

Voices of PVA — E02 (update) — The Air Carrier Access Act at 40, with Charlie Brown and Heather Ansley

[0:00] AL KOVACH JR.:

Welcome to Voices of pva. I'm your host Al Kovach along with my co host Chad Stewart.

[0:05] CHAD STEWART:

Thanks, Al. Today we're marking a huge milestone. The Air Carrier Access act recently turned 40. It's the law that reshaped air travel for disabled passengers. And we have two guests joining us to dig into it from different angles.

[0:19] AL KOVACH JR.:

First up is Charlie Brown, PVA's immediate past national president. Charlie joined the Marine Corps with a passion for aviation. And in 1986 he had a diving accident which left him with a spinal cord injury. Quadriplegic the same year the aircare Access act became law. He spent decades since then in PVA leadership and he'll be talking with us about the law's history and its impact over the past 40 years. Then we'll turn to Heather Ansley, PVA's chief policy officer who lives and breathes this issue on the policy front lines. She'll break down the protections that just took effect this year and the fight underway right now to keep some of them from being rolled back. Charlie, welcome to the show.

[1:02] CHARLIE BROWN:

Thank you. It's a pleasure to be here.

[1:04] AL KOVACH JR.:

Yeah, thanks for taking the time. Charlie, as I said in the introduction, you came into the military with a passion for aviation and years later became a national voice on air travel accessibility. So can you talk about, you know, that whole full circle connection?

[1:19] CHARLIE BROWN:

Absolutely. As a young man and my, my brother was into plastic bottles and I get into them too. But my, my favorite was actually the military aircraft. Everything from the prop planes of World War II all the way up to the Starfighter and, and then modern jets. Going through high school, I knew I wanted to work in the aviation field. I went to A and P school, finished my first two years of that, but something was missing and I always knew that I loved military aircraft. So I went in the Marine Corps. Kind of an odd jump to go to the Marine Corps to be on aircraft, but I got, I got lucky and I was able to, to choose one there I did aviation ordinance and bomb truckets, missiles and bullets and I enjoyed that very much. But I always have a passion for flying. A friend took us up in a private aircraft and I was able to enjoy at the control. So when I was injured at the age of 20, I kind of thought that dream would end up until some recent innovations, I have not been able to actually get out in the aircraft and fly myself. But somebody told me that now they have stuff that even quadriplegics can fly aircraft. So I might be trying a private aviation, but when I was Injured I was in Augusta, Georgia. My family was in the process

of moving back to St. Louis, Missouri. And the only way for me to get there was out of the hospital from, from an appointment was to fly from Augusta, Georgia to Atlanta and Atlanta to St. Louis, Missouri. At the time, Delta was pretty much the only, was the only company that flew that route. And so I took off with Delta small craft from Augusta to Atlanta. I'll tell you the one unique thing here was that there was nobody in the bulkhead seat. It was just happened to be wide enough that my wheelchair would fit between the seat and the wall. And they let me stay in my wheelchair sideways for the flight from Atlanta from Augusta to Atlanta. I thought, well, if flying's this easy, heck yeah, I'll do it all the time. I enjoyed it. Even though you're sideways, it was still an enjoyable flight. I got to Atlanta and let's just say that it didn't go over well with the bosses. They did not like that one bit. They didn't get fired, but they did get a big talking to. And I'm sure they got written up, had to get out of the seat and fly to St. Louis. But the one thing that I thought was disgusting was that I had to sit on a blanket, a hot old like wool blanket, because if I soiled the seat, then they would have to clean it and they didn't want to have to clean the seat. It was easier to throw a blanket out. And I felt like that point in time I said, man, I served in the Marine Corps and I'm going to get treated like this. Flying, I go from a great experience to a horrible experience. Well, years later, I'm flying more, I'm doing more. I'm learning how to do things differently. I'm fairly independent at time and run into an experience where the wheelchair comes off the aircraft and it's in pieces. And then look at me like, well, here's your parts. Put it together. I don't have tools. I didn't take it apart. Where's the tools? Where's all the pieces at? So became was able to be elected into office for Paralyzed Veterans America as a national vice president. And I told myself I'm not going to chance my chair getting broken too many times. But as Al can attest, you fly a lot because you have to go a lot of places. I learned to fly and it is crazy number of times I've flown and had broken wheelchairs or been dropped, like, you know, like from a lift to the seat or on an armrest drug across all the things that, you know, you just pray don't happen. But they all do. Two of the worst stories of my life, though. I was on a flight from. I think I get on a flight from Palm beach to Dallas and then Dallas into Long beach, and they dropped me to the ground and hit my tailbone. I knew I was hurt, but at the same time I was crazy. And I needed to get. I didn't get the trip done. I just. I'm that way. I'm just a Marine. I'm stubborn. So I needed to be looked at. But I didn't get. I didn't give up. I went on the trip. When I was getting off the aircraft in Dallas, I noticed there's some blood on the seat underneath me, and I got nervous. A caregiver quickly took me into the joint bathroom and noticed that I was bleeding kind of in the tailbone area. And we got the Long beach shit. It was not pretty, but I did my job. I stayed for the trip. Stubborn Marine. I made my other trip home, and when I got home, it wasn't a short amount of time. I was getting really sick. Ended up going straight to the hospital within like two days of being home because I just could not do anything. Spasms. And when I got there, I had a big wound. I had rapid growing infection, osteomyelitis. I spent over four months in there recuperating, getting surgeries and on IV antibiotics. So for me to go full circle, I can tell you that you can have a great experience when flying and you can have some very terrible ones. Like I said before, your chairs get broken and sometimes they just act like it's your fault and they just walk away and it's just crazy.

