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CIVIL AERONAUTICS MANUAL 40

U. S. Department of Commerce — Civil Aeronautics Administration

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Supplement No. 7 — December 24, 1951

SUBJECT: 40.191 Application for and issuance of air carrier operating certificate.
40.197 Amendment.

The Office of Aviation Safety announces the attached rules concerning the issuance and amendment of an air carrier operating certificate for scheduled air carrier operations in interstate air transportation within the continental limits of the United States.

40.191-1 Application for air carrier operating certificate.
40.197-1 Amendment of air carrier operating certificate.

This supplement is issued to supersede Safety Regulation Release No. 269 and Aviation Safety Release No. 296, and should be retained as one of a series that will be issued explaining or implementing Civil Air Regulations Part 40.

The material covered by this supplement appeared in the Federal Register on September 25, 1951.

for Edward H. Marsh
E. S. Hensley
Director, Office of
Aviation Safety

Attachments

Distribution: Air 4, 4a, 11, 14, 40 all tabs
40B, 40D, 40-F-1

§ 40.191 *Application for and issuance of air carrier operating certificate.* (a) Application for an air carrier operating certificate shall be made upon the applicable forms prescribed and furnished by the Administrator.

(b) An air carrier operating certificate may be issued by the Administrator to an applicant after approval of application made and proof submitted in connection therewith, if the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of the act and the applicable rules, regulations, and standards prescribed thereunder for such operation.

§ 40.191–1 *Application for air carrier operating certificate (CAA rules which apply to § 40.191 (a))*—(a) *General.* (1) The holder of a certificate of convenience and necessity will apply to the Administrator for an air carrier operating certificate at least 30 days prior to the date proposed for beginning scheduled air carrier operations within the continental limits of the United States. The application will be prepared in loose-leaf form, on white paper of approximately 8″ x 10½″ in size, and using one side of the sheet only. The application will be executed by a duly authorized officer or employee of the applicant having knowledge of the matters set forth therein, and will have attached thereto two copies of the appropriate written authority issued to such officer or employee by the applicant.

(2) A minimum of two copies of the application, and of subsequent amendments thereto, will be filed with the Regional Administrator having jurisdiction over the area in which the principal office of the air carrier is located. When any facility or service directly affecting the operation of the air carrier concerned is furnished by other than the applicant or the Federal Government, at least two copies of the contract or working agreement concerning such facilities or service will be submitted with the application. In this connection, if formal contracts covering such facilities or service have not been completed, letters showing agreement between the contracting parties will be accepted until copies of the formal contract are obtainable.

(b) *Format of application.* The outline in this paragraph will be followed in completing the information to be submitted in the application:

APPLICATION FOR AIR CARRIER OPERATING CERTIFICATE

(Outline)

To: THE CIVIL AERONAUTICS ADMINISTRATION,
Washington, D. C.

In accordance with section 604 of the Civil Aeronautics Act of 1938, as amended, and the Civil Air Regulations, application is hereby made for an Air Carrier Operating Certificate.

Give exact name and full post office address of applicant.

Give the name, title and post office address of the official or employee to whom correspondence in regard to the application is to be addressed.

SECTION I. *Operations.* A. State whether the type of service proposed is for the carriage of passengers, goods, or mail, or a particular combination thereof. If the type of service is not the same for each route or portion thereof, specify the type of service for each route or portion of a route.

B. State whether the type of operation proposed is day or night, visual flight rules, instrument or over-the-top, or a particular combination thereof. If the type of operation is not the same for each route or portion thereof, specify the type of operation for each route or portion of a route.

SEC. II. *Schedule.* A. Submit a proposed schedule plan (or plans if seasonal changes or differences in equipment are involved) indicating the following:

1. Block to block time and mileage between scheduled stops.
2. Ground time at each intermediate and terminal stop.

B. Specify the basis upon which the proposed schedule has been computed, indicating the following:

1. Cruising speed and altitude.

2. Percentage of horsepower.
3. Direction and velocity of prevailing winds.

SEC. III. *Route.* A. Submit a map suitable for aerial navigation on which are shown the exact geographical track of the proposed routes, and information with respect to terminal and intermediate stops, available landing areas, and radio navigational facilities. This material will be indicated in a manner that will facilitate identification. The applicant may use any method that will clearly distinguish the information, such as different colors, different types of lines, etc. For example, if different colors are used, the identification will be accomplished as follows:

1. Regular routes: Black.
2. Alternate routes: Green.
3. Terminal and regular intermediate stops: Orange circle.
4. Alternate landing fields or areas: Purple circle.
5. Other available landing fields or areas: Yellow circle.
6. Indicate the location and normal operating range of all radio navigational facilities to be used in connection with the proposed operation as follows:

a. Show the projected courses of radio range stations by shaded red areas extended the distance of normal expected usability.

b. Show omni-directional radio facilities by a shaded red circle extended the distance of normal expected usability.

