UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D.C.

Civil Air Regulations Amendment 40-34
Effective: January 20, 1962
Issued: January 19, 1962

[Reg. Docket No. 152; Amdt. 40-34; Supp. 36]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Carriage of Cargo in Passenger Compartments

Section 40.153 of Part 40 was revised by Civil Air Regulations Amendment 40-32 (26 F.R. 11354) issued November 27, 1961, to become effective January 2, 1962. This section provides a means by which cargo may be safely carried in the passenger compartment of an air carrier airplane.

Subsequent to the issuance of Amendment 40-32, certain air carriers requested reconsideration of § 40.153(a)(3) of that amendment which specified that approved cargo bins installed aft of passengers shall not be higher than the height of the passenger seats on the airplane. In addition, comments were received with regard to paragraphs (a)(1) and (4) which indicated a need for a clarification of the strength requirements which a cargo bin and its attachments must meet for approval.

The effective date of Amendment 40-32 was postponed from January 2, 1962, to January 20, 1962, by Amendment 40-33 (26 F.R. 12762). This postponement of the effective date was necessary to provide sufficient time for a complete reevaluation of the provisions of § 40.153(a)(3) and to make other clarifying changes.

As a result of this reevaluation it has been concluded that, regardless of its height, a properly loaded cargo bin which has been constructed and installed in the airplane to meet specific strength requirements will not adversely affect safety if it does not obscure any passenger's view of the "seat belt" or "no smoking" sign. Therefore, this amendment eliminates the height restriction for cargo bins and in lieu thereof adds provisions which (1) require proper distribution of the weight of the cargo within the bin, (2) prohibit use of bins which exceed the structural load limitation on components of the airplane, and (3) prohibit installing the bin in a location which will obscure any passenger's view of the "seat belt" or "no smoking" sign, unless an auxiliary sign, or some other approved means for notification of the passenger is provided.

The provisions of paragraphs (a)(1) and (4) of this amendment specify the strength which a cargo bin and its attachments must meet for approval. It was intended, in Amendment 40-32, that this strength be such that in the event the airplane was involved in a survivable crash involving high deceleration forces, the cargo bin would not shift forward or be dislodged and injure the passengers. To provide this safeguard, the strength of the bin and its attachments must be able to withstand at least the load factors and emergency landing conditions applicable to the passenger seats installed on the airplane. The combined weight of the cargo bin and its contents must be used to determine this strength. However, in view of the comments received, it appears that the wording of paragraphs (a)(1) and (4) of Amendment 40-32 did not make this strength requirement completely clear. Accordingly, this amendment rewords these paragraphs to specify more clearly the strength requirements which a cargo bin and its attachments must meet for approval.

In addition to the aforementioned changes, other editorial changes were made in this amendment for the purpose of clarification.

Since this amendment relaxes the height requirement of a previous rule which becomes effective January 20, 1962, and imposes no additional burden on any person, I find that notice and public procedure hereon are impractical and unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, effective January 20, 1962, Amendment 40-32 and Supplement No. 34 (26 F.R. 11354) are hereby rescinded and Part 40 (14 CFR Part 40) is amended as follows:

§ 40.153-1 [Deletion]

1. By deleting § 40.153-1.

2. By amending § 40.153 to read as follows:

§ 40.153 Carriage of cargo in passenger compartments.

Cargo shall not be carried in the pas-

senger compartment of an airplane except as provided in either paragraph (a) or (b) of this section.

(a) Cargo carried aft of the foremost seated passengers shall be carried in an approved cargo bin. Approved cargo bins shall meet the requirements of subparagraphs (1) through (8) of this paragraph.

(1) The bin shall be capable of withstanding the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by a factor of 1.15. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(2) The maximum weight of cargo which the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin shall be conspicuously marked on the bin.

(3) The bin shall not impose any load on the floor or other structure of the airplane which exceeds the structural load limitations of such components.

(4) The bin shall be attached to the seat tracks or to the floor structure of the airplane, and its attachments shall withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by either the factor 1.15 or the seat attachment factor specified for the airplane, whichever is greater. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(5) The bin shall not be installed in a position which restricts access to or use of any required emergency exit, or the use of the aisle in the passenger compartment.

(6) The bin shall be fully enclosed and constructed of material which is at least flame resistant.

(7) Suitable safeguards shall be provided within the bin to prevent the cargo from shifting under emergency landing conditions.

(8) The bin shall not be installed in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

(b) Cargo carried forward of the foremost seated passengers shall be carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the following requirements:

(1) It shall be properly secured by means of safety belts or other tiedowns having sufficient strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions;

(2) It shall be packaged or covered in a manner to avoid possible injury to passengers;

(3) It shall not impose any load on seats or the floor structure which exceeds the structural load limitation for those components;

(4) It shall not be located in a position which restricts the access to or use of any required emergency or regular exit, or the use of the aisle in the passenger compartment; and

(5) It shall not be located in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on January 19, 1962.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 62-792; Filed, Jan. 22, 1962; 8:58 a.m.]

(As published in the Federal Register /27 F.R. 649/ on January 23, 1962)