



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

January 21, 2016

Ms. Kathleen Blank Riether
Senior Attorney, Office of the Aviation Enforcement and Proceedings
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Re: DOT-OST-2015-0246

Dear Ms. Blank Riether,

The following comments are submitted on behalf of the Co-Chairs of the Consortium for Citizens with Disabilities (CCD) Transportation Task Force and Rights Task Force regarding the proposed rule published on December 7, 2015. The comments concern the feasibility of conducting a negotiated rulemaking (Reg Neg) on the following issues under the purview of the Air Carrier Access Act (ACAA): accessible in-flight entertainment, access to in-flight medical oxygen, service animals, accessible lavatories on new single aisle aircraft, classes of service for purposes of seating accommodations, and airline reporting requirements.

CCD is a coalition of national consumer, advocacy, provider, and professional organizations working together with, and on behalf of, the 57 million children and adults with disabilities and their families living in the United States. CCD advocates for national public policy that ensures full equality, self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

The ACAA of 1986, reauthorized in 2009, ensures the basic but vital opportunity for individuals with disabilities to utilize aircraft travel. This law prohibits discrimination on the basis of disability in air travel, and requires air carriers to accommodate the needs of passengers with disabilities.

Unfortunately, despite the law's enactment, airline passengers with disabilities continue to face many incredibly frustrating situations, including the issues named in this proposed rulemaking process. These difficulties can become so overly burdensome that people with disabilities simply stop traveling by air—severely limiting their right to full participation in society and life.

As a general matter, the CCD believes that the US Department of Transportation (USDOT) should update the ACAA by issuing a NPRM to address all areas where experience has demonstrated that updates to the current regulations are needed. If USDOT decides to do a Reg Neg in the alternative, it should do so only in selected areas that are not readily resolved through the NPRM process, where a Reg Neg approach might be appropriate to address nuanced issues. For example, accessible lavatories on a

single aisle flight would seem to be covered by the ACAA's requirements so that USDOT would not need a Reg Neg process to provide guidance on implementing the law.

CCD fully endorses the comments submitted by the Paralyzed Veterans of America on January 21, 2016, and signed by numerous disability rights organizations. Should the USDOT choose to adopt a Reg Neg process through a committee, CCD urges USDOT to:

- Ensure broad representation of the disability community on the committee and any working groups;
- Ensure participation from the US Access Board on the committee so that they may share their technical expertise regarding accessibility standards;
- Ensure that the framing of the discussions are geared towards prioritizing the civil rights of persons with disabilities; and
- Ensure any rulemaking is swift.

In addition to the proposed issues to be addressed, CCD urges USDOT to consider:

- There is a need to address current requirements for individuals who require emotional support and psychiatric service dogs. Provisions allow carriers to require medical documentation with extensive requirements and 48 hours advance notice. Current policy presents barriers to people with invisible disabilities.
- Broadening the scope of passengers who must be afforded seats with extra leg room. People with a wide range of disabilities, including autistic passengers, would benefit from seats with additional leg room.

We also urge USDOT to consider adopting standards to decrease the risk of personal injury caused to mobility device users during transfer to an airline seat, and to damage to durable medical equipment such as wheelchairs during flight. Damage to a wheelchair can result in the loss of mobility, and ability to travel, work, or fulfill the normal duties of life. While these additional issues may not be appropriate for inclusion in a Reg Neg, changes adopted by the industry would significantly improve air travel for passengers with disabilities.

Thank you for the opportunity to provide additional comment regarding the utility of conducting a Reg Neg. Whether USDOT proceeds with a Reg Neg or decides to conduct a standard notice and comment on one or all of these issues proposed, we believe that passengers with disabilities must have equal access to the basic services and amenities that are available to other travelers. Addressing the issues identified, with the rights of people with disabilities in mind, could lead to access to air travel for millions of Americans and their families. Should you have questions, please contact Carol Tyson, United Spinal Association at (202) 556-2076 ext 7104, or ctyson@unitedspinal.org.

Sincerely,

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