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

Office of the Chief Counsel

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

MAR 31 2015

Joseph R. Cook
[redacted]

Mr. Cook:

This letter is in response for a legal interpretation on the operational control requirements of 14 CFR Part 121. Specifically, you ask whether a pilot can accept a new route from Air Traffic Control (ATC) via the Controller Pilot Data Link (CPDLC), without having the Aircraft Dispatcher concur with the route change prior to acceptance and takeoff.

14 CFR Part 121 contains regulations describing responsibilities for operational control of an aircraft, dispatching authority, and responsibilities for dispatch release. The pilot in command and the aircraft dispatcher are jointly responsible for the preflight planning, delay, and dispatch release of a flight. No person may start a flight unless an aircraft dispatcher specifically authorizes that flight and each certificate holder shall prepare a dispatch release for each flight based on information furnished by an authorized aircraft dispatcher. *See* 14 CFR §§ 121.533, 121.593, & 121.663.

In the scenario you describe above, if ATC issues a new route via the CPDLC, the pilot may not accept the route change without the consideration and concurrence of the dispatcher prior to takeoff. However, the dispatcher and pilot in command may be aware of ATC rerouting activities along the planned route of flight during their preflight planning. Therefore, if both the dispatcher and pilot in command agree during preflight planning that the flight could be conducted safely using various routes, then the pilot may accept the new route of flight provided it is one that was previously agreed upon with the dispatcher prior to take off. *See* Legal Interpretation to Glenn Morse from Donald P. Byrne, Assistant Chief Counsel of Regulations and Enforcement, Dec. 24, 1990 (stating that if a pilot in command and dispatcher has considered SWAP routes during their preflight planning, in addition to calculating fuel requirements and considering other required factors, then the pilot may accept a new flight route). The FAA emphasizes that the dispatcher and pilot in command must take into consideration these rerouting activities in conjunction with fuel and aircraft performance limitations, reported and forecast weather, and anticipated delays during their preflight planning.

We appreciate your patience and trust that the above responds to your concerns. This response was prepared by Nancy Sanchez, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation Division of Flight Standards Service. Please contact us at (202) 267-3073 if we can be of further assistance.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for Regulations
AGC-200