



All IFALDA Members and Friends

April , 2017

From the Editor

This is the seventh edition of "FLIGHT DISPATCHER'S WORLD" (FDW). **Because our Annual General Meeting is about 10 days away, this edition will concentrate on details for the AGM.** FDW is meant to inform our membership and other friends of IFALDA of our current efforts in the global flight dispatcher and flight operations officer community. Articles are intended to be the basis for professional conversations and to solicit input from our membership.

OLD BUSINESS

Riding the jumpseat into the U.S. on a non-U.S. airline

One of our IFALDA members from Germany advised that he was having difficulty getting jumpseat access on his airline on flights from Germany to the U.S. He advised that the local German CAA (LBA) ruled that dispatchers riding the jumpseat on foreign aircraft into the U.S. is not permitted by U.S. 14 CFR Part 129

We have been advised by the International Operations Branch of FAA, Flight Standards at FAA HQ in Washington, DC that, in this situation, the LBA is interpreting 129.28 inappropriately. 129.28(3)(iii) allows for anyone to sit in the jump seat that has been authorized by the CAA! This allows supernumeraries (company officials not directly involved in flight operations), ATC officials doing "familiarization" rides, auditors conducting IOSA in-flight audits, and special crew members and company employees as identified in the company manual (approved by the CAA) as in need of their version of "Familiarization" rides.

We have been advised by FAA Flight Standards International Branch that this will be discussed with the German LBA.

U.S. FAA LEGAL OPINIONS

In the previous edition of FDW we provided a couple of FAA legal opinions for the purpose of professional discussion with your peers, instructors, standards personnel and State regulatory authorities. . The information contained may not necessarily be applicable to every State's CARs but should explain the logic behind many of our civil aviation regulations. It should also be noted that FAA Legal Opinions are just that...they are opinions. The application of law must be provided through the court system.

Question 1

The first is the result of a request for a legal opinion from the U.S. FAA General Counsel as to when a flight actually starts. 14 CFR 121.601 requires aircraft dispatchers to provide pilots in command (PIC) with information pertaining to weather, services and navigation facilities before and during the flight if such information would affect the safety of the flight.

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One operator contended that a flight starts when the dispatcher signs the release.

FAA Legal Opinion:

Completion of the dispatch release does not represent the beginning of a flight.

A PIC does not begin a flight simply by signing a dispatch release. Rather, the purpose of a dispatch release is to provide authorization for a flight as well as information and conditions regarding the flight. See § 121.687 (identifying the specific information that the dispatch release must contain). Further, as described in § 121.663 the PIC's signature on the dispatch release indicates that the PIC believes that the flight can be safely made. See § 121.663 (stating "The pilot in command and an authorized dispatcher shall sign the release only if they both believe that the flight can be made with safety ...").

Although a PIC may sign a dispatch release close in time to beginning the flight, this action alone does not indicate that the flight has begun.

A flight begins when the aircraft departs (pushes back or taxis) from the departing gate or ramp area.

When considered in its entirety, § 121.601 creates an ongoing requirement for the aircraft dispatcher to provide a PIC with weather information that would affect the safety of a flight. However, because § 121.601 distinguishes the time "before beginning a flight" and "during a flight" we have been asked to determine when a flight begins.

We note that the regulatory framework addressing the requirements for aircraft dispatchers contemplates the period of time between the signing of the dispatch release and the beginning of the flight. Although the aircraft dispatcher and PIC may sign the dispatch release close in time to the beginning of the flight, the signing of the dispatch release and the beginning of a flight may also occur hours apart.

During this time, it is possible for meteorological conditions to change such that they may affect the safety of the flight. Given the potential for a significant amount of time to pass between the signing of the dispatch release and the beginning of a flight, § 121.601 (b) requires the aircraft dispatcher to provide the PIC with certain weather information "before beginning a flight..." Under § 121.601(b), the aircraft dispatcher must provide the PIC with all available weather reports and forecasts that may affect the safety of the flight for each route to be flown and each airport to be used. Since the relevant weather reports and forecasts that affect the safety of the flight may be made available at different times prior to the beginning of the flight and may change over time, § 121.601(b) creates an ongoing requirement for the aircraft dispatcher to update the PIC until the beginning or start of the flight at which point the requirements in § 121.601(c) will apply.

Section 121.601(c) requires that "during a flight ...," the aircraft dispatcher must provide the pilot in command with additional information pertaining to meteorological conditions and irregularities of facilities and services that may affect the safety of the flight. Although the regulatory history for § 121.601 is not instructive as to the period of time contemplated as "before the flight" versus the period of time "during the flight" for consistency with the requirements applicable to aircraft dispatcher and pilot communications in § 121.711, it is appropriate to find that for purposes of § 121.601, a flight begins when the aircraft departs from

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the departing gate.

