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Federal Aviation
Administration**

InFO

Information for Operators

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http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info/all_infos

An InFO contains valuable information for operators that should help them meet certain administrative, regulatory, or operational requirements, with relatively low urgency or impact on safety. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Subject: Title 14 Code of Federal Regulations (14 CFR) Part 135 Passenger Seating Configuration and Flight Data Recorder (FDR) Requirements.

Purpose: This InFO reminds certificate holders operating under part 135 of the FDR equipage requirements specific to passenger seating configuration.

Background: In 2008, the Federal Aviation Administrations (FAA) Office of Chief Council issued a legal interpretation¹ regarding seating configurations for aircraft operated under part 135 and the impact the seating has on maintenance programs and FDR equipage. Recent inquiries to the FAA Aircraft Maintenance Division has revealed confusion related to seating configurations and FDR installations.

Discussion: Section 135.152, Flight data recorders, specifically references “passenger seating configuration”. The 2008 FAA legal interpretation found this to mean the actual number of seats installed. The 2008 FAA legal interpretation also found that seating cannot be reduced by placard, blocking seats or removing seat belts to avoid applicability of the regulation. Any Supplemental Type Certificate (STC) that does not physically remove seats to a specified number of installed seats with the intent to meet an operating rule will not relieve the operator from any applicable operating rule.

Recommended Action: Directors of Maintenance (DOM) should review their aircraft seating configurations and a recent FDR report for each aircraft to verify compliance with § 135.152. When DOMs evaluate the aircraft seating configuration and FDR parameters being recorded, they must, per §135.152(j), pay attention to the aircraft date of manufacture and the date when an aircraft was added to Operations Specifications (OpSpecs).

Contact: Direct questions or comments regarding this InFO to the Aircraft Maintenance Division’s Avionics Group’s General Aviation Branch at 9-AWA-AFS-300-Correspondence@faa.gov.

¹ [Dukats-CASAAustralia 2008 Legal Interpretation \(faa.gov\)](#)