

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 91, 121, 125, and 135**

[Docket No. 26142; Notice No. 90-6]

RIN 2120-AB45

Miscellaneous Operational Amendments**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration proposes to amend several sections of the Federal Aviation Regulations (FAR). Air carriers would be required to accept approved child restraint systems provided by a parent or guardian. Lighted passenger information signs would have to be turned on while the aircraft is moving on the surface, and compliance with the signs would be mandatory for both passengers and crew. Passenger service equipment would have to be stowed and inflatable slides (or other means of emergency evacuation) would have to be armed during movement on the ground. Helicopter crews would generally be required to wear shoulder harnesses during takeoff and landing. Airships would have to be equipped with safety belts, and passengers would be briefed before flight on the use of such belts. An independently powered attitude indicator would be required on turboprop airplanes. Finally, the proposal would clarify requirements for the location of fire extinguishers and protective breathing equipment for use in galleys and would delete an obsolete provision on check airmen.

DATES: Comments must be received on or before May 30, 1990.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 26142, 800 Independence Avenue, SW., Washington, DC. All comments must be marked "Docket No. 26142." Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Larry Youngblut, Project Development Branch (AFS-240), Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone (202) 267-3755.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are hereby notified that they may submit written data, views, or arguments on any issue that may have bearing upon this proposed rule, including the possible environmental, economic, or energy impact of this proposal. The comment should identify the regulatory docket or notice number and be submitted in duplicate to the above address. All comments received, as well as a report summarizing any substantive public contact with Federal Aviation Administration (FAA) personnel on this rulemaking, will be filed in the docket. The docket is available for public inspection before and after the comment closing date.

Before taking final action on the proposal, the Administrator will consider comments made on or before the comment closing date. The proposal may be changed in light of the comments received.

The FAA will acknowledge receipt of a comment if the commenter submits with the comment a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 26142." When the comment is received, the postcard will be dated, time stamped, and returned to the commenter.

Availability of Notice of Proposed Rulemaking (NPRM)

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Requests should be identified by the NPRM number or docket number. Persons interested in being placed on a mailing list for future proposed rules should also request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

The purpose of the proposed amendments is to increase passenger and crewmember safety aboard aircraft. The FAA has received information from a variety of sources that shows the need for these amendments. These sources include complaints from the public, consumer groups, and Congress about smoking aboard aircraft and passenger noncompliance with crewmember instructions concerning smoking and the fastening of safety belts. In addition, these same sources have stated that

some air carriers do not allow the use of child restraint systems aboard airplanes even when a passenger purchases a ticket for this purpose. In addition, reports from FAA inspectors indicate that improperly stowed food and beverage trays, passenger service carts, and movie screens may hamper passenger emergency evacuations that become necessary because of incidents during airplane movement on the surface. Moreover, investigations conducted by the National Transportation Safety Board (NTSB) show that safety belts and shoulder harnesses can save lives in aircraft crashes and the required use of these safety devices should be expanded. In addition, the NTSB issued Safety Recommendation No. A-80-19, which recommends that the FAA require an additional attitude-indicating instrument on large turboprop airplanes. Fourth, the airline industry has questioned the FAA regarding the fire extinguishing equipment and its location on board an airplane.

The FAA notes that several regulations contain references to obsolete dates and one regulation has been replaced by other sections of the Federal Aviation Regulations (FAR). These obsolete references would be deleted in the proposal.

The amendments proposed in this notice result from information gathered from all of the above sources. They are combined in this NPRM to expedite safety improvements.

Discussion of the Proposals*Passenger Information*

The FAA has identified three problems concerning passenger information regulations. First, the regulations do not require that the lighted passenger information signs (i.e., the "no smoking" and "fasten seat belt" signs located in certain aircraft passenger compartments) be turned on while the airplane is moving on the surface. Second, certain regulations do not require passenger compliance with lighted passenger information signs, posted signs and placards, and crewmember safety-related instructions. Third, some passenger briefing requirements lack specific information concerning safety belts, smoking aboard aircraft, or passenger compliance with the regulations.

Aircraft Movement on the Surface. Most air carriers and other operators that are required to install passenger information signs that meet the requirements of § 25.791 of the FAR keep passenger information signs turned

on (lighted) while the airplane is moving on the surface. The FAA proposes to make this industry practice a regulatory requirement by revising §§ 91.197, 121.317(b) and (c)(2), 125.217, 135.127(a)(2), and 135.177(a)(3) of the FAR. [Part 91 will be completely revised as of August 18, 1990 (see 54 FR 34284; August 18, 1989) to renumber all of its sections. Section 91-197 will be renumbered as § 91.517. Hereafter in this preamble, references to the renumbered part 91 will be shown in brackets.] The proposal would require the pilot in command or operator of the airplane when conducting operations under part 91, or the certificate holder when conducting operations under parts 121, 125, or 135 to turn on the passenger information signs while the aircraft is moving on the surface. In addition, the FAA proposes to amend §§ 91.14(a)(3) [91.107(b)], 121.311(b), and 125.211 of the FAR to require that each person on board an aircraft fasten his or her safety belt during aircraft movement on the surface.

Compliance. Parts 91, 121, 125, and 135 of the FAR require that the "no smoking" and "fasten seat belt" signs be installed on aircraft. However, some of these parts do not have sections that require passenger or cabin crewmember compliance with the information signs. Therefore, the FAA proposes to revise §§ 91.197 [91.517]; 121.317(f), (g), and (i); 125.217; and 135.127 of the FAR so that compliance with these sections of the FAR is mandatory. The proposed regulations would specify that passenger and cabin crewmembers must comply with the lighted "no smoking" signs and any "no smoking" placards and that each passenger must comply with the lighted "fasten seat belt" signs and all crewmember instructions with regard to these items.

Passenger Briefings. Passenger briefings are required by parts 91, 121, 125, and 135 of the FAR. The FAA proposes to review §§ 91.199(a)(1) and (2) [91.519(a)(1) and (2)], 121.571(a)(1)(i) and (iii), 125.327(a)(1) and (2), and 135.117(a)(1) and (2) of the FAR as appropriate so that all the passenger briefings include certain information. Although the information contained in these briefings may vary, each briefing would have to include when, where, and under what conditions smoking is prohibited; how to fasten and unfasten safety belts; and when, where, and under what conditions the safety belts must be fastened. Passengers would have to be told that the FAR require passengers to comply with lighted passenger information signs and "no smoking" placards, that smoking is

prohibited in the lavatory, and that passengers are required to comply with crewmember safety-related instructions.

The FAA also proposes to revise § 121.317(e) to remove an obsolete date.

Child Restraint Systems

The FAA is concerned about the safety of infants (children under 2 years of age) in aviation, and strongly advocates parents' use of child restraints. Evidence from highway transportation shows that proper child restraint systems reduce injuries to infants and save infant lives. As a result, every state now has a child restraint requirement. However, under current regulation and practice in aviation, infants may travel on the lap of parent or guardian and are not required to be placed in a restraint system. This is the case because of low exposure due to the safety of aviation: accident and incident rates are so low that there is only a extremely small risk of injury to unrestrained infants.

Nevertheless, in some survivable accidents, forces generated by the crash can exceed the parents' physical ability to restrain a child safely. In addition, it is possible that in rare encounters of severe clear air turbulence, similarly high forces could be generated, posing a potential danger to unrestrained infants.

Neither the FAA nor the National Transportation Safety Board (NTSB) is able to identify the number of infants who travel in the aviation system. Similarly, the FAA lacks sufficient data regarding injuries and fatalities to infants to accurately analyze the impact of making child restraints mandatory. For the reasons, the FAA solicits comments on the following:

1. Estimates or evidence of the number of infants traveling in the aviation system;
2. Documentation or other evidence on child fatalities and injuries in aircraft in which a child restraint system may have made a difference;
3. Carriers' willingness to provide restraint systems or free tickets on selected routes and flight as a competitive strategy; and
4. Parents' willingness to purchase an extra seat for an infant's restraint system.
5. Public's desire to make use of child restraint systems aboard aircraft mandatory.

In addition, the FAA has received complaints from the public and Congress that some air carriers refuse to allow the use of child restraint systems even if the systems are approved for use in aircraft and even if a ticket is purchased for a passenger seat to

accommodate the child restraint system. In addition to these complaints, the FAA has received several petitions for rulemaking concerning child restraint systems. Therefore, the FAA proposes to revise §§ 91.14(a)(3)(iii) (91.107(a)(3)(iii)), 121.311(b)(2), and 125.211(b)(2) and add a new § 135.128 so that the holder of either an air carrier operating certificate or an operating certificate would be required to accept an approved child restraint system if requested and provided by the parent, guardian, or person (attendant) designated by the child's parent or guardian for the child.

An Aviation Consumer Action Project (ACAP) petition for rulemaking (Docket No. 23833) recommends that air carriers be required to make FAA-approved child restraint systems available to passengers who request them at least 24 hours prior to scheduled flights. In its petition, ACAP argues that it is the burden of the FAA and the air carriers to make safe seating available for children; that it is excessively expensive, burdensome, and impractical to parents or guardians to purchase and to bring child restraint systems to airports; and that the annual safety benefits of requiring air carriers to make safe seating available the cost over a 5-year period by a ratio of 11:1.

Another petition for rulemaking from Mr. Stuart R. Miller (Docket No. 25985) recommends that a properly certified infant or child restraint system be required for a child under 3 years of age during takeoff, landing, and when the pilot in command deems it necessary.