Question 2

During which phases of flight does the aircraft dispatcher have to provide the PIC with all available current reports or information on airport conditions and irregularities of navigation facilities that may affect the safety of the flight?

FAA Legal Opinion:

Section 121.601(a) requires the aircraft dispatcher to "provide the pilot in command with all available current reports or information on airport conditions and irregularities of navigation facilities that may affect the safety of the flight." Section 121.601(c) requires that, "During a flight, the aircraft dispatcher shall provide the pilot in command with any additional available information of meteorological conditions (including adverse weather phenomena, such as clear air turbulence, thunderstorms, low altitude wind shear), and irregularities of facilities and services that may affect the safety of the flight."

Although § 121.601(a) does not expressly state that it applies before the flight, it is implied by the requirement in § 121.601 (c) that requires an aircraft dispatcher to provide available information of meteorological conditions and irregularities of facilities and services during a flight.

The requirement in § 121.601(c) for the aircraft dispatcher to provide the PIC with any additional available information of meteorological conditions and irregularities of facilities and services does not distinguish among the various phases of flight. This means that any time during a flight the aircraft dispatcher finds that the available information reflects a change in to meteorological conditions, or irregularities of facilities and services that would affect the safety of flight, the dispatcher must provide that information to the PIC. See 42 Fed. Reg. 27572,27572 (May 31,1977) (clarifying that information that would not affect the safety of flight need not be provided).

Further, the term "current" does not appear in the regulatory text for §121.601(b) and (c). However, given that § 121.101(d) requires "Each certificate holder conducting domestic or flag operations to adopt and put into use an approved system for obtaining forecasts and reports of adverse weather phenomena ... that may affect the safety of flight on each route to be flown and at each airport to be used", the agency expects aircraft dispatchers to be able to obtain and supply the PIC with current weather reports or information if it is available.

Question 3

If while the airplane is taxiing from the gate or departure area to the takeoff runway, the status of airport conditions and/or navigational facilities change to the degree that the safety of flight could be affected, is the aircraft dispatcher required to provide that information to the PIC?

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**FAA Legal Opinion:**

Yes. As discussed in response to Question 1, once the airplane begins to taxi to the takeoff runway, the flight has begun and the requirements of § 121.601(c) would apply. Section 121.601 (c) provides the requirements for aircraft dispatchers to provide certain information during the flight. Specifically, § 121.601(c) requires aircraft dispatchers to provide the PIC with additional information during the flight regarding meteorological conditions and irregularities of facilities and services that may affect the safety of flight.

Question 4

If the signing of the dispatch release occurs an hour or more prior to departure is the aircraft dispatcher required to provide the PIC with additional weather information before the flight departs?

FAA Legal Opinion:

Yes. As discussed in the responses to Questions 1 and 3, the additional weather information must be provided if it could affect the safety of the flight.

Section 121.687(b) requires the dispatch release to contain, or have attached to it weather reports, available weather forecasts, or a combination thereof, for the destination airport, intermediate stops, and alternate airports that are the latest available at the time the release is signed by the PIC and dispatcher.

Section 121.601, paragraphs (a) and (b) provide ongoing requirements for information that must be provided by the aircraft dispatcher for the duration of the time between the signing of the dispatch release and the departure or beginning of the flight. Paragraphs (a) and (b) of § 121.601 require the aircraft dispatcher to provide the PIC with all available current reports or information on airport conditions and facilities and all available weather reports and forecasts of weather phenomena for each route. This information need only be provided if it may affect the safety of the flight. Thus, if additional weather information becomes available after the dispatch release is signed and before the flight begins, and if the information may affect the safety of the flight, then the aircraft dispatcher must provide it to the PIC.

Question 5

Is a certificate holder responsible to ensure that its aircraft dispatchers comply with § 121.601?

FAA Legal Opinion:

It is a well-established principle that air carriers are responsible for regulatory violations committed by their employees while acting within the scope of their employment. See *In the Matter of Warbelow's Air Ventures, Inc.*, FAA Order No. 2000-3 at *3 (Feb. 3, 2000); *In the Matter of Trans World Airlines, Inc.*, FAA Order No. 98-11 at 27 (June 17, 1998) (rejecting Respondent's argument that it should not be liable for providing alcohol to intoxicated person, because it was a breach of fiduciary duty for flight attendants to violate air carrier policy and

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Federal Aviation Regulations); In the Matter of USAIR, Inc. FAA Order No. 92-48 at *3 (July 22, 1992) (air carrier is liable for acts and omissions of where the ground crew improperly chocked the nose gear wheels, contrary to the air carrier's general maintenance manual), petition for reconsideration denied, FAA Order No. 92-70 (Dec. 21, 1992).

