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

Civil Air Regulations Amendment 41-4
Effective: September 26, 1955
Adopted: August 22, 1955

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

MISCELLANEOUS AMENDMENTS

Currently effective § 41.52 of Part 41 of the Civil Air Regulations requires in part that a pilot in command or second in command, in order to maintain pilot technique in any aircraft of a particular type in which he is to serve in air transportation at night, shall have made at least one take-off and landing at night in that particular type of aircraft within the preceding ninety days. On the other hand, § 40.301 of Part 40, "Pilot recent experience," does not contain any requirement for night landings and take-offs within the preceding ninety days. Although § 40.282, "Initial pilot flight training," requires training for pilots in night operation in each type of airplane to be flown by them in scheduled operations, Part 41 contains only the generalization in § 41.53, "Periodic flight checks and instruction," that pilots in command must receive training under certain specified conditions and does not specifically require night operations. The Board has determined that the requirement for recent night landings is not essential to the safety of air carrier operations provided that adequate provision is made for night landings in the air carrier's initial pilot training program. Therefore, this amendment incorporates into Part 41 the basic provisions of §§ 40.301 and 40.282 (a) of Part 40.

Currently effective Part 41 does not contain any provisions such as those in Part 40 which permit a scheduled domestic air carrier under specified conditions to conduct over-the-top operations by day below the established minimum en route altitude, and which permit such an air carrier to make an entry into an instrument approach procedure below the altitude specified by the administrator for such procedure. At the time this provision was incorporated into Part 40 by amendment, it did not appear necessary that it also be included in Part 41. However, it has since become apparent that such a provision can appropriately be utilized in Part 41 operations. Accordingly, this amendment incorporates into Part 41 provisions similar to those currently contained in Part 40.

In addition, an erroneous reference in § 41.34 is corrected by deleting the reference to § 41.35 and inserting in lieu thereof the reference § 41.33.

The foregoing amendments were the subject of a notice of proposed rule making (19 F.R. 5645) which was circulated to interested persons as Draft Release No. 54-20. This draft release also contained certain proposals relating to aircraft dispatcher daily duty time limitations, instrument approach procedures, and approach and landing limitations. Final disposition of these latter proposals is not being made at this time but will be the subject of separate rule making actions at a later date.

The Board has under development a complete revision of the format of Part 41. In the course of this revision it is intended that consideration be given to many substantive issues covering the international air carrier certification and operating rules which have been raised in recent years. However, the Board has determined that justification exists for proceeding with the amendments described herein at this time.

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 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective September 26, 1955:

1. By amending § 41.34 by deleting the reference "§ 41.35" and inserting in lieu thereof the reference "§ 41.33".

2. By amending § 41.52 to read as follows:

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41.52 Initial pilot flight training and recent experience.

(a) Flight training for each pilot shall include at least take-offs and landings, during day and night, and normal and emergency flight maneuvers in each type of airplane to be flown by him in scheduled operations, and flight under simulated instrument flight conditions.

(b) No air carrier shall schedule a pilot in command or second in command to serve as such in scheduled air transportation unless within the preceding 90 days he has made at least three take-offs and three landings in the airplane of the particular type on which he is to serve.

3. By amending § 41.114 by changing the title of paragraph (b) to read "Night VFR or IFR operations (including over-the-top)" and by adding a new paragraph (c) to read as follows:

41.114 Flight altitude rules. * * *

(c) Daytime over-the-top operations below minimum en route altitudes. Over-the-top operations may be conducted at flight altitudes lower than the minimum en route IFR altitudes by day only and in accordance with the following provisions:

(1) Such operations shall be conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;

(2) The top of the lower cloud cover shall be generally uniform and level;

(3) Flight visibility shall be at least five miles;

(4) The base of any higher broken or overcast cloud cover shall be generally uniform and level and shall be at least 1,000 feet above the minimum en route IFR altitude for the route segment.

4. By amending § 41.117 to read as follows:

41.117 Altitude maintenance on initial approach.

(a) When making an initial approach to a radio navigational facility on instruments or on top of overcast (excluding over-the-top conducted in accordance with the provisions of § 41.114 (c)), an airplane shall not descend below the pertinent minimum altitude for initial approach specified by the Administrator for such facility until arrival over the radio facility has been definitely established;

(b) When making an initial approach on a flight being conducted in accordance with the provisions of § 41.114 (c), a pilot shall not commence an instrument approach until arrival over the radio facility has definitely been established. In executing an instrument approach procedure under such circumstances, the airplane shall not be flown at an altitude lower than 1,000 feet above the top of the lower cloud or the minimum altitude specified by the Administrator for that portion of the instrument approach procedure being flown, whichever is the lower.

(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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