



# The Air Carrier Access Act:

Common Questions & Answers about  
Air Travel for Wheelchair Users

What you should know  
before making a reservation



## Introduction

Air travel was previously thought to be a luxury, reserved for well-off vacationers and high-powered business executives. With the advent of jet aircraft, business and social worlds have expanded, and at the same time are closer and more available to most people regardless of where they live. The "hub" system in the United States allows travelers to get virtually anywhere by plane through connections between major airports and regional and commuter facilities. Increased opportunities for people with disabilities means that people with mobility and other impairments will travel by plane more than ever before. Although air travel has improved for everyone, barriers still exist. A passenger with a disability may encounter barriers just to reach an airplane seat. In response, the federal government passed the Air Carrier Access Act of 1986 (ACAA) to eliminate these hindrances in air travel. It is vitally important for travelers with disabilities, their companions, travel agents and others involved in air travel to know what to expect from the time they book an airline reservation, to the moment their flight touches down at their destination. The ACAA affects all aspects of air travel, and this booklet will provide people who use wheelchairs and other mobility aids with all of the information they need to have a safe and enjoyable flight.

## The Basic Requirements of the Air Carrier Access Act

The Air Carrier Access Act of 1986 (ACAA) is a non-discriminatory mandate for all domestic airlines to provide equal treatment for people with disabilities. It prevents airlines from discriminating directly or through a contractual arrangement against people with disabilities. This means that air carriers must design their new and renovated terminals to be usable by people with disabilities and must provide by April 5, 1993, fully accessible services in all existing airport facilities they own, lease or control. Air carriers need to implement administrative procedures to ensure that the mandates of the ACAA are fulfilled. All domestic air carriers and all airport facilities within the United States, its territories, possessions and commonwealths are covered under the ACAA.

Airlines are prohibited from requiring a person with a disability to accept special services, such as preboarding, that the passenger did not request. Similarly, air carriers cannot exclude travelers with disabilities from any available services, even if there are separate or different ones available for passengers with disabilities.

## What you should know before making a reservation

### Refusal of Service

*Are air carriers permitted to refuse to serve a qualified individual with a disability?*

It is illegal for airlines to refuse to provide transportation to a qualified individual with a disability based solely on his or her physical or mental condition. To be qualified, an individual with a disability must be able to purchase a ticket, arrive at the airport and meet the contract of carriage requirements that apply to all passengers. Carriers may refuse to provide transportation to any passenger based on safety and Federal Aviation Administration (FAA) regulations, but they must do so in a manner that does not discriminate based on disability. Airlines cannot limit the number of people with disabilities on a given flight.

*What must a carrier do if it refuses to provide service to any person on a basis related to a disability?*

When an airline refuses to provide transportation to an individual for a reason related to his or her disability, it must provide the passenger with a written explanation of the reasons for the refusal including, where appropriate, the safety basis for this decision. The carrier must provide the explanation within 10 calendar days of the incident.

## Advance Notice Requirements

*Does a person with a disability need to provide an airline with advance notice of his or her intention to travel or of his or her disability?*

Generally, carriers cannot require advance notice as a condition for receiving services and accommodations required under the ACAA. There are some accommodations, however, for which an airline is permitted to require from the passenger up to 48 hours of advance notice and one-hour advance check-in. They include:

- medical oxygen for use on the plane, if available on the flight;
- carriage of an incubator, if this service is available on the flight;
- connection of a respirator to the aircraft electrical supply, if this service is available;
- accommodation of a passenger who must travel in a stretcher, if this service is available on the flight
- carriage of an electric wheelchair on planes with fewer than 60 seats;
- provision of "hazardous material" packaging of a battery for a wheelchair or other assistive device;
- accommodations for 10 or more qualified people with disabilities who make reservations and travel as a group; and,
- furnishing of an on-board wheelchair on a plane with more than 60 seats that does not have an accessible lavatory.

*What are a carrier's responsibilities after a person with a disability gives advance notice of his or her needs?*

Airline reservation and administrative systems must keep records of properly provided advance notice. Reservation personnel must inform employees responsible for providing the accommodation that it is needed, and the carrier needs to ensure that they provide the service.

