



Testimony Before the Subcommittee on  
Aviation, Committee on Transportation  
and Infrastructure, House of  
Representatives

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# PASSENGERS WITH DISABILITIES

## Barriers to Accessible Air Travel Remain

Statement of Statement of Heather Krause, Director,  
Physical Infrastructure

Accessible Version

November 17, 2022

Chair Larsen, Ranking Member Graves, and Members of the Subcommittee:

Thank you for the opportunity to discuss issues regarding the accessibility of air travel in the United States. According to the Centers for Disease Control and Prevention (CDC), more than 61 million adults in the United States (1 in 4) have a mobility, cognitive, hearing, vision or other disability.<sup>1</sup> The Department of Transportation (DOT) estimated that roughly 27 million passengers with disabilities traveled by air in 2019. In light of an aging population in the United States, travelers with disabilities will be a growing customer segment for airlines. Without effective accommodations—such as communication of essential flight information, accessible seats and lavatories, appropriate boarding assistance, and careful handling and stowage of wheelchairs and other assistive devices—passengers with disabilities may face challenges when flying on a commercial airline.

Various federal statutory and regulatory requirements are designed to help ensure that air travel is accessible for people with disabilities, including both physical and mental conditions.<sup>2</sup> For example, the Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities by public entities, such as airports.<sup>3</sup> In addition, the Air Carrier Access Act (ACAA) of 1986, as amended, prohibits airlines from discriminating when providing air transportation on the basis of

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<sup>1</sup>Centers for Disease Control and Prevention, accessed November 7, 2022, <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>.

<sup>2</sup>For example, the Air Carrier Access Act of 1986, as amended, defines an individual with a disability as any individual who has a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. 14 C.F.R. § 382.3.

<sup>3</sup>With respect to air travel, Title II of the ADA and its implementing regulations are applicable to public entities, including state and local authorities that operate airports.

disability.<sup>4</sup> DOT is responsible for implementing and enforcing ACAA regulations.<sup>5</sup>

The FAA Reauthorization Act of 2018 included a number of provisions specifically designed to address the accessibility of air travel.<sup>6</sup> Despite recent efforts to address these provisions, as well as other ongoing actions to improve passenger’s experience, airlines and DOT continue to receive disability-related travel complaints. In 2021, DOT received 1,394 disability-related complaints, an increase of more than 157 percent from the total of 541 complaints received in 2020, and up 54 percent from the 905 disability complaints received in 2019.<sup>7</sup> DOT forwards all disability complaints it receives to the airline, which is required to respond. DOT reviews the airline’s response and determines whether to open an investigation by weighing numerous factors, including whether DOT believes an airline is systematically violating civil rights requirements or engaging in particularly egregious conduct.

My statement today is based on our body of work on a variety of aviation accessibility issues—including barriers to accessible air travel, training for customer service personnel, and DOT oversight of consumer protections,

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<sup>4</sup>Pub. L. No. 99-435, 100 Stat. 1080 (codified as amended at 49 U.S.C. § 41705). The Air Carrier Access Act’s implementing regulations define an individual with a disability as any individual who has a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. 14 C.F.R. § 382.3.

<sup>5</sup>The ACAA prohibits discrimination on the basis of disability in air travel, whereas the ADA, among other things, prohibits discrimination and ensures equal opportunity and access for persons with disabilities in public accommodations, commercial facilities and transportation by bus, rail, or any other conveyance, other than by aircraft. With respect to building accessibility standards and requirements, the Architectural Barriers Act of 1968, as amended, applies to buildings and facilities such as U.S. public airports that are recipients of federal financial assistance, and requires such buildings and facilities to meet minimum design standards to ensure access for persons with physical disabilities. Pub. L. No. 90-480, 82 Stat. 718 (1968) (codified as amended at 42 U.S.C. §§ 4151-56).

<sup>6</sup>See e.g., FAA Reauthorization Act of 2018, Pub. L. No. 115-254, §§ 337, 426, 431-441, 577, 1950, 132 Stat. 3186, 3281, 3339, 3342-47, 3394, 3589.

<sup>7</sup>In addition, for 2019 (the most recent year for which data are reported), DOT reported that 42,418 disability-related complaints were filed with airlines, a 15 percent increase over 2018. U.S. Department of Transportation, *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2019* (Washington, D.C.: 2022).

among other things.<sup>8</sup> Specifically, this statement describes: (1) barriers to accessible air travel; (2) steps that airports and airlines have taken to reduce those barriers; and (3) status of actions taken by DOT to respond to accessibility-related provisions in the FAA Reauthorization Act of 2018 and to enforce ACAA accessibility regulations.

