

# FPAW/AFS Update



Federal Aviation  
Administration

## FAA Flight Standards AFS-430 Summer FPAW 2016

Presented to: FPAW

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# Regulatory Intent for Weather Reports and Forecast

- **There are many regulations in 14 CFR that contain requirements for weather reports, forecasts, or a combination thereof to indicate that the weather at a destination or alternate airport will be at or above the authorized landing minimums at the estimated time of arrival (ETA).**
- **The regulatory intent of these regulations is that each certificate holder, PIC, dispatcher, or person authorized to exercise operational control must consider all available weather information pertaining to a particular airport when making the decision on whether or not to dispatch, release, or operate (continue) a flight.**
- **When weather reports, forecasts, or any combination thereof indicate that weather will be below authorized minimums at the ETA, delay or cancellation of the flight must be considered.**
- **The FAA Office of the Chief Counsel (AGC) has consistently interpreted regulatory text requiring “any combination” of weather reports or forecasts to mean that the worst weather conditions contained in any combination of weather reports or forecasts must be considered and are therefore the controlling factor. These interpretations also make the information contained in “Remarks” and the conditional language of a weather report or forecast as operationally significant as the information appearing in the body or primary language of the report or forecast.**



# Regulatory Intent for Weather Reports and Forecast

- In some cases, the appearance of the word “or” in this regulatory text has led to confusion and the belief that a flight can be dispatched, released, and/or operated (continued) using just a report or just a forecast; however, this is not the case.
- Throughout 14 CFR, there are requirements to have the “current,” “available,” or “latest” weather reports or forecasts. The purpose of regulations that establish weather minimums, or that require flight crews and dispatchers to consider weather conditions, is to prevent unsafe flight operations. The phrases “current weather,” “latest weather report,” and “available forecasts” have occasionally been interpreted inappropriately, resulting in noncompliance with 14 CFR and in diminished safety during flight operations.
  - **Current** with respect to a weather report, means present and actual
  - **Available** with respect to a weather report and/or forecast, means for immediate use, obtainable, and accessible; and
  - **Latest** with respect to a weather report and/or forecast means just completed, most current, and up to the minute.



# Regulatory Intent for Weather Reports and Forecast

- **There are several part 121 regulations that require both reports and forecasts to be available for flight operations; therefore, in order to comply with all of the part 121 regulatory weather requirements, both weather reports and forecasts must be available for all part 121 flight operations.**



# Regulations for 91, 121 and 135

- **§ 121.613 Dispatch or flight release under IFR or over the top**
- **§ 135.213 Weather reports and forecasts**
- **§ 91.169 IFR Flight Plan: Information Required**



## §121.613 Dispatch or flight release under IFR or over the top.

Except as provided in §121.615, no person may dispatch or release an aircraft for operations under IFR or over-the-top, 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 the airport or airports to which dispatched or released.



# 135.213 Weather reports and forecasts.

**(a) *Whenever a person operating an aircraft under this part is required to use a weather report or forecast, that person shall use that of the U.S. National Weather Service, a source approved by the U.S. National Weather Service, or a source approved by the Administrator.*** However, for operations under VFR, the pilot in command may, if such a report is not available, use weather information based on that pilot's own observations or on those of other persons competent to supply appropriate observations.

**(b) For the purposes of paragraph (a) of this section, weather observations made and furnished to pilots to conduct IFR operations at an airport must be taken at the airport where those IFR operations are conducted, unless the Administrator issues operations specifications allowing the use of weather observations taken at a location not at the airport where the IFR operations are conducted. The Administrator issues such operations specifications when, after investigation by the U.S. National Weather Service and the certificate-holding district office, it is found that the standards of safety for that operation would allow the deviation from this paragraph for a particular operation for which an air carrier operating certificate or operating certificate has been issued.**



## 91.169 IFR Flight Plan: Information Required.

(a) Information required. Unless otherwise authorized by ATC, each person filing an IFR flight plan must include in it the following information:

(2) Except as provided in paragraph (b) of this section, an alternate airport.

(b) Paragraph (a)(2) of this section does not apply if :

(1) Part 97 of this chapter prescribes a standard instrument approach procedure to, or a special instrument approach procedure has been issued by the Administrator to the operator for, the first airport of intended landing; and

(2) *Appropriate weather reports or weather forecasts, or a combination of them, indicate the following:*

(i) For aircraft other than helicopters. For at least 1 hour before and for 1 hour after the estimated time of arrival, the ceiling will be at least 2,000 feet above the airport elevation and the visibility will be at least 3 statute miles.



## 91.169 IFR Flight Plan: Information Required, Continued

- (ii) For helicopters. At the estimated time of arrival and for 1 hour after the estimated time of arrival, the ceiling will be at least 1,000 feet above the airport elevation, or at least 400 feet above the lowest applicable approach minima, whichever is higher, and the visibility will be at least 2 statute miles.
- (c) IFR alternate airport weather minima. Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless *appropriate weather reports or weather forecasts, or a combination of them*, indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at that airport will be at or above the following weather minima....



# Wrap Up

- Questions?
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