

Federal Register

**Thursday
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Part IV

Department of Transportation

Federal Aviation Administration

**Takeoff and Landing Minimums; Proposed
Rulemaking**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 91, and 121

[Docket No. 20060; Notice No. 80-4]

Takeoff and Landing Minimums;
Proposed RulemakingAGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal clarifies the conditions under which a pilot may approach and land at an airport when the weather does not allow the pilot to see the runway until shortly before landing. The proposal also adds certain requirements that would have to be met before a pilot could take off an aircraft in weather that limits the pilot's visibility. The proposal improves the clarity of the regulations and provides some additional rules needed for operating an aircraft safely under these weather conditions.

DATE: Comments must be received on or before May 6, 1980.

ADDRESS: Comments on this proposal may be mailed in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 20060, 800 Independence Avenue, SW., Washington, DC 20591

or delivered in duplicate to:

Room 916, 800 Independence Avenue, SW., Washington, DC 20591

Comments delivered must be marked: Docket No. 20060.

Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above under the caption "ADDRESS." All communications received on or before the date specified above will be considered by the Administrator before taking action on the proposed rule. The

proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 20060." The postcard will be date and time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Discussion of the Proposed Rule**General**

Part 97 of the Federal Aviation Regulations prescribes standard instrument approach procedures for instrument letdown to many airports in the United States and prescribes the weather minimums applicable to takeoffs and landings under instrument flight rules (IFR) at those airports for which procedures are prescribed. Rules applicable to the use of these instrument approach procedures are set out in §§ 91.8, 91.116, and 91.117.

Section 91.116(b) prohibits a person from landing an aircraft using a Part 97 instrument approach procedure unless the visibility is at or above the landing minimum prescribed for the particular procedure. Section 91.117(b) prohibits a person from operating an aircraft below the prescribed minimum descent altitude (MDA) or from continuing an approach below the decision height (DH) unless the aircraft is in a position from which a normal approach to the runway of intended landing can be made, and the approach threshold of that runway, or approach lights or other markings identifiable with the approach end of that runway, are clearly visible to the

pilot. In addition, § 91.117(b) requires that the pilot execute the appropriate missed approach procedure if the requirements of that paragraph are not met when the pilot reaches the missed approach point or decision height or at any time after that. This notice proposed changes, based on operating experience, which are necessary to ensure an appropriate level of safety in instrument approaches and landings, to clarify certain rules which, in some cases, have been misinterpreted, and to make administrative changes to several rules which update them and make them consistent with current FAA and aviation system policies and practices.

Approach and landing accidents are the largest single cause of air carrier passenger fatalities and also represent a significant percentage of general aviation fatalities. Between 1964 and 1975, the National Transportation Safety Board recorded 259 air carrier approach and landing accidents which constituted 41% of the total number of accidents and 46% of the fatalities. Sixty-two of these accidents occurred when the reported weather conditions were less than a ceiling of 1,200 feet and 3 miles visibility, of which forty-six involved ceilings of less than 600 feet and visibility of less than 1½ miles. In these accidents, the following factors were cited as causing or possibly significantly contributing to the accidents:

Continuation of the descent below the MDA or the DH with inadequate visual cues; unrecognized altitude loss or descent rate; disorientation; collision with obstacles well below the nominal descent path; visual illusions; failure to monitor or cross check altitude; inadvertent descent below the glide slope; loss of sight of the runway while below the MDA or the DH; failure to initiate a missed approach; and other factors related to lack of adequate visual reference. Subsequent to 1975, numerous incidents and accidents, including several widely publicized air carrier and commuter accidents, have continued to indicate the involvement, and inappropriate use, of limited visual references during approach and landing. Pilot use of inappropriate visual cues also occurs in general aviation operations. For example, data from the FAA's General Aviation Accident Data system for 1979 indicates that use of inadequate visual cues during the landing phase may have been a contributing factor in at least 35 accidents. Accordingly, the FAA proposes to revise, clarify, and combine the provisions regarding takeoff and landing under IFR now in § 91.116 and the limitations on the use of instrument

approach procedures now in § 91.117 into a revised § 91.116 entitled "Takeoff and landing under IFR." New § 91.116 would retain paragraphs (c) through (f) in current § 91.116 as new paragraphs (e) through (h), and would propose the necessary revisions in paragraphs (a) through (d). Similar provisions in § 91.6(c) regarding Category II operations would be clarified and in some cases revised.

