

New Horizons



Information for the Air
Traveler with
a Disability



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INTRODUCTION

For years, access to the nation's air travel system for persons with disabilities was an area of substantial dissatisfaction, with both passengers and the airline industry recognizing the need for major improvement. In 1986 Congress passed the Air Carrier Access Act (ACAA), requiring the Department of Transportation (DOT) to develop a new regulation which ensures that persons with disabilities will be treated without discrimination in a way consistent with the safe carriage of all passengers.

This regulation was published in March 1990 and has been amended a number of times since then. Effective May 13, 2009, the rule was expanded to include flights to and from the U.S. by foreign airlines.

The Department of Transportation's ACAA regulation represents a major stride forward in improving the air travel experience for persons with disabilities. The rule clearly explains the responsibilities of the traveler, the air carriers, the airport operators, and contractors, who collectively make up the system that moves two million passengers per day. The complete text of the rule can be found at <http://airconsumer.ost.dot.gov/>

The ACAA rule is designed to minimize the special problems that travelers with disabilities face as they negotiate their way through the air travel system from origin to destination. This is achieved:

- By recognizing that the physical barriers encountered by passengers with disabilities can frequently be overcome by employing simple changes in layout and technology.
- By adopting the principle that many difficulties confronting passengers with hearing or vision impairments will be relieved if they are provided access to the same information that is available to all other passengers.
- Through training of all air travel personnel who come in day-to-day contact with persons with disabilities, to understand their

needs and how they can be accommodated quickly, safely, and with dignity.

This guide is designed to offer travelers with disabilities a brief but authoritative source of information about the ACAA rule: the accommodations, facilities, and services that are required to be available. It also describes features required by other regulations designed to make air travel more accessible.

The guide is structured in much the same sequence as a passenger would plan for a trip: the circumstances he or she must consider prior to traveling, what will be encountered at the airport, and what to expect in the transitions from airport to airplane, on the plane, and then airplane to airport.

➔ *Planning Your Trip*

The New Traveling Environment

THE AIR CARRIER ACCESS ACT RULE SWEEPS aside many restrictions that formerly discriminated against passengers with disabilities:

- A carrier may not refuse transportation to a passenger solely on the basis of a disability.
- Air carriers may not limit the number of individuals with disabilities on a particular flight.
- All trip information that is made available to other passengers also must be made available to passengers with disabilities.
- Carriers must provide passage to an individual who has a disability that may affect his or her appearance or involuntary behavior, even if this disability may offend, annoy, or be an inconvenience to crew-members or other passengers.

There are a few exceptions:

- The carrier may refuse transportation if the individual with a disability would endanger the health or safety of other passengers, or transporting the person would be a violation of FAA or foreign government safety rules.
- The carrier may refuse transportation if there are no lifts, boarding chairs or other devices available which can be adapted to enplane the passenger. Lifts or similar devices are currently required in the U.S. for nearly all flights of U.S. air carriers on aircraft with 19 or more seats at airports with 10,000 or more annual enplanements. That requirement will apply to foreign air carrier operations at these U.S. airports beginning May 13, 2011.
- There are special provisions about persons with certain disabilities or communicable diseases. These requirements are covered in the chapter entitled “At the Airport.”

- The carrier may refuse transportation if it is unable to seat the passenger without violating U.S. or foreign government safety or security rules. See the chapter “On the Plane.”

There are procedures for resolving disputes:

- All carriers are required to have a Complaints Resolution Official (CRO) available on a timely basis (even if by phone) to resolve disagreements which may arise between the carrier and passengers with disabilities.
- Travelers who disagree with a carrier’s actions toward them can pursue the issue with the carrier’s CRO on the spot.
- A carrier that refuses transportation to any person based on a disability must provide a written statement to that person within 10 calendar days, stating the basis for the refusal. The statement must include, where applicable, the basis for the carrier’s opinion that transporting the person would be harmful to the safety of the flight.
- If the passenger is still not satisfied, he or she may pursue DOT enforcement action.

