

1940

Federal: Amendments to the Civil Air Regulations

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Recommended Citation

Federal: Amendments to the Civil Air Regulations, 11 J. Air L. & Com. 179 (1940)
<https://scholar.smu.edu/jalc/vol11/iss2/5>

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AMENDMENTS TO THE CIVIL AIR REGULATIONS

The Civil Aeronautics Authority has in recent months announced the revision of Parts 00, 01, 02, 20, 23, 24, 25, 27, and 52 of the Civil Air Regulations and the amendment of certain provisions of Part 60. It also announced the promulgation of an entirely new part of the regulations, Part 53, which provides for the rating and certification of civilian schools giving instruction in aircraft mechanics. These parts can be most conveniently grouped into four categories, aircraft certification, airman certification, air agency certification, and air traffic regulation, and these recent revisions will be discussed in accordance with this classification.

Aircraft Certification

The present Part 00 of the Civil Air Regulations deals with the registration of aircraft, Part 01 with the issuance of airworthiness, type, and production certificates, and Part 02 with aircraft identification marks. One of the most important alterations made in this group of regulations is that of rearrangement. The revised Part 01 includes the existing provisions relative to the registration of, and the issuance of airworthiness certificates for, individual aircraft, thus grouping in one part the regulations in which the individual owner of aircraft is particularly interested. In furtherance of this objective, the existing provisions of Part 01, which deal with the issuance of type and production certificates, were stricken from that Part and inserted in a new Part 02, thus incorporating in one part those regulations which are of particular interest to aircraft manufacturers, but of little or no interest to the individual owner of aircraft. In addition to this rearrangement the provisions of the existing Part 02, dealing with aircraft identification marks, were stricken entirely from that Part and inserted in Part 60 of the Civil Air Regulations which contains the air traffic rules. This arrangement appears more consistent with the provisions of the Civil Aeronautics Act of 1938, than does the existing one because in section 601 (a) (7) thereof the requirement of identification marking is apparently regarded as an incident to air traffic regulation.

In effecting this revision, little change was made by the Authority in the present provisions dealing with the registration of aircraft, the only change of consequence being one relative to procedure for securing re-registration in the name of the new owner after a transfer of title to the aircraft. The present section 00.4 provides that upon the transfer of ownership of a registered aircraft the aircraft may be operated without registration for a period of sixty days from the date of the transfer, provided that the registered owner endorses the certificate, delivers it to the purchaser, and, on the same day, the purchaser mails an application for a new certificate to the Authority in Washington.

This procedure has caused some inconvenience to those dealing in aircraft, for quite often three or four sales are made within a few days after the registered owner of the aircraft has transferred it. The usual course is for the manufacturer, who is a registered owner, to sell to a distributor, who sells to a dealer, who in turn sells to the ultimate purchaser. The present regulations, of course,

only provide for operation without registration by the one who had purchased the airplane from the registered owner. Thus in the case above cited, the dealer and the ultimate purchaser would not be able to operate the airplane until their applications for registration had been filed, properly processed in the Authority's headquarters in Washington, and a registration certificate received by them.

The revision apparently will eliminate this inconvenience to a large extent. Under its terms the only duties imposed upon the person who takes title to an aircraft within sixty days after the date the registered owner transfers ownership, is to notify the Authority in writing of the transfer of ownership or to apply for a registration certificate. Thus in the case cited above, the manufacturer would endorse the registration certificate to the distributor and the distributor would notify the Authority of the transfer of ownership. The distributor would then give the endorsed certificate to the dealer and the dealer would notify the Authority of the transfer of ownership. The ultimate purchaser could, upon receiving title of the aircraft, file an application for registration within the sixty-day period and operate the airplane without registration until that period elapsed.

The revised provisions dealing with airworthiness certification of individual aircraft reveal several substantial changes from the existing regulations, the most important of which appears to be in those dealing with the form, method of issuance, and duration of airworthiness certificates. Under the existing regulations a temporary airworthiness certificate is issued by an aeronautical inspector of the Authority in the field and expires ninety days after issuance. The inspector's report of the examination of the aircraft is forwarded to the Authority's headquarters in Washington, and if no objection is found to the issuance of the certificate in the particular case, a "permanent" certificate is issued which is of twelve months' duration. Thereafter each twelve months the owner of the aircraft presents the airworthiness certificate to an inspector for renewal and the inspector, after examination and approval of the aircraft, takes up the old certificate and issues a new one.