Visual References

In particular need of clarification is the phrase "other markings identifiable with the approach end of the runway" presently found in §§ 91.117(b)(2) and 91.6(c)(2). In some instances, pilots have interpreted this phrase to include towers, smoke stacks, buildings, and other landmarks which may be located far from the end of the runway, and pilots may have descended below the MDA using these landmarks. This language has also been erroneously interpreted by some pilots to allow the use of a series of landmarks as progress points for instrument approaches. Use of such landmarks can result in mistaken identification of position or aircraft flight path.

To correct these practices, the visual references which are intended to allow descent below MDA or DH should be specified. Accordingly, proposed new § 91.116(b) would prohibit descent below MDA and the continuation of an approach below DH unless at least one of the following for the intended runway is clearly visible to the pilot: The runway, runway lights, approach lights, threshold, threshold markings, threshold lights, runway end identifier lights, visual approach slope indicator (VASI), touchdown zone, or touchdown zone lights.

To preclude premature descents and unnecessary maneuvering at low altitudes, an additional requirement would be added to § 91.116(b) for a straight-in, nonprecision instrument approach procedure which incorporates a visual descent point. This requirement would provide that the pilot may not descend below MDA until the visual descent point has been reached.

Category II and Category III Operations

The FAA proposes to amend § 91.6, Category II operation: general operating rules, to extend its requirements to Category III operations. In general, Category III operations are conducted in accordance with an approved instrument approach procedure in visibility conditions less than 1,200 feet runway visual range as recommended in FAA advisory circulars and International Civil Aviation

Organization (ICAO) standards and recommended practices. A conforming change has been proposed in Part 1 to include a definition of Category III operations. Previous changes to this rule, involving Category II operations, were made when the FAA did not have sufficient operating experience available to include Category III provisions. This is no longer the case since Category III operations have been conducted for over 7 years and regulatory safeguards similar to those for Category II operations are appropriate because both types of operations are similar. For Parts 121 and 135 operators, Category II and Category III authorizations are made under operations specifications provisions in those parts. Part 91 operators obtain letters of authorization from FAA district offices. For § 91.6(b) to apply to both Category II and Category III operations, references to a specific runway visual range (RVR) location and RVR reading would be deleted. Including these references in § 91.6 is unnecessary because RVR requirements are specifically provided for in Category II and Category III authorizations, when appropriate.

Section 91.6(c) would be revised to explicitly state those visual references the sighting of which permits the continuation of an approach below the authorized decision height, when the approach procedure provides for a decision height. The visual references would be the same as those proposed for § 91.116, with the exception of the runway end identifier lights and the VASI which are not appropriate visual references for a Category II or Category III operation. Visual approach slope indicators and runway end identifier lights generally are installed on runways which do not have electronic glide slope guidance.

The approach lights may be used as a visual reference to 100 feet above the touchdown zone elevation. Thereafter, the approach lights may be used as a visual reference for continued descent only if either the red terminating bars or the red side row bars also are clearly visible. This provision is appropriate in light of the design of Category II and Category III approaches which is based upon the premise that the pilot should see these visual references if landing minimums weather conditions are present. The pilot should see one of the specified visual references: (1) At, or before reaching, 100 feet above the touchdown zone during a Category II approach, or (2) at, or before, DH during a Category III approach which requires use of a decision height. Therefore, under this proposal, if the pilot does not

see one of these visual references, Category II and Category III approach procedures require the pilot to execute a missed approach. As is presently done for Category III approaches which do not specify a DH, any necessary provisions for verification of landing minima will be listed in the operations specifications or letter of authorization covering the operation. This change also would achieve uniformity of application of criteria used under current operations specifications and letters of authorization.

Landing

Current § 91.116(b) prohibits a person operating an aircraft (except a military aircraft of the United States) from landing that aircraft using a standard instrument approach procedure prescribed in Part 97 unless the visibility is at or above the landing minimum prescribed in that part for the procedure used. The FAA proposes to revise this requirement to make it clear that the visibility referred to is the visibility from the aircraft. Indications that there have been misinterpretations of the current rule make this necessary. New §§ 91.116(b)(4) and (d) would also make it clear that the pilot must have this flight visibility from descent below MDA or DH until touchdown.

