NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.462

National Policy

Effective Date:
4/12/18

Cancellation Date:
4/12/19

SUBJ: Signatures on a Dispatch or Flight Release—Part 121 Operations

1. Purpose of This Notice. The primary purpose of this notice is to emphasize the regulatory requirements for signatures on a dispatch or flight release.

a. Clarification of Policy and Regulatory Requirements. This notice announces updated policy regarding signatures on a dispatch or flight release in accordance with the requirements of Title 14 of the Code of Federal Regulations (14 CFR) parts 121 and 117. The updated policy is located in Federal Aviation Administration (FAA) Order 8900.1, Volume 3, Chapter 25, Section 1, Basic Requirements and Policy Applicable to All Air Carriers.

b. Removal of Policy That Was Contrary to Regulatory Requirements. This notice also announces the removal of policy related to an Aircraft Dispatcher's signature on a dispatch release. Policy originally contained in Order 8900.1, Volume 3, Chapter 25, Section 2, Part 121 Domestic and Flag Dispatch Systems and Part 121 Domestic Fuel Requirements, has been removed because it was contrary to the regulatory requirement for an Aircraft Dispatcher to sign each dispatch release only if the dispatcher believes the flight can be made safely.

2. Audience. The primary audience for this notice is principal operations inspectors (POI) and aviation safety inspectors (ASI) with oversight responsibility of certificate holders conducting part 121 operations. The secondary audience includes those Flight Standards Service divisions, branches, and offices which have responsibilities that apply to part 121 air carrier operations.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at http://fsims.avs.faa.gov. Operators can find this notice on the FAA's website at http://fsims.faa.gov. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. The Air Transportation Division (AFS-200) has determined the need to emphasize the regulatory requirements for signatures on a dispatch or flight release, and to update and clarify the policy applicable to these requirements. As part of this process, we have removed policy previously contained in Order 8900.1, Volume 3, Chapter 25, Section 2. The policy in question allowed an alternative method to the regulatory requirement for an authorized Aircraft Dispatcher to sign each dispatch release prepared by the certificate holder

(typically prepared by the dispatcher on behalf of the certificate holder). Specifically, the regulatory requirement, which is set forth in part 121, § 121.663, is for the Aircraft Dispatcher to sign each release only when the dispatcher believes the corresponding flight can be "made with safety" (conducted safely). In contrast, the alternative method previously suggested in Volume 3, Chapter 25, Section 2 considered it to be an "acceptable practice" for an Aircraft Dispatcher to sign a duty roster at the beginning of the dispatcher's shift as a means to establish the time the aircraft dispatcher came on duty and the desk or geographic area the dispatcher is working. The alternative method further suggested that the aircraft dispatcher's name and a date-time group printed on each dispatch release could be considered the aircraft dispatcher's signature in combination with the duty roster. The FAA has since recognized that the alternative method was introduced in error and that the signing of a single daily duty log by a dispatcher is not equivalent to an authorized dispatcher signing each dispatch release. Further, the printed name on a dispatch release, even when time stamped and in combination with a duty log, is not evidence of a signature made by a dispatcher affirming that individual's belief that each flight can be conducted safely. The FAA has therefore corrected the error by removing the policy in question from Volume 3, Chapter 25, Section 2. Policy applicable to required signatures on a dispatch release now resides in Volume 3, Chapter 25, Section 1.

5. Policy Contained in Order 8900.1 May Not Contradict Any Regulatory Requirements. Order 8900.1 is not intended to replace, supersede, or otherwise override any regulatory requirement. Volume 1, Chapter 1, Section 1, Subparagraph 1-3C, Conflicts With Other FAA Orders, states specifically that if the guidance in the order conflicts with 14 CFR, 14 CFR takes precedence.

6. Required Signatures on a Dispatch or Flight Release.

a. Signatures by the Pilot in Command (PIC) and the Aircraft Dispatcher Affirming the Belief That a Flight Can Be Conducted Safely. Part 121 domestic and flag rules require the PIC *and* the Aircraft Dispatcher to sign the dispatch release only when both parties believe the flight can be conducted safely. Part 121 supplemental rules require the PIC to sign the flight release only when the PIC and the person authorized by the operator to exercise operational control believe that the flight can be conducted safely. This includes releases that are revised or otherwise reissued.

(1) Dispatch Release for Part 121 Domestic and/or Flag Operations.

(a) Section 121.663 requires each certificate holder conducting domestic and/or flag operations to prepare a dispatch release for each flight between specified points, based on information furnished by an authorized Aircraft Dispatcher. The PIC and the authorized Aircraft Dispatcher must sign each release affirming that they both believe that the flight can be "made with safety."

(b) In accordance with § 121.663, an Aircraft Dispatcher may delegate his or her authority to sign a dispatch release for a particular flight, but he or she may not delegate his or her authority to dispatch.

(c) There is no provision in § 121.663 for a PIC to delegate his or her authority to sign a dispatch or flight release. Only the PIC can sign the release affirming his or her belief that the flight can be "made with safety."

