

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

[Docket No. 26142; Amendment Nos. 91-231, 121-230, 125-17, and 135-44]

RIN: 2120-AB45

**Miscellaneous Operational Amendments****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Federal Aviation Regulations by requiring operators and certificate holders to allow the use of approved child restraint systems and by updating certain regulations concerning passenger and crewmember safety, attitude indicators, and check airmen. This action is in response to requests from the public, consumer groups, and Congress; reports from FAA inspectors; and investigations and recommendations by the National Transportation Safety Board. The rule is intended to increase the safety of crewmembers and passengers on board aircraft and to update other operational amendments.

**EFFECTIVE DATE:** October 15, 1992.

**FOR FURTHER INFORMATION CONTACT:** Donell Pollard, Project Development Branch (AFS-240), Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; Telephone (202) 267-8096.

**SUPPLEMENTARY INFORMATION:****Background**

In recent years, the FAA has received information from a variety of sources indicating a need to revise several regulations to increase passenger and crewmember safety aboard aircraft. The information included requests from the public, consumer groups, and Congress about smoking aboard aircraft and about passenger noncompliance with crewmember instructions concerning smoking and the fastening of safety belts. Some of these requests also stated that certain air carriers do not allow the use of approved child restraint systems aboard airplanes, even when a passenger purchases a ticket for this purpose. Reports from FAA inspectors indicated that improperly stowed food and beverage trays, passenger service carts, and movie screens could hamper passenger emergency egress in the event of an incident or accident during

airplane movement on the surface. Investigations conducted by the National Transportation Safety Board (NTSB) indicated that safety belts and shoulder harnesses can save lives in aircraft crashes, and the Board recommended that the required use of these safety devices should be expanded to helicopters and airships. The NTSB issued Safety Recommendation No. A-80-19, which recommends that the FAA require an additional attitude-indicating instrument on large turboprop airplanes. Lastly, the airline industry requested clarification of the requirement for location of fire extinguishing equipment on board an airplane.

In response to these concerns, the FAA issued Notice of Proposed Rulemaking (NPRM) No. 90-8 (55 FR 7414, March 1, 1990). The NPRM proposed the following revisions: (1) Certificate holders would have to accept approved child restraint systems provided by a parent or guardian if a ticket is purchased for a seat in which to place the child restraint system, or the seat is otherwise made available; (2) passenger information signs would have to be turned on or posted while the aircraft is moving on the surface, and compliance with the signs is mandatory for both passengers and crew; (3) passenger service equipment would have to be stowed and inflatable slides (or other approved emergency evacuation assisting means) would have to be ready for evacuation (armed) during movement on the surface; (4) helicopter crewmembers generally would be required to wear shoulder harnesses during takeoff and landing; (5) passengers on airships equipped with safety belts would have to be briefed before flight on the use of such belts; (6) an independently-powered attitude indicator would be required on large turboprop airplanes; (7) requirements for the location of fire extinguishers and protective breathing equipment for use in galleys would be clarified; and (8) an obsolete provision on check airmen would be removed.

**Discussion of Comments**

The FAA received several hundred comments in response to the proposed rule. Most of the comments addressed only the issue of child restraints. Other comments addressed other issues concerning cabin safety. A few comments addressed the proposed changes to attitude indicators and check airmen. Comments were submitted by passengers, parents, consumer groups, universities, manufacturers, airlines, airline associations, pilot and flight attendant associations, the NTSB, and

others. A discussion and response to the issues raised follow.

**Child Restraint Systems**

The FAA's proposed rule and these amendments allow for the voluntary use of child restraint systems. A certificate holder will be required to allow the use of an approved child restraint system on its aircraft when requested and when an approved child restraint system is provided by the child's parent, guardian, or attendant and when a ticket is purchased for a passenger seat in which to place the restraint system, or when a passenger seat is otherwise made available by the certificate holder. The certificate holder may also provide the child restraint system. The certificate holder will allow the use of any child restraint system which has been certified as complying with the regulations of the U.S. Department of Transportation, the United Nations, or a foreign government as long as the restraint can be secured to a forward-facing passenger seat. The certificate holder will ensure that the child restraint system is properly secured to a forward-facing passenger seat and that the child is properly secured in the child restraint system. If a child restraint system is placed in a sideward- or rearward-facing passenger seat, it may not be occupied during movement on the surface, or during takeoff or landing. (§§ 91.107 (a)(3), (b), and (c); 121.311; 125.211; 135.128).

Comments on the proposal were solicited in a number of areas as discussed below.

**Public Desire for Mandatory Requirements**

The largest number of comments addresses the issue of whether use of child restraint systems should be mandatory. Most of the commenters favor mandatory use of child restraint systems, including the Air Transport Association (ATA), the National Transportation Safety Board (NTSB), the Airline Pilots Association (ALPA), the Association of Flight Attendants (AFA), the Association of Professional Flight Attendants (APFA), the Independent Federation of Flight Attendants (IFFA), the Independent Union of Flight Attendants (IUFA), several State and congressional representatives and senators, and a large number of parents and individuals, many represented by the Aviation Consumer Action Project (ACAP). These commenters provide varying arguments for safety: Children who are secured in child restraints are safer than those who are lap-held; children should have the same

protection as adults; child restraints should be required for use on aircraft in the same way that they are required for use in automobiles. Other commenters support voluntary use of child restraints. Arguments given are that this should be a parental (not governmental) decision; and that if parents with children under 2 years of age (infants) are forced to purchase a ticket to use an additional passenger seat, many will no longer be able to afford to fly. A number of commenters point out, as did a draft economic analysis prepared for the FAA, that a mandatory requirement could increase the number of transportation deaths on highways if families chose automobile transportation because of the additional cost of air travel.

**FAA Response:** The issue of mandatory use of child restraint systems has two components. For children 2 years of age or older the only question is whether a child restraint system would be safer for children below a specified height and weight limit than adult-type lap belts. For children under 2 years of age the question is more complex, because under present rules these children are not required to occupy a separate passenger seat and traditionally have flown for free.

To facilitate discussion of these issues throughout this document, "child" is used to refer to children of any age who may use a child restraint system aboard an aircraft and "infant" is used to refer to children under 2 years of age.

Because present rules do not require an infant to have a separate seat, and because most infants carried on an adult's lap have been allowed to fly for free, a decision to mandate the use of a child restraint for an infant would have significant economic impact. It would require that the accompanying adult purchase a separate seat unless the certificate holder volunteered to provide the seat free of charge.

Based on an economic analysis prepared for the FAA by Apogee Research, Inc., "If airlines follow current rules and sell seats for infants on the same discounted terms as used for children 2 to 12 years of age, travel costs will increase by \$185 for the average traveling family or more than \$250 million in the first year for all families who continue to fly; this later figure will increase to more than \$3 billion through the year 2000".

