U.S. Department
of Transportation
Federal Aviation
Administration

Office of the Chief Counsel

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

MAR 17 2011

Mr. David Tuuri
[redacted]

Dear Mr. Tuuri:

This is in response to your email message sent to Rebecca MacPherson on November 28, 2010. In your email, you asked whether Amendment 91-189, which affected 14 C.F.R. 91.185(c)(3), had the practical effect of moving the holding area from an approved fix to the clearance limit for an IFR flight. The answer is no. Amendment 91-189 replaced the title of section 91.185(c)(3), "Leave Holding Fix", with the title "Leave Clearance Limit". When a pilot flies an IFR flight plan, an estimated time of arrival at the destination is part of the flight plan. If during the flight the aircraft loses radio communication, the clearance limit of the aircraft is the destination. If the aircraft arrives early at its clearance limit, the pilot should proceed as specified in section 91.185(c)(3). In other words, if a pilot is given a clearance limit but no holding instructions and loses communications en route, the pilot should, upon arriving at the clearance limit, proceed as specified in § 91.185. This scenario, in practicality, is rare, as the issuance of a clearance limit to a location other than the destination would also include a hold—the hold being the main reason a clearance limit is issued to a point short of the destination. Please see FAA-H-8083-15A, Instrument Flying Handbook for additional guidance.

This response does not change our interpretation issued November 23, 2010. In that interpretation, which was at your request, we stated that based on the definitions of clearance limit and holding fix, a clearance limit can be a holding fix, but is not necessarily one. In your subsequent question of November 28, 2010, you ask specifically if a pilot is cleared to the destination airport should he hold at an unapproved fix. Again, the answer is no because in your scenario the pilot was cleared to an airport without any holding instructions. If, however, the pilot had been cleared to a point other than his or her destination and instructed to hold for further clearance, that point would be both a clearance limit and a holding fix.

I hope this information has been helpful. This interpretation has been coordinated with the Flight Standards Service, General Aviation and Commercial Division. If you have further questions concerning this interpretation, please contact Sabrina Jawed on my staff at 2020-267-3073.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel for Regulations, AGC-200