



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

Aviation Safety

800 Independence Ave
Washington, DC 20591

May 30, 2023

Exemption No. 20182
Regulatory Docket No. FAA-2023-1293

Ms. Amber Webb
Parent of Skylah Webb Jaramillo
3291 Tucson Street
Aurora, CO 80011

Dear Ms. Webb:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your request for an exemption. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date it ends.

The Basis for the FAA's Decision

By letter posted to the public docket on May 24, 2023, you petitioned the FAA on behalf of your daughter, Skylah Webb Jaramillo, for an exemption from § 121.311(b) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption would allow Skylah to exceed the specified weight and/or height limit for an FAA-approved child restraint system (CARES, manufactured by AmSafe, Inc.) during use of that child restraint system (CRS) aboard a United States (U.S.)-registered aircraft.

Since Skylah will no longer be a child when this exemption terminates, the FAA has determined that an exemption from Section 121.311(b), wherein the CRS occupant must be a child, is also required.

The FAA has issued grants of exemption in circumstances similar in all material respects to those presented in your petition. In Grants of Exemption Nos. 7831 and 9834 (copies enclosed), the FAA found that numerous people with physical challenges had previously completed flights using restraint systems.

The use of these restraint systems addressed unique physical needs regarding safety, support, and security in the same manner of operations as described in this petition. The FAA further found that the petition would not set any new precedents regarding the use of restraint systems by persons with disabilities.

AFS-23-01941-E

Having reviewed your reasons for requesting an exemption, the FAA finds that—

- They are similar in all material respects to relief previously requested in the enclosed Grants of Exemption Nos. 7831 and 9834;
- The reasons stated by the FAA for granting the enclosed Grants of Exemption Nos. 7831 and 9834 also apply to the situation you present; and
- A grant of exemption is in the public interest.

The FAA's Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*, because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to Skylah.

Under the authority contained in 49 U.S.C. 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I hereby grant Skylah Webb Jaramillo an exemption from Section 121.311(b). In addition, any certificate holder operating under Part 121 while Skylah is aboard its aircraft is granted an exemption from Sections 121.311(a)(1) and 121.311(c)(1) to the extent necessary to allow her to exceed the specified weight and/or height limit for an FAA-approved CRS, Child Aviation Restraint System, manufactured by AmSafe, Inc. This relief is applicable to Skylah's use of CARES, Part No. 4082-1 or Special CARES, Part No. 4082-3, or an equivalent part number as identified by AmSafe, Inc., as appropriate, subject to the following conditions and limitations.

Conditions and Limitations

1. If Skylah becomes more than 60 inches in height prior to this exemption terminating, Skylah must use Special CARES, manufactured by AmSafe, Inc., to ensure correct fit.
2. A caregiver must accompany Skylah at all times that Skylah is traveling in accordance with this exemption.
3. Skylah, or a person acting on behalf of Skylah, must advise the certificate holder (airline) about the contents of this exemption at least 48 hours before the date of each flight.
4. Skylah, or a person acting on behalf of Skylah, must carry a copy of this exemption (either on paper or electronically) during each flight and must make it available to any representative of the airline or the FAA upon request.
5. Skylah may only occupy a passenger seat with no passenger seated behind her.

The Effect of the FAA's Decision

This exemption terminates on June 30, 2028, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2023-1293 (<https://www.regulations.gov>). In addition, you should submit your request for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

An extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,

/s/

Caitlin E. Locke

Acting Deputy Executive Director, Flight Standards Service

Enclosures

ENCLOSURE

Exemption No. 7831

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC 20591

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In the matter of the petition

of JOSEPH CASTASUS

For an exemption from

§§ 121.311(b) and 135.128 (a)

of Title 14, Code of

Federal Regulations

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Regulatory Docket No. FAA-2002-12485

GRANT OF EXEMPTION

By letter dated May 6, 2002, Mr. Manual A. Castasus, MD, 12635 Conway Downs Drive, Creve Coeur, Missouri, 63141 petitioned the Federal Aviation Administration (FAA) on behalf of his son Joseph for an exemption from rules in the Code of Federal Regulations (14 CFR) related to passenger seats and the use of aircraft seatbelts. The proposed exemption, if granted, would permit Joseph to travel in either an Ortho Kinetics Travel Chair Model 6332 or a MERU Travel Chair rather than in an individual seat with a seatbelt about him while traveling on an air carrier certificated under part 119 for part 121 or 135 service.

