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(6) A person performing duty as an honor guard accompanying a shipment made by or under the authority of the United States.

(7) A military courier, military route supervisor, military cargo contract coordinator, or a flight crewmember of another military cargo contract air carrier or commercial operator, carried by a military cargo contract air carrier or commercial operator in operations under a military cargo contract, if that carriage is specifically authorized by the appropriate armed forces.

(8) A dependent of an employee of the certificate holder when traveling with the employee on company business to or from outlying stations not served by adequate regular passenger flights.

(b) No certificate holder may operate an airplane carrying a person covered by paragraph (a) of this section unless—

(1) Each person has unobstructed access from his seat to the pilot compartment or to a regular or emergency exit;

(2) The pilot in command has a means of notifying each person when smoking is prohibited and when safety belts must be fastened; and

(3) The airplane has an approved seat with an approved safety belt for each person. The seat must be located so that the occupant is not in any position to interfere with the flight crewmembers performing their duties.

(c) Before each takeoff, each certificate holder operating an airplane carrying persons covered by paragraph (a) of this section shall ensure that all such persons have been orally briefed by the appropriate crewmember on—

(1) Smoking;

(2) The use of seat belts;

(3) The location and operation of emergency exits;

(4) The use of oxygen and emergency oxygen equipment; and

(5) For extended overwater operations, the location of life rafts, and the location and operation of life preservers including a demonstration of the method of donning and inflating a life preserver.

(d) Each certificate holder operating an airplane carrying persons covered by paragraph (a) of this section shall incorporate procedures for the safe car-

riage of such persons into the certificate holder's operations manual.

(e) The pilot in command may authorize a person covered by paragraph (a) of this section to be admitted to the crew compartment of the airplane.

[Doc. No. 10580, 35 FR 14612, Sept. 18, 1970, as amended by Amdt. 121-96, 37 FR 19608, Sept. 21, 1972; Amdt. 121-159, 45 FR 41594, June 19, 1980; Amdt. 121-232, 57 FR 48663, Oct. 27, 1992; Amdt. 121-251, 60 FR 65935, Dec. 20, 1995; Amdt. 121-253, 61 FR 2614, Jan. 26, 1996; Amdt. 121-298, 68 FR 41217, July 10, 2003]

**§ 121.584 Requirement to view the area outside the flightdeck door.**

From the time the airplane moves in order to initiate a flight segment through the end of that flight segment, no person may unlock or open the flightdeck door unless:

(a) A person authorized to be on the flightdeck uses an approved audio procedure and an approved visual device to verify that:

(1) The area outside the flightdeck door is secure, and;

(2) If someone outside the flightdeck is seeking to have the flightdeck door opened, that person is not under duress, and;

(b) After the requirements of paragraph (a) of this section have been satisfactorily accomplished, the crewmember in charge on the flightdeck authorizes the door to be unlocked and open.

[Amdt. 121-334, 72 FR 45635, Aug. 15, 2007]

**§ 121.585 Exit seating.**

(a)(1) Each certificate holder shall determine, to the extent necessary to perform the applicable functions of paragraph (d) of this section, the suitability of each person it permits to occupy an exit seat, in accordance with this section. For the purpose of this section—

(i) *Exit seat* means—

(A) Each seat having direct access to an exit; and,

(B) Each seat in a row of seats through which passengers would have to pass to gain access to an exit, from the first seat inboard of the exit to the first aisle inboard of the exit.

(ii) A passenger seat having "direct access" means a seat from which a passenger can proceed directly to the exit

without entering an aisle or passing around an obstruction.

(2) Each certificate holder shall make the passenger exit seating determinations required by this paragraph in a non-discriminatory manner consistent with the requirements of this section, by persons designated in the certificate holder's required operations manual.

(3) Each certificate holder shall designate the exit seats for each passenger seating configuration in its fleet in accordance with the definitions in this paragraph and submit those designations for approval as part of the procedures required to be submitted for approval under paragraphs (n) and (p) of this section.

