Civil Aeronautics Manual 42a[1]

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Certification and Operation Rules for Commercial Operators and Air Taxi Operators; Small Aircraft[1]

FEDERAL AVIATION AGENCY

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Introductory Note

This manual contains in a consolidated form (1) Civil Air Regulations Part 42, Irregular Air Carrier and Off-Route Rules, dated December 15, 1954, and the editorial changes required by Special Regulations SR–430 and SR–431, effective December 31, 1958, and February 13, 1959, respectively; and (2) the rules, policies, and interpretations issued by the Administrator of the Federal Aviation Agency in application to the various sections of the regulations. Civil Air Regulations Amendments 42–1 through 42–22 and 42–24 through 42–27 have been incorporated in the text. Amendment 42–23 which, except as provided in section 42.45g, does not become effective until January 1, 1961, has been included in appendix C.

FAA *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.

FAA *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.

FAA *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 Agency 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 supersedes Civil Aeronautics Manual 42 dated August 1956, which was issued by the CAA as Volume VII of the Civil Aeronautics Manuals, and supplements 1 through 10 to that Volume. As amendments and other pertinent materials pertaining to Part 42 are issued, they will be included in this manual.

[Certification and Operation Rules for Commercial Operators and Air Taxi Operators; Small Aircraft]

General

[42a.0 *Applicability of this part.* The certification and operations provisions of this part apply to air taxi operations as defined in section 298.2(b) of the Board's Economic Regulations and the operations provisions apply to commercial operators, as defined in section 42.5, using small aircraft only.]

[42a.0–1] *Charter flights or other special services (FAA policies which apply to sec. [42a.0]).*

(a) *General.* The policies provided in this section will be applied by the Federal Aviation Agency in amending a scheduled air carrier operating certificate to authorize charter flights or other special services.

(b) *Authority.* Upon application, a scheduled air carrier electing under section 42.0 (b) to conduct charter trips or other special services pursuant to the provisions of its scheduled air carrier operating certificate, may have such certificate amended to authorize such operations.

(c) *Application for amendment.* Application for this amendment will consist of submission of form ACA–1014, Operations Specifications, available at the local district office.[1] On the face (blank side) of the form, the air carrier will list all the operations for which authorization is desired, as outlined in paragraph (d) of this section. The air carrier will also complete the upper half of the back of the form, and submit the signed original and four copies to the local inspector.[2]

(d) *Operations specifications.* The amended scheduled air carrier operating certificate will include form ACA–1014, Operations Specifications, and an amendment to the scheduled air carrier operating certificate. The amendment will be issued by the FAA regional office having direct inspectional responsibility for the principal operations of the air carrier. The form ACA–1014 will be prepared by the applicant; and will be prefaced by the statement: "Charter Flights or Other Special Services are authorized in the following category and class aircraft under the conditions specified and within the areas of operation listed."; and will specify the category and class of aircraft authorized to be used (e. g., Airplane Multiengine Land); the flight conditions under which operations are authorized (e. g., VFR (Day), VFR (Night), IFR (Day), IFR (Night); whether the carriage of passengers, cargo, or both is authorized; and the areas of operation (e. g., continental United States, and specific United States territories or possessions and foreign countries or possessions).

(e) *Operation outside the United States, its territories or possessions.* When applying for an amendment to a scheduled air carrier operating certificate to include charter or other special services outside the United States, its territories or possessions, the following paragraph will also be included on the form ACA–1014:

When operating aircraft pursuant to the terms of this certificate and these operations specifications over or within any foreign country, the air carrier shall comply with the provisions of the air traffic rules of such country, including any special air traffic rules applicable to air carriers, except where any rule prescribed in the Civil Air Regulations is more restrictive

[1] "District office", unless otherwise specified means "Bureau of Flight Standards District Office."

[2] "Inspector", unless otherwise specified means "Bureau of Flight Standards Inspector."

and may be followed without violating the rules of such country.

(f) *Area of operation.*

(1) The air carrier should specify in the space provided under the section of the operations specifications entitled "Area of Operation Authorized" the proposed areas of operation.

(2) If the air carrier is able to show to the satisfaction of the assigned inspector that it is able to conduct charter flights or special services on a worldwide basis, the following phraseology should be used in filling out the section of the operations specifications pertaining to area of operation:

> "The air carrier is authorized to conduct charter flights or other special services within the United States and between any point within the United States and any point outside thereof."

(3) If the air carrier does not desire to conduct charter operations to the extent indicated in subparagraph (2) of this paragraph, the specific areas to and from which charter operations are contemplated should be listed in the operations specifications. Such listing should show the particular countries or possessions of such countries instead of continental areas. Operations within the United States should be shown as "Continental United States". When a country or possession is comprised of a number of islands, the island group rather than the individual islands should be listed.

(g) *Flight operations and maintenance manuals.* Prior to the conduct of operations off route, the Flight Operations and Maintenance Manuals will be revised to incorporate additional instructions to flight and ground personnel for the operation, servicing and handling of the aircraft used in this type of service.

(h) *Scheduled air carriers holding irregular air carrier operating certificates.* A scheduled air carrier holding an irregular air carrier operating certificate may conduct charter flights or other special services both on route and off route under the provisions of such certificate and this part without amending its scheduled air carrier operating certificate in accordance with the above. However, if a scheduled air carrier, holding an irregular operating certificate elects to amend its scheduled operating certificate to include charter flights or other special services, the irregular operating certificate will be surrendered to the Federal Aviation Agency for cancellation at the time the amendment to the scheduled operating certificate becomes effective.

(Published in 15 F. R. 3150, May 24, 1950, effective upon publication in the Federal Register; amended in 18 F. R. 1719, Mar. 27, 1953, effective Apr. 15, 1953 further amended in 21 F. R. 1697, Mar. 17, 1956 effective May 17, 1956; amended effective June 15, 1957.)

[42a.0–2] *Provisions of [Part 42a] which are applicable to air taxi operators (FAA interpretations which apply to sec. [42a.0] and SR–395A).* See appendix B.

(Published in 19 F. R. 1601, Mar. 25, 1954, effective Apr. 1, 1954; amended effective June 15, 1957.)

[42a.0–3] *Operations for which an Air Taxi Operator Certificate is not required (FAA interpretations which apply to sec. [42a.0] and SR–395A).* See appendix B.

(Published in 19 F. R. 1601, Mar. 25, 1954, effective Apr. 1, 1954; amended effective June 15, 1957.)

[42a.1] *Definitions.* As used in this part the words listed below shall be defined as follows:

***Accelerate-stop distance.* Accelerate-stop distance is the distance required to reach the critical point of takeoff and, assuming failure of the critical engine at that point, to bring the airplane to a stop using approved braking means. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such distance is determined.)**

***Air carrier.* Air carrier means any citizen of the United States who undertakes directly the carriage by aircraft of persons or property as a common carrier for compensation or hire, whether such carriage is wholly by aircraft or partly by aircraft and partly by other forms of transportation between any of the following places: A place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; places in the same State**

of the United States through the airspace over any place outside thereof; places in the same Territory or possession of the United States, or the District of Columbia; a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; a place in the United States and any place outside thereof; or the carriage of mail by aircraft.

Alaskan air carrier. Alaskan air carrier includes any air carrier subject to the provisions of Part 292 [1] of this chapter as heretofore or hereafter amended.

[1] Part 292 currently provides that Alaskan air carriers shall include certificated and noncertificated air carriers engaging solely in air transportion within the State of Alaska.

Alternate airport. An alternate airport is one listed in the flight plan as a point to which a flight may be directed if, subsequent to departure, a landing at the point of intended destination becomes inadvisable.

Approach or takeoff area. The approach or takeoff area shall be an area symmetrical about a line coinciding with and prolonging the center line of the runway, or the most probable landing or takeoff path for instrument approaches where there is a multiplicity of parallel runways, or a large hard-surfaced area continuously available for landing or takeoff. This area shall be assumed to extend longitudinally in a straight line from the intersection of the obstruction clearance line with the runway to the most remote obstacle touched by the obstruction clearance line and in no case less than 1,500 feet. Thence, it shall be assumed to continue in a path consistent with the instrument approach or takeoff procedures for the runway in question or, where such procedures are not specified, consistent with turns of at least 4,000 feet in radius. It shall be further assumed to extend laterally at the point of intersection of the obstruction clearance line with the runway 200 feet on each side of such center line. This distance shall increase uniformly to 500 feet on each side of such center line at a longitudinal distance of 1,500 feet from such point of intersection. Thereafter, this distance shall be assumed to be 500 feet on each side of such center line.

Approved. Approved, when used either alone or as modifying other words such as "means," "method," "action," etc., shall mean approved by the Administrator.

Check pilot. Check pilot is a pilot authorized by the Administrator to check pilots of the air carrier for such items as familiarity with en route procedures and piloting technique.

Crewmember. Crewmember means any individual assigned by the air carrier for the performance of duty on the aircraft in flight.

Critical engine. The critical engine is the engine the failure of which gives the most adverse effect on the performance characteristics of the aircraft. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such engine is determined.)

Critical-engine-failure speed. The critical-engine-failure speed is a true indicated air speed, selected by the aircraft manufacturer, at which the takeoff may be safely continued even though the critical engine becomes suddenly inoperative. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such speed is determined.)

Critical point of takeoff. The critical point of takeoff is that point beyond which the aircraft cannot be brought to a safe stop in the event of failure of the critical engine. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such point is determined.)

Effective length of runway. The effective length of runway is the distance from the point where the obstruction clearance line intersects the runway to the far end thereof.

Exclusive use of aircraft. Exclusive use of an aircraft means that an air carrier has the sole possession, control, and use of an aircraft for flight arising from either (i) a lease or other agreement or arrangement under which the air carrier is to have the right to such possession, control, and use for a period of at least six consecutive months from the date of such lease or other agreement or arrangement,[2] or (ii) ownership of the aircraft.

[2] Attention is invited to the provisions of sec. 408 of the Federal Aviation Act of 1958, as amended (72 Stat. 767, 49 U.S.C. 1378) which, in certain cases, regulates sales, leases of, or contracts for use of aircraft between air carriers, or other persons engaged in any phase of aeronautics, and

which may require that prior Civil Aeronautics Board approval of such arrangements be obtained. Attention is further invited to the fact that aircraft leased from United States Government agencies may not ordinarily be subleased without prior approval of the lessor.

Extended overwater operation. An extended overwater operation shall be considered an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

Flight crewmember. Flight crewmember means a pilot, flight radio operator, flight engineer, or flight navigator assigned to flight duty on the aircraft.

Flight time. Flight time shall mean the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.

IFR. The symbol used to designate instrument flight rules.

Irregular air carrier. Irregular air carrier includes any air carrier subject to the provisions of Part 291 of this chapter as heretofore or hereafter amended.

Large aircraft. Aircraft of 12,500 pounds or more maximum certificated takeoff weight shall be considered large aircraft.

Maximum certificated takeoff weight. Maximum certificated takeoff weight shall mean the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate.[3]

[3] Note that the aircraft airworthiness certificate incorporates as a part thereof an airplane operating record or an airplane flight manual which contains the pertinent limitation.

Minimum control speed. The minimum control speed is the minimum speed at which the airplane can be maintained in straight flight after an engine suddenly becomes inoperative. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such speed is determined.)

Night. Night is the time between the ending of evening twilight and the beginning of morning twilight as published in the Nautical Almanac converted to local time for the locality concerned.[4]

[4] The Nautical Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C. Information is also available concerning such tables in FAA Airport Traffic Control Towers and Communications Stations or the United States Weather Bureau.

Obstruction clearance line. The obstruction clearance line is a line drawn tangent to or clearing all obstructions showing in a profile of the approach or takeoff area which has a slope to the horizontal of 1/20.

Passenger-carrying aircraft. An aircraft carrying any individual other than a flight crew or crewmember, company employee, or an authorized Government representative shall be considered a passenger-carrying aircraft.

Pilot compartment. Pilot compartment means that part of the aircraft designed for the use of the flight crew.

Pilot in command. Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Point-of-no-return. Point-of-no-return means the point beyond which the aircraft no longer has sufficient fuel, under existing conditions, to return to the point of departure or any alternate for that point.

Power-off stall speed. The power-off stall speed is the minimum steady flight speed at which the airplane with engines idling is controllable in the landing configuration. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such speed is determined.)

Rating. Rating is an authorization issued with a certificate, and forming a part thereof, stating special conditions, privileges, or limitations pertaining to such certificate.

Runway. A runway is a hard-surfaced area normally used for the landing or takeoff of airplanes. An unpaved area at the end of a paved area may be considered as part of a runway if it is smooth and firm enough to permit an airplane to traverse it safely.

[*Second in command.* Second in command means a pilot other than the pilot in command who is designated by the air carrier to act as second in command of an airplane.

[(Amendment 42-23, published in 24 F.R. 9773, Dec. 5, 1959, effective Jan. 1, 1961.)]

Second pilot. Second pilot shall include any pilot other than the pilot in command assigned as a member of the flight crew.

Small aircraft. Aircraft of less than 12,500 pounds maximum certificated takeoff weight shall be considered small aircraft.

Transport category aircraft. **Transport category aircraft are aircraft which have been certificated in accordance with the requirements of Part 4b of this subchapter, or under the transport category performance requirements of Part 4a of this subchapter.**

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.**

VFR. **The symbol used to designate visual flight rules.**

V_{s_o}. V_{s_o} means the power-off true-indicated stalling speed of an aircraft. (See the airworthiness requirements under which the airplane was type certificated for the manner in which V_{s_o} is determined.)

42.1–1 *Flight time (FAA interpretations which apply to sec. 42.1).* This is construed to mean from "block to block."

(Published in 14 F. R. 7032, Nov. 22, 1949, effective upon publication; amended effective June 15, 1957.)

42.1–2 *Twilight (FAA interpretations which apply to sec. 42.1).* The twilight referred to in this section is deemed to mean civil twilight. "The duration of civil twilight is the interval in the evening from sunset until the time when the center of the sun is 6 degrees below the horizon; or the corresponding interval in the morning between sunrise and the time at which the sun was still 6 degrees below the horizon."[3]

(Published in 14 F. R. 7032, Nov. 22, 1949, effective upon publication; amended effective June 15, 1957.)

42.2 *Deviation authority.*

(a) Contrary provisions of this part notwithstanding,

(1) The Administrator may, upon application by an appropriately certificated air carrier conducting, or intending to conduct, operations pursuant to a contract with the military services (primary contractor), or an appropriately certificated air carrier conducting operations for the military services pursuant to a subcontract with a primary contractor, authorize such air carrier to deviate from the applicable provisions of this part, subject to any terms and conditions that the Administrator shall find are necessary in the interest of safety: *Provided,* That the Department of Defense certifies to the Administrator that the subject operation is essential to the national defense and requires the requested deviation: *And provided further,* That the granting of a deviation shall not be based upon an economic advantage or convenience to either the air carrier or the government, or both.

(2) The Administrator may, upon application by an appropriately certificated air carrier, authorize an air carrier proposing to conduct operations under conditions of an emergency necessitating the transportation of persons or supplies for the protection of life or property, to deviate from any provision of this part to the extent that the Administrator finds that a deviation from this part is necessary for the expeditious conduct of such operations.

(b) Any deviation authority granted by the Administrator pursuant to this section shall be limited to those military contract operations certified by the Department of Defense as essential to the national defense, or operations conducted under conditions of an emergency as determined by the Administrator and shall not be applicable to any other type of operation.

(c) The Administrator shall, in any authorization granted pursuant to this section, specify the terms, conditions, and limitations of the authorization for the deviation and each air carrier shall, in the conduct of these operations, comply with such terms, conditions, and limitations.

(d) Grants of deviation authority issued pursuant to this section may be terminated at any time by the Administrator.

(e) Authorized deviations now in existence shall be continued in effect in accordance with their terms and conditions until 90 days after the effective date of this amendment, or upon their stated expiration date, whichever shall first occur, unless reissued pursuant to this section.

Certificate Rules

42.5 *Certificate issuance.*

(a) *General.* An air carrier operating certificate, describing the operations authorized and prescribing such operating specifications and limitations as may be reasonably required in the interest of safety, shall be issued by the Administrator to a properly qualified citizen of the United States possessing appropriate economic authority granted by the Board pursuant to Title IV of the Federal Aviation Act of 1958, as amended, who is capable of conducting

[3] Tables of Sunrise, Sunset, and Twilight, supplement to the American Ephemeris, 1946, issued by the Nautical Almanac Office, United States Naval Observatory. For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

the proposed operations in accordance with the applicable requirements hereinafter specified. Application for a certificate, or application for amendment thereof, shall be made in a manner and contain information prescribed by the Administrator. No person subject to the provisions of this part shall operate in air transportation without, or in violation of the terms of, an air carrier operating certificate.

[NOTE: The inspection and processing by the FAA of an application for an air carrier operating certificate where large aircraft are to be used may require up to 60 days from the date of filing. An applicant should consider this in planning his operations.]

[(Amendment 42-43, published in 27 F.R. 8424, Aug. 23, 1962, effective Aug. 23, 1962.)]

(b) ***Exceptions.*** **Whenever upon investigation the Administrator finds that the general standards of safety required for air carrier operations require or permit a deviation from any specific requirement of this part, he may issue an air carrier operating certificate or amendment providing for such deviation.**

42.5–1 *Appropriate economic authority (FAA interpretations which apply to sec. 42.5 (a)).* The term "appropriate economic authority" as used in section 42.5 (a) means economic authority from the Board to engage in the air carrier operations for which the air carrier operating certificate is issued.

(Published in 18 F. R. 1719, Mar. 27, 1953, effective Apr. 15, 1953.)

42.5–2 *Application for an Irregular Air Carrier Operating Certificate (FAA rules which apply to sec. 42.5).*

(a) Application for an irregular air carrier operating certificate will be made in triplicate on form ACA–1602, provided for this purpose by the Administrator. The application form may be obtained by contacting the local inspector. When the requirements, as prescribed in this part, have been met, the applicant should present his application to the local inspector and arrange for inspection of his flight equipment and all ground facilities.

(b) Where inspection of the applicant indicates that he is capable of conducting the proposed operation in accordance with applicable requirements, an irregular air carrier operating certificate will be issued, together with operations specifications, which become a part thereof, and will specify the carriage of passengers, cargo, or both; the category and class of aircraft (e. g. airplane single engine land); and the flight conditions under which operations are authorized (e. g. VFR (Day), VFR (Night), IFR (Day), IFR (Night)).

(Published in 14 F. R. 7032, Nov. 22, 1949, effective Nov. 22, 1949; amended effective June 15, 1957.)

42.5–3 *Application for amendment (FAA rules which apply to sec. 42.5).* Application for amendment of existing operations authorizations listed in the Operations Specifications shall be made on form ACA–1014, Operations Specifications, available at the local district office. On the face (blank side) of the form, the air carrier should list all the operations for which authorization is desired; i. e., show operations for which approval is requested and omit the operations no longer desired or for which he is no longer qualified. The air carrier should also complete the upper half of the back of the form and submit the signed original and four copies to the local inspector.

(Published in 14 F. R. 7033, Nov. 22, 1949, effective Nov. 22, 1949; amended effective June 15, 1957.)

42.5–4 *Application for overseas and international authorization (FAA rules which apply to sec. 42.5).* Application for overseas and international authorization shall be made to the local inspector in the following manner:

(a) An applicant desiring to engage in overseas and international air transportation shall so indicate in the space provided on form ACA–1602.

(b) The following information must be attached to the application:

(1) List of foreign areas for which operations specifications are desired.

(2) Points between which operations are contemplated.

(3) Type of activity; e. g., cargo, passengers, or a combination of both, etc.

(4) Statement to the effect that diplomatic clearances have been or will be obtained prior to departure either directly or through State Department channels for entry into, or flight over, all of the foreign countries involved. (Indicate which and duration.)

(5) Arrangements which the company has completed or contemplates for the servicing and maintenance of aircraft and equipment abroad.

(6) An outline of the method by which control will be exercised by company head-

quarters over operations outside the continental limits of the United States or its territories. (In lieu thereof, when a single aircraft and individual are involved, appropriate addresses in foreign countries through which the operator may be reached by normal communication channels.)

(c) An irregular air carrier possessing an irregular air carrier operating certificate, who desires to amend such certificate to include overseas and international operations authorization, shall make application on form ACA–1014 and submit it to the local inspector, together with the information required by paragraph (b) of this section.

(d) Any operator or pilot contemplating foreign flight should be well-acquainted with the airports of entry, fields to be visited, navigational facilities available, air laws, public health, customs, and any other requirements established by the country or countries into which operations are to be conducted.[4]

(Published in 14 F. R. 7033, Nov. 22, 1949, effective Nov. 22, 1949; amended effective June 15, 1957.)

42.5–5 *Application for an Air Taxi Operator Certificate (FAA rules which apply to sec. 42.5 and SR–395A).* See appendix B.

(Published in 19 F. R. 1602, Mar. 25, 1954, effective Apr. 1, 1954; amended effective June 15, 1957.

42.5–6 *Amendment and reissuance of Air Taxi Operator Certificates (FAA rules which apply to sec. 42.5).* See appendix B.

(Published in 19 F. R. 1602, Mar. 25, 1954, effective Apr. 1, 1954.)

42.5–7 *Application for worldwide operation (FAA policies which apply to sec. 42.5).* If the air carrier is able to show to the satisfaction of the assigned inspector that it is able to conduct operations on a worldwide basis, the following phraseology should be used by the air carrier in filling out the section of the operations specifications pertaining to area of operation:

> "The air carrier is authorized to conduct operations between any point within the United States and any point outside thereof."

If the air carrier does not desire to conduct operations on a worldwide basis or the assigned inspector finds that it is not able to do so, the specific areas to and from which operations are authorized should be listed in the operations specifications. Such listing should show the particular countries or possessions of such countries instead of continental areas. When a country or possession is comprised of a number of islands, the island group rather than the individual should be listed.

(Published in 21 F. R. 2586, Apr. 20, 1956, effective May 15, 1956; amended effective June 15, 1957.)

42.5–8 *International air taxi operations (FAA policies which apply to sec. 42.5 and SR–395A).* See appendix B.

(Published in 22 F. R., effective June 15, 1957.)

42.6 *Duration and renewal.*

(a) An air carrier operating certificate issued under this part, shall expire one year from date of issuance thereof, unless such certificate is renewed by the Administrator or such certificate has been sooner surrendered, suspended, or revoked.

(b) The Administrator shall renew an air carrier operating certificate if, upon inspection and examination, he finds that the air carrier meets the current requirements of the regulations in this subchapter for issuance of any such certificate. Evidence of renewal of air carrier operating certificates issued subsequent to July 1, 1950, shall be made a part of the air carrier operating certificate in such form and manner as the Administrator may prescribe.

(c) Application for renewal of an air carrier operating certificate shall be made no later than 60 days prior to the expiration thereof, and shall be made in the form and manner prescribed by the Administrator.

42.7 *Display.* The air carrier operating certificate shall be kept available at the carrier's principal operations office for inspection by any authorized representative of the Administrator or Board.

42.8 *Inspection.* Any authorized representative of the Administrator shall be permitted at any time and place to make inspections or examinations to determine the air carrier's compliance with the regulations in this subchapter.

[4] This information is normally contained in the International Flight Information Manual obtainable from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C. (Price 50 cents.)

42.9 *Operations base, maintenance base, and/or office.* Each irregular air carrier shall give written notice to the Administrator of his principal business office, his principal operations base, and principal maintenance base. Thereafter the air carrier shall not change his principal operations or maintenance base without having secured prior approval of the Administrator of the new base or bases, nor shall the air carrier change his principal business office without advance notice thereof to the Administrator.

42.9–1 *Notice (FAA rules which apply to sec. 42.9).* Three copies of each notice, in letter form, shall be delivered by the air carrier to the district office of the Federal Aviation Agency serving the air carrier's principal business office, operations base, or maintenance base, whichever is appropriate, in order to give notice to the Administrator.

(Published in 14 F. R. 7033, Nov. 22, 1949, effective upon publication.)

Aircraft Requirements

42.11 *Aircraft required.* An air carrier shall have the exclusive use of at least one aircraft. All aircraft used in the carriage of persons or property for compensation or hire shall be certificated in accordance with standard airworthiness requirements. No air carrier shall operate a large aircraft for the carriage of goods or persons for compensation or hire unless (a) the air carrier has the exclusive use of such aircraft, (b) the Administrator has found such aircraft safe for the service to be offered and has listed such aircraft in the air carrier operating certificate, and (c) such aircraft is not listed in the air carrier operating certificate or commercial operator certificate of any other air carrier or commercial operator.

42.11–1 *Listing of aircraft (FAA rules which apply to sec. 42.11).* When an air carrier utilizes large aircraft, they shall be listed in the Operations Specifications—Aircraft Identification, form ACA–1014. When an aircraft is no longer regularly used in the air carrier's operation, it must be deleted from the Operations Specifications—Aircraft Identification, form ACA–1014. Prior to listing any aircraft in the operations specifications, the following standards shall be met:

(a) The aircraft must be properly registered and there shall be conspicuously displayed in the aircraft a current Airworthiness Certificate accompanied by an appropriate Operations Record or Airplane Flight Manual.

(b) The basic empty weight of the aircraft shall be provided and procedures effected to include the aircraft in the air carrier's weight control system.

(c) Proper application covering the maintenance of all the pertinent components of the aircraft in the maintenance manual must be submitted.

(d) The aircraft shall have the required equipment installed and shall show compliance with other requirements of applicable regulations in this subchapter (i. e., the Civil Air Regulations), the Air Carrier Operating Certificate, and operational or route requirements. Required equipment shall include an adequate number of emergency exits for rapid evacuation in the event of an emergency or crash landing. The installation, operation, and marking of required emergency exits must comply with the pertinent airworthiness regulations. Emergency exits of passenger-carrying aircraft shall be clearly marked with luminous paint. Such markings are to be located either on or immediately adjacent to the pertinent exit and readily visible to passengers. Location and method of operation of the handles shall be marked with luminous paint. In those instances where aircraft are, on occasion, utilized in combination cargo/passenger operation, the aircraft shall be so loaded that emergency exits will be readily accessible in direct proportion to available passenger seats.

(e) The aircraft, its components and accessories shall be in such condition initially that application of the maintenance time limitations listed in the maintenance manual covering overhaul and inspection periods will provide a continuous state of airworthiness.

(Published in 14 F. R. 7033, Nov. 22, 1949, effective upon publication; amended in 16 F. R. 926, Feb. 1, 1951, effective upon publication; amended in 18 F. R. 1719, Mar. 27, 1953, effective Apr. 15, 1953.)

42.11–2 *Listing of small aircraft (FAA interpretations which apply to sec. 42.11).* See appendix B.

(Published in 19 F. R. 1602, Mar. 25, 1954, effective Apr. 1, 1954.)

42.12 *Fire prevention requirements.* All airplanes used in passenger service, powered by engines rated at more than 600 horsepower each for maximum continuous operation shall comply with the applicable fire prevention requirements of Part 4b of this subchapter in effect on or after November 1, 1946, except that fire detectors of the heat type shall be acceptable in lieu of smoke detectors for installation in Class "B" and "C" cargo compartments: *Provided,* That if the Administrator finds that in particular models of existing airplanes literal compliance with specific items of these requirements might be extremely difficult of accomplishment and that such compliance would not contribute materially to the objective sought, he may accept such measures of compliance as he finds will effectively accomplish the basic objectives of these regulations.

42.13 *Engine rotation.* Multiengine aircraft having any engine rated at more than 480 h. p. for maximum continuous operation shall be so equipped that the rotation of each such engine can be stopped promptly in flight, except that for turbine engine installations means for completely stopping the rotation need be provided only if the Administrator finds that rotation could jeopardize the safety of the aircraft.

42.14 *Minimum performance requirements for all aircraft.* Except as otherwise provided in this part, no air carrier shall use any aircraft unless it meets such operating limitations as the Administrator determines will provide a safe relation between the performance of the aircraft and the airports to be used and the areas to be traversed. In determining compliance with the applicable airworthiness requirements and operating limitations, a weight and balance control system approved by the Administrator based upon average, assumed, or estimated weights may be utilized.

42.14–1 *Takeoff performance limitations for large aircraft (FAA rules which apply to sec. 42.14).* Whenever large aircraft are utilized in cargo operation, the following takeoff performance limitations shall apply:

(a) Transport category airplanes shall be operated in compliance with the provisions of sections 42.70 (b), 42.71 (b), and 42.72.

(b) Nontransport category airplanes shall be operated in compliance with the provisions of section 42.81 and shall meet the en route one-engine inoperative climb requirement of section 42.82 at an altitude of 1,000 feet above the airport from which the takeoff is being made. The pertinent performance limitations data published under sections 42.80–1, 42.80–2, 42.80–3, 42.80–4, 42.80–5, 42.80–7 and 42.80–8 shall be used in determining compliance with section 42.81.

(Published in 18 F. R. 766, Feb. 6, 1953, effective Feb. 15, 1953.)

42.15 *Airplane certification requirements for large airplanes used in passenger operations.*

(a) *Airplanes certificated on or before June 30, 1942.* Airplanes certificated as a basic type on or before June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of section 42.80, or

(2) Comply with either the performance requirements of sections 4a.737–T through 4a.750–T of this subchapter or the performance requirements of sections 4b.110 through 4b.125 of this subchapter and in addition shall meet the requirements of sections 42.70 through 42.78: *Provided,* That should any type be so qualified all airplanes of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Airplanes certificated after June 30, 1942.* Airplanes certificated as a basic type after June 30, 1942, shall be certificated as transport category airplanes and shall meet the requirements of section 42.70.

42.16 *Aircraft limitations for IFR and land aircraft overwater operations.* When passengers are carried, no air carrier shall use any aircraft under IFR weather conditions or

any land aircraft in overwater operations except as follows:

(a) *IFR operations.* Aircraft shall be multiengine with fully functioning dual controls and shall meet the appropriate en route operating limitations of section 42.74 or section 42.82.

(b) *Overwater operations.* Land aircraft shall be multiengine and shall meet the appropriate en route operating requirements of section 42.74 or section 42.82, unless the overwater operation consists only of takeoffs and landings or the aircraft is flown at such an altitude that it can reach land in the event of power failure.

42.16–1 *En route performance limitations (FAA policies which apply to sec. 42.16(b)).* Performance data applicable to this section are published under section 42.80.

(Published in 15 F. R. 83, Jan. 10, 1950, effective Jan. 1, 1950; amended in 18 F. R. 1719, Mar. 27, 1953, effective Apr. 15, 1953.)

[*42.17 Proving tests for large aircraft.*

[(a) A type of aircraft not previously proved for use in air carrier operation shall have at least 100 hours of proving tests, in addition to the aircraft certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total, at least 50 hours shall be flown in en route operation and at least 10 hours shall be flown at night.

[(b) A type of aircraft which has been previously proved for use in air carrier operation shall be tested for at least 50 hours, of which at least 25 hours shall be flown in en route operation, unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the aircraft:

[(1) Is materially altered in design, or

[(2) Is to be used by an air carrier who has not previously proved such a type.

[NOTE: A type of aircraft will be considered to be materially altered in design when the alterations include, but are not necessarily limited to: (a) Installation of powerplants other than the powerplants of a type similar to those with which the aircraft is certificated; (b) major alteration to the aircraft or its components which materially affects the flight characteristics.

[(c) During proving tests only those persons required to make the test and those designated by the Administrator shall be carried. Mail, express, and other cargo may be carried when approved.]

[(Added by Amendment 42–40, published in 27 F.R. 5391, June 7, 1962, effective July 9, 1962.)]

Aircraft Equipment

42.21 *Basic required instruments and equipment for aircraft.* The following instruments and equipment acceptable to the Administrator for the type of operations specified shall be installed and in serviceable condition in all aircraft, except that the Administrator may permit or require different instrumentation or equipment for turbine-powered aircraft to provide equivalent safety:

(a) *VFR (day).* For day VFR flight the following is required:

(1) Air-speed indicator,

(2) Altimeter,

(3) Magnetic direction indicator,

(4) Tachometer for each engine,

(5) Oil pressure gauge for each engine using pressure system,

(6) Coolant temperature gauge for each liquid-cooled engine,

(7) Oil temperature gauge for each air-cooled engine,

(8) Manifold pressure gauge or equivalent when required for the proper operation of the engine,

(9) Fuel gauge indicating the quantity of fuel in each tank,

(10) Position indicators for retractable landing gear and flaps: *Provided,* That the Administrator may approve operation of aircraft of less than 12,500 pounds maximum certificated takeoff weight without a position indicator for flaps in the event he finds that the position of the flaps is readily determinable either by direct visual inspection from the cockpit or by other adequate means,

(11) An approved seat and an approved safety belt for each occupant. In no case shall the rated strength of a safety belt be less than that corresponding with the ultimate load factors specified in the pertinent currently effective aircraft airworthiness parts of the

regulations in this subchapter, taking due account of the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. The webbing of safety belts shall be subject to periodic replacement as prescribed by the Administrator,

(12) In passenger service, a minimum of two approved hand-type fire extinguishers, one of which is installed in the pilot compartment, the other accessible to the passengers and ground personnel, unless the aircraft is so designed that the fire extinguisher in the pilot compartment is directly available to passengers and ground personnel, in which case only one fire extinguisher is required; in cargo service, fire extinguisher or extinguishers adequate for the aircraft,

(13) Source of electrical energy sufficient to operate all radio and electrical equipment installed,

(14) One spare set of fuses or 3 spare fuses of each magnitude,

(15) Effective July 1, 1956, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers, which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle,

(b) *VFR (night).* For night VFR flight the following is required:

(1) Instruments and equipment specified in paragraph (a) of this section,

(2) Carburetor temperature gauge,

(3) Carburetor heating or de-icing equipment for each engine,

(4) Set of approved forward and rear position lights,

(5) At least one landing light,

(6) [Deleted.]

[(Amendment 42-33, published in 26 F.R. 8882, Sept. 21, 1961, effective Sept. 21, 1961.)]

(7) Two-way radio communications system and navigational equipment appropriate to the ground facilities to be used,

(8) Generator of adequate capacity,

(9) One set of instrument lights.

(c) *IFR (day).* For day IFR flight the following is required:

(1) Instruments and equipment specified in paragraph (a) of this section,

(2) Two-way radio communications system and navigational equipment appropriate to the ground facilities to be used,

(3) Gyroscopic rate-of-turn indicator,

(4) Bank indicator,

(5) Rate-of-climb indicator,

(6) Artificial horizon indicator,

(7) Sensitive altimeter adjustable for changes in barometric pressure, in lieu of paragraph (a) (2) of this section,

(8) Clock with a sweep-second hand,

(9) One gryo direction indicator,

(10) Generator of adequate capacity,

(11) One outside air temperature gauge easily readable from the pilot's position,

(12) One carburetor temperature gauge or equivalent approved device,

(13) Power failure warning means or vacuum gauge on instrument panel connecting to lines leading to gyroscopic instruments,

(14) Carburetor heating or de-icing equipment for each engine,

(15) Heated pitot tube for each airspeed indicator,

(d) *IFR (night).* For night IFR flight the following is required:

(1) Instruments and equipment specified in paragraphs (a), (b), and (c) of this section: *Provided,* That when any requirements under paragraphs (a), (b), or (c) of this section are identical, such requirements need not be duplicated.

42.21-1 *Seats and safety belts (FAA rules which apply to sec. 42.21 (a) (11)).* The installation and use of an approved seat and approved individual seat belt for each person over 2 years of age is required. When a child under 2 years of age is held by an adult person, the safety belt shall be used only for the adult. In small aircraft, it will be permissible to carry persons in excess of the number specified in the pertinent aircraft specification; *Provided,* That the seat or seats occupied by such persons are adequate for side-by-side seating; and a safety belt is provided for each seat. Such belt shall not be used for more persons than the number for which it is approved. In any case, the maximum certificated takeoff weight, and allowable c. g. limits of the aircraft shall not be exceeded.

(Published in 14 F. R. 7034, Nov. 22, 1949, effective upon publication.)

42.21-2 *Fire extinguishers (FAA rules which apply to sec. 42.21 (a) (12)).*

(a) A portable fire extinguisher, which shall be of an approved type, shall have a minimum capacity, if carbon tetrachloride, of 1 quart, or, if carbon dioxide, of 2 pounds, or, if other, of equivalent effectiveness.

(b) On transport-type aircraft, fire extinguishers shall be installed so as to be accessible to the passengers and ground personnel. This may be done by securing the extinguisher near the main external cabin door. An extinguisher shall be readily available to the pilot and copilot.

(c) An approved type fire extinguisher is one that has been approved by the Underwriters Laboratories or by the Administrator.

(Published in 14 F. R. 7034, Nov. 22, 1949, effective upon publication.)

42.21-3 *Altimeter (FAA policies which apply to sec. 42.21 (b) (1)).* For VFR flight at night, the installation and use of a sensitive altimeter adjustable for changes in barometric pressure is recommended.

(Published in 14 F. R. 7034, Nov. 22, 1949, effective upon publication.)

42.21–4 *Warning lights for reversible propellers (FAA policies which apply to sec. 42.21 (a) (15)).* In the interest of cockpit uniformity, when warning lights are used to indicate to the pilot that a reversible propeller is in reverse pitch, such warning lights should be amber in color.

(Published in 21 F. R. 4312, June, 20 1956, effective July 1, 1956.)

42.22 *Additional required instruments and equipment for large aircraft.* In addition to the basic instruments required by section 42.21, the following instruments and equipment for the type of operations specified shall be installed and in serviceable condition in large aircraft:

(a) *Day (VFR and IFR).* For flight during the day the following is required:

(1) Additional airspeed indicator,

(2) Additional sensitive altimeter,

(3) Alternate source of energy to supply gyroscopic instruments which shall be capable of carrying the required load. Engine-driven pumps, when used, shall be on separate engines and, in lieu of one such source of energy, an auxiliary power unit may be used. The installation shall be such that the failure of one source of energy will not interfere with the proper functioning of the instrument by means of the other source,

(4) In passenger service, in addition to fire-detecting and fire-extinguishing equipment necessitated as a result of compliance with section 42.12, such additional hand-type fire extinguishers as the Administrator finds necessary for compliance with section 42.21 (a) (12).

(b) *Night (VFR and IFR).* For flight during the night the following is required:

(1) Instruments and equipment specified in paragraph (a) of this section, and one additional landing light,

(2) After May 31, 1956, an approved anti-collision light; except that in the event of failure of such light, the aircraft may continue flight to the next stop where repairs or replacements can be made.

42.22a *Flight recorders.*

(a) An approved flight recorder which records at least time, altitude, airspeed, vertical acceleration, and heading shall be installed in accordance with the following requirements:

(1) On all airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude; and

(2) On and after November 1, 1960, on all turbine-powered airplanes of more than 12,500 pounds maximum certificated takeoff weight; *Provided*, That, the Director, Bureau of Flight Standards, or his authorized representative, may extend the November 1, 1960, compliance date for any air carrier who, prior to September 1, 1960, submits to the Federal Aviation Agency in writing a request for approval for such an extension, together with substantiating data, which shows to the satisfaction of the Director or his authorized representative:

(i) That the air carrier will be unable to comply with the November 1, 1960, date due to flight recorder procurement or installation problems, and;

(ii) The action the air carrier has undertaken to insure that a progressive installation of the required flight recorder equipment will be completed at the earliest practicable date following November 1, 1960. In no event will the November 1, 1960, compliance date be extended beyond May 1, 1961.

(b) When a flight recorder is installed it shall be operated continuously from the instant the airplane commences the takeoff roll until it has completed the landing roll at an airport.

(c) Recorded information shall be retained by the air carrier for a period of at least 60 days. For a particular flight or series of flights, the information shall be retained for a longer period if requested by an authorized representative of the Administrator or the Civil Aeronautics Board.

(d) In the event of failures of the flight recorder, the airplane may continue flight to the next stop where repairs or replacements can be made.

(Amendment 42–29, published in 25 F.R. 6828, July 19, 1960, effective Aug. 18, 1960.)

[42.22b] ***Air-speed indicators, limitations, and related information for large aircraft.***

(a) Air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in the same units as used on the air-speed indicator.

(b) When more than one air-speed indicator is required, all such indicators shall be calibrated to read in the same units.

(c) When an air-speed indicator is calibrated in statute miles per hour, a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots.

(d) On and after April 1, 1956, all air-speed indicators shall be calibrated in knots, and all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

[42.22b–1] *Airspeed limitations and related information contained in the Airplane Flight Manual (FAA policies which apply to sec. 42.22b (d)).* The airspeeds shown in the Performance Information Section only, of an Airplane Flight Manual approved prior to April 1, 1956, may continue to be expressed in statute miles per hour, provided that a table converting statute miles to knots is incorporated therein, and a cautionary note is placed on each page and chart where airspeeds are denoted indicating that the statute miles shown must be converted to knots when determining performance information. A similar note should be placed in the Operations Limitations Section,

42.22b *Air-speed indicators, limitations, and related information for large aircraft.*

(a) Air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in the same units as used on the air-speed indicator.

(b) When more than one air-speed indicator is required, all such indicators shall be calibrated to read in the same units.

(c) When an air-speed indicator is calibrated in statute miles per hour, a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots.

(d) On and after April 1, 1956, all air-speed indicators shall be calibrated in knots, and all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

42.22b–1 *Airspeed limitations and related information contained in the Airplane Flight Manual (FAA policies which apply to sec. 42.22b (d)).* The airspeeds shown in the Performance Information Section only, of an Airplane Flight Manual approved prior to April 1, 1956, may continue to be expressed in statute miles per hour, provided that a table converting statute miles to knots is incorporated therein, and a cautionary note is placed on each page and chart where airspeeds are denoted indicating that the statute miles shown must be converted to knots when determining performance information. A similar note should be placed in the Operations Limitations Section, indicating that airspeeds shown in the Performance Information Section are in statute miles and must be converted to knots when determining performance information.

(Published in 21 F. R. 4312, June 20, 1956, effective July 1, 1956.)

42.23 *Radio communications system and navigational equipment for large aircraft.* In lieu of the radio communications system and navigational equipment specified in section 42.21 (b) (7) and (c) (2), the following shall be required in large aircraft for the type of operations specified. The radio equipment required under paragraphs (a) and (b) of this section shall be of approved types:

(a) For day VFR operations over routes on which navigation can be accomplished by visual reference to landmarks, each aircraft shall be equipped with such radio equipment as is necessary to accomplish the following:

(1) Transmit to at least one appropriate ground station from any point on the route and transmit to airport traffic control towers from a distance of not less than 25 miles.

(2) Receive communications at any point on the route.

(3) By either of two independent means, receive meteorological information at any point on the route and receive instructions from airport traffic control towers.

(b) For day VFR operations over routes on which navigation cannot be accomplished by visual reference to landmarks, for night VFR, or for IFR operations, each aircraft shall be equipped as specified in paragraph (a) of this section, and in addition shall be equipped with at least one marker beacon receiver and with such radio equipment as is necessary to receive satisfactorily, by either of two independent means, radio navigational signals from any other radio aid to navigation intended to be used. For operations outside the United States each aircraft operated for long distances over water or uninhabited terrain shall be equipped with two independent means of transmitting to at least one appropriate ground station from any point on the route.

(c) If appropriate, one of the means provided for compliance with paragraph (a) (3) of this section may be employed for compliance with paragraph (a) (2) of this section, and the means provided for compliance with the requirements of paragraph (b) of this section may be employed for compliance with paragraph (a) (1) and (3) of this section.

[(d) Whenever VOR navigational receivers are required by paragraph (b) or (f) of this section, at least one approved distance measuring equipment unit (DME), capable of receiving and indicating distance information from VORTAC facilities, shall be installed on each airplane when operated within the 48 contiguous states and the District of Columbia at and above 24,000 feet MSL after June 30, 1963, and on each of the following airplanes, irrespective of the altitude flown, when operating in the 48 con-

tiguous states and the District of Columbia after the following dates:

[(1) Turbojet airplanes—June 30, 1963;

[(2) Turboprop airplanes—December 31, 1963;

[(3) Pressurized reciprocating engine airplanes—June 30, 1964; and

[(4) Other airplanes having a maximum certificated takeoff weight of more than 12,500 pounds—June 30, 1965.

[(e) In the event that the distance measuring equipment (DME) becomes inoperative en route, the pilot shall notify Air Traffic Control of such failure as soon as it occurs.

[(f) In the case of operation over routes on which navigation is based on low frequency radio ranges or automatic direction finding, only one low frequency radio range receiver or ADF receiver need be installed: *Provided,* That the airplane is equipped with two VOR receivers, and VOR navigational aids are so located and the airplane is so fueled that, in the case of failure of the low frequency radio range or ADF receiver, the flight may proceed safely to a suitable airport by means of VOR aids and complete an instrument letdown by use of the remaining airplane radio system.

[(Amendment 42–44, published in 28 F.R. 482, Jan. 18, 1963, effective July 1, 1963.)]

42.23–1 *Approved types of radio equipment (FAA interpretations which apply to sec. 42.23).* Radio equipment is of an approved type when it is approved in accordance with the terms of a FAA type certificate or a technical standard order issued by the Administrator.

(Published in 20 F. R. 3067, May 6, 1955, effective May 31, 1955.)

42.23–2 *Independent means (FAA interpretations which apply to sec. 42.23).* Radio systems are independent where each such system is separate and complete, and the function of any part or the whole of one system is not dependent on the continued functioning of any component of the other, and in event of failure in one system, the other system is capable of continued independent operation: *Provided,* That where rigidly supported non-wire antenna or other antenna installations of equivalent reliability are used, only one such antenna need be provided.

(Published in 20 F. R. 3067, May 6, 1955, effective May 31, 1955.)

42.23–3 *Installation and use of non-approved radio communication equipment (FAA policies which apply to sec. 42.23).* All radio communication and navigation equipment required for compliance with section 42.23 must be of approved types. However, additional non-approved radio communication equipment may be installed in aircraft for test and evaluation purposes or for the performance of a non-operational function. The non-approved equipment must be constructed and installed so that it will not interfere with the proper functioning of any approved operational equipment or create an unsafe condition aboard the aircraft.

(Published in 20 F. R. 3067–8, May 6, 1955, effective May 31, 1955.)

42.24 *Emergency and safety equipment.* After May 31, 1957, the equipment required in sections 42.24a, 42.24b, and 42.24c shall be approved.

42.24–1 *First-aid and safety equipment (FAA policies which apply to sec. 42.24).* In order to retain FAA approval of first-aid kits, flotation equipment, and other emergency gear, after receiving initial approval by the Administrator, such equipment should be regularly inspected to insure that the condition and quantity continues to meet the standards of the original approval.

(Published in 14 F. R. 7034, Nov. 22, 1949, effective upon publication; amended effective June 15, 1957.)

42.24a *First-aid kits and emergency equipment.* Each airplane shall be equipped with a conveniently accessible first-aid kit adequate for the type of operation involved. Airplanes operated over routes requiring flights for long distances over uninhabited terrain must carry such additional emergency equipment as appropriate for the particular operation involved.

42.24a–1 *First-aid kits and emergency equipment (FAA policies which apply to sec. 42.24a).* First-aid kits and emergency equipment which contain the materials and meet the standards prescribed below will be approved by the

Administrator. To obtain approval to use first-aid kits not containing such materials or meeting such standards, application must be made through the local FAA inspector having certificate responsibility.

(a) Each first-aid kit should be dust and moisture proof, should contain only materials which meet Federal Specifications GGK 391, as revised, and should include at least the following items or their equivalent:

(1) *No. 1 kit for aircraft of 1 to 5 persons capacity.*

Adhesive bandage compress, 1 inch (16 per unit)	1
Antiseptic swabs, 10 mm. (10 per unit)	1
Ammonia inhalants, 6 mm. (10 per unit)	1
Ammonia, aromatic spirits, 2 cc. with drinking cups (4 each per unit)	1
2-inch bandage compress (4 per unit)	1
4-inch bandage compress (1 per unit)	1
Triangular bandage compressed, 40-inch (1 per unit)	1
Burn compound, one-eighth oz. (6 per unit)	1
Tourniquet, forceps, and scissors (1 each per double unit container)	1

(2) *No. 2 kit for aircraft of 6 to 25 persons capacity.*[5]

Adhesive bandage compresses, 1-inch (16 per unit)	2
Antiseptic swabs, 10 mm. (10 per unit)	2
Ammonia inhalants, 6 mm. (10 per unit)	1
Ammonia, aromatic spirits, 2 cc. with drinking cups (4 each per unit)	2
2-inch bandage compresses (4 per unit)	2
4-inch bandage compresses (1 per unit)	2
Triangular bandage compressed, 40-inches (1 per unit)	1
Burn compound, one-eighth-ounce (6 per unit)	1
Tourniquet, forceps, and scissors (1 each per double unit container)	1
Eye dressing packet (3 each per unit) (ophthalmic ointment, one-eighth-ounce; eye pads; eye strips)	1

(3) *No. 3 kit for aircraft of more than 25 persons capacity.*

Adhesive bandage compresses, 1-inch (16 per unit)	4
Antiseptic swabs, 10 mm. (10 per unit)	2
Ammonia inhalants, 6 mm. (10 per unit)	2
Ammonia, aromatic spirits, 2 cc. with drinking cups (4 each per unit)	2
2-inch bandage compresses (4 per unit)	3
4-inch bandage compresses (1 per unit)	3
Triangular bandage compressed, 40-inches (1 per unit)	3
Burn compound, one-eighth-ounce (6 per unit)	2
Tourniquet, forceps, scissors (1 each per double unit container)	1
Eye dressing packet (3 each per unit) (ophthalmic ointment, one-eighth-ounce; eye pads; eye strips)	1

(b) *Emergency equipment for long-distance flights over uninhabited terrain.* When the type of operation requires more than one class of equipment, it will not be necessary to carry more than one supply of items duplicated in another list.

(1) *Tropical land areas:*

1 machete.
1 axe.
1 mosquito headnet for each person.

[5] Kit No. 2 in canvas may also be used on life rafts.

1 bottle insect repellent for each person.
1 pint drinking water for each person.
1 bottle chlorine tablets for water purification.
1 waterproof box of matches.
1 magnetic compass.
1 bottle quinine tablets.
1 signaling mirror.
1 pyrotechnic pistol and 6 cartridges.
1 small bore rifle and cartridges.
1 hunting knife.
1 fishing kit.
1 snake-bite kit.
1 book on jungle survival.

(2) *Frigid land areas:*

1 machete.
1 axe.
1 blanket for each person.
2 pairs snowshoes.
1 pair sunglasses for each person.
1 book on Arctic survival.
1 waterproof box of matches.
1 magnetic compass.
1 bottle of chlorine tablets for water.
1 signaling mirror.
1 pyrotechnic pistol and 6 cartridges.
1 small bore rifle and cartridges.
1 hunting knife.
2-day supply emergency food ration for each person.
1 mosquito headnet for each person.
1 bottle insect repellent for each person.
1 fishing kit.

(Published in 17 F. R. 2748, Mar. 29, 1952, effective upon publication; amended in 18 F. R. 1719, Mar. 7, 1953, effective Apr. 15, 1953; amended effective June 15, 1957.)

42.24b *Equipment for overwater operations.*

(a) The following equipment shall be required for all extended overwater operations: *Provided,* That the Administrator, after appropriate investigation, may require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water; or upon application of an air carrier, permit deviation from these requirements for a particular extended overwater operation:

(1) Life vest or other adequate individual flotation device for each occupant of the airplane;

(2) Life rafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-bouyant and water-resistant.

(b) All required life rafts, life vests, and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. After May 31, 1957, this equipment shall be installed in conspicuously marked approved locations.

(c) A survival kit, appropriately equipped for the route to be flown, shall be attached to each required life raft.

42.24b–1 *Survival kit for overwater operations (FAA policies which apply to sec. 42.24b).* Survival kits containing the materials listed below will be approved by the Administrator. To obtain approval to use survival kits which do not contain such materials, application must be made through the local FAA inspector having certificate responsibility.

(a) *General.* When the type of operation requires more than one class of equipment, it will not be necessary to carry more than one supply of items duplicated in another list.

1 canopy (for sail, sunshade, or for rain catcher).
1 liferaft repair kit.
1 bailing bucket.
1 signaling mirror.
1 police whistle.
1 raft knife.
1 CO_2 bottle for emergency inflation.
1 inflation pump.
2 oars.
1 75-foot retaining line.
1 magnetic compass.
1 pyrotechnic pistol and 6 cartridges.
2-day supply of emergency food ration for each person.
1 sea water desalting kit for each 2 persons the raft is authorized to carry, or 2 pints of water per person.
1 fishing kit.
1 book on survival appropriate for area.

(Published in 14 F. R. 7034, Nov. 22, 1949, effective upon publication; amended effective June 15, 1957.)

42.24c *Emergency evacuation equipment.*

(a) *Means for emergency evacuation.* **After August 31, 1957, on all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for ready use: *Provided,* That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.**

(b) *Interior emergency exit markings.*

(1) After May 31, 1957, all passenger emergency exits of large aircraft, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

[(2) In all large passenger-carrying airplanes, a source or sources of light with an energy supply independent of the main lighting system shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter, and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

[(Amendment 42-39, published in 27 F.R. 1453, Feb. 16, 1962, effective Mar. 20, 1962.)]

42.25 *Cockpit check list.* The air carrier shall provide for each type of aircraft a cockpit check list adapted to each operation in which the aircraft is to be utilized. The check list shall be installed in a readily accessible location in the cockpit of each aircraft and shall be used by the flight crew.

42.25-1 *Cockpit checklist (FAA policies which apply to sec. 42.25).*

(a) The cockpit checklist shall be legible during hours of daylight and darkness under the light conditions of the cockpit.

(b) Checklists developed by the manufacturer, military services, or the operator will be considered satisfactory, providing the following steps are covered:

Prior to starting engines.
Prior to takeoff.
Cruising.
Prior to landing.
Powerplant emergencies.
After landing.
Stopping engines.

(c) It is recommended that in all multi-engine equipment a one-engine inoperative checklist be available in cockpit for pilot reference after encountering difficulty which may cause one or more engines to become inoperative. It is further recommended that all aircraft having retractable gear and flaps also have checklists prepared for emergency use in event of failure.

(Published in 14 F. R. 7035, Nov. 22, 1949, effective upon publication.)

42.25-2 *Minimum standard cockpit checklist (FAA policies which apply to sec. 42.25).* The following checklist using general terms will be considered as the minimum standard check list for compliance with the foregoing requirements in irregular air carrier operations. Those items not applicable to the aircraft being operated may be deleted and the order of arrangement of the individual items is left to the air carrier. The checklist shall include all applicable items, but will not necessarily be limited thereto.

PRIOR TO STARTING ENGINE

Fuel system:

Quantity—checked.
Proper tank selection—checked.

Mixtures—as required.
Fuel booster pumps—as required.
Crossfeeds—as required.

Hydraulic system:[6]
Brakes—set.

Electrical system:
Battery switch—proper position.

PRIOR TO TAKEOFF

Weight and balance:
Pilot is aware of weight and takeoff limitations.

Fuel System:
Quantity—rechecked.
Proper tank selection—rechecked.
Mixtures—takeoff position.
Fuel booster pumps—as required.
Crossfeed—as required.

Hydraulic system:[6]
Hydraulic pressures and quantity—checked.
Brakes—checked.
Hydraulic selector valves—checked.

Anti-icing and de-icing equipment:[6]
Checked and set.

Electrical system:
Battery switch—proper position.
Invertors—as required.
Ignition—checked.
Generators—checked.
Radio—checked.

Powerplants and propellers:[6]
Propellers—checked and set in take-off position.
All engines—checked for proper functioning and required power.
Superchargers—checked and set in proper takeoff position.

Heaters:
Checked and set.

Instruments—engine:
Oil—quantity, temperature and pressure—normal for takeoff.
Fuel pressure—normal for takeoff.
Carburetor temperature—checked.
Cylinder head temperature—checked.

Instruments—flight:
Static and vacuum selectors—checked.
Directional gyro—set.
Altimeter—set.
Horizon—uncaged.
Turn and bank—checked.
Clock—set.

Pressurization:[6]
Checked.

Flaps:[6]
Wing flaps—takeoff position.
Cowl flaps—takeoff position.

Controls:[6]
Auto pilot—off.
Trim tabs—set for takeoff.
Gust locks—off.
Free and tested through full limit of travel.

PRIOR TO LANDING

Fuel system:[7]
Proper tank selection—checked.
Mixtures—landing position.
Fuel booster pumps—as required.
Cross feeds—as required.

Weight and balance:
Maximum landing gross weight—checked

Hydraulic system:[7]
Hydraulic pressure—checked.
Brakes—checked and off.
Hydraulic selector valves—checked.

Anti-icing and de-icing equipment:[7]
Checked.

Powerplants and propellers:[7]
Propellers—as required.
Superchargers—as required.
Manual reverse pitch actuator or indicator[7]—checked.

Heaters:[7]
Checked.

Instruments:
Static and vacuum selectors—checked.
Altimeter—set.
Directional gyro—set.

Pressurization:[7]
Checked.

[6] Items thus marked will be double checked, such as by challenge and response, or positively checked, such as by a mechanical method.

[7] Items thus marked will be checked by one pilot calling out the item to be checked and then performing the operation with the other pilot observing the action or making a momentary visual check after the operation is completed.

Controls:
Autopilot—off.
Trim tabs—asdesired.
Landing gear: [8]
Down and locked—checked.
Flaps: [9]
Wing flaps—as desired.
Cowl flaps—as desired.

POWERPLANT EMERGENCIES

Fuel system:
Mixtures—idle cutoff on dead engine; required position on all others.
Fuel-selector valve: dead engine—off.
Fuel-booster pumps: dead engine—off.
Cross feeds—as required.
Throttle: dead engine—closed.
Hydraulic system:
Hydraulic selector valve—set on proper engine.
Hydraulic pressures—checked.
Electrical system:
Brakes—checked.
Ignition: off—dead engine.
Generators: off—dead engine.
Powerplants and propellers:
Propellers—Low revolutions per minute and feathered on dead engine—set as required on all live engines.
Engines—All live engines set for proper functioning and required power.
Superchargers—checked and set in proper position.
Heaters:
Checked and set in safe operation position.
Instruments:
Engine—oil temperature and pressure checked.
Engine—fuel supply and pressure checked.
Carburetor—temperature checked.
Cylinder head—temperature checked.
Flight instruments:
Checked and reset if necessary.
Pressurization:
Checked.

(Published in 14 F. R. 7035, Nov. 22, 1949, effective upon publication; amended in 17 F. R. 9132, Oct. 15, 1952, effective Oct. 31, 1952.)

[8] See footnote 6, page 17.
[9] See footnote 7, page 17.

42.26 *Supplemental oxygen; reciprocating-engine-powered airplanes.* **Except where supplemental oxygen is provided in accordance with the requirements of section 42.27, supplemental oxygen shall be furnished and used as set forth in paragraphs (a) and (b) of this section. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for each such operation and route. As used in the oxygen requirements hereinafter set forth, "altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated.**

(a) *Crew members.*

(1) At altitudes above 10,000 feet to and including 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members, during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At altitudes above 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members, during the entire flight time at such altitudes.

(b) *Passengers.* Each air carrier shall provide a supply of oxygen for passenger safety as approved by the Administrator in accordance with the following standards:

(1) For flights of over 30-minute duration at altitudes above 8,000 feet to and including 14,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be required.

(2) For flights at altitudes above 14,000 feet to and including 15,000 feet, a supply of oxygen sufficient to provide oxygen for the duration of the flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at altitudes above 15,000 feet, a supply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

42.26–1 *Supplemental oxygen for crew members (FAA interpretations which apply to sec. 42.26 (a) (1)).*

(a) The phrase, "during the portion of flight in excess of 30 minutes within this range of altitudes" applies to all crew members including the flight crew members on flight-deck duty. Thus, oxygen is required to be provided for, and used by, each member of the flight crew on flight-deck duty only during the portion of the flight in excess of 30 minutes within this range of altitudes.

(b) The words "and used by" mean continuous use of the oxygen by a crew member during the required periods, except when it is necessary for the crew member to remove the oxygen mask in connection with his regular duties.

(Published in 19 F. R. 549, Feb. 2, 1954, effective Feb. 15, 1954; amended in 21 F. R. 5437, July 20, 1956, effective July 31, 1956.)

42.26–2 *Oxygen requirements for standby crew members (FAA interpretations which apply to sec. 42.26 (a)).* Standby crew members who are on call or are definitely going to have flight-deck duty prior to the completion of a flight must be provided with the same amount of supplemental oxygen as that provided for crew members on duty other than on flight-deck duty. However, if the standby crew members are not on call and will not be on flight-deck duty during the remainder of the flight, they must be considered as passengers with regard to supplemental oxygen.

(Published in 19 F. R. 549, Feb. 2, 1954, effective Feb. 15, 1954.)

42.26–3 *Operating instructions (FAA policies which apply to sec. 42.26).* Operating instructions appropriate to the type of system and masks installed should be provided for the flight crew in the appropriate air carrier manual. These operating instructions should contain a graph or a table which will show the duration of the oxygen supply for the various bottle pressures and pressure altitudes.

(Published in 19 F. R. 549, Feb. 2, 1954, effective Feb. 15, 1954.)

42.26–4 *Oxygen requirements for jump-seat occupant (FAA policies which apply to sec. 42.26).* When the jump seat is occupied by a check pilot, a crew member, or a flight crew member, as defined by section 42.1 (a) (7), (8), and (13) respectively, oxygen should be provided in accordance with the requirements of section 42.26. The provision of oxygen at the jump seat location may be accomplished either by a portable oxygen unit or an outlet in a fixed system.

(Published in 19 F. R. 549, Feb. 2, 1954, effective Feb. 15, 1954.)

42.26–5 *Oxygen requirements for infants in arms (FAA policies which apply to sec. 42.26 (b)).* Provisions should be made for administering oxygen to infants in arms and additional oxygen should be carried whenever an unusually large number of infants is carried. This additional oxygen is needed only when there is a passenger or infant for each seat position and the number of infants not provided for exceeds 50 percent of the seat positions. Acceptable methods of administering the oxygen to infants and now used by many operators are: (1) a disposable plastic mask which can be fitted to the face; (2) an infant size BLB oro-nasal mask and (3) semirigid paper cups, specifically reserved for the purpose, which can be fitted over the infant's nose and mouth, with a hole punched through the bottom through which an oxygen tube or a Y-connector can be inserted. Any other acceptable method may also be used.

(Published in 19 F. R. 549, Feb. 2, 1954, effective Feb. 15, 1954.)

42.26–6 *Oxygen requirements for clinical purposes (FAA policies which apply to sec. 42.26 (b)).* The regulations do not require that oxygen be provided for clinical purposes; hence, if the air carrier believes that such oxygen is to be desired, he should provide oxygen for this purpose. It is suggested that portable units of any size the air carrier desires be used for this purpose in order that the minimum supply required for supplementary breathing purposes will be preserved. If, however, the operator wishes to use a common source of supply for the oxygen required by the regulations and for clinical purposes, he may do so if he provides an amount of oxygen sufficiently greater than that required by the regulations.

A quantity of 300 liters STPD would probably be considered as satisfying reasonable needs.

(Published in 19 F. R. 549, Feb. 2, 1954, effective Feb. 15, 1954.)

42.26–T *Supplemental oxygen for sustenance; turbine-powered airplanes.*

(a) *General.* Prior to November 30, 1959, turbine-powered airplanes shall comply with the provisions of section 42.26 or, alternatively, with the provisions of this section except that effective November 30, 1959, all turbine-powered airplanes shall comply with the provisions of this section. Sustaining oxygen and dispensing equipment shall be furnished by the air carrier for use as set forth in this section. The amount of oxygen provided shall be at least that quantity which will be necessary to comply with paragraphs (b) and (c) of this section. As used in the oxygen requirements hereinafter set forth, "cabin pressure altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated; for airplanes not equipped with pressurized cabins, "cabin pressure altitude" and "flight altitude" shall be considered identical. The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure the airplane will descend in accordance with the emergency procedures specified in the Airplane Flight Manual without exceeding its operating limitations to a flight altitude that will permit successful termination of the flight. Following such a failure the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

(b) *Crew members.* A supply of oxygen for crew members shall be provided in accordance with the following requirements:

(1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crew members during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crew members during the entire flight at such altitudes.

(c) *Passengers.* A supply of oxygen for passengers shall be provided in accordance with the following requirements:

(1) For flights at cabin pressure altitudes above 10,000 feet to and including 14,000 feet, oxygen shall be provided for the duration of flight in excess of 30 minutes for 10 percent of the number of passengers carried.

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, oxygen shall be provided for the duration of flight at such altitude for 30 percent of the number of passengers carried.

(3) For flights at cabin pressure altitudes above 15,000 feet, oxygen shall be provided for each occupant carried for the duration of flight at such altitude.

42.27 *Supplemental oxygen requirements for pressurized cabin airplanes; reciprocating-engine-powered airplanes.* When operating pressurized cabin airplanes, the air carrier shall so equip such airplanes as to permit compliance with the following requirements in the event of cabin pressurization failure.

(a) *For crew members.* When operating such airplanes at flight altitudes above 10,000 feet, the air carrier shall provide sufficient oxygen for all crew members for the duration of the flight at such altitudes: *Provided,* That not less than a two-hour supply of oxygen shall

be provided for the flight crew members on flight deck duty. The oxygen supply required by sec. 42.29 may be considered in determining the supplemental breathing supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.

(b) *For passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the air carrier shall provide the following amounts of oxygen:

(1) When an airplane is not flown at a flight altitude of over 25,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at flight altitudes above 15,000 feet, a supply sufficient to comply with sec. 42.26 (b) (3);

(ii) For the duration of the flight at flight altitudes above 14,000 feet to and including 15,000 feet, a supply sufficeint to comply with sec 42.26 (b) (2); and

(iii) For flight at flight altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) When an airplane is flown at a flight altitude above 25,000 feet, sufficient oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with sec. 42.26 (b) (2) and (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the standpoint of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes permitting safe flight with respect to terrain clearance.

42.27–1 *Computation of supply for crew members in pressurized cabin aircraft (FAA policies which apply to sec. 42.27 (a)).*

(a) *Cabin altitudes less than 10,000 feet.* When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude no greater than 10,000 feet, only the supply of oxygen stipulated by section 42.27 (a) need be provided for crew members. In determining this supply the following policies should be considered:

(1) The supply of oxygen which should be provided for all crew members for the duration of the flight should be computed on the basis of the cabin pressure altitude which would exist after cabin depressurization has occurred and the aircraft has descended to the altitude which would permit safe flight with respect to terrain clearance. (See sec. 42.27 (c).)

(2) The operator may use the supply furnished for protective breathing purposes (see sec. 42.29) for compliance with the 2-hour requirement for supplementary breathing oxygen. For example, the 300-liters STPD supply per flight crew member which is the protective breathing supply when demand (or diluter-demand) systems are used, will provide a 2-hour supplementary breathing supply for one flight crew member at 20,000 feet, so that both the minimum 2-hour supplementary breathing requirement and the protective breathing requirement would be fulfilled under most emergency conditions resulting from loss of cabin pressure or from contamination of cabin air with smoke or poisonous gases.

(b) *Cabin altitudes greater than 10,000 feet.* When operating a pressurized cabin aircraft which is certificated to fly with a cabin pressure altitude greater than 10,000 feet, a supply of oxygen for crew members computed on the basis of the requirements of section 42.26 (a) should be provided.

(1) The oxygen supply required for protective breathing purposes, as defined in section 42.29, should be provided in addition to the above supply for the flight crew members on flight deck duty. This emergency supply may be used in the event of cabin pressurization

failure. In the event that operations occur over terrain which require flights of such duration and altitude as to use up the emergency oxygen supplied either for protective breathing purposes or for the two hour supply following pressurization failure, the supply should be increased to provide for this difference, computing it for crew members on the basis of section 42.27 (a).

(2) To provide oxygen for crew members other than the flight crew members on flight deck duty in the event of cabin pressurization failure, a supply of oxygen in addition to the supplies mentioned above should be provided in accordance with the requirements of section 42.27 (a) except that the total supply for these other crew members need not exceed that provided on the basis of section 42.26 (a) for cabin pressure altitudes in excess of 10,000 feet plus an additional supply necessary to satisfy the increased oxygen flow which might be needed following a pressurization failure; this supplement to the section 42.26 (a) supply should be based on the duration of flight at the altitudes which would permit safe flight with respect to terrain clearance.

(3) During normal operation at cabin pressure altitudes above 10,000 feet oxygen should be used by each member of the flight crew on flight-deck duty for the duration of the flight in excess of 30 minutes at the cabin pressure altitudes between 10,000 and 12,000 feet and for the duration of the flight at cabin pressure altitudes in excess of 12,000 feet. In the event of the loss of cabin pressurization, oxygen should continue to be used by the flight crew members on flight-deck duty for the duration of the flight at cabin pressure altitudes greater than 10,000 feet. All other crew members may use oxygen according to their individual needs.

(Published in 19 F. R. 549, Feb. 2, 1954, effective Feb. 15, 1954.)

42.27–2 *Computation of supply for passengers in pressurized cabin aircraft (FAA policies which apply to sec. 42.27(b)).*

(a) *Cabin altitudes less than 10,000 feet.* When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude no greater than 10,000 feet, only the supply of oxygen stipulated by section 42.26 (b) need be provided for passengers. In determining this supply the following policies should be considered:

(1) The altitude which should be used in computing the supply of oxygen required by this section should be the altitude to which the aircraft would descend following a cabin pressurization failure, considering terrain clearance and operation limitations.

(2) Relative to section 42.27 (b) (1) and (2), no oxygen need be provided for the first four minutes following a cabin pressurization failure.

(b) *Cabin altitudes greater han 10,000 feet.* When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude greater than 10,000 feet, the following policies should be considered: When the cabin pressure altitude is above 10,000 feet to and including 14,000 feet, sufficient oxygen shall be provided for 10 percent of the number of passengers for the duration of flight between such cabin pressure altitudes. When the cabin pressure altitude is above 14,000 feet to and including 15,000 feet, sufficient oxygen shall be provided for 30 percent of the number of passengers for the duration of flight between such cabin pressure altitudes. When the cabin pressure altitude is above 15,000 feet, sufficient oxygen shall be provided for each passenger for the duration of flight above such a cabin pressure altitude. In addition to the above supply of oxygen, in order to provide for loss of cabin pressure, the supplementary oxygen required by whatever portions of section 42.27 (b) are applicable, shall be provided except that in no case will it be necessary to furnish a supply of oxygen in excess of that necessary to supply oxygen to 100 percent of the passengers for the maximum possible duration of flight at the maximum cabin altitude which could be attained under either of the normal operating or emergency conditions whichever is greater.

(Published in 19 F. R. 549, Feb. 2, 1954, effective Feb. 15, 1954.)

42.27–3 *Oxygen requirements for clinical purposes (FAA policies which apply to sec. 42.27 (b)).* The regulations do not require that oxygen be provided for clinical purposes; hence, if the air carrier believes that such oxygen is to

be desired, he should provide oxygen for this purpose. It is suggested that portable units of any size the air carrier desires be used for this purpose in order that the minimum supply required for supplementary breathing purposes will be preserved. If, however, the operator wishes to use a common source of supply for the oxygen required by the regulations and for clinical purposes, he may do so if he provides an amount of oxygen sufficiently greater than that required by the regulations. It is suggested that a quantity of 300 liters may be considered as satisfying reasonable needs.

(Published in 19 F. R. 549, Feb. 2, 1954, effective Feb. 15, 1954.)

42.27–4 *Oxygen requirements for infants-in-arms (FAA policies which apply to sec. 42.26 (b)).* Provisions should be made for administering oxygen to infants-in-arms and additional oxygen should be carried whenever an unusually large number of infants is carried. This additional oxygen is needed only when there is a passenger or infant for each seat position and the number of infants not provided for exceeds 50 percent of the seat positions. Acceptable methods of administering the oxygen to infants and now used by many operators are: (a) a disposable plastic mask which can be fitted to the face; (b) an infant size BLB oro-nasal mask and (c) semirigid papercups, specifically reserved for the purpose, which can be fitted over the infant's nose and mouth, with a hole punched through the bottom through which an oxygen tube or a Y-connector can be inserted. Any other acceptable method may also be used.

(Published in 19 F. R. 549, Feb. 2, 1954, effective Feb. 15, 1954.)

42.27–T *Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.*

(a) *General.* Prior to November 30, 1959, turbine-powered airplanes with pressurized cabins shall comply with the provisions of section 42.27, with the additional requirement that, when operating at flight altitudes above 25,000 feet, all flight crewmembers on flight deck shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be immediately available for use; or, alternatively, with the provisions of this section except that effective November 30, 1959, all such turbine-powered airplanes shall comply with the provisions of this section. When operating pressurized cabin airplanes, the air carrier shall furnish oxygen and dispensing equipment necessary to permit compliance with the requirements set forth in this section in the event of cabin pressurization failure.

(b) *Crewmembers.* When operating at flight altitudes above 10,000 feet, oxygen shall be provided to permit compliance with section 42.26–T except that not less than a 2-hour supply shall be provided for the flight crewmembers on flight deck duty. The oxygen required by section 42.29 may be included in determining the supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(c) *Use of oxygen masks by flight crewmembers.*

[(1) When operating above flight level 250, each flight crewmember on flight deck duty shall be provided with an oxygen mask so designed that it is capable of being rapidly placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand; and so designed that upon completion of the donning action the oxygen mask does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system. When not being used above flight level 250, the oxygen mask shall be kept at all times in a condition for ready use and so located as to be within the immediate reach at all times of the flight crewmember while at his duty station.

[(2) When operating above flight level 250, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen: *Provided,* That the one pilot need not wear and use an oxygen mask while at or below flight level 350 if each flight crewmember on flight deck duty is provided with a quick-donning type of oxygen mask which the air carrier has demonstrated to the satisfaction of a representative of the Administrator is capable of being placed on the face from its ready posi-

tion, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds. The air carrier shall also demonstrate that the donning of the mask can be accomplished without disturbing eyeglasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. Upon completion of the donning action, the oxygen mask shall not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system.

[(3) Notwithstanding the provisions in subparagraph (2) of this paragraph, when operating above flight level 250, if at any time it is necessary for one pilot to leave his station at the controls of the airplane for any reason, the remaining pilot at the controls shall don and use his oxygen mask until the other pilot has returned to his duty station.

[(4) Prior to takeoff of a flight, each flight crewmember shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use.]

(Amendment 42–25, published in 24 F.R. 9840, Dec. 8, 1959, effective Nov. 30, 1959; Amendment 42–27, published in 25 F.R. 799, Jan. 30, 1960, effective Feb. 1, 1960; [Amendment 42–31, published in 26 F.R. 1058, Feb. 3, 1961 effective Mar. 3, 1961.)]

(d) *Use of portable oxygen equipment by cabin attendants.* Portable oxygen equipment of not less than a 15-minute oxygen supply shall be carried by each attendant during the entire time flight is conducted above 25,000 feet flight altitude, unless it is shown that sufficient portable oxygen units equipped with masks or spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to the cabin attendants regardless of their location at the time of cabin depressurization.

(e) *Passenger cabin occupants.* When operating at flight altitudes above 10,000 feet, the following supply of oxygen shall be provided for the use of passenger cabin occupants:

(1) When an airplane is certificated to operate at flight altitudes to and including 25,000 feet, and if at any point along the route to be flown the airplane can descend safely to a flight altitude of 14,000 feet or less within 4 minutes, oxygen shall be available at the rate prescribed by this part for a 30-minute period for not less than 10 percent of the number of passenger cabin occupants carried.

(2) When an airplane is operated at flight altitudes to and including 25,000 feet and cannot descend safely to a flight altitude of 14,000 feet within 4 minutes, or when an airplane is operated at flight altitudes above 25,000 feet, oxygen shall be available at the rate prescribed by this part for not less than 10 percent of the number of passenger cabin occupants carried for the duration of flight following cabin depressurization at cabin pressure altitudes above 10,000 feet to and including 14,000 feet and, as applicable, to permit compliance with section 42.26–T (b) (2) and (3), except that not less than a 10-minute supply for all passenger cabin occupants shall be provided.

(3) For first-aid treatment of occupants who for physiological reasons might require undiluted oxygen following descent from cabin pressure altitudes above 25,000 feet, a supply of oxygen in accordance with the requirements of section 4b.651(b)(4) (see section 42.28) shall be provided for 2 percent of the occupants for the duration of flight following cabin depressurization at cabin pressure altitudes above 8,000 feet, but in no case to less than one person. An appropriate number of acceptable dispensing units, but in no case less than 2, shall be provided. Means shall be provided to enable the cabin attendants to use this supply.

(f) *Passenger briefing.* Before flight is conducted above 25,000 feet, a crewmember shall give instructions and demonstrations to the passengers sufficient to insure that all passengers are adequately informed regarding the location and operation of the oxygen-dispensing equipment and the necessity of using oxygen in the event of cabin depressurization.

42.28 *Equipment standards.*

(a) *Reciprocating-engine-powered airplanes.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of section 42.26 shall meet the standards established in section 4b.651 of this subchapter effective July 20, 1950: *Provided,* That where

full compliance with such standards is found by the Administrator to be impracticable, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

(b) *Turbine-powered airplanes.* Prior to November 30, 1959, turbine-powered airplanes shall comply with the provisions of paragraph (a) of this section or, alternatively, with the provisions of this paragraph except that effective November 30, 1959, all turbine-powered airplanes shall comply with the provisions of this paragraph. The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen to comply with the requirements of sections 42.26–T and 42.27–T shall meet the standards established in section 4b.651 of this subchapter effective September 1, 1958: *Provided,* That where full compliance with such standards is found by the Administrator to be impracticable, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

42.29 *Protective breathing equipment for the flight crew.*

(a) *Pressurized cabin airplanes.* Each required flight crewmember on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth, where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases.

(1) Not less than a 300-liter STPD supply of oxygen for each required flight crewmember on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirements stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes, if the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the aircraft is flown in accordance with either the normal or

emergency procedures approved by the Administrator.

42.29–1 *Protective breathing equipment and installation (FAA policies which apply to sec. 42.29).* Protective breathing equipment for the flight crew and its installation should comply with sections 4b.651–1 and 4b.651–2.

(Published in 15 F. R. 8924, Dec. 15, 1950, effective Jan. 1, 1951.)

42.29–2 *Requirement of protective breathing equipment in nonpressurized cabin airplanes (FAA rules which apply to sec. 42.29(b)).* Protective breathing equipment for the flight crew shall be required in nonpressurized cabin aircraft having built-in carbon dioxide fire-extinguisher systems in fuselage compartments (for example, cargo or combustion heater compartments); except that protective breathing equipment will not be required where:

(a) Not more than 5 pounds of carbon dioxide will be discharged into any one such compartment in accordance with established fire control procedures, or

(b) The carbon dioxide concentration at the flight crew stations has been determined in accordance with section 4b.484–1 of this subchapter (i. e. the Civil Air Regulations) and found to be less than 3 percent by volume (corrected to standard sea-level conditions).

(Published in 15 F. R. 8924, Dec. 15, 1950, effective Jan. 1, 1951.)

Maintenance Requirements

42.30 *General.* No person shall operate an aircraft which is not in an airworthy condition. All inspections, repairs, alterations, and maintenance shall be performed in accordance with Part 18 of this subchapter, and with the maintenance manual when required by sec. 42.32 (d).

42.30–1 *General (FAA policies which apply to sec. 42.30).*

(a) It is the operator's responsibility to maintain all aircraft in an airworthy condition at all times when operated in irregular air carrier operation.

(b) All maintenance, repairs, overhauls, and alterations shall be accomplished under the supervision of a certificated airman holding the appropriate mechanical rating for the work involved.

(c) All repairs, overhauls, and alterations shall be in accordance with materials, procedures, and standards set forth in Part 18 of this subchapter (i. e. the Civil Air Regulations) using proper equipment and tools for the type of work involved.

(d) FAA Airworthiness Directives and manufacturers' manuals, directives, bulletins, and notes shall be complied with as directed.

(e) Large aircraft must be maintained in accordance with the time limitations and maintenance schedules prescribed in the approved maintenance manual and the applicable regulations in this subchapter (i. e. the Civil Air Regulations).

(f) No engine or other major component which has not been maintained in accordance with the maintenance manual shall be installed in a large aircraft unless such engine or component is shown to be in an airworthy condition, and that it complies with current Airworthiness Directives. This may be accomplished by showing (1) that the engine or component is new and of current manufacture, (2) has been overhauled within the last 90 days by a certificated repair agency holding appropriate ratings, or (3) by disassembly to the extent necessary for the assigned agent to determine the airworthiness and extent of compliance with Airworthiness Directives and manufacturers' service bulletins.

(g) Small aircraft must be maintained in accordance with the provisions of the applicable regulations in this subchapter (i. e. the Civil Air Regulations) and the manufacturer's recommendations. No aircraft will be dispatched on any flight during which the aircraft may exceed any prescribed maintenance time limitations.

(Published in 14 F. R. 7035, Nov. 22, 1949, effective upon publication.)

42.31 *Inspections and maintenance.*

(a) Aircraft shall be given a preflight check to determine compliance with section 42.51 (e) and, in addition, shall meet the following requirements:

(1) Large aircraft shall be maintained and inspected in accordance with a continuous

maintenance and inspection system as provided for in the maintenance manual.

(2) Small aircraft shall be inspected in accordance with the inspection provisions of Part 43 of this subchapter.

(b) A record shall be carried in the aircraft at all times showing that the latest inspections required by paragraph (a) of this section have been accomplished, except such record may be kept at the principal operations base when the aircraft is maintained and inspected as provided in paragraph (a) (1) of this section.

42.31-1 *Inspection and maintenance—large aircraft (FAA policies which apply to sec. 42.31 (a) (1)).* A continuous maintenance and inspection system is one in which a prescribed schedule of maintenance and inspection functions is set forth in the maintenance manual approved by the Administrator. The schedules of maintenance functions shall include the overhaul time limitations and inspection program including time limitations which are considered adequate by the Administrator to maintain the aircraft in a continuously airworthy condition.

(Published in 14 F. R. 7036, Nov. 22, 1949, effective upon publication.)

42.31-2 Deleted.

(Published in 21 F. R. 3183, May 15, 1956, effective July 17, 1956.)

42.31-3 Deleted.

(Published in 19 F. R. 6829, Oct. 23, 1954, effective upon publication.)

42.31-4 *Maintenance and inspection records (FAA policies which apply to sec. 42.31 (b)).* The record required in this paragraph may consist of the aircraft log book if it is so arranged as to provide full information on the maintenance work performed on the aircraft. In case the aircraft is maintained under a continuous maintenance and inspection system, the maintenance records which are utilized in such system may be considered as complying with this requirement; however, all such records shall be complete and shall properly identify the aircraft, aircraft time, and the extent of maintenance work or inspections performed. When maintenance or inspection functions are performed away from their principal maintenance base, a copy of the record of maintenance or inspections performed shall be retained in the aircraft and a copy promptly mailed to the principal maintenance base.

(Published in 14 F. R. 7036, Nov. 22, 1949, effective upon publication; amended in 15 F. R. 3151, May 25, 1950, effective upon publication.)

42.32 *Additional maintenance requirements for large aircraft.* The following requirements are applicable to operations conducted in large aircraft:

(a) *Facilities.* Facilities for the proper inspection, maintenance, overhaul, and repair of the types of aircraft used shall be maintained by the air carrier, unless arrangements acceptable to the Administrator are made with other persons possessing such facilities.

(b) *Maintenance personnel.* A staff of qualified mechanics, inspectors, and appropriate supervisory personnel shall be employed by the air carrier and kept available for performing the functions specified in section 42.30, except where the air carrier has obtained the approval of the Administrator for the performance of such functions by some other person. The air carrier shall permit maintenance to be performed only by an individual competent therefor.

(c) *Reporting of mechanical irregularities occurring in operation.* Each air carrier shall prescribe in its operations manual a procedure for the submission of written reports by the members of the flight crew for all mechanical irregularities occurring during the operation of the aircraft. The members of the flight crew designated by the air carrier shall submit a written report in accordance with such system to the person responsible for the maintenance of the aircraft. This report shall be submitted at the end of each through flight or sooner if the seriousness of the irregularity so warrants. Such report or copy thereof indicating the action taken shall be retained in the aircraft for the information of the next flight crew.[5]

[5] See section 42.96 for the requirements for reporting aircraft or component malfunctioning and defects.

(d) *Maintenance manual.*

(1) The air carrier shall prepare and maintain for the use and guidance of maintenance personnel a maintenance manual which contains full information pertaining to the maintenance, repair, and inspection of aircraft and

equipment and clearly outlines the duties and the responsibilities of maintenance personnel. The form and content shall be acceptable to the Administrator. It shall contain a copy of the approved time limitations for inspection and overhauling of aircraft, aircraft engines, propellers, and appliances. Copies and revisions shall be furnished to all persons designated by the Administrator. All copies in the hands of company personnel shall be kept up to date.

(2) A copy of those portions pertaining to the aircraft shall be carried therein.

(3) Any changes prescribed by the Administrator in the interest of safety shall be promptly incorporated in the manual. Other changes not inconsistent with any Federal regulation, the air carrier operating certificate, or safe operating practices may be made without prior approval of the Administrator.

(4) No maintenance, repair, or inspection of aircraft or equipment shall be made by the air carrier contrary to the provisions of the maintenance manual.

42.32–1 *Facilities for the proper inspection, maintenance, overhaul, and repair (FAA policies which apply to sec. 42.32).*

(a) The facilities required in section 42.32 (a) of this subchapter include housing, work space, equipment, supplies, materials, tools, parts, and aircraft components in sufficient quantity and quality to assure that the needed inspection, maintenance, overhaul, and repair of the air carrier's or commercial operator's aircraft (including airframes, powerplants, propellers, and appliances) can be satisfactorily performed at all times by either the air carrier, or commercial operator, or persons with whom arrangements have been made for the performance of such functions.

(b) Sections 52.21–1 through 52.21–3 and sections 52.30–1 through 52.36–1 of this subchapter, outline housing, facilities, equipment and materials which constitute criteria that may be used to determine the minimum facilities required by section 42.32 (a) insofar as applicable and appropriate to the air carrier's aircraft and maintenance system: Provided, That a work dock is used for the performance of airframe maintenance in lieu of a permanent hangar, if such work dock is appropriate for the proper performance of such maintenance under the climatic conditions which prevail at the particular maintenance location. When necessary, the entire airframe or portion thereof on which work is being performed should be enclosed so as to exclude rain, snow, dust, and provide reasonable protection to workers from the extremes of temperature which might impair the work being performed.

(c) When an air carrier contracts to perform inspection, maintenance, overhaul and repair on aircraft of other air carriers, the minimum facilities required by section 42.32 (a) are considered to be the same as required for a certificated repair station performing identical functions.

(Published in 20 F. R. 4184 on June 15, 1955, effective June 30, 1955.)

42.32–2 *Arrangements acceptable to the Administrator (FAA policies which apply to sec. 42.32 (a)).* The Administrator will determine the acceptability of arrangements made by the air carrier with other persons for the inspection, maintenance, overhaul, and repair of the types of aircraft used by the air carrier on the basis of the following criteria:

(a) Such arrangements conform to the approved continuous airworthiness, maintenance, and inspection program which the air carrier must perform in accordance with its maintenance manual.

(b) The inspection, maintenance, overhaul, and repair of the air carrier's aircraft, including airframes, powerplants, propellers, and appliances is performed, inspected, and/or approved by an appropriately rated certificated repair station, appropriately certificated air carrier, or manufacturer in accordance with section 18.10 (b), (d), or (e); section 18.11 (a) (2), (3), or (4); and section 18.11 (b) (2), (3) or (4): Provided, that maintenance, minor repairs, and minor alterations may be performed and/or approved by a certificated mechanic in accordance with section 18.10 (a) and section 18.11 (a) (1).

(c) Such arrangements provide that all replacement parts, components, and materials furnished directly or indirectly by such persons for use on the air carrier's aircraft conform to the type, quality, strength, and standards of

maintenance established in the air carrier's maintenance manual and as required by section 18.30.

(d) The air carrier's maintenance manual provides full, clear, and accurate information and instructions regarding the inspection, maintenance, overhaul, and repairs to be performed by such persons, and contains the names, location of facilities, and obligations of such persons to the carrier.

(e) The overhaul, major repair, and major inspection of aircraft and aircraft components are performed by or under the direct and immediate supervision of persons who are prime contractors and are conducted at the principal maintenance base of such persons or within the environs of such maintenance base.

(f) Such arrangements are made with qualified persons who provide competent personnel and possess adequate facilities and all other requisites appropriate to the type of aircraft or aircraft component on which any inspection, maintenance, or repair is to be performed for the air carrier.

(g) Such arrangements are reviewed by the Administrator prior to the accomplishment of any inspection, maintenance, or repairs; except that temporary arrangements may be made on an emergency basis without prior review by the Administrator provided that the air carrier gives written notice to the Administrator of each such arrangement not later than ten days after any inspection, maintenance, or repairs have been performed on such emergency basis and further provided that such temporary arrangements are limited to persons who are fully qualified and competent to perform such inspection, maintenance or repairs.

(Published in 18 F. R. 7537, Nov. 26, 1953, effective Dec. 15, 1953; amended in 20 F. R. 7645, Oct. 13, 1955, effective Nov. 1, 1955.)

42.32–3 *Maintenance personnel (FAA policies which apply to sec. 42.32 (b)).*

(a) The staff of maintenance personnel employed by the air carrier must be acceptable to the Administrator.

(*b*) When the air carrier desires approval for the performance of maintenance functions by another agency, the air carrier must provide at least one competent person who will be fully responsible for all maintenance functions performed by the other agency. All contacts between the Administrator and the air carrier pertaining to maintenance of aircraft will be conducted through such designated employee. This employee will be responsible for determining that maintenance or inspection functions are performed only by individuals or agencies competent therefor.

(Published in 14 F. R. 7036, November 22, 1949, effective upon publication; redesignated in 18 F. R. 7537, November 26, 1953, effective December 15, 1953).

42.32–4 *Reporting of mechanical irregularities in operation (FAA policies which apply to sec. 42.32 (c)).* All irregularities which are experienced and reported by the flight crews must be recorded under the established procedure including the aircraft identification, irregularity experienced, the corrective action taken as a result, and identification of the person making such corrections. This record may be included as a part of the aircraft log book if the log book provides for an extra copy of such data to be retained in the aircraft.

(Published in 14 F. R. 7036, November 22, 1949, effective upon publication redesignated in 18 F. R. 7537, November 26, 1953, effective December 15, 1953.)

42.32–5 *Maintenance manual (FAA policies which apply to sec. 42.32 (d) (1)).*

(a) *General.*

(1) The section of the maintenance manual which pertains to maintenance, repair, and inspection of aircraft shall include a detailed breakdown of the aircraft's component parts and emergency equipment (in accordance with the requirements of section 42.24–1) which are subjected to maintenance functions; such as, overhaul, repair, inspection, or testing. This listing of components shall indicate the time limitations at which such functions are conducted. This section of the manual shall also include an outline or description of the maintenance functions conducted at each of the scheduled maintenance operations. In many cases the inspection work sheets and work assignment forms may be used to accomplish this requirement if such forms contain sufficient information to fully describe the work done.

(2) The outline of duties and responsibilities of maintenance personnel is to be in such form that the line of authority can be clearly traced from the top management to the maintenance crews. An organization chart showing levels of responsibility and areas of authority will accomplish this purpose.

(3) The maintenance manual shall be loose leaf in form with letter-size pages, and shall be numbered and indexed in a manner to facilitate its use as reference material by the personnel concerned. Each page shall include space in which the date of last revision will be indicated. Existing manuals may be utilized if they are found to fulfill the requirements of this section and are considered acceptable by the local Aviation Safety Agent—Aircraft Maintenance.

(4) At any time when approval is granted for the amendment of time limitations, the pertinent pages for the manual must be promptly revised to indicate the new time limitations.

(b) *Maintenance—time limitations.* The approved time limitations for inspection and overhauling of aircraft, aircraft engines, propellers, and applicances must be those time limitations substantiated by, and approved for, the air carrier operator by the Administrator. Initial approval of the time limitations or approval of amendments to the time limitations will be accomplished by the regional office of the region in which the principal maintenance base is located. This approval will be based, to a large extent, on the recommendation of the Aviation Safety Agent—Aircraft Maintenance assigned to the operation. The inspection and overhaul time limitations applicable to airframes, powerplants, propellers, and appliances will be revised on the basis of service experience. When the service records indicate that any component or subcomponent consistently requires repair, adjustment, or other maintenance because of damage, wear, or deterioration, within the current time limitations, the air carrier will be responsible for initiating corrective action. The procedures for amendment of such time limitations are as follows:

(1) *Notification of intent to amend time limitations.* An operator desiring to amend the currently approved time limitations should advise the Aviation Safety Agent—Aircraft Maintenance assigned to his operation at least 15 days prior to the submission of his intention to amend the time limitations indicating the components involved and the desired change.

(2) *Application for amendment.* The operator shall submit a written application in the form of a letter outlining the desired changes and attaching complete substantiating data. The letter shall include a statement to the effect that the operating, service, and overhaul records of the involved components for the past 90 days indicate that the changes requested will not adversely affect the continuous condition of airworthiness and safety of operation of the involved component. The substantiating data to be submitted with this letter will include a record of all mechanical irregularities, and malfunctions, and flight interruptions experienced during the preceding 90 days of operation. It will also include overhaul and inspection records pertaining to the most recent overhauls and inspections conducted on the involved components, under the currently approved time limitations.

(3) *Procedure for establishing initial or revised time limitations.* Time limitations may be established in terms of hours of operation, multiples of engine overhaul periods, or multiples of inspection periods. Time limitations for components on which deterioration is not necessarily a function of operating hours, such as electronic units, pitot tubes, and emergency flotation equipment, may be established in terms of calendar months. Certain items may be maintained on an on-condition overhaul basis.

On-condition overhaul is applicable to components on which a determination of airworthiness may be made by visual inspection, measurements, tests, or other means without a teardown inspection or overhaul.

(i) *Airframe—initial time limitations.* The initial time limitations for overhauls, inspections, or checks of airframes may be established on a recurrent fixed time basis or by adoption of a structural inspection specification covering procedures, such as pattern inspections, block overhauls, or progressive inspections. Regardless of the basis upon which the time limitations are established, the same basic standards will be applicable. The mainte-

nance program must specify checks, inspections, and overhauls to be performed and times at which they will be performed.

(ii) *Appliances—initial time limitations.* Initial time limitations for inspections, bench checks, major inspections, or overhauls, as applicable, to the appliance involved, should not be greater than those limitations applicable to the same or similar appliances used in existing aircraft operated by the air carrier. When the usage or installation of such appliances differs to a substantial extent from the previous usage or installation, the time limitations shall be adjusted to reflect the extent of such difference. When new usage or installation is involved, conservative time limitations should be established until service experience shows that more liberal time limits can be used. In those cases where an appliance has a subcomponent which is subject to wear with time in service, the air carrier will establish maintenance procedures for periodic inspection of such subcomponent to insure its continued airworthiness.

(iii) *Powerplants—initial time limitations.*

(*a*) The initial overhaul time limitations for any engine used on multi-engine aircraft which has never been used in air carrier service will tentatively be established at 1,000 hours. However, a sample overhaul of a representative number of engines, but not less than three, will be accomplished at each increment of 100 hours, beginning at 800 hours, unless such new model engine incorporates certain unconventional features not previously employed in air carrier operations, in which case, the initial overhaul period will be established by the Administrator. Satisfactory teardown inspection will be necessary before increasing the fleet overhaul period to the next higher increment. This sample overhaul procedure and evaluation of service experience will provide the operator with necessary information to substantiate the basic 1,000-hour overhaul.

(*b*) The initial time limitations for overhaul of an engine model which has received substantial air carrier service experience, but not by the applicant, will tentatively be established at 1,000 hours. An engine model will not be considered as having substantial air carrier service experience unless it has been satisfactorily operated by another carrier on an approved 1,000-hour or higher overhaul period. However, it will be required that the basic 1,000-hour overhaul period be substantiated on the same basis as outlined for a new engine except that sample overhauls of a representative number of engines will be accomplished in increments of 100-hour periods beginning at 900-hours. The initial time limitations for overhaul of accessories which are a part of the power package, including propellers, will be established at the overhaul period fixed for the engine itself, unless service experience permits or requires higher or lower overhaul periods.

(*c*) The following procedures will be applicable in establishing initial overhaul time limitations for engines used in single-engine air carrier aircraft:

(*1*) Initial overhaul time limitations for single-engine aircraft powerplants will be established in accordance with the manufacturer's recommended periods for new air carrier operators using such equipment. Where the manufacturer does not recommend specific periods for overhaul of the engine, one of the two following conditions will be applicable.

(*i*) Operators who have previously operated and satisfactorily maintained the engine in question (as revealed by service and overhaul records) may have the initial overhaul time limitations for that engine established at a figure not to exceed 600 hours.

(*ii*) Operators who have not had the experience necessary to demonstrate the ability to operate and maintain the pertinent engine in accordance with (*i*) of this subdivision, may have initial overhaul time limitations established at a figure not to exceed 500 hours for the engine concerned.

(iv) *Airframe—revision of time limitations.* The increases of time limitations for overhaul (or major inspection in case of pattern system, etc.) of airframes will be based on evaluation of all pertinent service records and examination of at least one aircraft, of the model involved, that has been overhauled at the currently approved time limitations. When a pattern or block overhaul type of maintenance system is used, it will be permissible to reschedule

individual items in another block or pattern, if performance and condition of the specific item warrants such an increase.

(v) *Powerplants and associated mechanical appliances—revision of time limitations.* Increases in engine overhaul periods will not be approved in increments greater than 100 hours. Increases in time limitations above the 1000-hour basic engine overhaul period will be considered on the basis of satisfactory service experience at the currently approved time limitations. The operator may make application to amend the currently approved time limitations by submitting a letter to the assigned FAA agent, indicating the desired time limitations on the particular engines involved and designating three to five engines for disassembly inspection by the FAA agent. The engines chosen for exhibit must have operated in a satisfactory manner for the maximum time permissible, under currently approved time limitations, in relation to the established operation schedules. If, after disassembly and inspection of the exhibit engines and related components, it is found that the new time limitations are justified, the air carrier may then submit a formal application requesting the extension of the overhaul period on the entire fleet of engines and related components of the same type and model. Engine accessories may be operated to double or triple the approved engine overhaul time limitations if it is found that previous satisfactory service and overhaul experience, including the service to be performed at each engine change period, would justify the increase as not adversely affecting the continuous condition of airworthiness of the component involved. The procedure for requesting, and granting, increases in overhaul time limitations, for such components, will be the same as used for the basic engine.

(vi) *Appliances, general—revision of time limitations.* Increases in established times for inspections, bench tests, or overhaul periods will be based on consideration of the following factors: (*a*) geographical area or areas of operation; (*b*) number of landings, long haul versus short haul; (*c*) maintenane organization and inspection procedures; (*d*) manufacturers' recommendations; (*e*) service history, particularly of known or evident trends toward malfunctioning. When electrical/electronic appliances are overhauled on an on-condition basis, special consideration will be given to the continued airworthiness of mechanical components of such equipment.

(vii) *Emergency equipment.* The inspection periods for first aid kits, flotation equipment, and other emergency equipment will assure the continued serviceability and immediate readiness of such equipment for its intended emergency purposes. Major inspection periods will be established for the purpose of determining that all components of the emergency equipment are complete and airworthy and may be expected to remain in this condition until the next major inspection or actual use under emergency conditions. Routine inspection periods will be established to assure that such equipment (or any component thereof) is installed or stored properly, has not been tampered with, damaged, or had articles removed since the last inspection. All inspection periods will be adjusted in accordance with service experience and pertinent operating conditions.

(c) *Weight control.* The maintenance manual must include complete information covering the methods and procedures for maintaining the aircraft weights and c. g. within the approved limits. The operator may elect to establish or use any system which fulfills the safety requirements of the applicable regulations of this subchapter (i. e. the Civil Air Regulations) and which is in accordance with the following provisions:

(1) Definitions of terms as specifically related to weight and balance control.