To conduct our prior work, we reviewed DOT and Federal Aviation Administration (FAA) documents and guidance, and applicable statutes and regulations; analyzed DOT disability-related complaint data, and conducted interviews with DOT officials and representatives from selected airlines, airports, and consumer and disability advocacy organizations, among others. More detailed information on our objectives, scope, and methodology can be found in each of the reports.<sup>9</sup>

For this statement, in addition to reviewing our prior work, we reviewed DOT's recent rulemaking actions related to accessibility issues and the *Air Carrier Access Act (ACAA) Advisory Committee Recommendations*, issued in February 2022.<sup>10</sup> To identify actions taken by DOT to make air travel more accessible, we identified and confirmed with DOT the relevant 10 provisions related to accessible air travel directed at DOT in the FAA Reauthorization Act of 2018. We reviewed documents related to DOT efforts taken in response to these provisions and other DOT efforts to address accessibility. We also interviewed DOT and FAA officials to obtain additional status information. We conducted the work on which this testimony is based in accordance with generally accepted government

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<sup>8</sup>GAO, *Aviation Security: TSA Should Assess Potential for Discrimination and Better Inform Passengers of the Complaint Process*, [GAO-23-105201](#), (Washington, D.C., Nov. 7, 2022); GAO, *Passengers with Disabilities: Airport Accessibility Barriers and Practices and DOT's Oversight of Airlines' Disability-Related Training*, [GAO-21-354](#), (Washington, D.C.: April 14, 2021); GAO, *Aviation Consumer Protection: Increased Transparency Could Help Build Confidence in DOT's Enforcement Approach*, [GAO-21-109](#), (Washington, D.C., Oct. 13, 2020); GAO, *Aviation Consumer Protection: Few U.S. Aircraft Have Lavatories Designed to Accommodate Passengers with Reduced Mobility*, [GAO-20-258](#) (Washington, D.C.: Jan. 7, 2020); and GAO, *Passengers with Disabilities: Air Carriers' Disability-Training Programs and the Department of Transportation's Oversight*, [GAO-17-541R](#) (Washington, D.C.: May 31, 2017).

<sup>9</sup>See [GAO-23-105201](#); [GAO-21-354](#); [GAO-21-109](#); [GAO-20-258](#); and [GAO-17-541R](#).

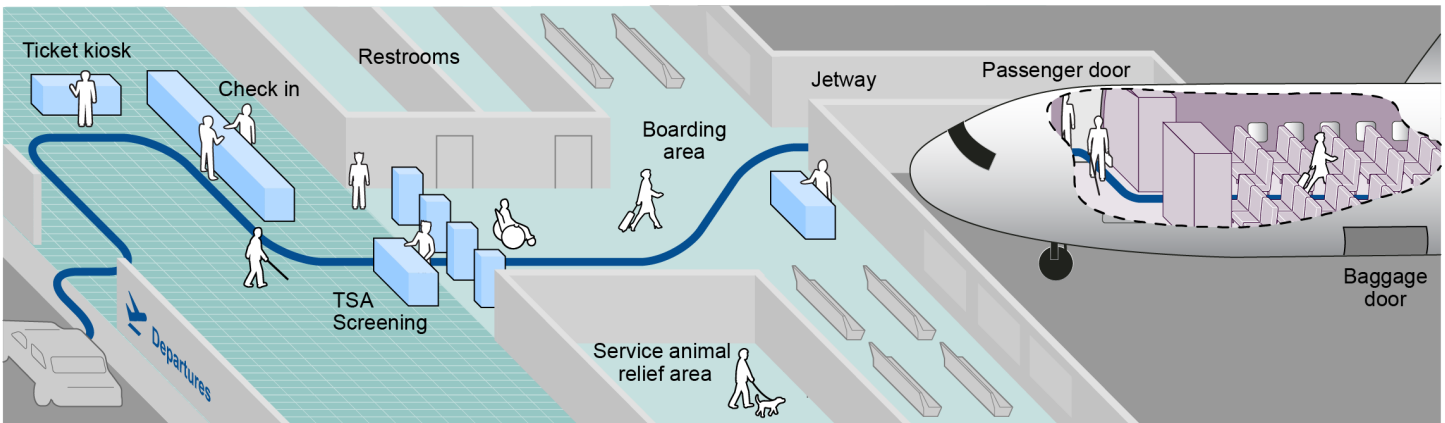
<sup>10</sup>*Air Carrier Access Act Advisory Committee Recommendations*, (Washington, D.C.: Feb 4, 2022). The ACAA Advisory Committee was appointed in 2019 to advise the Secretary of DOT about issues relating to the air travel needs of passengers with disabilities. It was created to identify and assess disability-related access barriers encountered by air travelers with disabilities, evaluate the extent to which DOT's programs and activities are addressing these disability-related access barriers, and recommend actions to improve the air travel experience of passengers with disabilities. Committee members include representatives from national disability organizations, airlines, airport operators, aircraft and wheelchair manufacturers, and airline contract service providers.

auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Passengers with Disabilities Continue to Face Airport and Airline Accessibility Barriers

In our prior work, we found that passengers with disabilities face a range of barriers that present challenges to accessible air travel, in navigating both through airports and onboard an aircraft (see fig. 1). Airport operators, Transportation Security Administration (TSA) employees, airline employees, and airline contractors all play a role in helping ensure that air travel facilities and services are accessible and providing assistance for passengers with disabilities.