Because of the potential costs and other factors discussed elsewhere in this preamble, the FAA is not requiring separate seating of infants in approved child restraints at this time, nor is the FAA requiring that a child within certain height and weight limits,

regardless of age, use a approved child restraint system. The FAA may consider additional requirement in the future if further investigation warrants such action.

#### *Air Carriers' Willingness To Provide Restraint Systems and/or Free Seats*

No explicit comments were received from air carriers on this issue. However, under these amendments, certificate holders would not be required to provide child restraints or free seats. They would be required to allow the use of a child restraint system for a child whose parents have purchased a ticket for the passenger seat for the child's use, or in cases where the certificate holder allows the parents to use an available passenger seat for an infant.

#### *Parents' Willingness to Purchase an Extra Seat*

Comments were split among those who think parents should pay for extra passenger seats for infants who currently fly free, those who believe that air carriers should provide free passenger seats for infants, and those who believe that air carriers and parents should share the cost. Several commenters indicate that if carriers provide passenger seats for infants free of charge, the additional cost would be spread out over the air traveling population.

**FAA Response:** Because the FAA has decided not to require separate seating of infants in child restraint systems at this time, the question of how to spread the cost is not relevant to this rulemaking.

#### *Who Will Provide the Child Restraints*

The opinions of commenters are divided as to who should provide the child restraints (parents, air carrier, or both).

Some commenters believe that parents should provide child restraints, because many parents already own such restraints for use in their automobiles. The use of child restraints is required in all 50 States and the District of Columbia. On the other hand, some commenters, especially parents, believe that it would be an added burden to carry on board their own child restraints. Others believe that provision of a child restraint could be optional: either parents could provide their own child restraints or the carriers could provide child restraints for those parents who do not provide one.

**FAA Response:** These amendments do not mandate who shall provide the child restraint system if one is used. As in the proposed rule, the approved child restraint system may be furnished either

by the certificate holder or by the person accompanying the child.

Because of the number of concerns raised on who will provide child restraint systems, this issue will be addressed further should the FAA take further rulemaking action to mandate the use of an approved child restraint system.

#### *Types of Restraint Systems*

The proposed rule would have allowed the use only of child restraint systems currently certified as complying with the regulations of the U.S. Department of Transportation for automobile and aircraft use and which require a separate passenger seat. Many commenters, however, recommend alternative child restraint systems that do not require the purchase of an additional passenger seat. Some individuals and companies presented designs for such alternatives. ATA advocates continued joint research, on a domestic and international level, to devise the most effective, cost-beneficial child restraint system, preferably one that does not require an additional passenger seat. Other commenters stress the importance of standardization. For example, the International Air Transport Association (IATA) calls for international safety standards on child restraints, and ATA presents a petition requesting the FAA to approve the use of British-approved child restraints (approved by the British Civil Aviation Authority [CAA]) on U.S. air carriers. This would be to reciprocate the CAA's recent action approving the use of child restraints which have been certified as complying with DOT regulations on British air carriers. In addition, some commenters, such as RAA, comment that existing systems may not always be compatible with smaller aircraft operated by regional air carriers. RAA advocates the continuation of ongoing studies to address the issues of child restraint compatibility and effectiveness, particularly in terms of child restraint use in smaller aircraft.

**FAA Response:** The FAA agrees that continued research is appropriate to better ensure: (1) Compatibility of child restraint systems between aircraft and automobiles, between large and small aircraft, and between U.S. and foreign air carriers; and (2) development of alternative forms of child restraint systems that may not require an additional passenger seat. In the meantime, to provide an appropriate level of safety and flexibility, the FAA has decided to broaden the categories of usable child restraint systems to include

child restraint systems approved under United Nations standards or by any foreign government.

These amendments expand the number of approved systems to include those approved by any foreign government or those manufactured under standards of the United Nations (U.N.) agreement concerning approval of restraining devices for child occupants of power-driven vehicles. The FAA has no knowledge that child restraint systems showing manufacture under the U.N. standards have been developed; however, it is anticipated that such seating systems could be in use eventually.

The FAA recognizes that there is a prohibition against the importation of child restraints which have not been certified as complying with the regulations of the United States Department of Transportation. While the FAA does not wish to encourage the use or importation of child restraint devices not certified as meeting U.S. safety standards, it is concerned about the safety of young children flying from abroad to visit this country. Enhancing their safety cannot be readily accomplished using child restraints certified to U.S. standards since persons living abroad cannot readily purchase such restraints in their countries of origin. The type of child restraints readily available to those persons are child restraint devices which have been approved by a foreign government or those manufactured under U.N. standards. Using these restraints in an aircraft will provide a level of safety greater than that which would be provided if the young children were held in the arms of adults or if safety belts alone were used.

The FAA wishes to emphasize its belief that importation of child restraints not certified to U.S. standards would be not only temporary, but also relatively brief. That is, most would be used by persons who would be in the United States only for a short time. The restraints would exit the country when the persons depart for their countries of origin. In view of the temporary nature of the importation, and the considerations of safety and practicability discussed above, the FAA will allow the use of child restraints which are approved by a foreign government or manufactured under U.N. standards and which have a stamp, decal, or some other mark which indicates foreign government approval or conformance with the U.N. standards.

#### *Age vs. Stature and Weight Requirements*

Several commenters propose a variety of standards for use in determining when child restraints can be safely used. The NTSB recommends stature (length, height) and weight (versus age) requirements. Other commenters propose child restraints for children using age cut-offs.

*FAA Response:* The new rule contains two standards relating to age and weight. First, it continues the current cut-off of the second birthday for the age above which a child *must* be in a separate passenger seat and may no longer be lap-held. Second, it establishes that, when a child restraint system is used, the child may not exceed the weight limit for the particular restraint-system.

#### *Ability of Air Carrier Personnel To Determine Whether a Child Restraint System Is Safe and Secure*

The FAA received few comments in this area. ATA recommends the continuation of the practice of early boarding to allow adequate time for children to be properly secured in child restraint systems; ATA also recommends further research to develop child restraint systems that are easily installed and secured. A safety belt advocacy group recommends training and literature for flight attendants on the proper use of child restraint systems.

*FAA Response:* The FAA has reviewed the proposal to allow an operator or a certificate holder to refuse to permit use of a child restraint system that has an obvious defect and, in the operator's or certificate holder's judgment, may not function properly. The proposed rule would have allowed an operator to refuse the use of a child restraint system even though the child restraint system was properly labeled, the child did not exceed the specified weight limit, and the child restraint system could be properly secured to the passenger seat. Upon review of this proposal, the FAA has determined that it could create more problems than it would solve. It raises questions such as what should be done if a dispute arises between a parent or guardian and the airline personnel over the condition of a particular child restraint system. Because of the uncertainty, the FAA has removed the proposed provision in §§ 91.107(b), 121.311(d), 125.211(d), and 135.128(c) that would have allowed an operator or certificate holder to refuse to permit the use of a child restraint system that, in the operator's judgment, may not function properly.

