



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

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Scott W. Williams, Esq.
299 W. Hillcrest Drive, Suite 214
Thousand Oaks, CA 91360

**Re: Request for “opinion letter” regarding required preflight actions under
14 C.F.R. § 91.103**

Dear Mr. Williams:

This letter is in response to your November 4, 2015 request for an “opinion letter” regarding the required preflight actions under 14 C.F.R. § 91.103. After review of your request, we have determined that a legal interpretation of § 91.103 is not necessary because the regulation itself is not at issue. Rather, your request seeks compliance assistance.

Specifically, you ask whether a preflight briefing that does not include a phone call to Lockheed Martin Flight Service (LMFS) constitutes a violation of § 91.103. You also ask whether a briefing using only an electronic flight bag (EFB) constitutes a violation of § 91.103.

Generally, § 91.103 requires each pilot in command (PIC), before beginning a flight, to become familiar with all available information concerning that flight.¹ Whether a PIC satisfies the requirement to become familiar with all available information concerning a particular flight, as required by § 91.103, will necessarily require evaluation of flight-specific factors including potential flight restrictions in place at the time and location of the flight.

Section 91.103 does not dictate the methods one must use to comply with the requirements of the section. A PIC’s failure to contact LMFS prior to a flight would not be a per se violation of § 91.103. Similarly, a PIC’s reliance on only an EFB would not be a per se violation of § 91.103. We note, however that there may be limitations and quality assurance issues in connection with the information available through certain EFB products that may affect compliance with § 91.103 and necessitate further information gathering regarding the flight. Accordingly, you may wish to review Advisory Circular 00-63A, Use of Cockpit Displays of Digital Weather and Aeronautical Information (Change 1, January 6, 2017). In addition, Advisory Circular 91-78,

¹ Section 91.103 states, in pertinent part, “Each pilot in command shall, before beginning a flight, become familiar with all available information concerning that flight. This information must include—

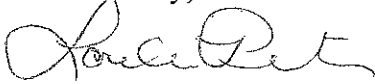
(a) For a flight under IFR or a flight not in the vicinity of an airport, weather reports and forecasts, fuel requirements, alternatives available if the planned flight cannot be completed, and any known traffic delays of which the pilot in command has been advised by ATC[.]”

Use of Class 1 or Class 2 Electronic Flight Bag (EFB) provides considerations on the use and implementation of EFB systems.

You also ask whether the following language included on the Federal Aviation Administration's temporary flight restrictions (TFR) website is advisory or regulatory in nature: "Depicted TFR data may not be a complete listing. Pilots should not use the information on this website for flight planning purposes. For the latest information, call your local Flight Service Station at 1-800-WX-BRIEF."² This statement is advisory.

If you need further assistance, please contact the General Aviation and Commercial Division of the Flight Standards Service (AFS-800) at 202-267-1100.

Sincerely,



Lorelei Peter

Assistant Chief Counsel for Regulations, AGC-200

² We assume your letter references the following website: <http://tfr.faa.gov/tfr2/list.html>