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2025 AVIATION ACCESSIBILITY HIGHLIGHTS

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Aviation Law Spring CLE

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Agenda

- Introduction
- Law and Compliance Regulations
- Travel Equity – Aviation Accessibility
 - Airlines
 - Airports
- Compliance Flight Plan



INTRODUCTION

Travel Equity and accessibility for the disabled community is a \$50 billion/year source of revenue of which aviation is a part. 2024 and early 2025 was filled with multiple events and enforcement enhancements questions addressing travel equity and/or accessibility.

We will also identify and briefly discuss pending relevant cases and executive orders focused on the evaluation of compliance programs and recommendations necessary to assure aviation and service and program provider compliance.

[How the U.S. Tourism Industry Is Recovering: Travelers with Disabilities Rebound with Strong Economic Impact](#)
[Post-COVID - Travel And Tour World](#)



Travel Equity

- Aviation Accessibility
 - Law and Compliance Regulations

LAW	STATUTE	REGULATIONS eCFR :: Home	APPLICATION
<p>Section 504 of the Rehab Act of 1973</p> <p>Section 504 - New Rules issued in May 2024</p>	28 U.S.C. § 794	<p>49 CFR Part 27</p> <p>Coordinators: 49 CFR § 27.13)</p> <p>Complaints: 49 CFR § 27.13(b)</p> <p>SA:49 CFR § 27.11</p>	Programs, Services and Benefits (PSB) receiving Federal Funds
<p>Air Carrier Access Act of 1986</p> <p>ACAA - New Rules issued in December 2025</p>	49 U.S.C. § 41705	<p>14 CFR Part 382</p> <p>Training: Subpart J § 382.141</p> <p>Complaints: Subpart K §§ 382.130,159 (DOT)and 151 (CRO)</p>	<p>U.S. and foreign air carriers</p> <p>See airline assurance duties for contractors at § 382.15. Records of complaints and training keep over 3 years</p>
<p>Section 508, 1998 Amendment to the Rehabilitation Act</p>	29 U.S.C. § 794d	<p>28 CFR Part 35 Complaints: § 35.106. Mobile App and Web(28 CFR § 35.200)</p> <p>Guidance: Guidance on Web Accessibility and the ADA ADA.gov</p>	<p>Information Technology and Electronic Communications</p> <p>FAA Advisories: AC 150/5360-14A, Access to Airports by Individuals with Disabilities, 6 December 2017</p>

LAW	STATUTE	REGULATIONS eCFR :: Home	APPLICATION
Title I of the ADA	42 U.S.C. §12112	28 CFR Part 1630	Pub or Pri Ent > 15 E'ee
Title II of ADA	42 U.S.C. §12182	8 CFR part 35 Coordinators: 28 CFR § 35.107(a); & § 106 Notice Complaints: 28 CFR § 35.107(b) SA: 28 CFR § 35.105	State and Local Governments PSB
Title III of the ADA	42 U.S.C. § 12182	28 CFR part 36	Private Entities PSB
Architectural Barriers Act (1968)	42 U.S.C. §§ 4151 <i>et seq.</i>	24 CFR § 570.614 (Architectural Barriers Act and the Americans with Disabilities Act)	Buildings built w/ Fed funds must be accessible, (<i>i.e</i> stds, bathrooms, ramps, etc.) See: ADA Accessibility Guidelines (ADAAG) ADA Accessibility Standards 1991 Standards 2010 Standards

AVIATION ACCESSIBILITY – COMPLIANCE

FAA GRANT ASSURANCES

49 U.S.C. § 47107, *et seq.* - Grant Assurances are contractual agreements between the FAA and airport sponsors (public and private owners of public airports) who accept federal funds for the Airport Improvement Program (AIP) for development, planning, and noise compatibility programs.

In these agreements the airport sponsors *certify* that they will comply with all applicable federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of federal funds for these projects.