*What happens if an individual with a disability does not provide advance notice or does not check in at the airline terminal an hour in advance as allowed under the ACAA?*

In these cases, the carrier needs to provide the accommodation or service if it can accomplish this with reasonable effort and without delaying the flight.

## Seat Assignments

*May an airline refuse to allow a person with a disability to sit in a particular seat?*

Airlines cannot exclude passengers with disabilities from exit rows or other locations or require them to sit in a certain seat, except to comply with FAA safety regulations.

*What are the FAA's regulations concerning exit row seating?*

The FAA requires air carriers to determine, in a nondiscriminatory manner, if a passenger can carry out the duties required of someone sitting in an exit row. Passengers seated in exit rows must be able to perform the following emergency functions:

- locate the door and quickly follow oral and written instructions;
- determine when to open the door,
- open the door;
- move quickly through the open exit; and,
- devote full attention to the emergency task.

Under the FAA rules, the carrier cannot deny transportation, but may refuse exit-row seating, to passengers who:

- lack sufficient mobility, strength or dexterity in both arms and hands or both legs to perform emergency evacuation tasks;
- are less than 15 years old or need adult assistance to carry out the functions related to sitting in an exit row,
- are unable to read or understand evacuation instructions;
- lack visual capacity to carry out emergency functions;
- lack ability to communicate orally,
- have other responsibilities, such as caring for small children, that might prevent them from carrying out emergency functions in an exit row seat; or
- may injure themselves when carrying out exit row functions.

The FAA requires cabin crews to inform passengers about the emergency duties associated with exit rows and to request that passengers in exit rows who believe they cannot or do not want to fulfill the duties identify themselves to be reseated in a non-exit-row seat. Airlines cannot require passengers to disclose their reasons for requesting reseating.

## Airline Liability for Equipment

*May carriers require passengers with disabilities to sign waivers of liability for their wheelchairs and other assistive devices?*

Passengers with mobility impairments cannot be required to sign waivers of liability for damage to and loss of their wheelchairs or other assistive devices. Carriers cannot limit liability for loss, damage or delay of a wheelchair or other mobility aid to any amount less than twice the limit for passenger luggage on domestic flights.

## Security Screening

*What is security screening like for passengers with mobility impairments?*

People with disabilities are subject to the same security provisions as all other passengers. Passengers with an assistive device cannot be required to undergo special security processes if the person using the aid clears the system without activating it. However, security personnel are entitled to examine assistive devices they believe may conceal a weapon or other prohibited items. Passengers with disabilities may also request private screenings, but if the carrier has the technology that makes private security checks unnecessary, the airline would not be required to provide a private screening.

## Requirements for Certifications and Attendants

*Are airlines allowed to require medical certification for people with disabilities before permitting them to fly?*

Medical certification is only required under the following circumstances:

- a passenger traveling in a stretcher or incubator,
- a passenger requiring medical oxygen during a flight;
- a passenger who will probably require extraordinary medical assistance during the flight; or,
- a passenger with a communicable disease.

*In what situations may an airline require a qualified individual with a disability to fly with an attendant?*

A carrier may only require a passenger with a disability to travel with an attendant as a condition for being provided transportation when:

- a person is traveling on a stretcher or in an incubator and an attendants needed to meet the passengers' in-flight medical needs;
- a person's mental disability prevents him or her from understanding and reacting to safety instructions;
- a person has a severe mobility impairment that prevents him or her from assisting in his or her own evacuation from the plane; or,
- <sup>a</sup> a person has severe hearing and vision impairments that prevent him or her from communicating with airline personnel to receive safety information.

Airlines cannot require an attendant because of concern that a passenger with a disability may need special assistance that carrier personnel are not required to provide, such as help in the lavatory.

*What happens if an airline determines that a person with a disability must travel with an attendant contrary to the individual's assessment that he or she can travel independently?*

When the carrier and the passenger disagree about whether an attendant is necessary, the carrier may require the attendant, but cannot charge for his or her transportation. If there is no seat available for an attendant (who may be an off-duty airline employee on the same flight, a passenger volunteer or anyone the passenger with a disability chooses) when the passenger checks in and the airline determines that the attendant is necessary, the passenger with a disability would be eligible for denied boarding compensation.

