

To: The U.S Department of Transportation  
SUBMITTED VIA Federal Portal

Re: Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchair  
Docket Number: DOT-OST-2022-0144  
REIN 2105-AF14

To the U.S Department of Transportation,

We are pleased to submit our comments on the proposed rulemaking aimed at enhancing the Air Carrier Access Act for passengers with disabilities on behalf of The Ability Center of Greater Toledo. We applaud the U.S. Department of Transportation's initiative to broaden and safeguard the rights of airline passengers with disabilities, and we eagerly anticipate the positive impacts that these forthcoming changes will undoubtedly bring about.

**The Ability Center of Greater Toledo is a Center for Independent Living which serves 13 counties in NW Ohio. Our mission is to make Toledo the most disability friendly in the nation by increasing independence for people with disabilities, discovering true passions, and changing the community's perception of disability.**

On behalf of the Ability Center, and its constituents, please accept the following comments:

I. **The U.S Department of Transportation should establish a private right of action for violations of the Air Carrier Access Act.**

As the DOT is well-aware, courts have consistently held that airline passengers with disabilities have no private right of action to enforce disability discrimination statutes for conduct occurring during air travel.<sup>1</sup> Consistently, Courts have found that the Americans with Disabilities Act carves out an exception for air carriers and facilities that airlines use primarily for air transportation such as airport terminals and that Congress provided for no private right of action under the Air Carrier Access Act.<sup>2</sup>

While The Ability Center applauds this current proposed update to the regulations under the ACAA, the reality is that passengers with disabilities will not be able to effectively enforce their rights until they are able to bring a case in court. Otherwise, they are dependent on the actions of the DOT administrative enforcement system and the individual complaint processes of single airlines. Airlines are incentivized to often take limited action on complaints and, as we know, the DOT is overwhelmed with complaints and has limited capacity. This often leads to extended

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<sup>1</sup> See *Lopez v. Jet Blue Airways*, 662 F.3d 593, 596(2d Cir.2011).

<sup>2</sup> *Id.*

periods of inconvenience as passengers wait for resolution, sometimes for months, due to the backlog of complaints at the U.S. Department of Transportation.

On the other hand, enforcement of the ACAA can mean the difference between being able to travel for work, education, socialization and recreation and not being able to travel. In the summary from the U.S Department of Transportation on 2022's Summary of Disability Related Complaints Data, there were 12 categories labeled as types of complaints received.<sup>3</sup> Of all these categories, the greatest number of complaints were in the categories of: Failure to Provide Assistance—wheelchair users, damages to assistive devices— wheelchair users, service animal related issue, seating accommodations, and Storage or Delay of Assistive Device—"Mentally Impaired."<sup>4</sup>

Creating a private right of action would streamline the compensation and resolution process for individuals with disabilities, which would offer them faster recourse than the current cumbersome procedures permit. It would also help create equity in access to opportunities for citizens with disabilities.

### Specific Recommendations by Section of Proposed Rulemaking

#### II. Providing Assistance to Individuals with Disabilities

##### A. *Safe and Dignified Assistance*

**The lack of disability awareness and training for airline personnel and the public results in a lack of understanding of the needs of passengers with disabilities.**

The terms "safe and dignified" are familiar to carriers and the public but often not interpreted accurately due to insufficient knowledge and training regarding disabilities. For passengers with disabilities, the concepts of safety and dignity vary based on individual needs. While the fundamental values of safety—"assisting without harm" and dignity—"assisting without embarrassment" are generally grasped, the lack of disability awareness and training leads to frequent mistakes by airline personnel and the public, resulting in harm and embarrassment for passengers with disabilities.

**The U.S Department of Transportation should define what "safety" and "dignity" mean in part 382. The Department should craft the definition in collaboration with the disability community and include commonly reported misconceptions and inaccuracies that have resulted in inadequate care of passengers with disabilities.**

The U.S Department of transportation should include definitions for "safe" and "dignified" in part 382. The definition of both words should also include resources, as a part of the definitions, that explain commonly reported misconceptions and inaccuracies of "assisting" passengers with disabilities.

