

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1994]

PART 44—FOREIGN AIR CARRIER REGULATIONS

PART 129—OPERATIONS OF FOR- EIGN AIR CARRIERS [NEW]

This amendment adds to Subchapter G—Air Carrier and Commercial Operator Certification and Operations [New] of Chapter I of Title 14 of the Code of Federal Regulations Part 129 [New] relating to operations of foreign air carriers. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between

Recodification

the two, the recodified parts, such as this one, will be labeled "[New]". The label will be of course be dropped at the completion of the project as all of the regulations will be new.

This action was published as a notice of proposed rule making in the FEDERAL REGISTER on October 8, 1963 (28 F.R. 10792) and as Notice number 63-38.

No adverse comments were received and no changes were requested as a result of the notice. No changes of the substance of the regulation have therefore been made. For conformity with paragraph (b) of § 129.13, paragraph (a) of that section has been amended by inserting the words "within the United States" to clarify the applicability of that paragraph.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to the new part.

Interested persons have been afforded an opportunity to participate in the making of this regulation. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended by deleting Part 44 and inserting the following new part in Subchapter G [New], effective April 1, 1964.

Issued in Washington, D.C., on January 29, 1964.

N. E. HALABY,
Administrator.

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS [NEW]

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AUTHORITY: The provisions of this Part 129 issued under secs. 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

§ 129.1 Applicability.

This part prescribes rules governing the operation within the United States of aircraft of each foreign air carrier holding a permit issued by the Civil Aeronautics Board under section 402 of the Federal Aviation Act of 1958 (49 U.S.C. 1372).

§ 129.11 Operations specifications.

(a) Each foreign air carrier shall conduct its operations within the United States in accordance with operations specifications issued by the Administrator, including—

- (1) Airports to be used;
- (2) Routes or airways to be flown, and
- (3) Such operations rules and practices as are necessary to prevent collisions between foreign aircraft and other aircraft.

(b) An application for the issue or amendment of operations specifications must be submitted in duplicate, at least

30 days before beginning operations in the United States, to the International District or Field Office in the area where the applicant's principal business office is located or to the Regional Director having jurisdiction over the area to be served by the operations. If a military airport of the United States is to be used as a regular, alternate, refueling, or provisional airport, the applicant must obtain written permission to do so from the Washington Headquarters of the military organization concerned and submit two copies of that written permission with his application. Detailed requirements governing applications for the issue or amendment of operations specifications are contained in Appendix A.

§ 129.13 Airworthiness and registration certificates.

(a) No foreign air carrier may operate any aircraft within the United States unless that aircraft carries current registration and airworthiness certificates issued or validated by the country of registry and displays the nationality and registration markings of that country.

(b) No foreign air carrier may operate a foreign aircraft within the United States except in accordance with the limitations on maximum certificated weights prescribed for that aircraft and that operation by the country of manufacture of the aircraft.

§ 129.15 Flight crewmember certificates.

No person may act as a flight crewmember unless he holds a current certificate or license issued by the country in which that aircraft is registered, showing his ability to perform his duties connected with operating that aircraft.

§ 129.17 Radio equipment.

Subject to the applicable laws and regulations governing ownership and operation of radio equipment, each foreign air carrier shall equip its aircraft with such radio equipment as is necessary to properly use the air navigation facilities, and to maintain communications with ground stations, along or adjacent to their routes in the United States.

§ 129.19 Air traffic rules and procedures.

(a) Each pilot must be familiar with the applicable rules, the navigational and communications facilities, and the air traffic control and other procedures, of the areas to be traversed by him within the United States.

(b) Each foreign air carrier shall establish procedures to assure that each of its pilots has the knowledge required by paragraph (a) of this section and shall check the ability of each of its pilots to operate safely according to applicable rules and procedures.

(c) Each foreign air carrier shall conform to the practices, procedures, and other requirements prescribed by the Administrator for U.S. air carriers for the areas to be operated in.

§ 129.21 Control of traffic.

(a) Subject to applicable immigration laws and regulations, each foreign air

carrier shall furnish the ground personnel necessary to provide for two-way voice communication between its aircraft and ground stations, at places where the Administrator finds that voice communication is necessary and that communications cannot be maintained in a language with which ground station operators are familiar.

(b) Each person furnished by a foreign air carrier under paragraph (a) of this section must be able to speak both English and the language necessary to maintain communications with the aircraft concerned, and shall assist ground personnel in directing traffic.

APPENDIX A—APPLICATION FOR OPERATIONS SPECIFICATIONS BY FOREIGN AIR CARRIERS

(a) *General.* Each application must be executed by an authorized officer or employee of the applicant having knowledge of the matter set forth therein, and must have attached thereto two copies of the appropriate written authority issued to that officer or employee by the applicant. Negotiations for permission to use airports under U.S. military jurisdiction is effected through the respective embassy of the foreign government and the United States Department of State.

