

## Know Your Rights

People with mobility issues have all sorts of rights under the Air Carrier Access Act. For your ease, we have provided The Department of Transportation's summary of your rights under The Air Carrier Access Act courtesy of New Horizons. Print this out and keep it with you while you travel to ensure that your rights are being upheld. There is helpful contact information in the event you need assistance.

To download or print New Horizon's summary of The Air Carrier Access Act, click [here](#).

To view each US airline carrier's specific rules and regulations, click [here](#).

### **The Air Carrier Access Act Complaints Alleging Discriminatory Treatment Against Disabled Travelers Under The Air Carrier Access Act and 14 CFR Part 382**

The Air Carrier Access Act (ACAA, 49 U.S.C. 41705) prohibits discrimination by U.S. and foreign air carriers on the basis of physical or mental disability. The Department of Transportation, in interpreting and implementing the ACAA, issued a rule (14 CFR Part 382) in 1990 setting forth the standards of service which U.S. air carriers are expected to provide disabled individuals. That rule will be amended to cover foreign air carriers, which became subject to the ACAA on April 5, 2000.

DOT operates a toll-free hotline to assist air travelers with disabilities. The hotline provides general information to consumers about the rights of air travelers with disabilities and responds to requests for printed consumer information. It also assists air travelers with time-sensitive disability-related issues that need to be addressed in "real time." Click here for information about this [disability hotline](#).

If an individual believes that he or she has been subjected to treatment by an airline that violates the requirements of the ACAA or the rule and would like DOT to investigate the complaint, that person may submit a complaint to the Department's Aviation Consumer Protection Division at the following address:

Aviation Consumer Protection Division  
Attn: C-75-D  
U.S. Department of Transportation  
400 7th Street, S.W.  
Washington, D.C. 20590

The complaint may be included in a letter, or may be filed on the disability complaint form that appears elsewhere on this site. Such complaints should be signed by or for the complainant. Complaints may also be sent by e-mail to [airconsumer@ost.dot.gov](mailto:airconsumer@ost.dot.gov). The complainant should provide:

- His or her full name, address, telephone number, e-mail address, if any, and the name of the party who suffered the alleged discriminatory conduct, if other than the person submitting the complaint;
- The name of the air carrier involved in the incident, as well as the date of the incident, the place where it occurred and the flight number(s) involved;
- A detailed description of the incident that you believe constituted discriminatory action, including names of those involved (or a description of the individuals) and names of any witnesses; and

- Any other information you believe might be helpful in supporting your complaint. Please send copies (not originals) of any pertinent documents you have relating to the incident (e.g., ticket, boarding passes, itinerary sheets, and correspondence to and from the carrier involved).

Our rules also provide detailed procedures for filing and serving formal third party enforcement complaints against airlines. See 14 CFR Part 302, particularly Subparts A and D. Such complaints are generally filed by attorneys or public interest groups on behalf of individuals, but they also may be filed by the individuals affected by discrimination themselves. Because of recent changes in the ACAA, each disability-related complaint received by the Department, whether submitted pursuant to 14 CFR Part 302 or under the procedures outlined here, will receive a similar investigation.

Once we have received your complaint, we will investigate it and determine what compliance or enforcement action, if any, may be warranted. We will acknowledge your complaint and advise you of its disposition when we complete our review. We may also be in contact with you to request further information that may be needed to complete the review. You should be aware that due to the time necessary for the carrier to conduct its own review of your complaint and get back to you and us, coupled with our need to then review your case and the hundreds of others we receive each year, our response to you will likely take some time.

Those filing complaints should be aware that the remedies which the Department may pursue in these cases are limited by statute. In addition to ensuring prompt corrective action when a complaint and carrier response indicate that the airline's policies and procedures are not in compliance with the ACAA, the Department generally will pursue further enforcement action on the basis of a number of complaints from which it may infer a pattern or practice of discrimination. However, resources permitting, enforcement action may also be brought based on one or a few complaints that are supported by adequate evidence indicating particularly egregious conduct on the part of a carrier. Complainants should also realize that the Department's authority does not allow it to award monetary damages or pecuniary relief to the injured party, and is limited to the issuance of cease and desist orders proscribing unlawful conduct by a carrier in the future and the assessment of civil penalties payable to the government. The Department may take such actions only through settlements or after formal hearings before administrative law judges. Particularly egregious records of repeated violations may warrant the revocation of a carrier's economic authority to operate. To obtain a personal monetary award of damages, a complainant would have to institute a private legal action.

