

Federal Register

Friday
June 5, 1987

Part IV

**Department of
Transportation**

Federal Aviation Administration

14 CFR Part 121

Carry-On Baggage Program; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 24996; Ref. Docket No. 24220; Amdt. 121-194]

Carry-On Baggage Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule requires Part 121 air carriers to develop and use approved carry-on baggage programs. The rule also requires air carriers to verify that each article of baggage is properly stowed before the last cabin door is closed prior to pushback or taxi. This rule will enhance safety by controlling the amounts and size of carry-on baggage and ensuring that all such baggage is safely stowed.

DATES: Effective date: July 6, 1987. Certificate holders may comply any time after the effective date but before the final compliance date. Passengers must comply with the procedures that are part of the certificate holder's program as soon as it is approved and in place. Final compliance date: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. David L. Catey, Project Development Branch (AFS-240), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267-8096.

SUPPLEMENTARY INFORMATION:**Background**

The Federal Aviation Act of 1958 requires the Federal Aviation Administration (FAA) to regulate air carriers, as needed, to ensure the safety of air transportation. As air travel became more popular, carry-on baggage began to pose a safety problem. Many people, used to other modes of transportation where they had to carry all their luggage with them, brought their baggage into the passenger compartment of airplanes where it could not be safely stowed. Excessive carry-on baggage can endanger passengers and crewmembers in a number of ways: carry-on bags that block aisles or the spaces between seats can slow evacuation of the airplane in an emergency; improperly stowed carry-on bags can block access to emergency equipment and to under-the-seat lifevests; carry-on bags that fall from overhead racks or bins can injure passengers and flight crewmembers and hinder evacuation.

To control the problem of too much carry-on baggage, the FAA adopted § 121.589 of the Federal Aviation Regulations (FAR) in 1967 [32 FR 13268; September 20, 1967]. The rule stated that passengers could take to their seats only baggage that could be stowed under a seat. The strict under-the-seat rule was needed at that time because most airplanes in use had only open, overhead racks with no means to restrain items placed on them.

Since 1967, cabin interiors have changed considerably; many now have enclosed overhead bins and substantial closets for hanging bags. As interior configurations changed, the FAA revised § 121.589 to allow passengers to use the storage space the air carriers were adding. Each time it revised the rule, however, the FAA made it clear that its fundamental requirement remained the same: All carry-on baggage must be safely stowed.

The current rule requires air carriers to limit baggage taken aboard to that which can be safely stowed. However, the FAA has found strong evidence that this rule is not specific enough to ensure compliance. Too much carry-on baggage is being taken aboard some flights and the excess is being stowed improperly, creating unsafe conditions. During its National Air Transportation Inspection (NATI) Program in the spring of 1984, the FAA found numerous cases of passengers boarding with bags too large to be stowed and of flights where the quantity of bags exceeded the available storage space. Information collected by the Association of Flight Attendants (AFA) through surveys of its members supports the NATI Program findings that excess carry-on baggage is a serious problem on many flights. Passengers commenting on this rulemaking also testify to the widespread nature of this problem. More people are carrying on more bags and in some cases much larger bags than in the past. Some passengers have evidently come to expect that they will be able to carry on almost anything.

A number of factors have contributed to this situation. Passengers cite slow and unreliable baggage handling by the air carriers as the main reason they carry on baggage. In public comments in this rulemaking, passengers frequently state that they would check their bags and, in fact, would prefer checking bags to carrying them through airports, if they could be sure their bags would not be lost and they could retrieve the bags quickly at the end of the trip.

In response to pressure from passengers who want to be able to carry bags on board, air carriers have allowed more carry-on baggage and often

reconfigured airplanes cabins to provide more storage space. Carry-on baggage also saves the air carriers money: they need fewer baggage handlers; they have fewer claims for lost luggage; and, they can turn their airplanes around faster if they do not have to unload and load large quantities of baggage. Some carriers have made carry-on baggage a selling point, thereby pressuring their competition to do the same.