Figure 1: Potential Barriers for Passengers with Disabilities in Air Travel



Source: GAO. | GAO-23-106358

### Airports

According to representatives from the majority of the 16 U.S. airports and four aviation industry associations we interviewed for our April 2021 report, the infrastructure at some airports, which includes terminal buildings and related facilities used by passengers, does not provide equal access to airport services for passengers with different types of

disabilities.<sup>11</sup> For example, limited elevator capacity can create bottlenecks that negatively affect passengers with mobility disabilities in busy terminals. The varying size, age, and state of renovations in airport terminal buildings can affect accessibility. For example, according to disability advocacy organizations we met with, infrastructure-related barriers may be more pronounced at large complex airports, as large airports tend to have longer distances to travel between gates than smaller airports, and airports with complex layouts can require more cognitive and physical effort to navigate than simpler airports.

Some airport representatives also stated that the infrastructure investments they made have not eliminated all access issues. For instance, some airports might have certain accessibility features in some, but not all, locations within an airport. Furthermore, passengers are not able to plan their trip to ensure their gate is located near certain accessibility offerings such as technology to assist passengers who are deaf, which might only be installed in one terminal, or only at specified locations such as at one or two gates.

We also found that information essential to traveling through an airport is not always accessible to passengers with disabilities. Key information can include flight and boarding status, emergency-response instructions, and how to navigate from point to point in the airport. Passengers with blindness and low vision may have difficulty using airports' information systems that communicate key flight information. In addition, representatives from advocacy organizations we met with for our April 2021 report told us that a person with hearing loss may miss crucial information provided over a loudspeaker, while a person with cognitive disabilities or low vision may find it difficult to decipher signage that is cluttered, unintuitive, or includes low contrast lettering.

Passengers with disabilities may also face barriers in the airport screening process. Earlier this month we issued a report that found that TSA's screening practices may result in certain populations being subjected to additional screening more frequently than others.<sup>12</sup> Among those more likely to face additional screening are passengers with prosthetics or in wheelchairs. TSA agreed with our recommendations to undertake measures to, among other things, collect data on referrals for additional screening and assess whether TSA's passenger screening

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<sup>11</sup>[GAO-21-354](#).

<sup>12</sup>[GAO-23-105201](#).

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practices comply with nondiscrimination policies, as well as to better inform the public as to how to file a complaint.<sup>13</sup>

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## Airlines

Our prior work and that of DOT's ACAA Advisory Committee found that passengers with disabilities face a range of barriers for which airlines are responsible for addressing. For example:

- **Provision of assistance.** In April 2021, we found that airlines do not always provide adequate or sensitively delivered customer service in airports. While passengers with disabilities often rely on wheelchair or other guided assistance from airline employees or airline contractor personnel during their airport journey, some noted that these personnel might be difficult to locate, unavailable where needed, or might not provide assistance with the appropriate level of sensitivity.
- **Wheelchair assistance.** During our audit for that same 2021 report, selected airlines and contractors told us that a range of factors could affect the quality and timeliness of wheelchair service, such as difficulty predicting passenger requests for assistance and personnel turnover. A DOT review of disability-related complaints from 2015 through 2019 found that failure to provide timely wheelchair assistance was the number one disability complaint each year.
- **Ticketing/service requests.** Variations in ticketing processes and codes can result in inconsistencies in the service provided to passengers with disabilities by different airlines. Airlines and travel agents process requests from passengers with disabilities for special accommodations and transmit those requests in codes in the form of international standardized Special Service Requests, both at the time of booking and throughout the passenger's travel with the airline. According to the 2022 ACAA Advisory Committee report, some airlines and travel agents may use additional, non-standard codes.<sup>14</sup> As a result, certain service request codes may not be recognized and processed by other airlines' and ticket agents' systems.
- **Handling and stowage of devices.** Damage to wheelchairs and other assistive devices in air travel remains a significant source of

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<sup>13</sup>GAO-23-105201. The Department of Homeland Security, within which TSA resides, concurred with all of our recommendations.

<sup>14</sup>*Air Carrier Access Act Advisory Committee Recommendations* (Washington, D.C.: Feb 4, 2022).

concern for passengers with mobility disabilities. Much of the damage to wheelchairs, particularly power wheelchairs and scooters, occurs when the devices are stowed in an aircraft's cargo compartment, according to the 2022 ACAA Advisory Committee report. According to a DOT review of disability-related complaints, in 2019, over 10,000 wheelchairs were mishandled by airlines, roughly 1.5 percent of the total handled. While the percentage is small, when a wheelchair is lost or damaged, the consequences to a traveler can be devastating.

