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[Docket No. 8463; Amdt. 91-52, 93-10; 121-99]

PART 91—GENERAL OPERATING AND FLIGHT RULES

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

PART 121—CERTIFICATION AND OPERATIONS: AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Elimination of VFR Operations Under Less Than Basic VFR Weather Minimums

The purpose of these amendments to Parts 91, 93, and 121 of the Federal Aviation Regulations is to eliminate the VFR operation of fixed-wing aircraft in certain control zones, under less than basic VFR weather minimums.

These amendments are based on a notice of proposed rule making issued as Notice 67-45 and published in the FEDERAL REGISTER on October 17, 1967 (32 F.R. 14334). Interested persons were afforded an opportunity to participate in the rule making through submission of written comments. Due consideration has been given to all relevant matter presented.

A vast number of comments were received in response to the notice representing a very broad spectrum of airspace users, including the aviation industry associations, the Military Departments, local pilot groups, numerous State Aviation Departments, fixed base operators, the California State Legislature, the Attorney General for the State of South Dakota, pipeline and powerline patrol operators. The comments were almost uniformly in opposition to the proposal as stated in the notice. A substantial number of comments recognized that local conditions such as high traffic density and inadequate radar coverage could produce an environment in which the operation under VFR in conditions of low visibility may become hazardous. However, the complete elimination of special VFR was uniformly considered to be a drastic and unjustifiable action.

Discussion of individual and association comments would be impracticable because of the large number received. However, comments typically emphasized that many users rely on obtaining a special VFR clearance to operate in control zones which are adjacent to uncontrolled airspace. They maintained that this type of operation is a convenient and efficient way to fly during periods of reduced visibility, and is compatible with simultaneous IFR operations in most circumstances. Additionally, comments from many business related aviation activities stated that they are dependent on this type of operation, and they would suffer a severe economic penalty if special VFR were eliminated. The majority of the comments also recognized that special VFR operations should be prohibited or limited at certain high density traffic locations. As a result of further study, taking into consideration such factors as availability

of radar, proximity of other airports, frequency of instrument weather conditions, the FAA has determined that special VFR operations will be eliminated at certain locations and ATC procedures modified to ensure safe and efficient use of the airspace where special VFR is permitted. Based upon changing conditions involving safety considerations additional airports may be designated in the future.

The agency's objective is to develop a system of airspace utilization and air traffic control and navigation which permits the movement of people and goods in air commerce at optimum levels of safety and efficiency, and serve the national security needs of the country. This requires that some portions of the airspace be subjected to higher orders of regulation to provide the optimum degree of safety for the majority of the public, aircrews, passengers, and persons and property on the ground that may be affected by aircraft operation. Because of the ever increasing number of aircraft operating in the vicinity of airports serving large population centers, it has become necessary to impose restrictions and establish priorities with respect to the airspace and the services associated with it. Based on the requirement for the safe and efficient use of the airspace, the agency has decided to take regulatory action which eliminates special VFR operations at specified control zones based on IFR activity.

Special VFR operations will be permitted at all other control zones. However, procedures will be established to give IFR traffic priority over special VFR at those locations at which there are a traffic control tower and airport surveillance radar; while at other locations special VFR flights will be permitted only when IFR operations are not being conducted. Special consideration will be given to military operations where appropriate.

Several petitions were filed requesting a public hearing. It was determined that these petitions should be denied because the comments generally objected to the proposal on substantially similar grounds. Due to the magnitude of the number of comments and the uniformity of objections stated, the FAA is aware of the basic factors and the consensus of user opinion, so that it is improbable that any additional information would be obtained from a public hearing. In fact, this rule in the main now conforms to the recommendations proposed by those requesting a public hearing; accordingly it would serve no useful purpose to convene a public hearing on this matter.

In consideration of the foregoing, effective April 30, 1968, Parts 91, 93, and 121 of the Federal Aviation Regulations are amended as hereinafter set forth.

1. Section 91.107(a) is amended to read as follows:

§ 91.107 Special VFR weather minimums.

