FS-47

TITLE 14 - AERONAUTICS AND SPACE

CHAPTER III - FEDERAL AVIATION AGENCY

PART 409 - PROCEDURES AND RULES FOR AIRSPACE UTILIZATION

SUBPART C - SPECIAL RULES, REGULATIONS AND ORDERS

SPECIAL AIRSPACE REGULATION NO. 1

Report on Utilization of Restricted Areas

Section 307(a) of the Federal Aviation Act of 1958, authorizes and directs the Administrator of the Federal Aviation Agency to develop plans for and to formulate policy with respect to the use of the navigable airspace of the United States, and assign by rule, regulation, or order, the use of such airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of such airspace. The Administrator may also modify or revoke assignments of airspace when required in the public interest.

In assuming management of the navigable airspace of the United States, and, in order to carry out the objectives of Section 307(a) of the Act, it is the Administrator's view that assignments and allocations of airspace must be subject to continuous re-examination. This can be accomplished only when there is available, accurate and complete information with respect to the past and present utilization of airspace which has been assigned or allocated. In addition there must be sufficient information on which to evaluate the future need therefor.

A large portion of the navigable airspace of the United States is presently set aside for special purposes through the designation of "Restricted Areas" each of which is under the jurisdiction of a "Controlling Agency." However, the Federal Aviation Agency is without complete information as to the nature and volume of past and present operations conducted in these restricted areas, or future requirements. As one of the first steps in establishing a program for the management of the navigable airspace, the Administrator is adopting, as an interim measure, this Special Airspace Regulation which will provide the Federal Aviation

Agency with the requisite data in connection with the utilization of restricted areas. It is anticipated that the data so obtained will furnish the basis for the development of a permanent regulation which will require that such information be furnished periodically.

It is essential that the information required to be submitted by this Special Airspace Regulation be obtained at an early date in order to enable the Federal Aviation Agency to carry out its responsibilities under Section 307(a) of the Federal Aviation Act. For this reason, compliance with the notice, procedures and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest.

In consideration of the foregoing, I hereby adopt the following Special Airspace Regulation:

Within 30 days after the effective date hereof, each Controlling Agency of a designated restricted area shall submit a report of the use of such restricted area. Such report shall be submitted in triplicate to the Director, Bureau of Air Traffic Management, Federal Aviation Agency, Washington 25, D. C., and shall contain the following information:

A. For the period of July 1, 1958 through June 30, 1959.

1. Designation number of area.
2. Name of area.
3. Activities presently being conducted in area (be specific).
4. Controlling Agency.
5. User Agencies.
6. Number of aircraft involved in daily operations (average).
7. Types of aircraft normally involved in daily operations.
8. Number of hours area used per day (average).
9. Time daily operations commence and end.
10. Number of days per week of actual operations (average).
11. Altitudes used in daily operations and per cent of time used.

(a) Minimum.
(b) Maximum.
(c) Normal operating altitudes.

12. Flight operations: Depict the following information on aeronautical charts:

(a) Geographical location of points of ingress to area.
(b) Aircraft flight paths (if appropriate).
(c) Type, location and coverage of electronic control equipment.

13. Ground operations: Depict the following information on aeronautical charts:

(a) Geographical location of firing points.
(b) Maximum range and ordinate altitude of operations in area.
(c) Per cent of time (daily) maximum range and altitude are utilized.
(d) Normal ordinate altitude for daily operations.

B. Current Use and Future Requirements.

A brief resume of pertinent facts concerning present use, future requirements and justification for continued use of the area or any part of it.

NOTE: Items 6 through 13 should be reported on the basis of actual operations conducted within the restricted area during its period of use as a restricted area. If area is used by other agencies as a restricted area, this information should be obtained from the user agency and identified and included in the report.

This regulation shall become effective August 1, 1959.

(Section 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354.)

Administrator

Issued in Washington, D. C. on July 17, 1959, 1959.