

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.345

National Policy

Effective Date:
3/2/16

Cancellation Date:
3/2/17

SUBJ: Requirement to List the Conditions and Limitations Associated with 14 CFR Part 135, § 135.213(b) Deviations in OpSpec A010, Aviation Weather Information

1. Purpose of This Notice. This notice emphasizes the requirement to list conditions and limitations associated with a deviation allowed by Title 14 of the Code of Federal Regulations (14 CFR) part 135, § 135.213(b), into a certificate holder's Operations Specification (OpSpec) A010, Aviation Weather Information. This notice also announces a revision to the A010 templates for part 135 and 14 CFR part 121/135 combination certificates. The revised templates include a table in which principal operations inspectors (POI) and aviation safety inspectors (ASI) will enter information applicable to a certificate holder's § 135.213(b) deviation. Issuance of the revised A010 template is required for all certificate holders who currently conduct, or desire to conduct, operations in accordance with a deviation to § 135.213(b).

2. Audience. The primary audience for this notice is Federal Aviation Administration (FAA) certificate-holding district offices (CHDO) assigned to certificate holders who are authorized to conduct part 135 operations. The secondary audience includes Flight Standards Service (AFS) divisions and branches in the regions and in headquarters (HQ).

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Air carriers (operators) can find this notice on the FAA's Web site at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. Section 135.213, Weather Reports and Forecasts, contains weather requirements for operations conducted under part 135 visual flight rules (VFR) and instrument flight rules (IFR). For part 135 IFR operations, § 135.213(b) requires weather observations to be taken at the airport at which an IFR operation is being conducted (the actual takeoff and landing site). Section 135.213(b) also contains a provision that could allow a certificate holder to permit a pilot to use a weather observation taken at a location other than the actual takeoff/landing site. Using an observation taken from an alternative location must provide an equivalent or greater level of safety, and is only allowable by deviation. POIs are not authorized to issue the deviation unless the National Weather Service (NWS) and the CHDO conduct an investigation. The

investigation, which is required by § 135.213(b), is necessary to determine whether or not a weather report taken at an alternative location proposed by the certificate holder is appropriate for use at the actual takeoff/landing site.

5. AFS-200 Review of § 135.213(b) Deviations Issued in the Web-Based Operations Safety System (WebOPSS). The Air Transportation Division (AFS-200) conducted a review of § 135.213(b) deviations currently issued in WebOPSS. The review revealed that certificate holders to whom the deviations are issued have no corresponding information listed in OpSpec A010. Listing information in A010 is a requirement when issuing the deviation. AFS-200 determined that this discrepancy was likely due, in part, to confusing and conflicting information contained in the description of the deviation in WebOPSS. Compounding the issue was the fact that there were actually two selectable versions of the § 135.213(b) deviation in WebOPSS. One of the selectable deviations simply references “A010” in the description. The other states in the description that the conditions and limitations of the deviation must be approved by AFS-200 and listed in OpSpec A010.

6. Deviation Updated in WebOPSS. AFS-200 has disabled the two § 135.213(b) deviations that were previously available in WebOPSS. We have prepared a new version of the deviation and revised the description to accurately depict the requirement to list all information applicable to the deviation in the appropriate table of OpSpec A010. A sample of the updated deviation is provided in Appendix A of this notice.

7. Process for NWS Investigations. AFS-200 has added a process for obtaining assistance from the NWS in conducting the investigation required by § 135.213(b). This process is published in FAA Order 8900.1, Flight Standards Information Management System (FSIMS), Volume 3, Chapter 26, Section 2, paragraph 3-2073D2), IFR Operations in Accordance with a § 135.213(b) Deviation. It is important to note that a § 135.213(b) deviation is not valid without a properly conducted and documented NWS investigation. An investigation by the NWS is stipulated within the regulatory text of § 135.213(b).

8. Removal of Requirement for AFS-200 Approval of Conditions and Limitations. In establishing the process for an NWS investigation and adding a § 135.213(b) table to the part 135 A010 template, AFS-200 has eliminated the need to be involved in approving the conditions and limitations of the deviation.

9. Revision to OpSpec A010 for Part 135. A revised A010 (HQ Rev 040a) template is now available in WebOPSS. The revision is mandatory for any certificate holder who is currently issued a deviation in accordance with § 135.213(b). A sample of the updated A010 template for part 135, which includes a table devoted to § 135.213(b) deviations, is provided in Appendix B of this notice.

10. Action.

a. POIs of Certificate Holders Who are Currently Issued the § 135.213(b) Deviation. POIs of certificate holders who are currently issued the § 135.213(b) deviation have six months from the date of this notice to review existing § 135.213(b) deviations, and then verify that the NWS has conducted the required investigation and determined that the alternative meteorological site is adequate and appropriate to support operations at the takeoff/landing site.

The investigation and determination by the NWS must be appropriately documented. In order to meet the deadline of this notice, POIs should begin reviewing existing deviations immediately. Deviations issued to a certificate holder are listed in the certificate holder's OpSpec A005, Exemptions and Deviations. POIs must also review the new policy contained in Order 8900.1, Volume 3, Chapter 26, Section 2, paragraph 3-2073D2), IFR Operations in Accordance with a § 135.213(b) Deviation. The new policy includes information related to NWS investigations in accordance with the deviation.

