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**Air Carrier Access Act Advisory Committee**

**Summary of the Second Meeting**

**September 2, 8 and 9, 2021**

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# INTRODUCTION

The Air Carrier Access Act (“ACAA”) Advisory Committee (“Committee”) met on September 2, 8, and 9, 2021, in a virtual meeting via the Zoom Webinar Platform.

Several topics were discussed at the meeting: (1) a presentation and discussion of the draft Airline Passengers with Disabilities Bill of Rights; (2) a discussion of the findings and recommendations of the Subcommittee on Ticketing Practices and Seating Accommodations (“Ticketing and Seating Subcommittee”); (3) a discussion of the findings and recommendations of the Subcommittee on Stowage of Assistive Devices (“Stowage Subcommittee”); and (4) a discussion of the findings and recommendations of the Subcommittee on Assistance at Airports and on Aircraft and Related Training (“Assistance Subcommittee”). The meeting consisted of a morning and afternoon session each day, which included presentations and opportunity for discussion.

In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, the meeting was open to the public. Information about the meeting, including the agenda, is available at [www.transportation.gov/airconsumer/ACAACommittee/Sept2021Meeting](https://www.transportation.gov/airconsumer/ACAACommittee/Sept2021Meeting).

Appendix A is the master list of Committee recommendations. Appendix B identifies the Committee members, agency employees, and others who attended the meeting. All presentation materials that were provided at the meeting are available for public review and comment at [www.regulations.gov](http://www.regulations.gov), docket number DOT-OST-2018-0204.

# DAY ONE – September 2, 2021

## 1. Welcome and Introductory Remarks

The first day of the Committee meeting began at 10:00 am ET. Blane Workie, Assistant General Counsel for the Office of Aviation Consumer Protection (“OACP”) at the U.S. Department of Transportation (“DOT”) and the Designated Federal Officer (“DFO”), gave welcoming remarks and provided meeting logistics.

James Sinocchi, Chair of the Committee, gave brief remarks and thanked the Subcommittees for all their work over the past year. He said that the Subcommittee recommendations will increase accessibility and give passengers with disabilities greater independence.

The Committee members introduced themselves and gave brief opening remarks. Following this, the Committee heard from John Putnam, DOT’s Acting General Counsel and Deputy General Counsel.

## 2. Remarks by Acting General Counsel and Deputy General Counsel John Putnam

Mr. Putnam began by thanking the Committee members and Subcommittee members for all the time, energy, and effort they have devoted to the work of Committee over the past year and half. He commended the Committee members and Subcommittee members for adapting, coming together virtually, and staying focused during the COVID-19 pandemic. Mr. Putnam also recognized Mr. Sinocchi for leading the Committee’s efforts.

Mr. Putnam stated that he and Secretary Buttigieg want to guarantee that the air travel system is accessible for everyone. He asserted that including persons with disabilities in aviation policy is vital to ensuring that air travel is open for all. Mr. Putnam said that through the Committee’s work, the Committee members have a remarkable opportunity to affect change in the lives of air travelers with disabilities. Mr. Putnam concluded his welcoming remarks by stating that he looks forward to receiving the Committee’s report and working towards the goal of universal access in our air transportation system.

## 3. Draft Airline Passengers with Disabilities Bill of Rights

Following the welcome and introductory remarks, the morning session of day one began. The Committee discussed the draft Airline Passengers with Disabilities Bill of Rights[[1]](#footnote-2) (“Bill of Rights”) that DOT prepared for the purpose of consulting with the Committee on the form and substance of the information that will be made available in the Bill of Rights. The discussion was a continuation of the Committee’s initial discussion of the draft which took place during the first meeting of the Committee on March 10, 2020 in Washington, D.C (“March 2020 Meeting”).

Before the Committee began its discussion, John Wood from DOT’s Office of Aviation Consumer Protection recapped the key elements of Section 434 of the FAA Reauthorization Act of 2018 (“2018 FAA Act”), requiring DOT to develop the Bill of Rights describing in plain language the basic protections and responsibilities of airlines and people with disabilities under the ACAA. Mr. Wood also recapped the comments that Committee Members made about the draft during the March 2020 Meeting.

The following is a summary of Mr. Wood’s presentation and the Committee members’ discussions and feedback regarding each right described in DOT’s draft. The summary concludes with a description of next steps for the Bill of Rights.

### a. Right 1 – The Right to Be Treated with Dignity and Respect

First, Mr. Wood explained that the 2018 FAA Act requires that the Bill of Rights include information describing the right to dignity and respect. Mr. Wood then summarized the relevant explanatory text that DOT included in the draft. Mr. Wood explained that the explanatory text describes the requirements in 14 CFR Part 382 (“Part 382”) that form the foundation for the right. Specifically, the explanatory text describes the regulatory provisions addressing the prohibition of discrimination against air travelers as a result of their disability and the airlines’ responsibility to train their personnel on sensitivity and awareness of passengers with disabilities, including boarding and deplaning procedures that safeguard dignity.

Then, Mr. Wood summarized the key points of discussion regarding Right 1 from the Committee’s March 2020 Meeting:

* Committee members expressed concern over situations when individuals with disabilities are provided a service, such as wheelchair assistance, just because they have a disability even though the passenger seeks to receive another form of assistance such as guide assistance. Ms. Workie noted that a later section of the draft Bill of Rights describing the Right to Receive Prompt and Adequate Assistance provides information that airlines must not require a passenger with a disability to accept a form of assistance that is neither needed or requested. Ms. Workie also noted that the explanatory text in Right 1 describes the airlines’ obligations to provide specific training to personnel relevant to treating individuals with dignity.
* Committee members discussed the importance of communication between the passenger and airline personnel. Committee members agreed generally that the Bill of Rights should describe the responsibilities of individuals with disabilities along with the responsibilities of airlines, in a single document.
* A Committee member representing airports suggested that the Bill of Rights should specify how often training should occur and that recurrent training should be yearly. Ms. Workie referenced the savings provision in the Statute that the Bill of Rights cannot expand existing obligations. Ms. Workie explained that Part 382 requires airlines to provide yearly training to each complaint resolution official (“CRO”) and training once every three years to employees who deal with the traveling public, although airlines are free to provide training more often.
* A Committee member representing airlines noted that the explanatory text in the draft describing airline training obligations should be clarified to apply to “all personnel who deal with the traveling public,” as stated in Part 382.

After Mr. Wood’s summary of the discussions at the March 2020 Meeting, the Committee members discussed adding to the explanatory text of Right 1 the frequency with which airlines are required to train their personnel.

* Some Committee members supported adding the language from Part 382 that airlines must train their CROs each year and personnel that interact with the public every three years. The Committee members believed this information would raise awareness among airline passengers and personnel about proper training. Other Committee members did not believe this level of specificity would benefit the document. Those Committee members suggested that the information would add unnecessary length to the Bill of Rights because the information on training frequency is in the regulation that is already cited in the explanatory text of the Bill of Rights. Some Committee members were neutral on the issue.

Following these comments, the DFO, Ms. Workie, asked for the Committee members to vote on whether the Bill of Rights should specify the frequency of training requirements that are in Part 382. A majority of the Committee members voted in favor of the following:

**First recommendation for Changes to Draft Right 1: DOT should add language to the explanatory text of Right 1 explaining that airlines must train CROs annually and provide refresher training to personnel who deal with the traveling public every three years.**

Ms. Workie also asked the Committee members whether they had any objection to adding the text from the regulation clarifying that the training requirement applies to those personnel who work with the traveling public. No Committee members expressed disagreement, reflecting consensus of the Committee on the following recommendation:

**Second recommendation for Changes to Draft Right 1: DOT should clarify the explanatory text using the language from the regulation that the training requirements apply to “all personnel who deal with the traveling public.”**

### b. Right 2 – The Right to Receive Information About a Flight’s Limitations

First, Mr. Wood explained that the 2018 FAA Act did not explicitly require the information described in Right 2 to be described in the Bill of Rights. Mr. Wood explained that DOT added the information because it is helpful for airline passengers to know that airlines must provide information about the limitations on accommodating the passenger when the passenger requests the information, or to any passenger who states he or she uses a wheelchair.

Next, Mr. Wood summarized the key points of discussion regarding Right 2 from the Committee’s March 2020 Meeting:

* Committee members discussed the use of the word “limitation” to describe the right. Committee members representing disability organizations asked that the phrasing be changed to ensure the explanatory text does not suggest that individuals with disabilities have limitations. A Committee member representing veterans’ organizations agreed that “flights limitations” are not the appropriate words to use because the meaning is unclear. In response, Ms. Workie explained the word “limitation” is from the regulation and relates to aircraft-related, service-related, or other limitations on the airlines’ ability to accommodate passengers with a disability.
* Committee members also discussed passenger and airline responsibilities regarding the provision of information. A Committee member commented that the draft is not clear when the carrier must provide information to the passenger. Ms. Workie explained that the airline’s obligation applies at any point that a request is made or that the passenger identifies he or she uses a wheelchair for boarding, for example, when an individual is making a reservation. A Committee member representing disability organizations also raised concern that the draft is not clear about what information airlines should provide. A Committee member representing airlines noted that this is where passenger responsibility is important so that the passenger effectively communicates his or her request. Ms. Workie explained that the language in the regulation is general and its intent is to ensure individuals with disabilities will have information on the accessibility features that airlines cannot provide so that individuals can know what to expect from the flight. Ms. Workie explained that the information that airlines should provide can be a broad array of information, more than just information related to wheelchairs. For example, the obligation would include information describing the limitations on the airline’s ability to provide accommodations to those who are deaf or hard-of-hearing.

After Mr. Wood’s summary of the discussions at the March 2020 Meeting, Committee members engaged in further discussion of draft Right 2.

* Committee members expressed the need for more clarity in the title and explanatory text of the rule explaining the right. Committee members expressed concern regarding the title being limited to information regarding “flight.” Ms. Workie noted that the text of the regulation, with regard to what information airlines must provide, is broader than a flight’s limitations.

* A Committee member expressed concern that airlines can change aircraft at the last minute, so the information provided by airlines may not be relevant. Ms. Workie noted that the regulation contemplated the situation where equipment changes may be outside of the airlines control and that the requirement is that airlines must provide information regarding the scheduled flight.
* A Committee member representing aircraft manufacturers recommended changing the title of draft Right 2 so that it reads “The Right to Receive Information About Services and Aircraft Capabilities and Limitations.” In response, a Committee member representing airports expressed concern that the word “services” is not clear and could encompass a broad range of things, some of which the airlines do not need to provide. Ms. Workie clarified that the passenger would need to ask about limitations and the airlines would then need to provide the information. Committee members continued to express the view that the explanatory text in the draft did not clearly convey the important concepts in the regulation.
* A Committee member representing airlines noted that the right was well placed, and that informing passengers that the airlines’ obligation to provide the information is upon request of the passenger is important for consumer awareness and helps airlines better support their customers. The Committee member acknowledged that it is good that passengers would reach out early and ask questions so that the airline will better understand their needs. A Committee member representing passengers with disabilities asked whether there is anything in the section that talks about what passengers should tell the airline. The Committee member suggested that the traveler may not know what information the airline needs. Ms. Workie explained that a later part of the Committee meeting would include a discussion of what information the airlines need form passengers, particularly about powerchairs. The Committee member mentioned that it might be helpful to provide basic information about the passengers’ wheelchair or service. For example, the Committee member recently purchased a wheelchair that included a card with information describing how to take the wheelchair apart and how to reassemble the power drive system, so airlines would have that information.

Following the discussion, Ms. Workie asked the Committee members to vote on the suggestion to change the title of Right 2 to “The Right to Receive Information About Services and Aircraft Capabilities and Limitations.” The Committee members voted unanimously in favor of the following:

**Recommendation for Changes to Draft Right 2: DOT should change the title of draft right 2 to read “The Right to Receive Information About Services and Aircraft Capabilities and Limitations.”**

Ms. Workie also noted that there was consensus among the Committee members that the explanatory text of Right 2 should be edited so that it is more in plain language while staying true to the text of the regulation. Ms. Workie noted that improvements for plain language could include separating the information describing the need for the passenger to request information from the airline obligation to provide information to individuals who state they use a wheelchair for boarding.

### c. Right 3 – The Right to Receive Information in an Accessible Format

First, Mr. Wood explained that DOT expanded upon the statutory requirement that the Bill of Rights describe passengers with disabilities’ right to receive accessible announcements by drawing on the provisions of Part 382 that address the airlines’ responsibilities to provide accessible information more generally. This includes the airlines’ obligation to maintain accessible websites and accessible kiosks. In addition, Mr. Wood explained that the explanatory text also highlights airlines’ responsibility to train personnel to recognize requests from individuals who are deaf, hard-of-hearing, or blind.

Then, Mr. Wood then summarized the key points of discussion regarding Right 3 from the Committee’s March 2020 Meeting:

* A Committee member representing airport noted an error in the description of the accessible kiosk requirement that is in the draft. The draft states that the kiosk requirements apply at “larger airports,” when Part 382 states that the requirements apply at small, medium, and large hub airports. Ms. Workie agreed with the Committee member’s assessment.
* A Committee member representing disability organizations requested changes to the explanatory text to appropriately describe individuals who are deaf or hard-of-hearing and to better incorporate and make the text more relevant to the deaf-blind community. The Committee member also noted that the example in the explanatory text that airline employees should be trained to “take care to enunciate clearly” is not the best example to use in terms of training employees to communicate with people who are deaf or hard-of-hearing because sometimes employees will overenunciate and there will be misunderstanding. Another Committee member representing disability organizations suggested that stronger language, such as the word “encourage,” should be used in the explanatory text to emphasize the need for airlines to provide Braille cards. Ms. Workie explained that DOT relied on the language in Part 382 and that the 2018 FAA Act does not allow rights to be expanded. Ms. Workie agreed that even though the regulation uses the terms “hearing or vision impaired” she does not believe using the term “deaf or hard-of-hearing” instead changes the legal context. Also, Ms. Workie noted that if there is an example in Part 382 that is outdated, or not relevant, it does not have to be highlighted in the Bill of Rights.
* Committee members also commented that the Bill of Rights should be available in multiple formats. Ms. Workie indicated that DOT may need to work with organizations that have expertise in this area.

After Mr. Wood’s summary of the discussions at the March 2020 Meeting, Committee members continued discussing the format and accessibility features of the Bill of Rights.

* A Committee member representing disability organizations commented that the Bill of Rights should be made available in American Sign Language (“ASL”) and should be accessible for passengers who are deaf or hard-of-hearing.
* Another Committee member representing disability organizations expressed concern with being able to find relevant information quickly. The Committee member recognized that hyperlinks can be helpful to the blind who may want to scroll through a larger document fast. The Committee member also recommended headings to allow one to scroll quickly through document and to identify one section to the next. Another Committee member representing disability organizations agreed and said that headers should be standard as they are incorporated under section 508 and web accessibility guidelines.
* A Committee member representing airlines commented that attention to format should be given to ensure that it can be used by screen readers. In addition, the Committee member noted that the lengthier that a document is, there may be more complexity in ensuring accessibility.
* Ms. Workie explained that airlines must make their website accessible and that the regulations define website accessibility in terms of Web Content Accessibility Guidelines (“WCAG”) 2.0 AA. Accordingly, Ms. Workie noted that there is not a requirement in place for airlines to have information in ASL or Braille. Ms. Workie noted that DOT is awaiting the Committee’s recommendation, but it certainly wants to work to make whatever is available accessible for everyone.
* A Committee member representing disability organizations replied that if information is not in ASL format, it is not accessible for individuals who are deaf or hard-of-hearing. She noted that if the purpose of the Bill of Rights is to explain to passengers with disabilities what their rights are, the Bill of Rights must be accessible. Ms. Workie went through the regulations in Part 382 that are applicable to providing information to individuals who are deaf or hard-of-hearing, but noted that there was not a regulation that she can point to in order to say airlines must provide the document in ASL. The Committee member responded that the solution could be for DOT to make an ASL version of the Bill of Rights rather than expecting each airline or website to have a different ASL version. Ms. Workie replied that this would be something DOT can do that would still be consistent with the 2018 FAA Act because it would not be a new requirement.

A Committee member representing disability organizations asked the Committee to vote on recommending to DOT that it make an ASL version of the Bill of Rights. The Committee members voted unanimously in favor of the following:

**Recommendation on the Bill of Rights (in general): DOT should make the Bill of Rights available in American Sign Language.**

Committee members also discussed airline display of the Bill of Rights, its format, and plain language.

