

An Overview of Air Travel Rights & Areas for Traveler Advocacy



State Council on Developmental Disabilities' Bay Area
Regional Advisory Committee

◆ February 2026

Title II of the ADA at Airports

In accordance with Title II of the Americans with Disabilities Act (ADA) airports must have policies to provide individuals with disabilities with a reasonable modification to its policies, practices, and procedures to ensure access to Airport programs, facilities, and activities.

A reasonable modification is a change or exception to a policy, practice, or procedure that allows people with disabilities to have equal access to programs, services, and activities. Reasonable modifications must always be related to the individual's specific limitation caused by the disability.

Bill of Rights

- The Right to Be Treated with Dignity and Respect.
- The Right to Receive Information About Services and Aircraft Capabilities and Limitations.
- The Right to Receive Information in an Accessible Format.
- The Right to Accessible Airport Facilities.
- The Right to Assistance at Airports.
- The Right to Assistance on the Aircraft.
- The Right to Travel with an Assistive Device or Service Animal.
- The Right to Receive Seating Accommodations.
- The Right to Accessible Aircraft Features.
- The Right to Resolution of a Disability-Related Issue.

Air Travel in the Bay

- San Francisco International Airport (SFO)
- <https://www.flysfo.com/passengers/services-amenities/accessibility>

- San Jose Mineta International Airport
- <https://www.flysanjose.com/accessible-services>
- <https://www.flysanjose.com/therapy-animals>

- Oakland San Francisco Bay Airport
- <https://www.iflyoak.com/visit/accessibility/>

Air Travel Rights

Air Carrier Access Act

The Air Carrier Access Act ([49 U.S.C. § 41705](#)) prohibits discrimination on the basis of disability in air travel.

The Department of Transportation (DOT) has a rule defining the rights of passengers and the obligations of airlines under this law. This rule applies to all flights of U.S. airlines, and to flights to or from the United States by foreign airlines.

[Title 14 CFR Part 382](#)

Air Carrier Access Act: Prohibition of Discriminatory Practices (1 of 3)

- ✓ Airlines may not refuse transportation to people on the basis of disability.
 - ✓ If a carrier excludes a person with a disability on safety grounds, the carrier must provide a written explanation of the decision.
 - ✓ Airlines may not require advance notice that a person with a disability is traveling.
 - ✓ Air carriers may require up to 48 hours' advance notice for certain accommodations that require preparation time (e.g., respirator hook-up, transportation of an electric wheelchair on an aircraft with less than 60 seats).
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Air Carrier Access Act: Prohibition of Discriminatory Practices (2 of 3)

- ✓ Airlines may not keep anyone out of a specific seat on the basis of disability or require anyone to sit in a particular seat on the basis of disability, except to comply with FAA or foreign-government safety requirements.
- ✓ FAA's rule on exit row seating says that airlines may place in exit rows only persons who can perform a series of functions necessary in an emergency evacuation

Air Carrier Access Act: Prohibition of Discriminatory Practices (3 of 3)

- ✓ Airlines may not limit the number of persons with disabilities on a flight.
- ✓ Airlines may not require a person with a disability to travel with another person, except in certain limited circumstances where the rule permits the airline to require a safety assistant.
- ✓ If a passenger with a disability and the airline disagree about the need for a safety assistant, the airline can require the assistant but cannot charge for the transportation of the assistant.

Air Carrier Access Act: Other Services & Accommodations (1 of 4)

- ✓ Airlines must accept battery-powered wheelchairs, packaging the batteries in hazardous materials packages when necessary. The airline provides the packaging.
 - ✓ Airlines must permit a passenger to use his/her Portable Oxygen Concentrator during the flight if it is labeled as FAA-approved.
 - ✓ Airlines may not charge for providing accommodations required by the rule. However, they may charge for optional services such as providing oxygen.
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Air Carrier Access Act: Other Services & Accommodations (2 of 4)

- ✓ The assistance airlines provide to passengers with disabilities must be performed in a safe and dignified manner.
 - ✓ Airlines are required to provide prompt assistance with boarding, deplaning and making connections.
 - ✓ Assistance within the cabin is also required, but not extensive personal services. Where level-entry boarding is not available, there must be ramps or mechanical lifts to service most aircraft with 19 or more seats at U.S. airports with over 10,000 annual enplanements
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Air Carrier Access Act: Other Services & Accommodations (3 of 4)

- ✓ Disabled passengers' items stored in the cabin must conform to FAA rules on the stowage of carry-on baggage.
- ✓ Assistive devices do not count against any limit on the number of pieces of carry-on baggage. Collapsible wheelchairs and other assistive devices have priority for in-cabin storage space (including in closets) over other passengers' items brought on board at the same airport, if the passenger with a disability chooses to preboard.

