MA-158

~~ET~~
~~BH~~
~~LR~~
CB
File: CAM 60

FEDERAL AVIATION AGENCY
AIR TRAFFIC SERVICE
WASHINGTON 25, D. C.

October 18, 1961

CIVIL AIR REGULATIONS DRAFT RELEASE NO. 61-23

SUBJECT: Instrument Flight Rules; Course to be Flown

The Air Traffic Service has under consideration a proposal which would establish revised regulations governing the courses to be flown by aircraft operating IFR in controlled airspace. 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 January 1, 1962.

D. D. Thomas

Director, Air Traffic Service

FEDERAL AVIATION AGENCY

AIR TRAFFIC SERVICE

[14 CFR Part 60]
[Reg. Docket No. 942; Draft Release 61-23]

NOTICE OF PROPOSED RULE MAKING

Instrument Flight Rules; Course to be Flown

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal which would amend the Civil Air Regulations, Part 60, Section 60.45, 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 January 1, 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 in the Docket Section for examination by interested persons when the prescribed date for the return of comments has expired. Because of the large number of comments anticipated in reply to this notice, we will be unable to acknowledge receipt of each reply.

The proposed revision to Section 60.45, "Course to be Flown," is a restatement of the existing rule with exceptions added to more clearly show the applicability of the Section in conjunction with other equally applicable sections of Part 60.

The general flight rules of Part 60 contain the air traffic rules of general applicability such as right-of-way, proximity of aircraft, and careless and reckless operation. Section 60.10, applicability of the general flight rules, states, "Aircraft shall be operated at all times in compliance with the following general flight rules and also in compliance with either the visual flight rules or the instrument flight rules, whichever are applicable." Therefore, for proper interpretation, all sections of Part 60 must be read together as a consonant whole.

The intent of Section 60.10 is quite clear. Likewise, the language of the visual flight rule sections is such that applicability of these rules in conjunction with provisions of the general flight rules provides minimum opportunity for misinterpretation. However, this does not hold true for the applicability of Section 60.45 of the instrument flight rules in conjunction with the general flight rules.

Section 60.45 requires an aircraft operating IFR in controlled airspace to be flown along the center line of an airway or, when flight is conducted on other routes, to be flown along the direct course between navigational aids or fixes defining the route. Taken by itself, the Section is devoid of language which specifically permits deviation from the center line or course when necessary to comply with the general flight rules set forth in Sections 60.12, 60.14 and 60.15. As a result, various interpretations have been given Section 60.45 when the pilot was in a position which required noncompliance with this particular Section in order to comply with the general flight rules.

The analysis of near-collision reports reveals that a high percentage of these incidents occurred in VFR conditions and involved an IFR aircraft either climbing or descending and a VFR aircraft. A presumed contributing factor to these incidents is the probability that some IFR pilots are not clearing the area during these altitude changes because they feel that Section 60.45 does not permit the necessary deviation from the center line. On the other hand, those pilots in the foregoing circumstances that do conduct gentle "S" turns to clear their position, although certainly conducting the safer operation, could be considered as not complying fully with Section 60.45 as presently written.

The responsibility of the pilot in these circumstances should be made clear. All pilots, during their elementary flight training, are impressed with the need for first scanning the area toward which they are about to turn, climb, or descend. This fundamental technique of safety, commonly called "clearing the area," becomes especially significant when modern, high-speed aircraft are involved. Pilots who conduct many hours of instrument flying may tend to forget this basic technique when operating on an IFR flight plan in VFR conditions. They may be lulled into a false sense of traffic separation security when operating in VFR conditions on an air traffic control clearance.

It is realized that when minimum IFR separation is being provided by air traffic control, the required maneuvering and resultant deviation from center line

could result in less than standard separation between two IFR aircraft. However, this maneuvering is authorized only when operating in VFR conditions, and would be conducted for the sole purpose of conducting a visual search for other traffic. Further, the pilot of an aircraft so maneuvering, by virtue of the fact that he is operating in VFR conditions, is responsible for separation of his aircraft from all others. This responsibility is made very clear in the note appended to Section 60.30. Therefore, the possible loss of standard IFR separation in these conditions is considered of small consequence compared to the added safety gained by these clearing turns. It is not possible for a pilot to meet his responsibility to avoid other traffic if these clearing turns are not authorized.

Likewise, the action required by the pilot of an IFR aircraft, when overtaking or otherwise converging with another aircraft which has the right-of-way, should not be subject to question. If weather conditions permit the observation of the other aircraft, the pilot is required by the general flight rules to maneuver as necessary to pass well clear, and therefore must deviate somewhat from the center line. The proposed revision would specifically provide for such maneuvers.

Therefore, to preclude any possible misinterpretation and to avoid the possible inference that the regulations are contradictory, it is proposed to amend Section 60.45 to read as follows:

§ *60.45 IFR course to be flown.* Aircraft operating in controlled airspace shall be flown along the center line of federal airways, or along a direct course between the navigational aids or fixes defining other routes, unless:

(a) Otherwise authorized by air traffic control; or

(b) Maneuvering as necessary to pass well clear of other aircraft; or

(c) In VFR conditions and maneuvering as necessary to visually clear the intended flight path during climb or descent.

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

D. D. Thomas

Director,
Air Traffic Service

Issued in Washington, D.C., on October 18, 1961