* A Committee member representing airlines cautioned that reproducing all of the regulations in Part 382 in the Bill of Rights rather than the most important ones would create a lengthy document and divert attention away from the most important information. Ms. Workie expressed that DOT had the same concern, so when it drafted the document it included hyperlinks to the relevant regulations. The Committee member thought the hyperlink concept was good, but wondered if the technical execution would be difficult. For example, the 2018 FAA Act requires that information be sent out in preflight notifications. The Committee member wondered if the passenger would always have access to the internet. Another Committee member representing airlines asked about how the Bill of Rights would be displayed on carrier’s webpages, such as by hyperlink, a portion of the document, or the full document. Ms. Workie explained that these questions are subject to interpretation based on the 2018 FAA Act, which states that air carriers must display the Bill of Rights on a publicly displayed website and in any pre-flight notifications or communications provided to passengers who alert the airline in advance of the need for accommodations for related to a disability. The Committee member noted that webpage space is valuable and limited. The Committee member expressed interest in what DOT’s position would be on the topic. Ms. Workie responded that DOT has not taken a position and would be interested in hearing the Committee’s feedback on how or where the Bill of Rights should be displayed on airline websites and regarding pre-flight notifications.
* A Committee member representing veterans’ organizations expressed concern that a document that is too general may impact its utility. For example, passengers would not understand that airlines may not follow the regulations exactly if there is no explanation of Equivalent Alternative Determinations (EADs) granted by DOT. The Committee member commented that stakeholders do not want a lengthy document but do want enough information so that the general public can understand passengers’ rights and responsibilities under Part 382 in a meaningful way.A Committee member representing disability organizations agreed and added that the information should not be the language of the law.Ms. Workienoted that DOT wrote the headings of the Bill of Rights in plain language, but wanted to know if it was the recommendation of the Committee that the explanatory text be put in simpler terms while having a link to the regulatory text, so people could reference the exact words of the regulation. The Committee member representing veterans’ organizations agreed but added there are ways to make the document in more plain language by synthesizing some rules with proper citations and adding some bullets. A Committee member representing airlines noted that while not against improvements, the further the document goes from a brief summary of the regulations that is in the draft, and to the extent of combining some bullets, the more scrutiny on the language and its meaning will be needed to make sure that the new or different words are consistent with the meaning of the regulations.
* A Committee member representing disability organizations noted that plain language is important for the intellectual and developmental disability community. The Committee member said that in terms of best practices, the right resources should be used to truly put the document in plain language.A Committee member representing veterans’ organizations drew the distinction between what she thinks of is one meaning of plain language, which is language that it is easily understood by airline passengers, and another meaning, which is truly accessible plain language, and stated that she fully supports the latter. The Committee member suggested that to address some of the other concerns, a copy of the Bill of Rights could exist in plain text.
* The Committee then continued its discussion on using plain language in the explanatory text with citations to the regulations for the reader to have the option of getting more detailed information. A Committee member representing airlines expressed concern that the further the material gets away from the wording of the regulations, the greater chance for misinterpretation that could lead to complaints. Another Committee member representing airlines thought that the DOT did a good job summarizing the information and thought that an additional sentence on the first page could be helpful to explain to the reader that for more details the readers should go to the regulation itself. A Committee member representing passengers with disabilities thought that the explanatory text needs to be in plain language, but that the Bill of Rights should include a disclaimer that the explanatory text is not the rule text and then provide instructions on where the reader can view the rule text. A Committee member representing contract service providers agreed that the language needs to be simple, so that it is easily understandable and teachable. The Committee member noted that individuals providing services to passengers need to understand that when they are asked to provide a service, it is required by law.

Ms. Workie asked for the Committee to vote on whether a majority of members agreed with the recommendation that DOT rewrite the explanatory text in plain language, include a disclaimer, and provide links for the reader to click to access the specific regulations. The majority of the Committee members voted in favor of the following recommendation:

**Recommendation on the Bill of Rights (in general): DOT should rewrite the details in the explanatory text to ensure plain language and have a disclaimer at the beginning of the document that advises readers that the document is a plain language summary and that readers would need to click on links within the document to view the regulation.**

### d. Right 4 – The Right to Accessible Airport Facilities

First, Mr. Wood explained that the 2018 FAA Act did not explicitly require DOT to describe the information that is in Right 4. Mr. Wood explained that DOT included the information to provide for a comprehensive summary of a passenger’s fundamental rights. Mr. Wood noted that the explanatory text explains that Part 382 requires airlines to ensure that the terminal facilities they own, lease, or control are readily accessible and usable and that when level entry boarding is not available, airlines must ensure U.S. airport operators provide ramps or mechanical lifts.

Next, Mr. Wood then summarized the key points of discussion regarding Right 4 from the March 2020 Meeting:

* Committee members tended to agree that providing accessible airport facilities at U.S. airports is a joint responsibility between airlines and airports.
* A committee member representing veterans’ organizations and a Committee member representing disability organizations suggested adding text recognizing that airport facilities that are not within the control of the airline are covered by the Americans with Disabilities Act (“ADA”). Ms. Workie recognized that Part 382 references the ADA and airport requirements. Committee members representing airports did not see any problem with adding a reference to the ADA obligations that airports have.
* A Committee member representing veterans’ organizations stated that the Bill of Rights should address the prohibition in the regulation against hand carrying individuals, except for in an emergency situation.

After Mr. Wood’s summary of the discussions at the March 2020 Meeting, the Committee members continued the discussion of draft Right 4.

* Regarding the comment during the March 2020 Meeting that the prohibition on hand carrying should be addressed, a Committee member representing veterans’ organizations clarified that her recommendation at the March 2020 Committee meeting was related to addressing the connection between the airline and airport to make sure proper options are available when there is not level entry boarding. The Committee member was not opposed to the information on hand carrying being provided elsewhere in the Bill of Rights. Ms. Workie suggested that the prohibition on hand carrying relates to people getting off an aircraft as opposed to airport facilities.
* A Committee member representing airports noted that the explanatory text references regulations that apply to airlines and that if airports must be added to the explanatory text, different regulations should be cited, such 14 CFR 382.99 and 49 CFR Part 27. Ms. Workie responded that the Bill of Rights should reflect the regulations and that 49 CFR Part 27 would be an appropriate addition because it is the section that applies to airports.

Following the Committee’s discussion of draft Right 4, Ms. Workie asked for a vote on whether the Committee agreed with adding text addressing the ADA to the explanation of the Right 4. The Committee members unanimously voted in favor of the following:

**Recommendation for Changes to Draft Right 4: DOT should add language to the explanatory text for Right 4 describing how the ADA applies to airport facilities.**

After the vote, Ms. Workie noted that she also heard agreement of the Committee members that the section should be cleaned up and that there should be a reference to 49 CFR Part 27 that applies to airports.

### e. Right 5 – The Right to Receive Prompt and Adequate Wheelchair, Guide, and Other Assistance at Airports and on Aircraft

First, Mr. Wood explained that the 2018 FAA Act requires that the Bill of Rights describe the Right to Receive Assistance. Mr. Wood then summarized the explanatory text that DOT included in the draft that describes the airlines’ responsibility to provide prompt and timely assistance from properly trained personnel, upon the passenger’s request.

Then, Mr. Wood summarized the Committee members’ comments on Right 5 from the March 2020 Meeting:

* Committee members discussed the prompt standard. Some members thought the text should be more explicit over what “prompt” means. Ms. Workie explained that the prompt standard is not a “one answer fits all standard,” and that it considers the circumstances. Other committee members expressed concern that the explanatory text described the prompt standard in mandatory terms. Committee members commented that this was not fair to the airlines because there are factors outside the airlines’ control including abuses by individuals that do not have a disability who request wheelchairs.
* Ms. Workie noted differing views on the applicability of the prompt standard in the regulation. One view is that the prompt standard only applies to enplaning and deplaning assistance, but not movement through the terminal. DOT’s position is that based on the regulations, the prompt standard applies to both enplaning and deplaning assistance and movement through the terminal. Ms. Workie explained that DOT has enforced the standard on this basis and has initiated a rulemaking to clarify this point.
* A Committee member representing airlines suggested that DOT add language from the regulation “that they have not requested” to the sentence at the end of the explanatory text that reads “Airlines must not require a passenger with a disability to accept a specific form of assistance (ex: requiring a wheelchair instead of a sight guide).” The new sentence would read: Airlines must not require a passenger with a disability to accept a specific form of assistance (ex: requiring a wheelchair instead of a sight guide) that they have not requested.
* A Committee member representing veterans’ organizations requested that DOT include in the Bill of Rights a statement that passengers using a wheelchair have the right not to be left unattended. Ms. Workie noted that the requirement in the regulation only covers those who are not independently mobile.
* A Committee member representing disability organizations recommended adding text regarding service animal relief areas. Ms. Workie noted that this clarification could go under Right 5, or in the section on accessible airport facilities as there is a joint requirement on airlines and airports to have service animal relief areas.

As will be detailed in the next section addressing Right 6, the Committee members voted to revise the scope of Right 5 to strictly address assistance at the airport.

### f. Right 6 – The Right to Preboard

Ms. Workie opened the discussion of Right 6 by explaining that only one section, 14 CFR 382.92, applies to the right to preboard. Ms. Workie explained that the section says that airlines must allow a passenger with a disability who self-identifies at the gate as needing additional time or assistance to board or to stow accessibility equipment or be seated, the opportunity to board before all passengers. Ms. Workie acknowledged that DOT has granted an EAD under Part 382 regarding this requirement, so one airline practices an alternative means of compliance. Ms. Workie noted that the explanatory text in the draft does not include the exception.

The Committee then discussed and provided the following feedback on Right 6, which included comments on adjusting the focus of Rights 5 and 6:

* A Committee member representing veterans’ organizations commented that it is important for the Bill of Rights to mention when carriers have different processes, so that a person reading the Bill of Rights could understand this and not think an airline is in violation of the regulations. A Committee member representing airlines suggested that the right to preboard could be amended to add language to the effect of: “unless an alternative method of compliance has been approved.”
* The Committee member representing veterans’ organizations also requested that Right 5 be reframed to address services at the airport and Right 6 separately discuss services airlines must provide on the aircraft.
* A Committee member representing airlines suggested that any changes to the document should stick to the text of the regulation. The representative requested the opportunity to review and comment on any pending changes.
* A Committee member representing airports suggested that the request for preboarding should occur with the request for assistance, not just at the gate. Ms. Workie noted that the regulation limits the passenger’s obligation to notify the airline of his or her need to pre-board to notification “at the gate.” Ms. Workie further noted that the 2018 FAA Act provides that the Bill of Rights should not expand on existing rights. Ms. Workie explained the purpose of the language in the regulation conditioning preboarding on a passenger self-identifying at the gate was to ensure airlines would know exactly who needs preboarding and where that person is located. A Committee member representing disability organizations commented that individuals requesting preboarding should not have to notify the airline at the ticket counter as these passengers may want to take advantage of technologies that make checking-in at the counter unnecessary.
* A Committee member representing disability organizations raised concern about individuals with a disability, such as a blind individual, identifying at the gate and then being forgotten. In response, Ms. Workie noted that passengers should let the airline and DOT know when this happens because the airline is obligated to assist the passenger after self-identification. Ms. Workie said the carrier should be made aware of these instances, so that it does not happen again.

Ms. Workie then asked whether there was consensus among the Committee members that DOT clarify the Right to Preboard to explain that an airline may not follow the process that is in regulation because it has an EAD. In addition, Ms. Workie asked whether there was consensus among the Committee members that Right 5 address assistance at the airport and Right 6 address assistance on the aircraft.

No committee members expressed disagreement, reflecting consensus of the Committee on the following recommendation:

**First recommendation for changes to Right 6: DOT should add text addressing that airlines may have a different pre-boarding process in place because DOT has issued an EAD.**

In addition, a majority of Committee members voted in favor of the following:

**Second recommendation for changes to Right 6: DOT should reframe Right 6 to address assistance on the aircraft and Right 5 to address assistance at the airport.**

A Committee member representing disability organizations asked whether the jetway is included as at the airport or on the aircraft as it is an intermediary. Ms. Workie presumed that everything until the passenger is on the aircraft is at the airport. A Committee member representing airlines commented that preboarding is part of the boarding process that would be better considered on the aircraft. Ms. Workie asked the Committee members if anyone disagreed that the right to preboarding should be included in the right to assistance on the aircraft. No committee members expressed disagreement, reflecting consensus of the Committee on the following recommendation:

**Third recommendation for changes to Right 6: DOT should address preboarding with the Right to Assistance on Aircraft.**

### g. Right 7 – The Right to Travel with an Assistive Device or Service Animal

Ms. Workie began the discussion on Right 7 by describing the explanatory text for the right that DOT included in the draft. Ms. Workie explained that the regulations require airlines to allow assistive devices in the cabin, free of charge, without the assistive device counting against the passenger’s carry-on limit. Similarly, airlines must permit service animals to travel in the cabin. Ms. Workie further explained that airlines are also required to accept battery powered wheelchairs and provide for their return. If the chair is lost, damaged, or destroyed the airline must provide compensation. Ms. Workie noted that the explanatory text did not describe the regulations allowing airlines to require passengers traveling with a battery powered chair to check in an hour before the general public, but that this explanation could be added to the draft.

The Committee then discussed and provided the following feedback on the explanatory text of Right 7:

* A Committee member representing disability organizations expressed concern that the explanatory text that stated airlines “generally” must permit service animals in the cabin, “unless the animal poses a direct threat…” would imply that the decision for airline personnel to turn down a service animal is subjective and within their discretion. The Committee member suggested that the text be modified to read “unless proper identification is not presented” or something similar. Ms. Workie acknowledged that a recently issued rule addressing service animals provides the following examples of when airlines can turn down a service animal: if the animal poses a direct threat to the health or safety of others; if the animal causes a significant disruption in the cabin or gate area, or its behavior indicates that it is not trained properly; or that carriage of the service animal would violate government safety or health requirements. The Committee member then asked if the following text could be added: “and if the handler cannot correct the behavior.” Ms. Workie noted that the final rule did provide examples that a trained service animal does not bark or growl repeatedly at other persons, bite or jump in the gate area, or run freely, urinate, or defecate in the cabin or gate area. Ms. Workie said that examples from the rule could be added to the document. The Committee member agreed that more detail in the document would be good because often the behavior of the animal is accidental and can be immediately corrected by the handler. The Committee member asserted that without more detail, the text is too open ended.
* A Committee member representing airlines commented that the language in the draft addressing direct threat should include threat not just to passengers, but others, as is stated in the rule. The Committee member also recommended that DOT clarify the description of an airline’s obligation to accept service animals to apply to trained service dogs. Ms. Workie responded that information can be added to the document that is in the rule, like with the previous comment on service animals.
* A Committee member representing veterans’ organizations recommended adding a bullet to the explanatory text addressing the rights and responsibilities for stowing a manual wheelchair in the cabin under section 382.67. The Committee member noted that the organization that she represents receives a lot of questions on the subject. A Committee member representing airlines agreed that the explanation would be helpful.

Ms. Workie noted that there was general agreement of the Committee on the following:

**First Recommendation for changes to Right 7: DOT should add language from the regulation about what mitigations can be done before an airline denies the service animal, to clarify the scope of “Direct Threat,”** **and to clarify what animals it must accept as a service animal.**

**Second Recommendation for Changes to Right 7: DOT should add language describing the rights and responsibilities in the regulation that addresses manual wheelchair stowage in the cabin**

### h. Right 8 – The Right to Receive Seating Accommodations

Ms. Workie began the discussion on Right 8 by summarizing the explanatory text that DOT included in the draft. Ms. Workie explained that the explanatory text describes the regulations that provide that airlines must assign specific seats within the same class of service to passengers who self-identify as needing a seat. The explanatory text provides information about what type of disabilities must receive particular types of seating under the rule. Ms. Workie further explained that the draft explains the general requirement that an airline must provide a seat assignment that best accommodates the passenger’s disability.

The Committee then discussed and provided the following feedback on Right 8:

* Based on the Committee’s prior recommendation that Right 6 be reframed to address assistance on the aircraft, Ms. Workie asked the Committee members if the section on seating accommodations should remain as a standalone section or be combined with Right 6. Several Committee members agreed that the portion of the Bill of Rights addressing seating accommodations should stand on its own. No committee member expressed that it should be combined.
* A Committee member representing veterans’ organizations expressed concern with the term “class of service” without explaining what it means. The Committee member further commented that the last bullet of the explanatory text that addresses airlines’ obligation to provide a seat assignment that best accommodates the passenger’s disability should be clarified to describe how that obligation applies when airlines may charge for seats, such as $10 for an aisle seat. The Committee member believed that the information would enable passengers to have accurate expectations. A Committee member representing airlines said that he believes DOT did a good job summarizing the regulations and was not opposed to the document defining class of service as it is a term of art. However, the Committee member expressed concern over changing the summary text in the Bill of Rights too much as these topics and the substance is something that has been discussed for many years.
* A Committee member representing disability organizations asked if the section describing seating accommodations for individuals with service animals could explain that airlines must provide “bulkhead seat or seat with extra legroom” instead of the current draft which reads “bulkhead seat or other seat.” Ms. Workie noted that it was her recollection that the regulation said bulkhead seat or seat with greater legroom and if so, that clarification could be made. The Committee member responded that the clarification would be important to add.
* A Committee member representing airlines commented that text should be added to the explanatory material to describe safety implications regarding seating. The Committee member expressed concern that passengers may assume they can sit in the exit row if there was no language acknowledging that airlines cannot provide a seat if the accommodation would be contrary to safety regulations. Ms. Workie noted that the section does not address exit row seating, but that safety is relevant to someone trying to obtain a seating accommodation and the airline may not have the discretion to provide the seat.
* A Committee member representing disability organizations suggested that DOT add the example of a deaf/blind passenger who often may have an interpreter to the section of the explanatory text addressing adjoining seats for interpreters for a passenger who is deaf or hard of hearing. Ms. Workie noted that she believes this would be consistent with the regulation and could be added.

