

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8367; Amdt. 91-47]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Aircraft Speed

The purpose of this amendment is to prescribe a maximum permissible indicated airspeed of 250 knots for all aircraft operating below 10,000 feet mean sea level (MSL).

The substance of this amendment was published as a notice of proposed rule making in the FEDERAL REGISTER on September 2, 1967 (32 F.R. 12724), and circulated as Notice 67-39. Many comments were received in response to the notice. Generally, the comments were favorable and recommended adoption of the amendment as proposed.

The Air Line Pilots Association (ALPA) and the Air Transport Association (ATA), while recognizing the merit of speed control in a sea and avoid environment, question whether the proposed rule will make a significant contribution to safety. These comments generally favored an increase in positive air traffic control services and reduced reliance on the sea and avoid concept. They also encouraged increased efforts in the development of a feasible collision warning system. In addition, ATA urged that the speed limits, if adopted, be applied only below 5,000 feet MSL or 5,000 feet above the surface, whichever is higher.

The agency is engaged in continuing efforts to develop a workable collision warning system, and to improve the capability of air traffic control to provide additional separation service. These objectives will be realized as rapidly as technological and budgetary limitations will permit. However, air safety consideration cannot await future developments. Speed controls will provide an additional level of safety needed now. The 10,000-foot maximum level, for applicability of the rule, was selected as a

level which includes nearly all Visual Flight Rules traffic and approximately half of the Instrument Flight Rules traffic. Dropping the level of applicability to 5,000 feet would seriously weaken the rule since nearly half of the traffic in the lower airspace strata would be exposed to aircraft operating at unlimited airspeeds.

Concern regarding the inconvenience to flight test activities was expressed in several comments received from aircraft manufacturers who expressed the view that more specific provision for flight test activities should be included in the rule itself. The agency does not consider it appropriate to include specific regulation of these activities in the body of the Federal Aviation regulations since flight test activities will vary in the multiple and diverse situations involved. Each flight test activity would more properly be a matter for individual consideration by the Administrator. The rule adopted herein has been modified to require compliance with the speed limit "unless otherwise authorized by the Administrator." All operators having a need to flight test aircraft at speeds in excess of those prescribed by the regulation should contact the appropriate Federal Aviation Administration (FAA) Area Office as soon as practicable so that suitable authorization may be issued.

The comments to Notice 67-39 also contained several recommendations regarding the development of climb and descent corridors for high performance aircraft operations at major terminals. This concept, now in use at many military bases, is being studied and will be made the subject of a future regulatory proposal.

Various alternative methods of providing the extra margin of safety needed in today's airspace operations were suggested in the comments received. These suggestions generally involved programs already in progress, such as "develop a low-cost transponder for general aviation aircraft"; "provide a more efficient low-altitude radar system"; "encourage development of a low-cost proximity warning device," etc. Efforts in these and other areas, of course, will continue since it is realized that speed control is only a partial answer to the problem of air safety.

The economic impact which this regulation will have on operators of high speed aircraft was given detailed consideration during the development of Notice 67-39. The agency feels that the safety factors involved far outweigh the economic considerations and that it is in the public interest that the rule be adopted as proposed.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, Part 91 of the Federal Aviation regulations is amended, effective December 15, 1967, as hereinafter set forth:

§ 91.85 [Amended]

1. Paragraph (c) of § 91.85, and the flush paragraph following thereafter, is revoked.

2. The following new section is added following § 91.69:

§ 91.70 Aircraft speed.

(a) Unless otherwise authorized by the Administrator, no person may operate an aircraft below 10,000 feet MSL at an indicated airspeed of more than 250 knots (288 m.p.h.).

(b) Unless otherwise authorized or required by ATC, no person may operate an aircraft within an airport traffic area at an indicated airspeed of more than—

- (1) In the case of a reciprocating engine aircraft, 156 knots (180 m.p.h.); or
- (2) In the case of a turbine-powered aircraft, 200 knots (230 m.p.h.).

However, if the minimum safe airspeed for any particular operation is greater than the maximum speed prescribed in this section, the aircraft may be operated at that minimum speed.

(Secs. 307, 313, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 7, 1967.

D. D. THOMAS,
Acting Administrator.

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