(a) Except as provided in § 93.113 of this chapter, when a person has received an appropriate ATC clearance, the special weather minimums of this section instead of those contained in § 91.105 apply to the operation of an air-

craft by that person in a control zone under VFR.

2. Section 93.1 is amended to read as follows:

§ 93.1 Applicability.

(b) Unless otherwise authorized by ATC (with the exception of § 93.113), each person operating an aircraft shall do so in accordance with the special air traffic rules in this part in addition to other applicable rules in Part 91 of this chapter.

(d) Subpart I of this part prescribes the locations at which the special VFR weather minimums do not apply to fixed-wing aircraft.

3. The following new subpart is added after Subpart H of Part 93:

Subpart I—Locations at Which Special VFR Weather Minimums Do Not Apply

Sec.

93.111 Applicability.
93.113 Control zones within which special VFR minimums are not authorized.

AUTHORITY: The provisions of this Subpart I issued under secs. 307, 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1421, 1424.

§ 93.111 Applicability.

This subpart specifies the control zones in which special VFR weather minimums prescribed in § 91.107 of this chapter do not apply, except for in-flight emergencies.

§ 93.113 Control zones within which special VFR weather minimums are not authorized.

No person may operate a fixed-wing aircraft under the special VFR weather minimums prescribed in § 91.107 of this chapter within the following control zones:

1. Atlanta, Ga. (Atlanta Airport).
2. Baltimore, Md. (Friendship International Airport).
3. Boston, Mass. (Logan International Airport).
4. Buffalo, N.Y. (Greater Buffalo International Airport).
5. Chicago, Ill. (O'Hare International Airport).
6. Cleveland, Ohio (Cleveland-Hopkins International Airport).
7. Columbus, Ohio (Columbus Municipal Airport).
8. Covington, Ky. (Greater Cincinnati Airport).
9. Dallas, Tex. (Love Field).
10. Denver, Colo. (Stapleton Municipal Airport).
11. Detroit, Mich. (Metropolitan Wayne County Airport).
12. Honolulu, Hawaii (Honolulu International Airport).
13. Houston, Tex. (William P. Hobby Airport).
14. Indianapolis, Ind. (Wier-Cook Municipal Airport).
15. Kansas City, Mo. (Kansas City Municipal Airport).
16. Los Angeles, Calif. (Los Angeles International Airport).
17. Louisville, Ky. (Standiford Field).
18. Memphis, Tenn. (Memphis Metropolitan Airport).
19. Miami, Fla. (Miami International Airport).

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- 20. Minneapolis, Minn. (Minneapolis-St. Paul International Airport).
- 21. Newark, N.J. (Newark Airport).
- 22. New York, N.Y. (John F. Kennedy International Airport).
- 23. New York, N.Y. (LaGuardia Airport).
- 24. New Orleans, La. (New Orleans International Airport-Moisant Field).
- 25. Oakland, Calif. (Metropolitan Oakland International Airport).
- 26. Philadelphia, Pa. (Philadelphia International Airport).
- 27. Pittsburgh, Pa. (Greater Pittsburgh Airport).
- 28. Portland, Oreg. (Portland International Airport).
- 29. San Francisco, Calif. (San Francisco International Airport).

- 30. Seattle, Wash. (Seattle-Tacoma International Airport).
- 31. St. Louis, Mo. (Lambert-St. Louis Municipal Airport).
- 32. Tampa, Fla. (Tampa International Airport).
- 33. Washington, D.C. (Washington National Airport).

4. The following new paragraph (c) is added after § 121.649(b):

§ 121.649 Takeoff and landing weather minimums: VFR: Domestic air carriers.

* * * * *

(c) The weather minimums in this section do not apply to the VFR operation of fixed-wing aircraft in any control zone listed in § 93.113 of this chapter. The basic VFR weather minimums in § 91.105 of this chapter apply at those locations.

(Secs. 307, 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1421, 1424)

Issued in Washington, D.C., on February 26, 1968.

D. D. THOMAS,
Acting Administrator.

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