



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

Aviation Safety  
Aircraft Certification Service

800 Independence Ave., S.W.  
Washington, DC 20591

Mr. Paul Hudson  
President  
FlyersRights.org  
1440 G Street NW  
Washington, DC 20005

Dear Mr. Hudson:

This letter is in response to your petition, dated October 5, 2022, and posted to public docket No. FAA-2022-1353, requesting that the Federal Aviation Administration (FAA) mandate new minimum seat size standards for commercial airlines. The petition asks the FAA to impose the following specific minimum standards:

1. Seat pitch: at least 32.1 inches;
2. Seat width (distance between armrests): at least 20.1 inches;
3. Dimension B<sup>1</sup>: at least 10 inches at armrest level and 8.3 inches at cushion level;
4. Dimension C<sup>2</sup>: at least 7.5 inches;
5. Shoulder width: at least 21.7 inches;
6. Elbow width: at least 22.5 inches;
7. Foot clearance: at least 13.8 -14.2 inches<sup>3</sup>;
8. Vertical free foot space: at least 8.3 inches;
9. Foot clearance envelope: at least 45.9 inches; and
10. A collapsible footrest.

In accordance with Title 14, Code of Federal Regulations (14 CFR) section 11.73(a), the FAA considers the following criteria when deciding whether to propose revising current regulations based on a petition for rulemaking:

1. The immediacy of the safety or security concerns you raise,
2. The priority of other issues the FAA must deal with, and
3. The resources we have available to address these issues.

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<sup>1</sup> The petition identifies Dimension B as the minimum distance between a seat and the seat (or structure) immediately in front of it, as defined in the United Kingdom Civil Aviation Authority Airworthiness (UKCAA) Notice 64, issued March 1989. However, the UKCAA does not currently enforce this Notice.

<sup>2</sup> The petition identifies Dimension C as the minimum vertically-projected distance between seat rows, as defined in UKCAA Notice 64.

<sup>3</sup> Although not defined in the petition, the FAA infers that items 7-9, which generally relate to the provision of foot space, are requested to have the same meaning as in the reference cited in the petition: Quigley, Claire, Dean Southall, Martin Freer, Alan Moody, and J. Mark Porter, "Anthropometric Study to Update Minimum Aircraft Seating Standards," 2019, available at <https://hdl.handle.net/2134/701>.

Aviation safety is the FAA's top priority. Similarly, the FAA recognizes the petitioner's longstanding commitment to aviation safety, and we reviewed your petition with that in mind. However, after considering the foregoing criteria, the FAA determined that the current petition does not merit rulemaking.

### **Immediacy of Safety or Security Concerns.**

*Sections 337 and 577 of FAA Reauthorization Act of 2018.*

The petition cites Sections 337 and 577 of the FAA Reauthorization Act of 2018 (P.L. 115-254) in support of its request that the FAA conduct new rulemaking. Specifically, FlyersRights asserts that rulemaking mandating minimum seat size standards is necessary to fulfill the requirements of Sections 337 and 577 of the FAA Reauthorization Act of 2018.

The referenced Section 337 required the FAA to review, in conjunction with aviation experts and other interested parties, a wide variety of issues relating to evacuation certification of transport-category aircraft and report the results to Congress. In response, the FAA formed an Emergency Evacuation Standards Aviation Rulemaking Committee, or ARC, on which your organization served and you participated.<sup>4</sup> This ARC studied nearly three hundred real-world airplane emergency evacuations that have occurred over the last decade. Its report, which is complete and was submitted as part of a broader FAA report to Congress,<sup>5</sup> found the overall safety of evacuations to be very high,<sup>6</sup> and thus no indication of an immediate safety issue with regard to evacuations. Although this ARC concluded its review, the FAA notes that it continuously monitors, and gathers data from, real-world emergency evacuations, occurring both in the U.S. and elsewhere, and has found no new data compelling the agency to propose rulemaking to mandate the minimum dimensions and footrest that this petition requests.<sup>7</sup>