Getting Advance Information About the Aircraft

Travelers with disabilities must be provided information upon request concerning facilities and services available to them. When feasible this information must pertain to the specific aircraft scheduled for a specific flight. Such information includes:

- Any aircraft or service-related limitations on the ability to accommodate an individual with a disability (the carrier shall provide this information to any passenger who states that he or she uses a wheelchair for boarding, even if the passenger does not explicitly request the information);

- The location of seats (if any) with movable aisle armrests and any seats which the carrier does not make available to an individual with a disability (e.g., exit rows);
- Any limitations on the availability of storage facilities in the cabin or in the cargo bay for mobility aids or other equipment commonly used by an individual with a disability;
- Whether the aircraft has an accessible lavatory.

Any carrier that provides telephone service for the purpose of making reservations or offering general information must provide comparable services for hearing-impaired individuals who use text telephones (TTYs). This comparable service (e.g., TTY or voice-relay service) shall be available during the same hours that the general public has access to regular phone service. The response time to answer TTY calls shall be equivalent to the response time available to the general public. Charges for the call, if any, shall be the same as charges made to the general public.

When Advance Notice Can Be Required

Airlines may not require passengers with disabilities to provide advance notice of their intent to travel or of their disability except as provided below. Nonetheless, letting the airline know in advance how they can help you will generally result in a smoother trip.

Carriers may require up to 48 hours' advance notice and one hour advance check-in from a person with a disability who wishes to receive any of the following services:

- Use of the passenger's portable electronic respiratory assistive device during the flight. (Airlines are required to permit a passenger to use his/her portable respiratory assistive device — other than the passenger's cannisterized oxygen cylinders — on aircraft with more than 19 seats if the device is labeled as complying with FAA or applicable foreign government requirements for portable electronic devices.)

- Transportation for an electric wheelchair on an aircraft with fewer than 60 seats;
- Provision by the carrier of hazardous materials packaging for the battery of a wheelchair or other assistive device;
- Accommodations for 10 or more passengers with disabilities who travel as a group;
- Transportation of an emotional support or psychiatric service animal in the cabin;
- Transportation of any service animal on a flight segment scheduled to take 8 hours or more;
- Accommodation of a passenger who has both severe vision and hearing impairments; or
- Provision of an on-board wheelchair on an aircraft that does not have an accessible lavatory for persons who can use an inaccessible lavatory but need an on-board chair to do so. An airline that uses a "block seating" approach to provide special seating for passengers with disabilities is free to require 24 hours' advance notice for such accommodations. See the "Seating" section later in this booklet.

Carriers are not required to provide the following services or equipment, but should they choose to provide them, they may require 48 hours' advance notice and one hour advance check-in:

- Medical oxygen for use on board the aircraft (72 hours' advance notice for international flights);
- Carriage of an incubator;
- Hook-up for a respirator to the aircraft's electrical supply;
- Accommodations for a passenger who must travel on a stretcher.

Carriers may impose nondiscriminatory charges for these optional services.

Where a service is required by the rule, the airline must ensure that it is provided if

appropriate notice has been given and the service requested is available on that particular flight. If a passenger does not meet advance notice or check-in requirements, carriers must make a reasonable effort to accommodate the requested service, providing this does not delay the flight.

If a passenger with a disability provides the required notice but is required to fly on another carrier (for example, if the flight is cancelled), the original carrier must, to the maximum extent feasible, provide assistance to the second carrier in furnishing the accommodation requested by the individual.

It must be recognized that even when a passenger has requested information in advance on the accessibility features of the scheduled aircraft, carriers sometimes have to substitute a different aircraft at the last minute for safety, mechanical or other reasons. The substitute aircraft may not be as fully accessible—a condition that may prevail until the retirement of the last of the aircraft that were in service before the implementation of the ACAA rule.

