



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Office of Inspector General

Memorandum

Subject: ACTION: Compliance With Flight Radio
Communications in Mexico, AV-1999-100

Date:

From: Alexis M. Stefani
Deputy Assistant Inspector General for Aviation

Reply to
Attn of: JA-10:x60500

To: Thomas E. McSweeney
Associate Administrator for Regulation and
Certification, AVR-1

We have completed a review of a complaint sent to our office regarding the operations of DHL Airways, Inc. Specifically, the complainant alleged that DHL Airways violated Federal Aviation Regulation (FAR) Part 121.99 during flights into Mexico City and Guadalajara, Mexico.

FAR Part 121.99 addresses radio communications requirements for U.S. air carriers. Specifically, it requires domestic and flag operators to show that either a two-way radio communication system or other means of communication approved by the Administrator are available that will ensure rapid and reliable communications, under normal operating conditions. This communication system must be available over the entire route between each airplane and the appropriate dispatch office.

The complainant provided documentation showing a gap in communications exists between DHL Airways' aircraft and its air carrier dispatch office for approximately 200 miles of airspace, including the area about 100 miles north and 100 miles south of Tampico, Mexico. During flights in this area, DHL Airways' aircraft are not in rapid and reliable radio communications as required by FAR Part 121.99. This communications gap occurs because DHL Airways operates aircraft equipped with Very High Frequency (VHF) communications equipment rather than the longer range High Frequency (HF) equipment for its flights into Mexico.

Federal Aviation Administration Enroute Inspections Conducted

Inspectors in the Federal Aviation Administration's (FAA) Southern Region conducted two enroute inspections to determine DHL Airways' compliance with FAR Part 121.99. FAA confirmed a gap in communications existed during a July 8, 1997, enroute inspection. In 1998, as a result of our review, the FAA Southern Region requested a second enroute inspection be conducted. After this second enroute inspection was conducted on September 25, 1998, although the gap still existed, the district office in Louisville, KY, concluded that DHL Airways was in compliance with the intent of FAR Part 121.99.

Request for Interpretation of FAR Part 121.99

To clarify the requirements concerning DHL Airways' compliance with FAR Part 121.99, we requested an interpretation of the regulation from the FAA Air Transportation Division (Division). The Division, in consultation with FAA's legal counsel, reviewed past legal interpretations and determined that DHL Airways is not in compliance with FAR Part 121.99 during its flights to Mexico. On March 17, 1999, the Division manager issued a memorandum to us with this opinion and forwarded a copy to FAA's Southern Region. Additionally, FAA field personnel told us that at least one other air carrier, United Parcel Service (UPS), has VHF communications equipment installed and experiences the same communications gap. FAA personnel indicated there are probably other U.S. air carriers (all-cargo and passenger) operating in the same manner.

Recommendations

We recommend the FAA:

1. Ensure the FAA district office in Louisville, KY, completes action to bring DHL Airways into compliance with FAR Part 121.99.
2. Issue a Flight Standards bulletin to all FAA Flight Standards District Offices requiring them to check for this same problem at other domestic air carriers operating in Mexico and to correct any noncompliance found.

Please respond to us within 10 working days with FAA's proposed corrective actions to bring DHL Airways into compliance and to identify and bring into compliance other air carriers that are not complying with FAR Part 121.99.

If you have questions or need further information, please contact me at (202) 366-0500, or Mr. Alan D. Robson, Program Director for Aviation Safety, at (404) 562-3770.