Section 577 of the FAA Reauthorization Act of 2018 requires the FAA to prescribe such minimum dimensions for passenger seats as are necessary for the safety of passengers. The D.C. Circuit Court of Appeals recently found that Section 577 does not compel the FAA to mandate new minimum seat dimensions, unless such dimensions are "necessary for the safety of passengers."<sup>8</sup> As addressed herein, this petition fails to demonstrate to the FAA that the requested dimensions and footrest are necessary for passenger safety, or that their absence presents an immediate safety concern pursuant to 14 CFR § 11.73(a)(1).<sup>9</sup>

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<sup>4</sup> [https://www.faa.gov/regulations\\_policies/rulemaking/committees/documents/index.cfm/document/information?documentID=5488](https://www.faa.gov/regulations_policies/rulemaking/committees/documents/index.cfm/document/information?documentID=5488).

<sup>5</sup> Emergency Evacuation Standards ARC report, May 2020 ("ARC Report"), at 9. The ARC Report is available at the preceding website.

<sup>6</sup> ARC Report at pp. iii and 57.

<sup>7</sup> PLACEHOLDER FOOTNOTE FOR SUPPORTING DOCUMENTATION (SOP or Gardlin Declaration).

<sup>8</sup> *In Re Flyers Rights Education Fund, Inc.*, 2023 WL 2335745 (D.C. Cir., Mar. 3, 2023).

<sup>9</sup> Pursuant to Section 577, the FAA sought the public's input as to whether new seat dimensions are necessary for the safety of passengers. *Request for Comments in Minimum Seat Dimensions Necessary for Safety of Air Passengers (Emergency Evacuation)*, 87 FR 47494 (Aug. 2, 2022). The overwhelming majority of comments, including this petition, expressed a preference for wider seats or more legroom. The FAA continues to review and analyze the more than 26,000 comments submitted.

*Deep Vein Thrombosis and Pulmonary Embolism (DVT/PE).*

The petition also asserts, in support of its request for new seat standards, that there is an untenable risk of DVT/PE to airline travelers.<sup>10</sup> The petition cites studies finding that flights of long duration, and hypoxia from a lower-oxygen cabin environment, can increase the risk of DVT, especially for persons that have a risk factor. The petition cites reports that hundreds of thousands of Americans are affected by DVT each year. However, the petition also acknowledges that “there are insufficient studies to dismiss the idea that seat size does not exacerbate the incidence of DVT,” and recommends that, “in this absence, the FAA should study the effect of decreased seat size on DVT in the airplane environment.”

FlyersRights previously raised its concern about DVT to the FAA, in a 2015 petition for rulemaking on seat sizes. The FAA examined the issue, and found that the initiation of rulemaking for minimum seat dimensions was not warranted by the available data on DVT. The agency’s declination to initiate rulemaking on this issue was upheld, as reasonable, by the D.C. Circuit Court of Appeals.<sup>11</sup> The Court found that the FAA’s declination to initiate rulemaking was supported by a study finding that DVT is extremely rare, and that risk of it was not higher in economy class than business class. The petition currently before the FAA does not show a causal connection between this concern and any of the new standards that FlyersRights seeks the FAA to mandate.<sup>12</sup>

However, in considering the current petition, the FAA reviewed the scientific literature for potential changes since 2015 and found no recent studies or data that correlate any of the requested seat dimensions with the frequency of DVT/PE.<sup>13</sup> Recent studies,<sup>14</sup> including blood testing of passengers on long flights, suggest that the overall risk of this issue occurring in air travel remains low. The FAA agrees with the World Health Organization (WHO) and Centers for Disease Control and Prevention (CDC) that individual passenger risk factors and demographics are the dominant causes of DVT/PE, whether occurring during air travel or elsewhere.<sup>15</sup> Also, the overriding scientific advice to prevent DVT/PE, whether in air travel or otherwise, continues to be to reduce the risks caused by long periods of sitting via hydration, the wear of compression socks, and occasionally standing up and walking around.<sup>16</sup> Accordingly, existing data does not support the initiation of rulemaking to mandate new requirements for seat dimensions, and a footrest, to address the risk of DVT/PE.