The petitioner requests relief from the following section:

Section 121.311(b) and Section 135.128(a) state, in pertinent part, that each person on board an aircraft operated under parts 121 or 135 shall occupy an approved seat with a separate safety belt properly secured about him or her during movement on the surface, takeoff, and landing.

The petitioner supports his request with the following information:

The petitioner states that his son is 31 years old and looks like a 6-year-old boy. Joseph is totally dependent on his parents for the basic life needs such as feeding, dressing, taking medications, and personal hygiene. Joseph is not able to communicate in any form. The petitioner states that the proposed exemption would provide an equivalent level of safety to that provided by a seatbelt fastened about Joseph. In fact, in the

AFS-02-462

case of his son, safety is greatly enhanced by the extra support and security that the travel chair will provide Joseph during the entire flight. By letter dated June 10, 2002, Dr. Francois R. Charles, MD, states that Joseph has been under his professional care for at least 15 years, and that Joseph suffers from severe physical disabilities. Dr. Charles states that Joseph cannot use a regular chair. When traveling in any mode of transportation, Joseph must use a special travel chair. Joseph's condition requires a travel companion to provide his physical and physiological needs. As a result, Joseph is not capable of literal compliance with the regulations.

The petitioner states that his understanding is that the regulation is written to create a high level of safety for each individual passenger by ensuring that they are securely restrained in their seats during all phases of flight. The regulation also ensures that an individual does not cause harm to other passengers on the airplane by being thrown into them during turbulent or emergency conditions.

The petitioner requests that his son be allowed to occupy either of the following travel chairs:

1. The Ortho Kinetics Travel Chair Model 6332, or
2. The MERU Travel Chair.

The petitioner states that either of these travel chairs will be securely strapped in a passenger seat with the airplane seatbelt. Joseph will then be secured with the travel chair's internal restraint system. Joseph's travel chair will not block any passenger's view of the "fasten seat belt" sign, "no smoking" sign or any required exit sign. It will also be placed in such a manner that its location does not restrict access to or use of any required emergency or regular exit, or of the aisle in the passenger compartment.

The petitioner states that the proposed exemption would satisfy the intended purposes of the regulation by ensuring that Joseph is securely restrained by the travel chair's internal restraint system and that the travel chair itself is securely restrained by the airplane seatbelt. This ensures a high level of safety for Joseph and a high level of safety for the other passengers and crew on the airplane.

The petitioner states that the proposed exemption would be in the public interest. The petitioner states that enhancing safety for Joseph is in the public interest. In addition, the public interest is also served by the fact that the use of the travel chair allows Joseph to use commercial air transportation. Without the support and security of the specially designed travel chair, he would be unable to fly commercially.

Finally, the petitioner requests that the processing of this petition not be delayed for publication and comment in the Federal Register. The petitioner desires to travel in July of this year, and states that if the FAA takes the time to publish his petition, it will delay the process and his family won't be able to travel in this timeframe. The FAA finds that good cause exists for not publishing a summary of the petition in the Federal Register. Any delay in the processing of this petition would be detrimental to Joseph, and a grant of exemption would not set a precedent.

The FAA's analysis and summary is as follows:

The FAA has fully considered all of the supportive material supplied by the petitioner. The FAA finds that for the reasons presented by the petitioner, the proposed exemption would be in the public interest.

