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*501(C)(3) Veterans Non-Profit*

January 6, 2025

Cecelia Robinson  
Office of Airline Information  
RTS-42, OST-R, BTS  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

**Re: DOT-OST-2014-0031, Notice of Submission of Proposed Information Collection to OMB; Agency Request for Renewal of a Previously Approved Collection: Airline Service Quality Performance—Part 234**

Paralyzed Veterans of America (PVA) submits the following comments in response to a request for comments from the Office of the Assistant Secretary for Research and Technology, Bureau of Transportation Statistics (BTS), U.S. Department of Transportation (DOT). The request relates to the Airline Service Quality Performance On-time Performance and Mishandled Baggage reports required for large U.S. air carriers. PVA is a congressionally chartered veterans service organization with nearly 16,000 members. PVA's members are honorably discharged veterans who have incurred a spinal cord injury or disorder. All PVA members are individuals with disabilities and the vast majority use wheelchairs or other assistive devices for mobility. PVA's membership has a significant interest in ensuring safe air travel for disabled veterans and people with disabilities who use wheelchairs and scooters.

Under 14 CFR part 234, large U.S. air carriers (Reporting Carriers)<sup>1</sup> must submit reports to the department on flight performance and the number of enplaned and mishandled baggage, wheelchairs, and scooters. Under 14 CFR 234.6, Reporting Carriers must submit monthly reports for covered domestic flights on: (1) the number of bags mishandled in its custody; (2) the number of bags enplaned into the aircraft cargo compartment; (3) the number of mishandled wheelchairs and scooters mishandled in its custody; and (4) the number of wheelchairs and scooters enplaned into the aircraft cargo compartment.<sup>2</sup> The department uses this information to provide airline performance information and statistics on the BTS website and in the Air Travel Consumer Report. In turn, air transportation consumers and other stakeholders, including PVA, use the information to understand and compare airlines' service quality performance, including airlines' rates of wheelchair and scooter mishandling.

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<sup>1</sup> 14 CFR 234.2, "Reporting Carriers".

<sup>2</sup> 14 CFR 234.6. Under 14 CFR 234.7, an air carrier that is not a Reporting Carrier may voluntarily submit reports.

PVA provides the following comments in response to the published notice to emphasize the importance of these reports; specifically, reports on the number of wheelchairs and scooters enplaned into the aircraft cargo compartment and the number of mishandled wheelchairs and scooters in the carrier's custody.

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

The collection of the number of wheelchairs and scooters enplaned in the cargo compartment and number of mishandled wheelchairs and scooters in the carrier's custody are necessary for advocacy and enforcing the Air Carrier Access Act (ACAA). Under the ACAA, carriers must return wheelchairs and scooters in the same condition in which the passenger surrendered them. The department recognized that a robust enforcement program is necessary to protect the rights of the traveling public, hold carriers accountable, and deter future violations.<sup>3</sup> The department noted, "When [Office of Aviation Consumer Protection] has evidence of systematic violations...it will take enforcement action."<sup>4</sup> However, without Airline Service Quality Performance reports, the department may be unable to determine whether there are systematic violations of the ACAA; specifically, a carrier's failure to return wheelchairs and scooters in the same condition in which they received them.

Under the ACAA, carriers must submit an annual report summarizing the disability-related complaints they received,<sup>5</sup> including complaints based on mishandled mobility devices. However, some air travel passengers choose not to file complaints or are not aware of the avenues for filing such complaints. Meanwhile, Airline Service Quality Performance reports on the total number of enplaned and mishandled wheelchairs and scooters illustrate clear systematic violations. With reporting data, the department found that approximately 11,389 wheelchairs and scooters were mishandled during 2022, equating to a mishandling rate of 1.54 percent.<sup>6</sup> Only with both the number of wheelchairs and scooters enplaned into the aircraft cargo compartment and those mishandled can the department track any trends, evaluate whether a carrier is systematically mishandling wheelchairs and scooters, and determine if enforcement actions are necessary.

