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Affects Parts: 42a, 45 Regulation No. SR-395B

UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D.C.

Special Civil Air Regulation No. SR-395B

[Reg. Docket No. 1835; Reg. No. SR-395B]

PART 42a—CERTIFICATION AND OPERATION RULES FOR COMMERCIAL OPERATORS AND AIR TAXI OPERATORS; SMALL AIRCRAFT

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

Miscellaneous Amendments

Currently effective Part 42 of the Civil Air Regulations contains provisions which are applicable to supplemental air carriers, commercial operators, and air taxi operators, who conduct operations in large or small aircraft.

In the enactment of Part 42, which is being adopted by the Agency, the requirements for small aircraft operations have ben deleted. In lieu thereof, the Agency has circulated proposed Part 125 [New] of the Federal Aviation Regulations which will govern air taxi operations, as defined in § 298.1(a)(2) of the Board's Economic Regulations, commercial operators using small aircraft, and scheduled air carriers who are permitted by the Administrator to operate their small aircraft under this part.

However, until the proposed Part 125 is adopted and becomes effective, it is necessary that the air taxi provisions of currently effective Part 42 remain in effect. Accordingly, this special regulation continues currently effective Part 42 in effect and redesignates it as Part 42a.

Currently, Part 45 governs commercial operators using small or large aircraft. Proposed Part 42, effective November 11, 1963, provides for the certification and operation of commercial operators using large aircraft. This obviates the need for the provisions of Part 45 governing them. Special Regulation 395B incorporates the provisions of Part 45 relating to commercial operators using small aircraft. The enactment by the Agency of new Part 42 and this special regulation completely obviates the need for Part 45. The Agency is therefore rescinding Part 45, as previously indicated in the preamble to revised Part 45 (28 F.R. 2001), which became effective May 1, 1963.

Current Special Regulation 395A authorizes air taxi operators to be certificated and to operate under the provisions of current Part 42. By revising the applicability of that part, Special Regulation 395B authorizes air taxi operators as well as commercial operators using small aircraft to be certificated and to conduct operations under Part 42a. The Agency is therefor rescinding Special Regulation 395A.

In consideration of the foregoing, effective November 11, 1963, the following Special Civil Air Regulation is adopted.

1. Part 45 of the Civil Air Regulations is rescinded.

2. Special Regulation 395A of the Civil Air Regulations is rescinded.

3. Current Part 42 is redesignated as Part 42a and its title is amended to read as follows: Part 42a—Certification and operation rules for commercial operators and air taxi operators; small aircraft.

4. Section 42a.0 is amended to read as follows:

§ 42a.0 Applicability of this part.

The certification and operations provisions of this part apply to air taxi operations as defined in § 298.1(a)(2) of the Board's Economic Regulations and the operations provisions apply to commercial operators, as defined in § 42a.5, using small aircraft only.

This Special Civil Air Regulation is issued under the authority of sections 313 (a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

Issued in Washington, D.C., on July 8, 1963.

N. E. HALABY,
Administrator.

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