

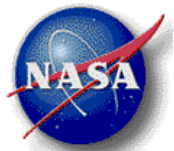
Declaring an Emergency – Fact and Fiction

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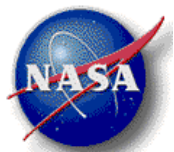


Declaring An Emergency – Fact and Fiction



The Fiction

- Only the flight crew can declare an emergency
- The controller determines the type and amount of assistance given to an aircraft in distress
- The legal ramifications of declaring an emergency include extensive paperwork and a probable violation

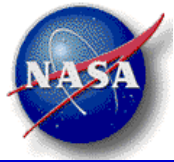


Declaring An Emergency – Fact and Fiction



“I then requested, and was given radar vectors to the nearest airport from ATC. I informed them that the right engine had been shut down. ATC asked for fuel remaining and number of souls on board. I was told the fire crews were standing by. I understood that I was being given emergency handling and it did not seem necessary to declare an emergency.”

-ASRS Accession #465051

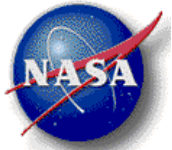


Declaring An Emergency – Fact and Fiction



“At no time was an emergency declared...Upon landing, we found that the tower controller had of his own volition called the emergency equipment to be standing by.”

–ASRS Accession #426768



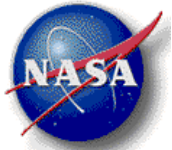
Declaring An Emergency – Fact and Fiction



Federal Aviation Regulations

121.557 (b) In an emergency situation arising during flight that requires immediate decision and action by an aircraft dispatcher... the aircraft dispatcher shall advise the pilot in command of the emergency, shall ascertain the decision of the pilot in command, and shall have the decision recorded. If the aircraft dispatcher cannot communicate with the pilot, he shall declare an emergency and take any action that he considers necessary under the circumstances.

121.535 (a) Each certificate holder conducting flag operations is responsible for operational control.



Declaring An Emergency – Fact and Fiction

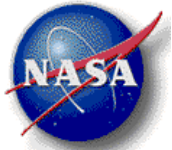


Air Traffic Controllers Handbook

10-1-1. EMERGENCY DETERMINATIONS

c. If the words "Mayday" or "Pan-Pan" are not used and you are in doubt that a situation constitutes an emergency or potential emergency, handle it as though it were an emergency.

d. Because of the infinite variety of possible emergency situations, specific procedures cannot be prescribed. However, when you believe an emergency exists or is imminent, select and pursue a course of action which appears to be most appropriate under the circumstances and which most nearly conforms to the instructions in this manual.



Declaring An Emergency – Fact and Fiction

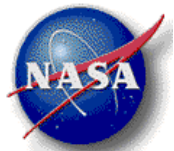


Fiction

- Only the flight crew can declare an emergency

Fact

- Flight Crew, Dispatch, Company Representatives, and ATC can declare an emergency
- An emergency can be declared without notifying the flight crew

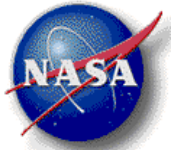


Declaring An Emergency – Fact and Fiction



“We received a warning of low oil pressure in the left engine. We diverted to TXK and declared an emergency with center. Upon arrival at TXK we were sequenced #2 behind another aircraft on approach to runway 31. We informed center that we needed to land on runway 4, as it was longer and straight in. We were told to execute a left 360 degree turn. We questioned this with Center, but he said it was necessary for separation. We reluctantly complied since we did not have a need to land immediately. I felt that this was not acceptable, as we were an emergency.”

–ASRS Accession #433902



Declaring An Emergency – Fact and Fiction



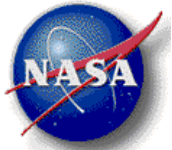
Air Traffic Controllers Handbook

10-1-3. PROVIDING ASSISTANCE

Provide maximum assistance to aircraft in distress. Enlist the services of available radar facilities and DF facilities operated by the FAA, the military services, and the Federal Communications Commission, as well as their emergency services and facilities, when the pilot requests or when you deem necessary.

10-1-4. RESPONSIBILITY

a. If you are in communication with an aircraft in distress, handle the emergency and coordinate and direct the activities of assisting facilities. Transfer this responsibility to another facility only when you feel better handling of the emergency will result.

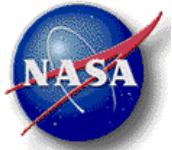


Declaring An Emergency – Fact and Fiction



“We were given a hold for JFK, we immediately informed ATC of the need to go now to EWR. After one turn in the hold we were then vectored away from EWR. I told the controller I would have to declare an emergency if needed to get to an airport as only 1 hour of fuel remained.”