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<sup>3</sup> Department of Transportation. U.S. Department of Transportation. (2024, May 3). <https://www.transportation.gov/>

<sup>4</sup> *Id.*

### *B. Prompt Enplaning, Deplaning, and Connecting Assistance*

**In support of the proposed rulemaking, we recommend that enhanced training for airline personnel and contractors include requirements that specifically outline and educate on proper and updated methods to safely aid individuals with mobility disabilities during the process of boarding and deplaning an aircraft.**

Far too frequently, individuals with mobility disabilities endure physical injury and emotional distress during the boarding and deplaning processes of aircrafts. The limited knowledge displayed by aircraft personnel in safely and respectfully assisting passengers with disabilities which leads to mishandlings and inadequate care.

While the proposed rulemaking addresses the need for updated training for aircraft personnel and emphasizes the requirement for prompt assistance, there remains a critical gap: the lack of a provision specifying that such "prompt assistance" must be supported by comprehensive training on aiding individuals with various types of mobility disabilities. Wheelchair users and those with mobility aides may take longer to board and deplane due to their individualized pace.<sup>5</sup> If individual pace is overlooked, prompt assistance could in some cases cause harm by rushing someone.

Though "prompt assistance" is essential to combating the barriers experienced by individuals with mobility disabilities during the processes of enplaning, deplaning, and connecting assistance, we recommend that the enhanced training should cover methods for providing prompt assistance to people with mobility disabilities while respecting their pace, avoiding any risk of causing bodily harm, and accommodating their specific needs. This comprehensive approach will safeguard individuals with mobility disabilities from experiencing further harm during these procedures.

Additionally, a "totality of the circumstances" test is not appropriate for this section, as airlines might not be motivated to comply with this rule if "advance notice"; the "number of passengers"; and "airport layouts" can be taken into account in causing delays in assistance.<sup>6</sup> In order to assure prompt assistance, the rule should specify that passengers with disabilities should be able to enplane, deplane, and connect to an airplane within an amount of time that is equal to passengers without disabilities traveling on the plane. This standard is similar to DOT regulations for bus transportation and creates a standard of equity in comparison to other passengers. Without prompt assistance, passengers with disabilities may miss their flight or be unduly delayed in getting to their destination.

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<sup>5</sup> Lucia Rios | Friday, S. 22, & By, S. (n.d.). *Why air travel for people who use wheelchairs is getting better*. The Lakeshore. [https://www.secondwavemedia.com/lakeshore/features/Air\\_travel\\_for\\_people\\_who\\_use\\_wheelchair.aspx](https://www.secondwavemedia.com/lakeshore/features/Air_travel_for_people_who_use_wheelchair.aspx)

<sup>6</sup> Proposed Comments, Page 5.

III. Handling Requirements for Wheelchairs, Mobility Aids, and Other Assistive Devices  
A. *Mishandling Wheelchairs, Mobility Aids, and Other Assistive Devices as a Per Se Violation.*

**In support of the proposed rulemaking, we urge the U.S Department of Transportation to consider all mishandling of wheelchairs and assistive devices a per se violation of the ACCA.**

Per se violations denote actions or behaviors that inherently breach laws, requiring no showing of intent. These violations are deemed so detrimental that they are automatically considered unlawful without the requirement for additional analysis. By making “mishandling of any kind” a per se violation, the U.S Department of Transportation is demonstrating that the harm caused to individuals with disabilities when their mobility devices or wheelchairs are damaged during the process of flying is so great that it is *inherently* unlawful.

As a Center for Independent Living, we often hear testimonials from advocates with disabilities describing the degree of harm that is done to them by the loss or damage of their wheelchair or assistive device. Mobility devices are more than just helpful aids -- they drastically impact the health and overall freedom of people with mobility disabilities. Therefore, we urge the U.S Department of Transportation to make “mishandling of any kind” a per se violation so that the Department and airlines demonstrate their recognition of the severity of these types of incidents and their commitment to solving this issue.