Lastly, a petition for rulemaking from the Los Angeles Area Child Passenger Safety Association (LAACPSA) recommends that a properly certified child restraint system be required for each child within certain weight and height limitations; the child could use his own safety seat or a safety seat provided by the air carrier. If the air carrier provides the safety seat, it would also provide free stowage of personal safety seats. In its petition, LAACPSA states it has found that adults cannot hold children safely on their laps, that adults have encountered different policies among air carriers concerning the use of child restraint systems, that air carriers are not consistent in the administration of those policies, and that adults prefer to use personal safety seats and have them available in the cabin.

The FAA has identified eight commercial airline accidents and incidents over the last 15 years involving infants and small children in which the proper use of child restraint systems might have reduced casualties.

Research conducted at the FAA's Civil Aeromedical Institute and the Arvin/Calspan Advanced Technology Center has provided information regarding the types of systems that should be approved for use in aircraft. This research has also demonstrated that children properly restrained in child restraint systems that are properly secured to passenger seats have an increased chance of surviving accidents. In addition, an approved child restraint system will not interfere with the safety features built into aircraft passenger seats. Thus, the use of a child restraint system provides a safe alternative to placing a child either in a passenger seat or, in the case of children less than 2 years old, in a parent's or guardian's arms.

Based on the information stated above, the FAA considered two different rule alternatives concerning the use of child restraint systems aboard aircraft.

The first alternative would be to adopt a rule similar to those rules adopted by all the States and the District of Columbia that require all children under a certain age or weight/height to use approved child restraint systems when riding in motor vehicles. As a minimum, most States require child restraint systems for children under age 3 or 40 pounds. Under this alternative, each child under age 3 or 40 pounds would have to be provided with a child restraint system by the operator of an aircraft in common carriage. If this alternative were adopted, a parent or guardian probably would be required by the air carrier to buy a ticket for each child under age 2, who, under the current rules, may travel for free when held in a parent's or guardian's arms. This alternative would also require certificate holders to buy and to maintain a stock of approved child restraint systems for use aboard their aircraft. In addition, for a family of four, depending on whether one or both of the children are under 2 years of age, this alternative could substantially increase the cost of air travel.

A preliminary analysis of the potential costs of a mandatory rule indicates a significant economic cost. Under the mandatory rule proposal, the certificate holder would be responsible for providing an approved child restraint system to all children less than 3 years old and/or weighing less than 40 pounds. However, since the child restraint system must be placed on an aircraft seat, the parent or guardian of the child would have to pay to use that seat. Thus, families with children under

2 years would no longer be able to expect to have them ride for free.

The FAA estimates that the average price for a U.S. scheduled domestic flight is \$103.78 (in 1989 dollars) and a U.S. scheduled foreign flight is \$281.82. The weighted average of these two is \$118.30 per flight. The FAA assumes that half of the average price would be charged for children under 2, which is the same as the policy followed by some airlines for children between 2 and 5 years of age. Half of the \$118.30 per flight is \$59.15 per flight, and this would be the most significant additional cost for children 2 and under because of a mandatory child restraint rule.

Next, the cost for the use of the child restraint system itself must be considered. The major automobile rental companies charge an average of \$3 per day for use of a child safety seat. The FAA will use this \$3 as a proxy for the usage rental for an approved child safety seat.

Adding this cost to the average price of a ticket for an aircraft seat means that, under the stated assumptions, the mandatory rule alternative would cost \$62.15 for children 2 and under per enplanement. Children age 2 to 3 are already being charged for a ticket; therefore, the extra cost would be \$3 for a child age 2 to 3. Pricing policies are, however, many and varied among airlines. The FAA specifically invites comment on these cost assumptions but believes that those used herein represent a lower bound to the cost of this alternative. Actual costs may be substantially higher.

The above analysis has not taken into account travel reduction because of these additional costs. The FAA estimates that there are roughly 4 million annual enplanements of passengers age 2 and under on U.S. scheduled airlines and that there are roughly 2 million annual enplanements of passengers age 2 to 3. (The FAA welcomes other estimates of the numbers of young children flying.) To estimate the total cost, the FAA needs to calculate a reduction in the number of children under 2 flying; due to the small price penalty for children between 2 and 3, no enplanement reduction is assumed for this range.

To estimate the reduction in the number of children under 2 that would be flying, the FAA assumes the average child of this age travels with two adults and one other child between the age of 3 and 5. At present, the total family fare is estimated to be two full fares and one half fare that, using the average fares cited above, will cost \$295.75. With the mandatory rule alternative, the price to

the family would increase by \$62.15. Thus, the total price to the family becomes \$357.90, which represents a 21 percent increase.

The FAA has estimated the elasticity of all U.S. revenue passenger miles to changes in fare prices. In a recent study the FAA estimated this elasticity to be $-.8212$. (This means a 10 percent increase in fares would lead to an 8.2 percent decrease in revenue passenger miles.) For young children, the demand is probably more elastic, i.e., a greater percentage response to price changes since children are flying on vacation trips as opposed to business trips, which are much less responsive to price increases than vacation trips.

Using this cost and elasticity data, the FAA estimates that the annual number of enplanements for infants and children 2 and under would be 3,310,000. It is estimated that the families of 700,000 children, then, might refrain from flying because of the additional costs imposed by this alternative.

Multiplying the estimated number of enplanements by the average cost of an infant ticket and adding this to the number of children between 2 and 3 that would need these seats, the total monetary cost of a mandatory rule, in current dollars, would be \$211,716,500 per year. In addition, there is clearly a non-monetary societal cost associated with the families of these 700,000 children refraining from the use of air transportation. In view of the total cost of such a requirement, the FAA is not proposing it at this time, but does invite comments on the desirability of such a requirement. The FAA will consider these comments in formulating a final rule in this proceeding.

The second alternative would be to adopt a rule that would make the use of child restraint systems optional. Under this alternative, a child's parent, guardian, or person (attendant) designated by the child's parent or guardian, who provides an approved child restraint system for his child and purchases a ticket for that child, may have that child use the child restraint system aboard any aircraft operated in common carriage. Under these conditions, a certificate holder could not prohibit the child from using the child restraint system aboard its aircraft. This alternative rule would allow the parent or guardian the option of either holding a child under 2 on his lap or using a child restraint system.

Accordingly, the FAA proposes to require a certificate holder to allow the use of an approved child restraint system on its aircraft when requested and provided by the child's parent,

guardian, or attendant either when a ticket is purchased for a seat to place the restraint system in or when a seat is otherwise made available by the certificate holder for the child's use.

With respect to the three petitions for rulemaking discussed previously, the FAA finds that adopting any one of the proposals would place a large economic burden on society, the benefits of which have not been clearly established. The petition for rulemaking submitted from ACAP would require air carriers to provide a child restraint system if requested in advance. All States and the District of Columbia require the use of child restraints in private motor vehicles. Thus, most passengers who have young children already own one or more child restraint systems. Requiring air carriers to purchase these systems is duplicative.

This would also break a valuable "chain" of safety seat usage. Instead of using the same child restraint system from home to airport, in flight, and at the destination, multiple child restraint systems would be required. This action may reduce the number of child restraint systems used when children must travel. Therefore, the FAA has determined that the certificate holder should not be required to purchase child restraint systems for use aboard aircraft.

Unlike the petition submitted by ACAP, which would require the use of a child restraint system upon a parent's or guardian's request, the other two petitions would require the use of child restraint systems aboard all common carriage flights, similar to the mandatory usage alternative discussed above. Such a regulation could require a parent or guardian to purchase a ticket in order to use the child restraint system. Due to the potential cost, and to ensure the most extensive use of child restraint systems as soon as possible, the FAA at this time proposes only to require an aircraft operator to allow the use of an approved child restraint system on its aircraft when such use is requested and a proper restraint is provided by the child's parent, guardian or attendant either when a ticket is purchased for a seat to place the restraint system in or when a seat is otherwise made available by the certificate holder for the child's use. However, since the FAA has specifically requested comments on the option of making child restraint systems mandatory, any final rule adopted in this proceeding could require the use of these systems.

Installation of Child Restraint Systems. The FAA has determined that a child restraint system approved for use on board aircraft when provided by the child's parent, guardian, or person

(attendant) designated by the child's parent or guardian, can be secured to an airlines seat or berth for the benefit of the child.

Securing of the child restraint system to the aircraft seat requires no modification or alteration of the previously approved and installed passenger seat or safety belt. Because of their experience in the use of their particular child restraint systems, parents, guardians, and attendants designated by the children's parents or guardians who want to use their child restraint systems aboard aircraft would be allowed to secure and remove the child restraint system from the passenger seat. However, the certificate holder, consistent with safe operating practices, would be required to determine the most appropriate passenger seat location for the child restraint system and ensure that each child is properly secured in the child restraint system, that the person does not exceed the specified weight limit for the restraint system, and that the restraint system is properly secured to the passenger seat with the safety belt during movement on the surface, takeoff, and landing and when any seat belt sign is lighted.

Approved Child Restraint Systems. The child restraint system used must be certified and approved for use aboard aircraft. An approved system will have labels required by the Federal Motor Vehicle Safety Standard No. 213 (49 CFR 571.213). The labels on approved systems manufactured between January 1, 1981, and February 25, 1985, will state:

This child restraint system conforms to all applicable Federal motor vehicle safety standards.

