Civil Aeronautics Manual 44

Foreign Air Carrier Regulations



Second Edition

April 1, 1957

Introductory Note

Civil Aeronautics Manual 44 contains in a consolidated form (1) Civil Air Regulations Part 44, Foreign Air Carrier Regulations, adopted by the Civil Aeronautics Board and amendment 44–1; and (2) the rules issued by the Administrator of Civil Aeronautics in application to section 44.2 of the regulations.

CAA *rules* are supplementary regulations issued pursuant to authority expressly conferred on the Administrator in the Civil Air Regulations. Such rules are mandatory and must be complied with.

CAA *policies* provide detailed technical information on recommended methods of complying with the Civil Air Regulations. Such policies are for the guidance of the public and are not mandatory in nature.

CAA *interpretations* define or explain words and phrases of the Civil Air Regulations. Such interpretations are for the guidance of the public and will be followed by the Administration in determining compliance with the regulations.

This manual is arranged to give the number, title, and text of each section of the regulations followed by any rules, policies, or interpretations applicable to that section. These rules, policies, or interpretations of the Administrator are identified by consecutive dash numbers appended to the regulation section number.

This manual contains all material published as Supplement No. 1 dated December 21, 1951, and Supplement No. 2 dated November 3, 1953. It will be revised from time to time in accordance with the changes in the Civil Air Regulations Part 44, or as the need for additional explanations are brought to the attention of the Administrator.

Contents

Foreign Air Carrier Regulations

	Section	Page
General	44. 0	1
Definitions	44. 1	1
Operations Specifications	44. 2	1
Application for operations specifications by foreign air carriers (*CAA rules which apply to sec. 44.2*)	44. 2-1	1
Airworthiness and Registration Certificates	44. 3	2
Radio Equipment	44. 4	2
Flight Crew Certificates	44. 5	2
Air Traffic Rules and Procedures	44. 6	2
Control of Traffic	44. 7	2

Foreign Air Carrier Regulations

44.0 *General.* The regulations in this part shall apply to operations within the United States by aircraft of a foreign air carrier holding a permit issued by the Board pursuant to the provisions of section 402 of the Civil Aeronautics Act of 1938.

44.1 *Definitions.* (a) As used in this part the words listed below shall be defined as follows:

(1) *Category.* Category shall indicate a classification of aircraft such as airplane, helicopter, glider, etc.

(2) *Type.* Type shall mean all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

[(3) *United States.* United States means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying airspace thereof.]

44.2 *Operations specifications.* All operations within the United States shall be conducted in accordance with operations specifications issued by the Administrator of Civil Aeronautics which shall include the airports to be used, the routes or airways to be flown, and such operating rules and practices pertaining thereto as are necessary in the interest of avoiding collision between foreign aircraft and other aircraft.

44.2–1 *Application for operations specifications by foreign air carriers (CAA rules which apply to sec. 44.2).* (a) *General.* A foreign air carrier holding a permit issued by the Board pursuant to Section 402 of the Civil Aeronautics Act of 1938, as amended, will apply to the Administrator for operations specifications at least 30 days prior to the date proposed for beginning operations within the continental limits of the United States, or into any outlying territories under its jurisdiction (including the Canal Zone). 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 matter set forth therein, and will have attached thereto two copies of the appropriate written authority issued to such officer or employee by the applicant. A minimum of two copies of the application, and of subsequent amendments thereto, will be filed with the International District or Field Office in the area wherein the principal office of the air carrier is located, or with the Regional Administrator having jurisdiction over the area to be served by the operation.

When a military airport of the United States Government is to be used as a regular, alternate, refueling or provisional airport, the applicant will secure written permission for such use from the Washington headquarters of the military organization having jurisdiction over the airport, and two copies of the written permission will be submitted with the application. Negotiations for permission of the military authorities will be effected through the respective embassy of the foreign government and the United States Department of State.

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

APPLICATION FOR FOREIGN AIR CARRIER OPERATIONS SPECIFICATIONS

(Outline)

To: *The Civil Aeronautics Administration*
Washington, D. C.

In accordance with the Civil Aeronautics Act of 1938, as amended, and particularly Section 402 thereof and Part 44 of the Civil Air Regulations, application is hereby made for the issuance of Foreign Operations Specifications.

Give exact name and full post office address of applicant.

Give the name, title, and post office address (within the United States if possible) of the official or employee to whom correspondence in regard to the application is to be addressed.

Unless otherwise specified, the applicant shall submit the information hereinafter required only with respect to that portion or portions of his proposed operations which will lie within the United States.

SECTION I.—*Operations.* State whether the type of operation proposed is day or night, visual flight rules, instrument, or a particular combination thereof.

SECTION II.—*Operational plans.* Indicate the route by which entry will be made into the United States, and the route to be flown therein.

