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FEDERAL AVIATION AGENCY
AIR TRAFFIC SERVICE
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CIVIL AIR REGULATIONS DRAFT RELEASE NO. 62-8

SUBJECT: Definition of Controlled Airspace

The Air Traffic Service has under consideration a proposal which would amend the definition of "transition area" contained in CAR 60.60. The revision would provide that transition areas would extend upward from 700 feet or higher above the surface when designated to complement control zones. The reasons therefor are set forth in the explanatory statement of the attached proposal which is being published in the Federal Register as a Notice of Proposed Rule Making.

The Agency desires that all persons who will be affected by the requirements of this proposal be fully informed as to its effect upon them and is therefore circulating copies in order to afford interested persons ample opportunity to submit comments as they may desire.

Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply. However, you may be assured that all comments will be given careful consideration.

It should be noted that comments must be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue, N. W., Washington 25, D. C., prior to March 22, 1962

D. D. Thomas

Director, Air Traffic Service

FEDERAL AVIATION AGENCY

AIR TRAFFIC SERVICE

[14 CFR Part 60]

[Reg. Docket No. 1000; Draft Release 62-8]

NOTICE OF PROPOSED RULE MAKING

Definition of Controlled Airspace

Pursuant to the authority delegated to me by the Administrator (14 CFR 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend the Civil Air Regulations, Part 60, Section 60.60, Controlled Airspace, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue, N.W., Washington 25, D.C. All communications received prior to March 22, 1962, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for the return of comments has expired. Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply.

Civil Air Regulations Amendment No. 60-21 (26 F. R. 570) was adopted on January 16, 1961. In the course of its development, both the written comments received in response to Draft Release 60-8, published in the Federal Register on May 7, 1960 (25 F. R. 4083), and the oral comments received at the public hearing of August 10, 1960 (25 F. R. 6706), were carefully analyzed and given consideration. The intent of that Amendment, as stated in its preamble, was to provide additional uncontrolled airspace wherein visual flight rules (VFR) operations may be conducted in conditions of flight visibility of more than one and less than three miles.

Among other things, Amendment 60-21 created a new type of controlled airspace called "transition area". This term refers to the controlled airspace designated for the use of instrument flight rules (IFR) operations during transition between the en route and terminal phases of flight. Although the transition area may be designated for other purposes, those purposes are not pertinent to the proposal contained herein and will not be discussed further.

A "transition area" is defined, in part, as extending ". . . upward from 1,200 feet or higher above the surface when designated to complement control zones. . . ." The definition of "control zone" states, in part, that a control zone is ". . . normally a circular area of five statute miles in radius with extensions where necessary. . . ."

The prefatory material to Amendment 60-21, in discussing the size of control zones, indicated an intent of the Agency to develop criteria designed specifically for use in the establishment of controlled airspace in determining the lateral dimensions of control zones and control zone extensions. It also stated that the amount of controlled airspace designated would be dictated entirely by the requirements of IFR operations. Criteria were subsequently developed and have been adopted for Agency use in determining size of control zones and transition areas as well.

The implementation of CAR Amendment 60-21 in actual terminal area cases has resulted in an increase in the size of control zones, a requirement for substantial modification of instrument approach procedures and, in general, an adverse effect on IFR operations without a commensurate benefit to VFR users. The increase in the size of control zones would also, in some cases, incorporate satellite uncontrolled airports into the control zone.

Expansion of the control zones is the result of the requirement to provide controlled airspace to contain IFR operations between the surface and 1,200 feet above the surface. Were the base of transition areas adjacent to control zones lowered to 700 feet above the surface, application of the present criteria indicates that a control zone of five statute miles in radius with extensions where necessary to include instrument approach and departure paths will be adequate in most cases.

On December 1, 1961, the Air Transport Association (ATA) formally petitioned the Agency to amend the definition of transition area contained in CAR 60.60 to provide for transition areas extending upward from 700 feet or higher above the surface when designated to complement control zones. The ATA stated that such a change would, in many cases,

result in a control zone of lesser size and would reduce the requirement to modify instrument approach procedures. The Aircraft Owners and Pilots Association (AOPA), on December 19, 1961, submitted a petition which was similar to that of the ATA. The AOPA, however, tempered its recommendation by stating that the lateral dimensions of transition areas should normally be 10 miles in radius.