[5:50] AL KOVACH JR.:

Thanks, Charlie. You know, you were hurt in 86, I was hurt in 91. But it sounds like we've had some similar experiences. I remember when the first generation of World War II veterans

coming home from war who actually survived their spinal cord injuries, that would be back, you know, in the 1940s. And the way they were traveling was they used a forklift that would lift a pallet with a wheelchair on it. That's how you got inside the back of the plane. We've certainly progressed since then. We now have jetways or jet bridges, as some people call them. But jet bridges aren't everywhere. I remember back in the 90s, riding up in a food vendor truck. I've been on those elevators that are on the outside of the aircraft. I've been carried down a flight of stairs from, from a 767, which is pretty high up. You know, we've come a long way, but there's still plenty of airports that don't have those jetways. And now with the use of these regional jets, they're now boarding out there on the tarmac and they use those real narrow ramps, if you want to call them that, that can squeeze through that little skinny door on a CRJ. Again, with the use of these CRJs, they have to break down your wheelchair. Speaking of which, I want to know, Charlie, can you tell me a little bit about that transition from when you were using a manual wheelchair to travel and then you switched to a power chair? How different is air travel now that you're using one of those power chairs?

[7:09] CHARLIE BROWN:

Oh, let's just say it's a nightmare every time. You never come off a flight without something cracked, broken or missing. And I mean never. I have yet to travel one time on the full trip and not have something come off broken. And I mean fenders, missing parts, it's, it's a lot harder because what, when they start doing things, they just don't care. I mean, it's a heavy chair. It's £415, and for them that's a nuisance. So they'll treat it any way they want. They don't always lock the brakes. I can promise you, Al, I would much rather be in a manual chair pushing myself, going someplace, but with my shoulders worn out from playing sports and things like you've done. You've been very successful at keeping yourself together, I know that, but for myself, my shoulders are toast. So the power chair has saved me that way and allow me to live a higher quality of life.

[7:54] AL KOVACH JR.:

So.

[7:54] CHARLIE BROWN:

But a power chair, it means I do a lot more road trial and that's a lot harder on the body.

[8:00] AL KOVACH JR.:

Also, I wanted to mention that in order for you to get from your wheelchair to the plane, they have to put you in an aisle chair and then you need somebody to pick you up from that aisle chair into your, the seat of the plane. How do they do that?

