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

Civil Air Regulations Amendment 60-4
Effective: February 20, 1957
Adopted: February 20, 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. On February 5, 1957, the Board adopted Civil Air Regulations Amendment 60-1 which added specific provisions dealing with flight testing of aircraft. Section 60.24 of this amendment prohibited 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 section also provided that all flight tests are to be conducted in accordance with traffic rules which the Administrator may from time to time prescribe. Amendment 60-1 was to become effective February 20, 1957.

Within the past few days the Board has received complaints from representatives of aircraft manufacturers concerning certain provisions contained in Amendment 60-1. In particular, certain manufacturers have complained that no flight test areas within which flight tests may be conducted in accordance with the provision of Section 60.24 have been approved or designated by the Administrator in the Los Angeles area and, accordingly, all flight test activity would be halted in this area on the effective date of this rule. Accordingly, the manufacturers recommend the amendment of Part 60 to eliminate the requirement that flight test areas be approved by the Administrator. Other recommendations have also been made to clarify the provisions of Amendment 60-1. In view of the fact that the largest and most active aircraft manufacturing establishments are located in the Los Angeles area, the absence of approved or designated flight test areas assumes a significance of tremendous proportions. No useful purpose would be served by delineating herein all of the arguments which have been presented to the Board concerning the difficulties experienced in the establishment of flight test areas. It suffices to state that coordination between users of the airspace involved in the Los Angeles area has proved to be especially difficult.

Although the Board, at the time it adopted Amendment 60-1, was concerned with the burden which would fall upon the Administrator in requiring flight test areas to be approved or designated by him, the Administrator assured the Board that the implementation of the program envisioned in this amendment was within the capabilities of the Civil Aeronautics Administration. He continues to hold this view.

The need for complete coordination in the interest of safety of the many conflicting requirements for the use of airspace is apparent. In view of the Administrator's responsibilities with respect to the designation of airspace for special purposes, and in view of the Administrator's assurances with respect to the capabilities of the Civil Aeronautics Administration to effect such coordination, the Board determined that a requirement for approval or designation of test areas was justified. Information received to date indicates that the exercise of this authority by the Administrator in an area such as Los Angeles is fraught with complexity and controversy of a magnitude which might not have been fully appreciated. Clearly, so far as the Los Angeles area is concerned, additional time is required to resolve conflicts in airspace requirements of the many users of airspace in their several high priority operations. The information available to the Board at this time, however, is not sufficient to permit us to conclude that the supervisory role of the Administrator in this matter should not be continued. The Board is advised, for instance, that approval or designation of flight test areas has been carried out effectively in all other areas of the country.

In view of the foregoing, it appears necessary to amend Part 60 further to provide that approval by the Administrator of flight test areas shall not be required before April 15, 1957. However, the prohibition against the conduct of flight tests except over open water or sparsely populated areas having light air traffic shall continue in effect after February 20, 1957. This amendment will provide the Administrator additional time to effect the necessary coordination with aircraft operators and other governmental agencies. In this connection, it is emphasized that this regulation requires the Administrator to approve areas for both civil and military test flights. Because of the complexity and the importance of this problem, the sincere and effective collaboration on the part of all interests, civil and military, is urgently required.

The Board has requested the comment of interested persons with respect to the substance of Amendment 60-1 on or before March 22, 1957. At that time the Board will consider all suggestions which have been received for the modification of the flight test rules of Part 60. With the exception of the requirement for the approval or designation of flight test areas, it does not appear that matters of clarification

which have been brought to our attention are so urgent as to require disposition at this time.

For the reasons stated above, the Board finds that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective immediately.

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, as follows:

Section 60.24 shall be effective on and after February 20, 1957, except that portion of this section which reads "and approved by the Administrator" shall be effective on April 15, 1957.

(Sec. 205(a), 52 Stat. 984; 49 U.S.C. 425(a). Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U.S.C. 551, 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)

Part 60 last printed September 10, 1955.