Affects: Part 60
Distribution: General

Regulation No. SR-424

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

Effective: June 15, 1958
Adopted: May 28, 1958

SPECIAL CIVIL AIR REGULATION

POSITIVE AIR TRAFFIC CONTROL EXPERIMENT

On April 17, 1958, a Notice of Proposed Rule Making was issued, Draft Release No. 58-8 (23 F.R. 2742) which would authorize the Administrator to designate a portion of airspace within which positive control of air traffic would be exercised. Comments on this proposal are due on or before June 25, 1958. Subsequent developments make it necessary for the Board to take regulatory action at the earliest possible time. The Administrator has now advised the Board that he has the capability to implement positive control on the three transcontinental routes linking New York and Washington with Los Angeles and San Francisco at the altitudes from 17,000 to 22,000 feet. Under the circumstances the Board is promulgating this regulation immediately to become effective on June 15, 1958.

In discussing the positive control concept, Draft Release No. 58-8 stated substantially as follows:

The current provisions of Part 60 of the Civil Air Regulations classify all air traffic into two broad categories: (1) VFR, or that category of air traffic operating in weather conditions in which it is assumed that all pilots are able to see and avoid other aircraft, and (2) IFR, or that category of air traffic operating in weather conditions in which it is assumed that pilots are not able to see and avoid other aircraft. Weather conditions which limit the range of visibility of a pilot, therefore, are the principal factors determining the applicability of these rules.

In applying the principle of "see and be seen" in the air traffic rules of Part 60, the Board, up to the present time, has dealt principally with the meteorological conditions which affect a pilot's ability to see other aircraft. For some time, however, it has become increasingly apparent that the long-established "see and be seen" philosophy applicable to VFR flight must also take account of the extreme rates of closure which are the result of the very high speeds at which certain aircraft operate.

Under certain circumstances, it appears that the rate of closure of very high-speed aircraft is such that the total time in which the aircraft may be visible to a pilot of another aircraft is so short that pilots cannot be expected to insure separation between aircraft irrespective of the weather conditions in which they are flying.

It has been recognized that in the interest of safety there are certain areas of the common system where the problem of collision avoidance inherent in high-speed operations requires the use of air traffic control separation by ground controllers even in good weather conditions.

The purpose of the proposed regulation was to permit the Administrator to designate such a segment of airspace which will provide for an accurate determination of the nature and extent of the traffic handling problems involved in the actual application of the all-weather positive control concept.

The air traffic rules governing flight in this portion of the airspace will be identical with the current requirements for complete IFR operation in other controlled airspace. All aircraft operated within it must be fully equipped for all-weather operations and all pilots must be capable of instrument flight.

USCOMM-DC-11050

In order to achieve a true positive control system which will relieve the pilot of the responsibility to visually avoid other air traffic, it is imperative that no uncontrolled traffic be intermingled in this airspace. Air traffic control cannot insure positive separation of all traffic in a specific area unless it has complete control of all traffic within that area.

All VFR flight irrespective of weather conditions will be prohibited from operating in this airspace. "VFR conditions on top" or VFR climb or descent restrictions, therefore, will not be used as a traffic control limitation.

While the requirement for an IFR capability is not expected to impose an undue burden on those who typically operate at these altitudes, the inclusion of this requirement in this experiment should not be construed as a precedent to exclude controlled VFR operations in future extensions of this concept to the lower altitudes.

The importance of avoiding this experimental area in all-weather conditions by nonparticipating pilots cannot be overemphasized. All pilots who may have occasion to operate at the altitude levels involved are expected to familiarize themselves with the exact location of the designated airspace. Pilots not intending to participate must exercise extreme care to avoid this airspace either vertically or laterally. The positive control segment of airspace will be depicted on aeronautical maps and charts in a distinguishing manner.

The altitudes proposed to be utilized in this route experiment were 20,000 to 35,000 feet. These were selected to insure a sufficient volume of air traffic to evaluate effectively the traffic problems involved in an en route positive control concept while at the same time creating the least possible conflict with current operations.

Subsequent to the publication of Draft Release No. 58-8, events have occurred which focused considerable attention on the concept advocated in the proposal. Recent mid-air collisions and near misses between aircraft at the higher altitudes in good weather conditions where piston and jet aircraft are mixed have further highlighted the need for immediate action.

The Administrator has now advised the Board that there is sufficient capacity in the air traffic control system to permit initiation of the positive control experiment by June 15, 1958.

He further advises that because of the traffic flow characteristics of piston engine aircraft and the operational altitudes employed in many jet aircraft procedures, the positive control experiment can be initiated with more effect and less burden on the majority of airspace users if the experiment is implemented along certain airways between 17,000 and 22,000 feet.

In the light of the urgent requirement for positive separation of aircraft in good weather conditions as well as bad, the Board considers it imperative to initiate this program immediately.

For the reasons stated above, the Board finds that a situation exists requiring immediate action in the interest of safety in air commerce, that further notice and public procedure hereon are contrary to the public interest, and the Board finds that good cause exists for making this Special Civil Air 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 June 25, 1958. All communications so received in addition to comments received in response to Draft Release No. 58-8 will be considered by the Board and the rules herein adopted will be re-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 June 15, 1958:

(1) The Administrator is hereby authorized to designate as a "positive control route segment" any portion of the airspace between 17,000 to 35,000 feet, having a width not in excess of 40 miles.

(2) No person shall operate an aircraft within such designated airspace without prior approval of air traffic control.

(3) All VFR flight activities, irrespective of weather conditions, are prohibited from operating in this designated airspace.

(4) All aircraft operated within this designated airspace shall have the instruments and equipment currently required for IFR operations and all pilots shall be rated for instrument flight.

This Special Civil Air Regulation is issued under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. It shall be effective until June 15, 1959, unless sooner superseded or rescinded by the Board.

(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)