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<sup>10</sup> Petition at pp. 6-9 and 21-22.

<sup>11</sup> *Flyers Rights Education Fund, Inc., v. Federal Aviation Administration*, 864 F.3d 738, 749 (D.C. Cir. 2017).

<sup>12</sup> Petition at p. 8.

<sup>13</sup> March 24, 2023 Memorandum from Susan Jay Team Lead, Aerospace & Environmental Physiology Research Team, CAMI, in the docket for this petition.

<sup>14</sup> Health Effects of Airline Cabin Environments in Simulated 8-Hour Flights  
Ideal Cabin Environment (ICE) Research Consortium\* of the European Community 6th Framework Programme, Aerospace Medicine and Human Performance Vol. 88, No. 7 July 2017, available at [Health Effects of Airline Cabin Environments in Simulated 8-Hour ...: Ingenta Connect](#)

<sup>15</sup> <https://www.cdc.gov/ncbddd/dvt/facts.html>

<sup>16</sup> <https://www.cdc.gov/ncbddd/dvt/travel.html>

### *Safe Evacuation.*

The petition challenges whether current FAA design standards provide for safe evacuation in survivable accidents.

FAA regulations, however, require each transport category airplane to provide for safe evacuation. Section 25.803(a) of 14 CFR requires all transport airplane designs to provide for rapid evacuation in crash landings, including in case of fire. Additionally, 14 CFR § 25.562(c)(8) requires that seats not deform to the extent that they could impede rapid egress. These performance-based regulations ensure safe evacuation in an emergency regardless of seat size. If the seat pitch, width, or other dimension of a proposed design prevented the airplane's safe evacuation, or if such seats deformed in a crash in a way that prevented a passenger from rapidly exiting the airplane, the FAA could not find compliance with these regulations or approve the proposed design. Also, the premise that smaller seat dimensions may adversely affect safe evacuation<sup>17</sup> ignores the repeatedly demonstrated fact that in both simulated and actual evacuations, and in normal disembarkation, passengers exit their seats at the same time and then queue for the exits.<sup>18</sup>

As the FAA explained in its July 2, 2018 denial of FlyersRights' petition for minimum seat sizes, several other FAA regulations also ensure that a proposed airplane design can be safely evacuated, including requirements prescribing minimum widths of aisles, cross-aisles, and passageways; minimum sizes of exits; requirements for emergency lighting and exit marking; and the minimum number and location of exits, at 14 CFR §§ 25.815, 25.813, 25.807, 25.812, and 25.811 respectively. The FAA also has minimum requirements related to escape systems (§ 25.810), resistance of materials to post-crash fires (§§ 25.853, 25.856 and Appendix F), and crash impact performance (§§ 25.561, 25.563, 25.721, 25.789, 25.809, and 25.963).

### *Challenges to Past FAA Findings of Compliance.*

The petition challenges the reliability and accuracy of the emergency evacuation testing that applicants have performed, and continue to perform, to show compliance with the relevant regulatory design standards for type certification of transport category airplanes. These challenges rely on erroneous or misleading statements, and do not form a persuasive basis for the Agency to take regulatory action.

First, the petition asserts that manufacturers are given multiple attempts to pass an evacuation test, in contravention of the regulations. The petition also asserts that the FAA allows the same test subjects to re-do the evacuation.<sup>19</sup> These claims are not true. If a test fails, the manufacturer can identify a corrective action and redo the test, but only with a new group of

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<sup>17</sup> While the petition asserts that airline passenger seats are ever-shrinking, it does not prove that seat pitch and width are shrinking as a long-term trend. See, e.g., p. 2 of the Boeing statement attached to the FAA's July 2, 2018 denial, on remand, of your previous petition for rulemaking on this issue, in docket No. FAA-2015-4011.

<sup>18</sup> See, e.g., the FAA's July 2, 2018 denial, on remand, of your previous petition for rulemaking on this issue, and supporting statements and videos, in docket No. FAA-2015-4011.

