14 APR 1980

Ms. Delfina R. Mott
Director of Safety
Association of Flight Attendants

Dear Ms. Mott:

This is in reply to your letter of January 8, 1980, in which you request information regarding the definition of an infant carrier, and the proper placement of such a carrier during takeoff and landing.

There is no regulatory definition of the term infant carrier the Federal Aviation Regulations. Considering the purpose of regulations concerning carry-on baggage, the agency practice has been that an "infant carrier" which is of a rigid or hard surface construction must be treated as carry-on baggage for the purpose of § 121.589. Accordingly, such a device would have to be stored in compliance with that section during takeoff and landing. Since you indicate there may be some inconsistency, we are requesting our Air Transportation Division to take such steps as are necessary to ensure consistency of application among all the regions.

We note your statement that an infant under two years of age may be held by an adult or person over 12 years of age during takeoff and landing. In a telephone conversation held with this office on 3/26/80, you indicated your belief that since persons over 12 years old are allowed to travel by themselves, then such persons would be the equivalent of an adult for purposes of Secion 121.311 which deals with seats and safety belt requirements.

We cannot agree, and are unfamiliar with any interpretation that a 12 year old is equivalent to an adult. We have also confirmed with the Air Transportation Division that there is no agency practice which treats a 12 year old as an adult. The word "adult" as it appears in Section 121.311 is used in the ordinary sense of the word to denote a person 18 years of age or older.

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ORIGINAL SIGNED BY
EDWARD P. FABERMAN

Edward P. Faberman
Acting Assistant Chief Counsel
Regulations and Enforcement Division
Office of the Chief Counsel