

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 3038; Amdt. 91-22]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Emergency Exits for Airplanes Carrying Passengers for Hire

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to set forth more definitive rules concerning the number of additional occupants that may be carried on a transport category airplane carrying passengers for hire for each additional approved exit installed, to provide for a corresponding decrease for each such exit eliminated, and to specify the order in which existing exits may be eliminated.

This amendment is based on a notice of proposed rule making (Notice 64-1) issued on January 3, 1964, and published in the FEDERAL REGISTER on January 10, 1964 (29 F.R. 266).

As stated in Notice 64-1, the Agency believes that the present requirements of § 91.47 (formerly Special Civil Air Regulation SR-369B) have proved to be inadequate for several reasons such as—

(1) The necessity to determine "comparability" with Type II or Type IV exits prescribed in section 25.807 (former CAR § 4b.362); and

(2) The equal weight given to exits of unequal effectiveness in determining the additional number of occupants authorized.

The Agency proposed to amend these provisions so that in determining the additional number of occupants authorized for each added exit effect would be given to factors such as exit size, location, and access to the main aisle. For example, the Agency proposed to allow 12 additional occupants for each additional floor level exit whereas for the less effective window exits either 8 or 5 additional occupants would be authorized depending on whether the exit was over a wing.

Except for the specific comments hereinafter discussed, all of the comments received were favorable to the proposed amendment.

One comment objected to permitting any increase in passenger occupancy based on the addition of window-type exits. This commentator also objected to permitting increased occupancy based on additional door-type exits unless each such exit is manned by a qualified flight attendant. The Agency agrees that window-type exits are much less effective than door-type exits and this amendment reflects this belief by allowing only 5 or 8 additional occupants for each such exit as compared to 12 addi-

tional occupants for a door-type exit. However, the Agency does not agree that no consideration should be given to additional window-type exits since such exits have proved to be of value in actual emergencies and in emergency evacuation demonstrations that were made in connection with the recent general amendments on that subject (Amendments 25-1, 91-13, and 121-2, published in the FEDERAL REGISTER on March 9, 1965, 30 F.R. 3200). These amendments also require the fitting of ropes or an equivalent approved device at such exits to facilitate emergency egress.

With regard to floor level exits, current regulations (§ 121.309) require a chute or equivalent device suitable for rapid evacuation of passengers for each such exit. However, the Agency does not agree that a flight attendant should be required for each floor level exit. As pointed out in response to a similar comment made in connection with the recent emergency evacuation amendments, in survivable accidents one or more flight crewmembers likely would be available to assist in the emergency evacuation of occupants.

One comment proposed that a provision be added prohibiting the removal of any approved exit that would be required by the current applicable transport category airworthiness standards (FAR § 25.807). It was stated that this change would assure that progress already made would not be lost and that the minimum level of safety would continue to be provided. The Agency does not agree that such a complete prohibition is necessary but rather believes that the priority schedule for removal of exits included in this amendment will accomplish basically the same purpose.

One commentator stated that this amendment should not be adopted unless there is an effective regulatory requirement for evacuation demonstration of the kind and quality suggested by the same commentator in connection with the emergency evacuation amendment referred to above. The Agency believes that with the adoption of the emergency evacuation amendment there are now such realistic regulatory requirements.

One commentator addressed two comments to alleged deficiencies in current regulations that are outside the scope of this notice and that would require further regulatory action. However, the Agency believes that the recent emergency evacuation amendment will overcome the first of these alleged deficiencies since any seating configuration that would prevent compliance with the evacuation demonstration requirements would necessarily have to be changed. The second alleged deficiency relates to the present exit requirements of § 25.807. Since this comment is outside the scope of this

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1732 [1965]

amendment, it will be considered by the Agency in connection with current studies it is making to determine whether further regulatory action is needed in that area.

In addition the word "effective", which was inadvertently omitted when the section was recodified, is being inserted in the parenthetical clause in paragraph (a). This amendment makes it clear that this section also applies to each large airplane type certificated after April 8, 1957, on the basis of an application submitted before that date.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, § 91.47 of Part 91 of the Federal Aviation Regulations is hereby amended effective August 2, 1965, to read as follows:

§ 91.47 Emergency exits for airplanes carrying passengers for hire.

(a) Notwithstanding any other provision of this chapter, no person may operate a large airplane (type certificated under the Civil Air Regulations effective before April 9, 1957) in passenger-carrying operations for hire, with more than the number of occupants:

(1) Allowed under Civil Air Regulation § 4b.362(a), (b), and (c) of this chapter, as in effect on December 20, 1951; or

(2) Approved under Special Civil Air Regulations SR-387, SR-389, SR-389A, or SR-389B, or under this section as in effect.

However, an airplane type listed in the following table may be operated with up to the listed number of occupants (including crewmembers) and the corresponding number of exits (including emergency exits and doors) approved for the emergency exit of passengers or with an occupant-exit configuration approved under paragraph (b) or (c) of this section:

Airplane type	Maximum number of occupants including all crewmembers	Corresponding number of exits authorized for passenger use
B-307	61	4
B-377	96	9
C-46	87	4
CV-240	53	6
CV-340 and CV-440	53	6
DC-3	35	4
DC-3(Super)	39	5
DC-4	36	5
DC-6	87	7
DC-6B	112	11
L-18	17	3
L-049, L-649, L-749	87	7
L-1049 series	90	9
M-202	53	6
M-404	53	7
Viscount 700 series	53	7

(b) Occupants in addition to those authorized under paragraph (a) of this section may be carried as follows:

(1) For each additional floor-level exit at least 24 inches wide by 48 inches high, with an unobstructed 20-inch wide access aisleway between the exit and the main passenger aisle: 12 additional occupants.

(2) For each additional window exit located over a wing that meets the requirements of the airworthiness standards under which the airplane was type certificated or that is large enough to inscribe an ellipse 19 x 26 inches: Eight additional occupants.

(3) For each additional window exit that is not located over a wing but that otherwise complies with subparagraph (2) of this paragraph: Five additional occupants.

(4) For each airplane having a ratio (as computed from the table in paragraph (a) of this section) of maximum number of occupants to number of exits greater than 14:1, and for each airplane that does not have at least one full-size door-type exit in the side of the fuselage in the rear part of the cabin, the first additional exit must be a floor-level exit that complies with subparagraph (1) of this paragraph and must be located in the rear part of the cabin on the opposite side of the fuselage from the main entrance door. However, no person may operate an airplane under this section carrying more than 115 occupants unless there is such an exit on each side of the fuselage in the rear part of the cabin.

(c) No person may eliminate any approved exit except in accordance with the following:

(1) The previously authorized maximum number of occupants must be reduced by the same number of additional occupants authorized for that exit under this section.

(2) Exits must be eliminated in accordance with the following priority schedule: First, non-over-wing window exits; second, over-wing-window exits; third, floor-level exits located in the forward part of the cabin; fourth, floor-level exits located in the rear of the cabin.

(3) At least one exit must be retained on each side of the fuselage regardless of the number of occupants.

(4) No person may remove any exit that would result in a ratio of maximum number of occupants to approved exits greater than 14:1.

(d) This section does not relieve any person operating under Part 121 of this chapter from complying with § 121.291 of this chapter.

(Secs. 313(a), 603, and 604 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1423, 1424)

Issued in Washington, D.C., on June 28, 1965.

N. E. HALABY,
Administrator.