Moreover, the recently passed FAA Reauthorization Act of 2024 (P.L. 118-63) reemphasized Congress's intent to protect the safety and dignity of air travel passengers who use wheelchairs and scooters with more extensive reporting requirements. The FAA Reauthorization requires the department to evaluate data regarding the type and frequency of incidents of the mishandling of wheelchairs on aircraft and delineate such data by (A) types of wheelchairs involved in such incidents and (B) the ways in which wheelchairs are mishandled, including the type of damage to the wheelchairs (such as broken drive wheels or casters, bent or broken frames, damage to electrical connectors or wires, control input devices, joysticks, upholstery or other components, loss, or delay of return).<sup>7</sup> Requirements also include a department report containing the results of the data and

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<sup>3</sup> The U.S. Department of Transportation, Office of Aviation Consumer Protection, Notice Regarding Investigatory and Enforcement Policies and Procedures (Jan. 3, 2023), available at

[https://www.transportation.gov/airconsumer/Notice\\_Investigatory\\_Enforcement\\_Policies\\_Procedures](https://www.transportation.gov/airconsumer/Notice_Investigatory_Enforcement_Policies_Procedures), 1.

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

<sup>5</sup> See 14 CFR 382.157.

<sup>6</sup> U.S. Department of Transportation, Notice of Proposed Rulemaking - Safe and Accessible Air Travel (NPRM) (Feb. 28, 2024), available at <https://www.regulations.gov/document/DOT-OST-2022-0144-0005>, 13.

<sup>7</sup> FAA Reauthorization of 2024, P.L. 118-63, Sec. 544(c).

determinations made.<sup>8</sup> Collecting Airline Service Quality Performance reports provides additional data for these determinations.

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

To enhance the quality, utility, and clarity of the information to be collected, the department should provide updated technical guidance on reporting mishandled wheelchairs and scooters. In 2018, the department issued technical guidance for reporting mishandled bags, wheelchairs, and scooters.<sup>9</sup> Generally, Reporting Carriers must report to the department all bags (including wheelchairs and scooters) reported by or on behalf of passengers as lost, damaged, delayed, or pilfered, that occurred in the custody of the carrier or the custody of its code-share partner for domestic flights to or from any U.S. large, medium, small or non-hub airport.<sup>10</sup> The department uses the term “bag,” but the requirements include the mishandling of wheelchairs and scooters. Per the guidance, “A bag [or wheelchair or scooter] is considered delayed when reported as delayed or lost [by the passenger], and the bag is not yet proven lost. For example, a bag that is located and returned within 30 minutes, or with the arrival of the next flight is still reportable if the passenger reports it to the carrier as delayed or lost...”<sup>11</sup> Bags are reported as mishandled “even if the passenger had agreed to a voluntary separation from their baggage, courtesy tracer reports, baggage improperly checked by skycaps, baggage claimed by the wrong passenger, and baggage delayed because of security.”<sup>12</sup> To enhance the quality, utility, and clarity of the information to be collected under this notice, the department must update relevant guidance to ensure all reporting requirements for mishandled wheelchairs and scooters are consistent with 14 CFR 382.130 and baggage reporting requirements. The department must also include when a wheelchair or scooter is considered to be in the custody of the carrier as that term is defined under 14 CFR 382.3 and provide any further guidance as necessary to ensure proper reporting.

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

Sincerely,



Heather L. Ansley, Esq., MSW  
Chief Policy Officer

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<sup>8</sup> *Id.*

<sup>9</sup> U.S. Department of Transportation, Bureau of Transportation Statistics, Office of Airline Information, Title 14 Code of Federal Regulations Part 234, Technical Reporting Directive #30 – Mishandled Baggage and Wheelchairs and Scooters (October 31, 2018), available at <https://www.bts.gov/topics/airlines-and-airports/number-30-%E2%80%93-technical-directive-mishandled-baggage-effective-jan-1-2019>.

<sup>10</sup> *Id.* at 8-9. The guidance further explains, “For multi-carrier itineraries, the carriers involved must determine under which carrier’s custody the bag was mishandled and report accordingly or report the mishandling to the Department based on the carrier that operated the last flight segment. For itineraries with reportable domestic segments and nonreportable international segments, the carriers must determine whether a bag was mishandled on a domestic segment and, if so, report the mishandling to the Department or exclude the mishandled bag and enplaned bag on international itineraries with domestic segments (other than the valet bags on the domestic segment(s)).”

<sup>11</sup> *Id.* at 9.

<sup>12</sup> *Id.*