



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

National Policy

**ORDER
1370.120**

Effective Date:
11/01/16

SUBJ: Section 508 Accessibility Policy

1. Purpose of this Order. This Order establishes the Federal Aviation Administration's (FAA) enterprise-wide Section 508 Accessibility Policy. Federal agencies are required to ensure Electronic and Information Technology (EIT) that is procured, developed, maintained, or used meets the requirements of Section 508 of the Rehabilitation Act of 1973, as amended. Employees and members of the public with disabilities must have access to and use of EIT that is comparable to that of individuals without disabilities.

2. Audience. This Order applies to all FAA Federal employees and contractors involved in the procurement, development, or maintenance of EIT.

3. Where You Can Find This Order. This Order can be found on the MyFAA website (https://employees.faa.gov/tools_resources/orders_notices/). This Order is available to the public on the FAA website (http://www.faa.gov/regulations_policies/orders_notices/).

4. Scope.

a. This policy is intended to assist FAA employees and contractors in ensuring the accessibility of FAA EIT and applies to EIT as defined by the United States Access Board (Access Board). This policy applies to all EIT that is developed, procured, maintained, or used by the FAA on or after June 21, 2001. Unless an exception applies, acquisitions of EIT products and services must meet the applicable accessibility standards pursuant to the Access Board EIT Accessibility Standards and Section 508 requirements.

b. This policy references Access Board requirements, the FAA's Acquisition Management System (AMS), and other EIT accessibility requirements. When referenced, the final, published version of these guidelines and requirements are applicable.

5. Electronic and Information Technology Accessibility Policy.

a. FAA must ensure that employees and members of the public with disabilities have access to and use of information and data that is comparable to the access available to individuals without disabilities unless an exception applies, in which case the information and data will be provided by an alternate means of access.

b. Unless an exception applies, EIT must meet accessibility requirements even if FAA has not identified employees or members of the public with disabilities who will use the EIT.

c. When procuring EIT FAA must ensure: 1) applicable Section 508 technical standards are identified; 2) solicitations include reference to the identified standards; 3) market research is performed to include consideration of Section 508 compliance; 4) selection of the product or service that meets business requirements and best meets Section 508 requirements is selected; and, 5) documentation is retained to demonstrate compliance with Section 508 requirements.

d. When EIT conforming to one or more requirements in the Section 508 Standards is not commercially available, FAA must procure the product that is consistent with the agency's business needs and best meets the Section 508 Standards. The requiring official will keep documentation in the contract file that meets the AMS requirement for a determination of commercial nonavailability. When EIT that fully conforms to the Section 508 Standards is not commercially available, FAA must still provide individuals with disabilities access to and use of information and data by an alternative means.

e. Access Board EIT Accessibility Standards provide that agencies may accept EIT offered by vendors that use designs or technologies that do not meet the applicable technical provisions but provide substantially equivalent or greater access to and use of a product by people with disabilities through equivalent facilitation. Functional outcome, not form, is the key to evaluating whether a technology results in "substantially equivalent or greater access."

f. An accommodations plan must be created when FAA procures or develops EIT that does not fully conform to the Section 508 Standards. This plan will address the needs of employees or members of the public with disabilities who are trying to utilize the EIT. The plan must also demonstrate how the EIT will be remediated to conform to the Section 508 Standards within ninety (90) days of a pilot or full implementation. A copy of the plan will be kept in the contract or project file and another will be provided to the FAA Section 508 Program Office or designee. A template for this plan is posted on the [FAA Section 508 Program Office's intranet site](#).

g. All FAA employees and contractors (excluding Occupational Series Codes 2152 and 2154) must complete annual Section 508 accessibility awareness training. In addition to the awareness training, employees and contractors in specific job roles are required to complete specialized, role-based training as outlined in Section 7 of this policy. All role-based training requirements can be found on the FAA Section 508 intranet web page.

h. All live and on-demand multimedia, whether standalone or incorporated into agency web sites, applications, social media sites, eLearning content, etc., must be captioned. All on-demand multimedia must also be audio described.

i. All web-based training content must comply with the Section 508 Standards unless an exception applies. If a fundamental alteration exception is approved, all elements of the course will be made compliant except for the specific content to which the exception applies.