Child restraints manufactured on or after February 26, 1985, must have two labels if approved for use in aircraft:

This child restraint system conforms to all applicable Federal motor vehicle safety standards.

and

THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT.

The proposed amendment would require the holder of either an air carrier operating certificate or an operating certificate to accept an approved child restraint system if requested and provided by the parent, guardian, or attendant responsible for the child as long as:

—The parent, guardian, or child's attendant has purchased a ticket for a seat, or a seat is otherwise made available by the certificate holder for the child's use;

—The child is accompanied by a parent, guardian, or an attendant designated by the child's parent or guardian to attend to the safety of the child during the flight;

—The restraint system can be properly secured to an approved seat or berth;

—The child can be properly secured in the restraint system and does not exceed the specified weight limit for the restraint system;

—The restraint system bears the appropriate label showing that the system is approved for use on board aircraft; and

—The restraint system has no obvious defect and will function properly when installed.

The FAA solicits comments on each of the above requirements and their implementation. In particular, the FAA solicits comments on whether a flight attendant can determine if a child restraint system is properly secured to a passenger seat. Current knowledge leads the FAA to conclude that a flight attendant can make such a determination; however, flight attendants' past experiences with child restraint systems may demonstrate that this is not true.

Another provision on which the FAA solicits comments is that which states that a certificate holder or operator may refuse to permit the use of an approved child restraint system if, in the certificate holder's or operator's judgment, the restraint system has an obvious defect and the certificate holder or operator believes that the child restraint system may not function properly when installed. The FAA intends this provision to give the certificate holder or operator a reasonable amount of control over what is allowed on board its aircraft. The certificate holder should not be required to allow the use of a child restraint system that could induce an injury, due to a sharp or jagged edge, missing padding, frayed webbing, or other obvious hazards associated with the system, that the child may not otherwise sustain or because the child is too big for the restraint system. The FAA solicits comments on whether a certificate holder can reasonably make such determinations concerning a child restraint system.

Passenger Service Equipment

FAA inspectors have reported instances in which passenger food and beverage trays, passenger service carts, and movie screens that extend into the aisle were not stowed in secured positions while the aircraft was moving

on the surface. The FAA proposes to add new §§ 91.217 [91.535], 125.333, and 135.122 and revise § 121.577 of the FAR to require a certificate holder or operator to secure in stowed positions all food and beverage trays, passenger service carts, and movie screens that extend into an aisle during aircraft movement on the surface when passengers are on board.

Any passenger food and beverage tray, service cart, or movie screen that extends into the aisle that is not stowed in a secure position while the aircraft is moving on the surface could become safety hazard. Should an emergency evacuation become necessary during aircraft movement on the surface, passengers would be blocked in their seats if their food and beverage trays are down. In addition, passengers would be hampered or prevented from moving down an aisle or exiting the aircraft if a passenger service cart is in the aisle or blocking an exit. Movie screens that extend into the aisle present the same hazard as the food and beverage equipment. Thus, passenger service equipment would be required to be stowed during aircraft movement on the surface.

Fire Extinguishers and Protective Breathing Equipment (PBE)

The FAA has received numerous questions and complaints from certificate holders and from its aviation safety inspectors requesting clarification of §§ 121.309 and 121.337 of the FAR. Therefore, the FAA proposes to revise §§ 121.309(c) and 121.337(b)(9)(ii) of the FAR for clarity and conformity. Section 121.309(c) would be reorganized by specifying the airplane compartments for which hand fire extinguishers would be provided for use. Section 121.337(b)(9)(ii) would be revised to conform to the proposed language in § 121.309(c)(3) as discussed below.

Section 121.309(c) of the FAR requires that a fire extinguisher be located in each upper- and lower-lobe galley. Section 121.337 of the FAR contains requirements for PBE. Section 121.337(b)(9)(ii) of the FAR requires one PBE for each hand fire extinguisher located in each upper- and lower-lobe galley, where the galley encompasses the entire upper- or lower-lobe compartment space. Many of the questions received by the FAA asked for a definition of "upper and lower lobe." Rather than define upper and lower lobe, the FAA proposes to remove the requirements for hand fire extinguishers and PBE to be located in upper- and lower-lobe galleys and add, in their place, the requirements for hand fire extinguishers and PBE to be conveniently located for use in each

galley located in a compartment other than a passenger, cargo, or crew compartment.

There were also complaints concerning the requirements in both of these sections to locate hand fire extinguishers and PBE in galleys that lack the physical space for their installation. The FAA recognizes that it would be impossible to install this equipment in some galleys. In addition, with respect to galleys located in passenger compartments, the FAA proposes to require at least one hand fire extinguisher to be conveniently located and easily accessible for use in each galley, notwithstanding the requirement in current § 121.309(c) of the FAR for hand fire extinguishers to be uniformly distributed throughout each passenger compartment.

Safety Belts in Airships

The FAA recently amended part 21 of the FAR by adding § 21.17(b) (Amendment 21-60; 52 FR 8040; March 13, 1987) to provide for the type certification of special classes of aircraft, which include gliders and airships. Airship design now requires the installation of safety belts.

Section 21.17(b) of the FAR designates the applicable airworthiness standards for airships in very general terms. The FAA provides an acceptable means for the type certification of airships in Advisory Circular (AC) 21.17-2, Type Certification—Airships, and the companion document FAA P-8110-2, Airship Design Criteria (ADC). The ADC explains that the U.S. airship airworthiness criteria are based in part on Part 23 of the FAR, Section Q of the British Civil Airworthiness Requirements, and the U.S. Navy detailed design specifications. The ADC contain requirements for the installation of safety belts.

Current § 91.14(a) (1), (2), and (3) (91.107 (a) and (b)) of the FAR excludes airships from the requirements that passengers be briefed on how and when to fasten their safety belts and that each occupant who has reached his second birthday have a safety belt in his seat. Section 91.33(b)(12) (91.205(b)(12)) of the FAR excludes airships from having to have approved safety belts available for all occupants who have reached their second birthday.

The FAA proposes to revise §§ 91.14(a) (1), (2), and (3) (91.107 (a) and (b)) and 91.33(b)(12) (91.205(b)(12)) of the FAR by removing the exclusions for airships type certificated on or after November 2, 1987.

Section 91.33(b)(12) (91.205(b)(12)) of the FAR also would be modified to remove an obsolete compliance data and improve clarity.

Section 91.14(b) (91.107(c)) would be revised to remove an obsolete reference to Part 123, which is no longer in effect.

Shoulder Harnesses

Current § 91.7(b) (91.105(b)) of the FAR requires each crewmember of U.S.-registered civil airplanes to use a shoulder harness during takeoffs and landings, but only if the crewmember's seat is equipped with a shoulder harness and the crewmember is able to perform required duties with the shoulder harness fastened. In proposed § 91.7(b) (91.105(b)) of the FAR, this requirement would be expanded to all U.S.-registered civil aircraft.

On November 19, 1985, the NTSB issued Safety Recommendation No. A-85-117. The NTSB recommended that the FAA amend § 91.7(b) (91.105(b)) of the FAR to require flight crewmembers of U.S.-registered civil aircraft to keep their shoulder harnesses fastened while at their assigned duty stations during takeoffs and landings. This safety recommendation resulted from an NTSB investigation of a fatal accident that occurred on April 4, 1984. The accident involved an Aerospatiale Twinstar (AS-355) helicopter that was not equipped with shoulder harnesses. The pilot received incapacitating head injuries as a result of his head striking the instrument panel and center console. The NTSB concluded that if the pilot's station had been equipped with a shoulder harness and the harness was worn, the pilot could have survived and deployed the emergency equipment aboard the helicopter, thus saving at least one and possibly two of the passengers.

In another accident (Accident No. LAX 84-F-A498; N915ER, September 27, 1984), three people survived an aircraft accident at an airspeed of 105 knots and with a descent rate of approximately 1,000 feet per minute because they were wearing shoulder harnesses and safety belts. Investigations of similar accidents show that the use of shoulder harnesses and safety belts can save lives. Therefore, the FAA proposes that each crewmember of a U.S.-registered civil "aircraft" (expanded from U.S. civil "airplane") be required to use a shoulder harness during takeoffs and landings if the crewmember's seat is so equipped. In addition, the section would be amended to remove an obsolete compliance date.

Passenger Evacuation

Section 121.310(a) of the FAR requires, with certain exceptions, passenger-carrying airplanes to be equipped with automatic deployable emergency

evacuation assisting means for each emergency exit (other than over-the-wing). Typical of these means are inflatable slides and slide-rafts. The regulation also requires these assisting means to be armed during taxi, takeoff, and landing. However, § 121.310(a) of the FAR does not require that similar equipment and procedures be available before the airplane is moving on the surface. Thus, current regulations do not specifically require certificate holders to provide an expeditious way for passengers to exit an airplane while at the gate with the jetway moved back.

The FAA proposes to add a new § 121.570, which would establish a requirement to make the certificate holder or operator responsible for providing an approved means of passenger egress at all times prior to airplane movement on the surface when passengers are on board. New § 121.570 would also restate the provisions contained in § 121.310(a) of the FAR for arming the emergency evacuation means and would add a requirement for such means to be armed during airplane movement on the surface.

