

January 14, 2022

Submitted Online

U.S. Department of Transportation
Docket Management Facility
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Re: Accessible Lavatories on Single-Aisle Aircraft: Part 1; Reopening of Comment Period and Public Meeting on Onboard Wheelchairs, Docket Number: DOT-OST-2019-0180-0344

Dear USDOT Staff,

Thank you for the opportunity to provide comment on onboard wheelchairs. Over the last 50 years I have been a disability rights activist, served in high-level positions in the Department of Education and State Department in the Clinton and Obama administrations, at the World Bank, and other non-governmental organizations. I have focused on both domestic and international disability advocacy and currently serve on the boards of the Disability Rights Education and Defense Fund (DREDF), the American Association of People with Disabilities (AAPD), Human Rights Watch, USCID, and Humanity and Inclusion. My career and activism have required extensive air travel.

I am writing to share my perspective on the importance of safe and accessible air travel for people with disabilities, persistent barriers to access, and the need for thoughtfully designed onboard wheelchairs that meet the needs of the disabled traveler.

Before I begin, it is important to mention that members of the disability community are grieving and demanding answers regarding the recent death of Engracia Figueroa after an airline damaged her wheelchair. The wheelchair was a critical piece of equipment designed specifically for her body. The loss of the chair led to injury and infection.

Wheelchair damage by staff and poorly designed planes is a common occurrence. The associated monetary cost, and the dire and immediate impact on a disabled person's quality of life, is an important issue and deserves a dedicated meeting. Thank you to the US Department of Transportation (US DOT) for recognizing the concerns of the community and setting aside time to listen to and respond to those concerns.

Why Safe Access to Air Travel is Important

I have relied on air travel for my work in the federal government and my advocacy while testifying in cities across the country, and organizing and living in the Bay Area, New York and Washington, DC. Years ago I was flying back from St Louis to San Francisco. My wheelchair was destroyed by the airline. The airline sent me a \$1,200 check, not nearly enough to pay for repairs. Litigation was not an option, though I did have a connection with a large law firm that dealt with airlines on other issues. The firm intervened on my behalf and, while we did not go to court, the airline paid for the damages. The Air Carrier Access Amendments Act (ACAAA) would allow wheelchair users to seek restitution when their chairs are damaged. The ACAA is important and must be passed.

Successful passage of laws and adoption of regulations like Section 504 of the Rehabilitation Act, the IDEA, and the Americans with Disabilities Act have increased access to education, employment and the community for disabled individuals. We are working, and participating in every-day life, and our expectations for what we can achieve have expanded.

In spite of increased opportunities, barriers to accessible, safe airline travel for disabled individuals persist and seem to be getting exponentially worse since the start of the pandemic. People with disabilities who require travel by air should be guaranteed a safe, reliable and convenient experience. However, for far too long, the industry has been unresponsive to even the most basic needs of wheelchair users and other members of the community.

Policymakers, regulators, and air travel industry stakeholders must be accountable and must begin to view disabled people as valued customers.

Onboard Wheelchairs are Necessary

Onboard wheelchairs are essential for the health, dignity and safety of wheelchair using passengers. Onboard wheelchairs allow the passenger to move from their seat to the restroom.

Currently access to lavatories on planes is severely restricted for wheelchair users. People like myself wind up dehydrating for 1 or 2 days if we have to fly and are not able

to get into the plane's restroom. Wheelchair users may also experience accidents on the plane, causing issues that people don't want to talk about. Dehydration or incidents that impact one's sense of self-worth and dignity can cause grave physical and mental distress, and impact an individual's ability to work.

In addition, I have used onboard wheelchairs to get on and off the plane when an aisle chair is not available. They are essential.

Thoughtful & Standard Design of Onboard Wheelchairs is Critical

Thoughtful and standardized design of onboard wheelchairs is important, and possible. The chairs must be designed, first and foremost, with the customer in mind. Onboard wheelchairs must work for disabled people's bodies and meet our needs.

Onboard wheelchairs can significantly improve a traveler's experience, and should not cause additional and unintentional harm. I encourage USDOT and the Access Board to prioritize the needs of wheelchair users over cost, fears regarding usability by crew, and compromise.

USDOT has provided a proposed list of standards for the design of the chair. I urge USDOT to maintain the highest standards for safety and usability for the passengers. The chair itself must have wheels that move smoothly, adequate and secure seatbelts, high backs and brakes. Currently, some onboard wheelchairs have flimsy seatbelts and wheels, and very low backs. The crew might not know if they have an onboard wheelchair, let alone how to operate it safely.

All of the proposed safety elements of the chair should be retained. The chairs themselves should be inspected and maintained, and the staff trained on use of the onboard wheelchair and assistance for passengers.

Finally, smaller planes are being used more and more for long haul flights nationwide. Use of standardized onboard wheelchairs should not be limited to larger planes.

Conclusion

Thank you for the opportunity to share my thoughts. The onboard wheelchair is critical, and the broader issues and barriers for disabled passengers are equally critical.

Recent *Wall Street Journal*ⁱ and *Salon*ⁱⁱ articles detail the barriers ranging from high rates of wheelchair damage (3x higher than regular baggage mishandling), the need for training and education of staff, inaccessible lavatories, and potential for humiliation and bodily harm.

People with disabilities need access to all forms of transportation, including air travel. Disabled people should be able to travel for pleasure, work, or to visit family and friends. Our employment opportunities should not be limited because the industry is unwilling to prioritize our needs.

We should not have to limit our travel, risk our health or damage to essential mobility devices if we have the means and choose to fly. I should not have a fear of flying because an airline could break my wheelchair. Unlike a pair of shoes, my wheelchair is a necessity for my mobility and is not easily replaceable or repairable. Damage causes great hardship and, as we all now know, could lead to loss of employment, severe injury or loss of life.

I commend DOT for engaging with the disability community and seeking solutions. The issues I raise today are not new issues. I, like thousands of other disabled people, have been raising these issues all too frequently. I urge you to do more, to ensure that wheelchair users can someday take for granted air travel that is safe, and convenient. Given how far we have come in other areas it is possible to exceed our expectations.

I understand the comment period for this meeting will be open through January 17th. I encourage fellow disability community members to submit their thoughts on the need for onboard wheelchairs, safe design of the chair, and the critical importance of safe and accessible air travel.

Thank you again for the opportunity to provide comments. Please do not hesitate to contact me with any questions.

Sincerely,

The Honorable Judith Heumann
International Disability Rights Advocate

ⁱ McNartney, Scott (December 1, 2021). The Passengers Who Have the Toughest Time Flying,” *Wall Street Journal*. https://www.wsj.com/articles/travel-flights-wheelchair-accessible-11638292159?mod=pls_whats_news_us_business_f

ⁱⁱ Rozsa, Matthew (November 12, 2021). “It’s not just United Airlines: Commercial air travel is cruel towards those with disabilities,” *Salon*. <https://www.salon.com/2021/11/12/its-not-just-united-airlines-commercial-air-travel-is-cruel-towards-those-with-disabilities/>