

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.406

National Policy

Effective Date:
2/23/17

Cancellation Date:
2/23/18

SUBJ: Operations Over Uninhabited Terrain Areas

1. Purpose of This Notice. This notice provides guidance to aviation safety inspectors (ASI) tasked with ensuring that air carriers comply with the requirements of Title 14 of the Code of Federal Regulations (14 CFR) part 121, § 121.353. Section 121.353 requires flag, supplemental, and certain domestic operations to carry emergency equipment when conducting operations over uninhabited terrain where search and rescue may be delayed due to environmental conditions.

2. Audience. The primary audience for this notice is Flight Standards District Offices (FSDO) and certificate management offices (CMO) who are responsible for the acceptance of developed procedures and oversight of air carriers operating over areas of uninhabited terrain under part 121. The secondary audience includes Flight Standards branches and divisions in the regions and in headquarters (HQ).

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website 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>. Operators can find this notice on the Federal Aviation Administration's (FAA) website at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Regulatory Requirement. Section 121.353, Emergency Equipment for Operations Over Uninhabited Terrain Areas: Flag, Supplemental, and Certain Domestic Operations, states:

“Unless the airplane has the following equipment, no person may conduct a flag or supplemental operation or a domestic operation within the States of Alaska or Hawaii over an uninhabited area or any other area that (in its operations specifications) the Administrator specifies required equipment for search and rescue in case of an emergency:

(a) Suitable pyrotechnic signaling devices.

(b) An approved survival type emergency locator transmitter. Batteries used in this transmitter must be replaced (or recharged, if the battery is rechargeable) when the transmitter has been in use for more than 1 cumulative hour, or when 50 percent of their useful life (or for

rechargeable batteries, 50 percent of their useful life of charge) has expired, as established by the transmitter manufacturer under its approval. The new expiration date for replacing (or recharging) the battery must be legibly marked on the outside of the transmitter. The battery useful life (or useful life of charge) requirements of this paragraph do not apply to batteries (such as water-activated batteries) that are essentially unaffected during probable storage intervals.

(c) Enough survival kits, appropriately equipped for the route to be flown for the number of occupants of the airplane.”

5. Background. The requirements of § 121.353 were implemented to increase the chance of survival and rescue for airplane occupants in the event of an accident or emergency in areas of uninhabited terrain. The Preamble to the Final Rule that amended § 121.353 in 1995 (60 FR 65832) did not attempt to change requirements for flying over uninhabited terrain, nor did it attempt to clarify or amend the definition of “uninhabited terrain.” The Preamble stated that defining uninhabited terrain is “not necessary ...[s]ince implementation is on a case-by-case basis.” Currently, no legal interpretation that speaks to the definition of “uninhabited terrain” exists and none are expected.

6. Discussion. Although the requirements of § 121.353 are straightforward, the method by which each part 121 air carrier complies can differ based on the size and scope of their operations and, most importantly, the routes they fly.

a. Equipment. The amount and type of survival equipment depends on the route and the time of year. These requirements could vary with the season, especially in the northern latitudes and certain portions of the 48 contiguous United States. The arrival of rescue personnel is also dependent on factors such as weather, distance, and terrain. The important factor is not the definition of “uninhabited terrain;” rather, it is that the air carrier bears the responsibility to provide for the survival of the airplane’s occupants until rescue arrives.

b. Deviations and Exemptions. Section 121.353 does not contain language that allows for deviations. An air carrier would have to apply for an exemption from any of the subparts of the rule.

7. Action. The CMO personnel or assigned ASI will verify that their assigned air carrier meets the requirements of § 121.353. The ASI will report the status of compliance in the Safety Assurance System (SAS) database, as appropriate, no later than 90 days from the effective date of this notice.

a. Safety Management System (SMS) and Safety Risk Assessment (SRA). FSDOs and CMOs with oversight of air carriers that operate in areas of uninhabited terrain where search and rescue may be limited or delayed should encourage their air carriers to use their SMSs, if developed, to conduct an SRA for those routes. When conducting an SRA under 14 CFR part 5 subpart C, each air carrier shall also meet the requirements of part 5, § 5.27(c). The air carrier must demonstrate that their emergency response plans include coordination with other organizations they must interface with during the provision of its service. The SMS/SRA process

may not be used to circumvent the air carrier's duty to provide the highest possible degree of safety in the public interest, nor the requirements of § 121.353.

b. Custom Data Collection Tool (C DCT): Uninhabited Terrain. A new C DCT template labeled "Uninhabited Terrain" is now available for use by principal operations inspectors (POI) to collect data in conjunction with this notice. Data Quality Reviewers (DQR) should refer to this notice for data quality requirements. To access and load the "Uninhabited Terrain" C DCT template, POIs use the following steps:

- (1) From the SAS fly-out menu, under "Create DCTs," select "Custom DCT."
 - (2) Select "CH/A Name/Designator" from the drop-down menu.
 - (3) The Custom DCT Name should be left blank. It will autopopulate with the template title.
 - (4) Enter "N8900.406" without quotes in the "Local/Regional/National" field.
 - (5) Select the checkbox for "LRN Locked?"
 - (6) Under "Requires Own Assessment?" select "Yes" from the drop-down.
 - (7) Select the "OP" radio button next to "Specialty."
 - (8) Ensure the "Performance" radio button is selected next to "Question Type."
 - (9) Click on the "Search/Add Question(s)" button to open the pop-up window.
 - (10) Select the "Yes – National/Regional" radio button from the "Apply from Template" menu.
 - (11) Click on the "Select Template" drop-down menu and select "Uninhabited Terrain."
 - (12) Click on "Search."
 - (13) The checkboxes for the required questions will be autoselected.
 - (14) Click on "Add Questions."
 - (15) Click on the "Close" button to return to the "Create DCT" window.
- Note:** The "Remove Questions" button is active in the "Create DCT" window. Do not remove any questions.
- (16) Click on "Send to Planning."
 - (17) Verify that the C DCT appears in the Comprehensive Action Plan (CAP).
 - (18) Repeat steps (1) through (17) for additional assessments.

Note: These instructions are also found in the Adding a Custom DCT Quick Reference Card (Q Card), located in the SAS Resource Guide (SRG).

(19) Send an email to your appropriate Regional Office (RO) confirming completion of the C DCT.

8. Disposition. We will incorporate the information in this notice into FAA Order 8900.1 before this notice expires. Direct questions or comments concerning this notice to the Part 121 Air Carrier Operations Branch (AFS-220) at 202-267-8166.



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