

(Docket No. 8878; Amdts. ~~151-22~~, 171-4)

PART 151—FEDERAL AID TO AIRPORTS

PART 171—NON-FEDERAL NAVIGATION FACILITIES

True Light Certificates

The purpose of this amendment to Parts 151 and 171 of the Federal Aviation Regulations is to generally discontinue the issuance of certificates of "Lawful Authority To Operate a True Light" (True Light Certificates), under § 171.61; to revoke most of those certificates; to terminate most pending applications for those certificates; to delete the requirement that certain Federal-aid Airport Program sponsors apply for those certificates, under § 151.87; and to ensure the acceptable operation of airport lighting in new § 151.86.

This amendment was proposed in Notice 68-12 that was issued on May 15, 1968, and published in the FEDERAL REGISTER on May 22, 1968 (33 F.R. 7582). The comments received in response to the notice either generally agreed or expressed no objection to the amendments proposed. In the light of the comments received, the FAA is adopting the amendments as proposed in Notice 68-12, for the reasons stated therein.

As amended, the FAA no longer issues, or accepts an application for, a "True Light Certificate" under Part 171. New § 171.61(a) generally revokes each "True Light Certificate," and terminates each application for a certificate. An exception in new § 171.61(b) preserves the certificate or application of a Federal-aid Airport Program sponsor that was required to apply for a "True Light Certificate" under the former regulations. However, that sponsor may choose to comply with new § 151.86(b)(3), and surrender its certificate or terminate its application.

As amended, sponsors of projects that involve installing airport lighting, and related electrical work, are no longer required to apply for a "True Light Certifi-

cate" under Part 151. Instead, new § 151.86(b)(3) requires these sponsors to agree to operate the airport lighting installed either throughout each night of the year, or according "to a satisfactory plan of operation." Under new § 151.86(c) the sponsor may choose to submit "a proposed plan of operation of the airport lighting installed for periods less than throughout each night of the year," to specify "the times when the airport lighting installed will be operated," and to satisfy the Administrator that the plan "provides for safety in air commerce, and justifies the investment of Program funds." Under new § 151.86(d), these new provisions apply to the sponsor of an "airport lighting" project that has not entered into a grant agreement on the effective date of this amendment (whether or not it has applied for a "True Light Certificate"). As stated above, if a sponsor's certificate or application is preserved under § 171.61(b), it may agree to comply with § 151.86(b)(3) and surrender its certificate or terminate its application under § 151.86(e).

As stated in Notice 68-12, new §§ 151.86(a) and 151.86(b) reflect the provisions in present §§ 151.87(a) and 151.87(b), which are being deleted. New § 151.86(a) also reflects the fact that the Administrator may find that airport lighting is necessary under § 151.13. Editorial changes to §§ 151.87(c), 151.87(d), 151.87(h), 151.87(k) and Appendix F of Part 151 are also adopted as proposed in Notice 68-12.

In addition to the amendments proposed in Notice 68-12, the FAA is adopting a clarifying amendment to § 151.111(c)(2). In Amdt. 151-22, the FAA amended § 151.111(c)(2) to refer to a new publication that identifies large and medium hubs served by scheduled air carrier service. No change was made in the substance of § 151.111(c)(2), and an airport that would be eligible under the former language of paragraph (c) continues to be eligible under that paragraph as changed by Amdt. 151-22. However, the new language of § 151.111(c)(2) may be misunderstood to mean that, if any airport in a large or medium hub is served by scheduled air carrier service, then every other airport in that hub is excluded. Since the FAA does not intend this construction, § 151.111(c)(2) is clarified to make that fact clear.

Since this amendment relates to public grants and eliminates an unnecessary procedure, I find that good cause exists to make this amendment effective in less than 30 days.

In consideration of the foregoing, effective September 5, 1968, Parts 151 and 171 of the Federal Aviation Regulations are amended as follows:

1. By adding the following new § 151.86:

§ 151.86. Lighting and electrical work: general.

(a) The installing of lighting facilities and related electrical work, as provided in § 151.87, is eligible for inclusion in a project only if the Administrator determines, for the particular airport in-

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volved, that they are needed to ensure—

(1) Its safe and efficient use by aircraft under § 151.13; or

(2) Its continued operation and adequate maintenance, and it has a large enough volume (actual or potential) of night operations.

