Paralyzed Veterans of America

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501(C)(3) Veterans Non-Profit

July 11, 2022

Ms. Blane Workie
Assistant General Counsel
Office of Aviation Consumer Protection
U.S. Department of Transportation
1200 New Jersey Ave. SE,
West Building Ground Floor Room W12-140,
Washington, DC 20590-0001

Re: DOT-OST-2010-0054

Dear Ms. Workie:

Paralyzed Veterans of America (PVA) submits the following comments in response to a request for comments from the Office of the Secretary (OST), Department of Transportation (DOT) on reporting requirements for disability-related air travel complaints. The request was published on May 10, 2022.

PVA is a congressionally chartered veterans service organization with nearly 16,000 members. All of PVA's members are honorably discharged veterans who have incurred spinal cord injury or disease. Virtually all PVA members use wheelchairs or other assistive devices for mobility, and have a significant interest in nondiscrimination and proper and safe treatment in air travel.

The Paperwork Reduction Act of 1995 requires all federal government agencies to receive approval from the Office of Management and Budget (OMB) before promulgating a paper form, website, survey, or electronic submission that will impose an information collection burden on the general public. The Wendell H. Ford Aviation Act of the 21st Century requires DOT to review all complaints that air carriers receive from passengers with disabilities and make an annual report to Congress. On July 8, 2003, OST, DOT published a final rule that requires most certificated U.S. and foreign air carriers operating to, from, and within the United States, that conduct passenger-carrying services utilizing large aircrafts, to record complaints alleging inadequate accessibility or discrimination on the basis of disability. The air carriers must categorize these complaints according to the type of disability and nature of the complaint, prepare an annual summary report of the complaints received during the preceding calendar year, submit the report to DOT's Aviation Consumer Protection Division, and retain copies of correspondence and records of action taken on the reported complaints for three years. The collection was approved by OMB, 2105-0551, entitled, "Reporting Requirements for Disability-Related Complaints," and extended in 2007 (with change), 2010 (with change), 2016 (without change), and 2019 (without change). The latest extension expired April 30, 2022.

We provide the following comments in response to the published notice:

1. Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility

The collection of disability-related complaints filed with airlines is necessary for the proper performance of DOT, which is responsible for enforcing the requirements of the Air Carrier Access Act. In Calendar Year (CY) 2021, DOT received over 1,300 from passengers with disabilities. Individual air carriers, however, receive up to over 8,500 disability-related complaints annually (based on CY 2018). These complaints arise out of various issues such as refusing to board a passenger, inaccessible aircrafts and airports, and damage to mobility devices. In recent years, DOT received over 32,000 complaints annually from air carriers (from reports CYs 2016, 2017, and 2018). The collection of the information indicates which air carriers receive the most complaints and what types of discrimination are occurring during air travel. Without collection and reporting of these complaints, air carriers may not be held responsible for improper procedures, discrimination, and unlawful treatment of individuals with disabilities. Also, the full breadth of disability-related complaints will be unknown to DOT.

3. Ways to enhance the quality, utility and clarity of the information to be collected

The information reported to the public from air carriers is too generalized to provide passengers with disabilities information about which airlines provide the best experience for passengers with disabilities. For example, the reports simply categorize complaints from "failure to provide assistance" to "storage and delay of assistive device." These do not adequately capture the information needed to understand the types of issues passengers are experiencing. If a wheelchair user is injured during a transfer, does this qualify as "failure to provide assistance" or "other"? The public reports do not address physical injuries to passengers at all. Furthermore, if a passenger is physically injured due to the air carrier requiring a passenger to use a push wheelchair instead of their personal mobility device, what category would this fall into? It is critical to know if, when, and why the injury occurred. The need to collect this information is of the upmost importance. Overall, the public information is too ambiguous to appropriately determine the issues that passengers experience.

4. Ways to minimize the burden of the collection of information on respondents

The burden to collect and categorize the complaints can be alleviated through improvements in the manner in which a complaint can be filed and more descriptive options for passengers in the filings. Many air carriers allow complaints to be filed online. Air carriers could have markers on the form for the type of disability-related complaint the passenger is filing. For example, one air carrier only offers the ability to file a generalized "disability-related services" complaint. On another air carrier's website online form, a passenger can only report a disability-delated complaint for the enplaning and deboarding as "flight attendant," "other onboard experiences," or another generalized selection. There could be check boxes or indicators for passengers to mark whether the complaint was related to the denial of disability assistance, improper treatment, damaged mobility devices, transfer issues, physical injuries, etc.

In addition, many online complaint forms are difficult for passengers find. This could result in more passengers calling an air carrier to report their complaint. Phone complaints could take more time for airline personnel to collect and categorize the complaint, causing additional burdens on the air carrier. If online complaint forms

were easier to find and more specific, this would reduce the reporting and categorizing requirements for the respondents.

Thank you for the opportunity to comment on this important matter.

Sincerely,

Heather L. Ansley, Esq., MSW
Associate Executive Director
Government Relations