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

Office of the Chief Counsel

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

FEB 16 2016

Lawrence E. Durocher
Airport Manager/Ellington Airport
JLM Associates, LLC
P.O. Box 13
Southwick, MA 01077

Re: Clarification of 14 C.F.R. § 141.38(d)

Dear Mr. Durocher:

Thank you for the request for a legal interpretation dated September 2, 2015 and September 24, 2015. We have determined that there is no issue of legal interpretation. Section 141.38(d) of Title 14 of the Code of Federal Regulations (14 C.F.R.) requires each airport to have a traffic direction indicator when: (1) the airport does not have an operating control tower; and (2) UNICOM advisories are not available. The requirements in § 141.38(d) are not conditional on whether the airport uses a non-standard traffic pattern. Therefore, if your airport does not have an operating control tower and does not have UNICOM advisories available, your airport must have a traffic direction indicator.

Furthermore, FAA Order 8900.1 is consistent with the requirements of § 141.38(d). FAA Order 8900.1 states that the traffic direction indicator, when required by § 141.38(d), "must show the direction of traffic patterns for *all* runways regardless of landing or takeoff direction."[1] FAA Order 8900.1, Vol. 2, Ch. 9, § 1 Initial Certification or Renewal of a Part 141 Pilot School (emphasis added).

To the extent you believe a traffic direction indicator is synonymous to a traffic pattern indicator and adding the indicator at an airport with a standard traffic pattern would confuse pilots unfamiliar with the airport, we refer you to the Airmen Certification and Training

[1] The guidance you refer to in AC 150-5340-5C applies to equipment funded under Federal grant assistance programs and the certification of airports under part 139. Segmented Circle Airport Marking System, AC 15-5340-5C (Sept. 14, 2007).

Branch in the General Aviation and Commercial Division of the Flight Standards Service for resolution. You may contact the Airmen Certification and Training Branch at (202) 267-1100.

Sincerely,

Lorelei Peter
Acting Assistant Chief Counsel for Regulations

JLM ASSOCIATES, LLC
P.O. Box 13
Southwick, MA 01077
413-569-3928

September 2, 2015

Office of the Chief Counsel
800 Independence Ave. SW
Washington, D.C. 20591

Dear Sir/Madam:

As the airport manager of a non-towered, privately owned airport, I was recently informed by an FAA official that a **Traffic Pattern Indicator** was required to be added to the airport in accordance with FAR 141.38 (d) (1), (2). This came up as a result of a recent FAA inspection of an FAA approved (141) flight school located at the airport. The airport does have UNICOM services during the daytime (7 days/week), however, it is not operated at night, which seems to be the issue.

I pointed out to the Principle Operations Inspector (POI) that this subject had come up several years ago and it was determined that FAR 141.38 (d) would only be applicable if the airport used a non-standard traffic pattern. Guidance for this determination can be found in AC 150/5340-5C and common sense would dictate that the addition of a **Traffic Pattern Indicator** at an airport with a standard traffic pattern would certainly lead to confusion with pilots unfamiliar with the airport. I also pointed out that there are no other airports in this area (towered and non-towered) that meet this requirement although many have FAA approved schools on site.

Apparently this is an individual interpretation (by a lone FAA operations inspector) of a somewhat ambiguous regulation that needs an interpretation from your office. The school's 141 certificate approval expires in October and an answer is necessary as soon as possible. Thank you for your assistance in this matter.

Sincerely,

L. E. Durocher

Lawrence E. Durocher
Airport Manager/Ellington Airport (7B9)

JLM ASSOCIATES, LLC
P.O. Box 13
Southwick, MA 01077
413-569-3928

September 24, 2015

Office of the Chief Counsel
800 Independence Ave. SW
Washington, D.C. 20591

Dear Sir/Madam:

This is a follow up to a recent letter (attached) that I had submitted to your office on September 2. In my request for an interpretation of FAR 141.38 (d), several important points had been left out.

First and foremost, the regulation makes reference to a **"Traffic Direction Indicator"** . In my letter to your office, I had made reference to a **"Traffic Pattern Indicator"** which is typically used to identify a non-standard traffic pattern when tower or Unicom services are not available. I have since asked the local FSDO for a definition of a "Traffic Direction Indicator" and have received several interpretations ranging from a requirement to add a Traffic Pattern Indicator (to indicate that a left hand pattern is in effect) to the addition of a stand alone segmented circle to indicate that the airport has a left-hand (standard) traffic pattern.

The airport maintains a Unicom radio for traffic advisories during normal business hours (9-5) seven days a week. The Principle Operations Inspector has indicated that advisories would be required 24/7 to comply with FAR 141.38 unless a segmented circle is added (there is a lighted windsock atop a building that is very visible to air traffic). I have researched this and cannot find any FAA publication that indicates that a stand alone segmented circle suggests that a left hand pattern is in effect. A segmented circle is used primarily to call the pilots' attention to the Wind Direction Indicator (windsock) as well as provide other runway information (i.e. Landing Direction Indicators/Traffic Pattern Indicators/Right-turn Indicators, etc.).

It appears that the terminology **"Traffic Direction Indicator"** is an apparent error as there is no FAA definition for this term. It can and apparently has lead to several individual interpretations some of which are contrary to safe operating practices. I believe that the regulation should have read **"Traffic Pattern Indicator"** which would add a degree of safety when a non-standard pattern is in effect. I am clearly receiving mixed interpretations on this issue and need clarification from your office.

Sincerely,

Lawrence E. Durocher
Airport Manager/Ellington Airport (7B9)

JLM ASSOCIATES, LLC
P.O. Box 13
Southwick, MA 01077
413-569-3928

September 2, 2015

Office of the Chief Counsel
800 Independence Ave. SW
Washington, D.C. 20591

Dear Sir/Madam:

As the airport manager of a non-towered, privately owned airport, I was recently informed by an FAA official that a **Traffic Pattern Indicator** was required to be added to the airport in accordance with FAR 141.38 (d) (1), (2). This came up as a result of a recent FAA inspection of an FAA approved (141) flight school located at the airport. The airport does have UNICOM services during the daytime (7 days/week), however, it is not operated at night, which seems to be the issue.

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Sincerely,

Lawrence E. Durocher
Airport Manager/Ellington Airport (7B9)