TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION AGENCY

[Regulatory Docket No.1066; Regulation No. SR-432A]

[Affects Parts 40, 41, 42]

SPECIAL CIVIL AIR REGULATION

Carriage of Persons Aboard All-Cargo Aircraft

Authorization for the carriage of persons aboard all-cargo aircraft is presently contained in Special Civil Air Regulations No. SR-419, effective January 17, 1957 (22 F.R. 423), and No. SR-432, effective May 30, 1959 (24 F.R. 4366).

SR-419 authorizes three LOGAIR contractors, listed in Appendix A thereto, to carry military couriers, route supervisors, and LOGAIR flight crewmembers of other LOGAIR contractors in their cargo aircraft. These air carriers were granted relief from the maximum passenger weight requirements of Special Civil Air Regulation No. SR-406C, as applicable to C-46 aircraft, in addition to certain other passenger-carrying provisions of Part 42 of the Civil Air Regulations. Special Civil Air Regulation No. SR-419 also provides that other air carriers conducting LOGAIR operations may individually secure this authorization from the Administrator, and be listed accordingly in Appendix A of the regulation. Such authorization was granted in the interest of the efficiency and safety of these essential national defense operations.

SR-432 authorizes the carriage of certain persons in cargo operations when such persons perform specific duties in connection with the

safety of flights, the safe carriage of animals, or the carriage of radioactive materials. It also provides for the carriage of security and honor guards in cargo aircraft when authorized by the Federal Government. These authorizations were based on the conclusion that compliance with the passenger operation rules of Parts 40, 41, and 42 by an air carrier when carrying these passengers in all-cargo airplanes placed an unreasonable burden upon the air carriers concerned, since such individuals should not, and were not intended to, fall within the normally accepted category of air carrier passengers.

This regulation incorporates the provisions of both Special Regulations in a single regulation with the following changes:

(1) Recently the Agency has received requests from other air carriers and commercial operators operating flights under LOGAIR or other types of military contracts who wish to take advantage of SR-419. However, as presently written, it would require a revision of the regulation or an exemption thereto each time an operator is given such authorization. The Administrator has determined that there are no special reasons to limit such authorization to LOGAIR operations or air carriers and that this privilege should be extended to all military contract air carriers or commercial operators.

(2) Requests have also been received from air carriers to permit carriage of company employees and their dependents on cargo flights without complying with the passenger-carrying airplane requirements when traveling on company business to and from outlying

stations not served by adequate and regular passenger flights. The problem of providing these persons with transportation to and from their duty stations is particularly acute outside the United States. Carriage of these persons on cargo flights is similar to the carriage of the persons authorized by paragraphs 1(a) and (b) of SR-432 and a provision is included authorizing their transportation on cargo flights without full compliance with the passenger-carrying or passenger-service airplane requirements of Part 40, 41, or 42.

(3) Many of the operators may also wish to conduct the cargo flights in accordance with SR-411A which authorizes airplanes certificated under the transport category requirements in effect prior to March 13, 1956, to be operated in cargo service at certain increased weights. Airplanes used in these cargo flights are subject to inspections in addition to those normally performed and have been operated incident-free for many years. Therefore, as part of this regulatory action the persons authorized herein may also be carried aboard those airplanes specified in SR-411A at the increased weights.

(4) Under SR-419, the operator is responsible for the issuance of instructions to insure that the persons carried will not interfere with the control of the aircraft. This requirement is unnecessary and is being deleted in this regulation. The pilot in command of the aircraft has the authority to approve or deny access to the flight deck of such aircraft and is better qualified to issue such instructions as are necessary under the particular circumstances of the flight to persons authorized to enter the flight deck under this regulation.

(5) SR-419 also requires that the operator furnish the Administrator, prior to the carriage of persons authorized by the regulation, with a list showing the type of aircraft, registration number, and an authorization from the Air Force for the transportation of such persons. Experience has shown that inspection of the records of the operators involved will supply the necessary information. Therefore, submission of this information in advance is no longer required under this regulation.

In view of the foregoing, this regulation combines the provisions of SR-419 and SR-432, insofar as they both relate to the carriage of passengers on cargo aircraft, and, in addition, permits the carriage of certain other persons on such cargo flights. The regulation also permits such flights to be conducted without compliance with the passenger-carrying or passenger-service airplane requirements of Part 40, 41, or 42, or, in the case of C-46 airplanes, the provisions of SR-406C. When such persons are authorized to be carried on airplanes certificated under the transport category requirements in effect prior to March 13, 1956, the airplane may be operated in accordance with the increased weight requirements of SR-411A.

With regard to the carriage of company employees and their dependents it was deemed necessary to provide special requirements, since these persons may vary in age and agility, and thus their ability to cope with unusual situations may be restricted. Therefore, it is being required that operators include in their operations manuals the procedures necessary for the safe carriage of such persons.

Since this regulatory action imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted, effective February 9, 1962 :

1. The following persons, when duly authorized by the air carrier or commercial operator operating the airplane may be carried aboard an airplane engaged in the carriage of cargo only, without compliance with the passenger-carrying or passenger-service airplane requirements of Parts 40, 41, and 42, and SR-406C and SR-411A of the Civil Air Regulations:

(a) A person performing a specific duty assignment aboard an airplane in connection with the safety of the flight, or the safe carriage of animals, or radioactive materials within the meaning of and subject to the requirements of ¥ 49.2 of the Civil Air Regulations; or while traveling to or from such duty assignments where the air carrier or commercial operator finds that other means of transportation are not practicable;

(b) A person performing duty as a security or honor guard aboard an airplane for shipments made by or under the authority of the Federal Government;

(c) Military couriers, military route supervisors, and flight crewmembers of any military cargo contract air carrier or commercial operator, when operating under a military cargo contract and specifically authorized by the appropriate military service; and

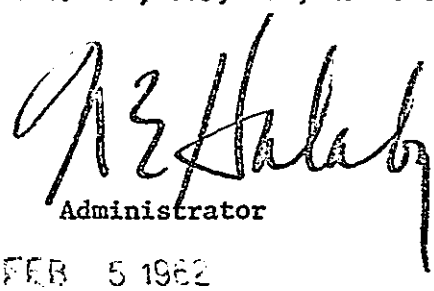
(d) Company employees of the air carrier or commercial operator and their dependents when traveling on company business to or from outlying stations not served by adequate, regular passenger flights. When such persons are carried, cargo will be loaded in such a manner as not to obstruct access to the pilot compartment, or the appropriate emergency or regular exits. In addition, for extended overwater flights, or for flights over uninhabited terrain, emergency and survival equipment adequate for the particular operation involved shall be carried. Procedures for the safe carriage of company employees and their dependents under this subparagraph shall be incorporated into the air carrier's or commercial operator's operations manual.

2. An approved seat with a safety belt shall be available for the use of each person described in paragraph 1. The location of the seat shall be such that the occupant will not be in a position to interfere with the flight crewmembers in the performance of their duties.

3. Persons described in paragraph 1 may be admitted to the flight deck of the airplane when authorized by the pilot in command.

This Special Civil Air Regulation supersedes Special Civil Air Regulation No. SR-419 and Special Civil Air Regulation No. SR-432, and shall remain in effect until superseded or rescinded.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424, 1425)



Administrator

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