

HB24-1452 Committee Packet

Quick Overview:

- Creates an advisory council of people with disabilities at all large hub airports to advise airport on all things disability
- Creates a complaint dashboard that displays data about complaints that have been filed
- Requires all large hub airports to implement wayfinding
- Requires all large hub airports to have accessible bathrooms with adult changing tables
- Requires disability training for staff directly employed by the airport
- Requires that wheelchairs are prioritized in freight elevator use

Why the Disability Community Needs This:

- Many people with disabilities are afraid to travel, especially by air, because of how inaccessible both airports and airlines are.
- We know that Colorado can't regulate the airlines, but the feds just dropped a very comprehensive set of rules to increase regulations on the airlines when it comes to accessibility. We should do our part in Colorado to ensure that our airport building, which we do have the authority to regulate, is as accessible as possible.
- DIA was the SIXTH most traveled airport in the world last year (3rd in the nation) and is behind on key accessibility features like wayfinding
- We are one of the few major airports in the nation that has yet to adopt wayfinding for those who are blind, visually impaired, have cognitive differences (e.g. dementia, TBI, etc.), etc.
- People with disabilities across the nation who have traveled to or through Denver regularly share with CCDC's staff and members that DIA is one of the least accessible and most difficult airports to navigate with a disability
- We deserve to be able to travel like anyone else
- We have been working with DIA, specifically, for over three years now and are really disappointed that we are to the point where we have to run legislation to get our basic access needs met
- What we're asking for is fairly minimal and are things that all large airports should already be doing
- A private right of action is included in the bill because this is often how civil rights - and especially disability rights - are enforced
- We have worked hard to address Denver's concerns - and we are still working on amendments with them - but we believe that the requirements outlined in this bill are reasonable.

FAQs

- **Isn't there a constitutional issue with singling out one entity for regulation?**
 - The state constitution does prohibit singling out one entity for regulation, but what we've done in this bill is create a class. Right now, that class only includes DIA but could include the Colorado Springs airport some time in the future.

- Standard created by the Colorado Supreme Court for state constitutional challenges:
 - So long as the subject isn't specifically enumerated in Article 5, Section 25, the legislature can draw lines to create classes, and, so long as that class isn't plainly limited to a class of one, it must only pass rational basis scrutiny (i.e., be rationally related to a legitimate purpose). Moreover, the classification line-drawing is within the legislature's discretion, and will only be disturbed by a court if there is an abuse of that discretion is shown beyond a reasonable doubt.
- **Isn't this a federal issue?**
 - The federal government has been given the ability to regulate airlines through the Air Carriers Access Act, but the responsibility for the airport itself lies with state and/or local governments. We should do what is within the state's authority to ensure that our largest airport - and a place where millions of people pass through each year - is as accessible as possible.
- **What federal or state law currently covers accessibility at airports?**
 - Title II of the Americans with Disabilities Act
 - Section 504 of the Rehab Act because for airports who receive federal funding
 - Part 8 of the Colorado Anti Discrimination Act
 - Colo. Rev. Stat. 24-34-802 (which incorporates the definitions of Colo. Rev. Stat. 24-34-301(18))

Summary of Changes to Airport Bill

In response to feedback from the city and county of Denver, we have made several adjustments to the bill as well as ensuring that the fiscal note would be eliminated.

These changes include:

- **Reference to Large Hub Airports:** The bill now references large hub airports instead of specifically naming Denver International Airport (DIA), hence the title change.
- **Removal of CDOT's Authority:** We have removed CDOT's authority to levy fines, considering their lack of aviation expertise and uncertainty regarding their enforcement capabilities.
- **Private Right of Action:** The explicit private right of action reference has been removed from the bill
- **Limitation on Private Right of Action:** We have excluded the private right of

action for committee and staff training for DEN employees.

While we are open to further negotiation, especially to make clarifications on the private right of action, it's important to note that DEN has expressed unwillingness to compromise on its inclusion in any way at all. Private right of action is the standard to enforce civil rights of any kind, especially basic access for community living with a disability.

We remain committed to further dialogue and collaboration to address concerns and refine the bill in the future. However, we want to make it clear that the complete removal of the private right of action is not under consideration.

Amendment L005:

This amendment:

- Changes the training requirement to less overtly focus on mobility equipment and more on overall disability cultural competency
- Removes language around contracts because the airport already does this
- Removes explicit references to a private right of action