SECTION III.—*Route.* A. Submit a map suitable for aerial navigation upon which is indicated the exact geographical track of the proposed route from the last point of foreign departure to the United States terminal, showing the regular terminal, and alternate airports, 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 route: Black.
2. Regular terminal airport: Green circle.
3. Alternate airports: Orange circle.
4. The location of radio navigational facilities which will be used in connection with the proposed operation, indicating the type of facility to be used, such as radio range, ADF, VOR, etc.

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

1. Name of airport or landing area.
2. Location (direction and distance to and name of nearest city or town).

SECTION IV.—*Radio facilities—Communications.* List all ground radio communication facilities to be used by the applicant in the conduct of the proposed operations within the United States and over that portion of the route between the last point of foreign departure and the United States.

SECTION V.—*Aircraft.* Furnish the following information in regard to each type and model aircraft to be used.

A. *Aircraft.* 1. Manufacturer and model number.

2. State of origin.

3. Single-engine or multiengine. If multiengine, indicate number of engines.

4. What is the maximum takeoff and landing weight to be used for each type aircraft?

B. *Aircraft radio.* List aircraft radio equipment necessary for instrument operation within the United States and/or Territories.

C. *Licensing.* State name of country by whom the aircraft are certificated.

SECTION VI.—*Airmen.* List the following information with respect to airmen to be employed in the proposed operation within the United States.

A. State the type and class of certificate held by each flight crew member.

B. State whether or not pilot personnel have received training in the use of navigational facilities necessary for en route operation and instrument let-downs along or adjacent to the route to be flown within the United States.

C. State whether or not personnel are familiar with those parts of the Civil Air Regulations pertaining to the conduct of foreign air carrier operations within the United States.

D. Are pilot personnel able to speak and understand the English language to a degree necessary to enable them to properly communicate with Airport Traffic Control Towers and Airway Radio Communications Stations using radiotelephone communications?

SECTION VII.—*Dispatchers.* A. Describe briefly the dispatch organization which you propose to set up for air carrier operations within the United States.

B. State whether or not the dispatching personnel are familiar with the rules and regulations prescribed by the Civil Air Regulations governing air carrier operations.

C. Are dispatching personnel able to read and write the English language to a degree necessary to properly dispatch flights within the United States?

D. Are dispatching personnel certificated by the country of origin?

SECTION VIII.—*Additional data.* A. Furnish such additional information and substantiating data as may serve to expedite the issuance of the operations specifications.

B. 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 of person duly authorized to execute this application on behalf of the applicant)

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44.3 *Airworthiness and registration certificates.* Foreign aircraft shall carry aboard currently effective certificates of registration and airworthiness issued or rendered valid by the country of registry and shall display the nationality and registration markings of that country. Foreign aircraft shall not be operated in the United States except in accordance with the limitations on maximum certificated weights prescribed or authorized for the particular variation of the type and for the particular category of use, by the country of manufacture of the aircraft type involved.

NOTE: The applicable provisions of Part 190 of the Civil Air Regulations govern the operation for ferrying purposes of an aircraft whose certificate of airworthiness is invalidated due to damage to the aircraft or a change in its nationality.

44.4 *Radio equipment.* The air carrier shall, subject to compliance with the applicable laws and regulations governing the ownership and operation of radio equipment, provide each aircraft with such radio equipment as is necessary to make proper use of the air navigation facilities along or adjacent to the route to be flown within the United States and to maintain communication with ground stations along and adjacent to such routes.

44.5 *Flight crew certificates.* Each member of the flight crew shall be possessed of a currently effective certificate or license issued by the country whose nationality the aircraft possesses, evidencing competency to perform his duties in connection with the operation of such aircraft.

44.6 *Air traffic rules and procedures.* All operations within the United States shall be conducted in accordance with the air traffic rules prescribed in Part 60 of this subchapter and with such local rules as are established at the airports to be used. Each pilot assigned to serve in such operations shall be familiar with the pertinent rules, with the navigational and communication facilities to be used, and with the air traffic controls and other procedures employed in the areas to be traversed. Each air carrier shall establish procedures to insure the possession of such knowledge by its pilots and shall check the ability of each pilot to operate safely in accordance with the applicable rules and procedures. Each foreign air carrier shall conform to the same practices, procedures, and other requirements for the use of the areas to be traversed as are prescribed by the Administrator of Civil Aeronautics for domestic air carriers using such areas.

44.7 *Control of traffic.* The air carrier shall, subject to compliance with immigration laws and regulations, furnish the ground personnel necessary to provide for two-way voice communication between the aircraft and ground

stations at such places as the Administrator of Civil Aeronautics finds voice communication necessary, if communication cannot be maintained in a language with which ground station operators are familiar. Such personnel shall be able to speak both the English language and the language necessary to maintain communication with the aircraft and shall assist ground personnel of the United States in directing traffic. These requirements shall not be applicable in cases where the Administrator of Civil Aeronautics finds that such traffic can be adequately controlled by the use of radiotelegraphy or other means.

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