



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

**Issued by the Department of Transportation
on the 23rd day of October, 2024**

American Airlines, Inc.

**Violations of 49 U.S.C. §§ 41310, 41702,
41705, and 41712 and 14 CFR Part 382**

**Docket OST-2024-0001
Docket OST-2024-0038
Docket OST-2023-0158
Docket OST-2022-0075**

Served October 23, 2024

CONSENT ORDER

This order concerns violations by American Airlines, Inc. (American) of the Air Carrier Access Act (ACAA), 49 U.S.C. § 41705, which prohibits discrimination against individuals with disabilities in air transportation, and 14 CFR Part 382 (Part 382), the Department's requirements implementing the ACAA.

The Department finds that American failed in numerous cases to provide passengers with disabilities using wheelchairs with adequate enplaning, deplaning, and connecting assistance, including assistance in moving within the terminal. Specifically, American failed in numerous cases to provide adequate wheelchair assistance to passengers with disabilities from 2019 to 2023, which in some cases resulted in injury to passengers. OACP considers inadequate wheelchair assistance to include untimely assistance, unsafe physical assistance, and undignified assistance. In addition, from 2019 to 2023, passengers reported that American mishandled thousands of passengers' wheelchairs and scooters by damaging them or delaying their timely return. Damaged and delayed wheelchairs affect the mobility, independence, quality of life and, at times, health of people with disabilities.

The violations described in this order also constitute violations of 49 U.S.C. § 41702, the requirement to provide safe and adequate interstate air transportation; 49 U.S.C. § 41310, the prohibition against unreasonable discrimination in foreign air transportation; and 49 U.S.C. § 41712, the prohibition against unfair and deceptive practices.

This order directs American to cease and desist from future similar violations of the ACAA and Part 382, as well as 49 U.S.C. §§ 41702, 41310 and 41712, and assesses the carrier \$50,000,000 in civil penalties.

Applicable Law

The ACAA, 49 U.S.C. § 41705, prohibits air carriers and foreign air carriers from discriminating against individuals with disabilities, and 14 CFR Part 382 is the Department's regulation implementing the ACAA.

Part 382 requires carriers to provide passengers with disabilities with assistance with enplaning and deplaning the aircraft, as well as connecting assistance and assistance in moving throughout the airport. Specifically, section 382.95(a) requires carriers to promptly provide or ensure assistance requested by or on behalf of passengers with a disability in enplaning and deplaning the aircraft. This assistance must include, as needed, the services of personnel and the use of ground wheelchairs, accessible motorized carts, boarding wheelchairs, on-board wheelchairs, and ramps or mechanical lifts. In addition, section 382.91 requires carriers to provide or ensure assistance requested by or on behalf of a passenger with a disability in transportation between gates to make a connection to another flight and assistance in moving from the terminal entrance through the airport to the gate for a departing flight, or from the gate to baggage claim and the terminal entrance for an arriving flight. This requirement also includes assistance in accessing key functional areas of the terminal and a brief stop at the entrance to a rest room upon the passenger's request.

In addition, Part 382 requires airlines to properly handle, stow, and retrieve passengers' wheelchairs and scooters. Specifically, under sections 382.125(c) and (d), carriers must provide for the checking and timely return of wheelchairs and scooters as close as possible to the door of the aircraft, so that passengers may use their own equipment to the extent possible and ensure that passengers' wheelchairs and scooters are among the first items retrieved from the baggage compartment. Further, section 382.129(b) requires carriers to return wheelchairs, other mobility aids, and other assistive devices to the passenger in the condition in which they were received.

To ensure the assistance provided is safe and adequate, section 382.141 requires carriers to ensure that airline personnel (including their contractors) who deal with the traveling public are trained to proficiency as appropriate to their job duties and responsibilities on the requirements of Part 382, including sections 382.95(a), 382.91, 382.125(c) and (d), and 382.129(b). Airline personnel must also be trained to proficiency on the airline's procedures in providing air travel to passengers with disabilities, and the use of the boarding and deplaning assistance equipment used by the carrier and appropriate boarding and deplaning assistance procedures that safeguard the safety and dignity of passengers if involved in providing such assistance.

