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

Civil Air Regulations Amendment 41-16
Effective: March 20, 1948
Adopted: February 13, 1948

AIRCRAFT CERTIFICATION LIMITATIONS FOR SCHEDULED PASSENGER OPERATIONS OUTSIDE THE UNITED STATES

Prior to December 31, 1947, § 41.26 (b) provided that all aircraft used in scheduled passenger service outside the United States after that date be certificated in accordance with transport category airworthiness requirements and meet the operational limitations of § 41.27 over each route to be flown. This rule, if applied to certain models of aircraft, such as the Douglas DC-3, either would have prevented their use in scheduled passenger service outside the United States after 1947 or would have required extensive alterations to the aircraft.

The Board on November 3, 1947, held a public hearing which was concerned in part with a specific proposal to amend § 41.26 so as to permit the use of DC-3s in scheduled passenger service outside the United States after 1947 without extensive alteration. After due consideration of the evidence there presented, the Board determined that certain changes in the proposal would be desirable. In order to afford sufficient time to work out such changes, the Board adopted on December 15, 1947, Civil Air Regulations Amendment 41-15 which continued the then existing status of DC-3 aircraft in sheduled passenger service outside the United States until the end of 1948.

After further consideration, the Board has determined that operational experience with certain aircraft now in substantial use by scheduled air carriers justifies permitting their operation after 1948 without enforced compliance with the transport category requirements. This amendment, therefore, authorizes such operation until the end of 1953. It further provides that an air carrier may elect at any time prior to the end of 1953 to qualify his aircraft under the transport category performance requirements of Part 04a. Under this elective, the air carrier is required to so qualify all units of the same basic model in his fleet, and thereafter to operate such aircraft in accordance with the operational limitations of § 41.27 over each route to be flown. If the air carrier continues to operate his aircraft without qualifying under the performance requirements of the transport category, the amendment authorizes the Administrator to determine and impose uniform operating limitations based upon the relationship of the performance of the aircraft to the airport dimensions and terrain.

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 March 20,1948:

By amending § 41.26 to read as follows:

41.26 Aircraft certification limitations.

(a) Aircraft certificated as a basic type after June 30, 1942, shall be certificated in accordance with Part 04b, or the transport category requirements of Part 04a, and shall meet the requirements of §§ 41.27 over each route to be flown.

(b) Aircraft certificated as a basic type prior to June 30, 1942, shall either:

(1) retain their present airworthiness certification status and shall be operated in accordance with such operating limitations as the Administrator finds will provide a safe relation between the performance of the aircraft and the dimensions of airports and terrain; or

(2) qualify by showing compliance with either the performance requirements contained in §§ 04a.75-T through 04a.7533-T, or the requirements contained in Part 04b, and when so qualified shall meet the requirements of § 41.27 over each route to be flown: Provided, That should any model be so qualified all aircraft of any one operator of the same or related models shall be similarly qualified and operated.

(c) Aircraft used after December 31, 1953, shall comply with all of the requirements of Part 04b or the transport category requirements of Part 04a, and shall meet the requirements of § 41.27 over each route to be flown.

(Secs. 205 (a), 601, 603, 604, 52 Stat. 984, 1007, 1009, 1010; 49 U.S.C. 425 (a), 551, 552, 554)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

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