When A Safety Assistant Can Be Required

Carriers may require the following individuals to be accompanied by a safety assistant:

- A person traveling on a stretcher or in an incubator (for flights where such service is offered);
- A person who, because of a mental disability, is unable to comprehend or respond appropriately to safety instructions from carrier personnel;
- A person with a mobility impairment so severe that the individual is unable to physically assist in his or her own evacuation from the aircraft;
- A person who has both severe hearing and severe vision impairments which prevent him or her from receiving and acting on necessary instructions from carrier personnel when evacuating the aircraft during an emergency.

The carrier and the passenger may disagree about the applicability of one of these criteria. In such cases, the airline can require the passenger to travel with a safety assistant, contrary to the passenger's assurances that he or she can travel alone. However, the carrier cannot charge for the transportation of the safety assistant in those cases.

The airline can choose a safety assistant in a number of ways. It could designate an off-duty employee who happened to be traveling on the same flight to act as the safety assistant. The carrier or the passenger with a disability could seek a volunteer from among other passengers on the flight to act as the assistant. The carrier could provide a free ticket to a safety assistant of the passenger's choice for that flight segment. In the end, however, a carrier is not required to find or furnish a safety assistant.

The safety assistant would not be required to provide personal service to the passenger with a disability, only assistance in the event of an emergency evacuation. This is in contrast to the case of a passenger who usually travels accompanied by a personal attendant, who would provide the passenger whatever service he or she requests.

If there is not a seat available on the flight for a safety assistant, and as a result a person with a disability holding a confirmed reservation is denied travel on the flight, the passenger with a disability is eligible for compensation in an amount equal to denied boarding compensation for an oversold flight, where the DOT Oversale rule applies.

For purposes of determining whether a seat is available for a safety assistant, the safety assistant shall be deemed to have checked in at the same time as the person with the disability.

➔ *At The Airport*

Airport Accessibility

UNTIL 1990, ONLY THOSE AIRPORT FACILITIES designed, constructed, or renovated by or for a recipient of federal funds had to comply with federal accessibility standards. Even at federally-assisted airports, not all facilities and activities were required to be accessible. Examples are privately-owned ground transportation systems and concessions selling goods or services to the public. As a result of the ACAA rule, and the Americans with Disabilities Act of 1990 (ADA) and its implementing regulations, these privately-owned facilities must also be made accessible.

In general, U.S. airports under construction or being refurbished must comply with the ADA Accessibility Guidelines (ADAAG) and other regulations governing accessibility in accordance with a timetable established in the ADA. The ADAAGs can be found at <http://www.access-board.gov/adaag/html/adaag.htm>. As a result of these standards and the ACAA rule, the accessibility of most airports has improved. With few exceptions, the following services should be available in most air carrier terminals:

- Accessible parking near the terminal;
- Signs indicating accessible parking and the easiest access from those spaces to the terminal;
- Accessible medical aid facilities and travelers aid stations;
- Accessible restrooms;
- Accessible drinking fountains;
- Accessible ticketing systems at primary fare collection areas;
- Amplified telephones and text telephones (TTYs) for use by persons with hearing and speech impairments (there must be at least one TTY in each terminal in a clearly marked accessible location);

- Accessible baggage check-in and retrieval areas;
- Jet bridges and mobile lounges at U.S. airports that have such facilities must be accessible;
- Level entry boarding ramps, lifts or other means of assisting an individual with a disability on and off an aircraft at most other U.S. airports;
- Information systems using visual words, letters or symbols with lighting and color coding, and systems for providing information orally;
- Signs indicating the location of specific facilities and services; and
- Relief areas for service animals; and
- Equivalent service to a passenger wishing to use an inaccessible automated ticket kiosk (*e.g.*, via assistance from airline personnel in using the kiosk or allowing the passenger to come to the front of the line at the check-in counter).

