

September 4, 1965

[Docket No. 3055; Amdt. 159-6]

**PART 159—NATIONAL CAPITAL AIRPORTS**

**Restrictions on Certain Malfunctioning Aircraft**

The purpose of this amendment is to provide additional safety measures for

the ramp area in the event of malfunctioning aircraft at the National Capital Airports. In notice of proposed rule making 64-3 of January 10, 1964, 29 F.R. 576, the FAA proposed to amend Part 159 of the Federal Aviation Regulations to this effect by adding a new § 159.48—*Malfunctioning aircraft*.

The proposed rule relating to the operation on the ramp area or at gate positions, without permission from the Airport Manager, of an aircraft with complete loss of power on one side, inadequate brakes, or indication of a fire, was favored by some but opposed by other comments. In light of these comments the proposal has been modified.

Some comments objected that the pilot in command is best qualified to determine whether there is, or still is, fire on board. Under the proposed rule the Airport Manager may rely on the pilot's judgment in this respect if the Airport Manager is satisfied that the pilot's judgment can be accepted in light of all the circumstances.

The proposed prohibition against aircraft with inadequate brakes is not repetitive of existing § 159.59. That section, entitled "Aircraft equipment and operation rules", relates to aircraft not designed with adequate brakes. The proposed section relates to the contingency that brakes are inadequate because they are malfunctioning, and § 159.48 was clarified to this effect.

Respecting the rule against approach of aircraft which have lost all power on one side, one comment correctly points out that air carriers can safely taxi some types of aircraft to the gate with power on one side only. But this does not militate against the proposed rule since the Airport Manager may, on a case by case basis, give persons regularly operating those aircraft at the Airport permission to bring them to the ramp area or gate position even with complete loss of power on one side.

This rule thus construed is found to be necessary in the interest of over-all safety at the Airport. The Airport staff providing operational control is best equipped to cope with the contingency of fire or suspicion of fire in a landing aircraft by directing the aircraft to the most suitable location and dispatching Airport and company equipment for fire fighting, passenger evacuation or other services. Whenever possible, operational control staff discusses such measures with the pilot in command. At least one such person is on duty 24 hours a day and in constant radio contact with the control tower and other airport facilities so that no delay in making a decision can result from this provision.

In consideration of the foregoing, effective October 4, 1965, Part 159 is amended by adding the following new section:

**§ 159.48 Malfunctioning aircraft.**

No person may operate an aircraft on the ramp area or at any aircraft gate position on the Airport until the Airport

Manager or his designee has allowed that operation if—

(a) That person has reported, has knowledge of, or has been advised of, an indication of a fire in the aircraft;

(b) The brakes of the aircraft are inadequate because they are malfunctioning; or

(c) The aircraft has completely lost power on one side.

Complete loss of power on one side in the case of three-engine aircraft means loss of power of the center and one other engine.

(Secs. 303(d), 307(b), 313(a), and 1107(a), Federal Aviation Act of 1958 (49 U.S.C. 1344, 1348, 1354, 1507); Washington Airport Act of June 29, 1940, as amended (54 Stat. 686), Second Washington Airport Act of September 7, 1950, as amended (64 Stat. 770))

Issued in Washington, D.C., on August 31, 1965.

WILLIAM F. MCKEE,  
Administrator.

[F.R. Doc. 65-9357; Filed, Sept. 3, 1965; 8:46 a.m.]