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

Civil Air Regulations Amendment 60-1
Effective: February 20, 1957
Adopted: February 5, 1957

AIR TRAFFIC RULES

PILOT VIGILANCE AND RESTRICTIONS ON FLIGHT TESTING

Part 60 of the Civil Air Regulations sets forth the Air Traffic Rules which are applicable to all aircraft. These rules contain provisions prohibiting both civil and military aircraft from being flown in any unusual maneuvers over congested areas or on civil airways and prescribe certain minimum altitudes for the protection of persons or property on the ground. Although there are no specific provisions in Part 60 dealing with flight testing, all civil aircraft for which an airworthiness certificate has not yet been issued are prohibited from flying over thickly populated areas or large gatherings of people by limitations set forth in special test flight authorizations issued by the Administrator. Military aircraft, however, are not subject to these specific limitations.

The problems arising from the flight testing of production and experimental aircraft have long been the subject of considerable attention on the part of the Government. In 1947 an extensive study was undertaken by the civil and military agencies concerned, with a view toward determining the safeguards which should be applied to prevent the creating of a public hazard. At that time it was agreed that it would be impracticable to relocate aircraft manufacturing establishments outside highly populated areas but that the flight testing of production and experimental aircraft should be accomplished in sparsely settled areas and in airspace of relatively light traffic density. Although considerable effort has been made to insure that flight testing activity is in fact conducted under circumstances in which hazard to persons on the ground or to other aircraft in flight will not result, the recent collision of aircraft undergoing certain tests in flight necessitates the immediate promulgation of amendments to Part 60 which will reduce the possibility of mid-air collision and further enhance the safety of persons or property on the ground.

These amendments herein adopted prohibit the flight testing of aircraft unless such flight test is conducted (1) over open water or sparsely populated areas having light air traffic and approved by the Administrator, or (2) within a flight test area designated by the Administrator. This regulation also provides that all flight tests are to be conducted in accordance with such traffic rules which the Administrator may from time to time prescribe.

In order to achieve the above mentioned objectives, we are including within the term "flight tests," the operation of all aircraft in flight for the purpose of testing, observing, or measuring the performance of an aircraft, airframe, powerplant, or propeller after its manufacture or major alteration, except for take-off, landing and operation to and from the area authorized for such flight tests.

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In addition to the regulatory change dealing with flight testing, the Board is also concerned with the problems relating to flight operations requiring more than normal preoccupation with cockpit duties. In order to stress the importance of vigilance on the part of the pilot to observe and avoid other air traffic, the regulation amends Section 60.12 (c) by calling attention to the fact that lack of vigilance due to more than normal preoccupation with cockpit duties may constitute careless or reckless operation of aircraft.

For the reasons stated above, it is the opinion of the Board that a situation exists requiring immediate action in respect to safety in air commerce and that notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this amendment effective on less than 30 days' notice.

Interested persons desiring to present written data setting forth their views with respect to the rules herein adopted are requested to submit such matter to the Board on or before March 22, 1957. All communications so received will be considered by the Board and the rules herein adopted will be reconsidered fully in the light of the comments submitted.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective February 20, 1957.

1. By amending Paragraph (c) of the note under Section 60.12 to read as follows:

60.12 Careless or reckless operation. * * *

Note: * * *

(c) Lack of vigilance by the pilot to observe and avoid other air traffic. In this respect, the pilot must clear his position prior to starting any maneuver, either on the ground or in flight. Furthermore, flight activities requiring such crew preoccupation with cockpit duties as to prevent adequate vigilance outside the cockpit for the purpose of collision avoidance shall be evidence of careless or reckless operation unless some provision is made which adequately compensates for such reduced degree of vigilance such as use of a competent observer in the aircraft, a chase aircraft, or other appropriate arrangements.

2. By adding a new § 60.24 and a note to read as follows:

60.24 Flight Test. No person shall flight test an aircraft unless such flight test is conducted (1) over open water or sparsely populated areas having light air traffic and approved by the Administrator, or (2) within a flight test area designated by the Administrator. All flight tests shall be conducted in accordance with such traffic rules as the Administrator may from time to time prescribe.

Note: It should be recognized that any flight operation that requires more than normal preoccupation with cockpit duties may result in careless or reckless operation of aircraft. See Example (c) under Section 60.12 of the Civil Air Regulations.

3. By adding a new definition to § 60.60 to read as follows:

60.60 Definitions. * * *

Flight Test. "Flight test" means the operation of aircraft in flight for the purpose of testing, observing, or measuring the performance of an aircraft, airframe, powerplant, or propeller after its manufacture or major alteration (as defined in Part 18), except for take-off, landing and operation to and from the area authorized for such flight tests.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply secs. 601, 1005, 52 Stat. 1007, 1023, as amended; 49 U.S.C. 551, 645, and sec. 4 (a), 60 Stat. 238; 5 U.S.C. 1003 (a))

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

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