

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS  
WASHINGTON, DC**

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**March 4, 2015**

**Answers to Frequently Asked Questions Concerning  
Enforcement of the Musical Instruments Rule (14 CFR Part 251)**

1. Question: If a musical instrument fits in the overhead bin, must it be carried regardless of size or weight (unless it exceeds a manufacturer limit) assuming space is available?

Answer: Yes. With regard to a manufacturer limit, the total weight of the instrument and any other item(s) that may be transported in the overhead bin cannot cause the bin to exceed its placarded maximum weight capacity. However, if the weight of the instrument is less than the placarded maximum weight capacity of the bin and the instrument was in the bin before the other items that cause the bin to exceed the maximum weight capacity, it is the later item(s) that should be removed.

2. Question: If a carrier's Federal Aviation Administration (FAA)-approved carry-on baggage program today prohibits carry-on bags from exceeding a specific size (e.g., total linear inches), how should the carrier amend its program in order to comply with 14 CFR Part 251?

Answer: The carrier should submit an amendment to its FAA-approved carry-on baggage program to allow the carriage of musical instruments in the cabin even if they exceed the standard size limits of carry-on baggage (e.g., total linear inches), as long as they can safely fit into the approved stowage space. The carrier may maintain the standard size limits for other carry-on items. For example, the amended program may state that "carry-on baggage may not exceed XX total linear inches, except for small musical instruments that fit in the available overhead compartment or in available under-seat space."

3. Question: If a carrier's FAA-approved carry-on baggage program states that the only musical instrument permitted is a particular type of instrument, how should the carrier amend its program in order to comply with Part 251?

Answer: Any listing of instruments acceptable by the carrier in its FAA-approved carry-on baggage program should be consistent with the statute and rule that instruments the size of a violin or guitar or smaller constitute a small musical instrument that must be accommodated as carry-on baggage subject to the conditions set forth in the statute and rule (e.g., space available). Excluding particular type(s) of instruments that otherwise may be safely stowed in the cabin would not be in compliance with the statute and the rule. Further, a blanket exclusion of "fragile items" as carry-on baggage in a carrier's

FAA-approved carry-on baggage program that would exclude musical instruments does not comply with the rule.

4. Question: If a carrier needs to amend its FAA-approved carry-on baggage program in order to comply with Part 251, and the amendment is not effective before March 6, 2015, the effective date of Part 251, how would the Enforcement Office handle complaints filed against the carrier regarding an alleged violation of Part 251?

Answer: If we receive a complaint about an incident that occurs on or after March 6, where the carrier's plan is inconsistent with the requirements of the rule, we will contact the carrier and the FAA to determine the status of the carrier's efforts to amend its FAA-approved carry-on baggage program. Where there is evidence of timely, good-faith efforts, we have no plans to take enforcement action in the short term.

5. Question: If a U.S. carrier operates to a foreign country whose government imposes a maximum weight limit for checked baggage and the limit is less than the 165 pound provision in the statute and Part 251, how should the carrier handle a musical instrument as checked baggage that weighs more than the foreign government's weight limit but less than 165 pounds?

Answer: Part 251 does not provide for a carrier to file a waiver request due to a conflict of the rule with a foreign government's regulation or requirement. However, we encourage carriers to provide us with the specific information that would assist us to determine whether a conflict exists. For example, we are aware that many limitations on the weight of carry-on or checked baggage imposed by foreign government or other entities are due to concern about occupational health and safety. In that regard, we believe that the assistance of additional personnel in loading and unloading the instrument, or the use of various types of equipment that are available to airlines, may resolve the concern, and, therefore, no conflict would exist between the baggage weight limitations and Part 251. The Enforcement Office will fully consider information provided on a case-by-case basis to determine if there is an actual conflict and if so what action it would expect of the carrier.

6. Question: May carriers charge fees for transporting musical instruments as checked baggage?

Answer: Carriers are permitted to charge the same over-size / over-weight fees for musical instruments that would apply to other checked baggage of that size or weight, but may not levy a fee because of its nature as a musical instrument. Further, any large musical instrument that weighs under 165 pounds or the applicable manufacturer or FAA weight restriction for the aircraft, and is less than 150 total linear inches, must be carried as the passenger's checked bag instead of "cargo" even if a carrier's baggage policy provides that checked bags that weigh over 100 pounds (for example) must be carried as cargo. (If transporting an instrument as cargo on the same flight would produce benefits for the passenger — e.g., a lower charge in the case of an over-size or over-weight instrument — the carrier may offer the passenger that option.)

7. Question: Many carriers allow each passenger one carry-on bag plus one “personal item” such as a purse, briefcase, or a laptop bag. For such a carrier, can a passenger bring into the cabin a carry-on bag, a personal item, and a musical instrument?

Answer: Carriers must count the musical instrument towards its limitation on the number of carry-on items. If a carrier allows one carry-on bag plus one personal item, the musical instrument will be treated as one carry-on item or one personal item, depending on its size. In addition, we are aware that many airlines require that the personal item must be smaller than the carry-on bag and must fit under the seat in front of the passenger. If the musical instrument is equivalent in size to a "personal item," then the passenger may also bring another carry-on item (e.g., a rollaboard bag) to be stowed in the cabin (e.g., in an overhead bin). On the other hand, if the musical instrument is too large to be deemed a “personal item” or too large to fit under the seat, the airline is allowed to treat the musical instrument as the allowed carry-on item instead of a "personal item," and in that case the passenger may have to check his or her carry-on item and pay any associated fees for checking that bag.