The rights of disabled air travelers are also protected under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), particularly with respect to discrimination in airport facilities. The Aviation Consumer Protection Division does not have the authority to investigate claims of violations of those statutory provisions. If it receives such claims it will forward them to the appropriate Federal enforcement agency (i.e., the Federal Aviation Administration or the Department of Justice).

It is important that complaints be filed as soon as possible after the incident at issue to facilitate the Department's investigation; however, we do urge that complainants first seek redress informally in writing from the carrier involved since this may expedite corrective action or a resolution acceptable to the complainant. (See, 14 CFR 382.65.)

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC**

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**Fact Sheet**

**Steps Taken to Ensure New Security Requirements  
Preserve and Respect the Civil Rights of People with Disabilities**

The Air Carrier Access Act (ACAA) and the Department of Transportation's implementing rules prohibit discriminatory treatment of persons with disabilities in air transportation. Since the terrorist hijackings and tragic events of September 11, the Federal Aviation Administration (FAA) and the Transportation Security Administration (TSA) have issued directives to strengthen security measures at airline checkpoints and passenger screening locations. In securing our national air transportation system, where much of FAA's and TSA's efforts have been directed to date, steps were also taken to ensure that the new security procedures preserve and respect the civil rights of passengers with disabilities. This Fact Sheet provides information about the accessibility requirements in air travel in light of strengthened security measures by providing a few examples of the types of accommodations and services that must be provided to passengers with disabilities. The examples listed below are not all-inclusive and are simply meant to provide answers to frequently asked questions since September 11 concerning the air travel of people with disabilities. We hope this information is helpful to you.

**Check-in**

- Air carriers must provide enplaning and deplaning assistance requested by passengers with disabilities, including assistance beyond the screener checkpoints, but have discretion in how this assistance is provided. Individuals who wish to assist passengers with disabilities beyond the screener checkpoint may be required to present themselves at the airlines' check-in desk and receive a "pass" allowing them to go through the screener checkpoint without a ticket.

**Screener checkpoints**

- Air carriers must provide enplaning and deplaning assistance requested by passengers with disabilities, including assistance beyond the screener checkpoints, but have discretion in how this assistance is provided. Individuals who wish to assist passengers with disabilities beyond the screener checkpoint may be required to present themselves at the airlines' check-in desk and receive a "pass" allowing them to go through the screener checkpoint without a ticket.
- Ticketed passengers with their own oxygen for use on the ground are allowed beyond the screener checkpoints with their oxygen canisters once the canisters have been thoroughly inspected. If there is a request for oxygen at the gate for a qualified passenger with a disability, commercial oxygen providers are allowed beyond the screener checkpoints with oxygen canisters once the canisters have been thoroughly inspected. Commercial oxygen providers may be required to present themselves at the airlines' check-in desk to obtain "passes" allowing them to go through the screener checkpoint without tickets.
- The limit of one carry-on bag and one personal bag (e.g., purse or briefcase) for each traveler does not apply to medical supplies and/or assistive devices (including service animals and their equipment). Passengers with disabilities generally may carry medical equipment, medications, and assistive devices on board the aircraft.
- All persons allowed beyond the screener checkpoints may be searched. This usually will be done through the use of a hand-held metal detector, when possible. Passengers may also be patted down during security screenings, and this is

even more likely if the passenger uses a wheelchair and is unable to stand up. Private screenings remain an option for persons in wheelchairs.