Attitude Indicators

On November 18, 1979, a Transamerica Airlines Lockheed L-188C Electra, with three crewmembers on board, reported a loss of electrical power while climbing on departure in instrument flight rule (IFR) conditions. The failure of the airplane's electrical system disabled critical flight instruments. As a result of the instrument failure, the flightcrew could not determine the attitude of the airplane. The crew became spatially disoriented and lost control of the airplane. The crew could not regain control and the airplane broke up in flight.

On May 30, 1984, a Zantop International Airlines Lockheed Electra L-188, with three crewmembers and a non-revenue passenger on board, experienced gyro problems during its departure climbout. Because the No. 2 vertical gyro system indicated there was a malfunction, the crew selected the No. 1 vertical gyro to drive both of the pilot's attitude indicators. After being cleared by air traffic control to turn on course, the flightcrew could not determine the proper airplane attitude. The crew entered an unusual attitude and lost control of the airplane. The airplane entered a right descending spiral as the indicated airspeed increased from 205 knots to 317 knots. The airplane experienced structural failure during flight.

As a result of these two accidents, in which the airplanes experienced either

total or partial loss of electrical power to its attitude-indicating instruments, the NTSB issued Safety Recommendation No. A-80-19. This safety recommendation, if adopted, would revise § 121.305 to extend its applicability to all large turboprop airplanes. Therefore, the FAA proposes to revise § 121.305 to require an additional attitude-indicating instrument, for bank and pitch, operating from a source of power independent of the normal electrical generating system for all large nonreciprocating-engine-powered airplanes as is now required for all large turbojet airplanes. The FAA specifically solicits comments regarding the proposed implementation date of 2 years from the effective date of any final rule resulting from this proposal.

Check Airman Practical Tests

The FAA has determined that § 135.303 of the FAR is obsolete. Check airman training and checking requirements are now included in §§ 135.337 and 135.339 of the FAR. Therefore, the FAA proposes to remove § 135.303.

Regulatory Evaluation Summary

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if the potential benefits to society for the regulatory change outweigh the potential costs to society. The order also requires the preparation of a draft Regulatory Impact Analysis of all "major" proposals except those responding to emergency situations or other narrowly defined exigencies. A "major" proposal is one that is likely to result in an annual effect on the economy of \$100 million or more, a major increase in consumer costs, or a significant adverse effect on competition.

This set of proposals is determined not to be "major" as defined in the Executive Order, so a full draft analysis evaluating alternative approaches has not been prepared. A more concise draft regulatory evaluation has been prepared, however, which includes an analysis of the economic consequences of the proposed regulation modifications. This analysis is included in the docket and quantifies, to the extent practicable, estimated costs as well as the anticipated benefits and impacts.

In this regulatory evaluation, the FAA evaluated nine proposed amendments. All but one of these proposed rules would impose no significant costs. The FAA found that all nine proposals are

cost beneficial. A summary of the evaluation of each of these nine proposals is contained in this section. For a more detailed analysis, the reader is referred to the full draft evaluation contained in the docket.

Child Restraint Systems

The FAA proposes that certificate holders be required to accept for use in passenger seats approved child restraint systems provided by a child's parent, guardian, or attendant. From an economic perspective, the germane point of the proposed regulation is its optional nature. The greatest impact of the regulation would be on those parents of children under 2 who decide to place their children in child restraint systems. The cost to them would be the purchase of a ticket for an airline seat to use for the child restraint system. Children under 2 could still fly for free if they sit in their parent's lap. The parent's additional cost would not be a cost of the regulation since it would not be required. Moreover, the air carriers would not be required to purchase or to stock these restraint systems; therefore, they would incur no costs.

The FAA has identified eight commercial airline accidents and incidents over the last 15 years involving infants and small children in which the proper use of child restraint systems might have reduced casualties. The FAA seeks comment about the number of infants and small children involved in these type of accidents and incidents and on the number of small children and infants enplaned.

For purposes of this analysis, the FAA used studies on the benefits of using child restraint systems in automobiles. This was necessitated by the dearth of information about the effectiveness of these systems on aircraft. National Highway Traffic Safety Administration data shows that child restraint systems were 69 percent effective in preventing injuries and fatalities to infants in automobile accidents. Accordingly, the FAA used this figure for calculating total benefits resulting from using such systems. The FAA seeks comment on the appropriateness of this figure, given the vast difference in the dynamics between aircraft and automobile crashes. In addition, because the FAA cannot ascertain the number of parents who would take advantage of this option, implicit in this analysis is the assumption that all parents would elect to provide systems for their children.

The 69 percent was applied to the number of infants and small children (5) who died in survivable crashes, and the resultant number was added to the three

injuries and the one fatality that occurred in noncrash situations. A dollar value was estimated for these casualties. This value was adjusted to take into account the growth in estimated passenger enplanement over the next 10 years, and then discounted to obtain the present value of these benefits, which is \$2.33 million. As a final adjustment, this figure was reduced to \$1.96 million to account for the steadily reduced accident rate over the past 20 years that is expected to continue into the future due to other safety initiatives.

The estimated present value of these benefits is \$1.96 million for the period 1990-1999. As there are no costs for this proposal, the FAA finds that this proposed rule would be cost beneficial.

Attitude Indicators

The FAA proposes to amend part 121 of the FAR to require an additional attitude indicator (for bank and pitch) to be installed on all turboprop airplanes and that this additional indicator operate from a power source independent of the airplane's normal electrical generating system. This recommendation came from two accidents over the last 10 years in which large turboprop cargo airplanes were flying in IFR conditions when they lost their critical flight instruments; in both cases, the flightcrew lost control of their airplane and crashed, killing all on board.

If adopted, this proposal should eliminate this type of accident. The FAA estimates that the approximate benefits of a cargo turboprop airplane avoiding this type of accident are \$4.5 million and that the estimated benefits for passenger turboprop airplanes are \$20.7 million and \$28 million for small and large airplanes, respectively. Each of these numbers was multiplied by the annual probability that a turboprop airplane would have such an accident. The expected annual benefit was then projected out over a 10-year period and finally discounted to obtain the present value of benefits. The estimated present values of the benefits per turboprop airplane are:

Type of airplane	Present value—benefits(\$)
Cargo.....	15,674
30-40 seat passenger.....	72,100
40+ seat passenger.....	97,527

The installation costs for the third gyroscopic attitude indicator that would be required by this proposed rule would depend on the whether the airplane is used or new. The older large turboprop

airplanes would need to be retrofitted with a third gyroscopic attitude indicator that must be connected to an independent power source. The newer turboprop airplanes have this type of an indicator already installed, but these indicators are not connected to an independent power source. All newly manufactured turboprop airplanes would be required to have such an indicator installed and connected to an independent power source. Factoring in the costs due to the weight penalty on each of these different types of airplanes, as well as the annual maintenance and inspection costs, projecting over a 10-year time horizon, and finally discounting these costs yields:

Type & age of airplane	Present value—costs(\$)
Old turboprop airplanes.....	7,482
New turboprop airplanes.....	2,932
Future turboprop airplanes.....	7,057

For each type of airplane, the benefits from this proposed rule exceed the costs. Accordingly, the FAA determines that this proposed rule is cost beneficial.

Passenger Information

The FAA has recognized three problem areas concerning the dissemination of passenger information. First, the regulations do not require that the lighted passenger information signs such as the "no smoking" and the "fasten seat belt" signs be turned on while the airplane is in a taxiing mode. Second, certain parts of the FAR do not require passenger compliance with these lighted passenger information signs, posted signs and placards, and crewmember safety-related instructions. Finally, some passenger briefing requirements lack specific information about safety belts, smoking aboard aircraft, or passenger compliance. As a result, the FAA proposes changes to the FAR to address these problems.

The FAA finds that there would be no costs to this proposed rule change. The intent of these proposed changes is to clarify the type of passenger-safety related information that needs to be disseminated and to codify the requirements concerning issuing such material. None of the proposed changes would involve any costs to any of the involved parties.

However, there are benefits to requiring passengers to comply with the fasten safety belt requirements. The FAA has found a number of incidents since 1970 where passengers and/or flight attendants have been injured during taxiing. Some of these incidents

involved airplane collisions whereby passengers being belted in prevented more injuries from occurring, while other incidents involved non-belted passengers and flight attendants being injured while the aircraft was still moving on the ground. Thus, the FAA finds that this proposed rule is cost beneficial.

Passenger Service Equipment

Current FAA regulations do not require that passenger service carts, food and beverage trays, and movie screens be stowed during taxiing. Because of this, given an emergency evacuation situation during taxiing, passenger emergency egress would be impeded. Accordingly, the FAA proposes additions and changes to the FAR that would require an operator to secure all such apparatus before the aircraft begins taxiing.

This proposed rule change does not involve any additional costs to the air carrier or operator. However, there are potential benefits as a result of this proposed rule change (facilitating passenger evacuation during emergency situations). Therefore, the FAA finds that this proposed rule would be cost beneficial.

Shoulder Harnesses

At present, all crewmembers aboard U.S.-regulated airplanes that are equipped with shoulder harnesses are required to wear them at specific times and under specific conditions. The proposed rule would mandate the wearing of shoulder harnesses on all aircraft only if the crewmember's seat is equipped with a shoulder harness and the crewmember is able to perform required duties with the shoulder harness fastened. However, this proposed rule would not require the retrofitting of shoulder harnesses on those aircraft. Studies completed by the NTSB have shown that wearing shoulder harnesses has saved lives during accidents and that not wearing shoulder harnesses has resulted in fatalities and serious injuries during survivable accidents. Studies done by the FAA have shown positive net benefits from using shoulder harnesses.