Although a finding of violation on the part of the certificate holder would turn on the specific facts of the case, it is worth providing some additional context for the Agency's expectations for certificate holders that must comply with § 121.601. We note that the agency amended the § 121.601 requirements for aircraft dispatchers to provide weather information to PICs at the same time as it amended the § 121.101 requirements for weather reporting. Section 121.101 requires "Each certificate holder conducting domestic or flag operations ... [to] adopt and put into use an approved system for obtaining forecasts and reports of adverse weather phenomena ... that may affect the safety of flight on each route to be flown and at each airport to be used. Thus, a certificate holder conducting flag and supplemental operations must ensure that the information obtained in accordance with a system approved under § 121.101 must be disseminated in accordance with the requirements of § 121.601 for the benefits of § 121.101 to be realized.

The responses to the five (5) questions above were submitted to the Director FAA Flight Standards Service by the FAA Assistant Chief Counsel for International Law, Legislation and Regulations in July of 2014.

Annual General Meeting 2017 May 9-May 12 Hotel Presidente Buenos Aires Argentina

FAQS for Attendees (from APADA, our hosts)

1. What type of electrical power and plugs are used in Argentina?
 - a. Electricity, 220 volts, alternate current. type I... Some places however, have the old type "C". Note these are just the types of plugs used. They should be OK for items with dual voltage like laptop computer power supplies and some mobile phone chargers. If you need to convert voltage from 220 to 110, you will also need a voltage converter. Most travel shops, airports and electronics stores sell them.
 - b. The following website shows different types of plugs around the world:
<http://www.iec.ch/worldplugs/typeC.htm>
2. How should we get from the EZE airport to the Hotel Presidente downtown?
 - a. Transportation modes are at the Arrival door exit, into the Airport hall. Signs and visible ads are posted. There is a downtown hotel shuttle bus "Manuel Tienda Leon BUS". APADA strongly recommends using a "Remis". Remis are luxury private cars similar to Uber and Lyft. There are several Remis service companies which are placed inside the Airport Arrival Hall. Again, look for signs. No more than three or four person per car are accepted, the cars are from bigger models. Normal luggage is included in the rate. Airport taxis are also available. Always ask the amount of the fare before you leave for both Remis and taxis.!

