



Federal Aviation Administration

Policy Letter 128 Revision 1

Date: August 18, 2011

To: All Region Flight Standards Division Managers
All Aircraft Evaluation Group Managers

From: Manager, Air Transportation Division, AFS-200

Reply To
Attn Of: Manager, Technical Programs Branch, AFS-260

MMEL Global Change

PL-128 is designated as GC-173

This Global Change (GC) is an approved addendum to some MMEL documents. Operators may seek use of the specific relief contained in this policy letter by revising their Minimum Equipment List (MEL). In doing so, each applicable sample proviso stating the relief in this policy letter, must be copied verbatim in the operator's MEL. Approval of a revised MEL is gained utilizing established procedures, through the Operator's assigned Principal Operations Inspector (POI).

Subject: Wheelchair Accessible Lavatories

MMEL CODE: 23 (COMMUNICATIONS), 25 (EQUIPMENT/FURNISHINGS)

REFERENCE: 14 CFR 382.63(a); 14CFR 382.71(a)
Policy Letter 128 R O, 15 June 2011

PURPOSE:

The purpose of this policy letter is to provide updated guidance to Flight Operations Evaluation Board (FOEB) Chairmen for the **Wheelchair Accessible Lavatory items listed in 14 CFR 382.63(a)**.

DISCUSSION:

The FAA currently provides relief for the Passenger to Attendant Call System as a Non Essential Equipment and Furnishings (NEF) item **in all lavatories**. Section 382.63 of the DOT regulation implementing the Air Carrier Access Act (14 CFR Part 382) requires that aircraft with more than one aisle in which lavatories are provided shall include at least one accessible lavatory. Accessible lavatory items, per **14 CFR 382**, Section 382.63(a), **include accessible call buttons, door locks, grab bars, faucets, and other controls, and dispensers**. Further, Section 382.71(a) of the DOT rule specifically states that carriers must maintain all such required accessibility features in proper working order.

Questions or concerns about a temporarily inoperable accessible lavatory call button, or other items listed in Section 382.63, should be directed to DOT's Office of Aviation Enforcement and Proceedings (OST/C-70, 202-366-9342), which has jurisdiction over the enforcement of the Air Carrier Access Act and its implementing rule, 14 CFR Part 382.

POLICY

Wheelchair accessible lavatory items listed in Section 382.63(a) will not be listed as NEF items. Accessible lavatory items will be removed from existing NEF lists. Accessible lavatory items include door locks, call buttons, grab bars, faucets and other controls and dispensers. FAA MMEL relief for 14 CFR 382(a) items will be as stated in this policy letter. The DOT retains authority for monitoring and enforcement of 14 CFR 382. Any relief provided by others is not recognized by DOT's Office of Aviation Enforcement and Proceedings. The DOT will investigate all complaints received from passengers. The DOT reserves the right to act if a repetitive pattern and practice of regulatory non-compliance is noted.

23 (COMMUNICATIONS)
25 (EQUIPMENT/FURNISHINGS)

XX-X Wheelchair Accessible

*** Lavatory - **accessible call buttons, door locks, grab bars, faucets, and other controls and dispensers as noted in 14 CFR 382.63(a) on aircraft with more than one aisle**

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(O) May be inoperative alternate procedures are established and used.

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Any in excess of those required by 14 CFR 382 may be inoperative.

FOEB Chairmen should apply this policy through the normal FOEB process.

/s/

Gregory Kirkland for 8/19/2011

John S Duncan
Manager, Air Transportation Division