Although there are 39 in total, **Grant Assurance 30** covers civil rights. *It requires airport operators to promptly take any necessary measure to ensure no discrimination in any program funded by the federal grant monies.*

[Airport Improvement Program Grant Assurances for Airport Sponsors, May 2022 \(editorial update 1/2025\)](#)

GRANT ASSURANCES - 30

Compliance includes by not limited to:

Laws

Title 49, U.S.C., subtitle VII, as amended, Aviation Programs

The Rehabilitation Act of 1973

The Civil Rights Act of 1964

The Americans with Disabilities Act of 1990

The Age Discrimination Act of 1975

The Architectural Barriers Act of 1968

Executive Orders

Executive Order 11246 - Equal Employment Opportunity

(Rescinded by WH January 21, 2025- "Ending Illegal Discrimination and Restoring Merit- Based Opportunity")

Executive Order 11990 - Protection of Wetlands

Executive Order 11998 – Flood Plain Management

Executive Order 12372 - Intergovernmental Review of Federal Programs

Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction

Executive Order 12898 - Environmental Justice

(Rescinded by WH January 21, 2025- "Ending Illegal Discrimination and Restoring Merit- Based Opportunity")

AVIATION ACCESSIBILITY – COMPLIANCE



CHALLENGES – WH EXECUTIVE ORDERS

- January 20, 2025, Executive Order 14151 *Ending Radical and Wasteful Government DEI Programs and Preferencing*, 90 Fed Reg. 8339 (EO-14151).
- January 21, 2025, the White House issued Executive Order 14173 *Ending Illegal Discrimination and Restoring Merit - Based Opportunity*, 90 Fed. Reg. 8633 (EO 14173). Both required a new certification:
 - “certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.”
- On February 21, 2025, a Maryland Court in *Nat’l Ass’n. of Diversity Officers in Higher Education, et al v. Donald Trump, et al. Case No.1:25-CV-00333-ABA* partially enjoined these orders and left DEI investigations open.
- The Court precluded:
 - “Freezing or terminating existing equity related contracts and grants” pertinent to (EO 14151)
 - Requiring federal contractors and grant recipients to certify that they do not “operate any programs promoting DEI” pertinent to (EO 14173); and enforcement actions.

Aviation Accessibility – Enforcement

FAA

The Airport Disability Compliance Program (ADCP) typically executed by the FAA Office of Civil Rights, works to ensure that airport operators/sponsors meet their obligations regarding regulatory accessibility requirements. They achieve this through periodic compliance reviews of airports, and through the development of resources for airport operators such as manuals, webinars, and conferences.

U.S. DEPARTMENT OF JUSTICE (DOJ) and DEPARTMENT OF TRANSPORTATION (DOT)

The U.S DOT and the DOJ enforces the disability laws and ADA regulations governing private, state and local services (Title II), public accommodations (Title III), and the Air Carrier Access Act – 49 U.S.C. § 41705 – Discrimination against individuals with disabilities as applicable for airports and airlines.



AVIATION ACCESSIBILITY – COMPLIANCE



OTHER CONSIDERATIONS

Does the new certification, if left in place, open grantees up to other enforcement tools used by the DOJ?

The “**False Claims Act or (FCA)**” – 31 U.S.C. §§ 3729-3733 enacted originally in 1863 (amended 1985). The FCA grants standing to the (DOJ) to pursue enforcement and recovery of damages, and to private citizens on behalf of the government (called “qui tam” suits) to sue those who have allegedly defrauded the government (knowingly did so or caused); and they may receive a portion of the government’s recovery!

DOJ recovered more than 2.9 billion in fiscal year 2024 for FCA actions

Reported January 2025 by DOJ

The FCA is quite the impetus to revisit your compliance efforts.