j. FAA must not develop or implement IT solutions or services in a way that disrupts or disables assistive technology or a platform software's accessibility features and keyboard shortcuts.

k. [Department of Transportation \(DOT\) Order 1351.23](#) (Electronic Information Technology Accessibility Policy – Effective September 11, 2013) mandates that the internationally recognized Web Content Accessibility Guidelines (WCAG) 2.0 at Level AA be the standard to meet the objective of achieving universal accessibility for all public-facing DOT websites, including SharePoint environments. All FAA websites, including electronic documents and other posted content, must meet this standard.

l. FAA considers final versions of agency documents that are available to the public, or final or draft versions that are generally available to FAA employees (e.g., MyFAA, broadcast emails, SharePoint/Knowledge Sharing Network (KSN), Executive correspondence, etc.) subject to the applicable Access Board EIT Accessibility Standards and Section 508 requirements based on the characteristics of the content, not the file format.

m. This Order supplements Department of Transportation (DOT) Order 1351.23 (Electronic and Information Technology Accessibility Policy). Other accessibility policy requirements, roles, and responsibilities may be identified in the DOT Order and are not specifically identified in this Order.

n. In the event of conflict or inconsistency with other FAA policies, the provisions of this policy shall prevail.

6. Exceptions

a. Certain exceptions apply to Section 508. Section 508 requirements do not apply to EIT that:

- (1) Is a micro-purchase made prior to January 1, 2003;
- (2) Is for a national security system;
- (3) Is acquired by a contractor incidental to a contract;
- (4) Is located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment;
- (5) Would impose an undue burden on the agency;
- (6) Imposes a fundamental alteration in the nature of the EIT product or its components; or
- (7) Is commercially unavailable.

b. The DOT Secretary or his or her designee is authorized to make the determination whether an undue burden or fundamental alteration exception is granted. If a claim of undue burden or fundamental alteration is determined, individuals with disabilities must be provided access to and use of information and data by an alternative means of access.

c. All undue burden or fundamental alteration exception requests must follow the respective FAA process prior to being submitted to DOT for approval.

d. Requests for WCAG exemption are considered undue burden claims, rather than policy exemptions, and must follow the undue burden review process.

e. Access through alternative means is still required if an undue burden exception applies.

7. Roles & Responsibilities.

a. The FAA Administrator must:

(1) Establish an EIT accessibility program to ensure the FAA complies with the Access Board EIT Accessibility Standards and Section 508 requirements for procuring, developing, maintaining, and using EIT, and cooperating with DOT efforts to monitor compliance;

(2) Designate a POC for the coordination and implementation of Access Board EIT Accessibility Standards and Section 508 requirements throughout the FAA; and

(3) Provide direction to employees within the agency to complete EIT accessibility and Section 508 training.

b. The FAA Deputy Assistant Administrator for Information & Technology and Chief Information Officer (CIO) must:

(1) Provide direction, guidance, and all pertinent information related to achieving EIT compliance with Access Board EIT Accessibility Standards and Section 508 requirements to CIO staff and other appropriate stakeholders within the FAA;

(2) Work in conjunction with the DOT Chief Technology Officer (CTO) and FAA Section 508 Coordinator to establish and implement performance measures that are focused on gauging EIT compliance with Access Board EIT Accessibility Standards and Section 508 requirements within the FAA;

(3) Direct stakeholder compliance with EIT accessibility guidance from the Office of Management and Budget (OMB);

(4) Ensure documentation that verifies the FAA's compliance with Access Board EIT Accessibility Standards and Section 508 requirements for procuring, developing, maintaining, and using EIT;

(5) Consult with FAA Section 508 Coordinator and other appropriate stakeholders to maintain currency on Access Board EIT Accessibility Standards and Section 508 requirements to ensure compliance with requirements;

(6) Comply with DOT efforts to monitor EIT accessibility and Section 508 compliance;

(7) Ensure Access Board EIT Accessibility Standards and Section 508 requirements are included in all appropriate EIT life cycle activities; and

