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

Office of the Chief Counsel

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

AUG - 8 2013

John D. Collins
[redacted]

Dear Mr. Collins:

This responds to your request for a legal interpretation emailed March 5, 2013 and amended April 7, 2013. Your letter requests reconsideration of an issue the FAA addressed in the Legal Interpretation to Daniel Murphy (June 30, 2009) as to whether a pilot circling to land at an uncontrolled airport in Class G airspace may make right turns.

In that letter, we stated that "[s]ection 91.126(a) provides an exception to the requirement to make turns to the left if authorized or required by air traffic control (ATC)." This statement was in error because ATC does not control traffic in Class G airspace. However, that letter also states that § 91.126 "do[es] not permit a pilot's discretion in determining which direction to make turns when approaching the airport." This statement was correct.

As your letter states, under 14 C.F.R. § 91.126(b)(1), a pilot approaching to land at an airport without an operating control tower in Class G airspace is required to make all turns to the left unless approved light signals or visual markings at the airport indicate that turns must be made to the right. However, as your letter also points out, 14 C.F.R. § 91.126(a) allows pilots to deviate from the requirements of § 91.126 if "otherwise authorized or required." Therefore, a pilot approaching to land at an uncontrolled airport may make right turns if such deviation is "authorized or required."

The FAA emphasizes, however, that the circumstances in which this deviation from § 91.126(b)(1) is "authorized or required" are very limited. The phrase "authorized or required" itself does not give pilots the discretion to deviate from § 91.126. Such deviation must be "authorized or required" by the approach guidelines of a specific airport or by another FAA regulation. For example, § 91.3(b) authorizes the pilot in command (PIC) of an aircraft to deviate from any rule of part 91 to the extent necessary to resolve "an in-flight emergency requiring immediate action." Although the decision to deviate under these circumstances is within the PIC's judgment, this determination must be made in good faith based on safety concerns[1] and not convenience; failure to do so may result in the suspension of the PIC's certificate.[2]

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[1] Revision of General Operating and Flight Rules, 54 FR 34284 (Aug. 18, 1989) ("In § 91.3(b), the word 'in-flight' has been inserted to clarify that the deviation authority of § 91.3 applies only to in-flight emergencies

We hope this information has been helpful. This response was prepared by Jim Burleson under the supervision of Robert Hawks, an attorney in the International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and coordinated with the General Aviation and Commercial Division of Flight Standards Service and the Airspace Policy and ATC Procedures Group of the Air Traffic Organization. If you have further questions concerning this response, please contact us at 202-267-3073.

Sincerely,

Mark W. Bury
Acting Assistant Chief Counsel for
International Law, Legislation and Regulations (AGC-200)

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which affect the safe completion of the flight.") Also, any PIC making a deviation under §91.3 can be required to "send a written report of that deviation to the Administrator" under §91.3(c).

[2] *See Administrator v. Van Dyke*, NTSB ORDER NO. EA-4883 (Mar. 5, 2001) (In this order, NTSB found a violation of §91.126 by a skydive plane pilot making improper turns on approach in part because it was "quite obvious that Respondent Van Dyke was in a hurry" to land and did not have any safety reason which would require him to deviate from §91.126. This decision resulted in a 45-day suspension of the pilot's commercial certificate.).