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Special Civil Air Regulation No. SR-424C

[Reg. Docket No. 376; Special Civil Air Reg. 424c]

PART 60—AIR TRAFFIC RULES

Positive Air Traffic Control Areas; Positive Air Traffic Control Routes

Draft Release No. 60-9, published in the FEDERAL REGISTER on May 7, 1960 (25 F.R. 4082) gave notice that the Federal Aviation Agency had under consideration the adoption of a Special Civil Air Regulation establishing a new and additional application of the positive air traffic control concept. It has been long recognized that there are certain areas wherein the problems of collision avoidance by high-speed flight operations require the application of air traffic control separation standards regardless of the meteorological conditions. While the positive control routes, established in Special Civil Air Regulation series 424, and the civil jet radar flight following and advisory program were designed to reduce the possibility of mid-air collision, these programs were concerned primarily with the requirements of point-to-point flight. It is axiomatic that the next step in the evolution of positive control would be to the provision of such service within a specified "area," while still retaining the "route" concept of positive control and the civil jet advisory service until superseded by the "area" concept.

All comments received in response to Draft Release No. 60-9 have been reviewed and due consideration has been given to their content. While all of the comments endorsed the concept, some did so with certain reservations.

The Department of the Air Force has recommended that a plan for the evaluation of the positive control area concept be developed and that a simulation study and evaluation of the control procedures to be used and the traffic in the affected area be completed prior to the final rule making action. The Agency intends to evaluate and analyze the positive control program and to prepare a report, available to interested persons or agencies, after the implementing phase of the program is accomplished. Knowledge and statistics gathered will provide the Agency with information upon which future expansion of the positive control program and modification of associated control procedures will be based. A simulation study of the procedural and traffic factors contingent with this program has been completed. While a formal report is not yet available, the preliminary evaluation substantiates the ideology of the positive control area concept. Further knowledge must be obtained from a practical application.

The Air Force has also recommended that the positive control routes underlying positive control areas not be expanded vertically to include the airspace between 22,000 and 24,000 feet, m.s.l. This recommendation cannot be accepted. To leave a narrow strata of nonpositive controlled airspace between the positive control route segments and the positive control area would compress non-participating flight activities into the airspace between the two positive control systems. This funneling of traffic into a constricted band of airspace in conjunction with aircraft transiting from one positive control environment to the other, would create a hazardous situation. For this reason it has been concluded that the airspace between 22,000 and 24,000 feet, m.s.l., should be designated as a positive control route segment.

The Air Force has contended that certain military flight operations cannot be satisfactorily conducted within positive control airspace and has enumerated such activities in its comments. The Agency had previously informed the Air Force of its program to integrate these operations into the system in accordance with a three-phase plan. Complete integration was scheduled to be accomplished within an estimated six-month period. The Air Force has stated that a delay in accepting these operations in the system could compromise its operations to the extent that the over-all combat readiness of certain commands and units could not be maintained. The Agency has therefor revised the phasing schedule to shorter periods of time and is, in fact, prepared to accept at the inception of the program, several operations which had been scheduled for later phases. The problems are primarily procedural in nature and resolution lies in increased system capacity. The Agency is confident that most of these problems will be resolved prior to or shortly after the initiation of this positive control program.

One foreign air carrier company expressed concern regarding the requirement for a radar beacon transponder, not wishing to install such equipment in the absence of internationally accepted transponder specifications. Due to the limitations of primary radar, particularly in regard to resolution of target information from certain aircraft types, the use of radar beacon transponders is essential to the success of positive control on an area basis.

Certain language in the proposed rule has been modified to promote clarity. Paragraph 1(d) now states that the Director, Bureau of Air Traffic Management, or his designated air traffic control representative, has the responsibility for the issuance of special authorizations permitting deviations from the requirements of paragraph 1 (b) and (c). As this change is clarifying in nature, makes no substantive change and imposes no additional burden on any person, further rule making procedures thereon are unnecessary.

Draft Release No. 60-9, discussed in considerable detail the airspace within which the proposed implementation of the positive control service would be ac-

complished. This elaboration was necessary in order to convey to the public a comprehensive understanding of the Agency's intent. Since formal airspace notices of proposed rule making relative to this airspace have been or will be presented for comment, further discussion with respect to the exact dimensions of airspace is not considered pertinent to this document.

In cooperation with all airspace users, the Federal Aviation Agency is making every effort to develop a program for positive control which will best serve the interest of the public. It is believed that with the adoption of this regulation a major advancement in safety will be achieved. It is extremely important that all interested persons exert a concerted effort to promote the success of this endeavor. Through a continuing evaluation and modification of procedures or operations and in close coordination with all users, an orderly and practical expansion of this concept will be accomplished.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective on August 30, 1960.

(1) The special air traffic rules prescribed in this section shall be applicable, except as otherwise provided in paragraph (d), to any operation of an aircraft in that portion of airspace in the continental control area which has been designated by the Administrator as a "positive control area" in Part 601 of the Administrator's Regulations (14 CFR Part 601):

(a) No person shall operate an aircraft within a positive control area without prior approval of air traffic control.

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

(c) All aircraft operated within positive control areas shall:

(1) Have instruments and equipment required for IFR operations and pilots of such aircraft shall be rated for instrument flight.

(2) Be equipped with a functioning radar beacon transponder which shall be operated to reply on such mode and or code as may be specified by air traffic control for the area in which flight is conducted.

(3) Be equipped with radio equipment capable of providing direct pilot-controller communications on the frequencies specified by air traffic control for the positive control area in which flight is conducted.

(d) The Director of the Bureau of Air Traffic Management or his designated representative may authorize deviation from the requirements of paragraphs (b) and (c) of this section in accordance with the terms and conditions of such authorization.[1]

[1] Requests for such authorization shall be presented, in writing, to the air route traffic control center exercising control over the positive control area within which the deviating flight will be conducted. Such request must reach the center at least 4 days in advance of the proposed operation. Approval will be conveyed in writing and may be granted on a continuing basis or by individual flight, whichever is more appropriate.

(2) The special air traffic rules prescribed in the following paragraphs of this section shall be applicable to any operation of an aircraft in that portion of a federal airway, designated by the Administrator as a "positive control route segment" in Part 601 of the Administrator's Regulations (14 CFR Part 601), between the altitudes of 17,000 and 22,000 feet (m.s.l.); or between the altitudes of 17,000 to 24,000 feet (m.s.l.) for the portion of a "positive control route segment" underlying a "positive control area" with a base of 24,000 feet (m.s.l.).

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

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

(c) 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.

SR-424B is hereby rescinded on the effective date of this regulation.

(Secs. 313(a), 307 of the Federal Aviation Act of 1958, 72 Stat. 752, 749; 49 U.S.C. 1354, 1348)

Issued in Washington, D.C., on July 25, 1960.

E. R. QUESADA,
Administrator.

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