

Passengers with Disabilities

A summary of the major provisions of the DOT rule that implements the Air Carrier Access Act.

The Air Carrier Access Act prohibits discrimination on the basis of disability in air travel and requires air carriers to accommodate the needs of passengers with disabilities. In 1990 The Department of Transportation issued a rule defining the rights of passengers and the obligations of air carriers under this law. The following is a summary of the main points of the DOT rule (Title 14 CFR, Part 382).

Prohibitions of Discriminatory Practices

- Carriers may not refuse transportation to people on the basis of disability. Airlines may exclude anyone from a flight if carrying the person would be inimical to the safety of the flight. If a carrier excludes a handicapped person on safety grounds, the carrier must provide the person a written explanation of the decision.
- Airlines may not require advance notice that a person with a disability is traveling. Carriers may require up to 48 hours' advance notice for certain accommodations that require preparation time (e.g., respirator hook-up, transportation of an electric wheelchair on an aircraft with less than 60 seats).
- Carriers may not limit the number of handicapped persons on a flight.
- Carriers may not require a person with a disability to travel with an attendant, except in certain limited circumstances specified in the rule. If the person with the disability and the carrier disagree about the need for an attendant, the airline can require the attendant, but cannot charge for the transportation of the attendant.

Accessibility of Facilities

- New aircraft (planes ordered after April 5, 1990 or delivered after April 5, 1992) with 30 or more seats must have movable aisle armrests on half the aisle seats in the aircraft.
- New widebody (twin-aisle) aircraft must have accessible lavatories. DOT is continuing to seek more data on accessible lavatories for smaller aircraft.
- New aircraft with 100 or more seats must have priority space for storing a passenger's folding wheelchair in the cabin.
- Aircraft with more than 60 seats and an accessible lavatory must have an on-board wheelchair, regardless of when the aircraft was ordered or delivered. For flights on aircraft with more than 60 seats that do not have an accessible lavatory, carriers must place an on-board wheelchair on the flight if a handicapped passenger gives the airline 48 hours' notice that he or she can use an inaccessible lavatory but needs an on-board wheelchair to reach the lavatory.
- Airport facilities owned or operated by carriers must meet the same accessibility standards that apply to Federally-assisted airport operators.

Other Services and Accommodations

- Airlines are required to provide assistance with boarding, deplaning and making connections. (They need not hand-carry a person on board a plane with less than 30 seats whose physical limitations preclude the use of existing lifts, boarding chairs, or other devices. DOT is continuing to seek additional data about lifts for small aircraft.) Assistance within the cabin is also required, but not extensive personal services.
- Disabled passengers' items stored in the cabin must conform to FAA rules on the stowage of carry-on baggage. Assistive devices do not count against any limit on the number of pieces of carry-on baggage. Wheelchairs and other assistive devices have priority for in-cabin storage space over other passengers' items brought on board at the same airport, if the disabled passenger chooses to preboard.
- Wheelchairs and other assistive devices have priority over other items for storage in the baggage compartment.
- Carriers must accept battery-powered wheelchairs, including the batteries, packaging the batteries in hazardous materials packages when necessary. The carrier provides the packaging.
- Carriers may not charge for providing accommodations required by the rule, such as hazardous materials packaging for batteries. However, they may charge for optional services such as oxygen.
- Other provisions concerning services and accommodations address treatment of mobility aids and assistive devices, passenger information, accommodations for persons with hearing impairments, security screening, communicable diseases and medical certificates, and service animals.

Administrative Provisions

- Training is required for carrier and contractor personnel who deal with the traveling public.
- The nation's largest airlines (currently about 20) and their commuter airline affiliates must submit their procedures for complying with the rule to DOT for review.
- Carriers must designate "complaints resolution officials" to respond to complaints from passengers and must also respond to written complaints. A DOT enforcement mechanism is also available.
- The rule applies to all U.S. air carriers providing commercial air transportation. 'Indirect' air carriers (e.g. charter operators) are not covered by certain provisions that concern the direct provision of air transportation services.
- Carriers must obtain an assurance of compliance from contractors who provide services to passengers.