

[Reg. Docket No. 6055; Amdt. 93-4]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS [NEW]**Subpart G—Spirit of St. Louis-Lobmaster Airport Traffic Area**

A notice of proposed rule making was published in the FEDERAL REGISTER on June 24, 1964 (29 F.R. 8012) stating that the Federal Aviation Agency proposed to amend Part 93 [New] of the Federal Aviation Regulations, establishing an airport traffic area and requiring pilots operating to, from, or on the Lobmaster and Spirit of St. Louis Airports to conform to special traffic patterns and to comply with special air traffic rules.

In addition, that notice announced a public hearing to be held in St. Louis, Mo., on July 15, 1964, to receive the views and comments of interested persons concerning the proposed amendments.

A supplemental notice of proposed rule making was published in the FEDERAL REGISTER on August 5, 1964 (29 F.R. 11279), extending the period for submission of written comments to August 31, 1964 and announcing an additional public hearing for August 19, 1964, at St. Louis, Mo.

Interested persons were afforded an opportunity to participate in the rule making by submission of comments and by participation in these public hearings. Due consideration was given to all relevant matter presented.

The Aircraft Owners and Pilots Association (AOPA) objected to the proposed regulatory action in principle, suggesting that suitable procedures could be developed as a solution to the operational problems present, obviating the necessity for regulatory action.

The National Pilots Association commented similarly, suggesting that mutually acceptable traffic patterns might be established for the two airports, making operation of a control tower unnecessary.

The Agency has studied the operational problems with a view to simply establishing segregated traffic patterns, and has conducted flight tests with representative aircraft types to evaluate the operational suitability of these patterns. These tests indicated that merely orienting the Lobmaster Airport traffic pattern to the east and the Spirit of St. Louis traffic pattern to the south was not a complete solution to the problem, as a critical area of conflict remained in the area near the intersection of the extended centerlines of the runways. While operating, the control tower is calculated to resolve this conflict; at other times, additional restrictions must be imposed and regulatory action is considered necessary.

The Air Line Pilot Association supported the proposal, stating that it favors the control and segregation of general aviation traffic from airline traffic, especially in high density areas.

The Air Transport Association (ATA), the Aircraft Owners and Pilots Association (AOPA), and others, commented regarding the absence of the specific language of the proposed rule in the notice of proposed rule making, and the attending difficulty encountered in preparing critical comment.

As implementing language of the proposed rule was not firm at the time that the notice was published and as it seemed probable that the language of the rule might require revision in the light of comments received, it was felt that a detailed statement of the terms and substance of the proposed regulation in the notice would be appropriate and would avoid any confusion which might result from subsequent revision of the language.

Several comments expressed objections to the fact that airports were permitted to be constructed and operated in such close proximity. It should be pointed out that section 309 of the Federal Aviation Act (49 U.S.C. 1350) requires only that reasonable prior notice of airport construction or alteration be given to the Administrator in order that he may advise as to the effects of such construction on the use of airspace by aircraft. Such notice was appropriately given in the case of the Spirit of St. Louis Airport, and in 1961 conditional airspace approval was given pursuant to this section of the Act. The principal condition of that approval was the abandonment of Lobmaster Airport, and, as that condition has not been satisfied, this regulatory action becomes necessary.

Additional comments were received relating to the adequacy of a part-time control tower from a safety viewpoint; to the increased complexity of operations for student or novice pilots in operating with a tower; to the feasibility of a single tower controlling traffic at both airports; and to the possibility of the tower giving preference to Spirit of St. Louis traffic in view of the fact that the tower is owned and operated by the management of that airport.

There are currently 72 part-time control towers in operation in the United States. The majority of these towers operate on a 16-hour basis, and are generally not in operation during late evening and early morning hours, when air traffic is very light. It is anticipated that the Spirit of St. Louis tower will be operated on a similar basis. Hours of operation are published in aeronautical publications and on aeronautical charts, and the operating condition of the tower is typically indicated by some visual signal on the airfield or on the tower. Experience has demonstrated that these measures are satisfactory and that no compromise of safety standards results. On the contrary, during periods when the tower is in operation, the safety of operations in this area should be enhanced by an appreciable measure.