AVIATION ACCESSIBILITY – COMPLIANCE



CHALLENGES – STATE ACTIONS

Texas v. Becerra, Case No. 5:24-CV-00225 (*Stayed January 2025*)

On September 26, 2024, the Biden Administration issued a new rule under Section 504 of the Rehabilitation Act (“Section 504”) and the Americans with Disabilities Act (“ADA”). *Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance*, 89 Fed. Reg. 40,066, 40,068–69 (May 9, 2024) (“Final Rule”). The final rule was challenged by the State of Texas, and 16 other states.

The suit claims:

1. The final rule exceeds its statutory authority under 5 U.S.C. § 706;
2. The final rule is arbitrary and capricious under 5 U.S.C. § 706; and
3. Section 504 is unconstitutional as it violates the principles of clear notice, relatedness and anti-coercion requisite to Congress’s Spending Clause requirements. U.S. Const. art. I, § 8, cl.1.

AVIATION ACCESSIBILITY – COMPLIANCE



STATE LAWS AND REGULATIONS

Texas Government Code, Chapter 469 Elimination of Architectural Barriers: [Elimination of Architectural Barriers Homepage](#)

2012: Texas Accessibility Standards: [Read the 2012 Texas Accessibility Standards Online | Texas.gov](#)

The Texas Department of Licensing and Regulation (TDLR) is charged with enforcing noncompliance with state law and the penalties can be quite costly. They receive complaints and track associated with construction and major renovation of facilities. Failed reporting can result in substantial penalties. Registered Accessibility Specialists RAS are typically used by project architects to achieve reporting compliance with TDLR.

However, for airports and likely airlines building terminals; this must be monitored closely for compliance as the reporting can fall behind and responsibility for penalty can default to the airport and/or airline if not properly managed.



Travel Equity

- Aviation Accessibility
 - Airlines

TRAVEL EQUITY – AIRLINES

AIR CARRIER ACCESS ACT (ACAA) SUMMARIZED:

Since 1986 airlines have had the responsibility under ([49 U.S.C. § 41705](#)) or “the Air Carrier Access Act (ACAA)” to prohibit discrimination on the basis of disability in air travel.

Applies to all flights of U.S. airlines, and to flights to or from the United States by foreign airlines.



Discrimination

Airlines may not refuse transportation to people on the basis of disability.



Exception: safety with written support

May not require prior notice of passenger with disability.

Exception: where accommodation is needed within 48 hours (*i.e.* WC < 60 seats; respirators)



No limit on the number of disabled, or transportation costs of assistance from airline.



No limit on where the disabled may sit. Exception as to emergency exit.

This Photo by Unknown Author is licensed under [CC BY-NC-ND](#)

TRAVEL EQUITY – AIRLINES

ACAA SUMMARIZED:

Accessibility of Metal/Facilities

- ✈️ New aircraft with 30 or more seats must have movable aisle armrests on half the aisle seats in the aircraft.
- ✈️ New twin-aisle aircraft must have accessible lavatories.
- ✈️ New aircraft with 100 or more seats must have priority space for storing a passenger's (PAX) folding wheelchair in the cabin.
- ✈️ Aircraft with more than 60 seats and an accessible lavatory.
- ✈️ Aircraft must have an on-board wheelchair, regardless of when the aircraft was ordered or delivered. . . .
- ✈️ Aircraft with > 60 seats without an accessible lavatory, must have on-board wheelchair on the flight if a passenger with a disability gives the airline 48 hours notice that he or she can use an inaccessible lavatory.
- ✈️ **Airline airport facilities and services that they own, lease or control are accessible in the manner prescribed in the rule.**

TRAVEL EQUITY– AIRLINES

ACAA SUMMARIZED:

