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ISSUE LIST AND ACTION ITEMS FOR ACCESSIBLE LAVATORY (AL) WORKING GROUP For Discussion at the Second Plenary Meeting of the DOT ACCESS Committee June 14, 2016

Overarching issue (per Federal Register notice that convened this group): “whether to require an accessible lavatory on single-aisle new aircraft over a certain size.”

Key Issues

1. How should “accessible lavatory” (AL) be defined in the rule?

ACTION ITEM 1a: Kate H-Z and Lee Page will form a working group of advocates to develop an initial proposed specification. The specification will include a narrative that describes, from the standpoint of the Accessible Lav user, what *human* assistance would be expected to be provided from whom at each point in the process of travel from seat to lav and back to seat; and how many transfers would be required. The specification will also clearly define the term “assisted transfers” and “independent transfers” and provide a specification for each (solely for analytical purposes and without committing the advocacy community to acceptance of “independent transfers”).

Target date for Completion: _____

On a parallel track, Lee Page (PVA) will reach out to colleagues in the advocacy community to explore their interest in circulating an informal survey to their members on the experience in using, or attempting to use “accessible lavatories” currently provided in (a) twin-aisle aircraft and (b) single-aisle aircraft. If there is interest in principle, Richard will work with Kate in drafting a short and simple survey for use. The survey will include a question on the relative utility of “assisted” vs “independent” transfers as defined above. Rob Gorman (DOT) has agreed to be the point of contact for collecting this data.

Target Date for Survey Administration: _____

ACTION ITEM 1b: Once ACTION ITEM 1 is completed, the performance specification preferred by Advocates will be circulated simultaneously to airlines and Original Equipment Manufacturers (OEMs) for their comment on (a) whether these specifications are compatible with existing designs and plans, (b) any modifications to existing designs that would be necessary to accommodate the performance specifications emerging from Action Item 1, and (c) the likely impact of such modifications on the footprint of the lav and hence on the likely tradeoffs discussed below. Those comments will be circulated to the Advocates and the Working Group as a whole for discussion, with the goal of creating an iterative process to reach consensus

2. What are the options for specifying the types of single-aisle aircraft that might be required to install accessible lavs? What are the pros and cons of each option? What is the best choice?

DRAFT

- a. Number of seats?
- b. Range of aircraft?
- c. Scheduled (as opposed to actual) flight time?

ACTION ITEM 2: Brian Friedman (JetBlue) will assemble a small task force of airline and OEM experts to provide a consensus assessment as to whether scheduled flight time (the most intuitively appealing threshold) is operationally viable for airlines and OEMs. If not, what are the pros and cons of range vs. FAA-max-certified seat number as threshold criteria?

Target Date for Deliverable: _____.

3. For each major model of aircraft, what are the requirements of AL for:
 - a. On-board wheelchair design (See Annex D – Implications for Onboard Wheelchair Design)
 - b. Space around the entrance to the lav (but outside the lav)? (See Annex D -- Implications for Space at Entrance to Lavatory)

ACTION ITEM 3: These questions would be addressed either as part of ACTION ITEMS 1a and 1b above – either contemporaneously, or at a second-stage of inquiry. *Note that Rob Gorman, Staff Attorney for DOT, has reported the Department's position that on-board wheelchair design is within the mandate of this reg-neg committee if and to the extent that it is "integrally related" to the accessibility in practice of the accessible lavatory. DOT also notes that existing standards for onboard wheelchairs are set forth in 14 CFR 382.65(c) (see Annex A).*

4. For each representative model and configuration of aircraft -- and each performance specification identified in ACTION ITEM 1 -- what are the specific costs and tradeoffs of AL as defined in terms of:
 - a. Seats,
 - b. Seat pitch,
 - c. Space for trolleys/carts
 - d. Aircraft operations in flight

ACTION ITEM 4a: Brian Friedman, Michelle Albert, and Kate Hunter-Zaworski will assemble a task force of airline and OEM experts to assess the impact of various performance specifications on footprint and on tradeoffs for airlines in the above-listed categories. Because the possible permutations of aircraft type, configuration and operational model are large, it is necessary to analyze a group of Representative Cases (or scenarios) that generate a range of possible outcomes, so that outcomes from performance specifications/configurations that deviate from a Representative Case can be calculated, at least roughly, by interpolation from such cases. The first step (ITEM 4a) is thus to identify a methodology for generating a manageable set of Representative Cases and then generate such cases.

Target Date for Identification of Representative Cases: _____.

ACTION ITEM 4b: Once the case studies are identified, the analysis will proceed. Michelle Albert is working with Kate H-Z in producing a decision Cases. flow chart that will clarify the sequence of analysis/decisions in this space.

Target Date for Completion of Analysis: _____.

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5. Who are the beneficiaries of accessible lavatories and how do we get information on the number of possible beneficiaries in each category and the magnitude of benefit to passengers in each category?
 - a. Passengers with permanent mobility impairments?
 - a. Passengers with temporary mobility impairment?
 - b. Older passengers?
 - c. Passengers travelling with infants and small children?
 - d. Passengers who are obese?
 - e. People with sight or hearing loss?
 - f. Passengers with ileostomy and colostomy devices
 - g. Passengers with no impairment but who appreciate more space in lavatory?

What weight, if any, should be assigned in our deliberations to foreseeable benefits of larger lavatories accruing to non-disabled persons?

ACTION ITEM 5: Advocacy Groups will explore the feasibility of conducting an informal survey of members on the utility they would expect to derive from access to a lavatory with the Performance Specifications identified in this rule. Unlike ACTION ITEM 1a above, this survey would not be limited to users of current designs of lavatories.

Target Date for Response on Feasibility of Study: _____

Target Date for Study Administration: _____

6. What constitutes a “new” aircraft?
 - a. The Federal Register notice convening the ACCESS Committee stated that one issue area was “whether to require an accessible lavatory on single-aisle new aircraft over a certain size.”
 - b. DOT’s Regulations Office has determined that in light of that language, the issue of retrofits is outside the scope of the Committee’s charter.
 - c. DOT notes that in general, retrofits of existing hardware are not typically required in ACAA accessibility regulations.
 - d. On the issue of “new” aircraft:
 - i. Airlines and OEM’s note that “new” may refer to many things: manufacture of individual aircraft, shipment dates, model designs, modifications of existing models, etc.). They also note that the Committee should take into account the long cycle of research and development when proposing any new standards.
 - ii. Existing rule for twin aisle aircraft (14 CFR 382.63) did not expressly define “new,” but it made reference to aircraft initially ordered or delivered after a date certain, and thus offers a helpful starting point for discussion.:

“As a foreign carrier, you must comply with the requirements of paragraph (a) of this section with respect to new aircraft you operate that were initially ordered after May 13, 2009 or which are delivered after May 13, 2010. As a U.S. carrier, this requirement applies to you with respect to new aircraft you operate that were initially ordered after April 5, 1990, or which were delivered after April 5, 1992.”