Violations of Part 382 constitute violations of the ACAA. To the extent that the ACAA and Part 382 violations occur in interstate air transportation¹, the incidents are also violations of 49 U.S.C.

¹ Per 49 U.S.C. § 40102, "interstate air transportation" means the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft— (A) between a place in— (i) a

§ 41702, which requires that air carriers provide safe and adequate interstate air transportation. To the extent these violations occurred in foreign air transportation², the incidents would also violate 49 U.S.C. § 41310, which, in part, prohibits air carriers and foreign air carriers from unreasonably discriminating against any person in foreign air transportation. Further, violations of the ACAA and 14 CFR Part 382 are also unfair practices under 49 U.S.C. § 41712. A practice is unfair if it (1) causes or is likely to cause substantial injury to consumers, (2) cannot be reasonably avoided by consumers, and (3) is not outweighed by countervailing benefits to consumers or to competition.³ Where an existing regulation applies to the practice of an air carrier, foreign air carrier, or ticket agent, the terms of that regulation apply, rather than the general definitions of unfair or deceptive.⁴

Facts and Conclusions

The Office of Aviation Consumer Protection (OACP) reviewed (1) consumer complaints filed with the Department against American between January 1, 2019, and December 31, 2023, that alleged inadequate wheelchair assistance provided to individuals with disabilities, (2) a small set of consumer complaints filed with American between January 1, 2019, and December 31, 2023, that alleged inadequate enplaning, deplaning, or connecting assistance provided by the airline to individuals who use wheelchairs, and (3) three formal complaints against American filed by Paralyzed Veterans of American (PVA) that alleged similar issues for wheelchair users from air travel experiences in 2022 and 2023.⁵

OACP's investigation revealed a significant number of violations of sections 382.91, 382.95, and 382.141 for failing to provide individuals who use wheelchairs adequate enplaning and deplaning assistance, and assistance in moving within the terminal and connecting assistance. OACP found three categories of violations: cases of unsafe physical assistance⁶ provided to wheelchair users, including assistance that resulted in direct harm or injury to the passenger;

State, territory, or possession of the United States and a place in the District of Columbia or another State, territory, or possession of the United States; (ii) Hawaii and another place in Hawaii through the airspace over a place outside Hawaii; (iii) the District of Columbia and another place in the District of Columbia; or (iv) a territory or possession of the United States and another place in the same territory or possession; and (B) when any part of the transportation is by aircraft.

² Per 49 U.S.C. § 40102, "foreign air transportation" means the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft, between a place in the United States and a place outside the United States when any part of the transportation is by aircraft.

³ 14 CFR 399.79(b)(1).

⁴ 14 CFR 399.79(d).

⁵ See Dockets DOT-OST-2022-0075, DOT-OST-2023-0158, and DOT-OST-2024-0038. Copies of these formal complaints can be accessed online at www.regulations.gov. OACP is dismissing these complaints through the issuance of this consent order.

⁶ "OACP considers "unsafe physical assistance" to include instances of dropping passengers or rough handling of passengers by airline personnel when transferring passengers to and from wheelchairs and aisle chairs, bumping passengers into seats, walls, people, and other objects during assistance, improperly using aisle chairs, including failing to properly strap in passengers and tipping over aisle chairs, and hand carrying passengers on to or off the aircraft without the use of a wheelchair.

cases of undignified assistance⁷ provided to wheelchair users; and other cases that primarily concerned lack of prompt wheelchair assistance.⁸

OACP's investigation also uncovered numerous violations of sections 382.125, 382.129, and 382.141 for failing to return passengers' wheelchairs in a timely manner at deplaning and failing to return the wheelchairs in the condition in which they were received. OACP reviewed consumer complaints filed with the Department against American between January 1, 2019, and December 31, 2023, as well as formal complaints filed by PVA that alleged that the carrier mishandled passengers' wheelchairs and scooters. OACP found that that American damaged or delayed the return of passengers' power wheelchairs, manual wheelchairs, and scooters, leading to actual or heightened risk of physical harm and significant impacts on passengers' mobility. OACP also investigated an incident, captured on video, of American's personnel mishandling a wheelchair at Miami International Airport by dropping it down a baggage ramp. In addition, from 2019 to 2023, American reported⁹ thousands of claims of mishandled wheelchairs and scooters. OACP found that over this period, American has been one of the worst performers among reporting carriers in terms of both the total number of wheelchair and scooter mishandling claims, and the reported mishandling claims rate.

