

Do People with Disabilities Really Need an Airline Bill of Rights?

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A law signed in October to fund the Federal Aviation Administration (FAA) for the coming five years includes provisions aimed at protecting air travel passengers with disabilities.

They include penalties for bodily harm to passengers with disabilities, penalties for damage to wheelchairs or other mobility devices, creating an advisory committee to recommend consumer protection improvements and developing an Airline Passengers with Disabilities Bill of Rights.

These sound like positive steps, but I have my doubts. We've already got layers and layers of laws and regulations going back almost three decades that protect the rights of travelers with disabilities. But, without meaningful enforcement, it's all just words.

Back in 2013, we reported on federal Department of Transportation (DOT) rules that were supposed to vastly improve air travel for people with disabilities. Yet, disability-related complaints continue unabated.

It seems to me that if existing laws were followed, particularly the requirements of the 1986 Air Carrier Access Act, which prohibits disability discrimination in air travel, or the Americans with Disabilities Act (ADA) requirements to make public accommodations accessible, this latest additional layer of supposed protections wouldn't be needed. More to the point, I see no compelling reason to believe that a new law will be taken more seriously, be better enforced or be more effective than those currently being ignored.

Among the many provisions of the 1986 Air Carrier Access Act that are routinely violated and only haphazardly enforced are requirements that airlines help people with disabilities in boarding, deplaning, making connections and during the flight, including providing ramps and mechanical lifts where needed, allow pre-boarding to passengers with disabilities, and prioritize the storage of wheelchairs and other assistive devices in baggage compartments. Other laws and regulations require airlines to pay for lost, damaged or destroyed wheelchairs, require that airport kiosks and travel websites be fully accessible and that airport transport vehicles have wheelchair securement devices like the ones on New York City buses.

When there are already so many laws and regulations addressing the needs of passengers with disabilities that are not enforced, passing new ones has the feel of window dressing to me. Especially because, basically, it's almost always left to the person whose rights have been violated to enforce the law. For example, enforcement of the ADA is primarily driven by complaints from people with disabilities who often have to hire their own lawyers, and even that process is currently under attack.

Education is clearly lacking, not only about what is required of airlines and airports under existing laws, but also cultural competency training in how to work with someone with a disability. It seems to me personally that what's needed is not another advisory committee or a toothless bill of rights, but a commitment from the DOT and the FAA to educate the public agencies and private businesses they regulate and to take widespread, proactive steps to enforce existing laws.