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

Civil Air Regulations Amendment 60-6
Effective: April 10, 1957
Adopted: April 10, 1957

AIR TRAFFIC RULES

PILOT VIGILANCE AND RESTRICTIONS ON FLIGHT TESTING

Part 60 of the Civil Air Regulations, which sets forth the air traffic rules for all aircraft, was amended on February 5, 1957, by Civil Air Regulations Amendment 60-1, by adding certain provisions relating to the flight testing of aircraft and vigilance of pilots to see and avoid other aircraft. Section 60.24 of this amendment prohibits 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 approved by the Administrator. These rules were adopted without public participation therein, in the interest of safety, in view of a recent aircraft accident involving aircraft undergoing flight test and were to become effective on February 20, 1957. To assure that the views of interested persons were considered in any revised rule relating to flight test of aircraft and vigilance of pilots to see and avoid other aircraft it was requested, in Amendment 60-1, that public comment on the flight test rules be received by the Board on March 22, 1957.

Although this amendment was implemented in all areas except one, it was necessary to issue Amendment 60-4 because of certain difficulties in establishing flight test areas. In order to afford the Administrator of Civil Aeronautics additional time to effect the necessary coordination required to approve flight test areas, Amendment 60-4 extended from February 20, 1957, until April 15, 1957, the effective date of the requirement that a test area be "approved by the Administrator."

The comments received pursuant to the request in Amendment 60-1 have dealt principally with the definition of flight tests. These have been carefully studied and the Board has concluded that certain changes in these rules and in the definition are required to indicate more clearly that they apply to the flight testing of aircraft the airworthiness of which has not been determined by appropriate civil or military authority.

As a result of the changes being made by this amendment three categories of flight test, including both civil and military aircraft, will have to be performed in the flight test area approved or designated by the Administrator. These are:

(1) Flights of new type (experimental) aircraft. In this category, test flights of new type aircraft (including take-offs, landings, and en route operations) must be conducted only in an approved or designated flight test area unless the Administrator specifically authorizes otherwise.

(2) Flights of production aircraft until basic airworthiness is established. In this category, test flights of production aircraft must be conducted in an approved or designated flight test area, except during take-offs and landings and en route operations to and from approved flight areas. Since production aircraft are models of a type aircraft previously certificated as to its airworthiness by appropriate civil or military authorities they must be flown in the test flight area only until such time as the pilot determines the basic airworthiness of the aircraft, which term is being defined in this amendment and is intended to exclude aircraft flight operations for the purpose of testing equipment or systems which do not involve a determination of aircraft airworthiness.

(3) Flights involving aircraft following major alteration, as defined in Part 18 of the Civil Air Regulations. The rules applicable to this category are identical to those for production aircraft.

Several comments received on new paragraph (c) of the note following § 60.12 indicated that a prejudgment was evident in the statement that crew preoccupation preventing adequate vigilance "... shall be evidence of careless or reckless operation ...."

Since it was not the Board's purpose to prejudge the question of adequate vigilance, but rather to alert persons subject to § 60.12 to the circumstances under which excessive preoccupation by a pilot with cockpit duties may result in careless or reckless operation, the language of the note is being revised to achieve the purpose originally intended.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F.R. 781), and due consideration has been given to all relevant matter presented. Since this amendment is to clarify the rules with respect to the flight testing of aircraft and there is an

immediate need for this amendment in the interest of safety, the Board finds that postponement of the effective date for 30 days would be 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 April 10, 1957.

1. By amending paragraph (c) of the note under § 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. This includes failure of the pilot to clear his position prior to starting any maneuver, either on the ground or in flight; and special flight activities which require such preoccupation by the pilot with cockpit duties as would prevent adequate vigilance outside the cockpit for the purpose of collision avoidance without compensation for such reduced degree of vigilance by the use of a competent observer in the aircraft, a chase aircraft, or other equivalent arrangements.

2. By amending § 60.24 to read as follows:

60.24 Flight test. The following provisions shall apply to the flight testing of aircraft (including takeoffs and landings) unless otherwise authorized by the Administrator under such conditions as he may prescribe:

(a) 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) Over an area designated by the Administrator.

(b) This section shall not apply to take-offs and landings and operations necessary for flights to and from approved flight areas of production aircraft and aircraft which have been subject to major alterations as defined in Part 18 of the Civil Air Regulations.

(c) 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 excessive preoccupation with cockpit duties may result in careless or reckless operation of aircraft. See Example (c) under § 60.12 of the Civil Air Regulations.

3. By amending § 60.60 by revising the definition of "Flight test" and by adding a new definition "Basic airworthiness" to read as follows:

60.60 Definitions. * * *

Basic airworthiness. Basic airworthiness means the structural integrity and controllability of an aircraft as determined by the pilot in normal flight maneuvering such that there is no reasonable probability of failure which would endanger persons or property.

Flight test. Flight test means flight for the purpose of investigating or checking the operational capabilities of a new type of aircraft, engine, or propeller, the airworthiness of which has not been determined by appropriate military or civil authority; or flights of production aircraft until the basic airworthiness of the aircraft, engine, or propeller contemplated by the appropriate production specification or type certificate is determined by the pilot; or flights involving aircraft, engines, or propellers following major alteration, as defined in Part 18 of the Civil Air Regulations, until the basic airworthiness of the aircraft, engine, or propeller has been determined by the pilot.

(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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