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APPENDIX: 4

BULLETIN TYPE: Flight Standards Information Bulletin  
for Airworthiness (FSAW)

BULLETIN NUMBER: FSAW 05-04

BULLETIN TITLE: Classification of Pilot/Passenger Seats  
Within a Seating Configuration

EFFECTIVE DATE: 03-22-05

TRACKING NUMBER: NA

APPLICABILITY:

M/M	ATA Code	14 CFR	PTRS
NA	NA	43, 91, 121, 125, and 135	NA

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1. PURPOSE. This bulletin describes the criteria aviation safety inspectors (ASI) should use to determine the number of passenger seats in a seating configuration of an aircraft.

2. BACKGROUND. Federal Aviation Administration (FAA) ASIs and industry sources have reported the potential for different and conflicting determinations of the number of passenger seats in an aircraft seating configuration. The phrase, "configured with X or more passenger seats, excluding any pilot seat," appears in Title 14 of the Code of Federal Regulations (14 CFR). The applicability of sections such as 14 CFR part 91, section 91.223 and part 135, section 135.154, both titled Terrain Awareness and Warning System, depends on seat count. This bulletin provides the criteria to establish the number of pilot and passenger seats for determining applicability within 14 CFR.

3. DETERMINING THE NUMBER OF PILOT SEATS.

A. Two Pilot Requirement. An aircraft type certificate data sheet (TCDS) should indicate the number of pilots required by the type design. The number of pilot seats must equal the number of pilots required, regardless whether this requirement is by certification or by operating rule. A pilot seat is any seat from which the aircraft may be operated.

B. One Pilot Requirement. In some aircraft models, only a single pilot is required by the type design; however, the aircraft is equipped with dual controls. In this configuration,

the number of seats from which the aircraft may be operated would be designated as the number of pilot seats. A pilot seat is any seat from which the aircraft may be operated.

C. Movable Controls. An airplane equipped with a "throw-over yoke," in which one set of flight controls is shared between two seats, is considered to have two pilot seats. A pilot seat is any seat from which the aircraft may be operated.

#### 4. DETERMINING THE NUMBER OF PASSENGER SEATS.

A. A passenger seat is any seat in the aircraft that is approved to be used during takeoff and landing, except for pilot seats or a forward observer seat (jump seat) certificated by type certificate (TC) or amended by Supplemental Type Certificate (STC) and limited to "crew use only."

B. In some cases, as with the aircraft model described in paragraph 3b or 3c, a pilot seat may be occupied or has the potential to be occupied by a person other than a pilot. A pilot seat remains a pilot seat and is not counted as a passenger seat, even if it is occupied by or has the potential to be occupied by a passenger.

5. INQUIRIES. This bulletin was developed by the Airmen and Avionics Branch, AFS-350, in coordination with the Airworthiness Law Branch (AGC-210). Any questions concerning this bulletin should be directed to AFS-350 at (202) 267-3809 or (202) 267-3922.

6. EXPIRATION. This bulletin will remain in effect until further notice.

/s/ David E. Cann, Manager  
Airworthiness Maintenance Division