U. S. DEPARTMENT OF COMMERCE
DANIEL C. ROPER, Secretary
BUREAU OF AIR COMMERCE
DENIS MULLIGAN, Director

CIVIL AIR REGULATIONS

26.—AIRPORT CONTROL TOWER OPERATOR RATING

As Amended to May 31, 1938

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CIVIL AIR REGULATIONS

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended by the Act of February 28, 1929 (45 Stat. 1404), the Act of June 19, 1934 (48 Stat. 1113), the Act of June 19, 1934 (48 Stat. 1116), and Sections 11 and 12 of the Act of June 12, 1934 (48 Stat. 933, 937), the following Civil Air Regulations are hereby made, prescribed, and issued to be known as—

Part 00. Aircraft Registration Certificate.
Part 01. Aircraft Certificates.
Part 02. Aircraft Identification Mark.
Part 03. Aircraft Title Transfer.
Part 04. Airplane Airworthiness.
Part 13. Aircraft Engine Airworthiness.
Part 14. Aircraft Propeller Airworthiness.
Part 15. Aircraft Equipment Airworthiness.
Part 18. Repair and Alteration of Aircraft.
Part 20. Pilot Rating.
Part 21. Airline Pilot Rating.
Part 23. Ground Instructor Rating.
Part 24. Mechanic Rating.
Part 25. Parachute Rigger Rating.
Part 26. Airport Control Tower Operator Rating.
Part 27. Airline Dispatcher Rating.
Part 40. Scheduled Airline Certification (Interstate and Intra-Territorial).
Part 50. Flying School Rating.
Part 52. Aircraft Repair Station Rating.
Part 60. Air Traffic Rules.
Part 61. Scheduled Airline Rules (Interstate).
Part 90. Air Mail.
Part 91. Aircraft Accident Investigations.
Part 92. Hearings Upon Certificates (Issued, Renewed, Denied, Suspended or Revoked).
Part 93. Evidence.
Part 94. Penalties.
Part 95. Imposition, Remission and Mitigation of Penalties.
Part 96. Authorization to Act for the Secretary.
Part 98. Definitions.
Part 99. Mode of Citation of Regulations.

Any and all rules and regulations heretofore made, prescribed, and issued by the Secretary of Commerce pursuant to the authority first above stated are hereby repealed.

Approved May 31, 1938.

[SEAL]

DANIEL C. ROPER,
Secretary of Commerce.

Part 26.—AIRPORT CONTROL TOWER OPERATOR RATING

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26.0 Provision for rating. Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide by regulation for the rating of all airmen serving in connection with aircraft of the United States as to their qualifications for such service and for the issuance of airmen certificates and such other certificates and regulations as the Secretary deems necessary in administering the Act, airport control tower operator ratings will be as follows:

(*a*) Junior Airport Control Tower Operator Rating.

(*b*) Associate Airport Control Tower Operator Rating.

(*c*) Senior Airport Control Tower Operator Rating.

26.1 Minimum requirements. To be eligible for an airport control tower operator competency rating, an applicant shall comply with the following minimum requirements prescribed for the rating sought.

26.10 Junior airport control tower operator rating. To be eligible for a junior airport control tower operator rating, applicant shall comply with the following minimum requirements.

26.100 Age. Applicant shall be at least 22 years of age.

26.101 Character. Applicant shall be of good moral character.

26.102 Citizenship. Applicant shall be

(*a*) a citizen of the United States, or

(*b*) an alien who has filed his declaration of intention to become a citizen of the United States and notifies the Secretary of the serial number of such declaration and of the date thereof and of the court in which it is filed; *provided,* that the certificate of competency is, in such case, subject to revocation by the Secretary if the holder does not from time to time keep the Secretary advised of the status of the proceedings in court and does not diligently and successfully prosecute them and become admitted as a citizen.

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26.103 Education. Applicant shall be able to read, write, and understand the English language, shall be able to speak the English language without accent or impediment of speech which would interfere with intelligible two-way radio conversation, and shall be a high school graduate or its equivalent.

