

January 15, 2022

Ms. Blane Workie
Assistant General Counsel, Office of Aviation Enforcement and Proceedings
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Re: DOT-OST-2019-0180

Dear Ms. Workie,

The undersigned organizations submit the following comments in response to the reopening of the comment period for the notice of proposed rulemaking (NPRM) published by the Department of Transportation (Department) concerning Accessible Lavatories on Single-Aisle Aircraft: Part 1 to address questions related to the design of the onboard wheelchair (OBW). The notice was officially published for comment on November 19, 2021.

The ability to access a lavatory during air travel is important for all passengers, including those with disabilities. During a fall 2021 informal online survey conducted by 12 veterans and disability rights organizations, 647 individuals out of 1,034 respondents, or 63 percent, said that they have avoided air travel because they have no access to the lavatory during flight. In a separate question, 592 individuals out of 1,232 respondents, or 48 percent, said that no lavatory access by itself was reason enough not to travel by air unless absolutely necessary.

We strongly believe that a safe, functional OBW is important in ensuring proper and dignified access to an accessible lavatory. Under current Air Carrier Access Act regulations, twin aisle aircraft are required to have a wheelchair accessible lavatory. Although not required, a very small number of single aisle aircraft also provide lavatory access for wheelchair users. Unfortunately, current OBWs are precarious at best and unsafe at worst. Passengers who need an OBW to safely access a lavatory should not be required to use equipment that does not meet specific standards.

The Department is seeking further feedback on its proposed OBW design, including whether the proposed design elements adequately address accessibility concerns. We continue to believe that the U.S. Access Board's advisory guidelines for OBWs provide several needed improvements in OBW standards. We believe that the Department should adopt them to ensure that all OBWs provide safe access for wheelchair users.

Overall, we believe that the new OBW design standard improves accessibility for passengers with disabilities and others with limited mobility who need an OBW to access the lavatory. The standard improves the OBW by requiring a level transfer from passenger seat to OBW seat. The seat and back rest would be padded to prevent skin breakdown and be free of sharp or abrasive components. The OBW will also be required to have arm supports that are sufficient to facilitate

transfers and are repositionable to permit unobstructed transfers between the OBW and the aircraft seat.

The new standard would require the OBW to lock its wheels in the direction of travel in order to avoid obstacles as it moves to the lavatory. The wheels would also be required to lock in place so as to provide stability during transfers. The ability to lock and release the wheels should be easily accomplished from the seated position on the OBW.

The OBW would be required not to tip or fall in any direction under normal operating conditions when occupied for use. It would also provide torso and leg restraints with a unitary foot support to ensure stability and balance while using the OBW. The footplate would provide adequate clearance over the lavatory threshold and also allow for an unobstructed transfer between the OBW and the lavatory.

All of these new standards will provide significant support and safety to a person who needs to use an OBW to access the lavatory during flight. Thus, we believe that the Department's final rule should require an air carrier to use any FAA-approved OBW stowage location, not just its preferred or existing stowage location. The Department's primary concern should be ensuring that the required OBW meets the needs of passengers with disabilities who rely on it to access the lavatory and that it will be usable by those who will need to assist them.

Thank you for the opportunity to provide comments on this important matter. If you have any questions, please contact Heather Ansley, Associate Executive Director of Government Relations, with Paralyzed Veterans of America (PVA) by email at heathera@pva.org or Lee Page, Senior Associate Advocacy Director, with PVA by email at leep@pva.org.

Sincerely,

All Wheels Up
Christopher & Dana Reeve Foundation
Cure SMA
Disability Rights Education & Defense Fund (DREDF)
Epilepsy Foundation
Hand in Hand: The Domestic Employers Network
Health Equity Collaborative
Muscular Dystrophy Association
National Council on Independent Living
National Disability Rights Network (NDRN)
Paralyzed Veterans of America
United Spinal Association