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Regulation No. SR-419

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

Effective: January 17, 1957
Adopted: January 17, 1957

SPECIAL CIVIL AIR REGULATION

AUTHORITY TO DEVIATE FROM CERTAIN PROVISIONS OF THE CIVIL AIR REGULATIONS IN THE CONDUCT OF MILITARY CONTRACT OPERATIONS

By petition dated October 8, 1956, AAXICO Airlines, Inc., Capitol Airways, Inc., and Riddle Airlines, Inc., requested the Board to permit them to carry certain passengers in aircraft in the performance of certain military contract operations without compliance with the passenger-carrying rules prescribed in Part 42 of the Civil Air Regulations and Special Civil Air Regulation No. SR-406C. The petitioners informed the Board that they have entered into contracts with the United States Air Force to provide scheduled cargo service for the Air Force among numerous domestic military installations utilizing a fleet of over forty Curtiss C-46 aircraft. This contract operation is commonly known as the Air Force Logistical Airlift, or "LOGAIR" Service. They state further that the continued efficient operation of LOGAIR is in the interest of national defense and essential for the domestic airlift requirements of the Air Force. The petitioners have advised the Board that it is essential in the performance of these contracts that government couriers traveling with classified information or for the purpose of maintaining security requirements with respect to certain classified cargo be carried. They have also advised that the occasional transportation (deadheading) by one LOGAIR contractor of crew members of another LOGAIR contractor is essential for the efficient operation of LOGAIR.

Petitioners advise that the LOGAIR operation is under the complete operational control of the Air Force; that flight operations are conducted only between Air Force bases; and that all loading, servicing, and scheduling matters are handled by the Air Force.

By letter dated October 12, 1956, the Department of the Air Force officially confirmed the essential information submitted by the petitioners and requested that the Board give favorable consideration to the petitioners' request. In justification of petitioners' request, the Air Force stated in part that LOGAIR is necessary to execute successfully the Air Force mission. In addition the Air Force stated that part of LOGAIR's value to the Air Force is due to the fact that it can carry classified cargo with a maximum of speed and with a minimum of special handling. As the various missile programs

develop and other new weapons come into the Air Force inventory, the requirement for this type of transportation will continue to increase. Couriers must be carried on LOGAIR aircraft to effect the safe handling and expeditious delivery of this classified cargo. The Air Force also stated that it was necessary to provide deadhead transportation of LOGAIR flight crew members on aircraft of other LOGAIR contractors because restricting their movement to their own company's aircraft or to commercial carriers that neither originate nor terminate at military installations often results in lengthy delays in LOGAIR schedules that reduce the value of this service as a means of fast and economical transportation.

In addition to the couriers and the deadheading crew members which were the subject of the petitioners' request, the Air Force has requested that authority also be provided to permit the carriage of Air Force route supervisors. The mission of these supervisors is to work out liaison with contractor crews and Air Force personnel from the Air Materiel Command, the Air Defense Command, and the Strategic Air Command. Their areas of responsibility, in addition to normal air terminal operation inspections, include checking weight and balance procedures and adequacy of tie-down techniques, as well as observing the adequacy of the temperature control provided for the cargo compartment during actual flight operations. The route supervisors also evaluate the control tower communications furnished at Air Force bases by Air Force personnel, the adequacy of follow-me vehicles, fire guards, and ramp alert personnel. Most of these activities either directly or indirectly affect the safety of the operation of LOGAIR. These checks on LOGAIR, both on the ground and in the air, are considered by the Air Force to be necessary in assuring a safe, efficient, and dependable airline operation. The Air Force has also stated that the cost resulting from placing passenger-carrying weight limitations on the C-46 aircraft in the LOGAIR operations would be prohibitive.

Section 42.2 (Deviation authority) of Part 42 authorizes the Administrator to permit air carriers conducting operations pursuant to contracts with the military service to deviate from the applicable provisions of Part 42 only, subject to any terms and conditions that the Administrator finds are necessary in the interest of safety. This authority is limited to those operations which the Department of Defense has certified to the Administrator are essential to the national defense and require the requested deviation. It was anticipated by the Board that petitions similar to the one herein discussed would normally have been handled by the Administrator under this deviation authority. However, this authority is not broad enough to permit the Administrator to grant the relief requested in this instance since the petitioners request relief from the provisions of Special Civil Air Regulation No. SR-406C in addition to certain provisions of Part 42. SR-406C contains no deviation authority comparable to that contained in Part 42.

The Board has considered the information submitted by the petitioners and the Air Force in support of the relief requested and finds that a sufficient showing has been made to justify granting such relief through the promulgation of a Special Civil Air Regulation. The Board considers that the carriage of the various categories of personnel as requested would not affect the public interest adversely. The carriage of these persons would, on the contrary, constitute a contribution to the efficiency and safety of essential national defense operations, and, therefore, would be in the public interest.

The provisions of this Special Civil Air Regulation authorize the carriage of military couriers, LOGAIR crew members, and LOGAIR route supervisors in aircraft without compliance with the passenger-carrying rules prescribed in Part 42 and SR-406C.

Prior to engaging in operations pursuant to this Special Civil Air Regulation each operator will be required to give notice to the Administrator of the type and registration number of the aircraft to be used and satisfactory evidence that it is a bona fide contractor acting pursuant to a LOGAIR contract.

Since this Special Civil Air Regulation will neither affect adversely the safety of the public nor impose any additional burden on any person, and because the Board has been advised by the Department of the Air Force that the authority granted by this regulation with respect to LOGAIR operations is necessary to the successful execution of the Air Force mission, the Board finds that omission of notice and public procedure is not contrary to the public interest 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 17, 1957.

Subject to conditions hereinafter set forth, the operators listed in Appendix A, and any other operator authorized by the Administrator to be added to such list pursuant to this regulation, may, while conducting operations under an Air Force contract known as LOGAIR, carry the persons listed in subparagraph 1 in aircraft without complying with the passenger-carrying rules prescribed in Part 42 of the Civil Air Regulations and Special Civil Air Regulation No. SR-406C, subject to such terms and conditions as the Administrator may find are necessary in the interest of safety.

1. Military couriers, route supervisors, and LOGAIR flight crew members of other LOGAIR contractors.

2. Each operator shall furnish the Administrator, prior to the carriage of such persons, with a list showing the type aircraft, registration number, and an authorization from the Air Force for the transportation of such persons.

3. The operator shall be responsible for the issuance of appropriate instructions to insure that the persons authorized to be carried will not create any interference with the control of the aircraft.

4. Upon notification by any other bona fide contractors acting pursuant to the above specified LOGAIR contracts, the Administrator of Civil Aeronautics is authorized to add to the list in Appendix A any such operator who he determines meets the requirements of this Special Civil Air Regulation.

This Special Civil Air Regulation shall remain in effect until superseded or rescinded by the Board.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

APPENDIX "A" TO SPECIAL CIVIL AIR REGULATION NO. SR-419

OPERATOR

AAXICO AIRLINES, INC.

CAPITOL AIRWAYS, INC.

RIDDLE AIRLINES, INC.