

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports

This amendment contains modifications of the high density traffic airport rules prescribed in Part 93 of the Federal Aviation Regulations.

Amendment No. 93-13 prescribing high density traffic airport rules in Part 93 of the Federal Aviation Regulations was published on December 3, 1968 (33 F.R. 17896). In regard to the maximum number of IFR allocations prescribed therein for the various users of the airports involved, the preamble to the rule stated that the provisions of the rule would be kept under a continuing review and modified as circumstances require or permit. Since the rule was issued the FAA has received several petitions for reconsideration and one petition for revocation of the rule. In addition to these petitions, which were filed under the rule-making provisions of Part 11 of the Federal Aviation Regulations, many written comments were received from other interested persons who requested changes in the rules. In view of the deep concern of these interested persons and the short time that remains before Amendment 93-13 becomes effective, the FAA has expedited its reconsideration of the rule and finds that there is a need for the rule to insure the efficient utilization of the airports involved during this summer's increase in air traffic. However, it further finds that under the circumstances the rule should be modified in the following respects:

1. The total number of IFR reservations allocated for the John F. Kennedy Airport should be increased to 90 reservations per hour from 5 p.m. to 8 p.m. Of this total, 80 reservations should be allocated to air carriers except air taxi operators, five to scheduled air taxis, and five to other operations. This modification would eliminate the provision that provided for the use of that airport by only air carriers between 5 and 8 p.m.

2. Extra sections of scheduled air carrier flights should be permitted at any of the designated high density traffic airports except John F. Kennedy, without regard to the limitation upon the number of IFR reservations allotted for the particular airport. This modification would provide extra section capability at La Guardia, Newark, and O'Hare Airports in a manner similar to that already provided at Washington National Airport.

3. The rules should be temporary in nature and should be reviewed after a period of experience. To accomplish this the rule should terminate on December 31, 1969.

4. The effective date of the rule should be postponed to June 1, 1969, to provide additional time for the adjustment of operations by all users of the airports.

The modification in the use of the John F. Kennedy Airport contained in item 1, above, provides an opportunity

to air taxi operators, business aircraft operators, and other operators of general aviation aircraft to use that airport during the peak hours. Ten additional IFR reservations per hour are allocated to that airport between 5 and 8 p.m., only, to accomplish this purpose. Increases in delay due to these additional flights are not expected to occur frequently and they are justified by the advantages of keeping the airport open to all classes of users.

The 10 additional reservations per hour allocated to the John F. Kennedy Airport will be equally divided between the scheduled air taxis and other operators. Thus, each of these classes of users will have an allocation of five IFR reservations per hour between the hours of 6 a.m. and midnight every day. The air carriers except air taxi operators will continue to have an allotment of 70 IFR reservations per hour during that period, but between 5 and 8 p.m. the allotment will be 80 per hour.

The authority for scheduled air carriers to conduct flights of extra sections to or from the La Guardia, Newark, and O'Hare airports is especially needed for "shuttle service". The provisions of Amendment 93-13 presently provide that extra sections of scheduled air carrier flights may be conducted to or from the Washington National Airport without regard to the number of hourly IFR reservations allocated for that airport. Since the basic element of the "shuttle service," assured seating, has received wide public acceptance it is in the public interest to provide to the extent possible for such service at the other airports involved. The flexibility needed for the shuttle flights and other extra sections of scheduled air carriers which has been provided at Washington National Airport should also be provided at the La Guardia, Newark, and O'Hare Airports. Any additional delay resulting from this increase in operations is more than offset by the benefits to be derived therefrom by the travelling public. Accordingly, the rule as amended herein permits a scheduled air carrier (not including an air taxi operator) to operate extra sections at those airports as well as the Washington National Airport, without regard to the limitation upon the number of hourly IFR reservations.

On January 15, 1969, the FAA instituted advanced flow control procedures. These procedures have shown that traffic may be metered into the New York Metropolitan area more efficiently. In addition, the FAA has consolidated its three New York area radar control facilities in a new "Common IFR Room" at the John F. Kennedy Airport. As a result of this consolidation, the FAA expects to accomplish, before the end of the calendar year, a major revamping and improvement of the airway structure and air traffic control procedures in the metropolitan area. These actions are intended to increase capacity in the New York area. As stated in the original rule the limitations prescribed therein are not the permanent solution to the air congestion problem. Therefore, it should be made a temporary rule with an expiration

date of December 31, 1969. This will permit an orderly review of the operation of the rule during the summer months, evaluate the effectiveness of the advanced flow control procedures and other actions taken to expedite traffic during that time, and, if necessary, provide time needed to consider further rule-making action.

The increased allocations and other changes contained in this amendment provide urgently needed relief to the various classes of users of the airports involved. These changes, however, will require those users to consider any further changes needed for the planning of their operations. It is essential that this rule be in effect by the beginning of the summer increase in operations at those airports. Estimates by users of the time necessary to prepare properly for operation under the rule make notice and further rule-making procedures impracticable. Therefore, the rule is made effective on June 1, 1969.

All relevant comments contained in the various petitions for reconsideration or revocation received prior to the issuance of this rule have been considered in this rule-making action as provided in Part 11 of the rule-making procedures of the Federal Aviation Administration. Therefore, it has been determined that no further action will be taken on those petitions and the petitioners will be so notified by individual letter from the Associate Administrator for Operations.

In consideration of the foregoing, Amendment 93-13 to Part 93 of the Federal Aviation Regulations is rescinded and effective June 1, 1969, Part 93 is revised to read as follows:

1. Section 93.1 is amended by adding a new paragraph (e) to read as follows:

§ 93.1 Applicability.