(b) No certificate holder may seat a person in a seat affected by this section if the certificate holder determines that it is likely that the person would be unable to perform one or more of the applicable functions listed in paragraph (d) of this section because—

(1) The person lacks sufficient mobility, strength, or dexterity in both arms and hands, and both legs:

(i) To reach upward, sideways, and downward to the location of emergency exit and exit-slide operating mechanisms;

(ii) To grasp and push, pull, turn, or otherwise manipulate those mechanisms;

(iii) To push, shove, pull, or otherwise open emergency exits;

(iv) To lift out, hold, deposit on nearby seats, or maneuver over the seatbacks to the next row objects the size and weight of over-wing window exit doors;

(v) To remove obstructions similar in size and weight to over-wing exit doors;

(vi) To reach the emergency exit expeditiously;

(vii) To maintain balance while removing obstructions;

(viii) To exit expeditiously;

(ix) To stabilize an escape slide after deployment; or

(x) To assist others in getting off an escape slide;

(2) The person is less than 15 years of age or lacks the capacity to perform one or more of the applicable functions listed in paragraph (d) of this section without the assistance of an adult companion, parent, or other relative;

(3) The person lacks the ability to read and understand instructions required by this section and related to emergency evacuation provided by the certificate holder in printed or graphic form or the ability to understand oral crew commands.

(4) The person lacks sufficient visual capacity to perform one or more of the applicable functions in paragraph (d) of this section without the assistance of visual aids beyond contact lenses or eyeglasses;

(5) The person lacks sufficient aural capacity to hear and understand instructions shouted by flight attendants, without assistance beyond a hearing aid;

(6) The person lacks the ability adequately to impart information orally to other passengers; or,

(7) The person has:

(i) A condition or responsibilities, such as caring for small children, that might prevent the person from performing one or more of the applicable functions listed in paragraph (d) of this section; or

(ii) A condition that might cause the person harm if he or she performs one or more of the applicable functions listed in paragraph (d) of this section.

(c) Each passenger shall comply with instructions given by a crewmember or other authorized employee of the certificate holder implementing exit seating restrictions established in accordance with this section.

(d) Each certificate holder shall include on passenger information cards, presented in the language in which briefings and oral commands are given by the crew, at each exit seat affected by this section, information that, in the event of an emergency in which a crewmember is not available to assist, a passenger occupying an exit seat may use if called upon to perform the following functions:

(1) Locate the emergency exit;

(2) Recognize the emergency exit opening mechanism;

(3) Comprehend the instructions for operating the emergency exit;

(4) Operate the emergency exit;

(5) Assess whether opening the emergency exit will increase the hazards to which passengers may be exposed;

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(6) Follow oral directions and hand signals given by a crewmember;

(7) Stow or secure the emergency exit door so that it will not impede use of the exit;

(8) Assess the condition of an escape slide, activate the slide, and stabilize the slide after deployment to assist others in getting off the slide;

(9) Pass expeditiously through the emergency exit; and

(10) Assess, select, and follow a safe path away from the emergency exit.

(e) Each certificate holder shall include on passenger information cards, at each exit seat—

(1) In the primary language in which emergency commands are given by the crew, the selection criteria set forth in paragraph (b) of this section, and a request that a passenger identify himself or herself to allow reseating if he or she:

(i) Cannot meet the selection criteria set forth in paragraph (b) of this section;

(ii) Has a nondiscernible condition that will prevent him or her from performing the applicable functions listed in paragraph (d) of this section;

(iii) May suffer bodily harm as the result of performing one or more of those functions; or

(iv) Does not wish to perform those functions; and

(2) In each language used by the certificate holder for passenger information cards, a request that a passenger identify himself or herself to allow reseating if he or she lacks the ability to read, speak, or understand the language or the graphic form in which instructions required by this section and related to emergency evacuation are provided by the certificate holder, or the ability to understand the specified language in which crew commands will be given in an emergency.

(3) May suffer bodily harm as the result of performing one or more of those functions; or,

(4) Does not wish to perform those functions.

A certificate holder shall not require the passenger to disclose his or her reason for needing reseating.

(f) Each certificate holder shall make available for inspection by the public at all passenger loading gates and tick-

et counters at each airport where it conducts passenger operations, written procedures established for making determinations in regard to exit row seating.

(g) No certificate holder may allow taxi or pushback unless at least one required crewmember has verified that no exit seat is occupied by a person the crewmember determines is likely to be unable to perform the applicable functions listed in paragraph (d) of this section.

