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Regulation No. SR-416A

UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D. C.

Effective: July 15, 1959
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SPECIAL CIVIL AIR REGULATION SR-416A

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 61; Special Civil Air Reg. SR-416A]

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

Rescission of Special Civil Air Regulation SR-416

On February 23, 1956, the Civil Aeronautics Board adopted in the exercise of its powers under Titles VI and VII of the Civil Aeronautics Act of 1938, as amended, Special Civil Air Regulation No. SR-416. This regulation was adopted because of the Board's concern with the then increasing frequency of near mid-air collisions. It desired to encourage airmen to voluntarily report such incidents so that it could secure data relating to the circumstances surrounding these occurrences. The Board therefore established a program for reporting near mid-air collisions, anonymously or otherwise. In order to induce such reporting, the Board, in SR-416, officially assured that the identity of persons making these reports would be held in strict confidence and that the information derived therefrom would not be used to initiate, aid, or abet an enforcement, remedial, or disciplinary preceedings nothwithstanding that a violation of the Civil Air Regulations was disclosed by the report. SR-416, however, did not guarantee complete immunity because it also provided that where information indicating a violation of a Civil Air Regulation was obtained by other means, the fact that the information was voluntarily reported would not preclude disciplinary or remedial action based on such other information.

The Civil Aeronautics Board has advised that it has become apparent that the environmental factors of "near-miss" data obtained from the reports over the last three years indicate a nearly static quality of predictability and that further statistics would be merely repetitious of existing data. The Board therefore believes that no useful purpose would be served by a continuation of the present voluntary reporting program and does not wish to continue said program pursuant to its powers under section 701 (a)(5) of the Federal Aviation Act of 1958.

The FAA has recently established internally a near midair collision investigation program which is designed to gather promptly all of the available information regarding each particular case. Field representatives of the Federal Aviation Agency investigate the individual case, collect the available data, evaluate the factors involved, determine the cause, recommend corrective on enforcement action and forward their findings to a central office established in Washington. The office in Washington evaluates the individual case and breaks the data down into various statistical phases of operation, in order to determine deficiencies in the airways system, traffic patterns and procedures, in the civil air regulations, and in other areas of air operation. This system will thus enable the Federal Aviation Agency to evaluate quickly the circumstances surrounding each incident and to initiate any corrective or enforcement action that may be required.

In consideration of the views of the Civil Aeronautics Board and the Federal Aviation Agency's collision investigation program, it has been determined that it would not be in the public interest to continue SR-416 in effect.

SR-416 was adopted by the Civil Aeronautics Board not only under its general rule making authority (section 205(a)) of the Civil Aeronautics Act, as amended, but also under section 601 (Safety Regulation) and section 702 (Accident Investigation). Inasmuch as the Federal Aviation Agency now has the sole responsibility for adopting safety regulations, the action taken herein is predicated on section 313(a) of the Federal Aviation Act of 1958, which contains its general rule making authority, and Section 601 of the Act which empowers it to adopt safety regulations. The Civil Aeronautics Board is taking parallel action simultaneous herewith.[1]

Since the rescission of SR-416 does not impose an additional burden on any person, the Administrator finds that compliance with the notice, public participation and effective date provisions of Section 4 of the Act is unnecessary. In consideration of the foregoing:

Effective July 15, 1959, Special Civil Air Regulation No. SR-416, adopted by the Civil Aeronautics Board on February 23, 1956, is hereby rescinded insofar as it was promulgated under Title VI of the Civil Aeronautics Act of 1938, as amended.

Issued in Washington, D.C., on July 10, 1959.

(Secs. 313(a), 601, 72 Stat. 752, 775, 49 U.S.C. 1354, 1421)

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-5834; Filed, July 14, 1959; 8:47 a.m.]

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