Joseph's parents submitted a detailed description of the Ortho Kinetics Travel Chair Model 6332 and the MERU Travel Chair for evaluation to:

Team Coordinator, Biodynamics Research Laboratory
Protection and Survival Research Laboratory, AAM-630
Civil Aerospace Institute (CAMI)
Federal Aviation Administration
Mike Monroney Aeronautical Center
6500 South MacArthur
P.O. Box 25082
Oklahoma City, OK 73125
(405) 954-5510

The FAA has conducted extensive research regarding British Civil Aviation Authority (CAA) testing and approval of the MERU Travel Chair. The FAA concurs with the CAA's safety findings.

The FAA finds that the proposed exemption would provide a level of safety that is equivalent to the affected section. The airplane seatbelt required by § 121.311(b) to be fastened about Joseph will instead secure either the Ortho Kinetics Travel Chair Model 6332 or the MERU Travel Chair into the airplane passenger seat. Joseph will present no danger to any other occupant of the airplane.

The Team Coordinator of the Biodynamics Research Laboratory, Civil Aerospace Institute (CAMI) has evaluated the use of either chair, and finds that it will provide Joseph with an acceptable level of safety.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. Sections 40113 and 44701, delegated to me by the Administrator (14 CFR Section 11.53), Joseph Castasus is granted an exemption from §§ 121.311(b) and 135.128(a) to the extent necessary to permit Joseph to travel in either the Ortho Kinetics Travel Chair Model 6332 or the MERU Travel Chair, without him occupying

an FAA-approved seat or berth with a separate belt properly secured about him during movement on the surface, takeoff, and landing, subject to the following conditions and limitations:

1. Joseph, while seated in either the Ortho Kinetics Travel Chair Model 6332 or the MERU Travel Chair, must be secured with the travel chair's internal restraint system. The Ortho Kinetics Travel Chair Model 6332 or the MERU Travel Chair must be secured in the airplane passenger seat by means of the airplane passenger seat belt in accordance with the instructions provided with the Ortho Kinetics Travel Chair Model 6332 or the MERU Travel Chair.

2. A parent or guardian must accompany Joseph on each flight conducted under this exemption. Joseph's parent or guardian must carry a copy of this exemption while on board the aircraft.

This exemption terminates on July 31, 2004, unless sooner superseded or rescinded.

Issued in Washington, DC on July 2, 2002.

/s/

Louis C. Cusimano

Acting Director, Flight Standards Service

Exemption No. 9834

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC 20591

In the matter of the petition of

AVERY OTTENBREIT

for an exemption from § 121.311(b)
of Title 14, Code of
Federal Regulations

Regulatory Docket No. FAA-2008-1346

GRANT OF EXEMPTION

By letter posted December 19, 2008, Mr. Randall Joseph Ottenbreit, parent of Ms. Avery Ottenbreit, 33 Martin Street, Regina, SK, Canada S4S 3W4, petitioned the Federal Aviation Administration (FAA) on behalf of Ms. Ottenbreit for an exemption from § 121.311(b) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would allow Ms. Ottenbreit to exceed the specified weight limit for an FAA-approved child restraint system during use of that child restraint system aboard an aircraft.

The petitioner requests relief from the following regulation:

Section 121.311(b) prescribes, in pertinent part, that each child aboard an aircraft operated under part 121 must occupy an approved seat with a separate safety belt secured about him or her, and must not exceed the specified weight limit for the restraint system.

The petitioner supports its request with the following information:

The petitioner states that Ms. Ottenbreit's physical condition is as follows: Ms. Ottenbreit has cerebral palsy. She is 15 years old and is 4 feet 11 inches and weighs 73 pounds. She is designated as a spastic quadriplegic. She does not have control of her trunk and requires strapping to hold her in an upright position. Moreover, she does not walk and is unable to sit without proper supports. She uses a power wheelchair for mobility that is equipped with lateral supports and a chest harness.

The petitioner further states that as a result of her physical condition, she needs the support and security provided by an FAA-approved child restraint; however, because of her weight, she is incapable of compliance with the regulation.