Other Airline Services

- ✈ Airlines must assist with boarding, deplaning and making connections. In cabin assistance required, but not extensive personal services. There must be ramps or mechanical lifts to service most aircraft with 19 or more seats at U.S. airports with over 10,000 annual enplanements, where no level entry.
- ✈ Assistive devices are not included in carry on bag count but must meet FAA carry-on rules. With PAX preboard, prioritize storage for collapsible wheelchairs and other assistive devices over other passengers' items brought on board at the same airport.
- ✈ Airlines must accept battery-powered wheelchairs, including the batteries, packaging the batteries in hazardous materials packages and must permit a PAX to use his/her Portable Oxygen Concentrator with FAA-approved label.
- ✈ May not charge for providing accommodations required by the rule, (*i.e.* battery packaging). Can charge for optional service – providing oxygen.
- ✈ **Covers accommodations for mobility aid and assistive devices treatment, . . . , persons with vision and hearing impairments, security screening, . . . and service animals.**

Keep in mind EU standards are similar to ACAA. [Regulation - 1107/2006 - EN - EUR-Lex](#)



TRAVEL EQUITY – AIRLINES

[United Airlines Enhancing Wheelchair Accessibility After Federal Complaint: Here's What Will Change \(forbes.com\)](#)

September 2023


An unfortunate chain of events led to United entering into an agreement with the DOT to begin a pilot program at IAH.


The agreement followed a lengthy DOT investigation into a disability complaint and suit filed by Engracia Figueroa.


The action claimed Figueroa's death followed her injury from a loaner wheelchair, utilized after her custom wheelchair was “severely damaged” and inoperable on a 2021 United Airlines flight.



AGREEMENT TERMS

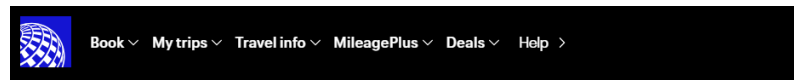
 United now offers a flight filter that will let people input the dimensions of their chair and prioritize flight options on planes with cargo hold doors large enough to hold the chair.

 It now refunds the difference of flight costs for customers who have to take a more expensive flight to accommodate their wheelchair.


 Pilot/test program at the George Bush Intercontinental Airport in Houston that explores different ways to safely accommodate passengers waiting for loaner wheelchairs because of damage or delay to their personal wheelchairs during a flight.

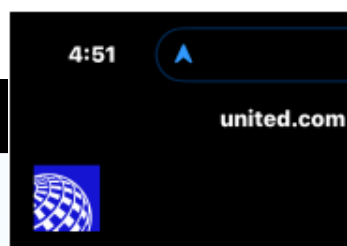
UAL WEBSITE AND APP

Compliance Update

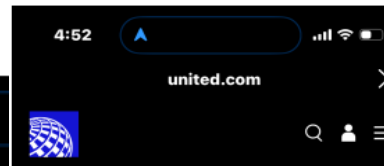


United App | United Airlines

 Talk, text or video chat with an agent if you have any questions about your trip.



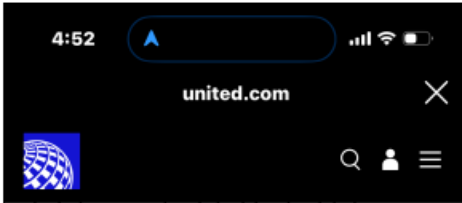
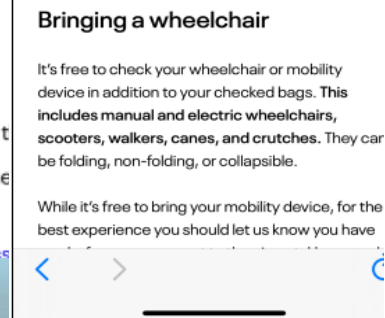
- You can bring a few items in addition to your checked bag and personal item for free:
- Jacket or coat
 - Umbrella
 - Things to read
 - Food or other items bought at the airport
 - [Mobility devices](#), including wheelchairs and crutches
 - [A car seat, child safety harness](#)



