SPECIAL CIVIL AIR REGULATION NO. SR–389B

Effective: January 30, 1959
Adopted: December 24, 1958

Emergency Exits for Airplanes Carrying Passengers for Hire

Special Civil Air Regulation No. SR–389A, effective September 13, 1957, superseded Special Civil Air Regulation No. SR–389. All of the provisions of SR–389 were retained in SR–389A. However, the latter special regulation as amended on October 17, 1957, contained an addition to the occupant/exit table which permitted the Viscount 700 series airplanes to carry 53 occupants when 7 exits were provided.

Special Civil Air Regulation No. SR–389, effective October 27, 1952, superseded Special Civil Air Regulation No. SR–387. Except for correcting some minor errors with respect to the number of exits authorized by the Civil Aeronautics Administration, there was no difference between the two special regulations.

Special Civil Air Regulation No. SR–387, effective October 27, 1952, was adopted in order to make applicable to the then operating transport airplanes more stringent rules regarding the number of occupants permitted per exit. SR–387 required, among other things, that all large airplanes (more than 12,500 pounds maximum certificated takeoff weight) comply with either section 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b–4 effective December 20, 1951, or with the specific requirements set up in SR–387. Subsequently, the provisions of section 4b.362 (a), (b), and (c) of Part 4b were revised by Amendment 4b–5, effective April 9, 1957.

Special Civil Air Regulation No. SR–389A permits the airplanes listed in the occupant/exit table to carry additional occupants if additional exits are provided, except that in no case shall more than 8 additional occupants be carried for any one additional exit. The preamble to Civil Air Regulations Draft Release No. 58–11 stated that the intent of this provision was that no more than 8 additional occupants could be authorized if the most effective exit for emergency evacuation were provided, which, by reference to the rule proposed in the draft release, is seen to be one comparable to a Type I exit as prescribed in section 4b.362. As herein set forth, it is intended that as many as 8 additional occupants may be authorized with the addition of an exit of reasonably high effectiveness and that a lesser number of occupants would be authorized with the addition of a less effective exit. For the purpose of this regulation, it has been established that the addition of an exit, approximating a Type II or IV exit as prescribed in section 4b.362, would possibly permit the addition of 8 occupants. This relaxation over the rule proposed in Draft Release 58–11 was prompted by comments received to the draft release and the fact that a number of airplanes had already received approval to carry 8 additional occupants with the addition of an exit com-

parable to a Type IV based on the Administrator's interpretation of SR-389A. Justification for the relaxation is based upon the current requirements of section 4b.362(c) wherein it may be seen that for the addition of a Type IV exit on each side, an increase of 30 passengers is permitted. While such a ratio is not advocated for airplanes covered by this special regulation because of other factors considered in establishing these values for section 4b.362, permitting 8 occupants to be added for a Type IV exit represents a more reasonable and realistic view than that proposed in Draft Release 58-11. Therefore, it is expressly provided herein that since the effectiveness of the exit varies with the type, size, and location, 8 additional occupants shall be authorized only when an exit comparable to a Type II or a Type IV exit as prescribed in section 4b.362 is provided.

Special Civil Air Regulation No. SR-389A does not contain provisions regarding the required reduction in occupancy when the number of exits is reduced. In order to cover such cases, it is provided herein that upon removal of any exit the maximum number of occupants shall be reduced by at least 8.

The occupant/exit table has been modified by listing the "L-1049 Series" in lieu of the "L-1049," and the "CV-340 and CV-440" in lieu of the "CV-340."

Interested persons have been afforded an opportunity to participate in the making of this regulation (23 F.R. 3275), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective January 30, 1959.

1. Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (more than 12,500 pounds maximum certificated take-off weight) while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the provisions of section 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b-5, effective April 9, 1957, except that airplane types listed in the following table may be operated with the listed maximum number of occupants (including all crew members) and the listed corresponding number of exits (including emergency exits and doors) heretofore approved by the Administrator for emergency egress of passengers.