- **Onboard assistance and lavatories.** For passengers with disabilities, embarking and disembarking the aircraft can be a lengthy process and require assistance from personnel. After boarding, passengers with reduced mobility may need to access aircraft lavatories. While larger twin-aisle aircraft are required to provide at least one lavatory accessible to passengers using the aircraft's onboard wheelchair, no such rule exists for single aisle aircraft. We found in 2020 that single-aisle aircraft are increasingly used for longer flights. We also found that the airlines we met with rarely elected to equip their single-aisle aircraft with an accessible lavatory, even though aircraft manufacturers offer this design configuration. Therefore, most lavatories on single-aisle aircraft are inaccessible to passengers relying on an onboard wheelchair designed to fit down narrow aircraft aisles unless they are able to stand and pivot from the wheelchair into the lavatory.<sup>15</sup>

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## Airports and Airlines Have Taken Steps to Make Air Travel More Accessible

Our April 2021 report found that some airports and airlines have sought to reduce barriers to air travel for passengers with disabilities. Some of the steps they have taken are pursuant to federal requirements, while others have been voluntary.

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<sup>15</sup>DOT requires air carriers to provide onboard wheelchairs on most aircraft with more than 60 passenger seats that have an accessible lavatory and when requested by a passenger with a disability even if the aircraft does not have an accessible lavatory. 14 C.F.R. § 382.65.



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## Airports

We previously reported that airports have been investing heavily in large capital projects to expand and renovate airport facilities.<sup>16</sup> Such projects may include accessibility components, such as additional curb cuts to make it easier for passengers using wheelchairs to access the sidewalk at drop-off as well as improvements to ramps, elevators, public restrooms, and signage designed to provide equal access in compliance with ADA requirements for new construction. Some recent airport improvements are being funded by federal grants, such as the Airport Terminal Program (ATP) grants established under the Infrastructure Investment and Jobs Act.<sup>17</sup> The ATP is a discretionary grant program that considers whether the project achieves ADA compliance or expands access to persons with disabilities among the selection criteria. FAA officials said that for fiscal year 2022, the first year of the ATP, 73 airports received a total of approximately \$826 million in grants for projects that include one or more components that improve accessibility.

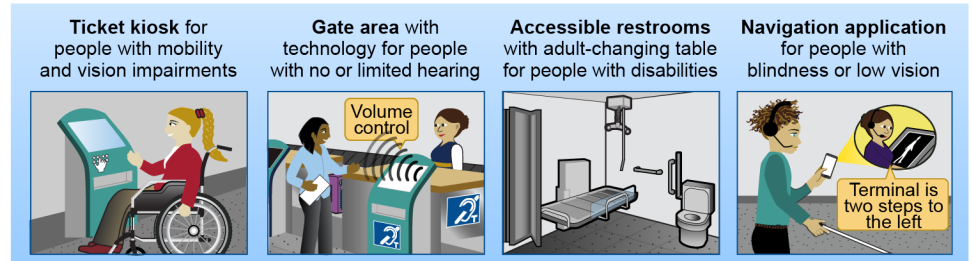
To further improve the passenger experience for passengers with disabilities, representatives at some airports told us they have implemented technology and other solutions that go beyond ADA requirements. Figure 2 provides examples of the types of investments that airports are taking to improve the passenger experience. While these investments can help some passengers more easily or independently navigate some U.S. airports, accessibility barriers remain. Notably, the nature and extent of investments varies among airports and even within airports. Stakeholders also said that no single solution meets all disability needs, and no airport has addressed all barriers.

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<sup>16</sup>GAO, *Airport Infrastructure: Information on Funding and Financing for Planned Projects*, GAO-20-298 (Washington, D.C.: Feb. 13, 2020)

<sup>17</sup>Pub. L. No. 117-58, 135 Stat. 429, 1418 (2021).

**Figure 2: Examples of Airport Accessibility Features to Help Passengers with Disabilities Access and Navigate Airports, as Previously Identified by Stakeholders**



Source: GAO. | GAO-23-106358

Our 2021 report also identified a range of promising practices some airports are using to identify barriers and make their airports more accessible. For instance, airport representatives described approaches such as establishing standing committees to involve a wide range of external disability-community and passenger representatives in key airport infrastructure decision-making.<sup>18</sup> The committees allow airport planners, architects, and designers to consult with these representatives on questions of inclusive design and obtain insight into how passengers with different disabilities interact with the airport. We also identified airports' efforts to conduct service quality checks to proactively identify airport service gaps and accessibility barriers and to provide supplemental disability-related training for airport employees, among other things.

