

**Office of the Secretary****14 CFR Part 382****[Docket No. DOT-OST-2021-0137 and DOT-OST-2022-0144]****RIN 2105-AE89****Accessible Lavatories on Single-Aisle Aircraft and Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs****AGENCY:** Office of the Secretary (OST), U.S. Department of Transportation**ACTION:** Notification of enforcement discretion.

SUMMARY: The U.S. Department of Transportation (DOT or Department) is extending its previously announced enforcement discretion for four provisions of the final rule on “Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs” (Wheelchair Rule I) related to airline liability for mishandled wheelchairs, refresher training frequency, pre-departure notifications, and fare difference reimbursements from December 31, 2026 to April 30, 2027. To maintain regulatory consistency, the Department is also expanding this enforcement discretion to include the 12-month hands-on training mandate for flight attendants regarding on-board wheelchair (OBW) assistance and lavatory accessibility in the final rule titled “Accessible Lavatories on Single-Aisle Aircraft” (Accessible Lavatory Rule). These provisions will be formally addressed in an upcoming rulemaking titled “Airline Obligations to Accommodate Air Travelers with Disabilities Using Wheelchairs” (Wheelchair Rule II). This extension is necessary to allow sufficient time for the Department to review and analyze public comments, and to make final determinations regarding the content of the final rule. This exercise of enforcement discretion is intended to remove the burden of complying with the requirements under review by DOT and does not prejudice the outcome of the new rulemaking. This notice does not affect the enforcement of requirements in the Accessible Lavatory Rule other than the one identified.

DATES: As of [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], enforcement of 14 CFR 382.125(e), 382.130(a), 382.132, and the at least once every 12-month training requirements found in §§ 382.141(a)(6) and 14 CFR 382.63(h)(1) are delayed until April 30, 2027.

ADDRESSES: This notification of enforcement discretion, the notice of proposed rulemakings (NPRMs), all comments received, the final rules, and all background material may be viewed online at www.regulations.gov using the docket numbers listed above. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register’s website at www.federalregister.gov and the Government Publishing Office’s website at www.GovInfo.gov.

FOR FURTHER INFORMATION CONTACT: Tori Ford, Robert Gorman, or Blane Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Avenue S.E., Washington, D.C. 20590, 202-366-9342 (phone), victoria.ford@dot.gov, robert.gorman@dot.gov, or blane.workie@dot.gov (email).

SUPPLEMENTARY INFORMATION: On August 1, 2023, DOT issued a final rule on “Accessible Lavatories on Single-Aisle Aircraft” (Accessible Lavatory Rule).¹ Among other things, this rule requires airlines to train flight attendants to proficiency on an *annual* basis to assist in transporting qualified individuals with disabilities to and from the lavatory from the aircraft seat using an on-board wheelchair (OBW).² This training must include hands-on training on the retrieval, assembly, stowage, transfer features, and use of the OBW. It also requires flight attendants to be trained on the accessibility features of lavatories themselves. This provision of

¹ 88 FR 50020 (Aug. 1, 2023).

² See 14 CFR 382.63(h)(1). OBWs are specialized wheelchairs that are stowed onboard the aircraft. They are used to transport passengers between the aircraft seat and the lavatory, often while in-flight. They are distinct from both standard wheelchairs (used to transport passengers within the airport) and aisle chairs (used for enplaning and deplaning).

the rule is scheduled to become effective on October 2, 2026.

In May 2024, Congress passed the Federal Aviation Administration (FAA) Reauthorization Act of 2024 (2024 FAA Act). Section 542 of the 2024 FAA Act directed the Department to issue a rulemaking to develop requirements for minimum training standards for airline personnel or contractors who assist wheelchair users who board or deplane using an aisle chair or other boarding devices, and airline personnel or contractors who stow wheelchairs and scooters on aircraft. Under the 2024 FAA Act, recurrent training must be conducted within 18 months of initial training, and trainees must be recertified on the job every 18 months thereafter by a relevant superior to remain qualified for providing aisle chair assistance. On December 17, 2024, DOT issued a final rule on “Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs” (Wheelchair Rule I).³ The final rule, which included certain provisions required by the 2024 FAA Act such as training requirements, expanded existing airline obligations in 14 CFR part 382 regarding the treatment of air travelers with disabilities. In that regulation, the Department requires initial training by June 17, 2026, and at least once every twelve months thereafter for these personnel.⁴

Recently, the Department has initiated a new rulemaking titled “Airline Obligations to Accommodate Air Travelers with Disabilities Using Wheelchairs” (Wheelchair Rule II)⁵ that will address four provisions of Wheelchair Rule I related to airline liability for mishandled wheelchairs,⁶ refresher training frequency,⁷ pre-departure notifications,⁸ and fare difference reimbursements.⁹ The Department previously announced that it would exercise its enforcement

³ 89 FR 102398 (Dec. 17, 2024).

⁴ 14 CFR 382.141(a)(6).

⁵ Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions, Department of Transportation, Airline Obligations to Accommodate Air Travelers with Disabilities Using Wheelchairs (RIN 2105-AF35) at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=2105-AF35>.

⁶ Codified at 14 CFR 382.130(a).

⁷ Codified at 14 CFR 382.141(a)(6).

⁸ Codified at 14 CFR 382.125(e).

⁹ Codified at 14 CFR 382.132

discretion and not enforce these requirements while it engages in the rulemaking process.¹⁰ In that prior announcement, the Department stated that the earliest date it expected to make a decision on whether to move forward with a final rule was December 31, 2026. However, the Department now anticipates that the earliest date it will be decided is April 30, 2027. Consequently, the Department is expanding its exercise of enforcement discretion and extending the temporary compliance pause for the four affected Wheelchair Rule I provisions from December 31, 2026 to April 30, 2027.

Recently, a large U.S. carrier asked the Department for flexibility in enforcement regarding the annual training requirements of the Accessible Lavatory Rule. The carrier explained that it received approval from the FAA to conduct certain flight attendant safety training, as required by 14 CFR part 121, on an 18-month cycle rather than a 12-month cycle. The carrier argued that it is inefficient to conduct one type of training (required by DOT) on an annual basis while conducting another type of training (required by the FAA) on an 18-month basis.¹¹

To ensure that the various training requirements in part 382 are consistent with the law and Administration policies, the Department has decided that the training frequency issue raised by the Accessible Lavatory Rule will be addressed within the scope of Wheelchair Rule II. Wheelchair Rule II will consider the frequency of refresher training for flight attendants on how to assist passengers to and from aircraft lavatories, including hands-on training with the OBWs and the accessibility features of the lavatories. As such, the Department believes that the public interest is best served by the Department extending its temporary pause in enforcement to the frequency of the training requirement in 14 CFR 382.63(h)(1) to align with the updated Wheelchair Rule II. This notice of enforcement discretion does not affect the enforcement of

¹⁰ See 90 FR 46751 (Sept. 30, 2025). Aside from refresher training frequency, our exercise of enforcement discretion applied to provisions of Wheelchair Rule I related to airline liability for mishandled wheelchairs, pre-departure notifications, and fare difference reimbursements.

¹¹ Specifically, the carrier stated that this “incongruence” would require the carrier to transport almost 30,000 flight attendants to training sessions off-cycle, removing them from operations for an additional day each year.

requirements in the Accessible Lavatory Rule other than the one identified above.

Issued in Washington, D.C., under authority delegated in 49 CFR 1.27(a):

Gregory Zerzan,

General Counsel.

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