(2) Flight Release for Part 121 Supplemental Operations. Section 121.597 states that no person may start a flight unless the PIC or the person authorized by the operator to exercise operational control over the flight have executed a flight release setting forth the conditions under which the flight will be conducted. The regulation further states that the PIC may sign the flight release *only* when he or she and the person authorized by the operator to exercise operational control believe that the flight can be "made with safety." Section 121.597 refers only to the PIC where signing the release is concerned. It does not mention, or otherwise specify, a signature by the person authorized to exercise operational control.

b. Flightcrew Member's Affirmation of Fitness for Duty. Part 117, § 117.5(d) requires each flightcrew member to "affirmatively state that he or she is fit for duty prior to commencing flight." Each flightcrew member's affirmation must be part of the dispatch or flight release. The January 4, 2012 preamble to part 117 further clarifies this requirement and states, "The dispatch or flight release containing the affirmation must be signed by each flightcrew member. This requirement applies to each flight segment." (Refer to 77 FR 329, Flightcrew Member Duty and Rest Requirements, page 350.) The preamble also explains that "there is no objective scientific test that the PIC could use to measure the fatigue levels of other flightcrew members. Because the PIC has no way to objectively measure other flightcrew members' fatigue, the FAA has determined that each flightcrew member should be required to monitor his or her own fatigue level." Hence the requirement for each flightcrew member to sign the dispatch or flight release containing the affirmation of fitness for duty. A PIC must not attempt to sign as fit for duty on behalf of any other flightcrew member.

c. Signatures Are Part of the Dispatch or Flight Release. The signatures of each flightcrew member (§ 117.5), each PIC (§§ 121.597 and 121.663), and each Aircraft Dispatcher (§ 121.663) are part of the dispatch or flight release and must be retained as such in accordance with the requirements of §§ 121.695 and 121.697, as applicable.

7. Electronic Signatures on a Dispatch or Flight Release.

a. Specific Authorization Is Required. Operations specification (OpSpec) authorization is required for certificate holders who desire to use an electronic method and/or application for an Aircraft Dispatcher, PIC, and/or flightcrew member to sign a dispatch or flight release. Use of an electronic signature is optional, not mandatory. However, if a certificate holder desires to use this option, authorization for each electronic signature type is required in OpSpec A025, Electronic Signatures, Electronic Recordkeeping Systems and Electronic Manual Systems. In order to obtain the A025 authorization, certificate holders will need to meet the standards set forth in the current edition of Advisory Circular (AC) 120-78, Electronic Signatures, Electronic Recordkeeping, and Electronic Manuals. Information on issuing A025 is contained in Order 8900.1, Volume 3, Chapter 18, Section 3, Part A Operations Specifications—General.

b. An Electronic Signature on a Dispatch or Flight Release Should Definitively Convey the Signatory's Intent to Sign for Each Required Affirmation. A signature should definitively convey the signatory's intention to sign. A common way of accomplishing this is to include a word or statement of intent on the dispatch or flight release that is contained in the signature block or otherwise precedes the electronic signature. An example of this would be the words "signed by" preceding the signature. (Refer to the current edition of AC 120-78 for additional examples). Clarifying statements on a dispatch or flight release can be used to associate each electronic signature with the required affirmation. For example, when the PIC and Aircraft Dispatcher sign a dispatch release in accordance with § 121.663, it should be clear that each individual is signing to affirm that he or she believes the flight can be "made with safety." This can be accomplished by including a statement in the dispatch release that conveys the belief. For example, "By signing this dispatch release, I am affirming my belief that this flight can be made with safety." One of the requirements of an electronic signature process, as described in the current edition of AC 120-78, is that it must be clear to the signatory exactly what it is that they are signing. This applies to all required signatures on a dispatch or flight release, including releases that are revised or otherwise reissued.

c. An Electronic Signature Must Be a Part of, or Otherwise Permanently Attached to, the Dispatch or Flight Release.

(1) Standards of the Current Edition of AC 120-78. In accordance with the standards for electronic signatures as described in the current edition of AC 120-78, any electronic form of signature must be attached to, or associated with, the electronic record being signed. The signature must be permanent, and the information to which it is attached must be unalterable without a new signature.

(2) Regulatory Requirements of §§ 117.5, 121.597, and 121.663. The actual regulatory requirements applicable to signatures on a dispatch or flight release further clarify the basic standards for electronic signatures that are part of a release:

(a) Section 121.597 requires the PIC to sign the flight release. Therefore, an electronic signature must be made on the release itself, or it must be permanently attached to the flight release.

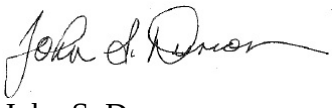
(b) Section 121.663 requires the dispatcher and the PIC to sign the dispatch release. Therefore, each electronic signature must be made on the release itself, or it must be permanently attached to the dispatch release.

(c) Section 117.5 requires each flightcrew member's affirmation of fitness for duty to be part of the dispatch or flight release. The release containing the affirmation must be signed by each flightcrew member for each flight segment. Therefore, an electronic signature must be made by each flightcrew member on the release itself, or each flightcrew member's electronic signature must be permanently attached to the dispatch or flight release.

8. Action. As soon as possible, POIs must positively validate that certificate holders are complying with all of the parts 117 and 121 regulatory requirements for signatures on a dispatch and/or flight release (depending on the kind of operation). POIs will accomplish this by

reviewing the actual dispatch and/or flight releases of flights that a certificate holder has conducted. Each required signature must be clearly visible on a release, and should meet the requirements set forth in this notice. If a required signature is on separate document, that document must be directly attached to the dispatch or flight release. For those certificate holders whose dispatch releases do not comply with the regulatory requirements for signatures on a release, POIs must act in accordance with the FAA's Flight Standards Service Compliance Philosophy and bring about a timely resolution. The Flight Standards Service Compliance Philosophy is located in Order 8900.1 Volume 14, Compliance and Enforcement.

9. Disposition. The information contained in this notice has been incorporated into Order 8900.1. Direct questions or comments concerning this notice to AFS-200 at 202-267-8166.



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