On August 31, 1984, AFA petitioned the FAA for a change in § 121.589. AFA asked the FAA to set limits on the size and number of carry-on bags. After publishing a summary of the petition (49 FR 37109, September 21, 1984), the FAA received over 300 comments, most in favor of the petition. On July 11, 1985, the FAA held a public seminar on the carry-on baggage issue at which it circulated a "working paper" outlining a possible carry-on baggage rule for discussion. After the seminar, a number of airlines sent their frequent flyers a letter from the Air Transport Association (ATA) telling them that the FAA was considering regulatory action on carry-on baggage. The letter did not contain specifics of the AFA proposal or the FAA working paper and left many of the frequent flyers with the impression that the FAA was planning to ban carry-on baggage or limit it to a single bag. Several thousand people wrote to the FAA in response to that letter. Although a number of these people opposed a rule change, a large percentage of those opposed said all they wanted to be able to carry on were one or two pieces (e.g., a briefcase and a hanging bag). This would have been permitted under the AFA proposed. A large number of commenters disagreed with the position being taken by the "frequent flyer" letter and, instead, wrote in support of more strict control of carry-on baggage. Although these letters were not written in direct response to the AFA petition, the FAA reviewed them and considered the writers' concerns when developing its Notice of Proposed Rulemaking (NPRM), Notice No. 86-6 (51 FR 19134; May 27, 1986). Because of the public interest in this issue, the FAA held a public meeting on July 16, 1986, to solicit further information from the public and to ensure the broadest possible public participation and knowledge.

In the NPRM, the FAA proposed that each air carrier be required to develop procedures for handling and controlling carry-on baggage and incorporate them in an overall carry-on baggage program that the FAA would approve individually. In addition, the FAA proposed that the last passenger cabin door could not be closed until an

employee of the air carrier, other than a required crewmember, verified that all carry-on baggage was properly stowed.

The air carriers' programs would be required to include at least one baggage control point located outside the airplane (but not located at the passenger security screening point). The NPRM stated that the following are some of the areas of concern air carriers should consider in developing their carry-on baggage programs.

- (1) Types of airplanes operated by the carrier.
- (2) Volume and weight capability of onboard storage.
- (3) Consistency with the existing FAR.
- (4) Procedures for handling of excess carry-on baggage.
- (5) Methods of ensuring proper stowage of all carry-on baggage.
- (6) Anticipated load factor.
- (7) Methods of stowing carry-on baggage in the passenger compartment.
- (8) Airplane weight and balance assessment of carry-on baggage.
- (9) Areas of operations including terminal facilities (including charter operations).
- (10) Facilities for handling excess carry-on baggage.
- (11) Training of crewmembers and station personnel.

The FAA anticipated that the programs would vary considerably depending on these factors. Some programs might include limits on size, weight, or number of bags; others might be geared to load factors. Devising their own programs would give the air carriers the flexibility to develop innovative approaches. The requirement that such a program exist also provides a powerful incentive that airlines comply with its terms.

Discussion of Comments

The FAA received over 200 comments on the NPRM from air carriers, flight attendant and pilot unions, foreign governments, consumer groups, special interest groups, and the traveling public. About 75 percent of these comments favor controlling carry-on baggage; about 25 percent oppose the proposed rule. Their specific objections are discussed below.

Of the comments from the general traveling public, almost 90 percent approve of the proposal. Besides mentioning the safety hazards of too much carry-on baggage, those in favor of the rule cite the inconvenience of waiting while passengers load and unload their luggage. Those opposed generally cite the problems of retrieving and of losing checked luggage.

The National Transportation Safety Board says that it "supports the intent of

this NPRM and believes this rulemaking effort can lead to improvement in passenger protection."

A number of commenters say that the FAA should establish a single standard that would apply to all air carriers or all airplanes of the same type because this would make compliance easier, both for the airlines and for passengers. The Regional Airline Association (RAA) and many business flyers state that allowing each carrier to have different standards will make it difficult for passengers who have to change airlines during their trips. The International Foundation of Airline Passengers Associations states that "the airline passenger whose journey includes a change of planes from domestic carrier to international operator expects consistency of approach as far as safety aspects are concerned."

While the FAA recognizes that a single standard has a certain appeal, a uniform standard for all air carriers and airplanes would necessarily have to be designed for the lowest common denominator (i.e., the smallest available stowage space, fleet-wide) and would therefore drastically and needlessly limit carry-on baggage. Many airplanes covered by this rule do not have enclosed overhead bins or closet space for hanging bags. Even the most commonly cited standard for under-the-seat bags—16 inches by 20 inches by 9 inches—is too large for some airplanes. In addition to these variations among airplane types, many air carriers have reconfigured the interiors of their airplanes, some to add storage space, others to remove it and add seats. Given this variety of available storage space, the FAA has decided that a flexible program, designed to accommodate the variations, is preferable. The FAA would be receptive to carriers joining together, consistent with the antitrust laws, to develop standardized programs. In fact, the RAA might perform that function for its members.

