



March 21, 2022

U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Department of Transportation Public Meeting on Air Travel by Persons Who Use Wheelchairs (DOT 2022-05422)

Dear Secretary Buttigieg,

In service of the neuromuscular disease (NMD) patient community, the Muscular Dystrophy Association (MDA) thanks the Department of Transportation (DOT or “Department”) for the opportunity to comment on the Department’s meeting entitled, “Air Travel by Persons who Use Wheelchairs.” We are grateful for the Department’s efforts to improve air travel for individuals with disabilities.

MDA is the nation’s leading nonprofit organization dedicated to transforming the lives of individuals living with neuromuscular diseases through innovations in science and innovations in care. MDA fulfills its mission by funding biomedical research, providing access to expert clinical care and support through its national MDA Care Center Network, and by championing public policies and programs that benefit those we serve, including removing barriers to improve access to education, employment, travel, and leisure. Since inception, MDA has invested more than \$1 billion in research grants to accelerate treatments and cures for neuromuscular disorders, making MDA the largest source of neuromuscular disease research funding in the U.S. outside of the federal government.

Neuromuscular diseases are diseases that affect individuals’ muscles, limbs, and mobility, and often leads to reliance on a wheelchair. This often presents obstacles to comfortable and safe air travel by individuals who use wheelchairs.

In 1986, President Reagan signed the Air Carrier Access Act (49 U.S.C. 41705), which prohibits discrimination by air carriers against individuals with disabilities. In 1990, President Bush signed the Americans with Disabilities Act (42 U.S.C. 12101) adding civil rights protections for individuals with disabilities in areas of employment, public accommodations, and public transportation. Since DOT’s initial rule implementing regulations for the Air Carrier Access Act in 1990 (14 CFR part 382), the Department has amended part 382 multiple times, yet air travel continues to be next to impossible for individuals who use wheelchairs.

A recent survey done by MDA in conjunction with Paralyzed Veterans of America and other disability advocacy groups found that lack of accessible aircraft lavatories, fear of injury during

transfer from wheelchair to aisle seat and aisle seat to plane seat, lack of knowledge and training by airline personnel, and wheelchair damage leads many in the neuromuscular community to avoid air travel at all costs. This can lead many in the neuromuscular community to delay seeking care and decline to participate in clinical trials because of their inability to travel safely and comfortably by air.

We are pleased to share the following information with the DOT regarding the challenges faced by wheelchair users in air travel:

Challenges Encountered During Air Travel by Persons Who Use Wheelchairs and the Impacts of Unsafe or Inadequate Assistance

Many of our survey respondents shared experiences of long wait times to be transported to the gate, board, or disembark that have led many individuals who use wheelchairs to miss flights or connecting flights while waiting for assistance. Airline and airport personnel should be trained to respond promptly to assistance requests and ensure proper staffing to meet requests for assistance to the gate, boarding and disembarking, and to connecting flights in a safe and timely manner.

Further, lack of accessible lavatories has led passengers who use wheelchairs to dehydrate themselves prior to flying or refuse to fly for fear of being unable to use the lavatory during their flight. Other survey respondents shared humiliating stories of soiling themselves in-flight because they could not use the aircraft lavatory.

Actions to Prevent or Minimize Likelihood of Mishandled Wheelchairs

For individuals who use wheelchairs, the biggest complaint regarding air travel continues to be damage to their wheelchairs and risk of personal injury during boarding and deplaning. According to the Washington Post, over 15,000 wheelchairs have been damaged since airlines were required to start keeping records in 2018.¹ Custom-fitted wheelchairs can cost tens of thousands of dollars and are designed to fit the user's unique body and physical needs. Damaged wheelchairs can lead to lost wages, transportation costs, loss of freedom and mobility, and risk of life-threatening injuries for individuals who use wheelchairs.

Tragically, disability rights activist Engracia Figueroa died in 2021 from injuries sustained while using a temporary, non-custom wheelchair after her \$30,000 custom wheelchair was damaged during air travel. This is a tragedy that could have been avoided with proper training and guidance for airlines and baggage handlers on how to properly disassemble, handle, load, and stow wheelchairs for flight.

Actions To Ensure Safe Transfers To and From the Aircraft Seat

Airlines currently utilize aisle chairs to board and disembark passengers who use wheelchairs. However, our survey found that these aisle chairs are often old, in poor working order, or unable to physically accommodate the passenger. Our survey respondents shared anecdotes of falling in the aisle while transferring from the aisle chair to their seat and sustaining bruises and other

¹ <https://www.washingtonpost.com/travel/2021/06/07/wheelchair-scooter-damage-airplane-flights/>

injuries, airline personnel who were not trained in how to properly use the aisle chair or board or deplane passengers with disabilities and being left to lie in the aisle for several minutes after falling during a seat transfer. These occurrences are far too common but can be rectified by ensuring that airline personnel are properly trained in how to assist wheelchair users with seat transfers.

Challenges and limitations associated with the equipment currently used by airlines or their contractors

Many wheelchair users have complained about aisle seats that are not designed to accommodate passengers over a certain height or weight, or passengers requiring trunk support, causing limbs and feet to drag, thus increasing the risk of injury. Regulations requiring a standard aisle chair capable of supporting wheelchair users and their varying needs can alleviate risk of injury from poorly designed aisle chairs.

Moreover, the Access Board recently conducted a study regarding the feasibility of allowing passengers to board the aircraft and fly in their wheelchair, and found that with some modest cabin retrofitting, wheel locks could be installed onboard the aircraft to allow passengers with disabilities to fly without leaving their wheelchairs. This is a long-term but worthwhile goal for improving the accessibility of air travel for individuals who use wheelchairs. Public transit systems are already required by law to accommodate passengers in wheelchairs.

Best Practices for Assisting Passengers When a Wheelchair Has Been Mishandled

Guidance is needed to ensure prompt resolution of damage claims and requests for reimbursement for such claims. When a wheelchair is mishandled or damaged and rendered unusable, it can be very disruptive to individuals with disabilities. Airlines should be ready to assist passengers with acquiring a temporary chair without delay, securing safe and accessible transportation, and compensate passengers for repair or replacement costs, as well as lost wages and related expenses incurred because of the wheelchair being damaged.

To improve air travel for individuals who use wheelchairs, MDA believes that the Department should issue or finalize regulations aimed at the following:

- Improving access to lavatories on single aisle aircraft.
- Mandating training for airline and airport crew on transporting individuals who use wheelchairs to the gate and boarding and deplaning individuals who use wheelchairs in a safe and timely manner; and
- Mandating training for baggage handlers on safe handling, loading, and stowing of wheelchairs for flight.

MDA is committed to ensuring that individuals with neuromuscular diseases and other disabilities can travel on aircraft safely, comfortably, and free from fear of their expensive wheelchairs being damaged and rendered unusable while repairs are performed.

We appreciate this opportunity to provide comment on the air travel experience of persons who use wheelchairs. For questions regarding MDA or the above comments, please contact Michael Lewis at 202-519-2963 or mlewis@mdausa.org.

Sincerely,

Michael Lewis

Michael Lewis
Director, Disability Policy
Muscular Dystrophy Association