

The Air Carrier Access Act of 1986 (ACAA)

Malika uses a manual wheelchair and was traveling for the holidays. She reported to the airport gate for her flight 90 minutes before the departure time. However, the gate agent told her that they were short staffed, had a full flight, and might not be able to locate an aisle seat to help her board the plane. The agent told Malika that they would do their best but that if they could not locate an aisle seat and an attendant to assist her in time, she might miss her flight.

Please see page 3 to learn how Malika used knowledge of the ACAA to resolve her transportation issue.

What is the Air Carrier Access Act?

The Air Carrier Access Act (ACAA) is a law that guarantees people with disabilities the right to receive fair and nondiscriminatory treatment when travelling on flights operated by an air carrier (another term for airline) registered in the United States. This includes flights between two international destinations operated by U.S carriers.

For example, a United Airlines flight between Hong Kong and Singapore would be subject to the ACAA, because United Airlines is a U.S. registered carrier. The ACAA also protects the rights of individuals on flights arriving to or departing from an airport in the United States, regardless of where the carrier is registered.

What does the ACAA require of air carriers?

The following is a summary of ACAA regulations with which airlines must comply.

- Airlines are required to contract with companies that will ensure that passengers with disabilities are assisted with boarding, de-boarding and making connections at no charge.
- Airlines must offer preboarding to passengers with disabilities who self-identify at the gate as needing additional time to board.
- Airlines are required to have Complaint Resolution Officials (CROs) available during all hours of operation to resolve disability-related complaints. These officials must respond to a complaint in person or by phone within 15 minutes and are empowered to make decisions to

Passengers with disabilities should ask to speak to the Complaint Resolution Official (CRO) if they need to resolve a problem.

resolve problems. Passengers with disabilities who feel they have been the subject of discriminatory actions or treatment by air carriers should ask to speak to the CRO on duty.

- Trained service animals as defined by the U.S. Department of Transportation (DOT) are permitted to travel so long as the traveler can assure that the service animal is trained and describe what tasks the animal is trained to perform. Further assurance that may be provided includes: identification cards or other written documentation, and harnesses or ID tags.
- If a passenger's status as an individual with a disability is unclear (for example, if the disability is not clearly visible), then the airline personnel may ask questions about the passenger's need for a service animal. For example, airlines may ask, "How does your animal assist you with your disability?"
- Airlines may not require passengers to provide advance notice of their intent to travel with a trained service animal, except when traveling on a flight segment scheduled to last 8 hours or more, but only regarding the animal's need to relieve itself during the flight.
- An advance notice requirement of 48 hours or more may be imposed on passengers traveling with an emotional support animal or psychiatric support animal. Airlines may require current documentation

(i.e., not more than one year old) from a licensed mental health professional.

- Airlines cannot limit the number of passengers with disabilities on a flight.
- Aircraft with two aisles must have at least one accessible bathroom, and those with 100 seats or more must give priority to in-cabin storage space for folding wheelchairs.
- Aircraft with accessible bathrooms must be able to provide on-board aisle wheelchairs and assist passengers in getting to the bathroom. Once at the bathroom, flight attendants are not allowed to assist in transfers to the toilet.
- Assistive devices, such as wheelchairs, wheelchair cushions, crutches or breathing devices, do not count towards the limit of carry-on items.
- Airlines cannot charge passengers for transporting wheelchairs, other assistive devices or service animals.
- Air carriers are responsible for fixing or replacing assistive devices if damaged in handling. However, the passenger must report damage before leaving the airport premises or the airline cannot be held responsible.
- Batteries for electric wheelchairs are permitted on aircraft but there are special requirements that they must meet and safety precautions that must be



Photo: Healthy Community Living,
www.healthycommunityliving.com

taken. See the Resources section for information.

- Air carriers cannot refuse to fly a person solely because of their disability. However, air carriers can refuse a passenger if it would cause a flight to become unsafe – such as if a person may require a stretcher or medical oxygen during a flight. If they decide it is unsafe to fly a passenger, the airline must navigate the concern in the least restrictive way possible. For example, if a passenger poses a safety concern to a flight, they may be switched to a flight with fewer people on which they would pose no danger. If the air carrier refuses to fly the passenger, they must provide the passenger with a written explanation for the refusal within 10 days.
- Carriers shall not leave a passenger with a disability unattended in a ground wheelchair, boarding wheelchair, or other device in which the passenger is not independently mobile for more than 30 minutes.