Current implementation of CAR Amendment 60–21 dictated prompt action to consider the petitions submitted by ATA and AOPA. Therefore, the Agency invited Washington representatives of the aviation community to participate in an informal meeting on February 7, 1962, to discuss the two proposals and to determine the positions of other users. In attendance at this meeting were representatives of the following airspace user organizations:

Air Transport Association
Aircraft Owners & Pilots Association
Air Line Pilots Association
Air Traffic Control Association
Department of the Air Force
Department of the Army
Department of the Navy
General Aviation Council
National Association of State Aviation Officials
National Aviation Trades Association
National Business Aircraft Association
National Pilots Association

In the course of the meeting, it was found that the AOPA is agreeable to the designation of transition areas with lateral dimensions exceeding ten miles from the center of the airport when the requirements of IFR operations clearly dictate. The AOPA recommended, however, that ten or fifteen mile transition areas with a base of 700 feet above the surface and a circular configuration be established as the general standard and that deviation from these two sizes should occur only when required in specific cases. This recommendation was based primarily upon the requirement for standardization and simpler charting. In all other aspects, the petitions of the AOPA and the ATA appeared to be identical. All other user representatives present either endorsed the ATA proposal or offered no objections. Industry representatives unanimously urged that the Agency make the proposal the subject of a Notice of Proposed Rule Making as quickly as possible and further recommended that the usual 60-day period for comment in response to the proposal be reduced. The group was also unanimous in recommending that the Agency stop processing terminal airspace cases implementing Amendment 60–21 pending a final decision regarding the proposal.

In view of the unanimity of user representatives at the informal meeting, it has been determined that sufficient justification exists to propose the amendment of the definition of transition area. Accordingly, it is proposed that the base of the transition areas shall be designated to extend upward from 700 feet or higher above the surface when designated to complement control zones. It is emphasized that while the floor of transition areas may be designated at a level 700 feet above the surface, such designation would be made only to the extent required by IFR operations. The retention of the smaller control zones will, in many cases, avoid the incorporation of uncontrolled satellite airports within the zone. Also, it would obviate in many, but not all cases, the changing of instrument approach procedures. The policy would provide considerable benefit both to the VFR and IFR airspace users. No specific lateral limit or circular configuration is proposed. The size and configuration of the transition area would be based solely upon the operational considerations pertinent to the case under review. A standard circular configuration would, in many cases, result in more controlled airspace than is required for IFR operations. Activities at satellite airports could thus be restricted by unnecessarily establishing the floor of transition areas at 700 feet. It is the Agency's intent to designate transition areas with the minimum lateral dimensions consistent with the requirements for such airspace. To specify lateral dimensions by regulation would reduce the flexibility required for the efficient designation of controlled airspace.

Pending the resolution of this proposal, processing of terminal airspace cases under CAR Amendment 60–21 has been halted. While both the aviation industry and the Agency wish to release for VFR use such controlled airspace as is not necessary for IFR operations, it is not considered practical to proceed with cases under Amendment 60–21 when reprocessing of such cases might later be required. To expedite the decision regarding the proposal contained herein, the comment period in response to the Notice of Proposed Rule Making is reduced to fifteen days as recommended by the industry representatives at the informal meeting. It is emphasized that this reduction in the comment period is exceptional and is established only in view of the unanimous nature of the recommendation received and the urgency of the matter at hand.

In consideration of the foregoing, it is proposed that Part 60 of the Civil Air Regulations (14 CFR Part 60) be amended as follows:

1. By amending CAR 60.60 to revise the definition of controlled airspace to read in part as follows:
   Controlled airspace * * *
   (4) Transition areas extend upward from 700 feet or higher above the surface when designated to complement control zones; * * *

This Amendment is proposed under the authority of Section 307 of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348).

D. D. Thomas

Director,
Air Traffic Service.

Issued in Washington, D.C. on February 28, 1962.

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