The FAA finds that there would be no economic costs to this proposed rule. Given the economic benefits of lives saved and injuries prevented, the FAA finds that this proposed rule is cost beneficial.

Passenger Evacuation

While the current regulations governing part 121 operations call for the automatic deployable emergency

evacuation assisting means (such as exit doors and slides) to be armed during taxiing, takeoffs, and landings, there are no provisions for this equipment to be armed before taxiing. As a result, if an emergency occurs while the airplane is still at the gate or during pushback, there is no safe way for the passengers to leave the airplane except over the wing. This proposed rule would require the arming of such equipment before any airplane surface movement when passengers are on board.

The FAA has determined that there would be no additional economic costs to this proposed rule. All that the proposed rule would do is to require a specific action (the arming of this equipment) earlier than is currently required. However, given the possibility of emergency situations occurring before the assisting means have been armed that could require passenger evacuation, the FAA finds that this proposed rule would facilitate emergency evacuations and, therefore, would be cost beneficial.

Fire Extinguishers and PBE

The current FAA regulations governing the placement of fire extinguishers and protective breathing equipment are unclear. Accordingly, the FAA proposes to change the language of the applicable sections of part 121 to clarify these regulations. As the total quantity of this equipment would not change as a result of this proposed rule, there are no costs involved; the principal benefit would involve clarifying the location of such equipment. As a result, there are no costs or benefits that can be quantified and no economic consequences to ascertain.

Check Airmen Practical Tests

The rules under § 135.303 of the FAR, which require check airmen to pass oral and flight tests, are unclear about what constitutes these tests. Because there are other training and checking requirements in the FAR, the FAA has determined that this section of the FAR is obsolete and proposes to remove this section. Benefits would accrue to the airlines, which would no longer have to request exemptions from this section. The FAA, therefore, finds that this proposed rule is cost beneficial.

Safety Belts in Airships

Current FAA regulations exclude airships from the requirements of briefing passengers on how and when to fasten their safety belts and shoulder harnesses and on requiring each occupant to use them. The FAA proposes to revise the FAR by removing the exceptions to airships. However, this proposed rule would not require that

airships be retrofitted with either seat belts or shoulder harnesses.

The FAA has determined that there are no costs to this proposed rule change. The proposed rule would mandate the wearing of such equipment on airships if such seat belts or shoulder harnesses are already installed in the airship. Thus, this proposed rule would not impose any additional costs. However, it is well known that seat belts and shoulder harnesses, whether they are used in automobiles, airplanes, or rotorcraft, have helped to save lives and prevent injuries. Similar benefits would be achieved by occupants of airships wearing seat belts or shoulder harnesses. Thus, given the potential economic benefits of lives saved and injuries prevented from using seat belts and shoulder harnesses, the FAA finds that this proposed rule would be cost beneficial.

International Trade Impact Assessment

These proposals would have little or no impact on international trade. Most of the proposed rules would impose little or no additional operating costs on part 121 certificate holders. Only one of the proposed rules would have any cost impact. That rule would affect only part 121 certificate holders that operate large turboprop airplanes and would require those part 121 operators who operate large turboprop airplanes to install a third gyroscopic attitude indicator. This proposed rule should not affect operators that provide international air carrier service since they operate jet airplanes for the most part and must already comply with this requirement. The part 121 operators that would be subject to this proposed rule provide mostly domestic, commuter and on-demand service and thus for the most part would not compete with foreign air carriers.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities."

The proposal would impact entities regulated by Part 121. The FAA's criterion for "a substantial number" is a number that is not fewer than 11 and that is more than one third of the small entities subject to this rule. For air carriers, a small entity has been defined as one who owns, but does not necessarily operate, nine or fewer aircraft. The FAA's criteria for "a

significant impact" are at least \$3,700 per year for an unscheduled carrier, \$51,800 per year for a scheduled carrier having airplanes with only 60 or fewer seats, and \$92,700 per year for a scheduled carrier having an airplane with 61 or more seats.

Requiring part 121 scheduled operators of turboprop airplanes to install a third gyroscopic attitude indicator will impose, at most, an annualized cost of \$1,236 per year per airplane. If a small part 121 scheduled operator has nine turboprop airplanes, these costs (\$11,124) would not exceed either of the above two thresholds (\$51,800 and \$92,700) for scheduled carriers. If a small part 121 unscheduled operator had 3 or more turboprop airplanes, the costs of this proposed rule would exceed the \$3,700 threshold per year for unscheduled carriers. However, this is the case for only two unscheduled operators. Thus a substantial number of small unscheduled operators are not affected by this proposal. The FAA, therefore, determines that the proposed amendments to part 121, if adopted, would not have a significant economic impact, positive or negative, on a substantial number of small entities.

Conclusion

Under the terms of the Regulatory Flexibility Act, the FAA has reviewed these proposals to determine what impact they may have on small entities. The proposals included in this notice are only expected to affect a few small entities. Therefore, the FAA certifies that these proposals, if adopted, would not result in a significant economic impact, positive or negative, on a substantial number of small entities. In addition, the proposals, if adopted, are not likely to result in an annual effect on the economy of \$100 million or more or in a major increase in costs for consumers or Federal, State, or local government agencies. Accordingly, it has been determined that this is not a major proposal under Executive Order 12291. In addition, these proposals, if adopted, would have little or no impact on trade opportunities for U.S. firms doing business overseas or foreign firms doing business in the United States. Finally, the FAA has determined that this action is significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

A draft regulatory evaluation of this proposal, including a regulatory flexibility determination and international trade impact assessment, has been placed in the regulatory docket. A copy may be obtained by

contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects

14 CFR Part 91

Air carriers, Air Transportation, Aviation safety, Safety, Smoking.

14 CFR Part 121

Air carriers, Air Transportation, Aviation safety, Common carriers, Safety, Smoking, Transportation.

14 CFR Part 125

Air carriers, Air Transportation, Aviation safety, Safety, Smoking.

14 CFR Part 135

Air carriers, Air taxi, Air transportation, Aviation safety, Safety, Smoking.

The Proposed Rule

In consideration of the foregoing, the Federal Aviation Administration proposes to amend parts 91, 121, 125, and 135 of the Federal Aviation Regulations (14 CFR parts 91, 121, 125, and 135) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq.; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

If adopted, the following proposals will be reflected in part 91 in effect as of the date of issuance of this notice of proposed rulemaking:

2. Section 91.7 is amended by revising the introductory text of paragraph (b) to read as follows:

§ 91.7 Flight crewmembers at stations.

(b) Each required flight crewmember of a U.S.-registered civil aircraft shall, during takeoff and landing, keep his shoulder harness fastened while at his assigned duty station. This paragraph does not apply if—

3. Section 91.14 is amended by redesignating paragraph (b) as paragraph (c); by revising paragraphs (a)(1), (a)(2), and (a)(3) and newly redesignated paragraph (c); and by adding a new paragraph (b) to read as follows:

§ 91.14 Use of safety belts and shoulder harnesses.

(a) * * *

(1) No pilot may take off a U.S.-registered civil aircraft (except a free balloon that incorporates a basket or gondola or an airship type certificated before November 2, 1987) unless the pilot in command of that aircraft ensures that each person on board is briefed on how to fasten and unfasten that person's safety belt and, if installed, shoulder harness.

(2) No pilot may cause to be moved on the surface, take off, or land a U.S.-registered civil aircraft (except a free balloon that incorporates a basket or gondola or an airship type certificated before November 2, 1987) unless the pilot in command of that aircraft ensures that each person on board has been notified to fasten his safety belt and, if installed, his shoulder harness.

(3) Except as provided in this paragraph, each person on board a U.S.-registered civil aircraft (except a free balloon that incorporates a basket or gondola or an airship type certificated before November 2, 1987) must occupy an approved seat or berth with a safety belt and, if installed, a shoulder harness, properly secured about him during movement on the surface, takeoff, and landing. However, notwithstanding the preceding requirements of this paragraph, a person may:

(i) Be held by an adult who is occupying a seat or berth if that person has not reached his second birthday;

(ii) Use the floor of the aircraft as a seat, provided that the person is on board for the purpose of engaging in sport parachuting; or

(iii) Notwithstanding any other requirement of this chapter, occupy an approved child restraint system furnished by the operator or one of the persons described in paragraph (a)(3)(iii)(A) of this section provided that:

(A) The person is accompanied by a parent, guardian, or person (attendant) designated by the child's parent or guardian to attend to the safety of the child during the flight;

(B) The approved child restraint system, depending upon its date of manufacture, bears either one or two labels as follows:

(1) Seats manufactured between January 1, 1981, and February 25, 1985, must bear the label: "This child restraint system conforms to all applicable Federal motor vehicle safety standards."

(2) Vest- and harness-type child restraint systems manufactured before February 26, 1985, are not approved. Seats manufactured on or after February 26, 1985, must bear two labels:

(i) "This child restraint system conforms to all applicable Federal motor vehicle safety standards"; and

(ii) "THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT"; and

(C) The operator complies with the following requirements:

(1) The restraint system must be properly secured to an approved seat or berth;

(2) The person must be properly secured in the restraint system and must not exceed the specified weight for the restraint system; and

(3) The restraint system bears the appropriate label(s).

(b) The operator may refuse to permit use of a restraint system that has an obvious defect and, in the operator's judgment, may not function properly.