<sup>19</sup> Petition at 19.

passengers and crew. Advisory Circular 25.803-1A, *Emergency Evacuation Demonstrations*,<sup>20</sup> documents how an applicant may address a test that fails.

The petition also claims, without providing a supporting reference, that manufacturers are given as many as nine attempts to pass the test,<sup>21</sup> and that the FAA does not keep records of how many attempts are made prior to passing.<sup>22</sup> The FAA is unaware of any applicant for design approval of a transport category airplane having had to conduct more than two tests prior to the successful one; and, as noted above, corrective actions are required in order to re-do the test. The FAA further notes that full-scale emergency evacuation tests are expensive; one of the references cited in the petition acknowledges that such tests cost approximately \$2M for each run. In addition, the petition incorrectly asserts that the FAA does not collect or preserve comprehensive data from manufacturer demonstrations and analyses, citing a report by the Department of Transportation Office of the Inspector General (OIG).<sup>23</sup> The referenced OIG finding referred only to physical application files kept on site at the FAA.<sup>24</sup> It is true that the FAA itself does not typically retain data files on applicants' means of compliance after the design approval has been issued. However, the FAA has entered data retention agreements with all transport airplane manufacturers and has access to any type certification data necessary to carry out the agency's safety oversight. In any case, the FAA can and does compile summary information on evacuation demonstrations, showing both successes and failures, as needed, and was able to provide the OIG with data for 72 evacuation demonstrations and analyses, occurring between 1966 and 2017.<sup>25</sup>

The petition also incorrectly claims that the FAA allows manufacturers to use data from old evacuation tests, if it is more advantageous in showing compliance, when newer data is available.<sup>26</sup> In fact, the FAA requires any data used in substantiating emergency evacuation to be validated, and the applicant must address all test data in making its showing of compliance per 14 CFR § 21.20(a), including data that is not advantageous.<sup>27</sup>

The petition also makes several incorrect assertions, based upon petitioner's reading of the referenced OIG report, regarding the seat pitch used during certain past evacuation demonstrations conducted by applicants, and regarding certain past FAA updates to its design standards.

The petition cites a criticism in the report that the FAA had characterized a particular test as a "28-inch test." An FAA response to one of OIG's queries for historical evacuation records referred to the incorrect model (737-300). The evacuation test for the referenced model was conducted at greater than 28" pitch, while the test for the model that the FAA had intended to

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<sup>20</sup> Available at [drs.faa.gov](https://www.faa.gov/drs).

<sup>21</sup> Petition at 19.

<sup>22</sup> Id.

<sup>23</sup> Petition at 18.

<sup>24</sup> Office of Inspector General (OIG) Report "FAA's Process for Updating Its Aircraft Evacuation Standards Lacks Data Collection and Analysis on Current Evacuation Risks", September 2020 at 16.

<sup>25</sup> OIG Report at 25.

<sup>26</sup> Petition at 17.

<sup>27</sup> See also §§ 9(b)(1) and 9(i) of AC 25.803-1A.

reference (737-400) was in fact conducted at 28” pitch. The FAA identified this scrivener’s error to the OIG, but the correction did not make it into the final report.

Also, the petition noted that the OIG report claimed that some airplanes which the FAA had characterized as being tested at 28” pitch were greater than 28” pitch. The FAA maintains that three (its reference to the A320 was in error) of the cited airplanes were tested at 28” pitch for purposes of their evacuation capabilities. However, to facilitate rapid evacuation through overwing exits, the FAA has established specific design standards for such exit passageways, among which is a requirement for adjoining seat rows to have greater pitch.<sup>28</sup>

Regarding the petition, and OIG report’s question, whether the agency is conducting timely updates, as necessary, of its many design regulations related to emergency evacuation, FAA updates in 2004 included several proactive measures, including requiring that the flight crew have means to view the ground outside of emergency exits prior to opening them, and the provision of assist handles to enable flight attendants to better facilitate an evacuation and a positive means to retain an exit in the open position.<sup>29</sup> Most importantly for the purposes of this petition, there was no conclusion in the OIG report that the FAA’s performance-based evacuation standards were ineffective, or that the FAA should mandate the nine seat dimensions and footrest that this petition requests. The report’s only recommendations were that the FAA should improve its data collection and analysis tools for developing and updating emergency evacuation standards,<sup>30</sup> and the FAA concurred with those recommendations.

