



For Immediate Release

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## **Indian Trails and Michigan Flyer File ADA Lawsuit Alleging Retaliation by Detroit Metro Airport**

In a federal lawsuit, bus companies Indian Trails, Inc., and Michigan Flyer, LLC, have charged the Wayne County Airport Authority (WCAA) with “unlawful retaliatory conduct” against them due to their support for people with disabilities who sued the airport for discrimination.

The [previous lawsuit](#) last September alleged that WCAA, which operates Detroit Metro Airport, violated the Americans with Disabilities Act in relocating the loading area for Michigan Flyer, AirRide, and SMART buses from curbside at the McNamara Terminal to a distant, inaccessible location in the Ground Transportation Center (GTC) in the parking ramp across the road. The plaintiffs in that case—which was settled last October—were Michael Harris, a paralyzed veteran, and Karla Hudson, an East Lansing resident who is blind.

The [new lawsuit](#) alleges that, after settling the case brought by Hudson and Harris, WCAA “immediately and severely retaliated” against Indian Trails and Michigan Flyer “in blatant violation of the anti-retaliation provisions of the Americans with Disabilities Act.” The bus companies allege that the airport “systematically and relentlessly interfered, disrupted, and undermined their existing business as private companies providing public transportation at DTW.”

### **Examples of Alleged Retaliation**

Among other things, say Indian Trails and Michigan Flyer, the Detroit airport:

- Sharply reduced the amount of time their buses could remain at the curb to safely load and unload passengers, which caused passengers leaving the airport to miss their scheduled buses.
- Forced their buses arriving at the airport to circle the terminal “even when empty spaces designated for such buses in the GTC were available,” causing passengers to unsafely rush to make their departing flights or miss them entirely.
- Forced their buses to leave before scheduled departure times, forcing passengers to wait extended periods of time—sometimes hours—for later buses with available seats.
- Prohibited their buses from unloading passengers at the Departures Level of McNamara Terminal, which they had previously used when passengers with disabilities needed immediate curbside assistance upon arrival at the airport.
- Gave competing bus companies preferential drop-off and pick-up locations— sometimes in no-parking zones—while denying their buses similar access, even when transporting people with disabilities.
- Pursued frivolous misdemeanor criminal charges against Michigan Flyer for displaying a sign at its customer service desk that was permitted under the terms of the prior settlement.

- Suggested to the Ann Arbor Area Transportation Authority—their contractual partner in operating the AirRide bus service between Ann Arbor and DTW—that AAATA should contract with a different vendor instead of continuing to do business with them.

### **Standing Up for the Disabled**

Indian Trails and Michigan Flyer say they supported and participated in Harris and Hudson’s ADA case because they are legally obligated to provide accessible transportation for passengers with disabilities, and the airport had moved the public transportation bus stop to an inaccessible location.

Detroit Metro Airport had gone ahead with the move despite protests by hundreds of people with and without disabilities, and despite concerns expressed by [Gov. Rick Snyder](#), the [State Transportation Commission](#), Attorney General [Bill Schuette](#), other public officials, and an [on-site assessment](#) by Transportation for Michigan.

The airport has justified the move by pointing to “safety and congestion” concerns at the former boarding location next to the terminal. But the situation there was due to the airport’s failure to prevent passenger cars from parking illegally in the loading zone for buses, such as by simply posting a sign warning of significant fines for doing so.

In the current lawsuit, Indian Trails and Michigan Flyer are asking the court for a declaration that the airport retaliated against them in violation of the ADA, a permanent injunction preventing any further retaliation, monetary damages, attorney fees and costs.

### **Motion to Enforce Settlement**

Meanwhile, Harris and Hudson have filed a “[Motion to Enforce Settlement Agreement](#)” in their case. They maintain that WCAA failed to make agreed-upon changes required by the settlement at the new location for Michigan Flyer, AirRide, and SMART buses in order to make it accessible for people with disabilities. Among other things, they say the airport:

- Did not install effective heaters in the bus shelters at the new bus stop, which is sometimes exposed to frigid outdoor weather in a parking ramp and is located 600 feet from the nearest indoor waiting area. Passengers with disabilities often must wait at the stop for 30 minutes or more for help from Prospect Airport Services, a company that assists people in wheelchairs and others with disabilities at the airport. This is unsafe for passengers like Harris who, due to a spinal cord injury, is unable to sense frostbite on his lower extremities.
- Did not control the climate in the indoor waiting area of the McNamara Terminal’s Ground Transportation Center as promised. Instead, the airport began allowing other bus companies to board and discharge passengers in a no-parking/no-loading area right outside the waiting room, which created “excessive pedestrian congestion” at the door, forcing the door to stay open, and allowing “cold outdoor air and noxious fumes to flood into the indoor waiting area.”

The motion by Harris and Hudson is pending a decision by U.S. District Court Judge David M. Lawson at the U.S. Courthouse in Detroit.

### **Related Video and News Reports**

Separately, the National Federation of the Blind of Michigan, which has similar concerns, has produced a [video](#) entitled “How Detroit Metro Airport Treats Bus Riders with Disabilities.”

Additional information is available in reports by [WXYZ-TV7](#) in Detroit, and by the [Detroit News](#).

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