We also encourage the U.S. Department of Transportation to ensure that a *per se* violation results in a penalty that will discourage airlines from mishandling a wheelchair and/ or assistive device that is promptly delivered to a person with a disability. If a passenger with a disability is subject to damage or other mishandling of their wheelchair or device, that passenger often cannot wait a long period of time to be compensated for their device. Many passengers with disabilities’ independence relies on use of an assistive device, so they will need to purchase a replacement immediately. A provision that establishes a *per se* violation must also establish clear penalties that will allow passengers to purchase a replacement or have their mobility device repaired within ten days of the violation.

*B. Notification Requirements*

**In support of the proposed rulemaking, we ask the Department to consider the negative impacts of how airline agencies and personnel currently notify passengers with disabilities when checked wheelchairs and other mobility devices are mishandled.**

As a Center for Independent Living, The Ability Center of Greater Toledo receives testimonials detailing the experiences of self-advocates who have been informed by airlines that their mobility devices were damaged during transport. Upon analyzing these experiences, the self-advocates identified several issues with the notification process for damages to their mobility devices. They are as follows:

**No notification of damages to wheelchair or mobility device:**

- Self-advocates frequently find themselves in situations where they must independently discover damage to their mobility devices, as airlines often fail to notify them of any issues. This lack of communication poses significant problems, potentially leading to delays in addressing damage or exacerbating stress for passengers with disabilities when they attempt to report such issues.

**Identification of damages must be determined upon retrieval or assistive/mobility device:**

- Some self-advocates have reported that specific airlines, such as Delta, require the passenger with a disability to report the condition of their mobility device before the device is stowed for transport. The problem with this is that often damages are not always apparent upon retrieval of the device from the plane; and therefore, passengers with disabilities may initially report no damages, only to later discover mishandling of their wheelchair, scooter, or other mobility device.

The testimonials received by The Ability Center of Greater Toledo shed light on critical issues within the notification process for damages to mobility devices during airline transport. The failure of airlines to promptly notify passengers of damage(s) significantly impacts people with disabilities, who are often left to discover such issues independently. This lack of communication not only delays the resolution of damages but also adds undue stress to passengers with disabilities. Additionally, the requirement for passengers to assess the condition of their mobility devices before transport highlights the need for improved procedures that account for the potential invisibility of damages until after retrieval. Addressing these issues is crucial for ensuring the safety and dignity of passengers with disabilities during air travel.

**In support of the proposed rulemaking, we recommend that the Department implement a policy allowing passengers with disabilities a grace period if they do not immediately recognize damage to their wheelchair or mobility device upon departure.**

The Department of Transportation is taking major steps with this proposed rulemaking in ensuring, protecting, and expanding the rights of passengers with disabilities. However, though these new requirements will certainly decrease the number of mobility devices damaged during transport, and establish a stronger notification framework, they fall short in addressing situations where damage(s) are not immediately evident. Numerous individuals with mobility disabilities have recounted instances of discovering damage to their wheelchairs or other devices days after a flight, as the damage wasn't immediately visible. This issue is further compounded when passengers seek to file damage claims after a significant period has elapsed. Therefore, to combat issues that arise from not readily apparent damage, **we strongly encourage the Department to introduce a grace period during which individuals with disabilities need not fear that delayed complaints about device damage will be dismissed as illegitimate. Thirty (30) days would be a reasonable grace period for reporting mishandled devices.**

**In support of the proposed rulemaking, we urge the Department to implement and extend the requirement to notify passengers with disabilities of their rights to include all assistive devices, not just wheelchairs and scooters.**

While the proposed rule regarding “mishandling of wheelchairs and assistive devices” includes “assistive devices” as part of the rule, we encourage the requirement for “passenger notification” to specifically include assistive devices as well.<sup>7</sup> The Assistive Technology Act of 2004 defines *assistive technology* as any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.<sup>8</sup> This may include devices such as walkers, crutches, or even hearing aids or communication devices. Assistive devices are personalized to each individual with a disability. These devices encompass a wide range of types, each fulfilling crucial functions tailored to the specific needs of the user.