One assertion in the petition,<sup>31</sup> that was not in the referenced OIG report, claimed that videos<sup>32</sup> which the FAA said showed evacuations at 28” seat pitch, were not conducted at 28 inches. This assertion is untrue. The videos, along with the accompanying statements from the applicant manufacturers who provided them, did show evacuations conducted at 28” pitch.<sup>33</sup> There were also videos showing evacuations at other seat pitches, which were clearly indicated.<sup>34</sup> The purpose of the FAA’s inclusion of evacuation test videos with seats positioned at greater than 28” pitch was to further illustrate that, because the nature of an evacuation is that all passengers stand up near-simultaneously and then queue for the exits, seat pitch is not a factor in the total egress time.

The petition also challenges the reliability of the emergency evacuation simulations conducted by the FAA at the FAA’s Civil Aerospace Medical Institute (CAMI). The petition’s claims are based upon incorrect factual assertions. For example, the petition claims that no test subjects were over 250 pounds.<sup>35</sup> In fact, 5 of the 58 participants in the particular test series

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<sup>28</sup> 14 CFR § 25.813(c).

<sup>29</sup> *Miscellaneous Cabin Safety Changes*, 69 FR 62777 (Oct. 27, 2004).

<sup>30</sup> OIG Report at pp. 22-23.

<sup>31</sup> Petition at 16.

<sup>32</sup> See docket No. FAA-2015-4011.

<sup>33</sup> Docket No. FAA-2015-4011: Declaration at para. 18, and videos and statements of Boeing and Embraer (all posted July 2, 2018).

<sup>34</sup> Docket No. FAA-2015-4011, videos and statement of Airbus (28, 29, and 30-inch pitch) (posted July 2, 2018).

<sup>35</sup> Petition at 19.

referenced in the petition<sup>36</sup> exceeded 250 pounds. Using the Centers for Disease Control and Prevention metric for body mass index, over 70% of that particular group were considered overweight, and almost 45% considered obese.<sup>37</sup> The petition also characterized the participants as “young.”<sup>38</sup> Of the more than seven hundred participants in the CAMI evacuation study, 62% were over the age of 30; 34% were over the age of 40; and more than 13% were over the age of 50.<sup>39</sup>

#### *Occupant Demographics and Load Factors.*

The petition asks the FAA to impose rules that accommodate human sizes ranging between a 5<sup>th</sup> percentile female and a 95<sup>th</sup> percentile male.<sup>40</sup> The FAA already does so. Many of the 14 CFR Part 25 design requirements for transport category airplanes make reference to “person.” Therefore, the FAA has established guidance to assist applicants in showing compliance, for a variety of scenarios, with such regulations; and such guidance often instructs applicants to show compliance for persons ranging from a 5<sup>th</sup> percentile female to a 95<sup>th</sup> percentile male.<sup>41</sup>

The petition claims that current seat dimensions only “accommodate” 50% of passengers.<sup>42</sup> The petition’s source for this claim, however, is not a reference that makes a safety finding, but one that only finds that the dimensions of seats and common human proportions (anthropometry) are not completely aligned. Also, the CAMI study found that current seat dimensions accommodated 99% of the more than seven hundred passengers who took part in the study, many of whom were overweight or obese.<sup>43</sup>

The petition states that “seat sizes have only continued to shrink” since 2015, the year of FlyersRights’ first petition to mandate minimum seat dimensions and legroom, but offers no data in support of that allegation. Also, one of the studies cited in the current petition reports that seat width is consistent with a 2001 study and that the average seat pitch is 32 inches.<sup>44</sup>

The petition states that “(passenger) load factors have increased,” since 2015.<sup>45</sup> To the contrary, the ARC Report found that load factors were stable.<sup>46</sup> In addition, the ARC found that

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<sup>36</sup> The FAA notes that FlyersRights observed the December 12, 2019 trials (Run 05, trials 17-20).

