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Administrator.

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation
[Docket No. 10154; Amdt. Nos. 1-20; 91-84]

PART 1—DEFINITIONS AND ABBREVIATIONS

PART 91—GENERAL OPERATING AND FLIGHT RULES

Airport Traffic Areas

The purpose of these amendments to the Federal Aviation Regulations is to change the definition of an airport traffic area to include that airspace up to, but not including an altitude of 3,000 feet above the elevation of the airport, and to amend the VFR cruising altitude or flight level rule to conform to the change.

These amendments were proposed in Notice 70-9 and published in the FEDERAL REGISTER on March 7, 1970 (35 F.R. 4262).

Public comments received in response to Notice 70-9 were light and generally favorable. The consensus was that the addition of 1,000 feet to the airport traffic area would add greatly to safety and would not be unduly restrictive. The concept of measuring the airport traffic area from the airport elevation, in order to provide a level and measurable upper limit, was endorsed without reservation. There was some opposition to the proposed amendment based on an anticipated increase in frequency congestion and controller workload. During the development of Notice 70-9, however, the question of controller workload was carefully considered in arriving at an optimum size for airport traffic areas. Although an upward expansion of the area to 3,000 feet would create some increase in controller workload, this increase would be minimal. Expansion beyond the proposed size, however, would probably require an increase in manpower and equipment at most tower locations.

There was also some concern that the expanded area would cause inconvenience to VFR pilots, especially with low ceilings prevailing, and it was recommended that the expanded airport traffic area be designated only at those airports having sufficient high performance aircraft to warrant the change. While this course of action would relieve some of the inconvenience to certain operators, it would complicate the rules far out of proportion to the benefits realized and lead to problems in publication and charting.

The question of safety was raised by some commentators who felt that the increase in the use of 3,000 feet above the surface by traffic overflying the airport traffic area would result in an increase in the risk of collision at that altitude. This would, of course, be true of whatever altitude is used as the upper limit of airport traffic areas. However, the fact that transiting traffic would normally be in level cruising flight, and well clear of traffic pattern aircraft, would add considerably to its safety and minimize the risk of collision.

The Air Transport Association, while supporting the proposal to expand the area, objected to application of the 200-knot speed limit in the expanded area. They suggested that the 250-knot limit for aircraft operating below 10,000 feet obviates the need for the 200-knot airport traffic area limit. Rescission of the 200-knot airport traffic area limitation was recommended. As an alternative, it was recommended that the 200-knot limit not apply above 1,900 feet.

The FAA believes that the airport traffic area speed limit, along with the two-way radio requirement, is an essential part of the airport traffic area regulation, and the benefit to be gained from expanding the area would be substantially reduced if the speed controls were not applicable in the expanded areas.

Interested persons have been afforded an opportunity to participate in the making of these amendments. Due consideration has been given to all matters presented. In consideration of the foregoing, and for the reasons stated in Notice 70-9, Parts 1 and 91 of the Federal Aviation Regulations are amended as follows, effective February 4, 1971:

1. Part 1 is amended by amending the definition of "airport traffic area" in § 1.1 to read as follows:

§ 1.1 General definitions.

"Airport traffic area" means, unless otherwise specifically designated in Part 93, that airspace within a horizontal radius of 5 statute miles from the geographical center of any airport at which a control tower is operating, extending from the surface up to, but not including, an altitude of 3,000 feet above the elevation of the airport.

2. Part 91 is amended by amending the introductory paragraph of § 91.109 to read as follows:

§ 91.109 VFR cruising altitude or flight level.

Except while holding in a holding pattern of 2 minutes or less, or while turning, each person operating an aircraft under VFR in level cruising flight at an altitude of more than 3,000 feet above the surface shall maintain the appropriate altitude prescribed below:

(Secs. 307 and 313(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a), and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))