It is recognized that operating with a tower may result, at least initially, in an

increase in complexity of operations for student or novice pilots. On the other hand, student or novice pilots are typically accompanied by an instructor or other experienced pilot and will rapidly acquire such additional skills or knowledge as may be required.

The feasibility of a single tower controlling both airports has been the subject of detailed study by the Agency. Site studies indicate that light signals are observable from any portion of the north-south runway at Lobmaster Airport and the east-west runway at the Spirit of St. Louis Airport, as well as from the air and ground approaches to both runways. Aborted approaches, landings or takeoffs can be readily observed by the tower and necessary actions effected or initiated promptly.

While the control tower is privately owned and operated by the Spirit of St. Louis Airport, the probability of tower personnel discriminating against Lobmaster Airport in assigning landing sequence or other clearances is considered minimal. The air traffic control specialists will have been examined and certificated by the Federal Aviation Agency, and the performance of their duties is regulated in a large part by the Administrator. One of the requirements is that traffic be controlled on a "first-come, first-served" basis. Deviation from this principle might be grounds for suspension of an airman certificate or other corrective action.

Comments also indicated a fear that establishment of an airport traffic area and operation of the control tower would impose new and additional restrictions, with respect to special visual-flight-rules (VFR) clearances, parachute jumping and sky-diving, glider operations, and banner towing.

As the Lobmaster Airport and the Spirit of St. Louis Airport are presently situated within the St. Louis Municipal (Lambert Field) Airport Control Zone and all necessary clearance authority for certain of these operations now emanates, and will continue to emanate from the Lambert Field tower, no additional restrictions are imposed. Conversely, the planned installation of direct-line communications between the Spirit of St. Louis tower and the St. Louis Municipal tower should greatly simplify and facilitate acquisition of clearances and flight information.

In consideration of the foregoing, and for reasons stated in previously published notices of proposed rule making, Part 93 [New] of the Federal Aviation Regulations is amended, effective immediately by adding Subpart G as hereinafter set forth:

Subpart G—Spirit of St. Louis-Lobmaster Airport Traffic Area

- Sec.
 93.91 Applicability.
 93.93 Description of area.
 93.95 Special rules; Spirit of St. Louis Airport.
 93.97 Special rules; Lobmaster Airport.

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AUTHORITY: The provisions of this Subpart G issued under sec. 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

§ 93.91 Applicability.

This subpart prescribes the Spirit of St. Louis-Lobmaster Airport Traffic Area. In addition, it prescribes special air traffic rules for operating aircraft to or from the Spirit of St. Louis or Lobmaster airports. For the purposes of §§ 91.87 and 91.89 of this chapter, the Spirit of St. Louis and Lobmaster Airports are considered as one airport.

§ 93.93 Description of area.

The Spirit of St. Louis-Lobmaster Airport Traffic Area is designated as that airspace within a three-statute-mile radius of the Spirit of St. Louis Airport, extending upward from the surface to, but not including, 1,500 feet MSL. This airport traffic area is effective during periods when the control tower at the Spirit of St. Louis Airport is in operation.

§ 93.95 Special rules; spirit of St. Louis Airport.

(a) Except in an emergency, no person piloting an airplane may land, make an approach, or take off to the east and no person may land or make an approach to the west at the Spirit of St. Louis Airport when the control tower at that airport is not in operation.

(b) Unless otherwise authorized by ATC, each person piloting an airplane landing at the Spirit of St. Louis Airport shall enter the traffic pattern south of the airport and execute a right traffic pattern for a landing to the east, or a left traffic pattern for a landing to the west.

§ 93.97 Special rules; Lobmaster Airport.

Unless otherwise authorized by ATC, each person piloting an airplane landing at Lobmaster Airport shall enter the traffic pattern east of the airport and execute a right traffic pattern for landing to the north, or a left traffic pattern for landing to the south.

Issued in Washington, D.C., on September 2, 1964.

N. E. HALABY,
Administrator.

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8:45 a.m.]
