14 F.R. 1486

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

Civil Air Regulations Amendment 60-4
Effective: May 5, 1949
Adopted: March 28, 1949

AIR TRAFFIC RULES

On April 15, 1948, the International Civil Aviation Organization (ICAO) adopted Annex 2, "Rules of the Air," as an international standard as provided in the Convention on International Civil Aviation. Adoption of this document was submitted to vote of the member states on the ICAO Council and was favored by more than the required two-thirds of such states. It was then submitted for the consideration of each of the member states of ICAO, none of whom signified disapproval of the document. Thus, by the terms of the Convention, Annex 2 came into force as an international standard on January 1, 1949.

In general, international standards set forth in ICAO Annex 2 are comparable to those of the Civil Air Regulations. However, there are a few provisions in Annex 2 which are not currently included in Part 60 which are found to be desirable for inclusion therein. Certain other provisions of Annex 2 were not deemed appropriate for adoption by the Board, and we have advised ICAO of our intention not to include such provisions in the Civil Air Regulations. Public notice of the differences in the Civil Air Regulations from Annex 2 has been given in the Federal Register. However, it will be noted that compliance with the provisions of Part 60 for operation of all aircraft except helicopters will constitute full compliance with the requirements of Annex 2.

This amendment of Part 60 includes the following changes:

1. The part is amended to make ICAO Annex 2 enforceable with respect to flights over the high seas, and a note is added advising the aviation public that in accordance with the provisions of Article 12 of the Convention on International Civil Aviation each contracting state has undertaken to make its regulations conform to the greatest possible extent to the ICAO provisions. Therefore, it may be expected that the provisions of Annex 2 will be generally applicable to flight over the territory of member states.

2. It is also considered desirable to add a note to Part 60 which will inform the aviation public that the international visual distress and urgency signals are contained in the CAA Flight Information Manual.

3. A third change is an amendment of § 60.301 adding a new paragraph which will require an IFR flight plan for international flights to give the number of persons on board.

4. Another change in Part 60 is an amendment of the current definition of "approach time" and a substitution therefor of the Annex 2 definition of "expected approach time." This amendment requires an editorial change in § 60.308 (b) where the term "expected approach time" is substituted for the current "approach time." The Annex 2 definition is a more logical one for the purpose for which it is used than the current term in the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

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 May 5, 1949:

1. By adding new § 60.001 to read as follows:

60.001 Operation over the high seas. Aircraft of United States registry operated in air commerce shall while over the high seas comply with the provisions of Annex 2 (Rules of the Air) to the Convention on International Civil Aviation.

NOTE: An airman who complies fully with Part 60 while over the high seas will also be in compliance with Annex 2. Under Article 12 of the Convention on International Civil Aviation, the member states undertake to make their regulations conform to the greatest possible extent to the ICAO Annexes. It may therefore be expected that the provisions of Annex 2 will be generally applicable to flight over the territory of member states of the International Civil Aviation Organization.

2. By adding a note under § 60.113 to read as follows:

NOTE: International visual distress and urgency signals are contained in the CAA Flight Information Manual for sale by the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

3. By adding a new paragraph (n) to § 60.301 to read as follows:

(n) for international flights: the number of persons on board.

4. By amending paragraph (b) of § 60.308 to read as follows:

(b) proceed according to the latest air traffic clearance to the radio facility serving the airport of intended landing, maintaining the minimum safe altitude or the last acknowledged assigned altitude whichever is higher. Descent shall start at the expected approach time last authorized or, if not received and acknowledged, at the estimated time of arrival indicated by the elapsed time specified in the flight plan.

5. By amending § 60.910 to read as follows:

60.910 Expected approach time. The time at which it is expected that an arriving aircraft will be cleared to commence approach for a landing.

[Secs. 205 (a), 601, 52 Stat. 984, 1007; 49 U.S.C. 425 (a), 551.]

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(S E A L)

—16737 Part 60 last printed October 8, 1947.