Moving Through the Airport

To make travel easier for an individual with a disability, ADA-related standards require major U.S. airports to make the following services accessible:

- Shuttle vehicles, owned or operated by airports, transporting people between parking lots and terminal buildings;
- People movers and moving walkways within and between terminals and gates.

All carrier facilities must currently include one accessible route from an airport entrance to ticket counters, boarding locations and baggage handling areas. These routes must minimize any extra distance that wheelchair users must travel compared to other passengers to reach these

facilities. Outbound and inbound baggage facilities must provide efficient baggage handling for individuals with a disability, and these facilities must be designed and operated so as to be accessible. There must be appropriate signs to indicate the location of accessible services.

Carriers cannot restrict the movements of persons with disabilities in terminals or require them to remain in a holding area or other location while awaiting transportation and other assistance.

Where it is available, curbside baggage check-in may be helpful to passengers with a disability.

Passenger Information

Carriers must ensure that individuals with disabilities who identify themselves as needing assistance in obtaining information, including those with vision or hearing impairments, have timely access to the same information provided to other passengers, including (but not limited to) information on:

- ticketing;
- scheduled departure times and gates;
- change of gate assignments;
- status of flight delays;
- schedule changes;
- flight check-in;
- checking and claiming of luggage.

This information must be made available upon request at an airline's gates, ticketing areas, and customer service desks. A crew member is not required to interrupt his or her immediate safety duties to supply such information.

A copy of the ACAA rule must be made available by carriers for inspection upon request at each U.S. airport, and at foreign airports that serve flights to/from the U.S.

As previously noted, any carrier that provides telephone service for the purpose of making reservations or offering general information shall also provide TTY service or other comparable service (e.g., voice relay). This service for people

with speech and hearing impairments must be available during the same hours that the general public has access to regular phone service, with equivalent response times and charges.

Security Screening

An individual with a disability must undergo the same security screening as any other member of the traveling public.

If an individual with a disability is able to pass through the security system without activating it, the person shall not be subject to special screening procedures. Security personnel are free to examine an assistive device that they believe is capable of concealing a weapon or other prohibited item. If an individual with a disability is not able to pass through the system without activating it, the person will be subject to further screening in the same manner as any other passenger activating the system.

Security screening personnel at some airports may employ a hand-held device that will allow them to complete the screening without having to physically search the individual. If this method is still unable to clear the individual and a physical search becomes necessary, then at the passenger's request, the search must be done in private.

If the passenger requests a private screening in a timely manner, the carrier must provide it in time for the passenger to board the flight. Such private screenings will not be required, to a greater extent or for any different reason than for other passengers. However, they may take more time.

Medical Certificates

A medical certificate is a written statement from the passenger's physician saying that the passenger is capable of completing the flight safely without requiring extraordinary medical care.

A disability alone is not sufficient grounds for a carrier to request a medical certificate. Carriers shall not require passengers to present a medical certificate unless the person:

- Is on a stretcher or in an incubator (where such service is offered);

- Will be using medical oxygen during flight;
- Has a medical condition that causes the carrier to have reasonable doubt that the individual can complete the flight safely, without requiring extraordinary medical assistance during the flight; or
- Has a communicable disease or infection that has severe health consequences and has been determined by federal public health authorities to be readily transmittable during flight.

If the individual has a contagious disease but presents a medical certificate describing conditions or precautions that would prevent the transmission of the disease during the flight, the carrier shall provide transportation unless it is not possible to act upon the conditions set forth in the certificate to prevent transmission of the disease.

If the medical certificate is necessitated by a communicable disease (see next section), it must either (1) state that the disease or infection will not be communicable to other persons during the normal course of flight or (2) describe any conditions or precautions that would have to be observed to prevent transmission of the disease or infection to others.

Carriers cannot mandate separate treatment for an individual with a disability except for reasons of safety or to prevent the spread of a communicable disease or infection.

