

[68 FR 35559, June 16, 2003]

**PART 27—NONDISCRIMINATION  
ON THE BASIS OF DISABILITY IN  
PROGRAMS OR ACTIVITIES RE-  
CEIVING FEDERAL FINANCIAL  
ASSISTANCE**

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**AUTHORITY:** Sec. 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); sec. 16 (a) and (d) of the Federal Transit Act of 1964, as amended (49 U.S.C. 5310 (a) and (f)); sec. 165(b) of the Federal-Aid Highway Act of 1973, as amended (23 U.S.C. 142 nt.).

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

**EDITORIAL NOTE:** Nomenclature changes to part 27 appear at 61 FR 56424, Nov. 1, 1996.

**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 individual with a dis-

ability in the United States shall, solely by reason of his or her disability, 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 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; 68 FR 51390, Aug. 26, 2003]

**§ 27.5 Definitions.**

As used in this part:

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

*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.

*Commercial service airport* means an airport that is defined as a commercial service airport for purposes of the Federal Aviation Administration's Airport Improvement Program and that enplanes annually 2500 or more passengers and receives scheduled passenger service of aircraft.

*Department* means the Department of Transportation.

*Discrimination* means denying handicapped persons the opportunity to participate in or benefit from any program or activity receiving Federal financial assistance.

*Facility* means all or any portion of buildings, structures, vehicles, equipment, roads, walks, parking lots, or