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Supplement No. 3 — December 15, 1950

SUBJECT: 40.7 Route
40.36 Airway

The Office of Aviation Safety announces the adoption of rules concerning night VFR operation by scheduled air carriers. The new rules provide for the use of radio navigational aids in the conduct of night VFR operations. Notice of proposed adoption of these rules was published under CAM 40.36-1 in 15 FR 6331, September 22, 1950. These rules become effective January 1, 1951.

40.7-1 Route Requirements: Visual Contact Night Operation
40.36-1 Route Requirements: Visual Contact Night Operation

Attached are two new pages headed "CAR 40.7 Route" and "CAR 40.36 Airway" which should be retained as pages in the series of statements that will be issued explaining or implementing Civil Air Regulation 40.

William S Davis
for E. S. Hensley
Director, Office of
Aviation Safety

Attachment

Distribution: Air 4, 4A, 11, 14,
40 All Tabs, 40-B,
40-D, 40-E, 40-F-1

"CAR 40.7 Route. Applicant shall show that the route over which it proposes to operate is, or prior to operation will be, equipped with such navigational facilities (including terminal and intermediate airports, emergency landing fields, and ground aids to air navigation) as are determined by the Administrator to be necessary for safe operation as related to the service offered."

40.7-1 ROUTE REQUIREMENTS: VISUAL CONTACT NIGHT OPERATION. (CAA rules which apply to section 40.7.)

See CAM 40.36-1.

"CAR 40.36 Airway. Applicant shall meet the requirements of § 40.26 and, in addition, shall show that the proposed route is equipped with such airway beacons and obstruction lights as are deemed by the Administrator to be adequate for safe air carrier operation at night."

40.36-1 ROUTE REQUIREMENTS: VISUAL CONTACT NIGHT OPERATION. (CAA rules which apply to section 40.36)

It has been determined that safe air carrier operation at night can be conducted under visual flight rules, when VFR weather conditions exist over the route or route segment to be flown, utilizing adequate radio navigational aids in lieu of the airway beacons and obstruction lights specified in CAR 40.36 where (a) sufficient radio aids coverage will provide safe aircraft navigation by that means, (b) the radio equipment in the aircraft meets the requirements of CAR 40.79 and the ground navigation aids are in normal operation during the time the flights are being conducted, and (c) airport beacon, obstruction lights, runway (contact) lights, and such other lighting facilities deemed necessary by the Administrator are in operation at all terminals and intermediate stops.