Communicable Diseases

As part of their responsibility to their passengers, air carriers try to prevent the spread of infection or a communicable disease on board an aircraft. If a person who seeks passage has an infection or disease that would be transmittable during the normal course of a flight, and that has been deemed so by a federal public health authority knowledgeable about the disease or infection, then the carrier may:

- Refuse to provide transportation to the person;
- Require the person to provide a medical certificate stating that the disease at its current stage would not be transmittable during the normal course of flight, or describing measures which would prevent transmission during flight;
- Impose on the person a condition or requirement not imposed on other passengers (e.g., wearing a mask).

➔ *Getting On And Off The Plane*

The Safety Briefing

AIR CARRIER PERSONNEL PROVIDE A SAFETY briefing to all passengers before takeoff. This briefing is for the passengers' own safety and is intended for that purpose only.

Carrier personnel may offer an individual briefing to a person whose disability precludes him or her from receiving the information presented in the general briefing. The individual briefing must be provided as inconspicuously and discreetly as possible. Most carriers choose to offer this briefing before other passengers board the flight if the passenger with a disability chooses to pre-board the flight. A carrier can present the special briefing at any time before takeoff that does not interfere with other safety duties.

Carriers may not 'quiz' the individual about the material presented in the briefing, except to the same degree they quiz all passengers about the general briefing. A carrier cannot take any adverse action against the passenger on the basis that, in the carrier's opinion, the passenger did not understand the safety briefing.

Safety briefings presented to passengers on video screens must have open captioning or an inset for a sign language interpreter, unless this would interfere with the video so as to render it ineffective or it would not be large enough to be seen. Effective November 10, 2009, these video briefings must be high-contrast captioned, in the predominant language(s) used by the carrier on that flight.

Handling of Mobility Aids and Assistive Devices

To the extent consistent with various safety and security regulations, passengers may bring on board and use ventilators and respirators, powered by non-spillable batteries. Assistive devices brought into the cabin by an individual with a disability shall not count toward a limit on carry-on items.

Persons using canes and other assistive devices may stow these items in the aircraft cabin, consistent with safety regulations. Carriers shall permit passengers to stow wheelchairs or component parts of a mobility device under seats, or in overhead compartments if they fit there.

New aircraft delivered to U.S. airlines after April 1992 or to foreign airlines after May 2010 are required to have a priority stowage area (like a closet) for a passenger's folding wheelchair (one per flight). On these aircraft, and on older aircraft that have such an area even though it is not required, the airline must permit a passenger to stow his or her wheelchair in that location, if the passenger pre-boards and if stowage can be accomplished in accordance with safety regulations. If there is not a passenger wheelchair on that flight, other assistive devices have priority in that stowage area over carry-on items brought on by other passengers enplaning at the same airport (including passengers in another cabin, such as First Class), but not over items of passengers who boarded at previous stops. A wheelchair has priority over items placed in this location by airline personnel (e.g., crew luggage) even if those items were placed there at a previous stop.

When stowed in the cargo compartment, wheelchairs and other assistive devices must be given priority over cargo and baggage, and must be among the first items unloaded. Mobility aids shall be returned to the owner as close as possible to the door of the aircraft (consistent with DOT hazardous materials regulations) or at the baggage claim area, in accordance with whatever request was made by the passenger before boarding.

If the priority storage accorded to mobility aids prevents another passenger's baggage from being carried, the carrier shall make its best efforts to ensure the other baggage arrives on the carrier's next flight to that destination.

On certain aircraft, some assistive devices will have to be disassembled in order to be transported (e.g., electric wheelchairs, other devices too large

to fit in the cabin or in the cargo hold in one piece). When assistive devices are disassembled, carriers are obligated to return them to passengers in the condition that the carrier received them (e.g., assembled).

