

“Wheelchair rule” aims to foster friendlier skies for travelers with disabilities

Author: Alexandra Pecci

Source: The Washington Post, February 2019

Link: https://www.washingtonpost.com/lifestyle/travel/wheelchair-rule-aims-to-foster-friendlier-skies-for-travelers-with-disabilities/2019/02/14/0aecbafc-2b18-11e9-984d-9b8fba003e81_story.html

Vilissa Thompson was flying to a conference when she got a terrible piece of news on her layover: Someone had forgotten to load her wheelchair onto the airplane.

Thompson, a full-time wheelchair user who was born with osteogenesis imperfecta, or brittle bone disease, was alarmed. Then she was stunned to discover that she wouldn't get her wheelchair back until the next morning. "My wheelchair is a part of my body," she said. "When that was missing, it was like a part of me was missing."

Thompson received a loaner chair that she said was far inferior to her own, and stayed with a friend overnight instead of boarding her connecting flight immediately. Altogether, she spent 15 hours without her wheelchair. "They call it the friendly skies, but for disabled people there's nothing friendly about flying," she said.

Flying with a disability can be filled with indignities and inconveniences. A [Government Accountability Office study](#) notes that in 2016, domestic and foreign air carriers reported 32,445 disability-related complaints to the Transportation Department. The number of complaints has increased annually, according to several years of GAO reports.

But loss of or damage to a wheelchair or other assistive device is more than an inconvenience. It can have far-reaching implications for disabled passengers, who rely on their equipment to function. "It's like your legs haven't arrived," said Larry Dodson, national secretary for Paralyzed Veterans of America, who has experience with airline damages to his wheelchair.

Stories of lost and broken wheelchairs are so prevalent that there's a sense of inevitability among disabled travelers about their wheelchairs eventually being lost or damaged during air travel. "I guess it was my turn to experience such a thing," Thompson said.

Despite anecdotal evidence about the widespread problem of airlines losing or damaging wheelchairs, it's been impossible for consumers to quantify how often such mishandling actually occurs. Historically, the DOT has lumped data about mishandled wheelchairs in with data about mishandled bags.

No longer. As of Dec. 4, 2018, airlines are required to report separate statistics for mishandled wheelchairs and scooters. The rule was delayed from its Jan. 1, 2018, implementation date, prompting the nonprofit legal group Democracy Forward to file a lawsuit against DOT on behalf of Dodson and Paralyzed Veterans of America. Now that the "wheelchair rule" is finally in effect, the information will be published in DOT's monthly Air Travel Consumer Reports, starting with its February report. "This data will assist consumers in making informed travel decisions," a DOT spokesman said via email.

Other improvements are also on the way. For instance, the FAA Reauthorization Act of 2018 mandates the development of the Airline Passengers With Disabilities Bill of Rights, a plain-language description of disabled passengers' existing legal protections. Once the document has been created with input from disability and airline stakeholders, airlines will be required to display the bill of rights on their websites, proactively share it with passengers who self-identify as disabled when they book a ticket, and train their employees and contractors about it.

There's skepticism about the bill of rights, however. Although it may provide clearer communications, it won't create any protections, notes Heather Ansley, associate executive director of government relations for Paralyzed Veterans of America.

She also points out a common misperception. "A lot of people think the ADA covers air travel," Ansley said. But the Americans With Disabilities Act doesn't extend to airline passengers. Instead, disabled airline passengers must look to the Air Carrier Access Act. While the ACAA contains

protections for disabled passengers — for example, prohibiting airlines from refusing to transport a passenger based on their disability — it does not include a private right of action. That means individuals can't bring private legal action against airlines that they believe have violated their rights.

"It's very frustrating for passengers," Ansley said. "You're really limited to filing complaints with the airlines and filing complaints with DOT."