26.104 Physical requirements. Applicant shall comply with the following minimum requirements as to physical condition; *provided,* that the existence of a lesser grade or condition in one or more of the particulars mentioned may not disqualify the applicant if excellence in aeronautical experience or in aeronautical skill offsets the deficiency, in the opinion of the Secretary; *provided, however,* that an increase of such deficiency which occurs at any time within the effective period of the certificate and cannot be compensated for by some other excellence (as in aeronautical experience or practical skill), will be ground for the revocation of such certificate.

26.1040 (a) Eye. Applicant shall have a visual acuity of at least 20/20 in each eye separately without correction; an average depth perception of 30 millimeters or less without correction; no diplopia; not more than 1 diopter of hyperphoria; properly balanced eye muscles with an abduction of 3 diopters or more; sufficient accommodation to pass a Bureau test based primarily upon ability to read official aeronautical maps; normal fields of vision, and no pathology of the eye.

26.1041 (b) Ear, nose, throat and equilibrium. Applicant shall be able to hear the whispered voice at eight feet with each ear separately; shall have no acute or chronic disease of the middle or internal ear; no disease of the mastoid; no unhealed perforations of the ear drum; no disease or malformation of the nose or throat which will interfere with or be aggravated by the performance of his duties, and no disturbance of equilibrium.

26.1042 (c) General physical condition. Applicant shall have no organic or functional disease, nor any structural defect or limitation which might interfere with the proper performance of his duties.

26.1043 (d) Nervous system. Applicant shall have no disease of the mental or nervous system and no abnormality of the personality.

26.105 Aeronautical knowledge. Applicant shall be familiar with and accomplish satisfactorily an examination on

26.1050 (*a*) airway traffic control procedure (See Part 60),

26.1051 (*b*) Airline schedules at the airport for which he seeks to be rated.

26.1052 (*c*) airport traffic control regulations for the airport for which he seeks to be rated, and

26.1053 (*d*) teletype symbols and weather sequences on airways converging on the airport for which he seeks to be rated.

26.106 Aeronautical experience. No minimum requirements.

26.11 Associate airport control tower operator rating. To be eligible for an associate airport control tower operator rating an applicant shall comply with the following minimum requirements:

26.110 Age. Applicant shall be at least 25 years of age.

26.111 Character. Same as §26.101.

26.112 Citizenship. Applicant must be a citizen of the United States.

26.113 Education. Same as §26.103.

26.114 Physical requirements. Same as §26.104.

26.115 Aeronautical knowledge. Same as in §26.105, and in addition the applicant shall be familiar with and accomplish satisfactorily an examination on

26.1150 (*a*) airline operation procedure at the airport for which he seeks to be rated,

26.1151 (*b*) air navigation facilities within 200 miles of the airport for which he seeks to be rated,

26.1152 (*c*) air traffic rules as provided in Part 60,

26.1153 (*d*) the current Consolidated Interline Safety Agreement, and

26.1154 (*e*) airline and itinerant radio frequencies and radio procedures.

26.116 Aeronautical experience. Applicant shall have—

26.1160 (*a*) performed satisfactory service as a junior airport control tower operator for the year immediately preceding the date of application for rating as associate control tower operator, provided the 3 months immediately preceding such application shall have been served satisfactorily at the airport for which applicant seeks to be rated, or have

26.1161 (*b*) performed satisfactory service as a junior airport control tower operator for the 6 months immediately preceding the date of application for rating as associate control tower operator, *provided, however,* that the 3 months immediately preceding such application shall have been served satisfactorily at the airport for which applicant seeks to be rated, and *provided, further,* that the applicant has served satisfactorily as an airport control tower operator for a period of one year during the 3 years immediately preceding the date of his application, or have

26.1162 (*c*) performed satisfactory service for the 6 months immediately preceding such application as the operator of the control tower at the airport for which he seeks to be rated, or have

26.1163 (*d*) performed satisfactory service for one year of the 2 years immediately preceding such application (1) as the operator of an airport control tower, (2) as a fixed base operator, (3) in the operations department of a certificated airline, or (4) as a pilot with at least a commercial pilot competency certificate, and

26.1164 (*e*) shall possess an appropriate valid radio license issued by the Federal Communications Commission.

26.117 Approval by examining board.

26.1170 (*a*) An applicant shall be given an examination by a board appointed by a designated representative of the Bureau and composed of at least 3 members, one selected from the airport management and the others from airline operation departments, Bureau representatives and military aviation units on the airport or from among other competent aeronautical officials having personal knowledge of the qualifications of the applicant and the duties to be performed.

