Take Back Our Air Travel Rights

BACKGROUND
In 1986, over 36 years ago, President Ronald Reagan signed the Air Carrier Access Act (ACAA) into law. The ACAA prohibits discrimination based on disability in air travel. Despite some progress, tragic deaths have occurred and too many travelers with disabilities still encounter significant barriers, such as personal injuries, damaged assistive devices, delayed and uninformed assistance and limited or unsafe seating accommodations. Thousands of United Spinal members have experienced difficulties with air travel. United Spinal President and CEO Vincenzo Piscopo was not only dropped on the airport floor by airline personnel, but the employee also asked a complete stranger, a random air passenger, to help pick him up. In a separate incident the back of Mr. Piscopo’s wheelchair was so damaged, it was unusable. Access for people with disabilities in air travel must move into the 21st century with equitable and inclusive standards. Otherwise, people with disabilities will be left further behind, unable to compete in today’s job market and denied the opportunities available to other Americans.

To address disability-related complaints under the ACAA, passengers with disabilities must file a complaint with their airline AND the U.S. Department of Transportation (DOT). As of 2018, new reporting requirements that United Spinal fought for were put in place so that airlines must report detailed numbers about mishandled wheelchairs and scooters separately from mishandled baggage. Just from December 2018 to March 24, 2022, the DOT announced the number of “lost, damaged or completely destroyed” wheelchairs at 20,000. And since then, reports show an average of 1,000 more every month are added to that total. Last January, the “mishandling” rate for wheelchairs and scooters was more than double the rate for luggage (1.81% to 0.81%) as reported by DOT.

Many of the difficulties that travelers with disabilities still encounter in air travel are not sufficiently addressed by the ACAA and its implementing regulations. Inadequate training for airline and contractor personnel and inaccessible airplanes result in injuries, damaged devices and delays that lead not only to lost time and missed flights but to missed opportunities for people with disabilities. Enforcement of ACAA protections is limited to administrative action and civil fines. Unlike most other civil rights laws, the ACAA lacks a guaranteed private right of action; that is the ability to sue in court. Consequently, people with disabilities typically receive little if any compensation for personal injury or damaged property.

The Air Carrier Access Amendments Acts of 2023, H.R. 1267 and S. 545, introduced by Representative Dina Titus (D-NV-1st) and Senator Tammy Baldwin (D-WI), will address the above problems by:

- Requiring the Secretary of Transportation to assess civil penalties for Air Carrier Access Act violations and refer patterns of discrimination to the Department of Justice;
- Granting individuals with disabilities a private right of action in civil court;
- Requiring the Secretary of Transportation to formulate standards to address effective boarding and deplaning, visually accessible announcements, in-flight entertainment, seating accommodations, lavatories, and stowage options for assistive devices; five years after the standards are finalized, airlines would need to operate aircraft that comply with them.
- Ensuring all covered gates, counters, ticketing areas, and customer service desks are accessible to individuals with disabilities.

REQUEST TO MEMBERS OF CONGRESS
Co-sponsor and pass H.R. 1267/S. 545, the Air Carrier Access Amendments Act of 2023, introduced by Representative Dina Titus (D-NV-1st) in the House (contact: Mitch Moonier) and Senator Tammy Baldwin (D-WI) in the Senate (contact: Ben Hutterer) to provide consumer protections and assistance in air travel for passengers with disabilities.