

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

**GUIDANCE ON THE TRANSPORT
OF PORTABLE DIALYSIS MACHINES BY
TRAVELERS WITH DISABILITIES**

NOTICE

The Air Carrier Access Act (ACAA) prohibits U.S. and foreign air carriers from discriminating against an individual in air transportation on the basis of his/her disability. Beginning in 1990, the Department of Transportation issued a number of rules implementing the ACAA. These rules, which are contained in 14 CFR Part 382 (Part 382), define the responsibilities of airlines and the rights of passengers with disabilities under the ACAA including people who use portable dialysis machines at home (i.e., they are on home dialysis). Recently, the Department of Transportation's Office of Aviation Enforcement and Proceedings has been made aware of difficulties people on home dialysis are having when traveling on commercial airlines. The purpose of this notice is to remind airlines of their obligations and inform individuals with disabilities of their rights regarding the use and transport of portable dialysis machines by providing answers to ten frequently asked questions about the types of accommodations and services that must be provided to people who are on home dialysis.

Frequently Asked Questions

1. *Question:* Is a portable dialysis machine considered by DOT to be an assistive device?

Answer: Yes. Section 382.3 defines an assistive device as any piece of equipment that assists a passenger with a disability to cope with the effects of his or her disability. It further explains that such devices may include medical devices and medications. A portable dialysis machine is therefore an assistive device under section 382.3.

2. *Question:* Must a carrier permit a passenger with a disability to bring his or her portable dialysis machine into the aircraft cabin or check it in the baggage compartment?

Answer: Yes. Section 382.121(a) requires carriers to permit passengers with a disability to bring assistive devices into the aircraft cabin provided that they comply with applicable safety, security, and hazardous materials rules. Section 382.125(a) requires carriers to stow assistive devices in the baggage compartment if the item cannot be

transported in the cabin in accordance with applicable safety, security, and hazardous materials rules.

3. *Question:* Does a portable dialysis machine count towards a passenger's carry-on limit?

Answer: No. Assistive devices are not counted against the carry-on or checked baggage limits imposed by airlines. Section 382.121(b) prohibits airlines from counting assistive devices toward a limit on carry-on baggage.

4. *Question:* Must a carrier give portable dialysis machines brought in the cabin of an aircraft stowage priority over other items brought onto the aircraft?

Answer: Yes. Section 382.123(a) requires carriers to give assistive devices, such as portable dialysis machines, priority for stowage over items brought onto the aircraft by other passengers or crew enplaning at the same airport so long as the passenger with a disability takes advantage of the opportunity to pre-board.

5. *Question:* May a carrier require a passenger to pay a fee to carry a portable dialysis machine onboard an aircraft or in the baggage compartment?

Answer: No. Section 382.31(a) prohibits carriers from imposing charges for providing services that Part 382 requires to be provided to passengers with a disability. Because carriers are required to permit passengers to carry portable dialysis machines into the aircraft cabin or to check them for carriage in the baggage compartment, carriers are precluded from imposing a charge for doing so.

6. *Question:* Are carriers required to accept for transport portable dialysis machines as checked bags regardless of size?

Answer: No. While section 382.125(a) requires carriers to stow assistive devices in the baggage compartment consistent with applicable safety, security and hazardous materials rules, section 382.13(c) states that airlines are not required to make modifications (e.g., provide accommodations) that would constitute an undue burden or fundamentally alter their program. This means that there may be circumstances where the carriage of devices such as dialysis machines due to their weight, size, or number would constitute an undue burden or cause a fundamental alteration of the carrier's service. In such situations the carrier may not be required to transport the assistive device at all. These situations necessitate case-by-case determinations. Generally, we view portable dialysis machines that weigh approximately 100 pounds or slightly more including the case used to transport the machine to be of reasonable size for carriage in the baggage compartment of most commercial aircraft.

7. *Question:* What are my rights if my portable dialysis machine is damaged during air transport?

Answer: For domestic travel, the general baggage liability limits do not apply if an airline loses or damages an assistive device such as a portable dialysis machine. In these cases, the basis for calculating the compensation is the original purchase price of the device. See section 382.131. This expanded liability for assistive devices does not extend to international trips where the Montreal Convention usually applies. For international travel, the liability limit is currently 1,131 Special Drawing Rights (SDR).¹ This was equal to approximately \$1685 when this guidance was issued.

8. *Question:* Are carriers required to accept for transport medications, syringes and dialysis fluids passengers on home dialysis bring with them?

Answer: Yes. The definition of an assistive device includes items such as medications, syringes, and dialysis fluids. See section 382.2. However, section 382.13(c) also states that airlines are not required to make modifications (e.g., provide accommodations) that would constitute an undue burden or fundamentally alter their program. As such, we would not require a carrier to accept a large supply of dialysis liquid. DOT believes that it is reasonable to limit the quantity of dialysis liquid that a carrier must accept to a one or two day supply.

9. *Question:* Can I use my portable dialysis machine during the flight?

Answer: Generally no. Section 382.121(a)(3) states that carriers must permit assistive devices to be used within the cabin as long as they comply with applicable safety, security, and hazardous materials rules. However, many airlines do not allow portable dialysis machines to be used at any time during flight because the required safety testing regarding electromagnetic interference, which ensures that the use of the portable dialysis machine will not interfere with the navigation or communication systems of the aircraft, has not been conducted.

10. *Question:* What should a passenger do if an airline refuses to accept his/her portable dialysis machine for transport or is charging a fee to transport the machine?

Answer: Passengers should ask to speak with the airline's complaint resolution official (CRO). CROs are individuals trained to be the carrier's experts in ensuring that carrier personnel correctly implement the ACAA and Part 382 requirements. It is their job to ensure that the problems of passengers with disabilities are resolved in a way that is consistent with the regulations outlined by the Department.

If an airline's CRO is unable to resolve your issue, you can call the Department's disability hotline during normal business hours (9 am to 5 pm Eastern time, Monday through Friday except Federal holidays) at **1-800-778-4838** (voice) or **1-800-455-9880** (TTY) to obtain assistance. You can also file a complaint with the Department at <http://airconsumer.ost.dot.gov/escomplaint/es.cfm> or by sending a letter to Aviation

¹ The liability limits are those set out in Articles 21 and 22 of the Montreal Convention. Article 24 of the Montreal Convention provides for a review of those limits every five years in light of inflation that has occurred during that period.

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If you have any questions or desire additional information, please contact Blane Workie, Principal Deputy Assistant General Counsel for Aviation Enforcement and Proceedings, or Livaughn Chapman, Chief, Aviation Civil Rights Compliance Branch, at (202) 366-9342.

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An electronic version of this document is available at <http://www.dot.gov/airconsumer>