October 24, 1944

CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

CIVIL AIR REGULATIONS DRAFT RELEASE NO. 51

SUBJECT: Proposed new Part 41 - Certification and operation rules for scheduled air carrier operations outside the continental limits of the United States.

The Civil Aeronautics Board has under consideration a proposed new Part 41 which deals with the operation of scheduled air carriers outside the continental limits of the United States. A copy of the proposal is attached for your consideration. In this connection attention is called to the general objectives the Board has had in mind in the development of this Part and to items on which comment is particularly desired.

The present domestic air carrier regulations as contained in Parts 40 and 61 were, of course, used as a basis for this Part. The first objective has been to combine the subject matter, thereby eliminating the duplication resulting from the division of the regulations into rules pertaining to an applicant for an air carrier operating certificate and operation rules for the holder of a certificate. The second objective has been to eliminate outmoded and superfluous sections, particularly those which we believe should be more properly contained in the operator's manual, and the third, to state the rules in simple, understandable English. It should be pointed out also that the matter contained in many of the specific sections eliminated is covered objectively by the general provisions.

In the formulation of this Part, types of operation have been divided into two categories: "short range operations" and "long range operations." This division is based on definitions which will be found in section 41.99. While, in general, these types are quite distinct there is no question but that there will be borderline cases where rulings by the Administrator will be necessary. The principal differences between the rules under which the two types operate will be found in those sections dealing with route requirements, aircraft requirements, dispatch rules, flight crew requirements, and fuel reserves. In short range operation, night contact, as an operation distinct from instrument operation, has been eliminated by requiring the same instruments, equipment, and navigational facilities in either case. The requirements for long range operation are based on instrument operation only.

The certification requirements for airplanes not certificated under the transport category have been made more general than is the case in our domestic rules, with particular attention to operations now being conducted. However, the application of the transport category as now outlined in Part 61 is incorporated in this Part and will become effective as new models certificated under the transport category go into service.

There is a general provision that the number of pilots required in any particular case will be based on the type of operation and the type of aircraft involved. This is further implemented by restrictions on the maximum number of flight hours permitted with three different flight crew combinations. The flight time limitations specified for pilots also apply to flight navigators, flight engineers, and flight radio operators who, by definition, are also members of the flight crew. Parts dealing with the certification of these three classes of airmen are now being formulated and will be circulated for comment at an early date.

The only requirement for intermediate fields between airports designated as regular stops applies to airplanes having two engines and has been based on time rather than distance, as is the case in our domestic regulations. Provision is also made under this section for wider spacing where the character of the terrain, the type of operation, and the type of aircraft are such that adequate safety will be maintained.

In the sections dealing with pilot route qualifications, a distinction has been made between the first pilot who has served as such for a year or more and the first pilot who is qualifying for the first time or who has served in that capacity for less than a year. In either case a minimum number of trips over the route is required. In addition, under this proposal an authorized check pilot must certify the pilot qualifying as competent for the route. This is not required in the present domestic regulations.

In dealing with fuel reserves no change has been made from the present domestic requirements in the case of short range operations. In long range operations the amounts of reserve fuel required are based on time measured in terms of normal cruising speed. While the requirements, as proposed, should be adequate from a safety standpoint it would appear that a basic formula could be established which would take into consideration the length of the flight and that such a formula would provide the same degree of safety in all cases with more flexibility than is the case in the present proposal. Several such formulas have been proposed and it is hoped that one which meets general approval can be developed in the course of discussions on this proposed Part.

Our present regulations require route operation proving flights before passengers are carried and, in addition, an airplane proving period when a new model airplane is involved. This requirement places a burden on the operator purchasing a new model airplane that does not seem justified. With that thought in mind we have eliminated the airplane proving period as now required in Part 61 and provided for route operation proving flights with a minimum number of hours in the case of new model airplanes. In connection with this change it will be necessary to amend the transport category requirements in Part 04 to provide for operating tests in addition to meeting the performance requirements. Such a section would require that, in so far as possible, the tests simulate the type of operation for

which the airplane is designed and be under the supervision of authorized representatives of the Administrator.

The Board realizes that because of the complexity and significance of the rules covered by this Part, there is bound to be some difference of opinion on many of the points involved. It therefore urges you to give your most careful consideration to the problems involved and to submit any comments and suggestions which you may have in order that the Board may have the benefit of the advice and suggestions of those who will be most vitally affected thereby. Members of the Board's staff will be available for meetings with individuals or committees who may wish to discuss any particular phase of the proposal. In addition the Board will hear oral argument if any person with substantial interest requests it. Your written comment is requested on or before January 1, 1945.

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