Under the revision a permanent airworthiness certificate will be issued in the first instance by the field inspector of the Authority. The inspector's report of the examination of the aircraft will be forwarded to Washington and if within sixty days the holder of the certificate is not notified of any objection, the certificate will be of indefinite duration. Thereafter each twelve months the owner of the aircraft will present the airworthiness certificate to an inspector for endorsement, and the inspector, after an examination and approval of the aircraft, will endorse the certificate, thus continuing it, in effect, for an additional twelve months' period.

If the owner of the aircraft fails to secure an endorsement at the end of the endorsement period, or after a reexamination by an inspector at any time, such as after a major repair or alteration, the certificate automatically expires.

In addition, the character of the airworthiness certificate has been altered fundamentally. Under the present regulations such a certificate is issued to the owner of the aircraft and may not be transferred upon the sale of the aircraft. Thus after each sale of an aircraft, it is necessary for the new owner to secure a new airworthiness certificate in his own name. Under the revision an airworthiness certificate will be issued for a particular aircraft and not in the name of the owner. Upon a transfer of ownership the certificate will remain with the aircraft for which it was issued.

Under the existing regulations the operation limitations of a certificated aircraft, such as approved gross weight, prohibition as to passenger carriage, and prohibition against the performance of acrobatics, appear in most instances on the face of an airworthiness certificate. Under the revision each airworthiness certificate will be accompanied by a document called an Aircraft Operations Record which will contain all such limitations.

The revision of Part 01 also provides for the elimination of the present experimental certificate. Under the existing regulations there are three categories of certificates, the one which is issued to an aircraft which has demonstrated complete compliance with the airworthiness requirements prescribed by the Authority, the one which is issued for aircraft which fail to meet these requirements in some respect, but which are deemed airworthy for particular activities, and the one which is issued for aircraft which have not demonstrated compliance with the airworthiness requirements and are the subject of experimentation. Aircraft for which these types of certificates are issued are identified respectively by the prefixes NC, NR and NX before the identification number.

The revision eliminates the experimental certificate and the corresponding NX identification mark. However, no intention is indicated in the revision to discontinue the issuance of certificates for experimental aircraft. In fact there appears in the release accompanying the announcement in this revision the following statement:

"The purpose of an experimental certificate was to provide for certification of aircraft which did not comply with the airworthiness requirements set forth in Part 04, but which were deemed, in the opinion of an inspector of the Authority, to possess no apparent unairworthy features. Since the Act requires all civil aircraft operated in air commerce to have a currently effective airworthiness certificate, the former experimental certificate would not have met the requirements of the Act. Despite the elimination of the experimental certificate the procedure for issuing an airworthiness certificate for experimental purposes will be much the same in the attached amendment as it formerly was. If, after examination, an inspector determines that the aircraft is in condition for safe operation for experimental purposes, he will issue an airworthiness certificate for it and in the 'Aircraft Operations Record' will limit the operation of the aircraft to experimental flights."

An additional change is noted in the revision of Part 01 which will be of interest to the owners of aircraft. The line inspection required by the existing regulations has been eliminated and the only inspection specifically required, other than that following repairs or alterations, is the 100-hour periodic inspection.

Little change has been made in the revision to the existing provisions of the regulations dealing with type and production certificates.

Airman Certification

Parts 20, 24, 25 and 27 of the Civil Air Regulations fall within this category. Part 20 deals with the certification of pilots, Part 24 with the certification of mechanics, Part 25 with the certification of parachute riggers, and Part 27 with the certification of aircraft dispatchers. The existing provisions of these regulations have in the revision been rearranged slightly by merging Parts 24 and 25 into a single part, Part 24. This rearrangement appears to be fully justified in view of the fact that the Civil Aeronautics Act places para-

chute riggers in the same category as mechanics and since the work of a parachute rigger is similar in character to that of an aircraft and aircraft engine mechanic.

