

The Honorable James R. Langevin
Committee on Transportation and Infrastructure – Subcommittee on Aviation
Accessible Air Travel: Addressing Challenges for Passengers with Disabilities

Thursday, November 17, 2022

Chairman Larsen, Ranking Member Graves, and members of the Aviation Subcommittee, thank you for your attention to this important topic, and for inviting me to testify before you. I'd also like to thank the other witnesses for being here today, and for their ongoing work in support of air travel accessibility. As a person living with a disability, this issue is deeply personal to me. I have been a wheelchair user since 1980 when an accidental gunshot left me paralyzed. In addition, I am the first quadriplegic to ever serve in the United States Congress.

As all of you are well aware, serving in Congress requires a significant amount of travel. At a minimum, we're expected to travel back and forth between our districts and Washington, D.C., whenever the House is in session. My hometown of Warwick, Rhode Island – where I still live today – is approximately 350 miles away from the U.S. Capitol. By train or car, that trip generally takes more than six or seven hours, respectively, in each direction. By airplane, it takes approximately one hour. As you can see, for me, accessible air travel is a must. In fact, I can confidently say that without it, I would not be able to do my job effectively.

Throughout my career, I can reasonably estimate that I've flown on more than 1,000 commercial flights both domestically and internationally, the vast majority of which have been without issue. However, flying as a wheelchair user – even when everything goes as planned – is a complex process that typically involves reserving accommodations in advance, making multiple surface transfers while boarding and deplaning, and restricted mobility while on board the aircraft. The best-case scenario is an exhausting trip. However, when something does go wrong, the consequences can range from inconvenient to catastrophic.

Since 1986, the *Air Carrier Access Act* and its implementing regulations have served to protect the rights and safety of air travelers with disabilities. Despite the protections afforded by this law, people with disabilities continue to encounter significant barriers when they fly. This includes damaged assistive devices and wheelchairs, denied boarding, delayed assistance, poor communication, and a lack of accessible seating accommodations – all things that I have personally experienced.

In the past year alone, I've been wrongfully denied boarding on multiple occasions because of the lithium-ion batteries that power my wheelchair, despite presenting documentation that my wheelchair meets all applicable safety standards as determined by the Federal Aviation Administration (FAA). Lithium-ion batteries are becoming increasingly prevalent in wheelchairs and other assistive devices, which means these incidents will only begin to occur more often. That's why I'm working to introduce a bill that I call the *Working to Help Ensure Equity for Lithium-ion-powered Chairs on Airplanes Act*, or the *WHEELChairs on Airplanes Act*. This bill will ensure that airlines' policies for lithium-ion batteries in wheelchairs and other assistive devices are no more restrictive than applicable FAA safety standards.

On another occasion when I flew to Omaha, Nebraska, several years ago, I remember watching through the airplane window as baggage handlers were taking my wheelchair out of the cargo hold to send it up to the jet bridge. They placed it on a belt loader without holding it or locking it

in place, and I watched as it rolled off the belt loader and crashed down to the ground. I still get an uneasy feeling every time my wheelchair is brought up out of the cargo hold – I always wonder if it’s going to make it back to me in one piece. After all, if it gets damaged, I’m stranded. My wheelchair is essentially my legs.

As you will hear from other witnesses today, my experiences are not unique or even rare. In fact, in 2018 alone, passengers in the United States filed more than 36,000 disability-related complaints with airlines. I think that we can all agree that this status quo is unacceptable, and that air travelers with disabilities should not face these kinds of barriers when they fly. That’s why I’ve been working to improve air travel accessibility throughout my time in Congress. For example, I introduced language during the 115th Congress requiring the Department of Transportation to create an “Airline Passengers with Disabilities Bill of Rights.” With the support of this committee, that language became law as part of the FAA Reauthorization Act of 2018.

This Congress, I introduced H.R. 1696, the *Air Carrier Access Amendments Act*, with Representatives Dina Titus and Steve Cohen, both of whom serve on this subcommittee, and I thank them for their partnership. H.R. 1696 proposes a two-pronged solution: Namely, it would improve air travel accessibility while holding airlines accountable when they violate passengers’ rights. To improve accessibility, it would direct the U.S. Access Board to issue updated standards for new and existing aircraft, as well as airport facilities, airline websites, and kiosks. For accountability, it would impose mandatory civil penalties for rights violations, and establish a private right of action so that passengers can have their day in court to enforce the law.

Overall, we must work together to break down all barriers in our society so that people with disabilities can live more full and independent lives in their communities. Air travel must be a part of that effort. With that, I would like to thank you once again for your attention to this important issue, as well as the opportunity to testify.