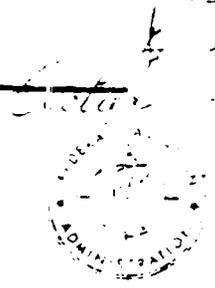


DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

May 18, 1977

AQAFO  
1568 Willingham Drive, C-216  
College Park, Georgia 30337



ASO-230

SUBJECT: Interpretation of Section 121.99 of the FARs

TO: Chief, Flight Standards Division, ASO-200

As you know, we have been conducting an evaluation of Southern Airways' Dispatch System. During the investigation of the communications procedures, we determined the following:

1. Southern Airways' dispatchers cannot talk directly to their flight crews en route on company frequencies (except in the Atlanta area where they have selcal). All communications other than this have to be passed through operations personnel at the individual stations.
2. Southern Airways does have the capability to talk to the flight crews through contract ARINC facilities by means of selcal if the flight crew is guarding the frequency. This is primarily used for charter flights.
3. There is considerable delay when the dispatch office is trying to contact a flight on their regular company frequencies following the procedures in Item 1 above. For example, it took 13 minutes to contact one flight; 7 minutes on another and 4 minutes on a third.
4. The only way that Southern can really expedite communications is to call ATC and have the flight crew call the company. We did not test this capability.

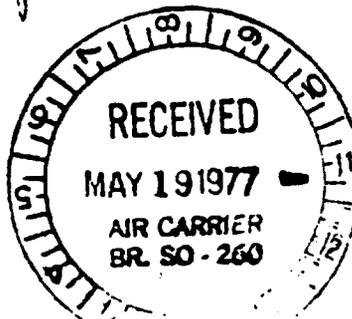
In view of the above we do not believe Southern is meeting the requirements of the subject FAR. Therefore, we are requesting an interpretation from Regional Counsel, ASO-7, of Section 121.99 of the FARs with particular emphasis on defining the parenthetical item of the FAR "(either direct or via point to point circuits) between each airplane and the appropriate dispatch office." We do not believe Southern's system accomplishes this nor is their system rapid and reliable as we see it.

Since this is important to completion of the evaluation, we would appreciate your earliest assistance in providing the necessary interpretations.

*Kenneth S. Cooper*

KENNETH S. COOPER  
Chief, AQAFO, ASO-230

CC:  
ASO-260  
ATL ACDO



## **Summary of Memo--Request for Interpretation of FAR 121.99**

This summary represents the contents of a Federal Aviation Administration (FAA) "Speed Memo" dated May 26, 1977 and prepared by Southern Region Counsel, R.R. Hagadone. The original handwritten-document entitled, "Request for Interpretation of FAR 121.99" is not available and photocopies of the document are nearly illegible. This document addressed two issues: (1) the meaning of the term "rapid" and (2) the meaning of the term "point-to-point circuits" as used in 14 CFR § 121.99. With respect to the term "rapid", the interpretation states:

Considering the speed of modern jet aircraft (8 miles per minute) we do not consider 4, 7, or 13 minutes as being "rapid". Such times thus do not meet FAR 121.99 requirements.

The FAA continues to construe the term "rapid" as used in section 121.99 as meaning less than four minutes.

The term "point-to-point circuits" in 14 CFR § 121.99 refers to one of two modes of communication between each aircraft and an appropriate dispatch office. The other mode is "direct" in which the dispatch office and aircraft may communicate by radio with no other persons involved.

The Hagadone interpretation stated that point-to-point circuits that require human relay(s) between the aircraft and the dispatch office would not satisfy the requirements of section 121.99. For instance, if an air traffic controller had to speak by radio to an aircraft and then relay that information by telephone (or other means) to the appropriate dispatch office and vice-versa, the requirement would not be met. For an air carrier to use the point-to-point circuit alternative, they could rely on an air traffic controller only to the extent that he or she could establish a radio-to-telephone link between the aircraft and the dispatch office thus facilitating direct communication without need for a human relay.

# SPEED MEMO

Day file

SUBJECT

Request for Interpretation of FAR 121.99 Your Radio step 2300 11

DATE OF INITIAL MESSAGE	APR 26, 1977
SIGNATURE OF ORIGINATOR	R.R. Hagadone
TITLE	AH4
ROUTING SYMBOL	ASU-7

TO: [ ]

[ ]

ASU-760

INITIAL MESSAGE

Due to short time limitation will answer via speed memo. Considering the speed of modern jet aircraft (8 miles per minute) we do not consider 4, 7 or 13 minutes as being "rapid". Such times do not meet FAR 121.99 requirements. In considering the other questions a brief review of the regulations is considered necessary. The regulation requires:

1. A two-way air-ground radio (not telephone) system
2. Communications must, under normal conditions be reliable and rapid
3. System be direct - if other must be approved - but we are not certain what 'point to point circuits' mean particularly when the first requirement is that radio system must be used
4. Communications must be between dispatcher and each airplane - 3rd person or "go between" not authorized

FROM: [ ]

[ ]

DATE OF REPLY

SIGNATURE OF REPLIER

TITLE

ROUTING SYMBOL

-cont-

SPEED MEMO

Page 2

DATE OF INITIAL MESSAGE

SIGNATURE OF ORIGINATOR

TITLE

INITIAL MESSAGE

5. US Govt system cant be considered in meeting the regulatory requirement.

With above requirements in mind - we can compare them to points raised in memo dated May 18, 1971 from ACP 230 & ACO 200 to DOT. It would appear that such procedure does not meet FAR 121.149 requirement. Such method is not two-way - may not be two radios and sounds as if dispatcher talks with ground person - who talks with pilot and then back again.

INITIAL MESSAGE

with pilot and then back again.

Par 2 - This confuses us as we thought the "select" system did not involve use of frequency. If crews can turn system off in not ground - system would not be reliable as required

Par 3 - Already discussed - system not rapid

Par 4 Regulation (121.149) does not permit this system to be

FROM:

(cont.)

DATE OF REPLY

SIGNATURE OF REPLIER

TITLE

# SPEED MEMO

Page 3

TO:

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DATE OF INITIAL MESSAGE

SIGNATURE OF ORIGINATOR

TITLE

ROUTING SYM.

INITIAL MESSAGE

used as substitute for the own required system.

The language of "direct or no point to point circuits" apparently speaks to the system of two way radio communications and not to the actual communications. In other words the dispatcher would be able to speak directly to the airplane. The manner or method of how this direct communication is established may be by direct or point to point system. This phrase does not, in our view mean that the

REPLY MESSAGE

dispatcher can talk, in turn, to several different persons, each relaying information to each and then finally the aircraft.

FROM:

[ ]

[ ]

DATE OF REPLY

SIGNATURE OF REPLIER

TITLE

ROUTING SYM.