Flexible programs will not necessarily make it harder for passengers to know what to expect. At present, carry-on baggage practices and procedures vary from airline to airline; passengers who shift from one type of airplane to another or from one carrier to another must deal with the differing amounts of available onboard storage space. In addition, the FAA expects that each air carrier will develop means to educate its customers and travel agents about the substance of its new programs and the sanctions in the regulations that apply to passengers. Each air carrier should also have a mechanism for informing travellers and travel agents about the

specific carry-on requirements of each flight.

The FAA specifically requested comments regarding which person should be responsible for verifying that all carry-on baggage is properly stowed. Air carriers, AFA, other unions, and foreign governments object to the provision in the proposed rule that would have required someone other than a required crewmember to verify that all carry-on baggage was properly stowed. The air carriers cite the cost of hiring and training additional personnel as well as the cost of delays they feel would be inevitable in such a situation. AFA states that the verification "is logically the job of the flight attendants and it is something they are uniquely qualified to do."

This requirement was originally included primarily to relieve flight attendants of a duty that the FAA perceived was taking too much time and hindering them from completing their other safety duties. However, after considering AFA's position that preboarding control will make the job much less time-consuming, the FAA has changed the proposal to require air carriers to designate at least one required crewmember to verify that all carry-on baggage is stowed before the last cabin door is closed. In addition, this change will alleviate the air carriers' concerns about increased costs. The FAA is requiring that the person or persons designated be required crewmembers because they are trained and familiar with the airplane and must be on board.

ATA objects to the requirement that all baggage be stowed before the cabin doors are closed. ATA states that flight attendants can use the time after the doors have been closed "for verifying and repositioning of improperly stowed baggage." ATA goes on to say, "It is unreasonable to presume that all passengers will stow all baggage for pretaxi verification when they know takeoff is still perhaps twenty or more minutes away."

The FAA does not agree with this position. The rule will require that at least one crewmember must verify that all baggage is properly stowed before the doors are closed. Before the doors close, if an item cannot be stowed, the item can be removed and stowed as checked baggage. If the verification is done after the doors are closed and the airplane has pushed back for taxiing, the airplane would either have to return to the terminal so items that could not be stowed could be checked, or take off, in violation of the rules, with items improperly stowed. While the

preboarding check should limit the stowage problems, it may not entirely eliminate them. If an item has to be checked, this can only be done before the doors are closed. Once the doors are closed, the pressure is on the crewmembers to get the flight underway, and there is no access to the cargo compartment.

The majority of commenters in favor of this rulemaking cite the safety hazard caused by excessive amounts of carry-on baggage. A number mention being hit and sometimes seriously hurt by heavy bags falling out of overstuffed overhead bins. Others cite the danger posed when aisles and the spaces between seats are effectively blocked by oversized bags; evacuation would be difficult in these circumstances.

Many commenters raise the question of heavy items in overhead bins. Others question the safety of the overhead bins themselves as opposed to their contents. Each bin is certificated for a maximum weight. If that weight is not exceeded and if the bin is properly packed and latched, the bins are safe and should not open. Many of the accidents involving luggage falling out of overhead bins have occurred because too much has been packed into the bins; when the bins are opened, the contents spill out immediately. If the bins were not too full, this would not occur. Carry-on baggage programs must include procedures to ensure that no bin or authorized stowage space is overloaded with either too much weight or too great a volume of baggage.

A number of commenters, including RAA, question how the FAA will ensure that the principal operations inspectors (POI's) use the same standards when approving programs for different carriers and in different parts of the country. RAA states that the FAA should at least set standards for types of airplanes that do not have significant variations.

The FAA will provide guidance to POI's, which will be available to carriers, that will spell out which elements should be included in the programs and what degree of variation is acceptable. The items listed in this preamble will be part of this guidance. FAA headquarters will monitor the approvals to ensure that they are consistent with this guidance. In addition, because the programs will be included in an air carrier's operations specifications, a means for appealing a POI's decision to headquarters is provided in § 121.79.

A number of commenters, including ATA, state that the only problem with the current rule is that the FAA is not enforcing it adequately. The FAA

conducts surveillance of the air carriers, but because the number of FAA inspectors is limited and the range of their responsibilities is broad, the FAA cannot conduct surveillance on every flight. The FAA and the public expect air carriers to comply with all the rules all the time; air carrier compliance should not be proportionate to the FAA's ability to monitor and enforce a particular rule. Normally this expectation is met. In the area of carry-on baggage, however, it is clear that customer pressure and other factors have caused some air carriers to become lax in their compliance practices. At the public hearing on this rule, representatives of air carriers acknowledged that, as a result of these practices, flight attendants were sometime forced to stow excess baggage in lavatories, galleys, and other unauthorized areas. The representatives dismissed this stowage as no problem although it is a violation of the current rules.

