U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

JAN 4 2011

John A. Bedson
Director of Operations
Compass Airlines, Inc.
7500 Airline Drive, Suite 130
Minneapolis, MN 55450

Dear Mr. Bedson,

This is in response to your September 10, 2010, letter, written on behalf of Compass Airlines, Inc., regarding the application of 14 C.F.R. § 121.589(b) to the following factual scenario.

Compass Airlines would like to run its weight distribution software after its airplane's main cabin door has been closed and it has verified that all carry-on baggage has been properly stowed. Depending on the information provided by the software, Compass Airlines may need to move certain passengers and their carry-on baggage to a different part of the passenger cabin. Noting the requirements of § 121.589(b), you question whether carry-on baggage may be moved within the passenger cabin after the main cabin door is closed but prior to movement of the aircraft.

Section 121.589(b) prohibits the closure of "all passenger entry doors of an airplane...unless at least one required crewmember has verified that each article of baggage is stowed in accordance with this section and § 121.285(c) and (d)." The preamble to the final rule explains that the reason that § 121.589(b) requires verification of stowed baggage prior to the closure of passenger entry doors is to allow for efficient removal or checking of baggage that cannot be properly stowed. *See* 52 Fed. Reg. 21472, 21473-74 (June 5, 1987). The preamble adds that after the airline verifies that all baggage has been properly stowed and the cabin doors have been closed, "the passenger should be free to remove stowed personal items from storage spaces in order to retrieve personal belongings as long as all items are again properly stowed prior to takeoff." *Id.* at 21475.

Applying the language in the preamble to the facts of your letter, it appears that § 121.589(b) does not bar Compass Airlines from moving carry-on baggage within the passenger cabin after its crewmembers verify that it has been properly stowed and the cabin doors have been closed. As the preamble explains, the purpose of § 121.589(b) is to permit the checking or removal of baggage that cannot be properly stowed prior to the closure of cabin doors. *See id.* at 21473-74. That purpose is fulfilled once any such baggage has been checked or removed and Compass Airlines' crewmembers verify that all the remaining

carry-on baggage on the plane has been properly stowed. After this verification occurs, the airplane may close its cabin doors and carry-on baggage may be moved within the passenger cabin without violating § 121.589(b) as long as all items are again properly stowed prior to takeoff. *See id.* 21473-75.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Alex Zektser, Attorney, Operations Law Branch of the Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200