

See correction

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Adminis- tration, Department of Transporta- tion

[Docket No. 7664; Amdts. 1-13 and 91-43]

PART 1—DEFINITIONS AND ABBREVIATIONS

PART 91—GENERAL OPERATING AND FLIGHT RULES

Careless or Reckless Ground Operation of Aircraft

The purpose of these amendments to Parts 1 and 91 of the Federal Aviation Regulations is to prohibit the careless or reckless ground operation of aircraft on the surface of an airport.

The substance of this rule was proposed in Notice 66-36 issued on October 7, 1966 (31 F.R. 13352). The majority of the public comments received concurred with the proposal. Some comments expressed the opinion that the careless or reckless operation provisions of § 91.9 already covered aircraft used not as an incident to flight, and that therefore the proposed rule was unnecessary. Several comments, that did not oppose the objectives of the proposal, offered counter suggestions to accomplish those objectives by training or qualification of personnel, or control over certain ground movements on the airport. Some comments recommended that the rule should be extended to areas outside an airport such as pastures or roads. These counter suggestion and recommendations are beyond the scope of the proposal and, of course, cannot be considered at this time. Finally, some concern was expressed as to the meaning of the term "use", as included in the proposal to designate the prohibited activity.

As a result of the public comments

received, the proposal has been adopted, for the reasons stated in Notice 66-36. However, in view of several of the comments received, clarifying changes were made in the language of the rule.

The principal change in this regard is employment of the term "operate an aircraft other than for the purpose of air navigation" instead of the proposed term "taxi or otherwise use an aircraft, not incident to flight". The former term is employed in this rule in order to clearly limit the applicability of the rule to those acts which impart some physical movement to the aircraft, or involve the manipulation of the controls of the aircraft such as starting or running an aircraft engine. This is the meaning of the term "operate" under § 91.9 and is the meaning generally given to that term under the motor vehicle laws. However, as distinguished from § 91.9, the acts prohibited by the rule as adopted herein are expressly limited to those not performed for the purpose of air navigation.

In order to remove any conflict with the meaning of the word "operate" as defined in Part 1 of the Federal Aviation Regulations and as used in other provisions of the regulations, these amendments also change the Part 1 definition of that word. This change in definition makes it clear that the word "operate" as employed in § 91.10 of this rule does not mean for the purpose of air navigation including the piloting of aircraft for that purpose. To further implement this change in meaning of the word "operate" as employed in § 91.10, the word has been eliminated elsewhere in that section where it would have connoted a different meaning. For this reason, the term "used by aircraft for air commerce" has been substituted for the term "used for the operation of aircraft in air commerce" as proposed by the notice.

Finally, in response to some comments, the language of the proposal was changed to specifically include within the term "surface of the airport used by

aircraft for air commerce" the areas used by those aircraft for receiving or discharging passengers or cargo. This change will make it clear that the rule is not limited to the runways and taxiways of the airport surface.

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, Parts 1 and 91 of the Federal Aviation Regulations are amended as follows, effective August 3, 1967:

§ 1.1 [Amended]

1. By amending the definition of the word "operate" in § 1.1 to read as follows:

"Operate," with respect to aircraft, means use, cause to use or authorize to use aircraft, for the purpose (except as provided in § 91.10 of this chapter) of air navigation including the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise).

2. By inserting the following new section after § 91.9:

§ 91.10 Careless or reckless operation other than for the purpose of air navigation.

No person may operate an aircraft other than for the purpose of air navigation, on any part of the surface of an airport used by aircraft for air commerce (including areas used by those aircraft for receiving or discharging persons or cargo), in a careless or reckless manner so as to endanger the life or property of another.

These amendments are made under the authority of (Secs. 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421).

Issued in Washington, D.C., on June 27, 1967.

WILLIAM F. MCKEE,
Administrator.

(As published in the Federal Register 32 F.R. 96407 on July 4, 1967)

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Adminis- tration, Department of Transporta- tion

[Docket No. 7664; Amdt. 1-18]

PART 1—DEFINITIONS AND ABBREVIATIONS

Definitions

Correction

In F.R. Doc. 67-7527, appearing at page 9640 of the issue for Tuesday, July 4, 1967, in the definition for "operate" in item 1, a comma should appear immediately after the word "owner".
