

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7325, Amdt. 121-87]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Aircraft Dispatcher Qualifications

The purpose of this amendment to Part 121 is to update the aircraft dispatcher qualification requirements to more closely align them to the duties actually performed by the aircraft dispatcher and to generally clarify these requirements.

This amendment was originally proposed by Notice 70-26 and published in the FEDERAL REGISTER on July 9, 1970 (35 F.R. 11035). Numerous comments were received regarding the proposed amendments, the majority from aircraft dispatchers who will be affected by the rule. Generally, the comments took either of two points of view: one, the view originally expressed by the Air Line Dispatchers Association (ALDA), the other, that of the Air Transport Association (ATA). Both of these organizations had petitioned the FAA for rule making in the subject area prior to issuance of Notice 70-26. The objections and recommendations of the commentators can be summarized in terms of the positions taken by these two organizations in their initial proposals for rule making and in a subsequent public hearing conducted March 27, 1968, the original official report of which is available in the FAA regulatory docket.

The arguments submitted by ALDA support the position that there should be increased route, airport, and airplane familiarization obtained on the flight deck. It asserts that familiarization trips are necessary for the observation of pilot techniques, communication procedure, terrain, air traffic control in practice, airport approaches and hazards, approach control, tower practices, and dominant meteorological conditions, all of which, the ALDA asserts, are essential to dispatcher training and knowledge. Also, the ALDA states that the dispatcher must be exposed to the pilot's environment so that the dispatcher is knowledgeable to the extent that his judgment is reliable and respected. Such exposure would permit one dispatcher to

monitor other dispatchers from the flight deck. In addition, the ALDA states that the only way to maintain a highly trained, sensitive, and efficient organization is to expose dispatchers to the actual operating conditions with which they must deal, and the only appropriate means by which this end is achieved is through operating familiarization and route qualification which acquaints the dispatcher with all facets of an operation with which he is concerned. Finally, ALDA states that when utilized to the proper extent, operating familiarization and route qualification trips provide the dispatcher with an opportunity to retain and increase his firsthand knowledge of engine and aircraft performance parameters.

These arguments were again aired at the March 27 public hearing and were supported by numerous commentators responding to notice 70-26 who are members of ALDA. The Transport Workers Union of America supports these views and commented that the current operational environment of the flight dispatcher is made more complex by the increased density of air traffic, noise abatement procedures, lower takeoff and landing limits and other factors; consequently, qualification trips are more important than ever. Other commentators who support the ALDA position expressed fear that relaxation of the flight experience requirements would compromise flight safety.

The other view that was supported by commentators was that expressed by ATA both in its initial request for rule making and in its statements made at the public hearing. The ATA states that when the present regulation was promulgated, the dispatcher's role was more closely tied in with the pilot's duties in flight and flight safety than it is today. With the current state of the art, the dispatcher function is now primarily the important one of preplanning and coordination of equipment and manpower as well as the monitoring of aircraft departure and arrival information. In addition, the ATA states that a dispatcher can be better qualified with regard to aircraft operating procedures, communications, terminals, and airports through ground training. Finally, the ATA objects to qualification requirements which are higher for an aircraft dispatcher than those prescribed for a pilot in command.

In letters of September 11, 1970, and August 5, 1971, the ALDA requested that a second public hearing be held. In the rule-making process, a public hearing has basically the same purpose as written comments, namely, to inform the

FAA of the facts and the opinions of the public concerning the proposed rule. The hearing serves a useful purpose, however, when it provides something more than is usually obtained from written comments. Normally, this would involve situations where facts and views cannot be expressed adequately by written comments, where written comments cannot properly be evaluated without further development in a public hearing, or where written comments which have been received raise new issues which require further public consideration and this can be accomplished most satisfactorily and expeditiously in a hearing.

In view of the fact that one public hearing was held prior to the issuance of notice 70-26, the FAA does not believe that any facts or opinions were subsequently presented that could not be evaluated properly without further development in a public hearing. Comments were received in response to notice 70-26 covering all the issues involved in the proposed rule and they have been most carefully evaluated with respect to their bearing on the request for a public hearing. The request for an additional public hearing did not indicate any area that the comments have not covered adequately nor has any showing been made that they could not be evaluated properly without another public hearing. Furthermore, they did not point out any significant issue that was not previously considered. On this point a public hearing is likely to repeat opinions and evidence already submitted in the form of written comments. Accordingly, it does not appear that another public hearing would serve a useful purpose and it is not deemed necessary in the public interest.

The concept of route qualification for aircraft dispatchers was essential to the safety of air carrier operations during the era of the low-frequency airways system. During this era, routes, many of which were off-airways or point to point, were approved on an individual basis for each air carrier. Day VFR and night VFR routes were common, and even lighted airways were in use. In addition, it was not uncommon for routes to be approved through mountainous areas at operating altitudes below the surrounding terrain. Against this background, the dispatcher had to play an intimate role in the actual conduct of each flight within his jurisdiction, and he had to know thoroughly the physical structure and peculiarities of each route. Generally, this knowledge was obtainable only by actual observation from the flight deck of the aircraft.

