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

Civil Air Regulations Amendment 40-1
Effective: June 22, 1956
Adopted: May 18, 1956

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

WEATHER REPORTING FACILITIES AND REQUIREMENTS COVERING LANDING LIMITATIONS OUTSIDE CONTINENTAL UNITED STATES

Part 40 of the Civil Air Regulations contains the certification and operation rules for scheduled air carriers conducting interstate operations. Part 41, on the other hand, contains the regulations applicable to scheduled air carriers operating outside the continental limits of the United States. However, § 40.1 of Part 40 permits the Administrator to authorize air carriers whose operations are essentially domestic in character to operate on routes extending beyond the continental limits of the United States in accordance with the provisions of Part 40 in lieu of the provisions of Part 41 in order to permit continuity of operating procedures throughout the air carriers' systems.

Currently effective § 40.35 of Part 40 requires air carriers to show that sufficient weather reporting services are available en route to insure necessary weather reports and forecasts prepared and released by the United States Weather Bureau or by a source approved by the Weather Bureau. However, reports prepared by the United States Weather Bureau or a source approved by the Weather Bureau are not normally available for areas under the jurisdiction of other nations.

Currently effective § 40.406 of Part 40 prescribes the take-off and landing weather minimum requirements for IFR flight. These requirements include provisions allowing pilots to "take-a-look" to determine whether conditions at the airport are at or above prescribed weather minimums and, if so, to continue to approach and land. Authority to "take-a-look" is limited to airports served by ILS and GCA in operative condition or to airports at which certain instrument approach procedures are commenced when weather conditions above prescribed minimums exist but which a later report indicates are below minimum requirements. Part 41, on the other hand, prohibits air carriers from "taking-a-look" only at airports at which United States Weather Bureau reports indicate below minimum conditions exist. At airports outside the United States which do not possess a United States Weather Bureau reporting service, a pilot may in his discretion "take-a-look." If he finds that weather conditions at the airport are at or above prescribed weather minimums, he may complete the approach and land.

The inapplicability of § 40.35 to air carrier operations outside the United States and the inconsistency between Parts 40 and 41 with respect to "take-a-look" restrictions appear to have been an oversight. In order to correct this situation, § 40.35 is being amended to provide for the use of weather reports prepared by sources other than those approved by the United States Weather Bureau on routes extending beyond the continental limits of the United States on which operations are conducted pursuant to § 40.1. These "other" sources shall be approved by the Administrator. In addition, § 40.406 is being amended to prohibit pilots from "taking-a-look" only when the latest United States Weather Bureau report or a report from a source approved by the Weather Bureau indicates the ceiling or visibility to be less than the prescribed minimum. This will enable pilots flying on routes outside the continental United States pursuant to § 40.1 to exercise the same "take-a-look" privileges as are available to pilots flying in accordance with Part 41.

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 (20 F.R. 8579).

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective June 22, 1956:

1. By amending § 40.35 to read as follows:

40.35 Weather reporting facilities. The air carrier shall show that sufficient weather reporting services are available along the route to insure weather reports and forecasts necessary for the operation. Forecasts used to control flight movements shall be prepared from weather reports furnished in accordance with paragraphs (a) and (b) of this section as appropriate.

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(a) For operations within the continental limits of the United States, weather reports used to control flight movements shall be those prepared by the U. S. Weather Bureau, or by a source approved by the Weather Bureau.

(b) For operations authorized in accordance with § 40.1 to be conducted outside the continental limits of the United States, weather reports used to control flight movements may be those prepared by any source approved by the Administrator.

2. By amending § 40.406 to read as follows:

40.406 Take-off and landing weather minimums; IFR.

(a) Except as provided in paragraphs (c) and (d) of this section, irrespective of any clearance which may be obtained from air traffic control, no airplane shall take off or land under IFR when the ceiling or ground visibility reported by the U. S. Weather Bureau or by a source approved by the Weather Bureau is less than the minimum approved for the airport when used as a regular airport.

(b) Except as provided in paragraphs (c) and (d) of this section, no instrument approach procedure shall be executed when the latest weather report prepared by the U. S. Weather Bureau or by a source approved by the Weather Bureau indicates the ceiling or visibility is less than the landing minimum approved for the airport when used as a regular airport.

(c) An instrument approach procedure may be executed when the weather report prepared by the U. S. Weather Bureau or by a source approved by the Weather Bureau indicates that the ceiling or visibility is less than approved minimum for landing, if the airport is served by ILS and PAR in operative condition and both are used by the pilot, and thereafter a landing may be made, if weather conditions equal to or better than the prescribed minimums are found to exist by the pilot in command upon reaching the authorized landing minimum altitude.

(d) If an instrument approach procedure is initiated when the current report prepared by the U. S. Weather Bureau or by a source approved by the Weather Bureau indicates that the prescribed ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane (1) is on an ILS final approach and has passed the outer marker, or (2) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (3) is on GCA final approach and has been turned over to the final approach controller, such ILS, Range, or GCA approach may be continued and a landing may be made in the event weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command of the flight upon reaching the authorized landing minimum altitude.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U.S.C. 551-554)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

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