(i) *Approved weight control system.* A system of continuous recordation of weight changes on individual aircraft or fleet which will provide an accurate weight and c. g. location value for all aircraft at all times. Under an approved system the responsibility is delegated to the operator.

(ii) *Operating or basic weight.* The operating or basic weight is the takeoff gross weight excluding the following:

Drainable fuel.

Drainable oil (when the oil load is variable).

Crew and their baggage (when variable).
Payload (including nonrevenue load).
Food.
Other items of load or equipment that are variable from trip to trip.

Due to variations in drainable oil, crew and their baggage required for specific operations, the operating or basic weight may not be directly comparable for different air carriers.

(iii) *Operators' empty weight.* The operators' empty weight is the operating or basic weight excluding the following items:

Passenger service.
Emergency equipment (including portable fire extinguishers and emergency radio).
Navigation equipment.
Flight spares.
Washing and drinking water.
Crew.
Crew baggage.
Drainable oil.

This empty weight is corrected so that it will be comparable among the air carriers.

(iv) *Drainable fuel or oil.* That fuel or oil which, in normal ground attitude, drains with all drain cocks opened.

(2) *Operators' responsibility.*

(i) Not under an approved system.

(*a*) Each aircraft shall be weighed annually in the presence of an FAA representative[10] to determine the operators' empty weight and corresponding c. g. position.

(*b*) All weight and balance data (including loading schedules, overlays, equipment lists, etc.) shall be submitted for FAA approval and file.

(ii) *Under an approved system.*

(*a*) It is not necessary for the operator to submit weight and balance data for individual aircraft for FAA approval and file. He will be expected, however, to be prepared at any time to show that he is complying with the procedures for which he has obtained FAA approval, as well as with current regulations of this subchapter (i. e. with Civil Air Regulations). Weight manifests shall be retained in the operator's files for a period of at least 30 days.

(*b*) A continuous record should be kept for each aircraft, listing all changes affecting the weight, c. g. location, and equipment included in order that a computed weight and c. g. location may be established at any time.

(*c*) Each aircraft shall be weighed every 2 years, or at shorter intervals if the operator prefers, to determine the empty weight and the corresponding c. g. (if a fleet weight system is used, aircraft may be weighed on a fleet weight basis, established in accordance with the procedure outlined in this section).

(*d*) It is necessary to show the actual c. g. location on the weight manifest, except when a schedule has been prepared which insures that the c. g. will remain within approved limits under operating conditions, in which case it should be shown that the airplane is loaded in accordance with the proper schedule.

(*e*) The presence of an FAA representative will not be necessary during the routine weighing of aircraft.

(3) *Application for approval of weight control systems.*

(i) *General.* The air carrier should submit the application to the regional office of the region in which his principal maintenance base is located, through the assigned maintenance agent. The application should be submitted in letter form. A report (in quadruplicate) should be attached, outlining in detail the system employed to control the weight and balance of the aircraft. For the purpose of approving the system, actual operating data for specific aircraft need not be included. This report should include the following information where such information is necessary to properly substantiate the proposed system.

(*a*) Description of procedures established for reporting and recording changes affecting weight and balance, with copies of all printed forms and instructions to personnel.

(*b*) Description of loading devices used and instructions for their proper use.

When a mechanical computor is used for loading, the operating instructions should be furnished. It may be necessary for the operator to submit the computor for examination, in which case the computor will be returned to the operator upon completion of the examination.

[10] FAA representative may be defined as an FAA employee, air carrier employee, or designee, who is authorized by the Administrator to approve weight and balance of aircraft.

(*c*) Copies of all printed forms (including load manifests) and instructions to personnel with regard to the proper load distribution. This should include information pertaining to filling of fuel and oil tanks, passenger seating, restriction of passenger movement, distribution of cargo, etc.

(*d*) Description of procedures established to determine conformity with approved loading instructions to insure the operation of the aircraft within the approved c. g. range.

(*e*) Description of procedures established to inform the pilot of the loaded condition of the airplane.

(*f*) Information indicating the degree of responsibility of all ground and flight personnel (by title) and specific duties of each, relative to the various phases of the weight control system.

(ii) *Additional air carrier responsibilities.* Aircraft equipment lists must be prepared by the air carrier, but need not be submitted with the application. These are:

(*a*) List of fixed equipment standard for each model or type aircraft and included in the operating or basic weight.

(*b*) List of all removable equipment (including commissary, buffet equipment, meal services, etc.) and the weight and moment of each. It is satisfactory to establish an overall weight and c. g. location for each group or list.

Changes which alter the methods of the currently approved weight control system should be approved in the same manner as used for the original system. However, revisions which do not affect the method do not require approval.

EXAMPLE: A change from a tabular to an index type loading chart would require approval, but a revision to an index unit chart, already in use, would not require approval.

(4) *Passenger and crew weights.*

(i) *General.* These weights apply to operators with or without an approved weight control system. Consideration will be given to a different average of weights for crew and passengers, provided the operator can substantiate these weights based on an average of actual weights for each group.

(ii) *Passenger weights.* The actual passenger weights may be used in all computations and are preferable from the standpoint of accuracy. In addition, the use of average weights is approved as a means of expediting load manifest calculations. The use of average weights, however, does not relieve the operator of responsibility for compliance with the weight and c. g. location limitations as specified in the appropriate aircraft specification and the operating limitations prescribed in this part. In other words, if there is obvious evidence that the use of average weights will result in erroneous computations and possible violation of applicable regulations of this subchapter (i. e. the Civil Air Regulations), the total weight and c. g. location should be recomputed using actual weights. This condition is most likely to arise in cases where the major portion of a passenger load consists of a specialized group such as athletic teams or of a specific racial group which does not conform with the United States average. In all cases of such nonaverage groups actual weights must be used.

The approved averages are as follows:

(*a*) An average passenger weight (summer) of 160 pounds may be used during the calendar period of May 1 through October 31.

(*b*) An average passenger weight (winter) of 165 pounds may be used during the calendar period of November 1 through April 30.

(*c*) An average passenger weight of 80 pounds may be used at any time for children between the ages of 3 and 12.

In all computations, either the actual or average weights indicated above will be used; in no case will a combination of average and actual weights be used. However, the above calendar periods may be varied where climatic conditions warrant, upon specific approval of the FAA.

(iii) *Crew weights.* Actual or average weights may be used in the case of crew members under conditions as set forth for passenger weights. The approved averages are as follows:

(*a*) Male cabin attendants 150 pounds; female cabin attendants 130 pounds.

(*b*) All other crew members 170 pounds.

(5) *Passenger and cabin attendant movement.*

(i) *General.* Consideration must be given to the effect of passenger and cabin attendant movement on the balance of the aircraft. The movement of a number of passengers and cabin attendants equal to the placarded capacity of the lounges and/or lavatories must be considered. If the capacity is one, the movement of either a passenger or a cabin attendant, whichever most adversely affects the c. g. condition shall be used. When the capacity of the lavatory and/or lounge is two or more, the movement of passengers and/or cabin attendants evenly distributed throughout the aircraft, equal to the placarded capacity of the lounge and/or lavatory, shall be considered. Where seats are blocked off, the movement of passengers and/or cabin attendants evenly distributed throughout the actual loaded section of the aircraft may be used. The extreme movements of the cabin attendants carrying out their assigned duties should be considered. The various conditions shall be combined so that the most adverse effect on the c. g. will be obtained and so accounted for in the development of the loading device to assure the aircraft of being loaded within the approved limits at all times.

(ii) *Fuel use and landing gear retraction* Consideration must be given to the effect on the balance of the aircraft of fuel used down to the FAA minimum of one-twelfth gallon per METO (or maximum continuous) hp. in addition to the unusable fuel and landing gear retraction. No consideration need be given to oil use.

(6) *Fleet weights.* An average operating or basic fleet weight may be utilized for a fleet, or group of aircraft, of the same model. When the basic or operating weights and c. g. positions remain within the limits established in subdivision (vii) of this paragraph. Such weights will be calculated on the following basis:

(i) The operator will determine the empty fleet weight by weighing aircraft according to the following table:

The first three aircraft must be weighed.
Fifty percent of the next six aircraft must be weighed.
Ten percent of the remaining aircraft must be weighed.

In choosing the aircraft to be weighed, a representative number should be picked from each age group of the fleet (the number of the same model delivered during each calendar year). This is to insure that the aircraft weighed as representative of the fleet will reflect the accuracy of the operator's weight records and expose any "service pickup" or unaccountable weights not shown in the weight ledger.

(ii) The operator will establish the empty weight and c. g. position for each aircraft that has been weighed.

(iii) The operator will establish the empty fleet weight and c. g. position for each fleet or group of the same model aircraft by averaging the operator's empty weights of the weighed aircraft in each fleet or group.

(iv) The operator will establish the empty weight and c. g. position by calculation for each aircraft in each group not weighed.

(v) The operator will establish the basic or operating fleet weight and c. g. position for each fleet by adding the following items to the empty fleet weight for each fleet: normally removable equipment, i. e., passenger service equipment, emergency equipment (including portable fire extinguishers), navigation equipment, flight spares, washing and drinking water, crew and crew baggage (when not variable), and drainable oil (when the oil load is not variable).

(vi) The operator will establish an operating or basic weight for each aircraft in each fleet by adding items designated in subdivision (v) of this subparagraph to the operator's empty weight of each aircraft.

(vii) If the basic or operating weight of any aircraft weighed or the calculated weight of any of the remaining aircraft in the fleet varies by an amount more than plus or minus one-half of 1 percent of the maximum landing weight from the basic or operating fleet weight or the c. g. position varies more than plus or minus one-half of 1 percent of the MAC from the fleet average c. g. that airplane must be omitted from that group and operated on its actual or calculated basic or operating weight and c. g. position. If it falls within the limits of another

fleet or group, it may then become part of the basic or operating fleet weight of that fleet.

(viii) Reestablishment of the operator's empty fleet weight and the basic or operating fleet weight may be accomplished between weighing periods by calculation based on the current operator's empty weight and operating or basic weight of the aircraft previously weighed.

(ix) In cases where the basic or operating fleet weight does not vary more than the tolerance allowed, but the c. g. position varies in excess of the tolerance allowed, the aircraft may be operated utilizing a basic or operating fleet weight with individual c. g. positions.

If all aircraft are weighed, the same general procedure as outlined above shall be followed if a fleet weight is to be used.

Other methods of computing aircraft loading are permissible if it can be shown that the approved weight and c. g. limits are not exceeded.

(7) *Individual aircraft weights.*

(i) *General.* When the accumulated changes to the operating or basic weight and/or c. g. position exceed plus or minus one-half of one percent of the maximum landing weight or the MAC, respectively, the loading data must be revised accordingly.

(*a*) Fuel allowance for taxiing. A compensating weight allowance of 3 pounds of fuel for each 100 horsepower. METO (or maximum continuous), available to the aircraft from all of its engines may be added to the maximum weight of the aircraft.

(8) *Weighing procedure.* Normal precautions, consistent with good practices in the weighing procedure, such as checking for completeness of the aircraft and equipment, determining that fluids are properly accounted for, and that weighing is accomplished in an enclosed building preventing the effect of the wind, shall prevail. Any nationally recognized scales may be used for weighing provided they are properly calibrated, zeroed, and used in accordance with the manufacturer's instructions. Each scale should have a calibration chart, either furnished by the manufacturer or by a civic Department of Weights and Measures. This calibration chart should not be more than 1 year old unless the particular scales have had insufficient use and have been properly stored and cared for, thereby warranting a longer period between calibrations. In case of necessity, the scales may be calibrated on the spot. In any case, the calibration of the scales and the weight precedure must be acceptable to the FAA[11] representative.

(d) *Deletion of irrelevant information.* The portion of the Maintenance Manual which requires approval by the Administrator shall not include information which does not have a direct bearing on safety of the aircraft. Such material as organization procedures, employee conduct, rates of compensation, working hours, etc., if included in the Maintenance Manual shall be confined within a separate section.

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42.32–6 *Copy of maintenance manual in aircraft (FAA policies which apply to sec. 42.32 (d) (2)).* This manual shall contain such maintenance instructions as are necessary for the type of operations and aircraft concerned, and interpreting the air carrier's procedures to be followed in complying with the maintenance requirements of this part and the Operations Specifications. The foregoing shall not be construed as requiring an air carrier to carry in the aircraft complete maintenance and overhaul instructions for a particular type of aircraft. It is essential, however, that the manual contain such maintenance information as will provide adequate guidance for routine and emergency maintenance procedures, in addition to the air carrier's policy relative to their accomplishment.

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42.32–7 *Mandatory revisions (FAA rules which apply to sec. 42.32 (d) (3)).* When the operator is instructed to incorporate changes in the manual by the Administrator or his properly authorized representatives, such changes shall

[11] FAA representative may be defined as an FAA employee, air carrier employee, or designee, who is authorized by the Administrator to approve weight and balance of aircraft.

be made promptly in all copies of the manual in the hands of designated personnel.

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Flight Crew Requirements

42.40 *Airman requirements.*

(a) No air carrier shall utilize an individual as an airman unless he has met the appropriate requirements of the Civil Air Regulations: *Provided,* That, in the case of an air carrier holding a scheduled air carrier operating certificate and conducting operations in accordance with section 42.0 (a) and (b) of this part, the provisions of sections 42.44(a) and 42.45 shall not be applicable to pilots who for the previous six months have been continuously in the employ and participating regularly in the training program and established pilot training and check procedures of such air carrier and who are otherwise qualified in accordance with the requirements of Part 40 or Part 41 of this chapter.

(b) Each air carrier operating large aircraft shall designate a chief pilot who shall be responsible for seeing that no individual is assigned as a pilot unless he has met the appropriate requirements of the Civil Air Regulations.

(c) No individual who has reached his 60th birthday shall be utilized or serve as a pilot on any large aircraft while engaged in air carrier operations.

42.41 *Composition of flight crew.*

(a) No air carrier shall operate an aircraft with less than the minimum flight crew required for the particular operation and the type of aircraft, as determined by the Administrator in accordance with the standards prescribed in this section, and specified in the air carrier operations manual for the area in which operations are authorized.

(b) Where the provisions of this part require the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman.

(c) *Second pilot.* A second pilot shall be required on large aircraft, or on other aircraft when passengers are carried on operations under IFR, or when the Administrator finds that a second pilot is otherwise required in the interest of safety.

(d) *Flight radio operator.* An airman holding a flight radio operator certificate shall be required for flight over any area over which the Administrator has determined that radiotelegraphy is necessary for communication with ground stations during flight.

(e) *Flight engineer.* An airman holding a flight engineer certificate shall be required on all aircraft of more than 80,000 lbs. maximum certificated takeoff weight, and on all other aircraft certificated for more than 30,000 lbs. maximum certificated takeoff weight where the Administrator finds that the design of the aircraft used or the type of operation is such as to require a flight engineer for the safe operation of the aircraft, or on other aircraft where required by the aircraft airworthiness certificate.

(f) *Flight navigator.* An airman holding a flight navigator certificate shall be required for flight over any area where the Administrator has determined that celestial navigation is necessary.

[(g) On flights requiring a flight engineer, at least one other flight crew member shall be sufficiently qualified so that, in the event of illness or other incapacity, emergency coverage can be provided for that function for the safe completion of the flight. A pilot need not hold a flight engineer certificate to function in the capacity of a flight engineer for such emergency coverage.

[(Amendment 42-28, published in 25 F.R. 2360, March 19, 1960, effective May 19, 1960.)]

42.42 *Pilot qualification for small aircraft.*

(a) *Pilot in command.* Any pilot serving as pilot in command on small aircraft shall hold a valid commercial pilot certificate with an appropriate rating for the aircraft on which he is to serve, and for:

(1) *Day flight VFR.* He shall have had at least 50 hours of cross-country flight time as a pilot;

(2) *Night flight VFR.* He shall have had a total of at least 500 hours of flight time as a pilot, including 100 hours of cross-country flight time of which 25 hours shall have been at night;

(3) *IFR flight.* He must possess a currently effective instrument rating and have had a total of at least 500 hours of flight time as a pilot including 100 hours of cross-country flight.

(b) *Second pilot.* Any pilot serving as second pilot on small aircraft shall hold for:

(1) *VFR flight.* A valid commercial pilot certificate with the appropriate ratings;

(2) *IFR flight.* A currently effective instrument rating.

42.43 *Pilot qualifications for large aircraft.*

(a) *Pilot in command.* Any pilot serving as pilot in command on large aircraft shall possess a valid airline transport pilot rating with an appropriate rating for the aircraft on which he is to serve.

(b) *Second in command.* Before a pilot shall serve as second in command on large aircraft, he shall:

(1) Possess a valid commercial pilot rating and instrument rating, or a valid air line transport pilot rating, and

(2) Demonstrate to an authorized representative of the Administrator, or to a check pilot designated by the Administrator, his ability to take off and land each type of aircraft on which he is to serve by making at least three satisfactory takeoffs and landings in each type.

(c) *Three-pilot crew.* In a crew of three or more pilots at least two pilots shall meet the requirements of paragraph (a) of this section. All other pilots shall meet the requirements of subparagraphs (1) and (2) of paragraph (b) of this section.

(Amendment 42-23, published in 24 F.R. 9773, Dec. 5, 1959, effective Jan. 1, 1961.)

42.44 *Recent flight experience requirements for flight crewmembers.* No air carrier shall utilize an airman, nor shall any individual serve as an airman, unless he meets the appropriate experience requirements specified below:

(a) *Pilots.*

(1) Within the preceding 90 days a pilot shall have made at least 3 takeoffs and landings in an aircraft of the same type on which he is to serve. For night flight one of the takeoffs and landings required above shall have been made at night.

(2) *Proficiency check for pilot in command on large aircraft.* An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type. The pilot proficiency check shall include at least the following:

(i) The flight maneuvers specified in section 42.45b(b)(1), except that the simulated engine failure during takeoff need not be accomplished at speed V_1, nor at actual or simulated maximum authorized weight.

(ii) Flight maneuvers approved by the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided*, That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

(iii) Prior to serving as pilot in command in a particular type of airplane, a pilot

shall have accomplished during the preceding 12 months a proficiency check in that type of airplane.

(3) *Proficiency checks, second in command on large aircraft.* An air carrier shall not utilize a pilot as second in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him and to perform his assigned duties. Thereafter, he shall not serve as second in command unless each 12 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type. The proficiency check shall include at least an oral or written equipment examination, and the procedures and flight maneuvers specified in section 42.45b(c)(1). The pilot proficiency check may be demonstrated from either the right or left pilot seat.

(i) The proficiency check for the second in command of a crew requiring 3 or more pilots shall be the same as required under subparagraph (2) of this paragraph.

(ii) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator which meets the requirements of subparagraph (4) of this paragraph if satisfactorily completed may be substituted at alternate 12-month intervals for the proficiency check required by this subparagraph.

(iii) Satisfactory completion of the proficiency check in accordance with the requirements of subparagraph (2) of this paragraph will also meet the requirements of this subparagraph.

(Amendment 42-23, published in 24 F.R. 9773, Dec. 5, 1959, effective Jan. 1, 1961.)

[(4) Subsequent to the initial pilot proficiency check, an approved course of training conducted in an approved airplane simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency checks required by subparagraph (2) of this paragraph if the simulator meets the minimum standards set forth in Appendix C and:

[(i) The simulator is maintained at the same level as required for initial approval;

[(ii) A functional preflight check of the simulator is performed each day prior to commencing simulator flight training or proficiency checks;

[(iii) A daily discrepancy log is maintained and an entry of each discrepancy is made by the simulator instructor or check airman before termination of each training or check flight; and

[(iv) If a modification is made to the airplane, a corresponding modification is made to the simulator if necessary for flight crew training or proficiency checks.

[The simulator may be used with inoperative instruments or equipment, if they are not applicable to the particular phase of training being given.

[(Amendment 42-45, published in 28 F.R. 3479, April 10, 1963, effective June 10, 1963.)]

(5) *Proficiency check for pilot in command on small aircraft.* Within the preceding 6 months the pilot in command on any small aircraft under IFR conditions shall have successfully accomplished an instrument check demonstrating his ability to pilot and navigate by instruments, to accomplish a standard instrument approach using radio range facilities, and to accomplish an instrument approach in accordance with ILS, GCA, or D/F procedures when such facilities are to be used. This instrument check shall be given by an authorized representative of the Administrator or a check pilot of the air carrier, on an aircraft of a type on which the pilot in command is to serve.

(Amendment 42-30, published in 26 F.R. 93, Jan. 6, 1961, effective Jan. 1, 1961.)

(b) *Flight radio operator.* No individual shall perform, or be assigned to perform, the duties of a flight radio operator unless he has met the recent experience requirements specified in Part 33 of this subchapter.

(c) ***Flight engineer.*** **No individual shall be assigned to nor perform duties as a flight engineer unless within the preceding 12 months he has had at least 50 hours of experience as a flight engineer on the type of aircraft on which he is to serve, or until a person designated by the Administrator has checked the airman and determined that he is (1) familiar with all current information and operating procedures relating to the type of aircraft on which he is to serve and (2) competent with respect to the flight engineer's duties on such aircraft.**

(d) ***Flight navigator.*** **No individual shall be assigned to nor perform duties as a flight navigator unless within the preceding 12 months he has had at least 50 hours of experience as a flight navigator, or until a person designated by the Administrator has checked the airman and determined that he is (1) familiar with all current navigational information pertaining to the operations of the air carrier and (2) competent with respect to the operating procedures and navigational equipment to be used.**

42.44–1 *Equipment check (FAA policies which apply to sec. 42.44 (a) (2)).*

(a) *General.* The equipment check for pilots on large aircraft, other than pilots in command, should consist of (1) an equipment examination (oral or written) and (2) a flight check.

The equipment check for pilots in command on large aircraft need only consist of the equipment examination, since a pilot in command should successfully accomplish all of the instrument checks prescribed in section 42.44–2.

(b) *Equipment examination for all pilots.* This examination, which may be oral or written, should be pertinent to the type of aircraft to be flown by the pilot and should be given (1) in the air carrier's ground school, (2) during a routine line check, (3) during the flight phase of the equipment check, or (4) during the instrument checks prescribed in section 42.44–2. The examination should include, but need not be limited to, questions relative to engine power settings, stall speeds at various configurations and weights, airplane placard speeds, critical engine failure speeds, control systems, fuel and lubrication systems, propeller and supercharger operations, hydraulic systems, electric systems, anti-icing, heating and ventilating, and pressurization system (if pressurized).

(c) *Flight check for pilots other than pilots in command.* This check should include at least the following items, but no maneuvers need be accomplished solely by reference to instruments. It may be given during any flight which is of at least one hour duration.

(1) *Preflight planning.* The pilot should be directed to execute a flight plan for the flight involved, including the interpretation of weather maps, upper air charts, and sequence reports.

(2) *Taxiing, sailing, or docking.* Attention should be directed to (i) the manner in which the pilot conducts taxiing, sailing, or docking with reference to the taxi instruction as issued by airport traffic control or other traffic control agency, (ii) any taxi instruction which may be published in the air carrier's operations manual, and (iii) general regard for the safety of the air carrier's and other equipment which may be affected by taxiing, sailing, or docking operation.

(3) *Runup.* Attention to detail in the use of cockpit check list and cockpit procedure should be observed on all flight checks.

(4) *Takeoff.* The check pilot should observe the pilot's ability to maintain a constant

heading during the takeoff run, his proficiency in using or directing the use of power, flaps, and gear operation, during the critical period between takeoff (off ground) and reaching 500 feet. If it becomes necessary for the pilot occupying the other control position to give other than routine assistance after becoming airborne, the maneuver should be considered as unsatisfactory.

(5) *Climbs and climbing turns.* Climbs and climbing turns should be performed in accordance with the airspeeds and power settings as prescribed by the air carrier or those set forth in the airplane flight manual. The use of proper climb speeds and designated rates of climb should be considered in determining the satisfactory performance of this phase of the equipment check flight.

(6) *Navigational facilities.* The pilot should be directed to use all en route navigational facilities in the proper sequence. Attention should be given to the pilot's ability to use all available airplane navigational equipment.

(7) *Loop orientation.* The pilot should be directed to obtain an en route position by the use of the radio compass. Attention should be given to the time involved in obtaining the fix and accuracy with which the airplane position is established on a proper chart.

(8) *Landing under regular approach conditions.* Landing under regular approach conditions should necessitate a path of flight around the landing area of not more than a 180° turn but not less than a 90° turn. The pilot should be judged on the basis of altitude and air-speed control and his ability to maneuver to a normal landing.

(9) *Judgment.* The pilot should demonstrate judgment commensurate with experience required of a co-pilot in air carrier aircraft.

(d) *Pilot records.* A record of the equipment check, including a report of any pilot deficiencies, should be maintained in the file of each pilot.

(1) The records of pilots, other than pilots in command, should include (i) the date, method used and grade received on the equipment examination set forth in paragraph (b) of this section and (ii) the date and grade received on the flight check set forth in paragraph (c) of this section.

(2) The records of pilots in command should include (i) the date, method used and grade received on the equipment examination set forth in paragraph (b) of this section and (ii) the date and grade received on the instrument checks prescribed in section 42.44–2.

(Published in 18 F. R. 1909, Apr. 7, 1953, effective Apr. 25, 1953.)

42.44–2 *Instrument checks (FAA policies which apply to sec. 42.44 (a) (3)).*

(a) *General.* A pilot in command on any large aircraft should successfully accomplish the instrument checks set forth in this section. Each pilot required under section 42.43 (c) to qualify as a pilot in command should successfully accomplish these instrument checks. The checks to be accomplished, and the observations to be made by the examining check pilot, are described as follows:

(b) *Taxiing, sailing, or docking.* Attention should be directed to (1) the manner in which the pilot in command conducts taxiing, sailing, or docking with reference to the taxi instruction as issued by airport traffic control or other traffic control agency, (2) any taxi instruction which may be published in the air carrier's operations manual, and (3) general regard for the safety of the air carrier's and other equipment which may be affected by taxiing, sailing, or docking operation.

(c) *Runup.* Attention to detail in the use of cockpit check list and cockpit procedure should be observed on all instrument check flights.

(d) *Takeoff.* Whenever practicable, the pilot being examined should execute a takeoff solely by reference to instruments, or at the option of the check pilot, a contact takeoff may be made following which instrument conditions should be simulated at or before reaching 100 feet with the subsequent climb conducted solely by reference to instruments. The check pilot should observe the pilot's ability to maintain a constant heading during the takeoff run, his proficiency in handling power, flap and gear operation during the critical period between takeoff (off ground) and reaching 500 feet. If it becomes necessary for the check pilot to give other than routine assistance after becoming airborne, the maneuver should be considered as unsatisfactory.

(e) *Climbs and climbing turns.* Climbs and climbing turns should be performed in accordance with the airspeeds and power settings as prescribed by the air carrier or those set forth in the Airplane Flight Manual. The use of proper climb speeds and designated rates of climb should be considered in determining the satisfactory performance of this phase of the instrument check flight.

(f) *Steep turns.* Except as provided hereinafter, steep turns should consist of at least 45° of bank. The turns should be at least 180° of duration but need not be more than 360°. Smooth control application, and ability to maneuver aircraft within prescribed limits, should be the primary basis for judging performance. When information is available on the relation of increase of stall speeds versus increase in angle of bank, such information should be reviewed and discussed. As a guide, the tolerances of 100 feet, plus or minus, a given altitude should be considered as acceptable deviation in the performance of steep turns. Consideration may be given to factors other than pilot proficiency which might make compliance with the above tolerances impractical. For example, where the range of vision from the safety observer's position is obstructed in certain types of aircraft while in a steep left turn, the degree of left bank in such instances may be reduced to not less than 30°.

(g) *Maneuvers (minimum speeds).* Maneuvers at minimum speed should be accomplished while using the prescribed flap settings as set forth in the Airplane Flight Manual. In addition, attention should be directed to airplane performance as related to use of flaps versus clean configuration while operating at minimum speeds. Attention should be directed toward the pilot's ability to recognize and hold minimum controllable airspeed, to maintain altitude and heading, and to avoid unintentional approaches to stalls.

(h) *Approach to stalls.* Approach to stalls should be demonstrated from straight flight and turns, with and without power. An approach to stall should be executed in landing or approach configuration. The extent to which the approach to stall will be carried and the method of recovery utilized should be dictated by the type of aircraft being flown, its reaction to stall conditions, and the limitation established by the air carrier. Performance should be judged on ability to recognize the approaching stall, prompt action in initiating recovery, and prompt execution of proper recovery procedure for the particular make and model of aircraft involved.

(i) *Propeller feathering.* Propeller feathering should be performed. Such propeller feathering should be accomplished in accordance with instructions set forth by the air carrier and be exercised at sufficient altitude to insure adequate safety for the performance of the operation. The pilot's ability to maintain altitude, directional control, and satisfactory airspeed should be demonstrated in accomplishing this maneuver. The manner in which the pilot manages his cockpit during propeller feathering should also be noted.

(j) *Maneuvers (one or more engines out).* When performing maneuvers (one or more engines out) the aircraft should be maneuvered with a loss of 50 percent of its power units, such loss to be concentrated on one side of the aircraft. The loss of these power units may be simulated either by retarding throttles or by following approved feathering procedures. The pilot in command should be required to maintain headings and altitude and to make moderate turns both toward and away from the dead engine or engines. Proficiency should be judged on the basis of the pilot's ability to maintain engine-out airspeed, heading and altitude; to trim the airplane; and to adjust necessary power settings.

(k) *Rapid descent and pull-out.* This maneuver should consist of the following steps: While the aircraft is under the normal approach configuration and being flown at a predetermined altitude, it will be assumed that the aircraft has arrived at a navigational fix and is cleared to descend immediately to a lower altitude. (The lower altitude should be one which permits a descent of at least 1,000 feet.) Upon reaching the lower altitude, the aircraft should be recovered from the rapid descent and flown on a predetermined heading and altitude for a predetermined period of time. At the end of the time interval, an emergency pullout should be executed which will involve a change in direction of at least 180°. Performance should

be judged on the basis of ability to establish a rapid descent at constant airspeed, stopping the descent at the minimum altitude specified without going below it, holding heading and altitude, and smooth pull-up and climb.

(l) *Ability to tune radio.*[12]

(m) *Orientation.*[12]

(n) *Beam bracketing.*[12]

(o) *Cone identification.*[12]

(p) *Loop orientation.*[12]

(q) *Approach procedures.* An approach procedure should be made in the aircraft on the letdown aid for which the lowest minimums are authorized and include, where possible, holding patterns and air traffic control instructions which might be used by the pilot in day-to-day operations. In case a particular air carrier is authorized its lowest landing minimums on a letdown aid which is not installed at locations where the air carrier's pilots are based, the air carrier should conduct the instrument check flights at locations where such an aid is installed. If at the time of the instrument check flight the letdown aid affording the lowest minimums is not in operation at the point the check is given, the landing aid which affords the next lowest minimums authorized should be used. In this case the approach on the aid affording the lowest minimums may be conducted in a simulator or other approved type trainer. All other approaches which a particular air carrier is authorized to use, such as ADF, LF/MR range, VOR, and VAR, may be conducted in a simulator or other approved type trainer. If these approaches (ADF, LF/MR range, VOR, and VAR) are not performed in a simulator or other approved type trainer, they should be accomplished during the instrument check flight. A record should be maintained in the pilot's file which will indicate the date that the approaches were performed and the grade received.

(r) *Missed approach procedures.* (See paragraph (s).)

(s) *Traffic-control procedures.* Missed approach procedures and traffic control procedures should be accomplished in a manner satisfactory to the examining check pilot. The degree of satisfactory or unsatisfactory performance should be predicated on the pilot's ability to maneuver the aircraft while performing these procedures, and to follow instructions either verbal or written which may be pertinent to the accomplishment of these procedures. Paragraphs (r) and (s) may be accomplished while performing paragraph (q).

(t) *Cross-wind landing.* A cross-wind landing should be performed when practicable. Traffic conditions and wind velocities will dictate whether a cross-wind landing is practicable. Performance should be judged on the technique used in correcting for drift on final approach, judgment in the use of flaps, and directional control during rollout.

(u) *Landing under regular approach conditions.* Landing under regular approach conditions should necessitate a path of flight around the landing area of not more than a 180° turn but not less than a 90° turn. The pilot should be judged on the basis of altitude and airspeed control and his ability to maneuver under the minimum ceiling and visibility conditions prescribed.

(v) *Takeoffs and landings (with engine(s) failures).* If it is consistent with safety, traffic patterns, local rules and laws, a simulated engine failure should be experienced during takeoff. The simulated failure should occur at any time after the aircraft has passed the V_1 speed pertinent to the particular takeoff and when practicable before reaching 300 feet. When performing the landing, the aircraft should be maneuvered to a landing while utilizing 50 percent of the available power units. The simulated loss of power should be concentrated on one side of the aircraft. The pilot's ability to satisfactorily perform this maneuver should be evaluated in the manner stated under paragraph (i).

(w) *Judgment.* The pilot should demonstrate judgment commensurate with experience required of a pilot-in-command of air carrier aircraft.

(x) *Emergency procedures.* The emergency procedures should be applicable to the type of aircraft being flown and in accordance with the emergency procedures prescribed by the air carrier. A record should be maintained in the

[12] Paragraphs (l), (m), (n), (o), and (p) may be accomplished during a routine line check, or in a simulated or synthetic trainer, or during the instrument check flight. A record should be maintained in the pilot's file which should indicate the date, method utilized, and grade received in the performance of these items.

pilot's file which will list the emergency procedures accomplished, date performed, and grade received.

(Published in 18 F. R. 1911, Apr. 7, 1953, effective Apr. 25, 1953.)

42.44–3 *Aircraft used in instrument checks (FAA policies which apply to sec. 42.44 (a)(3)).* Where a pilot-in-command is scheduled to fly only one type of land aircraft or one type of seaplane, he should be given his instrument checks in that type of aircraft he is scheduled to fly.

Where a pilot-in-command is scheduled to fly more than one type of land aircraft and/or seaplane, his instrument competency should be checked in all types of aircraft he is scheduled to fly. However, the following exceptions should be allowed:

(a) If a pilot is scheduled to fly 2-engine, 3-engine, and 4-engine aircraft or any combination thereof, and/or more than one type of such aircraft, he should take his instrument checks in one of the larger and more complicated types of aircraft; or if only one of the smaller type aircraft is available, he should take his instrument checks immediately due in that aircraft, but his next instrument checks should be accomplished in one of the larger and more complicated type of aircraft.

(b) If a pilot is scheduled to fly both land aircraft and seaplanes, his instrument checks should include a demonstration of competency in both land aircraft and seaplane in accordance with paragraph (a).

(Published in 18 F. R. 1912, Apr. 7, 1953, effective Apr. 25, 1953.)

42.44–4 *Use of flight simulator in instrument checks (FAA policies which apply to sec. 42.44 (a) (3)).* An air carrier using a flight simulator in its pilot training program may be approved to utilize such a device for certain maneuvers in conducting instrument checks when (a) the training device accurately simulates the flight characteristics and the performance of the applicable aircraft through all ranges of normal and emergency operation, (b) a description of the maneuvers to be conducted in the simulator, other than those specifically authorized in paragraphs (1), (m), (n), (o), (p), and (q) of section 42.44–2, is submitted to the Washington office for approval by the region in which the headquarters of the air carrier is located, and (c) certain critical maneuvers which demonstrate the instrument proficiency of a pilot are executed in an aircraft of the type flown by the pilot in air carrier service. The proficiency flight in the aircraft should include at least maneuvers (minimum speed), approach procedures, handling under regular approach conditions, and takeoff and landings, with engine failures as outlined in section 42.44–2, paragraphs (g), (q), (u), and (v) respectively.

(Published in 18 F. R. 1912, Apr. 7, 1953, effective Apr. 25, 1953.)

42.44–5 *Persons from whom the equipment and instrument checks must be received (FAA interpretations which apply to sec. 42.44).*

(a) "An authorized representative of the Administrator" as used in this section means an FAA Flight Operations and Airworthiness Inspector.

(b) "A check pilot of the air carrier" as used in this section means a check pilot of the air carrier by which the pilot is presently employed. Therefore, checks given to a pilot by the check pilot of a previous employer within the preceding 6 months do not satisfy the experience requirements of subparagraphs (2) and (3) of section 42.44 (a).

(Published in 21 F. R. 450, Jan. 21, 1956, effective Jan. 21, 1956; amended effective June 15, 1957.)

42.44–6 *Flight engineer qualifications for duty (FAA interpretations which apply to sec. 42.44).* An airman assigned to flight-check other flight engineers must meet the recent experience requirements of this part before serving as a flight engineer in air transportation. However, the time spent in giving flight engineer checks may be applied toward the 50-hour recent experience requirement on a particular type of aircraft. Unless such experience has been obtained within the preceding 12-month period, a check by the air carrier or an authorized representative of the Administrator is required.

(Published in 21 F. R. 678, Jan. 31, 1956, effective Feb. 15, 1956; amended in 21 F. R. 2373, Apr. 12, 1956, effective upon publication.)

42.44–7 *Requirements for approved training course—aircraft simulator (FAA rules which apply to sec. 42.44 (a) (4)).*

(a) *Application for approval.* An applicant desiring approval of an aircraft simulator training course shall submit his application in triplicate to the local Air Carrier Safety Inspector. The application shall contain a training course, including a description of the equipment, facilities, and material to be used, together with a letter to the Administrator of the Federal Aviation Agency requesting approval [13] of the course. The application shall be prepared in looseleaf form, shall include a table of contents, time required for each phase of the course; and procedures for administering the following training course:

(1) *Training course.* Flight equipment used shall be identical to that used in actual flight operations and the course [14] shall incorporate at least the following subjects:

(i) All of the required maneuvers in section 40.282 (b) (1) of this subchapter and section 42.44–2 except the visual flight maneuvers performed around the airport.

(ii) A detailed description of the procedures to be employed in performing each of the required maneuvers applicable to the type aircraft being simulated.

(iii) Emergency procedures concerned with aircraft performance and also all emergency procedures outlined in the approved flight manual.

(b) *Revision of training course.* Requests for revisions of the approved training course, facilities, equipment, and material shall be accomplished in the manner established for securing approval of the original training course. Three copies of the revision shall be submitted in such form that entire pages of the approved course can be removed and replaced by the revision.

(c) *Satisfactory completion of course.* Determination of satisfactory completion of the approved aircraft simulator training course shall be made by an authorized representative of the Administrator or a check airman.

(d) *Cancellation of approval.* Failure to meet or maintain any of the standards established for the approval of a training course shall be considered sufficient reason for cancellation of approval.

(Published in 22 F. R. 8998, Nov. 9, 1957, effective Nov. 25, 1957.)

42.45 *Training requirements for crewmembers serving on large aircraft.*

(a) Each air carrier shall establish a training program sufficient to insure that each crewmember used by the air carrier is adequately trained to perform the duties to which he is to be assigned. The initial training phases shall be satisfactorily completed prior to serving in passenger or cargo operations.

(b) Each air carrier shall be responsible for providing adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked.

(c) The training program for each flight crewmember shall consist of appropriate ground and flight training including proper flight crew coordination. Procedures for each flight crew function shall be standardized to the extent that each flight crewmember will know the function for which he is responsible and the relation

[13] The Administrator will review the training course, and if it is found adequate, will return an approved copy of the application to the applicant.

[14] Any logical arrangement of the training course material will be acceptable, if all the required maneuvers are included, with appropriate description of techniques and procedures.

of those functions to those of other flight crewmembers. The initial program shall include at least the appropriate requirements specified in sections 42.45a through 42.45e.

(d) The crewmember emergency procedures training program shall include at least the requirements specified in section 42.45e.

(e) The appropriate instructor, supervisor, or check airman responsible for the particular training or flight check shall certify to the proficiency of each crewmember upon completion of his training, and such certification shall become a part of the individual's record.

(Amendment 42–23, published in 24 F. R. 9773, Dec. 5, 1959, effective Jan. 1, 1961.)

42.45–1 *Training program (FAA policies which apply to sec. 42.45).*

(a) *Ground phase.* The ground phase of the air carrier's pilot training and instruction program shall include:

(1) A study of the regulations in this subchapter applicable to irregular air carrier operation and of the provisions of the air carrier's operating certificate, including methods and principles of determining weight limitations for landings and takeoffs;

(2) A study of the company's operations manual and procedures;

(3) Training in the duties and responsibilities of flight crew and crewmembers;

(4) Through familiarization with the aircraft to be flown including the engines and all major components, operation of cabin pressurization (if installed), oxygen system, standard operating procedures, a study of the *FAA* approved Airplane Flight Manual;

(5) A study of navigation, use of radio aids to navigation and such refresher courses necessary to keep airmen current in the application of any new developments;

(6) A study of meteorology sufficient to maintain a practical knowledge of the principles of icing, fog, thunderstorms and frontal systems, etc., and the best method of operating under these various conditions.

Training and instruction in synthetic-type training devices may be included in the ground phase of the training program. However, such training should be so planned that it will supplement the flight training phase and afford further training in specific instrument let-down procedures to be conducted by the pilot in irregular air carrier operations.

(b) *Flight phase.* The flight phase of the training program should be so planned as to insure adequate initial qualification of the pilot on the type aircraft on which he is to serve. It shall also provide for the continued maintenance of a high standard of pilot proficiency. This training shall include, but not be limited to:

(1) Takeoffs and landings under varying conditions of load, wind, low ceiling and visibility, inoperative engine, etc.;

(2) Flight with one or more engines inoperative, including flight with any one engine fully throttled at maximum authorized load, either at one-engine-inoperative service ceiling or at an altitude equivalent to 1,000 feet above the highest part of the terrain on the route or routes to be flown;

(3) Operating under normal and maximum limits of power and speed;

(4) Conduct instrument flight including navigation by low frequency radio ranges, VHF, and ADF, letting-down-through procedures utilizing radio range, ADF, ILS, GCA, etc., whichever is used by the air carrier in its normal operations.

(c) *Emergency procedures.* The training program shall include instruction in emergency procedures particularly with respect to engine failure, fire in the air or on the ground, evacuation of passengers, location and operation of all emergency equipment, power settings for maximum endurance and maximum range, etc.

(d) *Other.* Whenever flight engineers, flight radio operators, flight navigators, or cabin

attendants are utilized, appropriate and adequate training and instruction shall be included in the air carrier's training program.

(Published in 14 F. R. 7039, Nov. 22, 1949, effective upon publication.)

[42.45a *Initial pilot ground training.* Ground training for all pilots shall include instruction in at least the following:

[(a) The appropriate provisions of the air carrier operations specifications and appropriate provisions of the regulations of this subchapter with particular emphasis on the operation rules and airplane operating limitations;

[(b) Appropriate contents of the manuals;

[(c) The duties and responsibilities of crewmembers;

[(d) The type of airplane to be flown, including a study of the airplane, engines, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Airplane Flight Manual;

[(e) The principles and methods of determining weight and balance limitations for takeoff and landing;

[(f) Navigation and use of appropriate aids to navigation, including the instrument approach facilities and procedures which the air carrier is authorized to use;

[(g) Airport and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation;

[(h) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems; and

[(i) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, and other potentially hazardous meteorological conditions.

[(Amendment 42-23, published in 24 F.R. 9773, Dec. 5, 1959, effective Jan. 1, 1961.)]

[42.45b *Initial pilot flight training.*

[(a) Flight training for each pilot shall include at least takeoffs and landings, during day and night, and normal and emergency flight maneuvers in each type of airplane to be flown by him in passenger or cargo flights, and flight under simulated instrument flight conditions.

[(b) Flight training for a pilot qualifying to serve as pilot in command or as second in command in a crew requiring three or more pilots shall include flight instruction and practice in at least the following maneuvers and procedures:

[(1) In each type of airplane to be flown by him:

[(i) At the authorized maximum takeoff weight, takeoff using maximum takeoff power with simulated failure of the critical engine. For transport category airplanes the simulated engine failure shall be accomplished as closely as possible to the critical engine failure speed (V_1), and climbout shall be accomplished at a speed as close as possible to the takeoff saftey speed (V_2). Each pilot shall ascertain the proper values for speeds V_1 and V_2;

[(ii) At the authorized maximum landing weight, flight in a four-engine airplane, where appropriate, with the most critical combinations of two engines inoperative, or operating at zero thrust, utilizing appropriate climb speeds as set forth in the Airplane Flight Manual;

[(iii) At the authorized maximum landing weight, simulated pullout from the landing and approach configurations accomplished at a safe altitude with the critical engine inoperative or operating at zero thrust;

[(iv) Suitable combinations of airplane weight and power less than those specified in subdivisions (i), (ii), and (iii) of this subparagraph may be employed if the performance capabilities of the airplane under the above conditions are simulated.

[(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. If a particular type of facility is not available in the training area, such training may be accomplished in a synthetic trainer.

[(c) Flight training for a pilot qualifying to serve as second in command in a crew requiring two pilots shall include flight instruction and practice in at least the following maneuvers and procedures:

[(1) In each type of airplane to be flown by him in scheduled operation:

[(i) Assigned flight duties as second in command, including flight emergencies,

[(ii) Taxiing,

[(iii) Takeoffs and landings,

[(iv) Climbs and climbing turns,

[(v) Slow flight,

[(vi) Approach to stall,

[(vii) Engine shutdown and restart,

[(viii) Takeoff and landing with simulated engine failure,

[(ix) Conduct of flight under simulated instrument conditions including instrument approach at least down to circling approach minimum and missed approach procedures.

[(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. Except for those approach procedures for which the lowest minimums are approved, all other letdown procedures may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

[(Amendment 42–23, published in 24 F.R. 9773, Dec. 5, 1959, effective Jan. 1, 1961.)]

[42.45c *Initial flight navigation training.*

[(a) The training for flight navigation shall include the applicable portions of at least paragraphs (a) through (d) and (f) through (h) of section 42.45a.

[(b) Prior to serving as a required flight crewmember each flight navigator shall be given sufficient ground and flight training to become proficient in those duties assigned him by the air carrier. The flight training may be accomplished during passenger or cargo flights under the supervision of a qualified flight navigator.

[(Amendment 42–23, published in 24 F.R. 9773, Dec. 5, 1959, effective Jan. 1, 1961.)]

[42.45d *Initial flight engineer training.*

[(a) The training for flight engineers shall include at least the instruction specified in section 42.45a (a) through (e).

[(b) Flight engineers shall be given sufficient training in flight to become proficient in those duties assigned them by the air carrier. Except for emergency procedures, this training may be accomplished during passenger or cargo flights under the supervision of a qualified flight engineer.

[(Amendment 42–43, published in 24 F.R. 9773, Dec. 5, 1959, effective Jan. 1, 1961.)]

[42.45e *Initial crewmember emergency training.*

[(a) The training in emergency procedures shall be designed to give each crewmember appropriate individual instruction in all emergency procedures, including assignments in the event of an emergency, and proper coordination between crewmembers. At least the following subjects as appropriate to the individual crewmembers shall be taught: The procedures to be followed in the event of the failure of an engine, or engines, or other airplane components or systems, emergency decompression, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and power setting for maximum endurance and maximum range.

[(b) Synthetic trainers may be used for training of crewmembers in emergency procedures where the trainers sufficiently simulate flight operating emergency conditions for the equipment to be used.

[(c) All crewmembers performing duties on pressurized airplanes operated above flight level 250, shall, as a part of their approved emergency procedure training, receive instructions by means of lectures and films covering at least: respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression; and receive actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment. In lieu of the required films, the air carrier may use any other equivalent means of visual presentation which, after demonstration, meets with the approval of a representative of the Administrator.

[(Amendment 42–23, published in 24 F.R. 9773, Dec. 5, 1959, effective Jan. 1, 1961; Amendment 42–31, published in 26 F.R. 1058, Feb. 3, 1961, effective Mar. 3, 1961.)]

[42.45f *Recurrent training.*

[(a) Each air carrier shall provide such training as is necessary to insure the contin-

ued competence of each crewmember and to insure that each possesses adequate knowledge of and familiarity with all new equipment and procedures to be used by him.

[(b) Each air carrier shall, as a part of the training program, check the competence of each crewmember each 12 months with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. The competence check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where the check of the pilot in command or second in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with sections 42.44 (a) (2) and 42.44 (a) (3), respectively.]

(c) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency demonstrated, and such certification shall become a part of the individual's record.

(Amendment 42–23, published in 24 F.R. 9773, Dec. 5, 1959, effective Jan. 1, 1961; [Amendment 42–41, published in 27 F.R. 7674, Aug. 3, 1962, effective Aug. 3, 1962.)]

42.45g *Approval of training programs.* The training program established by the air carrier under the provisions of sections 42.45 through 42.45f shall meet with the approval of an authorized representative of the administrator: *Provided,* That the curriculum of such training program shall be submitted in appropriate form to an authorized representative of the Administrator not later than May 1, 1960.

(Amendment 42–23, published in 24 F.R. 9773, Dec. 5, 1959, effective Jan. 1, 1961, except as noted in proviso.)

42.45h *Flight crewmember qualification for large aircraft.*

(a) No air carrier shall utilize any flight crewmember, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of sections 42.40, 42.41, 42.43, 42.44; and 42.45 or 42.45f.

(b) Check airman shall certify as to the proficiency of the pilot being examined, as required by sections 42.43(b) and 42.44(a) and such certification shall become a part of the airman's record.

(Amendment 42–23, published in 24 F.R. 9773, Dec. 5, 1959, effective Jan. 1, 1961.)

42.46 *Logging flight time.*

(a) A pilot in command may log his total flight time.

(b) A second pilot holding an airline transport pilot certificate and rating for the aircraft flown may log the total time during which he is on duty on the flight deck.

(c) A second pilot not holding an airline transport pilot certificate and rating for the aircraft flown may log 50 percent of the total flight time during which he is on duty on the flight deck.

(d) A pilot may log as instrument flight time only such time as he is actually manipulating the controls when the aircraft is being flown solely by reference to instruments.

42.47 *Grace period for airman periodic checks.* Whenever this part requires an airman check at stated intervals, such check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due.

42.48 *Flight time limitations for pilots on large aircraft.* The following limitations shall be applicable to pilots serving on large aircraft.

(a) *Individual pilot limitations.*

(1) A pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours without a rest period during such 8 hours.

(2) A pilot shall receive 24 hours of rest before being assigned further duty when he has flown in excess of 8 hours during any 24 consecutive hours.

(3) A pilot shall be relieved from all duty for not less than 24 consecutive hours at least once during any 7 consecutive days.

(4) A pilot shall not fly as a crewmember in air carrier service more than 100 hours during any 30 consecutive days.

(5) A pilot shall not fly as a crewmember in air carrier service more than 1,000 hours in any one calendar year.

(6) A pilot shall not do other commercial flying if his total flying time for any specified period will exceed the limits of that period.

(7) Time spent in any deadhead transportation shall in no case be considered as part of a required rest period.

(b) *Aircraft having a crew of two pilots.*

(1) A pilot shall not be scheduled to fly in excess of 8 hours during any 24-hour period unless he is given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period shall equal at least twice the number of hours flown since the last preceding rest period, and in no case shall such rest period be less than 8 hours. During such rest period the pilot shall be relieved of all duty with the air carrier.

(2) A pilot shall not be on duty for more than 16 hours during any 24 consecutive hours.

(c) *Aircraft having a crew of three pilots.*

(1) A pilot shall not be scheduled for duty on the flight deck in excess of 8 hours in any 24-hour period.

(2) A pilot shall not be scheduled to be aloft for more than 12 hours in any 24-hour period.

(3) A pilot shall not be on duty for more than 18 hours in any 24-hour period.

(d) *Aircraft having a crew of four pilots.*

(1) A pilot shall not be scheduled for duty on the flight deck in excess of 8 hours during any 24-hour period.

(2) A pilot shall not be scheduled to be aloft for more than 16 hours in any 24-hour period.

(3) A pilot shall not be on duty for more than 20 hours during any 24-hour period.

42.48–1 *"Scheduled to fly," "scheduled to be aloft," and "scheduled for duty on the flight deck" (FAA interpretations which apply to sec. 42.48).* The phrases "scheduled to fly" and "scheduled to be aloft," as used in this section, refer to the estimated "block-to-block time" for a particular flight under normal operating conditions. The phrase "scheduled for duty on the flight deck," as used in this section, refers to that portion of such "block-to-block time" during which the airman is scheduled for flight duty on the aircraft.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication.)

42.48–2 *Scheduled type operations (FAA policies which apply to sec. 42.48).* An operator conducting a scheduled type operation (e. g., scheduled cargo-only service, regular flights between points pursuant to a military contract, etc.) may establish flight operations schedules for a particular route or route segment in order to determine compliance with the scheduling provisions of the flight time limitations.

(Published in 21 F. R. 4312, June 20, 1956, effective July 1, 1956.)

[42.49 *Flight time limitations for flight engineers on large airplanes.* The flight time limitations prescribed in section 42.48 (a) and (b) shall apply to an airman serving as a flight engineer except that when two of more airmen serve as flight engineers in a flight crew containing three or more pilots, the flight time limitations prescribed in section 42.48(d) shall apply in lieu of those in section 42.48(b).]

[(Amendment 42–42, published in 27 F.R. 8268, Aug. 18, 1962, effective Sept. 17, 1962.)]

[42.50] *Assignment of emergency evacuation functions for each crewmember.* After May 31, 1956, each air carrier shall assign all necessary emergency functions for each crewmember to perform in the event of circumstances requiring emergency evacuation. The air carrier shall show that functions so assigned are practicable of accomplishment. These functions shall be described in the air carrier manual.

[(Amendment 42–42, published in 27 F.R. 8268, Aug. 18, 1962, effective Sept. 17, 1962.)]

Flight Operation Rules

42.51 *Pilot responsibilities.*

(a) *Pilot in command.* The pilot in command of the aircraft shall be designated by the air carrier.

(b) *Preflight action.* Prior to commencing a flight the pilot in command shall familiarize himself with the latest weather reports pertinent to the flight issued by the United States Weather Bureau or if unavailable, by the most

reliable source, and with the information necessary for the safe operation of the aircraft en route, and on the airports or other landing areas to be used, and determine that the flight can be completed with safety.

(c) *Charts and flight equipment.* The pilot in command shall have in his possession in the cockpit proper flight and navigational facility charts, including instrument approach procedures when instrument flight is authorized, and such other flight equipment as may be necessary to properly conduct the particular flight proposed.

(d) *Emergency decisions.*

(1) When required in the interest of safety, a pilot may make any immediate decision and follow any course of action which in his judgment appears necessary, regardless of prescribed methods or requirements. He shall, where practicable, keep the proper control station fully informed regarding the progress of the flight.[6]

(2) In an emergency requiring either the dumping of fuel or a landing at a weight in excess of the authorized landing weight, a pilot may elect to follow whichever procedure he considers safer.

(e) *Serviceability of equipment.* Prior to starting any flight, the pilot shall determine that the aircraft, all engines and propellers, appliances and required equipment, including all instruments, are in proper operating condition. If during the flight any such engine, propeller, appliance, or equipment malfunctions or becomes inoperative, the pilot in command shall determine whether the flight can be continued with safety. Unless he believes that flight can be continued safely, he shall hold or cancel it until satisfactory repairs or replacements are made.

(f) *Admission to flight deck of aircraft having a separate pilot compartment.* No persons, other than crewmembers, shall be admitted to the flight deck of an airplane having a separate pilot compartment except those authorized in subparagraphs (1) and (2) of this paragraph. For the purposes of this section, the Administrator shall determine what constitutes the flight deck.

(1) FAA Flight Operations and Airworthiness Inspectors and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(2) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(i) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary

[6] See section 42.94 for the report to be filed by the pilot where the authority granted by this section is exercised.

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or advantageous to the conduct of safe air carrier operations, or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subdivision (ii) of this subparagraph.

(ii) Any other person specifically authorized by the air carrier management and the Administrator.

(3) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except;

(i) FAA Flight Operations and Airworthiness Inspectors or other authorized representatives of the Federal Aviation Agency or the Civil Aeronautics Board engaged in checking flight operations;

(ii) Air traffic controllers who have been authorized by the Administrator to observe ATC procedures;

(iii) Certificated airmen of the air carrier whose duties with the carrier require an airman certificate;

(iv) Certificated airmen of another air carrier whose duties with such carrier require an airman certificate and who have been authorized by the air carrier concerned to make specific trips over the route;

(v) Employees of the air carrier, whose functions are directly related to the conduct or planning of flight operations or the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and when specifically authorized in writing by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority; and

(vi) Technical representatives of the manufacturer of the airplane or its components whose functions are directly related to the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by the Administrator and by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority.

42.51–1 *Preflight responsibilities (FAA interpretations which apply to sec. 42.51 (a) and (b)).* In complying with section 42.51 (a) and (b)—particularly that portion requiring the pilot in command to familiarize himself with "the information necessary for the safe operation of the aircraft en route and on the airports or other landing areas to be used"—the pilot in command must, prior to origination of each flight review the en route procedures, radio navigational facilities, holding patterns, approach procedures, and letdown procedures for the airport of destination and the alternate airports, if any, for the proposed flight.

Under the provisions of section 42.60–5, an air carrier using a large aircraft is required to establish a procedure in its operations manual whereby the pilot in command will under certain conditions certify on an appropriate form provided by the air carrier that the specified preflight action has been taken, and whereby such certification will be maintained as a part of its flight records.

(Published in 17 F. R. 5811, June 28, 1952, effective upon publication; amended in 18 F. R. 172, Jan. 9, 1953, effective Jan. 31, 1953.)

42.51–2 *Responsibilities of the pilot-in-command (FAA policies which apply to sec. 42.51).* In addition to the responsibilities prescribed in this section, the pilot-in-command is responsible for:

(a) Safe and efficient conduct of the flight to which assigned;

(b) Proper performance of duties by other assigned members of the crew;

(c) Conducting the flight in accordance with the provisions of the air carrier's irregular air carrier operating certificate and the applicable Civil Air Regulations;

(d) The exercise of good judgment in the planning of the flight;

(e) Proper loading of the aircraft, stowage of cargo, and adequacy of tie-down facilities;

(f) Determining that there are sufficient approved seats and safety belts for the number

of persons aboard the aircraft, and that safety belts are fastened when required;

(g) Proper servicing of the aircraft, including sufficient fuel, oil, and other items, such as de-icer fluid, etc., as may be necessary for the safety of the flight.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication; amended in 17 F. R. 5810, June 28, 1952, effective upon publication.)

42.51–3 *Time of reporting for duty (FAA policies which apply to sec. 42.51 (b)).* Each pilot should report in sufficient time prior to the start of the flight to permit reading of pilot's bulletins, current NOTAMS, studying of weather forecasts and reports, and other items pertinent to the proposed flight.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication; amended in 17 F. R. 5810, June 28, 1952, effective upon publication.)

42.51–4 *Flight equipment (FAA policies which apply to sec. 42.51 (c)).* Flight equipment shall include, but not be limited to, a navigation computer or calculator; current Airman's Guide; Flight Information Manual; International Flight Information Manual, if foreign flight is contemplated; and when night flight is contemplated, two satisfactory flashlights in good working order.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication; amended in 17 F. R. 5810, June 28, 1952, effective upon publication.)

42.51–5 *Serviceability of equipment (FAA policies which apply to sec. 42.51 (e)).*

(a) The pilot, as the authorized representative of the air carrier, is held responsible for the airworthiness of the aircraft and all its component parts or assemblies during its operation. Prior to starting any flight, the airworthiness of the aircraft will normally be determined through an inspection of the log book and maintenance records to make sure that all required maintenance functions and inspections have been accomplished and that the previously reported mechanical difficulties have been corrected. In addition, the pilot shall test the radio equipment and such instruments as may be ground checked for satisfactory operation. The pilot's responsibility also includes that of determining that refueling procedures and equipment are safe in all respects; such as, determination that water has been eliminated from the fuel, that sumps are drained on the aircraft, etc.

(b) When a malfunction or other difficulty is experienced with any component of the aircraft during the flight, the pilot should determine that a reasonable margin of safety will exist with those components which remain in good operating condition. If the situation exists where an additional failure would cause a hazardous condition the pilot should not continue flight, but should land at the nearest available landing area where a safe landing can be made.

(c) If any required instrument having functions which are not compensated for becomes inoperative during flight, a landing shall be made at the first airport where proper facilities to permit a safe landing are available.

(d) If unable to maintain two-way radio communications, the pilot in command shall:

(1) If operating under VFR conditions, proceed under VFR and land as soon as practicable, or

(2) Proceed according to the latest air traffic clearance to the radio facility serving the airport of intended landing, maintaining the minimum safe altitude or the last acknowledged assigned altitude, whichever is higher. Descent shall start at the expected approach time last authorized or, if not received and acknowledged at the estimated time of arrival indicated by the elapsed time specified in the flight plan.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication; amended in 17 F. R. 5810, June 28, 1952, effective upon publication.)

42.52 *Fuel supply.* The following minimum fuel requirements shall be applicable as specified:

(a) *United States.* Within the continental limits of the United States the following requirements shall be met unless the Administrator finds, after considering the character of the terrain being traversed, the available airports, and the category of aircraft being operated, that the safe conduct of the flight normally requires a greater quantity of fuel.

(1) No flight in small aircraft under VFR shall be started unless the aircraft carries sufficient fuel and oil, considering the wind and other weather conditions forecast, to fly to the point of intended landing, and thereafter

for a period of at least 30 minutes at normal cruising consumption.

(2) No flight in large aircraft under VFR shall be started unless, considering the factors enumerated in subparagraph (1) of this paragraph, the aircraft carries sufficient fuel and oil to fly to the point of intended landing, and thereafter for a period of at least 45 minutes at normal cruising consumption.

(3) No flight in large or small aircraft under IFR shall be started unless, considering the factors set forth in subparagraph (1) of this paragraph, sufficient fuel and oil are carried aboard the aircraft (i) to reach the point of intended landing, (ii) thereafter to fly to the alternate airport, and (iii) thereafter to fly for a period of 45 minutes at normal cruising consumption.

(b) ***Outside the United States.*** Outside the continental limits of the United States, the following requirements shall be met unless the Administrator finds, after considering the character of the terrain being traversed, the available airports, and the category and type of aircraft being operated, that the flight may be safely conducted with a lesser quantity of fuel.

(1) No flight shall be started unless, considering the wind and other weather conditions expected, the aircraft carries sufficient fuel and oil (i) to fly to the next point of landing specified in the flight plan, (ii) thereafter to fly to and land at the most distant alternate airport designated in the flight plan, and (iii) thereafter to fly for a period of at least 2 hours at normal cruising consumption.

(2) No flight shall be returned to the point of departure or to an alternate airport for that point unless the aircraft has sufficient fuel to return to such point and thereafter to fly for a period of at least 2 hours at normal cruising consumption.

(3) No flight shall be started to a destination for which there is no available alternate unless the aircraft carries sufficient fuel, considering wind and other weather conditions expected, to fly to that point and thereafter to fly for at least 3 hours at normal cruising consumption.

42.52–1 *Operations in the State of Alaska (FAA policies which apply to sec. 42.52(a)).* For operations in the State of Alaska, the minimum fuel requirements specified for operations within the continental limits of the United States shall apply, except as indicated in section 42.52–2.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication.)

42.52–2 *Operations in the State of Alaska (FAA policies which apply to sec. 42.52 (b)).* The minimum fuel requirements specified for operations outside the continental limits of the United States shall apply to all off-airway overwater operation into or out of the State of Alaska, and to all instrument operation to or from points north of latitude 67° N. or to or from points in the Aleutian and Pribiloff Islands west of longitude 160° W.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication.)

42.53 *Minimum flight altitude rules.* **Except during takeoff and landing, the flight altitude rules prescribed in paragraphs (a) and (b) of this section, in addition to the applicable provisions of Section 60.17 of this subchapter, shall govern air carrier operations: *Provided,* That other altitudes may be established by the Administrator for any area where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight permits or requires such other altitudes.**

(a) *Day VFR operations.* No aircraft shall be flown at an altitude less than 500 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(*b*) *Night VFR or IFR operations.* No aircraft shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown: *Provided,* That in VFR operations at night in such mountainous terrain aircraft may be flown over a lighted civil airway at a minimum altitude of 1,000 feet above such obstacle.

42.54 *Flight into known icing conditions.* No aircraft shall be flown into known or probable heavy icing conditions. Aircraft may be flown into light or moderate icing conditions only if the aircraft is equipped with an approved means for de-icing the wings, propellers, and such other parts of the aircraft as are essential to safety.

42.54–1 *Other parts of the aircraft (FAA interpretations which apply to sec. 42.54).* The other parts of the aircraft referred to in this section include, but are not limited to, carburetors, windshields, pitot-static tubes, and empennage surfaces.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication.)

42.55 *Weather minimums.* No flight shall be started unless the takeoff, en route operation, and landing at destination can be conducted in accordance with the weather requirements of Part 60 of this subchapter,[7] but in no case less than the minimums specified below:

(a) For VFR takeoff, en route operation, or landing, the weather minimums shall be a ceiling of 1,000 feet and visibility of 1 mile for day and 2 miles for night, unless otherwise authorized by an air traffic clearance obtained from air traffic control.

(b) For IFR operations the weather minimums, including alternate airport requirements, shall not be less than those specified in Parts 609 and 610 of the Regulations of the Administrator, or as otherwise specified or authorized by the Administrator. These weather minimums, including alternate airport requirements, also may be found in the Approach and Landing Charts and Radio Facility Charts of the Coast and Geodetic Survey and in the Airman's Guide.

[(c) The ceiling and visibility landing minimums prescribed in the air carrier's operations specifications for an airport, other than an alternate airport, shall be increased by 100 feet ceiling and ½ mile visibility whenever the pilot in command of a large airplane has not served 100 hours as pilot in command in air carrier or commercial operations in that particular type of airplane. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. The sliding scale, when authorized in the air carrier's operations specifications, shall not be applied until the pilot in command has served 100 hours as pilot in command in air carrier or commercial operations in the particular type of airplane being operated by him.

[(Amendment 42–32, published in 26 F.R.3461, Apr. 22, 1961, effective May 23, 1961.)]

42.55–1 Deleted.

(Published in 20 F. R. 4148, June 15, 1955, effective June 30, 1955.)

42.55–2 *Air traffic clearance (FAA interpretations which apply to sec. 42.55 (a)).* An air traffic clearance obtained from air traffic control is an approval for the flight, or portion thereof, only with regard to known traffic conditions and does not authorize a pilot to violate the Civil Air Regulations pertaining to weather minimums. Regardless of any air traffic clearance obtained from air traffic control, the minimum visibility shall be not less than 1 mile for day and 2 miles for night in control zones, and 3 miles in control areas.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication.)

42.55–3 *IFR takeoff and landing minimums (FAA policies which apply to sec. 42.55).*

(a) The basic IFR takeoff minimums and landing minimums for each type of instrument approach procedure are prescribed in the operations specifications issued to an air carrier or commercial operator under the authority of this part. Frequently, these minimums are higher than those published in Part 609 of the Regulations of the Administrator. However, by application to the local inspector having certificate responsibility, minimums down to the lowest minimums prescribed in Part 609 for a particular airport may be authorized if such airport is regularly used by an air carrier or commercial operator (e. g., main operations base). To obtain such authorization, the air carrier or commercial operator will be required to demonstrate that its pilot training program

[7] See Parts 609 and 610 of the Regulations of the Administrator, or refer to the Approach and Landing Charts and Radio Facility Charts of the Coast and Geodetic Survey, and to the Airman's Guide for specific en route, takeoff, and landing minimums for particular routes and airports.

and overall operating proficiency is adequate for the use of lower minimums. Such lower minimums, when approved, will be applicable only to those pilots in command who (1) have served as a pilot or as an observer member of the crew on the flight deck during operations conducted into the particular airport within the previous twelve months, (2) have been checked in accordance with section 42.44–2 of this subchapter on the type of facility for which the lower minimums are authorized, and (3) have been so certified by a company check pilot as being qualified to operate at the lower minimums.

(Published in 20 F. R. 4148, June 15, 1955, effective June 30, 1955; amended effective June 15, 1957.)

42.56 *Instrument approach.* No instrument approach procedure shall be executed or landing made at an airport when the latest United States Weather Bureau report for that airport indicates the ceiling or visibility to be less than that prescribed by the Administrator for landing at such airport: *Provided*, That, if

an instrument approach procedure is initiated when the current U. S. Weather Bureau report indicates that the prescribed ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the aircraft (a) is on an ILS final approach and has passed the outer marker, or (b) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (c) is on GCA final approach and has been turned over to the final approach controller, such approach may be continued and a landing may be made in the event weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command of the flight upon reaching the authorized landing minimum altitude.

42.56–1 *Standard instrument approach procedures (FAA rules which apply to sec. 42.56).* Standard instrument approach procedures prescribed by the Administrator are published in part 609 of this title (i. e. Regulations of the Administrator).

(Published in 16 F. R. 7351, July 27, 1951, effective upon publication.)

42.56–2 *Takeoff and landing weather minimums (FAA rules which apply to sec. 42.56).*

(a) *General.* The ceiling and visibility contained in the main body of the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau shall be used for instrument approach and landing or takeoff for all runways of an airport except as provided in paragraph (b).

(b) *Runway visibility.* Whenever the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau, including an aural report from the control tower, contains a visibility value specified as runway visibility for a particular runway of an airport, such visibility shall be used for a straight-in approach and landing or takeoff for that runway only.[15]

(Published in 20 F. R. 9039, Dec. 9, 1955, effective Dec. 15, 1955.)

[15] Information respecting the official runway visibility observations reported by the control tower operator may be obtained from the Office of the U. S. Weather Bureau for the airport concerned. Such office maintains a continuous graph recording of the runway visibility shown on the visibility meter in the control tower.

42.57 *Airport lighting for night operations.* No air carrier shall use an airport for the takeoff or landing of an aircraft at night unless such airport is adequately lighted.

42.57–1 *Minimum facilities (FAA policies which apply to sec. 42.57).* The minimum facilities and equipment for airport lighting where night operations are authorized and conducted shall include at least the following:

(a) Adequate boundary lights defining the boundaries of the usable area and/or adequate contact (runway marker) lights identifying the outer limits of the runways. Lights of the open-flame type (flare pots) are not considered adequate contact lights, except in an emergency. Range lights (aviation green) shall be installed and operating in conjunction with the boundary or contact (runway marker) lights.

(b) Floodlights, either of a permanent or portable type, shall be provided and operated to illuminate the ramp, apron, and passenger-loading area.

(c) Obstructions on and in the vicinity of the landing area should be obstruction lighted. The criteria for determining obstructions to air navigation and for the lighting of obstructions to air navigation are contained in Technical Standard Orders available from the Aeronautical Reference Branch, Attn: MS–126, Federal Aviation Agency, Washington 25, D.C.

(d) An illuminated wind direction indicator shall be provided and located so as to be clearly visible from the ground and the air.

(Published in 18 F. R. 1719, Mar. 27, 1943, effective Apr. 15, 1953; amended effective June 15, 1957.)

42.58 *Navigational aids for IFR flight.* IFR operations shall be conducted only over civil airways and at airports equipped with radio ranges or equivalent facilities, unless the Administrator has found that instrument navigation can be conducted by the use of radio direction finding equipment installed in the aircraft or by other specialized means and has approved or otherwise authorized such operation in the air carrier operating certificate.

42.58–1 *Off-airway instrument operation (FAA rules which apply to sec. 42.58).*

(a) Off-airway instrument operation may be authorized provided the aircraft is properly equipped, and the flight crew demonstrates they are capable of navigating along a predetermined

flight path over a proposed route without deviating more than 5 miles or 5 degrees on either side (whichever is the lesser) from a straight line drawn between the point of departure and the next point of arrival.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication; amended in 21 F. R. 4312, June 20, 1956, effective July 1, 1956.)

42.59 *Briefing of passengers.* After May 31, 1956, each air carrier engaged in extended overwater operations shall assure that all passengers are briefed orally concerning the location and method of operation of life vests and emergency exits and the location of life rafts. The procedure to be followed in presenting this briefing shall be described in the air carrier manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane proceeds directly over water after takeoff, the briefing on location of the life vests and emergency exits shall be accomplished prior to takeoff, and the remainder of the briefing shall be accomplished as soon thereafter as practicable. Where the airplane does not proceed directly over water after takeoff, no part of the briefing need be accomplished prior to takeoff but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight.

42.59–1 *Placement of established procedures (FAA policies which apply to sec. 42.59).* The procedures required by this section shall be contained in the air carrier's operations manual.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective upon publication.)

42.60 *Operations manual for large aircraft.*

(a) When operations are conducted in large aircraft the air carrier shall prepare and maintain for the use and guidance of operations personnel an operations manual which contains full information necessary to guide flight and ground personnel in the conduct of safe flight operations and to inform such personnel regarding their duties and responsibilities. The manual shall also contain a copy of the air carrier operating certificate. The form and content shall be acceptable to the Administrator. Copies and revisions shall be furnished to all persons designated by the Administrator. All copies in the hands of company personnel shall be kept up to date.

(b) A copy of the operations manual shall be kept at the principal operations base. Those portions of the manual pertinent to safe operation of the aircraft, including the copy of the air carrier operating certificate, shall be carried therein.

(c) Any changes prescribed by the Administrator in the interest of safety shall be promptly incorporated in the manual. Other changes not inconsistent with any Federal regulation, the air carrier operating certificate, or a safe operating practice may be made without the prior approval of the Administrator.

(d) No operation shall be conducted by the air carrier contrary to the safety provisions of the operations manual.

42.60–1 *Form of operations manual (FAA rules which apply to sec. 42.60).* The operations manual shall be loose leaf in form with letter-size pages, and shall be numbered and indexed in a manner to facilitate its use as reference material by the personnel concerned. Each page shall include a space in which the date of last revision will be indicated. Existing manuals may be utilized if they are found to fulfill the requirements of this section and are considered acceptable by the local inspector.

(Published in 14 F. R. 7040, Nov. 22, 1949, effective Nov. 22, 1949; amended effective June 15, 1957.)

42.60–2 *Content of operations manual (FAA rules which apply to sec. 42.60 (a)).*

(a) Table of contents. In preparing the manual the arrangement outlined below shall be followed.

TABLE OF CONTENTS

Chapter I.—General.
- Section 1—A copy of the air carrier's operating certificate and operations specifications, including the operations authorizations.
- Section 2—Part 42 of the Civil Air Regulations and CAM 42.
- Section 3—Instrument Approach Procedure Charts for all airports which the air carrier intends to utilize.
- Section 4—Other publications deemed necessary or applicable.

Chapter II.—Organization and Company Personnel.

Chapter III.—Operations Instructions. General policies for the guidance of operations personnel

Chapter IV.—Operating Procedures, including loading instructions and copies of cockpit check lists.

Chapter V.—Accident and Emergency Procedures, including list of emergency equipment.

Chapter VI.—Training Program.

Chapter VII.—Foreign Operations Instructions (if foreign operations are authorized).

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication.)

42.60–3 Deleted.

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication, deleted effective June 15, 1957.)

42.60–4 *Copy of operations manual in aircraft (FAA policies which apply to sec. 42.60 (b)).* In order that flight personnel of the air carrier may have more effectual use of the manual required by this section, the pilot in command shall have readily available in the cockpit a current copy of the manual required by this section, including a copy of the air carrier operating certificate and operations specifications. This manual shall contain such operations instructions as are necessary for the type of operations and aircraft concerned, and interpreting the air carrier's procedures to be followed in complying with the operations requirements of this part and the operations specifications.

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication.)

42.60–5 *Preflight certification (FAA rules which apply to sec. 42.60 (a) and (c)).* In the interest of safety, the air carrier shall establish in all operations manuals maintained for the use and guidance of operations personnel a procedure whereby the pilot in command, who has not flown over the route and into the airport of destination within the preceding 60 days, will certify on an appropriate form provided by the air carrier that he has taken the preflight actions specified in section 42.51–1. The manual shall also contain a procedure for maintaining such certification as part of the air carrier flight records.

(Published in 18 F. R. 172, Jan. 9, 1953, effective Jan. 31, 1953.)

42.60a *Airplane flight manual.*

(a) The air carrier shall keep current an approved Airplane Flight Manual for each type of transport category airplane which it operates.

(b) An approved Airplane Flight Manual or a manual complying with section 42.60 and containing information required for the Airplane Flight Manual shall be carried in each transport category airplane.

42.61 *Flight plan for large aircraft.* No large aircraft shall be taken off unless a VFR or IFR flight plan containing the appropriate information required by Part 60 of this subchapter is filed by the air carrier with the nearest FAA communications station or, when outside the United States, with the appropriate authority. In the event communications facilities are not readily available, such flight plan shall be filed as soon as practicable after becoming air-borne. An IFR or VFR flight plan must thereafter be in effect for all portions of the flight.

42.61–1 *IFR operation in control zone or control area (FAA policies which apply to sec. 42.61).* Prior to takeoff from a point within a control zone, or prior to entering a control area or control zone when operating under IFR conditions, an IFR flight plan shall be filed and an air traffic control clearance shall be obtained from air traffic control.

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication.)

42.62 *Flight manifest for large aircraft and passenger-carrying aircraft operating under IFR conditions.* For all large aircraft, or any aircraft carrying passengers under IFR conditions, a flight manifest form shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of the flight manifest form. The form and contents of this manifest shall be in accordance with the instructions contained in the air carrier's operations manual and shall include the names and addresses of the passengers carried, points of departure and destination, the weight of the cargo and passengers, and the distribution of such weight in the aircraft in accordance with the weight control system prescribed in the operations manual. The weight of the passengers may be

determined in accordance with a weight control system prescribed by the Administrator. In the event passengers are picked up at points other than the principal operations base or discharged at points other than as shown on the latest manifest, the pilot shall, before starting the flight, cause a duplicate copy of the revised manifest to be mailed to such base, unless other requirements are set forth in the carrier's operations manual.[8]

[8] See section 42.95 for record-keeping requirements for the flight manifest.

42.62–1 *Content of flight manifest (FAA policies which apply to sec. 42.62).* The flight manifest required by this section shall include at least the following information:

(a) Company or organization name.
(b) Date of flight.
(c) Flight or trip number.
(d) Point of departure.
(e) Destination (via route, etc.).
(f) Make, model, and registration number of aircraft.
(g) Names and addresses of passengers.
(h) Location and weight of crew, gasoline, oil, passengers, cargo, and ballast (if any).
(i) Empty, gross, and useful aircraft weights.
(j) Aircraft c. g. limits.
(k) C. g. of aircraft as loaded.
(l) Signature of pilot or authorized loading officer.

Extra manifest forms should be carried aboard the aircraft in order to meet the requirements in regard to discharging or picking up passengers or cargo at other than the principal operations base.

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication.)

42.62–2 *Weight control system (FAA interpretations which apply to sec. 42.62).* The weight control system as mentioned in this section includes the loading procedures as prescribed in the Operations Manual as well as the data derived from the weighing procedures or approved weight control system set forth in the Maintenance Manual.

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication.)

42.63 *Night VFR operations for large passenger-carrying aircraft; special rules.*

(a) Night VFR passenger operations in large aircraft shall be conducted only over civil airways or over off-airway routes for which the Administrator has established minimum en route instrument altitudes. Night VFR operations over such off-airway routes shall be conducted at or above such established altitudes. In addition, night VFR operations may be conducted only at airports equipped with satisfactory radio navigational facilities for which the Administrator has established approach procedures: *Provided*, That the Administrator may authorize operations at other airports upon finding that safe transition between the route and the airport may be made visually under weather minimums which he may establish, but which will in no case be lower than those provided in section 42.55 (a).

NOTE: Minimum en route instrument altitudes which have been established by the Administrator are published in the Flight Information Manual.

(b) During night VFR passenger operations in large aircraft the pilot-in-command of the aircraft shall ensure that a continuous watch is maintained on the appropriate radio frequencies and shall report by radio as soon as possible the time and altitude of passing each designated reporting point together with weather conditions and any other information which the pilot considers important to the safety of flight. In addition, in operations over off-airway routes the pilot-in-command shall report as soon as possible the time and altitude of passing over each check point specified in the flight plan.

42.64 *Flight crew members at controls.* All required flight crew members when on flight deck duty shall remain at their respective stations while the aircraft is taking off or landing, and while en route except when the absence of one such flight crew member is necessary for the performance of his duties in connection with the operation of the aircraft. All flight crew members shall keep their seat belts fastened when at their respective stations.

42.65 *Drinking and serving of alcoholic beverages.*

(a) No person shall drink any alcoholic beverage aboard an air carrier aircraft unless such beverage has been served to him by the air carrier operating the aircraft.

(b) No air carrier shall serve any alcoholic

beverage to any person aboard an air carrier aircraft if such person appears to be intoxicated.

[(c) No air carrier shall permit any person to board an air carrier aircraft if such person appears to be intoxicated.

[(d) An air carrier shall report to the Administrator within 5 days any incident in which a person aboard its aircraft refuses to comply with paragraph (a) of this section, or any disturbance caused by a person who appears to be intoxicated while aboard its aircraft.]

(Amendment 42-26, published in 25 F.R. 170, Jan. 9, 1960, effective Mar. 10, 1960; [Amendment 42-34, published in 26 F.R. 9907, Oct. 21, 1961, effective Nov. 21, 1961.])

[*42.66 Carriage of cargo in passenger compartments.* Cargo shall not be carried in the passenger compartment of an airplane except as provided in either paragraph (a) or (b) of this section.

[(a) Cargo carried aft of the foremost seated passengers shall be carried in an approved cargo bin. Approved cargo bins shall meet the requirements of subparagraphs (1) through (8) of this paragraph.

[(1) The bin shall be capable of withstanding the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by a factor of 1.15. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

[(2) The maximum weight of cargo which the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin shall be conspicuously marked on the bin.

[(3) The bin shall not impose any load on the floor or other structure of the airplane which exceeds the structural load limitations of such components.

[(4) The bin shall be attached to the seat tracks or to the floor structure of the airplane, and its attachments shall withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by either the factor 1.15 or the seat attachment factor specified for the airplane, whichever is greater. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

[(5) The bin shall not be installed in a position which restricts access to or use of any required emergency exit, or the use of the aisle in the passenger compartment.

[(6) The bin shall be fully enclosed and constructed of material which is at least flame resistant.

[(7) Suitable safeguards shall be provided within the bin to prevent the cargo from shifting under emergency landing conditions.

[(8) The bin shall not be installed in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

[(b) Cargo carried forward of the foremost seated passengers shall be carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the following requirements:

[(1) It shall be properly secured by means of safety belts or other tiedowns having sufficient strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions;

[(2) It shall be packaged or covered in a manner to avoid possible injury to passengers;

[(3) It shall not impose any load on seats or the floor structure which exceeds the structural load limitation for those components;

[(4) It shall not be located in a position which restricts the access to or use of any required emergency or regular exit, or the use of the aisle in the passenger compartment; and

[(5) It shall not be located in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

[(Amendment 42-35, published in 26 F.R. 11356, Dec. 1, 1961, effective Jan. 2, 1962; Amendment

42-36, published in 26 F.R. 12762, Dec. 30, 1961, effective Jan. 2, 1962; Amendment 42-37, published in 27 F.R. 651, Jan. 23, 1962, effective Jan. 20, 1962.)]

Operating Limitations for Large Passenger-Carrying Airplanes

42.70 *Operating limitations for transport category airplanes.*

(a) In operating any passenger-carrying transport category airplane the provisions of sections 42.71 through 42.78 shall be complied with unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) For transport category aircraft the data contained in the Airplane Flight Manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equalling in accuracy the results of a direct test.

(c) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the takeoff runway limitations of the transport category operating rules, after taking into account the temperature operating correction factors required by sections 4a.749a-T or 4b.117 of this subchapter, and set forth in the Airplane Flight Manual for the airplane.

42.70-1 *Deviations (FAA rules which apply to sec. 42.70 (a)).* An application for any deviation shall include all supporting data and shall be forwarded to the district office charged with the over-all inspection of the air carrier's operations.

(Published in 19 F. R. 2168, Apr. 15, 1954, effective Apr. 25, 1954; amended effective June 15, 1957.)

42.70-2 *Accuracy of data (FAA policies which apply to sec. 42.70 (b)).* The charts and data prepared by the air carrier for use of flight and operations personnel should be prepared with sufficient accuracy and clarity that the gross weight and runway length values for specific operating conditions can be reproduced within a tolerance of one-half of 1 percent by an independent recheck.

(Published in 19 F. R. 2168, Apr. 15, 1954, effective Apr. 25, 1954.)

42.70-3 *Temperature accountability (FAA policies which apply to sec. 42.70 (c)).* The maximum permissible weight for a given takeoff should be equal to the lowest of three values determined separately by consideration of (a) accelerate-stop, (b) takeoff and climb out to a 50-foot height and (c) the obstacle clearance condition. The established temperature accountability correction factors appearing in the Airplane Flight Manuals are applied to the takeoff weights determined by the accelerate-stop and climb out to a 50-foot height. These values may be used individually or in combination, i. e., if a runway is considerably longer than is required to meet the accelerate-stop and climb out to 50-foot requirements at standard temperature, then at temperatures higher than standard, takeoff weight need not be reduced as long as additional runway length is available. When the temperature reaches a value at which no additional runway length remains, then a reduction in weight would be necessary. These factors do not apply to weights determined by obstacle clearance considerations. If the takeoff weight at standard temperature is limited by obstruction clearance rather than by the climb out to 50 feet or by the accelerate-stop distance, a weight reduction need not be made for temperatures higher than standard until the temperatures reach a high enough value to use up the existing runway between that used for standard temperature (limited to less than the full runway because of obstacles) and the actual length.

(Published in 19 F. R. 2168, Apr. 15, 1954, effective Apr. 25, 1954.)

42.71 *Weight limitations.*

(a) No airplane shall be taken off from any airport located at an elevation outside of the altitude range for which maximum takeoff weights have been determined, and no airplane shall depart for an airport of intended destination, or have any airport specified as an alternate, which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at takeoff shall not exceed the authorized maximum takeoff weight for the elevation of the airport from which the takeoff is to be made.

(c) The weight at takeoff shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

42.71–1 *Weight limitations (FAA policies which apply to sec. 42.71).* The limitations imposed by section 42.71 take into account only one operating variable, i. e., the elevation of the airport to be used as it affects the weight of the aircraft during takeoff or landing. Other operating variables, such as runway length, gradient, wind and temperature, are considered in other sections of this part. Compliance with this section does not present a particular problem since the Airplane Flight Manual provides performance data for airports over a wide range of elevations. However, most manuals do not provide data for operations at airports below sea level. Section 42.71 should not be construed as prohibiting operations from airports below sea level, since sea level data in the Airplane Flight Manual, being conservative, may be applied to such airports.

(Published in 19 F. R. 2168, Apr. 15, 1954, effective Apr. 25, 1954.)

42.72 *Takeoff limitations to provide for engine failure.* No takeoff shall be made except under conditions which will permit compliance with the following requirements:

(a) It shall be possible, from any point on the takeoff up to the time of attaining the critical-engine-failure speed, to bring the airplane to a safe stop on the runway, as shown by the accelerate-stop distance data.

(b) It shall be possible, if the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, to proceed with the takeoff and attain a height of 50 feet, as indicated by the takeoff path data, before passing over the end of the takeoff area. Thereafter, it shall be possible to clear all obstacles, either by at least 50 feet vertically, as shown by the takeoff path data, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries.

(1) In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances above set forth, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the takeoff path data, and that a maximum bank thereafter does not exceed 15°.

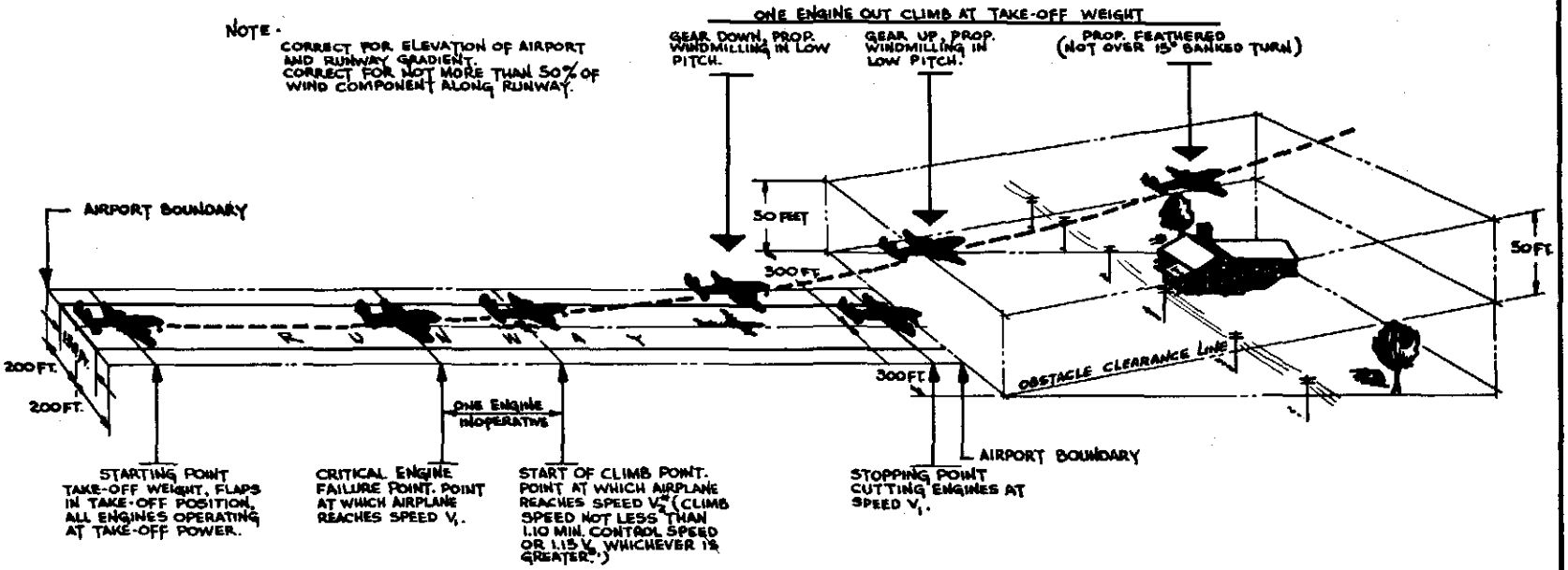
(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the takeoff surface. To allow for wind effect, takeoff data based on still air may be corrected by not more than 50 percent of the reported wind component along the takeoff path if opposite to the direction of takeoff, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of takeoff.

42.72–1 *Takeoff limitations to provide for engine failure (FAA policies which apply to sec. 42.72).*

(a) *Takeoff flight path.* Diagram 1 is a pictorial representation of the relationship required between the dimensions of an airport and its surroundings, and the performance of the airplane. It illustrates the takeoff flight path defined by the airworthiness requirements.

(b) *Airport data.* Complete data concerning the airport dimensions and characteristics, such as runway lengths, runway gradients, obstruction heights and location, airport elevation, and the nature and condition of airport areas other than paved runways from which takeoffs might be made, are necessary for the determination of permissible takeoff weights. The most nearly complete and satisfactory source of such data is the series of Airport Obstruction Plans prepared by the United States Department of Commerce Coast and Geodetic Survey. However, their Airport Obstruction Plan series does not yet completely cover the airports used by air carrier operators of Transport Category airplanes, and in addition, the Obstruction Plans do not present any data showing the nature or condition of runway surfaces or other airport areas suitable for use in takeoff and landing. Furthermore, the Obstruction Plans necessarily contain data which may be several months old and which may not completely conform to the existing obstructions. There-

TAKE-OFF · AIRPORT LIMITATIONS



THE AIRPLANE SHALL RUN UP TO A SPECIFIED SPEED AND FROM THERE BE ABLE TO:

1. STOP WITHIN THE AIRPORT BOUNDARIES.
2. CONTINUE WITH ONE ENGINE INOPERATIVE AND CLEAR OBSTACLES AS SHOWN.

* $1.2V_S$ FOR AIRPLANES WITH TWO ENGINES
$1.15V_S$ FOR AIRPLANES WITH MORE THAN TWO ENGINES.
} V_S = STALL SPEED WITH TAKE-OFF CONFIGURATION.

Diagram 1

fore, it may be necessary, for the air carrier operator, to supplement its data with information obtained from other sources. However, gross weight data calculated on the basis of such data should be rechecked or recalculated as soon as appropriate data from the Coast and Geodetic Survey becomes available.

(c) *Runways.*

(1) Normally, only paved runways will be approved for use in takeoff. However, in some cases there may be a defined rectangular area hereinafter designated as a stopway at the end of a runway in the direction of takeoff, selected and approved as a suitable area, in which the aircraft can be stopped after an interrupted takeoff. The stopway should have the same width as the runway it augments. The stopway should be so prepared or constructed as to enable the aircraft to come to a stop on it without hazard at the operating speeds that might be expected in this area after an interrupted takeoff. If it is desired to use a stopway to meet the "climb to a 50-foot height" requirement, the stopway should be suitable for the aircraft to traverse it at takeoff speeds without hazard.

(2) In all cases the takeoff should be assumed to begin on the paved runway and not on an unpaved area. No allowance need be made for the length of the airplane in determining what should be considered to be the proper point for beginning the takeoff. Limitations established by the airport operator may make it necessary to stipulate that the beginning of the takeoff area be at some point down the runway from the actual end of the paving.

(d) *Turns to avoid obstructions.*

(1) Section 42.72 provides that after reaching a height of 50 feet, the aircraft may be turned with a bank not exceeding 15° to comply with the obstruction clearance criteria. Only one turn to a definite heading should be considered in detailing the takeoff path.

(2) The radius of turn resulting from a banked turn of 15° may be determined from the following formula:

Radius of turn $=V^2 \times 0.25$ feet where V=climb speed in mph, TAS

For example: at a climb speed of 120 mph., the radius of turn for a 15° banked turn would be,

$$120 \times 120 \times 0.25 = 3{,}600 \text{ feet.}$$

The effects of wind in altering a flight path need not be considered unless they are large (one-fourth climb speed) and the angle of turn is more than 45° from the runway heading.

(e) *Effects of runway gradient.*

(1) The gradient effect on the ground run may be calculated from the following formula:

$$S_G = S\left[\frac{1}{1-\left(\frac{2Sg \sin \alpha}{V_2^2}\right)}\right]$$

where S_G=length of ground run with gradient.

S=length of ground run without gradient.

g=acceleration of gravity=32.2 (ft./sec.^{2}).

V_2=climb out speed, feet per second, true air speed.

α=angle of grade with horizontal, uphill (+), downhill (−).

(2) The above formula is based on several simplifying assumptions, i. e., that a uniform grade exists, that the airplane is accelerated uniformly throughout the ground run, and that the speed V_2 may be used where the difference between V_1 and V_2 is not large. None of these assumptions may be exactly correct, but the errors introduced by making such assumptions are small provided the airplane acceleration and the actual point-to-point grade do not depart from the average values of those quantities by any great amount.

(3) The effect of gradient during the climb-out should be determined by comparing the airplane rate of climb with the change in runway elevation, to determine first the weight or wind condition at which the airplane clears the end of the runway and all obstacles by an actual 50 feet and second, that the airplane clears all points on the runway after takeoff.

(4) For purposes of simplification in calculating the effect of runway gradient on the takeoff flight path, an average gradient consisting of the difference in elevation of the two ends of the runway divided by the runway length may be used, provided that no intervening point on the runway lies more than 5 feet above or below a straight line joining the two ends of the runway. In this case, the gradient effects on the acceleration portion of the takeoff flight path and for the accelerate-stop portion

may be presented together in simple chart form without introducing excessive errors. However, the actual gradient should be used for the climbout segments of the flight path and in no case should the gradient be greater than the first segment climb.

(5) In those cases in which intermediate points on the runway depart more than 5 feet from the mean line, the gradient effects on the acceleration portions, the deceleration portion, and the climb portion of the flight path should be computed separately. An average gradient may be assumed for the ground run portion of the problem because the error resulting therefrom is so small that a more rigorous treatment is not justified, provided a truly representative gradient is chosen. Where there are no reversals or significant changes in the runway slope during the ground run, the average may be taken to be the difference in elevation between the starting point and the point of attaining takeoff climb speed, V_2, divided by the distance between the two points. However, if the gradient is not essentially constant, an average gradient should be assumed that more nearly parallels the high-speed portion of the acceleration run, since the gradient has a greater effect on the distance traversed at high speed. The average gradient selected in this way will usually serve for determining gradient effects on the acceleration distance in either the takeoff flight path or the accelerate-stop distance. An average gradient should be determined in the same way in determining the gradient effects on the stopping distance, while the actual gradient should be determined in checking the climb segment to the 50-foot point.

(6) The operator may take advantage of the favorable effect of a down-hill gradient on the takeoff flight path, if he wishes, but the unfavorable effect of such a gradient on the stopping distance should be accounted for in all cases.

(f) *Effects of wind.*

(1) Section 42.72 permits the use of 50 percent of the headwind component and requires consideration of 150 percent of any tailwind component.

The effect of wind on runway requirements can be determined by use of the following equation:

(i) For all headwind components, and tailwind components of 10 miles per hour or less.

$$S_w = S\left(\frac{V_2 - V_w}{V_2}\right)^{1.85}$$

where S_w=runway required with wind.
S=runway required, zero wind.
V_2=takeoff safety speed (miles per hour).
V_w=+(.5×headwind component) or, −(1.5×tailwind component).

(ii) If tailwind components in excess of 10 miles per hour are approved, the equation will be:

$$S_w = S\left(\frac{V_2 - V_w}{V_2}\right)^2$$

Alternately, the exponent can be that which is determined to be appropriate to the separation of deceleration characteristics of the airplane type, as applicable.

(2) For steady wind conditions, the wind velocity and direction will be used in computing the effective headwind and tailwind components and the maximum gust velocity and most unfavorable direction will be used in computing the crosswind component.

(Published in 19 F. R. 2169, Apr. 15, 1954, effective Apr. 25, 1954.)

42.73 *En route limitations; all engines operating.* No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with all engines operating, of at least $6V_{s_0}$ (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track. Transport category airplanes certificated under Part 4a of this subchapter are not required to comply with this section. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by the anticipated consumption of fuel and oil.

42.74 *En route limitations; one engine inoperative.*

(a) No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least $\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2$

(when N is the number of engines installed and V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track, except that for transport category airplanes certificated under Part 4a of this subchapter, the rate of climb shall be 0.02 $V_{s_0}^2$.

(b) As an alternative to the provisions of paragraph (a) of this section, an aircarrier may utilize an approved procedure whereby its airplanes are operated at an all-engine-operating altitude such that in the event of an engine failure the airplane can continue flight to an alternate airport where a landing can be made in accordance with the provisions of section 42.78, the flight path clearing all terrain and obstructions along the route within 5 miles on either side of the intended track by at least 2,000 feet. In addition, if such a procedure is utilized, subparagraphs (1) through (6) shall be complied with:

(1) The rate of climb (as presented in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to $\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2$ (when N is the number of engines installed and V_{s_0} is expressed in miles per hour) for airplanes certificated under Part 4b of this subchapter, and by 0.02 $V_{s_0}^2$ for airplanes certificated under Part 4a of this subchapter.

(2) The all-engine-operating altitude shall be such that, in the event the critical engine becomes inoperative at any point along the route, the flight will be capable of proceeding to a predetermined alternate airport by use of this procedure. For the purpose of determining the takeoff weight, the airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix: *Provided:* That the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(3) The airplane shall meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure shall include an approved method of accounting for winds and temperatures which would otherwise adversely affect the flight path.

(5) In complying with this procedure fuel jettisoning shall be permitted if the Administrator finds that the air carrier has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The alternate airport shall be specified in the dispatch release and shall meet the provisions of section 42.55.

(c) For the purposes of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

42.75 *En route limitations; two engines inoperative.* The provisions of this section shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this subchapter. No airplane having four or more engines shall be flown along an intended track except under the conditions of either paragraph (a) or paragraph (b) of this section.

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of section 42.78, assuming all engines to be operating at cruising power.

(b) The takeoff weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to 0.01 $V_{s_0}^2$ (V_{s_0} being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the takeoff weight. In showing compliance with this prescribed rate of climb, the following shall apply:

(1) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two engines are assumed to fail and with two engines operating beyond that point.