(e) Subpart K of this part designates high density traffic airports and prescribes air traffic rules and other requirements for operating aircraft to or from those airports.

2. A new Subpart K is added to read as follows:

Subpart K—High Density Traffic Airports

- Sec. 93.121 Applicability.
- 93.123 High density traffic airports.
- 93.125 Arrival or departure reservation and flight plan.
- 93.127 Aircraft requirements.
- 93.129 Additional operations.
- 93.131 Termination date.

AUTHORITY: The provisions of this Subpart K issued under secs. 103, 307 (a), (b), and (c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1303, 1348 (a), (b), and (c), 1354(a), 1421; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1665(c); § 1.4(b), Part 1, Regulations of the Office of the Secretary; 49 CFR 1.4(b).

§ 93.121 Applicability.

This subpart designates high density traffic airports and prescribes the aircraft equipment and air traffic rules for operating aircraft to or from those airports.

(As published in 34 FR 2603 on November 26, 1969)

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AT Amendment

See correction

Part Binder 2/24/69

§ 93.123 High density traffic airports.

(a) Each of the following airports is designated as a high density traffic airport and, except as provided in § 93.129 and paragraph (b) of this section, or un-

less otherwise authorized by ATC, is limited to the hourly number of allocated IFR operations (takeoffs and landings) that may be reserved for the specified classes of users for that airport:

IFR OPERATIONS PER HOUR

Class of user	John F. Kennedy Airport	La Guardia Airport	Newark Airport	O'Hare Airport	Washington National Airport
Air carriers except air taxis.....	70	48	40	115	40
Scheduled air taxis.....	5	6	10	10	8
Other.....	5	6	10	10	12

(b) The following exceptions apply to the allocations of reservations prescribed in paragraph (a) of this section.

(1) The allocations of reservations among the several classes of users do not apply from 12 midnight to 6 a.m. local time, but the total hourly limitation remains applicable.

(2) The allocation of IFR reservations for air carriers except air taxis at the John F. Kennedy Airport is 80 IFR reservations per hour from 5 p.m. to 8 p.m.

(3) The allocation of 40 IFR reservations for air carriers except air taxis at the Washington National Airport does not include charter flights, or other non-scheduled flights of scheduled or supplemental air carriers. These flights may be conducted without regard to the limitation of 40 IFR reservations per hour.

(4) The allocation of IFR reservations for air carriers except air taxis at La Guardia, Newark, O'Hare, and Washington National Airports does not include extra sections of scheduled air carrier flights. These flights may be conducted without regard to the limitation upon the hourly IFR reservations for air carriers except air taxis at those airports.

(5) Any reservation allocated to, but not taken by, air carrier operations (except air taxis) is available for a scheduled air taxi operation.

(6) Any reservation allocated to, but not taken by, air carrier operations (except air taxis) or scheduled air taxi operations is available for other operations.

§ 93.125 Arrival or departure reservation and flight plan.

Unless otherwise authorized by ATC in a letter of agreement under § 93.129(c), no person may operate an aircraft to or from an airport designated as a high density traffic airport unless—

(a) He has received for that operation an arrival or departure reservation from ATC; and

(b) He has filed an IFR or VFR flight plan for that operation.

§ 93.127 Aircraft requirements.

Unless otherwise authorized by ATC in a letter of agreement under § 93.129(c), no person may operate an aircraft IFR to or from a high density traffic airport unless the aircraft is equipped with an operable coded radar beacon transponder having at least a Mode A/3 64 code capability, replying to Mode A/3 interrogation with the code specified by ATC.

§ 93.129 Additional operations.

(a) IFR. The operator of an aircraft may take off or land the aircraft under IFR at a designated high density traffic airport without regard to the maximum number of operations allocated for that airport if he obtains a departure or ar-

rival reservation, as appropriate, from ATC. The reservation is granted by ATC whenever the aircraft may be accommodated without significant additional delay to the operations allocated for the airport for which the reservations is requested.

(b) VFR. The operator of an aircraft may take off or land the aircraft under VFR at a designated high density traffic airport if he obtains a departure or arrival reservation, as appropriate, from ATC. The reservation is granted by ATC whenever the aircraft may be accommodated without significant additional delay to the operations allocated for the airport for which the reservation is requested and the ceiling reported at the airport is at least 1,000 feet and the ground visibility reported at the airport is at least 3 miles.

(c) Operations under letters of agreement. The operator of an aircraft may take off or land the aircraft under either IFR or VFR at a designated high density traffic airport if he operates the aircraft without interference to any other aircraft operation and the operation is under the terms of a letter of agreement with the airport management and the appropriate ATC facility. An operation conducted under this paragraph (c) is not required to comply with the aircraft equipment requirements of § 93.127 except to the extent specified in the applicable letter of agreement.

§ 93.131 Termination date.

The provisions of §§ 93.121-93.129 of this subpart terminate December 31, 1969.

Issued in Washington, D.C., on February 24, 1969.

D. D. THOMAS,
Acting Administrator.

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Admin- istration, Department of Transpor- tation

[Docket No. 9118; Amdt. ~~91-18~~]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports; Correction

The document amending Part 93 of the Federal Aviation Regulations, published in the FEDERAL REGISTER on February 26, 1969, at 34 F.R. 2603, is corrected by changing the reference in § 93.127 from "§ 93.129(a)" to "§ 93.129 (c)".

Issued in Washington, D.C., on February 26, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-2491; Filed, Feb. 26, 1969;
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