(8) Certify annually that all internally developed applications and EIT products either meet Section 508 Standards or remediation and accommodation plans have been provided to the FAA Section 508 Program Office.

c. The FAA Office of Civil Rights (ACR) must:

(1) Establish a formal process for evaluating undue burden and fundamental alteration claims that includes input from the FAA CIO, FAA Office of Chief Counsel (AGC), FAA Office of Acquisitions and Business Services (ACQ), FAA Section 508 Coordinator, DOT CIO, DOT General Counsel, DOT Senior Procurement Executive, and final approval from the DOT Secretary or his or her designee;

(2) Establish a formal process for receiving and remediating Section 508 complaints from both employees and members of the public. The formal process must align with any DOT Departmental Office of Civil Rights requirements. Any EIT involved in the complaint submission process must fully meet Access Board EIT Accessibility Standards and Section 508 requirements. Complaints must be resolved within fifteen (15) business days of submission or a remediation plan must be provided to ACR and the FAA Section 508 Program Office. The FAA Section 508 Program Office must be notified of all new complaints within two (2) business days of submission; and

(3) Provide the FAA AGC, FAA CIO and FAA Section 508 Coordinator with quarterly reports of all formal Section 508 complaints. Reports are due fifteen (15) business days after the beginning of each fiscal year (FY) quarter.

d. The FAA EIT Accessibility Coordinator (Section 508 Coordinator) must:

(1) Implement an EIT accessibility program to ensure the FAA complies with the Access Board EIT Accessibility Standards and Section 508 requirements for procuring, developing, maintaining, and using EIT, and cooperating with DOT efforts to monitor compliance;

(2) Work with applicable FAA stakeholders to investigate and resolve complaints alleging a failure to comply with EIT accessibility requirements under Section 508;

(3) Work with the DOT Chief Technology Officer (CTO), FAA CIO, and appropriate stakeholders to ensure implementation of performance measures to gauge FAA's compliance with Access Board EIT Accessibility Standards and Section 508 requirements as related to EIT acquisitions;

(4) Provide technical advice and guidance to FAA employees on applying Access Board EIT Accessibility Standards and Section 508 requirements to particular EIT products and documents;

(5) Educate FAA employees on Access Board EIT Accessibility Standards to meet Section 508 requirements, DOT EIT policy (DOT Order 1351.23), and FAA policy and procedures; and

(6) Comply with DOT efforts to monitor Section 508 compliance, including periodic reports required by the Department of Justice (OMB Memo, "Improving the Accessibility of Government Information," July 19, 2010).

e. FAA Enterprise Service Center (ESC) must:

(1) Ensure all new, updated, and/or upgraded EIT conforms to Access Board EIT Accessibility Standards and Section 508 requirements for all FAA, DOT, and external customers, unless a documented and approved exception exists. This includes incorporating accessibility provisions into software development lifecycles, whether procured from outside sources or developed internally;

(2) Follow the respective process for documenting and approving exceptions for FAA and DOT customers. ESC will develop guidelines regarding exception approval for external customers and will submit it to the FAA Section 508 Program Office for approval;

(3) Conduct evaluations to ensure EIT complies with Access Board EIT Accessibility Standards and Section 508 requirements. The Section 508 testing process will be the same process as used by the FAA Office of Information and Technology Services (AIT) for similar testing. ESC must retain Section 508 accessibility evaluation reports and provide them to the FAA Section 508 Program Office, on request, in order to comply with DOT and OMB reporting requirements; and

(4) Provide the FAA Section 508 Coordinator an implementation plan detailing how Access Board EIT Accessibility Standards and Section 508 requirements will be institutionalized within ESC. Plan will include target dates and will be provided 90 days after the effective date of this policy.

f. FAA Requiring Officials must:

(1) Identify the applicable Access Board EIT Accessibility Standards and Section 508 requirements in any requirements documents and ensure the requested EIT deliverables meet applicable technical provisions;

(2) Conduct market research to identify what EIT products, if any, are available to meet applicable Access Board EIT Accessibility Standards and Section 508 requirements or whether an exception applies;

(3) Draft accessibility specifications, including appropriate EIT accessibility validation and verification specifications and requirements, and language for Statements of Work (SOW). Specifications requiring end-user testing requirements for all requested EIT, including third-party products, systems or applications, will ensure compatibility within the FAA/DOT environment;

