

ANNUAL REPORT
ON
DISABILITY-RELATED
AIR TRAVEL COMPLAINTS
RECEIVED DURING
CALENDAR YEAR 2015

**Report of the Secretary of Transportation to the
United States Congress**

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Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2015

Report of the Secretary of Transportation to the United States Congress

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 twelfth such annual report to Congress, which covers disability-related complaints that U.S. and foreign air carriers conducting passenger operations to, from, and within the U.S. received during the 2015 calendar year, as reported to the U.S. Department of Transportation (Department or DOT) 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. This annual report employs a graphic-intensive format for its data presentation to allow readers to find areas of interest easily and grasp the essence of an issue quickly.

Background

On May 13, 2008, the Department published a final rule implementing the requirements of AIR-21 (See 14 CFR 382.157, 73 FR 27614).¹ This rule requires 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 of 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

¹ The original rule that implemented the requirements of AIR-21 was published on July 8, 2003 (See 14 CFR 382.70, 68 FR 40488).

- oxygen
- stretcher
- other assistive device (cane, respirator, etc.)
- 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
- other

Section 382.157 also requires covered carriers to retain copies of the applicable complaints and records of the action taken for each complaint for three years. Furthermore, section 382.157 requires carriers to submit the required disability-related complaint data to the DOT annually, on the last Monday in January, for the prior calendar year. The first required report covering disability-related complaints received by carriers during calendar year 2004 was due to the Department on January 31, 2005. Carriers were required to submit their 2015 calendar year disability-related complaint data, the subject of this report, by January 25, 2016.

Summary of Findings

For the 2015 reporting period, 36 U.S. carriers and 140 foreign carriers submitted the required disability-related complaint data. The total number of carriers that submitted data for the 2015 reporting period, 176 carriers, has increased by 3 carriers in comparison to the 2014 reporting period. However, it should be noted that a number of U.S. and foreign carriers ceased operations or discontinued passenger service to the U.S. in 2015, while other carriers received authority to operate passenger service to, from, or within the U.S. during the same time period. The Department continuously informs new carriers of their reporting obligations and makes efforts to identify the carriers to which the reporting rule applies. The Department has issued 20 cease and desist orders since 2006 assessing civil penalties totaling more than \$500,000 for violations by both U.S. and foreign air carriers of the Department's disability-related complaint reporting requirements, including the requirement to file data by the last Monday in January of each year. These orders deter future noncompliance with the Departments reporting requirements by both US and foreign carriers. As a result of these efforts, the majority of the carriers required to

submit their 2015 calendar year disability-related complaint data did so by the January 25, 2016 deadline.

The 36 U.S. carriers that submitted data for the 2015 calendar year reported receiving 26,401 disability-related air travel complaints, and the 140 foreign air carriers reported receiving 4,429 complaints during the same time period, for a total of 30,830 complaints received by these 176 carriers. Nearly half of the complaints reported (14,185) concerned the failure to provide adequate assistance to persons using wheelchairs. The overall number of disability-related complaints received by carriers for calendar year 2015 (30,830) increased by approximately 12 percent over the number received by carriers in calendar year 2014 (27,556), even though there was only a 4.75 percent increase in the number of passenger enplanements.² The increase in the overall number of complaints (3,274) is largely the result of an increase in complaints received by U.S. air carriers (2,357); the number of complaints received by foreign air carriers only increased by 917. While we are unable to pinpoint the exact reason for the year-over-year increase in disability-related complaints, there was a significant increase, approximately 29 percent, in the number of overall consumer complaints received by DOT for calendar year 2015 when compared to calendar year 2014.³

The Department’s Aviation Consumer Protection Division routinely has discussions with individual carriers when it notices spikes or significant variations in complaint types or complaint levels. In addition, the Department reaches out to U.S. and foreign air carriers to emphasize the requirements of the ACAA regulation. Finally, the Department has hosted numerous Webinars and training forums since the publication of the revised ACAA regulation in 2008, to educate foreign carriers on their responsibilities to travelers with disabilities. The Department held its most recent forum in Washington, DC, on November 5, 2014, and its most recent Webinar on April 5, 2016.

A summary of the 2014 and 2015 disability complaint data is set forth in the table below.

| | Total Number of Disability Complaints Received by Domestic Carriers | Total Number of Disability Complaints Received by Foreign Carriers | Total Number of Disability Complaints Received by All Carriers |
|------|---|--|--|
| 2014 | 24,044 | 3,512 | 27,556 |
| 2015 | 26,401 | 4,429 | 30,830 |

² Domestic and international passenger enplanements by U.S. and foreign carriers increased between 2014 and 2015 from approximately 768.1 million to approximately 804.6 million, an increase of 4.75 percent.

³ The overall number of consumer complaints received directly by DOT in 2014 was 15,539, while the overall number of complaints received in 2015 was 20,170.

While carriers reported receiving 30,830 complaints in 2015, it must be noted that these complaint numbers are significantly lower than the millions of persons with disabilities in the United States that travel by air each year.⁴

The complaint numbers should not be interpreted as reflecting violations of law as the data being provided were taken directly from reports submitted by carriers. The Department has not audited or verified these consumer complaint numbers nor has the Department reviewed the substance of each of the complaints filed with the carriers to determine whether the incidents constituted violations of the ACAA or the provisions of 14 CFR Part 382. The Department's Office of Aviation Enforcement and Proceedings (Enforcement Office) does, however, investigate each complaint filed directly with DOT's Aviation Consumer Protection Division. The Department's Enforcement Office also audits carriers as it deems necessary to ensure accurate reporting. Between 2009 and 2015, the Enforcement Office conducted a number of on-site investigations, which involved reviewing both U.S. and foreign carrier records to, among other things, verify the accuracy of the carrier's disability reporting.

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.

⁴ According to data obtained through the National Household Travel Survey conducted by DOT's Bureau of Transportation Statistics (BTS) in 2001 and 2002, more than 17 million persons with disabilities in the U.S. travel by air each year. The most recent National Household Travel Survey was completed in 2009; however, the 2009 National Household Travel Survey does not include data regarding the number of persons with disabilities that traveled by air. However, based on the increase of domestic and international enplanement by U.S. carriers from approximately 625.3 million persons in 2001 to approximately 804.6 million persons in 2015 (approximately 29 percent), it can be assumed that the number of persons with disabilities that traveled by air in the U.S. in 2015 also increased by 29 percent from 17 million air travelers with disabilities to approximately 22 million travelers. This estimation may be conservative given the increase in the aging population of persons with disabilities that travel by air.