The Committee then had a discussion of whether the Bill of Rights should include information on the methods airlines use to provide seating accommodations.

* Ms. Workie explained that airlines use one of three seating methods: Block Method; Priority Method; or Open Seating. Ms. Workie explained that if an airline uses the Priority Method, essentially the airline will seat passengers with a disability in a seat even if it is already assigned to another passenger without a disability. The passenger without a disability would be told that he or she needs to move if the seat is needed to accommodate the passenger with a disability. Under the Block Method, airlines hold seats for individuals with disabilities for a particular period before flight. Open Seating is practiced by Southwest Airlines.
* Committee members representing passengers with disabilities, disability organizations, and veterans’ organizations thought access to the information on airline seating methods would be helpful, such as when choosing an airline or booking seats. These Committee members believed this additional information would reduce frustration in the instance when a passenger who needs a seat does not get the seat that he or she requested. A Committee member representing disability organizations suggested that the information could be provided by hyperlink from the Bill of Rights document. Committee members representing airlines thought it best to keep the Bill of Rights simple by focusing on the right to a seating accommodation.

* Ms. Workie noted that information on the seating methods may not be helpful if passengers do not know which method the airline utilizes. The Committee then discussed whether DOT should publish on its website information on each of the largest marketing airlines’ seating methods. Committee members representing disability and veterans’ organizations expressed, again, that the information would be helpful. Committee members representing airlines expressed concern that seating methods are complex, airlines implement seat assignments in different ways, and providing information on airline seating methods may not be helpful and could cause confusion. A Committee member representing veterans’ organizations noted that its stakeholders are already asking for lists of airlines’ seating methods and that it would behoove airlines to make sure accurate information is available. A Committee member representing airlines said that while generally more information is better, providing this information might create more confusion than it alleviates. The Committee member noted that customers could develop the belief that under one of the policies, they would not get a seat, when in reality they may.
* A Committee member representing wheelchair manufacturers suggested that as a compromise, when airlines provide the Bill of Rights on their website, rather than providing a link to what all airline’s policies are, the airline would suggest that for information on the airline’s seating policy, the passenger contact the airline. Ms. Workie noted that airlines could have in the Bill of Rights information on the seating method used by that airline. Committee members representing airlines thought that the idea from the Committee member representing wheelchair manufacturers was a good approach because the carrier is in the best position to explain their own policy. A Committee member representing veterans’ organizations thought that it would be helpful if there was a way the Bill of Rights could take you directly to information on the airline’s website explaining the airline’s seating method. However, the Committee member did not think it would be helpful if the document just includes generic language stating that the passenger should just go look at the carrier’s website for more information. The Committee member stressed the importance of the information being available to explain why a person did not get the seat they needed or for persons, for example traveling for weekly medical treatment, who need to be on the flight. The Committee member noted that the Bill of Rights should be clear on how the information can be located. A Committee member representing disability organizations commented that the information should be one click from the document to not burden passengers.
* Committee members representing disability organizations expressed concerns that a link to one airline’s website would not always be helpful when people frequently travel on trips comprised of multiple airlines. In addition, one of the Committee members noted that when you look at airline policies related to COVID-19, different airlines explain it differently. For these reasons, Committee members believed that having centralized information, such as one chart, on the seating methods used by the airlines is important. Committee members representing disability organizations commented that passengers with disabilities should have as much information as possible to enable the passengers to make informed decisions. A Committee member representing disability organizations commented that perhaps the DOT could have a chart on its website with links to all the airlines’ websites with information explaining each of the airline’s seating policy. Ms. Workie noted that this would be similar to how DOT has organized information on airline family seating policies on the DOT website. Another Committee member representing disability organizations expressed that passengers with disabilities should not be burdened with finding the information. The Committee member suggested that the information on each airline’s seating processes should be available in a single chart.
* A Committee member representing airlines expressed concern that the chart would imply that airlines do not fulfill their obligation to provide seating, when that is not the case because they use one of the methods approved by DOT. The Committee member suggested keeping the information simple and that the Bill of Rights could include a statement notifying the passenger that if he or she would like the information, the passenger should go to the airline’s website or contact the carrier. Another Committee member representing airlines commented that some suggestions appear to be going beyond what the regulations require, but that it is fully appropriate for individual airlines to explain to their customers what their seating policies are. Ms. Workie noted that an obligation that an airline disclose which seating method it uses may be implicit in the regulation because there are conditions on passengers that depend on which seating method applies. The Committee member representing airlines clarified his point stating that the issue is with a public disclosure requirement that goes beyond the regulation. The Committee member offered that it may be acceptable if there was a performance-based standard where airlines would communicate information on their policies to passengers. Other Committee members representing airlines commented that the more information about seating methods added to the document the more it may move away from plain language.

Ms. Workie asked for the Committee to vote on whether each airline providing the Bill of Rights on their website should identify the specific seating methods they use and what the method means in the document. The Committee members supported the following recommendation:

**Recommendation for changes to Right 8: DOT should modify the Bill of Rights to include information on the specific airline seating method and what that means in the document.**

In conclusion, Ms. Workie noted that a suggestion for DOT to create a chart on its webpage describing each airline’s seating method can still be made by the Committee, but it would be outside of the Bill of Rights discussion.

### i. Right 9 – The Right to Accessible Aircraft

First, Ms. Workie summarized the explanatory text for Right 9 that DOT included in the draft. Ms. Workie explained that the right was not about service on board the aircraft, but the aircraft itself being accessible. Ms. Workie described the regulatory requirement that airlines must provide movable aisle armrests on half of the aisle seats on aircraft with a seating capacity of 30 or more seats. She noted that this is an area that DOT has received a number of EAD requests. In addition, Ms. Workie noted that there is a requirement that twin aisle aircraft with more than 60 seats have an accessible lavatory and an onboard wheelchair. For single aisle aircraft with more than 60 seats, airlines must have an aisle chair if the passenger gives the carrier 48-hours’ notice that he or she can use an inaccessible lavatory.

The Committee then discussed and provided the following feedback on Right 9:

* A Committee member representing veterans’ organizations took issue with the title of the right. The Committee member explained that right now aircraft are not accessible. The Committee member said that the explanation of the few accessible aircraft requirements in this section should be moved to other sections, or the heading should be changed to make it more accurate. The Committee member suggested that perhaps the right could be reframed to be more about accessible features. In addition, the Committee member noted that the organization she represents gets a lot complaints about armrests that don’t go up in first class and other places. The Committee member also questioned the language in the explanatory text describing the applicability of the accessibility features to “new aircraft.”
* Ms. Workie noted that DOT does a lot of work on EAD requests regarding first class seats and armrests before the requests are granted to ensure that seats are accessible. Ms. Workie said that DOT monitors complaints regarding its rulings so that the ruling can be corrected if needed. Regarding the question about “new aircraft,” Ms. Workie explained that the text could be cleaned up as the requirements that are mentioned in the explanatory text apply to aircraft ordered by or delivered to U.S. carriers in the 1990s, or for foreign airlines, aircraft ordered after 2009 or delivered after 2010, which is not really new.
* The Committee member representing veterans’ organizations noted that although EADs are docketed, they are not easy to find or understand. The Committee member explained that it is important for passengers to know when an EAD applies. The Committee member explained, for example, that the passenger will question why the armrest did not go up because there are supposed to be movable aisle armrests. The Committee member expressed that this is a source of frustration for passengers. In response, Ms. Workie noted that the Bill of Rights could say that there are a few exceptions to the requirements that provide the same or greater accessibility and then include the citation for the EADs. The Committee member agreed that the information would at least give a marker to the passenger that armrests may not go up.
* A Committee member representing airlines found that the title of the right is consistent with DOT regulations. The Committee member explained that that when the section talks about accessible aircraft, it is meant to capture what is currently in the regulations and what DOT has determined to be acceptable aircraft features.

Ms. Workie asked for the Committee to vote on whether the title of draft Right 9 should be modified to address aircraft features. A majority of the Committee members voted in favor of the following:

**Recommendation for Changes to Draft Right 9: DOT should change the title of Right 9 from “The Right to Accessible Aircraft” to “The Right to Accessible Aircraft Features.”**

### j. Right 10 – The Right to Resolution of a Disability-Related Issue

Ms. Workie summarized the information that DOT used in the draft to explain Right 10. Ms. Workie explained that the right to have a Complaint Resolution Official (CRO) available, either in person or by phone, to timely resolve disability-related issues is one of the most important provisions in the Department’s disability regulation. Ms. Workie also noted that airlines should provide a CRO even if the passenger with a disability does not ask for a “CRO” using those exact words. Ms. Workie added that the right to resolution of a disability-related issue also encompasses the passenger’s right to file a complaint with the airline or DOT. Ms. Workie explained that the regulations provide that airlines must provide a dispositive response to disability-related complaints, but this requirement, and what dispositive means, was not included in the draft by DOT in the interest of plain language. Ms. Workie also noted that the explanatory text provides a phone number for the DOT hotline that is operational during business hours.

The Committee then discussed and provided the following feedback on Right 10:

* Committee members discussed whether the Bill of Rights should provide information about the timing for when passengers must file a complaint and when the airline does or does not have to provide a dispositive response. Ms. Workie explained that the regulations state that complaints filed with DOT must be filed no later than six months after the date of the incident. Ms. Workie noted that if DOT receives complaints that are a year old, DOT may not investigate the complaint, in part because recollections fade and employee turnover. For disability-related complaints filed with airlines, they must provide a dispositive response within 30 days, except they do not need to provide a dispositive response if the complaint is filed with the airline more than 45 days after the incident. However, even after 45 days of the incident, if the consumer files the complaint with DOT within six months and DOT sends the complaint to the carrier, the carrier must provide a dispositive response within 30 days.
* A Committee member representing airlines commented that if the explanatory text makes reference to the regulation that airlines must respond within 30 days of the complaint, then it should also include the citations 382.155(c) and (d) so that the individual can then review the regulatory text providing for a 45 day-time frame after which airlines do not need to provide a dispositive response and the regulatory text with the requirement that airlines must provide a dispositive response within 30 days of its receipt. A Committee member representing veterans’ organizations suggested that the explanatory text should describe the language from the regulations.

Ms. Workie then asked the Committee to vote on whether the explanatory text for Right 10 should include information about the passenger’s responsibility to submit his or her complaint to the airline within 45 days and the passenger’s responsibility to send it within 6 months to DOT. A majority of the Committee members voted in favor of the following:

**Recommendation for Changes to Draft Right 10: DOT should add to the explanatory text the 45-day timeline for filing complaints with airlines and the 60-day timeline for filing complaints with DOT.**

After the Committee member’s discussion of Rights 1-10 in the DOT draft, the Committee asked about next steps regarding the Bill of Rights. Ms. Workie explained that DOT has consulted the Committee and has received suggested changes to the document. Once the Committee’s report is submitted to DOT, DOT will need to decide what to do with the recommendations and suggestions it has received. Ms. Workie explained further that the Committee may make recommendations about how DOT procedurally should move forward with the Bill of Rights. Ms. Workie noted, for example, that several Committee members expressed interest in reviewing the revised Bill of Rights before it is final. Ms. Workie explained that this is a recommendation that the Committee can make to DOT, but it does not have to.

In response, Committee members made the following comments:

* A Committee member representing airlines suggested that the Committee members get to see what the recommendations are on the Bill of Rights before they go to the DOT. Ms. Workie explained that the Chair of the Committee will be taking the lead to draft the report and that the DOT will not be involved with the drafting. Ms. Workie noted that she was told there was interest in Mr. Sinocchi, Mr. Mullen, and Ms. Ansley working together on an initial draft report that would then be circulated to all the Committee members.
* A Committee member representing airports commented that the Bill of Rights should have a preamble reiterating the importance of the passenger with a disability having the responsibility to follow certain procedures such as making advanced registration for wheelchair service and notifying the airline ahead of time of the equipment needed, in order for the document to highlight for the traveler that he or she has a responsibility before the document goes into the topics discussed earlier today. Ms. Workie noted that as the Committee drafts their report to DOT, it can add to the report that a member commented this preamble is something that DOT should consider. Ms. Workie noted that the focus of the part of the report describing the Bill of Rights would be on the ten rights with comments to DOT on what sort of specific changes the Committee thinks DOT should make as well as any more general comments, such as using plain language.

This concluded the discussion on the draft Airline Passengers with Disabilities Bill of Rights. At approximately 5:10 pm ET, Mr. Sinocchi and Ms. Workie adjourned the meeting and announced that the Committee meeting would continue on September 8, 2021 at 10:00 am ET.

# DAY TWO – September 8, 2021

The second day of the meeting of the ACAA Advisory Committee meeting began at 10:00 am ET. Ms. Workie and Mr. Sinocchi provided welcoming remarks and summarized the discussion and recommendations from the first day of the meeting.

## 4. Ticketing Practices and Seating Assignments

Following Ms. Workie’s and Mr. Sinocchi’s welcoming remarks, the Committee discussed the findings and recommendations of the Ticketing and Seating Subcommittee.[[2]](#footnote-3) The presentations and discussion were divided into three separate topics: (I) Ticket Practices – Special Service Request Codes; (II) Ticketing Practices – Accommodation Requests; and (III) Seating Assignments – Bulkhead Seating.

### a. Ticket Practices – Special Service Request Codes

The Committee first heard from Ms. Cristina Draguta from DOT’s Office of Aviation Consumer Protection, who provided an overview of the Ticketing and Seating Subcommittee’s first three recommendations, which are related to requests for accommodation and special service request (SSR) codes. Ms. Draguta first provided the Committee background information on what SSR codes are and how airlines and ticket agents currently use SSR codes. She explained that the Ticketing and Seating Subcommittee found a lack of consistency among some airlines and ticket agents regarding the use and application of SSR codes, which can result in passengers with disabilities not receiving the requested accommodation or receiving this accommodation in an untimely manner. Next, Ms. Draguta discussed how airlines and ticket agents currently share SSR data and some factors that contribute to SSR data being lost or mistranslated when it is transmitted between different airlines and from ticket agents to airlines. Then Ms. Draguta summarized the Ticketing and Seating Subcommittee’s findings related to storing disability requests passengers’ Frequent Flyer Profile.

Following Ms. Draguta’s presentation, the Committee engaged in a discussion on the Ticketing and Seating Subcommittee’s first recommendations, which calls for a working group led by IATA to address how airlines and ticket agents can improve the consistent application of special service requests.

* The Committee member representing IATA noted that the proposed working group led by IATA will tackle issues associated with the use and application of SSR codes, including the language used in interactions with passengers. He stated that the working group would set forth training recommendations for airlines and travel agents on this topic.
* A Committee member representing disability organizations stated that having a working group is a great idea and suggested that there should be a time frame for when the working group would be required to complete its work and produce a report. Multiple Committee members agreed with this suggestion. In response, the Committee member representing IATA and another IATA representative noted that they expect that the working group will start its work in two to three months and then it will take several months to a year to tackle the issues associated with the use and application of SSR code.
* A Committee member representing veterans’ organizations asked whether there is the ability to write additional details about a passenger’s accommodation request that would accompany the SSR code. An IATA representative confirmed that the ability to insert additional information and details into a free-form text box already exists. The Committee member representing veterans’ organizations suggested that the working group should also provide guidance for what to include in the free-form text.
* The Committee member representing IATA cautioned against having the Committee specify one thing to the potential exclusion of other things. A Committee member representing airlines agreed and said it would be best to give the working group more flexibility.
* As a compromise, Ms. Workie suggested having the working group consider and discuss the issue of free-form text. The Committee member representing IATA suggested amending the first sentence of the first recommendation to read as follows: “The Committee recommends establishing a working group led by IATA to address how airline ticket agents may improve the consistent application of essential service accommodations for persons with disabilities, including but not limited to the application of SSR codes and the use of free form text.”

Following the discussion, the Committee unanimously approved the following recommendation:

**Recommendation #1 as adopted by the Committee:** **The Committee recommends establishing a working group, led by IATA, to address how airlines and ticket agents can improve the consistent application of special service accommodation for persons with disabilities, including the consistent application of SSR codes and free form text. The working group would include representatives of airlines, airports, contract service providers, ticket agents, and disability organizations. The working group would also address the frequency of training for airline and ticket agent personnel on SSR codes as appropriate to their duties, including consideration of the benefits of annual training. The working group shall set forth an action plan to address these issues no later than one year after its establishment.**

Following the approval of the first recommendation, Committee members were invited to comment on the Ticketing and Seating Subcommittee Subcommittee’s second recommendation, which addresses training on special service accommodation. There were no comments, and the Committee unanimously approved the following recommendation

**Recommendation #2 as adopted by the Committee:** **The Committee recommends that as a matter of best practice, airlines and ticket agents train reservation agents and other personnel involved in applying disability-related service requests on the correct usage and application of these requests including the consistent application of SSR codes.**

Next, the Committee discussed the Ticketing and Seating Subcommittee Subcommittee’s third recommendation, which addresses storing special service accommodation requests in frequent flyer systems and privacy implications of doing so.