(c) Unless otherwise stated, this section does not apply to operations conducted under part 121, 125, or 135 of this chapter. Paragraph (a)(3) of this section does not apply to persons subject to § 91.7.

4. Section 91.33 is amended by revising paragraph (b)(12) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

(b) * * *

(12) Except for airships type certificated before November 2, 1987, an approved safety belt with an approved metal-to-metal latching device for each occupant 2 years of age or older.

5. Section 91.197 is revised to read as follows:

§ 91.197 Passenger information

(a) Except as provided in paragraph (b) of this section, no person may operate an airplane carrying passengers unless it is equipped with signs that are visible to passengers and cabin attendants to notify them when smoking is prohibited and when safety belts must be fastened. The signs must be so constructed that the crew can turn them on and off. They must be turned on during aircraft movement on the surface, for each takeoff, for each landing, and when otherwise considered to be necessary by the pilot in command.

(b) The pilot in command of an airplane that is not required, in accordance with applicable aircraft and equipment requirements of this chapter, to be equipped as provided in paragraph (a) of this section shall ensure that the passengers are orally notified each time

that it is necessary to fasten their safety belts and when smoking is prohibited.

(c) If passenger information signs are installed, no passenger or crewmember may smoke while any "no smoking" sign is lighted nor may any passenger or crewmember smoke in any lavatory.

(d) Each passenger required by § 91.14(a)(3) to occupy a seat or berth shall fasten his safety belt about him and keep it fastened while any seat belt sign is lighted.

(e) Each passenger shall comply with instructions given him by crewmembers regarding compliance with paragraphs (b), (c), and (d) of this section.

6. Section 91.199 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 91.199 Passenger briefing.

(a) * * *

(1) *Smoking*: each passenger shall be briefed on when, where, and under what conditions smoking is prohibited. This briefing shall include a statement, as appropriate, that the Federal Aviation Regulations require passenger compliance with lighted passenger information signs and no smoking placards, prohibit smoking in lavatories, and require compliance with crewmember instructions with regard to these items;

(2) *Use of safety belts and shoulder harnesses*: each passenger shall be briefed on when, where, and under what conditions it is necessary to have his safety belt and, if installed, his shoulder harness fastened about him. This briefing shall include a statement, as appropriate, that Federal Aviation Regulations require passenger compliance with the lighted passenger sign and/or crewmember instructions with regard to these items;

7. Section 91.217 is added to subpart D to read as follows:

§ 91.217 Stowage of food, beverage, and passenger service equipment during aircraft movement on the surface, takeoff, and landing.

(a) No operator may move an aircraft on the surface, take off, or land an aircraft when any food, beverage, or tableware furnished by the operator is located at any passenger seat.

(b) No operator may move an aircraft on the surface, take off, or land an aircraft unless each passenger's food and beverage tray is secured in its stowed position.

(c) No operator may permit an aircraft to move on the surface, take off, or land unless each passenger serving cart is secured in its stowed position.

(d) No operator may permit an aircraft

to move on the surface, take off, or land unless each movie screen that extends into an aisle is stowed.

(e) Each passenger shall comply with instructions given by a crewmember with regard to compliance with this section.

If adopted, the following proposals will be reflected in new part 91 effective on August 18, 1990:

8. Section 91.105 is amended by revising the introductory text of paragraph (b) to read as follows:

§ 91.105 Flight crewmembers at stations.

* * * * *

(b) Each required flight crewmember of a U.S.-registered civil aircraft shall, during takeoff and landing, keep his shoulder harness fastened while at his assigned duty station. This paragraph does not apply if—

* * * * *

9. Section 91.107 is revised to read as follows:

§ 91.107 Use of safety belts and shoulder harnesses.

(a) Unless otherwise authorized by the Administrator—

(1) No pilot may take off a U.S.-registered civil aircraft (except a free balloon that incorporates a basket or gondola or an airship type certificated before November 2, 1987) unless the pilot in command of that aircraft ensures that each person on board is briefed on how to fasten and unfasten that person's safety belt and, if installed, shoulder harness.

(2) No pilot may cause to be moved on the surface, take off, or land a U.S.-registered civil aircraft (except a free balloon that incorporates a basket or gondola or an airship type certificated before November 2, 1987) unless the pilot in command of that aircraft ensures that each person on board has been notified to fasten his safety belt and, if installed, his shoulder harness.

(3) Except as provided in this paragraph, each person on board a U.S.-registered aircraft (except a free balloon that incorporates a basket or gondola or an airship type certificated before November 2, 1987) must occupy an approved seat or berth with a safety belt and, if installed, shoulder harness, properly secured about him during movement on the surface, takeoff, and landing. However, notwithstanding the preceding requirements of this paragraph, a person may:

(i) Be held by an adult who is occupying a seat or berth if that person has not reached his second birthday;

(ii) Use the floor of the aircraft as a seat, provided that the person is on

board for the purpose of engaging in sport parachuting; or

(iii) Notwithstanding any other requirement of this chapter, occupy an approved child restraint system furnished by the operator or one of the persons described in paragraph (a)(3)(iii)(A) of this section provided that:

(A) The person is accompanied by a parent, guardian, or person (attendant) designated by the child's parent or guardian to attend to the safety of the child during the flight;

(B) The approved child restraint system, depending upon its date of manufacture, bears either one or two labels as follows:

(1) Seats manufactured between January 1, 1981, and February 25, 1985, must bear the label: "This child restraint system conforms to all applicable Federal motor vehicle safety standards."

(2) Vest- and harness-type child restraint systems manufactured before February 26, 1985, are not approved. Seats manufactured on or after February 26, 1985, must bear two labels:

(i) "This child restraint system conforms to all applicable Federal motor vehicle safety standards"; and

(ii) "THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT"; and

(C) The operator complies with the following requirements:

(1) The restraint system must be properly secured to an approved seat or berth;

(2) The person must be properly secured in the restraint system and must not exceed the specified weight limit for the restraint system; and

(3) The restraint system bears the appropriate label(s).

(b) The operator may refuse to permit use of a restraint system that has an obvious defect and, in the operator's judgment, may not function properly.

(c) Unless otherwise stated, this section does not apply to operations conducted under part 121, 125, or 135 of this chapter. Paragraph (a)(3) of this section does not apply to persons subject to § 91.105.

10. Section 91.205 is amended by revising paragraph (b)(12) to read as follows:

§ 91.205 Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements.

* * * * *

(b) * * *

(12) An approved safety belt with an approved metal-to-metal latching device

for each occupant 2 years of age or older.

11. Section 91.517 is revised to read as follows:

§ 91.517 Passenger information.

(a) Except as provided in paragraph (b) of this section, no person may operate an airplane carrying passengers unless it is equipped with signs that are visible to passengers and cabin attendants to notify them when smoking is prohibited and when safety belts must be fastened. The signs must be so constructed that the crew can turn them on and off. They must be turned on during aircraft movement on the surface, for each takeoff, for each landing, and when otherwise considered to be necessary by the pilot in command.

(b) The pilot in command of an airplane that is not required, in accordance with applicable aircraft and equipment requirements of this chapter, to be equipped as provided in paragraph (a) of this section shall ensure that the passengers are orally notified each time that it is necessary to fasten their safety belts and when smoking is prohibited.

(c) If passenger information signs are installed, no passenger or crewmember may smoke while any "no smoking" sign is lighted nor may any passenger or crewmember smoke in any lavatory.

(d) Each passenger required by § 91.107(a)(3) to occupy a seat or berth shall fasten his safety belt about him and keep it fastened while any seat belt sign is lighted.

(e) Each passenger shall comply with instructions given him by crewmembers regarding compliance with paragraphs (b), (c), and (d) of this section.

12. Section 91.519 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 91.519 Passenger briefing.

(1) Smoking: Each passenger shall be briefed on when, where, and under what conditions smoking is prohibited. This briefing shall include a statement, as appropriate, that the Federal Aviation Regulations require passenger compliance with lighted passenger information signs and no smoking placards, prohibited smoking in lavatories, and required compliance with crewmember instructions with regard to these items:

(2) Use of safety belts and shoulder harnesses: Each passenger shall be briefed on when, where, and under what conditions it is necessary to have his safety belt and, if installed, his shoulder harness fastened about him. This briefing shall include a statement, as

appropriate, that Federal Aviation Regulations require passenger compliance with the lighted passenger sign and/or crewmember instructions with regard to these items:

13. Section 91.535 is added to subpart F to read as follows:

§ 91.535 Stowage of food, beverage, and passenger service equipment during aircraft movement on the surface, takeoff, and landing.

(a) No operator may move an aircraft on the surface, take off, or land an aircraft when any food, beverage, or tableware furnished by the operator is located at any passenger seat.

(b) No operator may move an aircraft on the surface, take off, or land an aircraft unless each passenger's food and beverage tray is secured in its stowed position.

(c) No operator may permit an aircraft to move on the surface, take off, or land unless each passenger serving cart is secured in its stowed position.

(d) No operator may permit an aircraft to move on the surface, take off, or land unless each movie screen that extends into the aisle is stowed.

(e) Each passenger shall comply with instructions given by a crewmember with regard to compliance with this section.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS, AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

14. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421-1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

15. Section 121.305 is amended by revising the introductory text of paragraph (j) to read as follows:

§ 121.305 Flight and navigational equipment.