(4) Ensure that all solicitations for EIT include a clear statement of the responsibilities vendors and/or service providers have in supplying EIT that meets Access Board EIT Accessibility Standards and Section 508 requirements;

(5) Document and obtain approval for all undue burden, fundamental alteration, and commercial nonavailability determinations per the approved FAA/DOT process; and

(6) Obtain the signature of the FAA CIO or his/her designee and approval documents, including commercial nonavailability, for inclusion in the contract file and submission to the contracting official.

g. The FAA Chief Acquisition Officer (ACQ-1) must:

(1) Provide direction to all FAA acquisition and contracting officials to include relevant Section 508 procurement documentation with contract files to ensure that appropriate Access Board EIT Accessibility Standards and Section 508 requirements have been identified, validated, and verified;

(2) Ensure the AMS and any other acquisition policies and guidance align with current Federal accessibility guidelines and requirements;

(3) Provide direction to acquisition and contracting employees to complete specialized EIT accessibility and Section 508 role-based training. This includes, but is not limited to, contracting officers, purchase card holders, and users of financial systems (e.g., PRISM, DELPHI, etc.); and

(4) Conduct validation assessments of FAA procurement solicitations to ensure appropriate Access Board EIT Accessibility Standards and Section 508 requirements are included in Statements of Work (SOWs), Performance Work Statements, and other acquisition documents. FAA will comply with DOT requirements for evaluations and reporting. Reports will be provided to the FAA Section 508 Program Office.

h. FAA Contracting Officers (CO) must:

(1) Review SOWs and purchase requests to ensure requiring officials have either included Access Board EIT Accessibility Standards and Section 508 requirements or stated that requirements are not applicable. EIT includes electronic documents provided as deliverables;

(2) Ensure the contract file contains applicable EIT accessibility documents provided by the requiring official regarding undue burden or commercial nonavailability determination, and vendor and/or service provider documents related to conformance of the offered EIT with Access Board EIT Accessibility Standards and Section 508 requirements; and

(3) Complete specialized role-based training annually.

i. FAA Contracting Officer's Representatives (CORs) must:

(1) Ensure any EIT deliverables meet the Section 508 Standards as outlined in procurement documents by validating vendor claims prior to acceptance of deliverables; and

(2) Complete specialized role-based training annually.

j. FAA Purchase Card Holders must:

(1) Verify EIT products and services meet Section 508 Standards prior to purchase, as appropriate; and

(2) Complete specialized role-based training annually.

k. FAA Program/Project Managers must:

(1) Develop and implement a test and/or acceptance plan using available tools during all phases of the project lifecycle to determine if EIT, including third-party products, systems and applications, are compliant with Access Board EIT Standards and Section 508 requirements;

(2) Ensure all new and upgraded EIT conforms to Access Board EIT Accessibility Standards and Section 508 requirements, unless a documented and approved exception exists. This includes incorporating accessibility provisions into software development lifecycles, whether procured from external sources or internally developed; and

(3) Ensure projects incorporate Access Board EIT Accessibility Standards and Section 508 requirements during the design, development, procurement, or use of EIT and document requirements in all applicable project-related documentation.

l. The FAA Web Manager must:

(1) Ensure the content and templates of internal and external FAA web pages and applications, including links to web applications and files (e.g., Word, PDF, PowerPoint, multimedia, audio, etc.), fully conform to Access Board EIT Accessibility Standards and Section 508 requirements and maintain a 98% or higher compliance rating;

(2) Develop, implement, and maintain plans to remediate EIT accessibility issues identified by the FAA Section 508 Program office or DOT for the web pages (including SharePoint/KSN) and applications;

(3) Provide means for external and internal web site visitors to report accessibility problems in accordance with DOT Section 508 compliant procedures and obtain information by alternative means; and

(4) Complete specialized role-based training annually.

m. FAA Web Liaisons must:

(1) Ensure the content of internal and external FAA web pages and applications, including links to web applications and files (e.g., Word, PDF, PowerPoint, multimedia, audio, etc.), fully conform to Access Board EIT Accessibility Standards and Section 508 requirements and maintain a 98% or higher compliance rating;

