U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

May 31, 2006

Captain Mark Anderson
[redacted]

RE: Request for Interpretation of 14 C.F.R. § 121.615

Dear Capt. Anderson:

We received your letter requesting an interpretation of 14 C.F.R. § 121.615(a) which states that:

> "No person may dispatch or release an aircraft for a flight that involves extended overwater operation unless appropriate weather reports or forecasts or any combination thereof, indicate that the weather conditions will be at or above the authorized minimums at the estimated time of arrival at any airport to which dispatched or released or to any required alternate airport."

Specifically, you asked:

1. Can a part 121 air carrier dispatch or release a flight that involves extended overwater operations to a destination airport that is forecasting weather to be less than the authorized landing minimums at the estimated time of arrival ("ETA")?

Yes. An air carrier may dispatch an extended overwater flight to a destination airport that is forecasted to be below minimums as long as the alternate airport is forecasted to be at or above minimums. The Federal Aviation Regulations contain additional requirements to ensure proper planning for dispatch or release if the weather conditions change en route such that neither the destination or alternate airport are suitable for landing at the estimated time of arrival. Section 121.631(b) states:

> No person may allow a flight to continue to an airport to which it has been dispatched or released unless the weather conditions at an alternate airport that was specified in the dispatch or flight release are forecast to be at or above the alternate minimums specified in the operations specifications for that airport at the time the aircraft would arrive at the alternate airport. However, the dispatch or flight release may be amended en route to include any alternate airport that is within the fuel range of the aircraft as specified in §§ 121.639 through 121.647.

As a practical matter, compliance with this regulation necessitates planning for more than one alternate airport prior to departure, particularly in cases where the weather at either the destination or alternate airport is marginal.

2. Can a part 121 air carrier dispatch or release a flight to a destination airport that is forecasting weather to be less than the authorized landing minimums for a flight crew with a high minimum pilot-in-command (PIC) when the weather is forecasted to be below the landing minimums for that PIC at the ETA?

3. Can a part 121 air carrier dispatch or release a flight that involves extended overwater operations to a destination or alternate airport that is forecasting weather to be less than the authorized landing minimums or alternate weather minimums respectively, when the aircraft equipment status has been downgraded in such a manner that restricts the type of instrument approach to minimums higher than the forecasted weather minimums at the ETA?

The answer to the second and third questions is no. If the required minimums are more demanding due to pilot or equipment status (*e.g.,* high minimum PIC or minimum equipment list), then the air carrier must comply with those restrictions for dispatch or release. The air carrier is permitted to dispatch or release to the destination airport as long as the conditions at either the destination or alternate airport are forecasted to be at or above the higher landing minimums required due to crewmember or mechanical limitations.

This interpretation was prepared by the Operations Law Branch of the Office of the Chief Counsel and coordinated with the Air Transportation and Aircraft Dispatch Divisions of Flight Standards Service. We trust that it will be useful to you in your continued operations. Please contact Joe Conte of my staff at the address provided above, or by phone at (202) 267-3073, if we can be of further assistance.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel for Regulations