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

Civil Air Regulations Amendment 42-11
Effective: April 17, 1952
Adopted: April 17, 1952

PILOT TRAINING AND CHECK PROGRAM

Part 42 of the Civil Air Regulations contains no specific provision requiring either chief pilots or check pilots to be designated and furnished by an operator. As a result of recent investigations which the Board has conducted into the operations of certain of the air carriers operating under Part 42, it has become evident that there is a lack of properly centralized responsibility for flight personnel in certain cases which may vitally affect the safety of flight operations. This lack is reflected at times in inadequate operating procedures, carelessness in the maintenance of pilot qualifications and records relative thereto, and generally in poor pilot flight discipline.

The Civil Aeronautics Act requires the Board to give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest (§ 601 (b)). The Board believes that this duty can be discharged only by ensuring that there is one person responsible for the qualification of pilots used by each air carrier, or operating division thereof, and that each air carrier has a system for regularly checking its pilots, passing on their qualifications, and planning a program for the maintenance of proper pilot proficiency. The Government should not be expected to carry out the primary obligation of management to provide fully qualified personnel, although it is its duty to scrutinize the programs of the carrier for the accomplishment of this objective and to see that such programs are followed.

Many Part 42 air carriers have a sound flight operations organization, headed by a responsible chief pilot, and which includes one or more competent check pilots. However, the lack of sound organization in some instances creates a hazard which endangers the lives of the passengers, of the people on the surface, or other air commerce, and of the flight crew themselves.

Another aspect of this situation which is a source of potential difficulty in maintaining a sound flight operations organization is the prevalent practice of certain irregular air carriers of employing itinerant pilots to operate their flights. Pilots are employed to fly one, two, or three flights, during peak activity and then are released to seek similar short-term employment with other irregular air carriers. The Board believes it is unlikely in such circumstances that the intent of the present Civil Air Regulations is fully carried out with respect to the pilot's proficiency for the particular operation involved. Therefore, in order to assure that each such air carrier carries out its

responsibility for utilizing only fully qualified pilots, the Board is adopting rules which will provide specifically for

(1) the immediate designation of a chief pilot responsible for assuring the proficiency of all pilots utilized,

(2) the designation by the air carrier not later than April 30, 1952, of an adequate number of check pilots acceptable to the Administrator,

(3) an equipment or instrument proficiency check, or both, as required by § 42.44, given either by a representative of the Administrator or by a check pilot of the carrier within six months prior to April 30, 1952, and

(4) inclusion in the training program of periodic written examinations on the contents of the Operations Manual and familiarity with various types of instrument approach and navigational facilities and procedures.

In Special Civil Air Regulation Number SR-379 the Board found from preliminary data obtained from the formal and informal investigation conducted by it, and from other sources available to it, an apparent laxness in operating practices and procedures followed by the carriers investigated in either or both of the following respects, among others

(1) Failure to maintain pilot training and proficiency at a desirably high level;

(2) Failure on the part of the companies and their personnel to follow certain operating procedures established in accordance with the Civil Air Regulations.

Since the date of the issuance of the aforesaid regulation the Board has received no information or indication of any kind which would cause it to alter such findings. The action taken herein is designed to meet, in part, one of the problems disclosed by these investigations by requiring, to the extent that it is not already required, sound administration of flight operations for all air carriers operating large aircraft. There will be no financial burden on those carriers who have lived up to the intent of the regulations, and the burden on other carriers will be small.

In accordance with the provisions of Section 1005 (a) of the Civil Aeronautics Act, the Board is, by notice of proposed rule making issued with this emergency amendment, initiating rule-making proceedings on the rules set forth herein. The provisions of this emergency amendment, therefore, may be altered or modified when the Board takes final action in such rule-making proceedings.

The Board is of the opinion that the lack of a sound flight operations structure in some of the Part 42 operators is so serious that an emergency requiring immediate action exists in respect of safety in air commerce, that notice and public procedure hereon are impracticable and, to the extent that such procedure would delay the coming into effect of this rule at the earliest possible date, are contrary to the public interest, and that the following regulation is reasonable and is essential in the interest of safety in air commerce to meet such emergency pending completion of the rule-making proceedings above referred to.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR, Part 42, as amended) effective as hereinafter indicated:

1. By amending § 42.40, effective immediately, to read as follows:

42.40 Airman requirements.

(a) No air carrier shall utilize an individual as an airman unless he has met the appropriate requirements of the Civil Air Regulations.

(b) Each air carrier operating large aircraft shall designate a chief pilot who shall be responsible for seeing that no individual is assigned as a pilot unless he has met the appropriate requirements of the Civil Air Regulations.

2. By amending § 42.44 (a), effective April 30, 1952, to read as follows:

42.44 Recent flight experience requirements for flight crew members.

* * *

(a) Pilots.

(1) Within the preceding 90 days a pilot shall have made at least 3 take-offs and landings in an aircraft of the same type on which he is to serve. For night flight one of the take-offs and landings required above shall have been made at night.

(2) Within the preceding 6 months a pilot on large aircraft shall have successfully accomplished an equipment check on aircraft of the type on which he is to serve. Such equipment check shall be given by an authorized representative of the Administrator or a check pilot of the air carrier.

(3) Within the preceding 6 months the pilot in command on any large aircraft, or on any aircraft under IFR conditions, shall have successfully accomplished an instrument check demonstrating his ability to pilot and navigate by instruments, to accomplish a standard instrument

approach using radio range facilities, and to accomplish an instrument approach in accordance with ILS, GCA, or D/F procedures when such facilities are to be used. This instrument check shall be given by an authorized representative of the Administrator or a check pilot of the air carrier, on an aircraft which the air carrier is authorized to use.

3. By amending § 42.45, effective April 30, 1952, to read as follows:

42.45 Proficiency of crew members serving on large aircraft.

Each air carrier shall establish a training program sufficient to ensure that each crew member used by the air carrier is adequately trained and maintains adequate proficiency to perform the duties to which he is to be assigned.

(a) The training program shall consist of appropriate ground and flight training, including all subjects contained in the Operations Manual. Procedures for each crew function shall be standardized to the extent that each flight crew member will know the functions for which he is responsible.

(b) No air carrier shall initially assign an individual as a pilot unless he has satisfactorily accomplished a written examination by the carrier to ensure his familiarity with the contents of the Operations Manual and with all types of instrument approach and navigational facilities and procedures to be used. All pilots utilized by an air carrier shall accomplish such written examinations at intervals not to exceed six months.

(c) Each air carrier shall provide a sufficient number of check pilots to be able through its own personnel to give each pilot the checks necessary to comply with the requirements of § 42.44 (a). Check pilots shall make written reports of all pilot deficiencies disclosed by checks, and the carrier shall make provision for such additional pilot training as may be required in each particular case.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply secs. 601, 604, 1005, 52 Stat. 1007, 1010, 1023; 49 U.S.C. 551, 554, 645; 62 Stat. 1216)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

(SEAL)

M. C. Mulligan
Secretary

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