<sup>37</sup> See also p. 41 of *Effects of Airplane Cabin Interiors on Egress I: Assessment of Anthropometrics, Seat Pitch, and Seat Width on Egress*, Jan. 1, 2021, Report Number: DOT/FAA/AM-21/01DOI (“2021 CAMI Study”), available at <https://doi.org/10.21949/1524433>

<sup>38</sup> Petition at 21.

<sup>39</sup> 2021 CAMI Study at Table 1, p. 27.

<sup>40</sup> Petition at p. 24.

<sup>41</sup> AC 25-17A, Change 1, *Transport Airplane Cabin Interiors Crashworthiness Handbook*, available at [drs.faa.gov](https://www.faa.gov/drs).

<sup>42</sup> Petition at pp. 3 and 25.

<sup>43</sup> 2021 CAMI Study at p. 33.

<sup>44</sup> Pp. 65 and 130-138 of *Thirty years of anthropometric changes relevant to the width and depth of transportation seating spaces, present and future*, Molenbroek, J., Albin, T. J., & Vink, P., *Applied Ergonomics: human factors in technology and society* (2017). Available at <https://doi.org/10.1016/j.apergo.2017.06.003>

<sup>45</sup> Petition at 2.

<sup>46</sup> ARC Report at 9.

the typical airplane operates with less than 80% of the seats that are permissible.<sup>47</sup> An applicant seeking approval of a proposed transport category airplane must substantiate the airplane's evacuation capability for the maximum number of seats requested to be approved as part of the type design.

#### *The Requested Nine Minimum Dimensions and Footrest.*

The petition requests that the FAA mandate nine specific dimensions and a footrest. However, the petition fails to show why any of these particular dimensions, or the lack of a mandated footrest, present an immediate safety issue. Notably, the United Kingdom, the source of requested Dimensions A, B, and C, does not currently enforce those dimensions, as acknowledged by the petition.<sup>48</sup> Instead, the petition footnotes references which, upon examination, only note a difference between seat size and passengers' anthropometry, without demonstrating a causal link to an effect on evacuation success or other safety issue. Given that anthropometry continues to evolve, performance-based requirements, such as those currently imposed by the FAA, continue to be a more effective approach than mandating specific dimensions, which by their nature are more likely to become obsolete. Moreover, in the same 2018 Act that contained the two sections referenced by the petition, Congress instructed the FAA to impose performance-based standards to the maximum extent possible.<sup>49</sup> Finally, it has been shown, both in testing and in actual events, that its current, performance-based, regulatory requirements provide a high level of safety in emergency evacuations.<sup>50</sup>

#### *Interaction of Brace Position(s) and Seat Pitch.*

The petition claims that a 2015 CAMI study provides a safety basis to support its request for a specific minimum seat pitch.<sup>51</sup> The petition claims that smaller seat pitch puts passengers at a higher safety risk due to a more upright position. However, the FAA's occupant protection standards assume that passengers are unbraced (the more critical condition for testing) at the moment of impact.<sup>52</sup> Also, petitioners apparently misunderstand the 2015 study.<sup>53</sup> FAA-recommended brace positions have evolved over time as a result of the agency's continuous gathering and analysis of data, with the most recent updates for this issue being published in a March 2019 update of appendix 4 of AC 121-24D, *Passenger Safety Information Briefing and Briefing Cards*.<sup>54</sup> The 2015 CAMI study examined the effect of different seatback designs with different variations of brace position. The study noted that the smaller the seat pitch, the less an occupant would lean over in a braced position. When braced, an occupant is more upright. Thus,

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<sup>47</sup> ARC Report at 8.

<sup>48</sup> Petition at 2.

<sup>49</sup> Section 329, Performance-based standards, states: "The Administrator shall, to the maximum extent possible and consistent with Federal law, and based on input by the public, ensure that regulations, guidance, and policies issued by the FAA on and after the date of enactment of this Act are issued in the form of performance-based standards, providing an equal or higher level of safety."

