

Take Back Our Air Travel Rights

BACKGROUND

Over 30 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 progress, too many travelers with disabilities still encounter significant barriers, such as damaged assistive devices, delayed assistance, and lack of seating accommodations. Access for people with disabilities in air travel must move into the 21st century. Otherwise, people with disabilities will be left behind unable to compete in today's job market or enjoy the opportunities available to other Americans.

To address disability-related complaints under the ACAA, passengers with disabilities may file a complaint with the specific airline or the Department of Transportation (DOT). In 2016, DOT released the latest figures on complaints filed directly with airlines. In 2016, passengers filed 32,445 disability-related complaints as reported by 184 domestic and foreign air carriers, which represents an approximately 5 percent increase over 2015. Nearly half of the complaints reported (14,591) were wheelchair-related complaints, such as failing to provide assistance to wheelchair users and damage to assistive devices.

Many of the difficulties that travelers with disabilities encounter in air travel are not sufficiently addressed by the ACAA and its implementing regulations. Damaged assistive devices, inadequate training for airline and contractor personnel, and inaccessible airplanes result in missed flights, injuries, and delays that lead to lost time and 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. Consequently, people with disabilities typically receive little if any redress to their specific grievances.

The *Air Carrier Access Amendments Acts* of 2017 and 2018, S. 1318 and H.R. 5004, introduced by Senator Tammy Baldwin (D-WI) and Representative Jim Langevin respectively will address these problems by:

- Strengthening ACAA enforcement through referral of certain complaints to the U.S. Attorney General, increased civil penalties for damaged wheelchairs, and a private right of action.
- Ensuring airlines acquire airplanes that meet broad accessibility standards. Improved structural access includes safe and effective boarding and deplaning processes, procedures, and equipment along with better stowage options for assistive devices.
- Improving training for air carrier personnel and their contractors, including requiring enhanced training for personnel who assist with the boarding and deplaning process.
- Requiring the Secretary of Transportation to work with stakeholders to develop an Airline Passengers with Disabilities Bill of Rights.
- Creating a U.S. Department of Transportation Advisory Committee on the Air Travel Needs of Passengers with Disabilities.

REQUEST TO POLICYMAKERS

Co-sponsor and pass S. 1318, the Air Carrier Access Amendments Act of 2017, introduced by Sen. Tammy Baldwin (D-WI) and HR. 5004, the Air Carrier Access Amendments Act of 2018, introduced by Rep. Jim Langevin (D-RI-2) to provide appropriate protections and assistance in air travel for passengers with disabilities.