Bringing a wheelchair

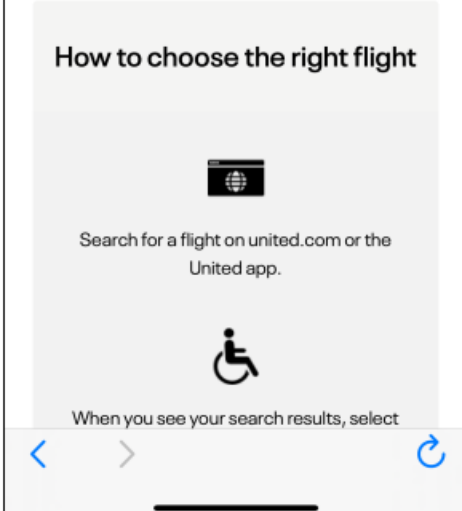
It's free to check your wheelchair or mobility device in addition to your checked bags. This includes manual and electric wheelchairs, scooters, walkers, canes, and crutches. They can be folding, non-folding, or collapsible.

While it's free to bring your mobility device, for the best experience you should let us know you have one before you even get to the airport. How you do that depends on whether you've booked a flight yet.



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While it's free to bring your mobility device, for the best experience you should let us know you have one before you even get to the airport. How you do that depends on whether you've booked a flight yet.





TRAVEL EQUITY – AIRLINES

[DOT Issues Landmark \\$50 Million Penalty Against American Airlines for Its Treatment of Passengers with Disabilities | US Department of Transportation](#)

Wednesday, October 23, 2024

DOT found that American Airlines failed to provide safe, dignified, and prompt wheelchair assistance and mishandled passengers' wheelchairs. This finding succeeded the DOT's investigation and complaint of three.

Notably, the evidence included video. During investigations, the federal agencies work with each other to gain access to terminals and other non-public sites.

Penalty is 25 times larger than any previous DOT penalty against an airline for violating disability regulations



CONSENT ORDER

[American Airlines - Order 2024-10-15.pdf](#)

“This order concerns violations by American Airlines, Inc. (American) of the Air Carrier Access Act (ACAA), 49 U.S.C. § 41705, which prohibits discrimination against individuals with disabilities in air transportation, and 14 CFR Part 382 (Part 382), the Department’s requirements implementing the ACAA.

The Department finds American failed in numerous cases to provide passengers with disabilities using wheelchairs with adequate enplaning, deplaning, and connecting assistance, including assistance in moving within the terminal. Specifically, . . . from 2019 to 2023, which in some cases resulted in injury to passengers. . . .”

The order included the DOT remarks on: “untimely assistance, unsafe physical assistance, and undignified assistance. . . .”



CONSENT ORDER

[American Airlines - Order 2024-10-15.pdf](#)

The \$50M penalty, includes \$25M to the U.S. Treasury and a credit of \$25M towards the total \$50M penalty for investments in equipment to reduce incidents of wheelchair damage, investments “in:

- a systemwide wheelchair tagging system to reduce incidents of wheelchair delay,
- deployment of hub control center employees to coordinate wheelchair handling on a systemwide basis at large airports, *and*
- compensation for affected passengers during DOT’s investigation period.”

Non-compliance could lead to an additional \$25M.

TRAVEL EQUITY–AIRLINES

Final Rule on Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs - **December 16, 2024**



Airline and Service Providers/Contractor training for those who handle wheelchairs and assist disabled passengers and guidance of what is required for storage and when a chair is damaged; and provided rebuttable presumption for airline when its damaged. Again, re-emphasizing dignity and respect for the disabled community.



Published the new rules with reference to the Airlines Passengers with Disabilities Bill of Rights echoing the ACAA provisions regarding the disabled and increased Passenger rights to notice and complaint to Complaint Resolution Officer, (CRO). *Includes passenger option to choose comparable loaner chair during repair or replacement by airline from company of the passenger's choice.*



Lavatory Accommodations Required on new single aisle aircraft large enough to permit disabled passengers and attendant to approach, enter and maneuver as necessary for use.