Air Carrier Access Act: Other Services & Accommodations (4 of 4)

- ✓ Wheelchairs and other assistive devices have priority over other items for storage in the baggage compartment
- ✓ Other provisions concerning services and accommodations address treatment of mobility aids and assistive devices, passenger information, accommodations for persons with vision and hearing impairments, security screening, communicable diseases and medical certificates, and service animals.

Air Carrier Access Act: Accessibility of Facilities

- ✓ Aircraft with more than 60 seats and an accessible lavatory must have an on-board wheelchair, regardless of when the aircraft was ordered or delivered.
- ✓ For flights on aircraft with more than 60 seats that **do not have** an accessible lavatory, airlines must place an on-board wheelchair on the flight if a passenger with a disability gives the airline 48 hours' notice that he or she can use an inaccessible lavatory but needs an on-board wheelchair to reach the lavatory.
- ✓ Airlines must ensure that airport facilities and services that they own, lease or control are accessible in the manner prescribed in the rule.

Air Carrier Access Act: Accessibility of Facilities, Cont.

- ✓ New aircraft with 30 or more seats must have movable aisle armrests on half the aisle seats in the aircraft.
- ✓ New twin-aisle aircraft must have accessible lavatories.
- ✓ New aircraft with 100 or more seats must have priority space for storing a passenger's folding wheelchair in the cabin.

Air Carrier Access Act: Training & Compliance

- ✓ Training is required for airline and contractor personnel who deal with the traveling public.
- ✓ Airlines must make available specially-trained “complaints resolution officials” to respond to complaints from passengers and must also respond to written complaints. A DOT enforcement mechanism is also available.
- ✓ Airlines must obtain an assurance of compliance from contractors who provide services to passengers

Air Carrier Access Act: Service Animals

- ✓ A service animal, under this Act, means a **dog**, regardless of breed or type, **that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability**, including a physical, sensory, psychiatric, intellectual, or other mental disability.
- ✓ Emotional support animals are no longer classified as service animals under U.S. DOT rules and may not be allowed on flights. Animal species other than dogs, emotional support animals, comfort animals, companionship animals, and service animals in training are not service animals.

<https://www.transportation.gov/resources/individuals/aviation-consumer-protection/service-animals>

Air Carrier Access Act: Service Animals, Cont.

What kind of documentation can be required of persons travelling with service animals? Airlines may require:

- ✓ (1) a U.S. DOT form attesting to the animal's health, behavior, and training; and
- ✓ (2) a U.S. DOT form attesting that the animal can either not relieve itself or can relieve itself in a sanitary manner, if the animal will be on a flight that is 8 or more hours.

<https://www.transportation.gov/resources/individuals/aviation-consumer-protection/service-animals>

Looking Ahead at Accessible Air Travel

Research shows that more than 1 in every 100 wheelchairs and scooters transported in the aircraft cargo compartment of domestic flights are **damaged, delayed, or lost**. Enabling passengers to stay in their personal wheelchairs on aircraft will increase the safety and dignity of air travel and increase access for travelers with disabilities.

In FY23, the Federal Aviation Administration (FAA) initiated a three-year research roadmap to investigate the feasibility of enabling passengers to stay in their personal wheelchairs while travelling on commercial aircraft. This research program may support potential future rulemaking.

Recent Changes in Air Travel, 2025

- Passenger-protection rollbacks began in Spring of 2025.
 - DOT requested public feedback to assist it in “identifying existing regulations, guidance, paperwork requirements, and other regulatory obligations that can be modified or repealed” as a part of its implementation of Executive orders issued by the President, including Executive Order 14219, ‘Ensuring Lawful Governance and Implementation of the President’s ‘Department of Government Efficiency’ Deregulatory Agenda.’”
 - Airlines and airline trade associations then came forward and requested reductions in regulations (reducing consumer protections and rights).