* Mr. Sinocchi pointed out that a passenger would have to give his or her permission to have the SSR data stored in the frequent flyer system.
* The Committee member representing IATA said that airlines are comfortable with best practices and they will do their best to support this goal.

Following these comments, the Committee unanimously approved the following recommendation:

**Recommendation #3 as adopted by the Committee:** **The Committee recommends that airlines consider, as a best practice, adding the capability to retain requests for special accommodation in future upgrades of their frequent flyer systems. The Committee notes that the ability of airlines to follow this best practice will depend in part on their ability to meet the requirements of applicable privacy regulations and the restrictions on the storage and use of sensitive health data. Passengers would need to provide their consent to the storage and use of this information for accommodation purposes and accept responsibility for ensuring that the information is accurate and up-to-date.**

### b. Ticketing Practices – Accommodation Requests

The Committee then turned to the Ticketing and Seating Subcommittee’s next set of recommendations, which are related to disability accommodation request forms. Ms. Draguta began by explaining that under DOT rules, airlines must have a mechanism on their primary websites for persons with disabilities to request disability accommodation services for future flights, including but not limited to wheelchair assistance, seating accommodations, escort assistance for a visually impaired passenger, and onboard stowage of an assistive device (14 CFR 382.43(d)). Ms. Draguta explained that the Ticketing and Seating Subcommittee reviewed the online accommodation request forms developed by several U.S. and foreign airlines to comply with this provision and found that airlines’ online accommodation request forms vary widely. She stated that the Ticketing and Seating Subcommittee also found that due in part to these differences and variations, passengers with disabilities may not be aware of the different types and levels of accommodations that the airlines offer, which may result in miscommunication and passengers with disabilities receiving inadequate assistance and accommodations.

Following Ms. Draguta’s presentation, the Committee engaged in a discussion on the Ticketing and Seating Subcommittee’s fourth recommendations, which calls for a public awareness campaign to educate the traveling public on the different types and levels of accommodations that airlines can provide to passengers with disabilities.

* Several Committee members stated that the stakeholders should coordinate on the public awareness campaign and that DOT should take the lead on coordinating the stakeholders. Some Committee members noted that DOT has the expertise necessary to figure out what the message behind the campaign would be and would be able to provide the information regarding the universe of accommodations offered by the airlines.

Following the discussion, the Committee unanimously approved the following recommendation:

**Recommendation #4 as adopted by the Committee:** **The Committee recommends that airlines, airports, travel agents, national disability organizations, and DOT coordinate on a public awareness campaign to educate the traveling public on the different types and levels of accommodations that airlines can provide to passengers with disabilities. DOT will lead the coordination of the public awareness campaign.**

Committee members were then invited to comment on the Ticketing and Seating Subcommittee’s fifth recommendation, which calls for a working group led by IATA to develop an improved universal disability accommodation request form.

* A representative from IATA noted that it would difficult to have a “universal” disability accommodation form due to different laws and jurisdictions where the form would be used. Several Committee members suggested using the word “consistent” rather than “universal” or simply calling the form a “disability accommodation form.”
* Several Committee members representing disability organizations suggested that printed, hard copies of the disability accommodation form should also available on demand as there are people with disabilities who do not use a computer.
* Several Committee members representing disability organizations suggested that the form be written in plain language and that the working group address the format of the form.

Following the discussion, the Committee unanimously approved the following recommendation:

**Recommendation #5 as adopted by the Committee:** **The Committee recommends establishing a working group, led by IATA, to develop an improved consistent disability accommodation request form that airlines and passengers would be encouraged to use. The working group will, at a minimum, address placement of the form, develop a form that is both usable online and in print, and ensure that the form is written in plain language, among other things. The working group would include representatives of airlines, airports, and disability organizations.**

Next, the Committee members were invited to comment on the Ticketing and Seating Subcommittee’s sixth recommendation, which address written confirmation of a disability accommodation request.

* A Committee member representing airlines noted that airlines already do their best to provide written confirmations of disability accommodation requests to passengers who book directly through the airline website. The Committee member stated that there are challenges when passengers book through travel agents, as airlines do not have the ability to dictate to travel agents what they should communicate to their clients. The Committee member explained that it is up to the travel agents to send a confirmation to the passengers confirming the accommodation request because airlines do not have the contact information for the passengers when the booking is made through third parties.

Following this comment, the Committee unanimously approved the following recommendation:

**Recommendation #6 as adopted by the Committee:** **The Committee recommends that as a matter of best practice, airlines and ticket agents provide written confirmation to passengers who submit disability accommodation requests.**

### c. Seating Assignments – Bulkhead Seating

The Committee then discussed the Ticketing and Seating Subcommittee’s findings and recommendations related to bulkhead seating for passengers with disabilities. The Committee first heard from Mr. Vinh Nguyen from DOT’s Office of Aviation Consumer Protection, who provided an overview of the relevant DOT regulations related to bulkhead seating for passengers with disabilities (14 CFR 382.81, 382.83, and 382.87). Mr. Nguyen explained that the 2016 FAA Extension, Safety, and Security Act requires DOT to initiate a rulemaking to address: whether to broaden the scope of passengers with disabilities who must be afforded seats with extra leg room; and whether carriers should be required to provide seating accommodations with extra leg rooms in all classes of service. Mr. Nguyen noted that DOT already has plans to draft a Notice of Proposed Rulemaking (NPRM) that would address these issues. Mr. Nguyen stated that the Ticketing and Seating Subcommittee found that there is currently not enough data and information to make a recommendation on the substance of DOT’s NPRM on bulkhead seating.

Following Mr. Nguyen’s presentation, the Committee engaged in a discussion on the Ticketing and Seating Subcommittee’s seventh recommendations, which calls for DOT to issue an ANRPM to gather more data and information on bulkhead seating for passengers with disabilities.

* A Committee member representing veterans’ organizations suggested setting a time frame for the ANPRM. The Committee member proposed that the ANPRM be included on DOT’s short-term agenda and issued within one year from when the Committee submits its report to DOT.
* A Committee member representing disability organizations suggested using data gathered by various disability groups. The Committee member explained that the disability organization that the Committee member represents has collected a fair amount of data on different kinds of disabilities and the experiences of passengers with disabilities. Ms. Workie noted that DOT welcomes stakeholders submitting data that is relevant for the rulemaking.

Following this comment, the Committee unanimously approved the following recommendation:

**Recommendation #7 as adopted by the Committee:** **The Committee recommends that before issuing a Notice of Proposed Rulemaking (NPRM) on seating accommodation for passengers with disabilities, DOT should initiate an Advanced Notice of Proposed Rulemaking (ANPRM) within one year of receiving the Committee’s Report to gather information and data to better understand: (a) the scope of passengers with disabilities who should be afforded bulkhead seats or seats with extra legroom; and (b) whether passengers with disabilities who require a bulkhead seat or seats with extra legroom are currently unable to obtain such a seat.**

Following this discussion, the Committee concluded its discussions of the findings and recommendations of the Ticketing and Seating Subcommittee and adjourned for lunch.

## 5. Stowage of Assistive Devices

When the Committee reconvened after lunch, the Committee discussed the findings and recommendations of the Stowage Subcommittee.[[3]](#footnote-4) The presentations and discussion were divided into three separate topics: (I) Damage to Assistive Devices; (II) Delayed Return of Assistive Devices; and (III) Stowage of Battery-Powered Wheelchairs and Scooters in the Cargo Compartment of Aircraft.

### a. Damage to Assistive Devices

The Committee first heard from Mr. Chris Miller from DOT’s Office of Aviation Consumer Protection, who provided an overview of the Stowage Subcommittee’s recommendation regarding damage to assistive devices. Mr. Miller began the section’s presentation by providing an overview of the relevant DOT regulations applicable to the stowage of assistive devices, including: the requirement to return assistive devices to passengers in the same condition in which they were received (14 CFR 382.129) and the prohibition against requiring passengers with a disability to sign a release or liability waiver for damage to or loss of wheelchairs or other assistive devices by carriers (14 CFR 382.35), among other things. Then, Mr. Miller summarized the Canadian Transport Agency’s (CTA) and the Rehabilitation and Assistive Technology Society of North America’s (RESNA)[[4]](#footnote-5) work related to labeling standards for wheelchairs and scooters. Mr. Miller also mentioned that the U.S. Food and Drug Administration (FDA) has recommended standards to test and ensure that medical devices, including wheelchairs, are safe and effective and that those recommended standards include the labeling of wheelchairs.

Following Mr. Miller’s presentation, the Committee engaged in a discussion on the Stowage Subcommittee’s first recommendation, which is related to wheelchair passports (a.k.a. travel configuration cards).

* A Committee member representing wheelchair manufacturers elaborated as to why these new labeling standards should be incorporated into Section 15 of the RESNA standard. The Committee member stated that Section 15, which includes information on wheelchair labeling, is currently an FDA recognized consensus standard. While following the standard is voluntary, manufacturers choose to do so anyways as it is much easier and facilitates the FDA’s 510(k) review process. A representative from the FDA confirmed this and stated that it is less burdensome for manufacturers if they choose to attest to these FDA recognized consensus standards. If the new labeling standards are incorporated into Section 15 of the standard, then the FDA would likely take that seriously and look for compliance during its review process. If the labeling mandate was placed in a different section of the standard, then the FDA may not consider it immediately.
* A Committee member representing wheelchair manufacturers discussed the proposed RESNA standards for wheelchairs for air travel. The standard includes both labeling and travel configuration cards and is very detailed. The standard is not currently in Section 15, and manufacturers could choose to not follow it if too stringent. The Committee member also stated that the new passport labeling standard (travel configuration card) cannot be placed in two different sections of the RESNA standards unless done by cross-reference. A different member representing wheelchair manufacturers proposed a hybrid solution, where the travel configuration card is cut out of the newly proposed RESNA wheelchair standard and then either located in Section 15 or cross-referenced by Section 15. This solution would result in wheelchair manufacturers complying with the requirements in the travel configuration card. However, reworking Section 15 could take multiple years. It was stated that RESNA ultimately decides where to place the new mandates within its standards.
* Multiple Committee members suggested that the Committee should wait for RESNA to first complete its work on the new wheelchair air transport standard as it is close to being finalized and should not be disrupted at this point. Then afterwards, RESNA should update Section 15 to incorporate the travel configuration card requirements. The recommendation was amended accordingly.
* The Committee also discussed the International Organization for Standardization’s (ISO)[[5]](#footnote-6) wheelchair standard, which is essentially the international standard equivalent to RESNA. It was stated that RESNA and ISO are separate and free to make their own standards. RESNA can bring its standards to ISO though for consideration, but that does not necessarily mean that RESNA’s standards will be implemented. The representative from the FDA confirmed that the ISO wheelchair standard is also an FDA recognized consensus standard, but the RESNA standard and the ISO standard are considered separately by the FDA.
* As for who should make the recommendation, Ms. Workie stated that DOT does not regulate RESNA. The representative from the FDA suggested that Mr. Rambhatla could raise this issue with RESNA and then discuss further with the FDA.

Following the discussion, the Committee unanimously approved the following recommendation:

**Recommendation #1 as adopted by the Committee:** **The Committee recommends that DOT/FDA encourages RESNA to adopt the proposed wheelchair air transport standards, which include provisions on labeling and travel configuration cards, and at a later date, RESNA to add a reference in Section 15 to recognize that air transport standard. This would not require any carve outs to the standards.**

The Committee then discussed the Stowage Subcommittee’s second recommendation, which addresses airline checklists and forms for handling wheelchairs. Mr. Miller provided a brief presentation summarizing the Stowage Subcommittee’s findings on this topic. Mr. Miller explained that wheelchair handling checklists and forms are another way for airlines to request and receive helpful information regarding the proper handling, loading, and stowage of assistive devices. Mr. Miller stated that the Stowage Subcommittee found that passengers with disabilities sometimes choose not to complete these forms, but passenger education efforts could help to increase response rates.

Following Mr. Miller’s presentation, the Committee engaged in a discussion on the Stowage Subcommittee’s second recommendation.

* A Committee member representing disability organizations asked whether any airlines currently do not offer such forms. Ms. Workie clarified that there is currently no DOT requirement that airlines offer these forms to passengers with disabilities traveling with a wheelchair or scooter. However, the Stowage Subcommittee looked at several airline forms and considered these forms in developing its recommendation. It was not confirmed whether all airlines have these forms.
* A Committee member representing disability organizations asked whether it would then be mandatory that a passenger with a disability complete this form. Ms. Workie clarified that DOT does not require passengers to complete wheelchair handling checklists and forms.
* A Committee member representing airlines informed the Committee that IATA will be starting an action group that will examine the issue of wheelchair handling checklists and forms, among other things. The Committee member stated that the IATA action group will review the entire traveling process for wheelchairs in order to understand where damage is occurring, and wheelchair handling checklists are one of the action group’s expected deliverables. As such, it was suggested that the recommendation be amended to allow for IATA to take the lead on this item.
* A Committee member representing disability organizations expressed a desire for these forms to be consistent across airlines, to use plain language, and to make them as user friendly as possible.
* Multiple Committee members mentioned that such forms should be available both online and in print.
* A Committee member representing disability organizations stated it had conducted a survey and found that airline personnel may not be familiar with wheelchair handling checklists and forms. As such, it would be beneficial to ensure that airlines are training employees on how to use these forms when passenger with disabilities present the forms to them.

Following the discussion, a majority of the Committee members approved the following recommendation:

**Recommendation #2 as adopted by the Committee:** **The Committee recommends establishing a working group, led by IATA, to examine improving airline checklists and forms for handling wheelchairs to make the checklists and forms more consistent across airlines and written in plain language. The working group would include disability organizations, airports, aircraft manufacturers, and wheelchair manufacturers.**

Next, the Committee discussed the Stowage Subcommittee’s third recommendation, which addresses passenger education efforts. Mr. Miller stated that the Stowage Subcommittee found that education can play an important role in potentially preventing damage to assistive devices during handling and stowing and allowing for airlines to plan ahead for passengers with disabilities and their assistive devices.

Following Mr. Miller’s presentation, Committee members were invited to comment on the Stowage Subcommittee’s third recommendation.

* A Committee member representing disability organizations stated that there should be coordination among interested parties on this recommendation. This member also stated that educational awareness should include airline personnel and not just passengers. Ms. Workie stated that this second issue could be addressed separately in a training recommendation.
* Another Committee member representing disability organizations believed that similar work is already being carried out by RESNA, which includes helping passengers with disabilities to better understand how to prepare their chairs for air travel.
* A Committee member representing airlines clarified that the recommendation is geared more towards awareness rather than education. It is intended to increase passengers with disabilities awareness of the benefits of providing advance notice and accurate device information and of the risks associated with not doing so.

Following the discussion, the Committee unanimously approved the following recommendation:

**Recommendation #3 as adopted by the Committee:** **The Committee recommends that airlines, DOT and disability rights organizations continue educating consumers about the benefits of providing advance notice of traveling with a wheelchair or scooter, as well as sharing information about such devices with airline or contractor personnel handling the devices, such as the size and weight of the mobility aid and battery type if applicable.**

**The Committee encourages airlines, DOT, and disability rights organizations to consider using different mediums to enhance or increase passenger education as well as taking a unified approach regarding passenger education as appropriate.**

The Committee then discussed the Stowage Subcommittee’s fourth recommendation, which addresses securement methods and practices for bulk cargo compartments of aircraft. Mr. Miller stated that the Stowage Subcommittee focused on three major considerations: wheelchair tie-down points and brackets; strapping equipment, and aircraft tie-down locations. Mr. Miller also shared the details of a guidance document published by IATA that covers several best practices for the securement and handling of battery-powered wheelchairs. These best practices included recommended actions such as: securing devices using the base frame; removing fragile parts from the chair before stowage; avoiding over tightening of straps; and using tie-down points when available.

Following Mr. Miller’s presentation, the Committee engaged in a discussion on Stowage Subcommittee’s fourth recommendation, which has five provisions on industry best practices for securement of battery-powered wheelchairs and scooters. Each provision was discussed separately. The first provision addresses industry best practices for tie-downs in aircraft cargo compartments.

* A Committee member representing aircraft manufacturers clarified a few points regarding tie-downs in bulk cargo compartments of aircraft. First, the Committee member stated that two aircraft manufacturers have tie-down fittings as a standard feature on their current production models. For older production models, there is no guarantee that these features may exist. The Committee member stated that one other manufacturer does have an option to add in tie-downs when purchasing from them.
* Ms. Workie then noted the use of the phrase “newly purchased aircraft” in the Subcommittee’s recommendation to give manufacturers time to implement this best practice.

Following the discussion, the Committee unanimously approved the following recommendation:

**Recommendation #4(a) as adopted by the Committee:** **The Committee recommends that, as a best practice, aircraft manufacturers have, as a standard feature on newly purchased aircraft, tie-down locations in the bulk cargo compartment for the securement of wheelchairs and scooters. The Committee notes that, for containerized cargo compartments, wheelchairs and scooters are typically transported separately in a container or on a pallet.**

The second provision of the fourth recommendation addresses airline procedures and equipment for strapping wheelchairs and scooters in the aircraft cargo compartment.