New § 91.116(d) would provide that no person operating an aircraft (except military aircraft of the United States) may touchdown that aircraft when the flight visibility is less than the visibility prescribed in the standard instrument approach procedure being used. The word "touchdown" is used in this section because of previous problems with defining what constitutes a landing in the present rule. While touchdown would be prohibited, the FAA recognizes that inadvertent and momentary contact of the wheels with the runway may occur during the rare instances in which a missed approach must be conducted from a very low altitude. This inadvertent contact may result, even though proper procedures are being used. This contact would not be considered to be "touching down" the aircraft within the meaning of § 91.116(d), and special piloting techniques would not be required to avoid contact by the wheels with the runway under these circumstances. Where general references are appropriate to describe approach and landing and a specific reference is not necessary to denote a specific point in the landing process such as touchdown, the term landing has been retained.

Missed Approach Procedures

Additional missed approach requirements would be added in revised § 91.116(e) to preclude unsafe situations resulting from misidentification of ground references. A pilot would be required to follow an appropriate missed approach procedure whenever an identifiable part of the airport is not clearly in sight during a circling maneuver. A missed approach would also be required whenever the pilot determines that the flight visibility required by paragraph (b)(4) is lacking, even though the pilot may have one of the visual cues required by paragraph (b)(3) clearly in sight. This is necessary because continuation of an approach is unsafe when the pilot does not have sufficient visual references to correctly assess and control the aircraft flight path.

Procedure Turns

Due to the possibility of misinterpretation, the current limitation in § 91.116(h) on procedure turns would be revised to more clearly require the pilot to obtain an ATC clearance before making a procedure turn under specified conditions. The present provision requires the pilot to advise ATC of his intention when he receives his final approach clearance. In addition, the reference to the designation "FINAL", which is no longer used in the context of limitations on procedure turns, would be deleted from this provision.

Inoperative or Unusable Components and Visual Aids

The FAA proposes to incorporate the substance of current § 91.117(c), inoperative or unusable components and visual aids, into revised § 91.116, with the exception of the inoperative component tables which would be deleted. With one exception, making the increased minima in those tables mandatory is unnecessary because the essential limitations have been incorporated previously into the instrument approach procedures under Part 97. The exception would be for an inoperative or unusable middle marker. Retention of this limitation is required to ensure adequate safety in ILS instrument approach procedures, other than Category II or III, where barometric altimeter errors may occur. Inoperative component tables may continue to be published with U.S. Government instrument approach procedure charts, but their use would be supplemental to the procedure which would specify any necessary limitations, and thus they would not be mandatory.

As § 91.117(c) presently does, new § 91.116(k) would describe the basic components of an ILS and specify what airborne and ground equipment may be substituted for those components. New § 91.117(b)(1) would provide that if the middle marker or airborne equipment associated with it is inoperative, unusable, or not used, a DH, other than one for Category II or Category III minima prescribed in the standard instrument approach procedure, would have to be increased by 50 feet. Category II and III procedures may be excluded because any necessary limitations on these operations would be specified as conditions in the specific FAA authorization made through operations specifications or a letter of approval. This requirement also would not apply if a substitute for the middle marker specified in paragraph (k) were used or for Category II or Category III operations.

Revision of Part 121

For purposes of consistency, the FAA proposes to combine the takeoff and landing weather minimums for domestic and flag air carriers (§ 121.651) and those for supplemental air carriers and commercial operators (§ 121.653) into a revised § 121.651. For the purposes of this section, the operations are sufficiently similar that the distinction in the present rules is no longer necessary. This would be consistent with the reduction in emphasis on distinctions among these carriers which has resulted from the Airline Deregulation Act of 1978 (P.L. 95-504) and would be responsive to the President's goal of regulatory simplification.

Proposed new § 121.651(a) would prohibit a pilot from taking off when the weather conditions reported by the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator, are less than those specified for the takeoff airport in the certificate holder's operations specifications or, if the operations specifications do not contain minimums for the airport, the minimums specified under the Part 97 procedure. This change would have the effect at foreign airports of making weather reports by sources other than the U.S. National Weather Service or sources approved by it, but which are approved by the Administrator, apply for takeoff minimums. Thus, this change would uniformly apply takeoff minima where weather is reported by sources approved by the Administrator as well as at locations having U.S. National Weather Service-operated or approved weather facilities.

Revised § 121.651 would also make it clear that a pilot at an airport within the United States, or at a U.S. military installation, which has one of the three specified acceptable weather reporting sources may not begin the final approach segment of an instrument approach procedure unless the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator issues a weather report for that airport. At foreign airports, weather services for Part 121 operators are approved by the Administrator rather than the U.S. National Weather Service. Thus, § 121.651(b) is intended to preserve the application of the present rule which allows initiation of the final approach segment of instrument approaches at foreign airports not having weather reporting facilities under the jurisdiction of the U.S. National Weather Service since the prohibition is expressed only in terms of airports having U.S. National Weather Service sources. The present exception to this rule for airports with an operative instrument landing system (ILS) and precision approach radar (PAR) would also be retained.

