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## **Briefing for Office of Information and Regulatory Affairs**

**Department of Transportation Final Rule:  
Accessibility of Web Sites and Automated Kiosks at  
U.S. Airports  
Docket No. DOT-OST-2011-0177; RIN 2105-AD96**

March 8, 2013

# Overview

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## Industry Supports Passenger Accommodations – But Not This SNPRM

- Industry is committed to providing accessible air travel to passengers with disabilities and frequently exceed current regulations
- We support balanced policies that improve and encourage website and kiosk accessibility
- Unfortunately the SNPRM is very restrictive, provides only one method of compliance for kiosks and websites and imposes very short deadlines, which will unnecessarily drive up costs.
- The proposal does not consider
  - Investments that carriers have already made to accommodate passengers
  - Alternative approaches that would strengthen the system and hold down costs
- The SNPRM is an undue burden, costs far outweigh benefits and therefore violates Executive Orders 12866 and 13565 because the benefits do not justify the costs
- If the Final Rule does not include regulatory alternatives with reasonable compliance periods it should be returned to the Department to provide alternative approaches that would more efficiently and effectively provide the same accommodations and benefits.



## Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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### Accessible Kiosks – The SNPRM Fails to Use “Flexible Regulatory Tools”

- The SNPRM is unnecessarily prescriptive:
- All kiosks ordered 60 days after the effective date of the final rule, and to be installed in U.S. airports with 10,000 or more enplanements per year, would have to meet new DOT accessible kiosk standards.
  - The technical requirements are complex and new – a combination of existing standards that will take time to understand and develop solutions
  - Compliance timeliness are impossible to meet
  - Retrofitting kiosks would be problematic
  - Every kiosk would have to be accessible, unlike other accommodations



# Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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## SNPRM Kiosk Standard

The SNPRM Subjectively Combined Multiple Federal Government Standards

- U.S. Department of Justice's (DOJ) 2010 American with Disabilities Act (ADA) Standards for Accessible Design applicable to automated teller machines (Section 707)
- DOT-selected provisions from Section 508 of the Rehabilitation Act of 1973 (36 CFR 1194.25) applicable to self-contained closed products and
- Other new requirements explicitly for airline kiosks
- IATA Common Use Kiosk workgroup that examined the SNPRM concluded that no prototype kiosk currently exists that would meet this potential new standard
  - Workgroup included kiosk manufacturers such as IBM



## Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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### Kiosk Compliance Deadlines

- SNPRM: All new orders for kiosks must be for accessible kiosks 60 days after final rule effective date
- It is impossible to order accessible kiosks that do not exist and that will not exist for at least a year after the final rule and new standards are published. A timeframe that will be impossible to meet and that if made final will prevent ordering and installation of customer-friendly new kiosks
- SNRPM Regulatory Evaluation includes conflicting statements:
  - “Based on our research and discussions with kiosk hardware and software vendors, it typically takes 4 to 6 months to execute a contract for new kiosk hardware to be produced and installed at specific airport locations after the technical details are specified (and these details can only be known after publication of the final rule).” ACAA SNPRM Regulatory Analysis: Kiosks and Web Sites page 25
- IATA Kiosk working group estimated it will take kiosk manufacturers at least 12 months to produce a kiosk that meets the new SNPRM standard. This does not include another year to produce software that can interact with the hardware. Additional time will also be needed for a third party auditor to test the kiosk functionality to ensure it meets required standards.



## Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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### Retrofitting Kiosks Is Not Cost Effective

- DOT stated it is considering a kiosk retrofit requirement, even though not officially proposed
- A retrofit does not make sense because many kiosks are nearing the end of their lifecycles and manufacturers will not provide support for discontinued kiosks
- Without a specific retrofit proposal it is impossible to know the potential impact
- The Department should not and cannot impose a kiosk retrofit requirement in this final rule without giving the public notice and comment opportunity under the Administrative Procedure Act (APA).
- The SNPRM Regulatory Evaluation included no estimated costs for a retrofit requirement – another indication that retrofit is premature and undeveloped



## Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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### Industry Accessible Kiosk Alternatives

In comments to the SNPRM, industry suggested that DOT not require a retrofit and adopt one of two options:

(1) require 10% of kiosk orders placed 3 years after the final rule is published to include accessible features

Or

(2) beginning 3 years after the final is published, require carriers to begin acquiring accessible kiosks, carriers will have another 3 years to provide one accessible kiosk per passenger check in area at an airport. Within 6 years of the final rule carriers would have to have one accessible kiosk at each passenger check in area.



## Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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### Kiosk Estimated Costs and Benefits

Kiosks (millions)	PRA Estimates	A4A Survey Estimates	Differential
Total benefits	\$86.16	\$0.00	- \$86.16
Total costs (NPV)	\$15.78	\$182.84	+ 167.06
Net Benefits	\$70.38	- \$182.84	- \$253.22

- PRA estimated only \$725 incremental cost for a kiosk meeting the SNPRM standards
- Carrier survey estimated a median \$9,250 incremental cost
- These estimates do not include additional annual costs for kiosk maintenance





# Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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## Accessible Websites – SNPRM Three Phases

Phase 1: Any new or redesigned carrier or ticket agent website placed online on or after 180 days of the final rule would have to meet the Web Content Accessibility Guidelines 2.0 Level A and AA

Phase 2: Carriers and ticket agents must provide 7 core website functions to meet the WCAG 2.0 Level A & AA on a “mobile” website within 1 year of the final rule (booking, flight status, checking in, accessing itineraries, accessing frequent flyer account, flight schedules, and carrier contact info)

Phase 3: Carriers and ticket agents must provide a fully accessible website – including every public facing webpage - to WCAG 2.0 Level A & AA standards within 2 years of the final rule

- o Carriers would be responsible for requiring that their ticket agent websites are accessible
- o Applies to foreign and U.S. carriers, all public facing webpages marketed to U.S. consumers



# Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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## Accessible Websites

- The SNPRM seeks to use the aviation industry as a test case for the strictest website standard
- The SNPRM fails to recognize industry investments to provide accessible websites
- Strict standards will stifle innovation and discourage new technology that will benefit all passengers
- Airlines should not be responsible for enforcing accessibility regulations against ticket agents



## Accessibility of Web Sites and Automated Kiosks at U.S. Airports

Web Accessibility Standard	Regulated Entity/Existing Standards	Proposed Standards
WCAG 2.0 (Levels A, AA)		Airlines – SNPRM 2012 Federal Government - ANPRM 2012
Mobile Web Best Practices 1.0		
WCAG 1.0	Federal Government - Section 508 Rehabilitation Act	
Provide accessible web site or alternative access to information	Airlines – ACAA/Part 382 <hr/> Places of Public Accommodation – DOJ ADA Title III <hr/> State & Local Government Entities – DOJ ADA Title II	



## Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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### Accessible Websites – Airlines Have Invested in Technology to Accommodate Passengers

- Text alternative websites that accommodate passengers using screen readers
- Accessible mobile websites and downloadable applications
- Accessible website experts advise airlines how to improve website accessibility



# Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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## Accessible Websites Industry Alternatives

DOT should allow carriers to choose one of four options that will recognize ongoing carrier efforts:

(1) a text alternative website that meet any web accessibility standard and includes the 7 core functions within 2 years of the final rule

OR

(2) a mobile website that meets any web accessibility standard and includes the 7 core functions within 2 years of the final rule

OR

(3) a primary carrier website that provides the 7 core functions meeting any website accessibility standard within 2 years of the final rule

OR

(4) beginning 2 years after the final rule is published, carriers must begin to incorporate accessibility features into newly created webpages on the carrier primary website, features can meet any web accessibility standard



## Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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### Website Estimated Costs and Benefits

Websites (millions)	PRA Estimates	A4A Survey Estimates	Differential
<b>Total benefits</b>	\$122.11	\$82.00	- \$39.89
<b>Phase 2 compliance costs</b>	\$2.65	\$4.29	+ \$1.64
<b>Phase 3 compliance costs</b>	\$36.04	\$70.12	+ \$34.08
<b>Ongoing site maintenance costs</b>	\$28.12	\$91.00	+ \$62.88
<b>Total costs</b>	\$66.81	\$165.41	+ \$98.6
<b>Net Benefits</b>	\$55.30	- \$83.41	



## Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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### Total Estimated Costs and Benefits

Total SNPRM Costs/Benefits	Kiosks	Websites	Totals
Total benefits	\$0.00	\$82.00	\$82.00
Total costs	\$182.84	\$165.41	\$348.25
Net Costs	\$182.84	\$83.41	\$266.25



## Accessibility of Web Sites and Automated Kiosks at U.S. Airports

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### This SNPRM Should Not be Adopted as Proposed Because:

- It is unnecessarily restrictive, providing only one method of compliance, when industry suggested alternatives will provide the same benefits
- The implementation deadlines are too short after the final rule is published, which will unnecessarily drive up costs
- The proposal does not consider
  - Investments that carriers have already made to accommodate passengers
  - Alternative approaches that we suggest would strengthen accommodations and hold down costs
- It is an undue burden, with costs outweighing benefits and therefore does not meet Executive Orders 12866 and 13565 standards
- The Final Rule should include regulatory alternatives and longer deadlines to give carriers time to adopt this new technology.







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accessibility affixed to the front of the device).

(ii) Maintained in proper working condition.

(b) As a carrier, you must ensure that the requirements set forth below are followed for any shared-use automated airport kiosk you jointly own, lease, or control with the airport operator for which an order is initiated after [insert date 60 days after the effective date of the rule] for installation at a U.S. airport with 10,000 or more enplanements per year.

(1) By [insert 60 days after the effective date of the rule], you must have a written, signed agreement with the airport operator allocating responsibility for ensuring that the shared-use automated airport kiosks meet the design specifications set forth in paragraph (c) in accordance with the requirements of paragraphs (b)(2) through (3) of this section. Carriers and airport operators are jointly and severally responsible for the timely and complete implementation of the agreement provisions.

(2) You shall ensure that all new orders for shared-use automated airport kiosks are for models that meet the design specifications set forth in paragraph (c) of this section. You are not required to retrofit existing kiosks.

(3) Until all shared-use automated airport kiosks meet the design specifications in paragraph (c) of this section, you must ensure that each such kiosk you order is:

(i) Visually and tactilely identifiable to users as accessible (e.g., a raised ADA-compliant international symbol of accessibility affixed to the front of the device).

(ii) Maintained in proper working condition.

(c) You must ensure that the automated airport kiosks provided in accordance with this section conform to the following technical accessibility standards with respect to their physical design and the functions they perform:

(1) **Self-Contained.** Except for personal headsets and audio loops, automated kiosks shall be operable without requiring the user to attach assistive technology.

(2) **Clear Floor or Ground Space.** A clear floor or ground space complying with 36 CFR Part 1191, appendix D, section 305 of the U.S. Department of Justice's 2010 ADA Standards for Accessible Design shall be provided.

(3) **Operable Parts.** Operable parts shall comply with subsection (c)(3) and 36 CFR Part 1191, appendix D, section 309 of the 2010 ADA Standards.

(i) **Identification.** Operable parts shall be tactilely discernible without activation.

(ii) **Timing.** Where a timed response is required, the user shall be alerted by touch or sound and shall be given the opportunity to indicate that more time is required.

(iii) **Status Indicators.** Status indicators, including all locking or toggle controls or keys, shall be discernible either through touch or sound.

(iv) **Color.** Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.

(4) **Privacy.** Automated airport kiosks shall provide the opportunity for the same degree of privacy of input and output available to all individuals.

(5) **Output.** Automated airport kiosks shall comply with this paragraph (c)(5).

(i) **Speech Enabled.**

(A) Automated airport kiosks shall be speech enabled. Operating instructions and orientation, visible transaction prompts, user input verification, error messages, and all displayed information for full use shall be accessible to and independently usable by individuals with vision impairments. Speech shall be delivered through a mechanism that is readily available to all users, including but not limited to, an industry standard connector or a telephone handset. Speech shall be recorded or digitized human, or synthesized. Speech shall be coordinated with information displayed on the screen.

(B) Audible tones shall be permitted instead of speech for visible output that is not displayed for security purposes, including but not limited to, asterisks representing personal identification numbers.