* A Committee member representing airlines stated that IATA’s action group, which will also look at securement procedures, will take on this recommendation. The group will be reviewing airlines’ procedures for loading and securing assistive devices.
* Ms. Workie informed the representative that there is a recommendation for a working group later on in the Stowage Subcommittee’s report. However, this recommendation is meant to place responsibility on airlines to have strapping procedures and equipment in place and available for securement. As such, she suggested that the Committee may wish to have them remain as two separate items.

Following the discussion, the Committee unanimously approved the following recommendation:

**Recommendation #4(b) as adopted by the Committee:** **The Committee recommends that, as a best practice, airlines have procedures and equipment in place for the strapping of wheelchairs and scooters in the cargo compartment, when tie-down locations are available in the aircraft.**

The third provision of the fourth recommendation addresses securement points on wheelchairs and scooters.

* A Committee member representing disability organizations raised the issue of whether these best practice recommendations should also be applicable to manual wheelchairs. A Committee member representing wheelchair manufacturers clarified that adding a transit bracket to lightweight and ultra-lightweight manual wheelchairs could be an issue. However, the recommendations could make sense for other types of manual wheelchairs that should be treated similarly to battery-powered wheelchairs. These are types of chairs that don’t necessarily collapse or fold to a point that it is able to be brought into the cabin. Ms. Workie confirmed that the Subcommittee’s recommendations are already worded in a way that should capture manual wheelchairs as well. The recommendations apply to “wheelchairs and scooters.”
* Another Committee member representing disability organizations mentioned that often times passengers with manual wheelchairs will disassemble them before flying by removing several parts. Thus, when stowed, it may not even look like a wheelchair. It may just be a rigid frame that goes into the cargo compartment. This may then have different requirements for securement.
* A Committee member representing wheelchair manufacturers raised two issues with the recommendation: (1) “new wheelchairs” needs to be defined, and (2) the provision of transit brackets on wheelchairs is complicated due to funding issues. These features add significant cost to the device. Because of this, he suggested rephrasing the third provision of the fourth recommendation to read as, “should be offered either as standard or as an option, depending on the chair and the manufacturer.” This is different than the industry practice today because currently some chairs, and scooters, do not offer WC-19 compliant securement points at all.
* It was also clarified that there is a difference between compliant securement points and other securement points. Non-compliant securement points might be an attachment point that does not meet the WC-19 requirements.
* Ms. Workie confirmed her understanding that today, most newly purchased battery-powered wheelchairs already come equipped with adequate securement points. On the other hand, manual wheelchairs may have adequate securement points as an optional feature for purchase. Similarly, when purchasing a scooter, adequate securement points would not be a standard feature.
* Dr. Kate Hunter-Zaworski of Oregon State University stated that the third provision of the fourth recommendation relates to unoccupied chairs. WC-19 makes the assumption that the chair is occupied. Thus, it could be that a different securement point may be adequate for securement in the cargo compartment, but it is still lesser than the WC-19 standard. She also underscored the issue with additional costs and who should bear them.
* It was concluded that if a wheelchair does not have securement points based on WC-19, then there are currently no assurances that the chair can be safely stowed and secured without damage. There is not a separate standard that has been recognized as appropriate for air travel. A Committee member representing wheelchair manufacturers also mentioned that RESNA’s new wheelchair standards include symbols for the following device types: WC-19 compliant; not WC-19 compliant; and neither.
* Based on the discussions above, Ms. Workie laid out three potential options for the Committee to consider:
  + Option A: The Committee to recommend that wheelchair manufacturers have adequate securement points that meet the WC-19 standards as a standard feature on new wheelchairs and scooters. As mentioned, the problem here is that this would cost a lot of money for manufacturers.
  + Option B: The Committee to recommend that wheelchair manufacturers have adequate securement points that meet the WC-19 (RESNA Section 19) standards as a standard or optional feature on new wheelchairs and scooters. For this, the problem is that some passengers with disabilities may not be able to afford the option and thus will not take advantage of the feature.
  + Option C: The Committee to recommend that wheelchair manufacturers have securement points, that may not meet the requirements of WC-19, as a standard feature on new wheelchairs and scooters. More manufacturers may follow this since they do not need to meet the most stringent standards, but this would not provide any assurances to the airlines and the person with a disability that the item can be safely secured.
* Both Committee members representing wheelchair manufacturers agreed that Option B was the best solution.

Following the discussion, a majority of the Committee members approved the following recommendation:

**Recommendation #4(c) as adopted by the Committee:** **The Committee recommends that, as a best practice, wheelchair manufacturers have adequate securement points that meet the WC-19 (RESNA Section 19) standards as a standard or optional feature on new wheelchairs and scooters. The Committee notes that some passengers with disabilities may not be able to afford a wheelchair that meet the WC-19 standard and thus may not be able take advantage of the feature.**

The fourth provision of the fourth recommendation contains instances when airlines cannot secure wheelchairs and scooters in the aircraft cargo compartment. There were no comments on this provision, and the Committee unanimously approved the following recommendation:

**Recommendation #4(d) as adopted by the Committee:** **The Committee recommends that airlines, as a best practice, secure wheelchairs or scooters transported in the aircraft cargo compartment unless: (i) straps or other equipment needed to secure the device are not available, (ii) the device does not have securement points, (iii) the aircraft does not have a designated location to secure the device, or (iv) the device does not fit within the aircraft cargo compartment.**

The fifth provision of the fourth recommendation addresses wheelchairs and scooters that do not meet the specifications of ANSI/RESNA WC-19 and ISO 7176-19.

* A Committee member representing wheelchair manufacturers, who is also on the RESNA standards committee, confirmed that RESNA is not currently working on any standard for non-WC-19 wheelchairs. The Committee member explained that this issue has not previously been addressed by RESNA because manufacturers have had responsibility for addressing non-WC-19 compliant transit brackets for a while. If the Committee and/or FDA request RESNA to look into this matter, it could be persuasive.

Following this comment, the Committee unanimously approved the following recommendation:

**Recommendation #4(e) as adopted by the Committee:** **The Committee recommends that, for wheelchairs and scooters that are not transit compliant (i.e. do not meet the requirements of ANSI/RESNA WC-19 and ISO 7176-19), RESNA develop performance standards and/or guidance for their securement (including design and strength requirements) within an aircraft cargo compartment.**

### b. Delayed Return of Assistive Devices

The Committee then discussed the Stowage Subcommittee’s fifth recommendation, which addresses delayed return of assistive devices. Mr. Miller first provided an overview of the DOT’s relevant regulations applicable to airlines, including: the requirement to provide for the checking and timely return of wheelchairs and other mobility aids to passengers as close as possible to the door of the aircraft (14 CFR 382.125(c)); the requirement that assistive devices must be among the first items retrieved and unloaded from the baggage compartment in order to achieve timely return (14 CFR 382.125(d)); the requirement to report monthly data regarding mishandled devices (14 CFR 234.6(b)(4)); and the requirement to report annual data regarding all disability-related complaints (14 CFR 382.157). Next, Mr. Miller noted that while large U.S. airlines, accounting for approximately 96% of all domestic scheduled passenger traffic in the United States, are already required by DOT to collect relevant data on mishandled devices, such data is not currently broken down in a way that specifically shows instances of delayed wheelchairs and scooters.

Following Mr. Miller’s presentation, the Committee engaged in a discussion on the Stowage Subcommittee’s fifth recommendation.

* A Committee member representing disability organizations was excited to see the Stowage Subcommittee’s recommendation and stated that it is good to have a best practice here and hopes that the information gained could be shared with travelers and advocates in due time.
* Committee members representing airlines stated that this is an important topic for airlines and that airlines can continually focus on and discuss with each other to determine best practices and ways to provide a best experience for customers.

Following these comments, the Committee unanimously approved the following recommendation:

**Recommendation #5 as adopted by the Committee:** **The Committee recommends that each large U.S. airline review its mishandled (damaged, delayed, or lost) wheelchair and scooter data, determine what component of this data relates to delayed wheelchairs and scooters, review the data to determine the cause of the delay, and consider actions to take to prevent or reduce incidents of delayed return of these devices to passengers with disabilities.**

At approximately 5:15 pm ET, Mr. Sinocchi and Ms. Workie adjourned the meeting and announced that the Committee meeting would continue on September 9, 2021 at 10:00 am ET.

# DAY THREE – September 9, 2021

The third day of the meeting of the ACAA Advisory Committee began at 10:00 am ET. Ms. Workie and Mr. Sinocchi gave brief welcoming remarks and provided meeting logistics. Following this, the Committee continued with the final section of the Stowage Subcommittee’ report.

### c. Stowage of Battery-Powered Wheelchairs and Scooters in the Cargo Compartment of Aircraft

The Committee began the day by discussing the Stowage Subcommittee’s sixth recommendation. Mr. Miller’s started by providing an overview of the relevant DOT regulations applicable to airlines, including: the requirement to accept battery-powered wheelchairs as checked baggage (14 CFR 382.127(a)); the requirement to give wheelchairs and other assistive devices priority for stowage in the baggage compartment over other cargo (14 CFR 382.125(b)); and the requirement to provide for the checking and timely return of wheelchairs and other mobility aids to passengers as close as possible to the door of the aircraft (14 CFR 382.125(c)). Next, Mr. Miller summarized the Stowage Subcommittee’s findings and recommendations related to this topic.

Following Mr. Miller’s presentation, the Committee engaged in a discussion on Stowage Subcommittee’s sixth recommendation.

* A Committee member representing disability organizations requested that the recommendation specify that the study in the sixth recommendation should include cargo door sizes.
* It was clarified that the deliverable or outcome from this working group and study should be to examine whether the aircraft can be designed differently to better accommodate assistive devices in the bulk cargo compartment. Wheelchair and scooter design should also be considered. The working group should convene, discuss, and come up with both short-term and long-term, future solutions.
* It was clarified that RESNA’s on-going related work on design and standards for wheelchairs for air travel may have some overlap, but the recommendation is not meant to replace RESNA’s work. Rather, this working group should include items that are beyond the scope of RESNA’s work, such as examining cargo door and compartment design.
* A Committee member representing aircraft manufacturers noted that the recommendation should only be for bulk cargo doors, as other cargo doors generally may not be used for loading and transporting wheelchairs and scooters.

Following these comments, Ms. Workie set forth three possible amendments to the recommendation.

* Amendment 1: Include language in the recommendation (such as *e.g.,*) that makes it clear that the Committee is interested in a review of aircraft cargo doors and cargo compartments.
* Amendment 2: Include language in the recommendation that makes it clear that the working group should coordinate with RESNA on related work.
* Amendment 3: Specify that the Committee is mainly interested in bulk cargo doors and bulk cargo compartments.

A majority of the Committee members voted in favor of all three amendments and approved the following recommendation:

**Recommendation #6 as adopted by the Committee:** **The Committee recommends that a working group, led by IATA, be established to study how battery-powered wheelchairs and scooters could best fit and be secured within the bulk cargo compartment of narrow body aircraft and wide-bodied aircraft. The study’s purpose is to explore innovative improvements, including the design of aircraft bulk cargo compartments (*e.g., bulk cargo doors*) and battery-powered wheelchairs and scooters. At a minimum, study participants should include representatives from both aircraft manufacturers and device manufacturers. This work should be carried out in coordination with RESNA, where possible.**

The Committee then discussed the Stowage Subcommittee’s work related to options when a wheelchair cannot safely be transported on the owner’s flight. Mr. Miller stated that the CTA requires carriers, in such situations, to advise the passenger of alternative trips offered by that same carrier and offer booking for no additional cost. Mr. Miller stated that the Stowage Subcommittee had considered whether a similar rule should be adopted in the United States and that the Stowage Subcommittee also considered other possible solutions, including adopting a stricter rule that would require airlines to seek out alternative flights offered by other carriers at no additional cost or adopting a less strict best practice approach. Mr. Miller then shared some of the Stowage Subcommittee’s concerns with each option. Mr. Miller stated that ultimately, the Stowage Subcommittee was not able to reach agreement on a recommendation for this area.

The Committee was invited to raise any additional thoughts on this matter.

* A Committee member representing disability organizations stated there would need to a be level of flexibility for airlines at smaller and regional airports. This same member also stated that there should be a time frame as to when the airline would be required to get the passenger on another flight because lengthy delays could be problematic for passengers. A Committee member representing airlines echoed the need for flexibility for airlines in these situations, which may require rerouting the passenger.
* It was noted that some airlines currently make an effort to transport the passenger on another flight that can fit the wheelchair or scooter as its good customer service. However, it was also noted that DOT does not have any regulations on point that address this issue and timeliness.
* A Committee member representing airlines stated that this issue could be mitigated if passengers communicated information regarding their assistive devices to the airlines in advance of travel. There can be challenges if the airline only knows a day or two before the flight, but if there’s more time then carriers will put in the extra work to come up with transportation options. It was noted that this is not always possible though if the flight has to be booked last minute
* A different Committee member representing airlines reiterated the issues faced by airlines that do not have a variety of aircraft types in their fleets. If one aircraft cannot accommodate the device, then the carrier likely does not have any other aircraft that could be swapped out to resolve the issue. This Committee member stated that any recommendation in this area could give passengers a false sense of hope that the issue will be resolved should it come up.
* The Committee Chair stated that this issue could be resolved by creating airplanes that are fully accessible by enabling passengers to travel on their own wheelchairs. (Note: This idea was revisited later on during the third day.) A Committee member representing aircraft manufacturers stated that this would be a very lengthy process, if possible.

As a final area for consideration, the Committee discussed the Stowage Subcommittee’s findings related to airline training requirements. Mr. Miller discussed the findings of a survey that Committee members representing airlines distributed to U.S. and foreign air carriers to collect data on training frequency, format, and challenges. Mr. Miller stated that the survey results showed that most airlines are providing both initial and recurrent training on stowage methods, proper identification and handling of batteries, and the requirements to consult with passengers for disassembly and reassembly instructions. Mr. Miller stated that the Subcommittee decided not to make any recommendation on stowage training requirements.

Following Mr. Miller’s presentation, the Committee engaged in a discussion on this topic.

* A Committee member representing disability organizations asked whether training requirements also apply to “below-the-wing” employees given that they do not typically interact with the public. Ms. Workie confirmed that the training requirements should also apply to them, although they may not typically be customer-facing.
* Another Committee member representing disability organizations asked whether there is evidence showing that hands-on training results in lower cases of damage to assistive devices. However, the Committee did not have any available data on this.
* The Committee decided that further discussions regarding training would be better suited for after the Committee heard about the findings and recommendations of the Assistance Subcommittee, whose work included other training related issues at airports and on aircraft.

After these comments, the Committee concluded its discussions of the findings and recommendations of the Stowage Subcommittee.

## 6. Assistance at Airports and on Aircraft and Related Airline Training Programs

The Committee then turned to the findings and recommendations of the Assistance Subcommittee.[[6]](#footnote-7) The presentations and discussion were divided into four separate topics: (I) Timeliness of Assistance; (II) Dignity of Assistance; (III) Safety of Assistance; and (IV) Related Training.

### a. Timeliness of Assistance

The Committee first discussed the Assistance Subcommittee’s findings and recommendations regarding “prompt” assistance. Ms. Clereece Kroha summarized DOT’s existing regulation on evaluating the timeliness of assistance provided by airlines and vendors. Under DOT’s regulation requiring airlines to provide enplaning, deplaning, and connecting assistance to passengers with disabilities, the assistance must be provided “promptly” (14 CFR 382.95). DOT determines whether assistance was provided promptly by looking at the totality of circumstances, instead of applying a strict time limit. With respect to deplaning assistance by aisle chairs, DOT expects that the aisle chair and personnel should be available at the gate no later than as soon as other passengers have left the aircraft. During the Assistance Subcommittee discussion, members discussed whether a stricter standard should be adopted, which provides a bright line requirement on promptness. The Assistance Subcommittee members also discussed whether a separate and stricter standard should be adopted with respect to deplaning assistance with aisle chairs.

Following Ms. Kroha’s presentation, the Committee engaged in a discussion on the Assistance Subcommittee’s first recommendation.

* Committee members representing airlines described the reasons that they are in favor of the totality of circumstances standards, stating that there are many factors that would impact the efficiency of wheelchair assistance, including ad hoc requests, airport layout, and general operational impacts.
* A Committee member representing airports also expressed support for continued use of the totality of the circumstances standard. This member provided additional examples of factors that would affect timeliness of assistance, including weather, seasonal issues, computer issues at Customs or at TSA, and flights that arrive earlier or later than scheduled.
* Some Committee members representing disability organizations stated that the totality of circumstances standard is too open-ended, resulting in passengers not knowing what they should expect regarding timely assistance. They supported having an outer limit of time by which assistance should be provided. The Committee member representing PVA stated that the timeliness of deplaning assistance by aisle chairs should be subject to a different standard. This Committee member stated that the current timeliness standard for deplaning assistance by aisle chair, which is in the preamble of the 2008 ACAA final rule, should be codified in the rule text.
* A Committee member representing disability organizations commented that many passengers with disabilities feel that requesting assistance in advance does not necessarily improve the timeliness of assistance and that passengers who are blind or of low vision may feel forgotten if they have to wait 20 minutes for assistance. Ms. Workie stated that advance request is one of the circumstances DOT considers in determining whether assistance was timely, and that there is less tolerance for delays with respect to assistance that is requested in advance.
* A Committee member representing airports suggested that rather than setting a requirement that assistance be provided within a certain amount of time, there should be a requirement that airlines inform passengers about a delay whenever there is a delay so that they know that they have not been forgotten. Some Committee members representing the disability organizations voiced support of a requirement for a status notification or check-in system, particularly through use of mobile applications, for passengers with disabilities who are awaiting assistance to check on the status of their requests.
* A Committee member representing contract service providers expressed concern about the feasibility of providing updates through mobile apps to passengers awaiting assistance. This Committee member indicated that vendors do not typically receive passenger phone numbers from airlines, so they cannot contact passengers regarding the status of assistance unless the passengers are waiting in queuing areas set up by vendors for departing flights. A Committee member representing airlines added that airlines do not always have the phone numbers of passengers who book through travel agents. A Committee member representing airports suggested that passengers, when they make a special service request, be asked to provide their phone numbers and state whether they want the airline to provide the numbers to the vendor so that the vendor can update them regarding the status of requests. A Committee member representing disability organizations supported the suggestion of this opt-in service.
* A Committee member representing disability organizations indicated that, even if status notifications were implemented, they still want a defined outer limit for the time in which assistance must be provided.