The petitioner also states that he understands that the regulation is written to create a high level of safety for each individual passenger by ensuring that they are securely restrained in their seats during all phases of flight. The regulation ensures that an individual does not cause harm to other passengers on the airplane by being thrown into them during turbulent or emergency conditions.

The petitioner proposes that Ms. Ottenbreit be allowed to occupy an FAA-approved child restraint, specifically the CARES child restraint system which is manufactured by AmSafe Corporation, even though she slightly exceeds the manufacturer's weight limits. The petitioner states that this ensures a high level of safety for Ms. Ottenbreit and a high level of safety for the other passengers and crew on the airplane. In fact, in Ms. Ottenbreit's case, safety is greatly enhanced by the extra support and security that the FAA-approved child restraint system will provide for her during the entire flight.

Additionally, the petitioner states that enhancing safety for Ms. Ottenbreit is in the public interest. Furthermore, the public interest is also served by the fact that the use of this FAA-approved child restraint system allows her to use commercial air transportation. Without the support and security of the FAA-approved child restraint system, she would be unable to fly commercially.

The petitioner also states that, with certain limitations established by the FAA in a grant to this petition, there can be an equivalent level of safety to that provided by the affected regulation. The CARES restraint has been certified by the manufacturer for use by children 22-44 pounds. However, the components of the CARES restraint are the same as those used in restraints for adults on aircraft and would maintain their integrity if used by someone who weighed several hundred pounds.

The petitioner states that the limit of 44 pounds was established because, with the additional weight of the child attached to the seatback, the seatback would move forward more quickly in an accident scenario and this might cause a higher head injury criteria (HIC) load for the person seated in the seat behind the passenger using the CARES restraint (because the seatback moving forward more quickly would mean that it would not be there to attenuate the energy from the impact of the person seated behind the person using the CARES restraint).

In addition, the petitioner states that in order to achieve an equivalent level of safety as that provided by the affected regulation, the petitioner proposes that the FAA establish a limitation in a grant to this petition that Ms. Ottenbreit only sits in a passenger seat with no passenger seated behind her. Therefore, no unsafe condition would exist for a passenger seated behind Ms. Ottenbreit while she is using the CARES restraint.

The petitioner also requests that the processing of this petition not be delayed for publication and comment in the Federal Register. The petitioner believes that if the FAA takes the time to put the petition in the Federal Register, Ms. Ottenbreit may not be able to travel with her family during a trip planned for early 2009.

The FAA has determined that good cause exists for waiving the requirement for Federal Register publication because the exemption, if granted, would not set a precedent, and any delay in acting on this petition would be detrimental to Ms. Avery Ottenbreit.

The FAA's analysis is as follows:

The FAA has fully considered the petitioner's supporting information and finds that a grant of exemption is in the public interest and would provide a level of safety equivalent to that provided under the regulation.

The FAA finds that numerous people with physical challenges, such as those people described in Grants of Exemption No. 7831 and 8264, have previously completed flights using restraint systems that addressed unique physical needs regarding safety, support, and security in the same manner of operations as described in this petition. The FAA further finds that this petition, if granted, would not set any new precedents regarding the use of restraint systems by persons with disabilities.

At all times during previous operations conducted under similar exemptions, a caregiver accompanied the individual. Similarly, Ms. Ottenbreit will, at all times, be accompanied by one of her parents. Therefore, the FAA finds that because Ms. Ottenbreit will be accompanied by one of her parents, at all times, she will have adequate assistance should an aircraft evacuation become necessary.

Additionally, the FAA agrees with the petitioner that with certain limitations established by the FAA in a grant to this petition, there can be an equivalent level of safety to that provided by the affected regulation. The CARES restraint has been certified by the manufacturer for use by children 22 to 44 pounds. However, the components of the CARES restraint are the same as those used in restraints for adults on aircraft and would maintain their integrity if used by someone who weighed several hundred pounds.