(j) After (date 2 years after effective date) on large airplanes other than reciprocating-engine-powered airplanes, in addition to two gyroscopic bank and pitch indicators (artificial horizons) for use at the pilot stations, a third such instrument that—

16. Section 121.309 is amended by revising the introductory text of paragraph (c) and paragraph (c)(2); by redesignating paragraphs (c)(3), (c)(4), and (c)(5) as (c)(4), (c)(5), and (c)(7), respectively; by revising newly

redesignated paragraphs (c)(4), (c)(5), and (c)(7); and by adding new paragraphs (c)(3) and (c)(6) to read as follows:

§ 121.309 Emergency equipment.

(c) Hand fire extinguishers for crew, passenger, cargo, and galley compartments. Hand fire extinguishers of an approved type must be provided for use in crew, passenger, cargo, and galley compartments in accordance with the following:

(2) *Cargo compartments.* At least one hand fire extinguisher must be provided and conveniently located for use in each class E cargo compartment that is accessible to crewmembers during flight.

(3) *Galley compartments.* At least one hand fire extinguisher must be conveniently located for use in each galley located in a compartment other than a passenger, cargo, or crew compartment.

(4) *Flightcrew compartment.* At least one hand fire extinguisher must be conveniently located on the flight deck for use by the flightcrew.

(5) *Passenger compartments.* Hand fire extinguishers for use in passenger compartments must be conveniently located and, when two or more are required, uniformly distributed throughout each compartment. Hand fire extinguishers shall be provided in passenger compartments as follows:

(i) For airplanes having passenger seats accommodating more than 6 but fewer than 31 passengers, at least one.

(ii) For airplanes having passenger seats accommodating more than 30 but fewer than 61 passengers, at least two.

(iii) For airplanes having passenger seats accommodating more than 60 passengers, there must be at least the following number of hand fire extinguishers:

MINIMUM NUMBER OF HAND FIRE EXTINGUISHERS

Passenger seating accommodations	
61 through 200	3
201 through 300	4
301 through 400	5
401 through 500	6
501 through 600	7
601 or more	8

(6) Notwithstanding the requirement for uniform distribution of hand fire extinguishers as prescribed in paragraph (c)(5) of this section, for those cases where a galley is located in a passenger compartment, at least one hand fire

extinguisher must be conveniently located and easily accessible for use in the galley.

(7) At least two of the required hand fire extinguishers installed in passenger-carrying airplanes must contain Halon 1211 (bromochlorofluoromethane) or equivalent as the extinguishing agent.

17. Section 121.311 is amended by revising paragraph (b); by redesignating paragraphs (c) through (h) as (e) through (j), respectively; by removing the words "After September 30, 1969, each" from newly redesignated paragraph (e) and inserting the word "Each" in their place; and by adding new paragraphs (c) and (d) to read as follows:

§ 121.311 Seats, safety belts, and shoulder harnesses.

(b) Except as provided in this paragraph, each person on board an airplane operated under this part shall occupy an approved seat or berth with a separate safety belt properly secured about him during movement on the surface, takeoff, and landing. A safety belt provided for the occupant of a seat may not be used by more than one person who has reached his second birthday. Notwithstanding the preceding requirements, a person may:

(1) Be held by an adult who is occupying an approved seat or berth if that person has not reached his second birthday; or

(2) Notwithstanding any other requirement of this chapter, occupy an approved child restraint system furnished by the certificate holder or one of the persons described in paragraph (b)(2)(i) of this section, provided:

(i) The person is accompanied by a parent, guardian, or person (attendant) designated by the child's parent or guardian to attend to the safety of the child during the flight;

(ii) The approved child restraint system, depending upon its date of manufacture, bears either one or two labels as follows:

(A) Seats manufactured between January 1, 1981, and February 25, 1985, must bear the label: "This child restraint system conforms to all applicable Federal motor vehicle safety standards."

(B) Vest- and harness-type child restraint systems manufactured before February 26, 1985, are not approved. Seats manufactured on or after February 26, 1985, must bear two labels:

(1) "This child restraint system conforms to all applicable Federal motor vehicle safety standards"; and

(2) "THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT"; and

(iii) The certificate holder complies with the following requirements:

(A) The restraint system must be properly secured to an approved seat or berth;

(B) The person must be properly secured in the restraint system and must not exceed the specified weight limit for the restraint system; and

(C) The restraint system bears the appropriate label(s).

(c) Except as provided in paragraph (d) of this section, no certificate holder may prohibit a child, if requested by the child's parent, guardian, or designated attendant, from occupying a child restraint system furnished by the child's parent, guardian, or designated attendant, provided the child holds a ticket for an approved seat or berth, or such seat or berth is otherwise made available by the certificate holder for the child's use, and the requirements contained in paragraphs (b)(2)(i) through (b)(2)(iii) of this section are met. This section does not prohibit the certificate holder from providing child restraint systems or, consistent with safe operating practices, determine the most appropriate passenger seat location for the child restraint system.

(d) The certificate holder may refuse to permit use of a restraint system that has an obvious defect and, in the certificate holder's judgment, may not function properly.

18. Section 121.317 is amended by removing the words "After December 31, 1988, no" from paragraph (e) and inserting the word "No" in their place; by redesignating paragraph (i) as (j); by revising paragraphs (b), (c)(2), (f), and (g); and by adding new paragraph (i) to read as follows:

§ 121.317 Passenger information.

(b) The seat belt sign shall be turned on during any movement on the surface, for each takeoff, for each landing, and at any other time considered necessary by the pilot in command.

(c) * * *

(2) On flight segments other than those described in paragraph (c)(1) of this section, during any movement on the surface, for each takeoff, for each landing, and at any other time considered necessary by the pilot in command.

(f) Each passenger required by § 121.311(b) to occupy a seat or berth shall fasten his safety belt about him

and keep it fastened while the seat belt sign is lighted.

(g) No person may smoke while a no smoking sign is lighted, except that the pilot in command may authorize smoking on the flight deck except during airplane movement on the surface, takeoff, or landing.

(i) Each passenger shall comply with instructions given him by crewmembers regarding compliance with paragraphs (f), (g), and (h) of this section.

19. Section 121.337 is amended by revising paragraph (b)(9)(ii) to read as follows:

§ 121.337 Protective breathing equipment.

(b) * * *

(9) * * *

(ii) One PBE is required for each hand fire extinguisher located for use in a galley other than a galley located in a passenger, cargo, or crew compartment.

20. Section 121.570 is added to subpart T to read as follows:

§ 121.570 Passenger evacuation capability.

(a) No person may cause an airplane carrying passengers to be moved on the surface, take off, or land unless each automatically deployable emergency evacuation assisting means, installed pursuant to § 121.310(a), is armed.

(b) Each certificate holder shall ensure that, at all times passengers are on board prior to airplane movement on the surface, at least one floor-level exit provides for the egress of passengers through normal or emergency means.

21. Section 121.571 is amended by revising paragraphs (a)(1)(i) and (a)(1)(iii) to read as follows:

§ 121.571 Briefing passengers before takeoff.

(a) * * *

(1) * * *

(i) Smoking. Each passenger shall be briefed on when, where, and under what conditions smoking is prohibited (including, but not limited to, the pertinent requirements of Part 252 of this title). This briefing shall include a statement that the Federal Aviation Regulations require passenger compliance with the lighted passenger information signs, posted placards, areas designated for safety purposes as no smoking areas, and crewmember instructions with regard to these items. The briefing shall also include a statement that Federal law prohibits tampering with, disabling, or destroying

any smoke detector in an airplane lavatory.

(iii) The use of safety belts, including instructions on how to fasten and unfasten the safety belts. Each passenger shall be briefed on when, where, and under what conditions the safety belt must be fastened about that passenger. This briefing shall include a statement that the Federal Aviation Regulations require passengers compliance with lighted passenger information signs and crewmember instructions concerning the use of safety belts.

22. Section 121.577 is revised to read as follows:

§ 121.577 Stowage of food, beverage, and passenger service equipment during airplane movement on the surface, takeoff, and landing.

(a) No certificate holder may move an airplane on the surface, take off, or land an airplane when any food, beverage, or tableware furnished by the certificate holder is located at any passenger seat.

(b) No certificate holder may move an airplane on the surface, take off, or land an airplane unless each passenger's food and beverage tray is secured in its stowed position.

(c) No certificate holder may permit an airplane to move on the surface, take off, or land unless each passenger serving cart is secured in its stowed position.

(d) No certificate holder may permit an airplane to move on the surface, take off, or land unless each movie screen that extends into an aisle is stowed.

(e) Each passenger shall comply with instructions given by a crewmember with regard to compliance with this section.

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

23. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 1354, 1421 through 1430 and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

24. Section 125.211 is amended by revising paragraph (b); by redesignating paragraphs (c) through (e) as (e) through (g), respectively; and by adding new paragraphs (c) and (d) to read as follows:

§ 121.211 Seats and safety belts.

(b) Except as provided in paragraph (b)(1) and (2) of this section, each person on board an airplane operated under this part shall occupy an approved seat or berth with a separate safety belt properly secured about him during movement on the surface, takeoff, and landing. A safety belt provided for the occupant of a seat may not be used for more than one person who has reached his second birthday. Notwithstanding the preceding requirements, a person may:

(1) Be held by an adult who is occupying a seat or berth if that person has not reached his second birthday; or

(2) Notwithstanding any other requirement of this chapter, occupy an approved child restraint system furnished by the certificate holder or one of the persons described in paragraph (b)(2)(i) of this section, provided:

(i) The person is accompanied by a parent, guardian, or person (attendant) designated by the child's parent or guardian to attend to the safety of the child during the flight;

(ii) The approved child restraint system, depending upon its date of manufacture, bears either one or two labels as follows:

(A) Seats manufactured between January 1, 1981, and February 25, 1985, must bear the label: "This child restraint system conforms to all applicable Federal motor vehicle safety standards."

