else. The proposed accommodations do not *require* any person with a disability to use the new spots; the use of the new spots is entirely up to the *choice* of the passenger. The new spots simply represent one more accessible option for passengers with disabilities, in addition to the already accessible current locations in the GTC and the availability of wheelchair or mobility assistance by Prospect Services from anywhere in the GTC or terminal. And, as recognized by the FAA in its conversations with Airport Authority representatives, the proposed additional stop options for passengers with disabilities simply provide another alternative for addressing potential requests by people with disabilities for accommodations beyond those that are currently being offered.

## 18. Compliance with Federal Transit Administration Regulations

*Feedback:* A commenter expressed concern that the Airport Authority may be in violation of Federal Transit Administration requirements that state “an entity may not consign an individual with disabilities to a separate, segregated, service for such persons, if the individual can in fact use the service for the general public. This is true even if the individual takes longer, or has more difficulty, than other persons in using the service for the general public.”

*Response:* The Regulations, and the additional pick-up and drop-off locations contemplated therein, do not, in any way, “consign” anybody, whether impaired or not, to the new locations. To “consign” is defined by *Merriam-Webster*, in relevant part, as “to assign to a person or place for a definite purpose.” As noted above, passengers have the *choice* to use the optional locations and are not *consigned* to use them, in that passengers are not “assigned” to them in any sense, regardless of whether the “individual takes longer, or has more difficulty, than other persons in using the service for the general public.”

## 19. Compliance with Michigan Persons with Disabilities Civil Rights Act

*Feedback:* A commenter suggested that “the proposed regulation would also appear to violate the Michigan Persons with Disabilities Civil Rights Act, which also provides for equality in services, facilities, privileges, advantages and the like in public accommodations.”

*Response:* The Airport Authority has reviewed the Michigan Persons with Disabilities Civil Rights Act and asserts that the Regulations do not violate that statute. The Regulations, and the Airport facilities to which they apply, provide equal access to all types of ground transportation, and will provide additional locations for those that elect to use them, just like the reserved, accessible seats on a bus or train.

## 20. Ground Transportation Operator Training

*Feedback:* One commenter suggested that the Airport Authority would better serve its customers with disabilities if it trains the Ground Transportation Operators about the new, more accessible pick-up and drop-off locations and the operational changes related to using those locations.

*Response:* The Airport Authority agrees that training for Ground Transportation Operators will better equip them to serve the disability community and comply with the Regulations. Among other things, the Airport Authority intends to assist the Ground Transportation Operators in the following ways:

1. Creating a video that demonstrates methods through which Ground Transportation Operators can better serve the disability community and comply with the Regulations.
2. Providing an on-site “train the trainer” session at the Airport, to which Ground Transportation Operators can send representatives to train their drivers and management.
3. Providing the Regulations and the video mentioned above on the Airport Authority’s website.
4. Emailing the Regulations, a link to the training video, and information about the on-site training session to Ground Transportation Operators, and mailing the same to Ground Transportation Operators for which it does not have an email address on file.

## 21. Addition of TSA Cares and Prospect Direct Dial Numbers to Handout

*Feedback:* After receiving a copy of a proposed one-page handout describing the new locations and procedures, a commenter suggested that the Airport Authority include

phone numbers for the federal TSA Cares program and Prospect wheelchair and mobility assistance services on the handout.

*Response:* The Airport Authority will be doing exactly as this commenter suggested.

## 22. Addition of Maps to Handout

*Feedback:* After receiving copy of a proposed one-page handout describing the new locations and procedures, a commenter suggested that the Airport Authority include maps of the GTCs and the pick-up and drop-off locations with the handout.

*Response:* The Airport Authority will be doing exactly as this commenter suggested.

## 23. Abuse of New Locations / Identification of Disability

*Feedback:* A commenter wrote that it “may not be possible for operators to comply with this proposed change without violating the ADA, or other laws, themselves. For instance, as operators are prohibited by the ADA from asking about or confirming the existence of a disability, there may be no practical way to implement this regulation. We see nothing that would stop any or all passengers from asking to be boarded/dropped off at the alternative location.”

*Response:* The Airport Authority consulted federal regulators, accessibility experts, and the disability community, among others, in drafting the Regulations, and assures this commenter that the Regulations are compliant with the ADA.

