Affects Parts: 40, 41, 42, 43

Regulation No. SR-448A

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

Effective: October 13, 1961
Issued: October 9, 1961

Special Civil Air Regulation No. SR-448A

[Reg. Docket No. 821; Reg. No. SR-448A]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

Special Civil Air Regulation; Precautions to Prevent Hijacking of Aircraft and Interference With Crewmembers in the Performance of Their Duties

Special Civil Air Regulation No. SR-448 was adopted and effective July 28, 1961 (26 F.R. 7009). The preamble thereto stated that:

The recent hijackings of air carrier aircraft have highlighted a necessity to provide additional controls over the conduct of passengers in order to avoid a serious threat to the safety of flights and persons aboard them. The Federal Aviation Agency has the responsibility to see that air carriers take such steps as are possible to prevent such occurrences. We have requested the air carriers to take every practicable precaution to prevent passengers from having access to the pilot compartment. In addition, we are adopting a regulation which will prohibit any person, except one who is specifically authorized to carry arms, from carrying on or about his person while aboard an air carrier aircraft a concealed deadly or dangerous weapon. The regulation being adopted will also make it a violation of the CARs for any person to assault, threaten, intimidate, or interfere with a crewmember in the performance of his or her duties aboard an air carrier aircraft or to attempt to or cause a flight crewmember to divert the flight from its intended course or destination.

Special regulation SR-448, however, does not prohibit a person from carrying an unconcealed deadly or dangerous weapon on or about his person while aboard an aircraft. The present emergency situation requires stringent measures to preclude the carriage of any weapon which may be used to intimidate or interfere with crewmembers performing their duties on an aircraft engaged in air transportation. Therefore, paragraph 2 of SR-448 is amended by this regulation to prohibit any person, except those specified, from carrying a deadly or dangerous weapon on or about his person, either concealed or openly, while on board an air carrier aircraft engaged in air transportation.

Since the promulgation of Special Civil Air Regulation No. SR-448, Public Law 87-197 has been enacted which, among other things, makes it a criminal offense to carry a concealed deadly or dangeous weapon on or about one's person while aboard an air carrier aircraft being operated in air transportation. Excepted from this provision are certain law enforcement officers, and "other persons as may be so authorized under regulations issued by the Administrator." To implement this statutory provision, this regulation excepts from the prohibition against carrying a concealed weapon while aboard an aircraft being operated by an air carrier in air transportation (1) employees or officials of municipal, State, or Federal Governments who are authorized or required to carry arms; (2) crew members authorized by the air carrier; and (3) such other persons as may be authorized by the air carrier pursuant to such precautions as may be established by the carrier.

In view of the foregoing exceptions, the prohibition of paragraph 2 of SR-448 is changed to apply to any person, rather than only to those persons who are passengers. This regulation does not in any way affect the shipment of unloaded firearms in baggage not accessible to the passenger while aboard the aircraft if these firearms are otherwise acceptable for shipment under the provisions of Part 49. In such case, the firearms will be located so as not to be accessible to the passenger during flight, and therefore, not deemed to be on or about his person within the meaning of this regulation.

The present provisions of paragraph 1 of SR-448 apply to aircraft being operated in air transportation. This paragraph is changed to apply to aircraft being operated in air commerce to broaden the scope of the provision to provide similar protection to those general aviation operations and operations conducted for compensation or hire which are not considered as air transportation under the Federal Aviation Act of 1958.

Because of the emergency nature of the situation and the present threat to safety of persons being carried in air commerce, I find that notice and public procedure hereon would be impracticable and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing changes, Special Civil Air Regulation SR-448 is superseded by the following Special Civil Air Regulation to become effective October 13, 1961:

1. No person shall assault, threaten, intimidate, or interfere with a crewmember in the performance of his duties aboard an aircraft being operated in air commerce; nor shall any person attempt to or cause the flight crew of such aircraft to divert its flight from its intended course or destination.

2. Except for employees or officials of municipal, State, or Federal Governments who are authorized or required to carry arms, and except for those crewmembers and such other persons as may be authorized by an air carrier, no person, while aboard an aircraft being operated by an air carrier in air transportation, shall carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed.

This special regulation supersedes Special Civil Air Regulation No. SR-448.

(Secs. 313, 601, 902; 72 Stat. 752, 775, 784; 49 U.S.C. 1354, 1421, 1472)

Issued in Washington, D.C., on October 9, 1961.

N. E. HALABY,
Administrator.

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