The operator or certificate holder has the responsibility under this rule to ensure that a child restraint system is properly secured to a forward-facing seat, the child is properly secured and does not exceed the weight limit for the restraint system, and the child restraint system is properly labeled. Nevertheless, the FAA has determined that, when a parent or guardian provides a child restraint system, it is the responsibility of the parent or guardian to ensure that the child restraint system to be used is free of any obvious defects and functions properly. These are the same systems that should be used to transport the infant or child to and from the airport, probably in an automobile. The parent or guardian has the responsibility for determining that the child restraint device is safe for use in both modes of transportation. The intent of this change is to increase the chances that a child restraint system will be used.

#### *Estimates or Evidence of Infants Traveling by Air or of Infant Fatalities*

The FAA had requested available data on the number of infants traveling and infant fatalities to compare it to data presented in the NPRM preamble and to assess better the need for child restraint systems. Few comments were received. Commenters who provide estimates of infants traveling by air generally support the statistics used by the FAA in the NPRM preamble. (The FAA estimated over 4 million enplanements by infants [children under 2 years of age] per year.) A few commenters cite statistics from ATA, estimating 5,000-10,000 infants traveling by air per day, or .5 to 1 percent of the traveling public, which (based upon 452.4 million enplanements in 1989) is between 2.3 and 4.5 million enplanements per year.)

*FAA Response:* There appears to be no disagreement that the number of infants traveling by air is very large. The FAA will continue to rely on the data as originally presented in the NPRM because the ATA statistics support the original FAA estimate of 4 million enplanements.

On the issue of infant fatalities, a draft economic analysis prepared after the NPRM was published presents somewhat different data from that given in the NPRM. The most recent analysis, using NTSB accident data, estimates that in the last 12 years, there were 9-10 infant fatalities in 6 accidents; of these 6 accidents, 1 accident might have had 1 preventable infant fatality. In comparison, the FAA's original data estimated 8 accidents in the last 15

years where child restraint systems might have prevented some infant fatalities; the number of fatalities that could have been prevented was not estimated. The FAA will rely on the updated information; those data show fewer cases than originally estimated where child restraint systems could have prevented infant fatalities.

#### *Cost/Benefit: Mandatory Use of Restraints*

In the NPRM, the FAA solicited comments on its cost/benefit analysis. Commenters on this area are divided into two groups: those who support mandatory use of child restraint systems and those who are against mandatory use of child restraint systems (some of whom expressed support for voluntary use of restraints). Some of those who support mandatory use of child restraint systems comment that the benefits are underestimated by the FAA in terms of lives saved and future tax revenues and earnings produced by those children whose lives would be saved by child restraint systems. Some commenters also believe that if use of child restraint systems is not made mandatory, the medical costs will be great for those children injured who were not secured in child restraint systems.

Those who are against mandatory use of child restraint systems comment that the costs of child restraints would be higher than that estimated by the FAA. One commenter presents its own cost/benefit analysis, concluding that mandatory use of child restraint systems would cause more people to drive due to the cost of buying additional tickets for passenger seats for infants, resulting in more deaths in automobile accidents; it claims that the FAA's estimates of highway fatalities are too low.

Another commenter also presents its own cost/benefit analysis and concludes that making the use of child restraint systems mandatory would increase regulation and result in fewer passenger miles flown and more people driving. This, in turn, would result in more fatalities in automobile accidents, which would be greater than the number of lives saved if use of child restraint systems were mandated for airplanes.

Finally, some commenters state that the number of lives saved because of child restraint systems would be minimal due to the overall safety of air travel and, therefore, it would not be worth the additional costs.

*FAA Response:* As noted above, an economic analysis was prepared for the FAA after the NPRM was published. This analysis concluded that mandatory use of a child restraint would reduce substantially the safety benefit as the

additional cost to parents results in less air travel and more—but less safe—highway travel. For the purposes of making a decision on this action, however, all analyses placed in the docket show that mandating the use of child restraint systems would result in increased transportation-related child fatalities and in other ways would have societal costs in excess of the benefits of the action. There are no analyses available to the FAA that contradict that fundamental conclusion. The FAA finds that while air travel is extremely safe overall, the ability to use child restraint systems should be guaranteed as a further safety enhancement when a passenger seat is made available by the air carrier or a ticket for a passenger seat is purchased by an accompanying adult.

#### *Passenger Information*

Regulations on passenger information are being revised to require that passenger briefings include information on safety belt and smoking regulations and to require that passengers comply with these regulations. The rule includes: (1) Requiring that passenger information signs ("no smoking" and "fasten seat belt") be turned on or posted while the aircraft is moving on the surface (§§ 91.517 (a) and (b); 121.317 (b) and (j); 125.217(a); 135.127(e); and 135.177(a)(3)); (2) requiring passenger compliance with lighted signs, instructions, etc., in those regulations that do not currently contain such a requirement (§§ 91.517 (c), (d), and (e); 121.317 (f), (g), and (k); 125.217 (b) and (c); and 135.127 (b) and (g)); and (3) requiring passenger briefings on safety belts and smoking, and passenger compliance in those regulations that currently do not require such briefings and compliance (§§ 91.519 (a)(1) and (a)(2); 121.317(d); 121.571 (a)(1)(i) and (a)(1)(iii); 125.327 (a)(1) and (a)(2); and 135.117 (a)(1) and (a)(2)).

(It should be noted that the requirements concerning the prohibition on smoking have changed (55 FR 8364, March 7, 1990). Although these changes were not reflected in NPRM No. 90-6, they are reflected in these amendments. These changes are primarily organizational and do not affect the substance of these amendments.)

Comments and FAA responses regarding passenger information are divided into the categories discussed below. The FAA has also addressed any comments suggesting editorial changes to the final rule.

#### *Aircraft Movement on the Surface*

Several commenters, including RAA and ATA, express a need to clarify

whether the proposed language would require flight attendants to be seated with safety belts and shoulder harnesses fastened during aircraft movement on the surface. Some of these commenters oppose such a requirement; three others favor it.

One commenter states that current § 121.391 requires only that "required" flight attendants remain seated during taxi, which allows any nonrequired attendants to provide service during taxi. The commenter recommends that all flight attendants be seated during taxi.

Flight attendant and pilot associations request that language be included that would specifically require flight attendants to be seated with safety belts and harnesses fastened whenever the lighted seat belt sign is on. This would include times during movement on the surface.

An operator of seaplanes is concerned that the requirement for fastening safety belts and shoulder harnesses while the aircraft is moving on the surface cannot be implemented in seaplane operations. According to the commenter, either the pilot or a passenger must get out of a seaplane after the engine is shut down to dock and moor the seaplane. The same situation occurs during pushoff from the dock before the engine is started.

One commenter asks if the requirements would prohibit serving refreshments during runway delays. (See discussion under "Passenger Equipment.")