[8:13] CHARLIE BROWN:

Well, for me it's, it's a two person lift. They will bring the aisle chair beside you and this is when they drop me. I'll tell you the story here is that that aisle chair is basically two wheels. I mean, they say it, at best it's got four, but I've never really had a good four wheel dolly experience. When they pick you up, there's a person that reaches under your arms, their hands reach under and grab your Wrist, and they go to lift in front, and then the person in front of you has to grab

under your knees, straddle your chair, lift you up, and then they have to work in unison to take you to one side or the other of your chair to put you on the aisle chair. Well, if the person in front is new or the person in back is new, they often halfway through, decide they can let you go to readjust something. And they don't realize they're setting you down on a hard surface or dropping you from a height. So when that happens on the jetway, it's pretty rough. And then when you get inside the aircraft, they decide to put you in the seat the same way. They pick you up and they slide you over, which is where they'll drag your tailbones. If they're not strong enough, they'll do a lot of things that just do not. The human body doesn't. Isn't meant to be folded up that way. I wish the days were back where I could use my arms to lift my bottom in the air and get over. And this is where the fight comes. What we're trying to do now is at least have two seats for wheelchairs, so we can always, you know, lock in, stay in our wheelchair and just lock into the aircraft. That's the advancement we're fighting for.

[9:33] AL KOVACH JR.:

Thank you, Charlie. Now, the Air Carrier Access act was passed in 1986, as we've already said, and that's about the time you were injured. How did you first learn about the law and what it's meant to do?

[9:44] CHARLIE BROWN:

To be honest, Al, I didn't find about the law until 1992, when actually I was made a board member of the Gateway chapter of Paralyzed Veterans of America. I complained that they wanted me to travel somewhere, but I hated flying because of the way I was treated. And they gave me this little book. It's Flying with Dignity. And I don't know if it's still out there or not, but I can promise you that book is the first. First time I realized there'd been a law in place since 1986. That was six years later. Nobody at the airport, no airline, nobody give you this book. They don't want you to know. They want you to be blind and dumb.

[10:16] AL KOVACH JR.:

I can see that. And, you know, I've got friends that fly, they're pilots, and I have other friends that are crew, and they don't know what the Air Carrier Access act is. So it's not like they're being briefed on the law before they start working for the airlines. At least that's my opinion. As PVA president, you've worked with staff on the organization's air travel accessibility advocacy. What has PVA's role been in shaping and or enforcing the Air Care Access act over the four decades?

[10:45] CHARLIE BROWN:

Actually, PVA was the lead on getting the Air Carrier Access act passed. They were the lead organization to fight for disability rights, making sure that flying with dignity was part of it. As you spoke out, Those World War II veterans were treated to forklifts and indignity, you know, in so many different ways that it was, it was horrible. So they kept fighting. When finally PVA was able to work with the federal government and get this law enacted, passed and then enacted over time. And then during my presidency, we fought even harder because we're looking for the Amendments Act. We're looking to make advancements in this. And truth be told, while some things have improved, they're still miles behind when it comes to safety, dignity, and I call it just

general courtesy when it comes to flying in a wheelchair. They will argue with you left and right that what they're doing is right. And you don't know what you're talking about until you can break the law out in front of them, make them

[11:36] AL KOVACH JR.:

read it in your own words. Charlie, how has flying changed for veterans with disabilities from the mid-80s to today?

[11:43] CHARLIE BROWN:

Wow. Much better than it was, I'll tell you that. They said that if the implementation of jetways, the aisle chairs went from basically an old two wheel dolly that had a, like a gray leather back, and they welded on a little bent bar seat and strapped on a leather strap to that so you could sit on it. And they bolted on some regular car seat belts and said, you know, hold on, cross your arms, don't move because they're super narrow. And then they've gone into these newer chairs that are awesome, but there's other equipment out there now that actually is like a lift. It's electric. Put the sling underneath you, it'll lift you up. They can carry it on the aircraft that expands and shrinks to make it, you know, down the aisle easier. That can get you over multiple rows of seats. It's not a problem. But again, it's just technology that they're not willing to spend the money on or make more advancements on. So there's been great improvement, but it's still very dehumanizing when they go to pick you up and move you because that can put your pants down. They can do a lot of things that they don't realize they're doing.

[12:40] AL KOVACH JR.:

Yeah, you're kind of handled like a

[12:42] CHARLIE BROWN:

piece of luggage, if that good.