Carriers must transport battery-powered wheelchairs and other similar mobility devices, except where cargo compartment size or aircraft airworthiness considerations do not permit doing so. Electric wheelchairs must be treated in accordance with regulations for handling hazardous materials and DOT ACAA regulations, which differentiate between spillable and non-spillable batteries:

❑ *Spillable Batteries.* If the mobility device is powered by a spillable battery, the battery must be removed unless the wheelchair can be loaded, stored, secured, and unloaded always in an upright position. When it is possible to load, store, secure, and unload with the wheelchair always in an upright position and the battery is securely attached to the wheelchair, the airline may not remove the battery from the chair.

❑ *Nonspillable batteries.* It is never necessary under DOT hazardous materials regulations applicable to U.S. air carriers to remove a battery that is marked as nonspillable from a wheelchair before stowing it. However, foreign government rules may differ. DOT rules require new non-spillable batteries to be marked as such effective September 1995.

The carrier may remove a battery that is not marked as nonspillable from the mobility aid if it cannot be loaded, stored, secured and unloaded always in an upright position. An across-the-board assumption that all batteries are spillable is not consistent with the ACAA rule.

A battery (spillable or nonspillable) should not be transported where it appears to be damaged and leakage of battery fluid is possible.

Other provisions concerning battery-powered mobility aids:

- The battery may not be drained.

- When hazardous materials regulations require detaching the battery from the device, the carrier shall upon request provide packaging for the battery that will meet safety requirements.
- Carriers may not charge for packaging batteries.
- Carriers may require passengers with battery-powered mobility aids to check in one hour before the normal check-in deadline. If a passenger checks in later than that time, the carrier must make a reasonable effort to carry his or her wheelchair unless this would delay the flight.
- Carriers must allow passengers to provide written instructions concerning the disassembly and assembly of their wheelchairs and must follow those instructions to the greatest extent feasible, consistent with government regulations.

Carriers may not require a passenger with a disability to sign a waiver of liability for damage or loss of wheelchairs or other assistive devices. However, the carrier may make note of any pre-existing defect to the device.

On domestic trips, airlines are permitted to limit their liability for loss, damage or delay to checked baggage to a certain amount (\$3,300 per passenger as of this printing; see <http://airconsumer.ost.dot.gov> for any updates). This limit does not apply to assistive devices, however. When an assistive device is lost, damaged or destroyed on a domestic trip, the criterion for calculating the compensation is the original purchase price of the device.

This expanded liability for assistive devices does not extend to international trips, where in most cases the Montreal Convention applies. For most international trips (including the domestic portions of an international trip) the current liability limit is 1,000 "Special Drawing Rights" per passenger. The value of the SDR changes daily; see www.imf.org.¹

¹ As with other passenger baggage, this limit may usually be increased through Excess Valuation coverage purchased through the individual airline. The passenger should also check his or her

Boarding and Deplaning

Properly trained service personnel who are knowledgeable on how to assist individuals with a disability in boarding and exiting must be available if needed. Equipment used for assisting passengers must be kept in good working condition.

Boarding and exiting most medium and large-size jet aircraft is almost always by way of level loading bridges (e.g., ‘Jetways’) or mobile lounges, which must be accessible. If these devices are not used, then on most flights using aircraft with 19 or more seats a lifting device (other than a device used for freight) must be provided to assist persons with limited mobility safely on and off the aircraft. On flights on smaller aircraft, passengers with mobility impairments are generally carried up and down the aircraft’s boarding stairs using a “boarding chair.” Except in the case of an emergency evacuation, airlines are not permitted to hand-carry passengers on and off aircraft, i.e., to directly pick up a passenger’s body in the arms of airline personnel.

Carriers must permit pre-boarding for passengers with a disability who make such a request on the basis that they need additional time or assistance to board, stow accessibility equipment, or be seated. Carriers are free to offer this opportunity to other passengers, but the passenger always has the option to decline pre-boarding. (Certain accommodations, such as stowing a passenger’s wheelchair in the cabin, permit the airline to require the passenger to pre-board.)