Finally, AFA recommends that the rule require that overhead bins be closed during surface movement.

*FAA Response:* The new rule language of §§ 91.107 and 121.311(b) and of §§ 125.211(b) and 135.128(a) without the reference to shoulder harnesses is the same as the current rule with the exception that the phrases "movement on the surface" and "or her" have been added.

Current §§ 121.391(d), which pertains to flight attendants and is not being revised in these amendments, states in part, "During taxi, flight attendants required by this section must remain at their duty stations with safety belts and shoulder harnesses fastened except to perform duties related to safety of the airplane and its occupants." These duties might include safety briefings, attending to distressed passengers, and responding to emergency situations. Flight attendants in excess of the number required by § 121.391 are, in effect, other "person(s) on board a(n) \* \* \* aircraft" and are required by § 121.311(b) to be seated with safety

belts secured during movement on the surface. Therefore, no flight attendant may provide food or beverage service during any movement on the surface. (See "Passenger Service" section for further discussion.)

Regarding the comment concerning surface movement of seaplanes, the FAA agrees that a pilot would be unable to moor or to launch such an aircraft, including float equipped rotorcraft, without first unfastening his or her safety belt and shoulder harness. This issue is already addressed in §§ 91.105(b)(2) and 135.171(b) which state that a shoulder harness must be fastened unless "the crewmember would be unable to perform his or her required duties with the shoulder harness fastened." To extend this exemption to safety belts and passengers, a sentence has been added to §§ 135.129(a) and 91.107(a)(3) that allows either a pilot or another person to have his or her safety belt or shoulder harness unfastened for the purpose of launching or mooring a seaplane or a rotorcraft equipped with floats.

The comment concerning the issue of closing overhead bins is already addressed in the requirements for carry-on baggage in § 121.589(b), i.e., that all such items must be properly stowed before pushback.

#### *Passenger Compliance*

A joint comment from several flight attendant associations (APFA, AFFA, and IUFA) suggests that proposed §§ 91.519, 121.317(k), 121.571(a)(1)(iii), 135.117(a)(2), and 135.127(g), which would require passengers to comply with safety belt and smoking rules, be broadened to include compliance with "all safety items."

*FAA Response:* Because the FAA only proposed compliance with the safety belt and smoking rules, inclusion of other safety items would be beyond the scope of the notice.

#### *Passenger Briefings*

One commenter states that the proposed requirements to brief passengers "on when, where, and under what conditions" smoking is prohibited and safety belts or, as applicable, shoulder harnesses must be fastened are unnecessary and might be stated more generally.

*FAA Response:* The requirements are not overly specific. Passengers must be told that smoking is prohibited while the "no smoking" sign is lighted or posted (when); if applicable, anywhere in the cabin, including lavatories (where); and, if applicable, during emergency situations (under what conditions). Passengers must also be briefed on the

use of safety belts and shoulder harnesses, that they must use them when the "fasten seat belt" sign is lighted or posted (when); that they must return to their seat when the sign is lighted (where); that they will be asked to use their safety belts during turbulence, takeoffs, landings, and at all other times they are in their seat (under what conditions).

#### *Passenger Briefing Cards*

ALPA recommends that passenger briefing cards be written in several languages and that the safety briefing be given in multiple languages.

*FAA Response:* Most air carriers engaged in international flights and some air carriers engaged in domestic flights provide multiple language directions on briefing cards and some conduct safety briefings in more than one language. To make this a requirement for all air carriers would impose an unnecessary burden on operators who do not conduct international flights. Also, given the random language distribution on any given flight, requiring that safety briefings be conducted in particular languages might not meet the needs of the passengers with any consistency. Such a requirement would constitute a particularly heavy burden on smaller operators. However, operators are encouraged to conduct briefings in multiple languages when and where appropriate.

#### *Order of Briefing Presentation*

The Airline Passengers Association of North America (APANA) suggests that passenger briefings be done in a specific order.

*FAA Response:* It is not necessary that the regulations specify a particular order to the briefing items as long as all safety items are covered. There is no empirical evidence to indicate that the order of items covered in the briefing has any safety significance. Flight attendants should be allowed flexibility in conducting the briefing in order to address properly specific needs of a flight. For example, because passengers might be attempting to stand, it might be expedient to give the safety belt announcement out of some set order.

#### *Placards*

RAA suggests that current § 121.317(d) be revised to allow for placement of safety placards in a "location in full view of the passenger" instead of requiring them on each passenger seat back.

*FAA Response:* This suggestion had previously been proposed (48 FR 45214), but the FAA has not yet taken final

action on the proposal. As a result of the comment, and because the requested change would simplify the requirement without decreasing its effectiveness, the FAA is relaxing the requirement of § 121.317(d) to permit the location of legible signs or placards in appropriate locations where the message would be visible to each seated passenger.

#### *Smoking on the Flight Deck*

A joint comment from the flight attendant associations suggests that proposed § 135.127 be revised to allow smoking on the flight deck only if a solid door separates the flight deck from the passenger compartment.

*FAA Response:* The purpose of prohibiting smoking in the cabin is in part to protect the cabin air quality for passengers. The proposed language is § 135.127 implies that the physical separation would be such that the smoke would not affect air quality in the passenger compartment. The proposed language is adequate and has not been changed in the amendment. However, the FAA is currently studying the issue of smoking on the flight deck as a result of a petition for rulemaking on this subject. When the studies are complete, the FAA will address this issue in its response to the petition. (See Docket No 26139.)

#### *Passenger Service Equipment*

The proposed rule and these amendments require all food, beverages, and tableware; food and beverage trays; seat back tray tables; passenger service carts; and movie screens to be secured and stowed during aircraft movement on the surface, takeoff, and landing. (§§ 91.535; 121.577; 125.333; and 135.122)

Several commenters, including ALPA, APANA, and NTSB, concur with the proposed requirements. A number of commenters oppose the food and beverage requirement primarily because it would pose a hardship on operators of small aircraft that have no galley for storing food. These operators normally store the food in plastic containers on empty passenger seats. Commenters believe that food and beverages in plastic or styrofoam containers pose no hazard to passengers.

A few commenters object to the proposal because it would curtail the current practice of providing food and beverages during ground operations before takeoff. Also some operators would like to provide food and beverages during delays that may occur after pushback.

One commenter expresses concern that the proposal would prohibit pre-departure beverages in first class

thereby causing some potential loss of revenue through a decrease in first-class ticket sales.

ATA states that several airlines use a movie screen to conduct safety briefings during aircraft movement on the surface.

**FAA Response:** The proposed rule and this amendment clarify the requirements for food and beverage service under part 121 and add food and beverage service requirements to parts 91, 125, and 135 to increase cabin safety.