(b) *Format of application.* The following outline must be followed in completing the information to be submitted in the application.

APPLICATION FOR FOREIGN AIR CARRIER OPERATIONS SPECIFICATIONS

(OUTLINE)

To: The Federal Aviation Agency
Washington, D.C., 20553

In accordance with the Federal Aviation Act of 1958 (49 U.S.C. 1372) and Part 129 of the Federal Air Regulations, application is hereby made for the issuance of Foreign Operations Specifications.

Give exact name and full post office address of applicant.

Give the name, title, and post office address (within the United States if possible) of the official or employee to whom correspondence in regard to the application is to be addressed.

Unless otherwise specified, the applicant must submit the following information only with respect to those parts of his proposed operations that will be conducted within the United States.

SECTION I. Operations. State whether the operation proposed is day or night, visual flight rules, instrument flight rules, or a particular combination thereof.

SEC. II. Operational plans. State the route by which entry will be made into the United States, and the route to be flown therein.

SEC. III. A. Route. Submit a map suitable for aerial navigation upon which is indicated the exact geographical track of the proposed route from the last point of foreign departure to the United States terminal, showing the regular terminal, and alternate airports, and radio navigational facilities. This material will be indicated in a manner that will facilitate identification. The applicant may use any method that will clearly distinguish the information, such as different colors, different types of lines, etc. For example, if different colors are used, the identification will be accomplished as follows:

1. Regular route: Black.
2. Regular terminal airport: Green circle.
3. Alternate airports: Orange circle.
4. The location of radio navigational facilities which will be used in connection with the proposed operation, indicating the type

of facility to be used, such as radio range, ADF, VOR, etc.

B. Airports. Submit the following information with regard to each regular terminal and alternate to be used in the conduct of the proposed operation:

1. Name of airport or landing area.
2. Location (direction distance to and name of nearest city or town).

Sec. IV. Radio facilities: Communications. List all ground radio communication facilities to be used by the applicant in the conduct of the proposed operations within the United States and over that portion of the route between the last point of foreign departure and the United States.

Sec. V. Aircraft. Submit the following information in regard to each type and model aircraft to be used.

A. Aircraft.

1. Manufacturer and model number.
2. State of origin.
3. Single-engine or multiengine. If multiengine, indicate number of engines.
4. What is the maximum takeoff and landing weight to be used for each type of aircraft?

B. Aircraft Radio. List aircraft radio equipment necessary for instrument operation within the United States.

C. Licensing. State name of country by whom aircraft are certificated.

Sec. VI. Airmen. List the following information with respect to airmen to be employed in the proposed operation within the United States.

A. State the type and class of certificate held by each flight crewmember.

B. State whether or not pilot personnel have received training in the use of navigational facilities necessary for en route operation and instrument letdowns along or adjacent to the route to be flown within the United States.

C. State whether or not personnel are familiar with those parts of the Federal Air Regulations pertaining to the conduct of foreign air carrier operations within the United States.

D. State whether pilot personnel are able to speak and understand the English language to a degree necessary to enable them to properly communicate with Airport Traffic Control Towers and Airway Radio Communication Stations using radiotelephone communications.

Sec. VII. Dispatchers.

A. Describe briefly the dispatch organization which you propose to set up for air carrier operations within the United States.

B. State whether or not the dispatching personnel are familiar with the rules and regulations prescribed by the Federal Air Regulations governing air carrier operations.

C. Are dispatching personnel able to read and write the English language to a degree necessary to properly dispatch flights within the United States?

D. Are dispatching personnel certificated by the country of origin?

Sec. VIII. Additional Data.

A. Furnish such additional information and substantiating data as may serve to expedite the issuance of the operations specifications.

B. Each application shall be concluded with a statement as follows:

I certify that the above statements are true.

Signed this _____ day of _____ 19__

(Name of Applicant)

By _____
(Name of person duly authorized to execute this application on behalf of the applicant.)

PART 129

DISTRIBUTION TABLE

Former section	Revised section
44.0-----	129.1
44.1-----	(1)
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44.2-1(a)(1) (1st and 3d sentences)---	129.11
44.2-1(a)(2) (1st sentence)-----	129.11
44.2-1 (less (a)(1) (1st and 3d sentences)) and (a)(2) (1st sentence)---	(2)
44.3-----	129.13
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¹ Transferred to Part 1 [New].

² Appendix A.

[F.R. Doc. 64-1142; Filed, Feb. 4, 1964; 8:51 a.m.]