B. *Airports.* Furnish the following information with regard to each regular, alternate, refueling, and provisional airport to be used in the conduct of the proposed operation.

1. Name (if any) of airport.
2. Location (by coordinates, and by name of nearest city or town, and direction and distance thereto).
3. Class of airport or landing area (municipal, commercial, military, private, or marked auxiliary).
4. Altitude above sea level.
5. Dimensions in linear feet of landing space available.
6. If hard-surfaced runways are provided, give number, direction, length and width of each and indicate type of surfacing.
7. Obstructions (list adjacent obstructions, giving height and location, or attach appropriate C. G. A. L. charts if available).
8. Airport lighting (include beacon, auxiliary beacon, boundary lights, floodlights, etc., and any emergency lighting equipment; and by whom operated).
9. List refueling facilities available.
10. Is airport control tower provided and by whom?
11. Itemize radio navigational facilities provided and indicate the operating agency.
12. Does runway gradient exceed 2%? If so, state gradient.
13. What provisions are made for protection of passengers during loading and unloading at scheduled stop airports?
14. Prevailing winds?
15. Where necessary, are adequate snow removal facilities available?

C. *Weather reporting.* 1. Outline the weather service proposed to be used for dispatching over each route; the source, if other than a United States Weather Bureau Station; list in detail the location and agency in control of stations furnishing reports for each service; the frequency and method of collection and dissemination of weather information. Outline available terminal and route forecasting services, the type of maps and the intervals at which they are made each day.

2. Where it has been determined that additional weather reporting services will be required of the U. S. Weather Bureau for the type of operation involved, the air carrier will apply in writing to the appropriate Weather Bureau Regional Office. The request for the weather reporting services considered essential should be made coincidental with this application to the Civil Aeronautics Administration.

3. For operation within the continental limits of the United States, if other than a U. S. Weather Bureau Station, show proof of U. S. Weather Bureau approval of the service and specify the meteorological facilities available, the number of personnel and the duties of each, such as the making of weather maps, forecasts, observations, etc.

D. *Airway lighting.* List in detail all airway lighting on the routes other than those airway lighting facilities owned and operated by the Civil Aeronautics Administration if application includes request for night VFR operation.

SEC. IV. *Radio facilities*—A. *Communications.* List company radio ground communication facilities installed, proposed to be installed, and those available to, but not owned by applicant, for each route. The

expected communication coverage of all MF and HF ground facilities should be provided in map form. In the case of VHF, the expected coverage at exemplary altitudes should be outlined. Aircraft reporting and general change points, and frequencies should be specified either on the maps or as an attachment. (If owned by other than applicant, attach 2 certified copies of operating agreement.) List the following details for each station:

Transmitters. List the following information in regard to each transmitter:

1. Make and model number.
2. Remotely or locally controlled.
3. Types of emission and antenna power for each type of emission.
4. Number of frequency channels provided and actual frequencies in kilocycles proposed to be used.
5. Method of frequency change (quick shift or manual tuning).
6. Primary power source, voltage, phase, etc. and whether commercial source or locally generated.
7. Auxiliary power source.
8. Functional purpose of transmitter. If transmitter is used for more than one function, list in order of primary and secondary functions as—

a. Radiotelephone plane to ground primary purpose and radiotelephone point to point secondary purpose, or

b. Radiotelephone point to point primary purpose and standby radiotelephone plane to ground secondary purpose, etc.

Receivers. 1. List each receiver by type or model number and state its primary function, i. e., plane-to-ground guard, point-to-point C. W. or point-to-point radiotelephony.

2. List frequency range of each receiver and state which frequencies in each receiver are crystal controlled, if any.

3. Describe receiver installation to show number of receivers locally controlled and number remotely controlled.

B. *Radio navigational facilities.* List each ground radio navigational facility, other than those operated by the United States Government, to be used in the conduct of the proposed operations (if privately owned ground radio navigational facilities are to be used and are owned by other than the applicant, attach two certified copies of the operating agreement pertaining to the use of such facilities). List the following information with respect to each facility:

1. Type of facility, i. e., ILS, GCA, Non-Directional Radio Beacon, L. F. Radio Range, VAR, VOR, Loran, etc.
2. Estimated effective range (in miles).
3. Coordinates and location with respect to field or landing area.
4. Power supply; i. e. commercial or locally generated.
5. Auxiliary power supply.
6. Operating frequency or frequencies.