[12:43] AL KOVACH JR.:

And I know that, you know, it's kind of. You feel like Hannibal Lecter all strapped up in that thing as you're getting dragged back to your seat. It's not a comfortable situation, especially if there's other people and other travelers on the airplane that are watching all this. You mentioned the word dignity. They certainly need to put an extra effort into maintaining some dignity for their travelers. You've told us what has changed over the last 40 years, but what has not changed over the 40 years, and where do you think the law still fall short in practice?

[13:12] CHARLIE BROWN:

Three areas that it falls short. First and foremost, the ability to stay in your wheelchair for safety. Lifting you in and out of a device that was actually form fitted for you. That's the most important thing. Right. If they can do that, that's number one. Number two, the width of the aisles have gotten smaller and smaller and smaller. We did an access day out in Seattle where they actually have an original aircraft. And I can promise you, when I got on the aircraft to, like roll down it in my power chair, I rolled straight from the back of the aircraft to the front, proving that the aisles

were so much better, you know, back then. And they've made them narrower to add more seats and do more things.

[13:49] AL KOVACH JR.:

Yeah, I would say one area that they. They have to work on is getting us to the bathroom while in flight. They haven't figured that out yet. They have these little torture devices that they put you on to try to get you into the bathroom, but it doesn't matter if you can. Even if you get to the bathroom, the bathroom's not accessible, then it's not usable. So a waste of everybody's time out.

[14:07] CHARLIE BROWN:

I will agree with you because that was number three on my list, is getting into a bathroom and making sure that everything is safe and clean in there. And they have done some advancements. They've made some aircraft that are accessible. Right. But at the same time, you have to literally have somebody with you to help you roll the chair, because the crew on board will not roll the chair. They will not move it anywhere else. You have to. They bring a chair to you, you have to get on it. Somebody has to roll you to the bathroom. Right. And then, you know, if you get inside, you know, how do you get to. How do you get to that? You know, how do you get to the next step? So my. My comment is, is it's still very horrible.

[14:45] AL KOVACH JR.:

Yeah. The Air Carrier Access act has been around since 1986, but the. The law really doesn't matter if nobody's enforcing it if there's no accountability. So I'm wondering, there's been some recent movement, new Department of Transportation rules on wheelchair damage, on seating, and on accountability. What upcoming changes are you most hopeful about, Charlie?

[15:07] CHARLIE BROWN:

Once those get implemented, that they're followed through and that airlines receive damaging penalties if they're not. I'd like to see them fix the bathroom issue, making them accessible somehow. I'd like to see the aisle width go wider.

[15:19] AL KOVACH JR.:

One area that they've made some improvement on is where, when a wheelchair is damaged, that they have one place that everybody calls into to manage their repairs. The repairs are done locally, but it's managed from Chicago. So they are trying to try to streamline the repair part of breaking chairs. Unfortunately, they haven't been able to figure out how to just not break chairs. If you could add one provision to the Air Care Access act today, what would it be and why?

[15:49] CHARLIE BROWN:

Mandatory to lock down seats for people to skin their wheelchairs and flawed dignity.

[15:54] AL KOVACH JR.:

That sounds like an easy question for you.

[15:56] CHARLIE BROWN:

Very much so. Your wheelchair doesn't go below. It doesn't get damaged by the baggage handlers. Your body doesn't get lifted up and dragged across seats or, you know, from. From the chair to an aisle chair, drug down the narrow aisle and then drugged back into a seat both ways. So, I mean, it. It eliminates all of those situations. And the training would be so much easier because all you have to do is have one or two people know how to actually lock a wheelchair down in the aircraft. And we know how to do that. This has been done for years. We strap in cargo all the time on aircraft.

[16:27] AL KOVACH JR.:

Yeah. I mean, it should be pointed out that all the damage done to our wheelchairs is when it's not in our possession 100%. What role should organizations like PVA play in pushing the next 40 years of improvements?

[16:39] CHARLIE BROWN:

What role? They're the lead. They're our voice. We look at organizations to grab the people in their catchment and what they stand for. We want them to be the lead voice for us to be. To be the ones that talk in front of Congress. But bring us along and let us talk with them. Because, I mean, some of our leaders. I mean, some of our leaders in PVA have, you know, are veterans with disabilities themselves. So they know what it takes, you know, and they need. We need our members. We need people with disabilities in the community that want to fly. We need families out there to hear that, you know, you can fly, but it's going to be getting better and hopefully you can fly and take a nice vacation that you've never been able to take. You can't go to Hawaii on a car. So in order to get there, you either take a boat or you take an airplane. So those are your choices. My biggest comment would be make it accessible, let the disability groups lead it because they know this. They've been involved with the law and they know how to keep fighting with it. And they know they have the contacts in the transportation department and throughout the area to make sure the airlines hear our voices also.

