



**U.S. Department
of Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Ave., S.E.
Washington, D.C. 20590

February 20, 2025

Via Email - Read Receipt Requested

Arjun Garg
Hogan Lovells US LLP
555 Thirteenth Street, NW
Washington, DC 20004
arjun.garg@hoganlovells.com

Re: Equivalent Alternative Determination
Request: 14 CFR 382.61 (American)

Dear Mr. Garg:

This letter concerns the November 1, 2024, request of American Airlines, Inc. (American), for an equivalent alternative determination (EAD) concerning the movable aisle armrest requirement contained in 14 CFR 382.61 of the Department's Air Carrier Access Act (ACAA) regulation for the Flagship Suite premium seats on American's Boeing 787-9 aircraft and Boeing 777-300ER aircraft. By this letter, we grant the request, subject to the conditions below.

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."¹ Section 382.61(c) notes that movable aisle armrests must be "provided proportionately in all classes of service in the cabin."² Furthermore, OACP has interpreted movable aisle armrest as meaning an

¹ The Department's Office of Aviation Consumer Protection (OACP) has long held that the passenger seating capacity of an aircraft is the manufacturer's maximum designed seating capacity of a given aircraft type. Therefore, a carrier may not avoid compliance with the aircraft accessibility requirement of Part 382 by reducing the number of seats on an aircraft or ordering an aircraft with fewer seats than its designed seating capacity. For example, if a manufacturer designs an aircraft type to hold a maximum of 110 passenger seats, OACP would treat the aircraft as an aircraft with a passenger seating capacity of 110 even if a carrier stipulates that the aircraft is to be delivered with 99 seats or takes delivery of an aircraft with 110 seats and then removes 11 seats.

² For example, if 80 percent of the aisle seats in which passengers with mobility impairments may sit are in coach, and 20 percent are in first class, then 80 percent of the movable aisle armrests must be in coach, with 20 percent in first class.

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

Application

American states that it intends to introduce the aircraft with Flagship Suite seats into service in 2025. American states that the Flagship Suite seats have armrests that do not completely move or fold out of the way; however, they do lower to the same level as the seat platform and can support a passenger's weight, so that the passenger can be transferred directly across the armrest and into the seat. American states that the armrests can support a weight of over 500 pounds. American also states that 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. American provided videos demonstrating a carrier-assisted transfer of a person with a mobility impairment from an aisle or boarding wheelchair to those seats. American also supplied diagrams and other data related to the seats in question. After review of American's application and related materials, we determine that the seats do provide substantially equivalent access, such that an EAD is appropriate.

Equivalent Alternative Determination

Based on the information provided, the Department is granting American's November 1, 2024, EAD request for section 382.61 with the following conditions:

This approval is limited to American's Flagship Premium seats on its Boeing 787-9 aircraft and Boeing 777-300ER aircraft, as described in American's November 1, 2024, request. American must obtain the Department's prior approval for any seat configuration changes and/or seat dimension changes to be made on any aircraft that is subject to this approval. If American implements seat configuration and/or seat dimension changes without prior approval of the Department, it risks being in violation of section 382.61;

- (1) American must provide, or ensure the provision of, specialized training to their employees and contractors, as well as the employees and contractors of any other entity that will be transferring persons with a mobility impairment to or from the seats. The specialized training must ensure training to proficiency in how to properly transfer a passenger to and from the seats. Such training must also cover, at a minimum: (A) the proper use of all items needed to transfer a passenger to and from the seats (e.g., transfer board and sling/harness); (B) the number of persons needed to perform the transfer; (C) how to properly operate the seats (e.g., location and use of control buttons); and (D) how to transfer a passenger to and from the seats in a safe and dignified manner; and

(2) American must also: (A) provide, or ensure the provision of, annual refresher training; (B) retain for three years individuals' training records demonstrating that all persons required to receive initial and refresher training have done so; and (C) within 30 days after each calendar quarter (beginning with the quarter in which American operates its aircraft to or from the United States), for a period of three years, provide OACP with copies of all complaints, if any, regarding passenger transfers to and from the seats in the covered aircraft, or certify in writing that no such complaints have been received. Copies of all complaints, or notifications that there were no complaints, as required above, should be sent to Robert Gorman at robert.gorman@dot.gov and Karla Hammonds at karla.hammonds@dot.gov.

If you have any questions about this matter, please contact Robert Gorman, Senior Attorney, on my staff, at (202) 366-9342.

Sincerely,

Livaughn Chapman, Jr.
Deputy Assistant General Counsel
Office of Aviation Consumer Protection

cc: Molly Wilkinson, molly.wilkinson@aa.com