## Bus service to N.Y. metro airports

New York Gray Line has initiated an accessible shuttle bus service from Manhattan to Newark, Kennedy and LaGuardia airports. Their 12-passenger vans are able to accommodate two wheelchair users at no additional cost. Gray Line requests that passengers make reservations 24 hours in advance. Their number is (212) 397-2620. The one-way charge is \$15 for Kennedy, \$17 for Newark and \$12 for LaGuardia. The service operates from 6 a.m. to 7 p.m. for service to the airports, and 7 a.m. to 11 p.m. from the airports to Manhattan, with pickups from all points each half hour. In Manhattan, vans depart from two terminals, at Eighth Avenue and 49th Street and Seventh Avenue and 46th Street, and stop at most hotels on the East and West side between 23rd and 63rd Streets.

## Getting to the airport

### Airport Accessibility

#### *What types of airport facilities must be accessible?*

All terminals owned, leased or operated by an air carrier, including parking and ground transportation, must be accessible when viewed as a whole. All airport facilities designed or constructed after April 5, 1990 must be accessible to people with disabilities.

#### *What features can you expect to find in a new terminal?*

All areas of a newly designed or renovated terminal must be usable by people with disabilities. Travelers with disabilities must be able to approach and use the primary ticketing area. Each terminal must contain at least one telecommunications device for the deaf (TDD) in a clearly marked and accessible location. Baggage areas must be free of barriers, such as gates and turnstiles, that limit a disabled person's ability to independently use the area. Also, facilities for moving between the gate and aircraft, including loading bridges and mobile lounges must be accessible to people with disabilities.

#### *What about terminals in existing airports?*

All existing terminals must be accessible no later than April 5, 1993. To comply with the ACAA, these facilities must provide at least one accessible route from the entrance to the area where the carrier provides air transportation. The airport or air carrier must provide level entry loading bridges, mobile lounges or other boarding devices. These terminals must also contain baggage and ticketing areas that are usable to people with disabilities, as well as TDDs.

#### *What types of boarding assistance must an airline provide to a passenger with a mobility impairment?*

Airlines must assist passengers with disabilities in enplaning and deplaning. They must provide the service of personnel, ground wheelchairs, boarding wheelchairs and ramps or mechanical lifts. Entry-level boarding platforms or accessible passenger lounges must be used where they are available for actual boarding. When level-entry boarding devices (jet bridges) are not available, airlines may employ ramps, lifts or other devices not normally used for freight.

#### *What type of boarding assistance is required on small or commuter aircraft?*

The ACAA's requirements to use level-entry boarding devices extends only to planes with more than 30 seats until the federal Department of Transportation determines that such mechanical equipment is available for those small planes. Airline personnel are not required to hand carry passengers onto planes with fewer than 30 seats if carrying is the only available means for boarding a passenger with a disability.

## On the Airplane

### Stowing Mobility-Assisting Equipment

#### *What equipment can a person with a mobility impairment bring on board an aircraft?*

Passengers may bring canes, wheelchairs, other assistive devices, and respirators and ventilators that conform with federal Department of Transportation (DOT) and Federal Aviation Administration (FAA) regulations onto an airplane. Airlines must allow passengers with disabilities to stow canes and other assistive devices close to their seats and cannot count this equipment toward an individual's limit of carry-on items.

### *Are there special provisions for stowing manual wheelchairs in an aircraft cabin?*

Passengers may stow their wheelchairs or parts of their wheelchairs in overhead compartments or under their seats, in accordance with the safety regulations for carry-on items. When airplanes are equipped with closets or other stowage areas for passengers' carry-on articles, the airline must designate priority space in the area for at least one folding wheelchair, if the closet is large enough to accommodate wheelchairs. Individuals who pre-board the aircraft may stow their wheelchairs in the closet with priority over other pre-boarding passengers. However, if a person who uses a wheelchair does not pre-board he or she can only stow the wheelchair in that area on a first-come, first-served basis.

### *What about electric wheelchairs?*

Electric wheelchairs must be stowed in aircraft baggage compartments. Whenever feasible, air carriers must secure electric wheelchairs in an upright position so the batteries do not have to be separated from the chair. Under no circumstances may an airline drain wheelchair batteries.