(1) Remove Deviation in Accordance with § 119.51(b) if the NWS Investigation Cannot be Verified. If a POI is unable to verify that the NWS conducted the required investigation and determined that observations taken from an alternative site are appropriate for use at the actual takeoff/landing site, the POI will initiate the process of removing the deviation in accordance with § 119.51(b). Section 119.51(b) requires the CHDO to inform the certificate holder in writing of the Administrator's intent to amend the certificate holder's OpSpecs. In this case, the POI will inform the certificate holder that the Administrator intends to amend its OpSpecs by removing the § 135.213(b) deviation from OpSpec A005. The POI will state the reason for the amendment as being a lack of the NWS investigation required by § 135.213(b). The POI will also inform the certificate holder that it has the option of submitting a new request for the deviation in the future and that all requests must include proposed alternative sites at which weather observations will be taken.

(2) Update OpSpecs A005 and A010 if the NWS Investigation is Verified and Documented. After successfully verifying that the NWS has conducted the required investigation and determined that observations taken from an alternative site are appropriate for use at the actual takeoff/landing site, POIs will remove the existing § 135.213(b) deviations from the certificate holder's A005 and issue the new version of the deviation. The new version of the deviation is identifiable by the fact that it is the only selectable § 135.213(b) deviation in WebOPSS. POIs will then update the certificate holder's OpSpec A010 and list information related to the deviation in the table provided. Refer to the sample of OpSpec A010 provided in Appendix B of this notice, and Order 8900.1, Volume 3, Chapter 18, Section 3, OpSpec/MSpec A010, for information on populating the § 135.213(b) deviation table contained in the part 135 A010 templates.

b. POIs of Certificate Holders Who are Not Issued the Deviation but are Seeking to Have It Issued. POIs of certificate holders who have not been issued, but are currently seeking, the § 135.213(b) deviation must follow the new policy outlined in this notice and contained in Order 8900.1, Volume 3, Chapter 26, Section 2, paragraph 3-2073D2), IFR Operations in Accordance with a § 135.213(b) Deviation.

11. Disposition. We will incorporate the information in this notice into Order 8900.1 before this notice expires. Direct questions or comments concerning the information in this notice related to OpSpec A005 or A010 to the Technical Programs Branch (AFS-260). For questions related to § 135.213(b) deviations, direct questions to the Part 135 Air Carrier Operations Branch (AFS-250). Both branches can be contacted via the AFS-200 primary telephone number at 202-267-8166.

A handwritten signature in black ink, appearing to read "John Barbagallo". The signature is written in a cursive style with some horizontal lines above the first part of the name.

John Barbagallo
Deputy Director, Flight Standards Service

Appendix A. Sample of Updated § 135.213(b) Deviation

Deviation Authority	Deviation From	Description	Conditions and Limitations
135.213(b)	135.213(a)	<p>Authorizes a deviation from the weather observation requirements.</p> <p>This deviation is not valid unless the locations involved, the date of the National Weather Service investigation and the applicable conditions and limitations are listed in the appropriate table of A010 of these operations specifications.</p>	

Appendix B. Sample of A010 Template Revision For Part 135

A010 Aviation Weather Information

HQ Control: 8/11/2015

HQ Revision: 04a

a. The certificate holder conducting 14 CFR Part 135 operations is authorized to use weather reporting facilities operated by the U.S. National Weather Service or a source approved by the U.S. National Weather Service.

b. The Administrator approves the certificate holder to use the following sources of aviation weather information.

- See Table 1
- The National Weather Services for those United States and its territories located outside of the 48 contiguous States
- U.S. and North Atlantic Treaty Organization (NATO) military observing and forecasting sources
- Members of the World Meteorological Organization (WMO)
- Active meteorological offices operated by a foreign state that subscribe to the standards and practices of the International Civil Aviation Organization (ICAO) conventions
- A meteorological station, or automated observation weather product, authorized by an ICAO member State.
- For reports of adverse weather phenomena: Pilot Weather Reports (PIREP) provided by aircraft of the same, or similar, type and size
- For reports of adverse weather phenomena: Aircraft Reports (AIREP) provided by aircraft of the same or similar type and size

c. The certificate holder is approved to use an Enhanced Weather Information System (EWINS) to obtain and disseminate aviation weather information for the control of flight operations.

Table 1 - EWINS

Name of Weather Source	Name of Manual Containing EWINS	Date of Initial Approval of EWINS	Date of Latest Revision of EWINS

d. In accordance with §135.213(b) the certificate holder is authorized a deviation to §135.213(a) in accordance with A005 of these operations specifications and Table 2 of this operations specification.

Table 2 – Deviation In Accordance With § 135.213(b).

Location of Operation	Location of Weather Observation	Date of National Weather Service Concurrence	Conditions and Limitations	Revision Date of Conditions and Limitations
<i>Selectable and/or free text</i>	Selectable			