



U.S. Department
of Transportation

**Federal Aviation
Administration**

InFO

Information for Operators

InFO 11017
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Flight Standards Service
Washington, DC

http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info

An InFO contains valuable information for operators that should help them meet certain administrative, regulatory, or operational requirements with relatively low urgency or impact on safety.

Subject: Accessible-Lavatory Requirements of Title 14 of the Code of Federal Regulations (14 CFR) Part 382, Subpart E

Purpose: This InFO clarifies Federal Aviation Administration (FAA) and Department of Transportation (DOT) accessible-lavatory requirements and relief for aircraft with more than one aisle.

Discussion: In 1988, Congress passed the Americans with Disabilities Act (ADA). DOT followed with the Air Carrier Access Act (ACAA) and the implementing of regulation Part 382. The acts and regulation promote accessibility and prohibit discrimination in air travel for persons with disabilities. The regulation requires accessible lavatories to be installed and fully operational on specific aircraft. Further, DOT prefers that air carriers deal directly with DOT concerning Part 382 inoperative items. Air carriers may also petition DOT for Equivalent Alternative Determinations to Part 382 (or essentially DOT “relief”). It should be noted that DOT “relief” is not Master Minimum Equipment List (MMEL) relief.

The DOT also investigates all passenger complaints concerning Part 382. The investigative process looks for a “**pattern and practice**” of non compliance. If a “**pattern and practice**” of non compliance is found, the DOT will respond through the Office of Aviation Enforcement and Proceedings (OST/C-70). The exact meaning and quantitative values outlining “**pattern and practice**” are not defined by the DOT.

The FAA provides limited relief for Part 382 items so an aircraft can be moved to repair stations with minimum service disruptions. The current and only FAA relief is noted in Policy Letter PL-128, Wheelchair Accessible Lavatories. Consequently, accessible lavatory items are no longer allowed in FAA approved Non-essential Equipment and Furnishings (NEF) lists. Due to differences in FAA and DOT objectives, an air carrier may be in compliance with FAA relief, which the DOT does not recognize.

Recommended Action: Operators who include FAA accessible lavatory relief in their minimum equipment lists (MEL) must be aware of the differing FAA and DOT objectives for Part 382. Operators and Dispatchers are encouraged to contact the DOT whenever questions about Part 382 exist.

Contact: Questions or comments regarding this InFO should be directed to AFS-200, Air Transportation Division, at 202-267-8166. Questions about Part 382, temporarily inoperative equipment, or requests for Equivalent Alternative Determinations (DOT “relief”) should be directed to DOT’s Office of Aviation Enforcement and Proceedings (OST/C-70, 202-366-9342).