(C) Advertisements and other similar information shall not be required to be audible unless they convey information that can be used in the transaction being conducted.

(D) Speech for any single function shall be automatically interrupted when a transaction is selected. Speech shall be capable of being repeated and paused.

(E) Where receipts, tickets, or other outputs are provided as a result of a transaction, speech output shall include all information necessary to complete or verify the transaction, except that:

(1) Automated airport kiosk location, date and time of transaction, customer account numbers, and the kiosk identifier shall not be required to be audible.

(2) Information that duplicates information available on-screen and

already presented audibly shall not be required to be repeated.

(3) Printed copies of a carrier's contract of carriage, applicable fare rules, itineraries and other similar supplemental information that may be included with a boarding pass shall not be required to be audible.

(F) The information necessary to complete or verify a transaction depends on the nature of the transaction and the automated kiosk type. Where automated kiosks provide boarding passes and other similar transactional outputs, information such as concourse, gate number, seat number, and boarding group is necessary to complete and verify a transaction.

(C) Receipts, tickets, and similar transactional output usually are printed, but this is not always the case. For example, a boarding pass might be transferred to a smart phone or personal digital assistant. Regardless of the delivery method, the automated kiosk must convey to the user the information provided in receipts, tickets and other similar transactional outputs that is necessary to complete and verify a transaction.

(ii) **Volume Control.** Automated kiosks shall provide volume control complying with paragraphs (c)(5)(ii)(A) and (B) of this section.

(A) **Private Listening.** Where speech required by paragraph (c)(5)(i) of this section is delivered through a mechanism for private listening, the automated kiosk shall provide a means for controlling the volume.

(B) **Speaker Volume.** Where sound is delivered through speakers on the automated kiosk, incremental volume control shall be provided with output amplification up to a level of at least 65 dB SPL. Where the ambient noise level of the environment is above 45 dB SPL, a volume gain of at least 20 dB above the ambient level shall be user selectable. A function shall be provided to automatically reset the volume to the default level after every use.

(iii) **Captioning.** Multimedia content that contains speech or other audio information necessary for the comprehension of the content shall be open or closed captioned.

Advertisements and other similar information shall not be required to be captioned unless they convey information that can be used in the transaction being conducted.

(iv) **Tickets and Boarding Passes.** Where tickets or boarding passes are provided, tickets and boarding passes shall have an orientation that is tactilely discernible if orientation is important to further use of the ticket or boarding pass.

(6) Input. Input devices shall comply with paragraphs (c)(6)(i) through (c)(6)(iii) of this section.

(i) Input Controls. At least one tactilely discernible input control shall be provided for each function. Where provided, key surfaces not on active areas of display screens shall be raised above surrounding surfaces. Where touch or membrane keys are the only method of input, each shall be tactilely discernible from surrounding surfaces and adjacent keys.

(ii) Numeric Keys. Numeric keys shall be arranged in a 12-key ascending or descending telephone keypad layout. The number five key shall be tactilely distinct from the other keys.

(iii) Function Keys. Function keys shall comply with paragraphs (c)(6)(ii)(A) and (B) of this section.

(A) Contrast. Function keys shall contrast visually from background surfaces. Characters and symbols on key surfaces shall contrast visually from key surfaces. Visual contrast shall be either light-on-dark or dark-on-light. However, tactile symbols required by paragraph (c)(6)(ii)(B) shall not be required to comply with paragraph (c)(6)(ii)(A) of this section.

(B) Tactile Symbols. Function key surfaces shall have tactile symbols as follows: Enter or Proceed key: raised circle; Clear or Correct key: raised left arrow; Cancel key: raised letter ex; Add Value key: raised plus sign; Decrease Value key: raised minus sign.

(7) Display Screen. The display screen shall comply with paragraphs (c)(7)(i) and (c)(7)(ii) of this section.

(i) Visibility. The display screen shall be visible from a point located 40 inches (1015 mm) above the center of the clear floor space in front of the automated kiosk.

(ii) Characters. Characters displayed on the screen shall be in a sans serif font. Characters shall be 3/16 inch (4.8 mm) high minimum based on the uppercase letter "I." Characters shall contrast with their background with either light characters on a dark background or dark characters on a light background.

