

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Adminis- tration, Department of Transportation

[Dockets Nos. 10037, 10397; Amdts. Nos. 91-
89; 121-78; 127-25]

FASTENING OF SAFETY BELTS

The purpose of these amendments to Parts 91, 121, and 127 of the Federal Aviation Regulations is to require that each occupant of an aircraft fasten his safety belt during the takeoff and landing of that aircraft, and to exempt airships from the requirement to have safety belts.

These amendments are based on two notices of proposed rule making: Notice 69-55, issued on December 18, 1969, and published in the FEDERAL REGISTER on January 8, 1970 (35 F.R. 324), and Notice 70-23, issued on June 24, 1970, and published in the FEDERAL REGISTER on June 30, 1970 (35 F.R. 10596).

Part 123 certificate holders (Air Travel Clubs) and Part 135 certificate holders (Air Taxi Operators) are subject to the requirements of this amendment, since § 123.27 requires compliance with § 121.311 and operations conducted under Part 135 with small aircraft are subject to the requirements of § 91.14 prescribed herein. However, operations conducted under Parts 121, 123, and 127 are expressly excluded from the seat and safety belt requirements of § 91.14, since those operations are subject to the requirements prescribed for them in Parts 121 and 127.

Many of the comments objecting to the proposed safety belt requirement erroneously supposed that the "separate use" provisions for Parts 121 and 127 operations applied to Part 91 operations. It is not intended that separate seats nor separate safety belts be required for operations conducted under Part 91. The amendment requires separate seats and safety belts only for those operations that must comply with either Part 121 or 127. Part 91 requires only that each person on board occupy a seat or berth with a safety belt properly secured about him.

Other comments stated that the proposed amendments are not justified, or are trivial, or are not enforceable. In spite of these objections, we believe adoption of the proposal will serve a useful purpose, and will contribute to safety in air commerce. The fact that each person on board an aircraft engaged in Part 91 operations must be notified to fasten his safety belt provides a level of safety not now provided. The wording of § 91.14 has been changed from the notice to make it clear that it is the responsibility of the pilot in command to ensure that all persons on board the aircraft have been notified to fasten their safety belt. In the exercise of this responsibility, the pilot in command may assign to other crewmembers the function of notifying the passenger. This responsibility should rest with the pilot in command, since he is in the best position to know when the takeoff or landing is imminent.

Other comments objected to the requirement for seats and safety belts because it would conflict with the conventional practices of sports parachute jumpers. In recognition of the fact that jumpers usually sit on the floor of the aircraft where the seats have been removed, this amendment adds a provision which permits jumpers engaged in sports parachuting to use the floor of the aircraft as a seat. However, in the interest of safety, we consider it necessary that sports parachute jumpers use safety belts, particularly since it is not uncommon for the door of the aircraft to be removed during such activities.

Upon consideration of comments received, this amendment excludes airships from the safety belt requirement in § 91.33 and makes the requirement in § 91.14 for the use of safety belts applicable to all aircraft except airships, including experimental aircraft, gliders, and aircraft being operated under special flight authorizations.

Although several persons stated that weight rather than age should be used to determine who should be required to use safety belts, the weight criteria would be more difficult to implement; therefore, the age criteria is retained.

Comments received from Part 127 operators and the Aerospace Industries

Association of America, Inc., have convinced us that scheduled air carriers using large helicopters should continue to be authorized to permit two children who have not reached their 12th birthday to use one safety belt in a single seat if the strength requirement of the seat and the safety belt are not exceeded. Accordingly, the amendment retains this authority, with language to make the safety belt fastening requirement consistent with the provisions of other paragraphs in the amendment.

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

In consideration of the foregoing, Parts 91, 121, and 127 of the Federal Aviation Regulations are amended, effective August 30, 1971, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. By adding the following new section, designated § 91.14, after § 91.13:

§ 91.14 Fastening of safety belts.

(a) Unless otherwise authorized by the Administrator—

(1) No pilot may take off or land a U.S. registered civil aircraft (except an airship) unless the pilot in command of that aircraft ensures that each person on board has been notified to fasten his safety belt.

(2) During the takeoff and landing of U.S. registered civil aircraft (except airships), each person on board that aircraft must occupy a seat or berth with a safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth, and a person on board for the purpose of engaging in sport parachuting may use the floor of the aircraft as a seat.

(b) This section does not apply to operations conducted under Part 121, 123, or 137 of this chapter. Paragraph (a) (2) of this section does not apply to persons subject to § 91.7.

(As published in the Federal Register /36 F.R. 12511/
on July 1, 1971)

2. By amending the first sentence of § 91.33(b) (12) to read: .

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements.

(b) . . .

(12) Except as to airships, approved safety belts for all occupants who have reached their second birthday. . . .

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

3. By amending paragraphs (a) and (b) of § 121.311 to read:

§ 121.311 Seat and safety belts.

(a) No person may operate an airplane unless there are available during the takeoff, en route flight, and landing—

(1) An approved seat or berth for each person on board the airplane who has reached his second birthday; and

(2) An approved safety belt for separate use by each person on board the

airplane who has reached his second birthday, except that two persons occupying a berth may share one approved safety belt and two persons occupying a multiple lounge or divan seat may share one approved safety belt during en route flight only.

(b) During the takeoff and landing of an airplane, each person on board shall occupy an approved seat or berth with a separate safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth. A safety belt provided for the occupant of a seat may not be used during takeoff and landing by more than one person who has reached his second birthday.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

4. By amending § 127.109 to read:

§ 127.109 Seat and safety belt.

(a) No person may operate a helicopter unless there are available during the takeoff, en route flight, and landing—

(1) An approved seat for each person

on board the helicopter who has reached his second birthday; and

(2) An approved safety belt for separate use by each person on board the helicopter who has reached his second birthday.

(b) During the takeoff and landing of a helicopter, each person on board shall occupy an approved seat with a safety belt properly secured about him. A person who has not reached his second birthday may be held by an adult who is occupying a seat.

However, notwithstanding the provisions of this section, in the case of children who have reached their second birthday, but not their 12th birthday, a safety belt may be used for two in a single seat if the strength requirements of the seat and the safety belt are not exceeded.

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

Issued in Washington, D.C., on June 21, 1971.

J. H. SHAFER,
Administrator.