

**National Transportation Safety Board**  
**Disposition of Safety Recommendation A-95-51**  
**to the**  
**Federal Aviation Administration (FAA)**  
**to Require The Use of Child Safety Seats on Airplanes**  
**August 3, 2004**

Safety Recommendation A-95-51, asked the FAA to “revise 14 *Code of Federal Regulations* [CFR] Parts 91, 135, and 121 to require that all occupants be restrained during takeoff, landing, and turbulent conditions, and that all infants and small children be restrained in a manner appropriate to their size.”

At the November 2003 Most Wanted Board meeting on Federal issues, the Safety Board deferred action on Safety Recommendation A-95-51 and requested that a briefing be arranged from the Federal Aviation Administration (FAA) and other interested parties on their positions related to this recommendation.

On January 21, 2004, the FAA and the National Highway Traffic Safety Administration (NHTSA) briefed the Board Members and staff on their position regarding child restraints on aircraft. On February 26, 2004, the American Academy of Pediatrics (AAP) and the Association of Flight Attendants (AFA) briefed the Board Members and staff on their positions related to child restraints on aircraft.

The Board first classified Safety Recommendation A-95-51 “Open-Unacceptable Response” in October 1995 when the FAA proposed an education campaign rather than require use. The FAA based its response on a 1995 report to Congress that concluded that if parents were required to pay a fare for their under 2-year-old children that some number of parents would drive rather than fly. Because automobile travel is more dangerous than flying, the FAA determined that there would be a net increase in fatalities as a result of the diversion to automobiles.

The Safety Board responded that the FAA’s projected costs to air travelers, revenue losses to airlines, and passenger diversions to automobiles as a result of mandated child restraint use for infants were based upon incomplete information and the recommendation was classified “Open—Unacceptable Response.”

In February 1998, the FAA issued an Advanced Notice of Proposed Rulemaking, in response to a 1997 recommendation of the White House Commission on Safety and Security, seeking comments related to the use of child restraints in aircraft during all phases of flight. In June 1999, the Board classified the recommendation “Open—Acceptable Response” based on the ANPRM. The recommendation remained in an “Open—Acceptable” status as the FAA moved from the ANPRM phase through the drafting of the NPRM.

In a January 2004 meeting, the FAA advised the Safety Board that it was not going to proceed with the NPRM but would instead conduct an education campaign to increase voluntary child safety seat use on aircraft.

Today, Safety Board staff presented a new analysis to the Board of the diversion to automobile issue. The Safety Board voted to reclassify Safety Recommendation A-95-51 saying that while it was hopeful that the new education campaign proposed by the FAA would result in an increase in the use of child safety seats on aircraft, until the campaign is in effect and its effect at increasing voluntary child safety seat use evaluated, the diversion to automobile issue resolved, or regulatory action is taken, Safety Recommendation A-95-51 would be classified “Open—Unacceptable Response.” The Board also voted to retain the issue on the Most Wanted list.

Attached are the slides and analysis that the Safety Board used in its deliberations.

#### Attachments

1. Slide presentation
2. Analysis of Diversion to Automobile in regard to the disposition of Safety Recommendation A-95-51