

# A.A.C.A. SUMMIT PRESENTATION

## SECTION 322 GUIDANCE



**Federal Aviation  
Administration**

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**PART 135 ON DEMAND AND COMMUTER  
OPERATIONS POLICY**

# THE LAW

- **SECTION 322**: THE ADMINISTRATOR SHALL PERMIT AN AIR CARRIER OPERATING PURSUANT TO PART 135 OF TITLE 14, CODE OF FEDERAL REGULATIONS, TO OPERATE TO A DESTINATION WITH A PUBLISHED APPROACH, IN A NONCONTIGUOUS STATE UNDER INSTRUMENT FLIGHT RULES AND CONDUCT AN INSTRUMENT APPROACH WITHOUT A DESTINATION METEOROLOGICAL AERODROME REPORT (METAR) IF A CURRENT **AREA FORECAST, SUPPLEMENTED BY NONCERTIFIED LOCAL WEATHER OBSERVATIONS (SUCH AS WEATHER CAMERAS AND HUMAN OBSERVATIONS)** IS AVAILABLE, AND AN ALTERNATE AIRPORT THAT HAS A WEATHER REPORT IS SPECIFIED. **THE OPERATOR SHALL HAVE APPROVED PROCEDURES FOR DEPARTURE AND EN ROUTE WEATHER EVALUATION.**



# KEY ELEMENTS of Section 322

- **OBJECTIVE OF THIS LAW-**
  - DISCOURAGE PRESENT STATE-
    - LOW VFR “SCUD RUNNING” IN PART 135 OPERATIONS (RESULTING IN NUMEROUS CFIT ACCIDENTS)
  - ENCOURAGE FUTURE STATE-
    - GREATER USE OF THE IFR SYSTEM (SAFETY IMPROVEMENT)



# KEY ELEMENTS of Section 322

- **APPLICABILITY OF LAW-**

- ONLY ALASKA AND HAWAII

- ONLY PART 135 (ON DEMAND AND SCHEDULED COMMUTER) OPERATIONS CONDUCTED AT AIRPORTS WITH IAP AND WITHOUT A DESTINATION METAR



# KEY ELEMENTS of Section 322

- **WEATHER INFORMATION REQUIRED BY THE LAW- TO BE EVALUATED (BY THE PIC)-**
  - AREA FORECAST, PLUS
  - NONCERTIFIED, SUPPLEMENTAL, LOCAL WEATHER INFORMATION (SUCH AS WEATHER CAMERAS AND HUMAN OBSERVATIONS)
  - OTHER LOCAL WEATHER ACQUISITION OPTIONS MAY ALSO BE EFFECTIVE
  - ASSUMPTION- CERTIFIED WEATHER WILL NOT BE AVAILABLE AT SMALL AIRPORTS WITHIN NEXT FEW YEARS



# KEY ELEMENTS of Section 322

- **SAFETY MITIGATIONS CONTAINED IN LAW-**
  - DECLARED ALTERNATE AIRPORT MUST HAVE A METAR
  - **APPROVED PROCEDURES** FOR DEPARTURE AND EN ROUTE WEATHER EVALUATION  
(PILOTS ALREADY UNDERSTAND, HAVE RECEIVED SPECIFIC TRAINING IN, AND ARE CHECKED IN WEATHER ASPECTS. THESE “APPROVED PROCEDURES” MUST INCLUDE TECHNIQUES USED BY OPERATOR’S EMPLOYEES OR CONTRACTORS WHO WILL ACQUIRE LOCAL WEATHER INFORMATION OBTAINED USING A NONCERTIFIED TECHNIQUE, AND HOW THIS WILL BE TRANSMITTED OR SENT TO THE PILOTS.)



# NON-STANDARD SITUATION

- LAW DOES NOT CONTAIN A SELF-ENACTING CLAUSE
- EXISTING REGULATIONS PROVIDE AUTHORIZATION PATH
- NEW REGULATIONS NOT REQUIRED
- FAA RECOGNIZES URGENT NEED TO FACILITATE COMPLIANCE
- FAA IS RESPONDING- GUIDANCE TO INSPECTORS IS IN PROGRESS



# AUTHORIZATION TO APPROVE

- 14 CFR 135.213(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.”





# REVISING GUIDANCE FOR INSPECTORS

- 8900.1 Volume 3 Chapter 26 Sections 1 and 4
  - EVALUATION AND APPROVAL OF SECTION 322 PROCEDURES
  - OBTAINING APPROVAL TO USE WEATHER OBSERVED AT LOCATION “A” WHEN LANDING AT AIRPORT “B”
- 8900.1 Volume 3 Chapter 18 Section 3 (OpSpec A010)



# APPROVALS

- FOLLOWING SUCCESSFUL EVALUATION, POI ISSUES LETTER OF APPROVAL TO OPERATOR ALLOWING USE OF DOCUMENTED METHODS RECORDED IN GOM.
- APPROVAL IS RECORDED IN OPS SPECS A010 AND A005
- APPROVAL MAY BE RESCINDED AT ANY TIME IF SURVEILLANCE FINDINGS INDICATE PROCEDURES ARE NOT BEING USED OR ARE NOT EFFECTIVE.



