



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: ACTION: Program Guidance Letter 92-1

Date: **NOV 25 1991**

From: Manager, Grants-in-Aid Division, APP-500 Reply to
Attn. of:

To: PGL Distribution List

92-1.1. Eligibility of Lift Devices Jim Borsari, 267-8822).

There have been numerous inquiries regarding the eligibility of boarding stairs and/or comparable lifting devices for passengers with disabilities. Most of these inquiries involve commuter-type aircraft that cannot use jetways. These items are eligible as terminal development for commercial service airports if the devices are owned by the airport sponsor and made available for nonexclusive air carrier use. The requirements and limitations of paragraph 551 of Order 5100.38A apply to these devices.

This determination is based upon a July 21, 1981, legal opinion (copy attached) which classified such equipment as terminal development. We also provided our position to the Office of the Secretary in a memo dated June 12, 1991, a copy of which is also attached.

Standards have not been issued for these devices. In the event that standards are issued, we will advise accordingly.


Lowell H. Johnson

Attachments



DATE: JUL 21 1981

IN REPLY
REFER TO: AGC-130

SUBJECT: Clarification of Grant Program Eligibility of Lift Devices
Required by 49 CFR Part 27

FROM: Assistant Chief Counsel, General Legal Services Division

TO: APP-500

This is in response to your request of June 24, 1981, as to whether passenger boarding devices (e.g., lifts and ramps) required by 49 CFR Part 27, Subpart D, Section 27.71(a)(2)(v), are eligible project items under the ADAP for grant assistance as "terminal development" as described in Section 20(b) of the Airport and Airway Development Act of 1970.

We conclude that such project items are eligible as "terminal development" under Section 20(b). The reason is not that all passenger boarding devices are necessarily "vehicles," as you suggest (since "vehicles" may not include passenger boarding means such as ramps), but rather, because passenger boarding devices--for handicapped and non-handicapped passengers alike--are clearly development that is "directly related to the movement of passengers and baggage in air commerce within the boundaries of an airport . . ." within the meaning of Section 20(b). Review of the legislative history of Section 20(b) appearing in the Airport and Airway Development Act Amendments of 1976 (Public Law 94-353) provides no evidence to the contrary.


LEONARD A. CERUZZI

June 12, 1991

INFORMATION: Eligibility of Stairs and
Lifting Devices at Commercial Service Airports

Director, Office of Airport
Planning and Programming, APP-1

Director, Office of Transportation Regulatory Affairs, P-10

This follows up on our recent conversation about eligibility under the Airport Improvement Program (AIP) of aircraft stairs and/or comparable lifting devices for handicapped passengers. We received the general description you sent for a lifting platform with staircase sold by Mid-Canada Equipment Sales Ltd., Winnipeg, Manitoba, and Carter Day Industries, Inc., Minneapolis, Minnesota.

These types of aircraft boarding devices are eligible under AIP if they will be owned by a commercial service airport sponsor and made available for nonexclusive air carrier use. At other than commercial service airports, aircraft stairs and lifting devices are not eligible. A commercial service airport has 2500 or more annual enplaned passengers and scheduled passenger service of aircraft.

Standards for these devices are not promulgated by FAA. However, use of this equipment is inspected under Federal Aviation Regulation Parts 121 or 135.

Paul L. Galis

Paul L. Galis

cc: APP-510/500/1/ARP-11B
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