U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

NOV 25 2015

Steve Joffrion
Miami Air
Chief of Flight Standards
16280 Owasco Circle
Davie, FL 33331

Subject: Request for Interpretation of 14 CFR § 121.615(a)

Dear Mr. Joffrion:

This letter is provided in response to your request for a legal interpretation regarding 14 CFR § 121.615(a) sent to the Regulations Division of the Office of the Chief Counsel on July 29, 2015. Section 121.615(a) states:

> "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."

In your request for a legal interpretation, you ask two questions regarding § 121.615(a), specifically in the context of our May 31, 2006 letter of interpretation from Rebecca MacPherson to Captain Mark Anderson. You note that the above regulatory text does not reference international or domestic operations specifically and you question whether it applies to both types of operations. To frame your question, you provide the following scenario:

> *"May a flight from Miami to New York (domestic), where the flight passes more than 50 miles from the coastline, dispatch to the destination airport with the weather forecast below landing minimums at the ETA as long as the alternate airport is forecast to be above alternate minimums at the ETA. Likewise, a flight from New York (international), where the flight passes more than 50 miles from the coastline, may apply the same rule?"*

Section 121.615 applies to flag or supplemental operations, and limited "domestic" operations for operations conducted entirely within the state of Alaska (*See* § 121.615(b) and (c).). In your scenario described above, § 121.615(a) would not apply to a "domestic" flight between Miami and New York; however it would apply to a supplemental flight from Miami to New York. Furthermore, as the Anderson interpretation reiterates, the Federal Aviation Regulations contain requirements to ensure

proper planning for dispatch or release if weather conditions change during the flight and neither the destination or alternate airport are suitable for landing. The flight plan may be amended en route.[1]

You also contend that the FAA responses to the second and third questions posed in the Anderson interpretation are contradictory and you provide the following scenario:

> *"A Captain on high minimums is planning on making an approach to a Category 1 ILS at the destination airport. The normal published minimums for the ILS are 200 & ½. However, due to the Captain's high minimums status, his minimums are elevated to 300 & 1. Looking at 14 CFR 121.615, if the forecast weather at the destination airport is to be below the 300 & 1 at the ETA, and the weather at the alternate airport is forecast to be at or above the alternate minimums at the ETA, then the flight may not depart?"*

The relevant questions in the Anderson interpretation posed two scenarios in which we found that "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."[2] Accordingly, "[i]f the required minimums are more demanding due to pilot or equipment status, then the air carrier must comply with those restrictions for dispatch or release."[3] As such, the Anderson interpretation clarified that both crew limitations (Question 2) and aircraft equipment limitations (Question 3) must be taken into consideration with respect to the required minimums when dispatching or releasing a flight.

Conversely, in the scenario you provide, the weather forecast for the alternate airport is to be at or above the alternate minimums at the estimated time of arrival, therefore, the flight may depart.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact us at (202) 267-3073. This letter has been prepared by Courtney Freeman, an attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of the Flight Standards Service.

Sincerely,

Lorelei Peter
Acting Assistant Chief Counsel for Regulations, AGC-200

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[1] Letter of Interpretation from Rebecca MacPherson to Captain Mark Anderson (May 31, 2006) at p. 1.
[2] Anderson at p. 2; *See also* § 121.615(a).
[3] Anderson at p. 2.