(As published in the Federal Register [37 F.R. 5606] on March 17, 1972

Today, aeronautical and electronic science have significantly altered the above situation. The original concept of routes no longer prevails and air carriers customarily fly at altitudes where knowledge of specific terrain is no longer a factor. Furthermore, the system has been made more efficient through the standardization of navigation facilities and air traffic control procedures.

As indicated in notice 70-18 (published in the FEDERAL REGISTER, 35 F.R. 7021, on May 2, 1970) which proposes revision of the pilot-in-command qualification requirements, the concept of a "route" is no longer applicable in light of the developing concept of air navigation and the flexibility of routing between airports which has rendered obsolete the concept of a "route" as a particular track over the ground. This consideration applies equally in the area of aircraft dispatcher qualification.

With regard to requiring qualification into specific airports and over particular routes, the FAA is of the opinion that there is no justification for prescribing such a requirement for dispatchers. Of course, the dispatcher must have adequate knowledge of the characteristics of appropriate airports and air traffic and approach control procedures. However, these can be learned through ground training and the use of pictorial displays and are adequately covered by current regulations.

In the rule-making action involving Amendment 121-55 (35 F.R. 84, January 3, 1970), which revised and updated the training programs for crewmembers and dispatchers, the FAA explained its position regarding the use of flight simulators and airplane groupings for training purposes. The FAA believes that the use of simulators should be expanded wherever they can be used effectively. Insofar as airplane groupings for training purposes are concerned, in adopting Amendment 121-55 the FAA concluded that regulatory requirements for minimum hours of training need not be established for each airplane by make and type and reduced the number of airplane groups to two—propeller driven including reciprocating and turboprop, and turbojet.

Accordingly, this amendment establishes a requirement for operating familiarization in § 121.463(a) that is limited to aircraft groups rather than aircraft types. Thus, if a dispatcher has

obtained operating familiarization on the B-707 (a Group II aircraft), he is not required to have operating familiarization on any other aircraft within that group.

However, this amendment makes operating familiarization a recurrent training requirement. Specifically § 121.463(c) of this amendment requires that a dispatcher must have satisfactorily completed, during each consecutive 12-calendar-month period, operating familiarization consisting of at least 5 hours observing, from the flight deck, operations under Part 121 in one of the types of airplanes in the group he is to dispatch. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight. This requirement may also be met through the use of a simulator approved under § 121.407; however, in that event no reduction in hours is permitted.

In addition, this amendment changes the current rule that provides a 90-day exception to the operating familiarization requirement for dispatchers, for the reasons stated in the Notice. Specifically, § 121.463(a)(2) of this amendment permits a dispatcher to dispatch, without having had the 5 hours of operating familiarization required therein, for 90 days after initial introduction of the airplane into Part 121 operation.

In consideration of the foregoing, § 121.463 of Part 121 of the Federal Aviation Regulations is amended, effective April 17, 1972, to read as follows:

§ 121.463 Aircraft dispatcher qualifications.

(a) No domestic or flag air carrier may use any person, nor may any person serve, as an aircraft dispatcher for a particular airplane group unless that person has, with respect to an airplane of that group, satisfactorily completed the following:

(1) Initial dispatcher training, except that a person who has satisfactorily completed such training for another type airplane of the same group need only complete the appropriate transition training.

(2) Operating familiarization consisting of at least 5 hours observing from the flight deck operations under this part, except that a person may serve as an aircraft dispatcher without meeting this requirement for 90 days after initial introduction of the airplane into opera-

tions under this part. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight.

(b) No domestic or flag air carrier may use any person, nor may any person serve, as an aircraft dispatcher for a particular type airplane unless that person has, with respect to that airplane, satisfactorily completed differences training, if applicable.

(c) No domestic or flag air carrier may use any person, nor may any person serve, as an aircraft dispatcher unless within the preceding 12 calendar months he has satisfactorily completed operating familiarization consisting of at least 5 hours observing from the flight deck operations under this part in one of the types of airplanes in each group he is to

dispatch. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight. This requirement may be satisfied by observation of 5 hours of simulator training of each airplane group in one of the simulators approved under § 121.407 for the group. However, if this requirement is met by the use of a simulator, no reduction in hours is permitted.

(d) No domestic or flag air carrier may use any person, nor may any person serve as an aircraft dispatcher to dispatch airplanes in operations under this part unless the air carrier has determined that he is familiar with all essential operating procedures for that segment of the operation over which he exercises dispatch jurisdiction. However, a dispatcher who is qualified to dispatch airplanes through one segment of an operation may dispatch airplanes through other segments of the operation after coordinating with dispatchers who are qualified to dispatch airplanes through those other segments.

(e) For the purposes of this section, the airplane groups, terms, and definitions in § 121.400 apply.

(Secs. 313(a), 601, 602, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1422, 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 10, 1972.

J. H. SHAFFER,
Administrator.