



U.S. Department
of Transportation
Federal Aviation
Administration

Memorandum

Subject: Request for an Interpretation of
14 CFR Section 121.393

Date: MAY - 8 2001

From: Donald P. Byrne
Assistant Chief Counsel
Regulations Division, AGC-200

Reply to
Attn. of:

To: Gregory Michael
Manager, Air Transportation Division, AFS-200

This is in response to an inquiry from personnel on your staff concerning the number of flight attendants required to be on board each passenger-carrying airplane used by a certificate holder in part 121 operations. Specifically, personnel on your staff seek confirmation as to how many flight attendants must be on board an aircraft, which is required to have a flight attendant or flight attendants, during the boarding and deplaning process.

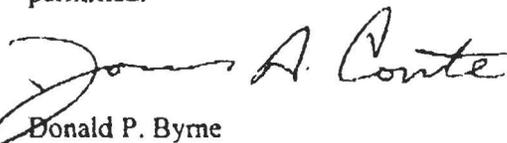
As you know, by memorandum dated May 14, 1985, John Cassady, who was the Assistant Chief Counsel for Regulations and Enforcement, wrote to one of your predecessors in the Air Transportation Division concerning the requirements of 14 CFR Section 121.391 (1985). Paragraph (e) in former section 121.391 was recodified into current Section 121.393(b) during the "Commuter Rule" project. Other than amending the rules to deal with certain nontransport category airplanes moving from part 135 operations into part 121 operations and other than moving the concepts contained in paragraph (e) of old Section 121.391 to current Section 121.393(b), nothing changed in regard to the regulatory requirements for the number of flight attendants who must be on board.

Thus, current Section 121.391 (a) specifies the number of flight attendants who must be on board a passenger-carrying airplane based on different factors including the seating capacity of the airplane and, in some instances, the payload capacity of the airplane. This section is broadly applicable to "each passenger-carrying airplane used" by a part 119 certificate holder conducting operations under part 121.

During the boarding and deplaning process, all of the flight attendants required by Section 121.391(a) must be on board the airplane.¹ At stops where passengers remain

¹ Of course, there are some passenger-carrying operations conducted under part 121 for which the rules do not require any flight attendant to be on board. This memorandum only addresses those situations for which the rules require one or more flight attendants.

on board (often referred to as "intermediate stops"), Section 121.393(b) contains language that permits a reduction in the number of flight attendants required under Section 121.391(a) when certain conditions are met. Furthermore, at such "intermediate stops" when no passengers are deplaning or boarding, the certificate holder may substitute -- for each required flight attendant -- people qualified in emergency evacuation procedures for that aircraft. Those substitutes must be identified to the passengers. However, during the *deplaning and boarding phases* at "intermediate stops", the full complement of flight attendants required by Section 121.391(a) must be on board the aircraft. Thus, at so-called intermediate stops, the only time that a part 119 certificate holder, that is subject to Sections 121.391 and 121.393, can reduce the number of flight attendants is when all remaining on-board passengers are continuing to the next destination and no other passengers are deplaning or boarding. *When passengers are being deplaned* at so-called intermediate stops, a reduction in the number of flight attendants is not permitted. *When passengers are being boarded* at so-called intermediate stops, a reduction in the number of required flight attendants is not permitted.

Donald P. Byme