[17:37] AL KOVACH JR.:

Yeah, I think before anybody with a disability, especially those of us in wheelchairs, we need to be educated and we need to be prepared for when we're told something that is not correct according to the Air Carrier Access act, because sometimes the flight crews act like they know what they're talking about when they actually don't. Now, they're not the enemy. They're also trapped, operating in the same framework that we are. It's the law is the law and company policy is company policy. We have to figure out around all that. Looking back at your time as PVA's national president, how did the fight for accessible air travel fit into a broader mission of the organization?

[18:14] CHARLIE BROWN:

Integral Part gives a veteran. It gives anybody with disability the back of quality of life that they didn't have. They can't enjoy the same things that everybody else does, but now they can. It was huge. I mean, we can get them parking places, we can get them, you know, crosswalks. We can get them to a stadium. But what if their favorite team is playing in Europe or

somewhere? They can't get there because they don't know if they know they could fly right. And they have a severe disability. It's, they're impossible. So I think it was a very integral part. It's definitely the transportation key that's been missing for a long time.

[18:46] AL KOVACH JR.:

Thank you, Charlie. We appreciate you taking the time to share your perspective with our listeners. Now let's turn to where things are today and where they might be headed with PVA's chief policy officer, Heather Ansley. Heather, welcome to Voices of pva.

[19:00] HEATHER ANSLEY:

Thanks, Al.

[19:01] AL KOVACH JR.:

For listeners who don't fly with a mobility device like a wheelchair or a scooter, can you explain in plain terms what protections the Air Care Access act provides and maybe why it still matters after 40 years?

[19:15] HEATHER ANSLEY:

That's a great question. I know a lot of listeners are probably thinking, you know, about all the stories they hear their own personal experiences in air travel and wonder if it does still matter. But it is a good reflection that 40 years ago it was legal to discriminate against people with disabilities in air travel. You could have a ticket, show up, be ready to travel first class, and they could say, no, you're disabled, you know, or they have no way to get you on the plane, or, you know, fill in the blank. And the Air Carrier Access act passed in 1986 and it gave more consistency. It said that no, if you cannot, disability based discrimination is not legal in this country and that you have to be able to accommodate people with disabilities of all types of disabilities in air travel. So you have to have a way to help folks get on and off the plane. You have to provide assistance. You know, you have to take their wheelchairs and if you break them, you have to, you have to fix them. And so it did provide some, some guardrails, if you will, in terms of people being able to on a national basis, an international basis later was added. So that applied to not just airlines in the US that you may have heard of, but also if you're flying to and from the US the law was amended later to make sure that those folks were included. So it really gave the groundwork to make sure that provisions had to be made. And it still matters because those provisions continue to be updated, new requirements continue to go into effect, and the goal of finally having fully accessible air travel, while it's still a future goal, we do get closer every day.

[20:56] AL KOVACH JR.:

You know, it is kind of shocking that you have to pass legislation to tell people to not discriminate.

[21:02] HEATHER ANSLEY:

It's interesting and Sad, right?

[21:05] AL KOVACH JR.:

As PVA's chief policy officer, how does air travel accessibility fit into PVA's broader legislative priorities for veterans with catastrophic disabilities like myself?

[21:16] HEATHER ANSLEY:

You know, Al, it's really an integral part of the work we do. One of the four core missions of this organization is to protect the civil rights of our members as people with disabilities. And one of the areas that we hear about the most are travel related, transportation related disabilities and people having issues accessing transportation, I call it now, from the sidewalk to the sky because of barriers that occur. You know, we have had legislative priorities on various aspects of transportation, specifically air travel, for many, many years. The last few times that Congress has reauthorized the Federal Aviation Admin, we have had provisions titles. So that means a big section in the bill that focuses just on the needs of passengers with disabilities, which has been a great win. And we continue to have that as part of our priorities. If you think about transportation, it's really the linchpin of how you access anything. I think one of the things that's always interesting is one of the issues we hear about most often from VA clinicians when we go to do site visits and other interactions is they talk about the difficulties people have in getting to care, having problems getting to care. And not everybody lives near a facility where they go to get care and some of them do have to get on an airplane. So I think that it, it's just important to remember that as everybody knows here, if you can't get somewhere, it doesn't really matter if you have access once you get there because you can't use it. You're stuck at home, you're stuck wherever you're at, right?

