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

Office of the Chief Counsel

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

JAN 21 2015

John D. Collins
[redacted]

Subject: 14 CFR 91.169 requirements for filing an IFR flight plan and § 91.205 instrument and equipment requirements for IFR flight.

Mr. Collins:

This letter is in response to your request for a legal interpretation regarding the requirements of 14 CFR 91.169 and 91.205. Specifically you ask two questions:

1) Whether § 91.169 permits a pilot to file an IFR flight plan to an airport without an instrument approach as long as an alternate airport is also listed; and
2) Whether the requirements of § 91.205 allows a pilot to file an IFR flight plan to an airport if the aircraft does not have the navigation equipment suitable for the route to be flown so long as the IFR flight plan includes an "suitable alternate airport which has the approaches that the aircraft is equipped to fly?"

In regards to your first question, 14 CFR 91.169 requires that each person filing an IFR flight plan must include 1) information required under § 91.153,[1] and 2) an alternate airport. An alternate airport must be included in the IFR flight plan *unless* the conditions prescribed in § 91.169(b)(1) & (2) are satisfied. One does not have to file an alternate airport for an IFR flight plan if the first airport of intended landing has a Part 97 standard instrument approach procedure or a special instrument approach procedure *and* when weather reports or forecasts indicate that for at least 1 hour before and for 1 hour after arrival, the ceiling will be at least 2,000 feet above the airport elevation and the visibility will be at least 3 statute miles [emphasis added].[2] *See* 14 CFR 91.169(b)(1) & (2). Therefore, a pilot may file an IFR flight plan to an airport without an instrument approach procedure, and that flight plan must include the information as required by § 91.169(a)(1) & (2).

To your second question, 14 CFR 91.205 specifies the instruments and equipment required for IFR flight. Specifically, § 91.205(d)(2) states that no person may operate an aircraft under instrument flight rules unless the aircraft has "...navigation equipment suitable for the route to be flown." Therefore, § 91.205 does not allow a pilot to file an IFR flight plan to

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[1] 14 CFR 91.153 lists information required for a VFR flight plan. *See* § 91.153(a)(1)-(9) for a complete list of requirements.

[2] 14 CFR 91.169(b)(2)(i) specifies requirements for aircraft other than helicopters. Since you do not specific the type of aircraft in question here, the FAA assumes it is for an aircraft other than helicopters.

an airport if the aircraft does not have the navigation equipment suitable for the route to be flown, regardless of whether the "suitable alternate airport…has the approaches that the aircraft is equipped to fly."

We appreciate your patience and trust that the above responds to your concerns. This response was prepared by Nancy Sanchez, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division of Flight Standards. Please contact us at (202) 267-3073 if we can be of further assistance.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for Regulations
AGC-200