

ACCESS Committee – Accessible Lavatory Working Group
Advocates’ Proposed Tier 1 Term Sheet
September 15, 2016

Key Terms of Proposed Tier 1 Rule

1. Applicability

- a. Flight operations. See 14 CFR 382.7.
 - i. If you are a U.S. carrier, this section applies with respect to all your operations regardless of where they take place.
 - ii. If you are a foreign carrier, this section applies only with respect to flights you operate that begin or end at a U.S. airport and to aircraft used for these flights. For purposes of this part, a “flight” means a continuous journey in the same aircraft or with one flight number that begins or ends at a U.S. airport.
- b. Aircraft. All aircraft with FAA-certified maximum seating capacity¹ of 60 seats or more.
- c. Compliance date. One year from the effective date of the rule, for all carriers.

2. Training.

Carriers must train flight attendants to proficiency on an annual basis to provide assistance in transporting qualified individuals with disabilities to and from the lavatory from the aircraft seat, including the use of the on-board wheelchair, and with respect to any assembly or modifications to the accessibility features of the lavatory or on-board wheelchair

3. Information.

- a. Carrier personnel on the aircraft must provide information, on request, to qualified individuals with a disability or persons making inquiries on their behalf concerning the accessibility of aircraft lavatories if any.
- b. This information must also be available on the carrier’s website, and in printed or electronic form on the aircraft.

4. Hygiene items. Carriers must provide for the safe and sanitary disposal of personal hygiene items.

¹ Carriers want the “FAA-certified max” clause because it prevents competitors from gaming the system.

5. Lavatory Standards

- a. Components. The lavatory shall contain the following components:
 - i. a toilet seat height that is 18 inches
 - ii. assist handles;
 - iii. the following elements that must be usable by a qualified individual with a disability, including wheelchair users and individuals with manual impairments, and must be identifiable by the sense of touch:
 - 1. faucets
 - 2. a flush control accessible from the seated position on the toilet
 - 3. call buttons needs to be separated from the flush button, but accessible from the toilet.
- b. Other features.
 - i. The lavatory shall permit a qualified individual with a disability to perform a standing independent transfer.
 - ii. For Aircraft with 125 seats or greater, the lavatory shall provide additional space for use by qualified individuals with disabilities through the use of visual barrier [e.g., a curtain or other partition] that provides the same level of privacy and protection provided to all other passengers accessing an aircraft lavatory.²

6. Onboard wheelchair Standards

For Aircraft with 125 seats or greater

- a. Onboard wheelchairs must be 14.6 inches wide with a seat length of 16 inches and have a minimum weight capacity of 350 lbs.
- b. The height of the top of the seated surface of the onboard wheelchair seat must be 18 inches, and must provide a maximum height differential of ½ inch with the lavatory toilet seat.
- c. The onboard wheelchair must be capable of being pushed from the front and the rear by its own wheels..
- d. Components: On-board wheelchairs must have:

² [Footnote from advocates]: The on-board wheelchair is expected to be inside of the lavatory only for an individual who can make use of the lavatory by positioning the wheelchair over the toilet (if that feature is available). Otherwise, the on-board wheelchair would not be in the lavatory. Thus, a curtain or other partition is required to provide accessibility for individuals who need to perform other types of transfers or who need the assistance of another individual but can ambulate.

- i. a non-slip, padded seat and seatback;
- ii. occupant restraints for supporting the upper body;
- iii. two independent, locking, and foldable footrests or a single, solid footplate;
- iv. a mechanism for keeping occupant's lower limbs in place;
- v. four wheels with a minimum diameter of five inches and are capable of moving independently while the two front wheels are in a locked position parallel to the direction of travel. At least two of the four wheels must have an independent brake that can be activated by both the occupant and the attendant, and
- vi. movable armrests with a minimum length of 10 inches.

7. Retrofitting.

- a. You are not required to retrofit cabin interiors of existing aircraft with more than 60 seats to comply with the requirements of this section.
- b. However, if you replace a lavatory on aircraft with more than 125 passenger seats that does not already meet the requirements then you must replace it with lavatory components in accordance with the applicable requirements described above.
- c. If you replace an onboard wheelchair on an old aircraft with more than 125 passenger seats that does not already meet the applicable requirements set forth above, then you must replace it with an onboard wheelchair that meets applicable requirements set forth above, so long as such a replacement fits for weight and space within the existing storage space on the aircraft.