Section 121.651(c) would be revised to substitute the word "touchdown" for "landing" for the same reasons explained in the discussion of proposed § 91.116(c). In addition, operation below the prescribed MDA, or continuation of an approach below the authorized DH, would be subject to the same safeguards as proposed in § 91.116(b), with the exception of paragraph (b)(2) which relates to operations prior to reaching a visual descent point in straight-in, nonprecision instrument approach procedures. This proposed revision to § 121.651(c) would be consistent with § 91.116(b) and would update and clarify the requirements for instrument approaches.

Later Weather Report

The FAA also proposes to revise the present provision in § 121.651(d) which governs the receipt of a later weather report indicating below minimum conditions. The revision would provide that a pilot who has begun the final approach segment of an instrument approach procedure to an airport in accordance with § 121.651(b) and then receives such a report may continue the approach and touch down if the same safeguards prescribed in proposed § 91.116(b) (1), (3), and (4) are met. This change is proposed to clarify the requirement that to continue an approach the pilot must have the prescribed minimums at all times after passing the MDA or DH.

Foreign Airports

Finally, a new § 121.651(f) would be added to require a pilot making an IFR takeoff, approach, or landing at a foreign airport to comply with the applicable instrument approach procedures and weather minimums prescribed by the authority having jurisdiction over the airport, unless otherwise authorized in the certificate holder's operations specifications. This ensures that U.S. operators comply with appropriate foreign governmental regulations when conducting international operations.

The Proposed Rule

Accordingly, the Federal Aviation Administration proposes to amend Parts 1, 91, and 121 of the Federal Aviation Regulations (14 CFR Parts 1, 91, and 121) as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS**§ 1.1 [Amended]**

1. By amending § 1.1 of Part 1 of Subchapter A by adding a definition of "Category III operations" immediately following the definition of "Category II operations" as follows:

* * * * *

"Category III operations", with respect to the operation of aircraft, means a straight-in ILS approach to the runway of an airport under a Category III ILS instrument approach procedure issued by the Administrator or other appropriate authority.

* * * * *

PART 91—GENERAL OPERATING AND FLIGHT RULES

2. By amending § 91.6 by: (1) Deleting from paragraph (b) the third sentence and the phrase "for the touchdown zone" in the second sentence; and (2) revising the section heading and paragraphs (c) and (d), and adding new paragraphs (e) and (f), to read as follows:

§ 91.6 Category II and III operations: General operating rules.

(c) For the purpose of this section, when the approach procedure being used provides for a DH, the authorized decision height is the DH prescribed by the approach procedure, the DH prescribed for the pilot in command, or the DH for which the aircraft is equipped, whichever is higher.

(d) Unless otherwise authorized by the Administrator, no person operating an aircraft in a Category II or Category III approach that provides a DH may continue the approach below the

authorized decision height unless the following conditions are met—

(1) The aircraft is in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers; and

(2) At least one of the following visual references for the intended runway is clearly visible to the pilot:

(i) The approach lights, except that below 100 feet above the touchdown zone elevation the approach lights may not be used as a visual reference unless the red terminating bars or the red side row bars are also clearly visible.

(ii) The threshold.

(iii) The threshold markings.

(iv) The threshold lights.

(v) The touchdown zone.

(vi) The touchdown zone lights.

(e) Unless otherwise authorized by the Administrator, each person operating an aircraft shall immediately execute an appropriate missed approach whenever the requirements of paragraph (d) of this section are not met.

(f) Paragraphs (a) through (e) of this section do not apply to operations conducted by the holders of certificates issued under Parts 121, 123, 129, or 135 of this chapter. No person may operate a civil aircraft in a Category II or Category III operation conducted by the holder of a certificate issued under Parts 121, 123, 129, or 135 of this chapter unless the operation is conducted in accordance with that certificate holder's operations specifications.

3. By amending § 91.116 to read as follows:

§ 91.116 Takeoff and landing under IFR.

(a) *Instrument approaches to civil airports.* Unless otherwise authorized by the Administrator, when an instrument letdown to a civil airport is necessary, each person operating an aircraft shall use a standard instrument approach procedure prescribed for the airport in Part 97 of this chapter.

