

Human Development Institute | University of Kentucky

Research Brief



An Investigation of Disability-Related Complaints Against US Airlines

Research Brief
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Julie L. Pfeiffer, PT, DPT
Walt Bower, Ph.D.
Phillip Rumrill, Ph.D., CRC

Introduction

The Air Carrier Access Act (ACAA), which was passed into law in 1986, prohibits airlines from using discriminatory practices against passengers based on disability. Under the ACAA, airlines are required to provide accessible facilities, services, and accommodations. Despite the passage of this legislation, passengers with disabilities continue to encounter discriminatory practices, inaccessible facilities, and lack of accommodations during air travel in the US (Government Accountability Office, 2020, 2022; Lazar et al., 2010; Major & Hubbard, 2019; Peterson et al., 2022). Although studies have reported on the experiences of passengers with disabilities while traveling internationally by air (Chang & Chen, 2012; Darcy, 2012; Davies & Christie, 2017; Dempsey et al., 2021), empirical research on accessible air travel within the US is limited.

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The primary recourse afforded to passengers with disabilities to address potential violations of this federal legislation designed to prevent discrimination in air travel is the ability to file disability-related complaints against the offending airline. Furthermore, disability-related complaints filed against airlines often indicate incidents with severe consequences that impact the individuals' quality of life, health, and independence. Therefore, the purpose of this study is to investigate complaints of discrimination against US airlines as filed by passengers with disabilities to determine level of compliance with the ACAA over time.

The analysis of patterns in alleged violations of the ACAA on the part of US airlines over time was guided by two research questions: (1) How, if at all, did the number of complaints filed with US airlines by passengers with disabilities alleging ACAA violations change between 2004 and 2019? and (2) Taking into account the number of passenger enplanements, how did the rate of disability-related complaints alleging ACAA violations committed by US airlines change, if at all, year over year from 2004 to 2019?

Method

Data Source

Data concerning disability-related complaints reported by US airlines, as filed by passengers with disabilities alleging violations of the ACAA, were retrieved from the Annual Reports on Disability-Related Air Travel Complaints. These reports are released annually by the United States Department of Transportation and are publicly available via the Office of Aviation Consumer Protection website. The most recently released report at the time of this study was the Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2022. However, due to a drastic decrease in air travel participation as a result of the COVID-19 pandemic, complaint data from 2020 through 2023 calendar years were not included in this study.

Data Analysis

The data analyzed in this study included all disability-related complaints reported by US airlines between calendar years 2004 and 2019. As the data represent the population of disability-related complaints filed each year, the researchers used descriptive statistics including complaint frequency and complaint rate in the data analysis. Complaint rate was calculated per 100,000 passenger enplanements for US airlines per year. Airline passenger enplanement data were retrieved from the Bureau of Transportation Statistics. Trendline analysis was performed for both complaint frequency and complaint rate reported by all US airlines, with yearly percentage changes calculated for both.

Results on following page.

Results

Frequency of disability-related complaints received by all US airlines and disability-related complaint rate per 100,000 passengers are shown in Table 2 for each year that airlines have been required to report these data. Percentage change in both complaint frequency and complaint rate were calculated year over year.