Though wheelchairs and scooters are the most common types of assistive devices, they are not universal. **Therefore, the Department must extend the notification requirement to include any and all mobility devices utilized by passengers with disabilities so no individual with a disability is denied access to their personal mobility and freedom.**

### *C. Timely Passenger Notification of Mishandled Devices and Return of Delayed Wheelchairs or Scooters*

#### **Current Notification Practices and Procedures.**

Airlines currently do not have a consistent and effective way of notifying passengers when an assistive device is damaged. Notification processes can vary from airline to airline, and airlines often do not properly document damage. Additionally, the accessibility of the notification process is limited, with apps and portals often failing to promptly upload documentation of damage. In reality, passengers are typically tasked with documenting damage as they file a claim, which poses challenges as effective communication methods vary among individuals with disabilities. Simply relying on verbal communication for documentation is inadequate.

**In support of the proposed rulemaking, we urge the Department of Transportation to mandate that airlines ensure their websites, online portals, and mobile apps are accessible to those with disabilities. We encourage the DOT to conduct a compliance audit with airlines regarding the accessibility of their online and other technological tools.**

In recent decades, individuals with disabilities have faced a significant challenge due to the rapid growth of technology: online portals, websites, and mobile apps are often inaccessible. While many flight agencies are striving to make their online portals accessible, there remain notable issues with transmitting and documenting wheelchair and mobility device information provided by passengers.

Passengers with mobility disabilities face considerable obstacles due to the disconnect between online portals and the flight agency, leading to a lack of crucial information documentation.

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<sup>7</sup> Notice of Proposed Rulemaking at 69.

<sup>8</sup> Morris, J. (2023, October 25). *Checking in on wheelchair damage: How airlines are doing*. Wheelchair Travel. <https://wheelchairtravel.org/airline-wheelchair-damage-statistics-update-october-2023/#:~:text=From%20January%20to%20August%202023%2C%20the%2010%20largest,day%2C%20for%20an%20industry%20average%20rate%20of%201.40%25.>

Regrettably, this heightened level of stress exacerbates the already challenging process of traveling by flight for passengers with disabilities.

**Therefore, we recommend the U.S Department of Transportation to:**

- Enforce stricter documentation standards for wheelchair and mobility device specifications by airline personnel or agencies, and establish a system that proactively notifies passengers well in advance of their flight if the required documentation has not been received through the online portal.
- Mandate comprehensive training for airline employees and agencies to ensure they are proficient in accurately navigating the online portal and locating the necessary data regarding wheelchair and mobility device specifications on their end.
- Conduct an audit of airline’s online systems to ensure that they are accessible to passengers with disabilities.

**In support of the proposed rulemaking, we urge the Department to require airports to have safe and adequate seating options for passengers with disabilities who are waiting for delayed wheelchairs, scooters, or other assistive devices.**

Individuals with disabilities, like everyone else, need suitable seating not only for comfort but also to avoid worsening any discomfort or pain. When awaiting a delayed mobility device at an airport, individuals with mobility disabilities may need to sit for an extended period. Therefore, it's crucial for airports to provide designated and adaptive seating options to ensure that passengers with disabilities do not experience additional stress/harm while waiting for their essential equipment.

*D. Prompt Repair or Replacement of Lost, Damaged, or Destroyed Wheelchairs or Scooters*

**In support of the proposed rulemaking, the Department of Transportation should implement stricter and detailed timelines rather than using a “reasonableness” standard to which airlines must adhere when handling wheelchair and scooter repairs and replacement.**

The Department of Transportation should specify a limit to a “reasonable” period of time for repair or replacement of a device. For example, repair or replacement to be considered “prompt,” it should be within ten days. Going beyond that period of time should require an exception to the rule.

When individuals with mobility disabilities are separated from their essential equipment, they face risks such as health decline, social isolation, and increased barriers to community access. Prolonged waiting periods only intensify these risks. Therefore, we suggest that the Department consider imposing stricter timelines for repairs and replacements. While it may be reasonable to allow longer timelines for particularly complex cases, such as heavily modified wheelchairs, a strict standard should be established for most situations to prevent individuals with mobility disabilities from waiting weeks for their vital equipment.