Poor compliance with this rule must be changed because improperly stowed carry-on bags can pose a safety hazard. This rule will require the air carriers to develop procedures for handling carry-on baggage in a way that ensures that every bag taken on board can be properly stowed. With the flexibility to devise their own programs, the air carriers will have the chance to find ways to provide passengers with the services they want while meeting the safety requirement for proper stowage of all bags. Having developed the procedures themselves, the air carriers should find compliance easier. Carriers should expect the FAA to demand strict compliance with the procedures in their carry-on baggage programs. Indeed, continued compliance with the provisions of a carrier's carry-on baggage program is a condition for maintaining the approval of that program.

The International Association of Duty Free Shops, the City of Los Angeles, and the State of Hawaii object to the proposed rule on the grounds that it will discourage people from purchasing duty free items at airport duty free shops because they will be prevented from carrying them on board.

Nothing in this rule will prevent such purchases; this rule will only prevent passengers from taking on board more baggage than can be safely stowed, as should the present rule. Air carriers operating on routes that include duty free shops will be able to adapt their carry-on programs to accommodate their passengers if sufficient stowage space is available, or they may reconfigure the

airplanes used on those routes to provide such space.

One commenter objects to applying this rule to cargo-only operators who carry additional crewmembers, other employees, etc. This rule should not cause problems for these carriers. They still must see that baggage is safely stowed, as they must under the current rule. It is unlikely, however, that their program for the management of carry-on baggage will need to be complicated or extensive.

A number of jewelers and musicians object to the proposed rule because they believe the rule would seriously hamper their business. The jewelers state that they must carry on their sample cases; unless they do, their insurance will not cover losses. Musicians state that they must carry on instruments; if checked, the instruments could be seriously damaged.

This rule allows the air carriers to make provisions to accommodate travelers with special baggage problems, provided the baggage can be safely stowed. We would expect that carriers would establish procedures to allow passengers to notify the airlines prior to traveling to see if special baggage needs can be accommodated.

A variation on this problem is the passenger who wants to carry on large, fragile objects that cannot be stowed in accordance with the rules set out in § 121.285. The FAA realizes that airlines many times do not want to check these fragile items. However, the solution is not to carry the items on board and stow them unsafely. The passenger compartment of an airplane is not meant primarily as a cargo stowage area. The best solution, of course, is for passengers to ensure that such fragile objects are securely packed to withstand normal handling. If an item cannot be safely checked or stowed, it should be shipped by some other means.

Some commenters state that the proposed rule would increase boarding time. The FAA disagrees. At present, boarding is often slowed while passengers wait for the people ahead of them to stow baggage and while the last people to board struggle to find space for their carry-ons. Under this rule, people should know beforehand what they will be able to take on board and will have time to check extra baggage. Boarding itself should be smoother and quicker.

AFA requests additional language in the rule stating: (1) that each approved program include specific criteria, set by the air carrier, for the size and amount of carry-on baggage allowed each passenger; and (2) that the air carrier

provide baggage screeners with a means to determine if the baggage meets the criteria.

This language is not necessary because the approved program would be meaningless unless they include criteria about what can be safely stowed and the number of bags that will be permitted and provide baggage scanners with adequate procedures for handling baggage not permitted to be carried on board.

AFA and the Air Line Pilots Association (ALPA) recommend that the FAA extend the proposed rule to include taxiing in the phrase, "no certificate holder may allow an airplane to takeoff or land . . ." unless all baggage is stowed. This problem has been dealt with in the rule by the requirement that all baggage be towed before the last cabin door is closed. However, once this verification is complete, the passenger should be free to remove stowed items from storage spaces in order to retrieve personal belongings as long as all items are again properly stowed prior to takeoff.

ATA objects to including the carry-on baggage program in the air carriers' operations specifications. ATA states that operations specifications are a pilot and dispatcher working document while the carry-on baggage program is basically a passenger service program.

The FAA disagrees. Operations specifications cover many aspects of an air carrier's operations. One purpose of operations specifications is to document, in a form that is enforceable and is easily accessible to safety inspectors, agreements between the carrier and the FAA on what operations are approved. Approved carry-on baggage programs are an appropriate addition. If the text of a program is very long, it may be included in the air carriers' manual and incorporated by reference in the operations specifications.

