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

Civil Air Regulations Amendment 40-9
Effective: January 24, 1958
Adopted: December 20, 1957

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

HIGH-ALTITUDE OPERATIONS

Part 40 of the Civil Air Regulations presently permits scheduled air carriers to operate off-airways under both IFR and VFR within the continental limits of the United States at altitudes above 12,500 feet east of longitude 100° W. and 14,500 feet west of longitude 100° W. Approval by the Administrator of such high-altitude routes is not required.

In recent years, however, there has been a marked increase in air carrier and other flight operations conducted above 12,500 feet, and it has become apparent that positive traffic separation at these altitudes is increasingly important. Accordingly, a notice of proposed rule making was published in the Federal Register (22 F.R. 3418) and circulated to the industry as Civil Air Regulations Draft Release No. 57-8 to afford interested parties opportunity to comment on a proposed rule which would prohibit high-altitude operations by air carriers operating under Part 40 of the Civil Air Regulations in uncontrolled airspace within the continental limits of the United States in weather conditions less than those prescribed for VFR flight.

The comments received by the Board in response to the notice of proposed rule making were generally favorable. However, there was comment to the effect that the proposed rule is unnecessary inasmuch as the airlines have voluntarily imposed certain restrictions on their high-altitude operations. In view of the importance of traffic separation at these high altitudes, the Board deems it necessary in the interest of safety to provide for such separation through regulation.

This regulation is limited in its application to air carrier operations conducted under Part 40 of the Civil Air Regulations. However, this does not mean that air carriers subject to this part are necessarily to be governed by a different standard for these operations than are air carriers operating under Parts 41 and 42 of the Civil Air Regulations. Attention is directed to the fact that air carriers operating within the continental limits of the United States under Parts 41 and 42 who desire to conduct flights over off-airways routes must secure the approval of the Administrator of Civil Aeronautics for such routes. The Board has been advised by the Administrator that he intends to exercise this authority consistent with the restrictions imposed on Part 40 operators by this regulation.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F.R. 3418), 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 January 24, 1958.

1. By amending the proviso in § 40.30 to read as follows: "Provided, That high-altitude VFR operations may be conducted over any route."

2. By amending the proviso in § 40.31 to read as follows: "Provided, That for high-altitude VFR operations courses need not be approved and the width of navigable airspace on each side thereof need not be designated by the Administrator."

3. By amending the proviso in § 40.32 to read as follows: "Provided, That IFR routes outside of control areas shall not be approved for high-altitude operations."

(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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