Substantial changes have been made in all of these parts of the regulations in so far as the form, method of issuance, and content of the certificates are concerned. Much the same technique is apparently to be used in dealing with these certificates as has been adopted in the case of the airworthiness certificate. Under the existing regulations a temporary airman certificate is issued in the field and expires sixty days after issuance. The inspector's report of examination of the airman is forwarded to Washington and if no objection is found to the issuance of a certificate in the particular case a "permanent" certificate is issued for one year in the case of student and private pilots and aircraft dispatchers, six months in the case of commercial pilots, and two years in the case of mechanics. Thereafter at the end of this period the airman presents his certificate for renewal and the inspector takes up the certificate and issues a new one.

Under the revision a permanent airman certificate will be issued by the field inspector. The inspector's report will be forwarded to Washington and if within sixty days the holder is not notified of any objection, the certificate will be of indefinite duration. Thereafter each year in the case of student and private pilots and aircraft dispatchers, six months in the case of commercial, and two years in the case of mechanics (These periods are referred to in the regulations as "endorsement periods"), the airman will present his certificate for endorsement and the inspector, upon approval, will endorse the certificate, thus continuing it in effect for an additional endorsement period.

If the airman fails to secure an endorsement at the end of the endorsement period or after a reexamination by an inspector at any time, his certificate automatically expires. There is no provision in the revised part, as there is in the existing regulations, for the reinstatement of a certificate or for rerating after elapse. However, practically the same thing is provided for in the revised regulations and is referred to as Special Issuance of Certificate.

A major amendment has been made in Part 20 by the elimination of the solo and limited commercial pilot classifications. The existing regulations provide for the issuance of student, solo, private, limited commercial, and commercial pilot certificates. The new regulations provide only for the issuance of student, private and commercial certificates. It appears that no solo pilot certificate will be issued after the effective date of the new regulations, nor will any existing solo certificate be permitted to continue in effect beyond one year from that effective date. The same thing is true of the limited commercial pilot certificate, the only difference being that under the new regulations existing limited commercial certificates may remain in effect for two years from the effective date of the revision.

The elimination of the solo certificate apparently made necessary the revision of the privileges and restrictions which now attach to student pilot certificates. Under the existing regulations the holders of student certificates are permitted to fly solo within twenty-five miles of the point of take-off and a solo pilot may fly solo without limitation as to flight area. Under the revision a student pilot will be permitted to fly only in the vicinity of his instructor's operating base for his first eight solo hours, but after securing his eight hours and the approval of his instructor, he will be permitted to fly solo within fifty miles of his instructor's base.

In addition to these major changes in Part 20, numerous less important changes in substance have been made, and a great number of minor revisions of language have been made for the purpose of clarification. The Part is also marked by an extensive use of footnotes apparently inserted for the purpose of answering anticipated questions of interpretation.

The only change of major importance in Part 24 is the insertion in that Part of the provisions of the present Part 25 dealing with parachute riggers. In making this insertion the Authority provided for one mechanic certificate with three ratings, aircraft mechanic, aircraft engine mechanic, and parachute rigger.

No major changes have been made in the existing provisions of Part 27 dealing with the certification of aircraft dispatchers other than those which have been referred to above, although a number of relatively minor alterations have been made throughout the Part, particularly in connection with the provisions dealing with the aeronautical experience required of an applicant for a dispatcher certificate.

Air Agencies

In taking action with respect to the Parts dealing with air agencies, it was necessary for the Authority to delete the present Part 23 which provides for the certification of ground instructors and insert the substance of these regulations into a new Part 51 in order to maintain the present arrangement of the regulations. Parts numbered from 20 to 29 are reserved for regulations dealing with airmen, while parts numbered from 50 to 59 are reserved for regulations dealing with the certification of air agencies. When Part 23 was originally issued by the Secretary of Commerce, a ground instructor was regarded as an airman and properly so under the provisions of the Air Commerce Act of 1926. However, the Civil Aeronautics Act does not include ground instructors within the definition of airman contained therein, but does provide in section 607 for the certification of flying schools, mechanic schools, repair stations, and "other air agencies".

The Authority, by transferring the provisions for certification of ground instructors from Part 23 to Part 51 has indicated that it regards ground instructors as air agencies and as such will continue to issue certificates for them. In making this rearrangement few substantive changes were made in the regulations dealing with ground instructors, the major ones being those dealing with the form, method of issuance, and content of the certificate itself. These provisions are almost identical with those described above with respect to airman certificates. In addition, the revision provides for a more precise method of certifying the competence of a particular ground instructor. The present regulations do not provide for limiting the certification of ground instructors to particular courses in which they have demonstrated their ability to teach. This is provided for in the revision.