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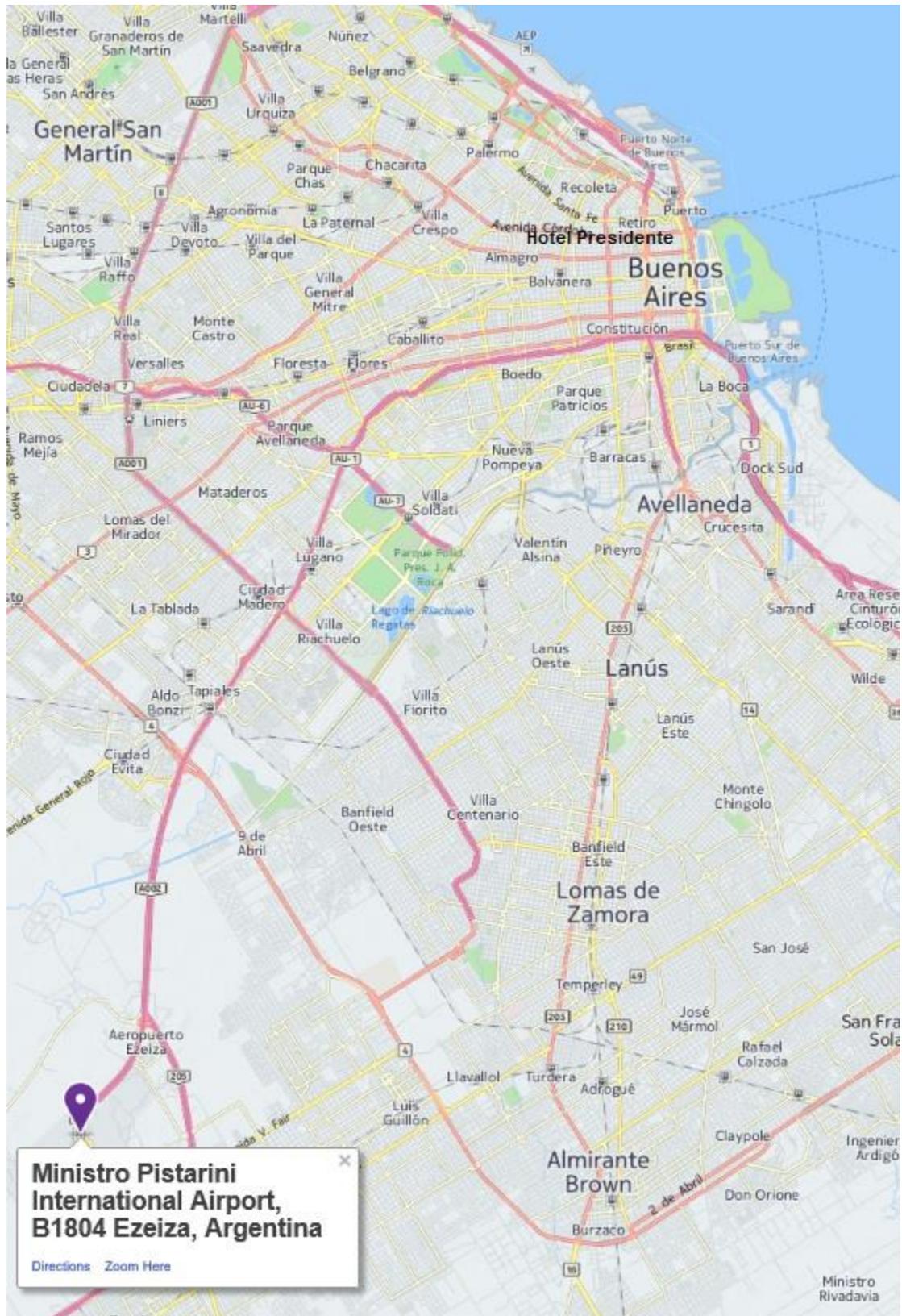
- b. For return to the airport ask for a Remis at the Hotel front desk and pay at the Airport arrival. Ask the Driver how much the fare will be before leaving the hotel.
3. What is a normal tip for services like taxis, Remis, restaurants, etc.?
 - a. Normal tips are 5 or 10% of the bill cost.
4. Should I exchange my currency for local Argentina pesos?
 - a. Yes, small amounts at a time. At the Airport, an Exchange Currency Agency is available, or at the Hotel front desk. Not recommended at the street.
5. Can I pay with foreign currency?
 - a. Yes!, but except the Hotel or an Exchange Currency Agency, which gives the Official fare exchange, it's not recommended pay with foreign money in shops, taxis, food locals.
6. Are credit cards accepted?
 - a. At hotels and good restaurants, credit cards are accepted, also in Mall Shops. Taxis do not accept credit cards.
7. What is the currency exchange rate?
 - a. Today one (1) U.S. dollar is about fifteen (15) pesos, and one (1) Euro around seventeen (17) pesos.
8. Is there anything else I need to know?
 - a. Near the Presidente Hotel, there are a lot of Bank buildings, because you will be into the downtown. All Banks are available to exchange money, U.S. dollars all of them, and Euros asking before change at a Exchange Currency Agency . You can choose what you prefer.
 - b. And like in all big cities you must have keep an eye in your personal belonging. Opportunistic thieves are present all around the world.
 - c. See the map on the next page. The EZE airport is about 20 miles (32K) which is about 45 minutes from the Hotel Presidente



**Asociación Profesional Argentina
de Despatchantes de Aeronaves**

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Lobby – Hotel Presidente

The Hotel Presidente is situated in the heart of Buenos Aires, within distance from the Obelisco, symbol of the city. Access to the main tourist sites, such as San Telmo, the tango place, and the historic civic center of the Casa de Gobierno and its surroundings is easy from the hotel. Also, the downtown with its business center and financial activity, the Colón Theater, Recoleta, the main museums, within meters from the Presidente Hotel make a privileged location. The Ezeiza International (EZE-SAEZ) Airport is about 17 miles (about 27 km) SW of the city. If you use a taxi from the airport make sure you agree on the fare before you get in the taxi.



AGM 2018 Atlanta

Planning has already begun for our 2018 Annual General Meeting to be held here in Atlanta, hosted by PAFCA-Delta, tentatively scheduled for May 6-9, 2018. The IFALDA AGM organizing committee, working with a professional event planner, has narrowed the search down to 2-3 hotels in the Atlanta Airport area. The hotels will offer free airport shuttle service, Wi-Fi and breakfast included. MARTA, the Atlanta bus and light rail service runs from the airport to all over Atlanta. Atlanta is quite easy to get to with direct air service to most of the major cities of the world. The venue will be announced at the AGM in Buenos Aires.

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Note: This will be my last Edition of Flight Dispatcher's World. I have asked the IFALDA Board to allow me to "throttle-back" somewhat on my IFALDA activities since I would like to spend more time as a retiree doing "retiree stuff". As many of you know, my other "passion" is locating, restoring and flying WWII military aircraft. I serve as a Colonel in the Commemorative Air Force, with the Dixie Wing here in the Atlanta area. I intend to stay in touch with my IFALDA friends and help out where I can. I will assist in setting up the 2018 AGM here in the Atlanta area.

Dave Porter
Editor – Flight Dispatcher's World
Director – Professional and Technical Standards
Director - Membership
Co-Representative to ICAO
IFALDA

dporter@ifalda.org

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