### *When can a passenger expect to have his wheelchair removed from the baggage compartment and returned to him?*

The ACAA states that wheelchairs and other assistive devices must be returned to their owners in a timely manner and as close as possible to the airplane door (passengers may, however, ask to have their wheelchairs and other devices returned at baggage claim). Personal mobility equipment must be among the first items removed from the baggage compartment. To help ensure quick return of wheelchairs and other devices, passengers may give airline personnel written directions on assembling and disassembling their equipment. All assistive devices must be returned to their owners assembled and in the same condition as when the carrier stored them.

Airlines must give priority to wheelchairs and other assistive devices in the plane's baggage compartment. If this results in the "bumping" of luggage, the carrier must make its best efforts to ensure that the other baggage reaches its destination within four hours of the original arrival time.

## **Aircraft Accessibility**

### *When do the requirements for aircraft accessibility become effective?*

All aircraft ordered by an airline after April 5, 1990 or delivered to that company after April 5, 1992 must comply with the wheelchair accessibility provisions of the ACAA.

### *Which types of airplanes must have accessible lavatories?*

Aircraft with more than one aisle and any number of lavatories must have at least one accessible washroom. The lavatory must be constructed so that a person using an on-board wheelchair can enter, leave and move within the room. Accessible washrooms must provide the same level of privacy as all other lavatories on the plane, and all controls, locks and dispensers must be usable by passengers in wheelchairs and people with manual impairments.

### *Will airlines have to renovate their aircraft for the sole purpose of making them accessible to people with disabilities?*

Airlines will not have to retrofit their aircraft to enhance accessibility. However, whenever a plane that does not have accessibility features such as movable armrests and accessible lavatories is renovated and parts of the cabin interior or lavatories are replaced, these materials must be replaced with equipment that complies with the ACAA.

### *Which types of airplanes must have on-board wheelchairs?*

Any plane with more than 60 passenger seats and an accessible lavatory must have an on-board wheelchair. On-board wheelchairs are only required on aircraft with more than 60 passenger seats and an inaccessible lavatory when a passenger provides advance notice of a need for the aisle chair. On-board wheelchairs must have removable footrests and armrests, passenger restraints, backrests that permit flight attendants to assist in transferring, and wheel locks. The chairs must be compatible with the dimensions of the aircraft on which it will be used to allow it to be easily pushed, pulled and turned within the cabin. Aircraft with 100 or more passenger seats must have a priority space in the cabin designated for storage of an on-board wheelchair.

### *How easy will it be to transfer from an on-board wheelchair to an airplane seat?*

All new aircraft with 30 or more passenger seats and aisle seats with armrests must have movable armrests on at least one-half of passenger aisle seats. Carriers must establish administrative systems to ensure that people with mobility impairments or other disabilities can readily obtain seating in rows with movable aisle armrests.

How does a passenger with a disability find out about aircraft accessibility features? On request, airlines must make the following information available about the aircraft which a passenger with a disability will use on a given flight:

- the location of seats with movable armrests;
- any limitations on the plane's ability to accommodate passengers with disabilities;
- any limitations on the availability of storage facilities for assistive devices; and,
- whether the plane has an accessible lavatory.

## **Provision of Services and Equipment**

### *What forms of assistance must airline personnel give to passengers with disabilities who request aid in the terminal and onto their plane?*

Airline personnel must provide assistance to passengers with disabilities in boarding and exiting the plane. As stated earlier, the carrier must provide ground wheelchairs, boarding wheelchairs, on-board wheelchairs and ramps or mechanical devices for boarding the aircraft. When a passenger changes planes, the delivering airline is responsible for any assistance required to make flight connections and to transfer between gates. Air carrier personnel shall not leave individuals with disabilities unattended in any wheelchair or other device which they cannot move independently for more than 30 minutes.

### *What kinds of services must flight personnel provide in the aircraft cabin when requested by passengers with disabilities?*

Cabin crews must assist passengers with disabilities in the following ways when requested:

- assistance in moving to and from seats during boarding and exiting the plane;
- assistance in preparing for eating, such as opening packages (airline personnel do not have to help a passenger eat);
- assistance with use of an on-board wheelchair,
- assistance (not including lifting or carrying) to a semi-ambulatory person in moving to and from the lavatory (airline personnel do not have to help any passenger within the restroom); and,
- assistance in storing and retrieving carry-on luggage.