On connecting flights, the delivering carrier is responsible for providing assistance to the individual with a disability in reaching his or her connecting flight. (At certain foreign airports, this assistance might be provided by the airport operator.)

Carriers cannot leave a passenger unattended for more than 30 minutes in a ground wheelchair, boarding chair, or other device in which the passenger is not independently mobile.

homeowners or renters insurance to determine whether it provides additional coverage.

➔ *On The Plane*

Aircraft Accessibility

PRIOR TO THE ENACTMENT OF THE AIR Carrier Access Act of 1986, accessibility requirements for aircraft were very limited. The rule implementing that law now requires that new aircraft delivered to U.S. airlines after April 1992 and to foreign airlines after May 2010 have the following accessibility features:

- For aircraft with 30 or more passenger seats:
 - ❑ At least one half of the armrests on aisle seats shall be movable to facilitate transferring passengers from on-board wheelchairs to the aisle seat²;
 - ❑ Carriers shall establish procedures to ensure that individuals with disabilities can readily obtain seating in rows with movable aisle armrests;
 - ❑ An aisle seat is not required to have a movable armrest if a person with a disability would be precluded from sitting there by government safety rules (e.g., an exit row).
- For aircraft with 100 or more seats:
 - ❑ Priority space in the cabin shall be provided for stowage of at least one passenger's folding wheelchair. (This rule also applies to aircraft of smaller size, if there is a closet large enough to accommodate a folding wheelchair.)
- For aircraft with more than one aisle:
 - ❑ At least one accessible lavatory (with door locks, call buttons, grab bars, and lever faucets) shall be available which

² In some cases, business class and first class aisle may not need to have a movable armrest if there is an equivalent way for a passenger with a mobility impairment to make a horizontal transfer to and from the seat.

will have sufficient room to allow a passenger using an on-board wheelchair to enter, maneuver, and use the facilities with the same degree of privacy as other passengers.

Aircraft with more than 60 seats must have an operable on-board wheelchair if

- There is an accessible lavatory, or
- There is not an accessible lavatory but a passenger provides advance notice that he or she can use an inaccessible lavatory but needs an on-board chair to reach it.

Airplanes in the commercial fleet have their seats replaced under different schedules depending on the carrier. When any seats are replaced with newly manufactured seats on an aircraft with 30 or more passenger seats, half of the new aisle seats must be equipped with movable armrests even if the aircraft was delivered before the effective date of this provision. Similarly, if a lavatory is replaced on a twin-aisle aircraft that had been delivered before the effective date of the accessible-lavatory provision, the new lavatory must be accessible.

Seat Assignments

An individual with a disability cannot be required to sit in a particular seat or be excluded from any seat, except as provided by government safety rules (for example, exit rows).

A traveler with a disability may be denied certain seats if:

- The passenger's involuntary active behavior is such that it could compromise safety of the flight where he or she would be seated (for example, the involuntary flailing of the arms of a passenger with Tourette's syndrome), and the safety problem can be mitigated to an acceptable degree by assigning the passenger another seat rather than refusing service; or

- The desired seat cannot accommodate his or her service animal.

In each instance, carriers are obligated to offer alternative seat locations.

Service Animals

Carriers must permit service animals to accompany an individual with a disability on a flight. (Foreign air carriers are only required to accept service dogs.) Evidence that the animal is a service animal may include cards or other documentation, presence of a harness or markings on a harness, tags, or the credible verbal assurance of the passenger using the animal. For emotional support animals or psychiatric service animals, the airline is free to require the passenger to furnish documentation no more than a year old on the letterhead of a licensed mental health professional (including a medical doctor treating that passenger's mental or emotional disability) stating the passenger's need for the animal.

Carriers must permit a service animal to accompany a traveler with a disability at any seat in which the person sits, unless the animal obstructs an aisle or other area that must remain clear in order to facilitate an emergency evacuation, in which case the passenger will be assigned another seat.