Recent Changes in Air Travel, late 2025

- DOT issued a notice in September 2025 to **temporarily pause enforcement of four requirements in its disability regulation** while it engages in a new rulemaking process to determine whether to modify them.
 - <https://www.federalregister.gov/documents/2025/09/30/2025-18980/ensuring-safe-accommodations-for-air-travelers-with-disabilities-using-wheelchairs>

Temporary Enforcement Pause

Areas where enforcement has been ‘temporality paused’:

- airlines' liability when passengers' wheelchairs or other assistive devices are not timely returned in the condition they were received;
- frequency of required refresher training of airline employees and contractors;
- pre-departure notifications to passengers that check wheelchairs or scooters of their right to contact a Complaint Resolution Official and file a claim; and

Temporary Enforcement Pause, Cont.

Areas where enforcement has been ‘temporality paused’:

- reimbursements of the difference between the fare on a flight a wheelchair or scooter user took, and the fare on a flight that the wheelchair or scooter user would have taken if his or her wheelchair or scooter had been able to fit on the flight.
- Information about how the pause impacts consumers whose wheelchairs or assistive devices are damaged is available:
<https://www.transportation.gov/resources/individuals/aviation-consumer-protection/assistive-device-guides/assistive-device-stowage#Pause%20Enforcement>

Data on How Things are Going

- The latest Air Travel Consumer Report (ATCR) is from December 2025, with October 2025 data. This covers data on on-time performance, mishandled baggage, and mishandled wheelchairs and scooters.
 - <https://www.transportation.gov/sites/dot.gov/files/2026-01/December%202025%20ATCR.pdf>
- Consumer complaints data for August 2025 through December 2025 is expected to be released early 2026.

Right to File a Complaint

Initial Step:

If you believe your rights under the ACAA are being or have been violated, ask to speak with a **Complaints Resolution Official (CRO)**.

A CRO is the airline's expert on disability accommodation issues. Airlines are required to make one available to you, at no cost, in person at the airport or by telephone during the times they are operating

<https://www.transportation.gov/airconsumer/file-consumer-complaint>

Right to File a Complaint, Cont.

Next Step:

If you can't resolve the problem at the airport, file a complaint with the airline. DOT requires airlines to acknowledge consumer complaints within 30 days of receiving them and to send consumers written responses addressing these complaints within 60 days of receiving them.

Right to File a Complaint with DOT

Escalating to DOT:

If the airline does not resolve the issue to your satisfaction, you may want to file a complaint with DOT.

You may also file a complaint with DOT if you experienced unlawful discriminatory treatment in air travel by airline employees or the airline's contractors on the basis of disability or on the basis of race, color, national origin, sex (including sexual orientation), religion, or ancestry.

<https://airconsumer.dot.gov/consumer/s/oacp-form>

Advocacy

- ✓ Sign up for updates, follow, and participate in public comment opportunities with the Federal Transit Administration's Coordinating Council on Access and Mobility (CCAM)

<https://www.transit.dot.gov/coordinating-council-access-and-mobility>

Email: CCAM@dot.gov

Phone: 202-366-2053

Dial 7-1-1 to access telecommunications relay services.



Other Advocacy

- ✓ Follow and give comment to the National Council on Disability: <https://www.ncd.gov/>
- ✓ Get to know the DOT Disability Law Guidance Resources: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/dot-disability-law-guidance>
- ✓ Know about your public transit rights, too: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>



Local Advocacy

- ✓ Let your local airport's passenger services know about your experiences (You can find the email and phone numbers for these departments on your airport's webpage).
- ✓ Tell your friends, family, and network to let their airport's passenger services know what accessibility and accommodations are going well, and what need work.
- ✓ Use accessibility services at airports when you travel, and give feedback.



Air Travel Passenger Services & Programs in the Bay

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- <https://www.flysanjose.com/therapy-animals>

- Oakland San Francisco Bay Airport
- <https://www.iflyoak.com/visit/accessibility/>

References

- Bill of Rights:

<https://www.transportation.gov/airconsumer/disability>

- Video:

<https://www.transportation.gov/airconsumer/disabilitybillofrights>

- Service Animals:

<https://www.transportation.gov/resources/individuals/aviation-consumer-protection/service-animals#ServiceAnimalForms>

References, Cont.

- You may obtain an accessible electronic copy of 14 CFR Part 382 or call DOT at 202-366-2220 to request a copy

- Fed Regulations:

<https://www.ecfr.gov/current/title-14/chapter-II/subchapter-D/part-382>

THANK YOU!

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