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

Effective: July 12, 1957
Adopted: July 12, 1957

SPECIAL CIVIL AIR REGULATION

SPECIAL AIR TRAFFIC RULES FOR VICINITY OF PHOENIX, ARIZONA

Part 60 of the Civil Air Regulations contains the air traffic rules applicable to all aircraft operated anywhere in the United States. They apply equally to all civil, military, public, and foreign aircraft. The air traffic rules are adopted by the Civil Aeronautics Board pursuant to the Civil Aeronautics Act of 1938, as amended, which authorizes the Board to adopt "air traffic rules governing the flight of, and for the navigation, protection, and identification of, aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between aircraft, and between aircraft and land or water vehicles" (49 U.S.C. 551). Under certain conditions military aircraft of the United States and aircraft engaged in special flight operations may deviate from these air traffic rules.

The Administrator has advised the Board that "a grave safety hazard exists" in the airspace immediately west of Phoenix, Arizona, which requires immediate regulatory action by the Board. In particular, Green Civil Airway No. 5 and Victor Civil Airway No. 16 are projected almost due west from Phoenix and immediately west of Phoenix are almost coincidental. Beginning at a point approximately 13 miles west of Sky Harbor Airport, in Phoenix, and thence 16 miles farther west there lies an airway segment through which a considerable amount of traffic from Luke Air Force Base moves. These flights are conducted in jet-propelled aircraft and consist primarily of student training missions, many of which are aerial gunnery flights. Most of the flights from Luke Air Force Base which cross the airways proceed toward caution and restricted areas farther south, within which special military flight training activities are conducted.

A conflict in the use of the airspace over Green 5 and Victor 16 has developed between civil and military interests in this area and efforts to resolve this conflict on a voluntary basis have been unsatisfactory. In brief, civil users of the airways involved contend that, in order to make operationally feasible let-downs and climb-outs to and from Phoenix airports, civil aircraft should not be required to fly above 4,000 feet m.s.l. in the airspace in question. Military authorities contend, on the other hand, that trial operations have been conducted in which military aircraft crossed the airways at 3,000 feet m.s.l. and that such operations proved highly dangerous because of the mid-air accident potential both between military jet aircraft and between military aircraft and civil itinerant aircraft at low altitudes. Moreover, the military contends that the severe turbulence common to this area at low altitudes presents a particular hazard for student pilots flying formation in high-speed aircraft. Since there are as many as 1,200 military crossings of these airways every day and civil traffic along these airways is very heavy, it is apparent that safe vertical separation of these crossing aircraft is essential.

While the Board has authority to establish rules under Section 601 of the Act to provide for a safe separation altitude between crossing aircraft, the Board considers it desirable to delegate this authority to the Administrator to establish special air traffic rules to be applicable to the specific airspace involved, since this is a local problem which the Administrator is equipped to handle. To give effect to the rules prescribed by the Administrator in this area it is necessary for the Board in this instance to preclude the military from exercising its deviation authority pursuant to § 60.1 of Part 60 of the Civil Air Regulations.

On the basis of the information received from the Administrator, the Board finds that an emergency requiring immediate action exists in respect of safety in air commerce and that notice and public procedure hereon are contrary to the public interest, and the Board finds that good cause exists for making this regulation effective on less than 30 days' notice.

Interested persons desiring to present written data setting forth their views with respect to the rules herein adopted are requested to submit such matter to the Board on or before September 16, 1957. All communications so received will be considered by the Board and the rules adopted pursuant hereto will be further evaluated in the light of the comments submitted.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 12, 1957:

USCOMM-DC-10062

1. Contrary provisions of § 60.1 of Part 60 of the Civil Air Regulations notwithstanding, military aircraft of the United States armed forces shall comply with all air traffic rules prescribed in Part 60 of the Civil Air Regulations and all special air traffic rules prescribed by the Administrator, pursuant to authority contained herein, in the airspace identified as Green Civil Airway No. 5 and Victor Civil Airway No. 16 within the area covered by such airways west of 112° 10' W. longitude and east of 112° 35' W. longitude unless otherwise authorized by the Administrator.

2. The Administrator is authorized to prescribe such air traffic rules as he may deem necessary in the interest of safety in air commerce for the operation of any or all flights traveling on or traversing Green Civil Airway No. 5 and Victor Civil Airway No. 16 within the area covered by such airways west of 112° 10' W. longitude and east of 112° 35' W. longitude.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply Secs. 601, 1005, 52 Stat. 1007, 1023; 49 U.S.C. 551, 645)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)