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

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Civil Air Regulations Amendment 42-13
Effective: August 11, 1952
Adopted: July 7, 1952

SPECIAL OPERATION RULES FOR NIGHT VFR FLIGHTS; FLIGHT PLANS

At the present time Part 42 of the Civil Air Regulations requires neither the use of navigational aids nor the making of position reports for night VFR flights. Since the regulations do not prohibit off-airway flights, a correct track over the ground is especially important for such flights with respect to terrain clearance. On off-airway flights large deviations from the intended track are very possible due to the limited navigational facilities available which thereby increase the danger of flying into unexpected high terrain.

Although it was recently proposed to restrict night VFR flights in large passenger-carrying airplanes to civil airways and approved ADF routes, constructive comment received by the Board has indicated that such a regulation would be unduly restrictive. Accordingly this amendment will allow the use of off-airway routes for which the Administrator has established minimum en route instrument altitudes, provided that flight is conducted at or above such established altitudes. In addition, the Administrator may authorize operations at airports not equipped with radio navigational aids when he finds that safe transition between the route and the airport may be made visually under specified weather minimums.

The Board considers that night operations in large passenger-carrying aircraft are sufficiently similar to instrument operations to justify requiring a radio listening watch to be maintained as well as position reports at designated reporting points. These requirements are also included in the new regulation.

An additional problem has been met with respect to the filing of flight plans for the operation of any large aircraft. Present § 42.61 does not prevent an IFR flight plan from being cancelled while en route without refiling a VFR flight plan. Accordingly this amendment will require either an IFR or VFR flight plan to be in effect during the entire flight. This, then, will insure that the proper personnel will be advised when a plane is overdue or missing so that search and rescue facilities may be alerted and dispatched with a minimum of delay.

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 42 of the Civil Air Regulations (14 CFR, Part 42, as amended) as follows, effective August 11, 1952:

1. By adding the following sentence at the end of § 42.61: An IFR or VFR flight plan must thereafter be in effect for all portions of the flight.

2. By inserting a new § 42.63 to read as follows:

42.63 Night VFR operations for large passenger-carrying aircraft - Special rules.

(a) Night VFR passenger operations in large aircraft shall be conducted only over civil airways or over off-airway routes for which the Administrator has established minimum en route instrument altitudes. Night VFR operations over such off-airway routes shall be conducted at or above such established altitudes. In addition, night VFR operations may be conducted only at airports equipped with satisfactory radio navigational facilities for which the Administrator has established approach procedures; Provided, That the Administrator may authorize operations at other airports upon finding that safe transition between the route and the airport may be made visually under weather minimums which he may establish, but which will in no case be lower than those provided in § 42.55 (a).

NOTE: Minimum en route instrument altitudes which have been established by the Administrator are published in the Flight Information Manual.

(b) During night VFR passenger operations in large aircraft the pilot-in-command of the aircraft shall ensure that a continuous watch is maintained on the appropriate radio frequencies and shall report by radio as soon as possible the time and altitude of passing each designated reporting point together with weather conditions and any other information which the pilot considers important to the safety of flight. In addition, in operations over off-airway routes the pilot-in-command shall report as soon as possible the time and altitude of passing over each check point specified in the flight plan.

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

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

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