Federal Aviation Administration

Memorandum

Date: MAY 24 2011

To: [redacted], Director, En Route and Operations, Eastern Service Area, AJE-E

From: [redacted], Director, En Route and Oceanic Safety and Operations Support, AJE-3

Subject: Interpretation for 7110.65, paragraph 4-3-2 Departure Procedures

This is the response to your request for an interpretation of 7110.65, paragraph 4-3-2 submitted by ZME. Three specific questions were asked and we will address each question separately.

Question 1: *At an airport that has airport traffic control service, if a controller needs to assign an initial heading to be flown, does a center controller need to obtain/solicit the pilot's concurrence concerning these items before issuing it in a clearance?*

Response: Paragraph c.1.(a) applies and you may need to obtain/solicit the pilot's concurrence if pilot compliance is necessary to insure separation. Controllers must be cognizant of Obstacle Departure Procedures (ODP) that may be applicable at any airport that has any public instrument procedures. If an airport does not have a published ODP, pilots are expected to climb straight ahead to 400 feet above the departure end of the runway and then proceed as cleared. If an ODP is published for an airport, the ODP should be considered when issuing any clearance. FAR Part 91, military and public service operators have the option of flying or not flying a published ODP and are not specifically required to inform controllers which option they are executing. All other operators are required to fly published ODPs. Published ODPs are generally textual, but some are depicted graphically. Some ODPs present multiple options to pilots. For example, some ODPs have standard, textual departure instructions and also have Visual Climb Over Airport (VCOA). VCOA procedures are available for IFR aircraft to climb in visual conditions to a designated altitude before proceeding on course. The pilot has multiple options; fly the assigned heading, fly the textual ODP then the assigned heading, or fly the VCOA and then fly the heading.

At airports with ODPs, controllers can only be sure of what Part 91, military and public service operators will do upon departure by assigning the ODP in the clearance, or obtaining/soliciting the pilot's concurrence for other specific instructions. Any pilot concurrence received to fly something other than an ODP, when an ODP is available, must explicitly ensure that the pilot will accept the responsibility to avoid terrain and obstacles.

Question 2: At all other airports with the exception of those within Class E Surface Areas if it is necessary to specify an initial heading to be flown issue the heading/azimuth so as to apply only within controlled airspace. *The phraseology is WHEN ENTERING CONTROLLED AIRSPACE (instruction) FLY HEADING (degree) UNTIL REACHING (altitude, point, or fix) BEFORE PROCEEDING ON COURSE.*

The question is if a Center Controller uses the above phraseology and assigns a heading to a pilot at an uncontrolled airport that is not designated as a Class E surface area, do they still have to solicit/obtain the pilot's concurrence and verify the clearance will allow compliance with terrain or obstruction avoidance?

Response: Paragraph c.1.c. applies and, as in question 1, you may need to obtain/solicit the pilot's concurrence if pilot compliance is necessary to insure separation. The pilot options discussed in the first question may also apply to this situation.

Question 3: Please explain exactly what Entering Controlled Airspace means to a pilot.

Response: At uncontrolled airports without a published ODP, pilots should enter controlled airspace at 700 AGL, 1200 AGL or 14,500 MSL, as applicable, on the assigned heading. If the uncontrolled airport has a published ODP, and the pilot opts to fly it, they will likely enter controlled airspace based on the ODP. The pilot options discussed in the first question may also apply to this situation.

If you have any questions, please contact [redacted], En Route Operations Standards Group at [redacted].

cc: Directors, En Route and Oceanic Operations, Central and Western Service Areas