

DOT Issues Bill of Rights for Airline Passengers with Disabilities; New Airline Family Seating Notice

The U.S. Department of Transportation (DOT) has published a 10-point Airline Passengers with Disabilities Bill of Rights (Bill of Rights), which “describes the fundamental rights of air travelers with disabilities.” DOT also published a notice encouraging U.S. airlines to adopt policies to ensure children aged 13 or younger are seated with an accompanying adult onboard flights.

Airline Passengers with Disabilities Bill of Rights

The Bill of Rights – which applies to all U.S. airline flights and foreign airline flights to/from the United States – does not expand the established rights of air travelers with disabilities, but rather provides a summary of existing law.

Pursuant to the FAA Reauthorization Act of 2018, U.S. and foreign airlines must include the Bill of Rights on their websites and in any pre-flight notifications or communications provided to passengers who have alerted airlines in advance of their need for disability-related accommodations. Airlines are also required to ensure their employees and contractors receive training on the responsibilities described in the Bill of Rights. DOT has stated it will require airlines to submit their training plans to DOT in the future, with submission information to be provided at a later date.

The Bill of Rights consists of the following:

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

Notice Regarding the Seating of Children With Accompanying Adults

DOT also published a notice encouraging U.S. airlines to adopt policies that enable children aged 13 or younger to be seated adjacent to an accompanying adult but only “to the maximum extent practicable and at no additional cost,” in accordance with the FAA Extension, Safety, and Security Act of 2016. Though DOT notes that complaints about family seating constitute “a small percentage of the total complaints filed with [DOT] against airlines,” it believes “even one incident is too many” and encourages (but does not require) airlines to adopt policies that account for the following:

- U.S. airlines that permit passengers to reserve seats when booking tickets “should consider a policy to assign without charge adjacent seats to a young child and his or her accompanying adult traveling on the same ticket contemporaneously with booking to the extent seating inventory is available.”
- If no adjacent seats are available at booking, airlines should provide “clear and accurate information to the parent or other adult traveling with the young child to enable the adult to make informed decisions on how to proceed.”
- Airlines should seat a young child and an accompanying adult together if they “purchase



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tickets in the same class of service or fare type, including basic economy.” Acknowledging that “basic economy fares generally do not allow passengers to select their seats,” DOT recommends that “if an adult traveling with a young child has purchased two basic economy tickets, airlines should enable them to sit together though airlines may still not allow them to select their specific seats.”

- Airlines are not required to provide a seat assignment that would result in an upgrade to another cabin class or a seat with extra legroom or seat pitch for which additional payment is normally required.
- Airlines that do not provide seat assignments at booking at no additional cost for those traveling with children or who have open seating “should have a policy and procedures in place to ensure adults traveling with young children are able to be seated so that at least one accompanying adult is adjacent to each young child at no additional cost.” This can be accomplished by, for example, permitting an accompanying adult to board early enough to obtain adjacent seats, or blocking seats for these travelers at no additional cost. If seat blocking is used, the airline must ensure an “adequate” number of seats are blocked to meet anticipated demand.
- Airlines should have policies that enable employees to make immediate adjustments as needed to facilitate seating of children with accompanying adults.

DOT “expects” U.S. airlines to review their seating policies and revise them as necessary based on the notice. Additionally, DOT will review airline policies and practices in November 2022 to assess whether they meet the expectations articulated in the notice. If DOT determines that “airlines’ seating policies and practices are barriers to a child sitting next to an adult family member or other accompanying adult,” DOT could take additional action, potentially including a “rulemaking or other actions to prohibit airlines from charging fees for seating young children next to an accompanying adult.”
