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

Civil Air Regulations Amendment 40-5
Effective: August 15, 1957
Adopted: July 11, 1957

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

ADMISSION TO FLIGHT DECK

Section 40.356 of Part 40 of the Civil Air Regulations specifies the persons who may be admitted to the flight deck of an air carrier airplane. Although it was the intention of the Board to limit admission to such flight deck to the persons specified in this section, it has come to the attention of the Board that there is ambiguity as to whether other persons not expressly authorized to be admitted to the flight deck are prohibited from admission thereto. This amendment eliminates this ambiguity.

A growing need for in-flight observation of equipment and procedures has been verified by the Board in the granting of many recent waivers, and the experience gained in operations subject to such waivers has been excellent. Accordingly, § 40.356 is being amended to include in the list of persons authorized to be admitted to the flight deck, without having a seat available in the passenger compartment, certain operations personnel of the air carrier and technical representatives of the manufacturer of the airplane or components thereof. It is contemplated that authorization for such operations personnel and technical representatives will be granted by the air carrier only when the presence of such persons in the pilot compartment is required in the furtherance of their functions of observing and monitoring the in-flight operations of the air carrier or its equipment. It should be clearly understood that it is not intended by this amendment to compromise in any way the authority of the pilot in command to refuse such persons admission to the flight deck.

This amendment was published in the Federal Register (21 F.R. 6573) as a notice of proposed rule making and circulated to the industry as Civil Air Regulations Draft Release No. 56-24, dated August 22, 1956. Certain comments received in response to Draft Release No. 56-24 recommended that the provisions governing admission to the flight deck be amended to give the pilot in command complete discretion with respect to admitting persons to the flight deck. The Board has given careful consideration to this recommendation, but is of the opinion that it would not be in the interest of safety to grant to the pilot in command any greater discretion than that provided for in this amendment.

In order to achieve uniformity in the Civil Air Regulations, similar amendments are being made to the corresponding sections in Parts 41 and 42 of the Civil Air Regulations which pertain to admission to the flight deck.

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.

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 August 15, 1957.

1. By amending § 40.356 to read as follows:

40.356 Admission to flight deck. No persons, other than crew members, shall be admitted to the flight deck of an airplane except those authorized in paragraphs (a) and (b) of this section. For the purposes of this section, the Administrator shall determine what constitutes the flight deck.

(a) CAA Flight Operations and Airworthiness Inspectors and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations, or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and

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such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the air carrier managment and the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) CAA Flight Operations and Airworthiness Inspectors or other authorized representatives of the Civil Aeronautics Administration or the Civil Aeronautics Board engaged in checking flight operations;

(2) Air traffic controllers who have been authorized by the Administrator to observe ATC procedures;

(3) Certificated airmen of the air carrier whose duties with the carrier require an airman certificate;

(4) Certificated airmen of another air carrier whose duties with such carrier require an airman certificate and who have been authorized by the air carrier concerned to make specific trips over the route;

(5) Employees of the air carrier, whose functions are directly related to the conduct or planning of flight operations or the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and when specifically authorized in writing by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority; and

(6) Technical representatives of the manufacturer of the airplane or its components whose functions are directly related to the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by the Administrator and by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority.

(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

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