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UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
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Civil Air Regulations Amendment 60-16
Effective: February 15, 1960
Issued: January 15, 1960

PART 60—AIR TRAFFIC RULES

Right-of-Way—Aerial Refueling Operations

On August 27, 1959, Draft Release 59-13 (24 F.R. 7164) gave notice that the Federal Aviation Agency proposed to revise § 60.14(b) of Part 60 of the Civil Air Regulations. In essence, the proposed rule provides that other aircraft be required to give way to aircraft involved in refueling in the same manner as is currently required in the case of aircraft engaged in the towing process. General agreement that the proposed rule will provide an additional measure of safety is apparent from comments received pursuant to the draft release.

The comment received from the Air Line Pilots Association stated, in part, "The air line pilots realize that during refueling operations that two or more aircraft involved are handicapped from maneuvering, and further that the airplanes being refueled are critically short of fuel, which increases the necessity for refueling operations to continue without interruption. Nevertheless, we are concerned about trying to regulate safety by requiring "right-of-way" to this type of airplane operation which is being done at such high speed that the "see-and-be-seen" prinicipal of avoiding collision is not adequate to assure safety." In addition, the Air Line Pilots Association (ALPA) suggests that procedures should be established whereby air traffic is diverted to avoid active refueling areas; that altitude or radar separation should be provided between refueling aircraft and all other aircraft; and that aerial refueling should be conducted at the higher flight levels, provided that both tanker and receiver aircraft are turbine driven.

With regard to the comment of the ALPA with respect to the adequacy of the "see-and-be-seen" concept for collision avoidance, the intermediate altitude refueling operation is conducted at speeds varying from 190 to 220 knots. The high altitude refueling is conducted at speeds of from 255 to 300 knots. In fact, the reduction in the air speed of the receiving aircraft is one of the primary reasons for the loss of maneuverability.

The Bureau of Air Traffic Management of the Federal Aviation Agency, recognizing the problems associated with aerial refueling, has established procedures whereby IFR air traffic is diverted around active high altitude refueling areas unless altitude or radar separation is provided between the refueling aircraft and IFR aircraft under air traffic control jurisdiction. The locations of high altitude refueling areas were first published in the Airman's Guide on September 1, 1959. Although initial emphasis with respect to refueling procedures has been directed to high altitude refueling operations, similar procedures are currently under development for application to intermediate altitude refueling activities. The intent of the ALPA comment that refueling should be conducted at high altitude will be satisfied as the non-jet tanker is gradually being eliminated from the military inventory.

Interested persons have been afforded an opportunity to participate in the making of this amendment (24 F.R. 7164), and due consideration has been given to all relevant matter presented. The principles contained in Draft Release 59-13 have been endorsed by comments received and, since suggested action is, to a great extent, either implemented or under development, it is concluded that the amendment should be adopted as proposed.

In consideration of the foregoing, § 60.14(b) of Part 60 of the Civil Air Regulations (14 CFR Part 60) is hereby amended to read as follows:

(b) *Converging.* Aircraft converging shall give way to other aircraft of a different category in the following order: Airplanes and rotorcraft shall give way to airships, gliders, and balloons; airships shall give way to gliders and balloons, gliders shall give way to balloons. When two or more aircraft of the same category are converging at approximately the same altitude, each aircraft shall give way to the other which is on its right. In any event, mechanically driven aircraft shall give way to aircraft which are seen to be towing or refueling other aircraft;

NOTE: In effect, an aircraft will give way to another of a different category which is less maneuverable and is unable to take as effective action to avoid collision. For this reason, aircraft towing or refueling others are given the right-of-way.

(Secs. 313(a), 307(c); 72 Stat. 752, 749, 49 U.S.C. 1354, 1348)

Issued in Washington, D.C., on January 8, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-367; Filed, Jan. 14, 1960; 8:45 a.m.]

CORRECTION

Civil Air Regulations
Amendment 60-16

PART 60—AIR TRAFFIC RULES

Right-of-Way—Aerial Refueling Operations

On January 15, 1960, Amendment 60-16 to Part 60 of the Civil Air Regulations was inadvertently published in the FEDERAL REGISTER (25 F.R. 334) without a 30-day effective date. This amendment is hereby corrected to include the statement: "This amendment shall become effective February 15, 1960."

Issued in Washington, D.C., on January 15, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-547; Filed, Jan. 15, 1960; 5:00 p.m.]

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