(h) Each certificate holder shall include in its passenger briefings a reference to the passenger information cards, required by paragraphs (d) and (e), the selection criteria set forth in paragraph (b), and the functions to be performed, set forth in paragraph (d) of this section.

(i) Each certificate holder shall include in its passenger briefings a request that a passenger identify himself or herself to allow reseating if he or she—

(1) Cannot meet the selection criteria set forth in paragraph (b) of this section;

(2) Has a nondiscernible condition that will prevent him or her from performing the applicable functions listed in paragraph (d) of this section;

(3) May suffer bodily harm as the result of performing one or more of those functions listed in paragraph (d) of this section; or,

(4) Does not wish to perform those functions listed in paragraph (d) of this section.

A certificate holder shall not require the passenger to disclose his or her reason for needing reseating.

(j) [Reserved]

(k) In the event a certificate holder determines in accordance with this section that it is likely that a passenger assigned to an exit seat would be unable to perform the functions listed in paragraph (d) of this section or a passenger requests a non-exit seat, the certificate holder shall expeditiously relocate the passenger to a non-exit seat.

(l) In the event of full booking in the non-exit seats and if necessary to accommodate a passenger being relocated

from an exit seat, the certificate holder shall move a passenger who is willing and able to assume the evacuation functions that may be required, to an exit seat.

(m) A certificate holder may deny transportation to any passenger under this section only because—

(1) The passenger refuses to comply with instructions given by a crewmember or other authorized employee of the certificate holder implementing exit seating restrictions established in accordance with this section, or

(2) The only seat that will physically accommodate the person's handicap is an exit seat.

(n) In order to comply with this section certificate holders shall—

(1) Establish procedures that address:

(i) The criteria listed in paragraph (b) of this section;

(ii) The functions listed in paragraph (d) of this section;

(iii) The requirements for airport information, passenger information cards, crewmember verification of appropriate seating in exit seats, passenger briefings, seat assignments, and denial of transportation as set forth in this section;

(iv) How to resolve disputes arising from implementation of this section, including identification of the certificate holder employee on the airport to whom complaints should be addressed for resolution; and,

(2) Submit their procedures for preliminary review and approval to the principal operations inspectors assigned to them at the certificate-holding district office.

(o) Certificate holders shall assign seats prior to boarding consistent with the criteria listed in paragraph (b) and the functions listed in paragraph (d) of this section, to the maximum extent feasible.

(p) The procedures required by paragraph (n) of this section will not become effective until final approval is granted by the Director, Flight Standards Service, Washington, DC. Approval will be based solely upon the

safety aspects of the certificate holder's procedures.

[Doc. No. 25821, 55 FR 8072, Mar. 6, 1990, as amended by Amdt. 121-232, 57 FR 48663, Oct. 27, 1992; Amdt. 121-253, 61 FR 2614, Jan. 26, 1996]

**§ 121.586 Authority to refuse transportation.**

(a) No certificate holder may refuse transportation to a passenger on the basis that, because the passenger may need the assistance of another person to move expeditiously to an exit in the event of an emergency, his transportation would or might be inimical to safety of flight unless—

(1) The certificate holder has established procedures (including reasonable notice requirements) for the carriage of passengers who may need the assistance of another person to move expeditiously to an exit in the event of an emergency; and

(2) At least one of the following conditions exist:

(i) The passenger fails to comply with the notice requirements in the certificate holder's procedures.

(ii) The passenger cannot be carried in accordance with the certificate holder's procedures.

(b) Each certificate holder shall provide the certificate-holding district office with a copy of each procedure it establishes in accordance with paragraph (a)(2) of this section.

(c) Whenever the Administrator finds that revisions in the procedures described in paragraph (a)(2) of this section are necessary in the interest of safety or in the public interest, the certificate holder, after notification by the Administrator, shall make those revisions in its procedures. Within 30 days after the certificate holder receives such notice, it may file a petition to reconsider the notice with the certificate-holding district office. The filing of a petition to reconsider stays the notice pending a decision by the Administrator. However, if the Administrator finds that there is an emergency that requires immediate action in the interest of safety in air commerce, he may, upon a statement of the reasons, require a change effective without stay.