



**Testimony of
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Before the United States Access Board
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Good morning, I am Gary LaGrange, CEO and President of the Port of New Orleans and Chairman of the Board of the American Association of Port Authorities (AAPA). AAPA was founded in 1912 and today represents the leading ports in the Western Hemisphere, including most of the major cruise ports in the U.S., Canada, the Caribbean and Mexico. My comments today reflect the view of the U.S. members.

Today, I am here to comment on the Access Board's Draft Passenger Vessel Accessibility Guidelines as they relate to large passenger vessels such as cruise vessels. AAPA membership includes 24 U.S. cruise ports. This includes all of the top ten cruise ports in the United States, which handle 92 percent of all U.S. cruise passenger embarkations. U.S. ports handled 7.1 million embarkations in 2003, an increase of more than 9% from 2002.

Cruise ships are a growing market for ports, including my port, New Orleans. In the past decade the growth of New Orleans' cruise industry has been phenomenal. The number of passengers embarking or making a port of call has grown from 80,000 in 1993 to an estimated 690,000 in 2003. The port's infrastructure has grown with the passenger totals. Forty-seven million potential passengers live within a 500-mile radius of New Orleans. And other ports have seen similar growth.

AAPA has reviewed carefully the draft Passenger Vessel Accessibility Guidelines and has concerns regarding their clarity and potential impact on landside facilities. While we understand that landside considerations are not the focus, the guidelines as crafted do impact landside facilities, especially in relation to accessibility of transferring passengers from land to ship — the "on-off" issue. These concerns should be considered when the Board takes its next step of publishing a proposed rule, where amendments will be proposed for landside requirements.

As noted in the scoping section (section V201.1), these guidelines focus on vessel requirements. Landside facilities are not mentioned in the scope of the guidelines; however, the on-off issue guidelines are clearly a major issue for vessels and landside facilities. AAPA is concerned that the Board has focused more on the vessel than the landside implications. Both must be considered together. In places, the guidelines, as currently drafted, also lack clarity regarding vessel versus landside applicability, and that could lead to legal ambiguity regarding who is responsible for compliance with these guidelines when they are adopted into regulations for compliance with the Americans with Disabilities Act (ADA).

Cruise facilities are undergoing major building and modernization projects that are costing millions of dollars. In 2002, AAPA members spent over \$49 million for new construction for passenger facilities and \$10.7 million for modernization and expenditures are expected to continue to grow. Between 2003 and 2007 it is estimated that port facility spending on passenger facilities will exceed \$643 million. Compliance with ADA is an integral part of these projects. According to the notice, the Board intends to offer amendments for the landside facilities, but some of the guidelines will have an impact on the landside as well. We urge you to consider the on-off implications from both the vessel and landside impact together. Clarity and consistence in guidelines is essential to make sure there is no confusion on compliance and that costly alterations in the future can be avoided.

Let me give you an example from my port on new development. In the past two years, more than \$9 million has been spent to upgrade the two cruise terminals at the Julia Street Wharf. New enhancements include an air-conditioned, elevated passenger gangway, expanded customs and baggage area, covered and lighted walkways, and a vehicular drive in/drop off area. The two terminals combine for 35,000 square feet of check-in/waiting area, 46,000 square feet of baggage area, a 2,600-foot-long berth (for three vessels) and 140,000 square feet of ship loading space. There is also on-site parking for 350 vehicles and satellite parking nearby for many more.

AAPA is also concerned over legal responsibilities for compliance with these guidelines once adopted into regulation. The guidelines leave much of the compliance up to the relationship between the vessel and the landside facility. This is a concern. For example, the guidelines require ADA compliance if either the vessel or the landside facility made alterations. AAPA believes that requiring landside facilities to know whether a vessel has undergone renovations and must be compliant is an inappropriate expansion of their current responsibilities. The guidelines are also vague regarding whether changes are required and when a facility, rather than a vessel, must make improvements.

The on-off issue is one of the most significant issues for landside facilities within this guideline. Sometimes the vessel provides the gangway system and sometimes it is the landside facility's responsibility. There are many complex factors that impact the on-off issue, including fluctuation of tide, dimensions of the pier, size of the ship, and number of cruise ships using the berth. A one-size-fits-all approach is not appropriate for maritime facilities. AAPA believes that passengers should have access; however, we believe the guidelines should allow for access to be reasonable, including allowing for assisted access and the requirements should be flexible to reflect the variations in facilities and water conditions.

Next, I will provide specific comment on various sections of the guidelines that impact landside facilities.

V206.4 (Entry and Departure Points)

Section V206.4 related to entry and departure points needs clarification regarding the scope and division of labor that this section would create. This section states that persons with disabilities will be able to depart a vessel not just at current landside facilities where a new vessel may stop, but at landside facilities where the vessel may stop in the future. This would require landside facilities to design for something that may never happen. Under this guideline, both the vessel operators and the ports would be required to anticipate all likely future uses. How is this determined?

V208 (Passenger Vessel Boarding)

Section V 208, on passenger vessel boarding, calls on vessel operators and pier operators to work together to negotiate an allocation of responsibility for compliance with the guidelines for passenger vessel boarding. This section could benefit from more clarity regarding legal responsibilities. This section also announces that the new guideline will include amendments covering new or altered landside facilities. AAPA looks forward to working with the Board on these provisions when they are offered for comment.

V412 (Passenger Boarding Systems)

Section V 412, on passenger boarding systems, ties into earlier sections and explains the requirements for various pieces of passenger board systems and distinct systems. All these provisions fall within the established ADA norms and do not need revisions as they relate to the landside impact.

In conclusion, the American Association of Port Authorities is concerned that the guidelines as drafted may have unintended consequences for landside facilities. As drafted, the current draft guideline is too ambiguous, and we urge the Access Board to spend more time analyzing the impact on landside facilities or delete all requirements and references to landside facilities since

they are not included in the scope of the regulations. If additional clarification is needed, AAPA encourages the Access Board to consider developing a separate guideline specifically for landside requirements that clarifies rules and responsibilities. If needed, this would allow the Access Board to establish guidelines that clearly articulate the problem and the solutions from the landside perspective.

Thank you for your consideration of these comments.