FEDERAL AVIATION AGENCY
BUREAU OF AIR TRAFFIC MANAGEMENT
Washington 25, D. C.

January 11, 1960

CIVIL AIR REGULATIONS DRAFT RELEASE NO. 60-1

SUBJECT: Air Traffic Control Clearances and Instructions

The Bureau of Air Traffic Management of the Federal Aviation Agency has under consideration a proposal to amend Section 60.19, Air Traffic Control Instructions, and Section 60.60, Definitions, to clarify and emphasize the authority of an air traffic controller to require immediate compliance with specific air traffic control instructions and to revise the definitions of air traffic control "clearances" and "instructions" to more clearly reflect their difference. The reasons therefor are set forth in the explanatory statement in the attached proposal which is being published in the Federal Register as a notice of proposed rule making.

The Agency desires that all persons who will be affected by the requirements of this proposal be fully informed as to its effect upon them and is therefore circulating copies in order to afford interested persons ample opportunity to submit comments as they may desire.

Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply. However, you may be assured that all comments will be given careful consideration.

It should be noted that comments must be submitted in duplicate and in order to insure consideration must be received by the Agency not later than March 18 , 1960 .

D. D. Thomas

Director, Bureau of Air Traffic Management

FEDERAL AVIATION AGENCY

BUREAU OF AIR TRAFFIC MANAGEMENT

[14 CFR 60]

[Reg. Docket No. 234; Draft Release 60-1]

AIR TRAFFIC RULES

NOTICE OF PROPOSED RULE MAKING

Air Traffic Control Clearances and Instructions

Pursuant to the authority delegated to me by the Administrator (§405.27 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Civil Air Regulations, Part 60, sections 60.19 and 60.60, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue, N. W., Washington 25, D. C. All communications received by March 18, 1960, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for the return of comments has expired. Because of the large number of comments anticipated in reply to this notice, we will be unable to acknowledge receipt of each reply.

Part 60 of the Civil Air Regulations comprises the Air Traffic Rules and contains certain definitions pertaining thereto. Sections 60.19 and 60.21 of this Part prescribe certain requirements attendant to instructions and clearances issued by air traffic control. These regulatory provisions are essential to the function of air traffic control (ATC) in providing for the safe, orderly, and expeditious movement of air traffic.

The current section 60.19 specifies, in effect, that no person shall operate an aircraft contrary to air traffic control instructions.

Section 60.21 provides, in effect, that when an ATC clearance has been obtained, a pilot shall not deviate from the provisions thereof unless an amended clearance is obtained. An ATC clearance is defined as:

> "Authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within controlled airspace."

While the rules provide for the use of the two terms "Clearance" and "Instruction," practice has emphasized the significance of a "Clearance" to the extent that the term

"Instruction" has virtually disappeared from the vocabulary of ATC usage. Infrequent application of the authority to issue instructions, as authorized in section 60.19, has submerged the distinction between the two terms to the extent that there are those who believe the authority of ATC is confined to issuing clearances.

The continued safe and efficient control of air traffic demands a recognition of the authority of an air traffic controller to issue "Instructions" as well as "Clearances" and the distinction between the two terms must be understood by controllers and pilots alike. The distinction which must be made between these two terms is the "arrangement" or "agreement" nature of one (Clearance) and the immediate mandatory nature of the other (Instruction).

The "arrangement" concept associated with an ATC clearance is a sound one and it is not intended to modify that concept herein except to revise the definition of an air traffic control clearance to more clearly indicate its "arrangement" nature. A common understanding exists, by rule and by practice, that an air traffic control clearance is an "authorization," the provisions of which become binding <u>after</u> it has been accepted by the pilot. The practicability and usefulness of this

understanding is evidenced by the many years of successful application. In issuing an ATC clearance, or an amended clearance, it has been long recognized that a pilot may request a different course of action if he believes he has information which would make such action more practicable. Traffic conditions permitting, the alternative action preferred by the pilot is authorized as a matter of routine. In some traffic situations, reasonable time for an inquiry and exchange of transmissions regarding the possibility of alternative action can be accommodated. However, in many traffic situations today, time and/or circumstances will not accommodate anything except compliance with the provisions of a control message.