## Airlines

Our April 2021 report also identified some steps that airlines were taking to make air travel more accessible.<sup>19</sup> For example, we reported that all selected airlines we interviewed said that they have convened roundtables or held meetings with members from the disability community to help inform the airlines' efforts to provide better customer service.

We also reported that airlines have been involved in a number of industry-led working groups intended to better service passengers with disabilities, including developing new training components that may help improve service. For example, we reported in April 2021 that an industry association and some airlines were part of groups that are developing guidance for passengers and a training manual for airlines to better

<sup>18</sup>At time of our 2021 review, four selected airports had these type of committees.

<sup>19</sup>[GAO-21-354](#).

support those who travel with personal wheelchairs. In that same report, we found that all airlines and contractors designed their disability-related training programs to meet or exceed the ACAA's regulatory training requirements. Further, we reported that DOT had not found training issues to be a significant root cause of airline disability-related service violations.<sup>20</sup> Even so, DOT officials stated that training is important and can always be improved.

In February 2022, the ACAA Advisory Committee made a number of recommendations to airlines that could help address two of the key barriers we previously identified. For example:

- **Handling and stowage of devices:** A number of these recommendations were designed to reduce damage to power wheelchairs and scooters. For instance, the committee recommended standards and improvements to airline checklists and forms for handling wheelchairs to make them more consistent across airlines and written in plain language.
- **Ticketing/service requests:** The committee recommended the establishment of a working group led by International Air Transport Association to address the need for airlines and ticket agents to consistently apply the Special Service Request codes. The committee also recommended training for reservation agents and other personnel on proper usage of those codes. Additionally, the committee recommended that airlines consider adding the capability to retain requests for special accommodations in future upgrades of their frequent flyer systems.

In addition, the committee recommended that airlines provide advance notice to disability rights organizations representing affected communities if the airline issued new or modified major airline policies that would affect passengers with disabilities. The advisory committee reasoned that although airlines are not required to consult with disability organizations before doing so, the advance notice would allow organizations to alert their members and may provide an opportunity for further discussion.

In October 2022, Airlines for America, representing the major U.S. passenger airlines announced a commitment to improve accessibility in

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<sup>20</sup>In 2021, we reported that 33 out of the 380 consent orders issued by DOT from 2008 through 2019 contained disability-related violations and that only one consent order found a commercial airline was non-compliant with the ACAA training regulations. See [GAO-21-354](#). In 2017, we found that all 12 selected air carriers had training programs that addressed disability-related training requirements, with some variations in the specific content and format. See [GAO-17-541R](#).

air travel.<sup>21</sup> This commitment includes the creation of a passenger accessibility advisory group at each airline to improve policies and operations. The commitment also includes improvements to the handling of personal mobility aids, enhancing accessibility services training and education about disabilities for frontline airline employees, and supporting the continued study of safe and feasible aircraft accessibility features.<sup>22</sup> The announcement did not include a timetable of specific actions, so at this time it is unclear how and when these efforts will be implemented.

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## DOT Has Taken Steps to Implement Accessibility-Related Provisions, but Its Enforcement Activities Continue to Lack Transparency

DOT has taken steps to implement all of the accessibility-related FAA Reauthorization Act of 2018 provisions requiring actions by DOT, and has completed actions on half of the provisions.<sup>23</sup> Table 1 summarizes the relevant statutory requirements and the status of DOT's actions as of

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<sup>21</sup>A4A, "U.S. Airlines Strengthen Commitment to Passenger Accessibility," accessed Nov. 2, 2022 at: <https://www.airlines.org/news/u-s-airlines-strengthen-commitment-to-passenger-accessibility>

<sup>22</sup>In 2021, the Transportation Research Board (TRB) issued a preliminary report on securing passenger wheelchairs on aircraft. The report found that there were no formidable issues that present design and engineering challenges for installing in-cabin wheelchair securement systems in airplanes. See TRB, *Technical Feasibility of a Wheelchair Securement Concept for Airline Travel: A Preliminary Assessment*, (Washington, D.C.: Sept. 15, 2021).

<sup>23</sup>In addition, Section 1950 of the FAA Reauthorization Act of 2018 requires TSA to revise training requirements for Transportation Security Officers related to the screening of passengers with disabilities (FAA Reauthorization Act of 2018, § 1950(a), 132 Stat. at 3589). According to a 2019 report to Congress, TSA has made some improvements to its processes for screening passengers with disabilities. In particular, TSA has made efforts to engage with the disability community to revise initial and recurrent training for TSA officers and to address complaint trends through updated training. See: TSA, *Improvements for Screening of Passengers with Disabilities, Fiscal Year 2019 Report to Congress* (Washington, D.C.: Oct. 3, 2019). As we reported earlier this month, TSA has also improved signage at screening areas to inform passengers with disabilities about how to receive assistance and provide contact information for filing complaints alleging mistreatment based on disability, in response to a requirement in the FAA Reauthorization Act of 2018 (FAA Reauthorization Act of 2018, § 1950(c), 132 Stat. at 3590).

