U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

MAR 13 2018

Williams International Air, Inc.
Attn: Michael J. DePasquale, Chief Pilot
P.O. Box 1676
Fairport, New York 14550

Re: Communication and navigation equipment for overwater operations under 14 C.F.R. § 91.511

Dear Mr. DePasquale,

This letter is provided in response to your letter dated November 28, 2016, requesting a legal interpretation of 14 C.F.R. § 91.511. Section 91.511 applies only to operations subject to subpart F of part 91 (i.e., part 91 operations using large airplanes or turbojet-powered multiengine airplanes, and part 91, subpart K, fractional ownership operations).[1]

We have included the questions presented in your letter and provided responses below.

Question 1: *Whether the word "route," when used in § 91.511(d), would constitute the entire route from New York to London or only the portion of the route that includes the characteristics identified § 91.511(a)?*

The term "route," as used in § 91.511(d),[2] is not modified in any manner and thus would cover the entire route from New York to London, inclusive of that portion with the characteristics identified in § 91.511(a).[3]

Question 2: *Does the exception set forth in § 91.511(d) allow for only 1 HF transmitter and 1 HF receiver for a flight with a significant portion conducted over water, and more than 30 minutes flying time or 100 nautical miles from the nearest shore?*

---

[1] 14 C.F.R. § 91.501.

[2] Section 91.511(d) states, "Notwithstanding the provisions of paragraph (a) of this section, when both VHF and HF communications equipment are required for the route and the airplane has two VHF transmitters and two VHF receivers for communications, only one HF transmitter and one HF receiver is required for communications."

[3] Section 91.511(a) states in pertinent part, "...no person may take off an airplane for a flight over water more than 30 minutes flying time or 100 nautical miles from the nearest shore unless it has at least the following operable equipment: (1) Radio communication equipment appropriate to the facilities to be used and able to transmit to, and receive from, at least one communication facility from any place along the route: (i) Two transmitters. (ii) Two microphones. (iii) Two headsets or one headset and one speaker. (iv) Two independent receivers."

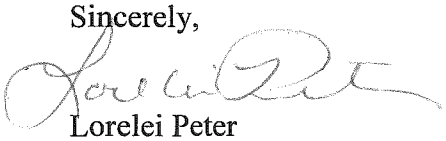
Section 91.511(d) allows an over water operation as described in the introductory text of paragraph (a) (i.e., flight over water for more than 30 minutes flying time or 100 nautical miles from the nearest shore) in an airplane with one HF transmitter and one HF receiver if the airplane is also equipped with two independent VHF transmitters and two independent VHF receivers. Section 91.511(d) does not include additional parameters pertaining to flying time or distance from the nearest shore that must be considered in determining whether an operation may be conducted with one HF transmitter and one HF receiver.

Question 3: *Whether the FAA would define the certain geographic area where a single long-range communication system is permitted for operations conducted under part 91.*

Section 91.511(d) provides the conditions under which an aircraft may be equipped with a single long-range communication system, specifically HF radio, but does not limit the geographic area in which an aircraft equipped with only a single HF radio may operate.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Francisco E. Castillo, an attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,



Lorelei Peter
Assistant Chief Counsel for Regulations, AGC-200

Williams International Air, Inc.

P.O. Box 1676
Fairport, New York 14450

Office of the Chief Counsel
800 Independence Avenue SW
Washington, DC 20591

November 28, 2016

Dear Counsel:

I am requesting a legal interpretation of 14 CFR §91.511, specifically 14 CFR §91.511(d) and the number of HF transmitters and HF receivers required for a flight based on the following hypothetical scenario:

A flight in a large and/or turbine powered multiengine airplane is operated under 14 CFR §91 from New York to London. ATC facilities along the entire route from NY to London require both VHF and HF radio communication equipment. A large portion of the flight exceeds the time and distance limitations specified in 14 CFR §91.511(a) and is operated beyond the range of VHF radio communication equipment, therefore requiring HF radio communication equipment as the appropriate means of rapid and reliable communication with Air Traffic Control along that long portion of the flight. The portion of the flight that exceeds the time and distance limitations specified in 14 CFR §91.511(a) occurs over the North Atlantic Ocean and does not include the areas identified in 14 CFR §91.511(f) or the area referred to as "the geographic area" identified in the final rule of 14 CFR §91.511.

Question #1: Does the word "route," when used in 14 CFR §91.511(d), constitute the entire route from NY to London or only the portion of the entire route that is defined by 14 CFR §91.511(a): flight over water more than 30 minutes flying time or 100 nautical miles from the nearest shore?

Question #2: Does the exception, set forth in 14 CFR §91.511(d), allow for only 1 HF transmitter and 1 HF receiver for this flight bearing in mind that a large portion of it is operated over water more than 30 minutes flying time or 100 nautical miles from the nearest shore and beyond the range of VHF radio communication equipment?

While searching for an answer based on consistency throughout the Code of Federal Regulations to apply to the aforementioned scenario, it was noted that 14 CFR §121.351, §125.203 and §135.165 reference the use of only 1 long range communication system (HF radio transmitter and receiver), with authorization by the Administrator, in certain geographic areas. As noted in the final rule of 14 CFR §91.511, certain geographic areas include the Gulf of Mexico, Caribbean Sea and part of the West Atlantic Ocean. It was also noted that the said authorization (for the use of a single long range communication system) by the Administrator is in the form of an Operation Specification, specifically paragraph B045 (Extended Overwater Operations Using

Williams International Air, Inc.

P.O. Box 1676
Fairport, New York 14450

a Single Long-Range Communication System). Operation Specification B045 is limited to the certain geographic areas noted in the final rule of 14 CFR §91.511.

We have noted that FAA offices throughout the country have inconsistently interpreted 14 CFR §91.511(d), regarding the required number of long range communication systems required, prior to the issuance of related Letters of Authorization (LOA) required for overwater operations (i.e. LOA B036 - Oceanic and Remote Continental Navigation Using Multiple Long-Range Navigation Systems and LOA B039 - Operations in North Atlantic High Level Airspace). The lack of consistent application, either requiring one or two long range communication systems for operations under 14 CFR §91, has created conflicts that are disconcerting to general aviation. Various CFR's noted above require dual long range communication systems unless approved for the use of a single long range communication system in specific geographic areas. In the interest of aviation safety it seems prudent to require, under CFR 91 subpart F, operators to have the same redundancy outside of the geographic areas.

Question #3: In an effort to resolve the inconsistencies, please define the certain geographic areas where a single long range communication system is permitted for operations conducted under 14 CFR §91.

If you have any questions regarding the above I can be reached via cell 716.830.7045 or email MJD123@AOL.COM.

Thank you for your time and I look forward to your response.

Sincerely,

Michael J DePasquale
Chief Pilot
Williams International Air, Inc.