[22:58] AL KOVACH JR.:

I guess so, you know, they can't get there. It's really denying somebody their care. So let's move on to the protections that took effect this year. Airlines are now required to comply with the bulk of the Department of Transportation's 2024 wheelchair rule. That's including annual hands on training and prompt boarding and deplaning and connecting assistance. What difference has PVA actually seen or heard from members since the enforcement began?

[23:25] HEATHER ANSLEY:

That's another great question in terms of the rules. So the provisions about hands on training apply to those providing physical assistance and stowing of wheelchairs and that went into effect mid June. I would say that right now we, we haven't heard a lot of feedback from members in terms of whether or not that has improved their experience. I can say that unfortunately we have heard, continued to hear stories of people having problems getting on and off the aircraft. I just learned of somebody who was traveling to the wheelchair games, who was, who was dropped in an aisle chair incident. So I would say as of this moment, the, the jury is still out on whether or not the training is, is making a difference.

[24:13] AL KOVACH JR.:

National Bearing Wheelchair Games. I saw it happen right in front of me of how they mistreated one of our disabled passengers. But at the same time they're now sending me texts letting me know that my wheelchair has been loaded down below in the baggage department and when it's

on its way back up when I get to my destination. So there are some things that they are doing right and there's some things that they continue to do wrong.

[24:32] CHAD STEWART:

What was PBA's role in shaping this wheelchair rule and what would you point to as the clearest win in it?

[24:39] HEATHER ANSLEY:

So PVA played a pretty big role in shaping the rule if you go back To February of 2022, we sent a petition to the Department of Transportation to do rulemaking on several different issues that we thought would improve the air travel experience for wheelchair users. We participated in additional opportunities that the department held to gather information. We provided feedback on their proposed rule and we also helped to write the legislation regarding the training requirements that ended up in the rule. So I would say PBA played a pretty outsized role in this effort and it's hard sometimes to point. I would say that the clearest win was just the fact that we got the rule published. That that sometimes is the, is the ultimate goal. It sends the message that this is something that the department cares about. It's, it's an area that they want airlines to make an investment in. So I think overall, and I could offer just a little story on the hands on training. A few years before that, we were advocating with Congress to say in the legislation that hands on training had to be provided and we could not get that in legislation. The only thing we could get them to say was hands on, if appropriate. Fast forward. When we got to 2024 and had the passage of the FAA reauthorization, then it included requirements for hands on training. So sometimes people may feel like we're not making progress, but I have seen the progress in terms of now it is actually required, whereas five plus years ago we couldn't even get them to say that. So I do think that that shows maybe just one aspect of a win. And now the goal is that win going to make a difference? And as you know, my conversation with AI, I think we're still not certain if that's the case. We're hoping, but again, the jury is

[26:47] AL KOVACH JR.:

still out implementation of key provisions like onboard wheelchair standards. It's being phased in through all the way till 2031. So why does it take so long? And is that a reasonable, is that timeline reasonable?

[27:00] HEATHER ANSLEY:

You know, I think that's one of the most frustrating things with any regulation is how long things seem to take. You know, I know 2031, I mean, it's now five years away. Still can feel like a really long time to folks. Does it need to take that long? Probably not. But because it is requiring the airlines to have something in place that, you know, in. Not that they are replacing something, but to have something new, there's often a long time lead in for that. And I think that's where advocacy comes in, you know, to make sure that we are letting airlines know that this is something that we want that you know, it's something that passengers are requesting so that they can see that there is a demand. There is. This is something that people want. Are these better options? But yeah, unfortunately it is not a short game many times to try to get these wins. It is much more of a long game, unfortunately.