C. *Aircraft radio equipment.* List and describe the aircraft radio equipment installed in each aircraft by:

1. Type number.
2. Manufacturer.
3. Frequency range.
4. Operating frequencies.
5. Emergency power supply.
6. Antenna system.

SEC. V. *Weather minimums*—A. Submit in detail the proposed ceiling and visibility limitations for take-off for instrument flight and let-down-through at each regular, alternate, refueling, and provisional airport. Differentiate between daylight and darkness in the listing, and where more than one type of aircraft is to be utilized, and a differential of limitations exists, indicate proposed limitations for each type of aircraft.

B. Submit for each proposed scheduled stop and alternate airport a detailed flight procedure for instrument approach and let-down-through and where specific procedures are necessary because of terrain or traffic conditions, submit a detailed flight procedure for take-off and climb (such procedure should be set up on the basis of the ceiling and visibility minimums proposed).

SEC. VI. *Aircraft.* A. List the following information, if required, for each aircraft to be used in the proposed operations:

1. The name of the manufacturer.
2. Certification basis and category.
3. Manufacturer's model number.
4. Name of the manufacturer and type number of engines.
5. Name of manufacturer and type number of propellers.
6. N registration number and aircraft designation.
7. Type of service in which aircraft will be used (carriage of persons, property, mail, or combination thereof).
8. Will aircraft be used in regular or reserve service?

9. What type of operation (day, night, visual flight rules, instrument, over-the-top) will be conducted with this aircraft?

10. List each route or portion thereof over which this aircraft is to be operated and the maximum gross weight proposed for each route or portion thereof.

11. What is the service ceiling of each type aircraft with one engine inoperative?

12. List and describe installation and location of all lifesaving equipment and emergency supplies carried aboard each aircraft, such as life rafts, life preservers, portable emergency transmitters, Very pistols and emergency rations. (If the same equipment is not carried during all seasons of the year, and on all routes, list and explain the difference.)

SEC. VII. *Maintenance: Aircraft, engines, and accessories.* A. Furnish an organization chart indicating the authority and the duties of the maintenance and inspection personnel employed by the applicant.

B. Furnish an outline of overhaul, periodic inspections, and check periods relative to the following listed aircraft and engine components: (if more than one make, type and model aircraft used, indicate separately).

1. Aircraft components:
a. Wings.
b. Fuselage.
c. Empennage.
d. Landing gear.
e. Wheels and brakes.
f. Center section.
g. Nacelles.
h. Control system.
i. Hydraulic system.
j. Accessories (aircraft).
k. Fuel and oil system (aft of firewall).
l. Fuel tanks.
m. Cabin pressurizing and heating systems.
2. Engine components:
a. Engine.
b. Accessories (engine).
c. Propellers.
d. Fuel and oil system (forward of firewall).
e. Oil tanks.
3. Instruments:
a. Flight instruments.
b. Aircraft and engine instruments.

When maintenance functions are performed by outside agencies, copies of the maintenance agreement regarding the extent of such services to be furnished should be attached to the application, as provided for in subparagraph (a) (2) of this section. The agreement should specify that services furnished should conform to the standards approved for the operator, and does not release the operator from responsibility for airworthiness of the aircraft or components.

C. Indicate type of maintenance operations that will be accomplished at each terminal, intermediate and overnight stop, relative to the following:

1. Disassembly and overhaul of aircraft components, engines, propellers, instruments and accessories (aircraft and engine).
2. Periodic inspection and check of aircraft components, engine, propellers, instruments and accessories (aircraft and engine).
3. Routine inspection of aircraft components, engines, propellers, instruments and accessories (aircraft and engine).
4. En route replacements at intermediate and overnight stops.
5. Refueling.

D. Indicate the number of certificated, non-certificated mechanics, and helpers, etc., including their company designation (foreman, inspectors, crew chiefs, etc.) located at the main overhaul base and each terminal and intermediate stop.

E. Indicate the distribution of the following items of spare equipment:

1. Aircraft (list quantity, make and model).
2. Engines (list quantity, make and model).
3. Propellers (list quantity, make and model).
4. Instruments (list quantity, make and model).

F. For each terminal, and intermediate stop at which refueling operation will be performed, describe the following:

1. Number, type (elevated or underground) and capacity of each fuel and oil storage tank.
2. List octane ratings of fuels available.
3. List S. A. E. rating or viscosity of oil available.
4. List facilities for preventing entrance of water into aircraft fuel tanks.
5. Outline method used to check for presence of water in storage tanks.
6. List facilities or method used to remove water from the storage tanks.

