UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D. C.

Civil Air Regulations Amendment 42-18
Effective: April 22, 1959
Issued: April 17, 1959

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Absence of Flight Crew Members From Their Duty Stations

Section 42.51(f) provides, in the case of aircraft requiring two or more pilots, that two pilots shall remain at the controls at all times during take-off, landing, and while en route except when the absence of one is necessary in connection with his "regular duties." As used in this regulation the term "regular duties" was intended to mean those duties involving the operation of the airplane. It was not intended to encompass activities related to furthering public relations or other activities not related to operational safety of the airplane. The absence of a flight crew member from his duty station for the performance of such activities reduces unnecessarily the degree of vigilance, attention to duty, and availability for emergency action required for the operation of modern aircraft under conditions of high density traffic.

The provisions of § 42.51(f) are therefore being amended by a new § 42.64 to clarify their intention and application. Since the present § 42.51(f) refers only to pilots, the new section will also be made applicable to all other flight crew members. The present § 42.51(f) does not expressly require that flight crew members keep their seat belts fastened at their respective stations and this provision is being included in the new section. In addition, § 42.51(f) presently permits the absence of a pilot from his seat when he is replaced by a person "authorized" by § 42.51(g). It is to be noted that § 42.51(g) regulates the admission of persons to the pilot compartment and does not in fact authorize any person to replace any flight crew member. The reference to this section is therefore being eliminated.

Accordingly, the provisions of § 42.51 (f) are being amended as indicated above. Amendments to the same effect are simultaneously being made to Parts 40, 41, 46, and 60 of the Civil Air Regulations to provide identical rules for all operations covered by those parts.

The changes being made constitute primarily a clarification of present requirements. In connection with the requirement as to seat belts and the application of the section to all flight crew members, I find that the proposed amendment must be adopted in order to obtain uniform and optimum safe operating procedures for the prevention of collisions between aircraft. Accordingly, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act are impracticable and contrary to the public interest and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is hereby amended as follows effective April 22, 1959:

§ 42.51 [Deletion and redesignation]

1. The present paragraph (f) of § 42.51 is deleted and the present paragraph (g) is redesignated as paragraph (f).

2. A new § 42.64 is added to read:

§ 42.64 Flight crew members at controls.

All required flight crew members when on flight deck duty shall remain at their respective stations while the aircraft is taking off or landing, and while en route except when the absence of one such flight crew member is necessary for the performance of his duties in connection with the operation of the aircraft. All flight crew members shall keep their seat belts fastened when at their respective stations.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply secs. 601, 604, 72 Stat. 775, 778; 49 U.S.C. 1421, 1424)

Issued in Washington, D.C., on April 17, 1959.

E. R. QUESADA,
Administrator.

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