Addresses Funding provided for terminal development 5B (1B annually from 2022-2026) and accessibility including on improving airport rail, bus and other intermodal connections. [Bipartisan Infrastructure Law - Airport Terminals Program | Federal Aviation Administration](#).



Laid out Groundwork for the future with an eye toward the *disabled using their own wheelchair* on board the aircraft.



Travel Equity

- Aviation Accessibility
 - Airports

TRAVEL EQUITY – AIRPORTS

WHERE TO BEGIN?

Grant Assurance 30 Civil Rights provides in part:

An Airport Sponsor “will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.”



TRAVEL EQUITY – AIRPORTS

AIRPORT COMPLIANCE

40 CFR § 27.71 Airport facilities.

- (a) This section applies to all terminal facilities and services owned, leased, or operated on any basis by a recipient of DOT financial assistance at a commercial service airport, including parking and ground transportation facilities.
- (b) Airport operators shall ensure that the terminal facilities and services subject to this section shall be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Airport operators shall be deemed to comply with this section 504 obligation if they meet requirements applying to state and local government programs or activities and facilities under Department of Justice (DOJ) regulations implementing Title II of the Americans with Disabilities Act (ADA).
- (c) The airport shall ensure that there is an accessible path between the gate and the area from which aircraft are boarded.
- (d) Systems of inter-terminal transportation, including, but not limited to, shuttle vehicles and people movers, shall comply with applicable requirements of the Department of Transportation's ADA rules.
- (e) The Americans with Disabilities Act Accessibility Guidelines (ADAAGs), including section 10.4 concerning airport facilities, shall be the standard for accessibility under this section.
- (f) Contracts or leases between carriers and airport operators concerning the use of airport facilities shall set forth the respective responsibilities of the parties for the provision of accessible facilities and services to individuals with disabilities as required by this part and applicable ADA rules of the Department of Transportation and Department of Justice for airport operators and applicable Air Carrier Access Act rules (49 CFR part 382) for carriers.

TRAVEL EQUITY – AIRPORTS

AIRPORT COMPLIANCE

Airports are to ensure and promote observation of all laws in its leases and contracts with air carriers and concessionaires.

This includes any concession offered at the airport, *i.e.*, restaurants, retail, point of sales, kiosks, and other services including web pages.

Every customer touchpoint must be evaluated for compliance. Airport operators and tenants are required to review their services, policies and practices to evaluate their compliance and to plan for remedial action under the applicable laws.

ACCESS THE MAGIC OF FLIGHT

The Elements of the Accessibility Experience at Houston Airports

AMERICANS WITH DISABILITIES ACT TITLES

- 1 Employment
- 2 Local Government
- 3 Public Accommodations
- 4 Telecommunications
- 5 Miscellaneous Provisions