Table 2.
US airlines disability-related complaints

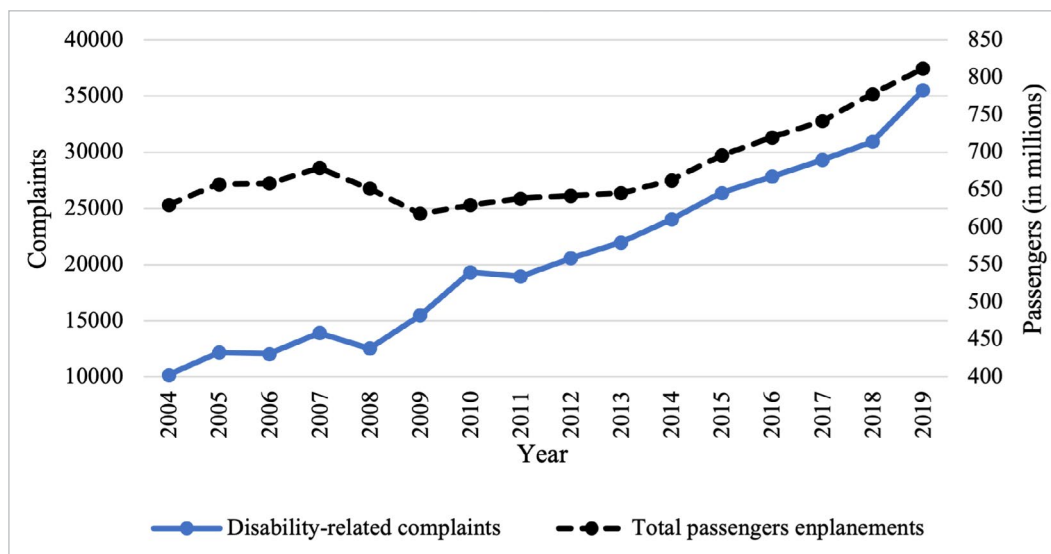
Year	Disability-related complaints ^a	Change in complaint frequency (%)	Total passengers enplanements ^b	Disability-related complaint rate per 100k passengers	Change in complaint rate (%)
2004	10,193	--	629,769,616	1.6	--
2005	12,194	19.6	657,261,487	1.9	14.6
2006	12,075	-1.0	658,362,620	1.8	-1.1
2007	13,926	15.3	679,185,450	2.1	11.8
2008	12,557	-9.8	651,710,182	1.9	-6.0
2009	15,496	23.4	618,067,255	2.5	30.1
2010	19,347	24.9	629,537,593	3.1	22.6
2011	18,953	-2.0	638,247,667	3.0	-3.4
2012	20,582	8.6	642,289,482	3.2	7.9
2013	21,965	6.7	645,677,554	3.4	6.2
2014	24,044	9.5	662,826,955	3.6	6.6
2015	26,401	9.8	696,016,894	3.8	4.6
2016	27,842	5.5	719,996,828	3.9	1.9
2017	29,312	5.3	741,735,098	4.0	2.2
2018	30,950	5.6	777,972,787	4.0	0.7
2019	35,510	14.7	811,545,260	4.4	10.0

^aAnnual Report on Disability-Related Air Travel Complaints (United States Department of Transportation, 2019)
^bBureau of Transportation Statistics T-100 Market Data (Bureau of Transportation Statistics, 2024)

To address the first research question concerning changes in complaints filed by passengers with disabilities alleging ACAA violations by US airlines, the trendline of disability-related complaints reported by US airlines was examined. Disability-related complaints

reported by US airlines between 2004 and 2019 are displayed in Figure 1, as compared to the number of passenger enplanements for US airlines. Disability-related complaints have increased 248.4% from 10,193 complaints in 2004 to 35,510 complaints in 2019 while passenger enplanements increased 28.9% over the same time frame. From 2004 to 2008, the number of disability-related complaints increased 23.2%. Then, the number of disability-related complaints increased sharply, by 54.1%, between 2008 and 2010. Although US airline passenger enplanements decreased 9.0% from 2007 to 2009, disability-related complaints increased 11.3%. In the decade since 2010, disability-related complaints increased 83.5% while passenger enplanements increased only 28.9%.

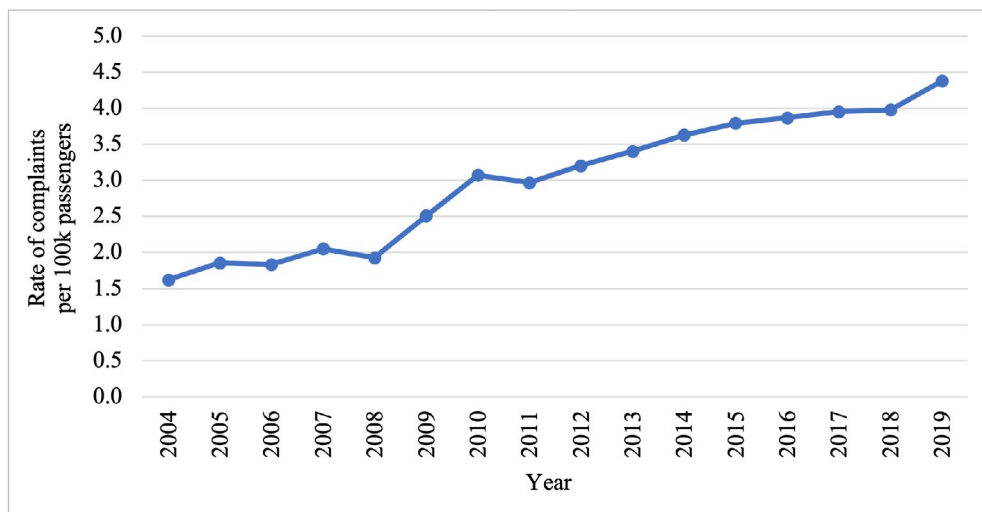
Figure 1.
US airlines disability-related complaints compared to passenger enplanements



