



**DISABILITY RIGHTS ADVOCATES FOR TECHNOLOGY**  
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Docket Clerk  
United States Department of Transportation  
400 7th Street, SW.  
Room PL-401  
Washington, DC 20590

Re: Docket No. OST-2004-19482  
RIN 2105-AC97

Disability Rights Advocates For Technology, DRAFT, represents people with disabilities who are, by virtue of new developments in technology and more widespread use of the principles of universal design finding the opportunity to more fully participate in our society and enhance the quality of their lives. Accessible transportation, including air travel, is of vital importance for people with disabilities. We welcome the opportunity to provide comments to the Department of Transportation regarding the proposed revisions in the Air Carriers Access Act regulations.

**Section 382.63**

To provide for the dignity and comfort of passengers with disabilities, airlines, whenever possible, should provide accessible lavatories in all single aisle aircraft with more than 120 seats. Recognizing that there will be no requirement to retrofit current aircraft, all new aircraft placed in service should have at least one accessible lavatory. Virtually all aircraft in service today, with more than 120 seats, could have been originally designed with at least one accessible lavatory with virtually no loss in the seating capacity. The accessible lavatory should be located in the forward cabin, since most people with disabilities are seated as far forward as possible to compensate for their lack of mobility.

**Section 382.67**

The requirement for providing priority space in the cabin to store a passenger's wheelchair is desirable providing the space is correctly proportioned. The dimensions should be a minimum of 13 inches in width, 36 inches in height and 42 inches in length.

The alternative option of allowing any airline to strap a folding wheelchair into seats resulting in other passengers being denied service should be discontinued. This practice can result in the creation of a hostile environment between passengers with disabilities and the rest of the traveling public. This hostile environment will in all likelihood result in passengers with disabilities either traveling less or giving up their right to store their assistive device in the cabin.

### **Comments regarding Sections 382.63 & 382.67 viewed collectively as a space issue.**

The issues contemplated in these sections are primarily issues associated with the available space to address issues. Additional space required aboard an aircraft to provide for the design of accessible lavatories and additional space required for the design of space to store a passenger's wheelchair.

In considering these issues collectively, if found in an either or environment, providing space necessary for the design of accessible lavatories in the single aisle aircraft cabin should trump the requirement for space required for onboard storage of passengers wheelchairs.

While recognizing the desirability of having the option to store a wheelchair inside the cabin, particularly in view of the airlines record with regard to delays in returning assistive devices upon arrival and damage of these devices, this is an issue predominantly of convenience for the disabled traveling passenger. **Accessible lavatories are an issue of health and dignity for the disabled traveling passenger. There is no other class of passenger who would tolerate unavailable lavatory facilities aboard an aircraft.**

### **Section 382.81**

Bulkhead seating or other seating which provides additional legroom to accommodate disabled passengers with fused or immobilized legs, and passengers with service animals should also be extended to disabled passengers with neurological disorders which make it painful or unhealthful to bend their legs for extended periods of time and who have difficulty getting in and out of their seats. While clearly seat assignment for disabled passengers with fused or immobilized legs and those with service animals would trump those with other conditions. This is the present policy of many airlines, allowing for the assignment of these bulkhead seats to passengers with disabilities with the caveat that they may have to be relinquished to those of a higher need.

All airlines should be required to provide a specific percentage of seats aboard all aircraft with a specified amount of extra leg room available for this class of priority seating. The failure of the airlines to provide this class of seating in the coach section of the aircraft should result in the requirement to place passengers with disabilities at no additional fare in other classes of the cabin where they can be accommodated.

### **Section 382.125**

In addition to concerns about possible damage to a disabled passenger's assistive device, the reservation most often voiced is the concern about the "timely return" of the device to the passenger at the aircraft door. The requirement of having to **Be Among the first items retrieved from the baggage compartment** has not been effective. Many disabled passengers are forced to wait in excess of 30 minutes for their assistive device while countless baby carriages and strollers have been delivered to the aircraft door. A specific time limit of 5 minutes after arrival should be implemented. This will help insure that disabled passengers assistive devices are available to them so that they may make connecting flights and are not excessively delayed in deplaning. It will also insure that these assistive devices are correctly stored in the appropriate baggage compartments to allow for their early retrieval and also mitigate the possibility of damages to the device.

DRAFT and its membership are appreciative of the Department of Transportation's efforts to provide more clarity and "plain language" to the regulations implementing the Air Carriers Access Act. Plain language will result in a better understanding of those rights provided to the disabled passenger under the ACAA, fostering increased cooperation between airline personnel and passengers with disabilities.

Sincerely,

*Jerry Kerr*  
Jerry Kerr  
Founder

*Leonard Timm*  
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