

## Protect the Civil Rights of People with Disabilities

### THE ISSUE

#### Improve Access to Air Travel

People with disabilities regularly encounter barriers when accessing air travel. Passengers with disabilities who use wheelchairs or scooters often feel frustrated and unsafe.

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

TSA Pre✓<sup>®</sup> 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✓<sup>®</sup> 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 for the ACAA's 35th anniversary revealed the extent of problems encountered by wheelchair users during the air travel experience.<sup>1</sup> 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, roughly 1 out of 5 said they had been dropped, and roughly 1 out of 4 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 holds that are not designed to allow these highly complex assistive devices to be properly enplaned and deplaned, and they have limited or no access to inflight lavatories on single-aisle aircraft. When passengers encounter

Learn more about PVA's efforts to improve access to air travel for passengers with disabilities



The courthouse doors are closed to passenger with disabilities who have had their Air Carrier Access Act civil rights violated by an airline.

problems, their only recourse is to file a complaint with the airline and/or the Department of Transportation (DOT). This process is slow and results in little to no change.

The accessibility provisions included in the FAA Reauthorization Act of 2024 (P.L. 118-63) represent a crucial step forward in the movement to ensure that passengers with disabilities have safe and dignified access to air travel. We appreciate the inclusion of provisions that would increase training for workers who assist wheelchair users, increase data collection and analysis, improve the administrative complaint process, require continued study into the ability of passengers to fly while seated in their wheelchairs, and improve disability access standards on aircraft. More must be done, however, to truly create an air travel system that provides wheelchair users with the same level of safety available to passengers without limited mobility. Specifically, passengers must also have the ability to pursue complaints in the judicial system and DOT must be required to refer certain ACAA complaints to the Department of Justice for further action.



## PVA POSITION

- ★ Congress must pass legislation, such as the **Veterans Expedited TSA Screening (VETS) Safe Travel Act (H.R. 7365)**, that would improve the experience of wheelchair users during security screenings at airports, including providing access to TSA Pre✓<sup>®</sup> at no charge to veterans with catastrophic disabilities.
- ★ Congress must conduct rigorous oversight of DOT's implementation of the disability access provisions included in the FAA Reauthorization Act of 2024.
- ★ DOT must increase administrative enforcement under the ACAA and Congress must provide passengers the opportunity to enforce their rights beyond DOT's administrative process.

<sup>1</sup> Paralyzed Veterans of America, [The ACAA Online Survey: Overview of Survey Results Regarding the Air Travel Experience of Passengers with Disabilities](#).

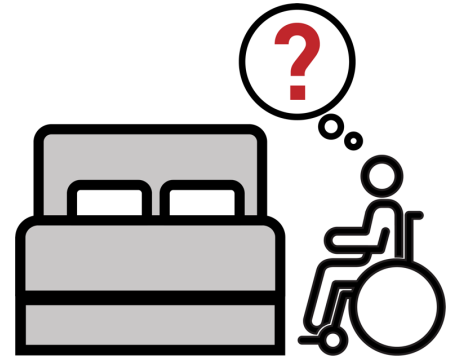
---

## Increase Disability Access

On July 26, 1990, President George H.W. Bush signed into law the Americans with Disabilities Act (ADA), which prohibits disability-based discrimination against qualified individuals in employment, public services, public accommodations, transportation, and telecommunications. Unfortunately, nearly 35 years later, access barriers remain. These barriers prevent people with disabilities from accessing basic goods and services available to other Americans. There are also no ADA accessibility standards for websites and software applications for public accommodations like grocery stores, hotels, and restaurants.

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 for all ADA-covered providers, 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. In 2024, the U.S. Department of Health and Human Services adopted accessible MDE standards as part of its regulations implementing Section 504 of the Rehabilitation Act, but unless standards are enforced, disabled veterans, and all people with disabilities will still be denied equal care.

Another area of frequent frustration for wheelchair users is hotel bed height. Due to the increasing height of hotel beds, even beds in the accessible rooms have become inaccessible. Specifically, 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.



New and emerging forms of transportation, including new train sets, 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.

People with disabilities can, and do, file ADA complaints. However, the Department of Justice (DOJ) does not publicly report how many complaints are filed, the types of access barriers alleged, nor the resolution of these complaints. In addition, members of Congress continue to introduce “notice and cure” bills that would require a person with a disability to notify a company of an ADA violation, in a specific way, and give the company a long timeframe, which can be extended, to remove the barrier. Only after the company fails to remove the barrier, after that timeframe has lapsed, can the individual exercise their rights under the ADA. These notification bills would discourage companies from making their services and facilities accessible, as they may wait until they receive these specific notices before complying with a law that’s over three decades old. The bills would also delay an individual from exercising their ADA rights and being able to access the company’s accommodations, goods, and services.



## 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 for all covered entities.
- ★ DOJ must publicly publish annual reports with the number of complaints filed, the barriers alleged, the types of entities against which the complaints are filed, and the resolution of these complaints.
- ★ Congress must oppose any notice and cure bills and instead allow individuals with disabilities to exercise their rights under the ADA.
- ★ Congress must ensure that all new and emerging modes of transportation are accessible for people who use mobility devices and agencies must enforce non-discrimination requirements in transportation.
- ★ Congress must increase tax credits to help businesses remove barriers and provide more funding for DOJ’s ADA mediation program