W-430

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Regulation No. SR-415

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

Effective: January 1, 1956
Adopted: December 29, 1955

SPECIAL CIVIL AIR REGULATION

SUPPLEMENTAL AIR CARRIER CERTIFICATION AND OPERATION RULES

The Board opinion which was made a part of Order No. E-9744, adopted November 15, 1955, effective January 1, 1956, explains that as a matter of new policy the Board established a new class of noncertificated air carriers designated "supplemental" air carriers who would be granted enlarged operating authority.

Accordingly, in Order No. E-9744 the Board issued a temporary exemption to all applicants named therein who held operating authority either as irregular air carriers or as irregular air transport carriers to operate within the scope of the new policy, pending final disposition of each air carrier's application for continued authorization to conduct operations as a supplemental air carrier.

At the present time, the Civil Air Regulations do not prescribe any rules to govern the operations of supplemental air carriers. The applicants named in Order No. E-9744 are conducting their operations as large irregular air carriers pursuant to the provisions of Part 42 of the Civil Air Regulations, and the Board believes that until operating experience reveals that further or different rules are necessary, supplemental air carriers should be allowed to continue their operations pursuant to Part 42.

This regulation is necessary to give effect to Order No. E-9744 and the opinion made a part thereof. Since this regulation is ancillary to said order and opinion; since it continues in effect the same rules as are presently applicable to the operators named in said order without diminution in safety standards; and since it would be contrary to the public interest not to prescribe rules to become effective on January 1, 1956, to govern the operations of such air carriers, the Board finds that notice and public procedure are impracticable and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective January 1, 1956:

Contrary provisions of the Civil Air Regulations notwithstanding, any air carrier holding valid authority issued by the Board to perform air transportation as a supplemental air carrier in charter services and individual services, as defined in Appendix A attached to Board Order No. E-9744, shall be certificated and shall conduct such operations in accordance with the provisions of Part 42 of the Civil Air Regulations. An air carrier operating certificate presently issued by the Civil Aeronautics Administration to a large irregular air carrier shall, until its stated expiration date, be valid as a supplemental air carrier operating certificate for supplemental air carrier operations, unless sooner surrendered, suspended, or revoked. Such certificate may be renewed as an air carrier operating certificate for supplemental air carrier operations.

This regulation shall remain in effect until such time as new supplemental air carrier certification and operation rules become effective, unless sooner superseded or rescinded by the Board.

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

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

GURNEY AND DENNY, MEMBERS, DISSENTING:

We disagree with the majority action herein. Inasmuch as the supplemental air carriers are authorized to advertise, sell, and operate a scheduled route-type service, in our opinion the public interest requires that the supplemental air carriers be governed by the same safety rules for their operations as the presently certificated scheduled air carriers, viz., Part 40 of the Civil Air Regulations.

/s/ CHAN GURNEY

/s/ HARMAR D. DENNY