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

Civil Air Regulations Amendment 61-8
Effective: September 10, 1952
Adopted: September 10, 1952

OVER-THE-TOP OPERATIONS BY SCHEDULED AIR CARRIERS

At the present time Part 61 of the Civil Air Regulations provides that scheduled air carrier aircraft may not fly lower than the pertinent minimum en route altitude for the route being traversed when on an instrument flight plan. The Administrator has not exercised the authority delegated to him to establish lower over-the-top minimum en route altitudes than those specified by him for regular instrument operations since he considers that the establishment and publication of more than one minimum en route altitude for a particular route or route segment would tend to cause confusion.

As a consequence, and realizing that some provision should be made for relaxing of the rules governing over-the-top operations by scheduled air carriers without the necessity of publishing additional altitudes for such operations, the Board by this amendment will allow over-the-top flight below the minimum en route altitude, provided certain conditions are complied with. Such operations may be conducted by day only, with a minimum of 1,000 feet of vertical clearance from higher and lower cloud layers, the cloud layers must be generally uniform and level, and flight visibility must be at least five miles. In addition, the base of any higher cloud cover must be at least 1,000 feet above the minimum en route altitude for the route or route segment.

An amendment is also made to § 61.271 with respect to altitude maintenance on initial approach to cover the situation created by an over-the-top approach below established minimum en route altitude.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 61 of the Civil Air Regulations (14 CFR, Part 61, as amended) effective immediately:

1. By amending the first paragraph of § 61.261 to read as follows:

61.261 Flight altitude rules. Except during take-off and landing, the flight altitude rules prescribed in paragraphs (a) and (b) of this section, in addition to the applicable provisions of § 60.17, shall govern air carrier operations: Provided, That other altitudes may be established by the Administrator for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight permits or requires such other altitudes. Contrary provisions herein notwithstanding, adherence to a minimum IFR altitude will not be required during the time a flight is proceeding in accordance with paragraph (c) of this section.

2. By amending the title of paragraph 61.261 (b) to read as follows:

(b) Night VFR or IFR operations (including over-the-top).

3. By adding a new paragraph (c) to § 61.261 to read as follows:

(c) Daytime over-the-top operations below minimum en route altitudes. Over-the-top operations may be conducted at flight altitudes lower than the minimum en route IFR altitudes by day only and in accordance with the following provisions:

(1) Such operations shall be conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;

(2) The top of the lower cloud cover shall be generally uniform and level;

(3) Flight visibility shall be at least 5 miles;

(4) The base of any higher broken or overcast cloud cover shall be generally uniform and level and shall be at least 1,000 feet above the minimum en route IFR altitude for the route segment.

4. By amending § 61.271 to read as follows:

61.271 Altitude maintenance on initial approach.

(a) When making an initial approach to a radio navigational facility under IFR (excluding over-the-top conducted in accordance with the provisions of § 61.261 (c)), an aircraft shall not descend below the pertinent minimum altitude for initial approach specified by the Administrator for such facility until arrival over the radio facility has been definitely established;

(b) When making an initial approach on a flight being conducted in accordance with the provisions of § 61.261(c), an aircraft shall not commence an instrument approach until arrival over the radio facility has definitely been established. In executing an instrument approach procedure under such circumstances, the aircraft shall not be flown at an altitude lower than 1,000 feet above the top of the lower cloud or the minimum altitude specified by the Administrator for that portion of the instrument approach procedure being flown, whichever is the lower.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U.S.C. 551, 554; 62 Stat. 1216)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

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