

DHHCAN Airline Travel Action Guide 2009

Know your rights!

As a deaf, deaf-blind, or hard of hearing traveler, you want your airline experiences to be safe, reliable, and satisfactory. The Air Carrier Access Act (ACAA) sets out requirements for disability access at airports and on airlines. It spells out what airports and airlines are required to do to ensure that deaf, deaf-blind, and hard of hearing travelers receive the information you need. ACAA rules apply to American airports and airlines. They also apply to foreign airlines for flights that begin or end at U.S. airports. Although the ACAA is similar to the Americans with Disabilities Act (ADA) in some ways, it is a separate law with separate requirements. In addition to the ACAA, the ADA provides protection in places of public accommodation in airports, such as restaurants and stores.

The purpose of this DHHCAN Airline Travel Action Guide is to inform you, the deaf, deaf-blind, or hard of hearing consumer, of your ACAA rights and to describe how to file a complaint if your rights are violated.

Generally the ACAA rules:

- prohibit U.S. and foreign airlines from discriminating against passengers on the basis of disability;
- require airlines to make aircraft, other facilities, and services accessible; and
- require airlines to take steps to accommodate passengers with a disability.

However, airlines are not required to make modifications that would:

- constitute an undue burden; or
- fundamentally alter an airline's services.

Information and Reservation Services Must Be Accessible

Information and reservation services must be accessible to individuals who are deaf, deaf-blind, or hard of hearing.

If an airline provides telephone reservation and information service to the public it must make this service available to individuals who use a text telephone (TTY). This can occur through the airline's own TTY, through telecommunications relay services (TRS), or through other technology. Airlines must provide access to TTY users during the same hours as the telephone service is available to other members of the general public.

Response time for answering calls and the level of service provided to TTY users must be substantially equivalent to the response time and level of service provided to other members of the general public. The airline may not charge individuals more for using a

TTY. When the carrier lists the telephone number of its information and reservation service for the general public, it also must list the TTY number if it has one.

Information at Airports Must be Accessible After Self-Identification

Passengers must self-identify to airline personnel that they are deaf, deaf-blind or hard of hearing if they wish to receive accessible information.

U.S. airlines must ensure that these deaf, deaf-blind, and hard of hearing passengers have prompt access to the same information provided to other passengers.

Foreign airlines at U.S. airports must make this information available at each of its gates, ticketing areas, and customer service desks

Foreign airlines at foreign airports must make this information available at gates, ticketing areas, or customer service desks, only for flights that begin or end in the U.S.

The information carriers must provide includes, but is not limited to, information concerning:

- flight safety;
- ticketing;
- flight check-in;
- flight delays or cancellations;
- schedule changes;
- boarding information;
- connections;
- gate assignments;
- checking baggage;
- volunteer solicitation on oversold flights (for example, offers of compensation for surrendering a reservation);
- individuals being paged by airlines;
- aircraft changes that affect the travel of persons with disabilities; and emergencies (for example, fire, bomb threat).

Televisions at Airports Must Have Captions Displayed

Airlines must enable (turn on) captioning at all times on all televisions and other audio-visual displays that are capable of displaying captions and that are located in any portion of the terminal to which any passengers have access.

Communication on Aircraft Must Be Effective After Self-Identification

Passengers must self-identify to airline personnel that they are deaf, deaf-blind, or hard of hearing if they want to receive accessible information.

U.S. airlines must ensure that these deaf, deaf-blind and hard of hearing passengers have prompt access to the same information provided to other passengers. The information includes, but is not limited to, information concerning:

- flight safety;
- procedures for takeoff and landing;
- flight delays;
- schedule or aircraft changes that affect the travel of persons with disabilities;
- diversion to a different airport;
- scheduled departure and arrival time;
- boarding information;
- weather conditions at the flight's destination;
- beverage and menu information;
- connecting gate assignments;
- baggage claim;
- individuals being paged by airlines; and
- emergencies (for example, fire or bomb threat).

All new videos, DVDs, and other audio-visual displays played on aircraft for *safety* purposes must be high contrast captioned. All new videos, DVDs, and other audio-visual displays played on aircraft for *informational* purposes that were created under the airline's control must be high-contrast captioned.

Service Animals Permitted

Airlines must permit a service animal to accompany a passenger with a disability.

On a flight segment scheduled to take eight hours or more, airlines may require the passenger using the service animal to provide documentation that the animal will not need to relieve itself on the flight or that the animal can relieve itself in a way that does not create a health or sanitation problem on the flight.

Airlines must permit the service animal to accompany the passenger with a disability at any seat in which the passenger sits, unless the animal blocks an aisle or other area.