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude if, at the end of the descent and during the subsequent portion of the flight, the prescribed rate of climb is met at the prescribed minimum altitudes. The descent shall be assumed to be along a net flight path and the rate of descent for the appropriate weight and altitude shall be assumed to be 0.01 $V_{S_0}^2$ greater than indicated by the performance information approved by the Administrator.

(3) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of section 42.78 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

42.76 *En route limitations; where special air navigational facilities exist.* The 10-mile lateral distance specified in sections 42.73 through 42.76 may, for a distance of no more than 20 miles, be reduced to 5 miles: *Provided,* That special air navigational facilities provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

42.76–1 *En route limitations; where special air navigational facilities exist (FAA policies which apply to sec. 42.76).* No attempt is made to classify specific types of navigational facilities as acceptable or unacceptable for the purposes of section 42.76, but each case will be examined on its own merits. In general, however, the facility should be of a type that gives the pilot a continuous fix of his position with an error of not more than 2 miles, or a continuous on course indication with an error of not more than 2 miles, or a continuous indication of the bearing and distance of the obstacle from the airplane, with an accuracy adequate to allow the pilot to turn away from the obstacle with ample clearance. Any mechanical or electrical facilities that are to be acceptable should be thoroughly reliable regardless of weather or other operating conditions. Such considerations apply only for IFR operations.

(Published in 19 F. R. 2170, Apr. 15, 1954, effective Apr. 25, 1954.)

42.77 *Landing distance limitations; airport of destination.* No airplane shall be taken off at a weight in excess of that which, under the conditions stated in paragraphs (a) and (b) of this section, would permit the airplane to be brought to rest at the field of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance line and the runway. For the purpose of this section it shall be assumed that the takeoff weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the aircraft is landed on the most favorable runway and direction without regard to wind.

(b) It shall be assumed, considering every probable wind velocity and direction, that the aircraft is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane and allowing for the effect on the landing path and roll of not more than 50 percent of the favorable wind component.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the aircraft may be taken off if an alternate airport is designated which permits compliance with section 42.78.

42.77–1 *Landing distance limitations; airport of destination (FAA policies which apply to sec. 42.77).*

(a) Section 42.77 establishes two major considerations in determining the permissible landing weight at the airport of destination. The first is that the aircraft weight will be

such on arrival that it can be landed within 60 percent of the effective landing length of the most favorable (normally the longest) runway in still air. This maximum weight for an airport/aircraft configuration, once established, remains constant and cannot be exceeded, regardless of wind conditions.

(b) The second is that consideration be given to the maximum weight that will be permitted due to the necessity of using another runway because of the probable wind condition, ground handling characteristics of the aircraft, landing aids, etc. This consideration may result in a lower gross weight than permitted in paragraph (a) of this section, in which case, dispatch must be based on this lesser weight.

(c) The probable wind referred to in paragraph (b) of this section, is the wind forecasted to exist at the time of arrival.

(d) If the forecast conditions are such that consideration of the requirements in section 42.77 (b) would preclude a landing at the intended destination, the aircraft may be dispatched if an alternate airport is designated which permits compliance with section 42.78.

(e) (1) If a flight has been properly dispatched, but arrives at the destination with a weight higher than anticipated due to unexpected wind conditions or fuel consumption, section 42.77 (b) should not be construed as prohibiting a landing at the overweight condition, provided the crosswind and/or tailwind operating limitations are not exceeded. (2) If conditions are such that the crosswind and/or tailwind limitations will be exceeded, the flight must proceed to its alternate, if one has been named to meet the requirements of section 42.77 (b). However, if an alternate was not provided, and upon arrival the wind conditions were such that the crosswind and/or tailwind limitations would be exceeded, the pilot should exercise the authority granted him in section 42.51 (d).

(f) For application of the wind components as allowed in section 42.77 (b), refer to section 42.72–1 (f).

(Published in 19 F. R. 2170, Apr. 15, 1954, effective Apr. 25, 1954.)

42.78 *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a flight plan unless the aircraft at the weight at takeoff can comply with the requirements of section 42.77 (a) and (b) at such airport: *Provided,* That the aircraft can be brought to rest within 70 percent of the effective length of the runway.

42.80 *Operating limitations for aircraft not certificated in the transport category.* In operating any passenger-carrying, large, nontransport category airplanes after January 1, 1950, the provisions of sections 42.81 through 42.83 shall be complied with. Prior to that date, such aircraft shall be operated in accordance with such operating limitations as the Administrator determines will provide a safe relation between the performance of the aircraft and the airports to be used and the areas to be traversed. Performance data published by the Administrator for each such nontransport category type aircraft shall be used in determining compliance with such provisions.

42.80–1 *Performance data on Curtiss model C46 aircraft certificated for maximum weights of 45,000 pounds to 48,000 pounds (FAA rules which apply to sec. 42.80).* The following performance limitations data, applicable to the Curtiss model C46 aircraft shall be used in determining compliance with section 42.80. These data are presented in the tables and figures of this section.

TABLE 1.—*Takeoff limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1. (Distance to accelerate to 93 knots TIAS, and stop, with zero wind and zero gradient.)

Standard altitude in feet	Airplane weight in pounds			
	39,000	42,000	45,000	[1] 48,000
	Distance in feet			
S. L.	4,110	4,295	4,570	4,950
1,000	4,250	4,450	4,725	5,130
2,000	4,400	4,600	4,880	5,300
3,000	4,650	4,890	5,190	5,680
4,000	4,910	5,170	5,500	6,050
5,000	5,165	5,450	5,810	6,430
6,000	5,420	5,730	6,120	6,805
7,000	5,685	6,000	6,440	[2]
8,000	5,940	6,280	6,750	[2]

[1] For use with Curtiss model C46 airplanes when approved for this weight.
[2] Limited by sec. 42.82.

(b) Actual length of runway required when "effective length", considering obstacles, is not determined (distance to accelerate to 93 knots TIAS, and stop divided by the factor 0.85.)

Standard altitude in feet	Airplane weight in pounds			
	39,000	42,000	45,000	[1] 48,000
	Distance in feet			
S. L.	4,835	5,050	5,375	5,825
1,000	5,000	5,235	5,555	6,035
2,000	5,175	5,410	5,740	6,235
3,000	5,470	5,750	6,105	6,680
4,000	5,775	6,080	6,470	7,120
5,000	6,075	6,410	6,830	7,565
6,000	6,375	6,740	7,200	8,005
7,000	6,690	7,060	7,575	[2]
8,000	6,990	7,390	7,940	[2]

[1] For use with Curtiss model C46 airplanes when approved for this weight.
[2] Limited by sec. 42.82.

TABLE 2.—*En route limitations*

(a) Curtiss model C-46 certificated for maximum weight of 45,000 pounds (based on a climb speed of 113 knots (TIAS)).

Weight (pounds)	Terrain clearance [1] (feet)	Blower setting
45,000	6,450	Low.
44,000	7,000	Do.
43,000	7,550	Do.
42,200	8,000	High.
41,000	9,600	Do.
40,000	11,000	Do.
39,000	12,300	Do.

[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82

(b) Curtiss model C-46 certificated for maximum weight of 48,000 pounds or with engine installation approved for 2,550 revolutions per minute (1,700 brake horsepower). Maximum continuous power in low blower [1] (based on a climb speed of 113 knots (TIAS)).

Weight (pounds)	Terrain clearance [2] (feet)	Blower setting
48,000	5,850	Low.
47,000	6,300	Do.
46,000	6,700	Do.
45,000	7,200	Do.
44,500	7,450	Do.
44,250	8,000	High.
44,000	8,550	Do.
43,000	10,800	Do.
42,000	12,500	Do.
41,000	13,000	Do.

[1] Engine installations having P & W. R-2800-27, -43, -51, -71, -75, -79 engines can be approved for 1,700 brake horsepower in low blower. See engine specification chap. 19, p. 30.02 revised Oct. 10, 1949
[2] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42 82

TABLE 3.—*Landing limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient. (1) Curtiss model C–46 certificated for maximum weight of 45,000 pounds.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	40,000	V_{50}	42,000	V_{50}	44,000	V_{50}	45,000	V_{50}
	Distance in feet							
S. L.	3,700	86.0	3,855	88.0	4,030	90.5	4,110	91.0
1,000	3,800	86.0	3,960	88.0	4,140	90.5	4,220	91.0
2,000	3,900	86.0	4,070	88.0	4,250	90.5	4,335	91.0
3,000	4,050	86.0	4,180	88.0	4,360	90.5	4,450	91.0
4,000	4,110	86.0	4,290	88.0	4,475	90.5	4,565	91.0
5,000	4,215	86.0	4,400	88.0	4,595	90.5	4,680	91.0
6,000	4,330	86.0	4,515	88.0	4,710	90.5	4,800	91.0
7,000	4,430	86.0	4,635	88.0	4,845	90.5	4,930	91.0
8,000	4,550	86.0	4,755	88.0	4,970	90.5	5,060	91.0

[1] Steady approach speed through 50 foot-height-knots TIAS denoted by symbol V_{50}.

(2) Curtiss model C–46 certificated for maximum weight of 48,000 pounds.[1]

Standard altitude in feet	Airplane weight in pounds and approach speeds [2] in knots							
	42,000	V_{50}	44,000	V_{50}	46,000	V_{50}	48,000	V_{50}
	Distance in feet							
S. L.	2,890	80.5	3,000	82.0	3,110	84.5	3,215	86.0
1,000	2,960	80.5	3,070	82.0	3,180	84.5	3,285	86.0
2,000	3,035	80.5	3,145	82.0	3,250	84.5	3,360	86.0
3,000	3,110	80.5	3,215	82.0	3,330	84.5	3,430	86.0
4,000	3,185	80.5	3,300	82.0	3,410	84.5	3,520	86.0
5,000	3,260	80.5	3,370	82.0	3,495	84.5	3,615	86.0
6,000	3,330	80.5	3,460	82.0	3,580	84.5	3,700	86.0
7,000	3,415	80.5	3,545	82.0	3,670	84.5	3,800	86.0
8,000	3,500	80.5	3,635	82.0	3,765	84.5	3,900	86.0

[1] For use with Curtiss model C–46 aircraft when approved for this weight.
[2] Steady approach speed through 50 foot-height-knots TIAS denoted by symbol V_{50}.

(Continued on page 65)

TABLE 3.—*Landing limitations*—Continued

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

(1) Curtiss model C–46 certificated for maximum weight of 45,000 pounds.[1]

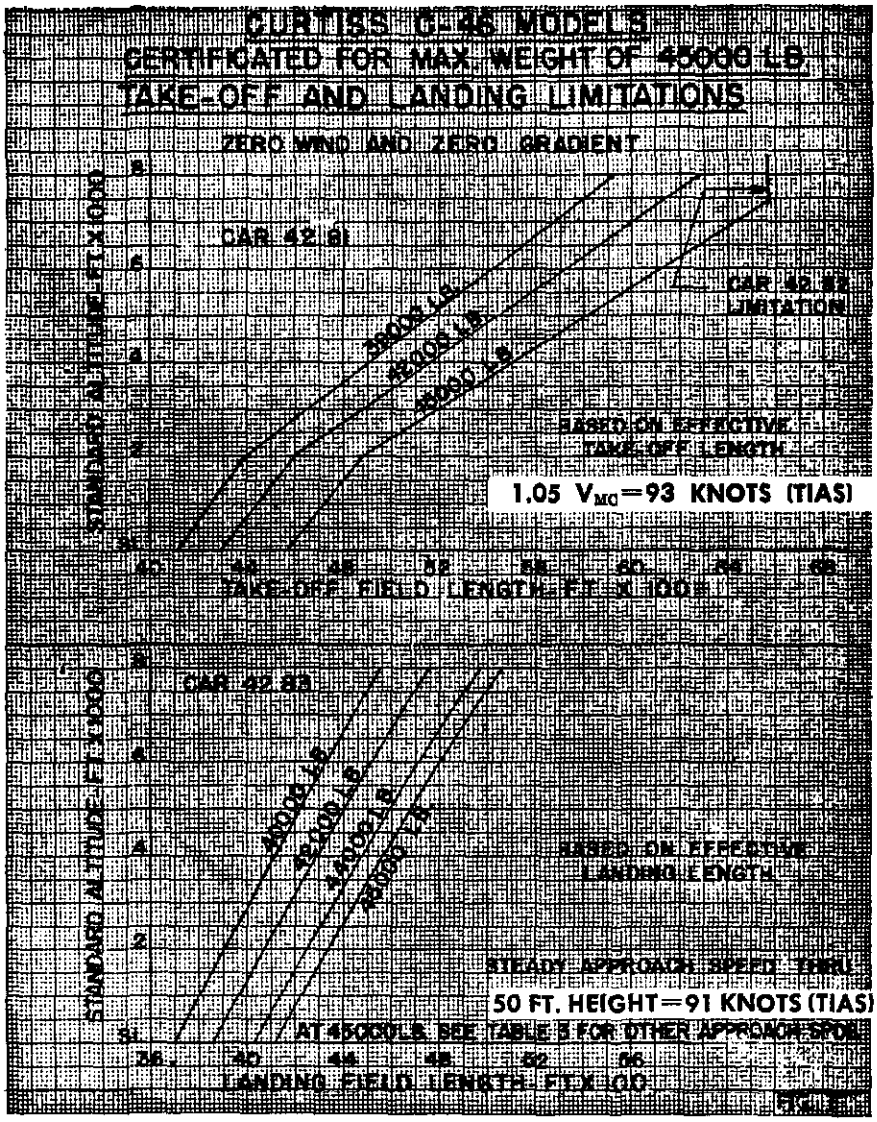
Standard altitude in feet	Airplane weight in pounds and approach speeds[2] in knots							
	40, 000	V_{50}	42, 000	V_{50}	44, 000	V_{50}	45, 000	V_{50}
	Distance in feet							
S. L.	4, 710	86. 0	4, 910	88. 0	5, 130	90. 5	5, 230	91. 0
1,000	4, 835	86. 0	5, 050	88. 0	5, 270	90. 5	5, 370	91. 0
2,000	4, 965	86. 0	5, 180	88. 0	5, 410	90. 5	5, 520	91. 0
3,000	5, 155	86. 0	5, 320	88. 0	5, 550	90. 5	5, 665	91. 0
4,000	5, 230	86. 0	5, 560	88. 0	5, 695	90. 5	5, 810	91. 0
5,000	5, 365	86. 0	5, 600	88. 0	5, 850	90. 5	5, 955	91. 0
6,000	5, 510	86. 0	5, 745	88. 0	5, 995	90. 5	6, 110	91. 0
7,000	5, 640	86. 0	5, 900	88. 0	6, 165	90. 5	6, 275	91. 0
8,000	5, 790	86. 0	6, 050	88. 0	6, 325	90. 5	6, 550	91. 0

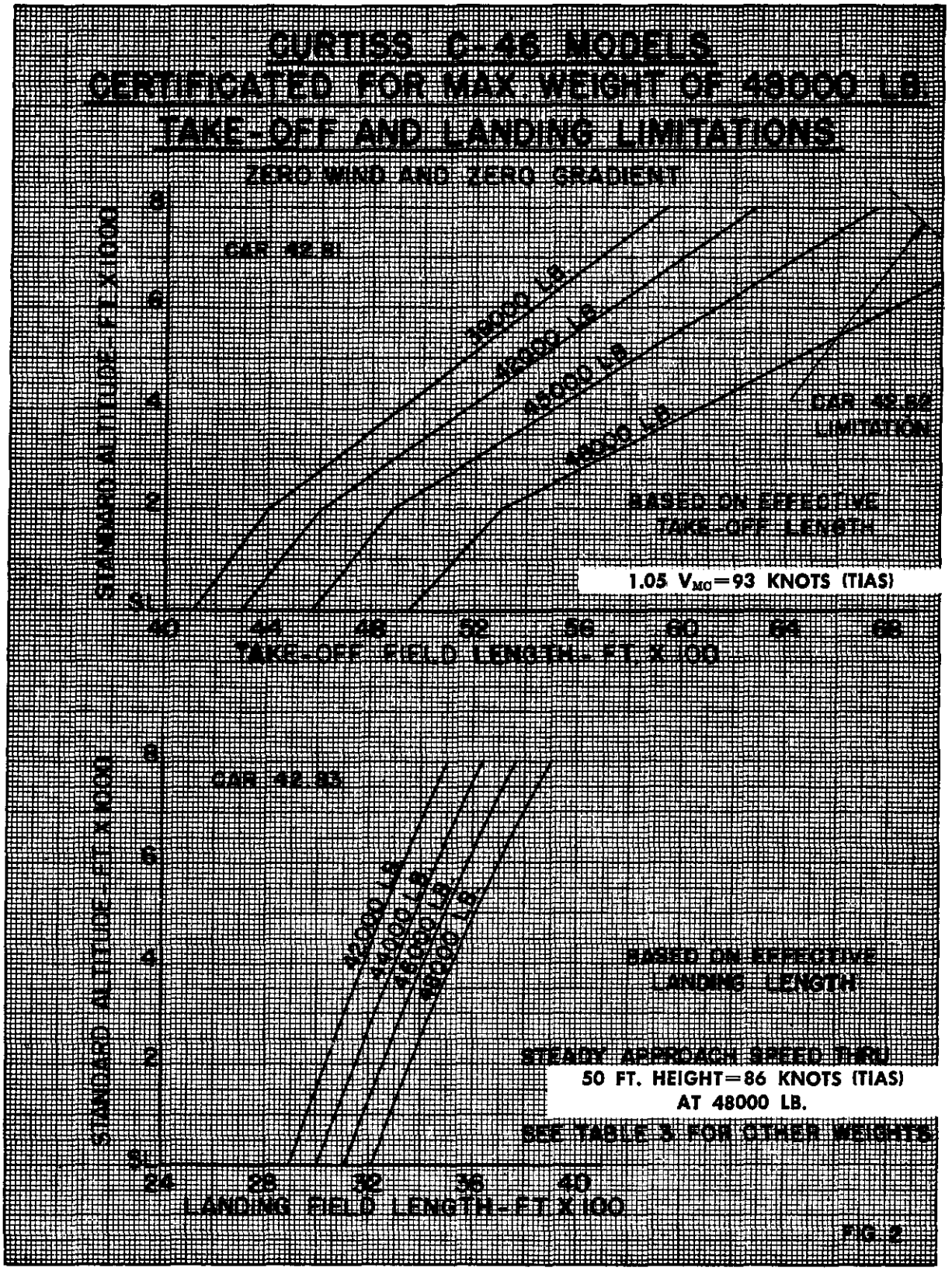
[1] Steady approach speed through 50 foot-height-knots TIAS denoted by symbol V_{50}.
[2] For use with Curtiss model C–46 aircraft when approved for this weight.

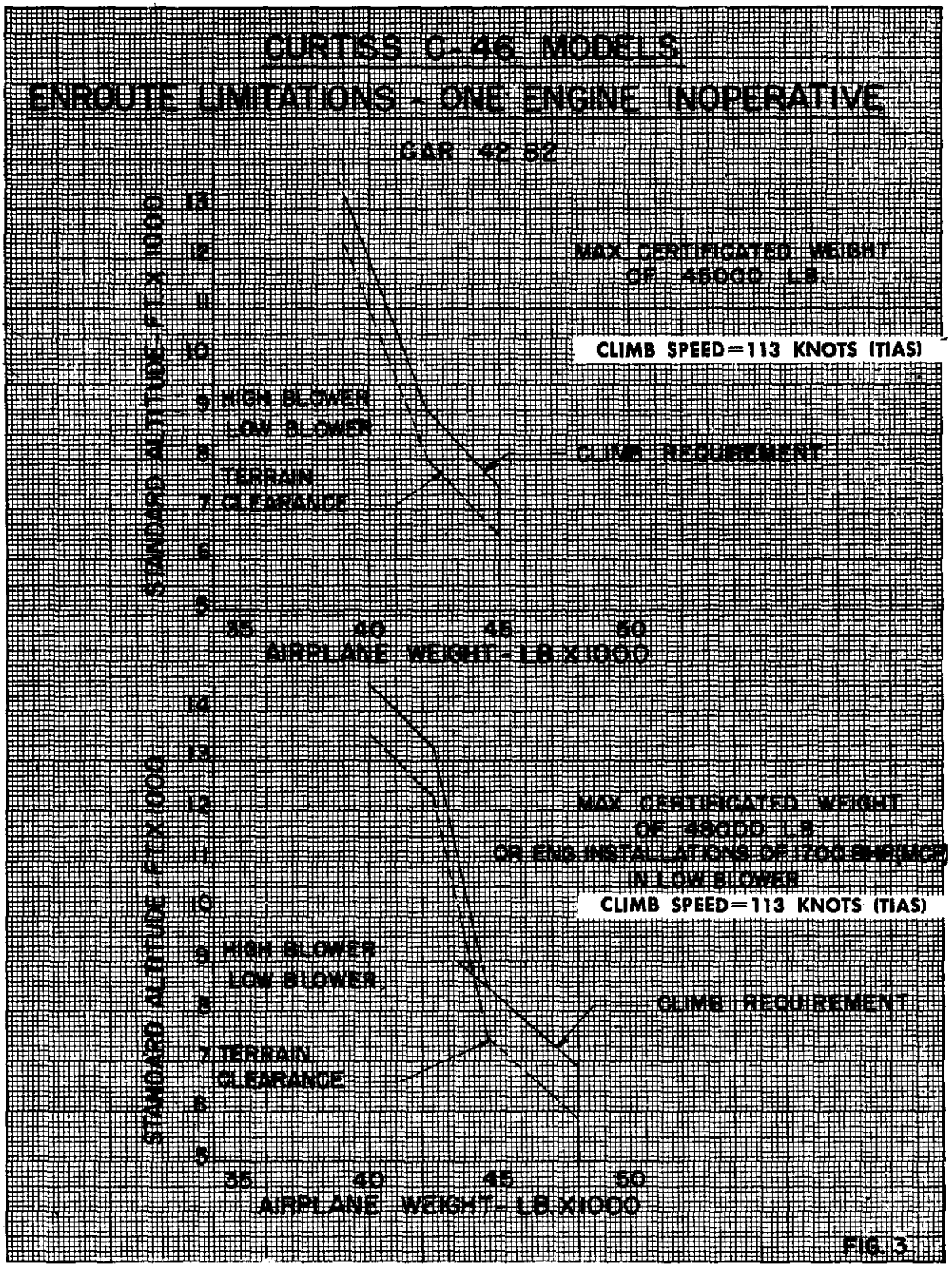
(2) Curtiss C–46 certificated for maximum weight of 48,000 pounds.[1]

Standard altitude in feet	Airplane weight in pounds and approach speeds[2] in knots							
	42,000	V_{50}	44,000	V_{50}	46,000	V_{50}	48,000	V_{50}
	Distance in feet							
S. L.	3, 680	80. 5	3, 820	82. 0	3, 960	84. 5	4, 090	86. 0
1,000	3, 765	80. 5	3, 905	82. 0	4, 045	84. 5	4, 180	86. 0
2,000	3, 860	80. 5	4, 000	82. 0	4, 135	84. 5	4, 275	86. 0
3,000	3, 960	80. 5	4, 090	82. 0	4, 240	84. 5	4, 365	86. 0
4,000	4, 055	80. 5	4, 200	82. 0	4, 340	84. 5	4, 480	86. 0
5,000	4, 150	80. 5	4, 290	82. 0	4, 450	84. 5	4, 600	86. 0
6,000	4, 240	80. 5	4, 405	82. 0	4, 555	84. 5	4, 710	86. 0
7,000	4, 345	80. 5	4, 510	82. 0	4, 670	84. 5	4, 835	86. 0
8,000	4, 455	80. 5	4, 625	82. 0	4, 790	84. 5	4, 965	86. 0

[1] For use with Curtiss model C–46 aircraft when approved for this weight.
[2] Steady approach speed through 50 foot-height-knots TIAS denoted by symbol V_{50}.


CURTISS C-46 MODELS
CERTIFICATED FOR MAX. WEIGHT OF 45000 LB.
TAKE-OFF AND LANDING LIMITATIONS
ZERO WIND AND ZERO GRADIENT
CAR 42.81
CAR 42.82 LIMITATION
BASED ON EFFECTIVE TAKE-OFF LENGTH
1.05 V_{MC}=93 KNOTS (TIAS)
STANDARD ALTITUDE-FT.X1000
TAKE-OFF FIELD LENGTH-FT. X 100
CAR 42.83
BASED ON EFFECTIVE LANDING LENGTH
STEADY APPROACH SPEED THRU 50 FT. HEIGHT=91 KNOTS (TIAS)
AT 45000 LB. SEE TABLE 3 FOR OTHER APPROACH SPDS.
LANDING FIELD LENGTH-FT.X 100


CURTISS C-46 MODELS
CERTIFICATED FOR MAX WEIGHT OF 48000 LB.
TAKE-OFF AND LANDING LIMITATIONS
ZERO WIND AND ZERO GRADIENT
CAR 42.91
CAR 42.54 LIMITATION
BASED ON EFFECTIVE TAKE-OFF LENGTH
1.05 V_{MC}=93 KNOTS (TIAS)
STANDARD ALTITUDE - FT. X 1000
TAKE-OFF FIELD LENGTH - FT. X 100
CAR 42.93
BASED ON EFFECTIVE LANDING LENGTH
STEADY APPROACH SPEED THRU 50 FT. HEIGHT=86 KNOTS (TIAS) AT 48000 LB.
SEE TABLE 3 FOR OTHER WEIGHTS
LANDING FIELD LENGTH - FT. X 100
FIG. 2



(42.80–1. Published in 15 F. R. 83, Jan. 10, 1950, effective Jan. 1, 1950; amended in 15 F. R. 6852, Oct. 12, 1950, effective upon publication; amended in 21 F. R. 2232, Apr. 16, 1956, effective Apr. 1, 1956.)

42.80–2 *Performance data on Douglas DC–3 aircraft (FAA rules which apply to section 42.80).* The following performance limitations data, applicable to all Douglas DC–3 aircraft with various engine models, shall be used in determining compliance with section 42.80. These data are presented in the tables and figures of this section.

DOUGLAS DC–3 G102, AND C–47's, R4D's WITH COMPARABLE HORSEPOWER ENGINES

TABLE 1.—*Takeoff limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with sec. 42.1. (Distance to accelerate to 80 knots TIAS, and stop with zero wind and zero gradient.)

Standard altitude in feet	Airplane weight in pounds			
	22,000	23,000	24,000	25,200
	Distance in feet			
S. L.	3,325	3,395	3,460	3,545
1,000	3,425	3,495	3,560	3,645
2,000	3,610	3,685	3,760	3,840
3,000	3,800	3,880	3,960	4,050
4,000	3,990	4,080	4,170	4,270
5,000	4,200	4,290	4,390	4,500
6,000	4,415	4,520	4,630	4,760
7,000	4,650	4,770	4,895	5,050
8,000	4,900	5,040	5,190	(1)

[1] Limited by sec. 42.82.

(b) Actual length of runway required when "effective length," considering obstacles, is not determined. (Distance to accelerate to 80 knots TIAS, and stop, divided by factor 0.85.)

Standard altitude in feet	Airplane weight in pounds			
	22,000	23,000	24,000	25,200
	Distance in feet			
S. L.	3,910	3,990	4,070	4,170
1,000	4,030	4,110	4,185	4,285
2,000	4,245	4,335	4,420	4,515
3,000	4,470	4,565	4,655	4,765
4,000	4,690	4,800	4,905	5,020
5,000	4,940	5,045	5,160	5,290
6,000	5,190	5,315	5,445	5,600
7,000	5,470	5,610	5,755	5,940
8,000	5,760	5,925	6,105	(1)

[1] Limited by sec. 42.82.

DOUGLAS DC–3 G202A, S1C3G AND C47's, R4D's WITH COMPARABLE HORSEPOWER ENGINES

TABLE 2.—*Takeoff limitations*

(a) "Effective length" of runway required where effective length is determined in accordance with section 42.1. (Distance to accelerate to 80 knots TIAS, and stop, with zero wind and zero gradient.)

Standard altitude in feet	Airplane weight in pounds					
	22,000	23,000	24,000	25,000	[1]26,000	[1]26,900
	Distance in feet					
S. L.	3,125	3,195	3,260	3,330	3,385	3,450
1,000	3,255	3,320	3,395	3,470	3,525	3,595
2,000	3,390	3,460	3,540	3,610	3,685	3,750
3,000	3,525	3,610	3,690	3,775	3,850	3,920
4,000	3,680	3,775	3,860	3,950	4,035	4,110
5,000	3,855	3,960	4,060	4,150	4,255	4,315
6,000	4,060	4,170	4,280	4,385	4,490	4,575
7,000	4,300	4,415	4,530	4,640	4,750	4,845
8,000	4,600	4,700	4,810	4,925	5,055	5,150

[1] Cargo operation only but not required under sec. 42.80.

(b) Actual length of runway required where "effective length," considering obstacles, is not determined. (Distance to accelerate to 80 knots TIAS, and stop, divided by factor 0.85.)

Standard altitude in feet	Airplane weight in pounds					
	22,000	23,000	24,000	25,000	[1]26,000	[1]26,900
	Distance in feet					
S. L.	3,675	3,755	3,835	3,915	3,980	4,055
1,000	3,830	3,905	3,990	4,080	4,145	4,230
2,000	3,985	4,070	4,165	4,245	4,335	4,410
3,000	4,145	4,245	4,340	4,440	4,530	4,610
4,000	4,330	4,440	4,540	4,645	4,745	4,835
5,000	4,535	4,655	4,775	4,880	5,005	5,075
6,000	4,775	4,905	5,035	5,155	5,280	5,380
7,000	5,055	5,190	5,325	5,455	5,585	5,700
8,000	5,410	5,525	5,655	5,790	5,945	6,055

[1] Cargo operation only but not required under sec. 42.80.

Douglas DC-3 G102, G202A, S1C3G, C-47's, R4D's With Comparable Horsepower Engines

Table 3.—*En route limitations*

Weight in pounds	Terrain clearance [1] in feet and climb speed in knots TIAS					
	G102	V_c	G202A	V_c	S1C3G	V_c
25,200	6, 400	95. 5	7, 500	95. 0	10, 600	92. 5
24,000	7, 550	94. 0	8, 700	93. 5	12, 100	90. 0
23,000	8, 500	92. 0	9, 750	91. 0	13, 450	88. 0
22,000	9, 500	90. 5	10, 750	89. 5	14, 750	86. 5
21,000	10, 500	89. 0	11, 750	87. 5	16, 100	85. 5

[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.

Douglas DC-3 G102, G202A S1C3G, and C47's, R4D's With Comparable Horsepower Engines

Table 4—*Landing limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	22,000	V_{50}	23,000	V_{50}	24,000	V_{50}	25,200	V_{50}
	Distance in feet							
S. L.	2, 460	74. 5	2, 620	76. 5	2, 790	78. 0	2, 950	80. 0
1,000	2, 520	74. 5	2, 680	76. 5	2, 850	78. 0	3, 015	80. 0
2,000	2, 580	74. 5	2, 745	76. 5	2, 915	78. 0	3, 080	80. 0
3,000	2, 645	74. 5	2, 815	76. 5	2, 980	78. 0	3, 155	80. 0
4,000	2, 710	74. 5	2, 885	76. 5	3, 060	78. 0	3, 230	80. 0
5,000	2, 790	74. 5	2, 965	76. 5	3, 135	78. 0	3, 310	80. 0
6,000	2, 870	74. 5	3, 050	76. 5	3, 220	78. 0	3, 400	80. 0
7,000	2, 965	74. 5	3, 140	76. 5	3, 315	78. 0	3, 490	80. 0
8,000	3, 045	74. 5	3, 240	76. 5	3, 420	78. 0	3, 595	80. 0

[1] Steady approach speed through 50 feet height-knots TIAS denoted by symbol V_{50}.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	22,000	V_{50}	23,000	V_{50}	24,000	V_{50}	25,200	V_{50}
	Distance in feet							
S. L.	3, 125	74. 5	3, 325	76. 5	3, 545	78. 0	3, 745	80. 0
1,000	3, 200	74. 5	3, 390	76. 5	3, 620	78. 0	3, 830	80. 0
2,000	3, 275	74. 5	3, 485	76. 5	3, 700	78. 0	3, 910	80. 0
3,000	3, 360	74. 5	3, 575	76. 5	3, 785	78. 0	4, 005	80. 0
4,000	3, 440	74. 5	3, 665	76. 5	3, 885	78. 0	4, 100	80. 0
5,000	3, 545	74. 5	3, 765	76. 5	3, 980	78. 0	4, 205	80. 0
6,000	3, 645	74. 5	3, 875	76. 5	4, 090	78. 0	4, 320	80. 0
7,000	3, 765	74. 5	3, 990	76. 5	4, 210	78. 0	4, 430	80. 0
8,000	3, 865	74. 5	4, 115	76. 5	4, 345	78. 0	4, 565	80. 0

[1] Steady approach speed through 50 feet height-knots TIAS denoted by symbol V_{50}.

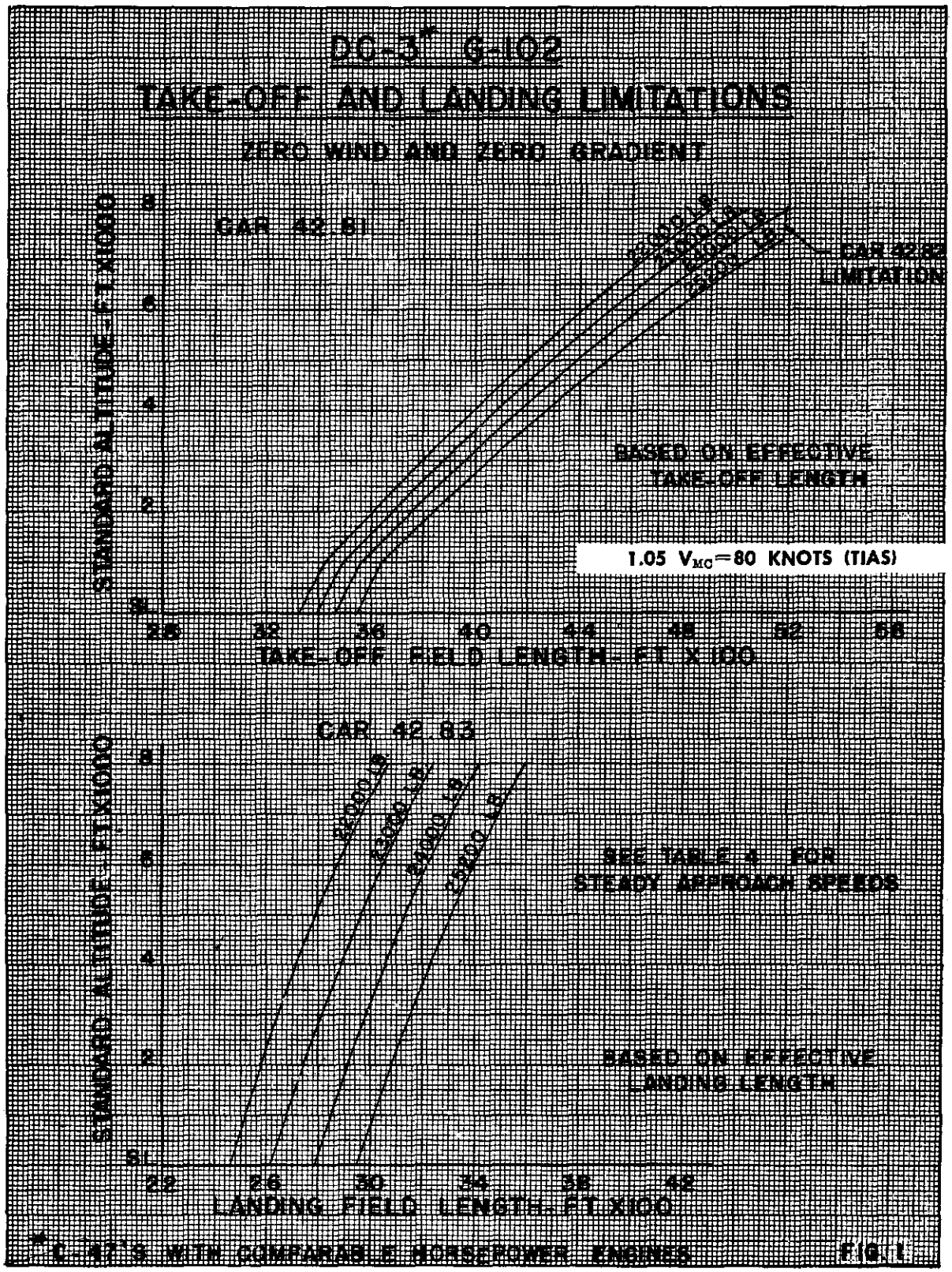

DC-3* G-102
TAKE-OFF AND LANDING LIMITATIONS
ZERO WIND AND ZERO GRADIENT
CAR 42.81
CAR 42.82 LIMITATION
BASED ON EFFECTIVE TAKE-OFF LENGTH
1.05 V_{MC}=80 KNOTS (TIAS)
STANDARD ALTITUDE - FT X 1000
SL 2 4 6 8
28 32 36 40 44 48 52 56
TAKE-OFF FIELD LENGTH - FT X 100
CAR 42.83
SEE TABLE 4 FOR STEADY APPROACH SPEEDS
BASED ON EFFECTIVE LANDING LENGTH
SL 2 4 6 8
22 26 30 34 38 42
LANDING FIELD LENGTH - FT X 100
*C-47'S WITH COMPARABLE HORSEPOWER ENGINES

FIG. 1

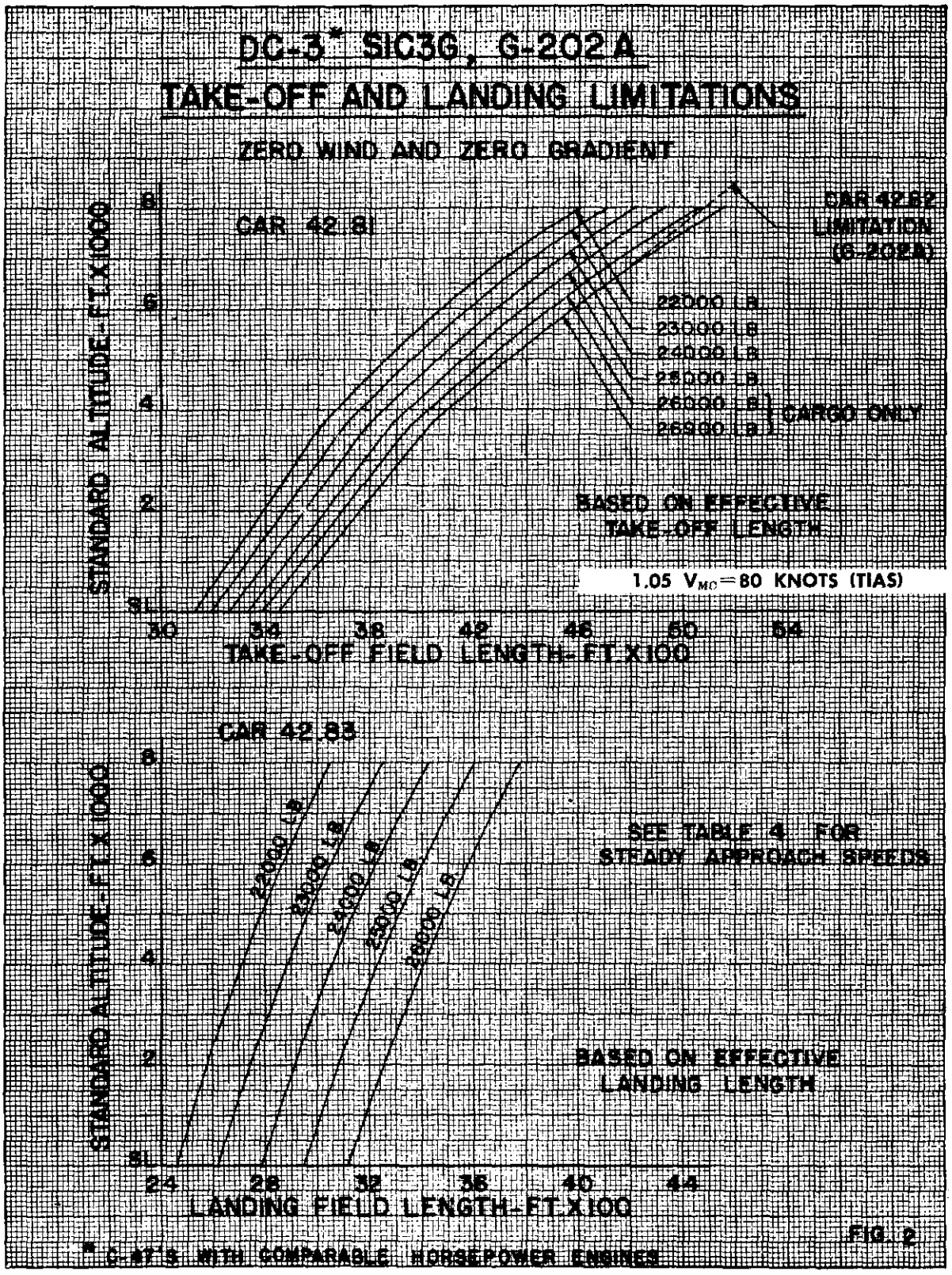
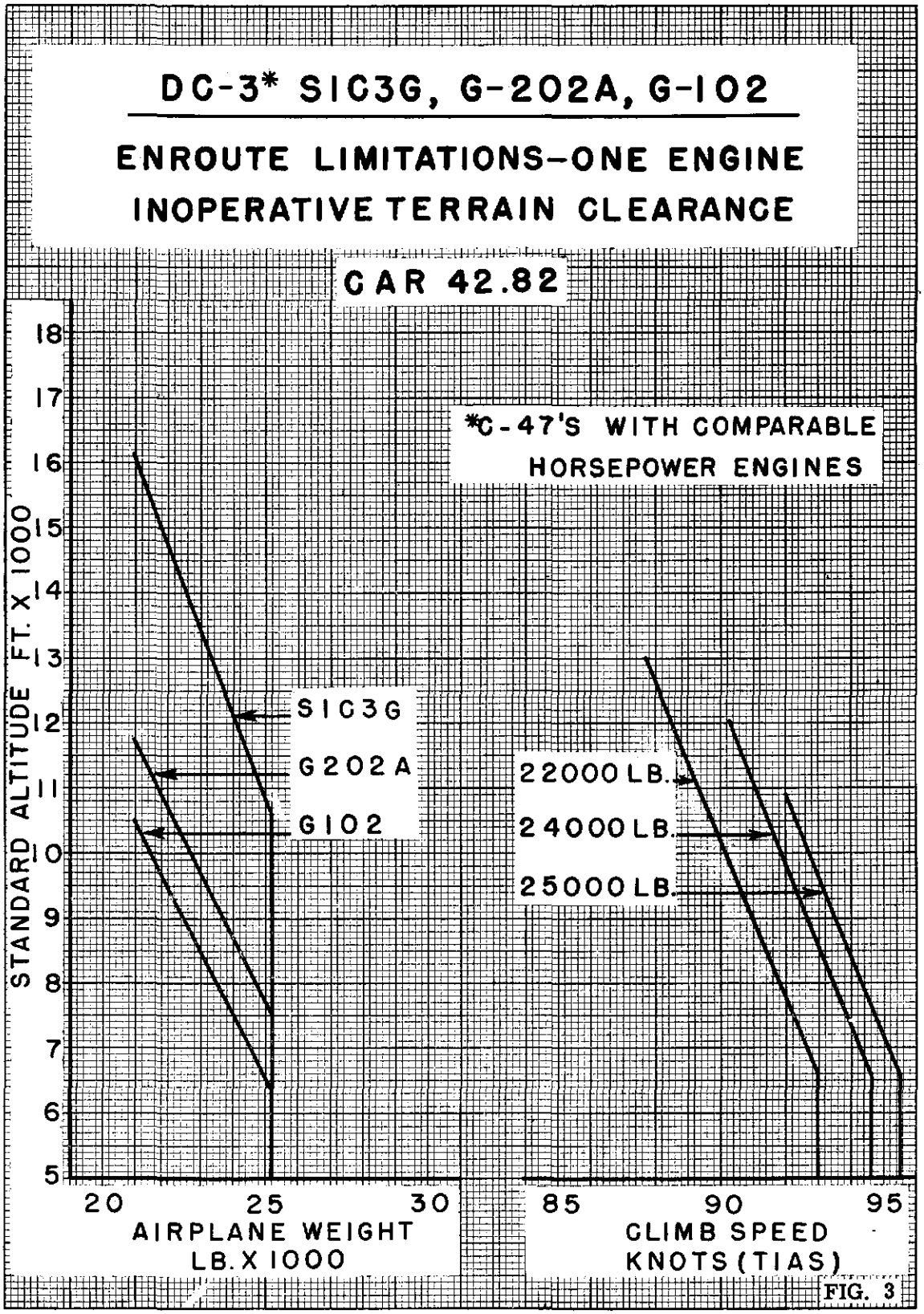

DC-3* SIC3G, G-202A
TAKE-OFF AND LANDING LIMITATIONS
ZERO WIND AND ZERO GRADIENT
CAR 42.81
CAR 42.82 LIMITATION (G-202A)
22000 LB.
23000 LB.
24000 LB.
25000 LB.
26000 LB.
26900 LB.
CARGO ONLY
BASED ON EFFECTIVE TAKE-OFF LENGTH
1.05 V_{MC} = 80 KNOTS (TIAS)
STANDARD ALTITUDE-FT.X1000
SL
2
4
6
8
30
34
38
42
46
50
54
TAKE-OFF FIELD LENGTH-FT.X100
CAR 42.83
24000 LB.
23000 LB.
22000 LB.
21000 LB.
20000 LB.
SEE TABLE 4 FOR STEADY APPROACH SPEEDS
BASED ON EFFECTIVE LANDING LENGTH
24
28
32
36
40
44
LANDING FIELD LENGTH-FT.X100
* C-47'S WITH COMPARABLE HORSEPOWER ENGINES

FIG. 2



(42.80–2. Published in 15 F. R. 86, Jan. 10, 1950, effective Jan. 1, 1950; amended in 21 F. R. 2232, Apr. 6, 1956, effective Apr. 1, 1956.)

535996 O—60——6

42.80–3 *Performance data on Lockheed 18 G202A aircraft (FAA rules which apply to section 42.80).* The following performance limitations data, applicable to Lockheed 18 G202A aircraft shall be used in determining compliance with section 42.80. These data are presented in the tables and figures of this section.

TABLE 1.—*Takeoff limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1. (Distance to accelerate to 99.5 knots TIAS, and stop, with zero wind and zero gradient.)

Standard altitude in feet	Airplane weight in pounds		
	17,500	18,000	18,500
	Distance in feet		
S. L.	5,470	5,670	5,830
1,000	5,725	5,925	6,100
2,000	5,980	6,185	6,380
3,000	6,250	6,460	6,670
4,000	6,520	6,740	6,950
5,000	6,800	7,030	7,250
6,000	7,100	7,330	7,570
7,000	7,405	7,650	7,890
8,000	7,750	8,000	8,240

(b) Actual length of runway required when "effective length," considering obstacles, is not determined. (Distance to accelerate to 99.5 knots TIAS, and stop, divided by the factor 0.85.)

Standard altitude in feet	Airplane weight in pounds		
	17,500	18,000	18,500
	Distance in feet		
S. L.	6,430	6,665	6,855
1,000	6,730	6,965	7,175
2,000	7,030	7,275	7,500
3,000	7,350	7,595	7,845
4,000	7,665	7,925	8,175
5,000	7,995	8,265	8,525
6,000	8,350	8,620	8,900
7,000	8,760	8,995	9,280
8,000	9,115	9,410	9,690

TABLE 2.—*En route limitations*

Weight in pounds	Terrain clearance [1] in feet and climb speed in knots TIAS	
	Feet	Knots
18,500	9,800	104.5
18,000	10,600	103.0
17,500	11,350	102.0
17,000	12,150	101.0
16,500	12,900	100.0
16,000	13,700	99.0

[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.

TABLE 3.—*Landing limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots					
	17,500	V_{50}	18,000	V_{50}	18,500	V_{50}
	Distance in feet					
S. L.	3,715	83.0	3,810	84.0	3,885	86.0
1,000	3,825	83.0	3,910	84.0	3,995	86.0
2,000	3,930	83.0	4,020	84.0	4,105	86.0
3,000	4,040	83.0	4,130	84.0	4,220	86.0
4,000	4,150	83.0	4,240	84.0	4,335	86.0
5,000	4,240	83.0	4,350	84.0	4,450	86.0
6,000	4,370	83.0	4,460	84.0	4,570	86.0
7,000	4,480	83.0	4,575	84.0	4,690	86.0
8,000	4,595	83.0	4,690	84.0	4,810	86.0

[1] Steady approach speed through 50-foot height knots TIAS denoted by symbol V_{50}.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots					
	17,500	V_{50}	18,000	V_{50}	18,500	V_{50}
	Distance in feet					
S. L.	4,720	83.0	4,840	84.0	4,935	86.0
1,000	4,860	83.0	4,965	84.0	5,075	86.0
2,000	4,990	83.0	5,105	84.0	5,215	86.0
3,000	5,130	83.0	5,245	84.0	5,360	86.0
4,000	5,270	83.0	5,385	84.0	5,505	86.0
5,000	5,385	83.0	5,525	84.0	5,650	86.0
6,000	5,550	83.0	5,665	84.0	5,805	86.0
7,000	5,690	83.0	5,810	84.0	5,955	86.0
8,000	5,835	83.0	5,955	84.0	6,110	86.0

[1] Steady approach speed through 50-foot height knots TIAS denoted by symbol V_{50}.

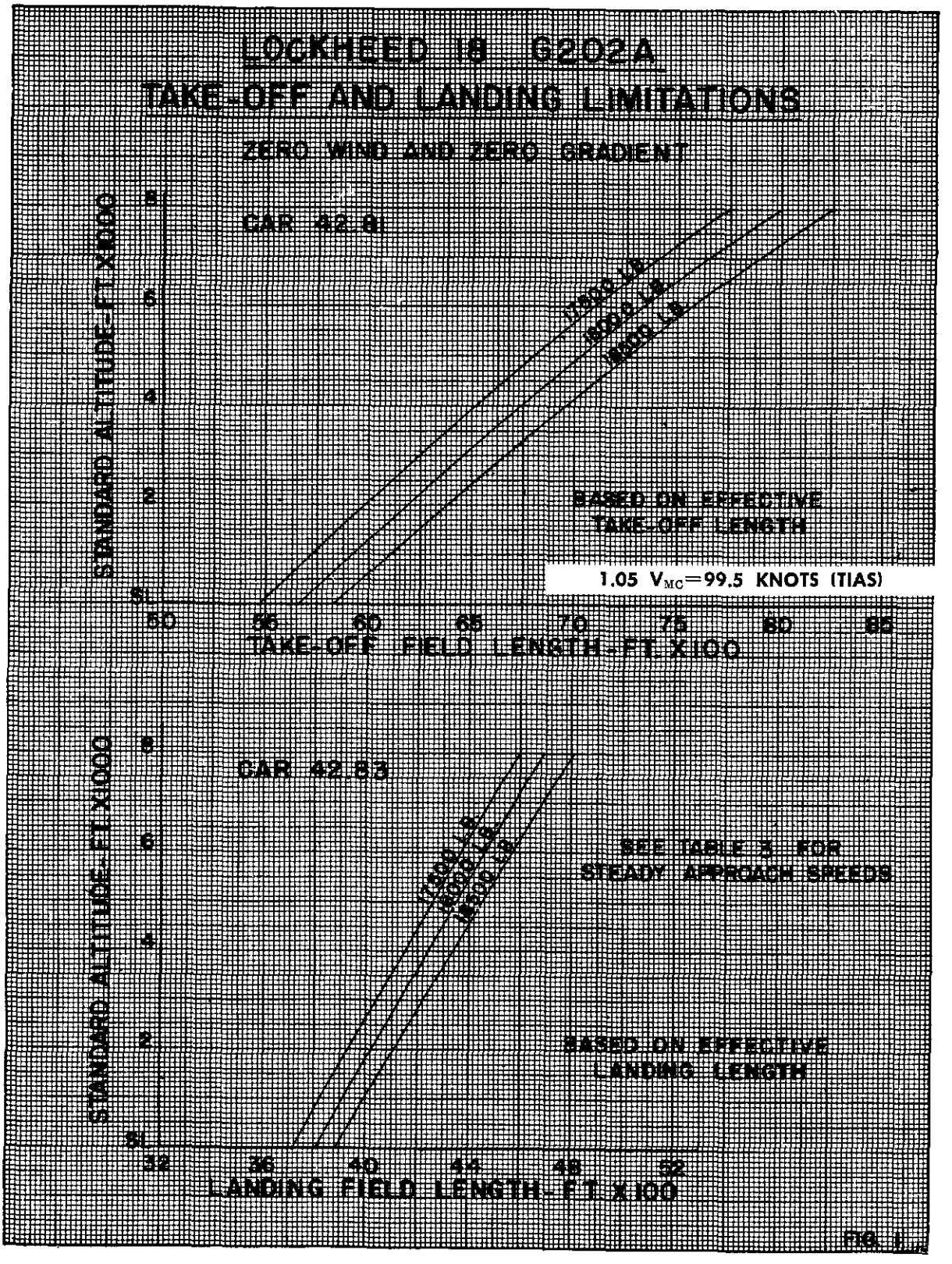
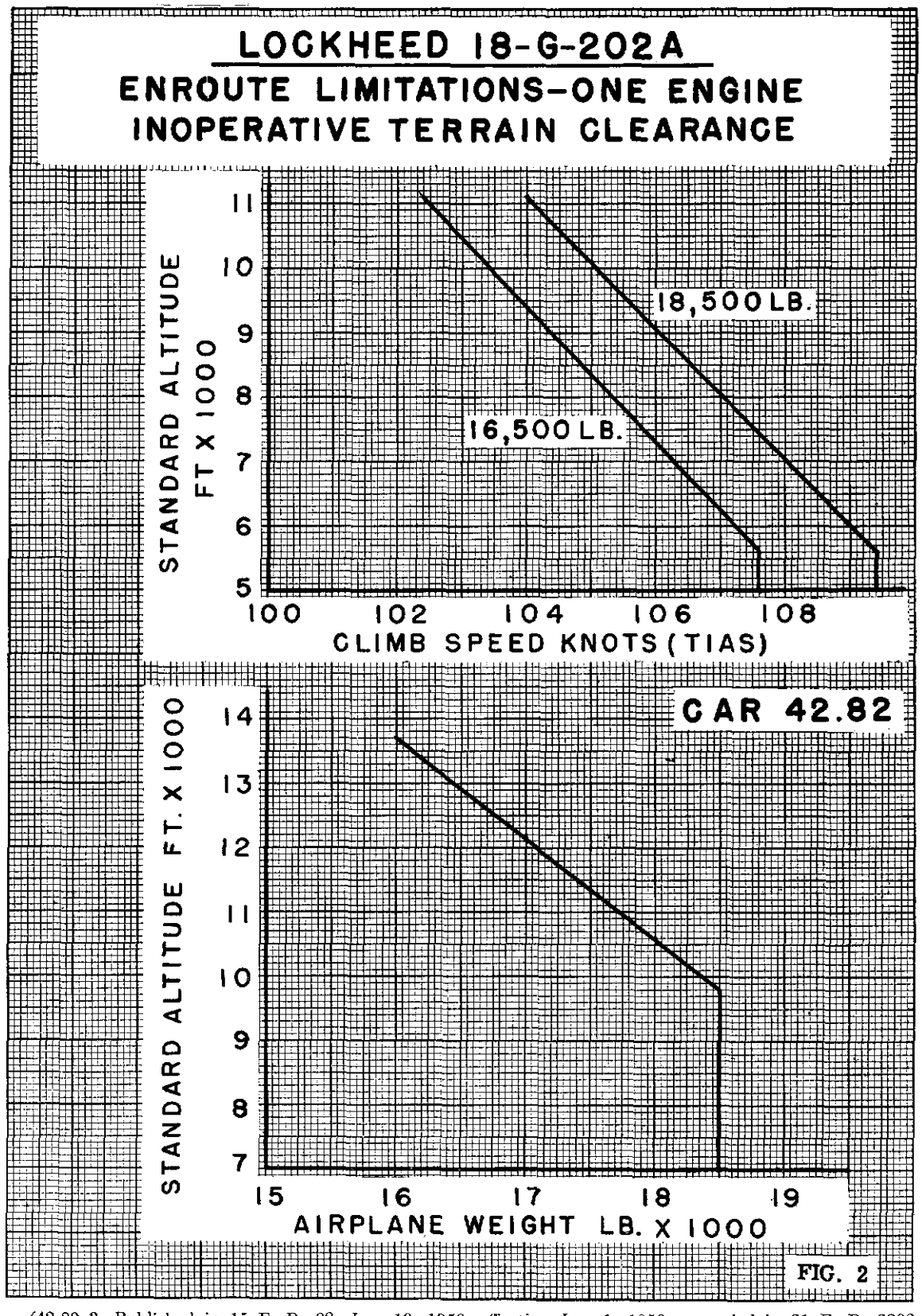

LOCKHEED 18 G202A
TAKE-OFF AND LANDING LIMITATIONS
ZERO WIND AND ZERO GRADIENT
CAR 42.81
STANDARD ALTITUDE-FT X100
8
6
4
2
SL
50
55
60
65
70
75
80
85
TAKE-OFF FIELD LENGTH-FT X100
BASED ON EFFECTIVE TAKE-OFF LENGTH
1.05 V_{MC}=99.5 KNOTS (TIAS)
CAR 42.83
SEE TABLE 3 FOR STEADY APPROACH SPEEDS
BASED ON EFFECTIVE LANDING LENGTH
32
36
40
44
48
52
LANDING FIELD LENGTH-FT X100

FIG. 1



(42.80–3. Published in 15 F. R. 88 Jan. 10, 1950, effective Jan. 1, 1950; amended in 21 F. R. 2232, Apr. 6, 1956, effective Apr. 1, 1956.)

42.80–4 *Convair Model 28–5ACF and PBY–5A landplane aircraft (FAA rules which apply to sec. 42.80).* The following performance limitations data, applicable to Convair Model 28–5ACF and PBY–5A landplane aircraft shall be used in determining compliance with section 42.80. These data are presented in the tables and figures of this section.

TABLE 1.—*Takeoff limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1. (Distance to accelerate to 82.5 knots TIAS (28–5ACF), 79 knots TIAS (PBY–5A), and stop, with zero wind and zero gradient.)

Standard altitude in feet	Airplane weight in pounds					
	23,000	24,000	25,000	26,000	[1]27,000	[2]28,000
	Distance in feet					
S. L.	3,240	3,400	3,565	3,725	3,880	4,050
1,000	3,370	3,540	3,720	3,885	4,055	4,225
2,000	3,500	3,680	3,875	4,045	4,230	4,400
3,000	3,635	3,830	4,025	4,200	4,400	4,580
4,000	3,860	4,070	4,280	4,485	4,700	4,900
5,000	4,095	4,315	4,540	4,770	5,000	5,215
6,000	4,330	4,565	4,810	5,060	5,305	5,545
7,000	4,580	4,830	5,090	5,360	5,610	5,880
8,000	4,830	5,095	5,380	5,660	5,940	6,240

[1] Maximum weight for PBY–5A landplane.
[2] Maximum weight for 28–5ACF.

(b) Actual length of runway required when "effective length," considering obstacles, is not determined. (Distance to accelerate to 82.5 knots TIAS (28–5ACF), 79 knots TIAS (PBY–5A), and stop, divided by the factor 0.85.)

Standard altitude in feet	Airplane weight in pounds					
	23,000	24,000	25,000	26,000	[1]27,000	[2]28,000
	Distance in feet					
S. L.	3,810	4,000	4,190	4,380	4,560	4,760
1,000	3,965	4,165	4,375	4,570	4,770	4,970
2,000	4,115	4,330	4,555	4,755	4,975	5,175
3,000	4,275	4,505	4,735	4,940	5,175	5,385
4,000	4,540	4,785	5,035	5,275	5,525	5,760
5,000	4,815	5,075	5,340	5,610	5,880	6,130
6,000	5,090	5,370	5,655	5,950	6,240	6,520
7,000	5,385	5,680	5,985	6,305	6,600	6,915
8,000	5,680	5,990	6,325	6,655	6,985	7,340

[1] Maximum weight for PBY–5A landplane.
[2] Maximum weight for 28–5ACF.

TABLE 2.—*En route limitations*

Weight in pounds	Terrain clearance [1] in feet and climb speed in knots TIAS			
	Model PBY–5A		Model 28–5ACF	
	Feet	Knots	Feet	Knots
28,000	----	----	7,500	90.5
27,500	----	----	8,000	89.5
27,000	7,200	81.0	8,500	88.5
26,500	7,700	80.5	9,050	87.5
26,000	8,200	79.5	9,600	87.0
25,500	8,700	78.5	10,100	86.0
25,000	9,200	77.5	10,650	84.5
24,500	9,700	76.5	11,150	84.0
24,000	10,200	75.5	11,700	82.5

[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.

TABLE 3.—*Landing limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots TIAS					
	23,000	V_{50}	24,000	V_{50}	25,000	V_{50}
	Distance in feet					
S. L.	3,420	74.5	3,570	76.5	3,690	78.0
1,000	3,515	74.5	3,665	76.5	3,800	78.0
2,000	3,605	74.5	3,765	76.5	3,900	78.0
3,000	3,700	74.5	3,860	76.5	4,010	78.0
4,000	3,790	74.5	3,955	76.5	4,110	78.0
5,000	3,885	74.5	4,055	76.5	4,215	78.0
6,000	3,975	74.5	4,150	76.5	4,320	78.0
7,000	4,070	74.5	4,245	76.5	4,425	78.0
8,000	4,160	74.5	4,340	76.5	4,525	78.0

[1] Steady approach speed through 50 feet height in knots. TIAS denoted by symbol V_{50}.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots TIAS					
	23,000	V_{50}	24,000	V_{50}	25,000	V_{50}
	Distance in feet					
S. L.	4,350	74.5	4,544	76.5	4,696	78.0
1,000	4,475	74.5	4,664	76.5	4,836	78.0
2,000	4,588	74.5	4,792	76.5	4,964	78.0
3,000	4,709	74.5	4,913	76.5	5,104	78.0
4,000	4,824	74.5	5,034	76.5	5,231	78.0
5,000	4,944	74.5	5,161	76.5	5,364	78.0
6,000	5,059	74.5	5,282	76.5	5,498	78.0
7,000	5,180	74.5	5,403	76.5	5,632	78.0
8,000	5,294	74.5	5,524	76.5	5,759	78.0

[1] Steady approach speed through 50 feet height in knots. TIAS denoted by symbol V_{50}.

TABLE 4.—*Landing limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

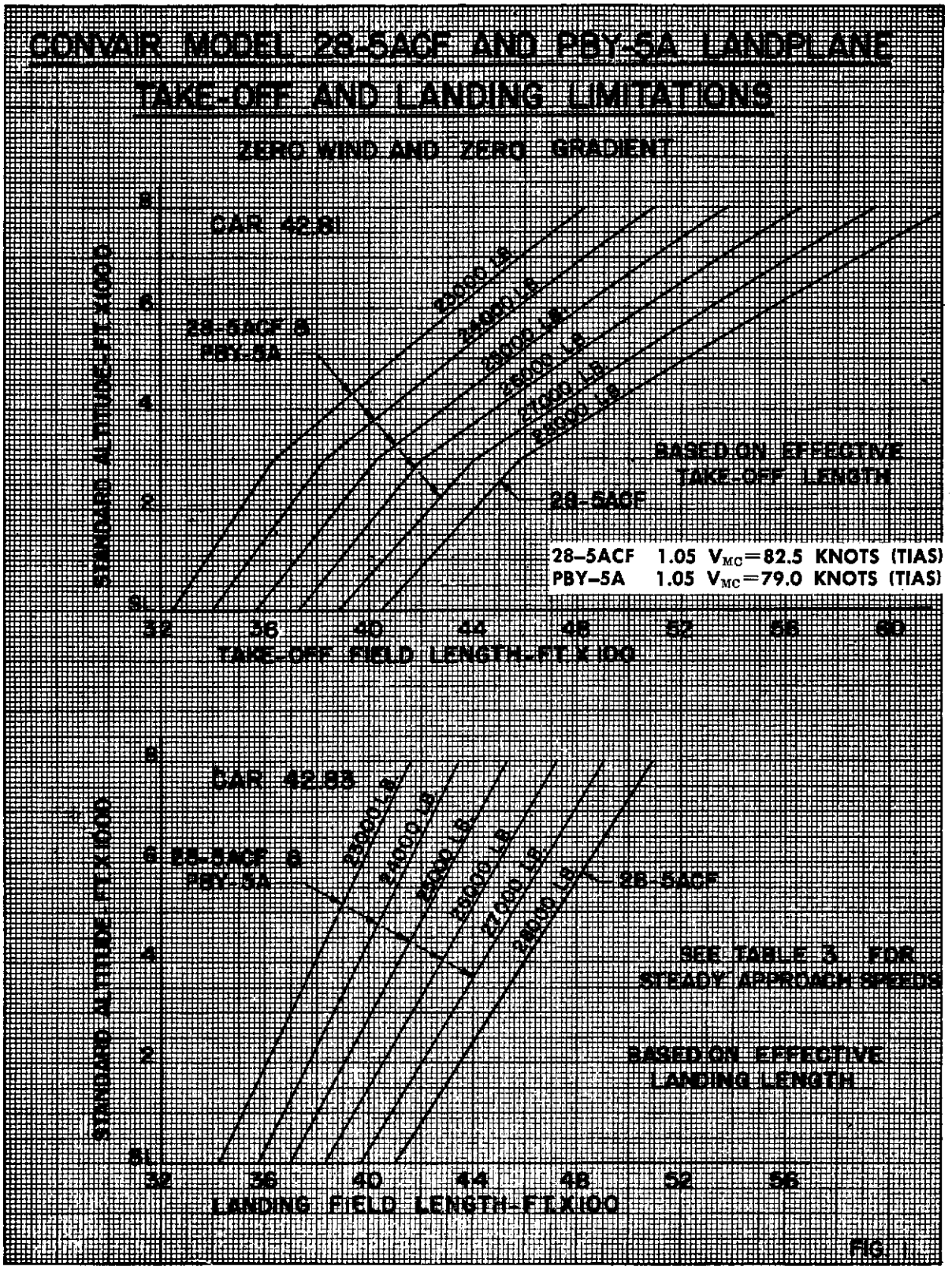
Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots TIAS					
	26,000	V_{50}	[2]27,000	V_{50}	[3]28,000	V_{50}
	Distance in feet					
S. L.	3,830	80.0	3,965	81.0	4,100	82.5
1,000	3,940	80.0	4,080	81.0	4,220	82.5
2,000	4,050	80.0	4,200	81.0	4,345	82.5
3,000	4,160	80.0	4,315	81.0	4,470	82.5
4,000	4,275	80.0	4,430	81.0	4,595	82.5
5,000	4,385	80.5	4,550	81.0	4,720	82.5
6,000	4,495	80.0	4,665	81.0	4,840	82.5
7,000	4,610	80.0	4,785	81.0	4,970	82.5
8,000	4,720	80.0	4,900	81.0	5,090	82.5

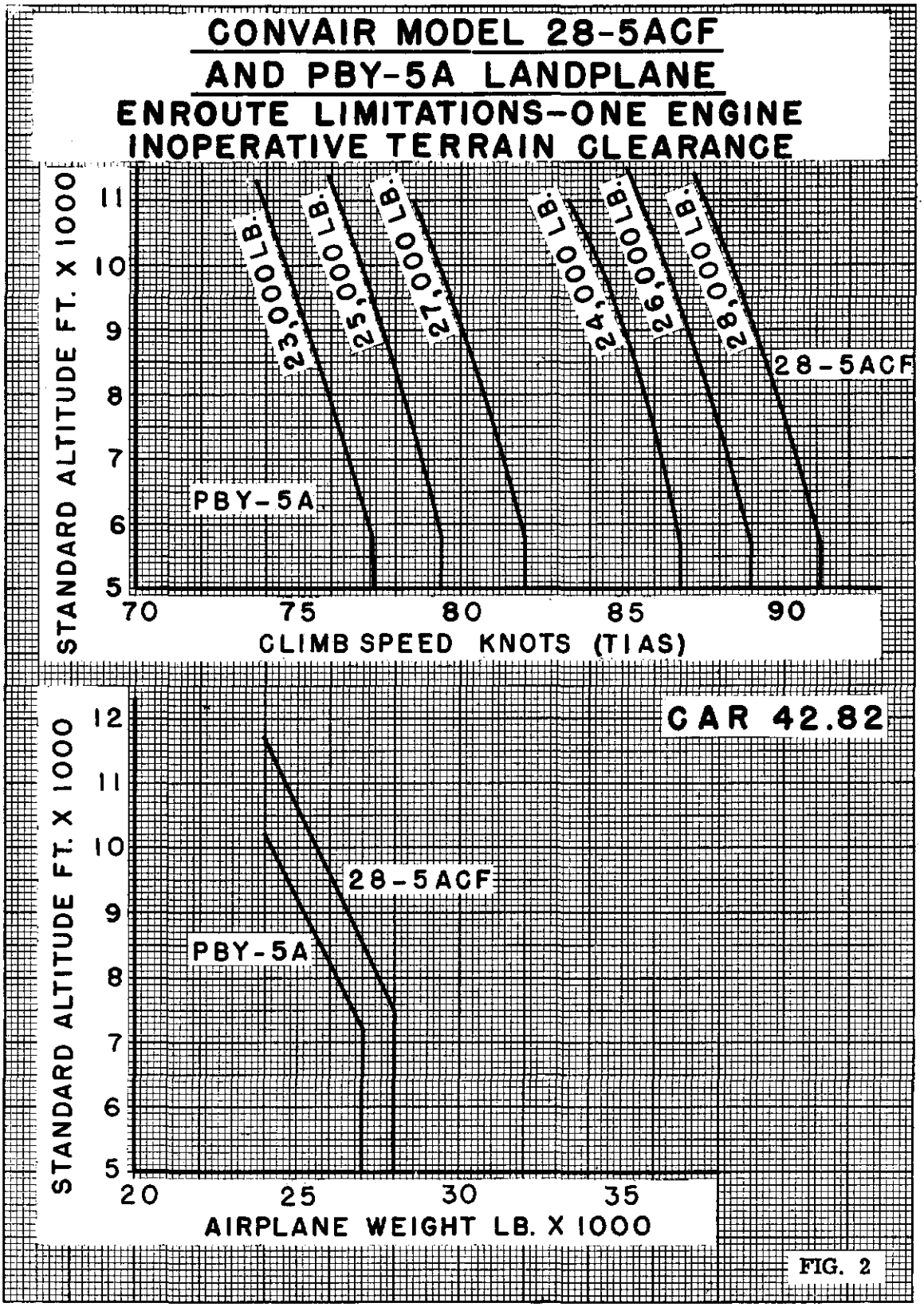
[1] Steady approach speed through 50 feet height in knots. TIAS denoted by symbol V_{50}.
[2] Maximum weight for PBY-5A landplane.
[3] Maximum weight for 28-5ACF.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots TIAS					
	26,000	V_{50}	[2]27,000	V_{50}	[3]28,000	V_{50}
	Distance in feet					
S. L.	4,874	80.0	5,046	81.0	5,218	82.5
1,000	5,014	80.0	5,193	81.0	5,371	82.5
2,000	5,154	80.0	5,345	81.0	5,530	82.5
3,000	5,294	80.0	5,492	81.0	5,689	82.5
4,000	5,441	80.0	5,638	81.0	5,848	82.5
5,000	5,581	80.0	5,791	81.0	6,007	82.5
6,000	5,721	80.0	5,937	81.0	6,160	82.5
7,000	5,867	80.0	6,090	81.0	6,325	82.5
8,000	6,007	80.0	6,236	81.0	6,478	82.5

[1] Steady approach speed through 50 feet height in knots. TIAS denoted by symbol V_{50}.
[2] Maximum weight for PBY-5A landplane.
[3] Maximum weight for 28-5ACF


CONVAIR MODEL 28-5ACF AND PBY-5A LANDPLANE
TAKE-OFF AND LANDING LIMITATIONS
ZERO WIND AND ZERO GRADIENT
CAR 42.81
28-5ACF & PBY-5A
28-5ACF
BASED ON EFFECTIVE TAKE-OFF LENGTH
28-5ACF 1.05 V_{MC}=82.5 KNOTS (TIAS)
PBY-5A 1.05 V_{MC}=79.0 KNOTS (TIAS)
STANDARD ALTITUDE-FT.X1000
SL
2
4
6
8
32
36
40
44
48
52
56
60
TAKE-OFF FIELD LENGTH-FT.X 100
CAR 42.85
28-5ACF & PBY-5A
28-5ACF
SEE TABLE 3 FOR STEADY APPROACH SPEEDS
BASED ON EFFECTIVE LANDING LENGTH
LANDING FIELD LENGTH-FT.X100
FIG.



(42.80–4. Published in 15 F. R. 90, Jan. 10, 1950, effective Jan. 1, 1950; amended in 20 F. R. 4184, June 15, 1955, effective June 30, 1955; amended in 21 F. R. Apr. 6, 1956, effective Apr. 1, 1956.)

42.80–5 *Performance data on Douglas B–18, RB–18A (R1820–53) aircraft (FAA rules which apply to section 42.80).* The following performance limitations data, applicable to the Douglas B–18, RB–18A aircraft shall be used in determining compliance with section 42.80. These data are presented in the tables and figures of this section. As indicated by the en route limitation data for the Douglas model B–18 (table 2), operation is restricted to impractical operating weights. Therefore takeoff and landing limitations are not presented for this model.

TABLE 1.—*Takeoff limitations*

MODEL RB–18A

(a) "Effective length" of runway required when effective length is determined in accordance with 42.1. (Distance to accelerate to 81.5 knots TIAS, and stop, with zero wind and zero gradient.)

Standard altitude in feet	Airplane weight in pounds			
	19,000	20,000	21,000	21,300
	Distance in feet			
S. L.	3,605	3,695	3,790	3,820
1,000	3,710	3,815	3,920	3,950
2,000	3,835	3,945	4,045	4,085
2,500	3,890	4,000	4,110	4,150
3,000	4,015	4,130	4,230	4,275
4,000	4,240	4,355	4,475	4,525
5,000	4,475	4,595	4,720	----
6,000	4,710	4,835	----	----
7,000	4,935	5,065	(1)	(1)
8,000	5,170	5,300	----	----

[1] Limited by sec. 42.82.

(b) Actual length of runway required when "effective length", considering obstacles, is not determined. (Distance to accelerate to 81.5 knots TIAS, and stop, divided by the factor 0.85.)

Standard altitude in feet	Airplane weight in pounds			
	19,000	20,000	21,000	21,300
	Distance in feet			
S. L.	4,250	4,350	4,460	4,495
1,000	4,360	4,490	4,610	4,650
2,000	4,510	4,645	4,755	4,800
2,500	4,575	4,705	4,840	4,880
3,000	4,730	4,855	4,980	5,025
4,000	4,990	5,125	5,260	5,325
5,000	5,260	5,400	5,550	----
6,000	5,550	5,680	----	----
7,000	5,800	5,960	(1)	(1)
8,000	6,080	6,240	----	----

[1] Limited by sec. 42.82.

DOUGLAS B–18, RB18A (R–1820–53)

TABLE 2.—*En route limitations*

MODEL B–18

Weight in pounds:	*Terrain clearance[1] in feet*
13,500	4,100
13,000	4,600

Section 42.82 limitation critical for all practical operating weights.

MODEL RB–18A

Weight in pounds	Terrain clearance [1] in feet and climb speed in knots TIAS			
	Low blower		High blower	
	Feet	Knots	Feet	Knots
21,000	4,270	86.0	----	----
20,600	----	----	4,600	85.0
20,500	----	----	5,900	84.5
20,200	----	----	8,800	83.5
20,000	----	----	8,950	83.5
19,500	----	----	9,400	82.5

[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.

TABLE 3.—*Landing limitations*

MODEL RB–18A

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	19,000	V_{50}	20,000	V_{50}	21,000	V_{50}	21,300	V_{50}
	Distance in feet							
S. L.	2,850	74.5	3,110	77.0	3,370	78.5	3,445	79.0
1,000	2,930	74.5	3,200	77.0	3,470	78.5	3,545	79.0
2,000	3,010	74.5	3,290	77.0	3,565	78.5	3,640	79.0
3,000	3,085	74.5	3,380	77.0	3,660	78.5	3,740	79.0
4,000	3,165	74.5	3,470	77.0	3,755	78.5	3,835	79.0
5,000	3,245	74.5	3,560	77.0	3,850	78.5	3,935	79.0
6,000	3,325	74.5	3,650	77.0	----	----	----	----
7,000	3,405	74.5	3,735	77.0	[2]	[2]	[2]	[2]
8,000	3,485	74.5	3,825	77.0	----	----	----	----

[1] Steady approach speed through 50 feet height knots TIAS denoted by symbol V_{50}.
[2] Limited by sec. 42.82.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	19,000	V_{50}	20,000	V_{50}	21,000	V_{50}	21,300	V_{50}
	Distance in feet							
S. L.	3,630	74.5	3,960	77.0	4,290	78.5	4,390	79.0
1,000	3,730	74.5	4,070	77.0	4,410	78.5	4,510	79.0
2,000	3,835	74.5	4,190	77.0	4,540	78.5	4,630	79.0
3,000	3,925	74.5	4,300	77.0	4,655	78.5	4,760	79.0
4,000	4,025	74.5	4,415	77.0	4,775	78.5	4,880	79.0
5,000	4,130	74.5	4,535	77.0	4,900	78.5	5,005	79.0
6,000	4,230	74.5	4,645	77.0	----	----	----	----
7,000	4,340	74.5	4,750	77.0	----	[2]	[2]	----
8,000	4,440	74.5	4,865	77.0	----	----	----	----

[1] Steady approach speed through 50 feet height knots TIAS denoted by symbol V_{50}.
[2] Limited by sec. 42.82.

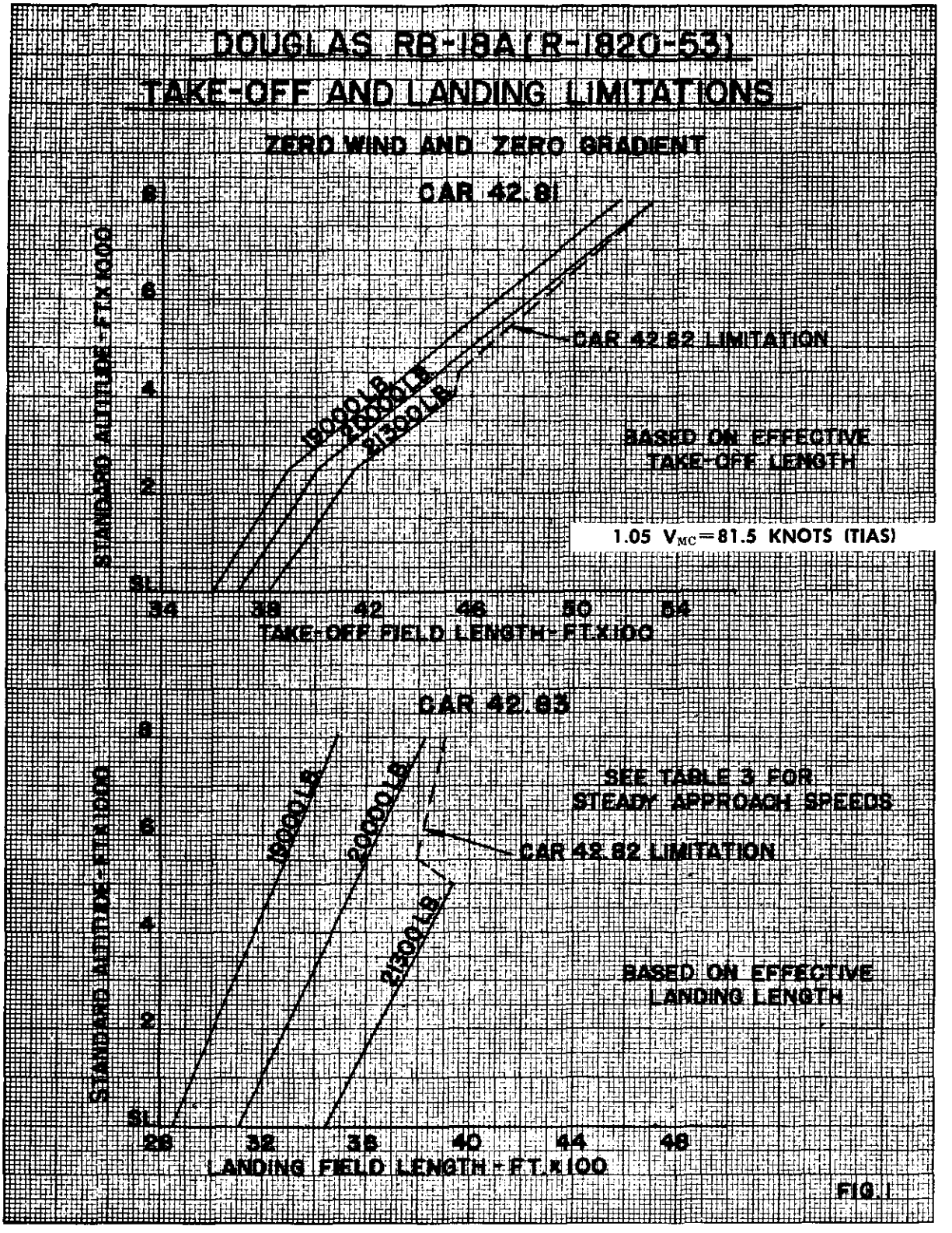
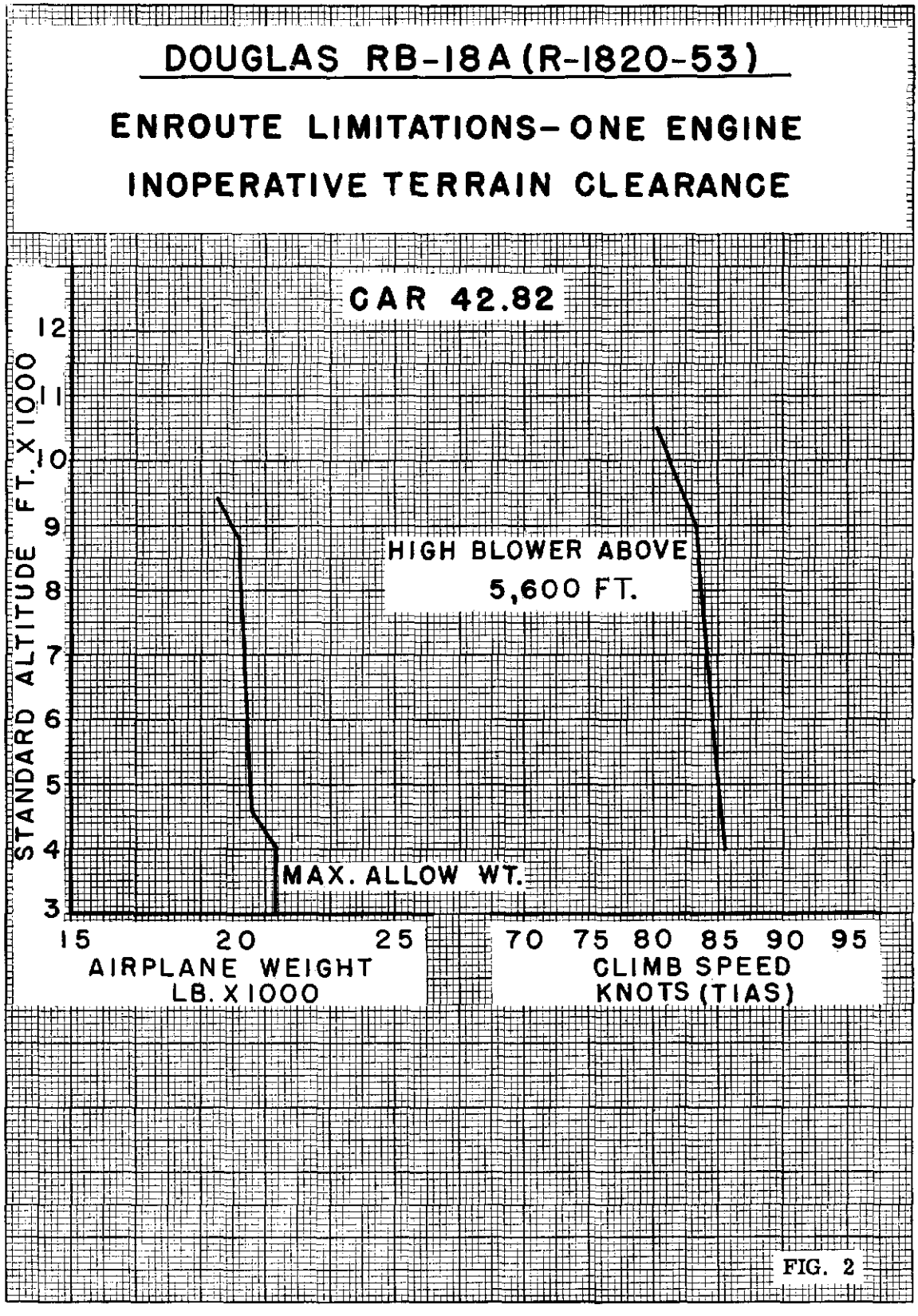

DOUGLAS RB-18A (R-1820-53)
TAKE-OFF AND LANDING LIMITATIONS
ZERO WIND AND ZERO GRADIENT
CAR 42.81
STANDARD ALTITUDE - FT. X 1000
8
6
4
2
SL
34
38
42
46
50
54
TAKE-OFF FIELD LENGTH - FT. X 100
190000 LB
200000 LB
213000 LB
CAR 42.82 LIMITATION
BASED ON EFFECTIVE TAKE-OFF LENGTH
1.05 V_{MC} = 81.5 KNOTS (TIAS)
CAR 42.83
SEE TABLE 3 FOR STEADY APPROACH SPEEDS
190000 LB
200000 LB
213000 LB
CAR 42.82 LIMITATION
BASED ON EFFECTIVE LANDING LENGTH
28
32
36
40
44
48
LANDING FIELD LENGTH - FT. X 100

FIG. I



(42.80–5. Published in 15 F. R. 91, Jan. 10, 1950, effective Jan. 1, 1950; amended in 17 F. R. 2887, Apr. 3, 1952, effective upon publication; amended in 21 F. R. 2232, Apr. 6, 1956, effective Apr. 1, 1956.)

SPECIAL CIVIL AIR REGULATION NO. 425C

(As amended by Amendment No. 1, issued May 10, 1963, published in 28 F.R. 4945, May 17, 1963.)

Effective: June 6, 1961
Adopted: May 31, 1961
Published: June 6, 1961
(26 F.R. 4990)

Provisional Certification and Operation of Aircraft

Special Civil Air Regulation No. SR–425A was adopted on July 22, 1958, to provide for provisional certification of turbine-powered transport category airplanes in order to permit certain air carriers and manufacturers to conduct crew training, service testing, and simulated air carrier operations prior to introduction of the airplanes into commercial service. The objective of this regulation was to provide a means whereby the air carriers and manufacturers could obtain as much experience as possible with turbine-powered airplanes which, although safe for flight, had not been approved for the issuance of a type certificate.

Special Civil Air Regulation No. SR–425B, which superseded SR–425A, was adopted on April 7, 1960, to extend the application of the regulation to: (1) piston-engine transport category aircraft, including rotorcraft; and (2) personal and executive type aircraft, including rotorcraft, irrespective of powerplant type. In addition, this regulation permitted operations such as sales demonstrations and market surveys with aircraft having a provisional type and airworthiness certificate.

To accomplish this, SR–425B provided for, among other things, the issuance of two classes of provisional type and airworthiness certificates. Class I provisional and airworthiness certificates could be issued for all types of aircraft for operation by the aircraft manufacturer. Class II provisional type and airworthiness certificates could be issued only for transport category aircraft, but these aircraft could be operated by either the aircraft manufacturer or a certificated air carrier. In general, the requirements for the issuance of Class I provisional certificates were less stringent, and the operating limitations less confining, than those for the issuance of Class II provisional certificates.

Under the provisions of SR–425B, however, eligibility to apply for Class I provisional certificates was limited to aircraft manufacturers. A recommendation that this eligibility be extended to include engine manufacturers had been evaluated by the Agency prior to the adoption of SR–425B, but rule making action on such extension was deferred until additional experience with provisional certification could be acquired.

Experience accumulated since the adoption of SR–425B has indicated that it would be practicable for engine manufacturers, who have altered a type certificated aircraft by installing type certificated engines of their own manufacture in place of the original engines, to show compliance with the currently effective requirements for issuance of Class I provisional type and provisional airworthiness certificates; and that compliance with these requirements will insure safe operation of provisionally certificated aircraft by such engine manufacturers. Further, the Agency

TABLE 1.—*En route limitations*—Continued

BEECH D-18S

Weight in pounds	Terrain clearance [1] in feet and climb speed in miles per hour (TIAS)			
	Propeller feathered		Propeller idling	
	Feet	Miles per hour	Feet	Miles per hour
8,750	7,100	103.5		
8,500	7,600	103.5	5,600	104.5
8,000	8,800	102.5	6,700	104.0
7,500	9,900	102.0	7,900	103.0

[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.

BEECH 50

Weight in pounds	Terrain clearance [1] in feet and climb speed in miles per hour (TIAS)	
	Feet	Miles per hour
5,500	4,140	96.4
5,000	7,710	94.6
4,500	11,340	92.7

[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.

NOTE.—Inoperative propeller windmilling.

CESSNA T-50

(WITH LYCOMING R-680-E3 ENGINES AND MAXIMUM GROSS WEIGHT OF 5,700 POUNDS)

Weight [3] in pounds	Terrain clearance [1] in feet and climb speed in miles per hour (TIAS)			
	6135A-15 propeller		6135A-9 propeller	
	Feet [2]	Miles per hour	Feet [2]	Miles per hour
5,700			(450)	87.4
5,500	(920)	87.2	(1,540)	87.0
5,250	(2,280)	86.6	(2,890)	86.4
5,000	(3,740)	86.0	4,320	85.7
4,750	5,120	85.3	5,730	85.2

[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.
[2] The "terrain clearances" in parentheses are not usable under sec. 42.16 and sec. 42.82 because minimum terrain altitude is 4,000 feet under sec. 42.82.
[3] Maximum permissible weights under sec. 42.16 and sec. 42.82 are 4,950 pounds with 6135A-15 propeller; 5,050 pounds with 6135A-9 propeller.

NOTE.—Inoperative propeller windmilling. No leading edge de-icers installed.

GRUMMAN G-21

Weight in pounds [1]	Terrain clearance [2] in feet and climb speed in miles per hour (TIAS)	
	Feet [3]	Miles per hour
7,500	[3] (3,620)	111.5
7,000	4,610	111.1
6,500	5,590	110.6
6,000	6,550	110.1
5,500	7,530	109.6

[1] The maximum permissible weight under secs. 42.16 and 42.82 is 7,310 pounds.
[2] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.
[3] The "terrain clearance" in parenthesis is not usable under secs. 42.16 and 42.82 because the minimum terrain altitude is 4,000 feet under sec. 42.82.

NOTE.—Propeller idling in high pitch. Airplane is equipped with de-icers.

LOCKHEED 10A

Weight in pounds [1]	Terrain clearance [2] in feet and climb speed in miles per hour (TIAS)			
	Propeller feathered		Propeller idling	
	Feet [3]	Miles per hour	Feet [3]	Miles per hour
10,500	(3,600)	93.8		
10,100	4,580	93.6	(3,120)	92.9
10,000	4,820	93.5	(3,350)	92.8
9,500	6,020	93.1	4,660	92.5
9,000	7,200	92.8	5,900	92.1
8,500	8,350	92.4	7,180	91.7
8,000	9,550	92.0	8,420	91.4

[1] The maximum permissible weights under secs. 42.16 and 42.82 are 9,750 pounds with propeller idling, 10,340 pounds with propeller feathered.
[2] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.
[3] The "terrain clearances" in parenthesis are not usable under secs. 42.16 and 42.82 because the minimum terrain altitude is 4,000 feet under sec. 42.82.

TABLE 1.—*En route limitations*—Continued

LOCKHEED 10E

Weight in pounds	Terrain clearance [1] in feet and climb speed in miles per hour (TIAS)			
	Propeller feathered		Propeller idling	
	Feet	Miles per hour	Feet	Miles per hour
10,500	9,000	96	7,500	96.5
10,000	9,600	96	8,100	96.5
9,500	10,200	96	8,600	96.5
9,000	10,700	96	9,200	96.5
8,500	11,300	96	9,750	96.5
8,000	11,900	96	10,350	96.5

[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.

CESSNA MODEL 310

(WITH ORIGINAL PROPELLER DIAMETER LIMITS OF 82 INCHES TO 84 INCHES)

Weight in pounds	Terrain clearance [1] in feet and climb speed in miles per hour (TIAS)	
	Feet	Miles per hour
4,600	6,300	102.0
4,500	6,900	101.8
4,250	8,250	101.4
4,000	9,600	101.0
3,750	10,950	100.6

[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.

NOTE: Inoperative propeller feathered.

LOCKHEED 12A

Weight in pounds	Terrain clearance [1] in feet and climb speed in miles per hour (TIAS)	
	Feet	Miles per hour
8,600	6,700	98.5
8,000	7,400	98.5
7,500	7,950	98.5
7,000	8,500	98.5
6,500	9,000	98.5

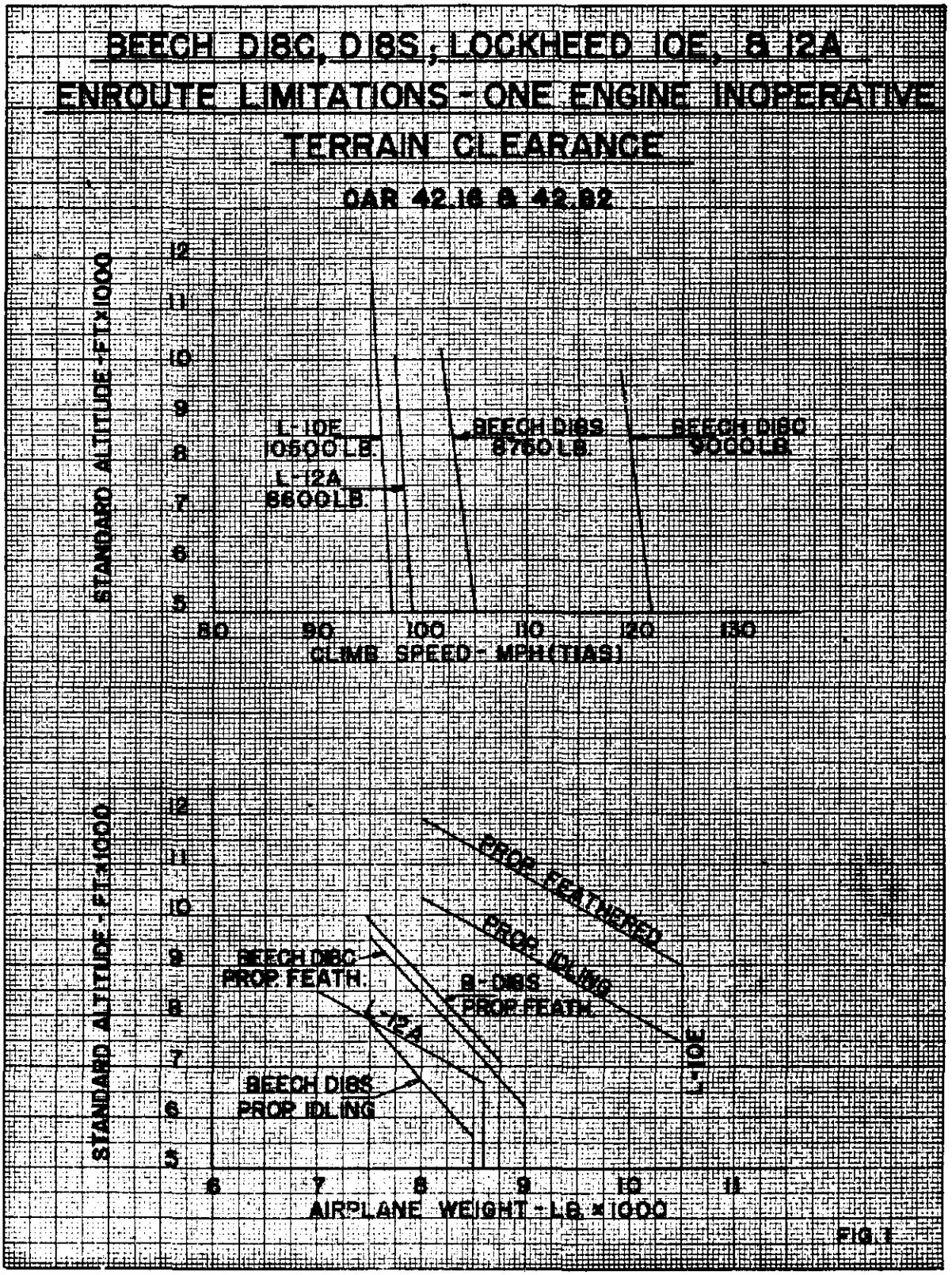
[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.