Although the DOT fines airlines for ACAA violations, it does so infrequently — just three times in 2018, despite the roughly 30,000 disability-related complaints it receives each year. That's one reason that Paralyzed Veterans of America says it is working with other advocacy groups to amend the ACAA to include more protections, including a private right of action and making airplanes more physically accessible.

Beyond the issue of the airlines' actions, there's also the issue of the construction of the wheelchairs themselves. "Wheelchairs were not made to fly, and airplanes were not made to carry them," said Eric Lipp, executive director of the Open Doors Organization, a disability advocacy group that trains businesses about working with disabled consumers, including teaching ground crews about how to handle wheelchairs and other assistive devices.

Proper training is crucial because wheelchairs are not typical pieces of luggage. They can weigh hundreds of pounds, cost thousands of dollars, and include delicate, high-tech features such as joysticks, armrests and headrests that can easily get damaged. Plus, wheelchairs often have parts that are custom to suit unique medical needs, such as specially designed cushions or features that allow the chair to tilt and recline. Loaner chairs without customized features might be unwieldy, uncomfortable or, in some cases, medically detrimental to the user.

"Wheelchairs are specialized to the particular needs of the individual, and in most cases that won't be able to be replicated with a loaner wheelchair," said John Morris, a triple amputee and founder of WheelchairTravel.org. He said customizable features aren't just bells and whistles: "Those are actually quite necessary for my health and safety."

Although airlines are required to repair or replace damaged wheelchairs, it can sometimes take weeks for the repairs to be completed, especially if

custom parts are involved. For instance, Yannick Benjamin, co-founder of the nonprofit disability advocacy group Wheeling Forward, said his wheelchair has been broken or destroyed on three flights, including an incident this past summer, when it took about two months for his custom wheelchair to be completely repaired.

That's why stakeholders, including the airline trade group Airlines for America (A4A), is trying to find ways to transport wheelchairs more safely. "There is an ongoing effort by A4A and our member airlines, together with disability groups and wheelchair manufacturers, to address the most efficient and safe handling and storage guidelines to reduce the number of wheelchairs damaged in air travel," A4A spokeswoman Alison McAfee said via email.

They are working on a checklist for dimensional, performance and instructional information for assistive technologies; procedures and training for how to handle them; and labeling and design specifications to help manufacturers create devices that are better suited for air travel. McAfee said the organization aims to have the checklist completed by the end of 2019, although its contents will be recommendations, not requirements.

In the meantime, airlines say disabled passengers can take a few steps to help safeguard their devices when flying. Before traveling, passengers should contact the airline directly to explain their needs. Passengers also should fill out and print the wheelchair handling form on their airline's website and attach it to their chair.

At the airport, they should explain to the gate staff how to operate the chair, as well as remove and carry onto the plane any parts they can, such as removable cushions or headrests.

In addition, passengers can store collapsible manual devices, such as rollators, transport chairs or walkers, in the airplane's cabin — in a closet designated for these devices, in an overhead bin or even under seats, if they fit. Such storage is available on a first-come, first-served basis.

If a device does get damaged during travel, passengers should notify the airline immediately. The ACAA requires airlines to return wheelchairs and

assistive devices in the condition in which they were received or compensate passengers for the device's original purchase price, Lipp said.

Although airlines aren't required to provide a loaner chair in those cases, it's typical for them to do so. Passengers should also be aware of Global Repair Group, a nationwide network that contracts with most major airlines for device repairs and loaner equipment.

Finally, passengers should file a complaint in writing with both the airline and DOT. If needed, passengers can ask to speak with the complaint resolution official, or CRO, at the airport; the ACAA requires each airline to have one available, either in person or by phone, to help resolve disability-related issues.

Just as important as recourse if something goes wrong, disabled passengers say, is that airlines treat them, and their equipment, with dignity, care and respect. "It would be really nice if people would treat the equipment as something that is very vital and very much needed by the disabled passengers," Dodson said.

Alexandra Pecci is a writer in New Hampshire. Her website is alexandrapecci.contently.com.