November 2022, based on our review of recent regulatory activities and information provided by DOT and FAA officials.

**Table 1: Status of Selected Accessibility-Related Provisions for the Department of Transportation (DOT) in the FAA Reauthorization Act of 2018, as of November 2022**

Section	Requirement	Actions taken to date	Status
Section 337	In consultation with prescribed stakeholders, including groups representing passengers, Federal Aviation Administration (FAA) to study and issue findings to Congress on aircraft cabin evacuation procedures used by airlines.	FAA issued its findings to Congress on March 31, 2022, with 12 recommendations.	Completed
Section 432	The Architectural and Transportation Barriers Compliance Board, in consultation with DOT and others, to study in-cabin wheelchair restraint systems.	The Transportation Research Board (TRB) issued a preliminary assessment, "Technical Feasibility of a Wheelchair Securement Concept for Airline Travel" in 2021. In July 2022, DOT committed to developing a research roadmap building on the TRB report to support future rulemaking.	Completed
Section 433	DOT to develop, if appropriate, recommendations to improve wheelchair assistance for persons with disabilities.	While DOT officials told GAO that they did not determine it necessary to make any such recommendations, DOT reported in September 2022 that it had initiated a rulemaking process to ensure safe accommodations for air travelers with disabilities using wheelchairs. This would include requirements for airlines to provide hands-on training to their employees and contractors who assist passengers with mobility disabilities or handle battery-powered wheelchairs.	In progress
Section 434	DOT to develop "Airline Passengers with Disabilities Bill of Rights." Airlines are to submit training plans related to the Bill of Rights protections to DOT for review.	DOT developed and posted <a href="#">Airline Passengers with Disabilities Bill of Rights</a> in July 2022. DOT plans to seek authorization under the Paperwork Reduction Act to collect airline training plans	In progress
Section 437	DOT to conduct a rulemaking proceeding to harmonize service animal standards.	Final rule issued December 2020, effective January 11, 2021.	Completed
Section 438	Direct the Air Carrier Access Act (ACAA) Advisory Committee to review regulations with respect to practices for ticketing, pre-flight seat assignments, and stowing of assistive devices for passengers with disabilities.	Final Report, Air Carrier Access Act Advisory Committee Recommendations, submitted to DOT on February 4, 2022.	Completed

Letter

Section	Requirement	Actions taken to date	Status
Section 439	DOT to establish an advisory committee to identify and assess barriers to access and DOT programs that address these barriers, recommend consumer protection improvements, and advise DOT on implementation of the Air Carrier Access Act, among other activities.	Advisory committee established in 2019, and remains established through September 30, 2023. <sup>a</sup> Final report with recommendations issued Feb. 4, 2022. According to DOT officials, DOT is reviewing the report and considering the Committee's recommendations.	In progress
Section 440	DOT to review, and if necessary, revise applicable regulations to ensure dignified, timely and effective assistance for passengers with disabilities in air transportation.	DOT has initiated the rulemaking process to ensure safe accommodations for air travelers with disabilities using wheelchairs. DOT has also initiated the rulemaking process to ensure prompt assistance for passengers with disabilities in moving within the airport.	In progress
Section 441	Compliance date for DOT final rule on Reporting of Data for Mishandled Baggage and Wheelchairs and Scooters Transported in Aircraft Cargo Departments was mandated to be effective not later than 60 days after the enactment of the FAA Reauthorization Act of 2018, enacted October 5, 2018.	In October 2018, DOT issued a notice of enforcement policy advising airlines of the statutorily mandated effective date for reporting of mishandled baggage and wheelchair and scooter data by airlines.	Completed
Section 577	FAA to issue, after notice and comment, such rules as necessary for the safety of passengers with regard to minimum seat dimensions.	FAA's request for public comments on minimum seat dimensions necessary for safety closed on November 1, 2022. According to FAA officials, the agency is reviewing over 26,000 comments.	In progress

Source: GAO analysis of DOT regulatory and other actions, and information obtained from DOT and FAA officials, as of November 2022. | GAO-23-106358.

Notes: Section 1950 of the 2018 Act requires the Transportation Security Administration (TSA) to revise training requirements related to the screening of passengers with disabilities. TSA has addressed the complaints analysis and signage requirements and has developed courses on traveling with a medical device and traveling with a prosthetic. In November 2022, we reported that TSA officials told us that they do not collect data on estimated wait times for assist requests for passengers with disabilities.

<sup>a</sup>Per Sec. 439: The terms of the previously appointed ACAA Advisory Committee members have expired. DOT published a notice in the Federal Register soliciting applications and nominations for new membership to the Committee, and officials told us they were reviewing the applications and nominations, as of November 2022.

