

**PART 25—[RESERVED]**

**PART 27—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE**

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AUTHORITY: Sec. 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); secs. 16(a) and 16(d) of the Federal Transit Laws (49 U.S.C. Chapter 5301 *et seq.*); sec. 165(b) of the Federal-aid Highway Act of 1973 (49 U.S.C. 142nt.); the Americans with Disabilities Act of 1990 (42 U.S.C. 12101–12213; and 49 U.S.C. 322).

SOURCE: 44 FR 31468, May 31, 1979, unless otherwise noted.

**Subpart A—General**

**§ 27.1 Purpose.**

The purpose of this part is to carry out the intent of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended, to the end that no otherwise qualified handicapped individual in the United States shall, solely by

reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**§ 27.3 Applicability.**

(a) This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance.

(b) Design, construction, or alteration of buildings or other fixed facilities by public entities subject to part 37 of this title shall be in conformance with appendix A to part 37 of this title. All other entities subject to section 504 shall design, construct or alter a building, or other fixed facilities shall be in conformance with either appendix A to part 37 of this title or the Uniform Federal Accessibility Standards, 41 CFR part 101–19 subpart 101–19.6, appendix A.

[44 FR 31468, May 31, 1979, as amended at 56 FR 45621, Sept. 6, 1991]

**§ 27.5 Definitions.**

As used in this part:

*Act* means the Rehabilitation Act of 1973, Public Law 93–112, as amended.

*Air Carrier Airport* means an airport serviced by a certificated air carrier unless such airport is served solely by an air carrier which provides: (1) Passenger service at that airport in aircraft having a maximum passenger capacity of less than 56 passengers, or (2) cargo service in air transportation at that airport solely with aircraft having a maximum payload capacity of less than 18,000 pounds; provided, however, that if at any such airport, Federal funds are made available for terminal facilities, it shall be deemed to be an air carrier airport.

*Applicant* means one who submits an application, request, or plan to be approved by a Departmental official or by a primary recipient as a condition to eligibility for Federal financial assistance, and *application* means such an application, request, or plan.

*Department* means the Department of Transportation.

*Discrimination* means denying handicapped persons the opportunity to participate in or benefit from any program