(b) *Operation below MDA or DH.* No person may operate an aircraft, except a military aircraft of the United States, at any airport below the prescribed MDA or continue an approach below the DH unless—

(1) The aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers;

(2) When the aircraft is on a straight-in, nonprecision instrument approach procedure which incorporates a visual descent point, and that aircraft is equipped to establish that point, the aircraft has reached the visual descent point;

(3) That person continuously determines that the flight visibility is not less than the visibility prescribed in the standard instrument approach procedure being used; and

(4) At least one of the following visual references for the intended runway is clearly visible to the pilot:

(i) The approach light system.

(ii) The threshold.

(iii) The threshold markings.

(iv) The threshold lights.

(v) The runway end identifier lights.

(vi) The visual approach slope indicator.

(vii) The touchdown zone.

(viii) The touchdown zone lights.

(ix) The runway.

(x) The runway lights.

(c) For the purpose of this section, when the approach procedure being used provides for a DH, or MDA, the authorized decision height or authorized minimum descent altitude is the DH or MDA prescribed by the approach procedure, the DH or MDA prescribed for the pilot in command, or the DH or MDA for which the aircraft is equipped, whichever is higher.

(d) *Touchdown.* No person operating an aircraft (except military aircraft of the United States) may touch down that aircraft when the flight visibility is less than the visibility prescribed in the standard instrument approach procedure being used.

(e) *Missed approach procedures.* Each person operating an aircraft shall immediately execute an appropriate missed approach procedure when any of the following conditions exist:

(1) Whenever the requirements of paragraph (b) of this section are not met at either of the following times—

(i) When the aircraft is being operated below MDA; or

(ii) Upon arrival at the missed approach point, including DH where a DH is specified, and at any time after that until touchdown.

(2) Whenever an identifiable part of the airport is not clearly visible to the pilot during a circling maneuver at or above MDA, except when following a procedure approved by the Administrator that provides for the airport being not clearly visible during the circling maneuver.

(f) *Civil airport takeoff minimums.* Unless otherwise authorized by the Administrator, no person operating an aircraft under Parts 121, 123, 129, or 135 of this chapter may take off from a civil airport under IFR unless weather conditions are at or above the weather minimums for IFR takeoff prescribed for that airport under Part 97 of this chapter. If takeoff minimums are not prescribed under Part 97 of this chapter for a

particular airport, the following minimums apply to takeoffs under IFR for aircraft operating under those parts:

(1) For aircraft having two engines or less—1 statute mile visibility.

(2) For aircraft having more than two engines—½ statute mile visibility.

(g) *Military airports.* Unless otherwise prescribed by the Administrator, each person operating a civil aircraft under IFR into, or out of, a military airport shall comply with the instrument approach procedures and the takeoff and landing minimums prescribed by the military authority having jurisdiction of that airport.

(h) *Comparable values of RVR and ground visibility.* (1) Except for Category II or Category III minima, if RVR minimums for takeoff or landing are prescribed in an instrument approach procedure, but RVR is not reported for the runway of intended operation, the RVR minimum shall be converted to ground visibility in accordance with the table in paragraph (h)(2) of this section and shall apply as the applicable visibility minimum for takeoff or landing on that runway.

(2):

RVR (feet)	Visibility (statute miles)
1,600.....	¼
2,400.....	½
3,200.....	¾
4,000.....	1
4,500.....	1 ¼
5,000.....	1 ½
6,000.....	2

(i) *Operations on unpublished routes and use of radar in instrument approach procedures.* When radar is approved at certain locations for ATC purposes, it may be used not only for surveillance and precision radar approaches, as applicable, but also may be used in conjunction with instrument approach procedures predicated on other types of radio navigational aids. Radar vectors may be authorized to provide course guidance through the segments of an approach procedure to the final approach fix or position. When operating on an unpublished route or while being radar vectored, the pilot, when an approach clearance is received, shall, in addition to complying with § 91.119, maintain the last altitude assigned to that pilot until the aircraft is established on a segment of a published route or instrument approach procedure unless a different altitude is assigned by ATC. After the aircraft is so established, published altitudes apply to descent within each succeeding route or approach segment unless a different altitude is assigned by ATC. Upon reaching the final approach fix or

position, the pilot may either complete the instrument approach in accordance with a procedure approved for the facility, or may continue a surveillance or precision radar approach to a landing.