ALPA questions whether the weight allotments that the FAA recommends air carriers use for their weight and balance calculations are high enough.

Such questions are outside the scope of this proceeding and cannot be specifically dealt with in this rulemaking. However, it should be noted that weight and balance assessments are one factor in the carry-on baggage program. If, under its program, an air carrier permits passengers on any of its flights to carry such significant amount of baggage on board that the FAA's carry-on baggage weight allowance guidelines are substantially exceeded, the air carrier is responsible for adjusting its weight allowance calculation for each flight affected to ensure that accuracy of aircraft weight

and balance and performance calculations.

The FAA's concern is safety; some of the factors that have contributed to the current problem, such as baggage handling procedures, are beyond the FAA's safety mandate. In general, the FAA believes that fewer bags are better than more bags, and smaller bags are better than larger. Nonetheless, safety is determined by the ability to stow every item properly, not by size or number alone. While passengers must comply with this rule, the ultimate responsibility for safety lies with the air carrier. In this rulemaking the FAA is adopting a flexible regulation to give air carriers a chance to develop programs that suit their needs and ensure safety. The agency believes that this rule strikes a fair balance between these safety concerns and the convenience expected by the traveling public. The FAA will monitor these program to ensure that the carriers are using the procedures they have developed and that the procedures are effective. If it finds that the air carriers are not complying, the agency will have the option of withdrawing approval of the programs or prescribing more specific standards.

After considering the comments, the FAA is adopting the rule as proposed, except that § 121.589(b) will require that at least one required crewmember verify that baggage is properly stowed before the last cabin door is closed. The rule has a compliance date of 180 days after the effective date to give air carriers time to develop, submit, and obtain approval for their programs. All programs must be approved by the compliance date. Airlines without approved programs may not permit carry-on baggage aboard their flights. Passengers will have to comply with the programs as soon as they are approved and put into effect. Since the FAA anticipates that approving the programs may require considerable FAA review, the air carriers should submit their programs as soon as possible but no later than December 2, 1987 so that the review process may be completed before the compliance date.

Economic Summary

The FAA will require Part 121 certificate holders that carry passengers to develop and use an approved carry-on baggage program after 180 days after the effective date.

The amendments to § 121.589 specify that no certificate holder may allow the boarding of carry-on baggage on aircraft unless each passenger's baggage has been scanned to control the size and amount carried on board in accordance with an approved carry-on baggage

program in its operations specifications. The rule also requires air carriers to verify that each article of baggage is properly stowed before the last cabin door is closed prior to pushback or taxi.

These amendments are in part a response to the August 31, 1984, petition submitted by the FAR to amend § 121.589 of the FAR to limit the amount and size of carry-on baggage on aircraft. The AFA petition and a recent FAA study of carry-on baggage aboard Part 121 air carriers indicate that the size of articles and overall volume of carry-on baggage frequently exceed the stowage capacity in the passenger compartments. The excess baggage cannot be safely stowed, giving rise to a potential safety hazard. The rule also takes into account the large number of public complaints addressing the unsafe stowage of large and heavy items and the clutter created by excess carry-on baggage.

The FAA anticipates that the affected air carriers will elect to develop FAA-approved carry-on baggage programs prior to the compliance date specified in this amendment. This evaluation estimates that the total cost of compliance to the 146 Part 121 certificate holders affected by the carry-on baggage program requirements of this rule is \$540,000 in 1986 dollars.

The primary benefit of this rule will be the prevention of fatalities and injuries resulting from improperly stowed items obstructing rapid passenger egress in otherwise survivable impacts and from improperly stowed items dislodging and striking passengers and crew when abrupt aircraft deceleration or attitudinal changes occur.

Quantification of these benefits is not possible because the safety records of the FAA and the NTSB do not detail the extent to which improperly stowed items have contributed to fatalities and injuries in air carrier accidents.

Economists generally agree that the economic value of a human life is no less than \$1 million. Hence, if even one fatality is prevented as a result of this amendment during the 10-year period following implementation of the rule, the \$540,000 cost of compliance will be substantially exceeded by the benefits.

Regulatory Flexibility Determination

The FAA has determined that under the criteria of the Regulatory Flexibility Act (RFA) of 1980, this amendment will not have a significant economic impact on a substantial number of small entities.