To determine how disability-related complaints filed with US airlines have changed year over year per capita, as posed in the second research question, the total number of passenger enplanements each year was taken into account. Figure 2 shows the disability-related complaint rate per 100,000 passenger enplanements for US airlines between 2004 and 2019. Disability-related complaint rate has increased 170.4% from 1.6 in 2004 to 4.4 in 2019. Similar

to the pattern seen in frequency of disability-related complaints, disability-related complaint rate increased slowly between 2004 and 2008. Between 2008 and 2010, a 59.5% increase in complaint rate occurred. Disability-related complaint rate then increased 42.4% during the decade since 2010 with an increase in complaint rate occurring each year since 2011.

Figure 2.
US airlines disability-related complaints compared per 100,000 passengers



In summary, considering both research questions, the total number of disability-related complaints and the rate of disability-related complaints increased significantly between 2004 and 2019. A decrease in both complaint frequency and complaint rate occurred three times; 2005 to 2006, 2007 to 2008, and 2010 to 2011. Each time a decrease occurred, both complaint frequency and complaint rate rebounded within one year. However, since 2011, disability-related complaints increased each year in terms of both frequency and rate.

Discussion

The findings of this analysis reveal that disability-related complaints filed with airlines in the United States have increased significantly since recording of complaint data was first required by the Department of Transportation in 2004. Complaints of alleged ACAA violations have increased exponentially, and at an even greater rate than passenger enplanements from

2004 to 2019. This finding demonstrates that the increase in disability-related complaints cannot be fully accounted for by the rise in the number of individuals participating in air travel as a form of transportation. A combination of several factors including more individuals with disabilities traveling by air, passengers with disabilities reporting alleged violations at a higher rate, and airlines committing more violations of the ACAA likely contributes to the increase in complaints seen in this analysis.

Passengers with disabilities are not required to self-identify under the ACAA; therefore, an accurate count of individuals with disabilities who fly each year is indeterminable. While the exact number is unclear, it is generally agreed upon that the number of individuals with disabilities who participate in air travel has been steadily increasing over the past decade. The increase in passengers with disabilities who travel using air transportation likely plays a role in the increase in disability-related complaint rate and frequency, but it does not fully explain this change.

As awareness of passenger rights afforded under the ACAA increases, reporting of alleged violations would be expected to also increase. In terms of both disability-related complaint frequency and complaint rate, the greatest percentage increase year over year occurred between 2008 and 2010. During this time, federal legislation concerning discrimination against individuals with disabilities changed dramatically with the passage of the ADA Amendments Act of 2008 (ADAAA). The ADAAA expanded the definition of disability which had been steadily narrowed since 1994 through ADA case law and Federal regulatory changes ("Americans with Disabilities Act Amendments Act of 2008," 2008). Accordingly, more Americans with disabilities were able to seek protections under the ADA (DiNitto et al., 2016). Although the ADA does not apply directly to domestic flights, it seems reasonable that increased awareness and understanding of one's rights would permeate into other areas of life such as air travel.

There is also evidence that US airlines are committing more violations of the ACAA compared to prior decades. Since 2004, the rate of disability-related complaints increased from 1.6 to 4.4, a 170.4% increase. Consent orders, which are brought against airlines by the Department of Transportation, can be used as an indicator of frequency and magnitude of ACAA violations committed by US airlines. Between 2006 and 2010, no consent orders were brought against US airlines for violating passenger's rights under the ACAA. In contrast, starting in 2010, approximately twenty consent orders have been levied against US airlines for violations of the ACAA. The increase in consent orders brought against airlines indicate an increase in frequency and severity of ACAA violations. Unfortunately, the Government Accountability Office found that consent orders do not ensure future compliance with federal regulations, such as the ACAA, by US airlines (Government Accountability Office, 2018).

Conclusion

The present study represents a first step toward empirically assessing disability-related complaints filed against US airlines by passengers with disabilities. Though studies exist within the international literature, this trendline analysis fills a gap on accessible air travel within the US. The findings of this study demonstrate a clear pattern of US airlines providing disability-related accommodations and services that do not achieve the requirements outlined by the ACAA. Violations of the ACAA by US airlines are increasing at alarming rates, and those rates will likely not decrease until federal legislation and public policy are changed to provide greater protections and redress for the disability community.

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You can find more examples of our research at www.hdi.uky.edu

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