

Protect the Civil Rights of People with Disabilities

THE ISSUE

Improve Access to Air Travel

People with disabilities regularly encounter a variety of barriers when accessing air travel. The experience of passengers with disabilities who use wheelchairs is often frustrating and unsafe.

One key area of concern for passengers with disabilities is airport security. Standard passenger screening devices are not accessible to wheelchair users. These travelers are subject to invasive pat-down procedures. These pat-downs are often intrusive and cause passengers delays in making it to their departure gates.

TSA Pre✓® allows veterans with catastrophic disabilities who use wheelchairs or other assistive devices to avoid an invasive pat-down. Instead, a pat-down is only required if less invasive initial screening procedures result in an alarm that necessitates a secondary screening. The dignity and freedom of TSA Pre✓® should be available to catastrophically disabled veterans eligible for the program without paying the fee.

Once through security and at the departure gate, wheelchair users encounter their next concern when they must surrender their wheelchair for stowage and transfer onto an aisle chair to board the aircraft. Disability discrimination in commercial air travel is prohibited by the Air Carrier Access Act (ACAA), which was signed into law by President Reagan in 1986. Although the ACAA did improve the consistency of the air travel experience, it has not resulted in equal treatment for passengers with disabilities.

An online survey conducted by PVA and other disability organizations about the air travel experience of passengers with disabilities for the ACAA's 35th anniversary showed the extent of problems encountered by wheelchair users.¹ Of those who needed an aisle chair to board and deplane, many reported that such devices were difficult or unsafe to use, in disrepair, and not readily available for use when needed. Many also said they felt personnel were not adequately trained to assist them in using an aisle chair and felt unsafe using one. Unfortunately, 16 percent said they had been dropped, and 23 percent said they had been injured using an aisle chair. Of those who travel with a wheelchair or scooter, almost 70 percent reported damage to the device. Nearly 56 percent experienced delays.

Many of the difficulties travelers with disabilities encounter in air travel are because the ACAA does not provide safe and dignified access. Specifically, the ACAA does not require aircraft to provide even basic accessibility for passengers with disabilities, particularly those who use wheelchairs. As a result, they often have no accessible path of travel on the aircraft, their wheelchairs are loaded into aircraft cargo pits not designed to fit these highly complex assistive devices, and they have limited or no access to inflight lavatories on single-aisle aircraft. Other modes of public transportation are covered by the Americans with

VIDEO: November 2022 House Transportation and Infrastructure Committee, Aviation Subcommittee Hearing on Air Travel Accessibility for Passengers with Disabilities



**Nearly
21,000** 
**wheelchairs and scooters were
damaged, delayed or lost by
airlines between 2019 & 2021.**

Disabilities Act (ADA), which requires compliance with standards that accommodate passengers with disabilities. When passengers encounter problems, their only recourse is to file a complaint with the airline and/or the Department of Transportation. This process is slow and results in little to no change or recourse.



PVA POSITION

- ★ Congress must pass legislation that would improve the experience of wheelchair users during security screenings at airports, including providing access to TSA Pre✓® at no charge to veterans with catastrophic disabilities.
- ★ Congress must include language in the **2023 FAA Reauthorization Act** that would amend the ACAA by requiring airlines to operate aircraft that meet basic access standards for passengers with disabilities, including wheelchair users, and increase enforcement of the ACAA through administrative and judicial recourse.

¹ Paralyzed Veterans of America, The ACAA Online Survey: Overview of Survey Results Regarding the Air Travel Experience of Passengers with Disabilities, <https://pva.org/wp-content/uploads/2022/09/2022-ACAA-Survey-Results-FINAL.pdf>.

Increase Disability Access

On July 26, 1990, President George H.W. Bush signed into law the ADA, which prohibits discrimination against qualified individuals in employment, public services, public accommodations, transportation, and telecommunications. Unfortunately, over 30 years later, access barriers remain. Physical barriers can completely prevent a person with a disability who uses an assistive device from being able to access medical equipment in a doctor's office or sleep in a hotel bed.

People with disabilities regularly receive substandard medical care or are denied medical services because of inaccessible medical equipment. Although the U.S. Access Board has issued regulations on medical diagnostic equipment (MDE), the Department of Justice (DOJ) has not adopted these standards. Until DOJ adopts the standards, they remain unenforceable under the ADA. The Department of Veterans Affairs (VA) has committed to requiring that all new MDE meet accessibility standards, but many disabled veterans must access medical care outside of the VA through community care arrangements. These veterans must be able to receive appropriate care regardless of where the care is provided.

"Enforceable Accessible Medical Equipment Standards: A Necessary Means to Address the Health Care Needs of People with Mobility Disabilities"

*A report from National Council on Disability
May 20, 2021*



“Examination tables, weight scales, examination chairs, and imaging equipment are vital medical diagnostic equipment (MDE) and are usually inaccessible for people with physical disabilities.”

*National Council on Disability report
May 20, 2021*

Due to the increasing height of hotel beds, rooms once considered accessible have become inaccessible. Hotel beds are often too high and cause a serious barrier for wheelchair users because they cannot transfer onto the bed. When hotel beds are too high, wheelchair users may be forced to sleep in their chair or on the floor. They may even have to abandon their travel plans upon arrival, or completely avoid traveling, not knowing if they will be able to sleep in the bed. Currently, there are no specific standards for hotel beds under the ADA.

There are also no ADA accessibility standards for websites and software applications. Many individuals with disabilities regularly encounter accessibility barriers. Issuance of specific standards under the ADA will help companies meet accessibility requirements, result in the removal of accessibility barriers, and likely reduce litigation.

Emerging forms of transportation, including autonomous vehicle (AV) rideshare services and electric vehicles (EV), including charging stations, are another area that must be accessible to people with disabilities. Congress has approved federal funds for the installation of a nationwide system of EV charging stations. These charging stations must be accessible, or drivers with disabilities may be unable to use EVs. Public rideshare companies are also now utilizing AVs, but many are not accessible to wheelchair users. As EV charging stations and AV rideshare services increase, all must be accessible.



PVA POSITION

- ★ DOJ must issue long-overdue ADA regulations governing non-fixed equipment and furniture, including hotel bed height and medical equipment, and website access.
- ★ Congress must increase tax credits to help businesses remove barriers and provide more funding for DOJ's ADA mediation program