

**Exemption No. 8585**

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

**JET AVIATION ENGINEERING  
SERVICES L.P.**

For an exemption from §§ 25.785(d), and  
25.785(h)(1) of Title 14, Code of Federal  
Regulations

**Regulatory Docket No.  
FAA-2005-20458**

**GRANT OF EXEMPTION**

By letter dated February 18, 2005, Mark W. Creager, petitioned on behalf of Jet Aviation Engineering Services L.P. (Jet Aviation), 116 Kestrel Drive, Spring Branch, TX 78070, for an exemption from §§ 25.785(j) and 25.785(h)(2) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would permit relief from the requirement that firm handholds be provided along each aisle and additional passenger areas and that flight attendant seats be located to provide a direct view of the passenger cabin in the executive interior of a Boeing Model 747-400 airplane, having serial number 26903, in “private, not-for-hire” use.

Jet Aviation petitioned for exemption from requirements that flight attendant seats be located to provide a direct view of the passenger cabin and that a “firm handhold” be provided along each aisle; these requirements are found in §§ 25.785 (h)(2) and 25.785(j), respectively, of the current regulations, Amendment 25-88. However, the certification basis of the airplane modification is Amendment 25-51 and, specifically, Amendment 25-32 for § 25.785, rather than Amendment 25-88. At Amendment 25-32, the requirements that flight attendant seats be located to provide a direct view of the passenger cabin did not exist, while the requirement that a “firm handhold” be provided along each aisle is found in § 25.785(d).

**Therefore, the petitioner’s request may be restated as asking relief from the following regulations:**

**Section 25.785(d), Amendment 25-32**—Requires a “firm handhold” along each aisle.

**Section 25.785(h)(1), Amendment 25-32**—Requires that flight attendant seats be located so as to provide a direct view of the passenger cabin.

**The petitioner's supportive information is as follows:**

**“BACKGROUND**

“The certification basis for the Boeing Model 747-400 is 14CFR part 25 with Amendments 25-1 through 25-70 plus Exemption Number 4725 and numerous Equivalent Safety Findings. Jet Aviation Engineering Services LP (JAES) requests that the relief granted to Boeing Model 737-700 aircraft by exemption number 7475 (serial number 29972), Model 777-200 aircraft by exemption numbers 7317 and 7317 A (serial number 29953), and Model 777-200 aircraft by exemption number 6881 (serial number unknown) relative to requirement of firm handholds along each aisle, be expanded to include Boeing Model 747-400, SIN 26903. The exemptions state in pertinent part that airplanes configured specifically for "private, not-for-hire, use" are granted exemption to 14CFR 25.7859(j) for the requirement of firm handholds along each aisle.

“14CFR 25.785(j) states " If the seat backs do not provide a firm handhold, there must be a handgrip or rail along each aisle to enable persons to steady themselves while using the aisles in moderately rough air.

“In addition, Jet Aviation Engineering Services LP (JAES) requests that the relief granted to Boeing Business Jets BBJ (B- T113-98-3206, dated May 22, 1999) as described in exemptions 6820 and 6820A, Model 777-200 aircraft by exemption numbers 7317 and 7317 A (serial number 29953), and Model 777-200 aircraft by exemption number 6881 (serial number unknown) relative to requirement of flight attendant direct view be expanded to include Boeing Model 747-400, SIN 26903. The exemptions state in pertinent part that airplanes configured specifically for "private, not-for-hire, use" are granted exemption to 14CFR 25.785(h)(2) for the requirement of flight attendant direct view of cabin area.

“14CFR 25.785(h)(2) states, "To the extent possible, without compromising proximity to a required floor level emergency exit, located to provide a direct view of the cabin area for which the flight attendant is responsible.

**“DISCUSSION**

“CFR part 25 of the Federal Aviation Regulations governs design certification of Transport Category aircraft. The primary intent of these regulations, as written, is to be certain that Aircraft Manufacturers provide for the appropriate design features in their respective aircraft 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 these regulations are intended to regulate the certification of "commercial" aircraft, which are 'for hire' to the general public.

“While the greatest majority of these regulations represent a common sense inclusion for any aircraft regardless of its intended use, a few are obviously intended to regulate situations that are specific to an airline or for hire operation. When a Transport Category aircraft is operated

under CFR Part 91 and 91.501 and/or CFR Part 125, some of the 14CFR 25 rules have acceptance criteria that are inappropriate or are not compatible with this type of operation and the intended use of the aircraft.

“The FAA clearly recognizes these differences as evidenced by the issuance of Exemption Numbers 6820, 6820A, 6881, 7317, 7317A, and 7475, which eliminate many of the more onerous regulations when applied to "private use, not-for-hire" operations under CFR Part 91 or CFR Part 125.

**“1. 14 CFR 25.785(j), Firm handhold along each aisle.**

“Customers are buying large airplanes because they wish to create the spacious and impressive atmosphere they are used to. The requirement for a firm handhold along aisles cannot be met for certain areas in the passenger cabin due to wide-open spaces between individual seat backs, which typically provide an adequate handhold. With the cabin spaciousness, there is no readily identifiable "aisle" throughout. Any construction hanging down from the ceiling would ruin the appearance of the high quality interior and is not acceptable to the customer.