(b) Before the Administrator makes a grant offer to the sponsor of a project that includes installing lighting facilities and related electrical work under paragraph (a) of this section, the sponsor must—

(1) Provide in the project for removing, relocating, or adequately marking and lighting, each obstruction in the approach and turning zones, as provided in § 151.91(a);

(2) Acknowledge its awareness of the cost of operating and maintaining airport lighting; and

(3) Agree to operate the airport lighting installed—

(1) Throughout each night of the year; or

(ii) According to a satisfactory plan of operation, submitted under paragraph (c) of this section.

(c) The sponsor of a project that includes installing airport lighting and related electrical work, under paragraph (a) of this section, may—

(1) Submit to the Administrator a proposed plan of operation of the airport lighting installed for periods less than throughout each night of the year;

(2) Specify, in the proposed plan, the times when the airport lighting installed will be operated; and

(3) Satisfy the Administrator that the proposed plan provides for safety in air commerce, and justifies the investment of Program funds.

(d) Paragraph (b) (3) of this section also applies to each sponsor of a project that includes installing airport lighting and related electrical work if that sponsor has not entered into a grant agreement for the project before September 5, 1968.

(e) If it agrees to comply with paragraph (b) (3) of this section, the sponsor of a project that includes installing airport lighting facilities and related electrical work that has entered into a grant agreement for that project before September 5, 1968, may—

(1) Surrender its air navigation certificate authorizing operation of a "true light" issued before that date; or

(2) Terminate its application for authority to operate a "true light" made before that date.

2. The section heading, paragraphs (a), (b), and (c), the second sentence of paragraph (d), and paragraphs (h) and (k), of § 151.87 are amended to read as follows:

§ 151.87 Lighting and electrical work: standards.

(a) [Reserved]

(b) [Reserved]

(c) The number of runways that are eligible for lighting is the same as the number eligible for paving under § 151.77, § 151.79, or § 151.80.

(d) * * * A runway that is eligible for lighting, but does not meet the require-

ments for 75 percent U.S. participation under § 151.43(d), is eligible for 50 percent U.S. participation in the costs of high intensity runway edge lighting (or the allowable percentage in § 151.43(c) for public land States), if the airport is served by a navigational aid that will allow using instrument approach procedures. * * *

(h) Any airport that is eligible to participate in the costs of runway lighting is eligible for the installing of an airport beacon, lighted wind indicator, obstruction lights, lighting control equipment, and other components of basic airport lighting, including separate transformer vaults and connection to the nearest available power source.

(k) Appendix F sets forth typical eligible and ineligible items of airport lighting covered by § 151.86 and this section.

3. Subparagraph (2) of § 151.111(c) is amended to read as follows:

§ 151.111 Advance planning proposals: general.

(c) * * *

(2) Is not served by scheduled air carrier service and located in a large or medium hub, as identified in the current edition of "Airport Activity Statistics of Certificated Route Air Carriers" (published jointly by FAA and the Civil Aeronautics Board), that is available for inspection at any FAA Area or Regional Office, or for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

4. Appendix F of Part 151 is amended by striking out the reference "§ 151.87", and by inserting the references "§§ 151.86 and 151.87" in place thereof.

5. Section 171.61 is amended to read as follows:

§ 171.61 Air navigation certificate: revocation and termination.

(a) Except as provided in paragraph (b) of this section, each air navigation certificate of "Lawful Authority to Operate a True Light" is hereby revoked, and each application therefor is hereby terminated.

(b) Paragraph (a) of this section does not apply to—

(1) A certificate issued to a Federal-Aid Airport Program sponsor who was required to apply for that certificate under regulations then in effect, and who has not surrendered that certificate under § 151.86(e) of this chapter; or

(2) An application made by a Federal-Aid Airport Program sponsor who was required to make that application under regulations then in effect, and who has not terminated that application under § 151.86(e) of this chapter.

(Federal Airport Act, as amended; 49 U.S.C. 1101-1120; sections 307, 313(a), 601, 606, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a), 1421, 1426)

Issued in Washington, D.C., on August 28, 1968.

D. D. THOMAS,
Acting Administrator.

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8:48 a.m.]