



**U.S. Department  
of Transportation**

Office of the Secretary  
of Transportation

**GENERAL COUNSEL**

July 14, 2010

1200 New Jersey Avenue, SE  
Washington, DC 20590

**Registered Mail-Return Receipt Requested**

Mr. Claudio Zinno  
Sede Legale  
Piazza Almerico da Schio  
Palazzina RPU  
00054 Fiumicino (RM)  
Italia

Re: Equivalent Alternative Determination  
Request Concerning 14 CFR 382.61

Dear Mr. Zinno:

This letter concerns Alitalia-Compagnia Aerea Italiana S.p.A.'s (Alitalia) March 13, 2010, request for an equivalent alternative determination concerning the movable aisle armrest requirement contained in 14 CFR 382.61 of the Department's Air Carrier Access Act (ACAA) regulation for the business class seats in its Airbus A330-200 series aircraft. We are granting Alitalia's equivalent alternative determination request for the business class seats in its Airbus A330-200 series aircraft subject to the conditions, as discussed 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." Section 382.61(c) notes that movable aisle armrests must be "provided proportionately in all classes of service in the cabin."<sup>1</sup> Furthermore, the Enforcement Office has interpreted movable aisle armrest as meaning an 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 (with assistance from carrier personnel if the passenger's physical ability necessitates such assistance) from an aisle wheelchair to his or her aircraft seat.

The Department has reviewed the videos and seating diagram provided by Alitalia for the business class seats in its Airbus A330-200 series aircraft, which demonstrate both a carrier-assisted and a self-assisted horizontal transfer of a person with a mobility impairment from an aisle or boarding wheelchair to Alitalia's business class seat. These videos show that

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<sup>1</sup> 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.

passengers do not have to be lifted over the aisle armrest. Based on the information provided for the business class seats in its Airbus A330-200 series aircraft, the Department is granting Alitalia's equivalent alternative determination request from section 382.61 with the following conditions:

- (1) This approval is limited to Alitalia's Airbus A330-200 series aircraft;
- (2) This approval is limited to Alitalia's business class seats with the configuration provided in its March 13, 2010, equivalent alternative determination request. Alitalia must obtain the Department's prior approval for any seat configuration changes and/or seat dimension changes to be made on any aircraft subject to this approval. If Alitalia implements seat configuration and/or seat dimension changes without prior approval of the Department, it risks being in violation of section 382.61;
- (3) Alitalia must provide, or ensure the provision of, specialized training to its employees and contractors, as well as the employees and contractors of any other entity that will be transferring persons with a mobility impairment to and from the business class seats in its Airbus A330-200 series aircraft within 30 days of the date of this letter. The specialized training must ensure training to proficiency in how to properly transfer a passenger to and from Alitalia's business class seats and must include a viewing of the transfer technique demonstration video submitted to the Department. Such training must also cover, at a minimum: (A) the proper use of all items needed to transfer a passenger to and from the business class seats (e.g., transfer board); (B) the number of persons needed to perform the transfer; (C) how to properly operate the business class seats (e.g., location and use of control buttons); and (D) how to transfer a passenger to and from the business class seats in a safe and dignified manner; and
- (4) Alitalia 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, for a period of three years, provide the Enforcement Office with a report noting whether or not it received complaints regarding passenger transfers to and from its business class seats. If complaints were received, copies of such complaints must be included in this report.<sup>2</sup>

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<sup>2</sup> This report can be sent to the following address: Assistant General Counsel for Aviation Enforcement and Proceedings, C-70, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., Room W96-322, Washington, D.C. 20590.

If you have any questions about this matter, please contact James Fisher, of my staff, or me at (202) 366-9342. You may also reach us by FAX at (202) 366-7152.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above the typed name.

Samuel Podberesky  
Assistant General Counsel for  
Aviation Enforcement and Proceedings