

Take Back Our Air Travel Rights

BACKGROUND

President Ronald Reagan signed the Air Carrier Access Act (ACAA) into law in 1986, over 30 years ago. 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 must file a complaint with the specific airline and the Department of Transportation (DOT). As of 2018, new reporting requirements were put in place so airlines have to report mishandled wheelchairs and scooters separately from mishandled baggage. Just from December 4 - December 31, 2018, the number of mishandled wheelchairs and scooters was listed at 701, multiply that by 12 months of the year, and you get over 8,000 cases. And civil rights complaints from January to December 2018 were listed at 828 for disability complaints and 96 for discrimination complaints. As our President and CEO James Weisman states, as long as discrimination of people with disabilities exists anywhere, United Spinal will continue to fight for equal access and equal rights for all.

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 2019, S. 669 and H.R. 1549, introduced by Senator Tammy Baldwin (D-WI) and Representative Jim Langevin respectively will address these problems by:

- Strengthen ACAA enforcement by requiring referral of certain passenger-filed complaints to the Department of Justice and establishment of a private right of action;
- Ensure new airplanes are designed to accommodate the needs of people with disabilities by requiring airlines to meet defined accessibility standards. These standards will address safe and effective boarding and deplaning, visually accessible announcements, seating accommodations, lavatories, and better stowage options for assistive devices;
- Require removal of access barriers on existing airplanes to the extent that it is readily achievable, easily accomplishable, and may be done without much difficulty or expense; and
- Improve the overall safety of air travel for passengers with disabilities.

REQUEST TO POLICYMAKERS

Co-sponsor and pass S. 669/H.R. 1549, the Air Carrier Access Amendments Act of 2019, introduced by Sen. Tammy Baldwin (D-WI) and Rep. Jim Langevin (D-RI-2) to provide consumer protections and assistance in air travel for passengers with disabilities.