Incidents have occurred recently in which some pilots have insisted on extending discussions regarding control messages to the point that the controller's efforts to provide safe separation were frustrated. These discussions became so extensive as to result in the controller being helpless to provide separation between aircraft operating on IFR flight plans. While occurrences of this kind are fortunately not prevalent; the frequency has increased and the alarming seriousness of the potential consequences demands early corrective action.

There is an urgent need to clarify and emphasize the authority of an air traffic controller to require immediate compliance with specific instructions when time and/or traffic conditions do not permit discussion of preferred alternative

actions. Therefore, it is intended herein to amend section 60.19 and 60.60 to more clearly reflect the meaning of the terms "Clearance" and "Instruction," and to emphasize their difference. These revisions will specify the obligations associated with the two terms and will provide a distinct understanding of their intent. This action is expected to clarify and emphasize the authority of ATC to require immediate compliance with specific actions by pilots as intended in section 60.19 of the Air Traffic Rules.

The action required by an ATC instruction shall be initiated by a pilot according to the terms of the instruction. While the pilot may request an alternative action, he shall do so only after he has complied with the terms of the instruction. Air traffic control clearances shall continue to represent an "authorization," the conditions of which become binding after it has been accepted by the pilot.

These revisions are intended to make it clear that in those instances when the time and/or the existing traffic conditions require immediate action, the controller can require compliance in order to provide appropriate safety standards. The pilot may readily recognize a mandatory message since the word "instructs" or "instructed" will be included in all messages intended as an ATC instruction.

It is not intended herein to modify or diminish the authority and responsibility of pilots. Section 60.2 clearly provides that the pilot in command shall be directly responsible for the operation of his aircraft and shall have final authority as to its operation. In emergency situations which require immediate decision and action, the pilot may deviate from the rules to the extent required by considerations of safety.

Since this amendment is a clarification and restatement of the existing regulatory situation, it could be adopted without notice and opportunity for comments. However, since the present practice may have misled some pilots as to the obligatory nature of an air traffic control instruction, the Agency is publishing this amendment as a proposal for comment, so that all pilots may be informed, and to provide them an opportunity to submit any comments they may care to make concerning it.

The controller's use of the authority contained in Section 60.19 as amended herein will be confined to those occasions wherein discussion of the merits or terms of a control message is not deemed advisable in the interest of safety. Such decision must rest with the air traffic controller. Proper application of such authority will be insured by detailed procedural directives.

In consideration of the foregoing, notice is hereby given that Part 60 of the Civil Air Regulations (14 CFR, Part 60 as amended) is proposed to be amended:

1. By amending Section 60.19 to read as follows:

60.19 Air traffic control instructions. No person shall operate an aircraft contrary to air traffic control instructions within areas where air traffic control is exercised. When an air traffic control instruction has been issued, compliance with the provisions thereof shall be mandatory according to its terms.

2. By amending Section 60.60 by adding, in proper alphabetical order, the following new definitions:

60.60 Definitions. * * *

Air traffic control instructions. A directive issued by ATC for air traffic control purposes, compliance with which is mandatory according to its terms, for aircraft to operate as directed within areas where air traffic control is exercised. Such a directive shall, in all cases, contain the word "instruct" in one of its forms.

Air traffic control clearance. An authorization issued by ATC for air traffic control purposes, the provisions of which become mandatory after acceptance by the pilot, for an aircraft to proceed under specified conditions within areas where air traffic control is exercised.

This amendment is proposed under the authority of Sections 313(a) and 307(c) of the Federal Aviation Act of 1958 (72 Stat. 752, 749; 49 U.S.C. 1354, 1348).

D. D. Thomas

Director, Bureau of Air Traffic Management

Issued in Washington, D. C., on January 11, 1960.

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