DE HAVILLAND DOVE SERIES

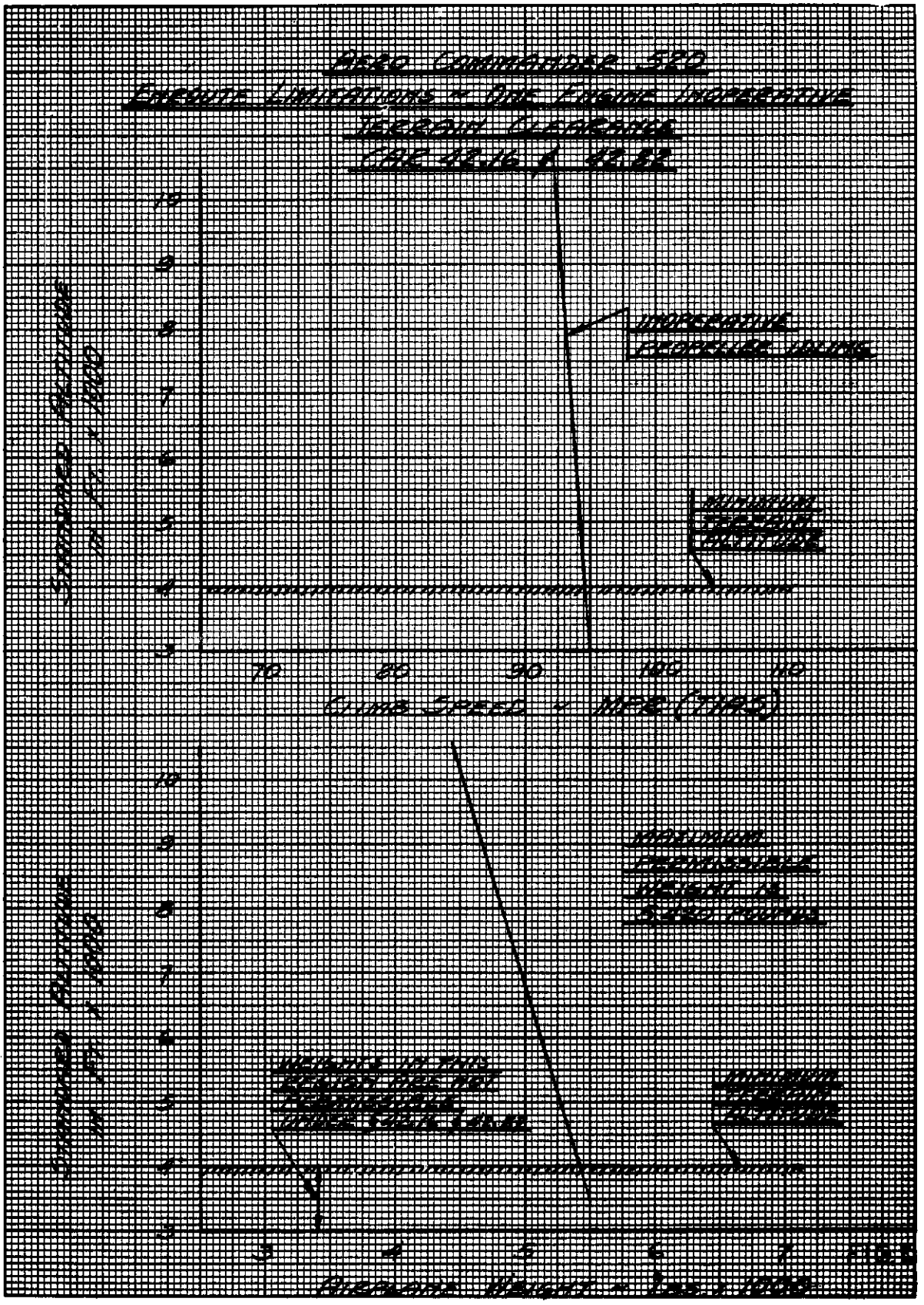
Weight in pounds	Terrain clearance [1] in feet and climb speed in miles per hour (TIAS)		
	m. p. h.	Feet	
		1A and 2A Series	5A and 6A Series
8,800	110	----------	5,600
8,500	108	6,600	6,600
8,000	105	8,300	8,300
7,500	102	9,900	9,900

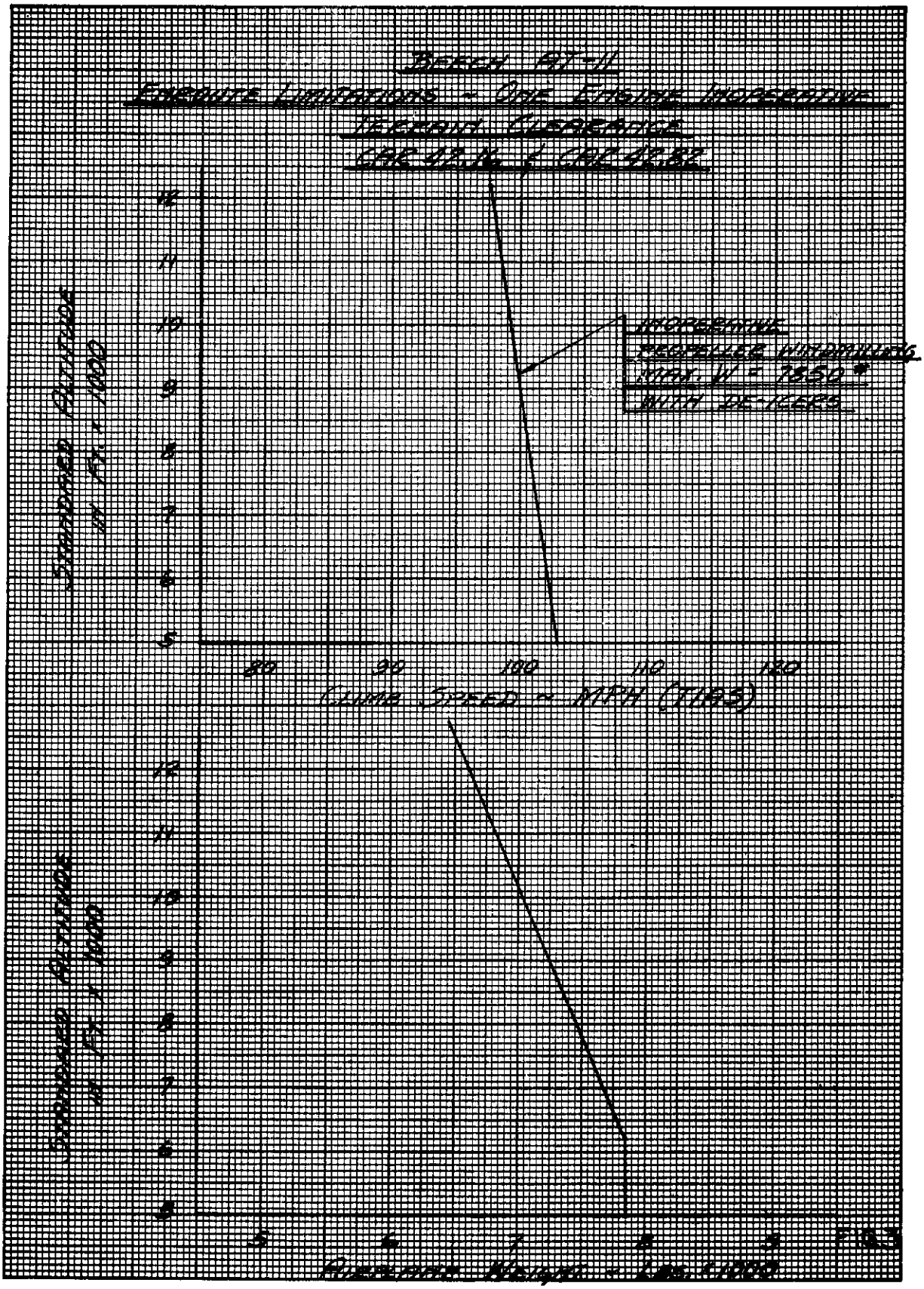
[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.

NOTE: Inoperative propeller feathered.


BEECH D18C, D18S; LOCKHEED 10E, & 12A
ENROUTE LIMITATIONS - ONE ENGINE INOPERATIVE
TERRAIN CLEARANCE
CAR 42.16 & 42.82
STANDARD ALTITUDE - FT. x 1000
L-10E 10500 LB.
L-12A 8600 LB.
BEECH D18S 8750 LB.
BEECH D18C 9000 LB.
80 90 100 110 120 130
CLIMB SPEED - MPH (TIAS)
PROP. FEATHERED
PROP. IDLING
BEECH D18C PROP. FEATH.
L-12A
B-D18S PROP. FEATH.
L-10E
BEECH D18S PROP. IDLING
6 7 8 9 10 11
AIRPLANE WEIGHT - LB. x 1000
FIG. 1

535996 O—60——7




BEECH 99-11
EXECUTIVE LIMITATIONS - ONE ENGINE INOPERATIVE
LEVEL FLIGHT CLEARANCE
CAR 23.1K & CAR 23.87
INCREMENT
REQUIRED WHEN
MAX. W = 7550 #
WITH 25 KTS
Standard Altitude - Thousands of Feet
80
90
100
110
120
CLIMB SPEED = KIAS (TAS)
Rate of Climb - Hundreds of Feet per Minute

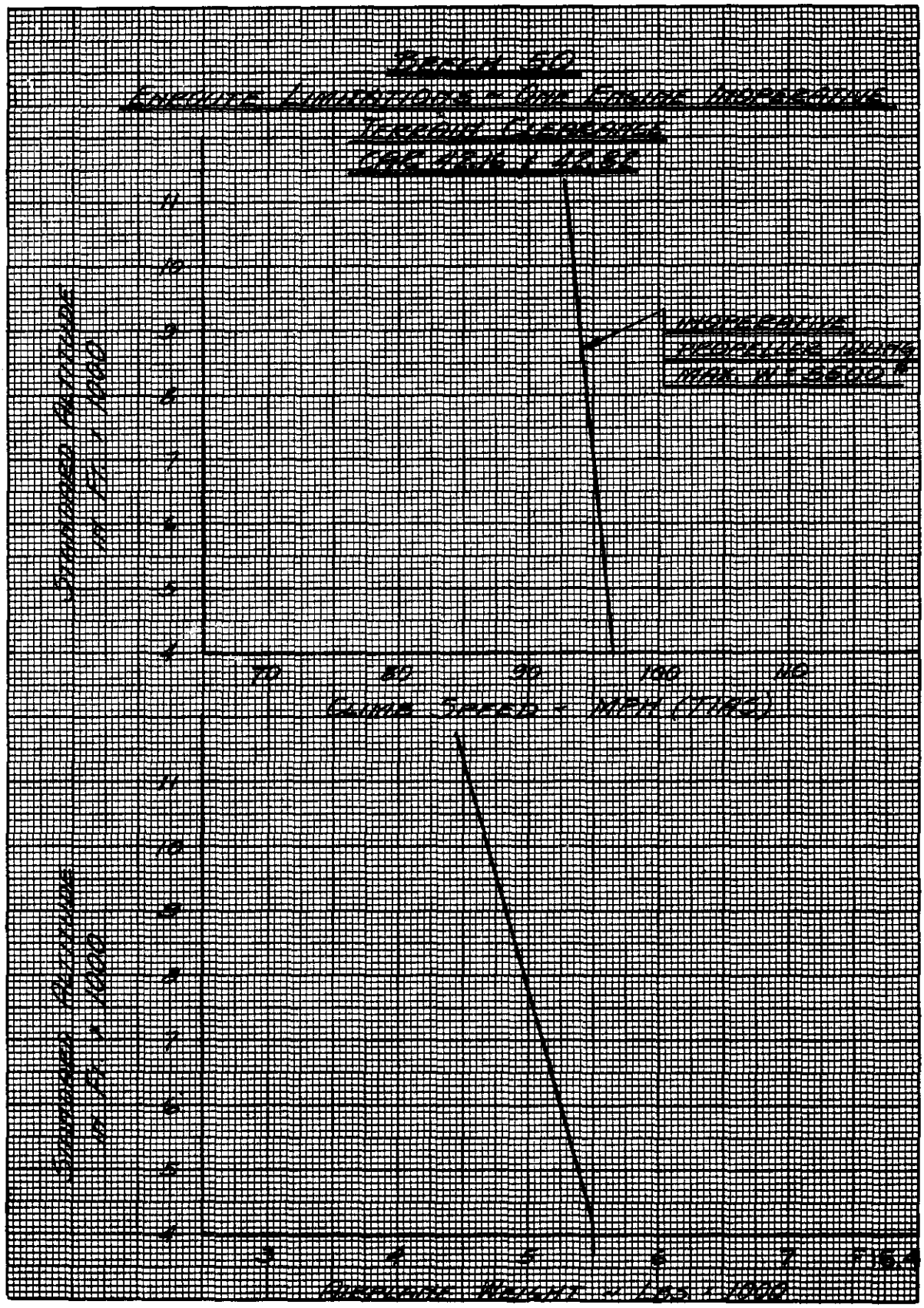


Chart 42
Localizer Limitations - One Engine Inoperative
Terrain Clearance
CAM 42.6 & 42.61
Increase
Increase Ceiling
Min. by 200'
Ceiling Required - Feet Above Airport Elevation
Runway Visual Range - Feet (Thousands)
70
80
90
100
110
3
4
5
6
7
FIG. 1

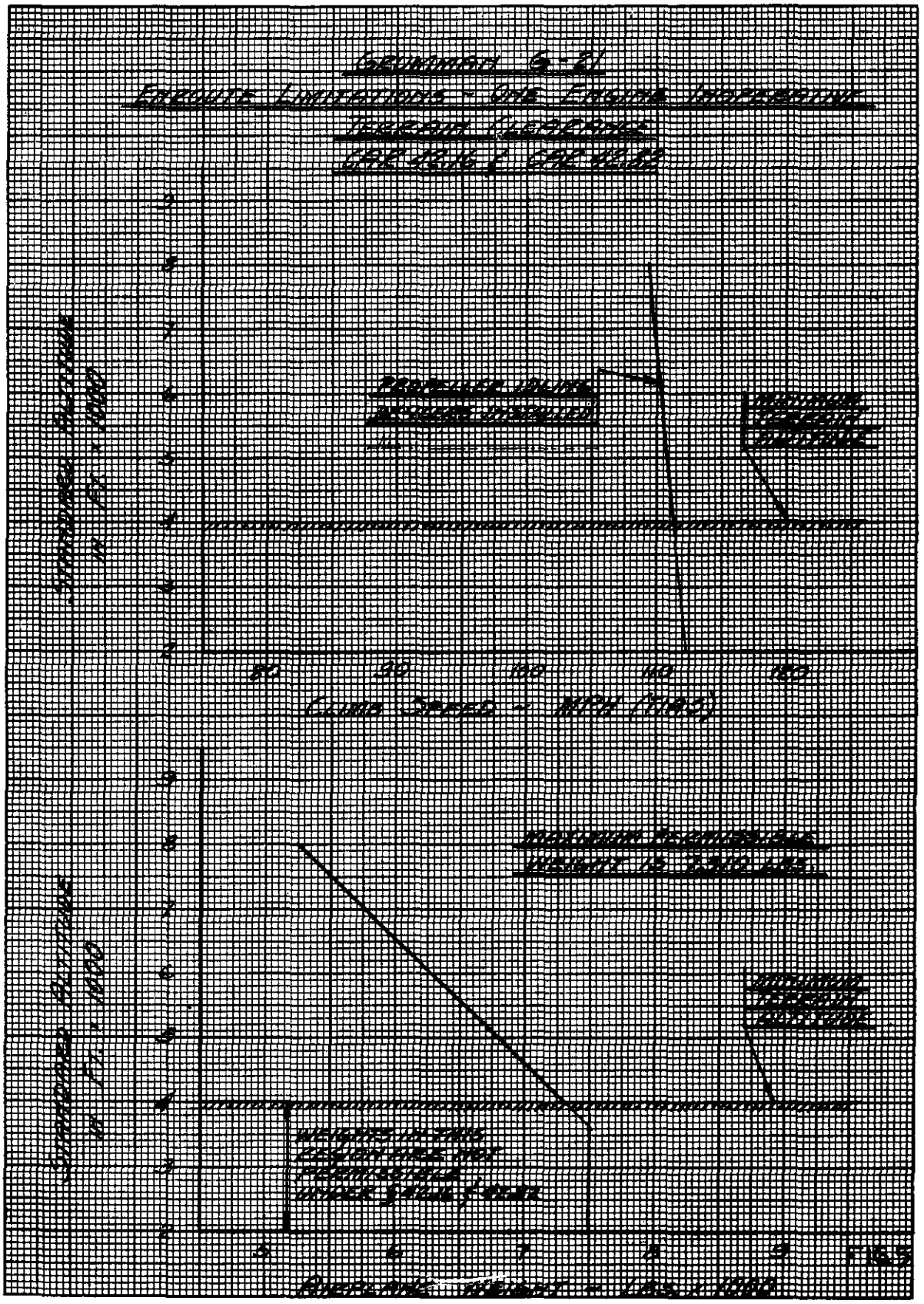


FIG 5

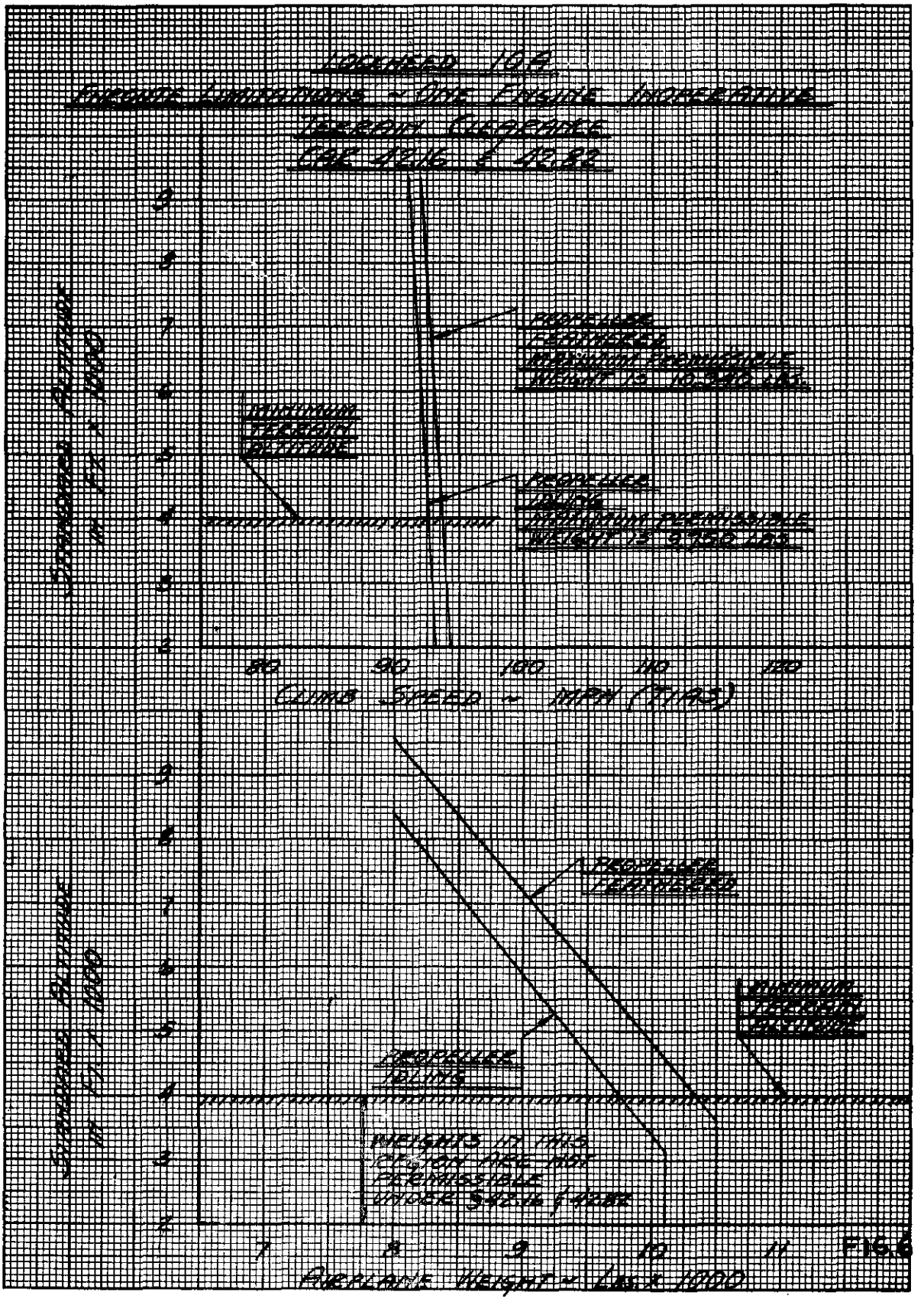


FIG. 6

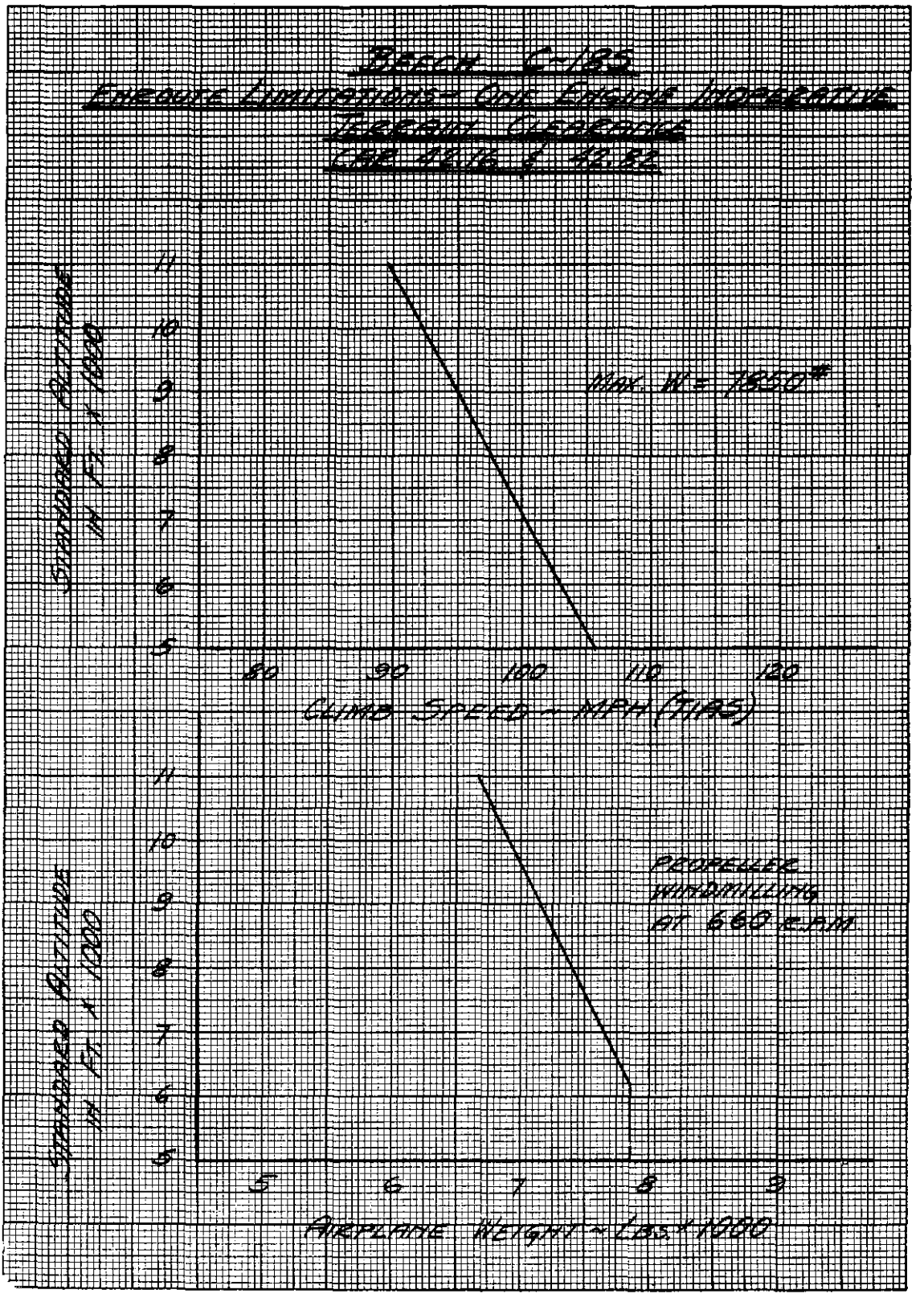

Beech C-185
Engine Limitations - One Engine Inoperative
Takeoff Operations
CAR 4a.18 & 4a.82
Max. W = 7650#
Climb Speed - MPH (TAS)
Propeller windmilling at 660 r.p.m.
Airplane Weight - Lbs. x 1000
Standard Atmosphere
Pressure Altitude - Thousands of Feet

Figure 7.

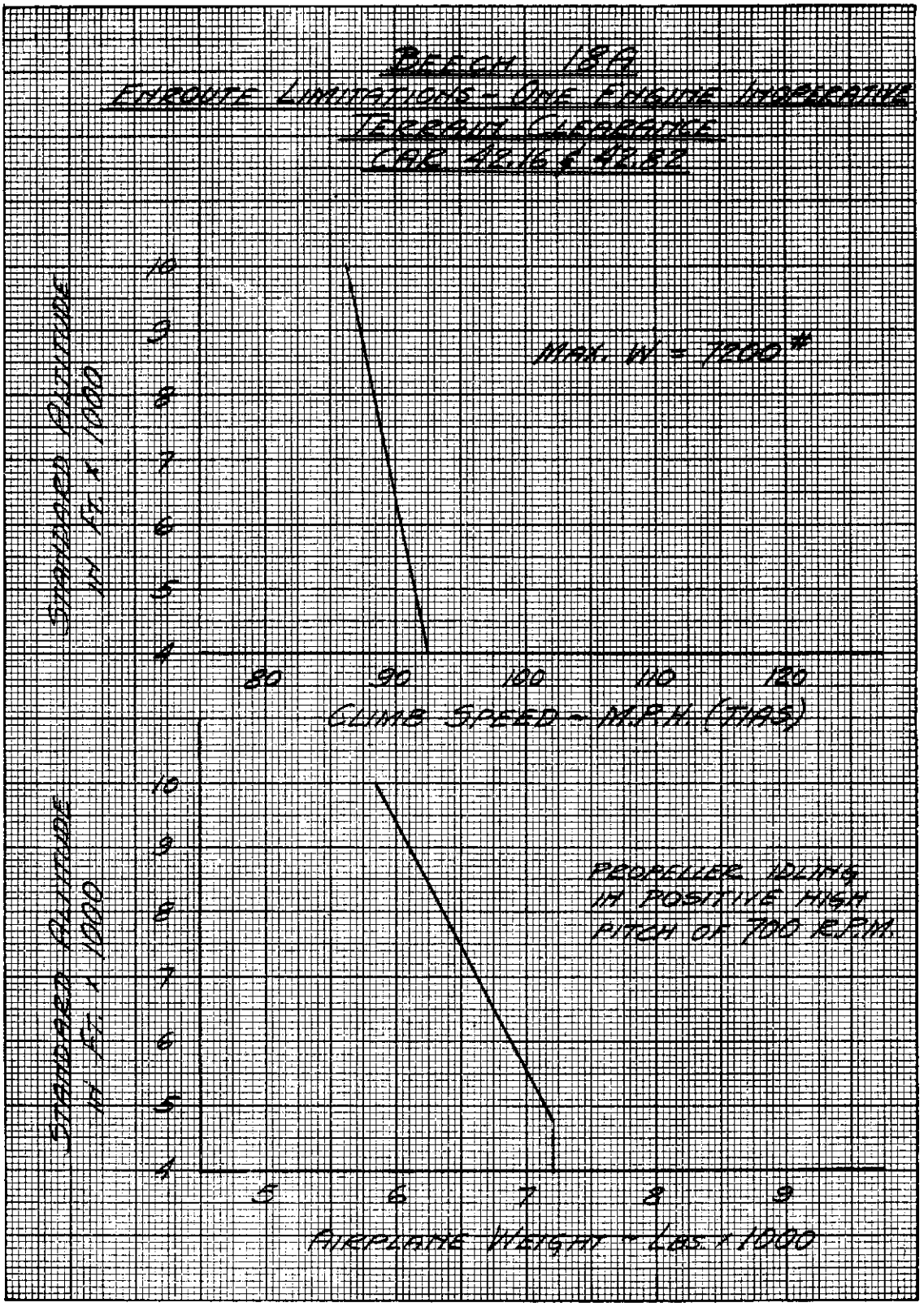

BEECH 18G
ENROUTE LIMITATIONS - ONE ENGINE INOPERATIVE
TERRAIN CLEARANCE
CAR 42.16 & 42.62
Max. W = 7200#
GLIDE SPEED - M.P.H. (IAS)
PROPELLER LOCKED IN POSITIVE HIGH PITCH OF 700 R.P.M.
AIRPLANE WEIGHT - LBS. x 1000
STANDARD ATMOSPHERE 1000 FT.
80
90
100
110
120
5
6
7
8
9
1
2
3
4
5
6
7
8
9
10

Figure 8.

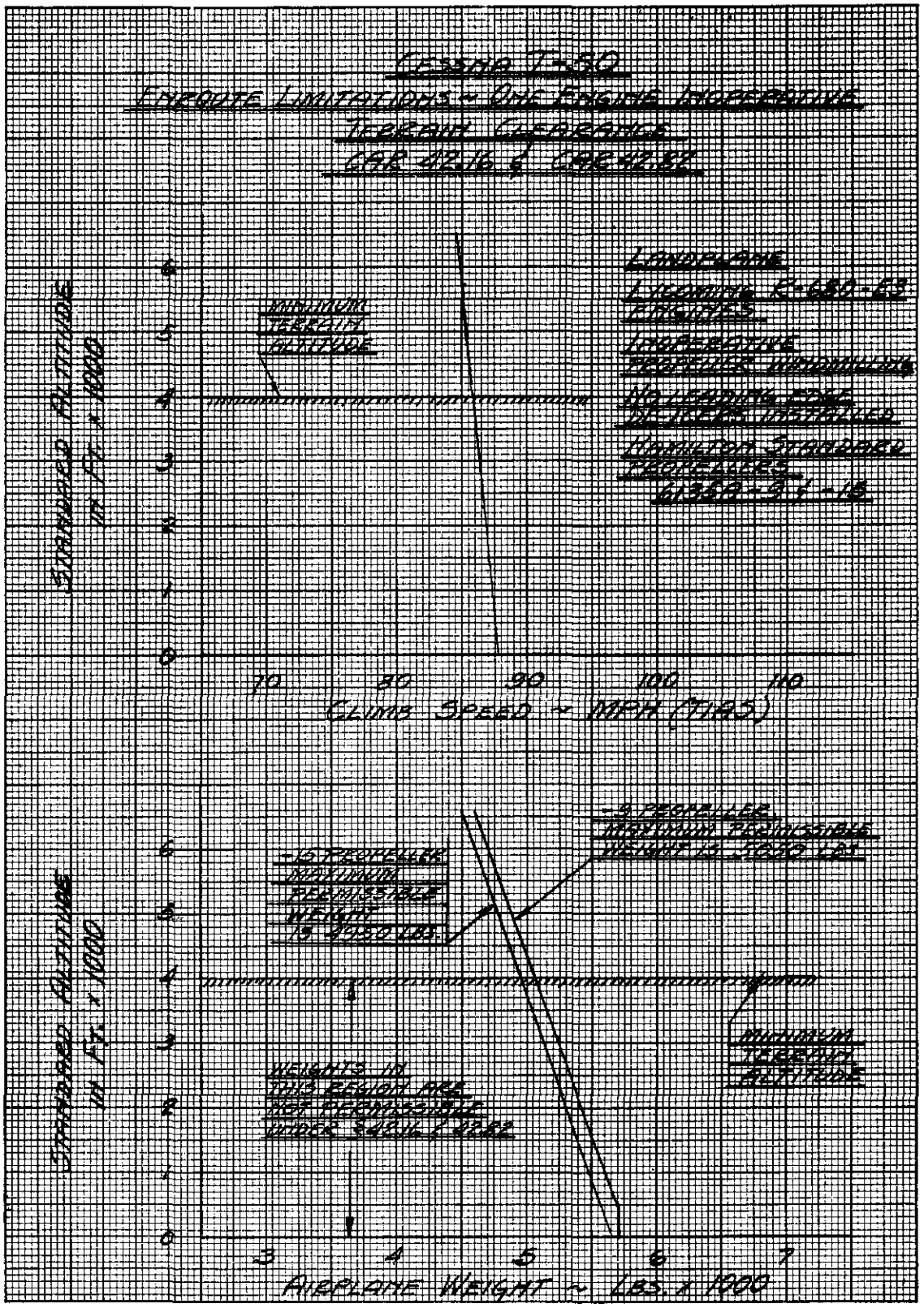


Figure 9.

(42.80–6. Published in 15 F. R. 93, Jan. 10, 1950, effective Jan. 1, 1950; amended in 19 F. R. 2054, Apr. 9, 1954, effective Apr. 24, 1954; amended in 19 F. R. 3564, June 17, 1954, effective July 15, 1954; amended in 19 F. R. 5660, Sept. 8, 1954, effective Oct. 1, 1954.)

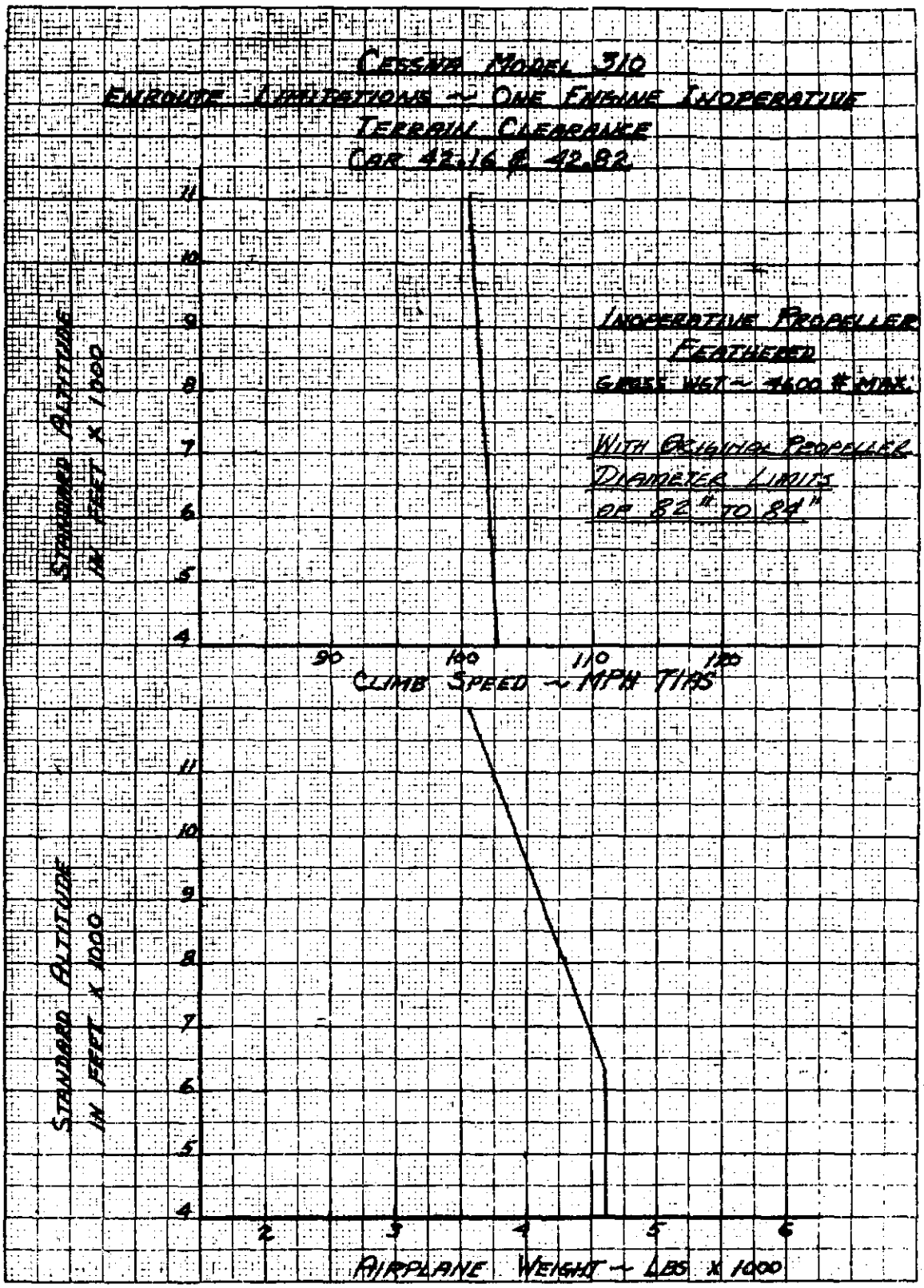


Figure 10.

(Published in 21 F. R. 8420, Nov. 3, 1956, effective Dec. 1, 1956.)

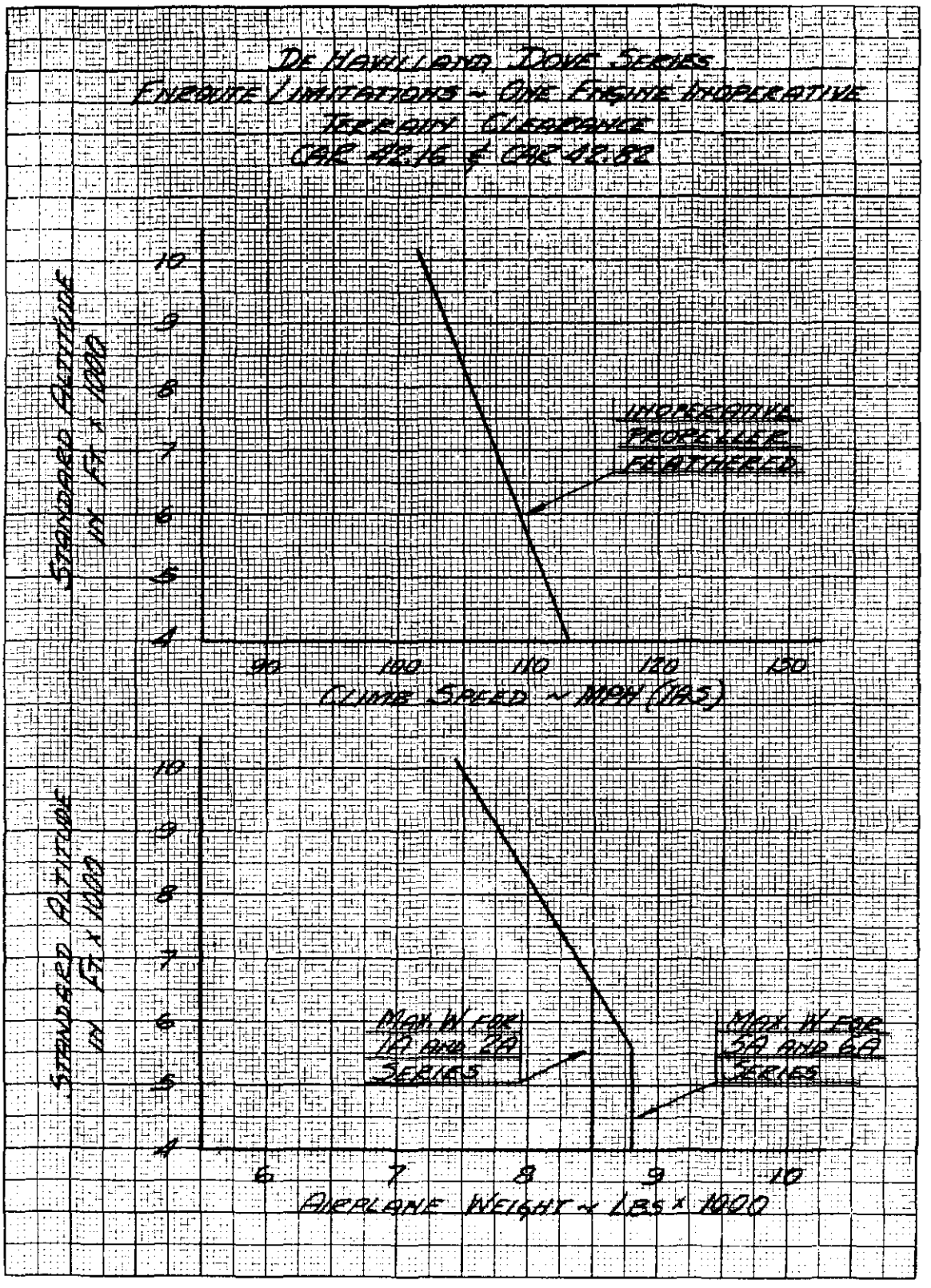


Figure 11.

(Published in 21 F. R. 8421, Nov. 3, 1956, effective Dec. 1, 1956.)

42.80–7 *Performance data on Boeing S–307 aircraft (FAA rules which apply to section 42.80).* The following performance limitations data, applicable to Boeing S–307 aircraft, shall be used in determining compliance with section 42.80. These data are presented in the tables and figures of this section.

TABLE 1.—*Takeoff limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 (distance to accelerate to 1.15 V_{s_1}=1.15 (85.4) $\sqrt{\text{Wgt.}/50{,}000}$ knots TIAS and stop, with zero wind and zero gradient).

Standard altitude in feet	Airplane weight in pounds and critical engine failure speeds in knots TIAS		
	46,000 V_1=94.0	48,000 V_1=96.5	50,000 V_1=98.0
	Distance in feet		
S. L.	3,730	4,010	4,260
1,000	3,900	4,190	4,460
2,000	4,120	4,430	4,720
3,000	4,350	4,680	4,990
4,000	4,600	4,950	5,280
5,000	4,860	5,250	5,600
6,000	5,140	5,550	5,940
7,000	5,460	5,910	6,320
8,000	5,820	6,330	6,770

(b) Actual length of runway required when "effective length," considering obstacles, is not determined (distance to accelerate to 1.15 (85.4) $\sqrt{\text{Wgt.}/50{,}000}$ knots TIAS, and stop, divided by the factor 0.85).

Standard altitude in feet	Airplane weight in pounds and critical engine failure speed (V_1) in knots TIAS		
	46,000 V_1=94.0	48,000 V_1=96.5	50,000 V_1=98.0
	Distance in feet		
S. L.	4,390	4,720	5,010
1,000	4,590	4,930	5,245
2,000	4,845	5,210	5,555
3,000	5,120	5,505	5,870
4,000	5,410	5,825	6,210
5,000	5,720	6,175	6,590
6,000	6,045	6,530	6,990
7,000	6,425	6,955	7,435
8,000	6,845	7,445	7,965

TABLE 2.—*En route limitations*

Weight in pounds	Terrain clearance [1] in feet and climb speed in knots TIAS		Weight in pounds	Terrain clearance [1] in feet and climb speed in knots TIAS	
	Feet	knots		Feet	knots
40,000	17,000	89.5	46,000	13,750	99.0
41,000	16,400	91.0	47,000	13,200	100.5
42,000	15,900	93.0	48,000	12,700	101.5
43,000	15,350	94.0	49,000	12,150	103.0
44,000	14,800	96.0	50,000	11,650	104.0
45,000	14,300	97.5			

[1] Highest altitude of terrain over which airplane may be operated in compliance with sec. 42.82.

TABLE 3.—*Landing limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

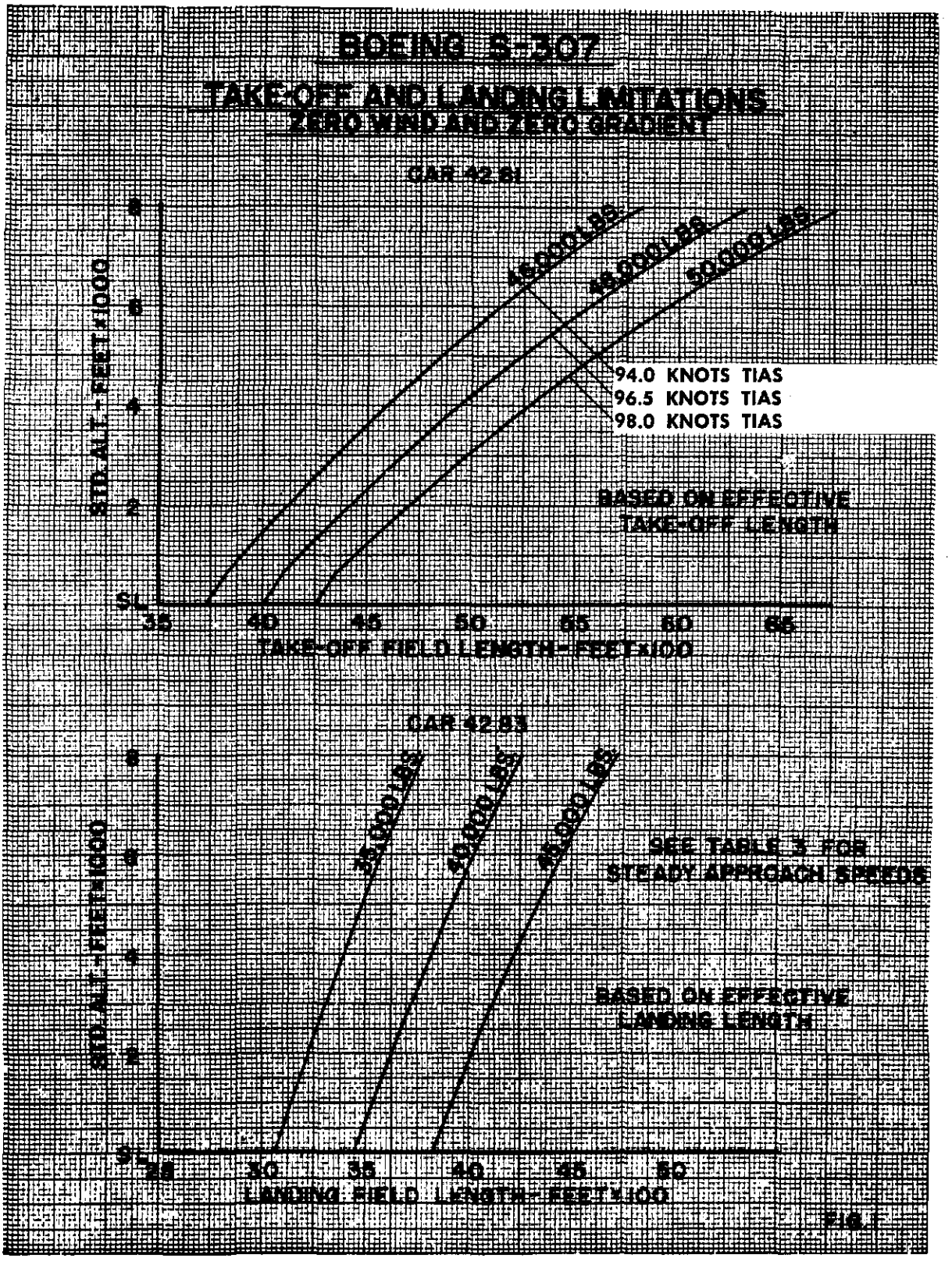
Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots TIAS					
	35,000	V_{50}	40,000	V_{50}	45,000	V_{50}
	Distance in feet					
S. L.	3,065	81.0	3,445	86.5	3,815	91.0
1,000	3,145	81.0	3,540	86.5	3,915	91.0
2,000	3,225	81.0	3,630	86.5	4,015	91.0
3,000	3,310	81.0	3,725	86.5	4,120	91.0
4,000	3,390	81.0	3,820	86.5	4,225	91.0
5,000	3,480	81.0	3,925	86.5	4,340	91.0
6,000	3,575	81.0	4,035	86.5	4,460	91.0
7,000	3,670	81.0	4,140	86.5	4,580	91.0
8,000	3,770	81.0	4,260	86.5	4,715	91.0

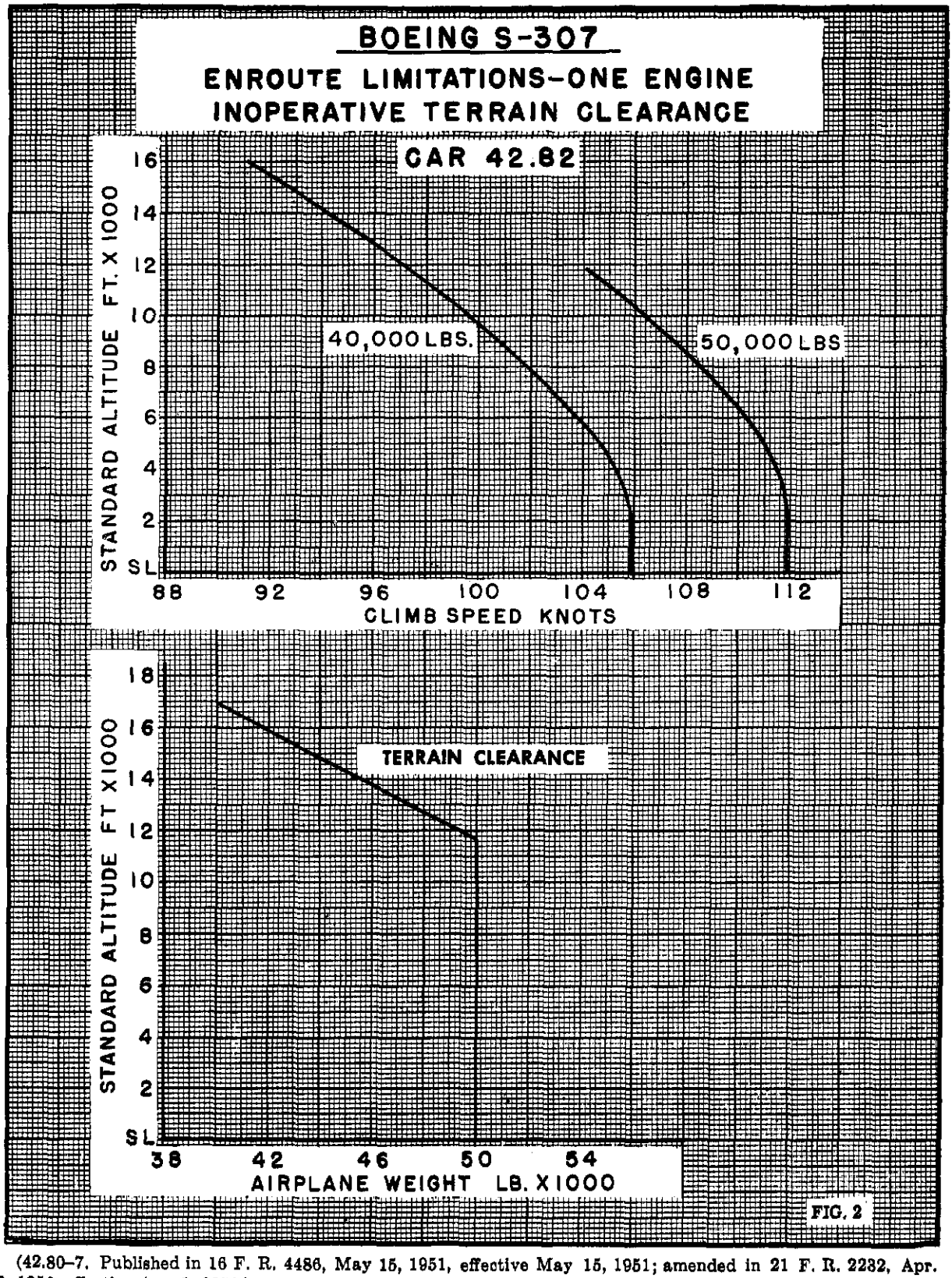
[1] Steady approach speed through 50-foot height knots TIAS denoted by symbol V_{50}.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots TIAS					
	35,000	V_{50}	40,000	V_{50}	45,000	V_{50}
	Distance in feet					
S. L.	3,890	81.0	4,375	86.5	4,845	91.0
1,000	3,995	81.0	4,495	86.5	4,970	91.0
2,000	4,095	81.0	4,610	86.5	5,100	91.0
3,000	4,205	81.0	4,730	86.5	5,230	91.0
4,000	4,305	81.0	4,850	86.5	5,365	91.0
5,000	4,420	81.0	4,985	86.5	5,510	91.0
6,000	4,540	81.0	5,125	86.5	5,665	91.0
7,000	4,660	81.0	5,260	86.5	5,815	91.0
8,000	4,790	81.0	5,410	86.5	5,990	91.0

[1] Steady approach speed through 50-foot height knots TIAS denoted by symbol V_{50}.


BOEING S-307
TAKE-OFF AND LANDING LIMITATIONS
ZERO WIND AND ZERO GRADIENT
CAR 42.61
STD. ALT.-FEET x1000
8
6
4
2
S.L.
35
40
45
50
55
60
65
TAKE-OFF FIELD LENGTH-FEET x100
94.0 KNOTS TIAS
96.5 KNOTS TIAS
98.0 KNOTS TIAS
BASED ON EFFECTIVE TAKE-OFF LENGTH
CAR 42.83
STD. ALT.-FEET x1000
8
6
4
2
S.L.
25
30
35
40
45
50
LANDING FIELD LENGTH-FEET x100
SEE TABLE 3 FOR STEADY APPROACH SPEEDS
BASED ON EFFECTIVE LANDING LENGTH
FIG. 1



(42.80–7. Published in 16 F. R. 4486, May 15, 1951, effective May 15, 1951; amended in 21 F. R. 2232, Apr. 6, 1956, effective Apr. 1, 1956.)

42.80–8 *Performance data—operations from sod runway surfaces (FAA rules which apply to section 42.80.)*

(a) *General.* The performance limitation data and information contained herein, are adopted to provide a comparable level of safety between operations utilizing sod surfaced runways and those utilizing paved surfaced runways. There are, of course, numerous types of runway surfaces which are neither paved nor sod. Obviously, it is not feasible at this time to categorize all of the runway surfaces and to establish specific correction factors for operations from them. Therefore, all runways which are not paved shall be regarded as sod runways, and the limitations data herein shall be applied to such runways, except in those individual cases where the Administrator finds that a particular runway surface is such as to justify the use of a specific correction factor.

(b) *Takeoff limitation data* In computing the maximum allowable takeoff weights for operations from sod runways, the takeoff weight tables contained in sections 42.80–1, 42.80–2, 42.80–3, 42.80–4, 42.80–5 or 42.80–7 shall be used in the following manner:

(1) Where the effective length of a sod runway has been established, the maximum allowable takeoff weight shall be the *lesser* gross weight as determined by application of the effective length to the appropriate takeoff table (a) and by application of the actual runway length to the corresponding takeoff table (b). Takeoff table (a) is used to determine the maximum allowable gross weight which will permit the aircraft to take off within the effective runway length, while table (b) is used to determine the maximum allowable gross weight which will permit the particular aircraft to be accelerated and brought to a full stop within the actual length of available runway.

(2) Where the effective length of a sod runway has not been established, the maximum allowable takeoff weight shall be determined by application of the actual runway length to the appropriate takeoff table (b). Tables (b) incorporate a correction factor (approximately 17.6 percent for an assumed obstruction height and/or a reduced coefficient of friction).

(c) *Landing limitations data.* In computing the maximum allowable landing weights for operations from sod runways, the landing weight tables contained in this section shall be used in the following manner:

(1) Where the effective length of a sod runway has been established, the maximum allowable landing weight shall be determined by application of the effective length to the appropriate landing weight table (a).

(2) Where the effective length of a sod runway has not been established, the maximum allowable landing weight shall be determined by application of the actual runway length to the appropriate landing weight table (b).

DOUGLAS DC–3 G102, C202A, S1C3G, AND C47's, R4D's WITH COMPARABLE HORSEPOWER ENGINES

TABLE 4.—*Landing limitations (sod runway surfaces)*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	22,000	V_{50}	23,000	V_{50}	24,000	V_{50}	25,200	V_{50}
	Distance in feet							
S. L.	2,830	74.5	3,015	76.5	3,210	78.0	3,390	80.0
1,000	2,900	74.5	3,080	76.5	3,275	78.0	3,465	80.0
2,000	2,965	74.5	3,155	76.5	3,350	78.0	3,540	80.0
3,000	3,040	74.5	3,235	76.5	3,425	78.0	3,630	80.0
4,000	3,115	74.5	3,320	76.5	3,520	78.0	3,715	80.0
5,000	3,210	74.5	3,410	76.5	3,605	78.0	3,805	80.0
6,000	3,300	74.5	3,505	76.5	3,705	78.0	3,910	80.0
7,000	3,410	74.5	3,610	76.5	3,810	78.0	4,015	80.0
8,000	3,500	74.5	3,725	76.5	3,935	78.0	4,135	80.0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.

(Continued on page 105)

TABLE 4.—*Landing limitations (sod runway surfaces)*—Continued

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	22,000	V_{50}	23,000	V_{50}	24,000	V_{50}	25,200	V_{50}
	Distance in feet							
S. L	3,595	74.5	3,825	76.5	4,075	78.0	4,305	80.0
1,000	3,680	74.5	3,900	76.5	4,165	78.0	4,405	80.0
2,000	3,765	74.5	4,010	76.5	4,255	78.0	4,495	80.0
3,000	3,865	74.5	4,110	76.5	4,355	78.0	4,605	80.0
4,000	3,955	74.5	4,215	76.5	4,470	78.0	4,715	80.0
5,000	4,075	74.5	4,330	76.5	4,575	78.0	4,835	80.0
6,000	4,190	74.5	4,455	76.5	4,705	78.0	4,970	80.0
7,000	4,330	74.5	4,590	76.5	4,840	78.0	5,095	80.0
8,000	4,445	74.5	4,730	76.5	4,995	78.0	5,250	80.0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.

LOCKHEED 18 G202A AIRCRAFT

TABLE 3.—*Landing limitations (sod runway surfaces)*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots					
	17,500	V_{50}	18,000	V_{50}	18,500	V_{50}
	Distance in feet					
S. L	4,270	83.5	4,380	84.0	4,470	86.0
1,000	4,400	83.5	4,495	84.0	4,595	86.0
2,000	4,520	83.5	4,625	84.0	4,720	86.0
3,000	4,645	83.5	4,750	84.0	4,855	86.0
4,000	4,770	83.5	4,875	84.0	4,985	86.0
5,000	4,875	83.5	5,000	84.0	5,115	86.0
6,000	5,025	83.5	5,130	84.0	5,255	86.0
7,000	5,150	83.5	5,260	84.0	5,395	86.0
8,000	5,285	83.5	5,395	84.0	5,530	86.0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots					
	17,500	V_{50}	18,000	V_{50}	18,500	V_{50}
	Distance in feet					
S. L	5,430	83.5	5,565	84.0	5,675	86.0
1,000	5,590	83.5	5,710	84.0	5,835	86.0
2,000	5,740	83.5	5,870	84.0	5,995	86.0
3,000	5,900	83.5	6,030	84.0	6,165	86.0
4,000	6,060	83.5	6,195	84.0	6,330	86.0
5,000	6,195	83.5	6,355	84.0	6,495	86.0
6,000	6,380	83.5	6,515	84.0	6,675	86.0
7,000	6,545	83.5	6,680	84.0	6,850	86.0
8,000	6,710	83.5	6,850	84.0	7,025	86.0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.

CURTIS MODEL C–46 AIRCRAFT

TABLE 3.—*Landing limitations (sod runway surfaces)*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

(1) Curtiss model C–46 certificated for maximum weight of 45,000 pounds.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	40,000	V_{50}	42,000	V_{50}	44,000	V_{50}	45,000	V_{50}
	Distance in feet							
S. L.	4, 255	86. 0	4, 435	88. 0	4, 635	90. 5	4, 725	91. 0
1,000	4, 370	86. 0	4, 555	88. 0	4, 760	90. 5	4, 855	91. 0
2,000	4, 485	86. 0	4, 680	88. 0	4, 890	90. 5	4, 985	91. 0
3,000	4, 660	86. 0	4, 805	88. 0	5, 015	90. 5	5, 120	91. 0
4,000	4, 730	86. 0	4, 935	88. 0	5, 145	90. 5	5, 250	91. 0
5,000	4, 845	86. 0	5, 060	88. 0	5, 285	90. 5	5, 380	91. 0
6,000	4, 980	86. 0	5, 190	88. 0	5, 415	90. 5	5, 520	91. 0
7,000	5, 095	86. 0	5, 330	88. 0	5, 570	90. 5	5, 670	91. 0
8,000	5, 235	86. 0	5, 470	88. 0	5, 715	90. 5	5, 820	91. 0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.

(2) Curtiss model C–46 certificated for maximum weight of 48,000 pounds.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	42,000	V_{50}	44,000	V_{50}	46,000	V_{50}	48,000	V_{50}
	Distance in feet							
S. L.	3, 325	80. 5	3, 450	82. 0	3, 575	84. 5	3, 695	86. 0
1,000	3, 405	80. 5	3, 530	82. 0	3, 655	84. 5	3, 780	86. 0
2,000	3, 490	80. 5	3, 615	82. 0	3, 740	84. 5	3, 865	86. 0
3,000	3, 575	80. 5	3, 695	82. 0	3, 830	84. 5	3, 945	86. 0
4,000	3, 675	80. 5	3, 795	82. 0	3, 920	84. 5	4, 050	86. 0
5,000	3, 750	80. 5	3, 875	82. 0	4, 020	84. 5	4, 155	86. 0
6,000	3, 830	80. 5	3, 980	82. 0	4, 115	84. 5	4, 255	86. 0
7,000	3, 925	80. 5	4, 075	82. 0	4, 220	84. 5	4, 370	86. 0
8,000	4, 025	80. 5	4, 180	82. 0	4, 330	84. 5	4, 485	86. 0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 41.1.

(1) Curtiss model C–46 certificated for maximum weight of 45,000 pounds.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	40,000	V_{50}	42,000	V_{50}	44,000	V_{50}	45,000	V_{50}
	Distance in feet							
S. L.	5, 415	86. 0	5, 645	88. 0	5, 900	90. 5	6, 015	91. 0
1,000	5, 560	86. 0	5, 795	88. 0	6, 060	90. 5	6, 175	91. 0
2,000	5, 710	86. 0	5, 955	88. 0	6, 220	90. 5	6, 350	91. 0
3,000	5, 930	86. 0	6, 120	88. 0	6, 385	90. 5	6, 515	91. 0
4,000	6, 015	86. 0	6, 280	88. 0	6, 550	90. 5	6, 680	91. 0
5,000	6, 170	86. 0	6, 440	88. 0	6, 730	90. 5	6, 850	91. 0
6,000	6, 335	86. 0	6, 605	88. 0	6, 895	90. 5	7, 025	91. 0
7,000	6, 485	86. 0	6, 785	88. 0	7, 090	90. 5	7, 215	91. 0
8,000	6, 650	86. 0	6, 960	88. 0	7, 275	90. 5	7, 405	91. 0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.

(Continued on page 107)

TABLE 3.—*Landing limitations (sod runway surfaces)*—Continued

(2) Curtiss C–46 certificated maximum weight of 48,000 pounds.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	42,000	V_{50}	44,000	V_{50}	46,000	V_{50}	48,000	V_{50}
	Distance in feet							
S. L.	4,230	80.5	4,395	82.0	4,555	84.5	4,705	86.0
1,000	4,330	80.5	4,490	82.0	4,650	84.5	4,805	86.0
2,000	4,440	80.5	4,600	82.0	4,755	84.5	4,915	86.0
3,000	4,555	80.5	4,705	82.0	4,875	84.5	5,020	86.0
4,000	4,665	80.5	4,830	82.0	4,990	84.5	5,150	86.0
5,000	4,775	80.5	4,935	82.0	5,120	84.5	5,290	86.0
6,000	4,875	80.5	5,065	82.0	5,240	84.5	5,415	86.0
7,000	4,995	80.5	5,185	82.0	5,370	84.5	5,560	86.0
8,000	5,125	80.5	5,320	82.0	5,510	84.5	5,710	86.0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.

CONVAIR MODEL 28–5ACF AND PBY–5A

TABLE 3.—*Landing limitations (sod runway surfaces)*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots					
	23,000	V_{50}	24,000	V_{50}	25,000	V_{50}
	Distance in feet					
S. L.	3,935	74.5	4,105	76.5	4,245	78.0
1,000	4,040	74.5	4,215	76.5	4,370	78.0
2,000	4,145	74.5	4,330	76.5	4,485	78.0
3,000	4,255	74.5	4,370	76.5	4,610	78.0
4,000	4,360	74.5	4,585	76.5	4,725	78.0
5,000	4,470	74.5	4,665	76.5	4,845	78.0
6,000	4,570	74.5	4,775	76.5	4,970	78.0
7,000	4,680	74.5	4,880	76.5	5,090	78.0
8,000	4,785	74.5	4,990	76.5	5,205	78.0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots					
	23,000	V_{50}	24,000	V_{50}	25,000	V_{50}
	Distance in feet					
S. L.	5,005	74.5	5,225	76.5	5,400	78.0
1,000	5,145	74.5	5,365	76.5	5,560	78.0
2,000	5,275	74.5	5,510	76.5	5,710	78.0
3,000	5,415	74.5	5,650	76.5	5,870	78.0
4,000	5,550	74.5	5,790	76.5	6,015	78.0
5,000	5,685	74.5	5,935	76.5	6,170	78.0
6,000	5,820	74.5	6,075	76.5	6,325	78.0
7,000	5,955	74.5	6,215	76.5	6,475	78.0
8,000	6,090	74.5	6,355	76.5	6,625	78.0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.

CONVAIR MODEL 28-5ACF AND PBY-5A

TABLE 4.—*Landing limitations*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots					
	26,000	V_{50}	[2] 27,000	V_{50}	[3] 28,000	V_{50}
	Distance in feet					
S. L.	4,405	80.0	4,560	81.0	4,715	82.5
1,000	4,530	80.0	4,690	81.0	4,855	82.5
2,000	4,660	80.0	4,830	81.0	4,995	82.5
3,000	4,785	80.0	4,960	81.0	5,140	82.5
4,000	4,915	80.0	5,095	81.0	5,285	82.5
5,000	5,045	80.0	5,235	81.0	5,430	82.5
6,000	5,170	80.0	5,365	81.0	5,565	82.5
7,000	5,300	80.0	5,505	81.0	5,715	82.5
8,000	5,430	80.0	5,635	81.0	5,855	82.5

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.
[2] Maximum weight for PBY-5A landplane.
[3] Maximum weight for 28-5ACF.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots					
	26,000	V_{50}	[2] 27,000	V_{50}	[3] 28,000	V_{50}
	Distance in feet					
S. L.	5,605	80.0	5,805	81.0	6,000	82.5
1,000	5,765	80.0	5,970	81.0	6,175	82.5
2,000	5,925	80.0	6,145	81.0	6,360	82.5
3,000	6,090	80.0	6,315	81.0	6,540	82.5
4,000	6,255	80.0	6,485	81.0	6,725	82.5
5,000	6,420	80.0	6,660	81.0	6,910	82.5
6,000	6,580	80.0	6,830	81.0	7,085	82.5
7,000	6,745	80.0	7,005	81.0	7,275	82.5
8,000	6,910	80.0	7,170	81.0	7,450	82.5

[1] Steady approach speed through 50 feet height— knots TIAS denoted by symbol V_{50}.
[2] Maximum weight for PBY-5A landplane.
[3] Maximum weight for 28-5ACF

DOUGLAS, RB-18A AIRCRAFT

TABLE 3.—*Landing limitations (sod runway surfaces)*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	19,000	V_{50}	20,000	V_{50}	21,000	V_{50}	21,300	V_{50}
	Distance in feet							
S. L.	3,280	74.5	3,575	77.0	3,875	78.5	3,960	79.0
1,000	3,370	74.5	3,680	77.0	3,990	78.5	4,075	79.0
2,000	3,460	74.5	3,785	77.0	4,100	78.5	4,185	79.0
3,000	3,550	74.5	3,885	77.0	4,210	78.5	4,300	79.0
4,000	3,640	74.5	3,990	77.0	4,320	78.5	4,410	79.0
5,000	3,730	74.5	4,095	77.0	4,430	78.5	4,525	79.0
6,000	3,825	74.5	4,200	77.0				
7,000	3,915	74.5	4,295	77.0	[2]	[2]	[2]	[2]
8,000	4,010	74.5	4,400	77.0				

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}
[2] Limited by CAR 42.82.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	19,000	V_{50}	20,000	V_{50}	21,000	V_{50}	21,300	V_{50}
	Distance in feet							
S. L.	4,175	74.5	4,555	77.0	4,935	78.5	5,050	79.0
1,000	4,290	74.5	4,680	77.0	5,070	78.5	5,185	79.0
2,000	4,410	74.5	4,820	77.0	5,220	78.5	5,325	79.0
3,000	4,515	74.5	4,945	77.0	5,355	78.5	5,475	79.0
4,000	4,630	74.5	5,075	77.0	5,490	78.5	5,610	79.0
5,000	4,750	74.5	5,215	77.0	5,635	78.5	5,755	79.0
6,000	4,865	74.5	5,340	77.0	[2]	[2]	[2]	[2]
7,000	4,990	74.5	5,465	77.0				
8,000	5,105	74.5	5,590	77.0				

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.
[2] Limited by CAR 42.82.

BOEING MODEL S-307 AIRCRAFT

TABLE 3.—*Landing limitations (sod runway surfaces)*

(a) "Effective length" of runway required when effective length is determined in accordance with section 42.1 with zero wind and zero gradient.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots					
	35,000	V_{50}	40,000	V_{50}	45,000	V_{50}
	Distance in feet					
S. L.	3,525	81.0	3,960	86.5	4,385	91.0
1,000	3,615	81.0	4,070	86.5	4,500	91.0
2,000	3,710	81.0	4,175	86.5	4,615	91.0
3,000	3,805	81.0	4,285	86.5	4,740	91.0
4,000	3,900	81.0	4,395	86.5	4,860	91.0
5,000	4,000	81.0	4,515	86.5	4,990	91.0
6,000	4,110	81.0	4,640	86.5	5,130	91.0
7,000	4,220	81.0	4,760	86.5	5,265	91.0
8,000	4,335	81.0	4,900	86.5	5,420	91.0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.1.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots					
	35,000	V_{50}	40,000	V_{50}	45,000	V_{50}
	Distance in feet					
S. L.	4,475	81.0	5,040	86.5	5,570	91.0
1,000	4,595	81.0	5,170	86.5	5,715	91.0
2,000	4,710	81.0	5,300	86.5	5,865	91.0
3,000	4,835	81.0	5,440	86.5	6,015	91.0
4,000	4,950	81.0	5,580	86.5	6,170	91.0
5,000	5,085	81.0	5,735	86.5	6,335	91.0
6,000	5,220	81.0	5,895	86.5	6,515	91.0
7,000	5,360	81.0	6,050	86.5	6,685	91.0
8,000	5,510	81.0	6,220	86.5	6,890	91.0

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol V_{50}.

(42.80–8. Published in 18 F. R. 173, Jan. 9, 1953, effective Jan. 31, 1953; amended in 21 F. R. 2232, Apr. 6, 1956, effective Apr. 1, 1956.)

42.81 *Takeoff limitations.* No takeoff shall be made except under conditions which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point on takeoff up to the time of attaining, with all engines operating at normal takeoff power, 105 percent of the minimum control speed or 115 percent of the power-off stall speed in the takeoff configuration, whichever is greater, as shown by the accelerate-stop distance data.

(a) In applying this requirement, takeoff data shall be based upon still-air conditions, and no correction shall be made for any uphill gradient of 1 percent or less when such percentage is measured as the difference between elevation at the end points of the runway divided by the total length. For all uphill gradients greater than 1 percent, the effective takeoff length of the runway shall be reduced 20 percent for each 1 percent grade.

42.82 *En route limitations; one engine inoperative.* No airplane shall be taken off at a weight in excess of that which, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track or at an altitude of 5,000 feet, whichever is higher. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by the anticipated consumption of fuel and oil; that the propeller of the inoperative engine is in the minimum drag position; that the wing flaps and landing gear are in the most favorable positions; and that the remaining engine or engines are operating at the maximum continuous power available. The 10-mile lateral distance specified herein may, for a distance of no more than 20 miles, be reduced to 5 miles, provided that special air navigational facilities provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

42.83 *Landing distance limitations; airport of destination.* No airplane shall be taken off at a weight in excess of that which, under the conditions stated in paragraphs (a) and (b) of this section, would permit the airplane to be brought to rest at the field of intended destination within 70 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance line and the runway. For the purpose of this section it shall be assumed that the takeoff weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the aircraft is landed on the most favorable runway and direction without regard to wind.

(b) It shall be assumed, considering every probable wind velocity and direction, that the airplane is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane type involved and other conditions (e. g., landing aids, terrain, etc.) and allowing for the effect on the landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the aircraft may be taken off if an alternate airport is designated which permits compliance with paragraphs (a) and (b) of this section.

Required Records and Reports

42.91 *Maintenance records.*

(a) Each air carrier shall, except as provided in paragraph (b) of this section, keep at its principal operations base the following current records with respect to all aircraft, aircraft engines, propellers, and, where practicable, appliances used in air transportation: (1) Total time and service, (2) time since last overhaul, (3) time since last inspection, and (4) mechanical failures.

(b) In the case of a propeller for which there is no previous operating history, the Administrator may authorize the use of a new record if the hub is rebuilt and is fitted with blades which are free from defects and within the manufac-

turer's production tolerances. Such rebuilding of the propeller shall be accomplished by the manufacturer or by a certificated repair station having the proper rating. The new record shall be signed by the manufacturer or by the repair agency, giving the date the propeller hub or blade was rebuilt and such other information as the Administrator may require.

42.91–1 *Content of maintenance records (FAA policies which apply to sec. 42.91).* The basic requirement of the above records is to provide a means for determining that overhaul, inspection, and check of the various units or components is performed within the prescribed time limitations. In the case of appliances, any method which will accomplish this result, other than keeping of individual time records on the units themselves, will be satisfactory.

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication.)

42.91–2 *Principal maintenance base (FAA policies which apply to sec. 42.91).* When the principal maintenance base is at a location other than the principal operations base, the term "Principal operations base," when applied to maintenance matters, shall be considered to mean the principal maintenance base. Copies of the necessary records shall also be maintained at the principal operations base if it is in a region other than the one in which the principal maintenance base is located.

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication.)

42.91–3 *Retention of records (FAA policies which apply to sec. 42.91).* The records required by this section shall be preserved and retained by the air carrier for a period of 2 years. For additional requirements pertaining to preservation of records, see Part 249 of this chapter (i. e. the Economic Regulations).

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication.)

42.92 *Airman records.* An air carrier shall maintain at its principal operations base, or at such other location used by the air carrier as the Administrator may designate, current records of every airman utilized as a member of a flight crew. These records shall contain such information concerning the qualifications of each airman as is necessary to show compliance with the appropriate requirements prescribed by the regulations in this subchapter. No air carrier shall utilize any airman as a flight crew member unless records are maintained for such airman as required in this section.

42.92–1 *Content of airman records (FAA policies which apply to sec. 42.92).*

(a) *General.* The following pertinent information is considered the minimum necessary in the airman records required by this section:

(1) Name (in full);

(2) Current duties and date of assignment (pilot, engineer, navigator, etc.);

(3) Airman certificates (type, number, and ratings);

(4) Date, result, and class of last physical examination;

(5) Date and result of last 6-month instrument competency flight check for each pilot in command;

(6) Record of each pilot's flight time including trip time, instrument, night flight time, and flight time in the make and model of aircraft on which he is currently qualified;

(7) Records of company training for all crewmen, including actual flight, synthetic flight, and maintenance of proficiency training;

(8) Any check pilot authorization.

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication.)

42.92–2 *Availability of records (FAA policies which apply to sec. 42.92).* The above information shall be made available at any time for inspection by an authorized representative of the Administrator or Board.

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication.)

42.92–3 *Retention of records (FAA policies which apply to sec. 42.92).* The disposition of any flight crew member released from the employ of the air carrier, or who becomes physically or professionally disqualified must be so indicated in these records and such records shall be retained by the company for at least 1 year. For additional requirements pertaining to preservation of records see Part 249 of this chapter (i. e. the Economic Regulations).

(Published in 14 F. R. 7041, Nov. 22, 1949, effective upon publication.)

42.93 *Emergency flight reports.* **In the case of emergencies necessitating the transportation of persons or medical supplies for the protection of life or property, the rules contained herein regarding type of aircraft, equipment, and weather minimums to be observed will not be applicable: *Provided,* That within 48 hours after any such flight returns to its base the air carrier shall file a report with the Administrator setting forth the conditions under which the flight was made, the necessity therefor, and the names and addresses of the crew and passengers.**

42.93-1 *Submission of emergency flight reports (FAA policies which apply to sec. 42.93).* The report referred to in this section shall be submitted in duplicate to the local inspector, and a copy shall be retained by the air carrier for at least 1 year.

(Published in 14 F. R. 7042, Nov. 22, 1949, effective Nov. 22, 1949; amended effective June 15, 1957.)

42.94 *Pilot's emergency deviation report.* **Where pursuant to authority granted in section 42.51 (d) a pilot has deviated from established methods or requirements, he shall, within 7 days after completion of the trip, file with the Administrator a report thereof giving a brief statement concerning the circumstances of the emergency and the nature of the deviation.**

42.94-1 *Submission of pilot's emergency deviation report (FAA policies which apply to sec. 42.94).* The report referred to in this section shall be submitted in duplicate to the local inspector, and a copy shall be retained by the air carrier for at least 1 year.

(Published in 14 F. R. 7042, Nov. 22, 1949, effective Nov. 22, 1949; amended effective June 15, 1957.)

42.95 *Flight manifest record.* **A signed copy and any revision of the flight manifest required by section 42.62 shall be retained in the personal possession of the pilot for the duration of the flight, and a duplicate copy thereof shall be retained by the air carrier at its principal operations base, or at such other location used by the air carrier as the Administrator may designate, for at least 1 year after completion of the flight.**

[*42.96 Mechanical reliability reports.*

[(a) Each air carrier operating large aircraft shall report the occurrence or detection of those failures, malfunctions, or defects specified in paragraph (b) of this section. In addition, each air carrier shall report any other failure, malfunction, or defect which occurs or is detected at any time in an aircraft or aircraft component (including aircraft systems, appliances, powerplants, and propellers) used by the air carrier, when, in the carrier's opinion, such failure, malfunction, or defect has endangered or may endanger the safe operation of an aircraft used by the air carrier. The report shall be in written form covering a period of 24 hours beginning at 0900 hours local time of each day and ending at 0900 hours local time the next day, and shall be submitted to the Federal Aviation Agency maintenance inspector assigned to the air carrier by 0900 hours local time of the following day: *Provided,* That reports which are due on Saturday or Sunday may be submitted on the following Monday and in case of legal holidays on the following workday.

[NOTE: Failures, malfunctions, or defects reported in accordance with the accident reporting provisions of Part 320 of the Regulations of the Civil Aeronautics Board need not be included.

[(b) The air carrier shall report each occurrence or detection of a failure, malfunction, or defect involving:

[(1) Fires during flight and whether the related fire-warning system functioned properly;

[(2) Fires during flight and whether the related fire-warning system did not function properly;

[(3) Fires during flight not protected by a related fire-warning system;

[(4) False fire warning during flight;

[(5) Engine exhaust systems which result during flight in damage to engine, adjacent structure, equipment, or components;

[(6) An aircraft component which results during flight in the accumulation or circulation of smoke, vapor, or taxic or noxious fumes in the crew compartment or cabin;

[(7) Engine shutdown during flight due to engine flameout;

[(8) Engine shutdown during flight when external damage to the engine or to the aircraft structure has occurred;

[(9) Engine shutdown during flight due to foreign object ingestion or icing;

[(10) Engine shutdown during flight of more than one engine on an aircraft;

[(11) Propeller feathering system or ability of the system to control overspeeding during flight;

[(12) Fuel or fuel-dumping systems affecting fuel flow or causing hazardous leakage during flight;

[(13) Landing gear extension or retraction or opening or closing of landing-gear doors during flight;

[(14) Brake system components which result in loss of brake actuating force while the aircraft is in motion on the ground;

[(15) Aircraft structure which requires major repair;

[(16) Cracks, permament deformation, or corrosion of aircraft structure which exceed the maximum limits acceptable to the manufacturer or the Federal Aviation Agency; and

[(17) Aircraft components or systems which result during flight in the taking of emergency actions; except that action taken to shutdown an engine need not be reported as an emergency under this provision.

[NOTE: Under the provisions of this paragraph, an aircraft is in flight from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

[(c) Reports required by paragraph (a) of this section shall be transmitted in a manner and on a form convenient to the air carrier's system of communication and procedure, and shall include on the first daily report as much of the following information as is available:

[(1) Type and identification number of the aircraft, name of the operator, date, flight number, and stage during which the incident occurred; e.g., preflight, takeoff, climb, cruise, descent, landing, inspection;

[(2) Emergency procedure effected; e.g., unscheduled landing, emergency descent;

[(3) Nature of condition; e.g., fire, structural failure;

[(4) Identification of part and system involved, including available information pertaining to type designation of the major component and time since overhaul;

[(5) Apparent cause of trouble; e.g., wear, crack, design deficiency, personnel error;

[(6) Disposition; e.g., repaired, replaced, aircraft grounded, part sent to manufacturer; and

[(7) Brief narrative summary of other pertinent information necessary for more complete identification, determination of seriousness, and corrective action.

[(d) Reports required by paragraph (a) shall not be withheld pending accumulation of all information specified in paragraphs (b) and (c) of this section. When additional information is obtained relative to the incident, including any that may be furnished by the manufacturer or other outside agency, it shall be expeditiously submitted as a supplement to the first report, referencing the date and place of submission of such report.

[NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[(Amendment 42-38, published in 27 F.R. 1245, Feb. 10, 1962, effective Mar. 12, 1962.)]

[*42.96a Monthly report of chronic mechanical difficulties.* As soon as practicable after the end of each calendar month, each irregular air carrier operating large aircraft shall submit to the assigned maintenance inspector three copies of a report covering the mechanical difficulties experienced during the preceding month which the air carrier considers chronic or otherwise particularly significant from a safety standpoint. The report shall fully identify all aircraft and aircraft components involved (i.e., manufacturer, model and type), and shall contain enough information to serve as a basis for corrective action and to enable a determination to be made of the trend of aircraft and aircraft component failures, malfunctions, or defects. The detailed information from which such reports are prepared shall be kept current and available at the air

carrier's main headquarters for examination by any authorized representative of the Administrator or Board.

[NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[(Amendment 42–38, published in 27 F.R. 1245, Feb. 10, 1962, effective Mar. 12, 1962.)]

42.97 *Change in exclusive use of large aircraft.* When, for any reason whatsoever, an air carrier shall cease to have the exclusive use of any large aircraft, an immediate report of such fact shall be filed with the Administrator in such form and manner and containing such information as the Administrator may prescribe.

Appendix A

Special Civil Air Regulations
Which Affect Part 42

Page 123 follows. Pages 117 through 120 were deleted by Supplement No. 1 dated October 1, 1960.

Pages 121 and 122 were deleted by Supplement No. 8 dated July 1, 1963.

SPECIAL CIVIL AIR REGULATION NO. SR-389B

Effective: January 30, 1959
Adopted: December 24, 1958

Emergency Exits for Airplanes Carrying Passengers for Hire

Special Civil Air Regulation No. SR-389A, effective September 13, 1957, superseded Special Civil Air Regulation No. SR-389. All of the provisions of SR-389 were retained in SR-389A. However, the latter special regulation as amended on October 17, 1957, contained an addition to the occupant/exit table which permitted the Viscount 700 series airplanes to carry 53 occupants when 7 exits were provided.

Special Civil Air Regulation No. SR-389, effective October 27, 1952, superseded Special Civil Air Regulation No. SR-387. Except for correcting some minor errors with respect to the number of exits authorized by the Civil Aeronautics Administration, there was no difference between the two special regulations.

Special Civil Air Regulation No. SR-387, effective October 27, 1952, was adopted in order to make applicable to the then operating transport airplanes more stringent rules regarding the number of occupants permitted per exit. SR-387 required, among other things, that all large airplanes (more than 12,500 pounds maximum certificated takeoff weight) comply with either section 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b-4 effective December 20, 1951, or with the specific requirements set up in SR-387. Subsequently, the provisions of section 4b.362 (a), (b), and (c) of Part 4b were revised by Amendment 4b-5, effective April 9, 1957.

Special Civil Air Regulation No. SR-389A permits the airplanes listed in the occupant/exit table to carry additional occupants if additional exits are provided, except that in no case shall more than 8 additional occupants be carried for any one additional exit. The preamble to Civil Air Regulations Draft Release No. 58-11 stated that the intent of this provision was that no more than 8 additional occupants could be authorized if the most effective exit for emergency evacuation were provided, which, by reference to the rule proposed in the draft release, is seen to be one comparable to a Type I exit as prescribed in section 4b.362. As herein set forth, it is intended that as many as 8 additional occupants may be authorized with the addition of an exit of reasonably high effectiveness and that a lesser number of occupants would be authorized with the addition of a less effective exit. For the purpose of this regulation, it has been established that the addition of an exit, approximating a Type II or IV exit as prescribed in section 4b.362, would possibly permit the addition of 8 occupants. This relaxation over the rule proposed in Draft Release 58-11 was prompted by comments received to the draft release and the fact that a number of airplanes had already received approval to carry 8 additional occupants with the addition of an exit com-

parable to a Type IV based on the Administrator's interpretation of SR–389A. Justification for the relaxation is based upon the current requirements of section 4b.362(c) wherein it may be seen that for the addition of a Type IV exit on each side, an increase of 30 passengers is permitted. While such a ratio is not advocated for airplanes covered by this special regulation because of other factors considered in establishing these values for section 4b.362, permitting 8 occupants to be added for a Type IV exit represents a more reasonable and realistic view than that proposed in Draft Release 58–11. Therefore, it is expressly provided herein that since the effectiveness of the exit varies with the type, size, and location, 8 additional occupants shall be authorized only when an exit comparable to a Type II or a Type IV exit as prescribed in section 4b.362 is provided.

Special Civil Air Regulation No. SR–389A does not contain provisions regarding the required reduction in occupancy when the number of exits is reduced. In order to cover such cases, it is provided herein that upon removal of any exit the maximum number of occupants shall be reduced by at least 8.

The occupant/exit table has been modified by listing the "L–1049 Series" in lieu of the "L–1049," and the "CV–340 and CV–440" in lieu of the "CV–340."

Interested persons have been afforded an opportunity to participate in the making of this regulation (23 F.R. 3275), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective January 30, 1959.

1. Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (more than 12,500 pounds maximum certificated take-off weight) while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the provisions of section 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b–5, effective April 9, 1957, except that airplane types listed in the following table may be operated with the listed maximum number of occupants (including all crew members) and the listed corresponding number of exits (including emergency exits and doors) heretofore approved by the Administrator for emergency egress of passengers.

2. Additional occupants above the values listed in the table may be carried if additional exits are provided, except that in no case shall more than 8 additional occupants be carried for any one additional exit. For the addition of exits comparable to at least a Type II or Type IV exit as prescribed in section 4b.362, a maximum of 8 additional occupants may be authorized and for exits not comparable to at least a Type II or Type IV exit, the Administrator after consideration, among other factors, of the type, size, and location of the exit, may authorize a lesser number of additional occupants.

3. For airplanes which have a ratio (as computed from the table in this special regulation) of maximum number of occupants to number of exits greater than 14:1 and for airplanes which do not have installed at least one full-size door-type exit in the side of the fuselage in the

rearward portion of the cabin, the first additional exit approved by the Administrator for increased occupancy shall be a floor-level exit not less than 24 inches wide by 48 inches high located in the side of the fuselage in the rearward portion of the cabin. In no case shall an occupancy greater than 115 be allowed unless there is such an exit on each side of the fuselage.

4. The maximum number of occupants authorized (listed in the table) shall be reduced where the number of approved exits is less than that shown in the table. The reduction in the maximum number of occupants for each exit eliminated shall be determined by the Administrator taking due account of the effectiveness of the remaining exits for emergency evacuation, except that the maximum number of occupants shall be reduced by at least 8 for each eliminated exit. In no case, when exits are deleted, shall the resulting ratio of occupants to exits be greater than 14:1, and there shall be at least one exit on each side of the fuselage irrespective of the number of occupants.

Airplane type	Maximum number of occupants including all crew members	Corresponding number of exits authorized for passenger use
B–307	61	4
B–377	96	9
C–46	67	4
CV–240	53	6
CV–340 and CV–440	53	6
DC–3	35	4
DC–3 (Super)	39	5
DC–4	86	5
DC–6	87	7
DC–6B*	112	11
L–18	17	3
L–049, L–649, L–749	87	7
L–1049 series	96	9
M–202	53	6
M–404	53	7
Viscount 700 series	53	7

*The DC–6A, if converted to a passenger transport configuration, will be governed by the maximum number applicable to the DC–6B.

This regulation supersedes Special Civil Air Regulation No. SR–389A as amended by Amendment No. 1 and shall remain effective until superseded or rescinded by the Board or the Administrator of the Federal Aviation Agency, as appropriate.

AMENDMENT I TO SPECIAL CIVIL AIR REGULATION NO. SR–389B

Effective: September 11, 1959
Adopted: September 11, 1959

Emergency Exits for Airplanes Carrying Passengers for Hire

Special Civil Air Regulation No. SR–389B, adopted by the Civil Aeronautics Board on December 24, 1958, and effective January 30, 1959, specified in part that no large airplane while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the provisions of section 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b–5 effective April 9, 1957, except for those airplanes listed in the table in SR–389B. Special Civil Air Regulations SR–389A, which preceded SR–389B, contained a similar provision but referred to Amendment 4b–4 effective December 20, 1951. The effect of SR–389B was to apply the current Part 4b exit requirements referenced in SR–389A.

A review of the history of the development of SR–389B indicates that such retroactive application of current Part 4b requirements was included inadvertently and that it would impose an unnecessary burden on the operators of certain airplanes. SR–389B is therefore being amended to eliminate this retroactive provision.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment is made effective immediately.

In consideration of the foregoing, Paragraph 1 of Special Civil Air Regulation No. SR–389B is hereby amended to read as follows, effective September 11, 1959.

1. Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (more than 12,500 pounds maximum certificated take-off weight) type certificated under Civil Air Regulations effective prior to April 9, 1957, while carrying passengers for hire, shall be operated with occupants in excess of the number permitted by applying the provisions of section 4b.362 (a), (b), and (c) of Part 4b of Civil Air Regulations as amended by Amendment 4b–4 effective December 20, 1951, except that airplane types listed in the following table may be operated with the listed maximum number of occupants (including all crew members) and the listed corresponding number of exits (including emergency exits and doors) heretofore approved by the Administrator for the emergency egress of passengers.

SPECIAL CIVIL AIR REGULATION NO. SR-392C

Effective: February 3, 1962
Adopted: January 30, 1962
Published: February 3, 1962
(27 F.R. 1008)

Facilitation of Experiments With Exterior Lighting Systems

Special Civil Air Regulation No. SR-392B, adopted on February 25, 1957, permits experimentation with exterior lighting systems, which do not comply with the standards prescribed in the Civil Air Regulations, on aircraft with standard airworthiness certificates. Several conditions are imposed to insure that the number of aircraft engaged in the experiments is reasonably limited; that the experimental exterior lights are in fact installed for bonafide experimentation; and that the results of such experimentation become generally available. This special regulation expires on February 25, 1962.

In a notice of proposed rule making contained in Draft Release No. 61-27 and published in the Federal Register, December 23, 1961 (26 F. R. 12294), the Agency gave notice that it has under consideration the termination of SR-392B and requested comments from interested persons concerning this matter. In response to such request, the Agency has received numerous reports, arguments and other evidence. However, the volume of the comments received is such that there is not sufficient time remaining to review and evaluate such comments prior to the termination of SR-392B. Therefore, in order to afford the Agency the opportunity to fully consider all the relevant matter presented and to take whatever additional rule making action that may be indicated, it is necessary to extend the termination date of SR-392B to June 25, 1962.

Since this regulation continues in effect the provisions of the previous regulation and imposes no additional burden upon any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary and good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted to become effective on February 3, 1962:

Contrary provisions of the Civil Air Regulations notwithstanding, experimental exterior lighting equipment which does not comply with the relevant specifications contained in the Civil Air Regulations may, subject to the approval of the Administrator, be installed and used on aircraft for the purpose of experimentation intended to improve exterior lighting for a period not to exceed 6 months: *Provided,* That

(1) The Administrator may grant approval for additional periods if he finds that the experiments can be reasonably expected to contribute to improvements in exterior lighting;

(2) Not more than 15 aircraft possessing a U.S. certificate of airworthiness may have installed at any one time experimental exterior lighting equipment of one basic type;

(3) The Administrator shall prescribe such conditions and limitations as may be necessary to insure safety and avoid confusion in air navigation;

(4) The person engaged in the operation of the aircraft shall disclose publicly the deviations of the exterior lighting from the relevant specifications contained in the Civil Air Regulations at times and in a manner prescribed by the Administrator; and

(5) Upon application for approval to conduct experimentation with exterior lighting, the applicant shall advise the Administrator of the specific purpose of the experiments to be conducted; and, at the conclusion of the approved period of experimentation, he shall advise the Administrator of the detailed results thereof.

This regulation supersedes Special Civil Air Regulation No. SR-392B and shall terminate June 25, 1962, unless sooner superseded or rescinded.

SPECIAL CIVIL AIR REGULATION NO. SR-392D

Effective: June 25, 1962
Adopted: June 22, 1962
Published: June 26, 1962
(27 F.R. 5979)

Display of Experimental Exterior Lighting Systems Approved for Use on Aircraft

Special Civil Air Regulation No. SR-392B, adopted on February 25, 1957, and superseded by SR-392C on February 3, 1962, permitted experimentation with exterior lighting systems that did not comply with the standards prescribed in the Civil Air Regulations on aircraft with standard airworthiness certificates. Several conditions were imposed to insure that the number of aircraft engaged in the experiments was reasonably limited; that the experimental exterior lights were in fact installed for bona fide experimentation; and that the results of such experimentation became generally available.

In a notice of proposed rule making contained in Draft Release No. 61-27 and published in the Federal Register, December 23, 1961 (26 F.R. 12294), the Agency gave notice that it had under consideration the termination of SR-392B, which was then in effect, and requested comments from interested persons. However, the nature of the comments received was such that there was not sufficient time remaining, before the February 25, 1962, termination date specified in SR-392B, for their proper review and evaluation. To provide the time needed, the Agency adopted SR-392C which superseded SR-392B without revision other than extension of the termination date from February 25, 1962, to June 25, 1962.

On April 3, 1962, the Agency convened a public conference (previously announced by a notice of conference dated February 12, 1962) to give persons interested in SR-392C an opportunity to supplement their written comments with oral presentations, to make additional evidence available, and to participate in direct discussions with government-industry technical people in the aircraft lighting field.

From a study of all comments made on the issue, those who support the need for an extension of SR-392C contend essentially as follows: (1) Experimental lighting systems now operating under SR-392C are more effective than the system prescribed in the Civil Air Regulations; (2) much money and time has been invested in the experiments, which would be wasted if SR-392C were terminated; (3) extension would continue grass-roots cooperation between experienced FAA inspectors and inventors, and stimulate inventive initiatives; (4) unrestrictive field testing would insure reliability of new lighting equipment by exposing it to actual service conditions; (5) a new lighting concept cannot attract financing, or interest manufacturing management, unless its sales potential is established by flight demonstrations to prospective customers; and (6) there is no satisfactory alternative to extension of SR-392C.

After more than 10 years of experimentation under the provisions of SR–392C and predecessor special regulations, the evidence supporting the contention that various experimental lighting systems surpass the standard system now prescribed in the Civil Air Regulations remains inconclusive. For the most part, reports submitted by experimenters contain subjective evaluations of proposed systems without the use of experimental controls to insure a valid basis for comparison. Tests and studies conducted by the Navy Department and by the Agency's National Aviation Facilities Experimental Center have not corroborated the advantages claimed by private experimenters for their respective systems.

The experiments were no doubt expensive and time-consuming, but the persons who undertook them did so voluntarily and with no assurance of success. In any case, the costs incurred in such experiments do not justify the indefinitely prolonged display of experimental lighting systems, since these systems necessarily introduce some degree of ambiguity and confusion in night operations.

Termination of SR–392C would not prevent further lighting experimentation since such experiments could still be performed under the terms of an experimental airworthiness certificate. There appears to be no reason why cooperation between FAA inspectors and inventors would necessarily diminish if further lighting experiments were conducted only on that basis.

The point that unrestricted field testing insures reliability of experimental lighting equipment is largely irrelevant since the objective of SR–392C was to facilitate experiments with new lighting concepts rather than to achieve component reliability. Components technology is not in question; and, in any case, there is no evidence that unusual problems exist. Further, reliability can be attained to a large extent by laboratory tests in a simulated environment, a practice which has worked satisfactorily in the past.

It may be true that the privileges granted by SR–392C (as opposed to the generally more restrictive terms of experimental airworthiness certificates) make it easier to finance new lighting concepts, but similar privileges are not granted to those who experiment with aircraft in other ways. This preference for one class of experimenters over all other classes has not been justified in terms of safety improvements achieved to date.

Reasonable alternatives to SR–392C are, in fact, open to experimenters. Experiments may be conducted under the terms of an experimental airworthiness certificate; and the Agency's well-equipped experimental facilities, with trained personnel, are now available for cooperative evaluation of new lighting concepts developed by inventors.

For these reasons, the Agency concludes that the arguments offered in support of an extension of SR–392C are not persuasive; and SR–392C will not be continued in effect beyond June 25, 1962. However, the Agency believes that a reasonable transition period of not less than one year should be established. This would permit 6 months for completion of experiments begun before June 25, 1962, the maximum period of experimentation permitted under SR–392C without special permission, and would allow not less than an additional 6 months for airplane modifications that may be necessitated by the termination of experimentation hereunder.

The various experiments which were conducted under the provisions of SR–392C and predecessor special regulations, although inconclusive, have, nevertheless, helped to crystallize the Agency's position on the need for revisions of the currently effective exterior lighting regulations. Therefore, a proposed rule concerning these requirements is under study by the Agency. If rule making action is initiated as a result of this study, it may ultimately affect some of the details of the lighting systems now required to be installed on aircraft. Moreover, if such rule making action is initiated it may not be completed before December 25, 1962. In such case, a requirement to accomplish the necessary modifications within one year after the termination of SR–392C, i.e., by June 25, 1963, may not provide the operator with a period of 6 months in which to accomplish the modifications, if any, required by the regulation.

In order to permit an adequate transition period for the accomplishment of any necessary modifications, this regulation permits the current experimental lighting systems to be used until June 25, 1963, or 6 months after completion of the proposed rule making action in regard to exterior lighting systems, whichever date is later. If, however, the Agency finds at the conclusion of its studies that rule making action will not be adopted an appropriate notice thereof will be issued and published in the Federal Register. In such case this regulation also permits the experimental lighting systems to be used until June 25, 1963, or 6 months after such notice is published in the Federal Register, whichever date is later.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted to become effective on June 25, 1962:

Contrary provisions of the Civil Air Regulations notwithstanding, experimental exterior lighting systems which do not comply with the Civil Air Regulations, and which were installed for the purposes of experimentation on aircraft with standard airworthiness certificates under the provisions of SR–392B or SR–392C, may be displayed until:

(1) 6 months after the date of publication in the Federal Register of either

(i) revised standards adopted by the Agency for exterior lighting systems, or

(ii) a notice that rule making action to revise such standards will not be adopted by the Agency; or

(2) June 25, 1963, if later than that specified in paragraph (1).

This Special Civil Air Regulation shall remain in effect until superseded or rescinded.

SPECIAL CIVIL AIR REGULATION NO. SR-395A

Effective: February 20, 1955
Adopted: February 17, 1955

Authorization for Air Taxi Operators to Conduct Operations Under the Provisions of Part 42 of the Civil Air Regulations—Extension of Expiration Date for Air Taxi Operator Certificates

On January 11, 1952, the Board adopted Special Civil Air Regulation SR-378, which provided that air taxi operators as defined in section 298.1 (a)(2) of Part 298 of the Board's Economic Regulations, shall be certificated and shall conduct operations in accordance with the applicable provisions of Part 42 of the Civil Air Regulations. Subsequently, on June 1, 1953, the Board adopted currently effective Special Civil Air Regulation SR-395, which superseded SR-378 and provided that air taxi operator certificates should continue in effect until the termination of the economic exemption authority contained in Part 298, namely, until February 20, 1955. On December 21, 1954, the Board issued a notice of proposed rule-making (Economic Regulations Draft Release No. 71), which proposed to delete the economic exemption authority termination date of February 20, 1955, which existed in Part 298. This proposal would have put the exemption authority granted to air taxi operators on a permanent basis.

The Board concurrently with the issuance of this Special Civil Air Regulation is extending the exemption authority contained in Part 298 pending a final determination as to the proper economic limitations which should be imposed on air taxi operators. It appears certain, however, that some form of economic exemption authority for air taxi operators will be continued on a permanent basis. It therefore is desirable to extend Special Civil Air Regulation SR-395 to provide for such operations.

Part 42 of the Civil Air Regulations is presently undergoing revision. This proposed revision would make Part 42 applicable solely to large aircraft; and it would be necessary to prepare a new Part for the certification and operation of small aircraft (air taxi operators). Revised Part 42 and proposed regulations to cover air taxi operations are presently being prepared in draft release form, and it is estimated that they will be adopted by the Board for circulation as a notice of proposed rule-making in the near future. For this reason, Special Civil Air Regulation SR-395 is being extended until such time as a new permanent Part, covering the certification and operation of small aircraft, becomes effective. Notice of this extension was published in the Federal Register on January 19, 1955 at 20 F.R. 422.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective February 20, 1955:

Notwithstanding the provisions of Parts 40 and 41 of the Civil Air Regulations, any air taxi operator as defined in section 298.1(a)(2) of Part 298 of the Board's Economic Regulations shall be certificated and shall conduct operations in air transportation in accordance with the provisions of Part 42 of the Civil Air Regulations: *Provided,* That any air carrier operating certificate issued for air taxi operations which is in effect on, or issued after, the effective date of this regulation shall remain in effect until the expiration of this special regulation, unless such certificate is sooner surrendered, suspended, or revoked.

This regulation supersedes Special Civil Air Regulation SR–395 and shall remain in effect until such time as new air taxi certification and operation rules become effective, unless sooner terminated or rescinded by the Board.

