

February 5, 2026

Blane Workie
Assistant General Counsel
Office of Aviation Consumer Protection
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

Re: DOT-OST-2025-2514, RIN 2105-ZA20, Investigatory and Enforcement Policies and Procedures of the Office of Aviation Consumer Protection, Notice of Proposed Guidance

Dear Ms. Workie:

In service to the neuromuscular disease community, the Muscular Dystrophy Association (MDA) writes in response to the notice of proposed guidance from the Department of Transportation Office of Aviation Consumer Protection (OACP) on the investigatory and enforcement policies and procedures of the OACP, published January 6, 2026. To protect the safety, dignity, and rights of the neuromuscular community, MDA urges the Department to use its statutory authority to enforce the Air Carrier Access Act (ACAA), including assessing civil penalties when carriers fail to comply with laws protecting passengers with disabilities in air travel.

MDA is the leading voluntary health organization in the United States for people living with muscular dystrophy, ALS, and over 300 other neuromuscular conditions. For over 75 years, MDA has led the way in accelerating research, advancing care, and advocating support and inclusion for families affected by neuromuscular disease. MDA's mission is to empower the people we serve to live longer, more independent lives.

We champion policies that benefit the neuromuscular disease community, including the removal of barriers in transportation, and MDA and people affected by neuromuscular disease have long advocated for greater accessibility in air travel. The inability to safely travel without fear of having one's specialized, high-cost medical equipment damaged or being injured serve as barriers to independence and can impact the community's ability to participate in clinical trials, visit family, contribute spending to our hospitality industry, or take advantage of professional opportunities.

During the FAA Reauthorization Act of 2024, MDA and members of the neuromuscular community advocated successfully for the inclusion of language explicitly granting DOT the statutory authority to assess civil penalties when a carrier does not meet the new regulatory requirements for improved training standards for personnel who assist passengers who use wheelchairs or who stow wheelchairs and scooters. The code also states that penalties involving damage to a wheelchair or other mobility aid or injury to a passenger with a disability may be increased above the otherwise applicable maximum amount for a violation of the Air Carrier Access Act to an amount not to exceed 3 times the maximum penalty. This reiterates Congress's intent for ACAA violations to result in civil penalties, and that penalties for such violations not only have explicit authorization in federal statutes, but ought to be higher.

It is important to emphasize that air carriers are afforded due process during investigations of ACAA violations. As noted in a March 2025 memorandum from the Department's Acting General Counsel clarifying the procedural requirements for enforcement actions initiated by DOT, due process includes two essential elements for a party subject to an enforcement action: adequate notice of the proposed agency enforcement action and a meaningful opportunity to be heard by the agency decisionmaker. Enforcement of the ACAA already achieves these two principles. It has been nearly four decades since the Air Carrier Access Act has passed and carriers are well aware of their responsibilities under the law, given annual reporting requirements. In the event of a violation, carriers are given ample opportunity throughout the investigation process to respond to allegations and whether enforcement must be taken, allowing for meaningful opportunities to be heard before the agency decisionmaker. This meets the due process procedural requirements outlined by the Department's Acting General Counsel.

Last February, President Trump issued Executive Order 14219, 'Ensuring Lawful Governance and Implementing the President's Department of Government Efficiency Deregulatory Initiative', directing federal agencies to 'focus the executive branch's limited enforcement resources on regulations squarely authorized by constitutional Federal statutes'¹. As previously stated, Congress has explicitly instructed DOT to enforce the ACAA, meeting the directive of Executive Order 14219 and therefore consistent with Administration policy.

OACP's full enforcement of the ACAA is not only fair and well-founded in statute, it is vital to protect the safety of passengers with disabilities in the neuromuscular community

¹ <https://www.federalregister.gov/documents/2025/02/25/2025-03138/ensuring-lawful-governance-and-implementing-the-presidents-department-of-government-efficiency>

during air travel, who deserve adequate remedies when they are injured or their essential medical equipment is damaged or destroyed during air travel. While we stand ready to work with air carriers on proactive compliance to improve the air travel journey for individuals affected by neuromuscular disease, we know that warning letters and promoting compliance is not enough for carriers to meaningfully take proactive measures to comply with the ACAA, as evident by the high number of disability complaints filed by passengers with disabilities, including from the neuromuscular community, each year. The mere volume of complaints points to the widespread, systemic, and egregious violations that require enforcement action.

Only when laws are properly enforced, including the assessment of civil penalties when appropriate, will carriers be truly incentivized to comply with the ACAA's requirements and protect passengers with disabilities in the neuromuscular community, who risk safety and health each time they fly. Consequently, while we appreciate DOT's intentions to assist airlines to bring them into compliance, we urge the Department to still use civil penalties to bring airlines into compliance as explicitly instructed by Congress.

Thank you for the opportunity to provide comments on this important safety issue. If you have questions regarding MDA's position, please contact Shannon Wood, Director of Disability Policy, at swood@mdausa.org.

Sincerely,

Shannon Wood
Director of Disability Policy
Muscular Dystrophy Association