Order No. S-786

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

Adopted by the Civil Aeronautics Board
at its office in Washington, D. C.,
on the 8th day of March, 1957

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In the matter of the request of the *
*
AIRCRAFT OWNERS AND PILOTS ASSOCIATION *
*
for rescission of certain provisions *
of Part 60 of the Civil Air Regulations *
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* *

ORDER DENYING REQUEST THAT BOARD RESCIND MINIMUM VISIBILITY REQUIREMENTS OF SECTION 60.31 OF PART 60 OF THE CIVIL AIR REGULATIONS

By letter dated February 18, 1957, the Aircraft Owners and Pilots Association (AOPA) requested that the Board rescind that part of Section 60.31(a) and (b) of Part 60 of the Civil Air Regulations dealing with certain minimum visibility requirements for flights within control zones. The visibility minimums referred to were included in Part 60 by Civil Air Regulations Amendment 60-2 which was adopted on February 6, 1957, and are to become effective on March 15, 1957.

The controversial nature of this amendment was recognized in the preamble to Amendment 60-2 wherein it was stated that "The views expressed by the interested parties, both in written comment and oral argument, varied from the belief that the weather minimums proposed by the Board were unnecessarily and unduly restrictive, particularly with respect to general aviation, to the belief that the Board's proposal did not go far enough in the way of imposing restrictions on VFR flight within control zones." The Board noted, further, that it had given careful consideration to all the views expressed on this subject and concluded that it was not unduly burdensome and was necessary in the interest of safety.

In explaining this conclusion, the Board noted that in establishing the one mile visibility minimum for flights within a control zone it intended to make the minimum visibility rules in control zones, when a traffic clearance has been issued, the same as the already established one mile visibility minimum for flights in uncontrolled airspace which minimum is considered necessary for a VFR pilot to properly control the attitude and flight path of his aircraft in order to avoid collision with terrain or surface obstacles.

On numerous occasions, prior to the adoption of Amendment 60-2, AOPA presented its views, both written and oral, in opposition to the proposed visibility minimums. The Board carefully considered these views before reaching its decision. Moreover, the Board has reviewed AOPA's additional written comments submitted on February 14, 1957, and its petition for rescission submitted on February 18, 1957. No new information appears therein to justify the rescission requested. Accordingly, the Board is still of the opinion that the rules in Civil Air Regulations Amendment 60-2 are not unduly burdensome and are in the interest of safety.

The Board has noted the concern expressed by AOPA in its letter of February 18, 1957 with the manner in which Amendment 60-2 was adopted. Since AOPA and other parties were given ample opportunity to comment, both in writing and orally, on the proposals leading to the rules in Amendment 60-2, the Board finds that the procedural requirements for rule-making in the Administrative Procedure Act were complied with. Therefore, in view of the foregoing,

IT IS ORDERED:

That the request of the Aircraft Owners and Pilots Association that the Board rescind the visibility minimum requirements of Section 60.31 of Part 60 of the Civil Air Regulations, which were adopted on February 6, 1957, be and the same is hereby denied.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a))

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)