## **Nonreplaceable mobility devices and wheelchairs.**

Some mobility scooters and wheelchairs are discontinued, and the parts are no longer available for replacement.<sup>9</sup> Certain mobility scooters and wheelchairs may become discontinued, rendering replacement parts unavailable. Like any technology, older or customized wheelchairs, scooters, and other assistive devices may contain components that are now obsolete, making repairs unlikely or impossible. While newer models may address some issues, this is not always the case. Individuals with mobility disabilities may have devices with components modified by specific entities, making them difficult to replicate. In instances where damage occurs to specialized assistive devices, the Department must consider options such as airlines contracting with individuals who modify devices or providing compensation for passengers to modify the new device according to their needs.

**In support of the proposed rulemaking, the Department should require that airlines connect the Durable Medical Equipment suppliers and specialists who review damages to devices to the passenger with a disability to ensure accurate understanding of how the individual uses the device and what function it performs.**

Airline staff and some DME specialists have a limited understanding regarding how individuals with disabilities utilize their mobility devices. Even when using a seemingly 'standard' wheelchair, it's crucial not to assume uniformity in its usage. Consequently, when damage occurs during transport, airline personnel and agencies may lack a comprehensive understanding of how specific damages affect the functionality of a mobility device for passengers with disabilities. Thus, it's essential to connect the passenger with a disability directly with the DME supplier responsible for repairs. This ensures that the individual's perspective is considered in assessing the damages and facilitating effective repairs.

### **IV. Enhanced Training for Certain Airline Personnel and Contractors**

#### **A. Enhanced Training**

**To strengthen the proposed rulemaking, we strongly recommend that the Department include a specific number of trainings as Continuing Education Units (CEUs) within the annual training mandate. This addition would enable airline personnel and contractors to engage in ongoing learning and skill development consistently throughout the year.**

Many employers and professional programs require their employees/students to engage in Continuing Education Credits (CEU's) throughout the calendar or fiscal year in order to encourage learning new skills, broaden perspectives, grow personal confidence in the job tasks, and expand knowledge.<sup>10</sup> Continuing education credits are a great way for airline personnel and contractors to expand their knowledge on disability rights and principles, and on proper

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<sup>9</sup> *Should I repair or just replace my old mobility scooter?*. Wheelchair & Scooter Repair. (n.d.). <https://wsrsolutions.com/should-i-repair-or-just-replace-my-old-mobility-scooter/>

<sup>10</sup> *The surprising benefits of Continuing Education*. Award-Winning Job Skills Education - ASU CareerCatalyst. (n.d.). <https://careercatalyst.asu.edu/newsroom/career/the-surprising-benefits-of-continuing-education/>



procedures associated with the assistance and care of people with disabilities and their mobility devices.

There are many ways airline personnel and contractors can access Continuing Education Credits. These credits can be earned via online webinars, conferences, or special events hosted by community partners. Below are some resources to explore for more information on CEU's relating to disability topics:

- <https://adata.org/training/accessibility-online-webinars>
- <https://www.ssinstruction.com/aviation-disability-awareness-and-sensitivity-training/>
- <https://www.aaid.org/education/e-learning-and-ceus>
- <https://www.asha.org/ce/for-providers/accessibility-guidelines/>
- <https://nisonger.osu.edu/education-training/ohio-disability-health-program/disability-training/>
- <https://www.adainfo.org/trainings/overview-disability-rights-laws/>

**In support of the proposed rulemaking, we strongly recommend that the Department mandates specific training standards and incorporates perspectives from disability rights organizations and the disability community into airline training courses.**

Many accredited institutions, such as the ADA National Network, offer various trainings relevant to airline requirements. In addition, many of the existing training courses will cover academic areas associated with the required topics that airlines must cover as part of their training. Topics encompass a broad spectrum of disability rights and principles, including *aiding individuals with disabilities, handling various mobility devices, compliance with laws like the Air Carriers Access Act, the Americans with Disabilities Act, And Section 504 of the Rehabilitation Act of 1973.* Emphasis is also placed on *safety, dignity, addressing social biases, and understanding technical regulations regarding mobility devices,* among others.<sup>11</sup>

Established standards typically serve as reliable benchmarks and should form the foundation of specific training requirements for airlines. However, it's crucial to recognize that integrating consultations with disability rights organizations and the disability community into these training courses enhances both the breadth of knowledge and the perspective on existing standards. By incorporating essential topics mandated for airline training, specific requirements derived from established standards, and insights from the disability community, the Department can ensure that all airline personnel possess the knowledge to carry out their duties safely and respectfully.