As stated in the preamble of the proposed rule, FAA inspectors have reported instances in which movie screens that extend into the aisles and food, beverages, tableware, food and beverage trays and containers, passenger service carts, and seat back tray tables were not stowed in secure positions while the aircraft was moving on the surface. Such items could become a safety hazard during an emergency and could block or slow passenger movement during an evacuation.

Before an aircraft moves, all of these items must be stowed in secured positions. This requirement is intended to prevent food and beverage service during movement on the surface because food, beverages, containers, and trays may impede passenger egress in the event of an emergency.

To ensure the maximum safety of occupants in the event of an incident or accident or of an emergency evacuation, all items of food and beverage service must be stowed in secure positions.

Operators of small aircraft that do not have galleys may comply with the proposed requirements by stowing all food and beverage service items in other secured positions. Food and beverage items may be stowed in a passenger seat if the items are secured in accordance with current cargo-carrying requirements in §§ 91.525, 121.265, 125.183, and 135.87. The FAA is not requiring the installation of a galley on such aircraft. Food, beverages, and service items must be securely stowed to prevent such items from falling into the aisle and impeding passenger egress in the event of an emergency.

The FAA intends the rule to prohibit food and beverage service during movement on the surface. If food or beverages are served during delays after pushback when the aircraft is stationary, all food service items and equipment must be stowed in secured positions before aircraft movement on the surface may be resumed. However, this requirement would effectively prohibit providing food and beverage service during any short duration delays interspersed with some aircraft movement on the surface.

The FAA recognizes that food and beverage service provided by an airline is important to passengers; however, such a service does not take priority over safety considerations. During aircraft movement on the surface "required" flight attendants should be alert to any safety problems and should not be distracted by conducting food and beverage service. Current § 121.391(d) requires that during taxi, flight attendants required by the section must remain at their duty stations with safety belts and shoulder harnesses fastened, except to perform duties related to the safety of the airplane and its occupants. Section 121.391 allows certificate holders to provide more than the "required" flight attendants. In accordance with § 121.391(d), these extra attendants do not have to be at a duty station during taxi and in the past may have provided food and beverage service. This rulemaking, in effect, prohibits such food service during movement of the aircraft on the surface because all food and beverages provided by the air carrier and all service items must be securely stowed before movement. This rulemaking also requires these extra flight attendants to be seated during movement on the surface. (See related discussion under "Aircraft Movement on the Surface.")

One commenter concludes that a decrease in pre-departure beverage service may result in a decrease in first-class ticket sales. The rule would prohibit providing food and beverage service during movement on the surface. (Food and beverage service is already prohibited during takeoff and landing.) That means that, from pushback to takeoff, beverages will not be served. In most cases, this is less than 15 minutes. Moreover, if there is a delay on the taxiway prior to takeoff, the delay is usually no more than several minutes. Thus, the time involved is relatively short. The commenter does not assign a value to beverage service offered during this time period. Given the short duration of time involved, the FAA is not persuaded that the diminished value, if any, of a first-class ticket due to this amendment would result in a decrease in first-class ticket sales.

Regarding the use of movies to conduct safety briefings, the requirement will not affect safety briefings as long as the movie screen does not protrude into the aisle.

#### *Fire Extinguishers and Protective Breathing Equipment*

The NPRM proposed changes to and these amendments revise §§ 121.309(c) and 121.337(b)(9) to specify the airplane compartments for which hand fire

extinguishers and protective breathing equipment (PBE) must be provided.

The ALPA comment and the joint comment from the flight attendant associations state that in addition to the proposed language, the equipment location should be uniform so that crewmembers would not have to relearn the location with each airplane.

Some commenters state that the requirements of §§ 121.309(c)(3) and (c)(6) are unclear about whether a hand fire extinguisher must be located inside or outside a galley.

**FAA Response:** While it may seem preferable to require uniform location of fire extinguishers and PBE, many factors may affect the location of the equipment and these factors may vary from airplane to airplane. Crewmembers are required to be familiar with the location and use of all emergency equipment on an airplane to which they are assigned duties.

The language of § 121.309(c)(3) means that fire equipment must be located inside a galley which is not within a passenger, cargo, or crew compartment; such galleys are not accessible through passenger, cargo, or crew compartments and therefore, the fire equipment would, in effect, be inside these galleys. The language of § 121.309(c)(6) means that fire equipment can be located either inside or outside a galley that is located in a passenger compartment as long as that equipment is easily accessible.

#### *Safety Belts in Airships*

The NPRM proposed to and these amendments modify the exclusion for airships in current §§ 91.107 (a)(1), (a)(2), and (a)(3) and 91.205(b)(12). Airships type certificated on or after November 2, 1987, would be required to have safety belts available for all occupants who have reached their second birthday, and pilots would be required to brief passengers on how and when to fasten safety belts. Also §§ 91.107(b) and 91.205(b)(12) are revised to remove obsolete references.

The NTSB concurs but recommends companion requirements that would require all airship occupants to wear safety belts during takeoff, landing, and turbulent conditions, and to require persons under the age of 2 to occupy approved restraint devices during takeoff, landing, and turbulence. The comment also suggests that the FAA encourage operators and manufacturers to install safety belts in airships that were type certificated before November 2, 1987.

**FAA Response:** These amendments require airship occupants to wear safety belts during movement on the surface,

takeoff, and landing (§ 91.107(a)(3)). Rather than specify "turbulence," § 91.517 and comparable sections of these amendments state "during aircraft movement on the surface, for each takeoff, for each landing, and when otherwise considered to be necessary."

Section 91.107 has been revised to allow for the use of child restraint systems if a parent or guardian wishes to use one for his or her child. Mandatory requirements for use of child restraint systems are not included in this rulemaking.

While not required in this rulemaking, in the interest of safety to occupants of airships type certificated before November 2, 1987, the FAA encourages operators and manufacturers of airships to install safety belts and use them in airships that are not required to have them.

#### Shoulder Harnesses

Current § 91.105(b) requires that each required flight crewmember of a U.S.-registered civil "airplane" shall, during takeoff and landing, keep the shoulder harness fastened while at his or her station. The proposal revises the current language to include all U.S.-registered civil "aircraft," thereby expanding the requirements to rotorcraft.

Three comments were received on the proposal. One comment said the FAA should mandate the installation of shoulder harnesses. AFA says that the proposed requirement does not address the accident cited in the preamble of the proposed rule that involved a helicopter not equipped with shoulder harnesses. The NTSB concurs with the proposal.

*FAA Response:* The FAA is not mandating the installation of shoulder harnesses, because such action would be beyond the scope of the notice. The use of shoulder harnesses is required only where they are installed on the aircraft. The FAA encourages operators and manufacturers to install shoulder harnesses in aircraft that do not already have them.

#### Airplane Evacuation

The NPRM proposed establishing a new § 121.570 to require that an airplane carrying passengers cannot move on the surface, take off, or land unless each automatically deployable emergency evacuation assisting means installed on the airplane is ready for evacuation (armed). It also would require that at all times passengers are on board prior to airplane movement on the surface, at least one floor-level exit must provide for the egress of passengers through normal or emergency means.

