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CIVIL AERONAUTICS BOARD
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SPECIAL CIVIL AIR REGULATION

VOLUNTARY PILOT REPORT OF NEAR MID-AIR ("NEAR-MISS") COLLISION

The increasing frequency of near mid-air collisions has accentuated the need for a program whereby participants in these incidents would be encouraged to furnish the Board all material details of the incident.

The seriousness of the near mid-air collision problem is increasing, and although several industry organizations have independently established programs for the anonymous reporting of these incidents, it has been asserted that all pilots have not participated in them due, no doubt, to the fear of possible government enforcement or other disciplinary action. To require, by regulation, that pilots give the facts surrounding their near mid-air collision experiences would be futile since in many cases one or the other of the pilots concerned is in violation of the Civil Air Regulations and obviously would not report such incidents. However, in the interest of reducing the potential of air collision, it is essential that valid data be obtained on the circumstances surrounding such occurrences. It is believed, therefore, that only through the positive and official assurance which the Civil Aeronautics Board can give under its statutory mandate "...to promote safety of flight in air commerce by prescribing ...reasonable rules and regulations..." and by "...ascertaining what will best tend to reduce or eliminate the possibility of, or recurrence of, accidents..." that a successful program of voluntary pilot reports on near mid-air collisions can be undertaken.

Accordingly, to encourage such airmen to give this essential information, the Board has established a program whereby pilots of any aircraft, or other interested persons, can voluntarily report incidents during flight where near mid-air collisions ("near-misses") between aircraft occur without fear of disciplinary action even if violation of the Civil Air Regulations is disclosed by such voluntary report. The Board, in inducing pilots to make voluntary reports of near collisions (either anonymously or not, in their discretion) assures them that the identity of the pilot making the report to the Board, if known, will be held in strict confidence by the Board, and that the report will not be used to initiate, aid, or abet any enforcement, remedial, or disciplinary proceeding under the Civil Air Regulations. It should be understood, however, that the fact that a pilot, or other interested person, submits a voluntary report of a near mid-air collision incident to the Board does not prevent enforcement, remedial, and/or other appropriate disciplinary proceedings that may be initiated on the basis of information obtained from other sources.

The regulation set forth hereinafter assures pilots that disciplinary action will not be taken as a result of information received from a voluntary report, and it is anticipated that it will encourage pilots to submit the desired reports.

However, it is not believed that this action alone will secure the results desired. It is essential to the success of the program that the attention of all pilots be attracted to it and that an easy means of reporting be made available to them. Hence, to publicize the program, releases will be issued to the press and trade magazines, and notice will be published in the CAA publication "Notice to Airmen." Also, a "check" type, self-addressed, no-stamp-required, questionnaire providing a quick and easy method of reporting the circumstances of the incident will be given wide distribution for the pilots' use.

Interested persons have been afforded an opportunity to participate in the making of this Special Civil Air Regulation (20 F.R. 9427), and due consideration has been given to all relevant matter presented. Since this regulation relieves restriction and does not burden the public, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective February 23, 1956:

Contrary provisions of the Civil Air Regulations notwithstanding, information from a report voluntarily submitted to the Civil Aeronautics Board by any pilot of any aircraft, or by any other person, giving the facts, conditions, and circumstances surrounding any near mid-air collision of aircraft, wherever it might occur, shall not be used to initiate, aid, or abet any enforcement, remedial, or disciplinary proceeding under the Civil Air Regulations promulgated by the Board pursuant to the Civil Aeronautics Act of 1938, as amended. The identity of the pilot or person making such report, if known, and any information which might be used to establish such identity, shall be held in strict confidence by the Civil Aeronautics Board, and the information derived therefrom shall be used by the Board in the development of corrective safety measures only, notwithstanding that a violation of the Civil Air Regulations is disclosed by such report: Provided, That where information of such violation of a Civil Air Regulation is obtained by other means, the fact that the violation was voluntarily reported will not preclude enforcement, remedial, or other disciplinary proceedings that are initiated on the basis of such other information.

(Sec. 205 (a), 52 Stat. 984, 49 U.S.C. 425 (a). Interpret or apply sec. 601, 52 Stat. 1007, 49 U.S.C. 551; 702, 52 Stat. 1013, 49 U.S.C. 582)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)