

April 29, 1965

[Reg. Docket No. 6235; Amdt. 91-18]

**PART 91—GENERAL OPERATING
AND FLIGHT RULES****Alternate Airports**

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to alter flight plan and fuel requirements pertaining to alternate airports. A notice of proposed rule making regarding this action was circulated as Federal Aviation Notice 64-45, and published in the FEDERAL REGISTER (29 F.R. 14034), on October 10, 1964.

Section 91.23 presently requires sufficient fuel be carried by civil aircraft operating in IFR conditions to fly from the first airport of intended landing to the alternate airport. Section 91.83 requires each person filing an IFR flight plan to include therein, an alternate airport, and sets forth criteria for the selection of an alternate airport.

In Notice 64-45 the Agency proposed to omit the requirement of including an alternate airport in the required flight plan information when the destination airport has an approach published in Part 97 and the weather there is forecast to be a ceiling at least 1,000 feet above the lowest initial approach altitude and the visibility to be at least three miles, or 2 miles more than the lowest authorized landing minimum visibility whichever is greater, from two hours before to two hours after the estimated time of arrival. Concomitantly, the Agency proposed to omit the requirement in § 91.23 for fuel to fly from the first airport of intended landing to an alternate airport if the same conditions are met that permit a pilot to omit an alternate from an IFR flight plan. The requirement of fuel for 45 minutes at normal cruise would remain unchanged.

The IFR alternate airport weather minimums presently contained in § 91.83 (b) would be revised to assure an instrument approach capability where the weather would require that an instrument approach be made.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all relevant matter presented.

Only one comment directly opposed adoption of the proposed amendments stating that the private pilot has no dispatching system comparable to air carriers or military flights that would advise the pilot of deteriorating weather at his destination, and the unreliability of weather forecasts was emphasized. Therefore, the unskilled, unwary pilot would be encouraged to rely upon a potentially unreliable forecast and would fly without current information and without a sufficient fuel reserve to a destination where a landing would be inadvisable, but no alternative action would then be available. Consequently, there must be an inherent impairment of flight safety without a corresponding benefit conferred.

See correction

The Agency does not believe that the proposed amendments will derogate safety by misleading the unskilled or unwary. The applicable sections of the regulations pertain only to those pilots possessing instrument ratings, who may not be characterized as unskilled or unwary. As stated in a comment by the Aircraft Owners and Pilots Association, the prudent pilot will periodically check marginal conditions through the facilities of the Flight Service Station network to ascertain that the weather is as forecast. There would be no prohibition against a pilot designating one or more suitable alternates on his own volition, regardless of the forecast weather at his destination, so the proposal cannot be said to derogate safety. This amendment will remove the burden of carrying extra fuel in order to receive the benefit of an IFR flight plan when the destination of an alternate is unnecessary, and should enhance safety by removing this deterrent to filing an IFR flight plan when en route weather conditions are marginal.

The National Business Aircraft Association endorsed the proposal but emphasized the need of cooperation between the pilot, the FAA, and the Weather Bureau to assure the availability of current weather information to the pilot.

Bonanza Air Lines suggested specifying the weather forecast at departure to obviate the need of adding fuel en route, in the event of deteriorating weather conditions at the destination. This suggested alteration would compromise a safety factor inherent in the proposal and is, therefore, not adopted.

All other responses, which constitute the preponderance of comments received, were favorable to the adoption of the proposal.

In consideration of the foregoing, and for the reasons stated in the notice of proposed rule making, Part 91 of the Federal Aviation Regulations is amended, effective May 28, 1965, as hereinafter set forth.

1. Section 91.23 is amended to read as follows:

§ 91.23 Fuel requirements for flight in IFR conditions.

No person may operate a civil aircraft in IFR conditions unless it carries enough fuel (considering weather reports and forecasts, and weather conditions) to—

- (a) Complete the flight to the first airport of intended landing;
- (b) Fly from that airport to the alternate airport; and
- (c) Fly thereafter for 45 minutes at normal cruising speed.

However, the requirement for fuel to fly from the first airport of intended landing to the alternate airport does not apply if Part 97 of this subchapter prescribes a standard instrument approach procedure for the first airport of intended landing and the weather conditions at

that airport are forecast to be, from 2 hours before to 2 hours after the estimated time of arrival, a ceiling of at least 1,000 feet above the lowest initial approach altitude for the airport and visibility at least 3 miles, or 2 miles more than the lowest authorized landing minimum visibility, whichever is greater.

2. Section 91.83 (a) (9) and (b) are amended and (c) is added to read as follows:

§ 91.83 Flight plan; information required.

(a) *Information required.* * * *

(9) In the case of an IFR flight plan, an alternate airport, except as provided in paragraph (b) of this section.

(b) Paragraph (a) (9) of this section does not apply if Part 97 of this subchapter prescribes a standard instrument approach procedure for the first airport of intended landing and the weather conditions at that airport are forecast to be, from 2 hours before to 2 hours after the estimated time of arrival, a ceiling of at least 1,000 feet above the lowest initial approach altitude for the airport and visibility at least 3 miles, or 2 miles more than the lowest authorized landing minimum visibility, whichever is greater.

(c) *IFR alternate airport weather minimums.* Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless current weather forecasts indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at that airport will be at or above the alternate airport weather minimums prescribed for the airport in Part 97 of this subchapter, or, if no minimums are so prescribed, the ceiling and visibility at the airport will allow descent from the IFR minimum en route altitude, approach and landing in basic VFR weather conditions for controlled airspace outside of the continental control area.

(Sec. 307 and 601, Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1421)

Issued in Washington, D.C., on April 21, 1965.

N. E. HALABY,
Administrator.

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AT

May 7, 1965

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AND FLIGHT RULES**

Alternate Airports

Correction

In F.R. Doc. 65-4468, appearing at page 6070 of the issue for Thursday, April 29, 1965, the word "destination" appearing in the 23d line, 4th paragraph, 2d column on page 6070 should read "designation".