



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS
WASHINGTON, DC**

May 23, 1997

This letter is being sent to U.S. Major and National air carriers, air transport organizations, and certain disability organizations. It concerns the Department of Transportation's rule on air travel by passengers with disabilities. I would appreciate it if you would direct this letter to the individual in your organization who deals with such issues.

On November 1, 1996, the Department published amendments to its rules on air travel by passengers with disabilities. These amendments deal with accessibility of aircraft with 19 through 30 seats, accessibility of airport facilities, and transportation of persons believed to have a communicable disease. I have enclosed two versions of an updated copy of the air carrier rule, 14 CFR Part 382. The shorter one is the rule itself; the longer one contains the rule as well as the preambles to the original 1990 rule and to the 1996 amendments. These copies are unstapled and one-side-only to facilitate further reproduction.

Pursuant to §382.45(d), all air carriers must have a copy of Part 382 at each airport that the carrier serves and must make it available for inspection by persons with disabilities upon request. Since the pre-November version of the rule has been superseded by the rule as revised in November, carriers must ensure that the current version of Part 382 is available at all airports. For this purpose, the short "rule only" version (enclosed) is satisfactory. However, it would not be acceptable to simply distribute the November amendments for use in conjunction with the pre-November rule. The current rule with the November amendments incorporated must be available at airports.

The enclosed documents will be available for download shortly on the Department's web site: <http://www.dot.gov/ost/doctr/AIRACCES.HTM>. In addition, upon request we will be happy to furnish an electronic version of these documents to you via diskette or e-mail in word processor or ASCII text format.

We would appreciate it if the air carriers receiving this letter would send a copy of the letter and enclosures to their U.S.-carrier code-sharing partners and to any low-cost or shuttle subsidiary. (As indicated above we are sending this letter to all U.S. Majors and Nationals, so you do not need to forward a copy to any carriers in that group.) Please note that most of the provisions of Part 382 apply to charter flights and to small-aircraft commercial service; the rule is not limited to scheduled-service jet operations.

Thank you for your cooperation. If you have any questions, please let me know.

Sincerely,

Hoyte B. Decker, Jr.
Assistant Director for
Aviation Consumer Protection, C-75
Office of Aviation Enforcement
and Proceedings

Enclosures

June 17, 1997

This letter is being sent to U.S. Major and National air carriers, air transport organizations, and certain disability organizations. On May 23, 1997, we sent you a revised edition of the Department of Transportation's rule on air travel by passengers with disabilities, 14 CFR Part 382. This edition of the rule incorporated amendments that were issued in November 1996 concerning accessibility of aircraft with 19 through 30 seats, accessibility of airport facilities, and transportation of persons believed to have a communicable disease. We enclosed two versions of the rule; the shorter one was the rule itself; the longer one contained the rule as well as the preambles to the original 1990 rule and to the

1996 amendments.

We have discovered that sub-paragraphs (b) and (c) of section 382.49 (Security screening of passengers) were inadvertently omitted from both the long and short versions of this new edition of the rule. Section 382.49 was not affected by the November 1996 amendments, and should not have changed. We are enclosing the following corrected materials:

- (1) A complete, corrected copy of the short “rule only” version (11 pages).
- (2) For the longer version (77 pages):
 - (a) New pages 8 through 11, which contain the corrected text. Only two paragraphs were added, but it was necessary to go through page 11 to harmonize the new page breaks with the rest of the document. These five pages can be substituted for the old pages 8 through 11.
 - (b) A correction sheet that can be slipped into the long version at page 8; the correction sheet contains the corrected text for the entire section 382.49. You may want to use this correction sheet in lieu of the corrected pages 8 through 11 if you have already reproduced the long version of the rule.

We sincerely regret any inconvenience that this has caused. If you would like to receive either of these documents in electronic form or if you have any questions, please call me at (202) 366-5952.

Sincerely,

Timothy J. Kelly
Industry Analyst
Aviation Consumer Protection Division, C-75
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Enclosures

Sub-paragraphs (b) and (c) of section 382.49 were inadvertently omitted from this copy of the rule. The complete section 382.49 reads as follows:

§ 382.49 Security screening of passengers.

- (a) Qualified individuals with a disability shall undergo security screening in the same manner, and be subject to the same security requirements, as other passengers. Possession by a qualified individual with a disability of an aid used for independent travel shall not subject the person or the aid to special screening procedures if the person using the aid clears the security system without activating it. Provided, That this paragraph shall not prohibit security personnel from examining a mobility aid or assistive device which, in their judgment, may conceal a weapon or other prohibited item. Security searches of qualified individuals with a disability whose aids activate the security system shall be conducted in the same manner as for other passengers. Private security screenings shall not be required for qualified individuals with a disability to a greater extent, or for any different reason, than for other passengers.
- (b) Except as provided in paragraph (c) of this section, if a qualified individual with a disability requests a private screening in a timely manner, the carrier shall provide it in time for the passenger to enplane.
- (c) If a carrier employs technology that can conduct an appropriate screening of a passenger with a disability without necessitating a physical search of the person, the carrier is not required to provide a private screening.

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