

TRIPTIPS

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Revisions to the Air Carrier Access Act

made this spring will prove beneficial to travelers with disabilities, so be aware of your rights before you prepare to fly.

While the average traveler pays scant attention to the regulations affecting air travel and simply endures whatever the industry dishes out, individuals with disabilities cannot afford to be so cavalier. The consequences of missing a connection and sitting long hours in a wheelchair or making do with a loaner chair when baggage handlers damage a customized power chair go way beyond inconvenience.

Knowing your rights under the Air Carrier Access Act (ACAA) can help ensure you receive the services you need and, should something go wrong, get a quicker resolution to the problem.

On May 13th, 2009, newly revised regulations for the ACAA came into effect not just for domestic airlines, but also foreign carriers serving the U.S. So whether you fly on Air France or American Airlines between New York and Paris, your rights to nondiscriminatory service are now the same and equally enforceable. There may, however, be differences in the accessibility of the aircraft itself, which we will discuss.

The Department of Transportation (DOT) is responsible for compliance with and enforcement of 14 CFR Part 382, the official name for the ACAA regulations. Disability-related complaints make up only about 5 percent of the total received by the DOT, but the Department spends 95 percent of its time on these and other civil rights complaints. By law they must investigate each alleged violation of the ACAA which is why one should file a written complaint directly with the DOT as well as the airline. The current civil penalty is \$27,500 per violation.

At the DOT website, one will find not only a copy of Part 382 and information on how to file a complaint in the proper manner, but also their Annual Report on Disability-Related Air Travel Complaints, which you're sure to find informative. Of the 15,290 complaints made to foreign and domestic airlines in 2007, more than 80% fall into just four categories: Failure to Provide Assistance, Seating Accommodation, Damage to Assistive Device, and Storage and Delay of Assistive Device. Travelers may also want to consult the DOT's Air Travel Consumer Report which lists complaints of all types against each airline, those pertaining to individuals with a disability included.

COMPLAINT RESOLUTION OFFICIALS

One of the most important provisions of Part 382 is the requirement for each airline to have a Complaint Resolution Official (CRO) available at each airport, in person or by phone. This is the airline's expert on compliance, with the authority to step in and correct a situation in order to prevent a violation. When a violation has already occurred, the CRO must provide a report to the passenger describing what happened and the steps taken to resolve the situation and prevent similar occurrences. By May 13th, foreign carriers were also required to train and make CROs available at airports serving flights to and from the U.S. This had led in recent months to a mad scramble to meet the training deadline.

Because most passengers with disabilities remain unaware that CROs exist, Part 382 requires staff to notify a CRO whenever a disability-related problem arises. This, however, may not happen, so be prepared to speak up and ask for a CRO when you don't get the seating accommodation requested or are waiting more than 15 minutes for a wheelchair assist. If a problem arises during the reservations process, whether online or by phone, you can also request a CRO. The DOT Hotline provides real-time assistance with disability complaints as well (see Resources at the bottom of this article).

NEW PROVISIONS

Travelers with physical disabilities should be aware of a number of changes to Part 382. Since general preboarding announcements are not required, you should notify the gate agent if you need to preboard. With regard to service at the airport, the rule states that carriers must assist passengers in moving between the terminal entrance or vehicle pickup point and the departure and arrival gates, with a brief stop en route at a restroom. They must also assist in accessing key functional areas such as ticket counters and baggage claim. For connecting

flights on different carriers, the arriving airline is responsible for transporting the passenger, even between terminals. On request, carriers must help with carry-on luggage. At U.S. airports, carriers must escort travelers with service animals to an animal relief area, which airports are now setting up. By May 13, 2010, airlines must ensure that their foreign terminal facilities meet basic accessibility standards.

While foreign carriers do not have to retrofit aircraft with access features such as moveable aisle armrests and accessible restrooms, newly manufactured planes ordered after May 13, 2009 or delivered after May 13, 2010 must comply with Part 382. When booking a flight to or from the U.S. on a foreign airline, do check whether the aircraft has features that meet your needs such as an onboard wheelchair. Carriers are required to provide such information during reservations.

One additional requirement on new aircraft is that moveable aisle armrests be provided proportionally in all classes of service, not just coach. Only manual wheelchairs may now be stowed in the cabin, still on a first-come, first-served basis. When a wheelchair is stowed in cargo, airlines must permit passengers to provide written instructions for disassembly and reassembly and carry out these instructions to the greatest extent feasible. They also must not disconnect non-spillable batteries that are completely enclosed within a case or compartment integral to the design of the chair or scooter. These new provisions may help minimize damage.

Travelers who use wheelchairs or scooters should be aware that on international flights liability for mobility aids is the same as for all other baggage, a maximum of 1000 Special Drawing Rights or approximately \$1540 at present. So before flying internationally, check whether your home insurance policy will cover your wheelchair should the unthinkable happen.

PORTABLE RESPIRATORY DEVICES

For travelers who require electronic respiratory devices, the new Part 382 is good news indeed. Carriers must now accept portable oxygen concentrators (POCs) and other devices such as ventilators, respirators and CPAP machines for use in-flight so long as they meet Federal Aviation Authority (FAA) requirements. Seven POCs now have FAA approval although none as yet are properly labeled. Individuals who wish to use POCs must provide advance notice and a physician's statement and bring an adequate number of batteries. For full details see the Advanced Aeromedical website.

Resources

Air Consumer Protection Division
Department of Transportation
<http://airconsumer.ost.dot.gov>

DOT Hotline for Air Travelers with Disabilities

800-778-4838

Monday to Friday, 7am - 5 pm Eastern Time

Transportation Security Administration

www.tsa.gov/travelers/airtravel/specialneeds/index.shtm

877-336-4872

Advanced Aeromedical

www.aeromedic.com

800-346-3556

Venture Magazine

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www.venturetrav.com

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