Following these comments, Ms. Workie asked the Committee members to vote on three items:

* Item 1: DOT should continue to use the totality of the circumstances standard in determining whether assistance was prompt and impose a new requirement that airlines notify passengers when assistance cannot be provided within a certain time frame (to be defined by DOT). A majority of Committee members voted in favor of this item.
* Item 2: DOT should continue to use the totality of the circumstances standard in determining whether assistance was prompt and set an outside parameter for timeliness of assistance. A majority of Committee members voted against this item.
* Item 3: DOT should codify the timeliness standard described in the Preamble of the 2008 final rule with respect to providing deplaning assistance by aisle chair (i.e., aisle chair and personnel be at the arrival gate no later than as soon as other passengers have deplaned). A majority of Committee members voted in favor of this item.

Accordingly, a majority of the Committee members approved the following recommendation:

**Recommendation #1 as adopted by the Committee:** **The Committee recommends that, as a general matter, DOT continue to use the totality of the circumstances standard to determine if enplaning, deplaning, and connecting assistance is prompt. The Committee recommends that DOT impose a new requirement that airlines notify passengers when assistance cannot be provided within a certain time frame to be defined by DOT. The Committee also recommends that DOT codify the timeliness standard described in the Preamble of the 2008 final rule with respect to providing deplaning assistance by aisle chair (i.e., aisle chair and personnel be at the arrival gate no later than as soon as other passengers have deplaned).**

Next, the Committee discussed the Assistance Subcommittee’s second recommendation, which relates to DOT’s pending rulemaking that would clarify airlines’ responsibility to provide prompt assistance to passengers with disabilities who request assistance in moving within the airport. Ms. Kroha began the discussion by summarizing DOT regulations regarding the scope of promptness of assistance. 14 CFR 382.95 requires carriers to provide prompt enplaning and deplaning assistance, including, as needed, the use of ground wheelchairs and accessible motorized carts. 14 CFR 382.91 requires carriers to provide assistance in moving within airport terminals. Ms. Kroha explained that although section 382.91 does not specifically use the word “prompt,” based on the language in section 382.95, which contains the word “prompt,” DOT has interpreted that these two sections are intrinsically connected and the assistance required by both sections must be prompt. Ms. Kroha stated DOT believes that airlines may not fully understand the timeliness element required by section 382.91 based on the significant number of complaints regarding untimely assistance in moving within airport terminals. As such, DOT initiated a rulemaking to clarify this aspect.

Ms. Workie stated that some airlines have questioned whether prompt enplaning and deplaning assistance includes assistance moving within the airport. She explained that the DOT’s position is that prompt enplaning and deplaning assistance includes moving within the airport, which is why section 382.95 mentioned the use of motorized carts. She stated that the Assistance Subcommittee recommended that DOT move quickly on a rulemaking to clarify the requirement that prompt assistance includes assistance moving within the airport.

The Committee was invited to speak on the Assistance Subcommittee’s second recommendation, but there were no additional comments. A majority of the Committee members approved the following recommendation:

**Recommendation #2 as adopted by the Committee:** **The Committee recommends that DOT swiftly issue its rulemaking clarifying that the requirement to provide prompt assistance includes assistance moving within airport when requested by or on behalf of a passenger with a disability with a departing, arriving, or connecting flight.**

Next, the Committee discussed the Assistance Subcommittee’s third recommendations on improving timeliness of assistance. Ms. Kroha stated that the Assistance Subcommittee believed that exploring ways to facilitate the initial connection between passengers needing assistance and the airline personnel providing assistance would greatly reduce the time spent for passengers to look for help. She explained that the Assistance Subcommittee considered multiple ways to facilitate passenger self-identification, including infrastructure, personnel, and technologies. Ms. Kroha also noted that the members of the Assistance Subcommittee representing disability organizations stated that facilitation measures should be tailored to different types of disabilities.

Following Ms. Kroha’s presentation, the Committee engaged in a discussion on the Assistance Subcommittee’s third recommendation.

* Ms. Workie then explained that the Assistance Subcommittee’s recommendation on improving timeliness of assistance resulted from a number of the Assistance Subcommittee members representing disability organizations describing the frustration for a person with a disability to arrive at an airport and not know what process they should be using to self-identify.
* The Committee member from ACI-NA stated that, with respect to self-identification, the ACAA is complicated by the reality of the airport environment. He stated that ACI-NA is happy to facilitate the discussion regarding self-identification and to help resolve issues relating to it.

Following these comments, the Committee unanimously approved the following recommendation:

**Recommendation #3 as adopted by the Committee:** **The Committee recommends that ACI-NA and A4A work together, in consultation with disability rights advocates, to develop guidelines and best practices for assisting passengers with disabilities with self-identification upon arrival for travel from U.S. airports or connecting at U.S. airports as applicable, including the use of personnel, physical infrastructure, and available technologies. For example, the Working Group would address how individuals with different types of disabilities, including those who are blind or of low vision, would know how to self-identify when entering an airport terminal. The Committee recommends that the Working Group consider the best practices identified in the FAA Advisory Circular 150/5360-12F: Airport Signing and Graphics, and Airport Cooperative Research Program, Report 210, Innovative Solutions to Facilitate Accessibility for Airport Travelers with Disabilities. The Committee also recommends that the Working Group examine how assistive technologies can improve access at airports, including the use of such apps as Aira, which is a service that connects blind and low-vision people to highly trained, remotely located agents through an app on a phone.**

Next, the Committee discussed the Assistance Subcommittee’s fourth recommendation, which addresses *ad hoc* and advance notice of enplaning, deplaning, or connecting assistance. Ms. Kroha began by describing airlines’ report on the large numbers of *ad hoc* assistance requests they receive, which they believe have a negative impact on the timeliness of assistance. She stated that all Assistance Subcommittee members agreed, in principal, that providing advance requests would improve timeliness of assistance. Ms. Kroha explained that in order to get a better idea on how many passengers were and were not making advance requests, the Assistance Subcommittee discussed a pending DOT rulemaking that proposes requiring airlines to report to DOT the number of disability assistance requests they receive each year, which could include the numbers of advance requests and the numbers of *ad hoc* requests. She stated that some members of the Assistance Subcommittee had concerns about the technical challenges airlines may face in collecting the data, which could impact the integrity of the data. She reported that, as a result of this concern, the Subcommittee did not reach an agreement to support this rulemaking.  Nonetheless, the Assistance Subcommittee agreed that encouraging passengers to make advance requests would potentially reduce the number of *ad hoc* requests and improve timeliness of assistance.

The Committee was invited to comment on the Assistance Subcommittee’s fourth recommendation. There were no comments on this provision, and the Committee unanimously approved the following recommendation:

**Recommendation #4 as adopted by the Committee:** **The Committee recommends that airlines, DOT, and disability rights organizations continue educating consumers about the benefits of providing advance notice to airlines if they need enplaning, deplaning, or connecting assistance.**

The Committee then discussed the Assistance Subcommittee’s fifth recommendation, which addresses airport disability councils. Ms. Kroha stated that this recommendation was suggested by a member of the Assistance Subcommittee representing airports. She stated that the Assistance Subcommittee believes that disability councils that are sponsored by airports and consist of airlines, TSA, CBP, and disability advocates would greatly improve facilitation of passenger self-identification and beyond.

The Committee was invited to speak on the Assistance Subcommittee’s fifth recommendation. There were no comments on this provision, and the Committee unanimously approved the following recommendation:

**Recommendation #5 as adopted by the Committee:** **As an industry best practice, the Committee encourages all U.S. commercial service airports to establish disability councils that consist of airport staff, airline representatives, disability advocates, and other stakeholders to address issues related to access for passengers with disabilities.**

Next, the Committee discussed the Assistance Subcommittee’s sixth recommendation, which calls for DOT to clarify who is and who is not entitled to wheelchair assistance. Ms. Kroha stated that a representative from IATA gave a presentation to the Assistance Subcommittee regarding inappropriate requests for assistance. IATA’s presentation outlined some of the reasons why passengers without disabilities may request wheelchair assistance, including language barriers, difficulty in navigating through airports, a desire for priority access through security checkpoints, immigration and customs, and a desire for preboarding and priority access to overhead bins.

The Committee was invited to speak on the Assistance Subcommittee’s sixth recommendation. There were no comments on this provision, and the Committee unanimously approved the following recommendation:

**Recommendation #6 as adopted by the Committee:** **The Committee recommends that DOT make clear on its website who is and is not entitled to wheelchair assistance under its ACAA regulation and supports DOT issuing guidance using the text drafted by the Subcommittee (see Appendix A of the Report on Assistance at Airports and on Aircraft and Related Training).**

### b. Dignity of Assistance

The Committee then turned to the Assistance Subcommittee’s findings and recommendations related to dignity of assistance. First, Ms. Alexa Strong from DOT’s Office of Aviation Consumer Protection provided a presentation on the regulations relating to training on dignity of assistance (14 CFR 382.141). She then provided an overview of current airline practices with respect to the provision of dignified assistance, including training on awareness and sensitivity and consulting with disability organizations when developing training programs. Next, she explained some of the challenges that the Subcommittee identified with respect to the provision of dignified assistance, such as inadequate training leading to passengers not always receiving assistance that safeguards their dignity and how that may be impacted by the high turnover of airline and vendor disability assistance personnel.

Ms. Strong then introduced the Assistance Subcommittee’s seventh recommendation, which address the development of a list of disability organizations that may be used as a resource by U.S. airlines. Ms. Strong explained that this recommendation resulted from discussions between the A4A representative and representatives of veterans’ and disability organizations regarding assistance that disability organizations may be able to provide to airlines with respect to training programs, policies, and accommodations.

Following Ms. Strong’s presentation, the Committee engaged in a discussion on the Assistance Subcommittee’s seventh recommendation.

* The Committee member from PVA added that PVA agreed to take the lead in developing a list of disability organizations that airlines could use as a resource, but that it would be working in heavy coordination with other disability and veterans’ groups in doing so. She stated that many airlines and trade associations already reach out to disability organizations, but that the list would provide airlines with a point of contact at disability organizations who could also connect them with other organizations, particularly on the local level.
* The Committee member representing airlines expressed support of the list as a resource. The Committee member stated that there was a comment during the Assistance Subcommittee meetings that airline disability advisory boards may not include representation from every disability community. The Committee member said that airlines, when working on certain issues, could use the list to identify organizations that represent particular individuals and reach out to them for assistance.
* A Committee member representing disability organizations proposed that the recommendation be tweaked to emphasize outreach to “disability-led organizations,” i.e., disability advocacy organizations led by persons with disabilities. She stated that some disability organizations that are not led by persons with disabilities may not be the best voice for people with disabilities. Another Committee member representing disability organizations proposed that the list include organizations that already provide training to companies. Ultimately, neither member pushed for modifications to the recommendation, stating they had faith in PVA to develop a good list. Both members expressed support for the inclusion of a service dog organization on the list.
* The Committee member from PVA responded that, in developing the list, it would consider the inclusion of disability-led organizations and groups like service animal training organizations.

Following these comments, the Committee unanimously approved the following recommendation:

**Recommendation #7 as adopted by the Committee:** **The Committee recommends that organizations representing persons with disabilities in the United States, led by Paralyzed Veterans of America, develop an inclusive list of organizations representing persons with physical, sensory, mental, and intellectual disabilities. U.S. airlines may use this list as a reference guide for assistance on airline disability training programs, airline policies related to travel by passengers with disabilities, or accommodation needs of an individual with a disability to the extent that it relates to systemic issues.**

The Committee then discussed the Assistance Subcommittee’s eighth recommendation, which addresses airlines consulting with disability organizations when making changes to existing training programs. First, Ms. Strong stated that DOT regulations do not require airlines to consult with disability organizations when making changes to existing training programs. She explained that while many airlines have disability advisory committees that may review proposed changes, their membership may not include members of disability communities that would be affected by the changes. To ensure that proposed changes can be reviewed by individuals who represent disability communities that would be affected by proposed changes, the Assistance Subcommittee recommended that, as a best practice, airlines consult with external disability organizations, as appropriate, on proposed changes. Ms. Strong also explained that, since disability advocates on the Assistance Subcommittee indicated that disability organizations would want to know how their services were used and what their impact was, the Assistance Subcommittee recommended that airlines enter into agreements with disability organizations for airlines to provide feedback regarding the suggestions provided by the organizations.

Following Ms. Strong’s presentation, Committee members were invited to comment on the Assistance Subcommittee’s eighth recommendation.

* A Committee member representing airlines expressed support for the recommendation. The Committee member commented that the recommendation recognizes that airlines have resources outside of their own disability advisory boards to assess changes to training programs and that organizations that take the time to provide feedback to airlines would like to know if that feedback is useful or helpful.
* Another Committee member representing airlines also expressed support for the recommendation after clarifying that the recommendation involves a best practice recommendation to supplement, not replace, existing airline advisory boards.

Following these comments, the Committee unanimously approved the following recommendation:

**Recommendation #8 as adopted by the Committee:** **As an industry best practice, the Committee recommends that airlines consult with disability rights organizations if changing or enhancing their disability training program. This would ensure that the changes or enhancements result in safe, adequate, and dignified assistance being provided to persons with disabilities. In carrying out this recommendation, the Committee encourages airlines and disability rights organizations to enter into agreements that include a process for airlines to provide feedback to the organizations on whether the organizations’ suggestions were adopted and, if known, whether the actions taken improved the air travel environment.**

Next, the Committee then discussed the Assistance Subcommittee’s ninth recommendation, which addresses instances when airlines implement new policies or modify existing policies that impact air travelers with disabilities. Ms. Strong explained that the Assistance Subcommittee found that air travelers with disabilities were better able to prepare for travel when they have updated information on airline policy changes that affect them.

Following Ms. Strong’s presentation, the Committee engaged in a discussion on the Assistance Subcommittee’s ninth recommendation.

* A Committee member representing disability organizations asked for clarification on how major the policy change must be for the airline to provide advance notification to disability organizations and how frequently airlines should notify organizations. The Committee member also asked whether the recommendation includes guidelines.
* Ms. Workie stated that the Subcommittee’s recommendation related to new or significant changes to policies impacting travelers with disabilities, such as changes made to service animal policies. She said that airlines already provide advance notice at times.
* A Committee member representing airlines stated that the recommendation needs to leave some discretion for airlines to provide notice as not every change to policy is major. Another Committee member representing airlines stated that airlines do not make policy changes that often, especially with respect to passengers with disabilities.
* The Committee members representing disability organizations agreed that disability organizations would not want notifications regarding every minor policy change. A Committee member representing veterans’ organizations stated that her expectation is that airlines provide notice of major changes that would impact passengers with disabilities.

Following these comments, Ms. Workie stated that every commenter had used “major” or “significant” to describe policies for which advance notice would be provided. As such, Ms. Workie asked for a vote on the recommendation with the addition of “major.” The Committee unanimously approved the following recommendation

**Recommendation #9 as adopted by the Committee:** **As an industry best practice, the Committee recommends airlines provide advance notice to one or more disability rights organizations representing the affected communities of new major airline policies or modifications to existing airline policies that would impact air travelers with disabilities.**

### c. Safety of Assistance

The Committee then turned to the Assistance Subcommittee’s recommendations on safety of assistance. Ms. Strong began by summarizing the regulations related to safety of assistance in 14 CFR 382.91, 382.95, and 382.141. She then presented DOT data on safety-related complaints. She also presented anecdotal evidence that safety-related incidents are most likely to involve aisle chair transfers and a summary of the Subcommittee’s opinions on why that may be.

Then, Ms. Strong introduced the Assistance Subcommittee’s tenth recommendation, which calls for a study on the design of aisle chairs and the use of lift devices. She explained that the Assistance Subcommittee determined that aisle chair transfers could be made safer if improvements were made to the design of aisle chairs. She also stated that the Assistance Subcommittee considered possible alternatives to aisle chairs that may be a safer way of transferring passengers with mobility disabilities between aircraft seats and wheelchairs, particularly the Eagle Lift.

Following Ms. Strong’s presentation, the Committee engaged in a discussion on the Assistance Subcommittee’s tenth recommendation.

