Federal Aviation Administration

Memorandum

Date: ***November 3, 2014 (Original signed document on file)***

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

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

Subject: Interpretation, FAAO 7110.65, Paragraph 4-2-8. IFR-VFR and VFR-IFR Flights

This memorandum is in response to a request for interpretation submitted by the Western Service Area, on behalf of Denver Air Route Traffic Control Center (ZDV), regarding FAAO 7110.65V, Paragraph 4-2-8. The interpretation request came in the form of seven questions arranged into four sections. There was also a follow up email which contained four additional questions. Our responses to the interpretation request are stated below and include the original questions. The additional questions asked via email were answered directly to the facility during a phone conversation.

1) Where is the "fix where it proposes to start IFR operations" described in JO 7110.65V, 4-2-8b? Is it the IFR fix filed in a composite flight plan (a flight plan containing both VFR and IFR segments) or is it the next fix in an aircraft's flight plan from its current location?

- This will be based on the pilot's request. It may either be the first fix on the IFR flight plan if only a partial flight plan was filed, or the next fix on the route of flight.

2) Is a pilot required to proceed back over the departure point after being "cleared as filed" if they have already flown IFR portion(s) of their filed flight plan? When an aircraft requests an IFR flight plan are they automatically approaching the fix where they proposed to start IFR operations?

- The pilot is not required to proceed back over the departure point if already past it. However it is possible that the pilot would elect to. Ensure any potential traffic conflicts are resolved before issuing "cleared as filed." Furthermore, based on changing circumstances, pilot requests and flight conditions, there is no way to assume that any one event will automatically follow another. If there is any doubt as to when the pilot

would like to begin the IFR portion of the flight plan, that information should be ascertained from the pilot prior to issuing an IFR clearance.

3) What is the controller's responsibility to "be aware that the pilot is unable to climb in VFR conditions to the minimum IFR altitude" (JO 7110.65V, 4-2-8d)? What is the controller's "awareness" based on (e.g. reported weather, pilot reports)?

- A controller cannot be aware that a pilot is unable to maintain VFR in any given location without the pilot stating so. If the pilot states it is not possible to maintain VFR, ask if the pilot is able to maintain terrain and obstruction clearance during a climb to the minimum IFR altitude (FAAO 7110.65V, 4-2-8d(1)).

4) When asking if an IFR aircraft can provide their own terrain and obstruction clearance to the minimum IFR altitude (4-2-8d(1)), is a controller required to advise what altitude through which the pilot is required to provide their own terrain and obstruction clearance (a.k.a the MIA)?

- Minimum IFR altitudes are not displayed on VFR sectional charts. State the required altitude to the pilot as given in the 4-2-8d(1) Example: "*November Eight Seven Six, are you able to provide your own terrain and obstruction clearance between your present altitude and six thousand feet?"*

Please forward any questions or comments to [redacted], AJV-823 En Route Procedures, [redacted].