

Recently Available Data”; in the fifth row titled “Standardized Readmission Ratio” remove the existing values and add the following values in their place:

Measure	Performance standard	Achievement threshold	Benchmark
Standardized Readmission Ratio	0.648	1.261	0.998

Dated: March 6, 2015.
C'Reda Weeden,
*Executive Secretary to the Department,
Department of Health and Human Services.*
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BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 18

Official Symbol, Logo and Seal

AGENCY: Office of the Secretary, HHS.
ACTION: Final rule.

SUMMARY: The U.S. Department of Health and Human Services (HHS) is adopting final regulations containing a description of its official symbol, logo, and seal.

DATES: This rule is effective April 13, 2015 without further action.

FOR FURTHER INFORMATION CONTACT: Gloria Barnes, Office of the Assistant Secretary for Public Affairs (gloria.barnes@hhs.gov).

SUPPLEMENTARY INFORMATION: HHS is adopting regulations (45 CFR part 18) describing its official logo and seal. HHS has developed a symbol, logo, and seal that signifies the authoritativeness of the item or document to which it is affixed as an official endorsement of HHS. Pursuant to 5 U.S.C. 553(b)(A), notice and comment are not required because this rule only impacts HHS' procedure and practice. In addition, pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive notice and comment as unnecessary, because this rule is non-controversial and merely describes HHS' official symbol, logo, and seal.

HHS previously published a Direct Final Rule on April 14, 2014 (79 FR 20801). In response, HHS received two public comments. Among other things, both comments argued that the rule violated the First Amendment. The commenters argued that restrictions in the Direct Final Rule violated the First Amendment by not including exceptions for certain uses of the seal (e.g., for illustrative purposes by the media). HHS withdrew this rule on June 4, 2014 (79 FR 32170). HHS is now publishing a Final Rule that merely

describes the Department's symbol, seal, and logo.

Executive Order No. 12866

This rule does not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, review by the Office of Management and Budget is not required.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided by the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

This rule does not contain any collections of information subject to the Paperwork Reduction Act.

List of Subjects in 45 CFR Part 18

Seals and insignia.

For the reasons set out in the preamble, HHS adds Part 18 to Title 45, Subtitle A, subchapter A of the Code of Federal Regulations as follows:

Subtitle A—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Subchapter A—GENERAL ADMINISTRATION

PART 18—OFFICIAL SYMBOL, LOGO, AND SEAL

Sec.
18.1 Description of the Symbol, Logo, and Seal.

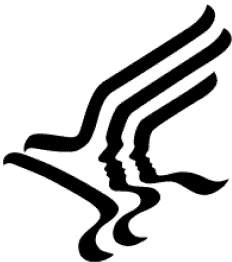
Authority: 42 U.S.C. 3505 and 5 U.S.C. 301.

§ 18.1 Description of the Symbol, Logo, and Seal.

(a) The Departmental Symbol (Symbol) of the Department of Health and Human Services (HHS) is the key element in Department identification. It represents the American People sheltered in the wing of the American Eagle, suggesting the Department's concern and responsibility for the welfare of the people. This Symbol is the visual link which connects the graphic communications of all components and programs of the Department. It is the major design component for the Department

Identifiers — the Department Logo, Seal, and Signatures.

(b) The Symbol is described as follows: The outline of an American Eagle, facing left, with one of its wings stretched upward and the other wing pointed downward, is flanked on its right side by two outlines of the profile of a human head, both of which are located in between the eagle's wings. One of the profile outlines is smaller than the other and is nestled in the larger outline.



(c) The HHS Departmental Logo (Logo) incorporates the Symbol and is described as follows: From the tip of the outstretched wing of the American Eagle in symbol to the tip of the other, downward-facing wing, the words, "DEPARTMENT OF HEALTH & HUMAN SERVICES • USA" form a circular arc. The official colors of the Logo are either Black or Reflex Blue. Reflex Blue RGB Numbers: 0/0/153 (R0, G0, B153)



(d) The HHS Departmental Seal (Seal) incorporates the Symbol and is described as follows: Starting from the tip of the downward-facing wing of the American Eagle in the HHS symbol and forming a complete circle clockwise around the HHS symbol, the words, "DEPARTMENT OF HEALTH & HUMAN SERVICES • USA •" are printed, surrounded by a border composed of a solid inner ring at the base of the text and a triangular, scalloped edge at the top of the text. The

official colors of the Seal are Reflex Blue and Gold [Reflex Blue RGB Numbers: 0/0/153 (R0, G0, B153); Reflex Gold RGB Numbers: 254/252/1 (R254, G252, B1)]. The Seal may also appear in Reflex Blue or Black.