(2) Develop, implement, and maintain plans to remediate EIT accessibility issues identified by the FAA Section 508 Program office or DOT for the web pages (including SharePoint/KSN) and applications under his/her direct control; and

(3) Complete specialized role-based training annually.

n. FAA Developers (Application, Software, & Web) and Content Management System Users must:

(1) Ensure Access Board EIT Accessibility Standards and Section 508 requirements are included in the early phases of lifecycle development. This applies to software and applications procured from external sources or internally developed;

(2) Conduct appropriate testing to ensure EIT complies with Access Board EIT Accessibility Standards and Section 508 requirements;

(3) Ensure the content of internal and external FAA web pages and applications, including links to web applications and files (e.g., electronic documents, multimedia, audio, etc.), fully conform to Access Board EIT Accessibility Standards and Section 508 requirements and maintain a 98% or higher compliance rating; and

(4) Complete specialized role-based training annually.

o. FAA Employees & Contractors must (excluding Occupational Series Codes 2152 & 2154):

(1) Ensure any content produced for distribution fully conforms to Access Board EIT Accessibility Standards and Section 508 requirements; and

(2) Complete Section 508 training as required to ensure development and production of accessible content. Employees and contractors may be required to complete training specifically related to their role or the tools they use to produce content (e.g., Adobe, SharePoint).

8. Statutory Policy & Regulatory Mandates. The following statutes, policies, and regulations might apply if consistent with Public Law 104-264 as implemented in the AMS and FAA's Personnel Management System (PMS).

a. [29 U.S.C. § 794d, Electronic and Information Technology, Section 508, Rehabilitation Act of 1973](#)

b. [29 U.S.C. § 791, Employment of Individuals with Disabilities, Section 501, Rehabilitation Act of 1973](#)

c. [29 U.S.C. § 794, Nondiscrimination Under Federal Grants and Programs, Section 504, Rehabilitation Act of 1973](#)

d. [36 Code of Federal Regulations \(CFR\) Part 1194, Electronic and Information Technology Accessibility Standards](#)

e. [49 CFR 28.170, Compliance Procedures](#)

f. [E-Government Act of 2002, Public Law 107-347, December 17, 2002, 116 Stat. 2899, 44 U.S.C. § 3501\(d\)](#)

g. [FAA Acquisition Management System \(AMS\) Policy, T3.2.2](#)

h. Office of Management and Budget Memo M-05-04 dated December 17, 2004, Policies for Federal Agency Public Web Sites

i. Office of Management and Budget Memo dated July 19, 2010, Improving the Accessibility of Government Information

j. Workforce Investment Act of 1998, Public Law 105-220, August 7, 1998, 112 Stat. 936, Subtitle C, Section 341, Title IV

k. DOT Electronic and Information Technology (EIT) Accessibility Policy (DOT Order 1351.23)

9. Definitions. Definitions of specialized terms used in this subject area, with relevant abbreviations and acronyms, are contained in Appendix A of this Order.

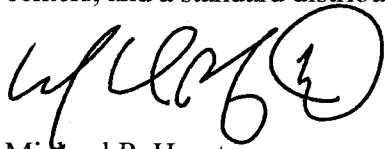
10. Background. More than 54 million Americans are persons with disabilities and more than 7 million people with disabilities work for the government. In 1998, Congress amended Section 508 of the Rehabilitation Act of 1973 to require that when Federal agencies develop, procure, maintain or use EIT:

a. Individuals with disabilities who are Federal employees have access to and use of information and data that is comparable to the access to and use of the information and data by Federal employees who are not individuals with disabilities; and

b. Individuals with disabilities who are members of the public seeking information or services from a Federal department or agency have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities.

c. Comparable access is not required if certain exceptions apply, including if it would impose an undue burden on the agency or a fundamental alteration in the nature of the EIT.

11. Distribution. This order is distributed to the division level in Washington headquarters, regions, centers, and a standard distribution to all field offices and facilities.