Why is the Air Carrier Access Act important to me?

The Air Carrier Access Act allows people with disabilities the same access to air travel that nondisabled citizens enjoy. Air travel can open opportunities to employment, to connection with relatives and friends, and to see the world. Thanks to the ACAA, these opportunities are now more available to people with disabilities. The ACAA ensures that the rights of people with disabilities to use air travel are respected, and that they are treated with dignity when traveling.

How can I use the Air Carrier Access Act to improve my life?

Educate – Read about your rights regarding air travel under the Air Carrier Access Act. The resources on this fact sheet will be helpful. Knowing your rights will help to ensure that your air travel is safer, less stressful and more enjoyable. Learn about the ways to resolve problems effectively under the ACAA. In particular, be aware that asking to speak with a Complaint Resolution Official (CRO) can help to resolve problems quickly.

Resolution to Malika's Story

Malika had flown once before, when she was assisted on and off the plane without difficulty. She advised the gate agent of this fact, to establish that she had some experience with air travel. She stated clearly that she had a right to the assistance she needed to board the plane safely and on time.

Malika asked to speak with a Complaint Resolution Official (CRO). The CRO arrived in 10 minutes and quickly located a staff member and aisle chair to assist Malika in boarding the flight, which departed on time. For her next trip, she reviewed her air travel rights and prepared by bringing written information about her rights in case of similar problems.

Advocate – Speak up about your rights to air travel and advocate for the services you, and others, need when flying. When you receive your equipment back from airline staff after a flight, be sure to check it over carefully and report any damage **immediately** to the airline. By understanding the accommodations air carriers are obligated to provide when you travel by air, you can be a better advocate.

If you feel an airline is not complying with the ACAA and you experience problems due to noncompliance, take the time to file a complaint with the Department of Transportation (DOT) (not just with the airline - see link in Resources.) This will help the DOT to know whether there is a pattern of noncompliance, versus isolated incidents, with regulations. It is certainly worthwhile to file a complaint with the airline as well, however. Check the airline's website or visit the airline's service desk at the airport for information about how to file a complaint directly with an airline.

Resources to learn more about the ACAA and travel for people with disabilities

Guide to the ACAA: Covers details of the ACAA including boarding and deplaning, seat assignments and other aspects of accessible air travel.

https://www.disabilitytravel.com/airlines/acaadetails_2.htm#on_off

How to deal with damaged equipment: Provides detailed information on what to do if an air carrier damages a wheelchair or other medical equipment.

<https://wsrsolutions.com/what-to-do-when-the-airline-damages-your-wheelchair/>

Hotline for air travel-related questions: Hotline provides general information to consumers about the rights of air travelers with disabilities. Call 1-800-778-4838 (voice) or 1-800-455-9880 (TTY).

<https://www.transportation.gov/airconsumer/toll-free-hotline-air-travelers-disabilities>

Traveling with service or support animals: Provides information on travelling by air with service and emotional support animals, including what documentation airlines may require.

<https://adata.org/publication/service-animals-booklet>

How to file a complaint under the ACAA: Provides a form to file a complaint with the DOT if your ACAA rights are violated.

<https://airconsumer.dot.gov/escomplaint/ConsumerForm.cfm>

How to file a complaint regarding airport security screening: Provides information about filing a claim if you are injured or if your equipment sustains damage during airport security screening by the Transportation Security Administration (TSA).

<https://www.tsa.gov/travel/passenger-support/claims>

How to find your nearest Center for Independent Living: Provides a national directory of Centers for Independent Living in the US and its territories.

<https://www.ilru.org/projects/cil-net/cil-center-and-association-directory>

Helpful travel blogs:

Answers to some specific questions about accessible air travel.

<https://wheelchairtravel.org/air-travel/>

Monthly newsletter that covers travel industry events, new federal regulations and the latest technologies.

<https://opendoorsnfp.org>

NOTE: While the ACAA applies to people with all types of disabilities, the RTC/PICL focuses mainly on the community participation and barriers of people who have mobility-related disabilities.

This fact sheet offers general information, not legal advice. The application of the law to individual circumstances can vary. For legal advice, you should consult an attorney.

The RTC/PICL is a partnership of The University of Kansas Research and Training Center on Independent Living and The University of Montana Research and Training Center on Disability in Rural Communities.



The contents of this publication were developed under a grant from the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR grant number 90RT5043). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). These contents do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government.

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