

Annual Report On Disability-Related Air Travel Complaints

September 2005

Report of the Secretary of Transportation to the United States Congress

Pursuant to the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21)

INTRODUCTION

Overview

The Air Carrier Access Act (ACAA, 49 U.S.C. 41705) prohibits discriminatory treatment of persons with disabilities in air transportation. The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21; Public Law 106-181) requires, among other things, that the Secretary of Transportation “regularly review all complaints received by air carriers alleging discrimination on the basis of disability” and “report annually to Congress on the results of such review.” This is the first such annual report to Congress, which covers disability-related complaints that U.S. and foreign passenger air carriers operating to and from the U.S. received during the prior calendar year, as reported to the Department by those carriers.

This report has two components: (1) a [summary](#) of the data reported to the Department by U.S. and foreign air carriers; and (2) a [detailed breakdown](#) of the data for each carrier. To allow readers to find areas of interest easily and grasp the essence of an issue quickly, this annual report employs a graphic-intensive format for its data presentation. The report to Congress to be provided in 2006 will follow this same format.

Background

On July 8, 2003, the Department published a final rule to implement the requirements of AIR-21 (See 14 CFR 382.70, 68 FR 40488). This rule requires certificated U.S. air carriers and

foreign air carriers operating to, from, or within the United States, conducting passenger operations with at least one aircraft having a designed seating capacity for more than 60 passengers to record complaints that they receive alleging discrimination or inadequate accessibility on the basis of a disability. The complaints are to be categorized according to the passenger's type of disability and the nature of the complaint. The passenger's disability must be recorded as one of the following types: vision impaired, hearing impaired, vision and hearing impaired, mentally impaired, communicable disease, allergies (e.g., food allergies, chemical sensitivity), paraplegic, quadriplegic, other wheelchair, oxygen, stretcher, other assistive device (cane, respirator, etc.), and other disability. The nature of the alleged discrimination or service problem related to the disability must be recorded in the following categories: refusal to board, refusal to board without an attendant, security issues concerning disability, aircraft not accessible, airport not accessible, advance-notice dispute, seating accommodation, failure to provide adequate or timely assistance, damage to assistive device, storage or delay of assistive device, service animal problem, unsatisfactory information, and other.

The 2003 rule also requires the covered carriers to retain copies of the applicable complaints and records of the action taken for each complaint for three years, and to submit the required disability-related complaint data to the U.S. Department of Transportation annually. The first required report covered complaints received by carriers during calendar year 2004, which was due to the Department on January 25, 2005.

Summary of Findings

In part, as a result of extensive efforts by the U.S. Department of Transportation to inform carriers of the new disability-complaint reporting requirements for the 2004 reporting

period, 54 U.S. carriers and 97 foreign carriers submitted the required complaint data.¹ The 54 U.S. carriers reported receiving 10,193 disability-related air travel complaints during the 2004 calendar year, and the 97 foreign air carriers reported receiving 1,326 complaints during the same time period, for a total of 11,519 complaints received by these 151 carriers. More than half of the complaints reported (6,193) concerned the failure to provide adequate assistance to persons using wheelchairs. Although the overall number of complaints may appear to be large, it must be noted that approximately 17 million persons with disabilities in the United States travel by air each year, and the vast majority of them do not file a disability-related air travel complaint.²

The substance of the complaints filed with the carriers has not been reviewed to determine whether the incidents constituted violations of the ACAA or the provisions of 14 CFR Part 382. Such an undertaking would require resources well beyond the Department's investigative capabilities. Therefore, the complaint numbers should not be interpreted as reflecting violations of law. Moreover, the data being provided was taken directly from reports submitted by carriers and have not been audited or verified by the Department. However, the

¹ The Department is continuing its efforts to identify any carriers that the reporting rule may apply to that did not file reports, and we are sending these carriers information about the rule and a request for information in order to determine whether the rule is applicable.

² According to a national survey conducted in 2002 by the U.S. Bureau of Transportation Statistics (BTS), about 54 million persons in the United States have a disability and 31.49 percent of those individuals (i.e., about 17 million people with disabilities) used commercial airlines for long distance travel (100 miles or more one way) in 2001. The Department believes that the number of enplanements by air travelers with disabilities in 2004 would be more than 17 million given that (1) the BTS survey does not include short distance travel, (2) there has been a steady increase in the number of passengers who travel by air (presumably including people with disabilities) since the low travel rates that resulted from the combined effect of an economic downturn and the tragic events of September 11, 2001, and (3) it is safe to assume that many of the disabled air travelers in 2001 made more than one trip that year. Nevertheless, to be cautious, the Department used the information provided in the BTS survey about the number of persons with disabilities who used commercial airlines in 2001 as well as the disability-related complaint data for calendar year 2004 received from carriers under the new reporting requirement to calculate that the carriers on average receive one disability-related complaint for every 1600 passengers with disabilities.

Department's Enforcement Office will audit carriers as it deems necessary to ensure accurate reporting in the future.

Four categories of information are being presented in this report: data from each carrier; summary totals for U.S. air carriers; summary totals for foreign air carriers; and summary totals for all carriers. The data are presented in charts similar to the charts in which covered U.S. and foreign air carriers are required to submit their reports: each chart contains 13 categories of disabilities on the horizontal axis and 13 categories of complaints on the vertical axis.