(e) The HHS Departmental symbol, logo, and seal shall each be referred to as an HHS emblem and shall collectively be referred to as HHS emblems.

Dated: March 4, 2015.

Sylvia M. Burwell,
Secretary.

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BILLING CODE 4150-04-P

DEPARTMENT OF TRANSPORTATION

49 CFR Parts 27 and 37

[Docket OST-2006-23985]

RIN 2105-AE15

Transportation for Individuals With Disabilities; Reasonable Modification of Policies and Practices

AGENCY: Office of the Secretary (OST), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The Department is revising its rules under the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act of 1973, as amended (section 504), specifically to provide that transportation entities are required to make reasonable modifications/accommodations to policies, practices, and procedures to avoid discrimination and ensure that their programs are accessible to individuals with disabilities.

DATES: This rule is effective July 13, 2015.

FOR FURTHER INFORMATION CONTACT: Jill Laptosky, Office of the General Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590, Room W96-488, 202-493-0308, jill.laptosky@dot.gov. For questions related to transit, you may contact Bonnie Graves, Office of Chief

Counsel, Federal Transit Administration, same address, Room E56-306, 202-366-0944, bonnie.graves@dot.gov; and, for rail, Linda Martin, Office of Chief Counsel, Federal Railroad Administration, same address, Room W31-304, 202-493-6062, linda.martin@dot.gov.

SUPPLEMENTARY INFORMATION: This final rule concerning reasonable modification of transportation provider policies and practices is based on a notice of proposed rulemaking (NPRM) issued February 27, 2006 (71 FR 9761). The NPRM also concerned several other subjects, most notably nondiscriminatory access to new and altered rail station platforms. The Department issued a final rule on these other subjects on September 19, 2011 (76 FR 57924).

Executive Summary

I. Purpose of the Regulatory Action

This final rule is needed to clarify that public transportation entities are required to make reasonable modifications/accommodations to their policies, practices, and procedures to ensure program accessibility. While this requirement is not a new obligation for public transportation entities receiving Federal financial assistance (see section 504 of the Rehabilitation Act), including the National Passenger Railroad Corporation (Amtrak), courts have identified an unintended gap in our Americans with Disabilities Act (ADA) regulations. This final rule will fill in the gap. The real-world effect will be that the nature of an individual's disability cannot preclude a public transportation entity from providing full access to the entity's service unless some exception applies. For example, an individual using a wheelchair who needs to access the bus will be able to board the bus even though sidewalk construction or snow prevents the individual from boarding the bus from the bus stop; the operator of the bus will need to slightly adjust the boarding location so that the individual using a wheelchair may board from an accessible location.

Reasonable modification/accommodation requirements are a fundamental tenet of disability nondiscrimination law—for example, they are an existing requirement for recipients of Federal assistance and are contained in the U.S. Department of Justice's (DOJ) ADA rules for public and private entities, the U.S. Department of Transportation's (DOT) ADA rules for passenger vessels, and DOT rules under the Air Carrier Access Act. In addition, section 504 has long been interpreted by

the courts to require recipients of Federal financial assistance—virtually all public transportation entities subject to this final rule—to provide reasonable accommodations by making changes to policies, practices, and procedures if needed by an individual with a disability to enable him or her to participate in the recipient's program or activity, unless providing such accommodations are an undue financial and administrative burden or constitute a fundamental alteration of the program or activity. Among the Department's legal authorities to issue this rulemaking are section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act (ADA), 42 U.S.C. 12101-12213.

II. Summary of the Major Provisions of the Regulatory Action

Public entities providing designated public transportation (e.g., fixed route, demand-responsive, and ADA complementary paratransit) service will need to make reasonable modifications/accommodations to policies and practices to ensure program accessibility subject to several exceptions. These exceptions include when the modification/accommodation would cause a direct threat to the health or safety of others, would result in a fundamental alteration of the service, would not actually be necessary in order for the individual with a disability to access the entity's service, or (for recipients of Federal financial assistance) would result in an undue financial and administrative burden. Appendix E of this final rule provides specific examples of requested modifications that public transportation entities typically would not be required to grant for one or more reasons.

Public entities providing designated public transportation service will need to implement their own processes for making decisions and providing reasonable modifications under the ADA to their policies and practices. In many instances, entities already have compliant processes in place. This final rule does not prescribe the exact processes entities must adopt or require DOT approval of the processes. However, DOT reserves the right to review an entity's process as part of its normal oversight. See 49 CFR 37.169.

III. Costs and Benefits

The Department estimates that the costs associated with this final rule will be minimal for two reasons. First, modifications to policies, practices, and procedures, if needed by an individual with a disability to enable him or her to participate in a program or activity, are