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

Office of the Chief Counsel

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

JUN 20 2014

John J. Krug
[redacted]

Dear Mr. Krug:

This letter responds to your request for a legal interpretation dated January 24. 2014. You have asked several questions pertaining to conducting a flight into an airport without an operating control tower in Class G airspace.

In your first question, you have requested clarification of a 2009 legal interpretation issued to Daniel Murphy regarding whether air traffic control (ATC) may issue a clearance authorizing right-hand turns to an airport without an operating tower in Class G airspace. Under Title 14 of the Code of Federal Regulations (14 CFR) § 91.126(a), each person operating an aircraft on or in the vicinity of an airport in Class G airspace area must comply with requirements of that section unless otherwise "authorized or required." Among those requirements, § 91.126(b)(1) states that each pilot of an airplane, when approaching to land at an airport without an operating control tower in Class G airspace, must make all turns to the left unless the airport displays approved light signals or visual markings indicating turns should be made to the right.

The Murphy Interpretation stated that § 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, as noted in a subsequent legal interpretation issued to John D. Collins on August 8, 2013. That interpretation correctly states that ATC does not control traffic in Class G airspace. Therefore, ATC may not issue clearance to conduct a right-hand turn at an airport without an operating control tower in Class G airspace. The Collins Interpretation notes that the circumstances under which a deviation from the left-hand turn requirement in § 91.126(b)(1) is "authorized or required" are very limited. Specifically, a deviation must be "authorized or required" by approach guidelines to a specific airport or by another FAA regulation.

In your second question, you have suggested that a diagram on page 10-21 of the Instrument Flying Handbook (FAA-H-8083-15B) depicting right-hand turns during circling approaches contradicts the Murphy Interpretation. Although unclear from your letter, we believe that you are suggesting that the depiction of right-hand turns somehow authorizes a pilot in Class G airspace to conduct right-hand turns during circling approaches. The diagram is not specific to Class G airspace and should only be considered generally illustrative of possible

circling approaches. It does not provide authorization to make right-hand turns in violation of § 91.126(b)(1).

In your final question, you present the following scenario. A pilot requests and receives clearance for an ILS approach to an airport without an operating control tower. ATC terminates radar service and releases the pilot to Common Traffic Advisory Frequency (CTAF). After passing the final approach fix inbound, the pilot decides in the interest of safety to circle to a different runway. You have asked: (1) whether the pilot must return to the ATC frequency and request a new clearance for the circling approach; and (2) whether the pilot must execute a missed approach if he is unable due to workload or altitude to contact ATC.

Current guidance directs ATC to "issue approach or other clearances, as required, specifying destination airport as the clearance limit if airport traffic control service is not provided even though this is a repetition of the initial clearance." FAA Order JO 7110.65U, 4-8-2. The Aeronautical Information Manual instructs:

> Aircraft operating on an IFR flight plan, landing at an airport without an operating control tower will be advised to change to the airport advisory frequency when direct communications with ATC are no longer required. Towers and centers do not have nontower airport traffic and runway in use information. The instrument approach may not be aligned with the runway in use; therefore, if the information has not already been obtained, pilots should make an expeditious change to the airport advisory frequency when authorized.[1]

AIM, 4-1-5, Communications Release of IFR Aircraft Landing at an Airport Without an Operating Control Tower.

Because the approach clearance to an airport without an operating control tower is not specific to any runway, the pilot is not bound by a specific runway once he or she has switched over to CTAF. The FAA notes, however, when an approach clearance is specific to the type of approach, the pilot is bound by that specific approach under § 91.123 which states that no pilot may deviate from a clearance unless an amended clearance is obtained. In your scenario, the pilot is not bound by a specific runway, but he must perform an ILS approach unless he obtains an amended clearance. We note that pilots of inbound traffic are advised to monitor and communicate as appropriate on the designated CTAF from 10 miles to landing. AIM, 4-1-9, Traffic Advisory Practices at Airports Without Operating Control Towers.

We hope this information has been helpful. This response was prepared by Anne Moore, an attorney in the International Law, Legislation, and Regulations Division of the Office of the

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[1] In providing guidance on approach to an airport without an operating control tower, the Instrument Flying Handbook states: "If an approach clearance is required, ATC authorizes the pilots to execute his or her choice of standard instrument approach (if more than one is published for the airport) with the phrase "Cleared for the approach" and the communications frequency change required, if any. From this point on, there is no contact with ATC."

Chief Counsel. It was coordinated with the Airspace Regulations and ATC Procedures Group of the Air Traffic Organization and the General Aviation and Commercial Division of the Flight Standards Service. If you have further questions concerning this response, please contact (202) 267-3073.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for International Law,
Legislation, and Regulations