SPECIAL CIVIL AIR REGULATION NO. SR-395B

Effective: November 11, 1963
Adopted: July 6, 1963

Part 42a—Certification and Operation Rules for Commercial Operators and Air Taxi Operators; Small Aircraft

Part 45—Commercial Operator Certification and Operation Rules

Miscellaneous Amendments

Currently effective Part 42 of the Civil Air Regulations contains provisions which are applicable to supplemental air carriers, commercial operators, and air taxi operators, who conduct operations in large or small aircraft.

In the enactment of Part 42, which is being adopted by the Agency, the requirements for small aircraft operations have been deleted. In lieu thereof, the Agency has circulated proposed Part 125 [New] of the Federal Aviation Regulations which will govern air taxi operations, as defined in section 298.2(b) of the Board's Economic Regulations, commercial operators using small aircraft, and scheduled air carriers who are permitted by the Administrator to operate their small aircraft under this part.

However, until the proposed Part 125 is adopted and becomes effective, it is necessary that the air taxi provisions of currently effective Part 42 remain in effect. Accordingly, this special regulation continues currently effective Part 42 in effect and redesignates it as Part 42a.

Currently, Part 45 governs commercial operators using small or large aircraft. Proposed Part 42, effective November 11, 1963, provides for the certification and operation of commercial operators using large aircraft. This obviates the need for the provisions of Part 45 governing them. Special Regulation 395B incorporates the provisions of Part 45 relating to commercial operators using small aircraft. The enactment by the Agency of new Part 42 and this special regulation completely obviates the need for Part 45. The Agency is therefore rescinding Part 45, as previously indicated in the preamble to revised Part 45 (28 F.R. 2001), which became effective May 1, 1963.

Current Special Regulation 395A authorizes air taxi operators to be certificated and to operate under the provisions of current Part 42. By revising the applicability of that part, Special Regulation 395B authorizes air taxi operators as well as commercial operators using small aircraft to be certificated and to conduct operations under Part 42a. The Agency is therefore rescinding Special Regulation 395A.

In consideration of the foregoing, effective November 11, 1963, the following Special Civil Air Regulation is adopted.

1. Part 45 of the Civil Air Regulations is rescinded.

2. Special Regulation 395A of the Civil Air Regulations is rescinded.

3. Current Part 42 is redesignated as Part 42a and its title is amended to read as follows: Part 42a—Certification and operation rules for commercial operators and air taxi operators; small aircraft.

4. Section 42a.0 is amended to read as follows:

42a.0 *Applicability of this part.* The certification and operations provisions of this part apply to air taxi operations as defined in section 298.2(b) of the Board's Economic Regulations and the operations provisions apply to commercial operators, as defined in section 42.5, using small aircraft only.

This Special Civil Air Regulation is issued under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

U. S. GOVERNMENT PRINTING OFFICE : 1963 O - 711-581

SPECIAL CIVIL AIR REGULATION NO. SR-399D

Effective: June 24, 1961
Adopted: June 20, 1961
Published: June 24, 1961
(26 F.R. 5673)

Provisional Maximum Certificated Weights for Certain Airplanes Operated by Alaskan Air Carriers, Air Taxi Operators in Alaska, and the Department of the Interior

Special Civil Air Regulation No. SR-399C, effective October 26, 1960 (25 F.R. 10423), authorized the Director, Bureau of Flight Standards, and his designated representative to establish increased maximum weights for certain airplanes of 12,500 pounds or less operated entirely within Alaska by Alaskan air carriers and Alaskan air taxi operators pursuant to Parts 292 and 293 of the Civil Aeronautics Board's Economic Regulations or by the United States Department of the Interior.

Effective January 1, 1961, the Civil Aeronautics Board rescinded Part 293 (25 F.R. 12908) which applied to Alaskan air taxi operators and concurrently adopted revised Part 298 (25 F.R. 12909) which applies to air taxi operators generally. Accordingly, the reference in SR 399C to Part 293 of the Civil Aeronautics Board's Economic Regulations is no longer appropriate.

Under Part 293, Alaskan air taxi operators were not permitted to operate aircraft weighing more than 7,900 pounds at increased maximum weights, notwithstanding the 12,500-pound limit in SR-399C. Although the action taken by the Board, i.e., the repeal of Part 293 and amendment of Part 298, no longer imposes the 7,900-pound limit, it is noteworthy that current Alaskan law does.

Since this regulatory action involves only a minor editorial change and imposes no additional burden upon any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective June 24, 1961:

1. Notwithstanding any contrary provisions of the Civil Air Regulations, the Director, Bureau of Flight Standards, and any employee of such administrative unit as he shall designate may increase the maximum certificated weight for airplanes which are:

(a) Operated entirely within the State of Alaska by an Alaskan air carrier or an air taxi operator pursuant to Parts 292 and 298, respectively, of the Civil Aeronautics Board's Economic Regulations, or by the United States Department of the Interior in the conduct of its game and fish law enforcement activities and its management, fire detection, and fire suppression activities concerning public lands; and

(b) Type certificated under the provisions of Aeronautics Bulletin No. 7–A of the Aeronautics Branch of the United States Department of Commerce dated January 1, 1931, as amended, or under the normal category of Part 4a of the Civil Air Regulations.

2. The maximum certificated weight herein referred to shall not exceed any of the following:

(a) 12,500 pounds,

(b) 115 percent of the maximum weight listed in the FAA Aircraft Specification,

(c) The weight at which the airplane meets the positive maneuvering load factor requirement for the normal category specified in section 3.186 of the Civil Air Regulations, or

(d) The weight at which the airplane meets the climb performance requirements under which it was type certificated.

3. In determining the maximum certificated weight the structural soundness of the airplane and the terrain to be traversed in the operation will be considered.

4. The maximum certificated weight so determined will be added to the airplane's operation limitations and identified as the maximum weight authorized for operations within the State of Alaska.

This regulation supersedes Special Civil Air Regulation No. SR–399C, and shall terminate on October 25, 1965, unless sooner superseded or rescinded.

SPECIAL CIVIL AIR REGULATION NO. SR-402

Effective: June 2, 1954
Adopted: March 4, 1954

Certification and Operation Rules For Star Route Air Carriers

When the nature of the terrain in particular sections of the country is such as to make surface transportation impracticable, the Postmaster General has authority under the Experimental Air Mail Act of 1938, as amended, to award contracts for the transportation of all classes of mail by airplane. The routes for which these contracts are awarded are known as "star routes" and are generally in isolated areas and of comparatively short distance. In a few instances these routes are located completely within a state.

An "air carrier" under the Civil Aeronautics Act of 1938, as amended, is defined as anyone who engages in air transportation. "Air transportation" is defined as interstate, overseas, and foreign air transportation or the transportation of mail by aircraft. Thus, a "star route" operator, including one otherwise engaged exclusively in intrastate air transportation, is an "air carrier" within the meaning of the Act.

While "star route" air carriers are exempted from certain areas of the Board's economic jurisdiction, they are subject to the Board's safety jurisdiction over air carriers. However, presently effective Parts 40 and 42 of the Civil Air Regulations apply to air carriers when engaged in interstate air transportation, but are not applicable to "star route" air carriers who are engaged only in intrastate transportation of mail. In view of the fact that the Civil Aeronautics Act requires each air carrier to have an air carrier operating certificate, it is necessary to make provision in the Civil Air Regulations for the issuance of this certificate to these "star route" air carriers.

This Special Civil Air Regulation provides air carrier certification and operation rules for all carriers engaged in carriage of mail pursuant to "star route" contracts. In view of the fact that these air carriers generally operate small planes and carry out relatively small operations, it appears desirable that they be certificated and comply with the provisions of Part 42 which are also applicable to air taxi operators. Thus, under this regulation, these air carriers are required to be certificated in accordance with Part 42 and to comply with the provisions of Part 42. Since it will require a certain amount of time to accomplish this certification, this regulation will become effective in ninety days.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all the relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective June 2, 1954:

Persons engaged in the carriage of mail by aircraft pursuant to "star route" contracts awarded under the Experimental Air Mail Act of 1938, as amended, shall, for such operations, be certificated in accordance with and comply with the provisions of Part 42 of the Civil Air Regulations.

NOTE: Page 139 follows. Pages 137 and 138 were deleted by Supplement No. 7, dated August 17, 1962.

SPECIAL CIVIL AIR REGULATION NO. SR-403A

Adopted: Aug. 4, 1960
Effective: Aug. 9, 1960

Certification and Operation of Certain Airplanes for the Department of the Interior in the Trust Territory of the Pacific Islands

Special Civil Air Regulation No. SR-403 waived certain provisions of Part 4b of the Civil Air Regulations to permit the certification thereunder of three Grumman SA-16A airplanes owned or controlled by the Department of the Interior. These airplanes were certificated for operation by Transocean Air Lines, under contract with the Department of the Interior, to provide transportation within the Trust Territory of the Pacific Islands and between those islands and the island of Guam. The airworthiness certificate for each airplane certificated under SR-403 was required to bear the following legend: "This certificate is issued pursuant to Special Civil Air Regulation SR-403 and is valid only for operation by Transocean Air Lines under contract with the Department of the Interior within the Trust Territory of the Pacific Islands and between these islands and the island of Guam."

By letter dated July 1, 1960, the Department of the Interior informed the Administrator that the contract with Transocean Air Lines expired June 30, 1960. The Department has requested that SR-403 be revised to permit the issuance of airworthiness certificates which will be valid when the Grumman SA-16A airplanes are operated by either the Trust Territory Government or by a contractor selected by that Agency. With minor exceptions, other terms and conditions of SR-403 would remain unchanged.

The circumstances which led to the adoption of SR-403 continue to exist. The safety record in operations conducted under the provisions of this regulation has been satisfactory, and the Federal Aviation Agency can continue to monitor the safety practices of any contractor by means of the air carrier operating certificate or the commercial operator certificate such persons are required to hold.

Special Civil Air Regulations Nos. SR-364 and SR-364A, which permitted Transocean Air Lines to operate PBY aircraft in the Trust Territory, are obsolete and are being rescinded by this regulation.

Since this regulatory action involves minor changes, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted:

1. Contrary provisions of the Civil Air Regulations notwithstanding, Grumman SA-16A airplanes owned or controlled by the Department of the Interior will be certificated under the provisions of Part 4b of the Civil Air Regulations, effective December 31, 1953, except that compliance need not be shown with the following provisions of that part. Airplanes so certificated shall be restricted to operations conducted within the Trust Territory of the Pacific Islands and between these islands and the island of Guam by the

Trust Territory Government or by an air carrier or commercial operator under contract with the Trust Territory Government.

a. Sections 4b.120(a) and 4b.120(b) to the extent that the maximum certificated takeoff weight with respect to performance cannot be met at weights of 29,000 pounds or less.

b. Section 4b.120(c).

c. Sections 4b.115, 4b.116, 4b.117, 4b.122, 4b.123, 4b.124, 4b.324(a), 4b.337(a)(1), 4b.337(a)(2), 4b.441(b)(1), 4b.474(c), 4b.484(a)(2), 4b.485(c), 4b.604(d), 4b.604(f), 4b.604(h), and 4b.622(c) to the extent that the airplane cannot comply with the provisions of these sections: *Provided,* That the Military Flight Manual, placards, or similar means shall be provided which shall contain the appropriate procedures and warnings necessary to overcome or explain the deficiencies resulting from noncompliance with these sections.

d. Sections 4b.226(b), 4b.352(b), 4b.356(b), 4b.383(b)(2), 4b.612(d), 4b.612(f), 4b.624(b) to the extent that the airplane cannot comply with the provisions of these sections.

e. Section 4b.443 to the extent that it requires the oil tank to be located outside a fire zone unless it is constructed of fire-proof materials.

f. Sections 4b.740 through 4b.743: Provided, That the Military Flight Manual shall be used as supplemented by such limitations and procedural data as found necessary by the Director, Bureau of Flight Standards, or his authorized representative, or as required by this regulation.

2. The airworthiness certificate for each airplane certificated hereunder shall bear the following legend: "This certificate is issued pursuant to Special Civil Air Regulation SR–403A and is valid only for operations conducted within the Trust Territory of the Pacific Islands and between these islands and the island of Guam by the Trust Territory Government or by an air carrier or commercial operator under contract with the Trust Territory Government."

3. The operations referred to herein shall be conducted in accordance with Part 42 of the Civil Air Regulations with the exception of sections 42.21 (a)(15), section 42.30 to the extent necessary to permit the use of military overhauled parts and supplies, and of those provisions which are inconsistent with the requirements of Part 4b for which noncompliance is authorized herein: *Provided,* That appropriate Bureau of Flight Standards personnel shall establish operating limitations consistent with the standards established herein.

4. The air carrier operating certificate or commercial operator certificate of any contractor selected by the Trust Territory Government shall be amended to the extent necessary to permit the use of said Grumman SA–16A airplanes in operations conducted pursuant to the terms of the contract.

This Special Civil Air Regulation shall become effective on August 9, 1960, and supersedes Special Civil Air Regulations Nos. SR–364, SR–364A, and SR–403.

SPECIAL CIVIL AIR REGULATION NO. SR–406C

Effective: July 1, 1956
Adopted: June 28, 1956

Application of Transport Category Requirements to C–46-Type Airplanes

On June 30, 1954, the Civil Aeronautics Board adopted Special Civil Air Regulation No. SR–406, effective July 1, 1954, which provided for the modification and operation of C–46 type airplanes in passenger service. On June 7, 1955, the Board adopted Special Civil Air Regulation No. SR–406A, effective June 7, 1955, which added certain substantive and clarifying amendments to SR–406. On March 30, 1956, the Board adopted Special Civil Air Regulation No. SR–406B, effective April 1, 1956, which extended the date for modification of C–46 airplanes in passenger service from April 1, 1956, to July 1, 1956. The preamble material of these three Special Civil Air Regulations is incorporated herein by reference.

SR–406B provided only temporary relief from those provisions of Special Civil Air Regulation No. SR–406A which prevented the use of C–46 airplanes in passenger operations under Part 42 of the Civil Air Regulations on and after April 1, 1956, unless recertificated in accordance with the regulation. In SR–406B, the Board indicated that subject to persuasive reasons for failing, type certification had to be accomplished before July 1, 1956, and that, within the effective period of the regulation, the Board would determine a later end effective date by which recertification of these airplanes in the transport category must be completed. It was expressly stated that the later end effective date for recertification would depend on a bona fide showing of meeting the type certification requirements.

Since the adoption of Special Civil Air Regulation No. SR–406B, two type certificates have been issued under its provisions and one application for a type certificate has been received although complete data have not been submitted to the Civil Aeronautics Administration as of the date of adoption of this regulation, SR–406C.

In adopting SR–406B, the Board anticipated obtaining a schedule of modification of C–46 airplanes from the applicants for type certification. In its attempt to obtain this information, not only has the Board not received such a schedule, but has been advised that only a comparatively few operators have actual contractual agreements with holders of type certificates to accomplish the required modification.

The Board has previously stated that a final compliance date for modification would depend on a bona fide showing that the aircraft certification requirements will be met in the reasonably near future. However, in the absence of such a showing by more than a few operators, the Board must establish an end compliance date without the benefit of any complete and detailed modification schedules. In the only formal request for an extension of the effective date of these regulations which the Board has received, it is indicated that required modifications are

expected to be completed by January 1, 1957. No other information available to the Board indicates that this is not a reasonable end effective date; therefore, January 1, 1957, is hereby established as the date when recertification is required.

Since October 1, 1955, the Administrator has been authorized to permit the continued operation of C–46 aircraft in passenger service on a showing by operators that "genuine and diligent efforts" have been made to accomplish the required modifications. In the light of the fact that there now exist at least two persons possessing type certificates on the basis of which such modifications may be made, there no longer appears to be any reason for not requiring the showing of a firm contract between the operator and the holder of such a type certificate indicating that the required modifications will be completed prior to January 1, 1957, prior to such operations. Accordingly, this Special Civil Air Regulation contains a requirement that before the Administrator is authorized to continue to permit operation of C–46 airplanes in passenger service, between July 1, 1956, and January 1, 1957, there must be a showing by the operator that he has a firm contract with the holder of a type certificate to complete modifications prior to January 1, 1957, except that the Administrator may authorize during the period July 1, 1956, through July 15, 1956, such operations without a showing of such firm contract where the Administrator has previously permitted such operations based on genuine and diligent efforts to complete the required modifications. In other words, the Administrator may authorize continued operations of C–46 airplanes in passenger service from July 1, 1956, to July 16, 1956, where he has previously given such authority. However, on and after July 16, 1956, the Administrator may authorize such continued operations only upon a showing by the operator that he has a firm contract with the holder of a type certificate to complete modifications prior to January 1, 1957.

As stated hereinbefore, all the preamble material pertinent to the application of transport category requirements to C–46 type airplanes appearing in SR–406, SR–406A, and SR–406B is incorporated herein by reference. However, in order to obviate any possible confusion as to which specific regulations are presently applicable to accomplish the recertification of the C–46 in passenger service, all such regulations are included in this Special Civil Air Regulation.

Since this regulation continues in effect the same rules as are presently applicable to C–46 type airplanes, with the exception of the compliance date listed herein, without diminution in safety standards, and since it would be in the public interest to prescribe rules to become effective on July 1, 1956, to permit the continuation of operation of C–46 type airplanes in passenger service, the Board finds that omission of notice and public procedure is not contrary to public interest and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 1, 1956:

1. Contrary provisions of the Civil Air Regulations notwithstanding (in particular the provisions of section 42.15(b) of Part 42), C–46 airplanes may be used in passenger operations conducted under Part 42 of the Civil Air Regulations. Such airplanes shall be operated in accord-

ance with section 42.15(a) of Part 42 and the provisions of this special regulation.

2. C–46 type airplanes, when used in passenger operations in accordance with paragraph 4 of this regulation, shall not be operated at weights exceeding those which are demonstrated to the Administrator will allow compliance with the performance requirements of Part 4b, except that in determining the maximum take-off weight, such weight shall be limited only to a value at which the airplane has a rate of climb equal to 0.035 V_{s1}^2 in the take-off configuration at sea level with the landing gear retracted but with the propeller of the inoperative engine feathered rather than windmilling.

3. Provisionally, pending a determination by the Administrator of the weights at which C–46 airplanes will meet the standards prescribed by paragraph 2 of this regulation, the maximum take-off weight of such airplanes, when used in the manner herein referred to, shall not exceed 44,300 pounds: *Provided*, That in the case of C–46 airplanes equipped with Hamilton Standard propellers with blades Model Number 6419A–9 or approved equivalent which have been clipped in accordance with specifications approved by the Administrator, such provisional maximum weight shall be increased by 1,000 pounds until such time as the Administrator shall have determined by suitable tests another value to correspond to the additional efficiency obtainable by the use of such propellers, and thereafter by such other value.

4. The Administrator of Civil Aeronautics may authorize continued operation of C–46 airplanes in passenger service in accordance with paragraphs 2 and 3 of this regulation until January 1, 1957, if he finds that the applicant for such authorization has a bona fide, firm contract with the holder of a type certificate indicating that the required modifications will be completed prior to January 1, 1957, except that the Administrator may authorize during the period July 1, 1956, through July 15, 1956, such continued operation without a showing of such firm contract where the Administrator has previously permitted such operations based on genuine and diligent efforts to complete the required modifications. Such type certificate shall indicate that it meets the transport category requirements of Part 4b of the Civil Air Regulations in effect on July 20, 1950, with the exceptions authorized in SR–406A.

5. On and after July 1, 1956, (except as provided in paragraph 4) C–46 airplanes in passenger service shall comply with the provisions of Part 4b as in effect on July 20, 1950, except as otherwise provided hereinafter:

a. The provisions of sections 4b.0 through 4b.19 of Part 4b, effective May 18, 1954, shall be complied with.

b. The provisions of sections 4b.100 through 4b.190 need not be complied with.

c. The birdproof windshield requirements of section 4b.352 need not be complied with.

d. The provision of sections 4b.480 through 4b.490 effective May 16, 1953, shall be complied with in lieu of sections 4b.480 through 4b.489 effective July 20, 1950, with the exception of subparagraph 4b.484(a)(1) which shall be applicable as effective July 20, 1950, and paragraph 4b.487(e) which has no counterpart in the 1950 regulations.

6. On and after January 1, 1957, C–46 airplanes in passenger service shall be recertificated in the transport category in accordance with paragraph 5 of this regulation, and shall comply with the provisions of sections 4b.100 through 4b.190 with the following exception: In determining the take-off path in accordance with section 4b.116 and the one-engine-inoperative climb in accordance with section 4b.120 (a) and (b), the propeller of the inoperative engine may be assumed to be feathered if there is installed either an approved means for automatically indicating when the particular engine has failed or an approved means for automatically feathering the propeller of the inoperative engine.

7. In applying the provisions of paragraphs 5 and 6 of this regulation, where literal compliance with the requirements of sections 4b.130 through 4b.190 of Subpart B and Subparts C, D, E, and F of Part 4b is extremely difficult to accomplish, and where the Administrator finds that service experience with the C–46 type airplane so justifies, the Administrator may authorize deviations from specific details of these requirements, taking into account the effect of design changes.

8. On or after January 1, 1957, C–46 airplanes in passenger service shall be operated in accordance with the performance operating limitations applicable to transport category airplanes.

9. C–46 airplanes which comply with the provisions of paragraphs 5 and 6 of this regulation may be used in passenger operations conducted under the provisions of Parts 40 and 41 provided they are operated in accordance with paragraph 8.

10. This Special Civil Air Regulation supersedes Special Civil Air Regulation SR–406B.

SPECIAL CIVIL AIR REGULATION NO. SR–410

Effective: April 18, 1955
Adopted: April 18, 1955

Flight Time Limitations for Transcontinental Nonstop Irregular Air Carrier Interstate Operations

On June 14, 1954, the Board adopted Special Civil Air Regulation No. SR–405 which permitted air carriers in the conduct of scheduled transcontinental nonstop flights to schedule flight crew members for more than eight but not more than ten hours of continuous duty aloft on flights conducted in pressurized airplanes carrying at least two pilots and a flight engineer. Special Civil Air Regulation No. SR–405 will terminate with the effective date of any final action taken by the Board in respect of Draft Release No. 54–16, which was circulated to the public on May 28, 1954.

Subsequently a request was made to the Board by an irregular air carrier to provide that Part 42 operators may make nonstop flights on the same basis extended to the scheduled operators under SR–405.

The Board believes that the nonstop flight time limitations should be extended to irregular air carriers on substantially the same basis as they are currently applied to scheduled air carriers. The scheduled air-carrier operating rules of Part 40 contain requirements for dispatch and company communications systems not currently required under the irregular air carrier operating rules of Part 42. In order to insure equivalent safety, therefore, the Board believes it necessary to add certain provisions concerning dispatch and company communications systems for the operations herein contemplated. The petitioner has advised the Board that it considers these provisions reasonable. Therefore, by this Special Civil Air Regulation the Board applies to irregular air carriers the provisions of SR–405 provided that the air carrier is able to show an independent air/ground communications service and a dispatch organization serving terminal points which are essentially similar to those required of scheduled air carriers.

It should be noted that the independent air/ground communications system specified by this rule is required to be approved by the Administrator as adequate to serve terminal points. This requirement is intended to provide an operational control system which insures reliable and rapid communications either direct or via acceptable point-to-point circuits between the pilot and the dispatcher under normal operating conditions. While the Board is not in this instance establishing firm criteria with respect to the geographic coverage of such a communications system, we envisage that it will normally permit communication between the pilot and the dispatcher at least during the last hour of the flight.

As is the case in scheduled air carrier operations, the Board contemplates that the dispatcher will be responsible for monitoring the

progress of each flight and issuing instructions and information necessary for the continued safety of the flight within the area of communications provided under this rule. It is expected that the dispatch office will be so located with respect to the terminal point and so equipped with necessary communications facilities as to insure that the dispatcher will be in possession of necessary information to determine the flight may be terminated safely and to communicate such information to the pilot.

The Board anticipates that the air carrier shall determine that prior to serving in operations conducted under this rule, an aircraft dispatcher shall be familiar with all essential operating procedures and with the equipment and facilities to be used.

The Board contemplates that at the termination of SR–405 this regulation will have been reexamined and necessary action will then be taken with regard to flight time limitations for irregular long-range nonstop interstate operations.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation is in the nature of relieving from a restriction, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective April 18, 1955:

Notwithstanding the requirements of section 42.48 of the Civil Air Regulations, air carriers in the conduct of interstate transcontinental nonstop flights, in accordance with Part 42, may schedule flight crew members for more than eight but not more than ten hours of continuous duty aloft without an intervening rest period: *Provided,* That the flight is conducted in pressurized airplanes with a flight crew of at least two pilots and a flight engineer: *And provided further,* That the carrier utilize in the conduct of such operations an air/ground communication service independent of systems operated by the Federal Government, and a dispatch organization, both of which have been approved by the Administrator as adequate to serve the terminal points concerned. This regulation shall terminate with the effective termination of SR–405.

SPECIAL CIVIL AIR REGULATION NO. SR–411B

Effective: June 30, 1962
Adopted: June 29, 1962
Published: July 4, 1962
(27 F.R. 6321)

Operation of Certain Transport Category Airplanes in Cargo Service at Increased Zero Fuel and Landing Weights

The Federal Aviation Agency published as a notice of proposed rule making (27 F.R. 3890) and circulated as Civil Air Regulations Draft Release No. 62–18 dated April 19, 1962, a proposed Special Civil Air Regulation to permit certain transport category airplanes to be operated in cargo service at increased zero fuel and landing weights. The proposed regulation was intended to supersede Special Civil Air Regulation No. SR–411A, which contains a termination date of June 30, 1962.

Trial operations of cargo airplanes (Douglas DC–6A) at increased weights were first authorized in waivers issued by the Civil Aeronautics Board to individual air carriers. The first such waiver was issued on July 21, 1954. The weights involved were the zero fuel weights (i.e., the maximum weight of the airplane with no disposable fuel and oil, which has the effect of limiting the weight of the fuselage contents) and the structural landing weight. The weight increases were limited to not more than 5 percent of the zero fuel weight approved for passenger operations, and their use was made contingent upon certain findings by the Administrator of Civil Aeronautics and upon certain conditions of operation, inspections, and reporting. Authorization of the trial operations was predicated on the premise that such operations could eventually lead to the establishment of a sound basis for differentiating between standards for passenger and cargo air carrier operations. Based upon the trial operations under the waivers, the Board determined that a more extensive background of operating experience was necessary. This led to the promulgation of Special Civil Air Regulation No. SR–411 (20 F.R. 4765) which permitted any number of any type of transport category airplane to be operated by any air carrier at increased weights in cargo service.

From the data submitted by the operators in accordance with SR–411, the Board concluded that the scope of operations under SR–411 had been such that substantiation of the conditions for these operations for inclusion in the regulations on a permanent basis would entail a long-range program. The Board, therefore, extended the trial operations by adopting SR–411A on June 28, 1957 (22 F.R. 4684), with a termination date of June 30, 1962.

SR–411A is applicable to airplanes certificated under the transport category airworthiness requirements effective before March 13, 1956. The applicability was so limited because the Board believed it advisable to gain

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some experience wtih the airplanes certificated under the provisions of Part 4b effective on and after March 13, 1956, at the normal transport category weights before permitting such airplanes to operate at increased weights. In arriving at this conclusion, the Board took into consideration the new concept of structural design requirements as well as other related changes in these requirements which were introduced in Part 4b on March 13, 1956.

As the preambles to both SR–411 and SR–411A indicated, the purpose in permitting the trial operation of transport category airplanes in cargo service at the arbitrary increased zero fuel and landing weights was to determine through operating experience whether the conditions governing the trial operations would provide a sound basis for establishing future standards for airplanes in cargo operations at increased weights. During the approximately seven years that these trial operations have been conducted, a substantial amount of data has been amassed concerning the airplanes approved for operation under these Special Civil Air Regulations.

The data submitted and the operating experience gained under SR–411 and SR–411A indicate that the airplanes approved for and operated at the increased weights can continue to be operated at such increased weights under certain conditions without adverse effect upon the safety of such airplanes. The inspection reports submitted by the operators under SR–411 and SR–411A have not indicated any serious structural difficulties resulting from operation at the increased weights. The service history of these airplanes with respect to fatigue cracks and other damage is similar to that for airplanes of the same type operated in passenger service. Furthermore, cargo operators have expressed a need to continue operation of these airplanes at the increased weights in their cargo operations. Therefore, Draft Release 62–18 proposed to extend the provisions of SR–411A indefinitely to the types of airplanes that have been qualified and operated at such weights. However, the proposal did not specify the particular models of the various types approved for increased weights under SR–411 and SR–411A. Furthermore, it has subsequently been determined that the L–1649A airplane as modified under supplemental type certificate SA 4–1402 has been approved for operation and has been operated under the provisions of SR–411A. While the application for the type certificate for this airplane was filed in 1955, the manufacturer elected to comply with the later requirements of Part 4b rather than those in effect at the time of his application for type certificate. Subsequently, a supplemental type certificate was issued covering a modification to this airplane based on a demonstration of compliance with the requirements in effect on the date of the application for the type certificate for the airplane. Since this modified airplane was certificated in accordance with the provisions of Part 4b, effective prior to March 13, 1956, it is included in the airplanes permitted to be operated under the terms of this special regulation.

One of the comments received in response to Draft Release 62–18 expressed opposition to the proposed indefinite extension of SR–411A on the grounds that there should be one set of safety standards for the design and operation of all transport category airplanes without regard as to whether the airplane is used for the carriage of cargo or passengers. In this respect, it should be noted that the airplanes covered under this

regulation are the airplanes which have been operated for the carriage of cargo at the increased weights without any adverse effect on safety, and that the special inspections conducted by the operators have not indicated any serious structural problems with respect to these airplanes operated at the increased weights as compared with airplanes operated in passenger operations. Furthermore, this regulation requires operators to continue these special inspections. Consequently, the Agency does not believe that it would be justified in arbitrarily terminating the authorization to operate such airplanes at the increased weights.

On the other hand, the majority of the comments received in response to Draft Release 62–18 concurred in the proposed regulations and at the same time recommended that various airplanes other than those covered in the proposal be permitted to operate in cargo service at the arbitrary increased weights. Numerous and detailed arguments have been presented in support of these recommendations for broadening the scope of the proposal. However, these recommendations require consideration of matters which go beyond the scope of the proposed regulation, and there is not sufficient time remaining prior to the expiration of SR–411A for the necessary evaluation of such matters. Therefore, the regulation is being adopted substantially as proposed and further study will be given to such recommendations insofar as they might indicate a need for additional rule making action on this matter.

In view of the foregoing, the special regulation set forth hereinafter permits only those airplane types and models which were approved for trial operations under SR–411 and SR–411A to be used in the carriage of cargo with the arbitrary increased weights.

This regulation relaxes the provisions of SR–411A to the extent that it also applies to foreign air carriers operating the specified airplanes. The provisions of SR–411A were made applicable only to United States air carriers because the conditions for the trial operations required close cooperation between the manufacturer, operator, and the Civil Aeronautics Administration during the initial technical evaluation and in the inspection and reporting procedures. However, since this regulation permits the continued use of increased weights only for those type airplanes previously approved for operation under SR–411A, for which the necessary data and procedures are already available, the increased weights can now be made applicable to any foreign air carrier using airplanes of the specified types in the carriage of cargo only.

This regulation continues the requirement contained in SR–411A that airplanes used by air carriers at the increased weights be operated in accordance with the passenger-carrying transport category operating limitations of Part 40, 41, or 42, as the case may be. In addition, foreign air carriers are permitted to operate airplanes under the authority of this regulation if the country of registry of the airplanes requires such airplanes to be operated in accordance with the performance operating limitations applicable to United States air carriers or the equivalent thereof. The requirement that air carriers must operate their airplanes under the provisions of the regulation in accordance with the passenger-carrying performance operating limitations prescribed in Part 40, 41, or 42 is considered necessary in the interest of safety. Therefore, in order to insure

an equivalent level of safety for operations by foreign air carriers, it is considered appropriate to permit such carriers to operate airplanes under the authority of this regulation only on the condition that the country of registry of the airplanes requires that such airplanes be operated in accordance with the same or equivalent performance operating limitations.

This regulation also continues the requirement for special inspections, including the special inspections required prior to returning an airplane from cargo to passenger service. However, in view of the volume of data now available for the eligible airplane types, it no longer requires special reports and records be kept with respect to operations at increased weights. Based on experience gained under SR–411 and SR–411A, it is believed that intermittent cargo-passenger operations can now be permitted provided the special inspection is made each time the airplane is returned to passenger service.

This regulation contains a proviso, similar to that which appears in SR–411A, requiring a determination that any increase in the zero fuel and landing weights for the specified airplanes does not seriously affect the strength, fatigue, flutter, deformation, or vibration characteristics of such airplanes. While not proposed in Draft Release 62–18, the Agency is now of the opinion that even though such a determination has already been made for the increased weights presently authorized for the specified airplanes, such a requirement should be continued in effect to cover possible modifications to these airplanes as well as further increases in the approved weights. Since this provision merely continues in effect a provision currently applicable to the specified airplanes and imposes no additional burden on any person, notice and public procedure thereon are unnecessary for its adoption as part of this regulation.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation extends many of the provisions of a currently effective regulation which expires on June 30, 1962, imposes no additional burden on any person, and a delay in its effectiveness would impose a hardship on the cargo operators, good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted to become effective on June 30, 1962:

Notwithstanding the applicable structural provisions of the Civil Air Regulations, any air carrier or foreign air carrier may operate, for the carriage of cargo only, the transport category airplanes specified in paragraph (1) of this regulation, at increased zero fuel and landing weights, under the conditions specified in paragraphs (2) through (6) of this regulation.

(1) Transport category airplanes certificated under the provisions of Part 4b, effective prior to March 13, 1956, as follows:

(a) DS–6A, DC–6B, DC–7B, DC–7C; and

(b) L–1049B, C, D, E, F, G, H, L–1649A when modified in accordance with supplemental type certificate SA 4–1402.

(2) The zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight may be increased beyond the maximum approved in full compliance with the ap-

plicable Civil Air Regulations: *Provided,* That any increase in the zero fuel weight shall not exceed 5 percent and that the increase in the structural landing weight shall not exceed the amount, in pounds, of the increase in zero fuel weight: *And provided further,* That the Administrator finds that the increase in either such weight is not likely to reduce seriously the structural strength, that the probability of sudden fatigue failure is not noticeably increased, and that the flutter, deformation, and vibration characteristics do not fall below those required by the applicable Civil Air Regulations. All other weight limitations established in accordance with the Civil Air Regulations applicable to the type airplane shall apply.

(3) Each airplane shall be inspected in accordance with the special inspection procedures for operations at increased weights established and issued by the manufacturer of the particular type airplane and approved by the Administrator.

(4) Each airplane operated by an air carrier under this regulation shall be operated in accordance with the passenger-carrying transport category performance operating limitations prescribed in Part 40, 41, or 42. Operation of airplanes by a foreign air carrier is not permitted under the authority of this regulation unless the country of registry requires the airplanes to be operated in accordance with such performance operating limitations or the equivalent thereof.

(5) The Airplane Flight Manual for each airplane operated under the provisions of this regulation shall be appropriately revised to include the operating limitations and information required for operation with the increased weights.

(6) An airplane operated at increased weights under the provisions of this regulation shall be inspected in accordance with the special inspection procedures for return to passenger service established and issued by the airplane manufacturer and approved by the Administrator, before it is used in passenger service except as provided for the carriage of persons under Special Civil Air Regulation No. SR–432A.

This regulation supersedes Special Civil Air Regulation No. SR–411A.

SPECIAL CIVIL AIR REGULATION NO. SR–411A

Effective: July 1, 1957
Adopted: June 28, 1957

Trial Operation of Transport Category Airplanes in Cargo Service at Increased Zero Fuel and Landing Weights

On June 30, 1955, the Civil Aeronautics Board adopted Special Civil Air Regulation No. SR–411 authorizing for a period of 2 years' trial operations of transport category airplanes in cargo service at weights in excess of those permitted in passenger service. The weights involved are the zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight. The use of the higher weights is made contingent upon certain findings by the Administrator and upon certain conditions of operation and inspection.

Prior to the adoption of SR–411, trial operations of Douglas DC–6A airplanes at higher weights were authorized in orders issued by the Board to individual carriers. The first of such orders was issued on July 21, 1954. Authorization of the trial operations was predicated on the premise that such operations could eventually lead to the establishment of a sound basis for differentiating between standards for passenger and cargo air carrier operations. The success of the trial operations under the Board's orders led to the promulgation of SR–411 which permits any number of any type of transport category airplane to be operated at increased weights in cargo service. The basic intent of SR–411 was to obtain a more extensive background of operating experience to assure that the conditions governing the trial operations do in fact provide a sound basis for establishing possible future standards for airplanes in cargo operations.

Prior to the effective date of SR–411, there were a total of 6 DC–6A airplanes being used by 3 operators under waivers at higher weights. As of December 30, 1956, such operations encompassed 23 DC–6A airplanes and 5 operators. More recently Lockheed L1049–H airplanes have been introduced in cargo service at increased weights. Results of inspections submitted thus far to the Board have revealed no serious structural defects which could be attributed to operation at the increased weights.

In the preamble to SR–411, the Board indicated that it expected to have interested persons submit their evaluation of the trial operations and recommendations with respect to future regulatory action. In this regard, industry segments directly related to the trial operations under SR–411 recommended that the authorization for trial operations be continued on the basis that such operations have not resulted in any indications of structural distress and on the basis of the economic importance of such trial operations to the promotion and success of cargo service. Based on the foregoing and on the evaluation of the inspection and operational reports submitted by the air carriers, the Board finds that there is sufficient justification to permit the continuation of trial operations beyond June 30, 1957, the termination date of Special Civil Air Regulation No. SR–411. From the operational data submitted by the operators, the scope of operations under SR–411 has been such that substantiation of the conditions for these operations for inclusion in the regulations

on a permanent basis will entail a long range program. Consequently, the termination date of this regulation is being established to permit trial operations for an additional five-year period.

In connection with the rulemaking procedures effected on this matter, it was suggested that the Board extend the trial operations for a period no longer than one or two years on the premise that the shorter time extension would permit closer control of these operations. The Board fails to find any relationship between the extension period and the quality of control exerted over the trial operations inasmuch as the Board intends to continue its evaluation of the inspection reports submitted by the operators at regular intervals and envisions that the industry and the Administrator will do likewise.

Suggestions were also received to the effect that the trial operations should not be limited only to the older type airplanes, as proposed in the notice of proposed rulemaking; i.e., to airplanes certificated prior to March 13, 1956. In this regard, the Board considers that in view of the new concept of structural design requirements as well as other related changes in these requirements which were introduced on the aforementioned date into Part 4b of the Civil Air Regulations along with the new concept of structural design, it is advisable that some experience be gained with airplanes certificated under those provisions at the normal transport category weights before permitting such airplanes to operate at the higher weight. Accordingly, this special regulation extends the authorization to operate at higher weights only to airplanes certificated in accordance with the transport category requirements in effect prior to March 13, 1956.

It should be noted that, as indicated in the preamble to SR–411, the Board envisions that most of the airplanes taking advantage of this regulation will continue to be used in cargo service solely. However, if any of the airplanes operated under the provisions of this regulation are to be made eligible at any later time for passenger service, the provisions of this regulation require accomplishment of a special inspection and an evaluation of the fatigue limitations. It is suggested that, if it is contemplated to return the airplane to passenger service, the establishment of special inspections and the evaluation of the fatigue limitations be accomplished prior to increasing the airplane weight for cargo service. It is not the intent of this regulation to permit intermittent operations in passenger and cargo service.

The provisions of this regulation differ from the provisions of Special Civil Air Regulation No. SR–411 in that they are made applicable only to airplanes certificated in accordance with the transport category structural requirements effective prior to March 13, 1956; they require inspection and flight data records to be kept available for no longer than one year; and they require flight records (as distinguished from inspection records) to be made only with respect to those flights involving increased weights, rather than for all flights regardless of whether or not they are made at the increased weights.

Interested persons have been afforded an opportunity to participate in the making of this regulation (22 F.R. 3416), and due consideration has been given to all relevant matter presented. Since this regulation

imposes no additional burden on any persons, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 1, 1957.

Notwithstanding the applicable structural provisions of the Civil Air Regulations, any air carrier may operate in cargo service transport category airplanes which were certificated under the provisions of Part 4a or Part 4b, effective prior to March 13, 1956, subject to the conditions hereinafter set forth:

(1) The air carrier shall submit an application to the Administrator indicating its desire to operate its airplane(s) under the provisions of this special regulation, and indicating which airplane(s) would be involved.

(2) The air carrier shall furnish a statement from each manufacturer for each type of airplane involved indicating in each case that the airplane manufacturer approves the operation of such type of airplane under the provisions of this regulation and that the airplane manufacturer will establish the inspection procedure prescribed in paragraph (4) of this Special Civil Air Regulation and will supervise such inspection as necessary.

(3) The zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight may be increased beyond the maxima approved in full compliance with the applicable Civil Air Regulations: *Provided,* That the Administrator of Civil Aeronautics finds that the increase in either such weight is not likely to reduce seriously the structural strength, that the probability of sudden fatigue failure is not noticeably increased, and that the flutter, deformation, and vibration characteristics do not fall below those required by the Civil Air Regulations: *And provided further,* That any increase in the zero fuel weight approved shall not exceed 5 percent and that the increase in the structural landing weight shall not exceed the amount, in pounds, of the increase in the zero fuel weight.

(4) Airplanes for which the increased weights become effective shall be subject to inspections in addition to those normally performed, such inspections to be established by the manufacturer of the type airplane concerned, subject to the approval of the Administrator of Civil Aeronautics and to be supervised as found necessary by that manufacturer, to safeguard against possible structural distress resulting from the higher operating stress levels. The air carrier shall keep for a period of at least one year, and make available upon request to the Civil Aeronautics Board, the Administrator of Civil Aeronautics, or the manufacturer of the type of airplane concerned, the records of such inspections.

(5) Airplanes for which the increased weights become effective shall be operated in accordance with the transport category performance operating limitations prescribed in Part 40, 41, or 42 of the Civil Air Regulations, whichever is applicable.

(6) The air carrier shall keep for a period of at least one year and make available upon request to the Civil Aeronautics Board, the

Administrator of Civil Aeronautics, or the manufacturer of the type airplane concerned, records of all flights conducted at increased weights with airplanes for which the increased weights become effective, such records to include the actual takeoff, zero fuel, and landing weights.

(7) The Airplane Flight Manual of each airplane operating under the provisions of this special regulation shall be appropriately revised so as to include the necessary operating limitations and operating information.

(8) An airplane which has been operated at increased weights under the provisions of this regulation shall not be used for the carriage of passengers, except under the following conditions:

(a) Special inspections established by the manufacturer and approved by the Administrator of Civil Aeronautics shall have been accomplished.

(b) The effects of the operations at increased weights on structural fatigue shall have been evaluated by the airplane manufacturer and taken into account in any fatigue limitations established for the airplane.

This regulation shall terminate on June 30, 1962, unless sooner superseded or rescinded by the Board.

SPECIAL CIVIL AIR REGULATION NO. SR-415

Effective: January 1, 1956
Adopted: December 29, 1955

Supplemental Air Carrier Certification and Operation Rules

The Board opinion which was made a part of Order No. E-9744, adopted November 15, 1955, effective January 1, 1956, explains that as a matter of new policy the Board established a new class of noncertificated air carriers designated "supplemental" air carriers who would be granted enlarged operating authority.

Accordingly, in Order No. E-9744 the Board issued a temporary exemption to all applicants named therein who held operating authority either as irregular air carriers or as irregular air transport carriers to operate within the scope of the new policy, pending final disposition of each air carrier's application for continued authorization to conduct operations as a supplemental air carrier.

At the present time, the Civil Air Regulations do not prescribe any rules to govern the operations of supplemental air carriers. The applicants named in Order No. E-9744 are conducting their operations as large irregular air carriers pursuant to the provisions of Part 42 of the Civil Air Regulations, and the Board believes that until operating experience reveals that further or different rules are necessary, supplemental air carriers should be allowed to continue their operations pursuant to Part 42.

This regulation is necessary to give effect to Order No. E-9744 and the opinion made a part thereof. Since this regulation is ancillary to said order and opinion; since it continues in effect the same rules as are presently applicable to the operators named in said order without diminution in safety standards; and since it would be contrary to the public interest not to prescribe rules to become effective on January 1, 1956, to govern the operations of such air carriers, the Board finds that notice and public procedure are impracticable and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective January 1, 1956:

Contrary provisions of the Civil Air Regulations notwithstanding, any air carrier holding valid authority issued by the Board to perform air transportation as a supplemental air carrier in charter services and individual services, as defined in Appendix A attached to Board Order No. E-9744, shall be certificated and shall conduct such operations in accordance with the provisions of Part 42 of the Civil Air Regulations. An air carrier operating certificate presently issued by the Civil Aeronautics Administration to a large irregular air carrier shall, until its

stated expiration date, be valid as a supplemental air carrier operating certificate for supplemental air carrier operations, unless sooner surrendered, suspended, or revoked. Such certificate may be renewed as an air carrier operating certificate for supplemental air carrier operations.

This regulation shall remain in effect until such time as new supplemental air carrier certification and operation rules become effective, unless sooner superseded or rescinded by the Board.

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Effective: January 1, 1956
Adopted: December 29, 1955

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At the present time, the Civil Air Regulations do not prescribe any rules to govern the operations of supplemental air carriers. The applicants named in Order No. E–9744 are conducting their operations as large irregular air carriers pursuant to the provisions of Part 42 of the Civil Air Regulations, and the Board believes that until operating experience reveals that further or different rules are necessary, supplemental air carriers should be allowed to continue their operations pursuant to Part 42.

This regulation is necessary to give effect to Order No. E–9744 and the opinion made a part thereof. Since this regulation is ancillary to said order and opinion; since it continues in effect the same rules as are presently applicable to the operators named in said order without diminution in safety standards; and since it would be contrary to the public interest not to prescribe rules to become effective on January 1, 1956, to govern the operations of such air carriers, the Board finds that notice and public procedure are impracticable and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective January 1, 1956:

Contrary provisions of the Civil Air Regulations notwithstanding, any air carrier holding valid authority issued by the Board to perform air transportation as a supplemental air carrier in charter services and individual services, as defined in Appendix A attached to Board Order No. E–9744, shall be certificated and shall conduct such operations in accordance with the provisions of Part 42 of the Civil Air Regulations. An air carrier operating certificate presently issued by the Civil Aeronautics Administration to a large irregular air carrier shall, until its

stated expiration date, be valid as a supplemental air carrier operating certificate for supplemental air carrier operations, unless sooner surrendered, suspended, or revoked. Such certificate may be renewed as an air carrier operating certificate for supplemental air carrier operations.

This regulation shall remain in effect until such time as new supplemental air carrier certification and operation rules become effective, unless sooner superseded or rescinded by the Board.

NOTE: Page 155 follows. Page 153 was deleted by Supplement No. 7, dated August 17, 1962.

SPECIAL CIVIL AIR REGULATION NO. SR–420

Effective: May 21, 1957
Adopted: May 21, 1957

Emergency Evacuation Equipment for DC–3-Type Airplanes

Sections 40.173, 41.23d, and 42.24c effective November 28, 1955, require in part that after May 31, 1957, on all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. This requirement was adopted on the basis of experience which had shown that in certain instances, it is essential that some means be provided to assist passengers in evacuating airplanes on the ground.

The application of this emergency evacuation requirement to the DC–3 airplane, however, would impose an economic burden on the operators of this airplane without a commensurate increase in safety. The rear window emergency exit of this airplane is just over 6 feet from the ground, with the landing gear extended, and accordingly would require the installation of a means to assist descent. However, the main passenger door and 2 window emergency exits which are located over the wings require no special means to assist descent and they afford an excellent means of emergency evacuation. Furthermore, a study of DC–3 airplane accidents from 1938 through 1955 does not disclose any incident in which the absence of a means to assist the descent of occupants from the rear window emergency exit adversely affected the emergency evacuation of passengers. This record can be attributed in great part to the fact that the DC–3 airplane does not utilize a nose-wheel type landing gear and the probability of the rear window emergency exit being raised above its normal height from the ground, such as can occur when a nose-wheel gear collapses, is extremely remote.

Accordingly, the Board is of the view that it is not necessary in the interest of safety to require that means be provided to assist occupants in descending from the rear window emergency exit of a DC–3 airplane. It should be noted, however, that a DC–3 operator would not be prevented from installing a means to assist descent should he so desire.

Interested persons have been afforded an opportunity to participate in the making of this regulation (22 F.R. 2663), and due consideration has been given to all relevant matter presented Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective May 21, 1957.

Contrary provisions of sections 40.173(e), 41.23d(a), and 42.24c(a) of Parts 40, 41, and 42, respectively, of the Civil Air Regulations notwith-

standing, after May 31, 1957, means need not be provided to assist the occupants of a passenger-carrying DC–3 airplane in descending from the airplane by way of the rear window emergency exit: *Provided,* That the authority contained herein shall not apply to DC–3 airplanes which are operated with an occupancy greater than that specified in Special Civil Air Regulation No. SR–389 for DC–3 airplanes with 4 exits authorized for passenger use.

SPECIAL CIVIL AIR REGULATION NO. SR-422

Effective: August 27, 1957
Adopted: July 23, 1957

Turbine-Powered Transport Category Airplanes of Current Design

Part 4b of the Civil Air Regulations contains rules governing the design of transport category airplanes. For a number of years, this part has established airworthiness requirements for this category of airplanes by prescribing detailed provisions to be met for the issuance of a type certificate. However, the advent of turbine-powered airplanes (jets, turboprops, etc.) has brought about operations at considerably higher speeds and altitudes than those involving reciprocating engine airplanes. These higher speeds and altitudes as well as certain inherent characteristics of turbine engines have introduced numerous new technical and design problems and have necessitated re-evaluation and amendment of many provisions in Part 4b.

In recent years the Board has amended Part 4b by introducing numerous technical provisions more specifically applicable to turbine-powered airplanes. These were included in amendments pertaining to structural, flight characteristic, powerplant installation, and other provisions. It is believed that Part 4b as now written is applicable to turbine-powered airplanes with but one exception; namely, airplane performance. In the future, further amendments to this part, other than those relating to performance, will be comparatively minor in nature mainly reflecting the latest experience in the certification and operation of these airplanes.

The performance requirements presently in Part 4b were first promulgated almost twelve years ago. They are now considered by the Board to be in a form not suitable for direct application to turbine-powered airplanes.

The administrator of Civil Aeronautics is in receipt of a large number of applications for type certification of turbine-powered airplanes. However, the so-called "non-retroactive"clause of section 4b.11(a) of Part 4b does not make applicable to a particular airplane type any amendment which is adopted after an application is filed by the manufacturer for type certification of that airplane. Thus, most of these airplanes are not now required to meet some of the latest effective provisions of Part 4b unless the Board prescribes otherwise. With so many applications for type certificates pending, it is essential that the Board establish adequate requirements which will effectively apply to the type certification of turbine-powered transport category airplanes. This Special Civil Air Regulation is being promulgated for that purpose.

This Special Civil Air Regulation is being made effective with respect to all turbine-powered transport category airplanes not yet certificated. In essence, it prescribes a revised set of performance requirements for turbine-powered airplanes and incorporates such of the recent amend-

ments to Part 4b as the Administrator finds necessary to insure that the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

The performance requirements contained herein include not only the performance requirements necessary for the certification of an airplane, but also the complementary performance operating limitations as applicable under Parts 40, 41, and 42 of the Civil Air Regulations. In promulgating this new performance code, the Board intends that the resulting level of safety will be generally similar to the level of safety established by the performance code as expressed by the provisions now contained in Parts 4b and 40 (or 41 or 42 as appropriate) for reciprocating engine airplanes. To attain this, many of the performance provisions have been modified for better applicability to turbine-powered airplanes, some in the direction of liberalization, others in the direction of improvement in the required performance.

A significant change being made is the introduction of full temperature accountability in all stages of performance, except the landing distances required. The introduction of full temperature accountability will insure that the airplane's performance is satisfactory irrespective of the existing atmospheric temperature. The performance requirements heretofore applicable did not give sufficient assurance in this respect.

The reason for omitting the direct application of temperature accountability in the requirement for landing distances is that this stage of performance always has been treated in a highly empirical fashion whereby temperature effects are taken into account indirectly together with the effects of other operational factors. Long range studies on rationalization of airplane performance so far have not yielded a satisfactory solution to the landing stage of performance. The Board hopes, however, that continued studies will result in a solution of this problem in the near future.

The introduction of full temperature accountability has necessitated a complete re-evaluation of the minimum climb requirements. Since the prescribed climb must now be met at all temperatures rather than to be associated with standard temperature, the specific values of climb have been altered. In each instance, the change has been in the downward direction because, although the previous values were related to standard temperature, a satisfactory resultant climb performance was attained at temperatures substantially above standard. While values of minimum climb performance specified in the new code will tend to increase the maximum certificated weights of the airplane for the lower range of temperatures, they will limit these weights for the upper range of temperatures, giving adequate assurance of satisfactory climb performance at all temperatures.

In considering the various stages of flight where minimum values of climb have been heretofore established, the Board finds that in two of the stages (all-engines-operating en route and one-engine-inoperative en route) the establishment of minimum values of climb is unnecessary because, in the case of the all-engines-operating stage, it has been found not to be critical and the case of the one-engine-inoperative stage is now more effectively covered by the en route performance operating limitations.

Considering that the minimum climbs being prescribed affect mainly the maximum certificated weights of the airplane but not the maximum operating weights, the Board, in adopting the new performance code, places considerable emphasis on the ability of the airplane to clear obstacles on take-off and during flight. To this end, criteria for the take-off path, the en route flight paths, and the transition from take-off to the en route stage of flight have been prescribed to reflect realistic operating procedures. Temperature is fully accounted for in establishing all flight paths and an expanding clearance between the take-off path and the terrain or obstacles is required until the en route stage of flight is reached.

In order to insure that the objectives of the prescribed performance are in fact realized in actual operations, the manufacturer is required to establish procedures to be followed in the operation of the airplane in the various conditions specified in the regulation. These procedures, each designed for a specific airplane, will permit the operator to utilize the full performance capabilities of the airplane more readily than if the regulations prescribed all-inclusive procedures. The use of these procedures in determining compliance with the requirements governing take-off, en route, and landing stages, will also add considerable flexibility to the regulation.

The new performance requirements established more clearly than heretofore which of the performance limitations are conditions on the airworthiness certificate of the airplane. In addition to the maximum certificated take-off and landing weights, there are included limitations on the take-off distances and on the use of the airplane within the ranges of operational variables, such as altitude, temperature, and wind. Since these limitations are in the airworthiness certificate, they are applicable to all type operations conducted with the airplane.

The new performance code contains values for minimum climb expressed as gradients of climb, in percent, rather than as rates of climb, in feet per minute, as has been the case heretofore. The Board believes that the gradient of climb is more direct in expressing the performance margins of the airplane. Use of the gradient eliminates the influence of the stalling speed on the required climb. Heretofore, higher rates of climb were required for airplanes with higher stalling speeds. The only differentiation in the new code with respect to the required climb is between two and four-engine airplanes. This type of differentiation is of long standing in the regulations, being applicable to the one-engine-inoperative stage of flight. It is now being expanded to the take-off and approach stages.

The new performance requirements contained herein are based on the best information presently available to the Board. It is realized, however, that due to the present limited operating experience with turbine-powered transport airplanes, improvement in the requirements can be expected as a result of the direct application of the code to specific designs of new airplanes. There are certain areas in the new requirements where additional refinement of details might be advisable. This is so particularly in the case of the requirements pertaining to the landing stage of flight. It is anticipated that, after further study of the regulation and especially after its application in the design, certification, and operation of forthcoming turbine-powered airplanes, the desirability of changes

may become more apparent. It is the intent of the Board to consider without delay such changes as might be found necessary. Only after the provisions of this Special Civil Air Regulation are reasonably verified by practical application will the Board consider incorporating them on a more permanent basis into Parts 4b, 40, 41, and 42 of the Civil Air Regulations.

This Special Civil Air Regulation is not intended to compromise the authority of the Administrator under section 4b.10 to impose such special conditions as he finds necessary in any particular case to avoid unsafe design features and otherwise to insure equivalent safety.

Interested persons have been afforded an opportunity to participate in the making of this regulation (21 F.R. 6091), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective August 27, 1957.

Contrary provisions of the Civil Air Regulations notwithstanding, all turbine-powered transport category airplanes for which a type certificate is issued after the effective date of this Special Civil Air Regulation shall comply with the following:

1. The provisions of Part 4b of the Civil Air Regulations, effective on the date of application for type certificate; and such of the provisions of all subsequent amendments to Part 4b, in effect prior to the effective date of this special regulation, as the Administrator finds necessary to insure that the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

2. In lieu of sections 4b.110 through 4b.125, and 4b.743 of Part 4b of the Civil Air Regulations, the following shall be applicable:

PERFORMANCE

4T.110 *General.*

(a) The performance of the airplane shall be determined and scheduled in accordance with, and shall meet the minima prescribed by, the provisions of sections 4T.110 through 4T.123. The performance limitations, information, and other data shall be given in accordance with section 4T.743.

(b) Unless otherwise specifically prescribed, the performance shall correspond with ambient atmospheric conditions and still air. Humidity shall be accounted for as specified in paragraph (c) of this section.

(c) The performance as affected by engine power and/or thrust shall be based on a relative humidity of 80 percent at and below standard temperatures and on 34 percent at and above standard temperatures plus 50° F. Between these two temperatures the relative humidity shall vary linearly.

(d) The performance shall correspond with the propulsive thrust available under the particular ambient atmospheric conditions, the particular flight conditions, and the relative humidity specified in paragraph (c) of this section. The available propulsive thrust shall correspond with engine power and/or thrust not exceeding the approved power and/or thrust less the installational losses and less the power and/or

equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

4T.111 *Airplane configuration, speed, power, and/or thrust; general.*

(a) The airplane configuration (setting of wing and cowl flaps, air brakes, landing gear, propeller, etc.), denoted respectively as the take-off, en route, approach, and landing configurations, shall be selected by the applicant except as otherwise prescribed.

(b) It shall be acceptable to make the airplane configurations variable with weight, altitude, and temperature, to an extent found by the Administrator to be compatible with operating procedures required in accordance with paragraph (c) of this section.

(c) In determining the accelerate-stop distances, take-off flight paths, take-off distances, and landing distances, changes in the airplane's configuration and speed, and in the power and/or thrust shall be in accordance with procedures established by the applicant for the operation of the airplane in service, except as otherwise prescribed. The procedures shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The Administrator shall find that the procedures can be consistently executed in service by crews of average skill.

(2) The procedures shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(3) Allowance shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

4T.112 *Stalling speeds.*

(a) The speed V_{s_0} shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Zero thrust at the stalling speed, or engines idling and throttles closed if it is shown that the resultant thrust has no appreciable effect on the stalling speed;

(2) If applicable, propeller pitch controls in the position necessary for compliance with subparagraph (1) of this paragraph;

(3) The airplane in the landing configuration;

(4) The center of gravity in the most unfavorable position within the allowable landing range;

(5) The weight of the airplane equal to the weight in connection with which V_s is being used to determine compliance with a particular requirement.

(b) The speed V_{s_1} shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Zero thrust at the stalling speed, or engines idling and throttles closed if it is shown that the resultant thrust has no appreciable effect on the stalling speed;

(2) If applicable, propeller pitch controls in the position necessary for compliance with subparagraph (1) of this paragraph; the air-

plane in all other respects (flaps, landing gear, etc.) in the particular configuration corresponding with that in connection with which V_{s_1} is being used;

(3) The weight of the airplane equal to the weight in connection with which V_{s_1} is being used to determine compliance with a particular requirement.

(c) The stall speeds defined in this section shall be the minimum speeds obtained in flight tests conducted in accordance with the procedure of subparagraphs (1) and (2) of this paragraph.

(1) With the airplane trimmed for straight flight at a speed of 1.4 V_s and from a speed sufficiently above the stalling speed to insure steady conditions, the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed one knot per second.

(2) During the test prescribed in subparagraph (1) of this paragraph, the flight characteristics provisions of section 4b.160 of Part 4b of the Civil Air Regulations shall be complied with.

4T.113 *Take-off; general.*

(a) The take-off data in sections 4T.114 through 4T.117 shall be determined under the conditions of subparagraphs (1) and (2) of this paragraph.

(1) At all weights, altitudes, and ambient temperatures within the operational limits established by the applicant for the airplane.

(2) In the configuration for take-off (see sec. 4T.111).

(b) Take-off data shall be based on a smooth, dry, hard-surfaced runway, and shall be determined in such a manner that reproduction of the performance does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the take-off surface shall be smooth water, while for skiplanes it shall be smooth dry snow. In addition, the take-off data shall be corrected in accordance with subparagraphs (1) and (2) of this paragraph for wind and for runway gradients within the operational limits established by the applicant for the airplane.

(1) Not more than 50 percent of nominal wind components along the take-off path opposite to the direction of take-off, and not less than 150 percent of nominal wind components along the take-off path in the direction of take-off.

(2) Effective runway gradients.

4T.114 *Take-off speeds.*

(a) The critical-engine-failure speed V_1, in terms of calibrated air speed, shall be selected by the applicant, but shall not be less than the minimum speed at which controllability by primary aerodynamic controls alone is demonstrated during the take-off run to be adequate to permit proceeding safely with the take-off using average piloting skill, when the critical engine is suddenly made inoperative.

(b) The minimum take-off safety speed V_2, in terms of calibrated air speed, shall be selected by the applicant so as to permit the gradient of climb required in section 4T.120 (a) and (b), but it shall not be less than:

(1) 1.2 V_{s_1} for two-engine propeller-driven airplanes and for airplanes without propellers which have no provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed.

(2) 1.15 V_{s_1} for propeller-driven airplanes having more than two engines and for airplanes without propellers which have provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(3) 1.10 times the minimum control speed V_{MC}, established in accordance with section 4b.133 of Part 4b of the Civil Air Regulations.

(c) If engine failure is assumed to occur at or after the attainment of V_2, the demonstration in which the take-off run is continued to include the take-off climb, as provided in paragraph (a) of this section, shall not be required.

4T.115 *Accelerate-stop distance.*

(a) The accelerate-stop distance shall be the sum of the following:

(1) The distance required to accelerate the airplane from a standing start to the speed V_1;

(2) Assuming the critical engine to fail at the speed V_1, the distance required to bring the airplane to a full stop from the point corresponding with the speed V_1.

(b) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the accelerate-stop distance, provided that such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airplane.

(c) The landing gear shall remain extended throughout the accelerate-stop distance.

4T.116 *Take-off path.* The take-off path shall be considered to extend from the standing start to a point in the take-off where a height of 1,000 feet above the take-off surface is reached or to a point in the take-off where the transition from the take-off to the en route configuration is completed and a speed is reached at which compliance with section 4T.120(c) is shown, whichever point is at a higher altitude. The conditions of paragraphs (a) through (i) of this section shall apply in determining the take-off path.

(a) The take-off path shall be based upon procedures prescribed in accordance with section 4T.111(c).

(b) The airplane shall be accelerated on or near the ground to the speed V_2 during which time the critical engine shall be made inoperative at speed V_1 and shall remain inoperative during the remainder of the take-off.

(c) Landing gear retraction shall not be initiated prior to reaching the speed V_2.

(d) The slope of the airborne portion of the take-off path shall be positive at all points.

(e) After the V_2 speed is reached, the speed throughout the take-off path shall not be less than V_2 and shall be constant from the point where the landing gear is completely retracted until a height of 400 feet above the take-off surface is reached.

(f) Except for gear retraction and propeller feathering, the airplane configuration shall not be changed before reaching a height of 400 feet above the take-off surface.

(g) At all points along the take-off path starting at the point where the airplane first reaches a height of 400 feet above the take-off surface, the available gradient of climb shall not be less than 1.4 percent for two-engine airplanes and 1.8 percent for four-engine airplanes.

(h) The take-off path shall be determined either by a continuous demonstration take-off, or alternatively, by synthesizing from segments the complete take-off path.

(i) If the take-off path is determined by the segmental method, the provisions of subparagraphs (1) through (4) of this paragraph shall be specifically applicable.

(1) The segments of a segmental take-off path shall be clearly defined and shall be related to the distinct changes in the configuration of the airplane, in power and/or thrust, and in speed.

(2) The weight of the airplane, the configuration, and the power and/or thrust shall be constant throughout each segment and shall correspond with the most critical condition prevailing in the particular segment.

(3) The segmental flight path shall be based on the airplane's performance without ground effect.

(4) Segmental take-off path data shall be checked by continuous demonstrated take-offs to insure that the segmental path is conservative relative to the continuous path.

4T.117 *Take-off distance.* The take-off distance shall be the horizontal distance along the take-off path from the start of the take-off to the point where the airplane attains a height of 35 feet above the take-off surface as determined in accordance with 4T.116.

4T.118 *Climb; general.* Compliance shall be shown with the climb requirements of sections 4T.119 and 4T.120 at all weights, altitudes, and ambient temperatures, within the operational limits established by the applicant for the airplane. The airplane's center of gravity shall be in the most unfavorable position corresponding with the applicable configuration.

4T.119 *All-engine-operating landing climb.* In the landing configuration, the steady gradient of climb shall not be less than 4.0 per cent, with:

(a) All engines operating at the available take-off power and/or thrust;

(b) A climb speed not in excess of 1.4 V_{s_0}.

4T.120 *One-engine-inoperative climb.*

(a) *Take-off; landing gear extended.* In the take-off configuration at the point of the flight path where the airplane's speed first reaches V_2, in accordance with section 4T.116 but without ground effect, the steady gradient of climb shall be positive with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust existing in accordance with section 4T.116 at the time the airplane's landing gear is fully retracted;

(2) The weight equal to the airplane's weight existing in accordance with section 4T.116 at the time retraction of the airplane's landing gear is initiated;

(3) The speed equal to the speed V_2.

(b) *Take-off; landing gear retracted.* In the take-off configuration at the point of the flight path where the airplane's landing gear is fully retracted, in accordance with section 4T.116 but without ground effect, the steady gradient of climb shall not be less than 2.5 percent for two-engine airplanes and not less than 3.0 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the take-off power and/or thrust available at a height of 400 feet above the take-off surface and existing in accordance with section 4T.116;

(2) The weight equal to the airplane's weight existing in accordance with section 4T.116 at the time the airplane's landing gear is fully retracted;

(3) The speed equal to the speed V_2.

(c) *Final take-off.* In the en route configuration, the steady gradient of climb shall not be less than 1.4 percent for two-engine airplanes and not less than 1.8 percent for four-engine airplanes, at the end of the take-off path as determined by section 4T.116, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust;

(2) The weight equal to the airplane's weight existing in accordance with section 4T.116 at the time retraction of the airplane's flaps is initiated;

(3) The speed equal to not less than 1.25 V_{s_1}.

(d) *Approach.* In the approach configuration such that V_{s_1} does not exceed 1.10 V_{s_0}, the steady gradient of climb shall not be less than 2.2 percent for two-engine airplanes and not less than 2.8 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust;

(2) The weight equal to the maximum landing weight;

(3) A climb speed in excess of 1.5 V_{s_1};

4T.121 *En route flight paths.* With the airplane in the en route configuration, the flight paths prescribed in paragraphs (a) and (b) of this section shall be determined at all weights, altitudes, and ambient temperatures within the limits established by the applicant for the airplane.

(a) *One engine inoperative.* The one-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 1.4 percent for two-engine airplanes and 1.8 percent for four-engine airplanes. It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engine(s).

(b) *Two engines inoperative.* For airplanes with four engines, the two-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 0.6 percent. It shall be acceptable to include in these data the variation of the airplane's weight

along the flight path to take into account the progressive consumption of fuel and oil by the operating engines.

(c) *Conditions.* In determining the flight paths prescribed in paragraphs (a) and (b) of this section, the conditions of subparagraphs (1) through (4) of this paragraph shall apply.

(1) The airplane's center of gravity shall be in the most unfavorable position.

(2) The critical engine(s) shall be inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust.

(3) Means for controlling the engine cooling air supply shall be in the position which provides adequate cooling in the hot-day condition.

(4) The speed shall be selected by the applicant.

4T.122 *Landing distance.* The landing distance shall be the horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 knots in the case of seaplanes or float planes) from a point at a height of 50 feet above the landing surface. Landing distances shall be determined for standard temperatures at all weights, altitudes, and winds within the operational limits established by the applicant for the airplane. The conditions of paragraphs (a) through (f) of this section shall apply.

(a) The airplane shall be in the landing configuration. During the landing, changes in the airplane's configuration, in power and/or thrust, and in speed shall be in accordance with procedures established by the applicant for the operation of the airplane in service. The procedures shall comply with the provisions of section 4T.111(c).

(b) The landing shall be preceded by a steady gliding approach down to the 50-foot height with a calibrated air speed of not less than 1.3 V_{s_0}.

(c) The landing distance shall be based on a smooth, dry, hard-surfaced runway, and shall be determined in such a manner that reproduction does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the landing surface shall be smooth water, while for skiplanes it shall be smooth dry snow. During landing, the airplane shall not exhibit excessive vertical acceleration, a tendency to bounce, nose over, ground loop, porpoise, or water loop.

(d) The landing distance shall be corrected for not more than 50 percent of nominal wind components along the landing path opposite to the direction of landing and not less than 150 percent of nominal wind components along the landing path in the direction of landing.

(e) During landing, the operating pressures on the wheel braking system shall not be in excess of those approved by the manufacturer of the brakes, and the wheel brakes shall not be used in such a manner as to produce excessive wear of brakes and tires.

(f) If the Administrator finds that a device on the airplane other than wheel brakes has a noticeable effect on the landing distance and if the device depends upon the operation of the engine and the effect of such a device is not compensated for by other devices in the event of engine failure, the landing distance shall be determined by assuming the critical engine to be inoperative.

4T.123 *Limitations and information.*

(a) *Limitations.* The performance limitations on the operation of the airplane shall be established in accordance with subparagraphs (1) through (4) of this paragraph. (See also sec. 4T.743.)

(1) *Take-off weights.* The maximum take-off weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with section 4T.120 (a), (b), and (c) for altitudes and ambient temperatures within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(2) *Landing weights.* The maximum landing weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with sections 4T.119 and 4T.120(d) for altitudes and ambient temperatures within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(3) *Take-off and accelerate-stop distances.* The minimum distances required for takeoff shall be established at which compliance is shown with the generally applicable provisions of this regulation and with sections 4T.115 and 4T.117 for weights, altitudes, temperatures, wind components, and runway gradients, within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(4) *Operational limits.* The operational limits of the airplane shall be established by the applicant for all variable factors required in showing compliance with this regulation (weight, altitude, temperature, etc.). (See secs. 4T.113(a) (1) and (b), 4T.118, 4T.121, and 4T.122.)

(b) *Information.* The performance information on the operation of the airplane shall be scheduled in compliance with the generally applicable provisions of this regulation and with sections 4T.116, 4T.121, and 4T.122 for weights, altitudes, temperatures, wind components, and runway gradients, as these may be applicable, within the operational limits of the airplane (see subparagraph (a)(4) of this section). In addition, the performance information specified in subparagraphs (1) through (3) of this paragraph shall be determined by extrapolation and scheduled for the ranges of weights between the maximum landing and maximum take-off weights established in accordance with subparagraphs (a)(1) and (a)(2) of this section. (See also sec. 4T.743.)

(1) Climb in the landing configuration (see sec. 4T.119);

(2) Climb in the approach configuration (see sec. 4T.120(d));

(3) Landing distance (see sec. 4T.122).

AIRPLANE FLIGHT MANUAL

4T.743 *Performance limitations, information, and other data.*

(a) *Limitations.* The airplanes' performance limitations shall be given in accordance with section 4T.123(a).

(b) *Information.* The performance information prescribed in section 4T.123(b) for the application of the operating rules of this regulation shall be given together with descriptions of the conditions, air speeds, etc., under which the data were determined.

(c) *Procedures.* For all stages of flight, procedures shall be given with respect to airplane configurations, power and/or thrust settings, and indicated air speeds, to the extent such procedures are related

to the limitations and information set forth in accordance with paragraphs (a) and (b) of this section.

(d) *Miscellaneous.* An explanation shall be given of significant or unusual flight or ground handling characteristics of the airplane.

3. In lieu of sections 40.70 through 40.78, 41.27 through 41.36(d), and 42.70 through 42.83, of Parts 40, 41, and 42 of the Civil Air Regulations, respectively, the following shall be applicable:

OPERATING RULES

40T.80 *Transport category airplane operating limitations.*

(a) In operating any passenger-carrying transport category airplane certificated in accordance with the performance requirements of this regulation, the provisions of sections 40T.80 through 40T.84 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) The performance data in the Airplane Flight Manual shall be applied in determining compliance with the provisions of sections 40T.81 through 40T.84. Where conditions differ from those for which specific tests were made compliance shall be determined by approved interpolation or computation of the effects of changes in the specific variables if such interpolations or computations give results substantially equalling in accuracy the results of a direct test.

40T.81 *Airplane's certificate limitations.*

(a) No airplane shall be taken off at a weight which exceeds the take-off weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the take-off. (See secs. 4T.123(a)(1) and 4T.743(a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of the airport of destination and for the ambient temperature anticipated there at the time of landing. (See secs. 4T.123(a)(2) and 4T.743(a).)

(c) No airplane shall be taken off at a weight which exceeds the weight shown in the Airplane Flight Manual to correspond with the minimum distance required for take-off on the runway to be used. The take-off distance shall correspond with the elevation of the airport, the effective runway gradient, and the ambient temperature and wind component existing at the time of take-off. (See secs. 4T.123(a)(3) and 4T.743 (a).)

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See secs. 4T.123(a)(4) and 4T.743(a).)

40T.82 *Take-off obstacle clearance limitations.* No airplane shall be taken off at a weight in excess of that shown in the Airplane Flight Manual to correspond with a take-off path which clears all obstacles either by at least a height equal to (35+0.01D) feet vertically, where D is the distance out along the intended flight path from the end of the runway in feet, or by at least 200 feet horizontally within the airport boundaries and by at

least 300 feet horizontally after passing beyond the boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances prescribed, it shall be assumed that the airplane is not banked before reaching a height of 50 feet as shown by the take-off path data in the Airplane Flight Manual, and that a maximum bank thereafter does not exceed 15 degrees. The take-off path considered shall be for the elevation of the airport, the effective runway gradient, and for the ambient temperature and wind component existing at the time of take-off. (See secs. 4T.123(b) and 4T.743(b).)

40T. 83 *En route limitations.*

(a) *One engine inoperative.* No airplane shall be taken off at a weight in excess of that which, according to the one-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit compliance with either subparagraph (1) or subparagraph (2) of this paragraph at all points along the route. The net flight path used shall be for the ambient temperatures anticipated along the route. (See secs. 4T.123(b) and 4T.743(b).)

(1) The slope of the net flight path shall be positive at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 miles on either side of the intended track.

(2) The net flight path shall be such as to permit the airplane to continue flight from the cruising altitude to an alternate airport where a landing can be made in accordance with the provisions of section 40T.84 (b), the net flight path clearing vertically by at least 2,000 feet all terrain and obstructions along the route within 5 miles on either side of the intended track. The provisions of subdivisions (i) through (vii) of this paragraph shall apply.

(i) The engine shall be assumed to fail at the most critical point along the route.

(ii) The airplanes shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix, except that the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(iii) The net flight path shall have a positive slope at 1,000 feet above the airport used as the alternate.

(iv) An approved method shall be used to account for winds which would otherwise adversely affect the flight path.

(v) Fuel jettisoning shall be permitted if the Administrator finds that the operator has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(vi) The alternate airport shall be specified in the dispatch release and shall meet the prescribed weather minima.

(vii) The consumption of fuel and oil after the engine becomes inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

(b) *Two engines inoperative.* No airplane shall be flown along an intended route except in compliance with either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90

minutes away from an airport at which a landing can be made in accordance with the provisions of section 40T.84(b), assuming all engines to be operating at cruising power.

(2) No airplane shall be taken off at a weight in excess of that which, according to the two-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit the airplane to continue flight from the point where two engines are assumed to fail simultaneously to an airport where a landing can be made in accordance with the provisions of section 40T.84(b), the net flight path having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The net flight path considered shall be for the ambient temperatures anticipated along the route. The provisions of subdivision (i) through (iii) of this subparagraph shall apply. (See secs. 4T.123(b) and 4T.743(b).)

(i) The two engines shall be assumed to fail at the most critical point along the route.

(ii) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to the airport and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

(iii) The consumption of fuel and oil after the engines become inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

40T.84 *Landing limitations.*

(a) *Airport of destination.* No airplane shall be taken off at a weight in excess of that which, in accordance with the landing distances shown in the Airplane Flight Manual for the elevation of the airport of intended destination and for the wind conditions anticipated there at the time of landing, would permit the airplane to be brought to rest at the airport of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. The weight of the airplane shall be assumed to be reduced by the weight of the fuel and oil expected to be consumed in flight to the airport of intended destination. Compliance shall be shown with the conditions of subparagraphs (1) and (2) of this paragraph. (See secs. 4T.123(b) and 4T.743(b).)

(1) It shall be assumed that the airplane is landed on the most favorable runway and direction in still air.

(2) It shall be assumed that the airplane is landed on the most suitable runway considering the probable wind velocity and direction and taking due account of the ground handling characteristics of the airplane and of other conditions (i.e., landing aids, terrain, etc.). If full compliance with the provisions of this subparagraph is not shown, the airplane may be taken off if an alternate airport is designated which permits compliance with paragraph (b) of this section.

(b) *Alternate airport.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the provisions of paragraph (a) of this section, provided that the airplane can be brought to rest within 70 percent of the effective length of the runway.

SPECIAL CIVIL AIR REGULATION NO. SR-422A

Adopted: July 2, 1958
Effective: July 2, 1958

Turbine-Powered Transport Category Airplanes of Current Design

On July 23, 1957, the Board adopted Special Civil Air Regulation No. SR-422 which sets forth airworthiness requirements applicable to the type certification and operation of turbine-powered transport category airplanes for which a type certificate is issued after August 27, 1957. Included in that regulation was a new set of performance requirements, with respect to which the Board indicated that consideration would be given to any changes found necessary as a result of further study and experience. The preamble to SR-422 contains the relevant considerations leading to its promulgation and is considered to provide the basic background for this regulation.

Since the adoption of SR-422, considerable study has been devoted to the new performance requirements by all interested parties. As a result of these studies and of further experience gained in the design, certification, and operation of turbine-powered airplanes, certain issues with respect to SR-422 require re-evaluation. This regulation reflects the resolution of most of the outstanding issues in the light of the best information presently available to the Board.

The following provisions of this regulation differ from, or are additional to, the provisions of SR-422; Introductory paragraph; item 1; sections 4T.111(c); 4T.112; 4T.114 (b), (b)(1), (b)(4), and (c); introductory paragraph of 4T.116; 4T.116 (b), (c), (e), and (g); 4T.117; 4T.117a; 4T.119; 4T.120 (a), (a)(1), (b), (b)(1), (c), (c)(2), (c)(3), (d), and (d)(3); 4T.121 (a) and (b); introductory paragraph of 4T.122; 4T.122 (b), (f), and (g); 4T.123 (a)(1), (a)(2), (a)(3), and (b); 4T.743(c); 40T.81 (b) and (c); 40T.82; 40T.83 (a)(2)(iii), (b)(2), and (b)(2)(ii); item 4; and item 5. Of these provisions, the following differ from those proposed in Civil Air Regulations Draft Release No. 58-6: sections 4T.111(c); 4T.112(a)(4); 4T.114 (b)(4), (c), (c)(2), (c)(3), and (c)(4); 4T.116 (c) and (e); 4T.117 (b)(1) and (b)(2); 4T.119(a); 4T.120(a); 40T.81(c) and 43T.11(c).

With respect to the applicability of this regulation, experience with certification under SR-422 indicates that a lead time of about two months between the date of adoption of the regulation and the date of issuance of the type certificate should provide a reasonable period of time within which to show compliance with this regulation. In view of this, and in the interest of having uniform regulations applicable to most of the turbine-powered airplanes, it is considered advisable to have this regulation apply to all such airplanes for which a type certificate is issued after September 30, 1958. Turbine-powered transport category airplanes for which a type certificate is issued on or prior to September 30, 1958, may comply with the provisions of this regulation in lieu of SR-422. If

this option is exercised, it is intended that compliance be shown with all the provisions of this regulation and it is not intended to permit a showing of compliance with portions of this regulation and portions of SR–422.

The provisions of this regulation involve the following technical issues:

A substantive change is made by introducing an all-engines-operating take-off in establishing the take-off distance. Presently, the take-off distance is based only on a one-engine-out take-off. To insure that an adequate margin of safety will exist for day-in and day-out operations, the minimum take-off distance is being related to both the one-engine-inoperative distance now prescribed and to the distance with all engines operating, with a factor of 1.15 being applied to the latter.

There are also included important changes with respect to the speeds applicable to the take-off path. The provisions of SR–422 prescribe that the airplane shall be accelerated on or near the ground to the speed V_2. This provision has been subject to varying interpretations having a marked difference in effect on the resultant level of performance. The issue in this matter is whether or not the airplane should be permitted to lift off the runway at some speed below V_2. Because of the increased acceleration of turbine-powered airplanes, the tendency to overshoot the lift-off speed will be greater than on piston-engine airplanes and this tendency increases with the reduction in weight of the airplane. To restrict lift-off to the minimum take-off safety speed V_2 would unduly extend the take-off distance in cases where such overshooting of speed occurs. Such a restriction would be unnecessarily conservative and would not reflect realistic take-off procedures. For these reasons this regulation permits the airplane to lift off the ground at a speed lower than the V_2 speed, but prescribes certain limiting conditions. The lift-off speed is related to a rotational speed V_R which must not be less than 95 percent of the minimum V_2 speed and must be 10 percent greater than a speed at which no hazardous characteristics are displayed by the airplane, such as a relatively high drag condition or a ground stall. The V_2 speed has been re-defined to take into account the increment in speed arising from overshoot tendencies. Under the new definition, the minimum V_2 speed corresponds with the minimum take-off safety speed as now defined in SR–422. With respect to the take-off path, the V_2 speed is required to be attained prior to reaching a height of 35 feet above the take-off surface and thus is related to the selection of the rotational speed. Further, there is a revision which requires V_2 to be maintained as close as practicable at a constant value from the 35-foot point to a height of 400 feet above the take-off surface. This speed is the speed at which the prescribed minimum take-off gradients must be met.

There is introduced in this regulation the concept of unbalanced take-off field lengths. SR–422 does not preclude unbalancing of field lengths, provided that the unbalancing is within the length of the runway. Other countries have employed unbalancing with respect to so-called "stopways" and "clearways." It appears that United States operators ultimately will find it advantageous to resort to the use of unbalancing, but probably not to the same extent as practiced in other countries. On the premise that only clearways will be utilized, the amendments have been formulated accordingly. Clearways, as defined herein, are areas not suitable

for stopping the airplane in the event of an aborted take-off, but adequate to provide additional take-off distance for climb-out. To safeguard operations utilizing clearways, there is introduced the concept of a take-off run which operationally relates to the determination of the minimum runway length required. The take-off run is defined as the greater of the horizontal distances along the take-off path to a given point with one engine inoperative or with all engines operating, with a margin of 15 percent being added to the latter. The take-off run is measured from the beginning of take-off to a point equidistant between the point where the airplane lifts off and the point where a height of 35 feet is reached. The required runway length must not be less than the take-off run nor less than the accelerate stop distance.

According to the definition given, a clearway is subjected to the control of the airport authorities. It is not intended, however, that there be ownership by the airport authorities of the area in which the clearway lies. The objective for requiring control by the airport authorities is to insure that no flight will be initiated using a clearway unless it is determined with certainty that no movable obstacle will exist within the clearway when the airplane flies over.

It is anticipated that the introduction of clearways will offer further possibilities of increasing the utility of existing airport facilities in this country. When such areas can be integrated into existing facilities, economical benefits will accrue to the community and the operators. In addition, since clearways are presently available at some of the airports in other countries, United States operators will have the opportunity of taking advantage of such facilities.

There are included changes with respect to the prescribed minimum altitude of 1,000 feet relative to the take-off path and to the one-engine-inoperative and two-engine-inoperative requirements applicable to the vicinity of the airport. Heretofore, the Civil Air Regulations have incorporated the reference altitude of 1,000 feet in respect of performance criteria over the airport. Obscure as is the significance of this altitude operationally, the altitude of 1,500 feet has worldwide precedent of being used as the altitude above the airport at which, generally, IFR approaches are initiated and go-around procedures executed. For this reason, the changes made extend the take-off path to a minimum altitude of 1,500 feet and make this altitude applicable to the prescribed performance criteria above the airport for the one- and two-engine-inoperative en route requirements. It is not anticipated that these changes will create any problems with respect to the en route stages of flight; however, it is realized that a further extension of the take-off path might add to the problem of obtaining accurate data on obstacles relatively distant from the airport. The Board finds that the extension of the flight path to 1,500 feet is warranted in light of the operational significance of this altitude and because the extended flight paths will provide more fully for adequate terrain clearance at the end of the take-off path.

There is included a change with respect to the take-off path whereby the take-off flight path is established as starting from a 35-foot height at the end of the take-off distance and a net take-off flight is prescribed for operational use. This latter change is for consistency with the specification of net flight paths for the en route stages of flight and to simplify

determination of obstacle clearances operationally. The net flight path is specified to be the actual flight path diminished by a gradient of 1.0 percent. It is intended that the net flight path be obtained from the gross flight path by simple geometric means.

The change in the altitude from 1,000 to 1,500 feet previously mentioned, as well as a re-evaluation in other respects of some of the climb gradients in SR-422, justify certain changes. The gradients of 1.4 and 1.8 applicable to the take-off path and the final take-off climb are being reduced to 1.2 and 1.7 for two-engine and four-engine airplanes, respectively. In addition, the gradients of 1.4 and 1.8 in the one-engine-inoperative en route case are being reduced to 1.1 and 1.6, respectively.

Changes are made with respect to the one-engine-inoperative take-off climb by interrelating more realistically the prescribed airplane configuration, weight, and power. These changes, in effect, permit meeting the prescribed gradients of climb at slightly higher airplane weights than would be possible under the presently effective provisions.

There is included a change to the provisions applicable to the one-engine-inoperative take-off climb with landing gear extended which increases the prescribed minimum gradient from substantially zero to 0.5 percent for four-engine airplanes. This change is made to attain consistency in the difference between gradients applicable to twins and fours.

Changes are incorporated in connection with the two-engine-inoperative en route requirement. Representations have been made that the gradient of 0.6 percent now prescribed is unduly conservative. On the other hand, it has been pointed out that the fuel requirements for this case are not realistically covered. Both of these contentions warrant consideration and changes are included which reduce the margin gradient from 0.6 to 0.5 percent, reduce the prescribed altitude from 5,000 to 2,000 feet, and require scheduling the flight so that there is sufficient fuel on board to reach the airport and subsequently to fly for 15 minutes at cruise power or thrust.

Changes are also made relative to the approach and landing stages of flight. There is a new provision which requires the establishment of procedures for the execution of missed approaches and balked landings. A question has been raised as to whether the speed limitation of 1.5 V_s applicable to the approach condition is realistically related to the normal day-in and day-out landing procedures. To insure that it will be so related, it is required that the speed used for demonstrating the approach climb be established consistent with the landing procedures, but that it not exceed 1.5 V_s. In addition, the approach gradient of 2.8 percent prescribed for four-engine airplanes is being reduced to 2.7 percent to obtain consistency in the differences between gradients applicable to twins and fours.

A change is made to the "all-engines-operating landing climb" provisions which now require a 4.0 percent gradient of climb in the landing configuration. On the premise that requiring the landing configuration during the climb after a balk is unduly conservative, consideration was given to a proposal to permit showing of compliance with the 4.0 percent gradient of climb in the configuration which would exist 5 seconds after the initiation of the climb. Further study of this proposal indicated that such a rule would tend to introduce complications in design and lead to

less favorable operating procedures which ultimately would not contribute to safety. One of the most important factors in connection with this configuration is the response of the engines to throttle movement. Therefore, there is a provision which requires that the power used in showing compliance with the climb gradient be that power or thrust attained 8 seconds after initiation of movement of the power controls to the take-off position from the minimum flight idle position. In addition, for consistency with the procedures used for determining the landing distance, the speed limitation of 1.4 V_s is reduced to 1.3 V_s. Concern has been indicated to the effect that any reduction in the prescribed gradient of 4.0 percent might not insure in all cases the ability of the airplane to continue a safe climb after a balk. To provide a further safeguard, the take-off weight-altitude-temperature limitations (WAT limitations stemming from the application of the one-engine-inoperative take-off climb requirements) are being made applicable to the maximum landing weight at the airport of landing. In the past, the landing weight limitations were applicable to the airport of destination but not to the weather alternates. This regulation makes both the take-off weight and landing weight limitations equally applicable to the airport of destination and the weather alternates. In view of the aforementioned changes, a reduction of the required climb gradient from 4.0 to 3.2 percent is justified and included in this regulation.

In addition to the substantive changes which have been discussed, there are three significant changes of a clarifying nature. The first deals with the determination of the landing distance as affected by devices or means other than wheel brakes. There is included a provision similar to the one applicable to the accelerate-stop distance for application to the landing distance. This provision permits the use of means other than wheel brakes in the determination of the landing distance. Additionally, there is a change to the provision which requires in some cases the determination of the landing distance with one engine inoperative. It is believed that the new requirement expresses the intent more clearly. One of the more obvious applications of this provision is in respect of turbopropeller airplanes. Such airplanes usually are landed with the propellers in a relatively high drag position. If one of the engines becomes inoperative, its propeller would be expected to be in a relativly low drag position with the consequence of a longer landing distance than with all engines operating. In such a case it is required that the landing distance be determined with one engine inoperative unless use could be made by the crew of other means (e.g., reverse thrust not otherwise considered in determining the landing distance) which would reduce the landing distance at least to that determined for all-engine operation.

The second clarification being included deals with the provision setting forth the procedures which must be included in the Airplane Flight Manual. This provision in SR–422 does not make clear what procedures are involved and whether the procedures are considered to be limitations on the operation of the airplane. The clarification in language specifies that the procedures which are included with the performance limitations shall be considered only as guidance material.

The third clarification concerns the applicability of the performance limitations prescribed in SR–422. These consist of the "certificate limita-

tions" and the "operating limitations." The former relate to maximum take-off and landing weights, minimum take-off distances, accelerate-stop distances, and the operational limits imposed upon the airplane. These limitations, being part of the conditions of the type and airworthiness certificates, must be complied with at all times irrespective of the type of operation being conducted (e.g., air carrier, private, cargo). The "operating limitations," distinct from the "certificate limitations," are only applicable when required by the operating parts of the regulations (Parts 40, 41, and 42 require compliance for passenger operations). Although it appeared that previous Board pronouncements regarding this general principle as well as the explanation contained in the preamble to SR–422 would make the issue quite clear, it has come to the Board's attention that there is still some misunderstanding of this matter. Apparently this misunderstanding stems from the fact that SR–422 prescribes operating rules for air carrier operations which contain both the "certificate limitations" and the "operating limitations" while no prescription is given to non-air-carrier operations; thus giving an impression that not even the "certificate limitations" are applicable to non-air-carriers. The inclusion of "certificate limitations" for air carrier operations with the "operating limitations" was meant only to provide the operators with the convenience of having together the complete prescription of the applicable performance limitations, notwithstanding that such an inclusion, in fact, duplicates the general requirement of compliance with the "certificate limitations" contained in the Airplane Flight Manual. In view of the possible misunderstanding which might exist from the aforementioned inclusion, there are included in this regulation the same "certificate limitations" for application to all operations under the provisions of Part 43 of the Civil Air Regulations.

In addition, other changes of a minor nature are included herein, the most significant of which is the generalization of the stall speed V_s, eliminating reference to V_{s_0} and V_{s1}.

Of the changes to SR–422 made in this regulation, there are a number which might require further consideration as studies continue and as additional experience is gained with the application of these new rules. Several of these involve new concepts with which U.S. operators have had little or no experience. These entail the requirements relative to unbalanced field lengths with respect to clearways, to the rotational speed, and to the all-engine take-off distance. Strong representation has been made to the Board to the effect that the numerical factors applicable to the aforementioned rules are too high and should be reduced pending further experience. The Board considers that it would not be in the public interest to reduce any of these factors until such time as further experience indicates that they are in fact overly conservative. Realizing, however, that these issues are of considerable importance in prescribing a practicable level of performance, the Board stands ready to reconsider the relevant provisions of this regulation at such time as substantiating information is received.

There are areas other than those previously mentioned where additional refinement of details may be advisable. This is so particularly in the case of the requirements pertaining to the landing stage of flight, to the take-off lateral clearances, and to the two-engine-inoperative en route

gradient margin. It is anticipated that, after further study of the regulation and especially after its application in the design, certification, and operation of forthcoming turbine-powered airplanes, the desirability of changes may become more apparent. It is the intent of the Board to consider without delay such changes as might be found necessary. Only after the provisions of this Special Civil Air Regulation are reasonably verified by practical application will the Board consider incorporating them on a more permanent basis into Parts 4b, 40, 41, 42, and 43 of the Civil Air Regulations.

This Special Civil Air Regulation is not intended to compromise the authority of the Administrator under section 4b.10 to impose such special conditions as he finds necessary in any particular case to avoid unsafe design features and otherwise to insure equivalent safety.

Interested persons have been afforded an opportunity to participate in the making of this regulation (23 F.R. 2139), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 2, 1958:

Contrary provisions of the Civil Air Regulations notwithstanding, all turbine-powered transport category airplanes for which a type certificate is issued after August 27, 1957, shall comply with Special Civil Air Regulation No. SR–422 or, alternatively, with the following provisions, except that those airplanes for which a type certificate is issued after September 30, 1958, shall comply with the following provisions:

1. The provisions of Part 4b of the Civil Air Regulations, effective on the date of application for type certificate; and such of the provisions of all subsequent amendments to Part 4b, in effect prior to August 27, 1957, as the Administrator finds necessary to insure that the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

2. In lieu of sections 4b.110 through 4b.125, and 4b.743 of Part 4b of the Civil Air Regulations, the following shall be applicable:

PERFORMANCE

4T.110 *General.*

(a) The performance of the airplane shall be determined and scheduled in accordance with, and shall meet the minima prescribed by, the provisions of sections 4T.110 through 4T.123. The performance limitations, information, and other data shall be given in accordance with section 4T.743.

(b) Unless otherwise specifically prescribed, the performance shall correspond with ambient atmospheric conditions and still air. Humidity shall be accounted for as specified in paragraph (c) of this section.

(c) The performance as affected by engine power and/or thrust shall be based on a relative humidity of 80 percent at and below standard temperatures and on 34 percent at and above standard temperatures plus 50° F. Between these two temperatures the relative humidity shall vary linearly.

(d) The performance shall correspond with the propulsive thrust available under the particular ambient atmospheric conditions, the particular flight condition, and the relative humidity specified in paragraph (c) of this section. The available propulsive thrust shall correspond with engine power and/or thrust not exceeding the approved power and/or thrust less the installational losses and less the power and/or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

4T.111 *Airplane configuration, speed, power, and/or thrust; general.*

(a) The airplane configuration (setting of wing and cowl flaps, air brakes, landing gear, propeller, etc.), denoted respectively as the take-off, en route, approach, and landing configurations, shall be selected by the applicant except as otherwise prescribed.

(b) It shall be acceptable to make the airplane configurations variable with weight, altitude, and temperature, to an extent found by the Administrator to be compatible with operating procedures required in accordance with paragraph (c) of this section.

(c) In determining the accelerate-stop distances, take-off flight paths, take-off distances, and landing distances, changes in the airplane's configuration and speed, and in the power and/or thrust shall be in accordance with procedures established by the applicant for the operation of the airplane in service, except as otherwise prescribed. In addition, procedures shall be established for the execution of balked landings and missed approaches associated with the conditions prescribed in sections 4T.119 and 4T.120(d), respectively. All procedures shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The Administrator shall find that the procedures can be consistently executed in service by crews of average skill.

(2) The procedures shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(3) Allowance shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

4T.112 *Stalling speeds.*

(a) The speed V_s shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Zero thrust at the stalling speed, or engines idling and throttles closed if it is shown that the resultant thrust has no appreciable effect on the stalling speed;

(2) If applicable, propeller pitch controls in the position necessary for compliance with subparagraph (1) of this paragraph; the airplane in all other respects (flaps, landing gear, etc.) in the particular configuration corresponding with that in connection with which V_s is being used;

(3) The weight of the airplane equal to the weight in connection with which V_s is being used to determine compliance with a particular requirement;

(4) The center of gravity in the most unfavorable position within the allowable range.

(b) The stall speed defined in this section shall be the minimum speed obtained in flight tests conducted in accordance with the procedure of subparagraphs (1) and (2) of this paragraph.

(1) With the airplane trimmed for straight flight at a speed of 1.4 V_s and from a speed sufficiently above the stalling speed to insure steady conditions, the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed one knot per second.

(2) During the test prescribed in subparagraph (1) of this paragraph, the flight characteristics provisions of section 4b.160 of Part 4b of the Civil Air Regulations shall be complied with.

4T.113 *Take-off; general.*

(a) The take-off data in sections 4T.114 through 4T.117 shall be determined under the conditions of subparagraphs (1) and (2) of this paragraph.

(1) At all weights, altitudes, and ambient temperatures within the operational limits established by the applicant for the airplane.

(2) In the configuration for take-off (see sec. 4T.111).

(b) Take-off data shall be based on a smooth, dry, hard-surfaced runway and shall be determined in such a manner that reproduction of the performance does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the take-off surface shall be smooth water, while for skiplane it shall be smooth dry snow. In addition, the take-off data shall be corrected in accordance with subparagraphs (1) and (2) of this paragraph for wind and for runway gradients within the operational limits established by the applicant for the airplane.

(1) Not more than 50 percent of nominal wind components along the take-off path opposite to the direction of take-off, and not less than 150 percent of nominal wind components along the take-off path in the direction of take-off.

(2) Effective runway gradients.

4T.114 *Take-off speeds.*

(a) The critical-engine-failure speed V_1, in terms of calibrated air speed, shall be selected by the applicant, but shall not be less than the minimum speed at which controllability by primary aerodynamic controls alone is demonstrated during the take-off run to be adequate to permit proceeding safely with the take-off using average piloting skill, when the critical engine is suddenly made inoperative.

(b) The take-off safety speed V_2, in terms of calibrated air speed, shall be selected by the applicant so as to permit the gradient of climb required in section 4T.120 (a) and (b), but it shall not be less than:

(1) 1.2 V_s for two-engine propeller-driven airplanes and for airplanes without propellers which have no provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(2) 1.15 V_s for propeller-driven airplanes having more than two engines and for airplanes without propellers which have provisions for obtaining a significant reduction in the one-engine-inoperatve power-on stalling speed;

(3) 1.10 times the minimum control speed V_{MC}, established in accordance with section 4b.133 of Part 4b of the Civil Air Regulations;

(4) The rotation speed V_R plus the increment in speed attained in compliance with section 4T.116(e).

(c) The minimum rotation speed V_R, in terms of calibrated air speed, shall be selected by the applicant, except that it shall not be less than:

(1) The speed V_1;

(2) A speed equal to 95 percent of the highest speed obtained in compliance with subparagraph (1) or (2), whichever is applicable, and with subparagraph (3) of paragraph (b) of this section;

(3) A speed which permits the attainment of the Speed V_2 prior to reaching a height of 35 feet above the take-off surface as determined in accordance with section 4T.116(e);

(4) A speed equal to 110 percent of the minimum speed above which the airplane, with all engines operating, can be made to lift off the ground and to continue the take-off without displaying any hazardous characteristics.

4T.115 *Accelerate-stop distance.*

(a) The accelerate-stop distance shall be the sum of the following:

(1) The distance required to accelerate the airplane from a standing start to the speed V_1;

(2) Assuming the critical engine to fail at the speed V_1, the distance required to bring the airplane to a full stop from the point corresponding with the speed V_1.

