

**Exemption No. 9896**

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98057-3356**

In the matter of the petition of

**Jamco America, Inc.**

for an exemption from § 25.785(j), of  
Title 14, Code of Federal Regulations

**Regulatory Docket No. FAA-2009-0389**

**GRANT OF EXEMPTION**

By letter dated April 20, 2009, Mr. David A. Crotty, Senior Manager, Certification Regulatory Group, Jamco America, Inc., 1018 80<sup>th</sup> Street SW, Everett, WA, 98203, petitioned the Federal Aviation Administration (FAA) for an exemption from Title 14, Code of Federal Regulations (14 CFR), section 25.785(j). The proposed exemption, if granted, would permit relief from the requirements for firm handholds in the lounge, expanded first class area and the business class area. The proposed exemption is specifically for the installation of an executive interior on Boeing Model 737-700 IGW airplane, serial number 29857, designated as private use, not for hire, not for common carriage.

**The petitioner requests relief from the following regulations:**

**Section 25.785(j), Amendment 25-77** - Requires a firm handhold along each aisle.

**The petitioner supports their request with the following information.**

This section quotes the relevant information from the petitioner's request, with minor edits for clarity. Jamco America, Inc's complete petition is available at the Department of Transportation's Docket Operations, or on the Internet at <http://regulations.gov>. The docket number is FAA-2009-0389.

14 CFR Part 25 contains the minimum design standards for type certification of transport category airplanes. The primary intent of these regulations is to ensure that airplane manufacturers provide the appropriate design features to meet the standards necessary to protect the traveling public. Clearly, there is a requirement "in the public interest" and in the interest of safety to provide regulatory

guidelines for certification. However, it is also very clear that these regulations are intended to regulate the certification of "commercial" airplanes which are "for hire" to the general public.

While the majority of these regulations are applicable to any aircraft regardless of its intended use, a few are obviously intended to regulate situations that are specific to a commercial airline or "for hire" operation. When a transport category airplane is operated under 14 CFR Part 91 or Part 125 as "private use, not-for hire", some of the Part 25 regulations contain design criteria that are inappropriate, or are not compatible with the type of operation and the intended use of this airplane.

The FAA clearly recognizes these differences as evidenced by issuance of the prior exemptions which eliminate many of the regulations that are not applicable or inappropriate when applied to "private use, not for-hire" operations under 14 CFR Part 91 and Part 125. For example, there have been numerous exemptions granted specifically for the "firm handhold" requirements of § 25.785(j) on large executive type airplanes, such as Exemption Nos. 7317, 7966, 8157, 8460, 8461, 8585, 8616, 8682, and 8836.

**Exemption Requested:**

Jamco America, Inc., requests that the Boeing 737-700 IGW, when operated under private use and not for hire, be exempted from that part of § 25.785(j) which requires a firm handhold along each aisle.

**Justification:**

Customers are buying these types of airplanes to accommodate multiple personal uses. However, to accommodate these personal uses, the requirement to provide a firm handhold along the aisles is not always practical and cannot be met for certain areas in the passenger cabin due to the wide open spaces required to accommodate these multiple uses. For this interior configuration, these spaces specifically include the lounge, the expanded first class area, and the business class area. On a typical commercial flight this requirement is met by the individual seat backs which typically provide an adequate handhold for a passenger to stabilize themselves in the aisle during turbulence. In fact, due to the spaciousness of the interior in the lounge, there is no well defined "aisle" in this seating area, and any construction hanging from the ceiling would ruin the appearance of the high quality interior and may add additional safety concerns.

**Occupant Safety Considerations:**

The risk for occupants due to the lack of direct handholds in certain areas of the passenger cabin is considered acceptable for the following reasons:

- All furniture in these areas of the passenger cabin has rounded corners and edges to avoid serious injury in case of turbulence.
- The divans and VIP seats are heavily upholstered and are not likely to cause injuries when contacted.

- The lounge has 2 tables, each of which are located directly between the opposing seats, reachable within only one or two steps, and with adjustable heights from 19.7 inches to 34.5 inches. While not always meeting the acceptable height of 31 inches to qualify as a hand hold, they still allow a person to stabilize oneself during turbulence. They are designed to remain structurally intact in such a situation.
- The VIP seats located in the lounge, the expanded first class, and the business class areas are reachable with only one or two steps with seat back heights of 44 inches, meeting the acceptable height of 31 inches to qualify as a handhold, allowing a person to stabilize oneself during turbulence.
- Passengers on this type of aircraft are typically the same people on most of the trips. Familiarity with the aircraft layout and operation provides an additional benefit towards the level of safety.
- The aircraft will not be operated for hire or offered for common carriage.