–ASRS Accession #464850

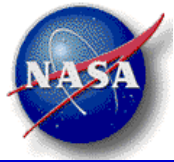


Declaring An Emergency – Fact and Fiction



“He asked whether I was declaring an emergency...I mistakenly replied ‘yes’ to his question. Immediately, I wanted to take that back, but I felt it was too late, and probably not even possible, to rescind the emergency declaration, so I accepted the clearance to land at BWG. I never intended to declare an emergency, and I did not need to declare an emergency because I could have landed at Nashville. This was an inadvertent mistake.”

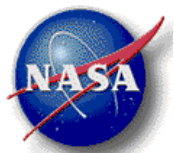
–ASRS Accession #390404



Declaring An Emergency – Fact and Fiction



A non instrument rated pilot inadvertently flies into IMC. He radios ATC, declares an emergency, and asks for a vector to the nearest visual conditions. Upon reaching VMC he makes the reasonable assumption that the conditions can be maintained for the remainder of the flight.

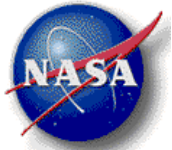


Declaring An Emergency – Fact and Fiction



Federal Aviation Regulations

91.3 (a) The pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft.



Declaring An Emergency – Fact and Fiction

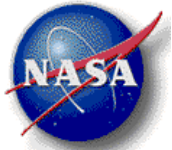


Fiction

- The controller determines the type and amount of assistance given to an aircraft in distress

Fact

- ATC is to give the maximum amount of assistance judged to be necessary
- Flight crew can demand to perform certain actions or decline to do others in the interest of safety
- Flight crew must communicate direness of situation if they feel inappropriate assistance is given
 - It is acceptable to terminate an emergency declaration



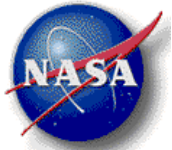
Declaring An Emergency – Fact and Fiction



“The passengers health in doubt, we decided to ask for priority handling into DAL. We did not declare an emergency to circumvent the FAR’s, only asking for and receiving full cooperation from all controllers. During the process we exceeded 250 kias below 10,000’...The reason this report is being written is because the FAA is ‘not here to help me’”.

Reporter states on callback “He will never declare an emergency if any way around it.”

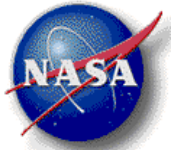
-ASRS Accession #239739



Federal Aviation Regulations

91.3 (c) Each pilot in command who deviates from a rule under paragraph (b) of this section shall, upon the request of the Administrator, send a written report of that deviation to the Administrator.

121.557 (c) Whenever a pilot in command or dispatcher exercises emergency authority...The person declaring the emergency shall send a written report of any deviation through the certificate holder's operations manager, to the Administrator.



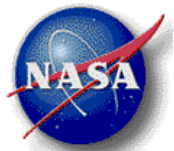
Declaring An Emergency – Fact and Fiction



Federal Aviation Regulations

91.3 (b) In an in-flight emergency requiring immediate action, the pilot in command may deviate from any rule of this part to the extent required to meet that emergency.

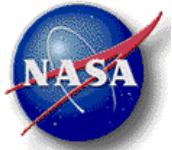
121.557 (a) In an emergency situation that requires immediate decision and action, the pilot in command may take any action that he considers necessary under the circumstances. In such a case he may deviate from prescribed operations procedures and methods, weather minimums, and this chapter, to the extent required in the interests of safety.



Air Safety Inspector Comments

“...an intent of 91.3 is to ensure the PIC will handle the emergency in a manner necessary to save lives and not be worried about regulatory compliance.”

“I’ve never seen a pilot violated for deviating from a regulation when that pilot has either declared an emergency OR has stipulated in ANY written response to the FAA that an emergency existed at the time of the deviation.”



Declaring An Emergency – Fact and Fiction

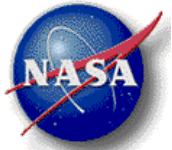


Fiction

- The legal consequences of declaring an emergency include extensive paperwork and a probable violation

Fact

- A pilot may have to file a written report of deviation during an emergency situation only if one occurs
- The regulations provide immunity from any deviation committed during an emergency in the interest of safety
- The FAA supports the pilots ability and judgment to act in this manner



Declaring An Emergency – Fact and Fiction



The Facts

- Pilots, Dispatchers, Airline Management, and ATC can declare an emergency
- A controller will provide the maximum amount of assistance they deem necessary. However, a pilot may request more or less assistance in the interest of safety.
- Legally, a pilot MAY have to file a written report of an emergency in the event of a deviation from a published regulation, and they will not face an FAA violation if their actions are in the interest of safety



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