



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: **INFORMATION:** Modifications to Payload
Capacity and Passenger Seat Configuration

Date: AUG - 8 2002

From: Director, Flight Standards Service, AFS-1

Reply to
Attn. of:

To: All Flight Standards Regional Division
Managers
ATTN: All Flight Standards District Offices

There have been a number of instances where a Supplemental Type Certificate (STC) or other approved technical amendment to the type certification data results in a limitation or reduction of the maximum payload capacity for a particular make, model, and series airplane. This reduction is achieved through a reduction of the maximum zero fuel weight (MZFW) or other means. The most recent instance involves the Boeing Business Jet (BBJ), but is not limited to this airplane.

Title 14 Code of Federal Regulations (14 CFR) part 119 defines, for air carriers and commercial operators, which operating rule (14 CFR part 121, 125 or 135) will apply to the operation of their aircraft. Title 14 CFR part 119 references passenger seat configuration and payload capacity to determine the applicable operating rules. In general, on-demand operation of airplanes having a passenger seat configuration of 30 seats or fewer, excluding each crewmember seat, AND a payload capacity of 7,500 pounds or less are conducted under 14 CFR part 135. On-demand operations of multiengine airplanes with a passenger seat configuration of more than 30 seats OR a payload capacity of more than 7500 pounds are conducted under 14 CFR part 121.

Title 14 CFR part 125 prescribes rules governing the operations of U.S. registered airplanes that have a seating configuration of 20 or more passenger seats, or a maximum payload capacity of 6,000 pounds or more when common carriage is not involved.

This memorandum reaffirms the Flight Standards policy that the passenger seat configuration and (maximum) payload capacity as defined in 14 CFR part 119 and in 14 CFR parts 121, 125, and 135, determine the applicable operating rule. If the passenger seating configuration or maximum payload capacity is modified,

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restricted, or limited through Federal Aviation Administration (FAA)-approved means (i.e.: STC, Aircraft Flight Manual revision), the amended passenger seat configuration and payload capacity can be used to determine the applicable operating rules.

For example, a BBJ receives a FAA-approved reduction of the maximum zero fuel weight that results in a maximum payload capacity of 7,500 pounds or less. This airplane also has a seating configuration of 30 or fewer passenger seats. Since it meets the applicability requirements of 14 CFR part 119 discussed above, this airplane would be permitted to operate under 14 CFR part 135 of the regulations instead of 14 CFR part 121. The same logic would hold true if the payload capacity had been modified to 6000 pounds or less and a passenger seat configuration of 20 seats or fewer. In this instance, the airplane would be permitted certain operations under 14 CFR part 91 instead of 14 CFR part 125.

The FAA will initiate rulemaking efforts to determine if additional safety and operational requirements should be established for these large airplanes when operated under 14 CFR part 91 or part 135.

If there are any questions on this policy contact Katherine Perfetti, AFS-200, 202-267-3760, or at katherine.perfetti@faa.gov.


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