FAA's thresholds for significant economic impact vary according to the equipment type operated and the kind of service provided. The annualized cost

threshold for scheduled carriers is \$92,700 or \$51,800, depending on whether the fleet operated includes aircraft having more than or a fewer than 60 seats, respectively. The threshold for nonscheduled air carriers is only \$3,600.

The cost of compliance with these amendments for a small nonscheduled air carrier is estimated to be \$1,104. This is substantially lower than the \$3,600 threshold established for small nonscheduled air carriers and far below the threshold of \$51,800 for scheduled carriers operating airplanes with 60 or fewer seats. Therefore, small carriers will not incur a significant economic impact as a result of the amendment to § 121.589.

Trade Impact Assessment

This rule affects only U.S. air carriers operating under the rules of Part 121 of the FAR. The regulation will have little or no impact on trade opportunities for U.S. firms doing business overseas and does not apply to foreign firms doing business in the United States.

Conclusion

Compliance with this rule will involve only a one-time cost on the part of air carriers to develop an FAA-approved carry-on baggage program. Because this amendment will not result in an annual effect on the economy of \$100 million or more or a major increase in costs for consumers; industry; or Federal, State, or local government agencies, it has been determined that this is not a major amendment under Executive Order 12291. In addition, the amendment will have little or no impact on trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

Since the amendment concerns a matter on which there is a substantial public interest, the FAA has determined that this action is significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, as noted above, the FAA certifies that under the criteria of the Regulatory Flexibility Act, this amendment will not have a significant economic impact on a substantial number of small entities.

A regulatory evaluation of the amendment including a Regulatory Flexibility determination and Trade Impact Assessment, has been placed in the regulatory docket. A copy may be obtained by contact the person identified under "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 121

Aviation safety, Safety, Air carriers, Air transportation, Aircraft, Airports, Cargo, Handicapped, Transportation, Common carriers.

The Rule

Accordingly, the Federal Aviation Administration amends Part 121 of the Federal Aviation Regulations [14 CFR Part 121] as follows:

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

1. The authority citation for Part 121 continues to read as follows:

Authority: 49 App. U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421-1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

2. Section 121.589 is revised to read as follows:

§ 121.589 Carry-on baggage.

(a) No certificate holder may allow the boarding of carry-on baggage on an airplane unless each passenger's baggage has been scanned to control the size and amount carried on board in accordance with an approved carry-on baggage program in its operations specifications. In addition, no passenger may board an airplane if his/her carry-on baggage exceeds the baggage allowance prescribed in the carry-on baggage program in the certificate holder's operations specifications.

(b) No certificate holder may allow all passenger entry doors of an airplane to be closed in preparation for taxi or pushback unless at least one required crewmember has verified that each article of baggage is stowed in accordance with this section and § 121.285(c) of this part.

(c) No certificate holder may allow an airplane to take off or land unless each article of baggage is stowed:

(1) In a suitable closet or baggage or cargo stowage compartment placarded for its maximum weight and providing proper restraint for all baggage or cargo stowed within, and in a manner that does not hinder the possible use of any emergency equipment; or

(2) As provided in § 121.285(c) of this part; or

(3) Under a passenger seat.

(d) Baggage, other than articles of loose clothing, may not be placed in an overhead rack unless that rack is equipped with approved restraining devices or doors.

(e) Each passenger must comply with instructions given by crewmembers regarding compliance with paragraphs (a), (b), (c), (d), and (g) of this section.

(f) Each passenger seat under which baggage is allowed to be stowed shall be fitted with a means to prevent articles of baggage stowed under it from sliding forward. In addition, each aisle seat shall be fitted with a means to prevent articles of baggage stowed under it from sliding sideward into the aisle under crash impacts severe enough to induce the ultimate inertia forces specified in the emergency landing condition regulations under which the airplane was type certificated.

(g) In addition to the methods of stowage in paragraph (c) of this section, flexible travel canes carried by blind individuals may be stowed—

(1) Under any series of connected passenger seats in the same row, if the cane does not protrude into an aisle and if the cane is flat on the floor; or

(2) Between a nonemergency exit window seat and the fuselage, if the cane is flat on the floor; or

(3) Beneath any two nonemergency exit window seats, if the cane is flat on the floor; or

(4) In accordance with any other method approved by the Administrator.

Issued in Washington, DC on May 29, 1987.

Donald D. Engen,
Administrator.

[FR Doc. 87-12775 Filed 6-4-87; 8:45 am]

BILLING CODE 4910-13-M