

ACCESS EQUALS OPPORTUNITY: TRAVEL & TOUR AGENTS

Q. Are travel and tour agencies considered to be places of public accommodation?

A. Yes, private offices for travel agents, tour booking agents and cruise ship lines are examples covered by Title III.

Q. Are travel agencies required to have TTYs (text telephones for people with speech impairments or who are deaf or hard of hearing)?

A. Yes. If the primary means of offering goods and services to the public is by telephone, TTYs are required.

No. For making calls to or receiving calls from customers or clients with hearing or speech impairments who use TTYs, offices will be able to rely on the relay systems that telephone companies must establish in 1993. Operators employed by relay systems will relay communications between TTY-users and people using conventional telephones. Only those businesses that allow clients to make outgoing calls on more than an incidental convenience basis must provide TTYs.

Agencies should ensure effective communication by training staff who answer the telephone to handle incoming calls through the relay services. Relay calls may take longer because an operator at the relay system will be receiving typed communications from the caller using a TTY and will also be using the relay system equipment to type spoken communications from the office person to the caller.

For businesses who want or need one, a TTY is relatively inexpensive, usually costing about \$250 and is a welcome service. If you have a TTY, remember to list your telephone number followed by "Voice/TTY" in any publications or advertisements to signify that clients can communicate with them by voice or TTY.

Q. Are facilities that offer parking required to provide accessible parking spaces for people with "handicap" tags or placards? If such parking is required how many spaces must be provided?

A. Yes. If a facility owns and operates the parking lot, it must provide accessible parking if it is readily achievable to do so. If an office is a tenant, responsibility for providing accessible parking rests with both the landlord and the tenant and may be allocated between the landlord and tenant in the lease or other contract.

The spaces must comply with the dimensions specified in the Standards for Accessible Design, if it is readily achievable to meet those standards. The standards provide a formula for determining the appropriate number of accessible spaces necessary, and set out the requirements for their dimensions and locations. If it is not readily achievable to comply with the Standards, an office must provide as many accessible spaces as possible.

If it is not readily achievable to provide any accessible spaces, an agency or business must provide other options. For example, valet parking as another way to provide access.

Q. Are facilities required to put curbs cuts in sidewalks?

A. Curb cuts (or curb ramps) provide access to facilities for people using wheelchairs, walkers or other mobility equipment. If the only parking is on a city street and the business does not own or control the sidewalk, the municipality, not the office, is responsible for providing curb cuts. If an office owns or controls the sidewalk, it must provide curb cuts if readily achievable. If an office is a tenant, responsibility rests with both the landlord and the tenant, and may be allocated in the lease or other contract.

As with parking spaces, the Standards establish requirements for construction of curb cuts.

Q. Must all entrances to facilities be accessible?

A. No, but one entrance, preferably the main entrance, must be accessible, making it possible for people with disabilities to "get through the door." If the main entrance is not accessible, a sign there should indicate where the accessible entrance is located.

Ramping one step or several steps usually will be fairly easy and inexpensive. A permanent ramp, rather than a portable one, is required unless such installation is not readily achievable. If the Standard's technical requirements for ramps cannot be met because of space or other limitations, the ramp dimensions can deviate slightly as long as it is still safe.

If a permanent ramp cannot be installed, a safe portable or movable ramp may be used. Most portable ramps are relatively inexpensive to purchase or construct. An agency using a portable ramp should install a doorbell or intercom (with an appropriate sign) to summon an employee to bring the ramp to the door.

If none of these options is readily achievable, alternative means to provide services must be considered, such as curb side service or home visits at no additional charge.

Q. How does an agency know if the doorway is wide enough for clients who use wheelchairs or other mobility equipment?

A. The Standards for Accessible Design state that a minimum of 32 inches of clear

opening is required to provide access for customers who use wheelchairs or other mobility devices. A clear opening is measured between the face of the door and the opposite stop when the door is opened 90 degrees. Offset hinges can increase the clear space by one or two inches.

Although not required, automatic or push button doors are best for access, if maintained properly. An office can determine whether or not installation would be readily achievable.

Lever or U-shaped handles make doors easier for customers with limited dexterity. Retrofit levers can cost less than \$10 and make opening doors significantly easier.

Adjusting door closers or springs and oiling hinges are also inexpensive steps that make it easier to open doors and prevent them from closing too quickly. These examples of modifications should be readily achievable for most businesses.

Q. Must agencies and other offices allow service animals, including guide dogs, to accompany clients into facilities?

A. Yes. However, service animals tend to spook wild animals in parks and zoos. Therefore, some zoos like those in San Diego provide a place for service animals to stay while their owners are accompanied during their visit by trained zoo staff.

Q. If a travel agency is in an historic building, is it exempt from the requirements of the ADA?

A. No. Barrier removal is required in all buildings, including historic buildings, if it is readily achievable. However, barrier removal is not considered readily achievable if it would threaten or destroy the historic significance of a building or facility that is eligible for listing in the National Register of Historic Places under the National Historic Preservation Act, or is designated as historic under State or local law.

Q. Can a person with a disability be denied service because his or her disability or behavior resulting from the disability may be disturbing to other customers?

A. No. The ADA specifically prohibits this type of discrimination against people with disabilities. For example, people with Tourette Syndrome make sounds, words or facial movements that they cannot control.

Violent or disruptive behavior, however, is prohibited.

Q. What is required to make elevators accessible?

A. Facilities must install raised letters and Braille on the elevator control panels and provide floor number signs with raised and Braille characters on elevator door jambs.