Due to the nature and breadth of American's Part 382 violations, OACP has determined that enforcement action is warranted.

Response of American Airlines, Inc.

American states that it wants all of its customers to have a positive travel experience. American emphasizes that this includes American's customers with disabilities: American avers that it has been, and remains, fully committed to providing—and continuously invests in improving—safe and dignified assistance for its customers with disabilities and transporting their mobility devices in an efficient and careful manner. American asserts that it takes very seriously its commitments to its customers with disabilities—both those required by law and those it assumes voluntarily to ensure the best experience possible for all its customers. American notes that in 2024 alone it is spending in excess of \$175 million on services, infrastructure, training, and new technology to support passengers who use mobility devices when traveling.

⁷ OACP considers “undignified assistance” to include instances of improper transfer assistance that disrobed passengers and wheelchair assistance failures and extreme delays that resulted in passengers soiling themselves due to the inability to access a rest room.

⁸ The Department also considered the annual disability complaint data submitted to the Department by American, which showed that the carrier received over 20,000 complaints categorized as alleging “Failure to Provide Assistance” in relation to wheelchairs from January 1, 2019, to December 31, 2023.

⁹ Carriers are required to report claims of mishandling as reported to the carrier by or on behalf of passengers. Specifically, under 14 CFR 234.6(b), carriers must report monthly the total number of wheelchairs and scooters that were enplaned in the aircraft cargo compartment, as well as the number of claimed mishandled wheelchairs and scooters that were enplaned in the aircraft cargo compartment. Section 234.2 defines “mishandled” as “lost, damaged, delayed, or pilfered.” Mishandling statistics are available in the Department's Air Travel Consumer Report, available at <https://www.transportation.gov/individuals/aviation-consumer-protection/air-travel-consumer-reports>.

American strongly believes that it substantially complies with the ACAA and Part 382. American states that it enters into this agreement for settlement purposes only and does not admit any violation of any statute or regulation, waive any statute of limitations, or concede the Department's statement of applicable law or recitation of facts and conclusions. American respectfully disagrees with the Department's interpretation of many aspects of the ACAA and Part 382. American reserves all rights to challenge the Department's legal interpretations and factual assertions in the future, including with respect to rulemaking.

American's Overview of Its Services for Customers with Disabilities

American states that its dedication to providing a positive travel experience for all customers includes, among other things:

- offering comprehensive wheelchair assistance throughout the airport terminal—to, from, and between gates and baggage claim;
- offering passengers with disabilities preboarding;
- supplying attendants and equipment to assist passengers with enplaning and deplaning;
- ensuring that passengers with disabilities can bring their personal wheelchairs or other assistive devices with them on their flight;
- allowing certain assistive devices to be carried on the plane if they meet size and safety criteria; and
- storing larger devices like battery-powered wheelchairs in a preferential location in cargo and generally returning those devices on the jet bridge for passengers to use when they deplane.

American observes that it provides these services in complex airport environments, where travel can be disrupted or delayed for many reasons, including weather, mechanical failures, and air traffic control and security concerns. American points out that, despite American's substantial efforts, air travel services are not always seamless. As examples, American states that turbulence midflight may damage a stowed wheelchair, an employee or contractor may be delayed in assisting a passenger on or off an airplane or from one part of a terminal to another, or on rare occasions an attendant may provide imperfect assistance. American notes that moving an individual from one wheelchair to another, or from a wheelchair to a seat, is often a challenging interaction that must account for and adapt to each customer's specific circumstances and needs.