[28:02] AL KOVACH JR.:

So the Transportation Department has paused enforcement on those four provisions, including airline liability for damaged wheelchairs and pre departure complaint notifications, while it reconsiders them in a. In a new rulemaking. Can you walk us through what exactly is at stake if those provisions are actually weakened or maybe dropped?

[28:24] HEATHER ANSLEY:

Well, I think going back to, you know, our earlier discussion, in some respects weakening anything is maybe just a sign that, oh, maybe the department doesn't care as much about these disability provisions as we thought they did. I do want to take this moment to note, because there was a lot of confusion when DOT put this out, that what we're talking about is the liability gets into a little more of a technical space. That does not mean that the airline is not today responsible for addressing damage. So if they destroy your power wheelchair, they are still required to address that situation and they will be enforced against if they don't. So it's a bit, a little bit more of a nuance than that. But overall, I think we fought really hard to get the rule. The rule wasn't everything we wanted. So I think any areas that see then a decline in that, again, maybe send this message that protecting the right, the safety and dignity of wheelchair users isn't quite as important. Maybe it's something you can put lower on your list. And that's why when the opportunity comes out to comment, we want to make sure that they hear from us that we disagree strongly and that the needs of passengers with disabilities to have the same safe experience as every other passenger should be a priority for an industry that prides itself on safety.

[29:49] AL KOVACH JR.:

I could not agree with you more, Heather. Airlines sued Department of Transportation to block the rule, arguing that the Department of Transportation exceeded its authority. How is PVA engaging in that legal fight and how confident are you in that outcome?

[30:03] HEATHER ANSLEY:

So, yeah, you're right. In. In early February, In February of 2025, the airlines did file a lawsuit on one aspect of the final rule. It does relate to their liability. Again, it's kind of a narrow area of their liability that they're concerned about. Pva, through the help of pro bono counsel, was able to file a motion in the case with the US Court of Appeals for the fifth Circuit for us to intervene in the case and to basically say that, you know, we had the Department of Transportation on one side, the airlines on the other side. And so if they didn't let us intervene and also be a party to the case, then it would not adequately represent the needs of people with disabilities. So we were allowed to join the case, which was great. Right now the case is on hold, as DOT has asked, has said, hey, put this case basically on ice because we're going to publish a new rule that would address the issues and maybe then make it, make the reason for the case moot. So right now, the Department of Transportation says they're going to do what they've started calling a wheelchair user rule 2, perhaps as early as this fall, we will see proposed language, and that's where we'll again need advocates to raise their voice.

[31:20] CHAD STEWART:

Heather, speaking of advocates, what can our listeners, veterans, members, allies actually do right now if they wanted a way in to improve air travel for disabled travelers?

[31:30] HEATHER ANSLEY:

Well, there's, there's actually a lot of things that folks can do right now. One is we talked about some of those issues that people have in air travel. And filing a complaint with the Department of Transportation is really one of the top things you can do. Believe me when I say I have been in meetings when it has been said, but there are no complaints that have been filed, so everything must be okay. So even if it feels like it's a fruitless exercise, you can file a complaint online, and we encourage you to do so because when we then advocate, it's often helpful to be able to point to those complaints. So that's one thing I would encourage everyone to do. And if that means filing a complaint every time you fly, then just make it a part of what you do while you're waiting for your luggage. You know, it. It's just we have to let them know that this is not, these aren't just individual stories that pop up on social media. They're not just occasional things that happen. They are systemic issues that unfortunately, I would imagine most every wheelchair user probably has something during their trip that they could file a complaint about. That's one. Number two is when the option to file comments on the regulations comes out, you know, from pva, we're going to be asking advocates to submit comments, and that's an opportunity to have your voice be heard, share those stories you have about, hey, this is why it's important that you do this type of training. This is why it's important that airlines have accountability. Because of the experiences that I have had, let your voice be heard that way. And then there's also a few other things you can do through PVA Action Force, which is our advocates portal we have, it's online on pva.org and you can send messages directly to your legislators. We have a petition you can sign basically asking for improvements in air travel. And then there's also legislation, the Air Carrier Access Amendments Act. This legislation is solely focused on enforcement. It's great that we have rules, but if nobody's going to enforce the rule, then that can kind of make it what we call a toothless tiger. So we need to make sure that enforcement occurs. So those are some concrete ways that travelers can do those things. I would also suggest, I'll add a fifth one. When you're making your reservations, make sure that you're asking for the accommodations you need. Make sure you ask questions about, hey, do you have a new onboard wheelchair? Even if you're not required, hey, have you proactively decided to get one? You know, make sure you're asking for the thing so that they can say, yeah, we're getting more people asking about mechanical lift opportunities. More people are asking about our lavatories accessible on single aisle aircraft. Make sure that you're making your voice heard. Or if you get those surveys from the airline after your trip that says, how was it? Was there something we could have done differently? Ask specifically for the things that you want. Even if, you know it's not required that they do it, it still lets them get into the option of hearing you say, yeah, and I'd like to be able to fly in my wheelchair. And here's why. Those are the types of things that consumers as a whole might say that they want to improve their air travel and there's no reason that people with disabilities shouldn't do the same.