A large, high-contrast sign indicating the floor number outside the elevator and opposite

the elevator door helps orient people with limited vision.

If elevator controls are mounted out of reach of wheelchair users and it is not readily achievable to lower them, installing a stick or pointer near the control panel will help some customers operate the elevator independently. Door timers must also be adjusted so the doors do not close too quickly.

Q. Are agencies with more than one floor required to install an elevator, if they do not have one?

A. In most cases, installing an elevator will not be readily achievable. However, some access to floors above or below the ground level may be required.

If only a few steps separate levels, a ramp is required if readily achievable. If there are many steps, installation of a wheelchair lift, which is much less expensive than an elevator, is required if readily achievable. Other alternatives include using accessible routes such as a freight elevator or rear entrance. Offices with limited space and resources and without accessible alternative routes must take other creative steps to make services available.

Courtesy and common sense should dictate what methods are most suitable. Alternative methods include setting up meetings in accessible locations; visiting the client's home; or performing the service on other, accessible levels.

Q. What are the best ways to make signs and other written information accessible to people with vision impairments?

A. All important signs should be in accessible formats. Options include Braille, large print and audio tape. Many people who are blind or have limited vision do not read Braille so audio cassettes and large print signs and documents are the most helpful. Older travelers and those reading from a distance will also benefit from these modifications.

Q. How can travel agents and tour guides communicate with travelers who are deaf or hard of hearing or who have speech impairments?

A. Travelers who are deaf or hard of hearing will identify themselves by writing a note or using hand gestures and will alert the professional to the best method of communication. Maintaining face-to-face contact is important to communicate with a client who reads lips. A sign language interpreter should not be necessary unless the travel agent is engaged in an unusually complex transaction. Alternatively, an agent should write schedules and options by hand or on a computer so that the traveler can make choices.

Preparing for the interaction with printed materials and brochures is always a good idea.

To communicate effectively with travelers with speech impairments, agents and guides must be patient and take the time for people with such a disability to express themselves or to communicate using a word board.

Q. How can a professional perform a service that requires confidential communication or written materials with a client who is deaf or hard of hearing?

A. For a client who is deaf or hard of hearing, effective communication may require a qualified sign language interpreter. Sign language interpreters are required to maintain the confidentiality of any conversations they interpret.

Q. What measures are required for people with cognitive impairments such a mental retardation?

A. Accommodating people with cognitive impairment can include reading the travel arrangements or other written information to them; providing an audio tape copy of the material; using color-coded maps and pictures to describe places to visit; and simple, common sense. Asking the traveler to repeat back the core of the discussion should help finalize trip arrangements.

Tour guides and agents should use simple, direct sentences and clear language.

Q. Must agencies install visual alarms?

A. Where audible fire alarms are provided, visual alarms must be added if readily achievable. The Standards specify the types of alarms that meet this requirement.

People who are deaf or hard of hearing depend on visual alarms to alert them to emergencies. Signs can be placed next to alarms indicating their purpose and maps or directories should point out the locations of visual alarms.

Q. Must agencies provide accessible rest rooms?

A. Most facilities don't have bathrooms open to the public. If bathrooms are provided for use by customers, those rest rooms must be made accessible where readily achievable. Simple steps can increase access and usability. If an agency provides more than one rest room and it is not achievable to make all of them accessible, a sign should indicated where the accessible rest room(s) is (are) located.

Label the bathrooms clearly: "men" and "women". For people with cognitive impairments such as mental retardation straight forward language is clearer. Raised letters and Braille differentiating men's and women's rest rooms are important for people who are blind. Large, high-contrast signs help people with limited vision.

Q. Must a travel or tour agency that is located with in a private residence be accessible?

A. Yes. When a public accommodation is located in a private residence, the portions of

the home used as a place of public accommodation are covered by the ADA. This is also true if those parts of the home that are used as public accommodation are also used for residential purposes.

The readily achievable standard continues to apply. Barrier removal will be required when considered in light of the financial and other resources of the agency.

Q. Can a cruise ship or tour company insist that a person with a disability travel with a companion?

A. No. Requiring that a person with a disability have a traveling companion, if that is not a requirement for people who do not have disabilities, violates the ADA. The cruise line or tour company, however, does not have to provide services of a personal nature.

Q. How does the ADA address the physical accessibility and construction of cruise ships?

A. Places of public accommodation aboard ships must comply with all of the Title III requirements, including removal of barriers to access when readily achievable. Currently, however, a ship is not required to comply with specific accessibility standards for new construction or alterations, because specific accessibility standards for new construction or alteration of cruise ships have not yet been developed.

It should be noted, however, that cruise ships are still subject to the requirements of Title III. Physical barriers must be removed if it is readily achievable to do so, programmatic barriers must be eliminated, and travelers with disabilities cannot be treated differently from passengers who do not have disabilities.

Q. May an amusement park, or other public accommodation, refuse to serve an individual with a disability because of limitations on coverage or rates in its insurance policies?

A. No. Public accommodation may not rely on such limitations to justify exclusion of individuals with disabilities. Any exclusion must be based on legitimate concerns about the safety of others.

For example, an amusement park cannot require that individuals meet a minimum height requirement that excludes some individuals with disabilities from certain rides because of a limitation in its liability insurance coverage. The limitation in insurance coverage is not a permissible basis for the exclusion.

However, the minimum height requirement would be a permissible safety criterion, if it is necessary for the safe operation of the ride.

Questions about Public Accommodations laws and enforcement? Contact the King County Office of Civil Rights, 206-296-7592, TTY 206-296-7596.