Public Interest:

Similar to the already established Exemption Nos. 7317, 7966, 8157, 8460, 8461, 8585, 8616, 8682, and 8836 from the firm handhold requirements of § 25.785(j), granting this Exemption is in the public interest for the following reasons:

- It allows efficient and safe carriage of Heads of State and executives in an environment as comfortable as expected by this clientele that would not otherwise be possible;
- Passengers aboard these airplanes will not be paying airline customers, so there can be no degradation of airline passenger safety;
- Given the proliferation of executive configured transport category airplanes currently taking place, and anticipated in the future, this type of exemption will enable US manufacturers of transport category airplanes greater flexibility to effectively compete in this expanding market;
- Additional sales of US manufactured transport airplanes outside the traditional airline market can only serve to increase profitability of US airframe manufacturers, providing greater stability to the workers employed by those manufacturers;
- Greater stability of a work force as significant as the US aircraft manufacturers represent results in additional stabilization the US economy;
- Stability and improved financial performance of the US airframe manufacturer translates into increased orders and stability in numerous supporting manufacturing organizations;
- Increased sales of these executive configured transport airplanes will ultimately result in some portion of those airplanes being completed at US owned or operated aircraft completion facilities, providing improved financial performance and work force stability for those organizations as well;
- Improved financial performance of US owned or operated corporations, and increased work force stability translates into continued and improved tax revenue for all governmental organization involved;

- Improved financial performance allows US corporations to continue to invest in new R&D research which will allow the US to maintain or improve its competitive position in the world economy;
- A large number of these types of sales can be predicted to be to foreign clients, improving the US balance of trade deficit.

#### Public Comment

In accordance with § 11.87, Jamco America, Inc., requests that the period for public comment be waived because of the numerous similar exemptions that have previously been granted.

#### **Federal Register publication**

A summary of this petition was not published in the *Federal Register*. This exemption does not set a precedent and any delay in acting on this petition would be detrimental to Jamco America, Inc.

#### **The FAA's analysis**

The FAA considers that granting this petition is in the public interest for the reasons stated by the petitioner, and because the FAA is directed to take into account the type of operation when establishing standards under Title 49 of the United States Code (49 U.S.C. 44701(d)).

As more transport-category airplanes have been configured (or re-configured) for private use, the FAA has given considerable attention to the issue of appropriate regulation of such airplanes. Some of the current regulations governing design certification of transport-category airplanes are not compatible with private use of such airplanes. Because of this, we have received various petitions for exemption from certain regulations. We have granted such exemptions when we find that to do so is in the public interest and does not adversely affect the level of safety provided by the regulations.

It should be noted that we have published the final rule, Docket No. FAA-2007-28250, SFAR No. 109, *Special Requirements for Private Use Transport Category Airplanes* (74 FR 21533, May 8, 2009), which is intended to reduce the need for case-by-case review of future petitions for exemption for private-use airplanes. Because this petition was received prior to the publication of SFAR 109, we have chosen to proceed with its processing. Future petitioners should consider using SFAR 109 if it would eliminate the need for petitioning for an exemption.

Our analysis of this petition considered the following design feature proposed by the petitioner:

**Firm Handholds**

We have considered the requirement for firm handholds in the context of private-use airplanes and have determined that it is impractical for this type of operation and interior configuration.

**The FAA's decision**

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, I grant the petition of Jamco America, Inc., for an exemption from 14 CFR 25.785(j) to the extent necessary to allow installation of an executive interior on Boeing Model 737-700 IGW airplane, serial number 29857, designated as private use, not for hire, not for common carriage. Specifically, the exemption allows relief from the requirements for firm handholds in the lounge, expanded first class area and the business class area. This exemption is subject to the following condition:

The airplane must not be operated for hire or offered for common carriage. This provision does not preclude the operator from receiving remuneration to the extent consistent with 14 CFR parts 125 and 91, subpart F, as applicable.

Issued in Renton, Washington, on July 7, 2009.

*Signed by Ali Bahrami*

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Ali Bahrami  
Manager, Transport Airplane Directorate  
Aircraft Certification Service