American's Statement of Its Efforts at Continuous Improvement

American vouches that it continually searches for innovations that may improve the accessibility of its services. For example, American avers that in 2023 American launched the American Airlines Accessibility Plan, a two-year initiative to improve the experience for passengers with disabilities. American notes that it established the first-ever automated tag system for wheelchairs and assistive devices, substantially improving the efficiency and security of the movement of these items. Additionally, American states that it has invested significantly in airport infrastructure, including by installing wheelchair movers and lifts at its hubs and other airports with high mobility-device traffic. American asserts also that it has deployed additional employees at its largest hubs and gateways in support of providing coordination for accessibility

devices across the airport. Moreover, American avers that it has adapted its online customer profile system to allow customers to save travel preferences, including traveling with a mobility device or service animal. Also, American states that it created its Accessibility Council and Customer Accessibility Team, to ensure continued focus on disability access. Furthermore, American notes that it has provided substantial in-person training to its personnel to supplement comprehensive online training. In sum, American contends that it has taken numerous steps and made substantial investments to provide its customers with a positive travel experience, and that it continues to engage with disability-rights organizations to further improve.

American's Position on Complaints Regarding Its Wheelchair Services

American contends that its substantial and continuing efforts are evident in real-world results.

American states that, in 2023, it received approximately 7.9 million advance requests for wheelchair assistance—roughly 21,600 per day. American notes that this number does not account for the millions more requests that American received and honored for customers who first requested assistance after arriving at the airport. American states that, for that same year, 2023, American received 9,717 disability-related complaints of *any kind* (wheelchair, vision, hearing, or anything else). American observes that this means that, even when considering only the subset of customers needing wheelchair assistance who pre-identified as such before arriving at the airport, and even when considering all disability-related complaints rather than just the subset of wheelchair-related complaints, the complaint rate was about 0.1% (i.e., about 1 in 1,000 passengers). Accordingly, American contends that, nearly 100% of the time, passengers requesting wheelchair assistance from American do not submit a complaint about the service provided.

Regarding claims by passengers of mishandled wheelchairs and scooters, American states that, comparing its performance in the full year 2022 versus its performance in the first half of 2024, American's rate of claimed mishandling has reduced by over 16%. American anticipates that its ongoing investments will continue driving down this number.

American emphasizes that, when American's services for its customers with disabilities do fall short, American takes complaints by such customers very seriously and investigates every one of them. American states that it routinely provides customers with compensation—including via trip credits, miles, vouchers, and cash—to make the situation right. As for damage or delay to wheelchairs, American asserts that it pays for repairs, replacements, and loaners. In all, American avers that it is committed to rectifying issues that its customers with disabilities may experience.

In closing, American states that it is proud of its efforts to support passengers with disabilities and keep improving at that mission, as part of American's purpose to care for people on life's journey.

Decision

OACP views seriously American's violations of 49 U.S.C. §§ 41310, 41702, 41705, and 41712 and 14 CFR Part 382. Accordingly, after carefully considering all the facts in this case, OACP has determined that enforcement action is warranted. In order to avoid litigation, and without admitting the violations described above, American consents to the issuance of this order to cease and desist from future violations of the ACAA and 14 CFR Part 382 and to the assessment of \$50,000,000 in compromise of potential civil penalties otherwise due and payable pursuant to 49 U.S.C. § 46301.¹⁰ The compromise assessment is appropriate considering the nature and extent of the violations described herein and serves the public interest. It establishes a strong deterrent to future similar unlawful practices by American and other carriers.

This order is issued under the authority contained in 49 CFR Part 1.

ACCORDINGLY,

1. Based on the above discussion, we approve this settlement and the provisions of this order as being in the public interest.
2. We find that American Airlines, Inc., violated 14 CFR 382.95 by failing to provide prompt assistance to passengers with a disability in enplaning and deplaning the aircraft.
3. We find that American Airlines, Inc., violated 14 CFR 382.91 by failing to provide adequate assistance to passengers with a disability in moving within the terminal and in transportation between gates to make a connection.
4. We find that American Airlines, Inc., violated 14 CFR 382.125 by failing to provide for the timely return of wheelchairs and scooters as close as possible to the door of the aircraft, so that passengers may use their own equipment to the extent possible and ensure that passengers' wheelchairs and scooters are among the first items retrieved from the baggage compartment.
5. We find that American Airlines, Inc., violated 14 CFR 382.129 by failing to return wheelchairs and scooters to the passenger in the condition in which they were received.
6. We find that American Airlines, Inc., violated 14 CFR 382.141 by failing to ensure proficient training to its personnel and contractors concerning the requirements of Part 382, the carrier's procedures concerning the provision of air travel to passengers with disabilities, and for those personnel involved in providing boarding and deplaning assistance, the use of the boarding and deplaning assistance equipment used by the carrier

¹⁰ The Department notes that "[t]he amount of a civil penalty assessed under [section 46301] for a violation of section 41705 that involves damage to a passenger's wheelchair or other mobility aid or injury to a passenger with a disability may be increased above the otherwise applicable maximum amount under this section for a violation of section 41705 *to an amount not to exceed 3 times the maximum penalty otherwise allowed.*" (emphasis added). See 49 U.S.C. § 46301.

and appropriate boarding and deplaning assistance procedures that safeguard the safety and dignity of passengers.