**“PETITION**

“We respectfully request the FAA to issue an Exemption for the subject aircraft to 14 CFR 25.785(j), which requires a firm handhold along each aisle for the executive lounge and majlis areas.

**“BASIS FOR EXEMPTION**

“As stated in Exemption Nos. 6881, 7317, 7317A, and 7475, the FAA is aware that the precedent has been established for other private use wide body airplanes to be exempted from handholds along main aisles.

**“2. 14 CFR 25.785(h)(2), Direct view of cabin by a seated attendant.**

“Private areas or conference rooms will often need to span the whole cabin in order to be practical. For such arrangements, privacy can only be provided by means of doors, and, therefore, an exemption is needed to allow full use of airplane capabilities without compromising safety for those onboard. All passengers are equally important, wherever they are located.

**“PETITION**

“We respectfully request the FAA to issue an Exemption for the subject aircraft to 14 CFR 25.785(h)(2), which requires a direct view of the cabin area by a seated flight attendant.

**“BASIS FOR EXEMPTION**

“As stated in Exemption Nos. 6820, 6820A, 6881, 7317, and 7317 A, the FAA is aware that the precedent has been established for other private use wide body airplanes to be exempted from direct view of cabin area by a seated flight attendant.

**“IN THE PUBLIC INTEREST** - The approval of this Petition for Exemption would demonstrate the FAA's willingness to deal with the issues involved with this Exemption and would be in the Public Interest for the following reasons:

1. “There is no degradation of safety involved with this request and therefore no detrimental impact to the public at large; and
2. “Given the proliferation of Executive Configured Transport Category Aircraft currently taking place, and anticipated in the near future, this type of exemption will enable US manufacturers of transport category aircraft greater flexibility to effectively compete in this expanding market; and
3. “Additional sales of US manufactured transport aircraft outside the traditional airline market can only serve to increase profitability of US airframe manufacturers, giving greater job stability to the workers employed by those manufacturers; and
4. “Greater stability of a work force as significant as the US aircraft manufacturers represent can only result in additional fuel to stabilize the economy of the US due to the normal household activity associated with stable workers; and
5. “Stability and improved financial performance of the US airframe manufacturers translates into increased orders and stability in numerous other supporting manufacturing organizations; and
6. “Increased sales of these executive configured transport aircraft will ultimately result in some portion of those aircraft being completed at US owned or operated Aircraft Completion Facilities, providing improved financial performance and work force stability for those organizations as well; and
7. “Improved financial performance of US owned or operated corporations, and increased work force stability translates into continued and improved tax revenues for all governmental organizations involved; and
8. “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; and
9. “A large number of these types of sales can be predicted to be to "offshore" clients, improving the US Balance of Trade Deficit significantly.”

**Public Comment**

A summary of this petition was not published in the Federal Register for public comment, because this exemption is similar to previous petitions for which no public comments were received.

**The Federal Aviation Administration's analysis/summary is as follows:**

The FAA is giving considerable attention to the issue of transport category airplanes operated for private use. There are several regulatory requirements, including some identified by the petitioner, that lend themselves to exemption when considering the differences between commercial and private use operations. The FAA intends to summarize its views on these regulations and, ultimately, propose revisions to the requirements, where appropriate. The regulations that are the subject of this petition may be included in the proposed revisions.

The applicant petitioned for exemption from requirements that flight attendant seats be located to provide a direct view of the passenger cabin § 25.785 (h)(2), of the current regulations, Amendment 25-88. However, the certification basis of the airplane modification for § 25.785 is Amendment 25-32, rather than the current Amendment 25-88. At Amendment 25-32, the requirement that flight attendant seats be located to provide a direct view of the passenger cabin did not exist; therefore, there is no need for an exemption to be granted for direct view.

#### Firm Handhold

The petitioner requests an exemption from the handhold requirements of § 25.785(d) for the executive lounge and the majlis (or council room).

Specifically, the applicant petitioned for exemption from requirements that a “firm handhold” be provided along each aisle. This requirement is found in § 25.785(j) of the current regulations, Amendment 25-88. However, the certification basis of the airplane under going modification includes only Amendments 25-1 through 25-51, rather than Amendment 25-88. For § 25.785, the appropriate amendment level is Amendment 25-32. The requirements that a “firm handhold” be provided along each aisle are found in § 25.785(d) at Amendment 25-32.

The FAA has considered the requirement for firm handholds in the context of private use airplanes. For the area of the executive lounge and majlis area, the requirement to have a firm handhold would be impractical for the proposed configuration. The arrangement for these areas that the petitioner has proposed provides an acceptable level of safety.

The FAA has considered the petitioner’s supporting information and finds that a grant of exemption is in the public interest and would not adversely affect safety. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, Jet Aviation Engineering Services L.P. is hereby granted an exemption from the requirements of § 25.785(d), Amendment 25-32, for a Boeing Model 747-400 airplane. Specifically, the exemption allows relief from the requirement to provide firm handholds in the aisle in the entrance hall, dining room, saloon, aft corridor, master bedroom, and master bathroom. This exemption is subject to the following condition:

The airplane is not 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 June 13, 2005.

/s/ Michael Kaszycki  
Acting Manager  
Transport Airplane Directorate  
Aircraft Certification Service