# OPERATIONS SPECIFICATIONS

OpsSPEC A010- ADD TABLE TO LIST AIRPORTS AND NONCERTIFIED WEATHER ACQUISITION AND ANALYSIS METHOD(S)

(MAY BE A NUMBER OF DIFFERENT METHODS DEPENDING UPON TERRAIN ENVIRONMENT AND/OR EQUIPMENT REQUIRED)



# PLANNED TIMELINE OBJECTIVES

- SOCIALIZE DRAFT PROPOSED GUIDANCE WITH FAA AND NWS (IN PROGRESS)
- PUBLISH PROPOSED GUIDANCE IN FEDERAL REGISTER FOR NOTICE AND SOLICITATION OF COMMENTS BEFORE END OF FY 2019
- PROCESS THROUGH ADMINISTRATIVE GATES AND DIVISION / AFS APPROVALS AS REQUIRED BY END OF Q1, FY 2020
- DISTRIBUTE APPROVED GUIDANCE TO FIELD IN Q2, FY2020



# APPROVED PROCEDURES FOR WEATHER EVALUATION-

- ANALYZE AREA FORECAST (EXPECTED CONDITIONS AT TIME OF ARRIVAL)-
  - ABOVE I.A.P. MINIMUMS?
- CONFIRM CURRENT CONDITIONS AT DESTINATION- (ESTIMATED ACTUAL CONDITIONS BASED ON NONCERTIFIED SUPPLEMENTAL LOCAL WEATHER INFORMATION)-
  - ABOVE I.A.P. MINIMUMS?



# PERFORMANCE OBJECTIVE

## 1. REASONABLY ACCURATE ESTIMATION OF DESTINATION WEATHER:

- VISIBILITY- AT OR ABOVE APPLICABLE I.A.P. MINIMUMS?
- CEILING- AT OR ABOVE APPLICABLE I.A.P. MINIMUMS?

## 2. CONSISTENT RESULTS:

- INTER-RATER RELIABILITY AMONG OBSERVERS OR PHOTO INTERPRETERS. (MAKE IT EASY TO BE CONSISTENT)



# ACHIEVING PERFORMANCE OBJECTIVE TECHNIQUES-

- **NON-PRESCRIPTIVE-**
  - OPERATOR DESIGNED AND ESTABLISHED METHODS
  - CREATIVE, AND DISCRETIONARY- MANY OPTIONS ARE OK
  - ACQUIRE WEATHER DATA- (OBSERVE AND INTERPRET)
  - COMMUNICATE WEATHER INFORMATION TO PILOTS- VIA BEST ECONOMICAL MEANS



# SIMPLE ESTIMATING TECHNIQUE EXAMPLES

- **HUMAN OBSERVER-**
  - **VISIBILITY-** COMPARISON STANDARDS FOR EACH AIRPORT
    - SIMPLE AS- PHOTO WITH LANDMARKS AT AND SLIGHTLY BEYOND MINIMUM ALLOWABLE VISIBILITY RANGE
    - TRAINING & EVALUATION VIA DEMO AND COACHING
  - **DOCUMENT METHOD FOR REFERENCE** AND TO REDUCE INCONSISTENCY BETWEEN OBSERVERS





# SIMPLE ESTIMATING TECHNIQUE EXAMPLES

- **HUMAN OBSERVER-**
  - **CEILING-** COMPARISON STANDARDS SAME AS ABOVE,
    - PHOTO WITH LANDMARKS ABOVE / BELOW MINIMUM CEILING
    - **OR-** BALLOON TIME TO CLIMB AT KNOWN RATE VS. ALTITUDE
      - PROVIDE HELIUM, BALLOONS, TENSION GAGE, TIMER, AND CHART
      - FILL BALLOON TO X GRAMS LIFT, RELEASE, AND TIME THE CLIMB TO CEILING / CONSULT CHART FOR TIME TO CLIMB VS. ALTITUDE
  - DEMO AND COACH- TRAINING / EVALUATION
  - **DOCUMENT METHOD FOR REFERENCE AND TO REDUCE INCONSISTENCY BETWEEN OBSERVERS**