7. Outline method and procedure with reference to recording water checks.

8. Type of covered container used to convey oil from storage tank to aircraft.

9. Outline method and procedure of grounding aircraft in protection of fire.

G. For each terminal and intermediate stop, describe the following facilities:

1. Hangars:

a. Number.

b. Dimensions and number of square feet available for aircraft storage.

c. Dimensions and number of square feet available for shop space.

d. Dimensions of hangar doors.

e. Number of largest sized aircraft of applicant which may be housed.

2. Equipment for ground handling of aircraft, as may be required for the proposed operation.

SEC. VIII. *Maintenance: Radio and electrical equipment.* A. Briefly describe the functional operation of the radio maintenance organization, indicating the number and scope of responsibility of supervisory personnel and the number and distribution of qualified radio mechanics.

B. Indicate the following with respect to aircraft radio equipment maintenance procedures:

1. Disassembly and overhaul periods of aircraft radio equipment and station at which accomplished.

2. Periodic inspection and check periods of aircraft radio equipment and stations at which accomplished.

3. Equipment replacement at intermediate and overnight stops.

C. Indicate whether overhaul, periodic inspection and routine inspection of aircraft electrical equipment are under the jurisdiction of the radio maintenance department or the aircraft, engine and accessories maintenance department.

D. Indicate the following with respect to aircraft electrical equipment maintenance procedures:

1. Disassembly and overhaul periods of aircraft electrical equipment and stations at which accomplished.

2. Periodic inspection and check periods of aircraft electrical equipment and stations at which accomplished.

3. Routine inspection periods of aircraft electrical equipment and stations at which accomplished.

E. Indicate the distribution of the following items of spare equipment:

1. Radio equipment (list quantity, make and model)

2. Electrical equipment (list quantity, make and model)

3. Other electronic equipment (list quantity, make and model)

SEC. IX. *Airmen.* Indicate the composition of the flight crew. If the composition is different in different aircraft or on different routes, so indicate and show the composition of the flight crew under each different condition. List the following information with respect to the airmen to be employed in the proposed operation:

1. Show the number of first, second, third, etc., pilots to be employed in the proposed operation, and specify the certificate and ratings to be held by each.

2. Show the number of pilots for whom designation "check pilot" will be requested, and specify the certificate and ratings to be held by each.

3. Show the number of flight engineers to be employed in the proposed operation.

4. Show the number of flight radio operators to be employed in the proposed operation.

5. Show the number of flight navigators to be employed in the proposed operation.

6. Show the number of dispatchers to be employed in the proposed operation.

SEC. X. *Additional data.* A. Furnish such additional information and substantiating data as may serve to implement this application.

Each application shall be concluded with a statement as follows:

I certify that the above statements are true.

Signed this _____ day of _____ 19___.

_____
(Name of applicant)

By_____
(Name and capacity of person duly authorized to execute this application on behalf of the applicant)

51785

§ 40.197 Amendment. Application by the air carrier to amend the air carrier operating certificate shall be made upon the applicable form prescribed and furnished by the Administrator.

§ 40.197-1 Amendment of air carrier operating certificate (CAA rules which apply to § 40.197). In general, the only procedure by which an air carrier operating certificate and operations specifications can be changed is through amendment. These amendments do not alter in any manner the basic authority of the air carrier to conduct scheduled operations along its approved routes, using the regular airports for which it has a Certificate of Convenience and Necessity issued by the Civil Aeronautics Board.

From time to time, the air carrier may desire to apply for an amendment to his operatint certificate for such reasons as: The addition or deletion of an airport, revision of landing or take-off minimums, changes in approach procedures, minor route revisions, etc. These amendments will be applied for on the appropriate forms furnished by the Administrator. Application for such amendments will be submitted to the local Aviation Safety Agent, Operations, responsible for the air carrier operating certificate.

Amendments concerning revision of maintenance time limitations, and deletion or addition of aircraft will be submitted to the local Aviation Safety Agent, Maintenance, assigned to the air carrier.

Details with respect to applications for amendment, number of copies, etc. will be furnished by the local Aviation Safety Agent concerned.

Amendments to the air carrier operating certificate and the operations specifications are usually initiated by the air carrier. However, if the Administrator considers that the need for an amendment is essential for safe operations, and no application has been received from the air carrier, Civil Aeronautics Administration personnel authorized to approve any portion of their operating certificate or operations specifications issued thereunder, shall notify the air carrier that an application for such an amendment should be made. This notification shall include full particulars regarding the need for the amendment.

An application to amend an air carrier operating certificate for a new route extension, which has been authorized in a Certificate of Convenience and Necessity, or a new type aircraft to be used, will be submitted at least fifteen (15) days prior to the proposed date for inauguration of service, unless permission for a shorter filing period is approved by the Administrator. The application for such an amendment will be executed in accordance with the applicable provisions of §40.191-1.