Some of these completed actions provide additional insight into ongoing areas of concern. For instance, DOT issued a notice to the largest U.S. airlines establishing a compliance date in December 2018 for reporting requirements on the number of wheelchairs and scooters that were

enplaned and the number of these items that were mishandled.<sup>24</sup> According to the most recent data reported for the month of August 2022, of the nearly 68,000 wheelchairs and scooters enplaned by these U.S. airlines, 1,057 wheelchairs and scooters were mishandled (1.6 percent).<sup>25</sup>

Other DOT actions are ongoing. For example, in July of this year, DOT published the Airline Passengers with Disabilities Bill of Rights as required by the FAA Reauthorization of 2018.<sup>26</sup> According to DOT, this Bill of Rights is a living document that describes the fundamental rights of travelers with disabilities, such as the right to be treated with dignity and respect and the right to accessible airport facilities and assistance on the aircraft. According to agency officials, DOT developed this document to serve as an easy-to-use reference to assist passengers with disabilities in understanding their rights, as well as airline personnel and contractors, in understanding their legal obligations, under the ACAA. DOT officials told us that they will be seeking to collect and review airline disability training plans as also required under the Airline Passengers with Disabilities Bill of Rights provision.

Additional work remains to complete several other important provisions in the Act, including:

- **Provision of assistance.** The FAA Reauthorization Act of 2018 required DOT to review and, if necessary, revise applicable regulations ensuring assistance for passenger with disabilities in air transportation.<sup>27</sup> According to agency officials, after completing its review, DOT has decided to initiate a rulemaking to ensure safe accommodations for passengers who use wheelchairs. DOT has also initiated the rulemaking process to ensure airlines understand their obligation under the ACAA to provide prompt assistance upon request in moving within the airport. Department officials expect additional

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<sup>24</sup>See Notice of Enforcement, 83 *Fed. Reg.* 53991 (Oct. 26, 2018) setting an enforcement date for final rule requirements regarding reporting of data for mishandled baggage, wheelchairs, and scooters transported in aircraft cargo compartments issued in November 2016, 81 *Fed. Reg.* 76300 (Nov. 2, 2016), implementing FAA Reauthorization of 2018, § 441, 132 Stat. at 3347.

<sup>25</sup>DOT, Air Travel Consumer Report (October 2022), accessed Nov. 3, 2022, <https://www.transportation.gov/individuals/aviation-consumer-protection/october-2022-air-travel-consumer-report>.

<sup>26</sup>FAA Reauthorization of 2018, §. 434, 132 Stat. at 3343. Airline Passengers with Disabilities Bill of Rights. See Airline Passengers with Disabilities Bill of Rights at <https://www.transportation.gov/airconsumer/disabilitybillofrights>.

<sup>27</sup>FAA Reauthorization Act of 2018, § 440, 132 Stat. at 3347.

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information on these rulemakings to be included in the upcoming *Fall 2022 Unified Agenda of Regulatory and Deregulatory Actions*.<sup>28</sup>

- **Minimum seat size dimensions.** FAA has requested public comments by November 1, 2022, to assist the agency in determining what minimum seat dimensions (including pitch, width, and length) may be necessary for safety, especially during airplane evacuation. The request for comments specifically noted that because FAA's evacuation study excluded passengers with disabilities, seniors, and children that they should be considered in the comments. The agency has not yet announced next steps, though the Act required the regulation to be issued by October of 2019.<sup>29</sup>

Beyond DOT's actions to respond to the FAA Reauthorization Act of 2018, DOT is working on other accessibility-related issues, although progress has been slow in some areas.<sup>30</sup> For example, in 2016, a DOT advisory committee composed of representatives from airlines, aircraft manufacturers, disability advocacy groups, and other stakeholders recommended that DOT propose a rule requiring accessible lavatories in certain single-aisle aircraft in the future. The committee noted at that time that the issue of requiring accessible lavatories on single-aisle aircraft merited exploration because of two developments: (1) the increased use of single-aisle aircraft on long flights, and (2) the availability of new accessible- lavatory designs for single-aisle aircraft.<sup>31</sup> DOT recently issued a notice of proposed rulemaking to require at least one accessible

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<sup>28</sup>The Administration's Unified Agenda of Regulatory and Deregulatory Actions reports on the actions administrative agencies plan to issue in the near and long term. The current *Spring 2022 Unified Agenda* can be accessed at <https://www.reginfo.gov/public/do/eAgendaMain>.

<sup>29</sup>FAA Reauthorization Act of 2018, § 577, 132 Stat. at 3394.

<sup>30</sup>In November 2022, DOT officials told us they have also taken actions during the pandemic to ensure that airlines do not discriminate against passengers with disabilities. For example, in response to concerns from disability advocates and other members of the public, DOT reviewed facemask policies and in February 2021 issued a notice titled, "Notice of Enforcement Policy: Accommodation by Carriers of Persons with Disabilities Who Are Unable to Wear or Safely Wear Masks While on Commercial Aircraft." This notice informed airlines of their obligations under the ACAA and according to DOT officials, directly resulted in increased access for passengers with disabilities.