# SIMPLE ESTIMATING TECHNIQUE EXAMPLES

- **WEATHER CAMERA PHOTO INTERPRETER-**
  - **VISIBILITY / CEILING-** COMPARISON STANDARDS FOR EACH AIRPORT
    - SAME AS HUMAN OBSERVATION- STANDARD PHOTO VS. CAMERA IMAGE- LANDMARKS AT AND SLIGHTLY BEYOND MINIMUM ALLOWABLE VISIBILITY RANGE OR MINIMUM CEILING
    - TRAINING / EVALUATION- DEMO AND COACH METHOD
  - **DOCUMENT METHOD FOR REFERENCE** AND TO REDUCE INCONSISTENCY BETWEEN OBSERVERS



# MANY OPTIONS

- **OTHER TECHNIQUES**
  - PILOT REPORTS
  - WEATHER OBSERVATION INSTRUMENTATION, CAPABLE OF MEASURING CEILING AND VISIBILITY
  - MANY OTHERS, AT DISCRETION OF OPERATOR
- **OPTIONAL WEATHER CHARACTERISTICS OF INTEREST**
  - WIND SPEED AND DIRECTION
  - TEMPERATURE
  - PRECIPITATION TYPE AND INTENSITY



# FAA RESPONSIBILITY- EVALUATE & APPROVE

- **DOES OPERATOR TECHNIQUE YIELD PERFORMANCE OBJECTIVE?**
  - TELL ME HOW, SHOW ME YOU CAN, POINT TO INSTRUCTION SHEET.
  - DOES TECHNIQUE PRODUCE REASONABLY ACCURATE ESTIMATES FOR CEILING AND VISIBILITY?
  - IS IT REPEATABLE? ARE RESULTS CONSISTENT- RATER TO RATER?
  - ARE COMPARISON STANDARDS CONTROLLED?
  - ARE DOCUMENTED INSTRUCTION SHEETS (TO PRESERVE METHOD INTEGRITY OVER TIME) INCLUDED IN PROCEDURE?
  - IS COACHING AND EVALUATION OF ABILITY EFFECTIVE?



**QUESTIONS?**



# OBTAINING APPROVAL OF REPRESENTATIVE WEATHER

- 14 CFR 135.213(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 RESPONSIBLE FLIGHT STANDARDS 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.



# OPERATOR REQUESTS APPROVAL

- PROVIDE TO POI- A WRITTEN REQUEST FOR USE OF WEATHER OBSERVED AT AIRPORT “A”, FOR USE AT AIRPORT “B”
- INCLUDE GEO-COORDINATES (LAT/LONG) AND AIRPORT IDENTIFIER FOR SOURCE AND DESTINATION
- PROVIDE SAFETY CASE: ENVIRONMENTAL FACTORS THAT MAKE WEATHER OBSERVED AT “A” REPRESENTATIVE OF WEATHER EXPECTED AT “B” AT SAME MOMENT IN TIME



# POI INITIAL STEPS

- POI EVALUATES REQUEST SUBMITTAL,
  - ALL INFORMATION IS PRESENT AND ACCURATE?
  - IF, POI DETERMINES THAT THE WEATHER SUBSTITUTION IS LIKELY REPRESENTATIVE, POI FORWARDS THE REQUEST, WITH HIS CONCURRENCE, TO THE NWS AVIATION METEOROLOGIST FOR REVIEW AND APPROVAL.
  - IF POI DETERMINES THAT THE WEATHER AT LOCATION “A” IS NOT A RELIABLE REPRESENTATION OF WEATHER AT LOCATION “B”, POI MAY TERMINATE PROCESS AND ISSUE LETTER OF DISAPPROVAL TO OPERATOR





# NWS REVIEW

- AVIATION METEOROLOGIST REVIEWS SUBMITTAL IN ACCORDANCE WITH NWS INSTRUCTION 10-1301.
- METEOROLOGIST EVALUATES FACTORS THAT SUPPORT “REPRESENTATIVENESS”. APPROVAL IS AT THEIR SOLE DISCRETION. THEY NEED NOT JUSTIFY THEIR DECISION.
- METEOROLOGIST ISSUES LETTER OF DETERMINATION (APPROVED OR NOT) TO FAA GASA OFFICE, NOT TO OPERATOR.



# POI FINAL STEPS

- POI FOLLOWS NWS DETERMINATION:
- IF APPROVED BY NWS-
  - POI ISSUES APPROVAL LETTER TO OPERATOR
  - POI RECORDS APPROVAL IN OPSPEC A010
  - POI LISTS APPROVAL AS DEVIATION IN OPSPEC A005



# POI FINAL STEPS

- IF DENIED BY NWS-
  - POI ISSUES LETTER OF DISAPPROVAL TO OPERATOR
- IN ALL CASES-
  - POI RETAINS ORIGINAL OPERATOR REQUEST, COPIES OF ALL CORRESPONDENCE WITH NWS, AND COPY OF LETTER OF APPROVAL OR DISAPPROVAL SENT TO OPERATOR IN OFFICE FILE FOR CERTIFICATE.



**QUESTIONS?**

