



**DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
On the 25th day of October, 2017

**AGREEMENT BY and BETWEEN
ALL NIPPON AIRWAYS CO., LTD.**

Docket DOT-OST-2017-0167

And

U.S. DEPARTMENT OF TRANSPORTATION

WHEREAS, the Air Carrier Access Act prohibits airlines from discriminating on the basis of disability and provides the U.S. Department of Transportation (Department) with authority to create regulations to prevent such discrimination.

WHEREAS, the Department issued its final rule on website-accessibility on November 12, 2013, which requires airlines to ensure that the following core travel information and services on their primary website were compliant with the Department's website accessibility rules by December 12, 2015:¹

- (a) Booking or changing reservation (including all flight amenities)
- (b) Checking in for a flight
- (c) Accessing a personal itinerary
- (d) Accessing a personal frequent flyer account
- (e) Accessing flight schedules
- (f) Accessing carrier contact information

WHEREAS, the website-accessibility requirements required airlines to ensure that all remaining webpages on an airline's primary website were compliant with the Department's website-accessibility rules by December 12, 2016.

WHEREAS, All Nippon Airways Co., Ltd. (ANA) voluntarily self-reported to the Department in June 2016 that its website would not fully comply with the Department's website-accessibility requirements for core travel information and services by the required timeframes following a website-accessibility check conducted by an independent contractor hired by the airline.

¹Pursuant to its enforcement authority, the Department's Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (Enforcement Office) decided not to enforce certain website-accessibility requirements until after June 30, 2016.

WHEREAS, ANA's website did not become fully compliant with the Department's website accessibility requirements for core travel information and services until December 7, 2016.

WHEREAS, it is in the public's interest for airlines to provide accessible websites as an accommodation to passengers with disabilities.

NOW, THEREFORE, All Nippon Airways Co., Ltd. and the U.S. Department of Transportation hereby agree to the provisions below.

Mitigation Plan

1. ANA commits to making its mobile site consistent with the World Wide Web Consortium (W3C) Mobile Web Best Practices 1.0 (MWBP) (July 29, 2008) by January 24, 2019.
2. ANA commits to ensuring its mobile site is tested in consultation with individuals with disabilities or members of disability organizations who use or want to use the carrier's mobile site to research or book air transportation in order to obtain their feedback on the mobile site's accessibility and usability before by January 24, 2019. Such individuals must be able to provide feedback on the usability of the mobile site by individuals with disabilities visual, auditory, tactile, and cognitive disabilities.

Verification and Certification of Plan Implementation

3. By April 24, 2019, ANA must provide the Department's Office of Aviation Enforcement and Proceedings (Aviation Enforcement Office) a sworn statement, with supporting documentation, from a responsible company official certifying that ANA's mobile site is consistent with the W3C's MWBP and that the airline consulted with individuals with visual, auditory, tactile and cognitive disabilities, or members of disability organizations who use or want to use the carrier's mobile site to research or book air transportation.

U.S. Department of Transportation Action Plan

4. The Aviation Enforcement Office will refrain from taking enforcement action against ANA for its noncompliance with the Department's website-accessibility requirements through December 7, 2016, provided that the airline undertakes the compensatory measures outlined in paragraph 1 and 2 above and submits the certifications in accordance with paragraph 3.

Miscellaneous

5. This Agreement shall not be waived, changed, or otherwise altered, except in writing with approval by both the Aviation Enforcement Office and ANA.
6. This Agreement shall take effect and become final within 10 days of its issuance.
7. The provisions of this Agreement shall be binding on the parties and shall remain effective until waived, changed, or otherwise altered as set forth in paragraph 5.

8. Should ANA fail to fulfill any provision of paragraphs 1-3 above, the Department will take enforcement action against the airline for each day that the airline failed to comply with the Department's website-accessibility requirements. The Department will hold ANA responsible for each violation in accordance with 49 U.S.C. 46301(a)(1).²

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the 25th day of October 2017.

U.S. DEPARTMENT OF TRANSPORTATION ALL NIPPON AIRWAYS CO., LTD.

Blane A. Workie
Assistant General Counsel
for Aviation Enforcement and Proceedings

Takayoshi Sugawara
SVP, Chief Legal Officer & General Counsel

² Under an amendment to 14 CFR 383.2 (see 81 FR 52763, August 10, 2016) and pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114-74; 117 Stat. 584, November 2, 2015), the maximum monetary civil penalty amount that may be assessed for violations by a person other than a small business or an individual that are covered by 49 U.S.C. § 46301(a)(1)(A) or (B) increased from \$27,500 to \$32,140. The maximum civil penalty amount that may be assessed for violations by individuals or small businesses covered under these same provisions, including the anti-discrimination provisions of sections 40127, 41705, and rules and orders issued pursuant to these provisions, increased from \$11,000 to \$12,856. For violations by an individual or small business concern of 49 U.S.C. § 41712 or any other regulation prescribed by the Secretary that is intended to afford consumer protection to commercial air transportation passengers, the maximum civil penalty amount that may be assessed under 49 U.S.C. § 46301(a)(5)(D) increased from \$2,750 to \$3,214. These adjusted maximum civil penalty amounts are effective and apply to all civil penalties assessed on or after August 1, 2016, for violations occurring before or after the effective date.