While the Airport Authority expects Ground Transportation Operators to know and act with appropriate behavior with respect to “asking about or confirming the existence of a disability,” the Airport Authority has added the following to the Regulations in response to this feedback:

Under no circumstance may a Ground Transportation Operator, its employees, or its agents inquire about or require any person to disclose any medical condition or disability in connection with the use of these accommodations by an individual with a disability. If an individual requests accommodation, a Ground Transportation Operator should presume the individual has a disability or impairment and provide the accommodation.



The Airport Authority also acknowledges that certain individuals may abuse the ability to opt-in to being picked up or dropped off at the new locations, but accepts this as a necessary part of providing an excellent customer service experience to those who need use of these locations. Just as one can board an aircraft when the gate agent says “anyone with children or needing assistance is welcome to board now,” even if he or she does not have a child or does not need special assistance, people may opt-in to using the new locations when they should not. Unfortunately, a limited amount of abuse like this is a part of providing any such accommodations. With this in mind, the Airport Authority prefers that a few people use the new locations when they should not do so, rather than exclude anyone who desires the new locations for legitimate reasons.

#### 24. Whether the Proposed New Pick-Up and Drop-Off Locations Amount to a “Burden” on Ground Transportation Operators

*Feedback:* A commenter opined that “the requirement that transportation providers ... use segregated bus stops for disabled individuals fundamentally alters the nature of their service, and accordingly, presents an undue burden.” Another commenter suggested that “Forcing operators to unnecessarily serve multiple stops, circling the considerable distance through the WCAA's road networks, will impose a burden on the operators (e.g. extra time, cost, longer travel times for passengers, etc.) that is likely unreasonable, and will certainly harm the operators.”

*Response:* The Airport Authority first outright rejects any notion that the Airport's bus stops will amount to segregation, as set forth above.

The Airport Authority also refers this commenter to Section 2 of the Regulations, which sets forth the Airport Authority's right to issue regulations of the sort under consideration here. In exercising this right, the Airport Authority may require transportation operators to pick up and drop off their passengers where and how the Airport Authority sees fit. Bus Operators represent but one thread in the complex tapestry that is ground transportation at the Airport. It is airport management best practice, and the Airport Authority's obligation, to consider bus operations as part of this greater whole.

To the extent that this commenter feels that serving some of its customers through the new pick-up and drop-off locations may cause an “undue burden” on its operation, the commenter should reference feedback item 10 above, which discusses this issue and provides that, at worst, a Ground Transportation Operator should be delayed no more than a few minutes. The Airport Authority does not believe that sparing a few minutes places an “undue burden” on this commenter's operation, and is confident that the use of these additional locations will not, in fact, place any such “burden” on any Ground Transportation Operator's operations.

## 25. Refusal to Provide Accommodation for the Disability Community

*Feedback:* A commenter “formally notifie[d] the WCAA that it will not provide the accommodation in question...”

*Response:* The Airport Authority reminds this commenter and all Ground Transportation Operators that the Regulations, when implemented, will represent duly adopted regulations under the Michigan Public Airport Authority Act, Public Act 90 of 2002, and the Airport Ordinance. Further, because the Regulations represent “a rule, order or directive issued pursuant to [the Airport] Ordinance,” any violation of the Regulations may constitute a misdemeanor offense under Airport Ordinance Section 21.5.

With respect to compliance with Section 13 of the Regulations, which concerns accommodation for persons with disabilities, the Airport Authority takes its obligations to the disability community seriously, and expects the Ground Transportation Operators to which it grants Airport access to do the same. Failure to comply with Section 13 is a serious offense and, in addition to a misdemeanor citation, may result in revocation of Airport access privileges.

## 26. North Terminal GTC Stall 5 Exposure to the Elements

*Feedback:* During beta-testing of the new locations, a commenter expressed concern that the walkway directly next to North Terminal GTC Stall 5 is exposed to the elements. This commenter further suggested that a canopy or other cover could be installed so that the entire trip between the enclosed area of the GTC and Stall 5 is under cover.

*Response:* The Airport Authority will consider placing a canopy or other cover above the path between the enclosed area of the North Terminal GTC and Stall 5.

## 27. Coordination of Pick-Ups at Door 402 in the McNamara Terminal GTC

*Feedback:* On one of beta-tests of the new locations, a commenter suggested that the Airport Authority take additional measures to accommodate pick-ups of passengers outside of McNamara Terminal GTC Door 402 or North Terminal GTC Stall 5.