Two commenters, including RAA, state that arming evacuation means

before airplane movement on the surface could interfere with other ground operations.

Three comments concern the number of emergency exits. The joint comment from the flight attendant associations suggests that in the interest of safety another exit should be available besides the floor-level exit opened for passenger enplaning and deplaning. The NTSB states that at least half of the floor-level exits should be available for egress.

*FAA Response:* Current rules require that evacuation assisting means be ready for evacuation during taxi, takeoff, and landing (§ 121.310(a)). This leaves a period of time after the passenger loading door is closed and the loading ramp pulled back but before taxi when no means of egress is available. The amendment requires arming of evacuation means when an airplane is to be moved on the surface. This could occur after completion of ground operations, but before the movement of the airplane.

The FAA is requiring that one floor-level exit be available for passenger egress at all times passengers are on board prior to airplane movement on the surface. The intent of this amendment is to ensure that, whenever the airplane has passengers on board, a means for egress is available. Because the aircraft is at the gate during the time period covered by this new requirement, the FAA is not requiring that additional exits be available as several commenters suggest. Due to its gate location, additional help to expedite egress is readily available in an emergency situation.

#### Attitude Indicator

The NPRM proposed to revise § 121.305 to extend its applicability to all large turboprop airplanes. This rule requires an additional attitude-indicating instrument for bank and pitch operating from a source of power independent of the normal electrical generating system.

One commenter states that a simple turn-and-slip indicator should suffice. Several commenters raise questions concerning the requirement that the additional attitude-indicating instrument must operate from a source of power independent of the normal electrical generating system. One commenter asks whether the additional source of power must be independent of engine-driven sources. Another recommends that the attitude indicator should be powered by an independent battery because the main battery may already power too many required items in the event of failure. ALPA says that the FAA has neglected a significant group of

airplanes, namely turboprops between 10 and 30 passenger seats. The NTSB concurs with the proposal but does not think a 2-year compliance date is needed since the equipment is available now.

*FAA Response:* As stated in the NPRM, the purpose of the change is to respond to NTSB Safety Recommendation No. A-80-19 by extending the applicability of § 121.305 to large turboprop airplanes. The question of the adequacy of the required additional power source need not be addressed in the regulation because it would be addressed as part of the retrofit process. While the FAA is requiring that a third attitude indicator be installed in these airplanes, the FAA is not specifying how this requirement should be met as long as the power source for the indicator is independent from the electrical generating system. Installation is an engineering concern, and the acceptable means to accomplish this are detailed in other guidance documents.

The 2-year compliance date proposed by the FAA is considered to be standard for such equipment installation.

While the ALPA proposal has merit, it was not consistent with the purpose of the proposed regulation, and ALPA did not provide enough data to warrant inclusion in this particular rulemaking activity. If ALPA wishes to do so, they may submit more data regarding the need for a third attitude indicator in turboprop airplanes, and the FAA will consider that for future rulemaking.

#### Check Airman Practical Tests

The rule action removes § 135.303 because it is obsolete. Check airman training and checking are now in §§ 135.337 and 135.339.

One concurring comment was received from the NTSB.

#### Economic 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 Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule 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.

These amendments are determined not to be "major" as defined in the Executive Order, so a full regulatory analysis evaluating alternative approaches has not been prepared. However, a more concise final Regulatory Evaluation has been prepared that includes an analysis of the economic consequences of these amendments. This analysis is included in the docket and quantifies, to the extent practical, estimated costs as well as the anticipated benefits and impacts. In addition to a summary of the Regulatory Evaluation, this section also contains a final regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (Pub. L. 96-354) and an international trade impact assessment. If the reader desires more detailed economic information than this summary contains, then he or she should consult the Regulatory Evaluation contained in the docket.

In this Regulatory Evaluation, the FAA evaluated nine amendments. All but one of these amendments impose no significant costs. The FAA found that all nine amendments are cost beneficial. A summary of the evaluation of each of these nine amendments follows. For a more detailed analysis, the reader is referred to the full evaluation contained in the docket.

**Child Restraint Systems**

The FAA will require under these amendments that certificate holders accept for use in passenger seats approved child restraint systems provided by a child's parent, guardian, or attendant. From an economic perspective, the important point of the final regulation is its optional nature. Children under 2 can still fly for free if they sit in an adult's lap. Those parents of children under 2, however, who decide to place their children in child restraint systems will now be able to do so. The cost would be the purchase of an airline seat to use for the child restraint system. This cost is not a cost of the regulation because child restraint systems are not required by this rule. Moreover, the air carriers are not required to purchase or to stock these seats; therefore they incur no costs.

In an economic study prepared for the FAA by Apogee Research, Inc., 9-10 infant fatalities were identified in 6 accidents over the 12-year period between 1978 and April 1990. The FAA believes that some, but not all, of these casualties could have been prevented by the proper use of child restraint systems. Based upon seating location, damage to the aircraft, and the types and extent of injuries sustained, the FAA believes that one fatality, one serious injury, and 2-5

minor injuries were preventable. The estimated total discounted benefits resulting from the use of child restraint systems as a result of this amendment would be as high as \$5.91 million. As there are no costs for this rule, the FAA finds that this amendment would be cost beneficial.

**Attitude Indicators**

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

This amendment should eliminate this type of accident. The FAA estimates that the benefits of a cargo turboprop airplane avoiding this type of accident are \$6.0 million, and that the estimated benefits for passenger turboprop airplanes are \$30.2 million for 30- to 40-seat airplanes and \$41.0 million for 40+ seat airplanes. Each of these benefit estimates was multiplied by the annual probability that a turboprop airplane would have such an accident. The expected values were then projected out over a 10-year period and finally discounted to obtain the present value of benefits. The estimated present value of the benefits per turboprop airplane are:

Type of airplane	Present value—benefits
Cargo .....	\$23,200
30-40 Seat passenger .....	116,800
40+ Seat passenger .....	158,600

The installation costs for the third gyroscopic attitude indicator required by this amendment will depend on whether the airplane is used or new. The older large turboprop airplanes 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 might not be connected to an independent power source. All newly manufactured turboprop airplanes will be required to have such an indicator installed and

connected to an independent power source. Factoring in the costs due to the weight penalty for the extra equipment on each of these different types of airplanes, as well as the annual maintenance and inspection costs, projecting over a 10-year time period, and finally discounting these costs yields:

Type and age of airplane	Present value—costs
Old turboprop airplanes .....	\$7,900
New turboprop airplanes .....	3,100
Future turboprop airplanes .....	7,400

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

**Passenger Information**

The FAA has recognized three issues concerning the dissemination of passenger information. First, existing 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 taxiing. Second, in some circumstances 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 is changing the FAR to address these issues.