* Ms. Workie stated that the Assistance Subcommittee did not decide who should conduct the study on the design of aisle chairs and the use of lift devices such as the Eagle Lift. A Committee member representing airlines proposed that FAA be involved in the study given the agency’s responsibility for ensuring passenger safety and familiarity with aircraft design and safety requirements. The Committee member also suggested that DOT and the U.S. Access Board work with FAA to conduct the study.
* Another Committee member representing airlines agreed with that proposed direction. This Committee member went on to recommend that the study should take into consideration safety challenges that customer weight and height present for vendor and airline physical assistance personnel.
* Ms. Workie noted that DOT often relies on the Access Board for design specification expertise. She also stated that the Access Board relies on agencies to give effect to its rules and notices.
* A Committee member representing veterans’ organizations agreed that the Access Board should be involved but suggested that DOT take the lead in conducting the study. She also stated that manufacturers and passengers with mobility disabilities should be involved.
* A Committee member representing wheelchair manufacturers requested clarification regarding the purpose of the study. Ms. Workie explained that the purpose of the study as set forth by the Subcommittee is to improve the safety of aisle transfers. She stated that the study could result in aisle chair specifications, given that part of it will be to study aisle chair design. She also stated that the participants in the study would need to determine what the next steps would be after the study is complete. A Committee member representing veterans’ organizations stated that PVA has already studied aisle chairs, and that the Committee member’s question is what improvements can be made given the limitations posed by aircraft.

Based on the discussion, Ms. Workie requested a vote on the recommendation with two modifications:

* Amendment 1: DOT’s Office of the Secretary (OST) and FAA take the lead on conducting the study, in consultation with the Access Board.
* Amendment 2: The study should consider the safety of individuals who provide physical assistance to passengers with disabilities.

Following these comments, the Committee unanimously approved the following recommendation:

**Recommendation #10** **as adopted by the Committee: The Committee recommended that DOT’s OST and FAA take the lead, in consultation with the Access Board, in conducting a study on the design of aisle chairs and the use of lift devices such as the Eagle Lift to improve the process of aisle transfers for passengers who use wheelchairs and, in that process, consider how these devices may impact the safety of individuals who provide physical assistance.**

Next, the Committee discussed the Assistance Subcommittee’s eleventh recommendation, which addressed the Access Board’s study on the feasibility of wheelchair securement systems in passenger aircraft. Ms. Strong stated that the Assistance Subcommittee considered that it may be safer and more dignified for passengers to travel on aircraft in their own wheelchairs. Yet, since the Assistance Subcommittee did not know whether it is feasible for passengers to travel in their own wheelchairs, they decided to recognize the importance of a study conducted by the Access Board on the feasibility of wheelchair restraint systems and to encourage the study be completed in a prompt manner.

Following Ms. Strong’s presentation, the Committee engaged in a discussion on the Assistance Subcommittee’s eleventh recommendation.

* Mr. Sinocchi stated that he was just notified that the Access Board would hold a public briefing regarding the study on September 22, 2021.
* A Committee member representing disability organizations asked whether the language in the recommendation is timely given that the Access Board would be briefing the public on the subject in a few weeks. Ms. Workie said that, despite the planned briefing, it was unclear whether the Access Board would be presenting on a complete study or providing an update. She suggested that the Committee vote to recommend that the Access Board complete the study in a prompt manner if it has not yet completed the study by the date the Committee submits its report.

Following these comments, the Committee unanimously approved the following recommendation:

**Recommendation #11 as adopted by the Committee:** **The Committee recognizes the importance of the study being conducted by the U.S. Access Board to: (a) assess the feasibility of equipping aircraft with restraint systems, and (b) determine, if feasible, the ways in which individuals with significant disabilities using wheelchairs, including power wheelchairs, can be accommodated with in-cabin wheelchair restraint systems. The Committee recommends that the study be completed in a prompt manner if it has not yet completed the study by the date of the Committee’s report.**

### d. Related Training

Next, the Committee discussed the Assistance Subcommittee’s recommendation regarding training for airline and vendor personnel who provide assistance to passengers with disabilities. Ms. Strong began by presenting the relevant DOT regulations regarding disability-related training for airline employees and vendors and the frequency with which training must occur (14 CFR 382.141 and 382.143). Ms. Strong then summarized the results of a survey that the Assistance Subcommittee conducted on airline and vendor training programs. She stated that while the Assistance Subcommittee did not reach consensus regarding a recommendation requiring airlines to provide more frequent and/or more hands-on training, they did provide a recommendation that may improve the quality of assistance that airline and vendor employees provide to passengers with disabilities. Ms. Strong stated that the Assistance Subcommittee generally liked the idea of rewarding outstanding performance by employees, but that some Subcommittee members preferred that outstanding performance be rewarded with additional training and job opportunities rather than just monetary incentives. Finally, she explained that the Assistance Subcommittee agreed that passenger feedback should help determine which employees are recognized for outstanding performance and that the means by which passenger feedback is collected must be accessible.

Following Ms. Strong’s presentation, the Committee discussed the Assistance Subcommittee’s twelfth recommendation.

* A Committee member representing contract service providers stated that her company provides training every six months to employees who provide aisle chair assistance, but the difficulty her company is currently facing relates to employees not showing up for work. She explained that, this year (2021), her company has experienced an increase in wheelchair assistance requests over 2019, but that not enough personnel are showing up to fulfill them. She stated that her company offers a number of bonuses to employees, including one to incentivize people to come to work for a full month.

Following these comments, the Committee unanimously approved the following recommendation:

**Recommendation #12 as adopted by the Committee:** **Recognition of Individuals Providing Wheelchair and Guide Assistance: The Committee recommends that, as a best practice, airlines and vendors recognize employees who excel in assisting passengers with disabilities, based on, among other things, feedback from passengers with disabilities. Accessible formats should be used to obtain feedback from passengers with disabilities. The Committee also recommends that airlines and vendors consider further motivating these employees by providing monetary awards as recognition of outstanding performance or providing job growth opportunities where the employees receive greater responsibility along with an increase in compensation and training. For example, an employee could be given responsibility for lifting passengers on and off an aircraft seat instead of or in addition to pushing passengers in wheelchairs along with enhanced training and greater compensation.**

Later in the meeting, several Committee members wanted to discuss training in more depth.

* Ms. Workie commenced the discussion by reminding the Committee that no specific recommendations had been made by the Subcommittees regarding training. She stated that section 440 of the 2018 FAA Act requires DOT to review applicable training regulations related to employees who provide physical assistance to passengers with disabilities and to determine whether they should be amended to provide for annual recurrent training and hands-on training.
* A Committee member representing contract service providers described challenges in training employees on the stowage of wheelchairs on aircraft because of the variety of aircraft and wheelchair designs. She stated that her organization has worked with and received advice from a number of disability groups with respect to training and that it keeps up with changes to the regulations. She stated that despite vendors training their employees and making every effort to ensure they work as safely as possible, mishandling can still happen because of the variations of aircraft and wheelchair designs.
* A Committee member representing veterans’ organizations asked whether airlines are required to train employees who load wheelchairs onto the aircraft as if they are public-facing employees in order to work with the passengers who the wheelchairs belong to. Ms. Workie stated that she did not see any training requirement that specifically mentioned stowage, but that she knows training does occur. She said that the training requirements generally relate to employees who deal with the travelling public. A Committee member representing airlines stated that his airline provides largely the same customer-facing policies and procedures to its below-wing employees. A Committee member representing airlines stated that not every problem is a training issue and that some are communication or awareness issues.
* A Committee member representing disability organizations suggested a best practice recommendation for airlines to work with disability organizations on in-person training. The Committee member stated that in-person training allows those being trained to ask questions and to role play. The Committee member also stated that the airlines that Canine Companions for Independence has worked with are more popular with that organization’s clients. Another Committee member representing disability organizations agreed that in-person training is important, and provided the example that it may be very difficult for an employee to learn from a webinar or written material how to guide a passenger who is blind through the airport.
* Two Committee members representing airlines responded that their airlines already involve people with disabilities and disability organizations in their trainings.
* Ms. Workie asked if there is any interest in the best practice that was proposed of involving disability organizations in training when it is conducted. A Committee member representing airlines stated that every modification to training involves seat time and costs and indicated that she would not support anything more than a best practice. Another Committee member representing airlines stated that it appears from the discussion that airlines are already using outside groups to help train their employees and that airlines usually rely on the recommendation of their advisory boards to involve outside groups. The committee member also supported a best practice recommendation so long as it did not get into specifics regarding the training.
* A Committee member representing airports discussed inviting experts on various disabilities to speak to the entire airport community. The Committee member said that having speakers who could share the experiences of the disability community was important for understanding. A Committee member representing disability organizations agreed that it is important to engage people with disabilities to help with training. That Committee member suggested that disability organizations should even be involved in developing the training curriculum.

Based on this discussion, Ms. Workie asked the Committee to vote on four items:

* Item 1: The Committee recommends that, as a best practice, airlines provide hands-on training as appropriate for airline or contractor personnel who handle battery-powered wheelchairs or scooters. A majority of Committee members voted in favor of this item.
* Item 2: The Committee recommends that, as a best practice, hands-on training be provided to airline personnel or contractors who provide physical assistance to passengers with disabilities. A majority of Committee members voted against this item.
* Item 3: The Committee recommends that, as a best practice, hands-on training be provided ***as appropriate*** to airline personnel or contractors who provide physical assistance to passengers with disabilities. A majority of Committee members voted in favor of this item.
* Item 4: The Committee recommends that, as a best practice, airlines involve individuals with disabilities, whether it is through their advisory board or external organizations, in their training programs. A majority of Committee members voted in favor of this item

Accordingly, a majority of the Committee members approved the following recommendation:

**Recommendation #13 as adopted by the Committee:** **The Committee recommends that, as best practices, airlines provide hands-on training as appropriate for airline or contractor personnel who handle battery-powered wheelchairs or scooters; hands-on training be provided as appropriate to airline personnel or contractors who provide physical assistance to passengers with disabilities; and airlines involve individuals with disabilities, whether it is through their advisory board or external organizations, in their training programs.**

After these comments, the Committee concluded its discussions of the findings and recommendations of the Assistance Subcommittee.

## 7. Statement of Purpose

Mr. Sinocchi and several Committee members representing veterans’ and disability organizations expressed an interest in having the Committee agree to a statement of purpose regarding the work of ACAA Advisory Committee. They drafted the following statement, which was read aloud by the Mr. Sinocchi:

“Transportation is essential to most areas of life, yet full accessibility for people with disabilities in air travel is lacking. The Committee recommends that the air travel industry expedite efforts to engage technologies, innovative designs and inclusive development strategies in which airlines will meet the accessibility needs of all people with disabilities, including those who use wheelchairs. This includes airlines acquiring aircraft that meet the accessibility needs of all people with disabilities to allow them to travel in an equitable way as is afforded to able-bodied passengers. The Committee unanimously agrees to a goal of creating universal accessibility by 2031.”

The Committee was invited to speak on the draft statement.

* A Committee member representing aircraft manufacturers stated that the Committee member’s company has a steering team that has been discussing the meaning of accessibility, the availability of technology to assist with accessibility, and what to offer on aircraft beyond what is mandated. The Committee member stated that the steering committee has been working to come up with recommendations to leadership regarding designs that are accessible to people with all disabilities, but that it has not made any recommendations to leadership in a year and a half of discussions.
* A Committee member representing airlines disagreed with the statement. The Committee member explained that the Committee has been at work for a year and a half and that this is the first time the Committee was being presented with the statement. The Committee member further stated that many of the words and phrases in the statement are undefined, and that it was unfair to make the Committee consider the statement just before it wrapped up.
* Ms. Workie suggested that the Committee reach a compromise by making the statement more general. Specifically, she suggested that the Committee consider agreeing to the goal of universal access but removing any time frame in which that would occur.
* The Committee member representing airlines responded that there is general agreement that access and accommodations should be improved. The Committee member again pointed to undefined terms in the statement that were open to multiple interpretations (e.g., innovative designs, inclusive development, and universal accessibility).
* Mr. Sinocchi stated that the statement came out of what was discussed by the Committee and that it paints a vision for the future. He said that he would be willing to modify the statement.
* A Committee member representing disability organizations expressed concern that after the Committee disbands, those who represent disability communities will not have as much of a voice. She stated that she wants a statement that indicates that the Committee wants a future in which accommodations make travel equal for passengers with disabilities. She supported finding a middle ground.
* Ms. Workie proposed modifying the statement to remove terms that the Committee member representing airlines found concerning. She proposed that the statement be reworded as follows: “Transportation is essential to most areas of life. The committee is committed to meet the needs of all passengers with disabilities to allow them to travel in an equitable way as is afforded to able-bodied passengers.” The wording was further modified to replace “is committed to meet” with “aspires to meet” and later “advances.”
* Mr. Sinocchi supported the modification suggested by Ms. Workie, though he did explain that including a date for achieving universal accessibility would help to make sure the goal was accomplished.
* Multiple Committee members representing airlines continued to expressed concerns regarding the statement. A Committee member representing aircraft manufacturers supported the statement, but could not agree to it at this point because the statement needed to be run by the stakeholders that the Committee member represents, which was not feasible to do at short notice. A Committee member representing airlines agreed there is no time to coordinate with others who are not at the table and, for this reason, the goal should not be put up for a vote. This Committee member also stated that Congress defined the goal of the Committee in the 2018 FAA Act.
* A Committee member representing veterans’ organizations stated that she was disappointed that the Committee had not engaged in broader brain storming. The Committee member stated that the disability advocates, in coming up with the initial statement, were expressing the unhappiness of the disability community with the way things currently are and the need to make advances. The Committee member stated that although the Committee has the best intentions, there needs to be more talk about a future where things are different for passengers with disabilities.
* A Committee member representing disability organizations asked whether the Committee could have additional time to work on an introductory statement of defining the Committee’s purpose or intent to include in the report. Ms. Workie stated that it would be permissible for members of the Committee to continue working an introductory statement for the report as it would not be a recommendation of the Committee. She explained that any deliberations related to Committee recommendations must occur at a public meeting.
* Another Committee member representing disability organizations expressed disappointment that it is controversial to say that people have equal rights whether or not they are disabled. The Committee member went on to state that members not wanting to consider the statement at the last minute was understandable. A Committee member representing airlines responded that the Committee’s goal was defined by Congress and that any introductory statement should reflect the direction provided by Congress. Ms. Workie stated that, while sections 438 and 439 of the 2018 FAA Act define the Committee’s duties and state issues that the Committee must address, they do not preclude the Committee from noting any aspirational goals. Ms. Workie reiterated that there is flexibility in how the Committee drafts the report, including the introduction, but the Committee cannot add new recommendations that were not discussed at a public meeting.
* Another Committee member representing airlines proposed using the language that was included in the appointment letter from the Secretary of Transportation. This Committee member stated that the letter discussed eliminating barriers to accessibility and improving the air travel experience of people with disabilities, and that the Committee had all read the letter and agreed to it.
* A Committee member representing disability organizations expressed disappointment and disillusionment that the Committee could not agree to an aspirational goal. Ms. Workie stated that, in the debate regarding how to word the Committee’s goal, it is important not to lose sight of all the work that the Committee has accomplished, including numerous recommendations to improve accessibility during air travel.
* A Committee member representing disability organizations stated that the 2018 FAA Act requires the Committee to assess emerging disability-related access barriers that will likely be an issue in the next five years. The Committee member indicated no recollection of any particular discussions about emerging issues and wondered how that would be addressed in the report. The Committee member expressed regret that there had not been an opportunity to address emerging issues. In response, Ms. Workie said that the Committee report should accurately address the fact that the Committee focused on existing issues and addressing other mandates in the 2018 FAA Act. Ms. Workie noted that at the first Committee meeting in March 2020, the Committee heard from a panel that discussed emerging technologies to improve access at airports and on aircraft. Ms. Workie stated that by statute, the Committee will be in existence until 2023 and that emerging issues could be one of the first items addressed next.
* A Committee member representing airlines stated that although the Committee did not agree on the proposed statement, everyone on the Committee is interested in advancing the rights of passengers with disabilities and improving air travel for all.

## 8. Closing Remarks

At the conclusion of the meeting, Ms. Workie thanked all the Committee members for their engagement and hard work over the past two years, and Mr. Sinocchi thanked everyone for their honesty, time, and help with the process. The second public meeting of the ACAA Advisory Committee was adjourned at approximately 5:05 PM ET.

