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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10078; Amdt. 121-87]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Carriage of Persons Without Compliance With Passenger-Carrying Requirements

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to allow air carriers and commercial operators to carry additional categories of persons aboard an airplane without complying with the passenger-carrying airplane and operation requirements of Part 121.

This amendment is based on a notice of proposed rule making (Notice 70-3) published in the FEDERAL REGISTER on January 27, 1970 (35 F.R. 1053).

This amendment expands the categories of persons who may be carried aboard an airplane operated under Part 121 without complying with the passenger-carrying requirements, reorganizes the aircraft and operating requirements that must be met when such persons are carried, and adds some new requirements. The specific changes are more fully discussed in the notice.

The comments received in response to the notice support the proposal, but recommend several changes.

One commentator stated that persons are often required to be carried on cargo airplanes to make adjustments to the cargo or to operate equipment that controls the environment of the cargo in flight and suggested such persons be added to the list of persons who may be carried without complying with the passenger-carrying requirements. We do not believe the suggested change is necessary because such persons may be considered as necessary for the safety of the flight or the preservation of fragile or perishable cargo.

One comment requested that the requirement in proposed § 121.583(b)(2) for a means of notifying each person about smoking and safety belts be changed to allow the notification to be given orally. The rule is not intended to prohibit the flight crewmembers from

orally notifying the passengers. However, if the passengers are not located close to the flight crewmembers, the flight crewmembers must have some other means of notifying the passengers without having to leave their position. The proposal is changed to clarify the requirement.

The Air Transport Association pointed out that the oral briefing required by § 121.583(c) could become unnecessarily burdensome to the flight crew on a flight having several intermediate stops if the briefing must be given before each takeoff. In response to this comment, § 121.583(c) is changed to clarify the intent of the passenger briefing requirement. At intermediate stops the briefing need be given only when persons who have not been orally briefed board the aircraft. The certificate holder must insure that all persons have received the briefing before each takeoff.

The notice did not include § 121.573 in the list of passenger-carrying requirements that need not be complied with in § 121.583(a). This amendment adds § 121.573 to the list inasmuch as the requirements in § 121.573, which pertain to briefing passengers in extended over-water operations, are covered by § 121.583(c).

The Air Line Pilots Association recommended that the seats for the persons covered by § 121.583 be required to be located outside of the cockpit area. In some large cargo airplanes the extra seats are in the cockpit area and that area may be the only location for extra seats. Inasmuch as the location of the seats was not a subject of the notice and relocation of seats has not been considered by persons affected by the rules, the recommendation is not adopted by this amendment.

Another comment suggested requirements for food and sanitation equipment. Such requirements are also considered to be outside the scope of the notice.

It should be noted that the inclusion of persons in the categories of persons who may be carried without complying with certain requirements of Part 121 does not relieve a carrier from any passenger-carrying restriction in the regulations of the Civil Aeronautics Board.

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

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective October 18, 1970, as follows:

1. By amending § 121.1(d) to read as follows:

§ 121.1 Applicability.

(d) For the purpose of this part, "passenger-carrying airplane" or "passenger-carrying operation" means one carrying any person other than a person listed in § 121.583.

2. By amending § 121.583 to read as follows:

§ 121.583 Carriage of persons without compliance with the passenger-carrying requirements of this part.

(a) When authorized by the certificate holder, the following persons, but no others, may be carried aboard an airplane without complying with the passenger-carrying airplane requirements in §§ 121.309(f), 121.310, 121.391, 121.571, and 121.587; the passenger-carrying operation requirements in §§ 121.157(c), 121.161, and 121.291; and the requirements pertaining to passengers in §§ 121.285, 121.313(d), 121.317, 121.547, and 121.573:

- (1) A crewmember.
- (2) A company employee.
- (3) An FAA air carrier inspector, or an authorized representative of the National Transportation Safety Board, who is performing official duties.
- (4) A person necessary for—
 - (i) The safety of the flight;
 - (ii) The safe handling of animals;
 - (iii) The safe handling of radioactive materials (within the meaning of Part 103 of this chapter);
 - (iv) The security of valuable or confidential cargo;
 - (v) The preservation of fragile or perishable cargo;
 - (vi) Experiments on, or testing of, cargo containers or cargo handling devices;
 - (vii) The operation of special equipment for loading or unloading cargo; and
 - (viii) The loading or unloading of outsize cargo.
- (5) A person described in subparagraph (4) of this paragraph, when traveling to or from his assignment.
- (6) A person performing duty as an honor guard accompanying a shipment made by or under the authority of the United States.
- (7) A military courier, military route supervisor, military cargo contract coordinator, or a flight crewmember of another military cargo contract air carrier

(As published in the Federal Register 35 F.R. 146117 on Sept. 18, 1970)

or commercial operator, carried by a military cargo contract air carrier or commercial operator in operations under a military cargo contract, if that carriage is specifically authorized by the appropriate armed forces.

(8) A dependent of an employee of the certificate holder when traveling with the employee on company business to or from outlying stations not served by adequate regular passenger flights.

(b) No certificate holder may operate an airplane carrying a person covered by paragraph (a) of this section unless—

(1) Each person has unobstructed access from his seat to the pilot compartment or to a regular or emergency exit;

(2) The pilot in command has a means of notifying each person when smoking is prohibited and when safety belts must be fastened; and

(3) The airplane has an approved seat with an approved safety belt for each person. The seat must be located so that the occupant is not in any position to interfere with the flight crewmembers performing their duties.

(c) Before each takeoff, each certificate holder operating an airplane carrying persons covered by paragraph (a) of this section shall ensure that all such

persons have been orally briefed by the appropriate crewmember on—

(1) Smoking;

(2) The use of seat belts;

(3) The location and operation of emergency exits;

(4) The use of oxygen and emergency oxygen equipment; and

(5) For extended overwater operations, the location of life rafts, and the location and operation of life preservers including a demonstration of the method of donning and inflating a life preserver;

(d) Each certificate holder operating an airplane carrying persons covered by paragraph (a) of this section shall incorporate procedures for the safe carriage of such persons into the air carrier's or commercial operator's operations manual.

(e) The pilot in command may authorize a person covered by paragraph (a) of this section to be admitted to the crew compartment of the airplane.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354, 1421, 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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J. H. SHAFFER,
Administrator.

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Carriage of Persons Without Compliance With Passenger-Carrying Requirements; Correction

The document amending Part 121 of the Federal Aviation Regulations, published in the FEDERAL REGISTER on September 18, 1970 (35 F.R. 14611) is corrected by changing the paragraph designation "(d)" to "(e)" in the amendment to § 121.1.

Issued in Washington, D.C., on October 5, 1970.

J. H. SHAFFER,
Administrator.

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