In-Cabin Service

Air carrier personnel shall assist a passenger with a disability with:

- Moving to and from seats as a part of the boarding and deplaning process;
- Opening food packages and identifying food (assistance with actual eating is not required);
- Using an on-board wheelchair when available to enable the passenger to move to and from the lavatory, including assistance in transferring to and from the on-board wheelchair;
- Moving to and from the lavatory, in the case of a semi-ambulatory person (as long as this

does not require the airline employee to physically lift or carry the passenger;

- Stowing and retrieving carry-on items, including mobility aids and other assistive devices stowed in the cabin.

Carrier personnel are not required to provide assistance inside the lavatory or at the passenger's seat with elimination functions. Airline personnel are also not required to perform medical services for an individual with a disability.

Charges for Accommodations Prohibited

Carriers cannot impose charges for providing facilities, equipment, or services to an individual with a disability that are required by DOT's ACAA regulation. They may charge for optional services, however, such as carrier-supplied oxygen and accommodation of stretchers.

Personnel Training

Carriers must provide training on disability accommodations for all personnel who deal with the traveling public. This training shall be appropriate to the duties of each employee and will be designed to help the employee understand the special needs of these travelers, and how they can be accommodated promptly, safely, and with dignity. The training must familiarize employees with:

- The Department of Transportation's rules on the provision of air service to an individual with a disability;
- The carrier's procedures for providing transportation to persons with disabilities, including the proper and safe operation of any equipment used to accommodate such persons;
- How to respond appropriately to persons with different disabilities, including persons with mobility, sensory, mental, and emotional disabilities.

➔ *Compliance Procedures*

EACH CARRIER THAT OPERATES AIRCRAFT having 19 or more passenger seats must have a Complaints Resolution Official (CRO) available at each airport during all times that the carrier is operating at that airport³. The CRO can be made available by telephone.

Any passenger having a complaint about disability accommodations is entitled to communicate with a CRO, who has authority to resolve complaints on behalf of the carrier.

If a CRO receives a complaint before the action of carrier personnel has resulted in violation of the ACAA rule, the CRO must take or direct other carrier personnel to take action to ensure compliance with the rule. The CRO, however, does not have authority to countermand a safety-based decision made by the pilot-in-command of an aircraft.

If the CRO agrees with the passenger that a violation of the rule occurred, he or she must provide the passenger a written statement summarizing the facts and what steps if any, the carrier proposes to take in response to the violation.

If the CRO determines that no violation has occurred, he or she must provide the passenger a written statement summarizing the facts and reasons for the decision or conclusion.

The written statement must inform the interested party of his or her right to pursue DOT enforcement action if the passenger is still not satisfied with the response. If possible, the written statement by the CRO must be given to the passenger at the airport; otherwise, it shall be sent to the passenger within 30 days of the incident.

Carriers shall establish a procedure for resolving written complaints about disability

issues. If a passenger chooses to file a written complaint, the complaint should note whether the passenger contacted the CRO at the time of the alleged violation, including the CRO's name and the date of contact, if available. It should include any written response received from the CRO. A carrier shall not be required to respond to a complaint transmitted more than 45 days after the date of the incident.

A carrier must respond to a written complaint within 30 days after receiving it. The reply must be responsive to the issues in the complaint, and must admit or deny that a violation occurred. The carrier must also inform the passenger of his or her right to pursue DOT enforcement action.

Any person believing that a carrier has violated any provision of the rule may contact the following office for assistance:

U.S. Department of Transportation
Aviation Consumer Protection
Division, C-75
1200 New Jersey Ave., SE
Washington, D.C. 20590

Complain to DOT via web:
<http://airconsumer.ost.dot.gov>

Toll-free disability hotline: 1-800-778-4838
(Mon-Fri. 9:00 am -5:00 pm except federal holidays)

³ For foreign carriers, this requirement only applies to airports that serve direct flights to or from the U.S. The CRO need only be available during times when those flights are operating.