The FAA finds that there are no costs to this amendment. The intent of these 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 changes would involve any costs to the air carrier or passengers. The actions that are being required would still have to be performed prior to takeoff and landing.

There are benefits, however, in 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 not using safety belts have been injured during taxiing. Some of these incidents involved airplane collisions wherein seated and belted-in passengers avoided injuries. Therefore, the FAA concludes that the use of safety belts could have prevented some of



these injuries. Thus, the FAA finds that this rule is cost beneficial.

#### *Passenger Service Equipment*

Current FAA regulations do not require passenger service carts, food and beverage trays, seat back tray tables, and movie screens to be stowed during taxiing. Because of this, given an emergency evacuation situation during the taxiing phase, passenger emergency departure procedures could be impeded. Accordingly, the FAA would require an operator to secure all such apparatus before the aircraft is taxiing.

This amendment does not involve any additional costs to the air carrier operator. These actions would still have to be performed before takeoff. The only difference is that they would have to be done before pushback. There are, however, potential benefits as a result of this rule change (facilitating passenger egress during emergency situations). The FAA, therefore, finds that this amendment is cost beneficial.

#### *Shoulder Harnesses*

Currently, all crewmembers aboard U.S.-registered civil airplanes that are equipped with shoulder harnesses are required to wear them at specific times and under specific conditions. The amendment mandates the wearing of shoulder harnesses on all aircraft, 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. This amendment, however, does not require the retrofitting of shoulder harnesses on those aircraft. Therefore, the FAA finds that there are no economic costs to this amendment. 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 or serious injuries during survivable accidents. Previous studies done by the FAA also have shown positive net benefits from using shoulder harnesses. Given the benefits of lives saved and injuries prevented, the FAA finds that this amendment is cost beneficial.

#### *Airplane Evacuation*

While the current regulations governing part 121 airplanes call for the automatic deployable emergency evacuation assisting means (such as exit doors and slides) to be ready for evacuation during taxiing, takeoffs, and landings, there are not provisions for this equipment to be ready for evacuation before taxiing. 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 amendment requires the arming of such equipment before any airplane surface movement when passengers are on board.

The FAA has determined that there are no additional economic costs to this amendment. All that the amendment does is require a specific action (the arming of this equipment) earlier than is currently required. Given the possibility of emergency situations requiring passenger egress when the assisting means has not been made ready for evacuation, the FAA finds that this amendment will facilitate emergency evacuations and is, therefore, cost beneficial.

#### *Fire Extinguishers and Protective Breathing Equipment*

The current FAA regulations governing the placement of fire extinguishers and protective breathing equipment are unclear. Accordingly, the FAA is changing 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 amendment, there are no costs involved; the principal benefit would involve clarifying the location of such equipment. The FAA, therefore, finds that this amendment is cost beneficial.

#### *Check Airmen Practical Tests*

Existing § 135.303 of the FAR, which requires check airman to pass oral and flight tests, is unclear about what constitutes these tests. Because there are other training and checking requirements in the FAR, the FAA has determined that this part of the FAR is obsolete and is removing this section. Benefits will accrue to the airlines that will no longer have to request exemptions from this section. The FAA, therefore, finds that this amendment is cost beneficial.

#### *Safety Belts in Airships*

Currently 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 is revising the FAR by removing the exceptions to airships. This amendment, however, does not require that airships be retrofitted with either safety belts or shoulder harnesses.

The amendment mandates the wearing of such equipment on airships if such safety belts or shoulder harnesses are already installed in the airship.

Thus, this amendment does not impose any additional costs. It is well known, however, that safety belts and shoulder harnesses, whether they are used in automobiles, airplanes, or rotorcraft, have helped to save lives and prevent injuries. Similar benefits will be achieved by occupants of airships wearing safety belts or shoulder harnesses. Thus, given the potential economic benefits of lives saved and injuries prevented from using safety belts and shoulder harnesses, the FAA finds that this amendment is cost beneficial.

#### *International Trade Impact Assessment*

These amendments will have little or no impact on international trade. Most of the provisions will impose little or no additional operating costs on Part 121 certificate holders. Only one of the rules will have any cost impact. That amendment will only affect part 121 certificate holders that operate large turboprop airplanes.

This amendment requires those part 121 operators who operate large turboprop airplanes to install a third gyroscopic attitude indicator. This amendment will have minimal effect on operators that provide international air carrier service because most operate turbojet airplanes and must already comply with this requirement. The Part 121 operators affected by these amendments mostly provide domestic and supplemental service and thus for the most part would not complete 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."

These amendments will impact entities regulated by part 121. The FAA's criteria for "a substantial number" are a number that is not fewer than 11 and which 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 economic impact" are at least \$4,150 per year for an unscheduled carrier, \$59,100 per year for a scheduled carrier having airplanes with only 60 or fewer seats, and \$105,700 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 \$1,290 per year per airplane. If a small part 121 scheduled operator has nine turboprop airplanes, these costs (\$11,800) would not exceed either of the above two thresholds (\$59,100 and \$105,700) for scheduled carriers. If a small part 121 unscheduled operator had three or more turboprop airplanes, the costs of these amendments would exceed the \$4,150 threshold per year for unscheduled carriers. This, however, is the case of only three unscheduled operators. Thus, a substantial number of small unscheduled operators are not affected by this rule. The FAA, therefore, determines that the final amendments to part 121 will not have a significant economic impact on a substantial number of small entities.

**Federalism Implications**

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12812, it is determined that this regulation will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Conclusion**

Under the terms of the Regulatory Flexibility Act, the FAA has reviewed these amendments to determine what impact they may have on small entities. The rule changes are only expected to affect a few small entities. Therefore, the FAA certifies that these amendments will not result in a significant economic impact, positive or negative, on a substantial number of small entities. In addition, the rule is 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 rule under Executive Order 12291. In addition, this rule will 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 rule is significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

A Regulatory Evaluation of this rule, including a regulatory flexibility

determination and an international trade impact assessment, has been placed in the regulatory docket.

**List of Subjects**

**14 CFR Part 91**

Air carriers, Air transportation, Aviation safety, Safety.

**14 CFR Part 121**

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

**14 CFR Part 125**

Air carriers, Air transportation, Aviation safety, Safety.

