UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D. C.

Civil Air Regulations Amendment 60-23
Effective: April 6, 1961
Issued: February 13, 1961

[Reg. Docket No. 443; Amdt. 60-23]

PART 60—AIR TRAFFIC RULES

Re-establishment of the Base of Continental Control Area

Draft Release No. 60-12, published in the FEDERAL REGISTER on July 14, 1960 (25 F.R. 6634), gave notice that the Federal Aviation Agency proposed the adoption of an amendment to Part 60 of the Civil Air Regulations to re-establish the lower limit of the continental control area.

The reasons for the amendment were set forth in detail in the draft release. It recalled that at the time the continental control area was implemented, a second phase was anticipated when the air traffic control system reached the degree of proficiency which would permit it to accept the greater demands which would result from lowering the floor of the continental control area. It stated that the additional trained personnel, the new and improved radar systems and displays, the additional peripheral radio communications facilities and the semi-automatic calculating equipment were some of the improvements in the air traffic control system which now make this action possible. The draft release pointed out that higher Visual Flight Rules (VFR) minimum weather criteria would apply within the newly designated continental control area. The minimum visibility for VFR flight would be 5 miles, while the clearance-from-clouds minimums would be 1,000 feet vertically and 1 mile horizontally. These more stringent minimums are considered both reasonable and necessary in view of the high performance aircraft which typically operate at the higher flight levels. The increased capability of air traffic control to provide services to pilots who desire to operate aircraft under Instrument Flight Rules (IFR) would preclude, for the most part, any adverse effect upon flight operations within the new continental control area.

In addition, the rule adopted herein was stated to be consistent with the overall airspace planning of the Agency which contemplates the establishment of a three level route structure. Specific proposals regarding the establishment of this system were published for comment in a separate rule making action (Airspace Docket No. 60-WA-53). Since comments in response to that proposal will be recognized in consideration of the airspace rule, it is not appropriate to discuss in detail either the content of that proposal or comments relative thereto.

The majority of the comments received in response to Draft Release No. 60-12 endorse the concepts of the proposal. The Aircraft Owners and Pilots Association and the National Aviation Trades Association, however, tempered their endorsement with the recommendation that the base of the new continental control area be established in such a manner as to retain the use of 14,500 feet m.s.l. as a VFR cruising altitude without the more stringent visibility and clearance-from-clouds minimums applicable to VFR flight conducted within the continental control area. It was contended that the requirement to observe the higher minimums would impose an unnecessary and undue hardship upon VFR pilots. These recommendations were considered valid. Section 60.30, Basic VFR Minimum Weather Conditions, is therefore revised herein to stipulate that, should the base of controlled airspace be coincident with a VFR cruising altitude prescribed in § 60.32, the provisions of § 60.30 applicable to the immediately underlying airspace shall apply.

The Department of the Air Force also concurred with the proposal to lower the floor of the continental control area. However, it stated that its concurrence is qualified with respect to action taken relative to Airspace Docket No. 60-WA-53. Since this is a separate rule making proposal, comments relative thereto and the final action taken are not considered directly relevant to this proposal.

The Department of the Army did not establish a definite position relative to the proposed amendment except to recommend that the proposed definition of the continental control area be amended to provide for the exclusion of flight test areas. Their recommendation was based upon "the adverse effects by the imposition of airway traffic control above 14,500 feet m.s.l. within the Fort Rucker flight test area." The flight test areas, as described in the Flight Information Manual, are approved by the Administrator for the purpose of confining these activities to sparsely populated areas and areas of light air traffic. However, flights by local or itinerant pilots within these areas are not prohibited. The proposed continental control area would impose no greater restrictions upon flight testing activities than those which are currently applicable to flight testing operations conducted within the present continental control area. Therefore, lowering the base of the continental control area should impose no significant adverse effect upon the flight testing activity conducted within the Fort Rucker flight test area.

The Department of the Navy also stated that it agrees with the basic proposal to re-establish the base of the continental control area. However, it recommended that provision be made for recognition of "Caution Areas" which extend above 14,500 feet m.s.l. "Caution Areas" were established by the Airspace Panel of the now dissolved Air Coordinating Committee (ACC). They were defined in the terms of reference of that group as "an area established by the appropriate agency, upon recommendation of the Panel, in which a visible hazard to aircraft exists." The terms of reference went on to state "although flight is not restricted in Caution Areas, hazards exist therein which may be avoided if proper vigilance is exercised by local and transiting aircraft." "Caution Areas" as such, are not officially recognized by the FAA. It is considered that flight vigilance must be maintained at all times and that "vigilance" is es-

sentially a consummate condition and not subject to appreciable increase. Publication of a "Caution Area," established by the ACC, on aeronautical charts in no way precludes the utilization of such areas by pilots of aircraft totally uninformed as to the existence of the area or the reason for which it was established.

The Department of the Navy cited certain of these areas which would be affected, mentioning C-488 and C-198, as well as Warning Area W-155. Since Warning Areas are established only outside the continental limits of the United States, the amendment adopted herein will not affect such areas in any way. The Department of the Navy contended that, in view of an existing and continuing need for airspace of a "Caution Area" category, the rule should be amended to recognize the existence of those Caution Areas which extend above 14,500 feet m.s.l. It further recommended that the weather minimums for VFR flight within the controlled airspace of such areas remain at 3 miles visibility with proximity to cloud minimums remaining at 500 feet beneath, 1,000 feet above and 2,000 feet horizontally from clouds. The Agency is currently giving consideration to the establishment of airspace similar to "Caution Areas"; however, the requirement for and the provisions attendant to the use of such airspace have not been determined. If appropriate, this matter will later become the subject of a separate rule making proposal.

Minor editorial changes have been made in the definition of continental control area for purposes of clarity and in consideration of comments received.

In consideration of the foregoing, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending the introductory text of § 60.30 to read as follows:

§ 60.30 Basic VFR minimum weather conditions.

Aircraft shall not be flown VFR in weather conditions below those specified herein except as provided in § 60.31. When VFR flight operations are conducted in accordance with the provisions of § 60.32 at an altitude coincident with the designated base of the continental control area, control area or transition area, the visibility and clearance-from-cloud requirements applicable to the immediately underlying airspace shall govern.

2. By amending the definition of "continental control area" to read as follows:

§ 60.60 Definitions.

* * * * *

Continental Control Area. The Continental Control Area consists of the airspace of the continental United States at and above 14,500 feet MSL but excludes: (1) The State of Alaska, (2) the airspace less than 1,500 feet above terrain, and (3) prohibited and restricted areas except those restricted areas specified in Part 601 of this Title.

These amendments shall become effective on April 6, 1961.

(Sec. 307; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 13, 1961.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 61-1422; Filed, Feb. 16, 1961; 8:45 a.m.]

(As published in the Federal Register /26 F. R. 1397/ on February 17, 1961)

MANUFACTURING AND INSPECTION BRANCH
MAR 17 1961
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☆ U.S. GOVERNMENT PRINTING OFFICE: 1961 O—585769