

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
KANSAS CITY, MISSOURI 64106

In the matter of the petition of

FAIRCHILD AIRCRAFT CORPORATION

for an exemption from § 23.777(g)
of the Federal Aviation Regulations

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Regulatory Docket No. 063CE

GRANT OF EXEMPTION

By letter dated January 17, 1989, Mr. W. J. Dwyer, Director of Airworthiness, Fairchild Aircraft Corporation, Post Office Box 790490, San Antonio, Texas 78270-0490, petitioned for an exemption from § 23.777(g) of the Federal Aviation Regulations to permit certification of the Fairchild Model SA 228-AE with the landing gear control handle located on the instrument panel and in compliance with § 25.777(f). Mr. Dwyer provided additional supportive information by letter dated February 10, 1989.

Section of the FAR affected:

Section 23.777(g) of the Federal Aviation Regulations (FAR) requires that the landing gear control must be located to the left of the throttle centerline or pedestal centerline.

The Petitioner's supportive information is as follows:

The petitioner states the primary mission of the SA228-AE METRO V will be commuter airline service, with two pilots. Part 91.213(a)(3) will require two pilots whenever the METRO V is configured with ten or more passenger seats; therefore, the great majority of operations will be with two pilots. The desired arrangement would place the landing gear control on the instrument panel just to the right of the centerline. In this location, the control will be within easy reach of either pilot. Furthermore, it will be located adjacent to a cluster of associated indicators (gear position, hydraulic pressure, and flap position). It will be in full compliance with § 25.777(f) and, because it is within easy reach, will be no less safe than a § 23.777(g) location.

Alternate locations, in compliance with § 23.777(g), probably would require the copilot to reach across the engine controls, normally operated by the pilot, to operate the landing gear. The proposed arrangement will avoid this undesirable situation. Conversely, when a single pilot is flying the airplane, it will be simple and natural for

him to reach beyond the power levers to operate the landing gear control, if it is located as proposed. In addition to being conveniently located, the proposal would place the landing gear control where the pilot flying the airplane can monitor its movement without diverting his attention from the task of controlling the airplane.

Petitioner takes the position that the public interest will be served because they believe that the proposed exemption will enhance safety when the METRO V is serving in its primary role as a commuter airliner. In this role, the airplane will be operated by two pilots, while § 23.777(g) assumes single-pilot operation. The petitioner also states that these improvements in safety would be achieved at no additional cost and that any no-cost safety improvement would be in the public interest.

Comments to published petition summary:

A summary of this petition was published in the FEDERAL REGISTER for public comment on March 13, 1989, (54 FR 10474) and on March 17, 1989 (54 FR 11315). The comment periods closed April 3, 1989 and March 27, 1989, respectively. No comments were received.

The Federal Aviation Administration's (FAA) analysis is as follows:

To obtain the exemption, the Petitioner must show, as required by § 11.25(b)(5) of the Federal Aviation Regulations, that: (1) granting the request is in the public interest; and (2) the grant of the exemption would not adversely affect safety, or that a level of safety will be provided which is equal to that provided by the rule from which the exemption is sought.

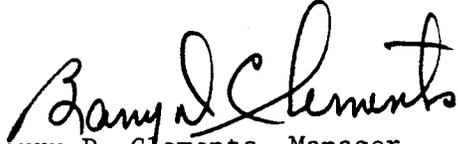
The FAA has carefully reviewed all of the information contained in the Petitioner's request for exemption and the intended operation of this airplane.

The § 23.777(g) requirement to have the landing gear control handle located to the left of the throttle (or pedestal) centerline was adopted on a basis that the left position was needed for single pilot operation. § 25.777(f) requires that the landing gear control must be located forward of the throttle and must be operable by each pilot when seated with seat belt and shoulder harness fastened. The primary operation of this commuter category airplane will be by two pilots in most cases; i.e., configured with ten or more passenger seats. The FAA has determined that the location of the landing gear control handle to the right of the throttle or pedestal centerline provides the level of safety intended by the rule for two pilot operations and the provision in § 25.777(f) that the landing gear control must be operable by each pilot assures that the landing gear control handle can be safely operated by a single pilot when that kind of operation is allowed.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Pursuant to the authority contained in §§ 313(a) and 601(c) of the Federal Aviation Act of 1958, as amended, delegated to

me by the Administrator (14 CFR 11.53), Fairchild Aircraft Corporation is hereby granted an exemption from § 23.777(g) of the Federal Aviation Regulation (FAR) to the extent required to permit certification of the SA228 series airplanes with the landing gear control handle located in compliance with § 25.777(f). If the applicant proposes to certify for single pilot operation, this exemption is subject to a demonstration that the landing gear control handle can be safely operated by a single pilot during single pilot airplane operation.

Issued in Kansas City, Missouri on May 4, 1989.



Barry D. Clements, Manager
Small Airplane Directorate
Aircraft Certification Service