**In support of the proposed rulemaking, we urge the Department to incorporate a training requirement on effective communication for airline personnel and contractors who both handle passengers' wheelchair and provide physical assistance to passengers with disabilities as part of the proposed rulemaking.**

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<sup>11</sup> <https://adata.org/ada-training>

People who are Deaf, Blind, or of low vision may communicate in alternative modes.<sup>12</sup> Therefore, it is essential for both contractors and personnel who provide physical assistance and handle mobility equipment have a foundation knowledge of the principles of effective communication as outlined by the Americans with Disabilities Act.

For contractors and personnel providing physical assistance to passengers with disabilities, the principles of effective communication are particularly essential. In testimony before the Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives, the Managing Director of the Physical Infrastructure team of the Government Accountability Office noted that travel information is not always available in formats that are accessible.<sup>13</sup> Inaccessible formats of air travel information and alerts means that passengers with disabilities are denied equal access to information.<sup>14</sup>

When contractors or personnel assist passengers with disabilities during airline travel, lack of effective communication could lead to mishandling or inadequate care. To prevent the negative consequences of lack of effective communication, these contractors and personnel should be required to take a training on effective communication principles and the ADA.

**In support of the proposed rulemaking, we strongly encourage the U.S. Department of Transportation to expand the section titled "Enhanced Training for Certain Airline Personnel and Contractors" to include specifications mandating hands-on training for airline personnel with various types of wheelchairs and mobility devices. This training would ensure that staff are proficient in properly handling the diverse array of devices encountered.**

Beginning in January of 2023 to August 2023, the United States 10 largest airlines have carried a total of 544,561 personal mobility devices, mishandling 7,602 of them, **or 31 per day.**<sup>15</sup> While not all mishandlings can be attributed to airline personnel lacking knowledge of how to handle mobility devices, a substantial portion likely result from damage reports linked to them.<sup>16</sup> With up to 31 mishandlings daily, potentially leaving as many as 31 people with disabilities without essential equipment, the magnitude of this issue is evident. While the proposed rulemaking offers enhanced protections, mandatory training for airline staff on proper stowing methods for various devices must be required, robust, and hands-on to eliminate the continuance of this issue.

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<sup>12</sup> *Ada Requirements: Effective Communication*. ADA.gov. (2024, May 2). <https://www.ada.gov/resources/effective-communication/>

<sup>13</sup> Office, U. S. G. A. (n.d.). *Passengers with disabilities: Airport Accessibility Barriers and practices and Dot's oversight of airlines' disability-related training*. Passengers with Disabilities: Airport Accessibility Barriers and Practices and DOT's Oversight of Airlines' Disability-Related Training | U.S. GAO. <https://www.gao.gov/products/gao-21-354>

<sup>14</sup> *Guidance on web accessibility and the ada*. ADA.gov. (2024b, May 2). <https://www.ada.gov/resources/web-guidance/>

<sup>15</sup> Morris, J. (2023, October 25). *Checking in on wheelchair damage: How airlines are doing*. Wheelchair Travel.