(B) Vest- and harness-type child restraint systems manufactured before February 26, 1985, are not approved. Seats manufactured on or after February 26, 1985, must bear two labels:

(1) "This child restraint system conforms to all applicable Federal motor vehicle safety standards"; and

(2) "THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT"; and

(iii) The certificate holder complies with the following requirements:

(A) The restraint system must be properly secured to an approved seat or berth;

(B) The person must be properly secured in the restraint system and must not exceed the specified weight limit for the restraint system; and

(C) The restraint system bears the appropriate label(s).

(c) Except as provided in paragraph (d) of this section, no certificate holder may prohibit a child, if requested by the child's parent, guardian, or designated attendant from occupying a child restraint system furnished by the child's parent, guardian, or designated attendant, provided the child holds an authorization for an approved seat or berth and the requirements contained in

paragraphs (b)(2)(i) through (b)(2)(iii) of this section are met. This section does not prohibit the certificate holder from providing child restraint systems or, consistent with safe operating practices, determine the most appropriate passenger seat location for the child restraint system.

(d) The certificate holder may refuse to permit use of a restraint system that has an obvious defect and, in the certificate holder's judgment, may not function properly.

25. Section 125.217 is revised to read as follows:

§ 125.217 Passenger information.

(a) Except as provided in paragraph (b) of this section, no person may operate an airplane carrying passengers unless it is equipped with signs that meet the requirements of § 25.791 of this chapter and that are visible to passengers and cabin attendants to notify them when smoking is prohibited and when safety belts must be fastened. The signs must be so constructed that the crew can turn them on and off. They must be turned on during aircraft movement on the surface, for each takeoff, for each landing, and when otherwise considered to be necessary by the pilot in command.

(b) No passenger or crewmember may smoke while any "no smoking" sign is lighted nor may any passenger or crewmember smoke in any lavatory.

(c) Each passenger required by § 125.211(b) to occupy a seat or berth shall fasten his safety belt about him and keep it fastened while any seat belt sign is lighted.

(d) Each passenger shall comply with instructions given him by crewmembers regarding compliance with paragraphs (b) and (c) of this section.

26. Section 125.327 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 125.327 Briefing of passengers before flight.

(1) Smoking: each passenger shall be briefed on when, where, and under what conditions smoking is prohibited. This briefing shall include a statement that the Federal Aviation Regulations require passenger compliance with the lighted passenger information signs, posted placards, areas designated for safety purposes as no smoking areas, and crewmember instructions with regard to these items.

(2) The use of safety belts, including instructions on how to fasten and unfasten the safety belts. Each

passenger shall be briefed on when, where, and under what conditions the safety belt must be fastened about him. This briefing shall include a statement that the Federal Aviation Regulations require passenger compliance with lighted passenger information signs and crewmember instructions concerning the use of safety belts.

* * *

27. Section 125.333 is added to subpart J to read as follows:

§ 125.333 Stowage of food, beverage, and passenger service equipment during airplane movement on the surface, takeoff, and landing.

(a) No certificate holder may move an airplane on the surface, take off, or land when any food, beverage, or tableware furnished by the certificate holder is located at any passenger seat.

(b) No certificate holder may move an airplane on the surface, take off, or land an airplane unless each passenger's food and beverage tray is secured in its stowed position.

(c) No certificate holder may permit an airplane to move on the surface, take off, or land unless each passenger serving cart is secured in its stowed position.

(d) Each passenger shall comply with instructions given by a crewmember with regard to compliance with this section.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

28. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

29. Section 135.117 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 135.117 Briefing of passengers before flight.

(a) * * *

(1) Smoking. Each passenger shall be briefed on when, where, and under what conditions smoking is prohibited (including, but not limited to, any applicable requirements of part 252 of this title). This briefing shall include a statement that the Federal Aviation Regulations require passenger compliance with the lighted passenger information signs (if such signs are required), posted placards, areas designated for safety purposes as no smoking areas, and crewmember instructions with regard to these items. The briefing shall also include a statement (if the aircraft is equipped with a lavatory) that Federal law

prohibits tampering with, disabling, or destroying any smoke detector installed in an aircraft lavatory.

(2) The use of safety belts, including instructions on how to fasten and unfasten the safety belts. Each passenger shall be briefed on when, where, and under what conditions the safety belt must be fastened about that passenger. This briefing shall include a statement that the Federal Aviation Regulations require passenger compliance with lighted passenger information signs and crewmember instructions concerning the use of safety belts.

30. Section 135.122 is added to subpart B to read as follows:

§ 135.122 Stowage of food, beverage, and passenger service equipment during aircraft movement on the surface, takeoff, and landing.

(a) No certificate holder may move an aircraft on the surface, take off, or land an aircraft when any food, beverage, or tableware furnished by the certificate holder is located at any passenger seat.

(b) No certificate holder may move an aircraft on the surface, take off, or land an aircraft unless each passenger's food and beverage tray is secured in its stowed position.

(c) No certificate holder may permit an aircraft to move on the surface, take off, or land unless each passenger serving cart is secured in its stowed position.

(d) Each passenger shall comply with instructions given by a crewmember with regard to compliance with this section.

31. Section 135.127 is amended by revising paragraphs (a)(2) and (b) and by adding new paragraphs (f) and (g) to read as follows:

§ 135.127 Passenger information.

(a) * * *

(2) On flight segments other than those described in paragraph (a)(1) of this section, during any movement of the aircraft on the surface, for each takeoff or landing and at any other time considered necessary by the pilot in command.

(b) No person may smoke while a no smoking sign is lighted, except that the pilot in command may authorize smoking on the flight deck (if it is physically separated from the passenger compartment) except during any movement of an aircraft on the surface, takeoff, and landing.

* * *

(f) The passenger information requirements prescribed in § 91.197(b) and (d) of this chapter are in addition to

the requirements prescribed in this section.

(g) Each passenger shall comply with instructions given him by crewmembers regarding compliance with paragraphs (b), (c), and (f) of this section.

32. Section 135.128 is added to subpart B to read as follows:

§ 135.128 Child restraint systems.

(a) Except as provided in this paragraph, each person on board an aircraft operated under this part shall occupy an approved seat or berth with a separate safety belt properly secured about him during movement on the surface, takeoff, and landing. A safety belt provided for the occupant of a seat may not be used by more than one person who has reached his second birthday. Notwithstanding the preceding requirements, a person may:

(1) Be held by an adult who is occupying an approved seat or berth if that person has not reached his second birthday; or

(2) Notwithstanding any other requirement of this chapter, occupy an approved child restraint system furnished by the certificate holder or one of the persons described in paragraph (b)(2)(i) of this section, provided:

(i) The person is accompanied by a parent, guardian, or person (attendant) designated by the child's parent or guardian to attend to the safety of the child during the flight;

(ii) The approved child restraint system, depending upon its date of manufacture, bears either one or two labels as follows:

(A) Seats manufactured between January 1, 1981, and February 25, 1985, must bear the label: "This child restraint system conforms to all applicable Federal motor vehicle safety standards."

(B) Vest- and harness-type child restraint systems manufactured before February 26, 1985, are not approved. Seats manufactured on or after February 26, 1985, must bear two labels:

(1) "This child restraint system conforms to all applicable Federal motor vehicle safety standards"; and

(2) "THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT"; AND

(iii) The certificate holder complies with the following requirements:

(A) The restraint system must be properly secured to an approved seat or berth;

(B) The person must be properly secured in the restraint system and must not exceed the specified weight limit for the restraint system; and

(C) The restraint system bears the appropriate label(s).

(b) Except as provided in paragraph (c) of this section, no certificate holder may prohibit a child, if requested by the child's parent, guardian, or designated attendant from occupying a child restraint system furnished by the child's parent, guardian, or designated attendant, provided the child holds a ticket for an approved seat or berth, or such seat or berth is otherwise made available by the certificate holder for the child's use, and the requirements contained in paragraphs (a)(2)(i) through (a)(2)(iii) of this section are met. This section does not prohibit the certificate holder from providing child restraint systems or, consistent with safe

operating practices, determine the most appropriate passenger seat location for the child restraint system.

(c) The certificate holder may refuse to permit use of a restraint system that has an obvious defect and, in the certificate holder's judgment, may not function properly.

33. Section 135.177 is amended by revising paragraph (a)(3) to read as follows:

§ 135.177 Emergency equipment requirements for aircraft having a passenger seating configuration of more than 19 passengers.

(a) * * *

(3) Signs that are visible to all occupants to notify them when smoking

is prohibited and when safety belts must be fastened. The signs must be constructed so that they can be turned on during any movement of the aircraft on the surface, for each takeoff, landing, and at other times considered necessary by the pilot in command. No smoking signs shall be turned on when required by § 135.127.

§ 135.303 [Removed]

34. Section 135.303 is removed.

Issued in Washington, DC, on February 22, 1990.

W. Michael Sacrey,

Acting Director, Flight Standards Service.

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