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

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James Sinocchi

Chairman, Air Carrier Access Act Advisory Committee

# APPENDIX A – ACAA Advisory Committee Recommendations

## Ticketing Practices and Seating Assignments

1. The Committee recommends establishing a working group, led by IATA, to address how airlines and ticket agents can improve the consistent application of special service accommodation for persons with disabilities, including the consistent application of SSR codes and free form text. The working group would include representatives of airlines, airports, contract service providers, ticket agents, and disability organizations. The working group would also address the frequency of training for airline and ticket agent personnel on SSR codes as appropriate to their duties, including consideration of the benefits of annual training. The working group shall set forth an action plan to address these issues no later than one year after its establishment.
2. The Committee recommends that as a matter of best practice, airlines and ticket agents train reservation agents and other personnel involved in applying disability-related service requests on the correct usage and application of these requests including the consistent application of SSR codes.
3. The Committee recommends that airlines consider, as a best practice, adding the capability to retain requests for special accommodation in future upgrades of their frequent flyer systems. The Committee notes that the ability of airlines to follow this best practice will depend in part on their ability to meet the requirements of applicable privacy regulations and the restrictions on the storage and use of sensitive health data. Passengers would need to provide their consent to the storage and use of this information for accommodation purposes and accept responsibility for ensuring that the information is accurate and up-to-date.
4. The Committee recommends that airlines, airports, travel agents, national disability organizations, and DOT coordinate on a public awareness campaign to educate the traveling public on the different types and levels of accommodations that airlines can provide to passengers with disabilities. DOT will lead the coordination of the public awareness campaign.
5. The Committee recommends establishing a working group, led by IATA, to develop an improved consistent disability accommodation request form that airlines and passengers would be encouraged to use. The working group will, at a minimum, address placement of the form, develop a form that is both usable online and in print, and ensure that the form is written in plain language, among other things. The working group would include representatives of airlines, airports, and disability organizations.
6. The Committee recommends that as a matter of best practice, airlines and ticket agents provide written confirmation to passengers who submit disability accommodation requests.
7. The Committee recommends that before issuing a Notice of Proposed Rulemaking (NPRM) on seating accommodation for passengers with disabilities, DOT should initiate an Advanced Notice of Proposed Rulemaking (ANPRM) within one year of receiving the Committee’s Report to gather information and data to better understand: (a) the scope of passengers with disabilities who should be afforded bulkhead seats or seats with extra legroom; and (b) whether passengers with disabilities who require a bulkhead seat or seats with extra legroom are currently unable to obtain such a seat.

## Stowage of Assistive Devices

1. The Committee recommends that DOT/FDA encourages RESNA to adopt the proposed wheelchair air transport standards, which include provisions on labeling and travel configuration cards, and at a later date, RESNA to add a reference in Section 15 to recognize that air transport standard. This would not require any carve outs to the standards.
2. The Committee recommends establishing a working group, led by IATA, to examine improving airline checklists and forms for handling wheelchairs to make the checklists and forms more consistent across airlines and written in plain language. The working group would include disability organizations, airports, aircraft manufacturers, and wheelchair manufacturers.
3. The Committee recommends that airlines, DOT and disability rights organizations continue educating consumers about the benefits of providing advance notice of traveling with a wheelchair or scooter, as well as sharing information about such devices with airline or contractor personnel handling the devices, such as the size and weight of the mobility aid and battery type if applicable. The Committee encourages airlines, DOT, and disability rights organizations to consider using different mediums to enhance or increase passenger education as well as taking a unified approach regarding passenger education as appropriate.
4. (a) The Committee recommends that, as a best practice, aircraft manufacturers have, as a standard feature on newly purchased aircraft, tie-down locations in the bulk cargo compartment for the securement of wheelchairs and scooters. The Committee notes that, for containerized cargo compartments, wheelchairs and scooters are typically transported separately in a container or on a pallet.

(b)The Committee recommends that, as a best practice, airlines have procedures and equipment in place for the strapping of wheelchairs and scooters in the cargo compartment, when tie-down locations are available in the aircraft.

(c) The Committee recommends that, as a best practice, wheelchair manufacturers have adequate securement points that meet the WC-19 (RESNA Section 19) standards as a standard or optional feature on new wheelchairs and scooters. The Committee notes that some passengers with disabilities may not be able to afford a wheelchair that meet the WC-19 standard and thus may not be able take advantage of the feature.

(d) The Committee recommends that airlines, as a best practice, secure wheelchairs or scooters transported in the aircraft cargo compartment unless: (i) straps or other equipment needed to secure the device are not available, (ii) the device does not have securement points, (iii) the aircraft does not have a designated location to secure the device, or (iv) the device does not fit within the aircraft cargo compartment.

(e) The Committee recommends that, for wheelchairs and scooters that are not transit compliant (i.e. do not meet the requirements of ANSI/RESNA WC-19 and ISO 7176-19), RESNA develop performance standards and/or guidance for their securement (including design and strength requirements) within an aircraft cargo compartment.

1. The Committee recommends that each large U.S. airline review its mishandled (damaged, delayed, or lost) wheelchair and scooter data, determine what component of this data relates to delayed wheelchairs and scooters, review the data to determine the cause of the delay, and consider actions to take to prevent or reduce incidents of delayed return of these devices to passengers with disabilities.
2. The Committee recommends that a working group, led by IATA, be established to study how battery-powered wheelchairs and scooters could best fit and be secured within the bulk cargo compartment of narrow body aircraft and wide-bodied aircraft. The study’s purpose is to explore innovative improvements, including the design of aircraft bulk cargo compartments (*e.g., bulk cargo doors*) and battery-powered wheelchairs and scooters. At a minimum, study participants should include representatives from both aircraft manufacturers and device manufacturers. This work should be carried out in coordination with RESNA, where possible.

## Assistance at Airports and on Aircraft and Related Airline Training Programs

1. The Committee recommends that, as a general matter, DOT continue to use the totality of the circumstances standard to determine if enplaning, deplaning, and connecting assistance is prompt. The Committee recommends that DOT impose a new requirement that airlines notify passengers when assistance cannot be provided within a certain time frame to be defined by DOT. The Committee also recommends that DOT codify the timeliness standard described in the Preamble of the 2008 final rule with respect to providing deplaning assistance by aisle chair (i.e., aisle chair and personnel be at the arrival gate no later than as soon as other passengers have deplaned).
2. The Committee recommends that DOT swiftly issue its rulemaking clarifying that the requirement to provide prompt assistance includes assistance moving within airport when requested by or on behalf of a passenger with a disability with a departing, arriving, or connecting flight.
3. The Committee recommends that ACI-NA and A4A work together, in consultation with disability rights advocates, to develop guidelines and best practices for assisting passengers with disabilities with self-identification upon arrival for travel from U.S. airports or connecting at U.S. airports as applicable, including the use of personnel, physical infrastructure, and available technologies. For example, the Working Group would address how individuals with different types of disabilities, including those who are blind or of low vision, would know how to self-identify when entering an airport terminal. The Committee recommends that the Working Group consider the best practices identified in the FAA Advisory Circular 150/5360-12F: Airport Signing and Graphics, and Airport Cooperative Research Program, Report 210, Innovative Solutions to Facilitate Accessibility for Airport Travelers with Disabilities. The Committee also recommends that the Working Group examine how assistive technologies can improve access at airports, including the use of such apps as Aira, which is a service that connects blind and low-vision people to highly trained, remotely located agents through an app on a phone.
4. The Committee recommends that airlines, DOT, and disability rights organizations continue educating consumers about the benefits of providing advance notice to airlines if they need enplaning, deplaning, or connecting assistance.
5. As an industry best practice, the Committee encourages all U.S. commercial service airports to establish disability councils that consist of airport staff, airline representatives, disability advocates, and other stakeholders to address issues related to access for passengers with disabilities.
6. The Committee recommends that DOT make clear on its website who is and is not entitled to wheelchair assistance under its ACAA regulation and supports DOT issuing guidance using the text drafted by the Subcommittee (see Appendix A of the Report on Assistance at Airports and on Aircraft and Related Training).
7. The Committee recommends that organizations representing persons with disabilities in the United States, led by Paralyzed Veterans of America, develop an inclusive list of organizations representing persons with physical, sensory, mental, and intellectual disabilities. U.S. airlines may use this list as a reference guide for assistance on airline disability training programs, airline policies related to travel by passengers with disabilities, or accommodation needs of an individual with a disability to the extent that it relates to systemic issues.
8. As an industry best practice, the Committee recommends that airlines consult with disability rights organizations if changing or enhancing their disability training program. This would ensure that the changes or enhancements result in safe, adequate, and dignified assistance being provided to persons with disabilities. In carrying out this recommendation, the Committee encourages airlines and disability rights organizations to enter into agreements that include a process for airlines to provide feedback to the organizations on whether the organizations’ suggestions were adopted and, if known, whether the actions taken improved the air travel environment.
9. As an industry best practice, the Committee recommends airlines provide advance notice to one or more disability rights organizations representing the affected communities of new major airline policies or modifications to existing airline policies that would impact air travelers with disabilities.
10. The Committee recommended that DOT’s OST and FAA take the lead, in consultation with the Access Board, in conducting a study on the design of aisle chairs and the use of lift devices such as the Eagle Lift to improve the process of aisle transfers for passengers who use wheelchairs and, in that process, consider how these devices may impact the safety of individuals who provide physical assistance.
11. The Committee recognizes the importance of the study being conducted by the U.S. Access Board to: (a) assess the feasibility of equipping aircraft with restraint systems, and (b) determine, if feasible, the ways in which individuals with significant disabilities using wheelchairs, including power wheelchairs, can be accommodated with in-cabin wheelchair restraint systems. The Committee recommends that the study be completed in a prompt manner if it has not yet completed the study by the date of the Committee’s report.
12. Recognition of Individuals Providing Wheelchair and Guide Assistance: The Committee recommends that, as a best practice, airlines and vendors recognize employees who excel in assisting passengers with disabilities, based on, among other things, feedback from passengers with disabilities. Accessible formats should be used to obtain feedback from passengers with disabilities. The Committee also recommends that airlines and vendors consider further motivating these employees by providing monetary awards as recognition of outstanding performance or providing job growth opportunities where the employees receive greater responsibility along with an increase in compensation and training. For example, an employee could be given responsibility for lifting passengers on and off an aircraft seat instead of or in addition to pushing passengers in wheelchairs along with enhanced training and greater compensation.
13. The Committee recommends that, as best practices, airlines provide hands-on training as appropriate for airline or contractor personnel who handle battery-powered wheelchairs or scooters; hands-on training be provided as appropriate to airline personnel or contractors who provide physical assistance to passengers with disabilities; and airlines involve individuals with disabilities, whether it is through their advisory board or external organizations, in their training programs.

# APPENDIX B – List of Attendees

**Committee Members**

* Michelle Albert, Boeing Commercial Airplanes, representing aircraft manufacturers.
* Zainab Alkebsi, National Association of the Deaf, representing national disability organizations.
* Heather Ansley, Paralyzed Veterans of America, representing national veterans’ organizations representing disabled veterans.
* Dana Folsom, Delta Air Lines, representing air carriers.
* Mark Greig, Sunrise Medical, representing wheelchair manufacturers.
* E. Keith Hansen, Allegiant Air, representing air carriers.
* Doug Lavin, International Air Transport Association, representing air carriers.
* Nicholas LiBassi, United Spinal Association, representing national disability organizations.
* Paige Mazzoni, Canine Companions for Independence, representing national disability organizations.
* Paul Melmeyer, Muscular Dystrophy Association, representing national disability organizations.
* Doug Mullen, Airlines for America, representing air carriers.
* Pablo Nüesch, Airports Council International – North America, representing airport operators.
* Clark Rachfal, American Council of the Blind, representing national disability organizations.
* Ramakant Rambhatla, Invacare Corporation, representing wheelchair manufacturers.
* Gregory Reed, Disabled American Veterans, representing national veterans’ organizations representing disabled veterans.
* Lawrence Rolon, Ontario International Airport, representing airport operators.
* James Sinocchi, Chair, representing passengers with disabilities
* Claire Stanley, National Disability Rights Network, representing national disability organizations.
* Jo Ann Storie, Prospect Airport Services, representing contract service providers.

**Additional Subcommittee Member**

* Dallas Thomas, Southwest Airlines (Subcommittee on Ticketing Practices And Seating Accommodations)

**DOT Representatives**

* John E. Putnam, Deputy General Counsel
* Blane A. Workie, Designated Federal Official, Deputy Assistant General Counsel for the Office of Aviation Consumer Protection
* Livaughn Chapman, Jr., Deputy Assistant General Counsel for the Office of Aviation Consumer Protection
* Cristina Draguta, Attorney
* Clereece Kroha, Senior Attorney
* Chris Miller, Attorney
* Vinh Nguyen, Senior Attorney
* Alexa Strong, Attorney
* John Wood, Senior Attorney

**Registered Attendees**

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| --- | --- | --- |
| **Last Name** | **First Name** | **Organization** |
| Al Bannay | Khuloud | Emirates Airline |
| Allman | Melissa | The Seeing Eye |
| Barringer | Lori | DOT |
| Bechelet | Sophie | Virgin Atlantic |
| Berglund | Lauren | Guide Dog Foundation for the Blind and America’s Vetdogs |
| Brozman | Wallis | Canine Companions |
| Burnett | Catherine | Federal Aviation Administration |
| Cacioppo | Peter | DOT |
| Carver | Jonathan | Government Accountability Office |
| Cromartie | Carmen | CART Captioner |
| Crowell | Donald | Kirstein & Young |
| DeLaurentis | Kathryn | U.S. Food and Drug Administration |
| Dow | Rabih | Guide Dogs for the Blind |
| Ellingston | Danielle | Government Accountability Office |
| Elliott | Darian | CART Captioner |
| Elliston | Kahla | Spirit Airlines |
| Elstad | Bradley | Republic Airways |
| Felland | Eric | Eckert Seamans |
| Fisher | Mark | Muscular Dystrophy Association |
| Flynt | Stephanie | National Federation of the Blind |
| Friesz | Maynard | Cure SMA |
| Giesa | Hans-Gerhard | Airbus |
| Goodman | Jacob | National MS Society |
| Goodwin | Antonio | ASL Interpreter |
| Green | Todd | American Airlines |
| Hayes | Rachel | American Airlines |
| Heflin | Chad | International Air Transport Association |
| Henderson | Cheryl | ASL Interpreter |
| Hopkins | Jamie | U.S. House Committee on Transportation and Infrastructure |
| Hudson | Paul | FlyersRights.org |
| Hunter-Zaworski | Katherine | Oregon State University |
| Jenkins | Joy | Frontier Airlines |
| Keithley | Graham | Airlines for America |
| Kennedy | Kathy | Alaska Airlines |
| Krasniewicz | Vanessa | Garofalo Goerlich Hainbach |
| Lage | Marian | ASL Interpreter |
| Lanza-Efthimiou | Stephanie | JetBlue Airways |
| Leonard | Jana | Allegiant Air |
| Ludtke | Meghan | American Airlines |
| Massa | John | JetBlue Airways |
| McLendon | Cameron | Guide Dog Foundation for the Blind and America’s VetDogs |
| Mendoza Paredes | Cecilia | American Airlines |
| Minor | Michelle | Alaska Airlines |
| Mitchell | Kevin | Business Travel Coalition |
| Moser | Julie | Republic Airways |
| Nadarski | Nick | Government Accountability Office |
| Nelson | David | Amtrak |
| Oblender | Courtney | Endeavor Air Ground Operations |
| Page | Lee | Paralyzed Veterans of America |
| Patera | Shyla | North Central Independent Living Services |
| Pawlyk | Oriana | POLITICO |
| Pickett | Mary Anne | Air Line Pilots Association |
| Reagan | Kim | DOT |
| Reinsch | Nobuyo | Regional Airline Association |
| Riemenschneider | Jenna | Kids with Food Allergies |
| Ristagno | Linda | International Air Transport Association |
| Roberts | Rachel | JetBlue Airways |
| Robinson Steed | Elise | American Airlines |
| Rodgers | Laura | JetBlue Airways |
| Rosenblum | Howard | National Association of the Deaf |
| Salian | Girishkumar | Air India |
| Shiotani | Kenneth | National Disability Rights Network |
| Shur | Steve | Travel Technology Association |
| Singh | Amarjit | Air India |
| Sowers | Melinda | Canine Companions |
| Taday | Alexa | DOT |
| Thomas | Dallas | Southwest Airlines |
| Thorpe | Linda | Virgin Atlantic |
| Wagner | Jennifer | ASL Interpreter |
| Wallace | Maria | Government Accountability Office |
| Young | Mike | FedEx |
| Young | Joanne | Kirstein & Young |
| Zager | Phil | Kirstein & Young |
| Zimmerman | Whitney | Republic Airways |

1. *See* <https://www.regulations.gov/document/DOT-OST-2018-0204-0038>. [↑](#footnote-ref-2)
2. *See* <https://www.regulations.gov/document/DOT-OST-2018-0204-0022>. [↑](#footnote-ref-3)
3. *See* <https://www.regulations.gov/document/DOT-OST-2018-0204-0021>. [↑](#footnote-ref-4)
4. RESNA is a professional organization that is dedicated to promoting the health and well-being of people with disabilities through increasing access to technology solutions. As part of its work, RESNA offers certifications and continuing education, develops assistive technology standards, and promotes research and public policy efforts. RESNA’s standards for wheelchairs, which include requirements for information disclosures and labeling, is followed by several device manufacturers. [↑](#footnote-ref-5)
5. ISO is an independent, non-governmental international organization with a membership of 166 national standards bodies. Through its members, it brings together experts to share knowledge and develop voluntary, consensus-based, market relevant International Standards that support innovation and provide solutions to global challenges. [↑](#footnote-ref-6)
6. *See* <https://www.regulations.gov/document/DOT-OST-2018-0204-0020>. [↑](#footnote-ref-7)