*Response:* Based in part on this feedback, the Airport Authority is implementing additional measures to ensure passengers arriving at the Airport know they can make a request for an additional accommodation to their selected Ground Transportation Operators. Included in those measures are the following:

1. Providing a recurring audio announcement in the terminals informing passengers of the availability of the pick-up location and to contact their Ground Transportation Operator to arrange for pick-up there. This will prove helpful to passengers coming from out-of-town who may be unfamiliar with the Airport, and especially those with vision impairments.
2. Providing a recurring visual announcement on visual paging monitors in the terminals informing passengers of the availability of the pick-up location and to contact their Ground Transportation Operator to arrange for pick-up there. This will prove helpful to passengers coming from out-of-town who may be unfamiliar with the Airport, and especially those with hearing impairments.
3. Providing the wheelchair and mobility assistance services operating at the Airport with contact information for Ground Transportation Operators, so that they can help customers connect and request pick-up outside of McNamara Terminal GTC Door 402 or at North Terminal GTC Stall 5.
4. Providing the volunteer "Airport Ambassador" customer service assistants at the Airport with contact information for Ground Transportation Operators, so they can help customers connect and request pick-up outside of McNamara Terminal GTC Door 402 or at North Terminal GTC Stall 5.
5. Providing a direct-dial telephone to wheelchair and mobility assistance services near the McNamara Terminal Departures Level curb drop-off location.

## 28. Wheelchair and Mobility Assistance Contact Lists

*Feedback:* A commenter wrote the following: "Responsibility for actively maintaining current wheelchair or other mobility assistance contact lists for all airlines operating out of the Airport! Do you have access to such a list and provide such to us or do we contact each airline for such contacts?"

*Response:* A current contact list for the wheelchair and mobility assistance provider for each terminal, plus for each of the airlines currently operating at the Airport, will be posted on the Airport Authority website at <http://www.metroairport.com/Accessibility.aspx> prior to the Regulations becoming effective.

## **Miscellaneous Comments**

### 29. Destination Management Companies

*Feedback:* A commenter asked the following: "Can you include in this document a summary of Destination Management Companies (DMC), which are service providers who handle the management of corporate groups arriving in to Metro?" The same commenter also asked questions about employee badging for these companies, and referenced a permit that covers such companies at an airport in Phoenix.

*Response:* The Airport Authority notes in response to these comments that the Regulations are intended to address ground transportation operations and not the suite of services provided by destination management companies. Therefore, the Regulations do not address such companies.

### 30. Signage

*Feedback:* A commenter asked the following: “Does [the signage provision] just apply to operators who provide paid transportation services?” The commenter further wrote that, “[i]n the past, we have been approved to put up a table and sign for our corporate group arriving.”

The Airport Authority notes in response to this comment that nothing would change under the Regulations with respect to signage. Under the Regulations, as is currently the case, a person or entity may not erect or display any signs, posters or advertising devices at the Airport without the prior written approval of the CEO or his or her designee, which is a provision found in the Airport Ordinance.

### 31. Comment Process Concerns

*Feedback:* One commenter suggested that the one-week comment period for ground transportation providers was “insufficient, considering the impact of these regulations on ground transportation provider's businesses.”

*Response:* In putting together the Regulations and seeking feedback, the Airport Authority wanted to be efficiently responsive to members of the disability community who were asking for an additional accommodation, and make that accommodation available as quickly as reasonably possible. To the extent that anyone feels the comment period was too short, the Airport Authority apologizes for the comment period's brevity but assures that it was done so with best intentions. The Airport Authority has taken extra time to consider the comments it did receive from multiple parties, and extra time to implement the final Regulations in order to, among other things, train its staff and prepare the Airport to the greatest extent reasonably possible for the additional accommodations.

### 32. Technology Enhancements

*Feedback:* One commenter asked the following questions: (i) “I have heard that other airports use transponders instead of parking passes, any thoughts?” (ii) “Any thought about a hi-tech camera system that records every [license] plate?”

*Response:* The Airport Authority considers these to be operational issues that lie outside of the scope of the Regulations. Nonetheless, the Airport Authority thanks this

commenter for its feedback and will consider transponders and other technological improvements as they become available and appropriate for use at the Airport.

As the Director of Landside Services at the Airport, I strive to maintain the Airport Authority's high standards of customer service excellence. On behalf of the Airport Authority, I would like to thank the commenters for providing us with their feedback and allowing us to make a good set of ground transportation regulations even better.

Best regards,

A handwritten signature in black ink, appearing to read "Matthew McGowan", with a long horizontal flourish extending to the right.

Matthew McGowan