(b) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the accelerate-stop distance, provided that such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airplane.

(c) The landing gear shall remain extended throughout the accelerate-stop distance.

4T.116 *Take-off path.* The take-off path shall be considered to extend from the standing start to a point in the take-off where a height of 1,500 feet above the take-off surface is reached or to a point in the take-off where the transition from the take-off to the en route configuration is completed and a speed is reached at which compliance with section 4T.120(c) is shown, whichever point is at a higher altitude. The conditions of paragraphs (a) through (i) of this section shall apply in determining the take-off path.

(a) The take-off path shall be based upon procedures prescribed in accordance with section 4T.111(c).

(b) The airplane shall be accelerated on the ground to the speed V_1 at which point the critical engine shall be made inoperative and shall remain inoperative during the remainder of the take-off. Subsequent to attaining speed V_1, the airplane shall be accelerated to speed V_2 during which time it shall be permissible to initiate raising the nose gear off the ground at a speed not less than the rotation speed V_R.

(c) Landing gear retraction shall not be initiated until the airplane becomes airborne.

(d) The slope of the airborne portion of the take-off path shall be positive at all points.

(e) The airplane shall attain the speed V_2 prior to reaching a height of 35 feet above the take-off surface and shall continue at a speed as close as practical to, but not less than, V_2 until a height of 400 feet above the take-off surface is reached.

(f) Except for gear retraction and propeller feathering, the airplane configuration shall not be changed before reaching a height of 400 feet above the take-off surface.

(g) At all points along the take-off path starting at the point where the airplane first reaches a height of 400 feet above the take-off surface, the available gradient of climb shall not be less than 1.2 percent for two-engine airplanes and 1.7 percent for four-engine airplanes.

(h) The take-off path shall be determined either by a continuous demonstrated take-off, or alternatively, by synthesizing from segments the complete take-off path.

(i) If the take-off path is determined by the segmental method, the provisions of subparagraphs (1) through (4) of this paragraph shall be specifically applicable.

(1) The segments of a segmental take-off path shall be clearly defined and shall be related to the distinct changes in the configuration of the airplane, in power and/or thrust, and in speed.

(2) The weight of the airplane, the configuration, and the power and/or thrust shall be constant throughout each segment and shall correspond with the most critical condition prevailing in the particular segment.

(3) The segmental flight path shall be based on the airplane's performance without ground effect.

(4) Segmental take-off path data shall be checked by continuous demonstrated take-offs to insure that the segmental path is conservative relative to the continuous path.

4T.117 *Take-off distance and take-off run.*

(a) *Take-off distance.* The take-off distance shall be the greater of the distances established in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The horizontal distance along the take-off path from the start of the take-off to the point where the airplane attains a height of 35 feet above the take-off surface, as determined in accordance with section 4T.116.

(2) A distance equal to 115 percent of the horizontal distance along the take-off path, with all engines operating, from the start of the take-off to the point where the airplane attains a height of 35 feet above the take-off surface, as determined by a procedure consistent with that established in accordance with section 4T.116.

(b) *Take-off run.* If the take-off distance is intended to include a clearway (see item 5 of this regulation), the take-off run shall be determined and shall be the greater of the distances established in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The horizontal distance along the take-off path from the start of the take-off to a point equidistant between the point where the airplane first becomes airborne and the point where it attains a height of 35 feet above the take-off surface, as determined in accordance with section 4T.116.

(2) A distance equal to 115 percent of the horizontal distance along the take-off path, with all engines operating, from the start of the take-off to a point equidistant between the point where the airplane first becomes airborne and the point where it attains a height of 35 feet above the take-off surface, as determined by a procedure consistent with that established in accordance with section 4T.116.

4T.117a *Take-off flight path.*

(a) The take-off flight path shall be considered to begin at a height of 35 feet above the take-off surface at the end of the take-off distance as determined in accordance with section 4T.117(a).

(b) The net take-off flight path data shall be determined in such a manner that they represent the airplane's actual take-off flight paths, determined in accordance with paragraph (a) of this section, diminished by a gradient of climb equal to 1.0 percent.

4T.118 *Climb; general.* Compliance shall be shown with the climb requirements of sections 4T.119 and 4T.120 at all weights, altitudes, and ambient temperatures, within the operational limits established by the applicant for the airplane. The airplane's center of gravity shall be in the most unfavorable position corresponding with the applicable configuration.

4T.119 *All-engine-operating landing climb.* In the landing configuration the steady gradient of climb shall not be less than 3.2 percent, with:

(a) All engines operating at the power and/or thrust which is available 8 seconds after initiation of movement of the power and/or thrust controls from the minimum flight idle to the take-off position;

(b) A climb speed not in excess of 1.3 V_s.

4T.120 *One-engine-inoperative climb.*

(a) *Take-off; landing gear extended.* In the take-off configuration existing at the point of the flight path where the airplane first becomes airborne, in accordance with section 4T.116 but without ground effect, the steady gradient of climb shall be positive for two-engine airplanes and shall not be less than 0.5 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust existing in accordance with section 4T.116 at the time retraction of the airplane's landing gear is initiated, unless subsequently a more critical power operating condition exists along the flight path prior to the point where the landing gear is fully retracted;

(2) The weight equal to the airplane's weight existing in accordance with section 4T.116 at the time retraction of the airplane's landing gear is initiated;

(3) The speed equal to the speed V_2.

(b) *Take-off; landing gear retracted.* In the take-off configuration existing at the point of the flight path where the airplane's landing gear is fully retracted, in accordance with section 4T.116 but without ground effect, the steady gradient of climb shall not be less than 2.5 percent for two-engine airplanes and not less than 3.0 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust existing in accordance with section 4T.116 at the time the landing gear is fully retracted, unless subsequently a more critical power operating condition exists along the flight path prior to the point where a height of 400 feet above the take-off surface is reached;

(2) The weight equal to the airplane's weight existing in accordance with section 4T.116 at the time the airplane's landing gear is fully retracted;

(3) The speed equal to the speed V_2.

(c) *Final take-off.* In the en route configuration, the steady gradient of climb shall not be less than 1.2 percent for two-engine airplanes and not less than 1.7 percent for four-engine airplanes, at the end of the take-off path as determined by section 4T.116, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust;

(2) The weight equal to the airplane's weight existing in accordance with section 4T.116 at the end of the take-off path;

(3) The speed equal to not less than 1.25 V_s.

(d) *Approach.* In the approach configuration such that the corresponding V_s for this configuration does not exceed 110 percent of the V_s corresponding with the related landing configuration, the steady gradient of climb shall not be less than 2.2 percent for two-engine airplanes and not less than 2.7 percent for four-engine airplanes with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust;

(2) The weight equal to the maximum landing weight;

(3) A climb speed established by the applicant in connection with normal landing procedures, except that it shall not exceed 1.5 V_s (see sec. 4T.111(c)).

4T.121 *En route flight paths.* With the airplane in the en route configuration, the flight paths prescribed in paragraphs (a) and (b) of this section shall be determined at all weights, altitudes, and ambient temperatures within the limits established by the applicant for the airplane.

(a) *One engine inoperative.* The one-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 1.1 percent for two-engine airplanes and 1.6 percent for four-engine airplanes. It shall be acceptable to include in these data the varia-

tion of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engine(s).

(b) *Two engines inoperative.* For airplanes with four engines, the two-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 0.5 percent. It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engines.

(c) *Conditions.* In determining the flight paths prescribed in paragraphs (a) and (b) of this section, the conditions of subparagraphs (1) through (4) of this paragraph shall apply.

(1) The airplane's center of gravity shall be in the most unfavorable position.

(2) The critical engine(s) shall be inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust.

(3) Means for controlling the engine cooling air supply shall be in the position which provides adequate cooling in the hot-day condition.

(4) The speed shall be selected by the applicant.

4T.122 *Landing distance.* The landing distance shall be the horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 knots in the case of seaplanes or float planes) from a point at a height of 50 feet above the landing surface. Landing distances shall be determined for standard temperatures at all weights, altitudes, and winds within the operational limits established by the applicant for the airplane. The conditions of paragraphs (a) through (g) of this section shall apply.

(a) The airplane shall be in the landing configuration. During the landing, changes in the airplane's configuration, in power and/or thrust, and in speed shall be in accordance with procedures established by the applicant for the operation of the airplane in service. The procedures shall comply with the provisions of section 4T.111(c).

(b) The landing shall be preceded by a steady gliding approach down to the 50-foot height with a calibrated air speed of not less than 1.3 V_s.

(c) The landing distance shall be based on a smooth, dry, hard-surfaced runway, and shall be determined in such a manner that reproduction does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the landing surface shall be smooth water, while for skiplanes it shall be smooth dry snow. During landing, the airplane shall not exhibit excessive vertical acceleration, a tendency to bounce, nose over, ground loop, porpoise, or water loop.

(d) The landing distance shall be corrected for not more than 50 percent of nominal wind components along the landing path opposite to the direction of landing and not less than 150 percent of nominal wind components along the landing path in the direction of landing.

(e) During landing, the operating pressures on the wheel brak-

ing system shall not be in excess of those approved by the manufacturer of the brakes, and the wheel brakes shall not be used in such a manner as to produce excessive wear of brakes and tires.

(f) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the landing distance, provided such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airplane.

(g) If the characteristics of a device (e.g., the propellers) dependent upon the operation of any of the engines noticeably increase the landing distance when the landing is made with the engine inoperative, the landing distance shall be determined with the critical engine inoperative unless the Administrator finds that the use of compensating means will result in a landing distance not greater than that attained with all engines operating.

4T.123 *Limitations and information.*

(a) *Limitations.* The performance limitations on the operation of the airplane shall be established in accordance with subparagraphs (1) through (4) of this paragraph. (See also sec. 4T.743.)

(1) *Take-off weights.* The maximum take-off weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with the take-off climb provisions prescribed in section 4T.120 (a), (b), and (c) for altitudes and ambient temperatures within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(2) *Landing weights.* The maximum landing weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with the landing and take-off climb provisions prescribed in sections 4T.119 and 4T.120 for altitudes and ambient temperatures within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(3) *Accelerate-stop distance, take-off distance, and take-off run.* The minimum distances required for take-off shall be established at which compliance is shown with the generally applicable provisions of this regulation and with sections 4T.115 and 4T.117(a), and with 4T.117(b) if the take-off distance is intended to include a clearway, for weights, altitudes, temperatures, wind components, and runway gradients, within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(4) *Operational limits.* The operational limits of the airplane shall be established by the applicant for all variable factors required in showing compliance with this regulation (weight, altitude, temperature, etc.). (See secs. 4T.113 (a)(1) and (b), 4T.118, 4T.121, and 4T.122.)

(b) *Information.* The performance information on the operation of the airplane shall be scheduled in compliance with the generally applicable provisions of this regulation and with sections 4T.117a(b), 4T.121, and 4T.122 for weights, altitudes, temperatures, wind components, and runway gradients, as these may be applicable, within the operational limits of the airplane (see subparagraph (a)(4) of this section). In addition, the

performance information specified in subparagraphs (1) through (3) of this paragraph shall be determined by extrapolation and scheduled for the ranges of weights between the maximum landing and maximum take-off weights established in accordance with subparagraphs (a)(1) and (a)(2) of this section. (See also sec. 4T.743.)

(1) Climb in the landing configuration (see sec. 4T.119);

(2) Climb in the approach configuration (see sec. 4T.120(d));

(3) Landing distance (see sec. 4T.122).

AIRPLANE FLIGHT MANUAL

4T.743 *Performance limitations, information, and other data.*

(a) *Limitations.* The airplane's performance limitations shall be given in accordance with section 4T.123(a).

(b) *Information.* The performance information prescribed in section 4T.123(b) for the application of the operating rules of this regulation shall be given together with descriptions of the conditions, air speeds, etc., under which the data were determined.

(c) *Procedures.* Procedures established in accordance with section 4T.111(c) shall be given to the extent such procedures are related to the limitations and information set forth in accordance with paragraphs (a) and (b) of this section. Such procedures, in the form of guidance material, shall be included with the relevant limitations or information, as applicable.

(d) *Miscellaneous.* An explanation shall be given of significant or unusual flight or ground handling characteristics of the airplane.

3. In lieu of sections 40.70 through 40.78, 41.27 through 41.36(d), and 42.70 through 42.83, of Parts 40, 41, and 42 of the Civil Air Regulations, respectively, the following shall be applicable:

OPERATING RULES

40T.80 *Transport category airplane operating limitations.*

(a) In operating any passenger-carrying transport category airplane certificated in accordance with the performance requirements of this regulation, the provisions of sections 40T.80 through 40T.84 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) The performance data in the Airplane Flight Manual shall be applied in determining compliance with the provisions of sections 40T.81 through 40T.84. Where conditions differ from those for which specific tests were made, compliance shall be determined by approved interpolation or computation of the effects of changes in the specific variables if such interpolations or computations give results substantially equalling in accuracy the results of a direct test.

40T.81 *Airplane's certificate limitations.*

(a) No airplane shall be taken off at a weight which exceeds the take-off weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the take-off. (See secs. 4T.123(a)(1) and 4T.743(a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination and to the alternate airports, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures anticipated at the time of landing. (See secs. 4T.123(a)(2) and 4T.743(a).

(c) No airplane shall be taken off at a weight which exceeds the weight shown in the Airplane Flight Manual to correspond with the minimum distances required for take-off. These distances shall correspond with the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of take-off. (See secs. 4T.123(a)(3) and 4T.743(a).) If the take-off distance includes a clearway as defined in Item 5 of this regulation, the take-off distance shall not include a clearway distance greater than one-half of the take-off run.

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See secs. 4T.123(a)(4) and 42.743(a).)

40T.82 *Take-off obstacle clearance limitations.* No airplane shall be taken off at a weight in excess of that shown in the Airplane Flight Manual to correspond with a net take-off flight path which clears all obstacles either by at least a height of 35 feet vertically or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond the boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances prescribed, it shall be assumed that the airplane is not banked before reaching a height of 50 feet as shown by the take-off path data in the Airplane Flight Manual, and that a maximum bank thereafter does not exceed 15 degrees. The take-off path considered shall be for the elevation of the airport, the effective runway gradient, and for the ambient temperature and wind component existing at the time of take-off. (See secs. 4T.123(b) and 4T.743(b).)

40T.83 *En route limitations.*

(a) *One engine inoperative.* No airplane shall be taken off at a weight in excess of that which, according to the one-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit compliance with either subparagraph (1) or subparagraph (2) of this paragraph at all points along the route. The net flight path used shall be for the ambient temperatures anticipated along the route. (See secs. 4T.123(b) and 4T.743(b).)

(1) The slope of the net flight path shall be positive at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 miles on either side of the intended track.

(2) The net flight path shall be such as to permit the airplane to continue flight from the cruising altitude to an alternate airport where a landing can be made in accordance with the provisions of section 40T.84(b), the net flight path clearing vertically by at least 2,000 feet all terrain and obstructions along the route within 5 miles on either side of the intended track. The provisions of subdivisions (i) through (vii) of this subparagraph shall apply.

(i) The engine shall be assumed to fail at the most critical point along the route.

(ii) The airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix, except that the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(iii) The net flight path shall have a positive slope at 1,500 feet above the airport used as the alternate.

(iv) An approved method shall be used to account for winds which would otherwise adversely affect the flight path.

(v) Fuel jettisoning shall be permitted if the Administrator finds that the operator has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(vi) The alternate airport shall be specified in the dispatch release and shall meet the prescribed weather minima.

(vii) The consumption of fuel and oil after the engine becomes inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

(b) *Two engines inoperative.* No airplane shall be flown along an intended route except in compliance with either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90 minutes away from an airport at which a landing can be made in accordance with the provisions of section 40T.84(b), assuming all engines to be operating at cruising power.

(2) No airplane shall be taken off at a weight in excess of that which, according to the two-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit the airplane to continue flight from the point where two engines are assumed to fail simultaneously to an airport where a landing can be made in accordance with the provisions of section 40T.84(b), the net flight path having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 miles on either side of the intended track or at an altitude of 2,000 feet, whichever is higher. The net flight path considered shall be for the ambient temperatures anticipated along the route. The provisions of subdivisions (i) through (iii) of this subparagraph shall apply. (See secs. 4T.123(b) and 4T.743(b).)

(i) The two engines shall be assumed to fail at the most critical point along the route.

(ii) The airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to the airport and to arrive there at an altitude of at least 1,500 feet directly over the landing area and thereafter to fly for 15 minutes at cruise power and/or thrust.

(iii) The consumption of fuel and oil after the engines become inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

40T.84 *Landing limitations.*

(a) *Airport of destination.* No airplane shall be taken off at a weight in excess of that which, in accordance with the landing distances shown in the Airplane Flight Manual for the elevation of the airport of intended destination and for the wind conditions anticipated there at the time of landing, would permit the airplane to be brought to rest at the airport of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. The weight of the airplane shall be assumed to be reduced by the weight of the fuel and oil expected to be consumed in flight to the airport of intended destination. Compliance shall be shown with the conditions of subparagraphs (1) and (2) of this paragraph. (See secs. 4T.123(b) and 4T.743(b).)

(1) It shall be assumed that the airplane is landed on the most favorable runway and direction in still air.

(2) It shall be assumed that the airplane is landed on the most suitable runway considering the probable wind velocity and direction and taking due account of the ground handling characteristics of the airplane and of other conditions (i.e., landing aids, terrain, etc.). If full compliance with the provisions of this subparagraph is not shown, the airplane may be taken off if an alternate airport is designated which permits compliance with paragraph (b) of this section.

(b) *Alternate airport.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the provisions of paragraph (a) of this section, provided that the airplane can be brought to rest within 70 percent of the effective length of the runway.

4. In lieu of section 43.11 of Part 43 of the Civil Air Regulations, the following shall be applicable:

43T.11 *Transport category airplane weight limitations.* The performance data in the Airplane Flight Manual shall be applied in determining compliance with the following provisions:

(a) No airplane shall be taken off at a weight which exceeds the take-off weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the take-off. (See secs. 4T.123(a)(1) and 4T.743(a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination and to the alternate airports, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures anticipated at the time of landing. (See secs. 4T.123(a)(2) and 4T.743(a).)

(c) No airplane shall be taken off at a weight which exceeds the weight shown in the Airplane Flight Manual to correspond with the minimum distances required for take-off. These distances shall correspond with the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of take-off. (See secs. 4T.123(a)(3) and 4T.743(a).) If the take-off distance includes a clearway as defined in Item 5 of this regulation, the take-off distance shall not include a clearway distance greater than one-half of the take-off run.

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See secs. 4T.123(a)(4) and 4T.743(a).)

5. The following definitions shall apply:

Clearway. **A clearway is an area beyond the airport runway not less than 300 feet on either side of the extended center line of the runway, at an elevation no higher than the elevation at the end of the runway, clear of all fixed obstacles, and under the control of the airport authorities.**

SPECIAL CIVIL AIR REGULATION NO. SR–422B

(As amended by Amendment No. 1, issued Dec. 10, 1962, effective Jan. 15, 1963, published in 27 F.R. 12399, Dec. 14, 1962, and Amendment No. 2, issued Dec. 20, 1962, effective Dec. 20, 1962, published in 27 F.R. 12926, Dec. 29, 1962.)

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Turbine-Powered Transport Category Airplane of Current Design

Special Civil Air Regulation No. SR–422, effective August 27, 1957, prescribes requirements applicable to the type certification and operation of turbine-powered transport category airplanes for which a type certificate is issued after August 27, 1957. Special Civil Air Regulation No. SR–422A, effective July 2, 1958, included substantive changes to SR–422 and was made applicable to all turbine-powered transport category airplanes for which a type certificate is issued after September 30, 1958.

This Special Civil Air Regulation makes further changes to the airworthiness rules for turbine-powered transport category airplanes to be applicable to all such airplanes for which a type certificate is issued after August 29, 1959. These changes were proposed in Draft Release No. 58–1C (24 F.R. 128) by the Civil Aeronautics Board in connection with the 1958 Annual Airworthiness Review. The amendments herein have been adopted after careful consideration of all the discussion and comment received thereon.

Substantive and minor changes have been made to the provisions of SR–422A. For ease in identification they are listed as follows:

(a) Substantive changes: introductory paragraphs; 4T.114 (b), (c), (d), (e), and (f); 4T.115(d); 4T.117a(b); 4T.120 (a)(3), (b), and (d); 40T.81(c); 43T.11(c); and item 5 (a) and (b).

(b) Minor changes; item 2; 4T.112 (title), (b)(1), (c), (d), and (e); 4T.113(b); 4T.116(i)(4); 4T.117(b) (1) and (2); 4T.120(a); 4T.121; 4T.122(d); 4T.123(a); 40T.82; and 40T.83.

Pertinent background information to this regulation is contained in the preambles to SR–422 and SR–422A. Following is a discussion of important issues relevant to the changed provisions contained herein.

One of the most important changes being introduced concerns the rotation speed V_R of the airplane during takeoff (4T.114). Experience gained in the certification of airplanes under the provisions of SR–422 and SR–422A indicates that relating V_R to the stall speed is not essential and might unduly penalize airplanes with superior flying qualities. It has been found that the primary limitations on V_R should be in terms of a margin between the actual lift-off speeds V_{LOF} and the minimum unstick speed V_{MU} at which the airplane can proceed safely with the takeoff. The provisions contained herein require that

V_R speeds be established to be applicable to takeoffs with one engine inoperative as well as with all engines operating. The V_{MU} speeds can be established from free air data provided that the data are verified by ground takeoff tests. Certain safeguards are included in conjunction with the establishment of V_R speeds to ensure that takeoffs in service can be made with consistent safety.

A change is being introduced to the provision in 4T.117a(b) concerning the manner in which the net takeoff flight path is obtained. In accordance with this provision as contained in SR–422A, the net takeoff flight path would have a negative slope throughout the acceleration segment. Since this segment usually represents level flight easily controlled by reference to the normal flight instruments, a significant reduction in the flight path's gradient would not be expected. For these reasons, the provision is being changed to permit an equivalent reduction in acceleration in lieu of a reduction in gradient.

Section 4T.117a(b) is being amended additionally by changing the value of gradient margin in the net flight path for two-engine airplanes from 1.0 percent to 0.8 percent. The value for four-engine airplanes remains 1.0 percent. Differentiation in gradient values in the net flight path between two and four-engine airplanes is consistent with the differentiation in the climb gradients for the takeoff, enroute, and approach stages of flight. Statistical analysis substantiates the specific reduction of the net flight path gradient to a value of 0.8 percent. Correlatively, a reevaluation of the climb gradients for twin-engine airplanes in the second segment takeoff and in the approach climb indicates that the respective values should be 2.4 percent and 2.1 percent and these changes are being made in 4T.120 (b) and (d).

A change is introduced in the conditions prescribed for meeting the climb gradient in the first segment takeoff climb (4T.120(a)), by changing the speed V_2 to the speed V_{LOF}. The intent of this requirement is to use the speed at which the airplane lifts off the ground. In SR–422 this speed was considered to be V_2; however, in SR–422A and in this regulation the speed V_2 is a higher speed which is reached at the end of the takeoff distance and no longer reflects the conditions pertinent to the first segment climb. In making this change consistent with relevant changes in SR–422A and in this regulation, no consideration has been given to the appropriateness of the minimum climb gradient values prescribed for the first segment climb. These are subject to alteration if results of further studies so indicate.

There is being introduced in this regulation the concept of "stopways," the definition of which is contained in item 5(b). Stopways have been used outside the United States in meeting the accelerate-stop distances in case of aborted takeoffs. They are considered to result in more practical operations. In order to ensure that they can be used without detrimental effects on safety, a provision is being included in 4T.115(d) requiring taking into account the surface characteristics of the stopways to be used in scheduling the accelerate-stop distances in the Airplane Flight Manual.

In conjunction with the introduction of stopways, there are changes being made in the definition of a "clearway" (item 5(a)). One of the changes is to specify that a clearway begins at the end of the runway whether or not a stopway is being used. Of the other changes, the most

significant one expresses the clearway in terms of a clearway plane and permits this plane to have an upward slope of 1.25 percent. In effect, this change will allow, in some cases, use of clearways which would not be allowed under the definition in SR–422A because of relatively small obstacles or slightly sloping terrain. (See also 40T.81(c) and 43T.11(c).)

There are also included in this regulation a number of minor, editorial, or clarifying changes.

Draft Release No. 58–1C included a proposal for expanding lateral obstacle clearances in the takeoff flight path. Studies indicate that some expanding lateral clearances are necessary for safety in operations with all turbine-powered airplanes. It appears, therefore, that an appropriate rule should be made applicable not only to airplanes certificated in accordance with this regulation, but also to those certificated in accordance with SR–422 and SR–422A. Accordingly, no change is being made in this regulation to the lateral obstacle clearance provisions, instead, a Notice of Proposed Rule Making is now being prepared to amend SR–422, SR–422A, and this regulation, to require expanding lateral obstacle clearances for all airplanes certificated thereunder.

This Special Civil Air Regulation is not intended to compromise the authority of the Administrator under section 4b.10 to impose such special conditions as are found necessary in any particular case to avoid unsafe design features and otherwise to ensure equivalent safety.

Interested persons have been afforded an opportunity to participate in the making of this regulation (24 F.R. 128), and due consideration has been given to all relevant matter presented.

This regulation does not require compliance until after August 29, 1959; however, since applicants for a type certificate for turbine-powered transport category airplanes may elect to show compliance with this regulation before that date, it is being made effective immediately.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby promulgated to become effective immediately:

[Contrary provisions of the Civil Air Regulations notwithstanding, all turbine-powered transport category airplanes for which a type certificate is issued after August 29, 1959, shall comply with all of the following requirements, except that, turbopropeller-powered airplanes previously type certificated with the same number of reciprocating engines need only comply with the performance requirements of paragraph 2.] Applicants for a type certificate for a turbine-powered transport category airplane may elect and are authorized to meet the requirements of this Special Civil Air Regulation prior to August 29, 1959, in which case however, all of the following provisions must be complied with.

1. The provisions of Part 4b of the Civil Air Regulations, effective on the date of application for type certificate; and such of the provisions of all subsequent amendments to Part 4b, in effect prior to August 27, 1957, as the Administrator finds necessary to ensure that the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

2. In lieu of sections 4b.110 through 4b.125, 4b.183, and 4b.743 of Part 4b of the Civil Air Regulations, the following shall be applicable:

PERFORMANCE

4T.110 *General.*

(a) The performance of the airplane shall be determined and scheduled in accordance with, and shall meet the minima prescribed by, the provision of sections 4T.110 through 4T.123. The performance limitations, information, and other data shall be given in accordance with section 4T.743.

(b) Unless otherwise specifically prescribed, the performance shall correspond with ambient atmospheric conditions and still air. Humidity shall be accounted for as specified in paragraph (c) of this section.

(c) The performance as affected by engine power and/or thrust shall be based on a relative humidity of 80 percent at and below standard temperatures and on 34 percent at and above standard temperatures plus 50° F. Between these two temperatures the relative humidity shall vary linearly.

(d) The performance shall correspond with the propulsive thrust available under the particular ambient atmospheric conditions, the particular flight condition, and the relative humidity specified in paragraph (c) of this section. The available propulsive thrust shall correspond with engine power and/or thrust not exceeding the approved power and/or thrust less the installation losses and less the power and/or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

4T.111 *Airplane configuration, speed, power, and/or thrust; general.*

(a) The airplane configuration (setting of wing and cowl flaps, air brakes, landing gear, propeller, etc.), denoted respectively as the takeoff, en route, approach, and landing configurations, shall be selected by the applicant except as otherwise prescribed.

(b) It shall be acceptable to make the airplane configurations variable with weight, altitude, and temperature, to an extent found by the Administrator to be compatible with operating procedures required in accordance with paragraph (c) of this section.

(c) In determining the accelerate-stop distances, takeoff flight paths, takeoff distances, and landing distances, changes in the airplane's configuration and speed, and in the power and thrust shall be in accordance with procedures established by the applicant for the operation of the airplane in service, except as otherwise prescribed. In addition, procedures shall be established for the execution of balked landings and missed approaches associated with the conditions prescribed in sections 4T.119 and 4T.120(d), respectively. All procedures shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The Administrator shall find that the procedures can be consistently executed in service by crews of average skill.

(2) The procedures shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(3) Allowance shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

4T.112 *Stalling and minimum control speeds.*

(a) The speed V_s shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Zero thrust at the stalling speed, or engines idling and throttles closed if it is shown that the resultant thrust has no appreciable effect on the stalling speed;

(2) If applicable, propeller pitch controls in the position necessary for compliance with subparagraph (1) of this paragraph; the airplane in all other respects (flaps, landing gear, etc.) in the particular configuration corresponding with that in connection with which V_s is being used;

(3) The weight of the airplane equal to the weight in connection with which V_s is being used to determine compliance with a particular requirement;

(4) The center of gravity in the most unfavorable position within the allowable range.

(b) The stall speed defined in this section shall be the minimum speed obtained in flight tests conducted in accordance with the procedure of subparagraphs (1) and (2) of this paragraph.

(1) With the airplane trimmed for straight flight at a speed chosen by the applicant, but not less than 1.2 V_s nor greater than 1.4 V_s, and from a speed sufficiently above the stalling speed to ensure steady conditions, the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed 1 knot per second.

(2) During the test prescribed in subparagraph (1) of this paragraph, the flight characteristics provisions of section 4b.160 of Part 4b of the Civil Air Regulations shall be complied with.

(c) The minimum control speed V_{MC}, in terms of calibrated air speed, shall be determined under the conditions specified in this paragraph so that, when the critical engine is suddenly made inoperative at that speed, it is possible to recover control of the airplane with the engine still inoperative and to maintain it in straight flight at that speed, either with zero yaw or, at the option of the applicant, with an angle of bank not in excess of 5 degrees. V_{MC} shall not exceed 1.2 V_s with:

(1) Engines operating at the maximum available takeoff thrust and/or power;

(2) Maximum sea level takeoff weight or such lesser weight as might be necessary to demonstrate V_{MC};

(3) The airplane in the most critical takeoff configuration existing along the flight path after the airplane becomes airborne, except that the landing gear is retracted;

(4) The airplane trimmed for takeoff;

(5) The airplane airborne and the ground effect negligible;

(6) The center of gravity in the most unfavorable position;

(d) In demonstrating the minimum speed specified in paragraph (c) of this section, the rudder force required to maintain control shall not exceed 180 pounds and it shall not be necessary to reduce the power and/or thrust of the operative engine(s).

(e) During recovery from the maneuver specified in paragraph, (c) of this section, the airplane shall not assume any dangerous attitude, nor shall it require exceptional skill, strength, or alertness on the part of the pilot to prevent a change of heading in excess of 20 degrees before recovery is complete.

4T.113 *Takeoff; general.*

(a) The takeoff data in sections 4T.114 through 4T.117 shall be determined under the conditions of subparagraphs (1) and (2) of this paragraph.

(1) At all weights, altitudes, and ambient temperatures, within the operational limits established by the applicant for the airplane.

(2) In the configuration for takeoff (see sec. 4T.111).

(b) Takeoff data shall be based on a smooth, dry, hard-surfaced runway and shall be determined in such a manner that reproduction of the performance does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the takeoff surface shall be smooth water, while for skiplane it shall be smooth, dry snow. In addition, the takeoff data shall include operational correction factors in accordance with subparagraphs (1) and (2) of this paragraph for wind and for runway gradients, within the operational limits established by the applicant for the airplane.

(1) Not more than 50 percent of nominal wind components along the takeoff path opposite to the direction of takeoff, and not less than 150 percent of nominal wind components along the takeoff path in the direction of takeoff.

(2) Effective runway gradients.

4T.114 *Takeoff speeds.*

(a) The critical-engine-failure speed V_1 in terms of calibrated air speed, shall be selected by the applicant, but shall not be less than the minimum speed at which controllability by primary aerodynamic controls alone is demonstrated during the takeoff run to be adequate to permit proceeding safely with the takeoff using average piloting skill, when the critical engine is suddenly made inoperative.

(b) The minimum takeoff safety speed $V_{2\,min}$, in terms of calibrated air speed, shall not be less than:

(1) 1.2 V_s for two-engine [and three-engine] propeller-driven airplanes and for airplanes without propellers which have no provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(2) 1.15 V_s for propeller-driven airplanes having more than [three] engines and for airplanes without propellers which have provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(3) 1.10 times the minimum control speed V_{MC}.

(c) The takeoff safety speed V_2, in terms of calibrated air speed, shall be selected by the applicant so as to permit the gradient of climb required in section 4T.120(b), but it shall not be less than:

(1) The speed $V_{2\ min}$,

(2) The rotation speed V_R (see paragraph (e) of this section) plus the increment in speed attained prior to reaching a height of 35 feet above the takeoff surface in compliance with section 4T.116(e).

(d) The minimum unstick speed V_{MU}, in terms of calibrated air speed, shall be the speed at and above which the airplane can be made to lift off the ground and to continue the takeoff without displaying any hazardous characteristics. V_{MU} speeds shall be selected by the applicant for the all-engines-operating and the one-engine-inoperative conditions. It shall be acceptable to establish the V_{MU} speeds from free air data: *Provided*, That these data are verified by ground takeoff tests.

NOTE: In certain cases, ground takeoff tests might involve some takeoffs at the V_{MU} speeds.

(e) The rotation speed V_R, in terms of calibrated air speed, shall be selected by the applicant in compliance with the conditions of subparagraphs (1) through (4) of this paragraph.

(1) The V_R speed shall not be less than:

(i) The speed V_1;

(ii) A speed equal to 105 percent of V_{MC};

(iii) A speed which permits the attainment of the speed V_2 prior to reaching a height of 35 feet above the takeoff surface as determined in accordance with section 4T.116(e);

(iv) A speed which, if the airplane is rotated at its maximum practicable rate, will result in a lift-off speed V_{LOF} (see paragraph (f) of this section) not less than 110 percent of V_{MU} in the all-engines-operating condition nor less than 105 percent of V_{MU} in the one-engine-inoperative condition.

(2) For any given set of conditions (weight, configuration, temperature, etc.), a single value of V_R speed obtained in accordance with this paragraph shall be used in showing compliance with both the one-engine-inoperative and the all-engines-operating takeoff provisions.

(3) It shall be shown that the one-engine-inoperative takeoff distance determined with a rotation speed 5 knots less than the V_R speed established in accordance with subparagraphs (1) and (2) of this paragraph does not exceed the corresponding one-engine-inoperative takeoff distance determined with the established V_R speed. The determination of the takeoff distances shall be in accordance with section 4T.117(a)(1).

(4) It shall be demonstrated that reasonably expected variations in service from the takeoff procedures established by the applicant for the operation of the airplane (see sec. 4T.111(c)) (e.g., over-rotation of the airplane, out of trim conditions) will not result in unsafe flight characteristics nor in marked increases in the scheduled takeoff distances established in accordance with section 4T.117(a).

(f) The lift-off speed V_{LOF}, in terms of calibrated air speed, shall be the speed at which the airplane first becomes airborne.

4T.115 *Accelerate-stop distance.*

(a) The accelerate-stop distance shall be the sum of the following:

(1) The distance required to accelerate the airplane from a standing start to the speed V_1;

(2) Assuming the critical engine to fail at the speed V_1, the distance required to bring the airplane to a full stop from the point corresponding with the speed V_1.

(b) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the accelerate-stop distance, provided that such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service and that exceptional skill is not required to control the airplane.

(c) The landing gear shall remain extended throughout the accelerate-stop distance.

(d) If the accelerate-stop distance is intended to include a stopway with surface characteristics substantially different from those of a smooth hard-surfaced runway, the takeoff data shall include operational correction factors for the accelerate-stop distance to account for the particular surface characteristics of the stopway and the variations in such characteristics with seasonal weather conditions (i.e., temperature, rain, snow, ice, etc.), within the operational limits established by the applicant.

4T.116 *Takeoff path.* The takeoff path shall be considered to extend from the standing start to a point in the takeoff where a height of 1,500 feet above the takeoff surface is reached or to a point in the takeoff where the transition from the takeoff to the en route configuration is completed and a speed is reached at which compliance with section 4T.120(c) is shown, whichever point is at a higher altitude. The conditions of paragraphs (a) through (i) of this section shall apply in determining the takeoff path.

(a) The takeoff path shall be based upon procedures prescribed in accordance with section 4T.111(c).

(b) The airplane shall be accelerated on the ground to the speed V_1 at which point the critical engine shall be made inoperative and shall remain inoperative during the remainder of the takeoff. Subsequent to attaining speed V_1, the airplane shall be accelerated to speed V_2 during which time it shall be permissible to initiate raising the nose gear off the ground at a speed not less than the rotating speed V_R.

(c) Landing gear retraction shall not be initiated until the airplane becomes airborne.

(d) The slope of the airborne portion of the takeoff path shall be positive at all points.

(e) The airplane shall attain the speed V_2 prior to reaching a height of 35 feet above the takeoff surface and shall continue at a speed as close as practical to, but not less than, V_2 until a height of 400 feet above the the takeoff surface is reached.

(f) Except for gear retraction and propeller feathering, the airplane configuration shall not be changed before reaching a height of 400 feet above the takeoff surface.

(g) At all points along the takeoff path starting at the point where the airplane first reaches a height of 400 feet above the takeoff surface, the available gradient of climb shall not be less than 1.2 percent

for two-engine airplanes, [1.5 percent for three-engine airplanes,] and 1.7 percent for four-engine airplanes.

(h) The takeoff path shall be determined either by a continuous demonstrated takeoff, or alternatively, by synthesizing from segments the complete takeoff path.

(i) If the takeoff path is determined by the segmental method, the provisions of subparagraphs (1) through (4) of this paragraph shall be specifically applicable.

(1) The segments of a segmental takeoff path shall be clearly defined and shall be related to the distinct changes in the configuration of the airplane, in power and/or thrust, and in speed.

(2) The weight of the airplane, the configuration, and the power and/or thrust shall be constant throughout each segment and shall correspond with the most critical condition prevailing in the particular segment.

(3) The segmental flight path shall be based on the airplane's performance without ground effect.

(4) Segmental takeoff path data shall be checked by continuous demonstrated takeoffs up to the point where the airplane's performance is out of gound effect and the airplane's speed is stabilized, to ensure that the segmental path is conservative relative to the continuous path.

NOTE: The airplane usually is considered out of ground effect when it reaches a height above the ground equal to the airplane's wing span.

4T.117 *Takeoff distance and takeoff run.*

(a) *Takeoff distance.* The takeoff distance shall be the greater of the distances established in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The horizontal distance along the takeoff path from the start of the takeoff to the point where the airplane attains a height of 35 feet above the takeoff surface, as determined in accordance with section 4T.116.

(2) A distance equal to 115 percent of the horizontal distance along the takeoff path, with all engines operating, from the start of the takeoff to the point where the airplane attains a height of 35 feet above the takeoff surface, as determined by a procedure consistent with that established in accordance with section 4T.116.

(b) *Takeoff run.* If the takeoff distance is intended to include a clearway (see item 5 of this regulation), the takeoff run shall be determined and shall be the greater of the distances established in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The horizontal distance along the takeoff path from the start of the takeoff to a point equidistant between the point where the speed V_{LOF} is reached and the point where the airplane attains a height of 35 feet above the takeoff surface, as determined in accordance with section 4T.116.

(2) A distance equal to 115 percent of the horizontal distance along the takeoff path, with all engines operating, from the start of the takeoff to a point equidistant between the point where the speed V_{LOF} is reached and the point where the airplane attains a height of 35 feet above

the takeoff, surface, as determined by a procedure consistent with that established in accordance with section 4T.116.

4T.117a *Takeoff flight path.*

(a) The takeoff flight path shall be considered to begin at a height of 35 feet above the takeoff surface at the end of the takeoff distance as determined in accordance with section 4T.117(a).

(b) The net takeoff flight path data shall be determined in such a manner that they represent the airplane's actual takeoff flight paths, determined in accordance with section 4T.116 and with paragraph (a) of this section, reduced at each point by a gradient of climb equal to 0.8 percent for two-engine airplanes, [equal to 0.9 percent for three-engine airplanes,] and equal to 1.0 percent for four-engine airplanes. It shall be acceptable to apply the prescribed reduction in climb gradient as an equivalent reduction in the airplane's acceleration along that portion of the actual takeoff flight path where the airplane is accelerated in level flight.

4T.118 *Climb; general.* Compliance shall be shown with the climb requirements of sections 4T.119 and 4T.120 at all weights, altitudes, and ambient temperatures, within the operational limits established by the applicant for the airplane. The airplane's center of gravity shall be in the most unfavorable position corresponding with the applicable configuration.

4T.119 *All-engine-operating landing climb.* In the landing configuration the steady gradient of climb shall not be less than 3.2 percent, with:

(a) All engines operating at the power and/or thrust which are available 8 seconds after initiation of movement of the power and/or thrust controls from the minimum flight idle to the takeoff position;

(b) A climb speed not in excess of 1.3 V_s.

4T.120. *One-engine-inoperative climb.*

(a) *Takeoff; landing gear extended.* In the critical takeoff configuration existing along the flight path between the points where the airplane reaches the speed V_{LOF} and where the landing gear is fully retracted, in accordance with section 4T.116 but without ground effect, the steady gradient of climb shall be positive for two-engine airplanes and shall not be less than [0.3 percent for three-engine airplanes, and not less than] 0.5 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available takeoff power and/or thrust existing in accordance with section 4T.116 at the time retraction of the airplane's landing gear is initiated, unless subsequently a more critical power operating condition exists along the flight path prior to the point where the landing gear is fully retracted;

(2) The weight equal to the airplane's weight existing in accordance with section 4T.116 at the time retraction of the airplane's landing gear is initiated;

(3) The speed equal to the speed V_{LOF}.

(b) *Takeoff; landing gear retracted.* In the takeoff configuration existing at the point of the flight path where the airplane's landing gear is fully retracted, in accordance with section 4T.116 but without ground effect, the steady gradient of climb shall not be less than 2.4 per-

cent for two-engine airplanes, [not less than 2.7 percent for three-engine airplanes,] and not less than 3.0 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available takeoff power and/or thrust existing in accordance with section 4T.116 at the time the landing gear is fully retracted, unless subsequently a more critical power operating condition exists along the flight path prior to the point where a height of 400 feet above the takeoff surface is reached;

(2) The weight equal to the airplane's weight existing in accordance with section 4T.116 at the time the airplane's landing gear is fully retracted;

(3) The speed equal to the speed V_2.

(c) *Final takeoff.* In the en route configuration, the steady gradient of climb shall not be less than 1.2 percent for two-engine airplanes, [not less than 1.5 percent for three-engine airplanes,] and not less than 1.7 percent for four-engine airplanes, at the end of the takeoff path as determined by section 4T.116, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust;

(2) The weight equal to the airplane's weight existing in accordance with section 4T.116 at the end of the takeoff path;

(3) The speed equal to not less than 1.25 V_s.

(d) *Approach.* In the approach configuration corresponding with the normal all-engines-operating procedure such that V_s related to this configuration does not exceed 110 percent of the V_s corresponding with the related landing configuration, the steady gradient of climb shall not be less than 2.1 percent for two-engine airplanes, [not less than 2.4 percent for three-engine airplanes,] and not less than 2.7 percent for four-engine airplanes with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available takeoff power and/or thrust;

(2) The weight equal to the maximum landing weight;

(3) A climb speed established by the applicant in connection with normal landing procedures, except that it shall not exceed 1.5 V_s (see sec. 4T.111(c)).

4T.121 *En route flight paths.* With the airplane in the en route configuration, the flight paths prescribed in paragraphs (a) and (b) of this section shall be determined at all weights, altitudes, and ambient temperatures, within the operational limits established by the applicant for the airplane.

(a) *One engine inoperative.* The one-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 1.1 percent for two-engine airplanes, [1.4 percent for three-engine airplanes,] and 1.6 percent for four-engine airplanes. It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engine(s).

(b) *Two engines inoperative.* [For airplanes with three or four engines, the two-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 0.3 percent for three-engine airplanes and equal to 0.5 percent for four-engine airplanes.] It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engines.

(c) *Conditions.* In determining the flight paths prescribed in paragraphs (a) and (b) of this section, the conditions of subparagraphs (1) through (4) of this paragraph shall apply.

(1) The airplane's center of gravity shall be in the most unfavorable position.

(2) The critical engine(s) shall be inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust.

(3) Means for controlling the engine cooling air supply shall be in the position which provides adequate cooling in the hot-day condition.

(4) The speed shall be selected by the applicant.

4T.122 *Landing distance.* The landing distance shall be the horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 knots in the case of seaplanes or float planes) from a point at a height of 50 feet above the landing surface. Landing distances shall be determined for standard temperatures at all weights, altitudes, and winds, within the operational limits established by the applicant for the airplane. The conditions of paragraphs (a) through (g) of this section shall apply.

(a) The airplane shall be in the landing configuration. During the landing, changes in the airplane's configuration, in power and/or thrust, and in speed shall be in accordance with procedures established by the applicant for the operation of the airplane in service. The procedures shall comply with the provisions of section 4T.111(c).

(b) The landing shall be preceded by a steady gliding approach down to the 50-foot height with a calibrated air speed of not less than 1.3 V_s.

(c) The landing distance shall be based on a smooth, dry, hard-surfaced runway, and shall be determined in such a manner that reproduction does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the landing surface shall be smooth water, while for skiplanes it shall be smooth, dry snow. During landing, the airplane shall not exhibit excessive vertical acceleration, a tendency to bounce, nose over, ground loop, porpoise, or water loop.

(d) The landing distance data shall include operational correction factors for not more than 50 percent of nominal wind components along the landing path opposite to the direction of landing and not less than 150 percent of nominal wind components along the landing path in the direction of landing.

(e) During landing, the operating pressures on the wheel braking system shall not be in excess of those approved by the manufacturer of the

brakes, and the wheel brakes shall not be used in such a manner as to produce excessive wear of brakes and tires.

(f) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the landing distance, provided such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airplane.

(g) If the characteristics of a device (e.g., the propellers) dependent upon the operation of any of the engines noticeably increase the landing distance when the landing is made with the engine inoperative, the landing distance shall be determined with the critical engine inoperative unless the Administrator finds that the use of compensating means will result in a landing distance not greater than that attained with all engines operating.

4T.123 *Limitations and information.*

(a) *Limitations.* The performance limitations on the operation of the airplane shall be established in accordance with subparagraph (1) through (4) of this paragraph. (See also sec. 4T.743.)

(1) *Takeoff weights.* The maximum takeoff weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with the takeoff climb provisions pre-

scribed in section 4T.120 (a), (b), and (c) for altitudes and ambient temperatures, within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(2) *Landing weights.* The maximum landing weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with the landing and takeoff climb provisions prescribed in sections 4T.119 and 4T.120 for altitudes and ambient temperatures, within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(3) *Accelerate-stop distance, takeoff distance, and takeoff run.* The minimum distances required for takeoff shall be established at which compliance is shown with the generally applicable provisions of this regulation and with sections 4T.115 and 4T.117(a) and with 4T.117(b) if the takeoff distance is intended to include a clearway, for weights, altitudes, temperatures, wind components, and runway gradients, within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(4) *Operational limits.* The operational limits of the airplane shall be established by the applicant for all variable factors required in showing compliance with this regulation (weight, altitude, temperature, etc.). (See secs. 4T.113 (a)(1) and (b), 4T.115(d), 4T.118, 4T.121, and 4T.122.)

(b) *Information.* The performance information on the operation of the airplane shall be scheduled in compliance with the generally applicable provisions of this regulation and with sections 4T.117a(b), 4T.121, and 4T.122 for weights, altitudes, temperatures, wind components, and runway gradients, as these may be applicable, within the operational limits of the airplane (see subparagraph (a)(4) of this section). In addition, the performance information specified in subparagraphs (1) through (3) of this paragraph shall be determined by extrapolation and scheduled for the ranges of weights between the maximum landing and maximum takeoff weights established in accordance with subparagraphs (a)(1) and (a)(2) of this section. (See also sec. 4T.743.)

(1) Climb in the landing configuration (see sec. 4T.119);

(2) Climb in the approach configuration (see sec. 4T.120(d));

(3) Landing distance (see sec. 4T.122).

AIRPLANE FLIGHT MANUAL

4T.743 *Performance limitations, information, and other data.*

(a) *Limitations.* The airplane's performance limitations shall be given in accordance with section 4T.123(a).

(b) *Information.* The performance information prescribed in section 4T.123(b) for the application of the operating rules of this regulation shall be given together with descriptions of the conditions, air speeds, etc., under which the data were determined.

(c) *Procedures.* Procedures established in accordance with section 4T.111(c) shall be given to the extent such procedures are related to the limitations and information set forth in accordance with paragraphs (a) and (b) of this section. Such procedures, in the form of

guidance material, shall be included with the relevant limitations or information, as applicable.

(d) *Miscellaneous.* An explanation shall be given of significant or unusual flight or ground handling characteristics of the airplane.

3. In lieu of sections 40.70 through 40.78, 41.27 through 41.36(d), and 42.70 through 42.83, of Parts 40, 41, and 42, respectively, of the Civil Air Regulations, the following shall be applicable:

OPERATING RULES

40T.80 *Transport category airplane operating limitations.*

(a) In operating any passenger-carrying transport category airplane certificated in accordance with the performance requirements of this regulation, the provisions of sections 40T.80 through 40T.84 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) The performance data in the Airplane Flight Manual shall be applied in determining compliance with the provisions of sections 40T.81 through 40T.84. Where conditions differ from those for which specific tests were made, compliance shall be determined by approved interpolation or computation of the effects of changes in the specific variables if such interpolations or computations give results substantially equalling in accuracy the results of a direct test.

40T.81 *Airplane's certificate limitations.*

(a) No airplane shall be taken off at a weight which exceeds the takeoff weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the takeoff. (See secs. 4T.123(a)(1) and 4T.743(a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination and to the alternate airports, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures anticipated at the time of landing. (See secs. 4T.123(a)(2) and 4T.743(a).)

(c) No airplane shall be taken off at a weight which exceeds the weight at which, in accordance with the minimum distances for takeoff scheduled in the Airplane Flight Manual, compliance with subparagraphs (1) through (3) of this paragraph is shown. These distances shall correspond with the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of takeoff. (See secs. 4T.123(a)(3) and 4T.743(a).)

(1) The accelerate-stop distance shall not be greater than the length of the runway plus the length of the stopway if present.

(2) The takeoff distance shall not be greater than the length of the runway plus the length of the clearway if present, except that the length of the clearway shall not be greater than one-half of the length of the runway.

(3) The takeoff run shall not be greater than the length of the runway.

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See secs. 4T.123(a)(4) and 4T.743(a).)

40T.82 *Takeoff obstacle clearance limitations.* No airplane shall be taken off at a weight in excess of that shown in the Airplane Flight Manual to correspond with a net takeoff flight path which clears all obstacles either by at least a height of 35 feet vertically or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond the boundaries. In determining the allowable deviation of the net takeoff flight path in order to avoid obstacles by at least the distances prescribed, it shall be assumed that the airplane is not banked before reaching a height of 50 feet as shown by the net takeoff flight path data in the Airplane Flight Manual, and that a maximum bank thereafter does not exceed 15 degrees. The net takeoff flight path considered shall be for the elevation of the airport, the effective runway gradient, and for the ambient temperature and wind component existing at the time of takeoff. (See secs. 4T.123(b) and 4T.743(b).)

40T.83 *En route limitations.* All airplanes shall be operated in compliance with paragraph (a) of this section. In addition, no airplane shall be flown along an intended route if any place along the route is more than 90 minutes away from an airport at which a landing can be made in accordance with section 40T.84(b), assuming all engines to be operating at cruising power, unless compliance is shown with paragraph (b) of this section.

(a) *One engine inoperative.* No airplane shall be taken off at a weight in excess of that which, according to the one-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit compliance with either subparagraphs (1) or (2) of this paragraph at all points along the route. The net flight path shall have a positive slope at 1,500 feet above the airport where the landing is assumed to be made after the engine fails. The net flight path used shall be for the ambient temperatures anticipated along the route. (See secs. 4T.123(b) and 4T.743(b).)

(1) The slope of the net flight path shall be positive at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 statute miles (4.34 nautical miles) on either side of the intended track.

(2) The net flight path shall be such as to permit the airplane to continue flight from the cruising altitude to an airport where a landing can be made in accordance with the provisions of section 40T.84(b), the net flight path clearing vertically by at least 2,000 feet all terrain and obstructions along the route within 5 statute miles (4.34 nautical miles) on either side of the intended track. The provisions of subdivisions (i) through (vi) of this subparagraph shall apply.

(i) The engine shall be assumed to fail at the most critical point along the route.

(ii) The airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical

obstruction than the nearest approved radio navigational fix, except that the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(iii) An approved method shall be used to account for winds which would otherwise adversely affect the flight path.

(iv) Fuel jettisoning shall be permitted if the Administrator finds that the operator has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to ensure a safe procedure.

(v) The alternate airport shall be specified in the dispatch release and shall meet the prescribed weather minima.

(vi) The consumption of fuel and oil after the engine is assumed to fail shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

(b) *Two engines inoperative.* No airplane shall be taken off at a weight in excess of that which, according to the two-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit the airplane to continue flight from the point where two engines are assumed to fail simultaneously to an airport where a landing can be made in accordance with the provisions of section 40T.84(b), the net flight path clearing vertically by at least 2,000 feet all terrain and obstructions along the route within 5 statute miles (4.34 nautical miles) on either side of the intended track. The net flight path considered shall be for the ambient temperatures anticipated along the route. The provisions of subparagraphs (1) through (5) of this paragraph shall apply. (See secs. 4T.123(b) and 4T.734(b).)

(1) The two engines shall be assumed to fail at the most critical point along the route.

(2) The net flight path shall have a positive slope at 1,500 feet above the airport where the landing is assumed to be made after failure of two engines.

(3) Fuel jettisoning shall be permitted if the Administrator finds that the operator has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to ensure a safe procedure.

(4) The airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to the airport and to arrive there at an altitude of at least 1,500 feet directly over the landing area and thereafter to fly for 15 minutes at cruise power and/or thrust.

(5) The consumption of fuel and oil after the engines are assumed to fail shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

40T.84 *Landing limitations.*

(a) *Airport of destination.* No airplane shall be taken off at a weight in excess of that which, in accordance with the landing distances shown in the Airplane Flight Manual for the elevation of the airport of intended destination and for the wind conditions anticipated there at the time of landing, would permit the airplane to be brought to rest at the airport of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the

obstruction clearance plane and the runway. The weight of the airplane shall be assumed to be reduced by the weight of the fuel and oil expected to be consumed in flight to the airport of intended destination. Compliance shall be shown with the conditions of subparagraphs (1) and (2) of this paragraph. (See secs. 4T.123(b) and 4T.743(b).)

(1) It shall be assumed that the airplane is landed on the most favorable runway and direction in still air.

(2) It shall be assumed that the airplane is landed on the most suitable runway considering the probable wind velocity and direction and taking due account of the ground handling characteristics of the airplane and of other conditions (i.e., landing aids, terrain, etc.). If full compliance with the provisions of this subparagraph is not shown, the airplane may be taken off if an alternate airport is designated which permits compliance with paragraph (b) of this section.

(b) *Alternate airport.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the provisions of paragraph (a) of this section, provided that the airplane can be brought to rest within 70 percent of the effective length of the runway.

4. In lieu of section 43.11 of Part 43 of the Civil Air Regulations the following shall be applicable.

43T.11 *Transport category airplane weight limitations.* The performance data in the Airplane Flight Manual shall be applied in determining compliance with the following provisions:

(a) No airplane shall be taken off at a weight which exceeds the takeoff weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the takeoff. (See secs. 4T.123(a)(1) and 4T.743(a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination and to the alternate airports, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures anticipated at the time of landing. (See secs. 4T.123(a)(2) and 4T.743(a).)

(c) No airplane shall be taken off at a weight which exceeds the weight at which, in accordance with the minimum distances for takeoff scheduled in the Airplane Flight Manual, compliance with subparagraphs (1) through (3) of this paragraph is shown. These distances shall correspond with the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of takeoff. (See secs. 4T.123(a)(3) and 4T.734(a).)

(1) The accelerate-stop distance shall not be greater than the length of the runway plus the length of the stopway if present.

(2) The takeoff distance shall not be greater than the length of the runway plus the length of the clearway if present, except that the length of the clearway shall not be greater than one-half of the length of the runway.

(3) The takeoff run shall not be greater than the length of the runway.

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See secs. 4T.123(a)(4) and 4T.743(a).)

5. The following definitions shall apply:

(a) *Clearway.* A clearway is an area beyond the runway, not less than 500 feet wide, centrally located about the extended center line of the runway, and under the control of the airport authorities. The clearway is expressed in terms of a clearway plane, extending from the end of the runway with an upward slope not exceeding 1.25 percent, above which no object nor any portion of the terrain protrudes, except that threshold lights may protrude above the plane if their height above the end of the runway is not greater than 26 inches and if they are located to each side of the runway.

NOTE: For the purpose of establishing takeoff distances and takeoff runs, in accordance with section 4T.117 of this regulation, the clearway plane is considered to be the takeoff surface.

(b) *Stopway.* A stopway is an area beyond the runway, not less in width than the width of the runway, centrally located about the extended center line of the runway, and designated by the airport authorities for use in decelerating the airplane during an aborted takeoff: To be considered as such, a stopway must be capable of supporting the airplane during an aborted takeoff without inducing structural damage to the airplane. (See also sec. 4T.115(d) of this regulation.)

SPECIAL CIVIL AIR REGULATIONS NO. SR–423

Effective: December 20, 1957
Adopted: November 15, 1957

Type Certification of Transport Category Airplanes With Turbo-Prop Replacements

The airworthiness requirements with which a particular airplane is required to comply are established by the date of application for the type certificate. After the type certificate is issued, the holder of the type certificate or an applicant for a supplemental type certificate, at his option, can obtain approval of changes in the design in accordance with requirements in effect at the time of the original application for type certificate or in accordance with later requirements in effect at the time of the change.

Prior to May 18, 1954, the regulations placed no specific limit on the extent of changes to the airplane which could be approved in this manner nor did they define a new type design for which a new application for type certification would be required. Amendment 4b–1 effective on that date, among other changes in Part 4b, lists certain changes in design which if made to an airplane would require it to be considered as a new type. In such a case, a new application for type certification would be required and the regulations, together with all amendments thereto effective on the date of the new application, would have to be complied with (sec. 4b.11(a)). One such change which would require a new type certificate is a change to engines employing different priciples of operation or propulsion (sec 4b.11(e)(2)).

Interest has been shown recently within the aviation industry in the installation of turbo-propeller engines on airplanes presently equipped with reciprocating engines. In accordance with sec. 4b.11(e)(2) such a change would require a showing of compliance with the latest airworthiness requirements of Part 4b. The Board is of the opinion that showing of compliance with all of the latest requirements might be burdensome, impractical, and not essential to safety.

This Special Civil Air Regulation will permit the certification of a turbo-propeller-powered airplane, which previously was type certificated with the same number of reciprocating engines, if compliance is shown with the airworthiness provisions applicable to the airplane as type certificated with reciprocating engines, together with certain later provisions of the Civil Air Regulations in effect on the date of application for a supplemental or new type certificate which are applicable or related to the powerplant of the turbo-propeller-powered version.

In order to insure that the level of safety of the turbine-powered airplane is equivalent to that intended by Part 4b, the Board considers that compliance must be shown with the later provisions of Part 4b which apply to the powerplant installation, airplane performance, and cockpit standardization, such other requirements as the Administrator finds are otherwise related to the changes made in the engines.

Special Civil Air Regulation No. SR–422 establishes certain certification and operational requirements for all turbine-powered airplanes for which a type certificate is issued after the effective date of that regulation. Except as otherwise provided, all of the provisions of SR–422 remain applicable to airplanes certificated in accordance with the regulation prescribed herein. Therefore, to be certificated in accordance with the regulation prescribed herein compliance must be shown with the certification performance requirements prescribed in paragraph 2 of SR–422.

It must be emphasized that the certification performance limitations established by the performance requirements; i.e., the take-off weights, landing weights, take-off and accelerate-stop distances, and the operational limits, become part of the airworthiness certificate and must be complied with at all times, regardless of the type of operations conducted with the airplane. (See sec. 43.10, as amended, of Part 43 of the Civil Air Regulations.)

In addition to certification performance limitations, SR–422 prescribes performance operating limitations which are applicable to turbine-powered transport category airplanes when used in air carrier passenger operations. Since turbo-propeller-powered airplanes certificated in accordance with the regulation prescribed herein are required to comply with the certification performance requirements of SR–422, they are also subject to the performance operating limitations prescribed in paragraph 3 of SR–422 when used in air carrier passenger operations.

Since a change in engines will require a rather extensive change in the cockpit to accommodate the new instruments and controls for turbine engines, the Board considers that compliance with the latest cockpit standardization requirements can be accomplished without any undue burden and such compliance would speed up the cockpit standardization of other airplanes in an airline's fleet in accordance with the Board's objectives. Therefore, this regulation makes the latest cockpit standardization requirements applicable, with the exception of such detailed requirements as the Administrator finds are impracticable, and do not contribute materially to standardization. It should be noted that in referring to this exception in the preamble to Draft Release No. 56–29, the use of the conjunction "or" after the word "impracticable" was inadvertent. As the language of the proposed regulation clearly indicated, "and" was the proper conjunction following the word "impracticable."

The Board also considers it appropriate to call attention to the fact that if other changes to the airplane are made simultaneously with, or subsequent to, such an engine change, then compliance will also have to be shown with all requirements related to the additional changes in effect on the date of the new application for a supplemental or new type certificate. In this regard, if an airplane converted to turbo-propeller power is to be certificated for operation at altitudes, speeds, or weights higher than those which are applicable to the reciprocating-engine-powered airplane, compliance will be required with all the latest provisions of the regulations which are related to such changes.

In order to assure that all airplanes converted to turbo-propeller power meet the minimum requirements considered essential to safety, this regulation is made retroactive and requires compliance with the provisions of the Civil Air Regulations as set forth herein for all of such

airplanes for which application for a supplemental or new type certificate was made prior to the effective date of this regulation.

This Special Civil Air Regulation shall continue in effect for 5 years, at the end of which time the effectiveness of the regulation will be evaluated for the purpose of considering the incorporation of the substance of these rules in the permanent body of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this Special Civil Air Regulation (21 F.R. 9436), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective December 20, 1957.

Contrary provisions of section 4b.11(a) as it applies to section 4b.11 (e)(2) of Part 4b of the Civil Air Regulations and paragraph (1) of Special Civil Air Regulation No. SR–422 notwithstanding, the following provisions shall be applicable to the certification of a turbo-propeller-powered airplane which was previously type certificated with the same number of reciprocating engines:

(1) The airworthiness regulations applicable to the airplane as type certificated with reciprocating engines and, in addition thereto or in lieu thereof as appropriate, the following provisions of the Civil Air Regulations effective on the date of application for a supplemental or new type certificate (see paragraph (3)):

(a) The certification performance requirements prescribed in Special Civil Air Regulation No. SR–422;

(b) The powerplant installation requirements of Part 4b applicable to the turbo-propeller-powered airplane;

(c) The requirements of Part 4b for the standardization of cockpit controls and instruments, except where the Administrator finds that showing of compliance with a particular detailed requirement would be impractical and would not contribute materially to standardization; and

(d) Such other requirements of Part 4b applicable to the turbo-propeller-powered airplane as the Administrator finds are related to the changes in engines and are necessary to insure a level of safety of the turbo-propeller-powered airplane equivalent to that generally intended by Part 4b.

(2) If new limitations are established with respect to weight, speed, or altitude of operation and the Administrator finds that such limitations are significantly altered from those approved for the airplane with reciprocating engines, compliance shall be shown with all of the requirements, applicable to the specific limitations being changed, which are in effect on the date of application for the new or supplemental type certificate.

(3) Airplanes converted to turbo-propeller power, for which application for a supplemental or a new type certificate was made prior to the effective date of this Special Civil Air Regulation, shall comply with all of the provisions of the Civil Air Regulations specified in paragraphs (1) and (2) effective on the date of this special regulation, rather than those provisions effective on the date application was made for the supplemental or the new type certificate.

This Special Civil Air Regulation shall terminate December 20, 1962 unless sooner superseded or rescinded by the Board.

SPECIAL CIVIL AIR REGULATION NO. 425C

(As amended by Amendment No. 1, issued May 10, 1963, published in 28 F.R. 4945, May 17, 1963.)

Effective: June 6, 1961
Adopted: May 31, 1961
Published: June 6, 1961
(26 F.R. 4990)

Provisional Certification and Operation of Aircraft

Special Civil Air Regulation No. SR–425A was adopted on July 22, 1958, to provide for provisional certification of turbine-powered transport category airplanes in order to permit certain air carriers and manufacturers to conduct crew training, service testing, and simulated air carrier operations prior to introduction of the airplanes into commercial service. The objective of this regulation was to provide a means whereby the air carriers and manufacturers could obtain as much experience as possible with turbine-powered airplanes which, although safe for flight, had not been approved for the issuance of a type certificate.

Special Civil Air Regulation No. SR–425B, which superseded SR–425A, was adopted on April 7, 1960, to extend the application of the regulation to: (1) piston-engine transport category aircraft, including rotorcraft; and (2) personal and executive type aircraft, including rotorcraft, irrespective of powerplant type. In addition, this regulation permitted operations such as sales demonstrations and market surveys with aircraft having a provisional type and airworthiness certificate.

To accomplish this, SR–425B provided for, among other things, the issuance of two classes of provisional type and airworthiness certificates. Class I provisional and airworthiness certificates could be issued for all types of aircraft for operation by the aircraft manufacturer. Class II provisional type and airworthiness certificates could be issued only for transport category aircraft, but these aircraft could be operated by either the aircraft manufacturer or a certificated air carrier. In general, the requirements for the issuance of Class I provisional certificates were less stringent, and the operating limitations less confining, than those for the issuance of Class II provisional certificates.

Under the provisions of SR–425B, however, eligibility to apply for Class I provisional certificates was limited to aircraft manufacturers. A recommendation that this eligibility be extended to include engine manufacturers had been evaluated by the Agency prior to the adoption of SR–425B, but rule making action on such extension was deferred until additional experience with provisional certification could be acquired.

Experience accumulated since the adoption of SR–425B has indicated that it would be practicable for engine manufacturers, who have altered a type certificated aircraft by installing type certificated engines of their own manufacture in place of the original engines, to show compliance with the currently effective requirements for issuance of Class I provisional type and provisional airworthiness certificates; and that compliance with these requirements will insure safe operation of provisionally certificated aircraft by such engine manufacturers. Further, the Agency

believes that operations conducted by engine manufacturers under the terms of Class I provisional certificates, for the purpose of sales demonstrations, market surveys, and other similar activities related to the sale of their engines, would contribute to the promotion and development of civil aeronautics in the United States.

SR–425B is therefore being superseded by SR–425C to permit certain engine manufacturers to apply for Class I provisional type and provisional airworthiness certificates if they have applied for the issuance of a supplemental type certificate.

Since this is a superseding regulation which relieves restrictions and imposes no additional burden on any person, notice and public procedures hereon are unnecessary, and this regulation may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted to become effective June 6, 1961:

GENERAL

1. *Applicability.* Contrary provisions of the Civil Air Regulations notwithstanding, provisional type and airworthiness certificates, amendments to provisional type certificates, and provisional amendments to type certificates, will be issued as prescribed in this regulation to a manufacturer or an air carrier. As used in this regulation, a manufacturer shall mean only a manufacturer who is a citizen of the United States; and the term air carrier shall not include an air taxi operator.

2. *Eligibility.*

(a) A manufacturer of aircraft manufactured by him within the United States may apply for Class I or Class II provisional type and provisional airworthiness certificates, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him.

(b) An air carrier holding an air carrier operating certificate authorizing him to conduct operations under Parts 40, 41, 42, or 46 of the Civil Air Regulations may apply for Class II provisional airworthiness certificates for transport category aircraft which meet the conditions of either subparagraphs (1) or (2) of this paragraph.

(1) The aircraft has a currently valid Class II provisional type certificate or an amendment thereto;

(2) The aircraft has a currently valid provisional amendment to a type certificate which was preceded by a corresponding Class II provisional type certificate.

(c) An engine manufacturer who has altered a type certificated aircraft by installing different type certificated engines, manufactured by him within the United States, in place of the original engines, may apply for Class I provisional type and provisional airworthiness certificates for such aircraft, and for amendments to Class I provisional type certificates held by him, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, or transport category.

3. *Application.*

(a) *General.* Applications for provisional type and airworthiness certificates, for amendments to provisional type certificates, and for

provisional amendments to type certificates, shall be submitted to the Chief, Flight Standards Division, FAA, of the Regional Office in which the manufacturer or air carrier is located and shall be accompanied by the pertinent information specified in this regulation.

4. *Duration.* Unless sooner surrendered, superseded, revoked, or otherwise terminated, certificates and amendments thereto, shall have periods of duration in accordance with paragraphs (a) through (f) of this section.

(a) A Class I provisional type certificate shall remain in effect for 24 months after the date of its issuance or until the date of issuance of the corresponding type or supplemental type certificate, whichever occurs first.

(b) A Class I provisional type certificate shall expire immediately upon issuance of a Class II provisional type certificate for aircraft of the same type design.

(c) A Class II provisional type certificate shall remain in effect for 6 months after the date of its issuance or 60 days after the date of issuance of the corresponding type certificate, whichever occurs first.

(d) An amendment to a Class I or a Class II provisional type certificate shall remain in effect for the duration of the corresponding provisional type certificate.

(e) A provisional amendment to a type certificate shall remain in effect for 6 months after its approval or until the amendment to the type certificate is approved, whichever occurs first.

(f) Provisional airworthiness certificates shall remain in effect for the duration of the corresponding provisional type certificate, amendment to a provisional type certificate, or a provisional amendment to the type certificate.

5. *Transferability of certificates.* Certificates issued pursuant to this regulation are not transferable except that a Class II provisional airworthiness certificate may be transferred to an air carrier eligible to apply for such certificate under section 2 of this regulation.

6. *Display of certificates and markings.* A provisional airworthiness certificate shall be prominently displayed in the aircraft for which it is issued. The words "Provisional Airworthiness" shall be painted in letters not less than 2 inches high on the exterior of such aircraft adjacent to each entrance to the cabin and cockpit of the aircraft.

REQUIREMENTS FOR ISSUANCE

7. *Class I provisional type certificates.* A Class I provisional type certificate and amendments thereto will be issued for a particular type design when the eligible aircraft or engine manufacturer shows compliance with the provisions of paragraphs (a) through (f) of this section, and an authorized representative of the Administrator finds, on the basis of information submitted to him by the manufacturer in compliance with the provisions of this section and of other relevant information, that there is no feature, characteristic, or condition which would render the aircraft unsafe when operated in accordance with the limitations established in paragraph (d) of this section and in section 13 of this regulation.

(a) The manufacturer has applied for the issuance of a type or supplemental type certificate for the aircraft.

(b) The manufacturer certifies that the aircraft has met the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issuance of the type or supplemental type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristics requirements for the type or supplemental type certificate;

(3) The aircraft can be operated safely under the appropriate operating limitations specified in this regulation.

(c) The manufacturer has submitted a report showing that the aircraft had been flown in all maneuvers necessary to show compliance with the flight requirements for the issuance of the type or supplemental type certificate and to establish that the aircraft can be operated safely in accordance with the limitations specified in this regulation.

(d) The manufacturer has established limitations with respect to weights, speeds, flight maneuvers, loading, operation of controls and equipment, and all other relevant factors. The limitations shall include all the limitations required for the issuance of a type or supplemental type certificate for the aircraft: *Provided,* That, where such limitations have not been established, appropriate restrictions on the operation of the aircraft shall be established.

(e) The manufacturer has established an inspection and maintenance program for the continued airworthiness of the aircraft.

(f) A prototype aircraft has been flown by the manufacturer for at least 50 hours pursuant to the authority of an experimental certificate issued under Part 1 of the Civil Air Regulations or under the auspices of a United States military service: *Provided,* That the number of flight hours may be reduced by the authorized representative of the Administrator in the case of an amendment to a provisional type certificate.

8. *Class I provisional airworthiness certificates.* Except as provided in section 12 of this regulation, a Class I provisional airworthiness certificate will be issued for an aircraft, for which a Class I provisional type certificate is in effect, when the eligible aircraft or engine manufacturer shows compliance with the provisions of paragraphs (a) through (d) of this section, and an authorized representative of the Administrator finds that there is no feature, characteristic, or condition of the aircraft which would render the aircraft unsafe when operated in accordance with the limitations established in sections 7(d) and 13 of this regulation.

(a) The manufacturer is the holder of the provisional type certificate for the aircraft.

(b) The manufacturer submits a statement that the aircraft conforms to the type design corresponding with the provisional type certificate and has been found by him to be in safe operating condition under the applicable limitations.

(c) The aircraft has been flown at least 5 hours by the manufacturer.

(d) The aircraft has been supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations required by sections 7(d) and 13 of this regulation.

9. *Class II provisional type certificates.* A Class II provisional type certificate and amendments thereto will be issued for a particular transport category type design when the manufacturer of the aircraft shows compliance with the provisions of paragraphs (a) through (h) of this section, and an authorized representative of the Administrator finds, on the basis of information submitted to him by the manufacturer in compliance with the provisions of this section and of other relevant information, that there is no feature, characteristic, or condition which would render the aircraft unsafe when operated in accordance with the limitations established in paragraph (f) of this section and in sections 13 and 14 of this regulation.

(a) The manufacturer has applied for the issuance of a transport category type certificate for the aircraft.

(b) The manufacturer holds a type certificate and a currently effective production certificate for at least one other aircraft in the same transport category as the subject aircraft.

(c) The Agency's official flight test program with respect to the issuance of a type certificate for the aircraft is in progress.

(d) The manufacturer certifies that the aircraft has met the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issuance of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristics requirements for the type certificate;

(3) The aircraft can be operated safely under the appropriate operating limitations specified in this regulation.

(e) The manufacturer has submitted a report showing that the aircraft had been flown in all maneuvers necessary to show compliance with the flight requirements for the issuance of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations specified in this regulation.

(f) The manufacturer has prepared a provisional aircraft flight manual which includes limitations with respect to weights, speeds, flight maneuvers, loading, operation of controls and equipment, and all other relevant factors. The limitations shall include all the limitations required for the issuance of a type certificate for the aircraft: *Provided,* That, where such limitations have not been established, the provisional flight manual shall contain appropriate restrictions on the operation of the aircraft.

(g) The manufacturer has established an inspection and maintenance program for the continued airworthiness of the aircraft.

(h) A prototype aircraft has been flown by the manufacturer for at least 100 hours pursuant to the authority of either an experimental certificate issued under Part 1 of the Civil Air Regulations or a Class I provisional airworthiness certificate: *Provided,* That the number of flight hours may be reduced by the authorized representative of the Administrator in the case of an amendment to a provisional type certificate.

10. *Class II provisional airworthiness certificates.* Except as provided in section 12 of this regulation, a Class II provisional airworthiness certificate will be issued for an aircraft, for which a Class II provisional type certificate is in effect, when the applicant shows compliance with the provisions of paragraphs (a) through (e) of this section, and an authorized representative of the Administrator finds that there is no feature, characteristic, or condition of the aircraft which would render the aircraft unsafe when operated in accordance with the limitations established in sections 9(f), 13, and 14 of this regulation.

(a) The applicant submits evidence that a Class II provisional type certificate for the aircraft has been issued to the manufacturer.

(b) The applicant submits a statement by the manufacturer that the aircraft has been manufactured under a quality control system adequate to insure that the aircraft conforms to the type design corresponding with the provisional type certificate.

(c) The applicant submits a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(d) The applicant submits a statement that the aircraft has been flown at least 5 hours by the manufacturer.

(e) The aircraft has been supplied with a provisional aircraft flight manual containing the limitations required by sections 9(f), 13, and 14 of this regulation.

11. *Provisional amendments to type certificate.* A provisional amendment to a type certificate will be approved when the manufacturer of the type certificated aircraft shows compliance with the provisions of paragraphs (a) through (g) of this section, and an authorized representative of the Administrator finds, on the basis of information submitted to him by the manufacturer in compliance with the provisions of this section and of other relevant information, that there is no feature, characteristic, or condition which would render the aircraft unsafe when operated in accordance with the limitations established in paragraph (e) of this section, and section 13 and, if applicable, section 14 of this regulation.

(a) The manufacturer has applied for an amendment to the type certificate.

(b) The Agency's official flight test program with respect to the amendment of the type certificate is in progress.

(c) The manufacturer certifies that the aircraft has met the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issuance of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristics requirements for the type certificate;

(3) The aircraft can be operated safely under the appropriate operating limitations specified in this regulation.

(d) The manufacturer has submitted a report showing that the aircraft incorporating the modifications involved had been flown in all maneuvers necessary to show compliance with the flight require-

ments applicable to these modifications and to establish that the aircraft can be operated safely in accordance with the limitations specified in this regulation.

(e) The manufacturer has established, in a provisional aircraft flight manual or other document and appropriate placards, limitations with respect to weights, speeds, flight maneuvers, loading, operation of controls and equipment, and all other relevant factors. The limitations shall include all the limitations required for the issuance of a type certificate for the aircraft: *Provided,* That, where such limitations have not been established, appropriate restrictions on the operation of the aircraft shall be established.

(f) The manufacturer has established an inspection and maintenance program for the continued airworthiness of the aircraft.

(g) An aircraft modified in accordance with the corresponding amendment to the type certificate has been flown by the manufacturer for the number of hours found necessary by the authorized representative of the Administrator, such flights having been conducted pursuant to the authority of an experimental certificate issued under Part 1 of the Civil Air Regulations.

12. *Provisional airworthiness certificates corresponding with provisional amendment to type certificate.* A Class I or a Class II provisional airworthiness certificate, as specified in section 2 of this regulation, will be issued for an aircraft, for which a provisional amendment to the type certificate has been issued, when the applicant shows compliance with the provisions of paragraphs (a) through (e) of this section, and an authorized representative of the Administrator finds that there is no feature, characteristic, or condition of the aircraft, as modified in accordance with the provisionally amended type certificate, which would render the aircraft unsafe when operated in accordance with the limitations established in sections 11(e) and 13 and, if applicable, section 14 of this regulation.

(a) The applicant submits evidence that approval has been obtained for the relevant provisional amendment to the type certificate for the aircraft.

(b) The applicant submits evidence that the modification to the aircraft was accomplished under a quality control system adequate to insure that the modification conforms to the provisionally amended type certificate.

(c) The applicant submits a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(d) The applicant submits a statement that the aircraft has been flown at least 5 hours by the manufacturer.

(e) The aircraft has been supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations required by sections 11(e) and 13 and, if applicable, section 14 of this regulation.

OPERATING LIMITATIONS

13. *Operation of provisionally certificated aircraft.* An aircraft for which a provisional airworthiness certificate has been issued shall

be operated only by a person eligible to apply for a provisional airworthiness certificate in accordance with section 2 of this regulation. Operations shall be in compliance with paragraphs (a) through (j) of this section.

(a) The aircraft shall not be operated in air transportation unless so authorized in a particular case by the Director, Bureau of Flight Standards.

(b) Operations shall be restricted to the United States, its Territories and possessions.

(c) The aircraft shall be limited to the types of operations listed in subparagraphs (1) through (7) of this paragraph.

(1) Flights conducted by the aircraft or engine manufacturer in direct conjunction with the type or supplemental type certification of the aircraft;

(2) Training of flight crews, including simulated air carrier operations;

(3) Demonstration flights conducted by the manufacturer for prospective purchasers;

(4) Market surveys by the manufacturer;

(5) Flight checking of instruments, accessories, and equipment, the functioning of which does not adversely affect the basic airworthiness of the aircraft;

(6) Service testing of the aircraft;

(7) Such additional operations as may be specifically authorized by the authorized representative of the Administrator.

(d) All operations shall be conducted within the prescribed limitations displayed in the aircraft or set forth in the provisional aircraft flight manual or other document containing the limitations for the safe operation of the aircraft: *Provided,* That operations conducted in direct conjunction with the type or supplemental type certification of the aircraft shall be subject to the experimental aircraft limitations of section 1.74 of Part 1 of the Civil Air Regulations, and all "flight tests" as defined in section 60.60 of the Civil Air Regulations shall be conducted in accordance with the requirements of section 60.24 of that part.

(e) The operator shall establish procedures for the use and guidance of flight and ground personnel in the conduct of operations under this section. Specific procedures shall be established for operations from and into airports where the runways require takeoffs or approaches over populated areas. All procedures shall be approved by an authorized representative of the Administrator. All operations shall be conducted in accordance with such approved procedures.

(f) The operator shall insure that each flight crewmember is properly certificated and possesses adequate knowledge of, and familiarity with, the aircraft and the procedures to be used by him.

(g) The aircraft shall be maintained in accordance with applicable Civil Air Regulations, with the inspection and maintenance program established in accordance with this regulation, and with any special inspections and maintenance conditions prescribed by an authorized representative of the Administrator.

(h) No aircraft shall be operated under authority of a provisional airworthiness certificate if the manufacturer or the authorized

representative of the Administrator determines that a change in design, construction, or operation is necessary to insure safe operation, until such change is made and approved by the authorized representative of the Administrator. Section 1.24 of Part 1 of the Civil Air Regulations shall be applicable to operations under this section.

(i) Only those persons who have a bona fide interest in the operations permitted under this section or who are specifically authorized by both the manufacturer and the authorized representative of the Administrator may be carried in provisionally certificated aircraft: *Provided,* That they have been advised by the operator of the provisional certification status of the aircraft.

(j) The authorized representative of the Administrator may prescribe such additional limitations or procedures as he finds necessary. This shall include limitations on the number of persons who may be carried aboard the aircraft.

14. *Additional limitations to operations by air carriers.* In addition to the limitations in section 13 of this regulation, operations by air carriers shall be subject to the provisions of paragraphs (a) through (d) of this section.

(a) In addition to crewmembers, the aircraft may carry only those persons who are listed in section 40.356(c) of Part 40 of the Civil Air Regulations or who are specifically authorized by both the air carrier and the authorized representative of the Administrator.

(b) The air carrier shall maintain current records for each flight crewmember. These records shall include such information as is necessary to show that each flight crewmember is properly trained and qualified to perform his assigned duties.

(c) The appropriate instructor, supervisor, or check airman shall certify to the proficiency of each flight crewmember and such certification shall become a part of the flight crewmember's record.

(d) A log of all flights conducted under this regulation, and accurate and complete records of inspections made and maintenance accomplished, shall be kept by the air carrier and made available to the manufacturer and to an authorized representative of the Administrator.

15. *Other operations.* The Director, Bureau of Flight Standards, may credit toward the aircraft proving test requirements of the applicable air carrier regulations such operations conducted pursuant to this special regulation as he finds have met the applicable aircraft proving test requirements: *Provided,* That he also finds that there is no significant difference between the provisionally certificated aircraft and the aircraft for which application is made for operation pursuant to an air carrier operating certificate.

CERTIFICATES ISSUED UNDER SR–425A AND SR–425B

16. *Duration.* Currently valid provisional type and airworthiness certificates issued in accordance with Special Civil Air Regulations Nos. SR–425A and SR–425B shall remain in effect for the durations and under the conditions prescribed in those regulations.

This special regulation supersedes Special Civil Air Regulation No. SR–425B. [Termination date of June 30, 1963, deleted.]

693–060 O—63——3

SPECIAL CIVIL AIR REGULATION NO. SR-426

Effective: October 27, 1958
Adopted: September 22, 1958

Performance Credit for Transport Category Airplanes Equipped with Standby Power

Standby power is power and/or thrust obtained from rocket engines and is separate from the power obtained from the airplane's main engines. Such power and/or thrust is available for a relatively short period for use in cases of emergency. The standby power system may be capable of producing more than a single thrust period. This special regulation authorizes the Administrator to grant performance credit to transport category airplanes when standby power is used in one or more of the following regimes of flight: Takeoff with one engine inoperative, approach climb with one engine inoperative, and the balked landing climb. By "performance credit" is meant the taking into account the increased performance of the airplane with standby power and, because thereof, the approval of higher maximum weights for the airplane than the weights approved on the basis of the airplane's performance without standby power. In granting performance credit, this regulation prescribes the applicable conditions and limitations.

Rocket assist takeoff units were developed initially for the military services to provide additional takeoff power for heavily loaded flying boats and carrier-based aircraft. The additional thrust improved the climb performance in the takeoff regime and permitted the airplane to attain a safe altitude and air speed in the event of engine failure. The reliability of such units has increased to the point where some civil operators have adopted them for use as emergency standby power in the event of engine failure. Other operators have been reluctant to adopt standby power installations and the attendant weight penalties without reasonable performance credit being given the airplane. With the performance credit granted by this regulation for the use of standby power, it is anticipated that such credit might be considered a compensating economic factor justifying the installation of standby power on such airplanes.

The currently effective regulations did not contemplate the use of standby power; however, the Administrator of Civil Aeronautics has established for an interim period a conservative policy permitting transport category airplanes equipped with standby power to operate at an increase in the normally approved weights by an amount equal to the weight of the standby power units.

In this regulation, the criteria for granting performance credit were formulated with the intent of providing an overall level of performance equivalent to that intended by the currently effective regulations. To this end, appropriate criteria are established with respect to the amount of performance credit which may be applied in determining the new takeoff paths, the extent to which the maximum certificated takeoff and landing weights may be increased, and operating procedures to be followed in service for the use of standby power and for the associated changes in the airplane's configuration and speed.

The basic element of the various criteria established in this regulation entails a comparison of flight paths. In Civil Air Regulations

Draft Release No. 57–28, all of the flight paths were based on procedures involving attainment of the en route configuration and the acceleration to a safe en route speed. Further consideration of this proposal indicates that an undue amount of flight testing and computation would be required for those flight conditions which presently do not involve the establishment of such flight paths. In addition, it appears that comparison of flight paths involving a particular procedure is not essential for the purpose of establishing an equivalent level of safety. In view of the foregoing, this regulation requires comparison of flight paths with respect to the takeoff regime consistent only with that required by the currently effective airworthiness performance requirements; i.e., Part 4b and Special Civil Air Regulations Nos. SR–422 and SR–422A. Further, the establishment of maximum landing weights is based on a comparison of flight paths obtained with a fixed airplane configuration and at the speed and power condition appropriate to the all-engines-operating landing climb or the one-engine-inoperative approach climb, as applicable.

Performance credit for standby power with respect to the takeoff path is limited by the specification that the all-engines-operating takeoff path reflect a conservatively greater margin of overall performance than the one-engine-inoperative takeoff path with standby power in use. It is intended that this margin exist throughout the takeoff path prescribed by the applicable performance requirements. This regulation provides for the establishment of the margin by the Administrator; however, in no case can this margin be less than 15 percent. In view of the many different types of airplanes to which this regulation is applicable, a higher margin might be necessary in certain cases to insure safe day-to-day operations.

For reciprocating-engine-powered airplanes, the provisions of this regulation require that the applicant establish a procedure for the use of standby power for attaining the en route configuration and a safe en route speed in the event of an engine failure during the takeoff. Provisions for such procedures are contained in the regulations for turbine-powered airplanes and will therefore be applicable to such airplanes. The establishment of the procedures made applicable to reciprocating-engine-powered airplanes is left to the discretion of the applicant to select the altitude at which the acceleration is to take place, the basic limitation being that the slope along all points of the airborne portion of the takeoff path must be positive. This will provide for the critical operation of cleanup and acceleration during the takeoff which are not covered by the performance requirements of Part 4b and which have been cited in the past in connection with several accidents. In addition, with respect to the clearing of obstacles, the takeoff path scheduled in the Airplane Flight Manual for airplanes for which the performance requirements of Part 4b are applicable must be appropriately modified to reflect the effect of the aforementioned procedure.

The criteria for the establishment of maximum certificated takeoff weights involve two separate comparisons of takeoff paths. These comparisons must be carried out to a height of 400 feet above the takeoff surface. This minimum height is intended to be associated with a procedure where standby power is actuated within the neighborhood of

the critical engine failure speed V_1. These provisions are intended to limit the increase in maximum takeoff weight consistent with the overall level of performance currently attained with respect to the one-engine-inoperative takeoff and to limit the amount of standby power for which performance credit can be granted to insure a reasonable margin of performance for the all-engine day-to-day operations.

The provisions for the establishment of maximum certificated landing weights require only a comparison between two flight paths based on a steady climb and fixed configuration. One represents a climb path at the maximum weight previously certificated without standby power and the other a climb path at the increased weight with standby power. In addition, there is a provision which requires the establishment of procedures for the execution of balked landings and missed approaches in conjunction with the use of standby power.

A question has been raised as to whether duplicate sets of standby power units are required to obtain performance credit for both the takeoff and the approach stages of flight. It is intended by this regulation to require duplicate sets of standby power for a flight for which the use of standby power is necessary to comply with both the maximum certificated takeoff and the maximum certificated approach weight limitations. Where the use of standby power is necessary for compliance with the maximum certificated weight limitations for only one regime of flight, i.e., takeoff or approach, one set of standby power units is required.

There are also included safety criteria for the installation and operation of the standby power system.

The Board presently has under consideration a special regulation which would be applicable to nontransport category airplanes equipped with standby power.

Interested persons have been afforded an opportunity to participate in the making of this regulation (22 F.R. 10464), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective October 27, 1958.

Contrary performance provisions of the Civil Air Regulations notwithstanding, the Administrator may grant performance credit for the use of standby power on transport category airplanes. Such credit shall be applicable only to the maximum certificated takeoff and landing weights, the takeoff distance, and the takeoff paths, and shall not exceed that found by the Administrator to result in an overall level of safety in the takeoff, approach, and landing regimes of flight equivalent to that prescribed in the regulations under which the airplane was originally certificated without standby power. (Note: Standby power is power and/or thrust obtained from rocket engines for a relatively short period and actuated only in cases of emergency.) The following provisions shall apply:

(1) *Takeoff; general.* The takeoff data prescribed in sections (2) and (3) shall be determined at all weights and altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied.

(2) *Takeoff path.*

(a) The one-engine-inoperative takeoff path with standby power in use shall be determined in accordance with the performance requirements of the applicable airworthiness regulations.

(b) The one-engine-inoperative takeoff path (excluding that portion where the airplane is on or just above the takeoff surface) determined in accordance with paragraph (a) of this section shall lie above the one-engine-inoperative takeoff path without standby power at the maximum takeoff weight at which all of the applicable airworthiness requirements are met. For the purpose of this comparison, the flight path shall be considered to extend to at least a height of 400 feet above the takeoff surface.

(c) The takeoff path with all engines operating, but without the use of standby power, shall reflect a conservatively greater overall level of performance than the one-engine-inoperative takeoff path established in accordance with paragraph (a) of this section. The aforementioned margin shall be established by the Administrator to insure safe day-to-day operations, but in no case shall it be less than 15 percent. The all-engines-operating takeoff path shall be determined by a procedure consistent with that established in complying with paragraph (a) of this section.

(d) For reciprocating-engine-powered airplanes, the takeoff path to be scheduled in the Airplane Flight Manual shall represent the one-engine-inoperative takeoff path determined in accordance with paragraph (a) of this section and modified to reflect the procedure (see sec. (6)) established by the applicant for flap retraction and attainment of the en route speed. The scheduled takeoff path shall have a positive slope at all points of the airborne portion and at no point shall it lie above the takeoff path specified in paragraph (a) of this section.

(3) *Takeoff distance.* The takeoff distance shall be the horizontal distance along the one-engine-inoperative takeoff path determined in accordance with section (2)(a) from the start of the takeoff to the point where the airplane attains a height of 50 feet above the takeoff surface for reciprocating-engine-powered airplanes and a height of 35 feet above the takeoff surface for turbine-powered airplanes.

(4) *Maximum certificated takeoff weights.* The maximum certificated takeoff weights shall be determined at all altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied and shall not exceed the weights established in compliance with paragraphs (a) and (b) of this section.

(a) The conditions of section (2) (b) through (d) shall be met at the maximum certificated takeoff weight.

(b) Without the use of standby power, the airplane shall meet all of the en route requirements of the applicable airworthiness regulations under which the airplane was originally certificated. In addition, turbine-powered airplanes without the use of standby power shall meet the final takeoff climb requirements prescribed in the applicable airworthiness regulations.

(5) *Maximum certificated landing weights.*

(a) The maximum certificated landing weights (one-engine-inoperative approach and all-engines-operating landing climb) shall be

determined at all altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied and shall not exceed that established in compliance with the provisions of paragraph (b) of this section.

(b) The flight path, with the engines operating at the power and/or thrust appropriate to the airplane configuration and with standby power in use, shall lie above the flight path without standby power in use at the maximum weight at which all of the applicable airworthiness requirements are met. In addition, the flight paths shall comply with the provisions of subparagraphs (i) and (ii) of this paragraph.

(i) The flight paths shall be established without changing the appropriate airplane configuration.

(ii) The flight paths shall be carried out for a minimum height of 400 feet above the point where standby power is actuated.

(6) *Airplane configuration, speed, and power and/or thrust; general.* Any change in the airplane's configuration, speed, and power and/or thrust shall be made in accordance with the procedures established by the applicant for the operation of the airplane in service and shall comply with the provisions of paragraphs (a) through (c) of this section. In addition, procedures shall be established for the execution of balked landings and missed approaches.

(a) The Administrator shall find that the procedure can be consistently executed in service by crews of average skill.

(b) The procedure shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(c) Allowances shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

(7) *Installation and operation; standby power.* The standby power unit and its installation shall comply with the provisions of paragraphs (a) and (b) of this section.

(a) The standby power unit and its installation shall not adversely affect the safety of the airplane.

(b) The operation of the standby power unit and its control shall have proven to be safe and reliable.

[Page 227 follows. (Pages 225 and 226 were removed by Supplement No. 2 dated March 15, 1961.)]

SPECIAL CIVIL AIR REGULATION NO. SR–432A

Effective: February 9, 1962
Adopted: February 5, 1962
Published: February 9, 1962
(27 F.R. 1208)

Carriage of Persons Aboard All-Cargo Aircraft

Authorization for the carriage of persons aboard all-cargo aircraft is presently contained in Special Civil Air Regulations No. SR–419, effective January 17, 1957 (22 F.R. 423), and No. SR–432, effective May 30, 1959 (24 F.R. 4366).

SR–419 authorizes three LOGAIR contractors, listed in Appendix A thereto, to carry military couriers, route supervisors, and LOGAIR flight crewmembers of other LOGAIR contractors in their cargo aircraft. These air carriers were granted relief from the maximum passenger weight requirements of Special Civil Air Regulation No. SR–406C, as applicable to C–46 aircraft, in addition to certain other passenger-carrying provisions of Part 42 of the Civil Air Regulations. Special Civil Air Regulaton No. SR–419 also provides that other air carriers conducting LOGAIR operations may individually secure this authorization from the Administrator, and be listed accordingly in Appendix A of the regulation. Such authorization was granted in the interest of the efficiency and safety of these essential national defense operations.

SR–432 authorizes the carriage of certain persons in cargo operations when such persons perform specific duties in connection with the safety of flights, the safe carriage of animals, or the carriage of radioactive materials. It also provides for the carriage of security and honor guards in cargo aircraft when authorized by the Federal Government. These authorizations were based on the conclusion that compliance with the passenger operation rules of Parts 40, 41, and 42 by an air carrier when carrying these passengers in all-cargo airplanes placed an unreasonable burden upon the air carriers concerned, since such individuals should not, and were not intended to, fall within the normally accepted category of air carrier passengers.

This regulation incorporates the provisions of both Special Regulations in a single regulation with the following changes:

(1) Recently the Agency has received requests from other air carriers and commercial operators operating flights under LOGAIR or other types of military contracts who wish to take advantage of SR–419. However, as presently written, it would require a revision of the regulation or an exemption thereto each time an operator is given such authorization. The Administrator has determined that there are no special reasons to limit such authorization to LOGAIR operations or air carriers and that this privilege should be extended to all military contract air carriers or commercial operators.

(2) Requests have also been received from air carriers to permit carriage of company employees and their dependents on cargo flights without complying with the passenger-carrying airplane requirements when traveling on company business to and from outlying stations not served by adequate and regular passenger flights. The problem of providing

these persons with transportation to and from their duty stations is particularly acute outside the United States. Carriage of these persons on cargo flights is similar to the carriage of the persons authorized by paragraphs 1(a) and (b) of SR–432 and a provision is included authorizing their transportation on cargo flights without full compliance with the passenger-carrying or passenger-service airplane requirements of Part 40, 41, or 42.

(3) Many of the operators may also wish to conduct the cargo flights in accordance with SR–411A which authorizes airplanes certificated under the transport category requirements in effect prior to March 13, 1956, to be operated in cargo service at certain increased weights. Airplanes used in these cargo flights are subject to inspections in addition to those normally performed and have been operated incident-free for many years. Therefore, as part of this regulatory action the persons authorized herein may also be carried aboard those airplanes specified in SR–411A at the increased weights.

(4) Under SR–419, the operator is responsible for the issuance of instructions to insure that the persons carried will not interfere with the control of the aircraft. This requirement is unnecessary and is being deleted in this regulation. The pilot in command of the aircraft has the authority to approve or deny access to the flight deck of such aircraft and is better qualified to issue such instructions as are necessary under the particular circumstances of the flight to persons authorized to enter the flight deck under this regulation.

(5) SR–419 also requires that the operator furnish the Administrator, prior to the carriage of persons authorized by the regulation, with a list showing the type of aircraft, registration number, and an authorization from the Air Force for the transportation of such persons. Experience has shown that inspection of the records of the operators involved will supply the necessary information. Therefore, submission of this information in advance is no longer required under this regulation.

In view of the foregoing, this regulation combines the provisions of SR–419 and SR–432, insofar as they both relate to the carriage of passengers on cargo aircraft, and, in addition, permits the carriage of certain other persons on such cargo flights. The regulation also permits such flights to be conducted without compliance with the passenger-carrying or passenger-service airplane requirements of Part 40, 41, or 42, or, in the case of C–46 airplanes, the provisions of SR–406C. When such persons are authoried to be carried on airplanes certificated under the transport category requirements in effect prior to March 13, 1956, the airplane may be operated in accordance with the increased weight requirements of SR–411A.

With regard to the carriage of company employees and their dependents it was deemed necessary to provide special requirements, since these persons may vary in age and agility, and thus their ability to cope with unusual situations may be restricted. Therefore, it is being required that operators include in their operations manuals the procedures necessary for the safe carriage of such persons.

Since this regulatory action imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted, effective February 9, 1962:

1. The following persons, when duly authorized by the air carrier or commercial operator operating the airplane may be carried aboard an airplane engaged in the carriage of cargo only, without compliance with the passenger-carrying or passenger-service airplane requirements of Parts 40, 41, and 42, and SR–406C and SR–411A of the Civil Air Regulations:

(a) A person performing a specific duty assignment aboard an airplane in connection with the safety of the flight, or the safe carriage of animals, or radioactive materials within the meaning of and subject to the requirements of section 49.2 of the Civil Air Regulations; or while traveling to or from such duty assignments where the air carrier or commercial operator finds that other means of transportation are not practicable;

(b) A person performing duty as a security or honor guard aboard an airplane for shipments made by or under the authority of the Federal Government;

(c) Military couriers, military route supervisors, and flight crewmembers of any military cargo contract air carrier or commercial operator, when operating under a military cargo contract and specifically authorized by the appropriate military service; and

(d) Company employees of the air carrier or commercial operator and their dependents when traveling on company business to or from outlying stations not served by adequate, regular passenger flights. When such persons are carried, cargo will be loaded in such a manner as not to obstruct access to the pilot compartment, or the appropriate emergency or regular exits. In addition, for extended overwater flights, or for flights over uninhabited terrain, emergency and survival equipment adequate for the particular operation involved shall be carried. Procedures for the safe carriage of company employees and their dependents under this subparagraph shall be incorporated into the air carrier's or commercial operator's operations manual.

2. An approved seat with a safety belt shall be available for the use of each person described in paragraph 1. The location of the seat shall be such that the occupant will not be in a position to interfere with the flight crewmembers in the performance of their duties.