(8) Braille Instructions. Braille instructions for initiating the speech mode shall be provided. Braille shall comply with 36 CFR part 1191, appendix D, section 703.3 of the 2010 ADA Standards.

(9) Biometrics. Biometrics shall not be the only means for user identification or control, except that where at least two biometric options that use different biological characteristics are provided, automated kiosks shall be permitted to use biometrics as the only means for user identification or control.

(d) Until you have met the requirements of paragraphs (a) or (b), and (c) of this section, you must provide equivalent service upon request to passengers with a disability who cannot readily use your automated airport kiosks (e.g., by directing a passenger who is blind to an accessible automated kiosk, assisting a passenger in using an inaccessible automated kiosk, or allowing the passenger to come to the front of the line at the check-in counter).

(e) You must provide appropriate equivalent service as described in paragraph (d) of this section upon request to any passenger, who due to his or her disability, cannot readily use an accessible automated kiosk that you own, lease, or control at a U.S. airport.

## TITLE 49—TRANSPORTATION

### PART 27—NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

6. The authority citation for Part 27 continues to read as follows:

**Authority:** Sec. 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); sec. 16(a) and (d) of the Federal Transit Act of 1964, as amended (49 U.S.C. 5310(a) and (f)); sec. 165(b) of the Federal-Aid Highway Act of 1973, as amended (23 U.S.C. 142 nt.).

7. Section 27.71 is amended by adding paragraphs (j) and (k) as follows:

#### § 27.71 Airport facilities.

\* \* \* \* \*

(j) *Shared-use automated airport kiosks.* This paragraph (j) applies to U.S. airports with 10,000 or more annual enplanements.

(1) With respect to shared-use automated airport kiosks that are jointly owned, leased, or controlled with carriers, the airport operator must ensure that all automated kiosks installed at each airport location are accessible to passengers with disabilities by following the design specifications set forth in paragraph (k) of this section.

(2) No later than [insert date 60 days after the effective date of the rule], the airport operator shall have a written, signed agreement with the carriers at that airport that are subject to 14 CFR 382.57(b) allocating responsibility for ensuring that shared-use automated kiosks meet the design specifications set forth in paragraph (k) in accordance with the requirements of paragraphs (k)(1), (3), and (4) of this section.

(i) The agreements must ensure that accessible shared-use automated airport kiosks are maintained in proper working

condition until all automated kiosks installed at each airport location are accessible to passengers with disabilities.

(ii) Airport operators and carriers are jointly and severally responsible for the timely and complete implementation of the agreement provisions.

(3) Airport operators that jointly own, lease, or control automated airport kiosks with carriers shall ensure that all new orders for shared-use automated kiosks initiated [insert date 60 days after the effective date of the rule] meet the design specifications set forth in paragraph (k) of this section. There is no requirement to retrofit existing kiosks.

(4) Until all automated airport kiosks meet the design specifications in paragraph (k), each shared-use automated kiosk that meets the design specifications in paragraph (k) of this section shall be visually and tactilely identifiable to users as accessible (e.g., a raised ADA-compliant international symbol of accessibility affixed to the front of the device).

(k) *Technical standards for shared-use automated kiosks.* Shared-use automated airport kiosks provided in accordance with paragraph (j) of this section must conform to the following technical accessibility standards with respect to their physical design and the functions they perform:

(1) Self Contained. Except for personal headsets and audio loops, automated kiosks shall be operable without requiring the user to attach assistive technology.

(2) Clear Floor or Ground Space. A clear floor or ground space complying with 36 CFR Part 1191, appendix D, section 305 of the U.S. Department of Justice's 2010 ADA Standards for Accessible Design shall be provided.

(3) Operable Parts. Operable parts shall comply with subsection (c)(3) and 36 CFR Part 1191, appendix D, section 309 of the 2010 ADA Standards.

(i) Identification. Operable parts shall be tactilely discernible without activation.

(ii) Timing. Where a timed response is required, the user shall be alerted by touch or sound and shall be given the opportunity to indicate that more time is required.

(iii) Status Indicators. Status indicators, including all locking or toggle controls or keys, shall be discernible either through touch or sound.

(iv) Color. Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.