<sup>31</sup>In 1990, DOT promulgated regulations requiring wheelchair accessible lavatories on twin-aisle aircraft that historically had been used mainly for long flights. 55 *Fed. Reg.* 8078 (Mar. 6, 1990). The rule did not require them for single-aisle aircraft, although DOT continued to study the issue. Since 1990, technological advances have enabled single-aisle aircraft to fly longer distances, and these aircraft now make 99 percent of domestic flights.



lavatory in single-aisle aircraft with 125 or more passenger seats would, if adopted as proposed, the rule would apply to new aircraft deliveries beginning 20 years after the effective date of the final rule.<sup>32</sup> DOT has noted that it plans to issue a final rule on accessible lavatories in April 2023.

According to DOT, enforcement is also a key tool that it uses to ensure airline industry compliance with consumer protection regulations.<sup>33</sup> Previously, we reported that DOT's enforcement approach focuses on improving compliance through voluntary settlement agreements and consent orders.<sup>34</sup> For less egregious violations, DOT has entered into settlement agreements with airlines under which the airlines agreed to take actions that go above and beyond minimum legal requirements. For example, as we reported in 2020, after three airlines told DOT they would not be ready to comply with new requirements for accessible ticket kiosks, DOT exercised its prosecutorial discretion to allow the airlines to delay their compliance in exchange for the installation of a larger number of accessible kiosks than would otherwise have been required. For more egregious violations, DOT issues consent orders, a type of settlement in which DOT may require airlines to pay civil penalties or complete specified corrective actions in order to avoid future litigation. We reported in 2020 that DOT issued 37 consent orders to airlines from 2008 through 2019 for disability-related violations.<sup>35</sup> However, since 2019, DOT has taken only one enforcement action for non-compliance with applicable accessibility-related regulations for the airline industry, even though the

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<sup>32</sup>This proposed rulemaking would also apply to single-aisle aircraft with 125 or more passenger seats that are (1) ordered 18 years after the effective date of the final rule or (2) of a new type-certificated design filed with the FAA a foreign carrier's aviation safety authority more than one year after the effective date of the final rule. 87 *Fed. Reg.* 17215 (Mar. 28, 2022).

<sup>33</sup>DOT has also taken other actions to ensure that airlines do not discriminate against passengers with disabilities. For example, in response to concerns from disability advocates and other members of the public, DOT reviewed facemask policies and in February 2021 issued a notice titled, "Notice of Enforcement Policy: Accommodation by Carriers of Persons with Disabilities Who Are Unable to Wear or Safely Wear Masks While on Commercial Aircraft." This notice informed airlines of their obligations under the ACAA and according to DOT, directly resulted increased access for passengers with disabilities.

<sup>34</sup>[GAO-17-541R](#).

<sup>35</sup>In 2017, we reported that disability-related enforcement cases accounted for about 12 percent of DOT's consumer-related enforcement cases, all of which resulted in consent orders, many of which required the airline to pay only a portion of the fine. See: [GAO-17-541R](#).

number of disability-related complaints to airlines and the DOT has increased in recent years and is on track to exceed 2021 levels.<sup>36</sup>

In October 2020, we recommended that DOT: (1) provide additional information on the process it uses to investigate potential consumer protection violations, to assess risk, and to pursue enforcement actions and establish a timeframe for doing so, and (2) take steps to provide transparency and clarity into the results of its enforcement activities, including investigations that do not result in a consent order.<sup>37</sup> DOT has not yet taken action to implement these recommendations. However, DOT officials indicated that they intend to provide a method for greater transparency over their consumer investigation and enforcement process by the end of 2022. Without action on these recommendations and in light of the decline in disability-related enforcement activity despite an increase in disability-related complaints, the public may conclude that ensuring accessibility in air travel is not a DOT priority.

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Chair Larsen, Ranking Member Graves, and Members of the Subcommittee, this completes my prepared remarks. I look forward to answering any questions you may have.

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## GAO Contacts and Staff Acknowledgements

If you or your staff have any questions about this testimony, please contact Heather Krause, Director, Physical Infrastructure, at (202) 512-2834 or [KrauseH@gao.gov](mailto:KrauseH@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. In addition to the contact named above, Jonathan Carver (Assistant Director); Maria Wallace (Analyst-in-Charge); Paul Aussendorf; Martha Chow; Chris Ferencik; Geoffrey Hamilton; Delwen Jones; and Kelly Rubin made key contributions to the testimony.

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<sup>36</sup>According to DOT data, from January through August 2022, DOT has received a total number of 1,315 disability-related complaints compared to the 1,395 complaints received in calendar year 2021.

<sup>37</sup>[GAO-21-109](#).

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