If a service animal cannot be accommodated at the seat location of the passenger who is using the animal, the carrier must offer the passenger the opportunity to move with the animal to another seat location, if one is available.

As evidence that an animal is a service animal, airlines must accept identification cards, other written documentation, presence of harnesses or tags, or the credible verbal assurances of the individual using the animal.

Whenever an airline decides not to accept an animal as a service animal, it must explain the reason for the decision to the passenger and document it in writing. A copy of the

explanation must be provided to the passenger either at the airport or within 10 calendar days of the incident.

Airlines promptly must take all steps necessary to comply with foreign regulations (for example, animal health regulations) needed to permit the legal transportation of the service animal from the U.S. into a foreign airport.

The Department of Transportation issued a detailed Guidance Concerning Service Animals, located at www.iaadp.org/usdot-may2008-airline-guidance.html#guid.

Advance Notice Required in Some Situations

The rules allow airlines to require a passenger with a disability to provide advance notice in order to obtain certain specific services with regard to a flight. The rules allow this when:

- 10 or more individuals with a disability traveling as a group desire accommodations;
- transportation of a service animal on a flight segment is scheduled to take eight hours or more; or
- accommodations for deaf-blind passengers are necessary.

Safety Assistants for Travelers who are Deaf-Blind

An airline may require a deaf-blind passenger to travel with a safety assistant in some situations. Airlines are concerned about two main issues:

- airlines' ability to communicate the safety briefing to deaf-blind passengers; and
- the evacuation of deaf-blind passengers during an emergency.

The rules allow the airlines to put the burden of establishing a means of communication on the deaf-blind passenger. The passenger must be able to establish a means of communication with airline personnel for communication of the safety briefing and to enable the passenger to assist in his or her own evacuation of the aircraft in an emergency. If the passenger cannot do this, the airline may require the passenger to travel with a safety assistant.

Airlines may require passengers who are deaf-blind who wish to travel without a safety assistant to notify the airline at least 48 hours in advance to provide the explanation of how communication about the safety briefing and evacuation should occur. If the passenger fails to meet the 48 hour notice requirement, the airline must still accommodate him or her to the extent practicable.

If the airline determines that a deaf-blind person must travel with a safety assistant, the airline must not charge for the transportation of the safety assistant. However, the airline carrier is not required to find or provide the safety assistant.

Assistance Moving Within the Airport

If you need assistance moving to or from the terminal entrance, gate and/or the aircraft you may request assistance, and the airline is required to provide it. The airline also must provide assistance, if you ask for it, in accessing key areas of the terminal, such as ticket counters and baggage claim. If you cannot carry your gate-checked or carry-on luggage because of a disability you may ask for assistance in carrying it, and the airline must assist you. Airline personnel may ask for verbal assurance that you cannot carry the luggage. In some cases the airline is permitted to require documentation as a condition of providing this service. If you self-identify at the gate as needing additional time or assistance to board, stow accessibility equipment, or be seated airlines must offer you preboarding.

Training and Complaints

Airlines must provide training to employees regarding the provision of service to persons with disabilities. They must train employees to:

- recognize requests for communication accommodation from individuals who are blind or have low vision or who are deaf or hard of hearing;
- use the most common methods for communicating with these individuals that are readily available, such as writing notes; and
- recognize requests for communication accommodation from deaf-blind passengers and to use established means of communicating with these passengers when they are available, such as passing out Braille cards if available.

Airlines must designate certain individuals as Complaint Resolution Officials (CROs). CROs:

- are located in airports;
- are intended to be the airline's "experts" in compliance with these rules; and
- have the authority to resolve complaints.

If you believe you are experiencing discrimination at an airport you may ask to see the CRO in order to have your complaint addressed at that time.

Airlines also must:

- respond to written complaints;
- collect and categorize disability-related complaints that they receive according to the type of disability and nature of complaint; and
- submit annual reports summarizing the disability-related complaints they received.

The U.S. Department of Transportation (DOT) has a toll-free hotline to assist travelers with disabilities. The hotline provides general information to consumers about the rights

of air travelers with disabilities, responds to requests for printed consumer information, and assists with disability-related issues that need to be addressed quickly. The numbers are 1-800-778-4838 (voice) or 1-800-455-9880 (TTY).

If you believe that an airline has violated any of these rules you should seek assistance or file a complaint at the Department of Transportation within six months of the incident. DOT publishes an easy-to-use on-line complaint form at <http://airconsumer.dot.gov/escomplaint/es.cfm>. DOT will investigate your complaint and determine what compliance or enforcement action to take.

DHHCAN strongly urges you to file a complaint each time you experience a violation of one of these rules. Air travel will not improve unless the DOT takes action against airlines. The DOT cannot take action without your complaints!