3. Persons described in paragraph 1 may be admitted to the flight deck of the airplane when authorized by the pilot in command.

This Special Civil Air Regulation supersedes Special Civil Air Regulation No. SR–419 and Special Civil Air Regulation No. SR–432, and shall remain in effect until superseded or rescinded.

SPECIAL CIVIL AIR REGULATION NO. SR-436B

Adopted: Dec. 28, 1961
Effective: Jan. 5, 1962
Published: Jan. 5, 1962
(27. F.R. 97)

Airborne Weather Radar Equipment Requirements for Airplanes Carrying Passengers

Special Civil Air Regulation No. SR-436A (25 F.R. 6130), which superseded SR-436 (25 F.R. 167), requires the installation of approved airborne weather radar equipment in certain transport category airplanes used for the carriage of passengers under Part 40, 41, or 42 of the Civil Air Regulations. This requirement is based on the fact that airborne weather radar equipment facilitates the early detection and location by the pilot of certain areas of turbulence and enables him to avoid such areas or to take such other action as may be necessary in the interest of safety.

Section 4 of SR-436A expressly excepts from the provisions of the regulation airplanes used solely within the States of Alaska and Hawaii. These operations were excluded because thunderstorms and other potentially hazardous meterological conditions detectable by weather radar rarely occur in those areas.

Recently, the Federal Aviation Agency received a request from an air carrier operating in the State of Alaska to amend section 4 of SR-436A to expand the exceptions contained in that section to include certain areas of the Dominion of Canada. In support of its request the air carrier points out that because of the physical shape of the State of Alaska, the use of airways which overfly northwest Canada provide a more direct route between northeast Alaska and southeast Alaska. Moreover, when operating over the Canadian Airways Dawson and Whitehorse, Yukon Territory, Canada, are ideally located and suitably equipped to provide refueling service. However, when carrying passengers under the provisions of Part 41 or 42, compliance with the present provisions of SR-436A prevents the use of both the more direct airways over Canada and the Canadian refueling stops unless approved airborne weather radar is installed on the airplane being utilized.

At an industry meeting held in the State of Alaska, subsequent to this request, the feasibility of amending SR-436A was discussed. It was suggested at this meeting that if an amendment is made to section 4 of SR-436A it should include all of the Dominion of Canada west of a north-south line which would encompass the city of Edmonton, Alberta, Canada. This would include all of Canada west of longitude 110° W., between the northern coastline of Canada and the northern boundary of the continental United States. This request was based upon a contention that there is light thunderstorm activity in that part of Canada.

As a result of these requests, the Federal Aviation Agency initiated a study into the feasibility of amending section 4 of SR-436A to except airplanes operated in certain parts of Canada from the requirement of installing airborne weather radar. Information was received from the U.S. Weather Bureau that the area of Canada west of longitude 130° W., between latitude 70° N. and latitude 53° N., has meteorological conditions similar to the State of Alaska.

This information also shows that thunderstorms and other potentially hazardous meteorological conditions rarely occur in that area. However, in the area of Canada that is east and south of that area and adjacent to the United States northern boundary and which encompasses Edmonton, Alberta, the thunderstorm activity increases considerably and is equal to or greater than that of a large portion of the United States where airborne weather radar is mandatory.

After considering the foregoing, it has been determined that the level of safety in air carrier passenger operations would not be reduced by excluding from the provisions of SR–436A airplanes used for the carriage of passengers within Alaska and that portion of Canada west of longitude 130° W., between latitude 70° N. and latitude 53° N., where thunderstorms and other potentially hazardous weather conditions rarely occur. In addition, such an exclusion would permit the use of more direct routes and refueling stops between northeast and southeast Alaska. Therefore, section 4 of SR–436A is amended to exclude airplanes used within the State of Alaska and that portion of Canada west of longitude 130° W., between latitude 70° N. and latitude 53° N., from the weather radar requirements.

This Special Civil Air Regulation incorporates into one document all of the provisions of SR–436A with amendments to exclude the foregoing portions of Canada. Since it imposes no additional burden on any person and relieves a restriction, I find that notice and public procedure hereon are unnecessary, and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted:

1. *Airborne weather radar equipment requirement.* After the dates specified, the following transport category airplanes shall not be used for the carriage of passengers under the provisions of Part 40, 41, or 42 of the Civil Air Regulations, unless approved airborne weather radar equipment is installed in such airplanes:

(a) July 1, 1960, for all turbine-powered airplanes certificated under the transport category rules;

(b) January 1, 1961, for the Douglas DC–7 Series, Douglas DC–6 Series, and Lockheed 1049 and 1649 Series type airplanes; and

(c) January 1, 1962, for all airplanes certificated under the transport category rules, except C–46 type airplanes.

NOTE: Airplanes subject to the provisions of paragraph (c) of this section include, but are not limited to, the following types: Boeing 377; Convair 240, 340, and 440; Lockheed 049 and 749; Martin 202 and 404; and Douglas DC–4.

2. *Schedule for installation of equipment.*

(a) Each operator conducting passenger operations under the provisions of Part 40, 41, or 42 of the Civil Air Regulations with transport category airplanes on which airborne weather radar is not installed, shall establish a schedule for the progressive completion of such radar installations, in accordance with the provisions of section 1 of this regulation. The schedule shall provide for the completion of all required radar installations on or before the dates specified in section 1 of this regulation, and the completion of at least 40 percent of the required installations on or before the following dates:

(1) August 1, 1960, for airplanes of the types specified in section 1(b), and

(2) February 1, 1961, for airplanes of the types specified in section 1(c).

(b) On or before July 1, 1960, a copy of the schedule required by paragraph (a) of this section shall be submitted to an authorized representative of the Administrator, together with a list of any airplanes the operator intends to discontinue using in the carriage of passengers prior to the date on which radar equipment must be installed.

3. *Requirement for dispatch and continuance of flight.* After the effective date specified in section 6 of this regulation, all transport category airplanes having approved airborne weather radar installed shall be operated in accordance with the following rules when used in passenger operations under Part 40, 41, or 42:

(a) *Dispatch.* No airplane shall be dispatched (or flight of an airplane started under the provisions of Part 42) under IFR or night VFR conditions when current weather reports indicate thunderstorms, or other potentially hazardous weather conditions which can be detected by airborne weather radar, may reasonably be expected to be encountered along the route to be flown, unless approved airborne weather radar equipment installed in the airplane is in a satisfactory operating condition.

(b) *En route.* In the event the airborne weather radar becomes inoperative en route, the airplane shall be operated in accordance with the instructions and procedures specified in the operations manual for such occurrence. After the date specified by section 1 of this regulation for the mandatory installation of approved airborne weather radar on the type of airplane involved, such instructions and procedures shall meet with the approval of an authorized representative of the Administrator.

4. *Exceptions.* The provisions of this regulation shall not apply to airplanes used (a) solely within the State of Hawaii or within the State of Alaska and that portion of the Dominion of Canada west of longitude 130° West, between latitude 70° North and latitude 53° North, or (b) during all-cargo, training, test, or ferry flights.

5. *Electrical power supply.* Contrary provisions of the Civil Air Regulations notwithstanding, an alternate electrical power supply need not be provided for airborne weather radar equipment.

6. *Effective date.* This Special Civil Air Regulation shall become effective on January 5, 1962, and supersedes Special Civil Air Regulation No. SR–436A.

SPECIAL CIVIL AIR REGULATION NO. SR-440

Effective: June 7, 1960
Adopted: June 7, 1960

Occupancy of Forward Observer's Seat During En Route Inspection

Sections 40.22, 41.5, and 42.8 of the Civil Air Regulations contain provisions which make it mandatory to permit an authorized representative of the Federal Aviation Agency at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the Federal Aviation Act of 1958, and the Civil Air Regulations. Similar inspection provisions have existed without interruption since the regulation of civil aviation by the former Aeronautics Branch, U.S. Department of Commerce, which provided in its regulations that the "owner, operating agency, or pilot" was required to give Federal inspectors "free and uninterrupted access to the aircraft" while conducting government inspections.

Historically, the required Government inspections of air carrier operations known as en route inspections have been conducted from a seat or station on the flight deck of the aircraft which permits the inspector to observe the operation of the aircraft by the flight crew members at their respective stations. This was done for the obvious reason that an inspection conducted from a location which would not permit observation of the operation would be essentially futile. As a result of this well established and accepted practice, it has been unnecessary for the Federal Aviation Agency or its predecessor agencies to further prescribe by regulatory action the authority of the inspector to occupy such seat in the conduct of his required en route inspections.

With the introduction into service of new type turbo jet airplanes two observers' seats were made available for use on the flight deck of such airplanes, in addition to those required for the minimum flight crew. In some of these airplanes one of these seats, the forward observer's seat, is located directly behind that occupied by the pilot in command and permits FAA inspectors while occupying such seat to observe the operation of the airplane by the flight crew members. The location of the second observer's seat, however, does not permit such observation.

By agreement entered into between the Air Line Pilots Association and certain air carriers, an additional pilot flight crew member has been assigned to assist the pilot in command in the operation of turbo jet airplanes. This agreement was entered into notwithstanding the fact that such airplanes were certificated for safe operation by the FAA with a minimum flight crew of two pilots and a flight engineer. Moreover, these airplanes are still being operated safely with such a flight crew complement by all of the other air carriers not parties to such an agreement. The Air Line Pilots Association has now advised the FAA that under the provisions of this agreement it has decided that the forward observer's seat must be occupied by the additional pilot flight crew member or the airplane will not be operated by its members—even during en route inspections. In support of this decision, resolutions have

been entered into by the Master Executive Council of the pilots of the air carriers which are parties to such agreements directing its members not to operate turbo jet airplanes for en route inspections, when the forward observer's seat is occupied by the FAA inspector instead of the additional third pilot.

Pursuant to such agreements and resolutions, the pilots of one of the air carriers have now refused to operate turbo jet airplanes which were scheduled for en route inspections by authorized representatives of the Administrator occupying the forward observers' seats. Such overt acts by the pilots involved have created a situation which requires immediate corrective action. The statutory safety responsibilities of the Federal Aviation Agency can not be derogated by the provisions of agreements between the pilots and the air carriers, or by unilateral resolutions of the pilots and their associations purporting to implement such agreements. In the exercise and performance of their statutory responsibilities, FAA inspectors conducting en route inspections must be provided with a seat in the cockpit from which they are able properly to discharge such responsibilities. This requirement is both obvious and fundamental for the conduct of inspections which will assure the highest degree of safety in the fast growing system of air transportation.

Because of the emergency nature of the situation, I find that compliance with the notice, procedures and effective date provisions of the Administrative Procedure Act would be impracticable and impede the due and timely execution of the functions of the Federal Aviation Agency.

In consideration of the foregoing this emergency Special Civil Air Regulation is adopted to make clear that the authorized representatives of the Administrator must be given full and uninterrupted access to the aircraft, including a suitable seat on the flight deck, as determined by the Administrator, for the proper performance and discharge of their en route inspection duties. This regulation is declaratory of a longstanding practice and makes explicit, with respect to certain aircraft, the location of such seat.

The following Special Civil Air Regulation is hereby adopted to become effective immediately.

Each air carrier shall make available a seat on the flight deck of each aircraft used by it in air transportation for occupancy by an authorized representative of the Administrator while conducting en route inspections. The location and equipment of such seat, in respect to its suitability for use in conducting en route inspections, shall be as required by the Administrator or his representative. In all Boeing 707's, Douglas DC–8's, and other types of aircraft having more than one observer's seat in excess of that required for the crew complement for which the aircraft was certificated, the forward observer's seat shall be made available to such representative.

SPECIAL CIVIL AIR REGULATION No. SR-446B

Effective: May 25, 1963
Adopted: April 4, 1963
Published: April 13, 1963
(28 F.R. 3648)

Use of Portable Frequency Modulation (FM) Type Radio Receivers on Aircraft During Flight

The purpose of this special regulation is to continue in effect the provisions of currently effective Special Civil Air Regulation No. SR-446A (27 F.R. 4906). SR-446A prohibits the operation of portable frequency modulation (FM) radio receivers during flight on all civil aircraft of the United States operated by an air carrier or a commercial operator. It also prohibits the operation of portable FM radio receivers on all other VOR-equipped civil aircraft of the United States while such VOR equipment is being used for navigational purposes.

In 1961, during tests conducted by the Federal Aviation Agency, it was found that radio receivers having local oscillators operating within or near the VHF omnirange (VOR) frequency band (108 to 118 Mcs.) cause interference which adversely affects the operation of an aircraft's VOR navigational system. Various types of portable radio receivers (i.e., radio receivers capable of being carried aboard an aircaft by a passenger) were used in these tests and it was determined that the portable frequency modulation (FM) radio receiver was the only type receiver commonly used by the general public that would create this unwanted interference. Although the tests conducted by the Agency were not completed, the initial finding that FM radio receivers operated aboard an aircraft would cause unwanted interference warranted immediate regulatory action to prevent these radios from endangering safety in air commerce. Accordingly, SR-446 (26 F.R. 4011) was issued May 4, 1961; however, to simplify revision of the rule if additional interference problems were found by the tests, it was issued as a temporary rule effective until May 24, 1962. Since the final evaluation of these tests by all interested parties would not have been completed by the time SR-446 was to expire, the provisions of that rule were continued in effect for an additional year until May 24, 1963, by the issuance of SR-446A on May 22, 1962.

The evaluation of the tests conducted by the Agency have now been completed and the evaluations have not revealed any additional interference problems other than that caused by FM radio receivers. Accordingly, since the interference problem which prompted the issuance of SR-446A still exists and since it is necessary in order to provide adequately for safety in air commerce to continue the provisions of that regulation in effect, I find it is in the public interest to make the provisions of that rule permanent.

In the preamble to SR-446A it was indicated that when the evaluation of the tests were completed, the provisions of SR-446A would be incorporated

into the applicable operating parts, i.e., Parts 40, 41, 42, 43, 45, and 46. These parts are presently being recodified and as recodified, will contain the provisions of related Special Civil Air Regulations such as SR-446A. Until their recodification, the provisions contained in SR-446A will be continued in effect on the form of a Special Civil Air Regulation.

Since this regulation continues in effect a Special Civil Air Regulation which expires on May 24, 1963, and a lapse in the effectiveness of the regulation would endanger safety in air commerce, I find that notice and public procedure hereon would be contrary to the public interest..

In consideration of the foregoing, Special Civil Air Regulation No. SR-446A is superseded by the following Special Civil Air Regulation which is hereby adopted to become effective on May 25, 1963.

No person shall operate, nor shall any operator or pilot in command of an aircraft permit the operation of, a portable frequency modulation (FM) radio receiver on the following civil aircraft of the United States while such aircraft are engaged in flight in air commerce:

(a) Aircraft operated by an air carrier or commercial operator; and

(b) Any other aircraft equipped with VHF omnirange (VOR) navigational equipment while such VOR equipment is being used for navigational purposes.

This special regualtion supersedes Special Civil Air Regulation No. SR-446A.

This Special Civil Air Regulation is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 and 1421).

SPECIAL CIVIL AIR REGULATION NO. SR-448A

Adopted: Oct. 9, 1961
Effective: Oct. 13, 1961
Published: Oct. 13, 1961
(26 F.R. 9669)

Precautions to Prevent Hijacking of Aircraft and Interference With Crewmembers in the Performance of Their Duties

Special Civil Air Regulation No. SR-448 was adopted and effective July 28, 1961 (26 F. R. 7009). The preamble thereto stated that:

The recent hijackings of air carrier aircraft have highlighted a necessity to provide additional controls over the conduct of passengers in order to avoid a serious threat to the safety of flights and persons aboard them. The Federal Aviation Agency has the responsibility to see that air carriers take such steps as are possible to prevent such occurrences. We have requested the air carriers to take every practicable precaution to prevent passengers from having access to the pilot compartment. In addition, we are adopting a regulation which will prohibit any person, except one who is specifically authorized to carry arms, from carrying on or about his person while aboard an air carrier aircraft a concealed deadly or dangerous weapon. The regulation being adopted will also make it a violation of the CARs for any person to assault, threaten, intimidate, or interfere with a crewmember in the performance of his or her duties aboard an air carrier aircraft or to attempt to or cause a flight crewmember to divert the flight from its intended course or destination.

Special regulation SR-448, however, does not prohibit a person from carrying an unconcealed deadly or dangerous weapon on or about his person while aboard an aircraft. The present emergency situation requires stringent measures to preclude the carriage of any weapon which may be used to intimidate or interfere with crewmembers performing their duties on an aircraft engaged in air transportation. Therefore, paragraph 2 of SR-448 is amended by this regulation to prohibit any person, except those specified, from carrying a deadly or dangerous weapon on or about his person, either concealed or openly, while on board an air carrier aircraft engaged in air transportation.

Since the promulgation of Special Civil Air Regulation No. SR-448, Public Law 87-197 has been enacted which, among other things, makes it a criminal offense to carry a concealed deadly or dangerous weapon on or about one's person while aboard an air carrier aircraft being operated in air transportation. Excepted from this provision are certain law enforcement officers, and "other persons as may be so authorized under regulations issued by the Administrator." To implement this statutory provision, this regulation excepts from the prohibition against carrying a concealed weapon while aboard an aircraft being operated by an air carrier in air transportation (1) employees or officials of municipal, State, or Federal Governments who are authorized or required to carry arms; (2) crewmembers authorized by the air carrier; and (3) such other persons as may be authorized by the air carrier pursuant to such precautions as may be established by the carrier.

In view of the foregoing exceptions, the prohibition of paragraph 2 of SR-448 is changed to apply to any person, rather than only to those persons who are passengers. This regulation does not in any way affect the shipment

of unloaded firearms in baggage not accessible to the passenger while aboard the aircraft if these firearms are otherwise acceptable for shipment under the provisions of Part 49. In such case, the firearms will be located so as not to be accessible to the passenger during flight, and therefore, not deemed to be on or about his person within the meaning of this regulation.

The present provisions of paragraph 1 of SR-448 apply to aircraft being operated in air transportation. This paragraph is changed to apply to aircraft being operated in air commerce to broaden the scope of the provision to provide similar protection to those general aviation operations and operations conducted for compensation or hire which are not considered as air transportation under the Federal Aviation Act of 1958.

Because of the emergency nature of the situation and the present threat to safety of persons being carried in air commerce, I find that notice and public procedure hereon would be impracticable and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing changes, Special Civil Air Regulation SR-448 is superseded by the following Special Civil Air Regulation to become effective October 13, 1961:

1. No person shall assault, threaten, intimidate, or interfere with a crewmember in the performance of his duties aboard an aircraft being operated in air commerce; nor shall any person attempt to or cause the flight crew of such aircraft to divert its flight from its intended course or destination.

2. Except for employees or officials of municipal, State, or Federal Governments who are authorized or required to carry arms, and except for those crewmembers and such other persons as may be authorized by an air carrier, no person, while aboard an aircraft being operated by an air carrier in air transportation, shall carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed.

This special regulation supersedes Special Civil Air Regulation No. SR-448.

SPECIAL CIVIL AIR REGULATION NO. SR–450A

Effective: Aug. 31, 1962
Adopted: Aug. 29, 1962
Published: Sept. 1, 1962
(27 F.R. 8760)

Airspeed Operation Limitation for Transport Category Airplanes

Special Civil Air Regulation No. SR–450, effective May 3, 1962 (27 F.R. 2995), contained a number of requirements dealing with airspeed operating limitations to airplanes certificated under the provisions of Part 4b in effect prior to May 3, 1962. A revision of the Airplane Flight Manual statement concerning airspeed operating limitations was prescribed for all such airplanes. Consistent revision of airspeed placards and instrument markings, and the installation of a speed warning device, were additionally prescribed for turbine-powered airplanes. The special regulation required compliance with the speed warning device provision on or before February 1, 1963; with all other provisions, on or before September 1, 1962.

Several operators of airplanes affected by SR–450 have requested extensions of the compliance dates specified therein, contending that compliance before these dates would be unnecessarily and excessively burdensome in relation to the attained increment of safety. With respect to the September 1, 1962, compliance date specified in section 1(a)(2), they point out that remarking airspeed instruments generally involves removal of the instrument seal. When this is done, the instrument is processed through a time-consuming overhaul schedule to make certain that its calibration has not been changed. They state, in addition, that the airplane manufacturer delayed delivery of the detailed service information required for the modification until necessary technical consultations with the instrument manufacturer, and with representatives of this Agency, could be completed. With respect to the February 1, 1963, date established for compliance with section 1(b), operators of turbine-powered airplanes not already equipped with a speed warning device report that they cannot obtain delivery of the device in less than 5 months; that installation of the device involves extensive electrical modifications, rework of the pitot-static pressure system, and other installation changes; that ground and flight tests are necessary to insure proper functioning of the modified systems; and that such modifications and tests, to be conducted in a safe manner, should be scheduled during a major airplane overhaul.

The Agency has determined that, for the reasons stated above and despite diligent efforts on their part, many persons affected by SR–450 will not be able to comply with its provisions before the specified dates and that a period of relief may be granted without adversely affecting safety. Accordingly, SR–450 has been amended by extending the Sep-

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tember 1, 1962, compliance dates to March 1, 1963, and by extending the February 1, 1963, compliance date to February 1, 1964.

Since this regulation provides relief from the provisions of the previous regulation, and imposes no additional burden upon any persons, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary, and good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective August 31, 1962:

Contrary provisions of the Civil Air Regulations notwithstanding, the following requirements shall be applicable to transport category airplanes certificated under the provisions of Part 4b in effect prior to May 3, 1962:

1. *Turbine-powered airplanes.*

(a) On or before March 1, 1963:

(1) The airspeed operating limitations in the Airplane Flight Manual shall be revised by deleting the term "normal operating limit speed" and the corresponding symbols "V_{NO}/M_{NO}", together with statements explaining the significance of this term, and inserting in lieu thereof the term "maximum operating limit speed", the corresponding symbols "V_{MO}/M_{MO}", and the following statement explaining the significance of the new term:

"The maximum operating limit speed shall not be deliberately exceeded in any regime of flight (climb, cruise, or descent), except where a higher speed is specifically authorized for flight test or pilot training operations, or in approved emergency procedures."

(2) Airspeed placards and instrument markings shall be consistent with subparagraph (1) of this paragraph. Where color markings are used on airspeed or Mach indicators, the red radial line shall be at V_{MO}/M_{MO}. Where a maximum allowable airspeed indicator is used, the limit hand shall indicate V_{MO}/M_{MO}.

(b) On or before February 1, 1964, each airplane shall be equipped with a speed warning device which shall provide aural warning to the pilots, which is distinctly different from aural warnings used for other purposes, whenever the speed exceeds V_{MO} plus 6 knots or $M_{MO}+0.01$. The upper limit of the production tolerances permitted for the warning device shall be at a speed not greater than the prescribed warning speed.

2. *Reciprocation engine-powered airplanes.* On or before March 1, 1963, the airspeed operating limitations in the Airplane Flight Manual shall be revised as necessary to state that the normal operating limit speed, or the maximum structural cruising speed (whichever term is used in the particular manual), shall not be deliberately exceeded in any regime of flight (climb, cruise, or descent), except where a higher speed is specifically authorized for flight test or pilot training operations, or in approved emergency procedures.

This regulation supersedes Special Civil Air Regulation No. SR-450.

SPECIAL CIVIL AIR REGULATION No. SR-455

Effective: November 28, 1962
Adopted: November 21, 1962
Published: November 28, 1962
(27 F.R. 11691)
Correction: December 12, 1962
(27 F.R. 12258)

Air Carrier Inspector's Credential; Admission to Pilot's Compartment

The purpose of this Special Regulation is to authorize Federal Aviation Agency inspectors, upon presentation of the Credential Form FAA-110A, to have access to the pilot's compartment of an aircraft for the purpose of conducting his assigned duties during an en route or other inspection.

Under the present provisions of the regulations governing the operation of air carriers and commercial operators, inspectors of the Federal Aviation Agency are authorized to enter and have a seat available for their use in the pilot's compartment of an aircraft while conducting an en route inspection of the air carrier or commercial operator involved.

Inspectors who are authorized by the Administator to conduct such inspections are furnished a credential Form FAA-110A, entitled "Air Carrier Inspector's Credential". This form contains a picture and description of the inspector to whom it is issued and certifies that he is assigned to the duty of inspecting during flight air carrier aircraft, engines, propellers, appliances, route facilities, operational procedures or airman competency. It also contains an authorization for the inspector to enter and have access to the pilot's compartment in the performance of his duties. This authorization is, of course, necessary to conduct the required government inspections specified in sections 40.22, 41.5, 42.8, and 46.22 of the Civil Air Regulations (14 CFR Parts 40, 41, 42, and 46).

For many years the Form FAA-110A, or a similar credential has been used by inspectors of the FAA and its predecessor agencies as the official identification of those inspectors authorized to have access to the pilot's compartment in the performance of their duties. Until recently, there were no incidents in which the authority of these inspectors was questioned by the air carriers or the crewmembers. With the introduction into service of new type turbojet airplanes the Agency adopted Special Civil Air Regulation SR-440 (25 F.R. 5146) to make it clear that these inspectors must be given full and uninterrupted access to the aircraft, including a seat on the flight deck, as determined by the Administrator, for the proper performance and discharge of their en route inspection duties.

The Agency now finds that incidents have occurred in which the flight crewmembers have questioned the validity of the Form FAA-110A, or have refused to recognize such credential as authority to enter the pilot's

compartment, and thereby obstructed or impeded the official duties of the inspector presenting the credential. To avoid any further repetition of such incidents it is necessary to adopt an additional rule which authorizes an inspector, upon presentation of the Credential Form FAA-110A, to have access to the pilot's compartment of an aircraft for the purpose of conducting his assigned duties during an en route or other inspection.

Notwithstanding the adoption of this rule each inspector of the Agency will continue, whenever possible, to give prior notification of the inspection in accordance with the procedures established by the air carrier concerned. However, there will be instances in which this notification is not practicable or feasible such as in the case of an emergency or special inspection, or an inspection originating at an intermediate stop. Therefore, in order to avoid any misunderstanding in this regard, it is to be noted that the lack of a prior noitfication by an inspector conducting an en route inspection does not affect his authority under this rule. In addition, it is to be noted that the inspector's authority under this rule is not affected in those cases in which the air carrier has failed to provide the necessary instructions or procedures by which an inspector may be given access to the pilot's compartment with or without a prior company clearance.

This rule, as in the case of that contained in SR-440, is declaratory of a long standing practice of the Agency. It imposes no additional burden on any person and compliance with the notice, procedures and effective date provisions may impede the due and timely execution of the functions of the FAA.

In consideration of the foregoing, this Special Civil Air Regulation is adopted with an immediate effective date to make it clear to all concerned that:

(1) The Form FAA-110A, "Air Carrier Inspector's Credential" certifies that the inspector named and described thereon is authorized to conduct en route or other inspections on aircraft of an air carrier or commercial operator, and

(2) Upon presentation of this credential to the pilot in command of an aircraft he will be admitted and given access to the pilot's compartment of the aircraft for the performance of his duties.

The following Special Civil Air Regulation is hereby adopted to become effective November 28, 1962:

Whenever an inspector of the Federal Aviation Agency shall, in the performance of his duties of conducting an inspection, present his credential Form FAA-110A, "Air Carrier Inspector's Credential",[1] to the pilot in command of an aircraft operated by an air carrier or commercial operator, he shall be given free and uninterrupted access to the pilot's compartment of such aircraft.

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[1] This credential contains a picture and description of the inspector to whom it is assigned and certifies that he is assigned to the duty of inspecting during flight. It also contains an authorization for the inspector to have access to the pilot's compartment in the performance of such duty.

Appendix B

Air Taxi Operators

42.0–2 *Provisions of Part 42 which are applicable to air taxi operators (FAA interpretations which apply to sec. 42.0 and SR–395A).*

(a) Under SR–395A, the following sections of the certification and operation rules of Part 42 apply to air taxi operators:

42.0 Applicability of Part 42 (a).
42.1 Definitions.
42.5 Certificate issuance.
42.7 Display.
42.8 Inspection.
42.11 Aircraft required.
42.14 Minimum performance requirements for all aircraft.
42.16 Aircraft limitations for IFR and land aircraft over water operations.
42.21 Basic required instruments and equipment for aircraft.
42.24a First aid kits and emergency equipment.
42.24b Equipment for overwater operations.
42.24c Emergency evacuation equipment.
42.25 Cockpit checklist.
42.26 Supplemental oxygen.
42.28 Equipment standards.
42.29 Protective breathing equipment for the flight crew.
42.30 General. (Maintenance requirements.)
42.31 Inspections and maintenance. (a) (2), (b).
42.40 Airman requirements.
42.41 Composition of flight crew. (a), (b), (c).
42.42 Pilot qualification for small aircraft.
42.44 Recent flight experience requirements for flight crew members.
42.46 Logging flight time.
42.47 Grace period for airman periodic checks.
42.51 Pilot responsibilities.
42.52 Fuel supply. (a) (1), (3), (b).
42.53 Minimum flight altitude rules.
42.54 Flight into known icing conditions.
42.55 Weather minimums.
42.56 Instrument approach.
42.57 Airport lighting for night operations.
42.58 Navigational aids for IFR flight.
42.59 Passenger use of emergency equipment.
42.62 Flight manifest for large aircraft and passenger-carrying aircraft operating under IFR conditions.
42.91 Maintenance records.
42.92 Airman records.
42.93 Emergency flight reports.
42.94 Pilot's emergency deviation report.
42.95 Flight manifest record.
42.96 Reporting of malfunctioning and defects.

(b) The following sections of CAM 42 are applicable to the provisions of Part 42 listed in paragraph (a):

42.1–1 Flight time (*FAA interpretations which apply to sec. 42.1*).
42.1–2 Twilight (*FAA interpretations which apply to sec. 42.1*).
42.11–1 Listing of aircraft (*FAA rules which apply to sec. 42.11 (a)*).
42.21–1 Seats and safety belts (*FAA rules which apply to sec. 42.21 (a) (11)*).
42.21–2 Fire extinguishers (*FAA rules which apply to sec. 42.21 (a) (12)*).

42.21–3 Altimeter (*FAA policies which apply to sec. 42.21 (b) (1)*).
42.24a–1 First-aid kits and emergency equipment (*FAA policies which apply to sec. 42.24a*).
42.24b–1 Survival kit for overwater operations (*FAA policies which apply to sec. 42.24 (b)*).
42.25–1 Cockpit check list (*FAA policies which apply to sec. 42.25*).
42.25–2 Minimum standard cockpit check list (*FAA policies which apply to sec. 42.25*).
42.30–1 General (Maintenance) (*FAA policies which apply to sec. 42.30*).
42.31–4 Maintenance and inspection records (*FAA policies which apply to sec. 42.31 (b)*).
42.51–2 Responsibilities of the pilot in command (*FAA policies which apply to sec. 42.51*).
42.51–3 Time of reporting for duty (*FAA policies which apply to sec. 42.51 (b)*).
42.51–4 Flight equipment (*FAA policies which apply to sec. 42.51 (c)*).
42.51–5 Serviceability of equipment (*FAA policies which apply to sec. 42.51 (e)*).
42.52–1 Operation in the Territory of Alaska (*FAA policies which apply to sec. 42.52 (a)*).
42.54–1 Other parts of the aircraft (*FAA interpretations which apply to sec. 42.54*).
42.55–2 Air traffic clearance (*FAA interpretations which apply to sec. 42.55 (a)*).
42.56–1 Standard instrument approach procedures (*FAA rules which apply to sec. 42.56*).
42.57–1 Minimum facilities (*FAA policies which apply to sec. 42.57*).
42.58–1 Off-airway instrument operation (*FAA rules which apply to sec. 42.58*).
42.62–1 Content of flight manifest (*FAA policies which apply to sec. 42.62*).
42.91–1 Content of maintenance records (*FAA policies which apply to sec. 42.91*).
42.91–3 Retention of records (*FAA policies which apply to sec. 42.91*).
42.92–1 Content of airman records (*FAA policies which apply to sec. 42.92*).
42.92–2 Availability of records (*FAA policies which apply to sec. 42.92*).
42.92–3 Retention of records (*FAA policies which apply to sec. 42.92*).
42.93–1 Submission of emergency flight reports (*FAA policies which apply to sec. 42.93*).
42.94–1 Submission of pilot's emergency deviation report (*FAA policies which apply to sec. 42.94*).

(c) In addition to the items listed in (a) and (b), air taxi operators are governed by the following regulations:

(1) Economic Regulations Part 298.

(2) Economic Regulations Part 242, if aircraft having more than five passenger seats are used.

42.0–3 *Operations for which an Air Taxi Operator Certificate is not required* (*FAA interpretations which apply to sec. 42.0 and SR–395A*). The following operations which may involve remuneration are not considered as coming within the meaning of carriage by aircraft of persons or property as an air taxi operator:

(a) Student instruction.

(b) Local sightseeing flights which return to the point of departure without landing at other points.

(c) Any crop dusting, spraying, seeding, pest control, or other agricultural operations.

(d) Any industrial aviation operations such as patrol, photography, banner towing, etc.

(e) Any other aviation operation when the carriage of persons or materials is incidential to the main purpose of the flight.

42.5–5 *Application for an Air Taxi Operator Certificate* (*FAA rules which apply to sec. 42.5 and SR–395A*). Application for an Air Taxi Operator Certificate shall be made in triplicate on form ACA–1602, provided for this purpose by the Administrator. The application form may be obtained by contacting the local inspector or district office. When the requirements, as prescribed in this part, have been met (see sec. 42.0–2), the applicant shall present his application to the local inspector and arrange for an inspection of his flight equipment and all ground facilities.

Where inspection indicates that the applicant is capable of conducting the proposed operation in accordance with the provisions of 42.0–2, an Air Taxi Operator Certificate, form ACA–1603, will be issued, together with operations specifications. The operations specifications which have been approved on the application form become a part of the certificate, and specify the carriage of passengers, cargo, or both; the category and class of aircraft (e. g., aircraft single-engine land); and the flight conditions under which operations are authorized (e. g., VFR (day), VFR (night), IFR (day), IFR (night).

42.5–6 *Amendment and reissuance of Air Taxi Operator Certificates* (*FAA rules which apply to sec. 42.5*). Application for amendment and reissuance of an Air Taxi Operator Certificate shall be made, in accordance with procedure for original issuance, when the operator desires a change in:

(a) Name of address of operator.

(b) Ownership.
(c) Area of operations.
(d) Base of operations.
(e) Type of operations.

In cases of (a), (b), and (c) the inspector may elect to inspect the aircraft as for original issuance.

In cases of (d) the inspector may elect to inspect the aircraft if the base of operations is not moved out of the region of previous certification. Inspection will be made and a new certificate and number will be issued when the base is moved to another region.

In cases of (e) inspection as for original issuance will be made.

42.5–8 *International air taxi operations (FAA policies which apply to sec. 42.5 and SR–395A).* (a) Air taxi operators who wish to conduct commercial operations into, or over, foreign countries should obtain prior authorization to conduct such operations from all of the foreign countries involved.

NOTE: For commercial operations into Canada, or Mexico, requests for authorization should be directed as follows:

Canada: Department of Transport
Air Transport Board
Ottawa, Canada

Mexico: Director
General Civil Aviation
Mexico, D. F.

(Published effective June 15, 1957.)

42.11–2 *Listing of small aircraft (FAA interpretations which apply to sec. 42.11).* An air taxi operator is required to have the exclusive use of at least one aircraft. However, such aircraft are not required to be listed on the operations specifications of air carrier operating certificates issued to air taxi operators. Therefore, no amendment of the certificate is required when an air taxi operator changes aircraft.

Appendix C

Minimum Standards for the approval of Airplane Simulators

1. *Application for approval.* An application for approval of an airplane simulator is submitted, in triplicate, to the authorized representative of the Administrator. The application must include the following:

(*a*) Information sufficient to show that the simulator adequately simulates the type of airplane with respect to the items and systems listed in section 3 of this appendix.

(*b*) Comparative data sheets showing that the performance and flight characteristics of the airplane simulator have been flight checked and found to be within the limits prescribed for the items listed in section 4 of this appendix. The airplane data used for comparison purposes must be applicable to the currently certificated airplanes. Such data may be obtained:

(1) From the approved Airplane Flight Manual, Type Inspection Reports, or other flight test data provided by the airplane manufacturer. Other sources of airplane data may be used if approved by the authorized representative of the Administrator. Such data must be submitted so as to allow sufficient time for investigation of their adequacy.

(2) By flight tests conducted in the air carrier's own airplane. If this procedure is used, performance and flight characteristics data for the center of gravity limits and weights used during training will be satisfactory. Before starting these flights, an outline of the tests to be conducted in the airplane must be prepared and coordinated by the air carrier with the authorized representative of the Administrator. This outline must contain procedures to be followed and data to be obtained during each phase of the flight testing program. The authorized representative of the Administrator may observe and participate in the flight test program to the extent he considers necessary and appropriate. Any data so obtained will be acceptable for use by other air carriers using the same type of airplane if appropriate arrangements are made with the air carrier originating the data.

2. *General requirements.*

(*a*) The effect of changes on the basic forces and moments must be introduced for all combinations of drag and thrust normally encountered in flight. The effect of changes in airplane attitude, power, drag, altitude, temperature, gross weight, center of gravity location, and configuration must be included.

(*b*) In response to control movement by a flight crewmember, all instrument indications involved in the simulation of the applicable airplane must be entirely automatic in character unless otherwise specified.

(*c*) The rate of change of simulator instrument readings and of control forces must, unless specific tolerances are otherwise specified in this Appendix, reasonably correspond to the rate of change which would occur on the applicable airplane under actual flight conditions, for any given change in the applied load on the controls, in the applied power or in aircraft configuration.

(*d*) Control forces and degree of actuating control travel must, unless specific tolerances are otherwise specified in this Appendix, reasonably correspond to that which would occur in the airplane under actual flight conditions.

(*e*) Through the medium of instrument indication, it must be possible to use the simulator for the training and checking of a pilot in the operational use of controls and instruments on the applicable airplane model during the simulated execution of ground operation, takeoff, landing, normal flight, unusual attitudes, navigation problems, and instrument approach procedures. In addition, the simulator must be designed so that malfunction of aircraft engines, propellers, and primary systems may be presented and corrective action taken by the crew to cope with such emergencies.

(*f*) Suitable course and altitude recorders must be provided.

(*g*) Communication and navigation aids of the applicable airplane must be simulated for on-the-ground and in-flight operations.

3. *Minimum standards for simulation of airplane systems.* The simulator shall simulate at least the following items and systems which are appropriate to the airplane being simulated:

(*a*) All normal cockpit noise related to engine or aerodynamic noise (adjustable volume is permissible);

(*b*) All flight controls;

(*c*) Gust locks;

(*d*) Trim tabs;

(*e*) Landing gear operation;

(*f*) Wheel brakes;

(*g*) Steering mechanisms used on the ground;

(*h*) Wing flaps and spoilers;

(*i*) Powerplant operations;

(*j*) Propeller controls and circuity;

(*k*) Antidetonation injection systems;

(*l*) Fuel and oil systems;

(*m*) Cockpit—the simulator shall represent a full-scale mockup, including normal flight crew stations and accommodations for the instructor or check airman, and shall be representative of a typical fleet airplane;

(*n*) Circuit breaker stations manageable by the flight crew in the flight compartment (those not related to essential flight equipment or systems need not be operative);

(*o*) Hydraulic systems;

(*p*) Fire detection and extinguishing systems;

(*q*) Pneumatic systems (including emergency airbrakes);

(*r*) Electrical systems;

(*s*) Interior cockpit lights;

(*t*) Exterior light controls;

(*u*) Pressurization and air-conditioning systems (instrument indication and warning signals);

(*v*) Deicing and anti-icing systems;

(*w*) Supplemental breathing systems (the systems may be charged with or vented to air).

4. *Minimum standards of tolerance for performance and flight characteristics.* The simulator shall simulate the performance and flight characteristics of the particular type of airplane being simulated within the tolerance limits specified in paragraphs (*a*) and (*b*) of this section. If alternate tolerance limits are given, whichever is the greater shall apply.

(*a*) *Performance characteristics.* (Airplane weight and center of gravity optional.)

(1) Propeller feathering time, ±3 seconds.

(2) Landing gear operating time, ±3 seconds.

(3) Wing flap operating time, ±3 seconds.

(4) Takeoff acceleration time, ±10 percent.

(5) Calibration of gyrocompass and turn-and-bank indicator in standard rate turns and 30-degree banked turns, through a range of 180 degrees. Average rate of turn shall be within ±10 percent.

(6) Minimum control speed (in flight), ±5 knots.

(7) Stall speeds and stall warning speeds (wings level), as follows:

(i) Stall warning speed (initial buffet) in the takeoff, approach, and landing configuration; ±3 knots.

(ii) Stall speeds in the takeoff, approach, and landing configuration, ±5 knots.

(iii) The difference between stall warning (initial buffet) and stall speed shall be within ±5 knots of that for the appropriate airplane, but in no case should the stall occur before the stall warning.

(8) Engine power (thrust) calibration at takeoff and maximum continuous ratings over an altitude range, as follows:

(i) Reciprocating engines: MP, for a given BMEP and RPM, ±1 inch.

(ii) Turbine engines: N_1 and N_2, for a given EPR, ±2 percent.

(iii) Critical altitude, piston engine simulators only, ±800 feet or ±10 percent.

(9) Speed versus power in level flight at cruise altitude, ±5 knots, or 3 percent, or .03 Mach.

(10) Rates of climb versus altitude in the following configurations (propeller airplane simulators, ±50 feet or 10 percent; jet airplane simulators, ±100 feet or 10 percent):

(i) Takeoff gear down (one engine inoperative),

(ii) Takeoff gear up (one engine inoperative),

(iii) Final takeoff (one engine inoperative),

(iv) All engines en route,

(v) One-engine-inoperative en route climb,

(vi) Two-engine-inoperative en route climb (for airplanes with four or more engines),

(vii) Approach (one engine inoperative), and

(viii) Landing.

NOTE: At least two airplane weights must be included in at least one configuration, and at least two outside air temperatures must be included in at least one other configuration.

(11) Rates of climb versus airspeed for one takeoff, and one en route configuration (propeller airplane simulators ±50 feet or ±10 percent; jet airplane simulators ±100 feet or ±10 percent).

(12) In determining compliance with subparagraphs (9), (10), and (11) of this paragraph, MP/BMEP/RPM relationships shall conform to airplane data within the tolerance specified in subparagraph (8)(i), and EPR/Compressor RPM relationships shall conform to airplane data within the tolerance specified in subparagraph (8)(ii) of this paragraph.

(*b*) *Flight characteristics.* (Airplane weight and center of gravity optional.)

(1) Static longitudinal control stability: In the landing, approach, cruise (high and low altitude), and climb configurations, return to trim, when the simulator speed is caused to depart 15 percent from trim speed, shall be within ±5 knots of approved airplane data. The slope of the stick force curve shall be positive. One of these configurations shall cover a center of gravity range.

(2) Control forces: Simulator control forces in the following areas shall be within ±8 pounds or ±25 percent of the forces encountered in the airplane as indicated by the required data; except that, in regard to rudder forces, the tolerance shall be ±10 pounds or ±20 percent:

(i) Longitudinal control forces during flap retraction (power off and power on), flap extension, power or thrust application, go-around following a balked landing.

(ii) Minimum control speed (in flight), rudder and aileron forces.

(iii) Stick force per "g."

(3) The roll rate of the simulator shall be within ±2 seconds or ±25 percent, whichever is greater, of that of the airplane.

NOTE: If data for items in subparagraphs (2)(ii) (2)(iii) and (3) of this paragraph are not contained in the Type Inspection Report, the authorized representative of the Administrator may adjudge the adequacy of simulation.

(4) In the following areas, specified tolerance limitations are not set forth in these standards. In these areas of flight characteristics, when appropriate to the type of airplane being simulated, the adequacy of simulation shall be subject to the approval of the authorized representative of the Administrator:

(i) Compressibility trim change.

(ii) Approaches to stall in the takeoff, approach, and landing configuration (wings level), from initial buffet to stall; except that at least one approach to a stall must be done in a 20-degree bank turn.

(iii) Buffet at high Mach numbers up to design Mach limits.

(iv) Dutch roll.

(v) Emergency descents.

5. *Minimum standards of tolerance for simulator navigational accuracy.* At any altitude, on any heading, and at any airspeed, the navigational accuracy of the simulator must be as follows:

(*a*) The distance traveled with zero wind in a particular time interval must be equivalent to ±5 percent of the horizontal component of the true airspeed multiplied by the time interval

(*b*) The track of the simulator with no wind must agree with the true heading of the simulator within ±3 degrees which shall include allowances for instrument error. (This shall apply when the simulator is turning as well as flying a straight course.)

(*c*) During simulated ILS approaches with zero wind, the descent path of the simulator, as indicated by airspeed, altitude, and rate of descent, must agree with the descent path as indicated by the flight instrument indicating glide path deviation, within ±20 feet from 0 to 200 feet, ±10 percent of the height above the runway, from 200 to 1,000 feet, and ±100 feet from 1,000 to 5,000 feet above the airport elevation.

Addendum

Preambles of Amendments to Civil Air Regulations Part 42

NOTE

Part 42 of the Civil Air Regulations was last revised by the Civil Aeronautics Board with an effective date of December 15, 1954. This was not a general revision of the part, but only a reprint to incorporate outstanding amendments and to make minor editorial changes. This revision was published in the Federal Register on December 28, 1954 (19 F.R. 9214).

Amendment 42–1

Authority of Administrator to Permit Appropriately Certificated Operators Under Contract to the Military Services to Deviate from Part 42 of the Civil Air Regulations

Adopted: Apr. 29, 1955
Effective: May 1, 1955
Published: May 4, 1955 (20 F.R. 2973)

Currently effective Special Civil Air Regulation SR–385D delegates to the Administrator authority to permit deviations from Part 42 of the Civil Air Regulations to air carriers conducting military contract operations or air carriers conducting emergency operations necessary for the protection of life or property. This regulation became effective February 1, 1955, and extended the expiration date of SR–385C until May 1, 1955, with respect to Part 42 operations only.

The substance of SR–385D was essentially that proposed by the Bureau of Safety Regulation in a notice of proposed rule making published in the Federal Register (19 F.R. 8783) and circulated as Civil Air Regulations Draft Release No. 54–26. The latter proposed to continue the basic authority of the Administrator to authorize deviations by incorporating the substance of SR–385C into Part 42 of the Civil Air Regulations, since all waivers granted pursuant to SR–385C and its predecessor regulations had been waivers of only the provisions of Part 42.

The Board was advised during its consideration of the comment received in response to Draft Release No. 54–26 that the military requirements concerning the contract carriage of personnel and goods by civil aircraft were being re-evaluated by the Department of Defense. Since defense requirements have a direct bearing on the question of continuing this deviation authority in the operating parts on a permanent basis, the Board could not make a final determination in this matter until it had received a restatement of defense requirements. Therefore, the Board issued SR–385D as a temporary regulation in order to permit continued operations in accordance with existing deviation authority until a final determination could be made as to the necessity of incorporating the deviation authority into the operating parts on a permanent basis.

The Board has now received the views of the Department of Defense relative to extending indefinitely the authority of the Administrator to grant deviations from the operating rules in Part 42 to air carriers conducting military contract operations. It is the stated desire of the Department of Defense that commercial carriers operating under military contracts should normally conduct their operations in accordance with the requirements of the Civil Air Regulations. However, the Department affirmed in all essential respects the Bureau of Safety Regulation's opinion, expressed in Draft Release No. 54–26, that world conditions are still such that an emergency requiring the immediate participation of the air carriers can develop without notice, and that operational problems also may arise in the conduct of "routine" military contract operations that can be met satisfactorily only by deviations from the normal air carrier regulations.

The Board believes that this deviation authority should be authorized only when the Department of Defense has certified to the Administrator that the operation for which a deviation is requested is essential to the national defense and requires a deviation from Part 42. Upon receipt of such certification, the Administrator may authorize such operation to be conducted subject to any terms and conditions that he considers appropriate in the interest of safety. In addition, it is the Board's view that the need for deviations shall not be based upon economic advantage or convenience to either the operator or the government, or both. These conditions have been incorporated into the amendment contained herein and should allay the fears expressed by interested persons that this authority might result in the unjustifiable lowering of the standard of safety in these operations.

With respect to the authority to deviate in operations under conditions of an emergency necessitating the transportation of persons or supplies for the protection of life or property,

the Board envisages this authority being exercised in cases such as the Texas City explosion, Kansas City floods, Hurricane Hazel, etc., where a disaster of national significance has occurred, and where the use of an emergency airlift will be necessary. Since no deviations have been granted under the previous special regulations for such emergency operations, no substantial changes have been made in the provisions covering emergency operations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment relieves a restriction and imposes no additional burden on any person, it may be made effective without prior notice.

Amendment added a new section 42.2.

Amendment 42–2

En Route Performance Operating Limitations

Adopted: May 9, 1955
Effective: May 9, 1955
Published: May 14, 1955 (20 F.R. 3296)

Currently effective section 42.74, pertaining to the transport category one-engine-inoperative en route performance operating limitations, provides that the airplane weight at take-off shall be such that, in the event of an engine failure at any point along the route, the airplane can meet a prescribed rate of climb at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. This amendment provides an alternative to this performance operating limitation under which, upon approval by the Administrator of Civil Aeronautics, a so-called "drift-down" procedure may be used. For some time a similar alternative has been permitted for the operation of nontransport category airplanes with no adverse effect on safety. The Board, therefore, considers that a properly planned and executed drift-down procedure would not jeopardize the safety of operation of transport category airplanes.

The Board is of the view that experience during recent years demonstrates that the jettisoning of fuel may be accomplished safely when adequate indoctrination of flight crew and other necessary precautions are provided. Accordingly, there is included a provision whereby fuel jettisoning may be used in showing compliance with this requirement if proper safeguards are taken.

Although consideration has been given to the inclusion of certain operational variables such as the incidence of downdrafts, turbulence, and icing conditions in the approval of drift-down procedures, the Board is of the view that these conditions are not sufficiently definitive and do not establish a clear criterion against which a particular drift-down procedure may be examined. They are, therefore, not included in this regulation. On the other hand, temperature and wind are measurable quantities which can be forecast with reasonable accuracy. Accordingly, the Board is of the view that account should be taken of temperature and wind. However, in order to avoid placing an undue burden upon the air carrier in accounting for these conditions, this regulation permits the use of "declared" values or other such approved assumptions with respect to their probable magnitude.

Inasmuch as this regulation prescribes an operational procedure to be used in lieu of compliance with specific performance limitations, the Board has decided that the lateral and vertical clearances should be more nearly related to operating limitations generally in effect. Since minimum flight altitudes are normally predicated on a 5-mile lateral clearance, this value is also used in drift-down procedures. However, since a vertical clearance of 2,000 feet is normally required in mountainous terrain and since terrain elevations which are critical from the standpoint of the performance operating limitations are found only in mountainous areas, the Board believes it logical to apply a 2,000-foot terrain clearance provision in this requirement.

In order that a flight with one engine inoperative not be complicated unduly by navigational problems, the Board believes that the drift-down procedure normally should be

related clearly to an approved radio navigational fix. The procedure will be so established that on either side of the governing fix a definite course will be prescribed to an alternate airport. In order to insure that these airports will, in fact, be usable under such circumstances, the Board is applying the same requirements for initial dispatch as are required currently with respect to any other alternate airport.

Although this amendment does not limit the application of a drift-down procedure to airplanes possessing reciprocating engines, the Board intends to continue its consideration of the special problems which may be raised by the introduction of turbine engines and, specifically, will consider whether any different conclusions need be reached with respect to the application of "drift-down" to turbine-powered airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

Amendment revised section 42.74.

Amendment 42–3

Miscellaneous Amendments

Adopted: July 20, 1955
Effective: Aug. 25, 1955
Published: July 26, 1955
(20 F.R. 5311)

The current provisions of section 42.12 of Part 42 of the Civil Air Regulations require, on all passenger airplanes with engines of over 600 horsepower, the installation of smoke detectors in "B" and "C" compartments. As a result of studies and discussions conducted during the 1954 Annual Airworthiness Review, certain changes to these provisions were indicated. This amendment reflects in part these changes by amending section 42.12 so as to permit the installation of heat-type fire detectors in lieu of smoke detectors in cargo compartments "B" and "C." It should be noted that Special Civil Air Regulation SR–401 permitted noncompliance with the smoke detector provisions in Part 4b and in the operating parts of the Civil Air Regulations until April 1, 1956. Concurrently with this amendment, SR–401 is being amended so that the installation of either smoke or fire detectors will not be mandatory until April 1, 1957.

The presently effective provisions of Part 4b of the Civil Air Regulations require that each transport category airplane be furnished with an Airplane Flight Manual. In addition, the presently effective provisions of Part 42 require the maintenance of an operator's manual for the use of flight personnel. In many instances the information contained in the Airplane Flight Manual has also been contained in the operator's manual. The Board is of the opinion, therefore, that the regulations should be changed so that air carriers need carry only the operator's manual in their airplanes. This amendment adds a new section 42.60a which in effect permits an air carrier to carry on its airplanes only the operator's manual if such manual also contains information required for the Airplane Flight Manual. Concurrently with this amendment, Part 4b is being amended so that each airplane need not be furnished with an Airplane Flight Manual if not required by the operating parts of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment (20 F.R. 369) and due consideration has been given to all relevant matter presented.

Amendment revised section 42.12 and added a new section 42.60a.

Amendment 42-4

Applicability of Control of Engine Rotation and Instrumentation and Equipment Requirements to Turbine-Powered Airplanes	**Adopted: July 25, 1955** **Effective: July 25, 1955** **Published: July 28, 1955 (20 F.R. 5390)**

The current engine rotation requirements and the engine instrument and equipment requirements prescribed in Part 42 of the Civil Air Regulations are not entirely appropriate for turbine-powered airplanes for the reason that these requirements have been developed on the basis of experience with reciprocating engine airplanes, which until the present time have been the only airplanes operated under Part 42. Since it was evident that airplanes with turbine engines would be introduced into air transportation in the immediate future, a notice of proposed rule making was published in the Federal Register (20 F.R. 4593) and circulated to the industry in Civil Air Regulations Draft Release No. 55–16 on June 23, 1955, which proposed to revise the engine rotation and engine instrument requirements of Part 42 so as to render them appropriate to turbine-powered airplanes. Comment received in response to Draft Release No. 55–16 expressed objection to the authority proposed to be given the Administrator in establishing engine rotation and instrument and equipment requirements for turbine-powered airplanes. Such a policy, however, has been used in the airworthiness certification of these airplanes and the Board believes it is desirable to continue this policy with respect to the operating rules discussed herein until detailed requirements based upon operational experience can be prescribed.

Currently effective section 42.13 of Part 42 requires that multiengine aircraft having any engine rated at more than 480 h.p. for maximum continuous operation shall be so equipped that the rotation of each engine may be stopped promptly in flight. However, on the basis of current information, it does not appear that the extremely slow rotation of feathered propellers of some turbo-propeller airplanes will jeopardize safety. On the contrary, to stop the propeller completely will, in some instances, either involve additional hazards or require unduly burdensome modifications. Similarly, the rotation of a turbine engine, following engine failure, may not be as hazardous as would be stopping the engine completely in flight. This amendment, therefore, requires means for completely stopping rotation on turbine engine installations only if the Administrator finds that rotation could jeopardize the safety of the airplane.

Currently effective section 42.21 of Part 42 requires the installation of specified engine instruments and equipment. Although the required instruments and equipment can be installed on reciprocating engine airplanes, it is clear that some are not appropriate for turbine-powered airplanes. Furthermore, it is recognized that turbine engines may require instrumentation or equipment different from that for which provision is currently made in section 42.21. In view of the limited experience in air carrier operatons with such engines, the Board believes it is desirable that a determination as to what different instrumentation or equipment may be required should, for the present, be made by the Administrator on a basis of equivalent safety. Accordingly, this amendment gives the Administrator such authority with respect to turbine engine instrumentation and equipment.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment relieves a restriction and imposes no additional burden on any person it may be made effective without prior notice.

Amendment revised section 42.13 and the introductory sentence of section 42.21.

Amendment 42–5

Propeller Reverse Pitch Indicators

Adopted: Aug. 31, 1955
Effective: Sept. 1, 1955
Published: Sept. 7, 1955 (20 F.R. 6546)

Currently effective section 42.21(a)(15) of Part 42 of the Civil Air Regulations requires that, effective September 1, 1955, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers which will indicate to the pilots when the propeller is in reverse pitch.

A notice of proposed rule making was published in the Federal Register (20 F.R. 4973) and circulated to the industry as Civil Air Regulations Draft Release No. 55–17 dated July 1, 1955, which proposed to extend the compliance date of section 42.21(a)(15) from September 1, 1955, to April 1, 1956. This notice was based upon consideration of information received that certain air carriers would be unable to accomplish the installation of propeller reverse pitch indicators by September 1, 1955, due to delays in the delivery of necessary parts from manufacturers.

As a result of comments received on Draft Release No. 55–17 and based on investigation by the Board and the Civil Aeronautics Administration, the Board has determined that the large majority of air carrier aircraft to which this requirement is applicable have been equipped with indicators. However, although the air carriers concerned have been diligent in their efforts to achieve compliance in all aircraft affected, some have been unable to do so because of unanticipated difficulties in the procurement of necessary parts. The Board has also determined that in the case of at least one propeller system the necessary parts will not be available in sufficient time to permit modification by April 1, 1956, the date proposed in Draft Release No. 55–17, but that all required modifications may reasonably be expected to be accomplished by July 1, 1956. The Board, therefore, concludes that the current compliance date of September 1, 1955, is not realistic and should be extended to July 1, 1956. It is expected, however, that conscientious efforts will be continued by the parties concerned to accomplish the required change as soon as possible, prior to the mandatory compliance date, in consideration of the safety factors involved.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

Amendment changed the date "September 1, 1955" to "July 1, 1956" in section 42.21(a)(15).

Amendment 42–6

Emergency and Evacuation Equipment and Procedures

Adopted: Nov. 28, 1955
Effective: Nov. 28, 1955
Published: Dec. 2, 1955 (20 F.R. 8852)

Currently effective provisions of Part 42 of the Civil Air Regulations contain certain requirements for emergency and evacuation equipment and procedures. This amendment requires air carriers operating pursuant to Part 42 to make certain additional provisions with respect to emergency and evacuation equipment and procedures.

The necessity for these additional provisions was indicated following the Board's investigation of several air carrier accidents and they have been under consideration for some time. These matters were the substance of a notice of proposed rule making which

was published in the Federal Register (17 F.R. 8022) and circulated as Civil Air Regulations Draft Release No. 52–26 dated August 29, 1952. As a result of comment received, it appeared desirable to arrange a meeting with representatives of industry to discuss particular issues. Such a meeting was held in Washington, D.C., on November 25, 1952, at which the general intent of each proposal was thoroughly discussed and specific changes in the wording of the rules were proposed.

As a result of comment received in response to Draft Release No. 52–26 and the discussions at the subsequent industry meeting, the proposals were revised and a new notice of proposed rule making was published in the Federal Register (18 F.R. 4744) and circulated as Civil Air Regulations Draft Release No. 53–15 dated August 10, 1953. Since a substantial lapse of time occurred following the issuance of Draft Release No. 53–15, and because of the changes made as a result of comment received on the revised proposals, the Board decided to publish the proposed rules again prior to taking any final action. Accordingly, the proposed rules were published in the Federal Register (20 F.R. 1016) and circulated as Civil Air Regulations Draft Release No. 55–5 dated February 10, 1955. The comment received in response thereto has been considered by the Board in the drafting of this amendment. The following are summaries of the regulatory changes made by this amendment:

1. *Means of emergency evacuation.* There are no requirements in Part 42 of the Civil Air Regulations for evacuation equipment to assist passengers in evacuating an airplane on the ground. Experience has shown, however, that in certain instances it is essential that some means be provided in addition to those required by the applicable airworthiness requirements. Accordingly, this amendment requires that at all emergency exits which are more than 6 feet from the ground means be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means for emergency evacuation shall be a chute or an equivalent device which will be suitable for the rapid evacuation of passengers. The Board intends that this means shall be in a position for ready use during flight time (as defined by the Civil Air Regulations, "Flight Time" includes that time during which the airplane is taxiing) and so located that it will not create a hazard by obstructing any emergency exit. As an example, certain of the air carriers have already installed chutes immediately above exit doors or on brackets attached to the fuselage immediately adjacent to the doors. An approved chute so located is in a position for "ready use" within the meaning of the new section.

2. *Interior emergency exit markings.* This amendment requires, in addition to markings, the installation of a light in all passenger-carrying large aircraft to illuminate all emergency exits in such a manner as to attract the attention of the occupants of the airplane at night. The object of this requirement is to ensure that in the case of a crash landing or ditching at night the passengers and crew will be able to identify and operate emergency exits. It is further required that these lights be equipped with an integral energy supply system. Since Draft Release No. 55–5 was circulated, the Board has determined that a light designed only for manual operation, if designed to withstand the impact forces of a crash landing and continue operation, will serve as a suitable alternative to an automatic light to provide emergency lighting at those times when it is most likely to be needed. Accordingly, this amendment requires that these lights either (1) be designed to function automatically in the event of a crash landing and to continue to function thereafter and also be operable manually, or (2) be designed only for manual operation and also to continue to function after a crash landing. When such lights require manual operation to function, they must be turned on prior to each night take-off and landing. With respect to the automatic light, any approved system, whether it is designed to operate as a result of inertia forces or upon failure of the main electrical system, will be satisfactory as long as it meets the two requirements; namely, it will function automatically in the event of a crash landing and continue to function thereafter, and it is also operable manually.

3. *Equipment for extended overwater operations.* This amendment modifies and expands the current provisions to require irregular air carriers in extended overwater operations to have on their airplanes suitable equipment in the form of life vests, life rafts, signaling devices, and survival kits. This equipment is required to be installed in conspicuously marked approved locations where it will be easily accessible in the event of ditching.

An intensive investigation of ditching operations, including tests of life-raft capacity, has recently been conducted by the Civil Aeronautics Administration and the United States Navy in cooperation with other government agencies and interested aeronautical organizations. The Board has been advised that analysis of the results of these tests has not yet been

accomplished. Consequently, as indicated in Draft Release No. 55–5, pending development of satisfactory criteria of life-raft capacity, the Board is not taking any action at this time to require that such life rafts possess sufficient maximum capacity to accommodate all occupants in the event of a loss of one life raft of the largest capacity on board. In view of the foregoing, this amendment does not change the requirement that airplanes on extended overwater flights carry life rafts sufficient in number and of such rated capacity as to accommodate all occupants of the airplane.

The Board is also concerned by the lack of any current requirement that life jackets and life rafts be equipped with a means of illumination which would materially assist in the rescue of persons from the water at night. Although such a light is not yet available, the Board has recently been informed that progress is being made toward the development of a serviceable, reliable, lightweight, inexpensive light of indefinite shelf life, adaptable to such use. Therefore, the Board will consider further whether a means of illuminating life jackets and life rafts should be required when it has determined that developments are sufficiently mature to warrant such action.

The Board has carefully studied the various proposals submitted with respect to a definition of extended overwater operation as applied to scheduled and irregular operations and considers that the distance of 50 miles is a reasonable measure of such operations. Since there may exist particular operations which would require or permit some flexibility in the administration of the rule, the Administrator is authorized to require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water if he finds that the standards of safety appropriate for air carrier operations so require. The rule also permits the Administrator to determine, upon application of an air carrier, how much, if any, of the equipment will be required for each extended overwater operation. Unless otherwise specified by the Administrator, the equipment required herein will be carried in all extended overwater operations.

4. *Assignment of emergency evacuation functions for each crew member.* This amendment requires each air carrier to assign emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The objective of this requirement is to assure that each crew member will know, and be able to perform, those basic functions which are necessary in order to accomplish an emergency evacuation. The "emergency" for which this rule requires each crew member to be prepared is that of evacuating the airplane. Although innumerable types of emergencies may arise in flight which may necessitate an emergency evacuation of an airplane, the Board is of the opinion that the procedure to be followed in evacuating an airplane remain limited in number. Therefore, it is considered reasonable, and it is the intent of this rule, to require that each crew member be prepared to perform emergency evacuation functions when necessitated by various general situations; for example, ditching, fire in flight, and landing gear collapse. This rule will not, of course, limit the authority of the pilot in command over crew members with respect to the assignment of duties under the particular conditions of an emergency.

The Board has always based its rules on the premise that wherever possible the air carrier should be responsible for assigning crew duties. It has been brought to the attention of the Board, however, that in certain instances crew duties are not sufficiently delineated and crew training programs are not sufficiently complete to provide proper coordination of the crew in the event of a crash landing or ditching. The Board considers that it is necessary to ensure that assigned crew duties are realistic, and do not, for example, require an individual to be assigned certain tasks which are not probable of accomplishment under the conditions anticipated. Therefore, these functions are required to be listed in the air carrier manual and all crew members must be made thoroughly familiar with them during both initial and recurrent training. In addition, the air carrier must show that the functions so assigned are practicable of accomplishment.

5. *Briefing of passengers.* This amendment requires each air carrier engaged in extended overwater operations to establish a procedure for orally briefing passengers in order to ensure that they will be familiar with the location and method of operation of life vests and emergency exits, and the location of life rafts. Such briefing must include a demonstration of donning life jackets.

The Board considers that it is in the public interest to attain the increased safety sought by these rules at the earliest opportunity. At the same time it recognizes that certain of the requirements involving physical changes to airplane structures and the procurement of additional equipment would be unduly burdensome unless an appropriate period of time for planning, procurement, and installation is allowed. Accordingly, a majority of these rules

need not be complied with for approximately 18 months. However, the rules involving procedures only must be complied with in approximately 6 months.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment contains rules which need not be complied with for at least 6 months, it may be made effective immediately.

Amendment added the definition "Extended overwater operation" to section 42.1; revised section 42.24 and added new sections 42.24a, 42.24b, and 42.24c; added new section 42.49; and revised section 42.59.

Amendment 42–7

Elimination of the Annual Inspection of General Aircraft

Adopted: Apr. 13, 1956
Effective: July 17, 1956
Published: Apr. 20, 1956
(21 F.R. 2587)

Currently effective section 42.31(a)(2) of Part 42 of the Civil Air Regulations requires small aircraft to be maintained and inspected in accordance with a continuous maintenance and inspection system as provided for in the air carrier maintenance manual or to be given a periodic inspection each 100 hours of flight time and an annual inspection every 12 months.

Amendments are being made to Part 43 and other parts of the Civil Air Regulations concurrently with this amendment of Part 42 in order to simplify the procedures for the inspection and return to service of general aircraft, which includes small aircraft operated under Part 42. In order to bring section 42.31(a)(2) into agreement with the inspection provisions of section 43.22 of Part 43 of the Civil Air Regulations, Part 42 is being amend to provide the owner or operator with a choice of two methods of inspection. The first requires a periodic inspection once each year by an authorized mechanic; and, in addition, requires an inspection each 100 hours of time in service. The second, or alternate method, requires the use of a system whereby the inspection may be conducted on a progressive or continuous basis.

Interested persons have been afforded an opportunity to participate in the making of these amendments (20 F.R. 7380), and due consideration has been given to all relevant matter presented.

Amendment revised section 42.31(a)(2).

Amendment 42–8

Training Programs and Proficiency Checks—Use of Aircraft Simulators

Adopted: Feb. 8, 1957
Effective: Mar. 15, 1957
Published: Feb. 13, 1957
(22 F.R. 888)

Part 42 of the Civil Air Regulations currently requires certain pilot proficiency checks to be accomplished twice a year by each pilot serving as pilot in command in air carrier service. The objective of these checks is to insure that the pilot maintains a high standard of proficiency in the piloting and navigation of the airplane types to be flown by him. The proficiency checks must be given by an authorized representative of the Administrator of Civil Aeronautics or a check pilot of the carrier concerned. In addition to the normal airplane maneuvers, these checks include certain critical maneuvers which are encountered from

time to time in air carrier service such as take-offs and landings with inoperative engines, missed approaches, instrument letdowns, and various emergency procedures.

The Administrator, with the approval of the Board, has for several years approved many maneuvers required in the proficiency checks to be accomplished in synthetic trainers which accurately simulate the flight characteristics and the performance of the aircraft, to which a pilot is assigned, through all ranges of normal and emergency operations. This approval has been based in part upon an air carrier's use of the synthetic trainer in its pilot training program, and the pilot's satisfactory demonstration in actual flight of ability to perform at least 4 basic maneuvers, as follows: Flight at minimum speeds, approach to lowest approved minimums, landing under circling approach conditions, and simulated engine failure(s) during take-off.

The Board foresees, however, that the increasing complexity of aircraft, with concomitant need for devices to simulate the flight characteristics of large modern transport aircraft, will be further accentuated as turbo-prop and turbo-jet aircraft are procured. As a result, more intensive training of pilots and crews will be necessary to insure that they are proficient in the operation of these larger and faster aircraft with their corresponding new operating problems, and this training can be accomplished only at considerably increased costs. In anticipation of this problem, certain carriers are preparing to acquire simulators before the aircraft are put into service. This action is predicated on the assumption that essential training can be conducted in part in aircraft simulators more effectively, safely, and economically than in an aircraft, and with considerable saving in time.

The fundamental characteristics of the aircraft simulators in use and under consideration should be made clear in order that interested persons will clearly understand the nature of the device the Board is discussing in this amendment. The Board has in mind that the aircraft simulator shall be a full scale mock-up of the cockpit interior of a particular type aircraft with normal crew stations, plus accommodations for necessary additional persons such as check airmen, instructors, or observers. It shall also include suitable course and altitude recorders. It shall be capable of accurately reproducing the engine and flight performance, control loading, instrument indication, and control movements of the specific model aircraft during the execution of all normal and anticipated emergency maneuvers. Of great importance is the requirement that the device shall be designed to permit presentation of malfunction of aircraft, aircraft engines, propellers, appliances, systems, and other components, and appropriate procedures to cope with such emergencies. Capabilities, as outlined above, will permit intensive training and checking in normal and abnormal flight conditions, various flight procedures, navigational problems, and essential crew coordination.

Accordingly, the Board published on June 13, 1956, (21 F.R. 4294) a notice of proposed rule making as Civil Air Regulations Draft Release No. 56–16 "Training Programs and Proficiency Checks (Use of Aircraft Simulators)" in which certain proposals were made with respect to the use of aircraft simulators. The Board indicated that it was of the opinion that the advantages of the trainers were so apparent that their controlled introduction into air carrier training procedures on a wider basis was in the public interest and should be encouraged. In summary, the Board found that aircraft simulators have been proven as a valuable aid in improving the effectiveness of pilot training for instrument and equipment proficiency. The promise of further improvement in training is, in fact, so great that it appears desirable to reduce the number of in-flight proficiency checks that pilots are required to take. Simulators are particularly suited to instruction in and practice of numerous emergency procedures which cannot satisfactorily be accomplished in flight, and permit special emphasis on the coordination of crew duties: they offer a laboratory for experimentation in techniques and procedures which might be time-consuming or hazardous in flight; they will permit training to be conducted with more safety as a result of the reduction of frequency of aircraft operations under simulated emergency conditions; their use will result in the reduction of traffic congestion and noise in large terminal areas; and they will reduce substantially the total cost of pilot training programs.

The Board also indicated that, in determining the most appropriate method to realize the full possibilities of aircraft simulators, it could not lose cognizance of its responsibility to assure the highest degree of safety in air transportation even while taking this opportunity to encourage sound technical and economic development of air carrier operations. It is the Board's opinion, therefore, that the broadened use of aircraft simulators in air carrier training programs should be permitted in accordance with these basic principles:

A. The use of simulators shall be permissive with the air carriers.

B. The air carrier shall be required to show that the aircraft simulator meets prescribed standards and shall establish within its training program an approved course of training in such an aircraft simulator. It is anticipated that the training shall consist of at least several hours covering all items currently contained in the flight proficiency checks.

C. When a pilot in command satisfactorily completes each 12 months an approved course of training in an aircraft simulator which the air carrier shows meets the prescribed standards, each such pilot need accomplish only one proficiency check in flight each 12 months.

D. The Board shall review the experience gained under these regulations to determine the effectiveness of the procedures permitted thereby.

In response to Draft Release No. 56–16, the Board received from interested persons comment favorable to the Board's basic objective of permitting broadened use of aircraft simulators by air carriers. There was, however, some diversity of opinion with respect to the specific proposals to amend the operating parts. In the Board's proposal the major change from current practice was to substitute an approved simulator course for one of the two proficiency checks required to be accomplished in flight annually. Certain air carrier spokesmen indicated that they considered this an improper mixing of the training and checking functions, and stated that the regulation should simply permit the accomplishment of one of the required checks in a simulator. Furthermore, these persons also considered that it was not necessary for the Administrator to approve a particular portion of an air carrier's training program (i.e., simulator curriculum). On the other hand, pilot spokesmen expressed concern that successful utilization of aircraft simulators would be realized only through very close supervision by the Administrator, with review by the pilots, of procedures and qualifications of instructors and check personnel.

In Draft Release No. 56–16, the Board also asked for separate comment with respect to the desirability of including in the Civil Air Regulations certain specific standards for aircraft simulator equipment (Draft Release No. 56–16, Appendix A) which would be used as a basis for approval by the Administrator.

The Board has carefully studied the various views presented and is of the opinion that, at least in the initial stages of expanded simulator use by air carriers, the Administrator should approve the aircraft simulator training program of each air carrier. This procedure will be consistent with the present policy whereby the Administrator makes rules, compliance with which is mandatory, for the conduct of the proficiency checks required by the Civil Air Regulations. The Board will, however, review the experience gained under this regulation and propose any changes which, in the light of such experience, may be in the public interest.

The Board is also of the opinion, in view of the comment received, and other information, that the detailed description of the systems or conditions being simulated, and the degree of simulation, should not be prescribed in the Civil Air Regulations but should be controlled by the Administrator through the medium of the appropriate Civil Aeronautics Manual. The Board considers, however, that the broad, basic standards which describe the characteristics and function of an acceptable aircraft simulator should be included in the regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

Amendment added a new subparagraph (4) to section 42.44(a).

Amendment 42–9

Extension of Compliance Date for Installation of Emergency Exit Lighting and Means for Emergency Evacuation

Adopted: May 31, 1957
Effective: May 31, 1957
Published: June 5, 1957 (22 F.R. 3918)

Provisions of Part 42 of the Civil Air Regulations, adopted November 28, 1955 (20 F.R. 8852) require that after May 31, 1957, for night operations, aircraft emergency exit markings shall be illuminated by a special source of light, independent of the main aircraft

lighting system. This regulation also requires that after May 31, 1957, certain means for emergency evacuation shall be installed on all passenger-carrying airplanes, as for example ropes and chutes.

By letter dated March 29, 1957, the Air Transport Association of America (ATA) requested on behalf of certain member air carriers, an extension from May 31, 1957, to July 31, 1958, of the compliance date for installation of emergency exit lights in a large number of presently operated air carrier aircraft. In support of their request the ATA described in considerable detail the problems with which the air carriers had been confronted in the design, procurement, installation, and approval of emergency exit lighting systems appropriate for many types of aircraft. Also by letter dated May 3, 1957, ATA requested, on behalf of several air carriers, an extension of the May 31, 1957, compliance date for installation of the means for emergency evacuation in certain air carrier airplanes. Extensions were requested for various periods, the maximum of which was for a period of 14 months.

The Board is greatly disturbed that progress with the installation of this emergency equipment has not met with its expectations as expressed in the amendments to Part 42 requiring such equipment and the Board does not consider the substantiating data submitted by the ATA to be sufficient to warrant extension for the period of time requested by the carriers. The Board recognizes, however, that difficulties may have been encountered by the air carriers in accomplishing an orderly procurement and installation program without serious disruption of scheduled service and that a brief period of relief may be granted without affecting adversely safety in air carrier operations.

In view of the foregoing, the Board is extending the date for compliance with the emergency exit lighting and evacuation requirements of Part 42 for a period of 90 days. The Board hereby invites each air carrier which believes that it cannot comply with such requirements within 90 days to submit to the Bureau of Safety in writing not later than July 1, 1957, a request for further extension, together with complete substantiating data as to why it cannot comply and believes it should be granted such extension. Each such request for further relief will be evaluated and the Board, prior to August 31, 1957, will take such action as it deems justified.

Since this amendment grants relief by temporarily extending the date for compliance with a requirement of the Civil Air Regulations, and delay in extending such relief would impose an undue hardship, the Board for good cause finds that notice and public procedure hereon would be contrary to the public interest and may be omitted and that this amendment may be made effective immediately.

Amendment changed the date "May 31, 1957" to "August 31, 1957" in section 42.24c (a) and (b)(2).

Amendment 42–10

Admission to Flight Deck

Adopted: July 11, 1957
Effective: Aug. 15, 1957
Published: July 16, 1957 (22 F.R. 5573)

Section 42.51(g) of Part 42 of the Civil Air Regulations specifies the persons who may be admitted to the flight deck of an aircraft operated under the provisions of Part 42.

A growing need for in-flight observation of equipment and procedures has been verified by the Board in the granting of many recent waivers, and the experience gained in operations subject to such waivers has been excellent. Accordingly, section 42.51(g) is being amended to include in the list of persons authorized to be admitted to the flight deck, without having a seat available in the passenger compartment, certain operations personnel of the air carrier and technical representatives of the manufacturer of the airplane or components thereof. It is contemplated that authorization for such operations personnel and technical representatives will be granted by the air carrier only when the presence of such persons in the pilot compartment is required in the furtherance of their functions of observing and monitoring the in-flight operations of the air carrier or its equipment. It should be clearly under-

stood that it is not intended by this amendment to compromise in any way the authority of the pilot in command to refuse such persons admission to the flight deck.

This amendment was published in the Federal Register (21 F.R. 6573) as a notice of proposed rule making and circulated to the industry as Civil Air Regulations Draft Release No. 56–24, dated August 22, 1956. Certain comments received in response to Draft Release No. 56–24 recommended that the provisions governing admission to the flight deck be amended to give the pilot in command complete discretion with respect to admitting persons to the flight deck. The Board has given careful consideration to this recommendation, but is of the opinion that it would not be in the interest of safety to grant to the pilot in command any greater discretion than that provided for in this amendment.

In order to achieve uniformity in the Civil Air Regulations, similar amendments are being made to the corresponding sections in Parts 40 and 41 of the Civil Air Regulations which pertain to admission to the flight deck. However, it is appropriate to note that inasmuch as certain aircraft operating pursuant to Part 42 do not have separate pilot compayments, the title to the amendment to Part 42 has been so worded as to make it applicable only to aircraft having separate pilot compartments.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

Amendment revised section 42.51(g).

Amendment 42–11

Flight Recorders

Adopted: Aug. 5, 1957
Effective: Sept. 9, 1957
Published: Aug. 9, 1957
(22 F.R. 6379)

On two occasions within the past several years, the Board has amended the Civil Air Regulations to require the use of a recording device on aircraft used in air transportation. In the first instance the Board found it necessary to rescind the rule because of the difficulty operators were having in providing proper maintenance due to procurement and transportation difficulties brought on by World War II. In the second instance the Board found that, contrary to earlier indications, there was no device readily available of proven reliability and fully adequate for the purpose intended. The Board gave notice, however, that a requirement for a recording device would be reconsidered at such time as a suitable instrument became available.

On November 10, 1955, the Board, having received information that a suitable instrument was available, circulated Civil Air Regulations Draft Release No. 55–26 which proposed in the alternative that flight recorders be required equipment on all large 4-engine and 2-engine airplanes originally type certificated under Part 4a or Part 4b of the Civil Air Regulations or that they be installed only on large transport category airplanes designed to operate above 25,000 feet altitude.

Although much comment, both written and oral, was received by the Board on this draft release, there was no significant opinion expressed by those in favor of requiring a flight recorder on the desirability of one or the other of the alternative proposals. It was clear that interested persons either favored the general use of flight recorders or they didn't favor use of them at all.

Those favoring use of the recorders were of the opinion that recorders might have been of some value in approximately 25 percent of the accidents studied by the Board's Analysis Division; that they would do much to eliminate the conjecture, supposition, and personal opinion from analysis of both accidents and daily routine operations; that there is a recorder in being which is rugged, dependable, and will operate months on end without need for calibration; that the record can be quickly removed and read at any time without processing; and that, aside from its value in accident investigation, its use may result in improved operational procedures and airworthiness standards.

On the other hand, those opposing use of flight recorders were of the opinion that the advantage to be derived from their use in accident investigation was highly exaggerated and that at best they would be of some assistance in only a very small percentage of accidents. This, they argued, was not sufficient justification to require use of these recorders on all large transport category airplanes when it is considered that, for the scheduled airlines alone, in a five-year period it is estimated that it would cost about 9 million dollars to purchase, maintain, and stock necessary spare parts for the recorder. Furthermore, it was argued that the reliability of the one recorder in being is subject to considerable question, the inference being that since there had been two previous abortive attempts to require use of these recorders because of their unreliability it would not be justified to require their use now until more positive evidence appeared as to their reliability.

The Board, having considered the comment received in response to the proposals contained in Civil Air Regulations Draft Release No. 55–26 and other information submitted during the oral argument held April 17, 1957, concludes that a flight recorder of sufficient reliability to fulfill the objectives for such a device is in being and should be used in all large airplanes certificated for use in air transportation above 25,000 feet altitude.

The Board agrees that the costs involved in comparison to the value of the recorder for the purposes intended do not justify a requirement for the installation of flight recorders on the entire transport fleet. The cost of the equipment and its installation and maintenance appears to be prohibitive when related to the total cost of some of the smaller airplanes of the current air carrier fleet. This consideration is magnified by the relatively low income generating capacity of many current airplane types. Furthermore, flight recorders in these airplane types would be furnishing information concerning design and operations for which there already exists a very substantial body of operational experience. Accordingly, no airplane certificated for flight below 25,000 feet altitude will be required to install and use flight recorders.

The Board is of the opinion, however, that in the case of large airplanes certificated for use in air transportation above 25,000 feet altitude, a flight recorder should be required for accident investigation purposes and for use in analyzing various incidents, such as extreme vertical accelerations due to turbulence, which occur from time to time in flight but which do not result in accidents, in order to take appropriate precautionary or remedial action. Such airplanes will be operating under conditions with respect to which little operational experience directly applicable to civil transportation exists and the recorded intelligence involving these higher altitudes, pressure differentials, and speeds will help materially in making a more accurate determination of the cause of accidents of such aircraft. Furthermore, in assessing the economic impact this requirement might have on the air carriers affected, it is clear that it will be substantially less than for currently operated airplanes because of the higher initial cost of the airplanes for which flight recorders will be required and their greater seating capacity.

Interested persons have been afforded an opportunity to participate in the making of this amendment (20 F.R. 8500), and due consideration has been given to all relevant matter presented.

Amendment added a new paragraph (c) to section 42.22.

Amendment 42–12

Interior Emergency Exit Marking Lights

Adopted: Aug. 9, 1957
Effective: Aug. 9, 1957
Published: Aug. 15, 1957 (22 F.R. 6569)

Currently effective section 42.24c (b) (2) of Part 42 of the Civil Air Regulations requires that, on all large aircraft used for irregular air carrier and off-route air transportation at night, a source or sources of light with an emergency energy supply independent of the main lighting system be installed to illuminate all emergency exit markings. This particular requirement was adopted by the Board in November of 1955 in an amendment concerning emergency and evacuation equipment and procedures. The Board adopted this rule to

increase safety in the evacuation of aircraft. It was the Board's intention that through this amendment all large passenger-carrying aircraft would be equipped with lights installed so as to illuminate all emergency exits in such a manner as to attract the attention of the occupants at night and thus expedite evacuation. The Board intended that this requirement should apply specifically to passenger-carrying aircraft as is borne out by the history of the amendment and the preamble thereto. However, this provision is so worded as to be applicable to all large aircraft whether engaged in passenger or cargo operations under Part 42.

The Board has been requested to clarify its intent with respect to this provision insofar as its applicability to large aircraft used in night cargo operations is concerned. A careful review of the development of the emergency and evacuation equipment and procedure amendment reveals very clearly that the concern of all interested parties was directed almost exclusively to passenger-carrying aircraft. This is particularly apparent with respect to the emergency exit marking lighting requirements, the object of which is to insure, in the case of a crash landing or of a ditching at night, that the passengers and crew may be able to identify and operate emergency exits thus expediting evacuation of the aircraft. In airplanes used solely for the carrying of cargo, the problem of locating and operating emergency exits during a ditching or crash landing at night is not comparable to that encountered in passenger operations. Properly qualified crews are so familiar with every feature of the airplane, and the emergency exits which they would normally use are so close at hand, that special lighting for these exits is unnecessary. Furthermore, airline crews typically carry flashlights. All existing large airplane types used in this type of operation have an exit or loading door located immediately aft of the flight deck and the cockpit windows in most cases provide an additional means of crew evacuation. Furthermore, a survey of accidents involving night cargo operations indicates that there have been no difficulties in crew evacuation that would indicate a need for emergency illumination facilities for the emergency exits.

In view of the foregoing, section 42.24c (b) (2) is being amended to reflect the intent of the Board that the emergency lighting requirements apply only to passenger-carrying aircraft.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

Amendment revised the first sentence of section 42.24c (b)(2).

Amendment 42–13

Land Flare Requirements

Adopted: Jan. 9, 1958
Effective: Feb. 13, 1958
Published: Jan. 16, 1958
(23 F.R. 293)

Part 42 of the Civil Air Regulations currently requires that civil aircraft carrying passengers for hire at night shall be equipped with specified types and numbers of landing flares.

The value of landing flares as required equipment was discussed at the Board's 1955 Annual Airworthiness Review. Recommendations were made at that time to amend the regulations to require the carriage of flares only in large aircraft in extended overwater operations. As a result of this discussion and further study by the Board, Civil Air Regulations Draft Release No. 56–31, "Landing Flare Requirements of Parts 40, 41, 42, and 43 of the Civil Air Regulations," was circulated to the public (21 F.R. 10255). This notice, which proposed the deletion of the flare requirement, was issued for the purpose of obtaining the views of all interested persons to assist the Board in making a complete re-evaluation of existing flare requirements.

Comment received from interested persons concerning the proposals to delete all flare requirements (as contained in Draft Release 56–31) was varried. The consensus was that landing flare requirements for all non-commercial operations and for operations which employ small aircraft for the carriage of passengers for compensation or hire should be deleted. In

this connection, it should be noted that Civil Air Regulations Draft Release No. 55–24, "Air Taxi Certification and Operation Rules" (small aircraft of 12,500 pounds or less maximum certificated take-off weight), did not propose flares as required equipment and no adverse comment was received on this proposal. With respect to air carrier operations, the Air Line Pilots Association, on behalf of the pilots, recommended the retention and improvement of flares. This position was also advanced by a manufacturer of flare equipment. The Aircraft Industries Association, on behalf of the aircraft manufacturers, and the Air Transport Association, on behalf of the scheduled air carriers, recommended deletion of the flare requirements. The Civil Aeronautics Administration did not object to the deletion of flare requirements for overland operations but did recommend their retention for overwater operations.

In support of the recommendations to retain flares, the following opinions were expressed. One was that flares insure the highest possible level of safety during emergency landings at night (including emergency landings made necessary by severe vibration or buffeting, failure of aircraft components, uncontrollable fires, or the evaluation of sea conditions preparatory to ditching). It was also the view of some persons that flares might become necessary to assist in night emergency landings resulting from possible fuel exhaustion, the cause of which could be mechanical difficulties, traffic delays, communications and navigational equipment and facilities failures, and unexpected adverse weather conditions. It was also recommended that flares should be improved to provide better ground illumination and longer burning capacity to make them more effective for use in the emergency situations described above. Other comment in support of retention of flares stressed the view that safety of air carrier operations would be jeopardized if flares are not carried in overwater operations.

The Board has carefully studied this entire matter and finds that available records concerning the use of landing flares in scheduled air carrier operations show only five instances from January 1938 to the present time in which flares have been used for emergency purposes. Four of these instances involved twin-engine aircraft and one involved a four-engine aircraft. From 1947 to the present time, no multiengine air crarrier aircraft has been involved in the dropping of landing flares for emergency purposes. There is no available evidence or data showing the effective use of landing flares in the operation of small passenger-carrying airplanes. Futhermore, the records reveal that in 55 reported instances landing flares were discharged inadvertently while the airplane was on the ground or in the air with resultant damage in many cases to the aircraft, other aircraft, ramps, and hangars. There have been instances where flares contributed to the intensity of a fire following a crash. It is also significant that the military services discontinued the carriage of flares in their passenger transport operations several years ago for reasons involving cost, maintenance, the hazard of carrying flares, and their questionable value under emergency conditions. Furthermore, the flare requirements, which have been in effect for many years, were promulgated at a time when most airplanes had a single engine with only a short operating range, when most airports or landing areas were unlighted, and the general reliability of aircraft was considerably less that that of aircraft which are presently utilized. In recent years, improved airplane performance, reliability, and operating range, more efficient airplane landing lights, a considerable increase in the number of lighted landing areas, and the development of more accurate and dependable communications and navigational aids have clearly minimized the need for landing flare installations in aircraft operations. The Board finds, however, that these developments which have greatly improved operations in the United States do not apply to the same degree in extended overwater operations.

The Board has carefully considered all of the comment received and other relevant information and has concluded that flares for passenger-carrying aircraft should not be required as mandatory safety equipment for operations conducted over land. It does find, however, that there is a continued need for their use in extended overwater operations.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F.R. 10255), and due consideration has been given to all relevant matter presented.

Amendment revised section 42.21(b)(6).

Amendment 42–14

Amendments Resulting from the 1957 Annual Airworthiness Review

Adopted: Apr. 14, 1958
Effective: May 17, 1958
Published: Apr. 19, 1958
(22 F.R. 2595)

The Board has been advised that the descent flight provision of the two-engine-inoperative en route requirement of Part 42 is in need of clarification. The language of this provision does not make clear the generally understood intent that the descent may be based on a net flight path. Section 42.75(b)(2) is therefore being amended to clarify the intent.

During this year's annual airworthiness meeting, the subjects of interior markings and emergency lighting for exits were discussed. As a result, changes are being made to the certification requirements to eliminate the need for the marking and lighting of crew compartment exits. Since it is considered that the operating parts should be consistent with the certification requirements, a similar amendment is being made to Part 42.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F.R. 9116), and due consideration has been given to all relevant matter presented.

Amendment revised section 42.24c (b)(1) and (2) by inserting in the first sentence of each subparagraph between the words "all" and "emergency" the word "passenger," and revised section 42.75 (b) (2).

Amendment 42–15

Supplemental Oxygen Requirements for Sustenance and First Aid

Adopted: Aug. 27, 1958
Effective: Sept. 1, 1958
Published: Aug. 30, 1958
(23 F.R. 6748)

Part 42 contains among other things oxygen requirements for aircraft operating under this part. Civil Air Regulations Draft Release No. 58–7, which was published on March 27, 1958, proposed changes to the requirements for supplemental oxygen and associated equipment both in the airworthiness requirements and operating rules. The changes simultaneously made in Part 4b requirements will be applicable only to applications for certification filed after their effective date, but the changes in the operating rules made herein will apply to all operations thereby governed on the effective date hereof, or as otherwise provided in the text of the regulation.

The particular characteristics of turbine-powered airplanes which dictate a need for somewhat different requirements relative to the use of supplemental oxygen than those applicable to piston-engine airplanes are the higher operating altitudes at the time of a possible decompression combined with excessive fuel consumption by these turbine-powered airplanes at low altitudes which may require continued cruise at an altitude demanding sustaining oxygen to enable the airplane to reach a suitable landing field.

The base cruising altitude at which oxygen must be provided is being raised from 8,000 to 10,000 feet. It has been generally agreed that this requirement, while reducing the quantity of oxygen required, will provide an acceptable level of safety.

A provision relating to crew oxygen masks is being added. The time required for the crew to institute the use of their oxygen masks when operating at these altitudes is so short that any location of crew masks that could involve any avoidable loss of time in donning them would not be in the interest of safety. To minimize the danger inherent in this situation, one pilot will be required to wear and to use his mask at all times when operations above 25,000 feet are conducted. The other members of the flight crew will be required to have the masks on their person at all times and in such a position as to be

immediately placed on their faces for use. Since the object is to avoid any possible hazard to the passengers following decompression, it is considered necessary that the pilot wearing the mask be drawing oxygen from the system under normal conditions. Since all flight crew members would probably have specified duties following cabin depressurization, it is considered appropriate that masks should be immediately available for each flight crew member on flight deck duty.

On those flights wherein operations are conducted above 25,000 feet, the need for rapid action on the part of all occupants precludes waiting until an emergency occurs to instruct the passengers in the use of the oxygen equipment. A provision, therefore, is being included to require briefing of the passengers prior to such operations. This briefing should insure that the passengers know how to use the equipment provided. To the degree practicable, language problems should be avoided or overcome.

For all airplanes operating above 25,000 feet, oxygen and dispensing equipment must be provided for all passenger cabin occupants as well as the crew. Although a rapid descent of the airplane generally will be possible, it is felt that a 10-minute supply of oxygen would be the minimum amount that could be provided which would insure an adequate quantity for descent from higher altitudes in the event that circumstances prevent realization of the demonstrated descent rate. For purposes of computing a quantity of oxygen for descent, a uniform descent for the 10-minute period would be assumed.

For a particular operation to comply with the rules in this part the amount of sustaining and first-aid oxygen required shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and upon the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure any descent to a flight altitude that will permit successful termination of the flight will not exceed the operating limitations of the airplane. Following such a failure, the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

Interested persons have been afforded an opportunity to participate in the making of this amendment (23 F.R. 2229), and due consideration has been given to all relevant matter presented. In view of the imminence of operations to be conducted pursuant to this amendment, the Board finds that further notice and public procedure hereon would be contrary to the public interest and that this amendment may be made effective on less than 30 days' notice.

Amendment changed the titles of sections 42.26 and 42.27, added new sections 42.26–T and 42.27–T, and revised section 42.28.

Amendment 42–16

Authorization for Part 46 Operators to Conduct Certain Charter and Other Special Service Operations Under the Provisions of Part 46

Adopted: Sept. 17, 1958
Effective: Oct. 1, 1958
Published: Sept. 23, 1958 (23 F.R. 7374)

Part 46 of the Civil Air Regulations, Scheduled Air Carrier Helicopter Certification and Operation Rules, will become effective on October 1, 1958. The currently effective provisions of Part 42 permit a scheduled air carrier operating under Part 40 or 41 to conduct certain charter or other special service operations under Part 40 or 41 between points which it is authorized to serve under the terms of its operating certificate. However, the

carrier is required to have its air carrier operating certificate amended to permit such operations.

In promulgating new Part 46, it was the Board's intention that similar authorization be granted to the holders of scheduled air carrier helicopter certificates as is presently afforded carriers operating under the provisions of Part 40 or 41. It is necessary, therefore, that Part 42 be amended prior to the effective date of Part 46 in order that this authority can be provided.

Since this amendment is permissive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be effective in less than 30 days.

Amendment change the reference "Part 40 or 41" to "Part 40, 41, or 46" in section 42.0(b).

Amendment 42–17

Use of Average, Assumed, and Estimated Weights

Adopted: Dec. 30, 1958
Effective: Dec. 30, 1958
Published: Jan. 3, 1959 (24 F.R. 51)

Air carriers have for many years utilized approved weight and balance control procedures involving average, assumed, and estimated weights in determining compliance with the various weight limitations of this part. Such procedures have been formally endorsed by the Civil Aeronautics Administration and the Board since December 8, 1947, the date of issuance of Safety Regulation Release No. 270. Subsequently, these procedures and the methods by which they may be carried out have been continued in Civil Aeronautics Manual 42. These procedures and the recommended methods of implementation described in Civil Aeronautics Manual 42 are a practical approach to compliance with the regulations pertaining to operating limitations without adversely affecting the safety of air carrier operations. This approach recognizes that it is not possible to require literal compliance with the weight and balance requirements of Part 42 of the Civil Air Regulations through a determination of actual weights in every instance, considering the extent of present-day air carrier operations, without drastically curtailing such operations.

To obviate the actual weighing of the airplane and its contents prior to each flight, certain approved methods and procedures have become an essential part of day-to-day air carrier operations and insure reasonable compliance with the appropriate operating limitations. For a fleet or group of airplanes of the same model and configuration, an average operating fleet weight is utilized when the operating weights and positions of the center of gravity are within the limitations established by the Administrator in Civil Aeronautics Manual 42. For example, an operator of a fleet of more than 9 airplanes of the same model and configuration must weigh periodically at least 6 of these airplanes, plus at least 10 percent of the number over 9. Furthermore, to insure that a safe average weight is maintained, certain safeguards are incorporated in the approved weight procedures. If the basic operating weight of any airplane weighed or the calculated basic operating weight of any one of the remaining airplanes in the fleet varies by an amount more than plus or minus one-half of one percent of the maximum landing weight from the established basic operating fleet weight, that airplane will be eliminated from the group and operated on its actual or calculated weight. Carriers also may elect to use either the actual passenger weight or the average passenger weight to compute passenger loads over any route except in unusual cases as, for example, a passenger load consisting of an athletic team. The average weights which may be used are set forth in Civil Aeronautics Manual 42. In determining compliance with certain operating limitations such as landing distance limitations, the carrier may assume that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination and the weight of such fluids may be established on the basis of actual weight, a stand-

ard volume comparison, or a volume comparison utilizing appropriate temperature correction factors to actually determine the weight by computation of the quantity of fluid on board.

There are many other instances in which average, assumed, or estimated weights are used in the conduct of air carrier operations.

It has recently been brought to the Board's attention that the absence of explicit authority in Part 42 for the use of average, assumed, or estimated weights in accordance with procedures approved by the Administrator has given rise to concern that an air carrier might be considered in technical violation of the Civil Air Regulations if the weight of a particular airplane actually exceeded any of the various weight limitations of this part, even though the calculations had been made in accordance with approved procedures.

In order to remove any doubt as to the legality of using such approved procedures and to bring the regulations into accord with a well-established and safe administrative practice, Part 42 is being amended to provide specific authority for the use of an approved weight and balance control system in which average, assumed, or estimated weights may be utilized if such system gives assurance of results substantially equalling direct weighing.

Since this amendment merely confirms an established administrative practice essential to the maintenance of safe, optimum air carrier operations and imposes no additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary and that good cause exists for making this amendment effective without prior notice.

Amendment added a new sentence at the end of section 42.14.

Amendment 42-18

Absence of Flight Crew Members from Their Duty Stations

Adopted: Apr. 17, 1959
Effective: Apr. 22, 1959
Published: Apr. 23, 1959 (24 F.R. 3154)

Section 42.51(f) provides, in the case of aircraft requiring two or more pilots, that two pilots shall remain at the controls at all times during take-off, landing, and while en route except when the absence of one is necessary in connection with his "regular duties." As used in this regulation the term "regular duties" was intended to mean those duties involving the operation of the airplane. It was not intended to encompass activities related to furthering public relations or other activities not related to operational safety of the airplane. The absence of a flight crew member from his duty station for the performance of such activities reduces unnecessarily the degree of vigilance, attention to duty, and availability for emergency action required for the operation of modern aircraft under conditions of high density traffic.

The provisions of section 42.51(f) are therefore being amended by a new section 42.64 to clarify their intention and application. Since the present section 42.51(f) refers only to pilots, the new section will also be made applicable to all other flight crew members. The present section 42.51(f) does not expressly require that flight crew members keep their seat belts fastened at their respective stations and this provision is being included in the new section. In addition, section 42.51(f) presently permits the absence of a pilot from his seat when he is replaced by a person "authorized" by section 42.51(g). It is to be noted that section 42.51(g) regulates the admission of persons to the pilot compartment and does not in fact authorize any person to replace any flight crew member. The reference to this section is therefore being eliminated.

Accordingly, the provisions of section 42.51(f) are being amended as indicated above. Amendments to the same effect are simultaneously being made to Parts 40, 41, 46, and 60 of the Civil Air Regulations to provide identical rules for all operations covered by those parts.

