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

Office of the Chief Counsel

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

APR 12 2010

Captain Gregory Unterseher
World Airways EXCO
8595 SE McBreen Lane
Port Orchard, WA 98367

Dear Capt. Unterseher,

This is in response to your request for a legal interpretation submitted on December 9, 2009, regarding the alternate weather minimum requirements under 14 C.F.R. § 121.615(a). Specifically, you state that World Airways interprets § 121.615(a) to require only "the destination or the required alternate weather to be forecast to be above the applicable minimums at the [estimated time of arrival]." You question whether the weather forecasts for both the destination and the required alternate airport must be above the applicable minimums at the estimated time of arrival.

14 C.F.R. § 121.615(a) states that "[n]o 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."

As stated in a recent interpretation regarding this issue, "[a]n 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." Legal Interpretation to Captain Mark Anderson, from Rebecca MacPherson, Assistant Chief Counsel for Regulations (May 31, 2006). This is necessary to allow flexibility yet ensure proper planning in case weather conditions change during flight. Accordingly, under § 121.615(a), at the time of dispatch, the destination airport may be below minimums so long as the alternate airport is at or above minimums at the estimated time of arrival. However, an aircraft may not be dispatched if, at the time of dispatch, the alternate airport would be below minimums at the time of arrival at the alternate airport. *See* 14 C.F.R. § 121.625. If conditions at the alternate airport fall below minimums while the aircraft is enroute, the dispatch or flight release may be amended in accordance with § 121.631(f). *See* Legal Interpretation to Captain Mark Anderson.

We appreciate your patience and trust that the above responds to your concerns. If you require further assistance, please contact my staff at (202) 267-3073. This response was prepared by David Pardo, attorney for the Operations Law Branch of the Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

Michael E. Chase

for Rebecca B. MacPherson
Assistance Chief Counsel for Regulations, AGC-200

Enclosure