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Change to FAR Part 135

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8041; Amdt. 135-13]

### PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

#### Operation in Icing Conditions

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is: (1) To relax § 135.85 by allowing airplanes that are certificated to operate in icing conditions to operate without complying with the limitations against flying into icing conditions in paragraphs (b) and (c) of that section; (2) to provide this relief immediately; and (3) to clarify § 135.85. In addition, this amendment revokes the amendment to § 135.85 contained in Amendment No. 135-12 and published in the FEDERAL REGISTER on December 3, 1969 (34 F.R. 19130).

Amendment No. 135-12 was based on a notice of proposed rule making which was issued as Notice No. 69-4 and published in the FEDERAL REGISTER on January 30, 1969 (34 F.R. 1443). Amendment No. 135-12 contains a revision to § 135.85 that allows airplanes certificated in accordance with certain ice protection airworthiness standards to be operated without complying with paragraphs (b) and (c) of § 135.85. However, Amendment No. 135-12 does not become effective until April 1, 1970.

It has now come to the attention of the FAA that some small airplanes have already complied, or will comply before April 1, 1970, with the airworthiness standards for ice protection. In view of these circumstances, and since the substance of the proposal is relaxatory, it is considered appropriate to make the

amendment to that section effective prior to April 1, 1970.

The proposal to amend § 135.85 in Notice 69-4 is changed by clarifying the references to ice protection provisions of the airplane airworthiness regulations. As amended herein, the rule permits operation of an airplane in light, moderate, or heavy icing conditions if it has ice protection provisions that meet the appropriate requirements for airplanes certificated with ice protection provisions. If certification with ice protection provisions is desired, it must be shown, among other things, that the airplane is able to safely operate in continuous maximum and intermittent maximum icing conditions determined as specified in the appropriate airworthiness certification regulations. (See CAR 4b.619; section 34 of SFAR No. 23; and § 25.1419 of FAR Part 25, which contain requirements for airplanes certificated with ice protection provisions.)

It will also be noted that paragraph (b) has been revised to make it clear that both deicing and anti-icing equipment are not required for each surface or system, by changing the word "and" to "or" immediately following the word "deicing."

Since this amendment is relaxatory in nature, I find that good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing:

1. The amendment to § 135.85 of Part 135 of the Federal Aviation Regulations contained in Amendment No. 135-12 and published in the FEDERAL REGISTER on December 3, 1969 (34 F.R. 19130), is hereby revoked, effective December 24, 1969; and

2. Section 135.85 is amended effective December 24, 1969, as follows:

#### § 135.85 Icing conditions: operating limitations.

(a) No pilot may take off an aircraft that has—

(1) Frost, snow, or ice adhering to any rotor blade, propeller, windshield, or

power plant installation, or to an airspeed, altimeter, rate of climb, or flight attitude instrument system;

(2) Snow or ice adhering to the wings, or stabilizing or control surfaces; or

(3) Any frost adhering to the wings, or stabilizing or control surfaces, unless that frost has been polished to make it smooth.

(b) Except for an airplane that has ice protection provisions that meet the requirements in section 34 of Special Federal Aviation Regulation No. 23, or those for transport category airplane type certification, no pilot may fly—

(1) Under IFR into known or forecast light or moderate icing conditions; or

(2) Under VFR into known light or moderate icing conditions;

unless the aircraft has functioning deicing or anti-icing equipment protecting each rotor blade, propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb, or flight attitude instrument system.

(c) Except for an airplane that has ice protection provisions that meet the requirements in section 34 of Special Federal Aviation Regulation No. 23, or those for transport category airplane type certification, no pilot may fly an aircraft into known or forecast heavy icing conditions.

(d) If current weather reports and briefing information relied upon by the pilot in command indicate that the forecast icing condition that would otherwise prohibit the flight will not be encountered during the flight because of changed weather conditions since the forecast, the restrictions in paragraphs (b) and (c) of this section based on forecast conditions do not apply.

(Sec. 313(a), 601(c), Federal Aviation Act of 1958, 49 U.S.C. 1364(a), 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1855(c))

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

J. H. SHAFFER,  
Administrator.