26.1171 (*b*) The applicant must receive the approval in writing of a majority of the members of such board before consideration will be given for issuance of a certificate of competency to him.

26.1172 (*c*) The representative of the Secretary will be the chairman of the examining board and will submit to the Secretary, along with the application, a written report embodying his own opinion and the consensus of the board of examiners as to the qualifications of the applicant for performing the duties of the service for which he seeks rating.

26.12 Senior airport control tower operator rating. To be eligible for a senior airport control tower operator rating, an applicant shall comply with the following minimum requirements:

26.120 Age. Same as § 26.110.

26.121 Character. Same as § 26.101.

26.122 Citizenship. Same as § 26.112.

26.123 Education. Same as § 26.103.

26.124 Physical requirements. Same as § 26.104.

26.125 Aeronautical knowledge. Same as § 26.115.

26.126 Aeronautical experience. Applicant shall have—

26.1260 (*a*) performed satisfactory service as an associate airport control tower operator for at least one year during the 18 months immediately preceding the date of application for rating as senior airport control tower operator, *provided, however,* that at least 3 months of the 6 months' period immediately preceding such application shall have been at the airport for which he seeks to be rated, or have

26.1261 (*b*) performed satisfactory service for the 6 months immediately preceding application as the operator in charge of the control tower at the airport for which he seeks to be rated, and shall

26.1262 (*c*) demonstrate satisfactorily his ability to supervise and manage all activities of an airport control tower, including the preparation of such reports as may be required from time to time by the airport management and the Secretary, and

26.1263 (*d*) Same as § 26.1164.

26.127 Approval by examining board. Same as § 26.117.

26.2 Airport control tower operator certificate.

26.20 Provision for issuance. An appropriate airport control tower operator certificate of competency will be issued by the Secretary, upon approval of an application made and satisfactory proofs submitted, to a natural person who upon inspection and examination is found by the Secretary to meet the appropriate minimum requirements prescribed in § 26.1, and who is therefore rated as competent to control the movements of aircraft on and in the vicinity of the airport at which his competency to control such aircraft has been demonstrated.

26.21 Application. Application for an airport control tower operator certificate of competency, subscribed under oath, shall be made to the Secretary upon a form supplied for that purpose.

26.210 Application to amend. When any change in an airport control tower operator competency rating is desired, the applicant shall file a written request therefor with the Secretary through a designated inspector or airway traffic control manager of the Bureau.

26.211 Proceeding to amend. A proceeding to amend an airport control tower operator rating may be instituted by the Secretary when, in his opinion, the operator is no longer competent in respect to some

matter specified in the certificate. Notice of such proceeding shall be addressed to such operator with opportunity for a hearing. In the interim, the certificate may be suspended in whole or in part by a duly authorized Bureau inspector or by the Secretary. Following the hearing, the Secretary may issue a re-rating as to competency.

26.22 Issuance. Upon approval of an application duly made, proofs submitted and examinations and tests satisfactorily completed, an airport control tower operator certificate of competency will be issued in an appropriate form.

26.220 Temporary certificate. Following application made for an airport control tower operator certificate of competency, but prior to approval thereof and issuance of the certificate, an appropriate temporary certificate may be issued by the examining Bureau representative. This temporary certificate shall remain in force until the appropriate airport control tower operator certificate of competency is issued or denied by the Secretary, but not to exceed a period of 60 days.

26.23 Display. An airport control tower operator certificate shall be kept in the personal possession of the operator at all times when he is on duty in connection with the control of aircraft, and shall be presented upon the demand of any authorized official or employee of the Department of Commerce or of any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance, or upon the reasonable request of any other person.

26.24 Duration. An airport control tower operator certificate, unless sooner suspended by a duly authorized representative of the Bureau or by the Secretary or revoked by the Secretary, shall remain in force for one year from date of issuance, and only for the airport mentioned in the certificate *provided*, however, that an airport control tower operator certificate, regardless of rating, shall revert to that of junior airport control tower operator rating for at least 2 months subsequent to the entering upon duty of the holder thereof at a different airport control tower, after which period application may be made for reinstatement of the rating previously held, but for the airport for which applicant seeks to be rated. The operator need not take the physical examination required in § 26.104 if he has satisfactorily passed the same within the preceding 12 months.