2. Additional occupants above the values listed in the table may be carried if additional exits are provided, except that in no case shall more than 8 additional occupants be carried for any one additional exit. For the addition of exits comparable to at least a Type II or Type IV exit as prescribed in section 4b.362, a maximum of 8 additional occupants may be authorized and for exits not comparable to at least a Type II or Type IV exit, the Administrator after consideration, among other factors, of the type, size, and location of the exit, may authorize a lesser number of additional occupants.

3. For airplanes which have a ratio (as computed from the table in this special regulation) of maximum number of occupants to number of exits greater than 14:1 and for airplanes which do not have installed at least one full-size door-type exit in the side of the fuselage in the

rearward portion of the cabin, the first additional exit approved by the Administrator for increased occupancy shall be a floor-level exit not less than 24 inches wide by 48 inches high located in the side of the fuselage in the rearward portion of the cabin. In no case shall an occupancy greater than 115 be allowed unless there is such an exit on each side of the fuselage.

4. The maximum number of occupants authorized (listed in the table) shall be reduced where the number of approved exits is less than that shown in the table. The reduction in the maximum number of occupants for each exit eliminated shall be determined by the Administrator taking due account of the effectiveness of the remaining exits for emergency evacuation, except that the maximum number of occupants shall be reduced by at least 8 for each eliminated exit. In no case, when exits are deleted, shall the resulting ratio of occupants to exits be greater than 14:1, and there shall be at least one exit on each side of the fuselage irrespective of the number of occupants.

Airplane type	*Maximum* number of occupants including all crew members	*Corresponding* number of exits authorized for passenger use
B–307	61	4
B–377	96	9
C–46	67	4
CV–240	53	6
CV–340 and CV–440	53	6
DC–3	35	4
DC–3 (Super)	39	5
DC–4	86	5
DC–6	87	7
DC–6B*	112	11
L–18	17	3
L–049, L–649, L–749	87	7
L–1049 series	96	9
M–202	53	6
M–404	53	7
Viscount 700 series	53	7

*The DC–6A, if converted to a passenger transport configuration, will be governed by the maximum number applicable to the DC–6B.

This regulation supersedes Special Civil Air Regulation No. SR–389A as amended by Amendment No. 1 and shall remain effective until superseded or rescinded by the Board or the Administrator of the Federal Aviation Agency, as appropriate.

(Note: See page 40 for Amendment No. 1 to this regulation.)

AMENDMENT 1 TO SPECIAL CIVIL AIR REGULATION NO. SR-389B

Effective: September 11, 1959
Adopted: September 11, 1959

Emergency Exits for Airplanes Carrying Passengers for Hire

Special Civil Air Regulation No. SR-389B, adopted by the Civil Aeronautics Board on December 24, 1958, and effective January 30, 1959, specified in part that no large airplane while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the provisions of section 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b-5 effective April 9, 1957, except for those airplanes listed in the table in SR-389B. Special Civil Air Regulations SR-389A, which preceded SR-389B, contained a similar provision but referred to Amendment 4b-4 effective December 20, 1951. The effect of SR-389B was to apply the current Part 4b exit requirements referenced in SR-389A.

A review of the history of the development of SR-389B indicates that such retroactive application of current Part 4b requirements was included inadvertently and that it would impose an unnecessary burden on the operators of certain airplanes. SR-389B is therefore being amended to eliminate this retroactive provision.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment is made effective immediately.

In consideration of the foregoing, Paragraph 1 of Special Civil Air Regulation No. SR-389B is hereby amended to read as follows, effective September 11, 1959.

1. Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (more than 12,500 pounds maximum certificated take-off weight) type certificated under Civil Air Regulations effective prior to April 9, 1957, while carrying passengers for hire, shall be operated with occupants in excess of the number permitted by applying the provisions of section 4b.362 (a), (b), and (c) of Part 4b of Civil Air Regulations as amended by Amendment 4b-4 effective December 20, 1951, except that airplane types listed in the following table may be operated with the listed maximum number of occupants (including all crew members) and the listed corresponding number of exits (including emergency exits and doors) heretofore approved by the Administrator for the emergency egress of passengers.