The limit of 44 pounds was established because, with the additional weight of the child attached to the seatback, the seatback would move forward more quickly in an accident. This might cause a higher HIC load for the person seated in the seat behind the passenger using the CARES restraint (because the seatback moving forward more quickly would mean that it would not be there to attenuate the energy from the impact of the person seated behind the person using the CARES restraint).

Therefore, the FAA finds that an equivalent level of safety as that provided by the affected regulation can be established with a limitation in this grant of exemption that Ms. Ottenbreit

only sits in a passenger seat with no passenger seated behind her. With this limitation, no unsafe condition would exist for a passenger seated behind Ms. Ottenbreit while she is using the CARES restraint.

Furthermore, the FAA considers the petitioner's situation unique because Ms. Ottenbreit has cerebral palsy. She is 15 years old and is 4 feet 11 inches and weighs 73 pounds. She is designated as a spastic quadriplegic. She does not have control of her trunk and requires strapping to hold her in an upright position. She does not walk and is unable to sit without proper supports. She uses a power wheelchair for mobility that is equipped with lateral supports and a chest harness. As a result of her physical challenges, Ms. Ottenbreit is physically incapable of literal compliance with the affected section.

The FAA also finds that enhancing safety for Ms. Ottenbreit is in the public interest. The public interest is also served by the fact that the use of this FAA-approved child restraint system allows Ms. Ottenbreit to use commercial air transportation. Without the support and security of the FAA-approved child restraint system, she would be unable to fly commercially. Therefore, the FAA finds that for the reasons presented by the petitioner, the proposed exemption would be in the public interest.

The technical analysis and limitations in this grant have been coordinated with:

Team Coordinator, Biodynamics Research Team
Protection and Survival Laboratory, AAM-630
Civil Aerospace Medical Institute (CAMI)
Federal Aviation Administration
P.O. Box 25082
Oklahoma City, OK 73125
(405) 954-7529

The FAA notes that the pertinent regulatory requirement within 14 CFR § 121.311(b) is § 121.311(b)(2)(iii)(B). This states, in part, “The child must be properly secured in the restraint system and must not exceed the specific weight limit for the restraint system.” The FAA recognizes that compliance with this specific requirement is the responsibility of the certificate holder, not the individual. However, in this unique situation, the FAA believes that the public interest is not served by requiring Ms. Ottenbreit to ask air carriers to petition the FAA on her behalf every time she and her family wish to travel on a commercial air carrier.

The FAA also finds it is appropriate to issue an exemption to this regulatory requirement to the individual, which includes a grant of exemption to any air carrier or commercial operator operating under part 121 while Ms. Ottenbreit is aboard their aircraft, to allow her to exceed the specified weight limit for an FAA-approved child restraint system during use of that child restraint system aboard an aircraft.

The FAA's Decision

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701 delegated to me by the Administrator, Ms. Avery Ottenbreit is granted an exemption from 14 CFR § 121.311(b)(2)(iii)(B). In addition, any air carrier or commercial operator operating under part 121 while Ms. Ottenbreit is aboard its aircraft is granted an exemption from 14 CFR § 121.311(b)(2)(iii)(B) to the extent necessary to allow Ms. Ottenbreit to exceed the specified weight limit for an FAA-approved child restraint system during use of that child restraint system aboard an aircraft.

All operations under this exemption must be conducted with at least one of Ms. Ottenbreit's parents or a caregiver accompanying her. Ms. Ottenbreit may only occupy a passenger seat with no passenger seated behind her. In addition, Ms. Ottenbreit's parent or caregiver must carry a copy of this exemption and advise the air carrier about the contents of the exemption at least 48 hours before the date of each flight.

This exemption terminates on March 31, 2011, unless sooner superseded or rescinded.

Issued in Washington, D.C., on March 12, 2009.

/s/

Chester D. Dalbey
Acting Director, Flight Standards
Service