26.25 Renewal. An airport control tower operator certificate may be renewed, for a like period as the original certificate, upon application made within 45 days pior to expiration and upon showing of

26.250 (*a*) a satisfactory physical examination, as provided in § 26.104, by a designated medical examiner of the Bureau, completed within the 45 days preceding expiration, and

26.251 (*b*) a letter from his employer or superior officer to the effect that the holder thereof has satisfactorily performed his duties in the airport control tower for at least 3 months immediately preceding date of application for renewal.

26.252 Reinstatement. In the event of an emergency which prevents renewal prior to expiration, and upon a showing thereof satisfactory to the Secretary, the applicant may have his airport control

tower operator certificate validated in accordance with the provisions for renewal in § 26.25, provided such examinations and tests (including the medical examination within 45 days prior to the application for reinstatement) appropriate to the rating as the Secretary may deem necessary, are satisfactorily accomplished.

26.26 Non-transferability. An airport control tower operator certificate is not transferable.

26.27 Suspension or revocation. An airport control tower operator certificate may be suspended by a duly authorized representative of the Bureau or by the Secretary or revoked by the Secretary by reason of any of the following on the part of the holder thereof:

26.270 (*a*) Violating any provision of the Air Commerce Act or any rule or regulation duly issued thereunder.

26.271 (*b*) Carelessness or inattention to duty affecting safety.

26.272 (*c*) Unsound physical or mental condition.

26.273 (*d*) Any demonstration of incompetency in the operation or supervision of an airport control tower.

26.274 (*e*) Being, or knowingly permitting, a superior, subordinate, fellow operator or other person to be under the influence of, or using, or having personal possession of intoxicating liquor, cocaine, or other habit-forming drug, while present in the airport control tower or on duty directing or controlling aircraft movements.

26.275 (*f*) Refusing to exhibit his certificate upon proper demand.

26.276 (*g*) Making any false statements in an application for a certificate or in any report required by the Secretary.

26.277 (*h*) Performing any act in connection with the control and direction of aircraft which is contrary to the public safety or interest, or detrimental to the morale of pilots or other persons.

26.278 (*i*) Using or displaying his certificate for any fraudulent purpose.

26.28 Surrender. Upon notice from a duly authorized Bureau inspector of the suspension of an airport control tower operator certificate by such inspector or by the Secretary, and upon demand of either of the same for the surrender of such certificate, or upon notice from the Secretary of the revocation of such certificate, the holder thereof shall immediately surrender such certificate to such inspector or immediately return such certificate to the Secretary, as the case may be. In case of revocation, notwithstanding any failure or refusal to surrender an airport control tower operator certificate, it shall be deemed canceled and of no further force or effect.

26.29 Re-application. An applicant for an airport control tower operator certificate who has failed to successfully accomplish the prescribed theoretical or practical tests may apply for re-examination at any time after the expiration of 90 days from the date of such failure.

26.3 Examinations and tests.

26.30 General. The examinations and tests prescribed in the foregoing regulations will be conducted by an authorized officer or employee of the Department of Commerce or by a properly qualified person designated for the purpose by the Secretary. The Secretary may, in his discretion and at any time, require any applicant or airport control tower operator certificate holder to undergo a re-examination

in any theoretical or practical test prescribed as a requisite for such certificate.

26.31 Time and place. All examinations and tests will be held at such times and places as the Secretary may designate.

26.32 Physical examination. In connection with the original issuance of any airport control tower operator certificate the physical examination prescribed shall be accomplished by a medical examiner of the Department of Commerce duly authorized to so examine applicants for such certificate before any practical or theoretical test or other examination will be given, and shall be completed within the 60 days preceding the date of filing application for such certificate.

26.33 Inspection. The applicant for any airport control tower operator certificate shall offer full cooperation in respect of any inspection or examination which may be made of said applicant upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of such certificate.

26.34 Standard of performance. All practical or theoretical examinations and tests shall be accomplished to the satisfaction of the Secretary and the minimum passing grade in any subject of examination or test shall be 70 percent.

26.35 Reports. The person giving any examination or test in behalf of the Secretary shall promptly report the result thereof upon the appropriate form to the Secretary.

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