- Passenger flow through the screener checkpoints should be controlled to allow a passenger to maintain visual contact with his/her personal property while he/she is being screened.
- Service animals, once inspected to ensure prohibited items are not concealed, are permitted on board an aircraft. Any equipment (including, but not limited to, harness, backpack, leash or collar) that is carried on the animal will be manually inspected. If necessary, remind the security screeners that the service animal's belongings should not be removed during the manual inspection.
- Assistive devices such as walking canes, once inspected to ensure prohibited items are not concealed, are permitted in the passenger cabin. Assistive devices such as augmentative communication devices and Braille note takers will go through the same sort of security screening process as that used for personal computers. However, passengers that have special equipment that cannot go through the x-ray machine should notify the screeners and request a physical/visual inspection of the equipment. A slate and stylus are permitted on board the aircraft after inspection; however, it may be necessary to advise the security screener of the purpose of the slate and stylus and that it facilitates the passenger's communications.
- Syringes are permitted on board an aircraft once it is determined that the person has a documented medical need for the syringe. To show a documented medical need, a passenger must have in his or her possession medication that requires the use of a needle or syringe. The medication must have a professionally printed label identifying the medication or a manufacturer's name or a pharmaceutical label.
- Personal wheelchairs and battery-powered scooters may still be used to reach departure gates after they are inspected to ensure that they do not present a security risk. Any backpack, sidepack or other item that is carried on or under the wheelchair should be placed on the x-ray belt for inspection.
- Personal wheelchairs that are folding, collapsible, or breakdown will still be allowed to be stowed on board an aircraft, i.e. in the passenger cabin of aircraft that have closets or other facilities capable of such stowage, except where this practice would be inconsistent with DOT regulations governing carry-on items and/or the transportation of hazardous materials.
- Air carriers must return wheelchairs and other assistive devices to passengers with disabilities as close as possible to the door of the aircraft upon request. Passengers with disabilities can assist by checking-in their assistive devices and/or wheelchairs at the gate rather than at the ticket counter. If an assistive device or wheelchair is checked-in at the gate, it would have already cleared security and can be brought directly to the aircraft. If an assistive device or wheelchair is checked-in at the ticket counter, it would need to be screened before it can be brought to the passenger at the arrival gate.
- Air carriers must ensure that qualified individuals with a disability, including those with vision or hearing disabilities, have timely access to information (such as new security measures) that the carriers provide to other passengers. For example, on flights to Reagan Washington National Airport, persons are verbally warned to use the restrooms more than half an hour before arrival since after that point in time passengers are required to remain in their seats. This can be accomplished through use of carrier personnel or alternative formats, such as visual messaging.

## **How to file a complaint**

Members of the public who feel they have been the subject of discriminatory actions or treatment by air carriers may file a complaint by sending an email, a letter, or a completed complaint form to the Aviation Consumer Protection Division (ACPD). ACPD's email address is [airconsumer@ost.dot.gov](mailto:airconsumer@ost.dot.gov) and its mailing address is: Aviation Consumer Protection

Division, U.S. Department of Transportation, Room 4107, C-75, Washington, DC 20590. Complaint forms that consumers may download and/or print are available at <http://airconsumer.ost.dot.gov/problems.htm>.

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**APPLICABILITY OF THE AIR CARRIER ACCESS ACT (49 U.S.C. 41705) TO FOREIGN AIR CARRIERS UNDER A RECENT STATUTORY REVISION**

**NOTICE**

Under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, (AIR 21,P.L. 106-181; 114 Stat. 61; April 5, 2000), the requirements of the Air Carrier Access Act (ACAA,49 U.S.C. 41705) have been extended to foreign air carriers. Section 707 of AIR 21 specifically amends the ACAA to prohibit discrimination against otherwise qualified disabled individuals by foreign air carriers, as well as U.S. air carriers. The Department rule implementing the ACAA, 14 CFR Part 382, which was adopted in 1990, does not by its terms address foreign air carriers but the Office of Aviation Enforcement and Proceedings hereby gives notice that it intends to use the provisions of that regulation as guidance in investigating any complaints it receives of non-compliance by foreign carriers with the ACAA. In the future, the Department will be instituting a rulemaking proceeding to revise 14 CFR Part 382 to apply to foreign air carriers.