8. Question: If a passenger holding a ticket in economy class boards the plane and finds out that the overhead bins in economy class are full but there is space available in a different cabin class, are carriers required to stow the musical instrument in the stowage space in a different class of service?

Answer: We do not require that carriers must stow a musical instrument in a different class of service. However, to the extent practical, we encourage carriers to fully utilize all the stowage spaces available on a flight to ensure the safe transportation of carry-on items of all passengers, including musical instruments.

9. Question: The statute and the rule both use “a violin or guitar” as examples of small musical instruments that carriers must allow to be carried in the cabin as carry-on baggage. Does that mean all air carriers must accommodate a guitar or a violin as carry-on baggage?

Answer: Airlines must ensure that their FAA-approved carry-on baggage program permits them to accept guitars, violins and other musical instruments of comparable or smaller size if they fit in an approved stowage area. Although there are similar elements to each air carrier's FAA-approved carry-on baggage program, differences in air carriers’ programs exist because of type of aircraft, interior stowage areas and operational procedures regarding carry-on baggage. A guitar or a violin that may be safely stowed in one type of aircraft might not be permitted as carry-on by the FAA in another model of aircraft. Passengers should check with the carriers regarding the type of aircraft on which they intend to travel to ensure that their musical instrument can be accommodated.

10. Question: How does Part 251 affect foreign carriers that codeshare with U.S. carriers in light of the requirement in 14 CFR 399.87 that the same baggage rules apply throughout the itinerary?

Answer: If the first segment of a ticket is a codeshare flight, 14 CFR 399.87 allows the marketing carrier in a codeshare arrangement to choose which carrier’s baggage policy applies throughout the itinerary. 14 CFR Part 251 requires that all U.S. carriers must accept musical instruments as checked or

carry-on baggage on their flights, provided that certain conditions are met. The Enforcement Office views Part 251 as a new requirement imposed on U.S. carriers, which is in addition to the requirement to comply with 399.87. Part 251 does not cover non-U.S. carriers or flights operated by non-U.S. carriers. To further explain this, it is better to use a few examples. In the following examples, we assume all itineraries are codeshare and the foreign carrier's baggage policy does not accept musical instruments as carry-on and/or checked baggage.

*Example 1:* All flights coded under the U.S. carrier's code. The U.S. carrier (marketing carrier) operates segment 1, the foreign carrier (codeshare partner) operates segment 2. The U.S. carrier as the marketing carrier may choose to apply the foreign carrier's baggage policy throughout the itinerary, including segment 1 operated by the U.S. carrier. However, on the first flight, the U.S. carrier must accept musical instruments as checked or carry-on baggage consistent with the requirements of Part 251, even if the foreign carrier's baggage policy (that is otherwise applicable to that flight) does not accept these instruments. The reason is that the U.S. operating carrier must comply with Part 251. For segment 2 operated by the foreign carrier, it does not have to accept musical instruments because the foreign carrier is not covered by Part 251 as an operating carrier, and thus the foreign carrier's baggage policy applies here. This approach is also consistent with 399.87 because the U.S. carrier will still be applying the foreign carrier's policy, but allowing the carriage of the instrument (as an exception to that policy) on the first flight in order to comply with Part 251. The foreign carrier would be complying with 399.87 because it would be applying the more restrictive policy (that applied from the beginning) to the downline segment (segment 2).

*Example 2:* All flights coded under the U.S. carrier's code. The U.S. carrier (marketing carrier) operates segment 1, and the foreign carrier (codeshare partner) operates segment 2. The U.S. carrier as the marketing carrier can choose to apply its own baggage policy throughout the itinerary, which allows the carriage of musical instruments. For segment 2 operated by the foreign carrier, although the foreign carrier is not required to accept musical instruments under Part 251, in order to be compliant with 399.87, the foreign carrier must accept the musical instrument because of the U.S. carrier's baggage policy. If a foreign government requirement prevents the foreign carrier from transporting the musical instrument in the cabin, that carrier would be permitted to carry the musical instrument as a checked bag, but would not be permitted to charge for the checking of the instrument if the U.S. carrier did not charge to carry the instrument on the first flight. This is consistent with what we have told carriers in the past when their FAA-approved carry-on baggage program prevents them from carrying an item in-cabin. As the carry-on allowance policy is operating carrier based, if the carrier is not authorized to carry an item in the cabin, then section 399.87 does not require the carrier to do so; however, the carrier cannot charge for transporting it as checked bag if the first carrier allowed that item to be carried free of charge in the cabin.

*Example 3:* All flights coded under the foreign carrier's code for foreign-originating passengers. The foreign carrier (marketing carrier) operates segment 1, connecting to a U.S. carrier-operated segment 2. The foreign carrier (marketing carrier) chooses to apply its own baggage policy throughout the journey, which does not accept musical instruments. Accordingly, the foreign carrier does not have to accept

musical instruments on the flight that it operates (segment 1). However, the U.S. carrier must accept the instruments on the flight that it operates (segment 2), pursuant to Part 251.

11. Question: Does the final rule require air carriers to submit amendments to their FAA-approved carry-on baggage programs to include a method of “seat stowage” (for which a passenger purchases a seat) for musical instruments that are too large to fit in the carry-on stowage areas described in the air carrier’s FAA-approved carry-on baggage program, if the air carrier does not currently allow this method of stowage?

Answer: No. The rule does not require any carrier to modify its FAA-approved carry-on baggage program if that program does not already provide for accepting musical instruments as “cargo in passenger compartment” and to be stowed in a passenger seat. DOT encourages carriers to consider modifying their programs to allow the stowage of large musical instruments at passenger seats, provided that all safety requirements are met.