
14 CFR Part 93

[Docket No. 18311; Amdt. No. 93-39]

Portland International Airport Traffic Area; Special Air Traffic Rules and Airport Traffic Patterns

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the special air traffic rules for operating aircraft to and from the Pearson Airpark which lies within the airport traffic area for Portland International Airport. This amendment specifically excludes helicopters from the current requirement that they fly the same pattern as fixed-wing aircraft. Safety may be derogated by placing aircraft of widely varying flight characteristics in the same traffic pattern and no commensurate safety or economical benefit results from requiring helicopters to fly the same pattern as fixed-wing aircraft.

EFFECTIVE DATE: December 8, 1980.

FOR FURTHER INFORMATION CONTACT: James Burns, Air Traffic Rules Branch (AAT-220), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 426-3656.

SUPPLEMENTARY INFORMATION:

History and Background

This amendment is based upon a notice of proposed rulemaking (Notice No. 78-13) published in the *Federal Register* on September 28, 1978 (43 FR 44549). Interested persons have been afforded the opportunity to participate in the making of the amendment, and due consideration has been given to all relevant matter presented.

Section 93.103 currently requires Pearson Airpark traffic to maintain radio communications with Portland Tower while operating within the Portland Airport traffic area. The FAA proposed to create specific airspace north of Pearson Airpark wherein traffic at 1,000 feet MSL and below operating to and from Pearson Airpark would have no regulatory or operational requirement to communicate with Portland Tower.

Pilots in this area would monitor Pearson UNICOM.

Section 93.105 currently requires helicopters operating at Pearson Airpark to follow the same traffic flow as fixed-wing aircraft. The FAA proposed to exclude helicopters from the current requirement because of the helicopter's special operating characteristics.

Comments and the Rule

The purpose of this amendment of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) is to prevent the unwarranted traffic pattern mix of rotorcraft and fixed-wing aircraft. In so doing, § 93.105 is made more consistent with safety precepts of § 91.89 which specifically requires Part 91 helicopter operations to avoid the flow of fixed-wing aircraft at airports without a control tower. Five comments were received in response to the notice. Except as discussed below, the public response supported the proposal.

The proposed amendment to § 93.103 is not being adopted because—(1) the problem areas leading to issuance of the proposal have been reduced through significant improvements in air traffic services provided by Portland Tower and improved pilot understanding and awareness of the applicable special airport traffic area rule; (2) liaison between Portland Tower and Pearson Airpark management and users has generated a continuing problem-solving and awareness atmosphere to the point where participants are in agreement that the existing rule offers a degree of safety beyond that achievable by the proposed amendment; and, (3) three of the five public comments received on the notice supported retention of the present rule and, based on its review of the proposals, the FAA generally agrees with those commenters.

The notice also proposed that § 93.105 be amended to allow helicopters to fly a traffic pattern which avoids the flow of fixed-wing aircraft. As stated in the notice and supported by commenters, helicopters operating at an airport are not generally required to fly the same traffic pattern as fixed-wing aircraft. Under §§ 91.87(e)(2) and 91.89(a)(2), helicopters are permitted to fly traffic patterns that avoid the flow of fixed-wing aircraft. However, § 93.105 requires all aircraft, including helicopters operating at Pearson Airpark, to follow the traffic pattern described in that section.

Due to the helicopter's special operating characteristics, it should not be required to conform to the flow of fixed-wing aircraft. Consequently, § 93.105 of the Federal Aviation Regulations is being amended to

specifically exclude helicopters from the current requirement that all aircraft fly the pattern described in § 93.105(a).

The manager of Pearson Airpark airport objected to the proposed amendment to § 93.103 of the Federal Aviation Regulations regarding radio communications. He stated that he would have favored the proposal several years ago but now believes the cooperative attitude of the Portland Tower Controllers and Pearson pilots has eliminated the need for a rule change. He did, however, agree that § 93.105 should be amended to exclude helicopters.

Lamb-Weston, Inc., objected to the proposed amendment regarding radio communications. This corporation believes that monitoring the Portland Tower frequency encourages a better understanding of the overall traffic picture and suggest stronger enforcement of the existing regulation to further ensure common traffic knowledge and awareness. In addition, the proposed § 93.103(b) defined area would further compress the VFR traffic flow to Pearson and perhaps complicate application of the see-and-be-seen concept. Lamb-Weston did, however, agree that § 93.105 should be amended to exclude helicopters.

The National Business Aircraft Association, Inc., comment agrees in substance with the views submitted by Lamb-Weston, Inc.

While the notice proposed to amend §§ 93.103 and 93.105 of the Federal Aviation Regulations, based on its review of all relevant considerations, the FAA agrees that an amendment to § 93.103 is unnecessary.

The FAA agrees that liaison between Portland Tower and Pearson Airpark management and users has generated a healthy environment for cooperative problem solving and mutual awareness. As a result, coupled with other factors, FAA's review indicates the existing § 93.103 offers a degree of safety beyond that achievable by the proposed amendment. The proposed amendment to § 93.103 of the Federal Aviation Regulations is, therefore, withdrawn.

The proposed amendment to § 93.105 of the Federal Aviation Regulations has received public support and is found to be consistent with safety precepts of § 91.89 which specifically requires normal Part 91 helicopter operations to avoid the flow of fixed-wing aircraft at airports without a control tower.

Adoption of the Amendment

Accordingly, § 93.105 of Subpart H of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) is

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amended, effective December 8, 1980, to read as follows:

Subpart H—Portland International Airport Traffic Area

§ 93.105 Pearson Airpark traffic.

(a) *Arriving.* Except when the VFR clearance-from-cloud rules of Part 91 of this chapter require otherwise, each person operating an aircraft, excluding a helicopter, arriving at the Pearson Airpark shall enter the traffic pattern north of the airport at or above 1,000 feet MSL and execute a left traffic pattern for a landing to the east or a right traffic pattern for a landing to the west.

(b) *Departing.* Each person operating an aircraft, excluding a helicopter, departing from Pearson Airpark shall leave the airport traffic pattern to the north.

(c) *Helicopter.* Each person operating a helicopter at Pearson Airpark shall enter and leave the traffic pattern north of the airport and shall avoid the flow of fixed-wing aircraft operating in the traffic pattern.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348 and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in Washington, DC, on October 30, 1980.

Langhorne Bond,
Administrator.

[FR Doc. 80-34563 Filed 11-5-80; 8:45 am]

BILLING CODE 4910-13-M