**14 CFR Part 135**

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

**The Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 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).

2. 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 or her shoulder harness fastened while at his or her assigned duty station. This paragraph does not apply if—

\* \* \* \* \*

3. Section 91.107 is revised to read as follows:

**§ 91.107 Use of safety belts, shoulder harnesses, and child restraint systems.**

(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 or her safety belt and, if installed, his or her 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, shoulder harness, properly secured about him or her during movement on the surface, takeoff, and landing. For seaplane and float equipped rotorcraft operations during movement on the surface, the person pushing off the seaplane or rotorcraft from the dock and the person mooring the seaplane or rotorcraft at the dock are excepted from the preceding seating and safety belt requirements. 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 or her 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 child is accompanied by a parent, guardian, or 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 bears one or more labels as follows:

(1) Seats manufactured to U.S. standards 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." Vest- and harness-type child restraint systems manufactured before February 26, 1985, bearing such a label are not approved for the purposes of this section;

(2) Seats manufactured to U.S. standards 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" in red lettering;

(3) Seats that do not qualify under paragraphs (a)(3)(iii)(B)(1) and (a)(3)(iii)(B)(2) of this section must bear either a label showing approval of a foreign government or a label showing that the seat was manufactured under the standards of the United Nations; and

(C) The operator complies with the following requirements:

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

(2) The child 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 must bear the appropriate label(s).

(b) 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.

4. 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.

\* \* \* \* \*

5. 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 flight 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 airplane 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 notified orally 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 or her safety belt about him or her and keep it fastened while any "fasten seat belt" sign is lighted.

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

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

**§ 91.519 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 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 or her safety belt and, if installed, his or her shoulder harness fastened about him or her. 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 91.535 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 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 unless each food and beverage tray and seat

back tray table 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**

8. 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).

9. 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 October 17, 1994 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—

\* \* \* \* \*

10. Section 121.309 is amended by revising paragraph (c) introductory text and (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 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.

11. Section 121.311 is amended by revising paragraph (b); by redesignating paragraphs (c) through (h) as (d) through (i), respectively; by removing the words "After September 30, 1989, each" from newly redesignated paragraph (d) and inserting the word "Each" in their place and by adding new paragraph (c) to read as follow:

**§ 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 or her 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 or her second birthday. Notwithstanding the preceding requirements, a child may:

(1) Be held by an adult who is occupying an approved seat or berth if that child has not reached his or her 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 child is accompanied by a parent, guardian, or 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 bears one or more labels as follows:

(A) Seats manufactured to U.S. standards 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." Vest- and harness-type child restraint systems

manufactured before February 26, 1985, bearing such a label are not approved for the purposes of this section;

(B) Seats manufactured to U.S. standards 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" in red lettering;

(C) Seats that do not qualify under paragraphs (b)(2)(ii)(A) and (b)(2)(ii)(B) of this section must bear either a label showing approval of a foreign government or a label showing that the seat was manufactured under the standards of the United Nations; and

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

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

(B) The child 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 must bear the appropriate label(s).

(c) 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, determining the most appropriate passenger seat location for the child restraint system.

12. 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 revising paragraphs (b), (d), (f), (g), and (j); and by adding new paragraph (k) to read as follows:

**§ 121.317 Passenger information.**

(b) The "Fasten 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.

(d) No person may operate a passenger-carrying airplane under this part unless at least one legible sign or placard that reads "Fasten Seat Belt While Seated" is visible from each passenger seat. These signs or placards need not meet the requirements of paragraph (a) of this section.

(f) Each passenger required by § 121.311(b) to occupy a seat or berth shall fasten his or her safety belt about him or her and keep it fastened while the "Fasten Seat Belt" sign is lighted.

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

(j) On flight segments other than those described in paragraph (c) of this section, the "No Smoking" sign must 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.

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

13. 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.

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

**§ 121.570 Airplane 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 ready for evacuation.

(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.

15. 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, 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, 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; smoking in lavatories; and, when applicable, smoking in passenger compartments.

(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 passenger compliance with lighted passenger information signs and crewmember instructions concerning the use of safety belts.

16. 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 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 unless each food and beverage tray and seat back tray table 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**

17. 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).

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

**§ 125.211 Seats and safety belts.**

(b) Except as provided in paragraphs (b)(1) and (b)(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 or her 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 or her second birthday. Notwithstanding the preceding requirements, a child may:

(1) Be held by an adult who is occupying a seat or berth if that child has not reached his or her 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 child is accompanied by a parent, guardian, or 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 bears one or more labels as follows:

(A) Seats manufactured to U.S. standards 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." Vest- and harness-type child restraint systems manufactured before February 26, 1985, bearing such a label are not approved for the purposes of this section;

(B) Seats manufactured to U.S. standards 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" in red lettering;

(C) Seats that do not qualify under paragraphs (b)(2)(ii)(A) and (b)(2)(ii)(B) of this section must bear either a label showing approval of a foreign government or a label showing that the seat was manufactured under the standards of the United Nations; and

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

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

(B) The child 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 must bear the appropriate label(s).

(c) 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, determining the most appropriate passenger seat location for the child restraint system.

\* \* \* \* \*  
19. 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 flight 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 airplane 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 or her safety belt about him or her and keep it fastened while any "Fasten Seat Belt" sign is lighted.

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

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

**§ 125.327 Briefing of passengers before flight.**

(a) \* \* \*  
(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 or her. 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.

\* \* \* \* \*  
21. 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 unless each food and beverage tray and seat back tray table 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**

22. 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).

23. 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; smoking lavatories; and, when applicable, smoking in passenger compartments.

(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.

\* \* \* \* \*  
24. 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 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 unless each food and beverage tray and seat back tray table 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.

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

**§ 135.127 Passenger Information.**

\* \* \* \* \*  
(b) No person may smoke while a "No Smoking" sign is lighted or while "No Smoking" placards are posted, 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) On flight segments other than those described in paragraph (a) of this section, the "No Smoking" sign required by § 135.177(a)(3) of this part must be turned on 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.

(g) The passenger information requirements prescribed in § 91.517 (b) and (d) of this chapter are in addition to the requirements prescribed in this section.

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

\* \* \* \* \*

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

**§ 135.128 Use of safety belts and 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 or her during movement on the surface, takeoff, and landing. For seaplane and float equipped rotorcraft operations during movement on the surface, the person pushing off the seaplane or rotorcraft from the dock and the person mooring the seaplane or rotorcraft at the dock are excepted from the preceding seating and safety belt requirements. A safety belt provided for the occupant of a seat may not be used by more than one person who has reached his or her second birthday. Notwithstanding the preceding requirements, a child may:

(1) Be held by an adult who is occupying an approved seat or berth if that child has not reached his or her 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 (a)(2)(i) of this section, provided:

(i) The child is accompanied by a parent, guardian, or 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 bears one or more labels as follows:

(A) Seats manufactured to U.S. standards 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." Vest- and harness-type child restraint systems manufactured before February 26, 1985, bearing such a label are not approved for the purposes of this section;

(B) Seats manufactured to U.S. standards 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" in red lettering;

(C) Seats that do not qualify under paragraphs (a)(2)(ii)(A) and (a)(2)(ii)(B) of this section must bear either a label showing approval of a foreign government or a label showing that the seat was manufactured under the standards of the United Nations; and

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

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

(B) The child 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 must bear the appropriate label(s).

(b) 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, determining the most appropriate passenger seat location for the child restraint system.

27. 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 or 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 September 8, 1992.

Thomas C. Richards,  
Administrator.

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