UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

Civil Air Regulations Amendment 29-1
Effective: December 21, 1949
Adopted: December 21, 1949

WAIVER OF PHYSICAL REQUIREMENTS FOR AIRLINE TRANSPORT PILOTS

Part 29 currently provides that an airman certificate shall be issued to an applicant other than an applicant for the original issuance of an airline transport pilot certificate who does not meet the appropriate physical standards if his aeronatuical experience, ability, and judgment compensate for his physical deficiency and he meets all other requirements for the issuance of such certificate.

This amendment provides for the original issuance of airline transport pilot certificates to applicants who do not meet the appropriate physical standards for the issuance of such certificates, but who meet all other certificate requirements, and whose airman operational experience, ability, and judgment compensate for their physical deficiency.

In this connection it should be noted that under current regulations an airline transport pilot can acquire a physical disability after the original issuance of his airline transport pilot rating, and, if he is able to compensate for such deficiency, be eligible to continue to exercise the privileges of such rating. However, had such an individual acquired this same deficiency prior to the original issuance of the rating, he would not, under current regulations, be able to obtain it. The Board does not at this time believe that there is any sound reason for this distinction.

This amendment is necessary at this time for the following reason. Part 42, as revised, requires that all pilots serving as pilots in command of large aircraft in irregular air carrier operations shall, after December 31, 1949, possess valid airline transport pilot ratings. Prior to such revision pilots operating under Part 42 were required to hold only a commercial rating which may be obtained even though an applicant is unable to meet all of the prescribed physical standards for the issuance of such rating. We have been advised that several pilots, employed for considerable periods of time as pilots in command of large aircraft operated by irregular air carriers, are unable to meet the physical requirements for the original issuance of airline transport pilot certificates. Under current regulations these pilots would not be able to continue in their employment, even though it may be shown that they can competently and safely perform their duties. It is believed that there are a number of pilots whose operational experience, ability, and judgment justify the issuance of airline transport ratings even though they may not fully meet the physical standards for the original issuance of an airline transport pilot certificate. This amendment will enable such pilots to obtain airline transport pilot certificates.

In addition, this amendment clarifies the meaning of the phrase "aeronautical experience" as currently used in § 29.5. That phrase has been interpreted as having the same connotation when used in that section as when used in the airman certification parts of the Civil Air Regulations, that is, to mean merely the specified total number of flying hours or years of experience required to obtain an airman certificate. However, such phrase, for the purposes of § 29.5, should be interpreted as including an evaluation and finding by the Administrator of the quality of the applicant's past performance as an airman to determine whether he is competent to perform safely the duties of the airman certificate applied for, notwithstanding

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his physical deficiency. Accordingly, the phrase "operational record as an airman" is substituted for the phrase "aeronautical experience."

This amendment does not require the airman certificate issued to a pilot not meeting the prescribed physical standards to be endorsed as currently prescribed. We have been advised by the Administrator of Civil Aeronautics that in his opinion such an endorsement is unnecessary to insure that holders of airman certificates perform safely the duties authorized by such certificates, and therefore this requirement imposes an unnecessary administrative burden upon his staff. The Board concurs in the Administrator's opinion in this regard.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. For the reasons stated above, and since this amendment imposes no additional burden on any person, the Board finds that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 29 of the Civil Air Regulations (14 CFR, Part 29, as amended) effective immediately:

By amending § 29.5 to read as follows:

29.5 Waiver of physical standards. An airman certificate shall be issued to an applicant who does not meet the appropriate physical standards if the Administrator finds that the applicant's operational record, ability, and judgment as an airman compensate for his physical deficiency and he meets all other requirements for the issuance of said certificate. Such certificate may be limited as to type of operation, type of aircraft, or period of reexamination.

[Sec. 205 (a), 52 Stat. 984, 49 U.S.C. 425 (a). Interpret or apply secs. 601 and 602, 52 Stat. 1007 and 1008; 62 Stat. 1216; 49 U.S.C. 551 and 552; Act of July 1, 1948.]

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

Part 29 last printed October 1, 1949.