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VIA EMAIL & REGULATIONS.GOV

November 1, 2024

Ms. Blane Workie, Esq.
Assistant General Counsel
for Aviation Consumer Protection
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590
blane.workie@dot.gov

Re: Application of American Airlines for an Equivalent Alternative Determination (B787-9 and B777-300ER), DOT-OST-2008-0273

Dear Ms. Workie,

Pursuant to 14 CFR § 382.10, American Airlines, Inc. (“American”) respectfully submits this application for an equivalent alternative determination (EAD) related to the movable aisle armrest requirement of 14 CFR § 382.61. This EAD application concerns the Flagship Suite premium seats on American’s Boeing 787-9 aircraft (“B787-9 aircraft”) and Boeing 777-300ER aircraft (“B777-300ER aircraft”), scheduled to begin revenue service for American in 2025. The seat at issue here is materially identical to the seat for which the Department granted an EAD to Hawaiian Airlines for that airline’s B787-9 aircraft in November 2023.¹ American respectfully requests the Department to act expeditiously to grant American’s EAD application ahead of American’s planned introduction of the Flagship Suite on B787-9 and B777-300ER aircraft.

Background

Section 382.61(a) requires carriers to ensure that “aircraft with 30 or more passenger seats on which passenger aisle seats have armrests are equipped with movable aisle armrests on at least one-half of the aisle seats in rows in which passengers with mobility impairments are permitted to sit under FAA or applicable foreign government safety rules.” The Department has interpreted the term “movable aisle armrest” as meaning an armrest on an aisle seat that completely moves or folds out of the way while the seatback remains in an upright position to permit a passenger with a mobility impairment to safely make an unobstructed transfer from an aisle wheelchair to his or

¹ See Letter of Livaughn Chapman, Jr. Re: Equivalent Alternative Determination Request, dated November 17, 2023, in this docket.

her aircraft seat, either independently or with assistance from carrier personnel if the passenger's physical ability necessitates such assistance.²

In support of this application, American is submitting diagrams of its B787-9 and B777-300ER seating configurations as Exhibits A and B.³ American's B787-9 aircraft will be configured for 244 passenger seats, including 51 business class Flagship Suite seats. American's B777-300ER aircraft will be configured for 330 passenger seats, including 70 business class Flagship Suite seats. Access to the suites will be facilitated by armrests that lower to the same level as the seat platform and can bear a person's weight so as to serve as a temporary extension of the seat platform. Although this seat does have an armrest that lowers to facilitate transfers, the Department found in granting Hawaiian Airlines' EAD application that an EAD is necessary because when the armrest is lowered to a plane parallel with the seat, the passenger must still be transferred over the armrest in order to reach the seat. A picture of the premium cabin aisle seat with the armrest moved into the down position follows.

American's B787-9 Flagship Suite Seat with Armrest Moved into Down Position



Discussion

As the Department found in assessing Hawaiian Airlines' EAD application, this seat provides substantially equivalent access, such that granting an EAD is appropriate. The pitch and dimensions of the seat allow for passengers with mobility impairments to make a horizontal transfer or an assisted transfer into the aisle seat without being lifted over any obstacles. The ease

² *Id.*

³ American is requesting confidential treatment of the information contained in the Exhibits to this application.

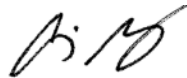
of transfer is facilitated by the generous seat pitch of at least 42 inches. Accordingly, an individual with a mobility impairment can transfer or be transferred horizontally to and from the seat without any impediment. This is demonstrated in videos that American submits as Exhibit C demonstrating self-transfer and assisted transfer into and out of the seat. The seat and the transfers are materially identical for American's B787-9 and B777-300ER aircraft at issue.

The armrests can bear the weight that may be imposed by the transfer of a passenger with a mobility impairment. American's seat vendor, Adient Aerospace, performed testing on the armrest by applying loads to different points on the armrest in the up and down position. Tested in the down position, the armrest sustained a load in excess of 500 pounds. American submits as Exhibit D a record of the armrest testing procedure confirming its ability to sustain loads of over 500 pounds.

The diagrams, videos, and other materials submitted in support of this application clearly show that the horizontal transfer of passengers into these seats provides substantially equivalent accessibility to passengers with mobility limitations, compared with the requirements set out in § 382.61. Accordingly, and consistent with the Department's grant of an EAD to Hawaiian Airlines for a materially identical seat, American respectfully requests that the Department grant an EAD for the Flagship Suite premium seats on American's B787-9 aircraft and B777-300ER aircraft.

Please contact me with any questions. American appreciates the Department's prompt consideration of this application.

Sincerely,



Arjun Garg
Hogan Lovells US LLP
Counsel for American Airlines, Inc.

cc: Livaughn Chapman, Jr., Esq., Deputy Assistant General Counsel, Office of Aviation
Enforcement and Proceedings

Enclosures