<sup>50</sup> ARC Report at 57.

<sup>51</sup> Petition at pp. 22-23.

<sup>52</sup> E.g., 14 CFR § 25.562.

<sup>53</sup> [https://www.faa.gov/data\\_research/research/med\\_humanfacs/oamtechreports/2010s/media/201517.pdf](https://www.faa.gov/data_research/research/med_humanfacs/oamtechreports/2010s/media/201517.pdf).

<sup>54</sup> Available at [drs.faa.gov](https://drs.faa.gov).



the short pitch (30.5") was selected for analysis because CAMI considered it to be a near-worst (most critical) case for evaluating braced occupants because of the resulting upright position. The “worst case” text in the study, however, only applied to passengers in the brace position. The study found that the brace position with the passenger’s hands facing downward was safer than an unbraced position.<sup>55</sup> However, since passengers are generally not braced in a crash, the difference in velocity between the passenger’s head and the seatback will, in fact, be greater at a larger seat pitch due to the larger distance, and therefore a smaller (closer) pitch is safer for unbraced (i.e., the majority of) occupants. The Emergency Evacuation ARC did not find that this was a safety issue that needed to be addressed.

### *Other Safety Concerns.*

The petition stated that “the FBI believes that cramped seating and load factors will lead to more sexual assault.”<sup>56</sup> However, the cited press release, from an FBI field office, said nothing about seat dimensions.<sup>57</sup> Rather, the only reference to “cramped seating” and “load factors” in the press release was an acknowledgement that some airline seats that previously were empty, due to the pandemic are now more likely being occupied, and therefore airline passengers are more likely to be sitting next to one other.

The petition also alleges a number of other potential issues related to evacuation safety, such as the implications of carry-on baggage, service animals, families sitting together, and air rage. The FAA recognizes that some of these topics have the potential to affect aviation safety, which is why the agency continuously gathers and reviews data, including from actual emergency evacuations. However, these potential concerns exist irrespective of the minimum dimensions and footrest that this petition asks the FAA to mandate.

Based on the foregoing, the FAA finds that this petition does not demonstrate that the current absence of the nine requested minimum seat dimensions, and footrest, presents an immediate safety or security concern.

### **Priority of Other Issues and Availability of FAA Resources.**

Regarding the remaining criteria in § 11.73(a)(2) and (3), priority of other issues the FAA must deal with, and the availability of rulemaking resources, the FAA continually prioritizes its rulemaking projects and resources based on issues that are important to aviation safety, and to the safety of the traveling public.

The FAA regards the issues and requested actions from your petition as having a lower priority than the other issues before the FAA, and, given the FAA’s limited rulemaking

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<sup>55</sup> [Report DOT/FAA/AM-15/17, Effect of Passenger Position on Crash Injury Risk in Transport-Category Aircraft](#), p. 19.

<sup>56</sup> Petition at 24.

<sup>57</sup> <https://www.fbi.gov/contact-us/field-offices/losangeles/news/press-releases/during-sexual-assault-and-prevention-month-and-national-crime-victims-week-the-fbi-reminds-the-flying-public-about-sex-assaults-onairplanes>.

resources, those resources will be dedicated to higher priorities, as indicated in the Department of Transportation's Regulatory Agenda.

For the reasons set forth above, the FAA denies your petition for rulemaking.

Although we are declining to initiate rulemaking on your petition, your comments and arguments for the proposed rule change will be placed in a database, which we will examine when we consider future rulemaking. If the FAA does pursue rulemaking in this area in the future, you would be able to find out and track it through one of the two following websites:

- For significant rulemakings, you can find the status on the Department of Transportation's (DOT) website (<http://www.dot.gov/regulations/report-on-significant-rulemakings>).
- For non-significant rulemakings, you can find the status on the DOT's semi-annual regulatory agenda, through the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs' (OIRA) Unified Agenda website (<http://www.reginfo.gov/public/do/eAgendaMain>).

Sincerely,

Lirio Liu  
Aviation Safety  
Executive Director  
Aircraft Certification Service