[34:43] CHAD STEWART:

That's a great answer.

[34:44] AL KOVACH JR.:

Thank you, Heather, and thank you, Chad, for that question. So, Heather, what does a fully realized dignity first version of air carrier access look like? And how far are we from that?

[34:55] HEATHER ANSLEY:

Oh, getting out my crystal ball. You know, one of the things that I know, I mentioned it briefly that wheelchair users, particularly power wheelchair users, really want to be able to have access to is flying on the airplane in their wheelchair. And that is something that is moving forward. Unfortunately, you know, how quickly we're headed there I think is a bit of an uncertainty. But that is something that would certainly be key. Having people be able to. Then whether you fly from your chair or you transfer to a passenger seat, being able to do so without having to use the aisle chair, it would be a great Opportunity, having mechanical lift opportunities for people who, that's the best way for them to transfer. Those would be great opportunities. But I'm also going to take this opportunity to say plugging enforcement. There are tons and tons of regulations that govern access to air travel for people with disabilities and if many of them were followed, the experience would be better. You know, if we actually had a view. Not that well we'll let people with disabilities travel, but we're actually going to make the system accessible. We're actually going to make, make the vehicle successful if accessible, if you will, the airplane accessible. That's where we get to dignity first. So in five to 10 years, by then we're going to start seeing the first single all aircraft accessible lavatories come online. So you'll be able to use an onboard wheelchair and go into the lavatory, close the door and have privacy with a caregiver if needed to use the lavatory. That's, that's, that's in the rule, that's in the regulation. That's not changing as far as we know. So that is something that definitely I can say in five to ten years we'll see. But it's a little murkier now than it, than maybe it was a few years ago. But I think again if people with disabilities continue to call for these changes to make the, the issues they have known public, not just on social media, which is great, but also filing the complaints, calling their members of Congress, asking them what they are doing to ensure that people with disabilities have the same access again to a safe transportation system. People with disabilities should not feel like driving across the country is safer for them than getting on an airplane because statistically speaking for an able bodied person that is not true. Flying is much, much safer. So people with disabilities feeling like they have to choose a less safe, safe option to just have something that's safer for them has got to stop. And that is what PVA has been fighting for for over 50 years. It's what we're going to keep fighting for and it's what we need people with disabilities to fight for every day themselves as well.

[37:46] AL KOVACH JR.:

Thank you Heather Ansley, Chief Policy Officer for Paralyzed Veterans of America for joining us and sharing your time and expertise in such an informative conversation. I'm sure our listeners learned a great deal from the Air Carrier Access act and about their rights as travelers. And Chad, thank you for joining the conversation and serving as our co host. It's always great to have you with us. I hope today's conversation has informed you empowered you and reminded you that knowing your rights is an important part of protecting them. At Paralyzed Veterans of America, we believe accessibility isn't a privilege, it's a right. And when those rights aren't being

respected, we believe in speaking up, standing together, and fighting for change. So until next time, keep knowing your rights, keep raising your voice, and keep advocating for the accessibility and independence that you deserve. Subscribe to Voices of PVA wherever you get your podcasts so you never miss an episode. If you have a minute, leave us a review. It really helps more people find the show.

[38:46] HEATHER ANSLEY:

Go.

[38:47] AL KOVACH JR.:

I'm Al Kovach Jr. And this has been Voices of PVA. Thanks for listening.