The changes being made constitute primarily a clarification of present requirements. In connection with the requirement as to seat belts and the application of the section to all flight crew members, I find that the proposed amendment must be adopted in order to obtain uniform and optimum safe operating procedures for the prevention of collisions

between aircraft. Accordingly, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act are impracticable and contrary to the public interest and good cause exists for making this amendment effective on less than 30 days notice.

Amendment deleted paragraph (f) of section 42.51 and redesignated paragraph (g) as paragraph (f), and added a new section 42.64.

Amendment 42–19

Extension of Compliance Date for Oxygen System Requirements for Turbine-Powered Airplanes

Adopted: July 29, 1959
Effective: July 29, 1959
Published: Aug. 4, 1959 (24 F.R. 6241)

Currently effective sections 42.26–T(a), 42.27–T(a), and 4228(b) provide that on and after July 31, 1959, turbine-powered airplanes shall comply with requirements therein with respect to supplemental oxygen for sustenance, supplemental oxygen for emergency descent and first aid, and oxygen equipment standards.

These regulations, which were adopted on August 27, 1958, were not made mandatory until July 31, 1959, in recognition of the fact that currently operating turbine-powered airplanes were not type certificated in accordance with these provisions and operators would need reasonable time to arrange for appropriate design changes and procurement and installation of the required equipment.

The Administrator has been advised that, despite diligent efforts by air carrier operators and the manufacturer involved, compliance by July 31, 1959, is not possible, due primarily to the time required for system evaluation and late delivery of necessary parts. It now appears that an additional four months will be required to show compliance with the requirements.

The selection of the July 31, 1959, date for compliance was predicated on the belief that this afforded sufficient time to make the necessary changes. It is recognized, however, that difficulties have been encountered by the air carriers in accomplishing an orderly procurement and installation program without serious disruption of scheduled service and that a period of relief may be granted without affecting safety adversely in air carrier operations by extending the compliance date to November 30, 1959. As before, the currently effective oxygen system requirements will apply, with the additional requirement that, when operating at flight altitudes above 25,000 feet, all flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be immediately available for use.

Since this amendment grants relief by extending the date for compliance with a requirement of the Civil Air Regulations, and delay in extending such relief would impose an undue hardship, the Administrator for good cause finds that notice and public procedure hereon would be contrary to the public interest and may be omitted and that this amendment may be made effective immediately.

Amendment changed the date "July 31, 1959" to "November 30, 1959" wherever it appeared in sections 42.26–T(a) and 42.28(b), and revised the first sentence of section 42.27–T(a).

Amendment 42-20

Frequency of Pilot Proficiency Checks

Adopted: Sept. 24, 1959
Effective: Oct. 29, 1959
Published: Sept. 30, 1959 (24 F.R. 7866)

Part 42 of the Civil Air Regulations presently requires each pilot in command to successfully pass pilot equipment and proficiency checks within the preceding 6 months. Section 42.47 allows a grace period of 30 days for all airman checks.

Parts 40, 41, 42 and 46 specify the time interval between pilot proficiency checks differently which has resulted in varying interpretations as to requirements and administrative practices. Since no difference is intended between air carrier operations in this respect, all of the air carrier parts are be ng amended to make the frequency requirement of pilot proficiency checks the same.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary.

Amendment revised the introductory paragraph of section 42.44(a)(4) and section 42.47.

Amendment 42-21

Retention of Flight Recorder Tapes and Clarification of Period the Flight Recorder Shall be in Operation

Adopted: Sept. 30, 1959
Effective: Nov. 6, 1959
Published: Oct. 7, 1959 (24 F.R. 8090)

Section 42.22(c) of the Civil Air Regulations requires the installation of flight recorders on all airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude. The regulations further require that the flight recorders shall be operating continuously during flight time.

In promulgating this regulation, the period of time for retention o' the recorder tapes was not included in the rule as it was assumed that air carriers would retain these records for a sufficient length of time for the investigation of accidents and incidents which may have occurred during the time of flight. The tapes also can furnish information to the operator concerning performance and operation of these airplane types for which there does not exist a substantial amount of operational experience.

In view of the importance of the information obtained from flight recorders, and since there may be some question as to the length of time that such tape recordings should be maintained by the air carriers, the Federal Aviation Agency believes that a clarification of the rule is needed.

As stated above, section 42.22(c) requires that the flight recorders "shall be operating continuously during flight time." It was the intention of this regu'ation to require the operation of the recorder only during flight and not during taxi operation to and from the runway. Therefore, in order to clarify this point, the word "time" is being deleted from this phrase since flight time has been defined as block-to-block time. In deleting the word "time," it is intended that the flight recorder must be in full operating condition at the instant the aircraft starts its takeoff roll and be in continuous operation during the flight and until the aircraft has completed its landing at an airport.

Accordingly section 42.22(c) is being amended to clarify these matters. Similar amendments are being made concurrently to Parts 40 and 41 of the Civil Air Regulations to provide identical rules for the types of air carrier operations covered by those parts.

Inasmuch as this amendment is a clarification of the present requirements and imposes no, or very little additional burden on any person, compliance with the notice and public procedure provisions of section 4 of the Administrative Procedure Act is unnecessary.

Amendment revised section 42.22(c).

Amendment 42-22

Pilot Training and Check Program

Adopted: Nov. 16, 1959
Effective: Nov. 20, 1959
Published: Nov. 20, 1959 (24 F.R. 9365)

Section 42.40(a) contains a proviso which states that the provisions of sections 42.44(a) and 42.45 shall not be applicable to pilots who for the previous six months have been continuously in the employ and participating regularly in the training program of an air carrier which has established pilot training and check procedures in accordance with the requirements of Part 40 or 41 of the Civil Air Regulations.

This proviso was adopted in 1954 as Amendment 42-27 (19 F.R. 5883). As stated in the preamble to that amendment, the purpose of the amendment was to provide that pilots of scheduled air carriers conducting charter flights and special services under the provisions of Part 42 would not have to meet the training and check requirements of Part 42 in order to operate under the operating rules of that part if they were participating in the established training and check procedures required by Part 40 or 41.

This proviso sought to eliminate unnecessary duplication of training and facilitate the administration of airman training programs on the part of the scheduled air carriers for those pilots engaged alternately in scheduled flights or charter flights and special services. It was not intended to affect those pilots operating solely in accordance with Part 42. However, it appears that some Part 42 supplemental air carriers have interpreted section 42.40(a) to mean that they may hire pilots formerly with scheduled air carriers and utilize such pilots even though the pilots have not met the provisions of sections 42.44(a) and 42.45, so long as such pilots had been continuously in the employ and had participated regularly in the established training and checking program of the scheduled air carrier. Since this was not the intent of section 42.40(a), this amendment clarifies the application of that section by expressly stating that the proviso contained in that section is applicable only to pilots of scheduled air carriers who also operate, while employed by such air carriers, under the provisions of Part 42.

Inasmuch as this amendment is a clarification of the application of the present requirements and is necessary for safety in air transportation, I find that good cause exists for making this amendment effective on publication in the FEDERAL REGISTER.

Amendment revised section 42.40(a).

Amendment 42-23

Approval of Air Carrier Training Programs; Qualification of Pilots Other Than Pilots in Command; Proficiency Checks for Pilots Other Than Pilots in Command

Adopted: Dec. 1, 1959
Effective: Jan. 1, 1961, except as provided in section 42.45g
Published: Dec. 5, 1959 (24 F.R. 9773)

The Federal Aviation Agency published as a notice of rule making (24 F.R. 5246) and circulated as Civil Air Regulations Draft Release No. 59-3, dated June 25, 1959, a proposal to amend Part 42 of the Civil Air Regulations to require: (1) FAA approval of air carrier training programs, (2) appropriate aircraft ratings for pilots serving as other than pilots in command, and (3) more specific initial training and recurrent proficiency checks for pilots serving as other than pilots in command.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

Because of the importance of this amendment, each portion thereof has been evaluated in the light of such comments.

(1) *FAA approval of air carrier training programs.* The air carriers commenting on this portion of the proposal expressed strong opposition to it. Briefly, the air carriers contend that the present regulatory scheme for the establishment of methods and procedures for crew member training programs has been adequate and that no justification has been shown for requiring FAA approval of such programs. The Federal Aviation Agency is unable to agree with these contentions.

It must be emphasized that the training program is one of the most important factors in the safety of air carrier operations. The quality and scope of such programs are the key to insuring that all crewmembers are competent to perform their duties with the high degree of skill expected and required in air carrier operations. Under the provisions of the present regulation, the air carriers are given discretion in establishing "adequate" or "appropriate" training, or "training as necessary." As a result some air carriers have prepared and are administering excellent training programs. However, others have not achieved the minimum safety objective sought by the training requirements of section 42.45. While the methods and procedures employed by the various air carriers in their training programs may differ to fit the particular operation of each air carrier, each training program must provide a uniform and minimum standard of flight and ground training necessary for safety in air transportation. Experience in the administration of the present regulations shows that this standard can only be achieved by FAA approval of each training program.

Accordingly, because of the vital importance which the air carrier training program has to safety in air carrier operations, each air carrier subject to this part will be required to obtain approval of its training program by a representative of the Administrator.

Part 42 presently requires each air carrier to establish a training program sufficient to insure that each crewmember used by the air carrier is adequately trained and maintains adequate proficiency to perform the duties to which he is to be assigned. However, Part 42 does not contain sufficient guidance to the air carrier with respect to ground and flight training requirements which should be included in the training program in order to obtain FAA approval. Accordingly, pertinent training program requirements similar to those in Part 40 are being prescribed in Part 42 by this amendment.

This final regulation will not alter the responsibility which each air carrier has at present for the preparation and administration of its training program. However, each air carrier will be required to submit its training program, and subsequent changes thereto, to the Federal Aviation Agency for prior approval.

(2) *Initial training qualifications of pilots other than pilots in command.* The complexity of modern aircraft and the operational demands of today's navigation, communication, and air traffic control systems require a high level of skill and competence for air carrier copilots. Many of the functions which are required of the copilot, particularly with respect to emergency procedures, must be performed properly or the safety of the flight may be seriously affected. In addition, in the event that the pilot in command becomes incapacitated during flight, the copilot must possess adequate knowledge and skill to fly the aircraft safely to a destination.

In order to properly determine the ability of the copilot to operate a particular type of aircraft, it was proposed in Draft Release 59-3 to provide for the issuance of appropriate aircraft type ratings for all pilots serving as other than pilot in command, or as second in command of an aircraft requiring three or more pilots.

Part 42 currently provides for two different types of pilot crew complements: Namely, (a) a two-pilot crew and (b) a three or more pilot crew. With respect to the two-pilot crew, upon reevaluation of the original proposal in light of comments received, it appears that the objective of the original proposal can be achieved without requiring the second in command in a two-pilot crew to obtain an appropriate aircraft type rating, provided adequate flight training for such a pilot is provided in the initial and recurrent training requirements of this part and is part of the training program approved by the Administrator.

Accordingly, the original proposal has been modified in this regulation by omitting the aircraft type rating requirement for the second in command in a two-pilot crew. In lieu of a type rating this regulation prescribes in section 42.45b(c) certain minimum maneuvers and procedures in which it is considered necessary that pilots serving as second in command in a two-pilot crew be proficient, and requires that they receive instructions and practice in such maneuvers and procedures during initial flight training.

The term "second in command," is used in lieu of second pilot in this regulation in order that the air carrier rules of Parts 40, 41, and 42 will contain uniform terminology with respect to the copilot function. In this regard, it will be noted that an approrpiate definition of "second in command" is added to this regulation and that the term second in command has been substituted for the term second pilot in section 42.43(b).

With regard to an operation requiring a crew combination of three or more pilots Part 42 presently provides that the pilot in command and second in command shall hold valid airline transport pilot certificates and ratings for the aircraft when serving in such a crew combination. Since the pilot designated as second in command in a crew requiring three or more pilots is required by the present regulations to have the same basic qualifications as the pilot in command, it is deemed reasonable to require such second in command to be initially trained on the aircraft to a degree of proficiency commensurate to that of the pilot in command. Accordingly, the provisions of this amendment require a pilot serving as second in command in an operation requiring three or more pilots to comply with the same initial training requirements as apply to the pilot in command.

With respect to pilots other than the pilot in command and second in command in a crew complement requiring three or more pilots, the original proposal has been modified so as not to require such pilots to obtain an aircraft type rating. In lieu of a type rating, this regulation requires in the interest of safety that such pilots accomplish the initial training prescribed in section 42.45b(a). In this connection it should be understood that such pilots will not be required to comply with the training requirements specifically applicable to a pilot in command, or a second in command serving in a crew requiring 3 or more pilots.

(3) *Proficiency checks for pilots other than pilots in command.* In order to make certain that all pilots serving as second in command are initially proficient and continue to maintain their proficiency to pilot and navigate, and to perform their duties on, aircraft to which they are assigned for duty, it was proposed in Draft Release 59–3 to require proficiency checks to be given such pilots prior to their initial assignment to duty and twice each 12 months thereafter by a check pilot or a representative of the Administrator.

Although the air carriers were opposed to this requirement, the Agency remains firm in its belief that in order to make certain that all pilots serving as second in command are initially proficient and continue to maintain such proficiency, they must be given a proficiency check by a designated check pilot or a representative of the Administrator. However, upon reconsideration of the original proposal in the light of comment received, the Administrator has concluded that an adequate level of safety will be maintained if such proficiency checks are given only once each 12 months to pilots serving as second in command. Accordingly, such requirements are reflected in this amendment.

In Draft Release 59–3, it was proposed to include in the proficiency check at least the takeoffs and landings and other flight maneuvers generally covered in section 42.45b(a). However, the original proposal is being modified by this amendment to provide that the proficiency check for the second in command of a two-pilot crew shall include an oral or written equipment examination, and at least the procedures and flight maneuvers specified in new section 42.45b(c)(1).

The original proposal is also modified with respect to the second in command of a crew requiring three or more pilots to require the second in command to take the same proficiency check as is presently required for a pilot in command, except that the second in command is required to take the proficiency check only once each 12 months.

Comment received indicated that interested persons opposing Draft Release 59–3 believed the proposal would require copilots to acquire and demonstrate the same level of proficiency as is presently required of pilots in command. The Administrator wishes to make it clear that identical proficiency standards will not be required for such pilots. Under the provisions of Part 42 a pilot assigned to duty on an aircraft as second in command in a two-pilot crew is presently required to hold a commercial pilot certificate and instrument rating, whereas a pilot in command is required to hold the higher rating of an airline transport certificate with appropriate aircraft type ratings. Accordingly, in view of this difference in the certification requirements, pilots serving as second in command in two-pilot crews will not be held to the high degree of skill required of a pilot in command. However, they will be required to demonstrate that they possess the knowledge and skill to perform their duties as a copilot safely and efficiently, and to navigate and pilot the airplane to which they are assigned safely to a destination in the event the pilot in command becomes incapacitated during flight.

This final regulation is so drafted as to permit the air carriers to use the flight crew method of training and checking pilots. Air carriers utilizing the flight crew method have found that it has economic advantages over the method of training and checking crew members individually and is an effective method of standardizing training. Although initial flight training and some proficiency check maneuvers will make it necessary in the interest of safety for the check pilot to occupy one of the pilot positions, it is believed that many maneuvers can be conducted safely using the flight crew concept of training and checking pilots.

This regulation is being made effective January 1, 1961. This effective date will allow air carriers subject to Part 42 sufficient time in which to obtain FAA approval of their training programs and to accomplish the initial demonstration check of pilots other than pilot in command required by this amendment. However, each air carrier will be required to submit its training program to the FAA for approval not later than May 1, 1960.

Although compliance with the requirements prescribed in this amendment may result in some additional costs to the air carriers, it appears that such costs are outweighed by the considerations of safety involved.

Amendment added definition "second in command" to section 42.1; changed "second pilot" to "second in command" in the title and first sentence of section 42.43(b); added a new sentence at the end of section 42.43(c); amended subparagraphs (2) and (3) of section 42.44(a); amended section 42.45; and added new sections 42.45a through 42.45h.

Amendment 42-24

Maximum Age Limitations for Pilots

Adopted: Dec. 1, 1959
Effective: Mar. 15, 1960
Published: Dec. 5, 1959 (24 F.R. 9776)

Notice was given in Draft Release 59-4 (24 F.R. 5249) that a proposal was under consideration to amend Parts 40, 41 and 42 of the Civil Air Regulations to provide, in part, maximum age limits for certain utilizations of pilots in aircarrier operations by an air carrier.

It was pointed out in the draft release that the number of active air carrier pilots age 60 or over has been increasing significantly in recent years, that pilots in this age group are being employed in the carriage of a substantial number of passengers, both in piston and jet-powered aircraft, and that this number will increase substantially within the next few years. Absent some limitation in the regulations, this condition could continue until a number of active pilots have, within the next 5 years, reached ages 65 to 70, and together with the then larger group over age 60 become increasingly responsible for a growing percentage of air carrier operations.

The draft release points out the reasons indicating that a hazard to safety is presented by utilization of pilots of these ages in air carrier operations. These include the fact that there is a progressive deterioration of certain important physiological and psychological functions with age, that significant medical defects attributable to this degenerative process occur at an increasing rate as age increases, and that sudden incapacity due to such medical defects becomes significantly more frequent in any group reaching age 60.

Such incapacity, due primarily to heart attacks and strokes, cannot be predicted accurately as to any specific individual on the basis of presently available scientific tests and criteria. On the contrary, the evidences of the aging process are so varied in different individuals that it is not possible to determine accurately with respect to any individual whether the presence or absence of any specific defect in itself either led to or precluded a sudden incapacitating attack. Any attempt to be selective in predicting which individuals are likely to suffer an incapacitating attack would be futile under the circumstances and would not be medically sound. Such a procedure, in light of the knowledge that a substantial percentage of any group of persons will suffer from such attacks after reaching age 60, would therefore be ineffective in eliminating the hazard to safety involved.

This conclusion is emphasized by the fact that, in the case of one large group under medical supervision over an extended period, some 85% of the persons who had a heart attack for the first time had the attack within six months to a year after a thorough medical examination had found the individual in a condition normal to his age and without any evidence to suggest the iminence of such an attack. In addition, the general good health of an individual, or the appearance of good health, are not determinative as to whether he will suffer a heart attack from the conditions that are normal as a result of age.

Other factors, even less susceptible to precise measurement as to their effect but which must be considered in connection with safety in flight, result simply from aging alone and are, with some variations, applicable to all individuals. These relate to loss of ability to perform highly skilled tasks rapidly, to resist fatigue, to maintain physical stamina, to perform effectively in a complex and stressful environment, to apply experience, judgment and reasoning rapidly in new, changing and emergency situations, and to learn new techniques, skills and procedures. The progressive loss of these abilities generally starts well prior to age 60; and, even though they may be significant in themselves prior to age 60, they assume greater significance at the older ages when coupled with the medical defects leading to increased risk of sudden incapacitation.

The older pilots as a group fly the largest, highest-performance aircraft, carrying the greatest number of passengers over the longest non-stop distances, operating into and out of the most congested airports near the largest cities, and traveling in flight in and through traffic lanes with the highest density of air traffic. A great many of these flights involve the newest, largest, fastest and most highly-powered jet aircraft. The possible hazards inherent in the oler pilot's medical condition are entirely too serious to determine the question of safety by an attempt to balance the increased chances of an incapacitating attack against the possibility that the pilot might not be engaged in the carriage of a large number of passengers at the time of such an attack.

In exploring all the ramifications of the problems involved, the nature of air traffic and air carrier operations in the future has been considered. Present indications are that the very large increases that have taken place in recent years are small in relation to the increase yet to occur. Projection of the number of pilots who will be in the 60 to 70 year age group, in an era of extreme density and frequency of jet and piston air carrier operations involving many millions of passenger miles, indicates a probability of sudden incapacitation of some of these pilots in the course of flight. While medical science may at some future time develop accurate, validly selective tests which would safely allow selected pilots to fly in air carrier operations after age 60, safety cannot be compromised in the meantime for lack of such tests. This is particularly so in light of the statutory directive contained in section 601(b) of the Federal Aviation Act of 1958 that, "In prescribing standards, rules, and regulations * * * the Administrator shall give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest * * *," and that, "The Administrator shall exercise and perform his powers and duties under this Act in such a manner as will best tend to reduce or eliminate the possibility of, or recurrence of, accidents in air transportation * * *"

To the extent that a progressive loss of certain abilities generally starts well prior to age 60, further consideration is required of those aspects of safety in flight concerned with factors other than incapacitation. Especially with the development and increasing use of larger and higher performance aircraft and more complicated traffic conditions, growing importance attaches to the ability of pilots to learn new techniques, skills, and procedures, and to unlearn and discard previously learned and well-established patterns of behavior.

For this reason, the draft proposal included a provision to establish age 55 as the age prior to which an individual must obtain a type-rating for turbo-jet powered aircraft in order to act as pilot-in-command for such aircraft in air carrier service. Age 55 was selected on the basis that it marks the point at which the detrimental effects of age on physiological and psychological functions have become significant.

All interested persons have been given an opportunity to comment and all comments received have been given careful consideration. Many strong arguments were made, both in favor of and against the draft proposal. Some of the comments in favor of the proposal recommended more stringent action than that now being taken in this amendment, and referred to opinions and conclusions more far-reaching than those expressed above. Some of these were received from active airline pilots, although a majority of those identifying themselves as airline pilots from whom comments were received were adverse to the proposal.

The Air Transport Association, representing the major scheduled air carriers conducting charter flights and special services or scheduled cargo operations under the provisions of Part 42, was in favor of the proposal as to age 60. One large supplemental air carrier was opposed to the entire proposal. The Air Line Pilots Association, from which most complete and voluminous comments were received, was also opposed to the proposals, but offered no practicable substitute to achieve the safety aims of this amendment. The position taken was that qualification of a pilot should be determined on an individual selection basis without any limitation as to chronological age. This is rejected as an inadequate safety standard in light of the present inability of medical science to provide a reliable and valid basis for selection.

Some requests for a public hearing were received. In the rulemaking process, a public hearing has basically the same purpose as written comments, namely, to inform the Agency of the facts and opinions of the public concerning the proposed rule. It serves a useful purpose, however, when it provides something more than usually is obtained from written comments. Normally, this would involve situations where facts and views cannot be expressed adequately by written comments, where written comments cannot properly be evaluated without further development in a public hearing, or where written comments which have been received raise new issues which require further public consideration and this can be accomplished most satisfactorily and expeditiously in a hearing.

Comments were received covering all the issues involved in the proposed rule. They have been most carefully evaluated with respect to their bearing on some of the requests that were received for a public hearing. In respect to the provision to establish age 55 as the age prior to which an individual must obtain a type-rating for turbo-jet powered aircraft, it is possible that a hearing may produce further information or data not already encompassed in the scope of the comments received. The comments and other data available appear to be sufficiently precise and determinative in connection with the provisions applicable to utilization of a pilot after attainment of age 60. In this connection, the requests

for a public hearing did not indicate any area that the comments have not covered adequately nor was any showing made that they could not be evaluated properly without a public hearing. They did not point out any issue that was not previously considered. On this point a public hearing is likely to repeat opinions and evidence already submitted in the form of written comments. With respect to this provision of the proposed rule, therefore, it does not appear that a public hearing would serve a useful purpose; and it is not deemed necessary in the public interest.

After considering all of the comments received, I find that a public hearing is necessary and appropriate with respect to the proposal concerning eligibility to obtain a type-rating for turbo-jet powered aircraft after the attainment of age 55 and a notice for such a hearing on January 7, 1960, is being issued. I find further that establishment of a maximum age of 60 for pilots utilized by air carriers in air carrier operations is necessary for safety in air commerce and is in the public interest.

In answer to some of the comments received from air taxi operators and other operators of small aircraft it appears necessary to point out that this amendment will not apply to pilots of small aircraft. At the time that the proposal was issued as a draft release it was contemplated that such operations would shortly be conducted pursuant to the provisions of a new Part 47. However, since the effective date of that part has been suspended, and such operations will continue to be conducted under Part 42 for an additional period, this amendment to Part 42 has been expressly limited to large aircraft. This amendment will, of course, apply to pilots of large aircraft when utilized by commercial operators subject to the provisions of Part 42. The necessity of a maximum age limitation to pilots of small aircraft utilized by air taxi and other commercial operators will be the subject of further study by the Agency. If such a requirement is found necessary it will be issued as a separate proposal for comments by the public.

Amendment added a new paragraph (c) to section 42.40.

Amendment 42-25

Extension of Compliance Date for Oxygen System Requirements for Turbine-Powered Airplanes

Adopted: Nov. 30, 1959
Effective: Nov. 30, 1959
Published: Dec. 8, 1959 (24 F.R. 9840)

Currently effective section 42.27-T(a) provides that on and after November 30, 1959, turbine-powered airplanes with pressurized cabins shall comply with the provisions of section 42.27-T. Section 42.27-T(c) requires that when operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed.

The airlines now operating jet aircraft have represented to the Administrator that this requirement is not necessary to achieve the highest degree of safety in air transportation, and have indicated that its effect may even be adverse to safety. The FAA intends to make further studies of this matter during the next 60 days. Under these circumstances the effective date of this requirement will be delayed until February 1, 1960, to obtain additional information. If a change in this requirement is indicated, it will be accomplished prior to that date. If no change is required, the original rule will then become effective.

Since this amendment grants relief by extending the date for compliance with a requirement of the Civil Air Regulations, the Administrator finds that notice and public procedure hereon are not necessary, and that this amendment will be made effective immediately.

Amendment revised section 42.27-T(c).

Amendment 42-26

Drinking and Serving of Alcoholic Beverages

Adopted: Jan. 6, 1960
Effective: Mar. 10, 1960
Published: Jan. 9, 1960 (25 F.R. 170)

A notice of proposed rule making was published in the FEDERAL REGISTER of July 3, 1959 (24 F.R. 5424) and circulated to the industry as Draft Release 59-7, dated July 3, 1959, which proposed to amend Part 42 by adding a new section 42.65 to prohibit (1) the drinking of any alcoholic beverage aboard an air carrier aircraft unless the beverage has been served by the air carrier operating the aircraft, and (2) the serving by the air carrier of such beverage to any person who is or who appears to be intoxicated.

A large number of comments were received from individuals, air carriers, and other industry representatives. These comments ranged from opposition to hearty endorsement of the proposal, including suggestions that it did not go far enough and that all drinking and serving of alcoholic beverages aboard air carrier aircraft should be prohibited. Many of the comments were motivated by moral, religious, or social considerations, as well as safety.

The Federal Aviation Agency, when it proposed the rule, did so only after careful investigation and study. The Agency's responsibility is only for the air safety considerations and not for the social or moral aspects. The study and investigations which preceded the notice of proposed rule making were largely conducted by the Civil Aeronautics Administration, one of the predecessor agencies of the Federal Aviation Agency. The result indicated that there was no factual information, nor any specific occurrences sufficient to establish a safety hazard arising from the serving of alcoholic beverages by the air carrier to passengers aboard air carrier aircraft. The instances which were revealed tended to show that the occasional difficulties experienced had been caused either by passengers who had consumed a considerable quantity of alcoholic beverages prior to boarding the plane, or by those who drank from their own bottles during the course of the flight. This conclusion has been emphasized and verified by many of the comments received from the air carriers affected.

In addition to being confined to the safety aspects of this problem, the proposal was designed to regulate only so far as was necessary to meet safety requirements. It proposed to interfere as little as possible with the personal freedom of passengers and at the same time to prevent abuses that could possibly create a hazardous situation. It was for this reason that the proposed rule did not prohibit the consumption of alcoholic beverages, but sought to subject it to reasonable control. It is a generally accepted fact that flat prohibition has not proven successful in preventing consumption of alcoholic beverages. In this type of situation, it might even work adversely, since passengers who wish to drink might either do so to excess in advance of the flight, knowing that they could not obtain a drink aboard an aircraft, or would be encouraged to engage in surreptitious drinking from their own supply after boarding.

Some of the carriers and individuals who commented apparently misconstrued the intent of the proposed regulation insofar as they interpreted it as prohibiting passengers from bringing their own liquor aboard an aircraft. This was not our intention. The restriction proposed is against the consumption of alcoholic beverages unless they are served to the passengers by the air carriers. So construed, this would permit persons to bring liquor aboard and have it served to them by the air carrier, if the air carrier wishes to provide such service. Some of the comments received from individuals made the point that they were accustomed to having a drink before a meal, or that they required or desired some liquor for medicinal reasons or to contribute to their peace of mind while flying. The rule as proposed and adopted herein would permit a carrier to develop its own policies in this regard so that it might accommodate the varying needs of its passengers, and at the same time prevent any safety hazard.

There was also some misapprehension as to the extent of the carrier's and its personnel's responsibility for enforcing this regulation. Some apparently thought that the crew members would be required to restrain physically a passenger who wished to consume drinks that were not served to him by the carrier, and they foresaw difficulties with discharging such a responsibility. This regulation would impose no such responsibility on the flight

crew members. This regulation, like all other regulations adopted by the Agency, would be enforced through the various enforcement processes of the Agency. It is expected of the carriers that they would advise their passengers of the restriction in such a regulation and make suitable reports to the Agency of any known violations. The only time it would be expected that a crew member would be required to take direct action would be when such action is required for the safety of the flight. This is no greater burden than that now on the crew members to do whatever is necessary for the safety of the aircraft and the persons aboard it.

Several comments were made pointing out that the proposed rule prohibited an air carrier from serving an alcoholic beverage to any person if such person "is or appears" to be intoxicated. It was pointed out that a person might not appear to be intoxicated when, in fact, he or she was, and those commenting did not feel that it was proper to impose responsibility for this type of judgment. With this the Agency agrees and the words "is or" will be stricken from the proposed regulation, so that the carrier and its personnel may rely on the appearance of the passenger in determining whether or not to serve him or her alcoholic beverages. Two of the carriers proposed that action on the proposed regulation be delayed to permit the air carrier industry to develop a code which would control the amount and time of serving alcoholic beverages aboard aircraft. The Agency is strongly in favor of any such voluntary agreements that can be reached among the carriers. To the extent that they are in effect and complied with, they would clearly contribute to decreasing any safety hazard arising from the consumption of alcoholic beverages aboard air carrier aircraft. On the other hand, a code of this kind could not reach the principal problem involved—that of uncontrolled consumption by a passenger of his own liquor supply. Therefore, the adoption of a code, while extremely helpful, would not meet the entire problem. The adoption of this regulation will not in any way inhibit the industry from adopting their own code, and in fact such a move would be viewed with favor by this Agency.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

Amendment added new section 42.65.

Amendment 42–27

Requirements for Use of Oxygen Masks by Flight Crew Members of Turbine-Powered Airplanes

Adopted: Jan. 28, 1960
Effective: Feb. 1, 1960
Published: Jan. 30, 1960 (25 F.R. 799)

Currently effective section 42.27–T(c) provides that on and after February 1, 1960, when operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed.

The date for compliance with this regulation was to have been November 30, 1959, but was deferred for 60 days in order to make further studies of this matter upon representation that this requirement is not necessary to achieve the highest degree of safety in air transportation and that compliance with this regulation may detract from the required crew coordination and adversely affect safety. These studies have been made during the intervening period.

No evidence has been presented during this time which validates the contention that the regulation is not necessary to achieve the highest practicable degree of safety; neither has the claim been substantiated that the regulation would adversely affect safety. It is concluded, therefore, that the original basis for the regulation remains valid and that it should remain in effect.

During the course of the study it was noted that the various types of masks intended to be used in compliance with this regulation differ in the facility with which they can be

donned. For example, some masks can be placed on the face with one hand so that they are properly secured and sealed. This is accomplished by having retaining means already in place on the head. This feature permits the mask to be placed on the face with minimum delay and without disturbing headphones, glasses, or hats. Thus, the crew member can proceed with emergency procedures quickly and without distraction. Therefore, it is believed that if all crew members are provided with masks having these characteristics, safety would not be adversely affected by permitting the aircraft to be operated at flight altitudes up to 30,000 feet without requiring one pilot at the controls to wear and use an oxygen mask. Therefore, the regulation is being relaxed to the extent that a pilot need not wear a mask at or below 30,000 feet if all flight crew members are equipped with masks having these characteristics. In order for any air carrier to take advantage of this relaxation, it will be necessary for existing masks to be reevaluated by a satisfactory demonstration of these characteristics to a representative of the Administrator.

It should be emphasized, however, that the Federal Aviation Agency will continue to study the need for and use of oxygen masks by flight crew members. If shown necessary by service experience, additional rule making action will be undertaken.

Since this amendment grants relief by extending the altitude above which masks shall be worn in compliance with a requirement of the Civil Air Regulations, the Administrator finds that notice and public procedure hereon are not necessary, and that this amendment may be made effective immediately.

Amendment revised section 42.27–T(c).

Amendment 42–28

Emergency Coverage for the Flight Engineer Functions in the Event of Illiness or Incapacity	Adopted: Mar. 14, 1960 Effective: May 19, 1960 Published: Mar. 19, 1960 (25 F.R 2360)

A notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 6772) and circulated to the industry as Civil Air Regulations Draft Release No. 59–12 dated August 14, 1959. Comment was requested not later than October 20, 1959.

Full consideration has been given to all comments received in response to Draft Release 59–12.

The proposed amendment required that at least one other flight crew member be sufficiently qualified so that, in the event of illness or other incapacity of the flight engineer, emergency coverage would be provided for the flight engineer's functions. A similar requirement is currently effective for the scheduled air carrier operations conducted under the provisions of Parts 40 and 41 of the Civil Air Regulations.

Amendment added a new paragraph (g) to section 42.41.

Amendment 42-29

Installation of Flight Recorders on Turbine-Powered Airplanes

Adopted: July 12, 1960
Effective: Aug. 18, 1960
Published: July 19, 1960
(25 F.R. 6828)

The Federal Aviation Agency published a notice of proposed rulemaking in the Federal Register (25 F.R. 2734) stating that it had under consideration certain amendments to Parts 40, 41, and 42 of the Civil Air Regulations to require the installation and use of flight recorders on all large (more than 12,500 pounds maximum certificated takeoff weight) turbine-powered airplanes after September 1, 1960. The proposal was circulated to the aviation industry as Draft Release 60-6, dated March 28, 1960, and comments were requested on or before May 3, 1960.

Comments received from certain of the manufacturers of flight recorders indicated that the September 1, 1960, date would not provide them with a sufficient period of time to manufacture and deliver equipment ordered for installation on those turbine-powered airplanes now in operation which previously have not been required to be so equipped. In addition, certain manufacturers stated that more recently developed flight recorders capable of recording additional parameters can be supplied by late 1960, and early 1961, and confirmed that some air carriers had indicated a very definite interest in these newer types of recorders.

The FAA recognizes that flight recorders capable of recording additional operations and maintenance parameters would make available information which would be most useful for incident and accident investigations and for accident prevention purposes. Furthermore, it appears that such recorded information would be used by the air carriers in developing more efficient maintenance and operations procedures and in developing new methods of establishing maintenance schedules for engine, accessory, and component overhauls.

After consideration of all the comments received and upon further investigation thereof, FAA concluded that a longer period of time should be authorized for compliance with this regulation as it applies to turbine-propeller powered airplanes, exclusive of the turbojet airplanes which are currently required to be equipped with flight recorders. The FAA recognizes that difficulties may be encountered by the air carriers in accomplishing an orderly procurement and installation program and that a brief period of relief may be granted with respect to turbine-powered airplanes other than the turbojets without adversely affecting safety in air carrier operations. Accordingly, a compliance date of November 1, 1960, has been adopted in this final rule. Also, provision has been made in the regulation for the Director, Bureau of Flight Standards, to further extend the November 1, 1960, date for any air carrier who, prior to September 1, 1960, submits to the Federal Aviation Agency, in writing, a request for such an extension, together with substantiating data, which shows to the satisfaction of the Director:

(1) That the air carrier will be unable to comply with the November 1, 1960, date due to flight recorder procurement or installation problems and;

(2) The action the air carrier has undertaken to insure that a progressive installation of the required flight recorder equipment will be completed at the earliest practicable date following November 1, 1960. In no event will the November 1, 1960, date be extended beyond May 1, 1961.

This relaxation of the original proposal will provide the air carriers further opportunities to investigate the various types of recorders available and to proceed with the orderly procurement and installation of the required equipment at the earliest practicable time following the effective date of this rule.

It will be noted that neither the November 1, 1960, compliance date nor the provision for extension thereof applies to the large turbojet airplanes or large nonturbine-powered airplanes certificated for operations above 25,000 feet altitude, since they are required by currently effective regulations to be equipped with flight recorders.

One comment received requested that consideration be given to exempting turbine-powered airplanes under 35,000 pounds maximum certificated takeoff weight from the requirements of this rule. The FAA classifies all airplanes of more than 12,500 pounds maximum certificated takeoff weight as large airplanes. The newer turbine-powered air-

planes are capable of operating at high speeds and at high altitudes. The FAA, in its notice of proposed rule making, explained that it was proposing this regulation specifically to encompass all of the newer types of high-speed turbine-powered airplanes, whether certificated to operate above or below 25,000 feet, since they are frequently subjected to similar atmospheric forces. The Agency remains convinced that all large turbine-powered airplanes should be equipped with flight recorders. Accordingly, the rules adopted herein make no exception for any turbine-powered airplane of more than 12,500 pounds maximum certificated takeoff weight.

This amendment also clarifies the FAA's intent to require continuous operation of the flight recorder from the instant the airplane starts its takeoff roll until it has completed its landing roll at an airport. Operation of the recorder is not required during taxi operations to or from the runway.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

Amendment deleted paragraph (c) of section 42.22, redesignated section 42.22a as section 42.22b, and added a new section 42.22a.

Amendment 42–30

Recent Flight Experience Requirements for Flight Crewmembers	Effective:	Dec. 30, 1960
	Adopted:	Jan. 1, 1961
	Published:	Jan. 6, 1961 (26 F.R. 93)

Currently effective section 42.44(a)(3) of the Civil Air Regulations requires that the pilot in command on any aircraft under IFR conditions shall have successfully accomplished an instrument check within the preceding 6 months. This and certain other provisions of Part 42 are presently applicable to air taxi operations and to commercial operations with small aircraft, and such operations will continue to be governed by the provisions of Part 42 until such time as Part 47 of the Civil Air Regulations, "Certification and Operation Rules Governing the Carriage of Persons or Property for Compensation or Hire with Small Aircraft," becomes effective.

Civil Air Regulations Amendment 42–23, issued December 1, 1959, and to become fully effective January 1, 1961, includes a revision of the recent flight experience for pilots contained in section 42.44(a)(3). At the time this amendment was issued, it was anticipated that Part 47 would become effective before January 1, 1961; consequently, the revised section 42.44(a) makes no provision for instrument checks of the pilot in command on small aircraft.

Since Part 47 will not become effective by January 1, 1961, a serious safety deficiency will be created when Amendment 42–23 becomes fully effective on that date, as there will then be no regulatory basis for requiring periodic instrument proficiency checks for pilots in command engaging in IFR air taxi and small aircraft commercial operations. In view of this safety deficiency, which will otherwise occur on January 1, 1961, it is necessary to extend the present requirements of section 42.44(a)(3), as they apply to pilots in command on small aircraft used in IFR operations, until such time as Part 47 becomes effective.

This amendment reinstates a present requirement which will be eliminated by Amendment 42–23 on January 1, 1961. The periodic instrument proficiency checks of pilots in command of small aircraft used in air taxi and commercial operations have long been a required safety standard, and it is imperative that this standard be maintained without interruption. Therefore, notice and public procedure hereon are impracticable, and the amendment may be made effective on less than 30 days' notice.

Amendment added new subparagraph (5) to section 42.44(a).

Amendment 42-31

Oxygen Mask Requirements and Altitude Training for Flight Crewmembers Assigned to Duty on Turbine-Powered Airplanes Operated Above 25,000 Feet

Effective: March 3, 1961
Adopted: Jan. 19, 1961
Published: Feb. 3, 1961
(26 F.R. 1058)

The currently effective provisions of section 42.27-T(c) of Part 42 of the Civil Air Regulations require one pilot at the controls of a turbine-powered airplane to wear and use an oxygen mask when operating above 25,000 feet, and the remaining flight crewmembers to wear their masks in a position permitting immediate placing of the masks on their faces for use, properly secured and sealed. A proviso to the currently effective rule relieves the one pilot at the controls of the necessity of using a mask at or below 30,000 feet if all flight crewmembers are equipped with a "quick-donning" type of oxygen mask which is demonstrated to be satisfactory to a representative of the Administrator.

Civil Air Regulation Draft Release No. 60-15, dated August 24, 1960 (25 F.R. 8381), proposed certain amendments to the requirements for the use of oxygen masks by flight crewmembers and certain altitude training requirements for flight crewmembers assigned to duty on turbine-powered airplanes operated above 25,000 feet.

In Draft Release 60-15, it was proposed to retain that part of the currently effective rule requiring one pilot to wear and use an oxygen mask when operating above 25,000 feet and all other flight crewmembers to wear their masks in a position for ready use. However, it was proposed to amend the proviso to the current rule and increase the altitude above which one pilot must wear and use an oxygen mask from 30,000 feet to 35,000 feet, provided all flight crewmembers are equipped with a quick-donning type of oxygen mask and are wearing the same in a ready position for use. It was proposed to classify an oxygen mask as a quick-donning type only if the mask is demonstrated to be one capable of being immediately placed on the face from the position being worn, and is shown to meet the following criteria: (1) that the mask can be placed on the face for use, properly secured and sealed, with either hand; (2) that the action of donning the mask can be accomplished without disturbing glasses, headphones, or other equipment worn; and (3) that the action of donning the mask can be accomplished without distracting or delaying the flight crewmember from proceeding with his assigned emergency procedures.

Industry comments unanimously supported the proposal to raise the present limitation of 30,000 feet to 35,000 feet as the altitude above which one pilot at the controls must wear and use an oxygen mask at all times. It was recommended, however, that the altitudes be specified in terms of "flight levels," to accord with the terminology used in the air traffic rules of Part 60 for high altitude flights. This recommendation has been incorporated into the final rule.

The industry groups expressed opposition to the proposal to continue the requirement that above an altitude of 25,000 feet flight crewmembers on flight deck duty must wear an oxygen mask at all times. Comment was also critical of the other criteria proposed with respect to the donning of oxygen masks, particularly that set forth in the proviso of the proposed rule for the quick-donning type of mask.

In lieu of the donning criteria proposed, certain industry comment recommended, for several reasons, that the rule require only that oxygen masks be located in a ready position for placement on the face in a fully operative condition within a specific time limit, such as 5 seconds. Such a period of time is well within the period beyond which the lack of oxygen becomes a critical safety factor.

In light of the comments received, we have reevaluated the requirement that oxygen masks must be worn, as well as the criteria proposed for classifying a mask as a quick-donning type. At the time the wearing of oxygen masks was originally prescribed, the use of turbine-powered airplanes in civil air transportation had just begun. Thus, the lack of previous operating experience with such airplanes and the type of oxygen masks than available justified a most conservative approach to the requirements for oxygen masks. Since that time we have accumulated many thousands of hours of experience in the operation of turbine-powered airplanes having pressurized cabins and the occurrence of sudden decompressions has been infrequent. Furthermore, certain oxygen masks and their harnesses have so advanced in design that they can meet the standards prescribed for the

quick-donning concept. Upon consideration of these factors, we believe it is no longer necessary to require the oxygen mask to be worn on the person of flight crewmembers. However, above flight level 250 we consider it necessary to require that the oxygen masks, when not being used, be kept at all times in a condition for ready use, and so located as to be within the immediate reach at all times of the flight crewmembers while at their duty stations.

This final rule requires that, when operating above flight level 250, each flight crewmember be provided with an oxygen mask so designed that it is capable of being rapidly placed on the face from its ready position, properly secured, sealed, and supplying oxygen, upon demand. The mask must also be so designed that upon completion of the donning action it does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system. If flight crewmembers are provided with oxygen masks which meet these standards, the regulation requires one pilot at the controls of the airplane to wear and use an oxygen mask at all times while operating above flight level 250. However, as stated in the proviso to the rule, if each flight crewmember on flight deck duty is provided with a quick-donning type of oxygen mask, the one pilot at the controls of the airplane need not wear and use an oxygen mask while at or below flight level 350.

Upon consideration of comments received, the criteria proposed for the quick-donning type of oxygen mask have been changed to specify a donning time of 5 seconds. The proposal to require a demonstration that the mask is capable of being donned without disturbing headphones has been deleted. However, the Agency considers it necessary to require, as criteria for the quick-donning type of oxygen mask, a demonstration: (1) that the mask is capable of being placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds; (2) that the donning of the mask can be accomplished without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties; and (3) that upon completion of the donning action, the oxygen mask does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system.

The Agency has concluded that if all flight crewmembers are provided with an oxygen mask which qualifies as a quick-donning type of mask, they will be sufficiently equipped for protection against the dangers of hypoxia to justify not requiring one pilot at the controls to wear and use an oxygen mask while operating at or below flight level 350. Above that flight level, however, the time element becomes more critical and in the interest of safety we consider it necessary to require one pilot at the controls to wear and use an oxygen mask at all times.

The Agency believes that the initial and recurrent instructional training given flight crewmembers should include actual training and practice in donning the oxygen mask. If masks of the quick-donning type are provided by the air carrier, it should require each flight crewmember to demonstrate his ability to properly don the mask from its ready position, with one hand and within 5 seconds, and proceed with his emergency duties without delay. Such training and practice are equally as important to personal safety as the quick-donning characteristics of the mask which have been demonstrated by the air carrier.

Presently, the maximum certificated ceiling for transport category airplanes used in air carrier operations is 42,000 feet. If higher ceilings are authorized in the future for airplanes used in air carrier operations, the Agency will undertake to evaluate the present rules in light of such operations and, if necessary, prescribe additional oxygen equipment and operational procedures to insure the protection of all occupants of the airplane.

With regard to the proposal for pressure chamber indoctrination for each flight crewmember, after fully considering all comments received and all factors involved, we have concluded that such a requirement should not be adopted. We believe that the trainee experiencing hypoxia does not benefit from the experience as much as the persons who are objectively observing the occurrence; nor is he apt to recall what took place while under the effects of hypoxia. Flight crewmembers participating in the air carriers' approved training programs, which include films, lectures, and studies of all phases of the subject of high-altitude operations, will be equally well indoctrinated with the dangers attendant upon hypoxia and the need for compliance with the techniques and emergency procedures involved in the event of a rapid decompression.

Therefore, in lieu of experiencing the actual low pressure chamber indoctrination, we are requiring all flight crewmembers, as a part of their approved emergency training, to receive initial and recurrent instruction by means of lectures and films covering at least respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression, and actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment.

In lieu of the required films, the air carrier may use any other equivalent means of visual presentation which meets with the approval of a representative of the Administrator. One such means would be participation by flight crewmembers in actually observing other people undergoing high-altitude training in a low pressure chamber.

The rule also provides that each flight crewmember, prior to each flight, shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, and connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use. Additionally, the rule requires that whenever it is necessary for one pilot to leave his station at the controls when operating above flight level 250, the remaining pilot shall don and use his oxygen mask until the other pilot has returned to his duty station.

Oxygen masks classified as quick-donning masks under the regulation in force prior to the effective date of this amendment will be considered as satisfactorily meeting the requirements prescribed by this amendment for quick-donning masks without further demonstration.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. The Air Line Pilots Association (ALPA) requested that an industry-wide meeting be scheduled to review the subject of oxygen masks if the amendment adopted herein substantially differs from the intent of the proposals recommended by ALPA. Prior to publication of Draft Release 60–15, a conference was held by the Agency at which the ALPA and other representatives of the industry were afforded an opportunity to express their views and recommendations for the development of rules governing oxygen masks and their use. These views and recommendations were throughly considered in the preparation of proposals contained in Draft Release 60–15. In adddition, interested persons also have been given an apportunity to submit written comments in response to Draft Release 60–15. All of the views and recommendations submitted in the conference and in response to the draft release have been carefully considered and evaluated in the preparation of this final rule. Moreover, as a result of this evaluation, many of these recommendations have been incorporated in the final rule. Accordingly, I find that additional rule making proceedings, as requested by the ALPA, are unnecessary for informed administrative action; and that this amendment should be adopted without further delay.

Amendment revised paragraph (c) of section 42.27–T and added a new paragraph (c) to section 42.45e.

Amendment 42–32

IFR Landing Minimums for Pilots With Less Than 100 Hours as Pilot in Command in a Particular Type of Airplane

Adopted: Apr. 17, 1961
Effective: May 23, 1961
Published: Apr. 22, 1961 (26 F.R. 3461)

The Federal Aviation Agency published as a notice of proposed rule making (25 F.R. 3554) and circulated as Civil Air Regulations Draft Release No. 60–7 on April 18, 1960, a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations to require that higher landing minimums be made applicable to all pilots in command who have not served 100 hours as pilot in command in air carrier operations in a particular type of airplane.

Standard operating limitations presently contained in the scheduled air carriers' operations specifications require that ceiling and visibility minimums for IFR landings be in-

creased by 100 feet ceiling and ½ mile visibility for those pilots who have not served 100 hours as pilot in command in air carrier operations in a particular type of airplane. All of the irregular air carrier operating certificates do not presently contain similar limitations, but standard operations specifications, which do include such a limitation, have been issued recently for inclusion in their operating certificates. However, as this requirement is applicable to all air carrier and commercial operations involving large aircraft, it is appropriate that it be included in the Civil Air Regulations rather than in the air carriers' operations specifications.

The limitations, which are presently contained in the scheduled air carriers' operations specifications, permit a pilot in command to operate at the lower IFR landing minimums prior to obtaining the required 100 hours experience if a company check pilot certifies that he is qualified to do so. Investigation of the practice among air carriers has revealed wide variations in making the determination that a pilot is qualified for the lower landing minimums prior to his attaining 100 hours as pilot in command in a particular type of airplane. This has resulted in pilots being certified to operate at the lower landing minimums after having attained, in some instances, only a small fraction of the required 100 hours.

While the scheduled air carriers, in commenting on Draft Release 60–7, expressed their belief that the limitations presently contained in the operations specifications are basically sound, the majority of all comments received in response to the draft release indicated concurrence with adoption of a regulation requiring higher IFR landing minimums for pilots who have not acquired a specified amount of experience as pilot in command in a particular type of airplane in air carrier operations. In addition, the majority of comment suggested that in no case should this requirement be subject to reduction at the discretion of a company check pilot.

There were also suggestions made that certain other factors, such as the pilot's previous experience, his overall proficiency, his knowledge of the particular airport, and the number of approaches and landings made in the new type of airplane, should be recognized and substituted for a portion of the required 100 hours. While these suggestions have merit, it is believed that the factors to be considered could become so numerous, and difficult to assess in terms of an equivalent number of flight hours, as to diminish the effectiveness of the rule.

The safe execution of an instrument approach to the lowest minimums requires the highest degree of pilot familiarity with the airplane, its controls, instruments, and performance characteristics. One hundred hours of experience in a new type of airplane as pilot in command in air carrier or commercial operations is necessary in order to achieve this degree of familiarity so essential to safe operations at the lowest landing minimums.

The Federal Aviation Agency therefore believes that, in the interest of safety, all pilots in command should use IFR landing ceiling and visibility weather minimums 100 feet higher and ½ mile greater than regularly approved minimums, until they have obtained 100 hours of air carrier or commercial operator pilot-in-command experience in a particular type of airplane.

This amendment is applicable only to large aircraft operated by air carrier and commercial operators in accordance with the provisions of Part 42. Proposed Part 47, if adopted, will govern those small aircraft operations now subject to Part 42. Consideration is being given to including, in Part 47, rules for high performance aircraft similar to those set forth in this amendment.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matters presented.

Amendment added new paragraph (c) to section 42.55.

Amendment 42-33

Landing Flare Requirements

Adopted: Sept. 15, 1961
Effective: Sept. 21, 1961
Published: Sept. 21, 1961
(26 F.R. 8882)

Section 42.21(b)(6) of the Civil Air Regulations requires that each airplane used at night for extended overwater operations be equipped with landing flares.

In 1958, a requirement for the carriage of flares in night operations over land was deleted from Part 42 by Amendment 42-13 (23 F.R. 293). This requirement was deleted because there had been very little use of flares from 1947 to 1958, and the records revealed numerous instances of flares being inadvertently discharged on the ground or in the air, causing damage to the airplane, other airplanes, ramps, and hangars. Instances were also reported of flares contributing to the intensity of a fire following a crash. The Civil Aeronautics Board, after consideration of all the facts involved, concluded that equipping an airplane with flares should not be a mandatory safety requirement for operations conducted over land at night.

The military transport services discontinued the use of flares in their passenger transport operations several years ago for reasons involving cost, maintenance, the hazard of carrying flares, and their questionable value under emergency conditions.

Recently, the Federal Aviation Agency received several requests from air carriers for relief from the flare requirement for overwater operations at night. In view of those requests, the Agency has carefully reviewed the subject of flare requirements. Consideration has been given to all of the data available to the Board in 1958 when it deleted the requirement for the carriage of flares in night operations over land. In addition, the Agency has weighed the probability of having to ditch an airplane as opposed to diverting to a land area, in view of such factors as improved airplane performance, reliability, operating range, and the development of more accurate and dependable communication aids. In this connection, we consider it significant that to our knowledge no multiengine air carrier airplane has been involved in the dropping of flares during the past 14 years. Finally, it should be pointed out that the Air Transport Association and the Air Line Pilots Association have recently advised the Agency that they favor deletion of the requirement for flares in night overwater operations.

Upon consideration of the foregoing, the Agency has concluded that flares for passenger-carrying airplanes should not be required as mandatory safety equipment for air carrier overwater operations conducted at night. Deletion of the flare requirement will not preclude the carriage of flares by an air carrier who may desire to continue carrying them as optional equipment.

Since this amendment relieves a restriction and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

Amendment deleted section 42.21(b)(6).

Amendment 42-34

Boarding of Air Carrier Aircraft by Persons Appearing Intoxicated

Adopted: Oct. 17, 1961
Effective: Nov. 21, 1961
Published: Oct. 21, 1961
(26 F.R. 9907)

A notice of proposed rule making was published in the Federal Register August 10, 1961 (26 F.R. 7223) and circulated to the industry as Draft Release 61-16 dated August 4, 1961, which proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to (1) place on the air carrier the responsibility of not permitting any person to board its aircraft if such person appears to be intoxicated, and (2) require that the air carrier notify the Administrator of incidents involving violations of this section, or any disturbance caused by intoxicated persons while boarding or aboard its aircraft.

Many comments were received from interested parties and consideration has been given to all revelant matter presented. Generally speaking, the comments were unanimously in favor of lengthening the proposed 24-hour reporting period contained in paragraph (d). Other comments favored limiting the reporting of violations of paragraph (a) to only those incidents in which the passenger refuses to comply with its provisions. A few comments suggested that the proposed amendments were altogether unnecessary.

In proposing these amendments, the Agency considered several recent incidents where intoxicated persons were permitted to board air carrier aircraft and, due to their condition, subsequently created disturbances, and even threatened to do bodily harm to crew members and other persons aboard the aircraft. The drinking regulations adopted in March 1960, effectively control the consumption and serving of alcoholic beverages to persons aboard air carrier aircraft, but do not provide for situations such as are considered here.

Section 43.45 of the Civil Air Regulations currently provides that a pilot shall not permit any person to be carried in the aircraft who is obviously under the influence of intoxicating liquor. This provision has also served its purpose well. However, when applied to air carrier operations, this regulation has not been entirely effective to prevent incidents such as those which recently have taken place. Placing the responsibility on the pilot is not satisfactory in the case of air carrier operations since, under most conditions, the pilot is not present to observe the appearance and conduct of passengers as they board the aircraft, but is engaged elsewhere in essential duties regarding the flight.

The primary responsibility for preventing intoxicated persons from boarding air carrier aircraft must be placed on those who have an adequate opportunity to prevent the occurrence. The air carrier has both ground personnel and cabin attendants who are in a position to detect those persons who appear to be intoxicated and to refuse such persons permission to board the aircraft. The proposed amendments to Parts 40, 41 and 42 of the Civil Air Regulations place on the carrier the responsibility of not permitting any person to board its aircraft if such person appears to be intoxicated. Some air carriers have developed their own procedures and instructions to appropriate personnel in recognition of a responsibility in this area. This regulation underlines that responsibility and requires all carriers to take steps more appropriate to existing conditions. In particular it will prevent exclusive reliance on the pilot as the carrier's sole agent for this purpose. Section 43.45 is not being amended because it is always the responsibility of the pilot in command to refuse permission for the carriage of any person who is under the influence of intoxicating liquor regardless of the action taken by other airline employees if presence of such person is known to him.

Comments received in regard to the 24-hour reporting period point out that due to crew rotations, weekends and periods when the air carriers' general offices are closed, coupled with the minimum time required to process these reports, such a short period would place a serious burden on the carriers. After consideration of these circumstances, it has been decided to lengthen the reporting period to 5 days. It is felt that this allows sufficient period in which to gather the information and make the necessary report.

In response to comments other changes have been made in paragraph (d). One comment received from an air carrier points out that the rule as proposed requires the making of a report even where a passenger who was unaware of the restriction imposed by paragraph (a) complies with it upon request. It has been determined that whatever advantages might be derived by requiring such reports would be outweighed by the embarrassment and possible adverse publicity to the carrier and passenger concerned. Consequently, the paragraph has been revised to require that only those violations of paragraph (a) which persist after the passenger has been informed of its provision must be reported. Also, the phrase "under the influence of alcoholic beverage" has been changed to "appears to be intoxicated." The purpose of this change is to bring the language in paragraph (d) into conformity with that presently found in paragraphs (b) and (c).

In addition to the changes made in response to comments, the Agency has made another change in paragraph (d). The proposed rule required a report of disturbances while boarding an air carrier aircraft. Upon further consideration there does not appear any necessity for requiring a report under these circumstances. If the person is not permitted to board the aircraft there has been no safety threat involved and no necessity for a report of the incident to the Federal Government.

Amendment 42–34 added new paragraphs (c) and (d) to section 42.65.

Amendment 42-35

Carriage of Cargo in Passenger Compartments

Adopted: Nov. 27, 1961
Effective: Jan. 2, 1962
Published: Dec. 1, 1961
(26 F.R. 11356)

NOTE: The effective date of this amendment was postponed to January 20, 1962, by Amendment 42-36, adopted December 28, 1961. On January 19, 1962, Amendment 42-35 was rescinded by Amendment 42-37. The preamble of Amendment 42-35 is being retained as it contains the basic background leading to the promulgation of rules concerning the carriage of cargo in passenger compartments.

The currently effective provisions of Part 42 of the Civil Air Regulations do not provide for the carriage of cargo in the passenger compartment of an air carrier aircraft. However, the operations specifications issued to the air carriers certificated to operate under this part do authorize such carriage, subject to certain restrictions. They provide in part that cargo shall not be carried aft of seated passengers. The intent of this restriction was to safeguard passengers from any possible injury which could be caused by the shifting forward of cargo in the event the aircraft was involved in a survivable crash involving high deceleration forces. The present authorization does not recognize that this desired safeguard could be accomplished equally well by the incorporation of suitable methods of cargo stowage designed to prevent the shifting of cargo in accidents of this nature.

As a result of a request from the air carrier industry to permit the carriage of cargo in the passenger compartment in cargo bins specifically designed for this purpose, the Federal Aviation Agency issued a notice of proposed rule making which was published in the Federal Register (24 F.R. 8302) and circulated as Civil Air Regulations Draft Release No. 59-15 dated October 6, 1959, and titled "Carriage of Cargo in Passenger Compartments." This draft release proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to authorize the carriage of cargo in the passenger compartment without regard to its location with respect to seated passengers; *Provided:*

(a) The cargo is carried in approved bins which meet the strength and other safety provisions applicable to cargo and passenger compartments prescribed in Part 4b or other airworthiness part under which the aircraft is type certificated, and

(b) The combined weight of the cargo and the approved bin or compartment does not exceed 85 percent of the load used in determining the design conditions for the structure (bin) involved.

It was also proposed in Draft Release 59-15 to continue the authorization to carry cargo forward of seated passengers in the passenger compartment under practically the same provisions as are currently in effect. However, one additional requirement was proposed to be incorporated into the current provision. This requirement was that cargo not carried in approved containers or compartments must be secured by tiedowns possessing sufficient strength to eliminate the possibility of shifting under emergency landing conditions.

The comments received in response to the draft release were for the most part favorable and they reflected endorsement of the principles of the proposal. However, definite opposition was expressed in the comments with regard to the requirement that tiedowns for cargo not carried in approved bins or compartments shall possess sufficient strength to withstand the inertia forces of an emergency landing condition. It was contended that to modify the existing authorization by the addition of this requirement would prevent an operational practice which has been utilized for a number of years without adversely affecting safety. Therefore, in view of these comments, and since it was not the intent of the proposal to materially change the existing authorization but only to provide additional means of safely carrying cargo in the passenger compartment, the final rule does not contain this requirement.

It will be noted that the final rule sets forth specific minimum requirements which a cargo bin must meet to be "approved" by a representative of the Administrator. Draft Release 59-15 contained notice of the Federal Aviation Agency's intention to require the use of "approved" cargo bins but did not specify the exact requirements for the "approval." The substance of the proposed rule on cargo bin specifications provided that the cargo bin would be required to meet the strength and other safety provisions of Part 4b or other appropriate part under which the aircraft is type certificated, and that the bin would be

considered as an item of mass for inertia force computations. After further study of these provisions it has been determined that the incorporation into the rule of specific minimum requirements for cargo bins would provide guidance to the industry and eliminate the need for additional directives by the Federal Aviation Agency on this subject. Accordingly, the final rule specifies the minimum requirements which such cargo bins must meet.

Interested persons have been afforded an opportunity to participate in the making of this regulation (24 F.R. 8302), and due consideration has been given to all relevant matter presented.

Amendment added new section 42.66.

Amendment 42–36

Carriage of Cargo in Passenger Compartments

Adopted: Dec. 28, 1961
Effective: Jan. 2, 1962
Published: Dec. 30, 1961
(26 F.R. 12762)

On November 27, 1961, the Federal Aviation Agency issued Amendment 42–35 to Part 42 of the Civil Air Regulations, (26 F.R. 11356) to become effective on January 2, 1962.

Subsequent to the issuance of this amendment, certain air carriers requested reconsideration of those provisions of the amendment restricting the height of the cargo bins which may be approved for the carriage of cargo in the passenger compartments. A preliminary reevaluation of this request indicates that the height restriction may be relaxed or eliminated without adversely affecting safety. Accordingly, in order to provide sufficient time for the completion of this reevaluation and to make other required clarifying changes, the effective date of Amendment 42–35 is being postponed from January 2, 1962, until January 20, 1962.

In view of the foregoing, I find that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective on less than 30 days' notice.

Amendment postponed the effective date of Amendment 42–35 from January 2, 1962, until January 20, 1962.

Amendment 42–37

Carriage of Cargo in Passenger Compartments

Adopted: Jan. 19, 1962
Effective: Jan. 20, 1962
Published: Jan. 23, 1962
(27 F.R. 651)

Section 42.66 of Part 42 was promulgated by Civil Air Regulations Amendment 42–35 (26 F.R. 11356) issued November 27, 1961, to become effective January 2, 1962. This section provides a means by which cargo may be safely carried in the passenger compartment of an air carrier airplane.

Subsequent to the issuance of Amendment 42–35, certain air carriers requested reconsideration of section 42.66(a)(3) of that amendment which specified that approved cargo bins installed aft of passengers shall not be higher than the height of the passenger seats on the airplane. In addition, comments were received with regard to paragraphs (a)(1) and (a)(4) which indicated a need for a clarification of the strength requirements which a cargo bin and its attachments must meet for approval.

The effective date of Amendment 42–35 was postponed from January 2, 1962, to January 20, 1962, by Amendment 42–36 (26 F.R. 12762). This postponement of the effective date was necessary to provide sufficient time for a complete reevaluation of the provisions of section 42.66(a)(3) and to make other clarifying changes.

As a result of this reevaluation it has been concluded that, regardless of its height, a properly loaded cargo bin which has been constructed and installed in the airplane to meet specific strength requirements will not adversely affect safety if it does not obscure any passenger's view of the "seat belt" or "no smoking" sign. Therefore, this amendment eliminates the height restriction for cargo bins and in lieu thereof adds provisions which (1) require proper distribution of the weight of the cargo within the bin, (2) prohibit use of bins which exceed the structural load limitation on components of the airplane, and (3) prohibit installing the bin in a location which will obscure any passenger's view of the "seat belt" or "no smoking" sign, unless an auxiliary sign, or some other approved means for notification of the passenger is provided.

The provisions of paragraphs (a)(1) and (a)(4) of this amendment specify the strength which a cargo bin and its attachments must meet for approval. It was intended, in Amendment 42-35, that this strength be such that in the event the airplane was involved in a survivable crash involving high deceleration forces, the cargo bin would not shift forward or be dislodged and injure the passengers. To provide this safeguard, the strength of the bin and its attachments must be able to withstand at least the load factors and emergency landing conditions applicable to the passenger seats installed on the airplane. The combined weight of the cargo bin and its contents must be used to determine this strength. However, in view of the comments received, it appears that the wording of paragraphs (a)(1) and (a)(4) of Amendment 42-35 did not make this strength requirement completely clear. Accordingly, this amendment rewords these paragraphs to specify more clearly the strength requirements which a cargo bin and its attachments must meet for approval.

In addition to the aforementioned changes, other editorial changes were made in this amendment for the purpose of clarification.

Since this amendment relaxes the height requirement of a previous rule which becomes effective January 20, 1962, and imposes no additional burden on any person, I find that notice and public procedure hereon are impractical and unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

Amendment rescinded Amendment 42-35 and added new section 42.66.

Amendment 42-38

Mechanical Reliability Reports

Adopted:	Feb. 6, 1962
Effective:	Mar. 12, 1962
Published:	Feb. 10, 1962 (27 F.R. 1245)

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 1410) and circulated as Civil Air Regulations Draft Release No. 61-2 dated February 8, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to establish requirements for the reporting of specific types of malfunctions, failures, and defects occurring to aircraft.

With the adoption of this amendment, it should be noted that the title, Daily Mechanical Report (DMR), is changed and will hereafter be known as the Mechanical Reliability Report (MRR). The Federal Aviation Agency believes the name to be appropriate in that it is more descriptive of the concept of the report.

The currently effective provisions of Part 42 require operators to submit daily a report known as a daily mechanical report (DMR) which contains information concerning each failure, malfunctioning, or other defect, regardless of where detected, which may reasonably be expected by the air carrier to cause a serious hazard in the operation of an aircraft.

The lack of specific reporting requirements and the fact that each air carrier reported only those items which, in the opinion of the air carrier, constitute a hazard, heretofore resulted in inadequate and nonuniform reporting. Various attempts were made to correct these inadequacies, such as joint industry-government meetings and the use of a trial reporting guide for a 6-month period. Some improvement in reporting was accomplished; however, satisfactory reporting was not achieved. In accordance with the proposal contained in Draft Release 61-2, amendment specifies certain aircraft and aircraft com-

ponent failures, malfunctions, or defects which must be reported by air carriers in mechanical reliability reports. In addition, an air carrier is required to report other aircraft and aircraft component failures, malfunctions, or defects, even though they are not specified in the rule, when the air carrier is of the opinion that they may seriously endanger the safe operation of its aircraft.

In Draft Release 61–2 it was proposed to require air carriers to report engine shutdowns during flight necessitated or caused by aircraft component failure, malfunction, or defect. Although the Agency evaluates the significance of every engine shutdown, regardless of cause or effect, it has been determined that it is presently not necessary to require all engine shutdowns to be included in mechanical reliability reports. Accordingly, in this amendment, the proposed rule has been changed to require mandatory reporting of engine shutdowns only when they involve engine flameout, foreign object ingestion or icing, external damage to the engine or aircraft structure, or when more then one engine is shutdown during flight. Paragraph (b)(17) of section 42.96 has been worded to make it clear that action taken to shutdown an engine in flight need not be reported as an emergency action under the requirements of that provision.

Draft Release 61–2 contained a proposal to require reports of failures of the landing gear to extend or retract properly during flight. To avoid any misunderstanding of our intention that landing-gear doors be included in this reporting requirement, this final rule expressly provides for reporting the occurrence of a failure, malfunction, or defect which involves the extension or retraction of the landing gear, or the opening or closing of the landing-gear doors during flight.

Also, it will be noted that paragraph (b)(15) of section 42.96 has been changed from the original proposal so that failures, malfunctions, or defects in aircraft structures are required to be reported only if a major repair is necessary.

Many failures, malfunctions, or defects are required to be included in the mechanical reliability report only if they occur during "flight." A note has been added to the rule to explain that in complying with the reporting requirements of section 42.96 an aircraft is to be considered in "flight" from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

Attention is directed to the fact that Draft Release 61–2 proposed 13 specific reporting items while this amendment contains 17 reportable items. This increase in the number of items is the result of rewording and expanding the previous items to facilitate administrative handling of the reports within the Agency with automatic data processing equipment.

Another change has been made in this amendment which differs from the original proposal. This change provides that the report shall cover a 24-hour period beginning at 0900 hours local time each day and is to be submitted by 0900 hours of the following day rather than the midnight to midnight report period proposed. In this respect, local time is considered to be the time at each air carrier's main maintenance base. This revision does not alter the 24-hour interval made in the proposal, but is incorporated so that the reports can be handled more expeditiously by the Agency under its new automatic data processing system for evaluating individual reports and for distributing mechanical reliability report summaries.

The currently effective provisions governing daily mechanical reports are set forth in the manual material in section 42.96–1. For purposes of consolidation and clarification, we are taking this opportunity to delete section 42.96–1 and incorporate in section 42.96 of the basic regulation all of the requirements prescribed in this amendment for mechanical reliability reports.

Likewise, requirements for a monthly report of chronic mechanical difficulties are currently prescribed in the manual material in section 42.96–1. For purposes of consolidation and clarification, this monthly reporting requirement is also being set forth, without substantive change, in a new section 42.96a which is being added to the basic regulation.

The Federal Aviation Agency believes that reports of the failures, malfunctions, and defects required under this amendment, plus additional reports received from the air carriers regarding other occurrences of failures, malfunctions, and defects they consider hazardous, will provide complete, accurate, and uniform reporting. Safety will be served

better by this amended reporting procedure as the Agency will be able to disseminate to industry improved reports of hazardous conditions pertaining to aircraft systems, components, and equipment. In addition, through analysis of information developed from reports received, the Agency will be able to detect deteriorating conditions in aircraft systems, components, and equipment, and issue Airworthiness Directives and Alert Notices before such conditions reach hazardous proportions.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. Since the portion of the amendment pertaining to a monthly report of chronic mechanical difficulties is minor in nature and imposes no additional burden on any person, I find that notice and public procedure hereon is unnecessary.

Amendment revised section 42.96, deleted section 42.96–1, and added a new section 42.96a

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Amendment 42–39

Illumination of Passenger Emergency Exit Markings	Adopted: Feb. 12, 1962 Effective: Mar. 20, 1962 Published: Feb. 16, 1962 (27 F.R. 1453)

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 9241) and circulated as Civil Air Regulations Draft Release No. 61–20 dated September 21, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to require the illumination of passenger emergency exit markings during all takeoffs and landings, day and night.

In proposing these amendments, the Agency considered several recent accidents and incidents where illumination of the emergency exits during daylight hours may have resulted in a more effective evacuation of the passengers and crew. The Civil Air Regulations as originally adopted did not require daytime use of the emergency exit lighting system. It is now considered that this additional lighting during daylight hours is necessary to provide maximum safety where the evacuation of large numbers of passengers is concerned.

The amendment adopted herein, as distinguished from that adopted in Parts 40, 41, and 46, excludes small passenger-carrying aircraft. This exclusion is consistent with the present provisions of Part 42 and Draft Release 60–13 (25 F.R. 7452) in regard to interior emergency exit markings for small aircraft.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. In general, all comments received from interested persons as a result of the Agency's notice of proposed rule making were favorable to the proposal.

Amendment revised paragraph (b)(2) to section 42.24c.

Amendment 42–40

Proving Period for Large Airplanes	Adopted: May 31, 1962 Effective: July 9, 1962 Published: June 7, 1962 (27 F.R. 5391)

A notice of proposed rule making was published in the Federal Register on February 9, 1962 (27 F.R. 1219), and circulated to the industry as Civil Air Regulations Draft Release No. 62–5 dated February 5, 1962, which proposed to amend Part 42 of the Civil Air Regulations to provide for proving tests for large aircraft not previously proved for

use in air carrier operations and large aircraft which have been previously proved but which are materially altered in design or are to be used by an air carrier or commercial operator who has not previously proved the aircraft.

In general, the comments received were in favor of requiring proving tests for large aircraft and reflected endorsement of the principles of the proposal. However, there was some concern relative to the applicability of this revision to a type of an aircraft previously proved by operators other than the affected carrier, and whether or not the rule would apply to all aircraft in use before or after the effective date of the rule.

With regard to the applicability of this amendment, it is not intended to require retroactive proving periods for large aircraft placed into service by an air carrier or commercial operator prior to the effective date of this amendment. However, after the effective date of this amendment, it is intended to require proving periods for large aircraft not previously proven for use in air carrier or commercial operations and large aircraft which have been previously proven but which are materially altered in design or are to be used by an air carrier or commercial operator who has not previously proven the aircraft.

Suggestions were also made that air taxi operators and operators using aircraft under the provisions of Part 43 should be required to conduct proving flights. Since this would be the subject of a separate study it is not considered pertinent to this amendment.

In proposing this amendment, the Agency considered the fact that for a number of years proving periods for aircraft placed into service by air carriers operating under the provisions of Part 40, 41, or 46 of the Civil Air Regulations have been required in accordance with the applicable provisions of these Civil Air Regulations before being used in air carrier operations. These proving periods have been conducted under the surveillance of the Federal Aviation Agency or its predecessor agencies.

There are two primary reasons for requiring a proving period: (1) it provides the Administrator with basic information to assist him in determining that an air carrier or commercial operator can safely operate a new or different type of aircraft; and (2) it affords the air carrier or commercial operator an opportunity to acquire, first hand, the experience necessary to operate new equipment with the highest degree of safety. Proving periods are also of value since they help to familiarize the operator's personnel with the peculiarities of new or different types of aircraft with regard to operations, maintenance, servicing, and handling.

Until recently, aircraft placed into service by an air carrier or commercial operator operating under the provisions of Part 42 were not required to undergo any specific proving period. Prior to the adoption of this amendment, it was the responsibility of the Administrator to find the aircraft safe for the service offered. This determination did not pose any problem in the past since the aircraft placed in service by operators had undergone a previous proving period either when operated by a scheduled air carrier or had been proven by virtue of many years of safe and successful operation by the military services. Recently, however, newly certificated aircraft not previously proved, and previously proved aircraft which were subsequently altered in design, have been placed into service by certain supplemental and irregular operators operating under the provisions of Part 42. Prior to utilizing these aircraft in operations under the provisions of Part 42, the operators concerned conducted fairly extensive familiarization and training programs. While these programs did, to some extent, accomplish many of the objectives of the proving period, they did not fully comply with, or were not as comprehensive as, the specific proving period requirements set forth in either Part 40, 41, or 46. Accordingly, it is determined that there is a requirement for proving periods for large aircraft in Part 42.

Interested persons have been afforded an opportunity to participate in the making of this regulation (27 F.R. 1219), and due consideration has been given to all relevant matter presented.

Amendment added new section 42.17.

Amendment 42–41

Extension of Period Allowed for Compliance With the Recurrent Training Requirements of Air Carrier Training Programs	Adopted: July 30, 1962 Effective: Aug. 3, 1962 Published: Aug. 3, 1962 (27 F.R. 7674)

Paragraph (b) of section 42.45f, Recurrent training, requires that each air carrier shall, at intervals established as part of the training program, but not to exceed 12 months, check the competence of each crewmember with respect to procedures, techniques, and information essential to the satisfactory performance of his duties.

The Federal Aviation Agency has received recommendations that the time interval between competence checks of crewmembers be specified in the same manner as in section 42.44a, which permits proficiency checks to be given in the month before or following the month in which they are due. Such flexibility will simplify recordkeeping and administration of the crewmember competence check requirements of § 42.45f in the same way that the proficiency check requirements have been simplified.

The FAA has considered the foregoing recommendations and believes that the requirements with respect to the frequency of crewmember competence checks should be amended to provide the flexibility recommended.

Civil Air Regulations Draft Release No. 61–7, dated April 14, 1961, subject "Qualification and Training Requirements for Pilots Other Than Pilots in Command," proposed, among other matters, to amend Parts 40, 41, and 42 to permit the competence checks of crewmembers and dispatchers to be given at any time during the month preceding or following the month in which they become due.

No adverse comments were received with respect to this particular portion of Draft Release 61–7. Accordingly, since it will permit more efficient administration of air carrier training programs and will not adversely affect safety of the carriers' operations, it is is being adopted at this time separately from the other proposals which were included in the draft release. The phrase 'not to exceed 12 months' contained in the present regulations and in Draft Release 61–7 has been changed to 'each 12 months' to make the wording consistent with that of revised Part 41 (27 F.R. 1977), which was circulated as Draft Release 60–19 (26 F.R. 12299) prior to its adoption. The remaining proposals and the comments received thereon are being evaluated by the Agency in conjunction with comments received in response to Draft Release 61–17, "Use of Aircraft Simulators for Pilot Training and Proficiency Checks," and Draft Release 62–9, "Approval of Air Carrier Training Programs."

Interested persons have been afforded an opportunity to participate in the making of this regulation (26 F.R. 3438), and due consideration has been given to all relevant matter presented. Since this regulatory action imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

Amendment revised paragraph (b) of section 42.45f.

Amendment 42–42

Flight Time Limitations for Flight Engineers on Large Airplanes	Adopted: Aug. 10, 1962 Effective: Sept. 17, 1962 Published: Aug. 18, 1962 (27 F.R. 8268)

The Federal Aviation Agency published as a notice of proposed rule making (27 F.R. 697) and circulated as Civil Air Regulations Draft Release No. 62–1 dated January 17, 1962, a proposal to amend Part 42 of the Civil Air Regulations to specify flight time limitations applicable to flight engineers engaged in other than overseas and international operations. The reasons therefor were set forth fully in the notice of proposed rule making.

The comments received in response to this draft release indicated general concurrence

with the proposal to prescribe flight and duty time limitations in Part 42 for flight engineers in addition to those currently prescribed in the air carrier operations specifications for overseas and international operations. In some instances differences of opinion were expressed with respect to the substance of the proposed rule. Some comments recommended the adoption of more stringent rules on duty time while others recommended more liberal allowances for both flight and duty times for particular operations. In addition, numerous other recommendations were made with respect to changing the flight time limitations applicable to air carrier flight crewmembers which transcended the scope of the proposal contained in Draft Release 62–1 and involved substantive changes of such a nature as to generally affect all flight and duty time limitations applicable to all flight crewmembers. The Agency has undertaken a project to review and re-evaluate all of the existing flight and duty time limitations applicable to air carrier flight crewmembers. Accordingly, all comments which were received in response to Draft Release 62–1 which concern matters beyond the scope of the proposal will be fully considered in the course of this re-evaluation.

The draft release made mention of the fact that some carriers may wish to include in the flight crew one or more airmen who are appropriately qualified to serve either as a pilot or as a flight engineer in the course of a flight. The purpose of such statement was solely to prevent any misunderstanding of these rules with regard to the flight time limitations applicable to such airmen. In view of the comments received on this subject, it is reiterated that these rules would not preclude such utilization of an airman as long as the combined total of the scheduled flight deck duty of such airman as a flight engineer and his scheduled flight deck duty as a pilot or other flight crewmember does not exceed the applicable flight time limitations.

Interested persons have been afforded an opportunity to participate in the making of this regulation (27 F.R. 687), and due consideration has been given to all relevant matter presented.

Amendment redesignated section 42.49 as section 42.50 and added a new section 42.49.

Amendment 42–43

Certificate Issuance

Adopted: Aug. 17, 1962
Effective: Aug. 23, 1962
Published: Aug. 23, 1962
(27 F.R. 8424)

As presently worded, Part 42 does not contain any provision requiring a specified time interval between the filing of an application for an air carrier operating certificate and the date of intended operation. On several recent occasions requests have been made of the Agency to complete the inspection and certification process within less time than is actually necessary to determine whether the applicant for an air carrier operating certificate for large aircraft is capable of conducting the proposed operations in accordance with the applicable provisions of this part.

Experience within the Agency has shown that in cases of applications under Part 42 involving large aircraft, as opposed to small aircraft, more time is required to enable the appropriate FAA inspectors to make the necessary inspections of the applicant's aircraft, operations, training programs, maintenance facilities, and manuals. While the Agency will continue to examine and process such applications as expeditiously as possible, it is believed desirable to have a note added to section 42.5(a) to insure that applicants are aware of the amount of time which may be required to conduct the necessary inspections and process their applications. Accordingly, a note is being added to section 42.5(a) indicating that the processing of the application may require up to 60 days from the date of filing with the appropriate FAA Air Carrier District Office.

Since this amendment is a general statement of agency practice, notice and public procedure hereon are unnecessary and it may be made effective on less than 30 days' notice.

Amendment added a note at the end of section 42.5(a).

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Amendment 42-44

Airborne Distance Measuring Equipment, Low Frequency Radio Range, and Automatic Direction Finding Equipment Requirements

Adopted: Jan. 11, 1963
Effective: July 1, 1963
Published: Jan. 18, 1963
(28 F.R. 482)

This amendment provides that after June 30, 1963, an airplane which is required by the Civil Air Regulations to be equipped with VOR navigational equipment, and operates at and above 24,000 feet MSL in the 48 contiguous states and the District of Columbia, must also be equipped with an approved distance measuring equipment unit, capable of receiving and indicating distance information from VORTAC facilities. When sufficient VORTAC facilities become available for use in Alaska and Hawaii, DME will also be required in these areas. In addition, the amendment requires that approved distance measuring equipnent be installed on the following air carrier airplanes which are required to be equipped with VOR receivers and operate in the 48 contiguous states and the District of Columbia regardless of the altitude at which they operate after the following dates:

1. Turbojet airplanes—June 30, 1963;
2. Turboprop airplanes—December 31, 1963;
3. Pressurized reciprocating engine airplanes—June 30, 1964; and
4. Other airplanes having a maximum certificated takeoff weight of more than 12,500 pounds—June 30, 1965.

This amendment also authorizes the operation of an air carrier airplane over low frequency routes with only one low frequency radio range receiver or automatic direction finding receiver under certain conditions. In addition, the Agency will, effective July 1, 1963, delete the authority presently contained in paragraph 48 of the Part 42 Operations Specifications which permits operations in the United States with only one VOR receiver installed when navigation is predicated on the use of VOR ground aids.

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 4455) and circulated as Civil Air Regulations Draft Release No. 61-11, dated May 24, 1961, a proposal to amend Parts 40, 41, 42, and 43 of the Civil Air Regulations to require the installation of distance measuring equipment (DME) in certain United States civil airplanes in accordance with a specific schedule.

Distance measuring equipment is that portion of the Rho Theta System of Short-range Navigation, the standard internationally adopted short-range system of navigation, which indicates to a pilot the distance his aircraft is from the ground station transmitter. To achieve the maximum safety and efficiency of operation possible from the use of the Rho Theta System of Short-range Navigation, or VORTAC System as commonly known, distance information is equally as important as bearing or azimuth information. The distance information obtained from distance measuring equipment assists a pilot in staying within the limits of the airspace assigned him by his air traffic control clearance. It is invaluable information particularly with respect to jet aircraft approaching terminal areas at high speeds. It reduces the margin of error in estimating position and the proper time to begin a deceleration. Distance information also facilitates the accurate navigation of aircraft in the avoidance of severe weather turbulence, in holding, and in rerouting by air traffic control.

In 1957, the President's Air Coordinating Committee, with representation from all segments of the aviation industry, concluded that traffic volume, complexity of operations, safety requirements, efficient use of airspace, and the expeditious movement of air traffic dictate that maximum use of both the azimuth and distance measuring capabilities of VORTAC be required by at least 1965 in the navigation of aircraft subject to positive separation and in the performance of air traffic control service for such aircraft. The committee recommended that by that time all aircraft to be operated under Instrument Flight Rules and those to be operated under Visual Flight Rules in such a manner that they will be subject to positive separation be required to have both distance measuring and azimuth capability. In accord with this recommendation, Draft Release No. 61-11 was published.

Subsequent to the publication of Draft Release 61–11, the report of the Task Force on Air Traffic Control, known as Project Beacon, set forth a long-range plan to insure the efficient and safe control of the nation's air traffic. This report, around which the nation's air navigation system is being built, firmly reiterated the need for DME in order to attain the degree of accuracy in navigation necessary for the safe control of air traffic.

In this connection the Agency conducted a public symposium in Washington, D.C., in February 1962, to discuss airborne equipment requirements associated with implementation of Project Beacon. The Agency emphasized that the Rho Theta System of air navigation, toward which the Federal government and the aviation industry had so long striven, required that VOR and DME be used in conjunction with each other. It was pointed out that the system had originally been adopted and developed with the concurrence of industry users and at considerable public expense. It was also stated that maximum safe utilization of the system is dependent on airborne navigation equipment being compatible with the ground environment, and that consideration must be given to the environment in which the airplane operates in determining the need for all navigational equipment, including DME.

All civil airplanes operating in the 48 contiguous states and the District of Columbia at altitudes of 24,000 feet and above are operating within the continental control area airspace. Additionally, they are in an environment of very high-speed air traffic which necessitates continuous position fixing capabilities and very accurate airborne navigational information. Therefore, in keeping with the concept that equipment requirements should be determined by the operational environment, it has been determined that distance measuring equipment should be required on all civil airplanes operating in the 48 contiguous states and the District of Columbia at altitudes of 24,000 feet and above after June 30, 1963, if VOR navigational equipment is required.

All DME ground installations serving the high-altitude route structure are scheduled to be completed by January 1, 1964. However, it is anticipated that virtually complete DME coverage for this route structure will be available by June 30, 1963. Other DME ground installations are proceeding rapidly and DME coverage in both the lower route structures and in terminal areas will be extensive by 1964–1965. These facts together with the availbility of airborne DME meeting appropriate standards have been considered in the preparation of this amendment and in that pertaining to general aviation.

Public safety requires that all air carrier operations be conducted with the highest level of safety and with the best and most accurate navigational information available. In view thereof, and in consideration of the fact that large air carrier airplanes generally operate at higher speeds, in the higher density terminal areas, and in that airspace in which facilities and procedures for the use of DME are receiving priority, large air carrier airplanes operating in the 48 contiguous states and the District of Columbia, irrespective of operating altitudes, should be required to have DME installed in accordance with a prescribed schedule. In establishing this schedule, the Agency has taken into consideration the installation schedule of DME ground facilities and the types of airplanes which operate in the various airspace environments served by these facilities. Accordingly, whenever VOR navigational equipment is required, all airplanes operated by air carriers, and commercial operators conducting operations pursuant to Part 42, will be required to have DME installed as follows:

1. On July 1, 1963, all turbojet airplanes;
2. On January 1, 1964, all turboprop airplanes;
3. On July 1, 1964, all pressurized reciprocating engine airplanes; and
4. On July 1, 1965, all other airplanes having a maximum certificated takeoff weight of more than 12,500 pounds.

While this amendment requires DME only for operations in the 48 contiguous states and the District of Columbia, it will be extended to include operations in Alaska and Hawaii at such time as sufficient VORTAC facilities are installed in those areas.

A basic concept with respect to the safety standards applicable to air carriers is that their airplanes must be equipped with dual radio navigational and communications equipment in order to provide a high level of safety in the event of equipment failure. This concept will continue to be reflected in the regulations until such time as the reliability of the equipment indicates that a failure is most improbable. However, with respect to airborne DME, the Agency believes that the immediate demands on the available supply of this equipment will be such that the public interest would be better served if dual distance measuring equipment is not required at this time. This will assure the availability of airborne DME for installation at the times specified in the amendment and may permit such installation in advance of the times specified.

In addition to Draft Release No. 61–11 which pertained to DME requirements, the Agency, on October 6, 1961, issued a notice of proposed rule making (26 F.R. 9430) and circulated for comment Civil Air Regulations Draft Release No. 61–21. This draft release proposed to amend Part 40 of the Civil Air Regulations by amending section 40.232(b) and by deleting section 40.232(c) and the related section 40.232–1. Amendments to the rules pertaining to operations conducted pursuant to Parts 41 and 42 to effect the same regulatory changes were also proposed.

As explained in the draft release, the provisions which permitted air carriers, in certain instances, to equip their airplanes with only one VOR and one LF/MF receiver during the period of transition from an LF/MF airways system to a VOR airways system are no longer appropriate in view of the present coverage and the extensive use of VOR aids, and the rapidly diminishing number of LF/MF routes. It was, therefore, proposed to require all air carrier airplanes, which are to be operated IFR utilizing VOR aids, to be equipped with two VOR receivers. It was also considered feasible, and so proposed, to amend the regulations to permit an airplane equipped with two VOR receivers to operate on the few remaining low frequency route segments equipped with only one LF/MF receiver, provided the airplane is so fueled and VOR aids are so located that the airplane could, in the event of a failure of the LF/MF receiver, proceed safely to an airport by means of VOR aids and complete an instrument letdown by use of the remaining airplane radio system.

All comments received in response to this draft release have been given full consideration. In the judgment of the Agency, deletion of the interim rules contained in the irregular air carrier's operations specifications, which permitted airplanes to be equipped with only one VOR and one LF/MF navigation receiver for IFR operations within the United States during the transition period, is considered necessary in view of the existing air carrier safety requirement for dual equipment, and appropriate in view of the fact that the period of transition from LF/MF to VOR ground aids in the United States is essentially completed. It is also considered appropriate and not detrimental to the safety of operations to permit air carrier airplanes equipped with two VOR receivers and one LF/MF receiver, to operate over the few remaining LF/MF route segments until such time as these route segments are completely replaced by VOR airways if an adequate alternate VOR routing is available by which the airplane could safely proceed, if necessary, due to the failure of the LF/MF receiver, and the airplane carries sufficient fuel in the event such routing becomes necessary. In order to provide sufficient leadtime for equipping airplanes which have only one VOR receiver installed, with a second such receiver, this amendment is being made effective July 1, 1963. At that time paragraph 48, Radio Navigation Equipment, of the Part 42 Operations Specifications which are a part of the operating certificates of air carriers and commercial operators conducting operations pursuant to Part 42, will be deleted.

The format of this amendment will be subject to such change as may be necessary for its recodification under the Agency's Recodification Program, announced in Draft Release No. 61–25 (26 F.R. 10698).

Interested persons have been afforded an opportunity to participate in the making of this regulation (26 F.R. 4455 and 9430), and due consideration has been given to all relevant matter presented.

Amendment added new paragraphs (d), (e), and (f) to section 42.28.

Amendment 42–45

Minimum Standards for Approval of Airplane Simulators

Adopted: April 4, 1963
Effective: June 10, 1963
Published: April 10, 1963
(28 F.R. 3479)

This amendment to Part 42 sets forth the standards which must be met for approval of airplane simulators to be used in training programs which are substituted alternately for pilot proficiency checks.

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 8461) and circulated as Civil Air Regulations Draft Release No. 61–17 on August 31, 1961,

a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations to prescribe standards for the approval of aircraft simulators, for training courses in aircraft simulators, and for the use of synthetic trainers for proficiency flight check maneuvers.

In addition to the proposals contained in Draft Release 61–17, the Agency published on March 10, 1962, a separate notice of proposed rule making (27 F.R. 2319), circulated as Civil Air Regulations Draft Release No. 62–9, which concerns the proposed overall training standards to be used in approving an air carrier's training program. Therefore, all comments received in response to Draft Release 61–17 which concern training programs and standards will be considered in conjunction with the comments received on Draft Release 62–9. All other comments received which concern the minimum standards for the approval of airplane simulators have been considered in connection with this amendment.

Some of the comments received in response to Draft Release 61–17 indicated a basic assumption with respect to simulators which is not essentially correct. It was contended that simulator requirements should not be specified except in those areas directly related to maneuvers which the pilot is required to perform, in an airplane, during the course of a proficiency flight check. This reasoning assumes that the simulator is only used as a substitute for an airplane in the conduct of proficiency flight checks. When the regulations were amended to allow substitution of an airplane simulator training course for each alternative proficiency flight check in an airplane, the added contribution to safety which is derived from the full simulator training courses was considered as a justification for the amendment. Accordingly, if the simulator is to be used it should perform to the degree required to accomplish such a training course. Thus, the standards and tolerances contained in this amendment as Appendix C to Part 42 are those which must be met prior to approval of an airplane simulator for use in a simulator training course which is to be used as a substitute for alternate pilot proficiency flight checks as provided by sections 42.44(a) (3) (ii) and 42.44(a)(4). To make this clear, the term "airplane simulator which meets the standards set forth in Appendix C" has been substituted in section 42.44(a)(4) of this amendment for the words "aircraft simulator," and the requirements in present section 42.44(a)(4) for approval of an airplane simulator have been incorporated in the Appendix.

In consideration of the many comments received in response to Draft Release 61–17, the standards contained in Appendix C for approval of the simulator differ somewhat from those proposed in the draft release. For example, the phraseology "* * * minimum and maximum limits of the systems * * * as shown in the approved Airplane Flight Manual and/or the maintenance section of the air carrier's manual" contained in section 1(a) of the proposal is being deleted for clarity. Industry objection to this terminology was based on the misunderstanding that it was applicable to flight characteristics, when in fact it applies only to airplane systems. To clarify this requirement this section has been changed by specifying the items of the systems which the simulator is required to simulate for approval.

The proposed section 1(c)(1) has been renumbered as section 1(b)(1) and revised to permit any adequate airplane data obtained from sources other than the approved Airplane Flight Manual, Type Inspection Report, or other flight test data provided by the airplane manufacturers, to be used for comparison purposes. As a determination by the Agency of the adequacy of such data cannot always be made immediately, this amendment requires the submission of these data by the carrier sufficiently in advance of the date set for the simulator evaluation to permit the Agency to investigate their adequacy.

Section 1(b)(2) provides for the acquisition of airplane data by flight tests conducted in the air carrier's airplane. This section clearly indicates that the procedures and methods to be followed in obtaining data must be coordinated with the FAA representative participating in the flight test program conducted to obtain these data. As such coordination, when accomplished, would require the concurrence of the participating FAA representative with the flight test methods and procedures to be utilized to obtain the data, the proposed reference to Part 4b of the Civil Air Regulations with respect to such flight tests is unnecessary and is deleted in this amendment. This section has also been changed to expressly provide that an Agency representative may permit the carrier to conduct such portions of the flight test program as he deems appropriate without participation by the representative.

The air carriers objected to the proposed requirements for airplane simulator maintenance. These objections indicated a need for rephrasing the requirements as proposed, without substantive change, to reflect more clearly the intent of the requirements. As a result they have been rewritten and placed in section 42.44(a)(4). As rewritten, the requirements provided:

(1) That the air carrier is responsible for maintaining the simulator to the same standards as required for initial approval;

(2) That simulator flight training and/or proficiency flight check activities must not be started with a "cold" simulator; however, in order not to hinder the carrier's flexibility in scheduling the use of a simulator, the functional preflight check of the simulator is required to be conducted only once each day that the simulator is to be used for training or the conduct of proficiency flight checks, and at any convenient time prior to commencing daily simulator operations;

(3) That a daily discrepancy log must be maintained;

(4) That the simulator be modified, if appropriate, when a modification is made to the airplane; and

(5) That procedures for the continued use of the simulator with certain inoperative instruments or equipment may be established.

The Air Transport Association objected to proposed paragraph (x) of section 3 on the ground that it would "give blanket authority to the FAA to require additional systems" not specifically required by regulations. As it is intended that all standards for the approval of airplane simulators will be promulgated with opportunity for the industry to participate in the rule making, paragraph (x) has been deleted.

In order to indicate more specifically the tolerances applicable in each area of performance, the format of section 4(a) has also been revised.

With respect to rate-of-climb tolerances, Appendix C, while specifying a tolerance of ± 50 feet per minute or 10 percent for propeller airplane simulators, allows ± 100 feet per minute or 10 percent for jet airplane simulators in view of the much higher rates of climb encountered in the operation of jet airplanes.

A new item, section 4(a) (6), "Minimum control speed," has been inserted. As pointed out by industry comment, no airspeed tolerances had been proposed for V_{MC}.

Considerable objection was raised by the air carriers to the proposed requirement pertaining to stall speeds. As a result of consideration of comments received, these standards provide more flexibility with respect to the range between initial buffet and stall, and give recognition to the relatively greater importance of accurate simulation of stall warning (initial buffet). These standards also clarify the stall requirements by specifically listing the applicable configurations in which stall and stall warning speeds must be checked.

With respect to the standards applicable to simulator flight characteristics, as proposed in section 4(b), several changes have been made as a result of industry comment. These do not constitute substantive changes in the intent of the proposed standards but do more clearly state the applicable requirements. These changes are as follows:

(1) In lieu of the proposed reference to force reversal, these standards require that, with respect to static longitudinal stability, the slope of the stick force curve of the simulator shall be positive.

(2) The standards have been rewritten to preclude any interpretation which would permit an individual inspector to prescribe specific standards other than those contained in Appendix C. As the prescription of specific limitations in certain areas is not feasible, the FAA personnel who evaluate an airplane simulator will adjudge the adequacy of simulation in these areas.

(3) The requirement contained in the proposed section 4(b)(1) that the simulator return to trim speed within ± 5 knots was unintentional. Comment received called attention to the fact that the airplane, during certification, is required to return to within 10 percent of trim speed. The standards contained in Appendix C require that the simulator return to trim within ± 5 knots of the speed at which the airplane returned during certification tests.

(4) The proposed sections 4(b)(3) and 4(b)(4) are being deleted as redundant in view of the fact that it is intended only to measure these forces in determining adequate simulation of minimum control speed as required in the proposed section 4(b)(5).

(5) Appendix C permits the authorized representative of the Administrator, in the event data pertaining to stick force versus "g," rudder and aileron forces at V_{MC}, or roll rates are not available in the Type Inspection Report, to use judgment in determining the adequacy of simulation in these areas.

(6) The proposed section 4(b)(11) has been deleted as the standards contained herein are complete. Should additional standards be considered necessary in the future, they will be included in Appendix C only after due notice of proposed rule making and a thorough consideration of industry views thereon.

The air carriers objected to the requirements proposed in section 5 regarding the standards of tolerance for simulator navigational recorders on the basis that the recorder should be treated as nonrequired auxiliary equipment. There is merit to their contention that a check pilot can judge a pilot's performance without reference to the recorder. However, in order for a simulator to fulfill completely its training objectives, it must, in addition to being able to simulate indications of position with respect to radio navigational facilities, provide a record of the track and altitude flown. In order to do so realistically, its track, distance traveled, and, in the case of an ILS approach, its descent path, in still air, must correspond with heading, true airspeed, and, during ILS approaches, glide path, altitude, airspeed, and rate-of-descent indications. In addition, the path of flight must be recorded in such a manner as to be available to the trainee and to the instructor or check pilot for evaluation after completion of a flight. As the recorder unit, of which the recorder indicators are an integral part, is essential to the navigational ability of most simulators presently in general use, the proposal specified simulator navigational accuracy in terms of recorder accuracy. In order to indicate more clearly the intent of these standards with respect to simulator navigational ability, they have been rewritten to specify tolerances pertaining to the navigational accuracy of the simulator. With respect to the tolerances themselves, the tolerances for an ILS glide path have been liberalized in accordance with comment received.

Finally, section 6 of the proposal has been rewritten, in accordance with industry suggestions, to indicate more clearly that, while failure to maintain a simulator to prescribed standards and tolerances shall be cause for cancelling approval for its use in accordance with the provisions of section 42.44(a)(3)(ii) and section 42.44(a)(4), training may be continued with certain instruments or equipment inoperative. Further, this provision has been placed in section 42.44(a)(4) instead of in the Appendix.

Interested persons have been afforded an opportunity to participate in the making of this regulation (26 F.R. 8461), and due consideration has been given to all relevant matter presented.

Amendment revised section 42.44(a)(4), deleted section 42.44–8, and added Appendix C.

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