<https://wheelchairtravel.org/airline-wheelchair-damage-statistics-update-october-2023/#:~:text=From%20January%20to%20August%202023%2C%20the%2010%20largest,day%2C%20for%20an%20industry%20average%20rate%20of%201.40%25.>

<sup>16</sup> *Department of Transportation*. U.S. Department of Transportation. (2024, May 3). <https://www.transportation.gov/>

## V. Reimbursement of Fare Difference When Passengers' Wheelchairs Cannot Fit on Preferred Flight

**In support of the proposed rulemaking, we ask the Department to require airlines to compensate passengers with disabilities for the full cost of their plane ride immediately upon recognition that the passengers' mobility equipment does not fit in stowage and another larger plane is required to transport the device(s).**

The refusal to allow a passenger with a disability on a preferred flight due to a lack of room for mobility equipment is a refusal to allow a passenger to fly because of their disability. This is discrimination under the terms of the Air Carrier Access Act and should result in a full refund of the airline ticket plus a statutory penalty as it would if a person was denied the ability to fly on their preferred flight based on race, national origin, or gender. Failing to penalize airlines for refusing a person the ability to fly on their preferred flight due to a disability will only allow airlines to continue to fail to take into account the transport of assistive devices when planning for and designing air flight.

Some airlines provide for total reimbursement for a ticket, but reimbursement is often attached to certain conditions. For example, United Airline's reimbursement policy for when a mobility device or wheelchair does not fit upon flight arrival is as follows:<sup>17</sup>

“If you use the wheelchair filter when you book a flight and have to take a more expensive one for your wheelchair to fit, you can be refunded the price difference. Your flights must meet the following criteria to qualify for a refund:

1. Both flights must be operated by United or United Express.
2. Both flights must have the same origin and destination.
3. Both flights must be non-stop or both flights must have connections.

**You can request a refund after you've completed your trip.** Include the following in your request:

1. The dimensions you entered for your wheelchair while searching for your flight.
2. A screenshot showing the cost of the flight you weren't able to take with your wheelchair. Your screenshot must include the dates and the base fare.
3. A copy of your receipt for the flight you were able to take.”

These policies are too strict, allowing for reimbursement only upon certain conditions. If an airline does not properly accommodate a person with a disability and must deny them a flight, that airline should provide full reimbursement for the ticket plus statutory damages.

If a passenger with a disability is denied a flight because of a failure to account for their assistive devices, it disrupts their travel plans and exacerbates other barriers to full inclusion.

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<sup>17</sup> Wheelchair assistance and Mobility Services. (n.d.). <https://www.united.com/en/us/fly/travel/accessibility-and-assistance/wheelchair-assistance.html>

Additionally, people with disabilities are more likely fixed income, and many airlines do not refund individuals immediately when their vital mobility equipment does not fit upon arrival to their flight. Requiring passengers with disabilities to purchase a second flight without immediate compensation can lead to true financial hardship.

The U.S Department of Transportation should therefore require airlines to **immediately** compensate individuals for the price of the flight and grant a statutory penalty. The financial barriers that occur because of these incidents should not be the responsibility of the passenger with a disability.

## VI. Conclusion

The Ability Center of Greater Toledo appreciates the opportunity to contribute to the dialogue surrounding the proposed rulemaking by the U.S. Department of Transportation regarding accommodations for air travelers with disabilities. We commend the Department's efforts to enhance the Air Carrier Access Act and ensure the safety, dignity, and rights of passengers with disabilities.

Through our comments and recommendations, we have highlighted crucial areas where improvements can be made to better serve individuals with disabilities. Establishing a private right of action, defining "safety" and "dignity," enhancing training for airline personnel, addressing mishandling of mobility devices, improving notification procedures for damages, and ensuring prompt compensation for passengers are vital steps toward creating a more accessible and inclusive air travel experience.

We urge the Department to carefully consider our recommendations and incorporate them into the final rulemaking to ensure that the rights and needs of passengers with disabilities are fully protected and respected. By implementing these changes, we can move closer to our shared goal of making air travel truly accessible for all individuals, regardless of disability.

If there are any questions or concerns, please do not hesitate to reach out to [sfish@abilitycenter.org](mailto:sfish@abilitycenter.org)

Sincerely,

/s/ Katie Hunt Thomas

Katie Hunt Thomas  
Director of Advocacy  
*Disability Rights Attorney*  
**The Ability Center of Greater Toledo**

/s/ Sally Fish

Sally Fish  
*Disability Rights Advocate*  
**The Ability Center of Greater Toledo**