



January 21, 2016

Ms. Kathleen Blank Riether
Senior Attorney, Office of Aviation Enforcement and Proceedings
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Re: DOT-OST-2015-0246

Dear Ms. Blank Riether:

On December 7, 2015, the Department of Transportation (“DOT”) published a Proposed Rule announcing DOT’s intention to explore the feasibility of entering into a Negotiated Rulemaking (“Reg Neg”) on the issue of nondiscrimination against passengers with disabilities in air travel (80 FR 75953).

Specifically, this Reg Neg would address several issues which have an impact on whether passengers with disabilities can enjoy a positive experience while traveling aboard aircraft operated by domestic and foreign carriers, or whether they will continue to be relegated to second-class treatment. If adopted, the Reg Neg would:

- Ensure that the same in-flight entertainment (IFE) available to all passengers is accessible to passengers with disabilities;
- Provide individuals dependent on in-flight medical oxygen greater access to air travel consistent with federal safety and security requirements;
- Determine the appropriate definition of a service animal;
- Establish safeguards to reduce the likelihood that passengers wishing to travel with their pets will be able to falsely claim that their pets are service animals;
- Address the feasibility of accessible lavatories on new single aisle aircraft;
- Address whether premium economy is a different class of service from standard economy as airlines are required to provide seating accommodations to passengers with disabilities within the same class of service; and
- Require airlines to report annually to the Department the number of requests for disability assistance they receive and the time period within which wheelchair assistance is provided to passengers with disabilities

Interested parties include the disability community, airlines, airports, airline vendors providing passenger assistance, aircraft manufacturers, IFE system manufacturers, movie studios, other IFE content providers, service animal training organizations, and other federal agencies that have

a regulatory interest in these issues such as the Department of Justice, the Federal Communications Commission, and the United States Access Board.

The deadline for public comments was initially January 6, 2016; however, the comment period was subsequently extended to January 21, 2016. The issue is "...whether an appropriate advisory committee can be assembled that will fairly represent all affected interests, negotiate in good faith, and offer a reasonable likelihood of reaching a consensus on the issues.". The following comments reflect the official position of the National Federation of the Blind.

BACKGROUND

Established in 1940, the National Federation of the Blind is the oldest and largest consumer organization of the blind in the nation with approximately fifty thousand members participating through affiliates organized in each of the fifty states as well as Washington, DC and Puerto Rico.

The National Federation of the Blind knows that blindness is not the characteristic that defines us or our future. Every day, we raise the expectations of blind people because low expectations create obstacles between blind people and our dreams. Blind people can live the lives we want: blindness is not what holds us back.

DISCUSSION

As we move further into the twenty-first century, it is easier to travel across the country and around the world than ever before. Air travel is important for families going on vacation and for business travelers fulfilling job responsibilities or even commuting to and from work. The same is true for blind passengers.

We understand that the airlines, airports, IFE content providers, and passenger assistance vendors have points of view to offer; and of course, members of the disability community (including the National Federation of the Blind) do as well.

A reg neg would provide the opportunity to engage in a dialogue which hopefully will result in regulations which guarantee that passengers with disabilities will be able to travel as safely, conveniently, and comfortably as other passengers do.

In our telephone interview with the Convener, we expressed the feeling that the proposed Reg Neg would be useful in addressing the issues under consideration because of the widely varying interests involved in the area of regulations concerning nondiscrimination against passengers with disabilities.

While these interests may differ, they are not necessarily adverse to one another. We believe that all groups assembled for the purpose of engaging in a negotiated rulemaking would express the desire that passengers with disabilities enjoy the same experience offered to other passengers.

The differences of opinion may arise in how far the various parties are willing to go to see that passengers with disabilities receive equal treatment. It seems to us that meaningful dialogue in

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the formulation process would provide the best chance of adopting regulations that would have broad support from a variety of stakeholders.

CONCLUSION

In light of the foregoing, the National Federation of the Blind would call upon the Department of Transportation to enter into a negotiated rulemaking on the issue of nondiscrimination against individuals with disabilities.

We concur with the comments of the Paralyzed Veterans of America (PVA) and other organizations representing members of the disability community to the extent that they believe a negotiated rulemaking is the proper means by which stakeholders can discuss relevant issues and work toward the achievement of viable solutions.

Sincerely,



Parnell Diggs, Esq.
Director of Government Affairs
National Federation of the Blind