### *May an airline charge for an accommodation?*

Carriers cannot charge for providing any facilities, equipment or services for an individual with a disability that are required under the ACAA.

On most commercial aircraft, disabled passengers with mobility impairments will need to transfer to a narrow boarding chair in order to reach their seat.

Make certain that the brakes on your personal wheelchair and the airline boarding chair are locked prior to transfer. If you need assistance to accomplish this transfer, airline ground or cabin staff will provide it.

The airline boarding chair cannot be propelled independently by the disabled individual. Since this boarding chair is very narrow, always make sure that the chair's seatbelts are fastened prior to any movements.

Today's commercial aircraft contain narrow aisles (some as narrow as 15 inches in width) and tight turns.

To avoid injury to the upper extremities, cross your arms in front of you when you are being moved in the boarding chair.

Some commercial aircraft aisle seats are now equipped with foldup or removable armrests to enable an easy transfer from boarding chair to airline seat. Airline personnel will also assist with this transfer if necessary.

Make certain that your seatbelt is securely fastened prior to departure and landing.

## Handling an ACAA airline violation Complaint Procedures

*Who can passengers with disabilities go to if they have complaints about treatment they believe violates the ACAA?*

Every domestic carrier that operates scheduled service must designate at least one Complaints Resolution Official (CRO) at each airport it serves to resolve ACAA complaints. The CRO must be available, either in person or by phone, at all times the airline is operating at a given airport. When CROs are available by phone, they must be able to communicate by means of a TDD.

*What can a CRO do to resolve a complaint?*

The CRO must take direct action, either personally or through another employee, to resolve any violations of the ACAA. The CRO cannot, however, overturn a decision made by the pilot-in-command based on safety concerns.

*What happens when the CRO agrees with the passenger that an airline violated the ACAA?*

If the CRO agrees with the passenger that a violation of the ACAA has occurred, the CRO must provide the passenger with a written statement summarizing the problem and what steps the carrier will take in response to the violation, as well as his or her rights to pursue a complaint with the DOT.

*What if the CRO determines that the airline's actions were not in violation of the ACAA?*

Just like the cases where the CRO finds a violation of the ACAA, in those cases where he or she does not, there must be a written summary of the facts and reasons for the CRO's determination and information about the passenger's rights to file a complaint with the DOT.

*When should a passenger expect to receive the written statement from the CRO?*

The complainant should receive the statement at the airport. If this is not possible, the CRO must forward it to the passenger within 10 calendar days of the complaint.

### *Are written complaints acceptable?*

Airlines must have procedures for resolving written ACAA complaints. Carriers are not required to respond to any complaint postmarked more than 45 days after the alleged violation. The airline must respond to the complaint within 30 days of receiving it and the responding statement should contain the same information as the statements which respond to complaints made on-site at the airport (see above).

### *What information should a passenger include in a written complaint?*

Written complaints about suspected violations of the ACAA should include:

- flight information, such as name of air carrier, date, time, and connecting flight;
- whether or not the passenger contacted a CRO;
- the name of the CRO and date contacted, if applicable; and,
- copies of any written response received from the CRO.

### *What other recourse is available to passengers who believe an airline has violated the ACAA ?*

Anyone who believes a carrier may have violated any part of the ACAA may contact the DOT to obtain assistance and file a formal complaint at:

Department of Transportation  
Office of Consumer Affairs  
400 70th Street  
SW Washington, DC 20590  
(202) 366-2220

## **Conclusion**

Air travel for people with disabilities has changed for the better, and is always improving as new airplanes and airports are put into service. The ACAA requires airlines to train their employees to be sensitive to the needs of passengers with disabilities, in addition to its mandates for accessible facilities and aircraft. Airports and airplanes constantly undergo renovation and therefore will provide improved access for people with mobility impairments. To take full advantage of accessibility advances in air travel, it is important for people with disabilities to know their own responsibilities and rights as well as those of the air carriers.

As we move toward a more barrier-free society, EPVA hopes that this booklet will make air travel a more enjoyable experience for you. For more information about the ACAA, you may call your nearest EPVA office.