7. We find that by engaging in the conduct described in paragraphs 2 through 6, above, American Airlines, Inc., violated 49 U.S.C. § 41705.
8. We find that to the extent the conduct described in paragraphs 2 through 6, above, occurred in interstate air transportation and foreign air transportation, American Airlines, Inc., violated 49 U.S.C. §§ 41702 and 41310, respectively.
9. We find that by engaging in the conduct described in paragraphs 2 through 6, above, American Airlines, Inc., engaged in unfair practices and thereby violated 49 U.S.C. § 41712.
10. We order American Airlines, Inc., its successors, its affiliates, and all other entities owned by, controlled by, or under common ownership and control with American Airlines, Inc., its successors, its affiliates, and its assigns to cease and desist from further violations of 49 U.S.C. §§ 41705, 41310, 41702, and 41712 and 14 CFR Part 382.
11. We assess American Airlines, Inc., \$50,000,000 in civil penalties for the violations described in paragraphs 2 through 9, above:
 - (a) \$25,000,000 of the assessed penalty is due and payable in three equal installments beginning 30 days after the date of the order, and each year thereafter; and
 - (b) \$25,000,000 of the assessed penalty will be credited to American for costs that American has incurred or will incur for: (1) investments in equipment to reduce incidents of wheelchair damage, including wheelchair lifts at 24 or more airports and wheelchair movers at 43 or more airports; (2) investments in a systemwide wheelchair tagging system to reduce incidents of wheelchair delay; (3) goodwill compensation¹¹ paid to affected passengers during the timeframe covered by this investigation; and (4) deployment of hub control center employees in 2024, 2025, and 2026, to coordinate wheelchair handling on a centralized, systemwide basis at large airports.¹²

¹¹ Credit for goodwill compensation to passengers is calculated at 100% for cash refunds, 80% for vouchers or travel credits, and two cents per mile for frequent flyer mileage. Other credits listed in this order are not valued as dollar-for-dollar, meaning that American will expend more than \$25 million in creditable costs to receive \$25 million in credit.

¹² By December 31, 2027, at the latest, in addition to the October 9, 2024 documentation provided by American, the carrier must provide the Department with updated supporting documentation containing a description of the expenditures associated with the offsets in subparagraph 11(b) if any changes and accompanying accounting verifying the offsets. The documentation must be accompanied by a sworn statement by a senior carrier official attesting that the description, documentation, and accounting are true and complete to the best of that official's knowledge and that official has made a reasonable inquiry to establish the accuracy of the statement. To the extent the carrier fails to provide adequate documentation and accounting verifying the appropriate expenditures by December 31, 2027, that amount shall become due to the U.S. Treasury within 30 days.

12. We order American Airlines, Inc., to pay through Pay.gov to the account of the U.S. Treasury. Payment shall be made in accordance with the instructions contained in the Attachment to this order. Failure to pay the penalty as ordered shall subject American Airlines, Inc., to the assessment of interest, penalty, and collection charges under the Debt Collection Act and to further enforcement action for failing to comply with this order.
13. The offsets described in ordering paragraph 11(b) may be amended with the Department's approval.
14. Should a dispute arise under, or with respect to, this Consent Order, the parties will raise such concerns to one another and seek to resolve the dispute. If the parties are unable to reach a satisfactory resolution of the issue or issues within 60 days after concerns have been raised, then either party may seek judicial review of the dispute.

This order will become a final order of the Department 10 days after its service date unless a timely petition for review is filed or the Department takes review on its own motion.

BY:

BLANE A. WORKIE
Assistant General Counsel
for the Office of Aviation Consumer Protection

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