Icon Number	Icon Title	Icon Description
1	AIRA	Icon of a person with a cane
2	ITT	Icon of a train
3	TSA CARES	Icon of a TSA agent at a counter
4	BRAILLE	Icon of a hand pointing to Braille
5	ABA	Icon of crossed wrench and screwdriver
6	ACCESSIBILITY SPECIALIST	Icon of a person with a magnifying glass
7	RESTROOMS	Icon of a man and woman in a restroom
8	SARA	Icon of a paw print
9	PARKING	Icon of a wheelchair
10	KIOSK	Icon of a kiosk
11	UX TESTING	Icon of a person talking to a screen
12	DV PARKING	Icon of a car and a bag
13	WHEELCHAIR ASSISTANCE	Icon of a person in a wheelchair
14	METROLIFT	Icon of a bus
15	SENSORY ROOMS	Icon of a person with headphones
16	COMPLAINT OFFICIALS	Icon of three people
17	NURSING SPACES	Icon of a person in a medical setting
18	VIRTUAL ASL	Icon of hands in ASL
19	AUDIO DESCRIPTION	Icon of a person with headphones and a speaker
20	COMMUNITY OUTREACH	Icon of hands reaching out
21	QUIET SPACES	Icon of a microphone
22	SOCIAL STORIES	Icon of a person reading
23	ADA SEATING	Icon of a wheelchair and a seat
24	JOBS	Icon of a hand holding a job sign
25	SERVICE ANIMALS	Icon of a dog
26	VIRTUAL ARP	Icon of a person at a computer
27	CRQ COUNCIL	Icon of a group of people
28	AWARENESS DAYS	Icon of a calendar
29	SENSORY INCLUSIVE	Icon of a person with headphones and a speaker
30	WAV	Icon of a van
31	COMPANION CARE	Icon of a person and a dog
32	MOPD	Icon of a building
33	ADA PM	Icon of a person with a cane and a screen
34	ARP	Icon of a wheelchair and a screen
35	ACCESSIBILITY DOCUMENTS	Icon of a document with a magnifying glass
36	WAYFINDING	Icon of a signpost
37	VISUAL SCHEDULES	Icon of a calendar
38	INTERNAL COUNCIL	Icon of a group of people
39	HIRING	Icon of a hand holding a briefcase
40	INTERACTIVE PROCESS	Icon of a person with a question mark
41	TABS COMPLIANCE	Icon of a document with a checkmark
42	TRAINING	Icon of a person at a whiteboard
43	SUNFLOWER LANYARD	Icon of a sunflower
44	WEB PAGE	Icon of a globe
45	CLOSED CAPTIONING	Icon of 'CC' in a box
46	ADA ASSESSMENT	Icon of a clipboard with a checklist
47	EMERGENCY PLANNING	Icon of a person with a SOS sign

Created by Tambre Moten, ADA Coordinator, Houston Airport System 2023

TRAVEL EQUITY – AIRPORTS

✈️ AIRPORTS AND AIRLINES

For terminal facilities, services and programs joint and individual duties arise under 14 CFR § 382.51 (ACAA), and Sections 504 and 508 of the Rehabilitation Act as well as the ADA.

Each must provide accessible routes, transportation and assistance and SARA's. Airports are now being asked to **step up their efforts and putting in place staging areas to promote coordination** between the airport and airlines and to assist with the disabled customer experience.



TRAVEL EQUITY–AIRLINES



SELF ASSESSMENT

An assessment of airport accessibility for p
Rehabilitation Act of 1973 (49 CFR Part 27
were underway, but not certain of direction

The evaluation includes community input, ;
including user interfaces, websites, mob
remediation plan for items that are not co
evaluation and must be kept of record for t

Are there templates? Yes, you can find soi
model likely due to variety of airport progra
artwork or exhibits. If so, are its installatio
museum?



Airport Accessibility for People with Disabilities

Topic	Applicable Regulations	Yes/No
A. Administrative Requirements		
A1. Coordinator: Designated employee to coordinate requirements under ADA/Section 504	28 CFR Part 35.107 49 CFR Part 27.13	
A2. Complaints: Procedures adopted and published with name/contact information of ADA/Section 504 coordinator. Complaints must be kept on file for 1 year; the actual complaint or a summary must be kept for 5 years	28 CFR Part 35.107 49 CFR Part 27.13 49 CFR Part 27.121	
A3. Notice: All published public information (notifications, posters, brochures, website) include notice of nondiscrimination on the basis of disability	28 CFR Part 35.106 49 CFR Part 27.15	



Travel Equity

- Aviation Accessibility
 - Compliance Flight Plan



Compliance Flight Plan

Evaluate

Evolve

Be Steadfast and Diligent



TRAVEL EQUITY– QUESTIONS?



<https://know-the-ada.com>

Download Jocelyn Y. LaBove's Contact info at: <https://blinq.me/tzM5dx3gsyG8yxw3UDKn>

