Federal Aviation Administration

Memorandum

Date: ***June 11, 2015 (Original signed document on file)***

To: Air Traffic Organization Air Traffic Service Area Directors
Air Traffic Organization Service Centers

From: [redacted], Director, Air Traffic Procedures, AJV-8

Subject: Interpretation, JO 7110.65, Paragraph 2-1-1c, ATC Service; Emergencies and 10-1-1d, Emergency Determinations

This memorandum is in response to a request for interpretation submitted by the Central Service Area, on behalf of Fort Worth Air Route Traffic Control Center, regarding JO 7110.65, Paragraph 2-1-1c, ATC Service, and Paragraph 10-1-1d, Emergency Determinations. This memorandum supersedes the October 27, 1995, memorandum titled: Subject: Action: Interpretation of Order 7110.65J, Air Traffic Control, Paragraph 2-1-1e; Your Memo Dated 5/5/95.

The question asked was, "In an emergency situation, do these paragraphs allow a controller to issue a clearance to an aircraft that will result in a loss of separation?"

The answer is yes. If an emergency has been declared, and the pilot requests a clearance, paragraph 2-1-1 provides authorization to issue a clearance that may result in a loss of separation. While a clearance issued during an emergency may result in a loss of separation as defined in JO 7110.65, it may not be issued if it will result in an unsafe situation.

It is important for controllers to understand that Title 14 of the Code of Federal Regulations (CFR 91.123) gives pilots authorization to deviate from ATC clearances during emergencies without prior approval.

In order to provide the best possible service to aircraft in distress, it is essential that controllers understand the needs of the pilots before taking action. This understanding is critical in determining the appropriate course of action to mitigate potential risks to aircraft in the system.

Please forward any questions or comments to [redacted], En Route Standards and Procedures, AJV-83, [redacted].