



Getting on a Flight Soon? What are Your Rights as a Person with a Disability?

The Air Carrier Access Act (ACAA)¹ protects individuals who have a disability. It is unlawful for air carriers to refuse to provide transportation to a qualified individual with a disability based solely on his or her physical or mental condition; however, air carriers may exclude anyone from a flight if carrying the person could compromise the safety of the flight. Please review the information below for some major issues covered under the ACAA.

Planning Your Flight



- Airlines **may not**:
 - Limit the number of persons with disabilities on a flight.
 - Require a person with a disability to sit in a certain seat. (*Exit Row exceptions)
 - Charge individuals for providing facilities, equipment, or services required by the ACAA.
 - Impose restrictions on individuals with a disability that are not imposed on other passengers.
 - Require a person with a disability to travel with an attendant, except in certain limited circumstances.²
 - Require proof of disability (*exceptions)³ or advance notice that a person has a disability.
- Airlines **may require**:
 - Advance notice **if** a passenger wishes to receive:
 - Transportation of a battery-powered wheelchair on an aircraft with fewer than 60 seats;
 - Carrier provided packaging for batteries/assistive devices required to have packaging;
 - Accommodation for 10 or more individuals with disabilities traveling as a group;
 - A carrier provided on-board wheelchair on an aircraft without an accessible lavatory for passengers who can use an inaccessible lavatory but need an on-board chair to do so.
- If requested, airlines **must** provide prospective passengers with:
 - Information on any limitations concerning the ability of the aircraft to accommodate individuals;
 - The specific locations of seats with movable armrests (by row and seat number);
 - The specific location of seats the air carrier does not make available to passengers with a disability;
 - Whether the aircraft has an accessible lavatory.

Packing



- Carriers must allow individuals with disabilities to bring:
 - Wheelchairs & mobility aids (e.g., canes, crutches, and walkers), Assistive devices (for use or storage within the cabin), Prescription medications, Vision enhancing devices, Ventilators, and Respirators (if they comply with applicable safety, security, and hazardous materials rules).
- Assistive devices **do not** count against any limit on the number of pieces of carry-on baggage.
- Collapsible wheelchairs and other assistive devices have **priority** for in-cabin storage space.
- Wheelchairs and other assistive devices have priority over other items for storage under the plane.

¹ 14 C.F.R. § 382; See https://www.transportation.gov/sites/dot.gov/files/docs/TAM-07-15-05_1.pdf

² For more information on this issue please see 14 C.F.R. § 382.35(a).

³ An individual is traveling in a stretcher or incubator, needs medical oxygen during a flight, or there is reasonable doubt that the person can complete the flight safely without requiring extraordinary medical assistance during the flight.

Traveling Through the Airport

- Air carriers must ensure that transportation systems within terminals/between terminals and other destinations comply with the accessibility requirements of the U.S. Department of Transportation's ADA rules.⁴
- TSA Screening: Passengers who use a mobility or other assistive device ***are not*** subject to special screening just because of the device, unless the device activates a security system, or security personnel choose to further inspect a device for prohibited items. Air carriers may not require searches of individuals with disabilities to a greater extent/for different reasons than for others.



Boarding the Plane

- Carriers must offer ***pre-boarding*** to passengers with disabilities needing additional time/assistance to board.
- Air carriers must ***promptly*** provide assistance, when requested, with boarding or deplaning.
- Airlines ***may not*** require that a passenger with a disability travel with another person. (*exceptions)⁵

Additional Services

Air carrier personnel ***must*** provide the following assistance, when requested, for a person with a disability:

- Assistance in moving to and from seats, as part of enplaning and deplaning;
- Assistance in *preparation for* eating, such as opening packages and identifying food;
- Assistance with the use of the on-board wheelchair, when there is one on the plane, including assistance in transferring to and from the on-board wheelchair, to enable the person to move to and from a lavatory;
- Assistance to a semi-ambulatory person in moving to and from the lavatory (no lifting or carrying);
- Assistance in stowing and retrieving carry-on items, including assistive devices stowed in the cabin;
- Effectively communicating with passengers who have vision impairments and/or who are deaf or hard-of-hearing. Providing timely access to information (weather, on-board services, flight delays).

Service and Emotional Support Animals

For detailed information concerning traveling with service or emotional support animals, please see our Animals and Air Travel fact sheet, available at <https://disabilitylawco.org/resources/fact-sheets>.

Filing a Complaint

Each carrier must have a Complaints Resolution Official (CRO) available at each airport for complaints. The CRO must provide the passenger a written statement summarizing the facts and reasons for his or her complaint decision. If a carrier excludes a person with a disability on safety grounds, the carrier must provide a written explanation of the decision. A passenger can also file a claim with the Department of Transportation *no later than 6 months* after the date of the incident.

- ***By Mail:*** U.S. Department of Transportation Aviation Consumer Protection Division (C-75), 1200 New Jersey Avenue, SE, Washington, DC 20590.
- ***Online:*** www.airconsumer.ost.dot.gov
- ***By Phone:*** Toll-free disability hotline, 1-800-778-4838.

****** DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights. ******

⁴ For more information, please see 49 C.F.R. § 37.

⁵ Is traveling in a stretcher or incubator; Is unable to comprehend or respond appropriately to safety instructions from carrier personnel; or Is unable to physically assist in his/her own evacuation of the aircraft.