(j) *Limitation on procedure turns.* In the case of a radar vector to a final approach segment or fix, a timed approach from a holding fix, or an approach for which the procedure specifies "NoPT", no pilot may make a procedure turn unless cleared to do so by ATC.

(k) *ILS components.* The basic ground components of an ILS are the localizer, glide slope, outer marker, and middle marker. A compass locator or precision radar may be substituted for the outer or middle marker. DME, VOR, or nondirectional beacon fixes authorized in the standard instrument approach procedure or surveillance radar may be substituted for the outer marker.

(1) *Middle marker inoperative, unusable, or not used.* If the middle marker, or airborne equipment associated with it, is inoperative, unusable, or not used, a DH other than for Category II or Category III minima prescribed in the standard instrument approach procedure must be increased by 50 feet unless otherwise specified in the published instrument approach procedure. This requirement does not apply if a substitute for the middle marker specified in paragraph (k) of this section is used.

4. By revoking and reserving § 91.117 as follows:

§ 91.117 [Reserved]

5. By revising § 121.651 to read as follows:

§ 121.651 Takeoff and landing weather minimums: IFR: all certificate holders.

(a) Notwithstanding any clearance from ATC, no pilot may begin a takeoff in an airplane under IFR when the weather conditions reported by the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator are less than those specified in—

(1) The certificate holder's operations specifications; or

(2) Parts 91 and 97 of this chapter, if the certificate holder's operations specifications do not specify takeoff minimums for the airport.

(b) Except as provided in paragraph (c) of this section, no pilot may begin the final approach segment of an instrument approach procedure—

(1) At any airport, unless the U.S. National Weather Service, a source approved by that Service, or a source

approved by the Administrator, issues a weather report for that airport; or

(2) At airports within the United States and its territories or at U.S. military airports, unless the latest weather report for the airport issued by the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator, reports the visibility to be equal to or more than the visibility minimums prescribed for that procedure. For the purpose of this section, the term "U.S. military airports" means airports in foreign countries where flight operations are under the control of U.S. military authority.

(c) A pilot may begin the final approach segment of an instrument approach procedure at an airport when the visibility is less than the visibility minimums prescribed for that procedure if that airport is served by an operative ILS and an operative PAR, and both are used by the pilot. However, no pilot may operate an aircraft below the prescribed MDA, or continue an approach below the authorized DH, as defined in § 91.116(c), unless—

(1) The aircraft is continuously in a position from which a descent to a touchdown on the intended runway can be made at a normal rate of descent using normal maneuvers;

(2) At least one of the visual references listed in § 91.116(b)(4) for the intended runway is continuously clearly visible to the pilot; and

(3) That pilot continuously determines that the flight visibility is not less than the visibility prescribed in the standard instrument approach procedure being used.

(d) If a pilot has begun the final approach segment of an instrument approach procedure in accordance with paragraph (b) of this section and after that receives a later weather report indicating below minimum conditions, the pilot may continue the approach to MDA or DH. Upon reaching DH or at MDA and at any time before the missed approach point, the pilot may continue the approach below DH or MDA and touch down if—

(1) The aircraft is continuously in a position from which a descent to a touchdown on the intended runway can be made at a normal rate of descent using normal maneuvers;

(2) At least one of the visual references listed in § 91.116(b)(4) for the intended runway is continuously and clearly visible to the pilot; and

(3) That pilot continuously determines that the flight visibility is not less than the visibility prescribed in the standard instrument approach procedure being used.

(e) For the purpose of this section, the final approach segment begins at the final approach facility or fix prescribed in the instrument approach procedure. When a final approach fix is not prescribed for a procedure that includes a procedure turn, the final approach segment begins at the point where the procedure turn is completed and the aircraft is established inbound toward the airport on the final approach course within the distance prescribed in the procedure.

(f) Unless otherwise authorized in the certificate holder's operations specifications, each pilot making an IFR takeoff, approach, or landing at a foreign airport shall comply with the applicable instrument approach procedures and weather minimums prescribed by the authority having jurisdiction over the airport.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

6. By revoking and reserving § 121.653 as follows:

§ 121.653 [Reserved]

(Secs. 307, 313(a), 601, and 604, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, and 1424; sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.45)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by writing to the person identified under "FOR FURTHER INFORMATION CONTACT * * *"

Issued in Washington, D.C., on February 28, 1980.

Kenneth S. Hunt,
Director of Flight Operations.

[FR Doc. 80-6895 Filed 3-5-80; 8:45 am]

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