Part 52 of the Civil Air Regulations provides for the rating and certification of aircraft repair stations. The present Part 52 is substantially changed in the revision in that the provisions prescribing in great detail the personnel, facilities, equipment, and material necessary to secure a repair station certificate have been eliminated from the regulations and the requirements stated in extremely general terms. In fact, the revision contains little more than a statement by the Authority that upon application by a repair station, it will exercise its discretion under section 607 of the Civil Aeronautics Act and

examine, rate, and certificate the applicant. A foot note is appended to the regulations which states that the general requirements relative to personnel, equipment, facilities and material will be explained in detail in a manual accompanying the Part. This revision apparently reflects an attempt by the Authority to provide for greater flexibility in the requirements for repair station certification.

Part 53 is an entirely new part of the Civil Air Regulations and provides for the rating and certification pursuant to section 607 of the Act of civilian schools giving instruction in the repair, alteration, maintenance and overhaul of aircraft, aircraft engines, propellers and appliances. In general it can be stated that the Authority applied the same technique in drafting this Part as was used in Part 52, i.e., the requirements relative to the curriculum, personnel, equipment, and material are stated in extremely general terms, and it is indicated that a manual will be issued to supplement and explain these general terms.

The Part imposes requirements with respect to the curriculum of the school, the calibre and number of instructors, the quality of the classrooms and shop space, and the quality and quantity of the material and equipment available for the instruction. It also requires formal examination of all students and the maintenance of records and the filing of periodic reports. An attempt is made to secure a high quality of instruction in the schools by requiring the standard of instruction to be maintained at a level sufficiently high to insure that an average of eight out of ten of a school's graduates, who apply within one year after graduation, qualify for appropriate mechanic certificates and ratings.

Specific reference is made to the advertising and other sales material issued by certificated schools by forbidding them to make any statement which is false or designed to mislead any person contemplating enrollment. In their advertising, the schools are required to differentiate clearly between subjects given by them which have been approved by the Authority and those which have not been so approved. The schools are required to maintain their personnel, facilities, equipment and material at least equal in quality and quantity to those required for the issuance of a certificate and are not permitted to make a change in any curriculum without the approval of the Authority. However, the possibility of undue delays in securing such approval has been eliminated by providing that unless the school is notified to the contrary within sixty days after submission to the Authority, the change will be considered as having been approved.

Air Traffic Regulations

One important change to Part 60 which contains the air traffic rules has been referred to above in the portion of this memorandum dealing with aircraft certification, i.e., the insertion in that Part of the present provisions of Part 62 dealing with identification marks. In addition, the Authority recently announced the amendment of certain portions of 60.8 and 60.9, the result of which is to eliminate the present certificate of non-application and air meet permit and to substitute for those two documents a single one referred to in the revision as a certificate of non-applicability. The present certificate of non-application provides generally for exemptions in particular cases from the operation of the air traffic rules and the air meet permit provides a specific exemption from the air traffic rules in the case of air meets. These two documents, which have the same purpose, are merged under the revision and become certificates of non-applicability.

An even more extensive revision of Part 60 was promulgated by the Authority to become effective on March 1, 1940. The Authority eliminated from Part 60 the provisions designating the civil airways and substantially revised those dealing with control zones, control airports, radio fixes and airway traffic control areas. The Authority's action in deleting from Part 60 the provisions which designate the civil airways was accompanied by action of the Administrator, in whom the power to designate civil airways is vested by the Civil Aeronautics Act of 1938, redesignating all of the civil airways to become effective March 1, 1940.

While the revisions discussed heretofore have been adopted by the Authority, no effective date has been prescribed with respect to certain of them. The revisions of Parts 00, 01, 02, 20, 23, 24, 25, 52, and 53 will, by order of the Authority, become effective on May 1, 1940. As is indicated above, the amendments to Part 60 dealing with airway designation, control zones, control airports, radio fixes and airway traffic control areas will become effective on March 1, 1940, but as yet no effective date has been established by the Authority for the amendments to Part 60 dealing with air meet permits and certificates of non-application, nor for the revision of Part 27.

S. G. T.