

Advance distribution pending  
issuance of change to FAR Part 135

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Docket No. 6368; Amdt. 135-3]

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

##### Star Route Mail Carrying Operations

The purpose of this amendment to Part 135—Air Taxi Operators and Commercial Operators of Small Aircraft is to include within the applicability of that Part the "star route" mail carrying operations presently covered by Special Civil Air Regulation 402.

On December 1, 1964, the Federal Aviation Agency published a notice of proposed rule making circulated as Notice 64-52 (29 F.R. 16836) containing a proposal to amend Part 135 to accomplish this purpose. As stated in the notice, the Agency believes that the appropriate operating rule to apply to "star route" operations is Part 135 and that such an amendment would continue the original intent of SR 402.

Of the comments received, none stated any objection to the proposal to include "star route" operations within the applicability of Part 135. However, one commentator stated that if this amendment were adopted, then certain provisions of Part 135 should not be made applicable to such operations.

This commentator stated that an ATCO certificate should be effective for a "star route" operator regardless of other suspensions and revocations until the expiration of the operator's Star Route contract, to avoid forcing such an operator to breach his contract with the U.S. Post Office Department. The Agency does not believe that such an amendment is needed or desirable. The fact that an air taxi operator is a star route contractor should not entitle him to any special immunity from enforcement action. Furthermore, the Agency has under present rules the power to impose penalties on a selective basis. Thus, if a violation occurred that was irrelevant

to the Air Taxi Operator's star route operations, the penalty imposed could be such as to permit those operations to continue.

This commentator also requested relief from § 135.39. This section merely requires an ATCO certificate holder to "inform" persons in his employ of the appropriate provisions of its operations specifications and to "make available" to each of its pilots certain basic materials such as Parts 91 and 135. The Agency feels that this requirement should apply to star route operators as well as other ATCO certificate holders.

Relief was also requested from certain requirements of Part 135 that apply to passenger carrying operations. The Agency believes that passengers carried by an ATCO certificate holder while conducting a star route flight are entitled to the same safety standards as passengers on other ATCO flights and therefore, that no such relief is justified.

In view of the repeal of SR 402, effective April 1, 1965, in conjunction with the Agency's recodification program, I find that there is good cause for making this amendment effective in less than 30 days.

In consideration of the foregoing, § 135.1 of Part 135 of the Federal Aviation Regulations is amended, effective April 1, 1965, by deleting the "and" at the end of subparagraph (1); by renumbering subparagraph (2) of paragraph (a) as subparagraph (3) and by adding a new subparagraph (2) reading as follows:

##### § 135.1 Applicability.

(a) \* \* \*

(2) The transportation of mail by aircraft conducted under a "star route" contract awarded pursuant to section 6303 of Title 39, United States Code; and,

\* \* \* \* \*  
(Sections 313(a) and 601-610, Federal Aviation Act of 1958; 49 U.S.C. 1354(a) and 1421-1430)

Issued in Washington, D.C., on March 30, 1965.

N. E. HALABY,  
Administrator.

[F.R. Doc. 65-3403; Filed, Apr. 2, 1965;  
8:45 a.m.]

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