

UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D.C.

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Federal Aviation Regulations Amdt. 91-17

Effective: May 17, 1965

Issued : April 9, 1965

[Docket No. 6240; Amdt. 91-17]

**PART 91—GENERAL OPERATING
AND FLIGHT RULES**

**Operation at Airports Without Control
Towers**

On October 13, 1964, a notice of proposed rule making, Notice 64-46, was published in the FEDERAL REGISTER (29 F.R. 14079) stating that the Federal Aviation Agency was considering amending § 91.89 of the Federal Aviation Regulations by rescinding the requirement to maintain two-way radio communications with an FAA Flight Service Station.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all relevant matter presented.

Although a large number of comments submitted expressed agreement with the proposed rescission, many comments manifesting opposition were received from State and local aviation officials, pilot associations, and airport managers as well as interested individuals. Most of these comments questioned the issue of "false sense of security" that mandatory communications create in some pilots. While there is some possibility that the requirement of radio communications with a flight service station might create a false sense of security for those aircraft with operating radio equipment,

the Agency does not consider that this is a decisive factor in considering rescinding the mandatory requirement.

As presently written, § 91.89 requires each pilot within a five-mile radius of an airport that has a flight service station to maintain two-way radio communication with that station, if the aircraft's radio equipment so allows, or to monitor the station if the equipment does not so allow. Thus, by its terms, the regulation places no requirement of the pilot who is flying an aircraft without radio equipment or with inoperative radio equipment.

After consideration of all of the aspects of this situation, the Agency believes that the rule should be adopted. Operators who have voluntarily installed radios should not be exposed to a violation while those who have not installed a radio are free to not communicate with the flight service station.

Several comments urged modification of the regulation in order to correct "inconsistencies" and urged, in addition, that total rescission was not the solution to the problems. The action taken herein is not synonymous with the dissolution of the airport advisory program on a voluntary basis; rather, it solely removes the mandatory two-way communications aspect which the Agency has determined is functionally unenforceable and continues the advisory program as a voluntary service.

In consideration of the foregoing, and for the reasons stated in the notice of proposed rule making, § 91.89 of Part 91 of the Federal Aviation Regulations is amended, effective May 17, 1965, as hereinafter set forth.

§ 91.89 Operation at airports without control towers.

(a) Each person operating an aircraft to or from an airport without an operating control tower shall—

(1) In the case of an airplane approaching to land, make all turns of that airplane to the left unless the airport displays approved light signals or visual markings indicating that turns should be made to the right, in which case the pilot shall make all turns to the right;

(2) In the case of a helicopter approaching to land, avoid the flow of fixed-wing aircraft; and

(3) In the case of an aircraft departing the airport, comply with any FAA traffic pattern for that airport.

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 9, 1965.

N. E. HALABY,
Administrator.

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