Michael P. Huerta
Administrator

Appendix A: Definitions

a. Alternate Means of Access are different means of providing information, including product documentation, to people with disabilities when meeting the Access Board standards would impose an undue burden or fundamental alteration in the EIT. The term may include, but is not limited to, voice, fax, relay service, TTY, internet posting, captioning, text-to-speech synthesis, and audio description. (Source: Telecommunications Act Accessibility Guidelines, 36 CFR Part 1193)

b. Assistive Technology Device is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. (Source: Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. § 1401(1)(A))

c. Commercial Nonavailability (Commercial Unavailability) applies when an agency is unable to find a commercial item that meets applicable electronic and information technology accessible standards or when an item cannot be furnished to satisfy the agency's requirements.

d. Content is electronic information and data, as well as the encoding that defines its structure, presentation, and interactions.

e. Content Owner is anyone who is responsible for the production of content in any form, including electronic documents, videos, web applications, podcasts, etc., of that will be made available on the web (Internet, Intranet or Extranet) that is accessible by Federal employees or members of the public.

f. Disability is a physical or mental impairment that substantially limits one or more major life activities.

g. Electronic and Information Technology (EIT) is information technology (IT), as defined by The Access Board, at 36 CFR 1194.4, and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion or duplication of data or information. EIT includes, but is not limited to: software applications and operating systems, telecommunications products, information kiosks and transaction machines, Web sites (Internet, Intranet and Extranet), video and multimedia products, desktop and portable computers, office equipment such as copiers and fax machines, and documents posted online (e.g., Word, PDF). (Source: 36 CFR 1194.4)

h. Equivalent Facilitation is not an exception or variance from the requirement to provide comparable access. Rather, it is recognition that future technologies may be developed, or existing technologies could be used in a particular way, that could provide the same functional access in ways not envisioned by the Access Board EIT Accessibility Standards.

i. Exception in limited instances, allows the acquisition of products or services that do not fully comply with Section 508 technical standards and functional performance criteria. These limited instances, as defined by law, include those products incidental to a contract; commercial nonavailability, back-office, fundamental nature of change, national security and undue burden. (Source: The Access Board, www.access-board.gov; 36 CFR 1194.4)

j. Fundamental Alteration is incorporating accessibility features into a product that alters the product in such a way as to reduce substantially the functionality of the product, to render some features inoperable, to impede substantially or deter use of the product by individuals without the specific disability the feature is designed to address, or to alter substantially and materially the shape, size or weight of the product. (Source: The Access Board, www.access-board.gov)

k. Micro-purchases are simplified purchases with a total estimated potential value (TEPV) under the applicable micro-purchase threshold and must be performed using a purchase card. Thresholds and any exceptions are defined by the FAA Acquisition Management System (AMS).

l. National Security System is any telecommunications or information system operated by the United States Government, the functions, operation, or use of which involves intelligence activities; involves cryptologic activities related to National Security; involves command and control of military forces; involves equipment that is an integral part of weapon or weapons system; is critical to the direct fulfillment of military or intelligence missions. This does not include a system that is to be used for routine administrative and business applications, such as payroll, finance, logistics, and personnel management applications. (Source: Federal Information Security Management Act (FISMA); 44 U.S.C. § 3542)

m. Products Incidental to a Contract are products acquired by a contractor that are neither used nor accessed by Federal employees or members of the public (contracted employees in their professional capacity are not considered members of the public).

n. Program or Project Manager designation applies to individuals either by their title or by role.

o. Public Facing is content made available by an agency to members of the general public. Examples include, but are not limited to, an agency website, application, blog post, or social media pages.

p. Requiring Officials are government personnel delegated the responsibility for developing EIT requirements, identifying applicable technical provisions of the EIT Accessibility Standards, conducting market research, drafting specifications, and documenting nonavailability and undue burden determinations.

q. Undue Burden means “significant difficulty or expense” when considering “all agency resources available” to the program or component for which the product is being developed, procured, maintained, or used. (Source: 36 CFR 1194.4)

r. Web Content Accessibility Guidelines (WCAG) explain how to make web content more accessible to people with disabilities, including natural information such as text, images, and sounds; and code or markup that defines structure, presentation, etc. (Source: W3C, Web Accessibility Initiative)