U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

AUG - 5 2016

Mr. Paul Lockard
[redacted]

Dear Mr. Lockard:

This letter provides a response to your request for clarification concerning the status of the Aeronautical Information Manual (AIM) as it relates to the responsibilities of pilots and air traffic controllers. You specifically asked, "when a pilot is cleared for a visual approach to a towered airport, can he/she do 'whatever' they want?" You provide the example of an air traffic controller giving a 30-degree intercept to an aircraft on a visual approach to a runway while another aircraft is on an instrument landing system (ILS) to the parallel, and ask whether a 30-degree intercept is meaningless if a pilot on a visual approach can do "whatever" they deem necessary. You base your question on the understanding that the AIM is a "nonregulated manual," and you suggest the FAA define the "regulated responsibilities and limitations while on a visual approach."

As you note in your inquiry, and as the AIM states in its preface, the AIM is not regulatory. It does, however, provide information to assist in compliance with title 14 *Code of Federal Regulations*, and includes examples of operating techniques and procedures that other federal publications, such as regulations, may require. Before receiving a private pilot certificate, a pilot must demonstrate knowledge of "applicable portions of the 'Aeronautical Information Manual' and FAA advisory circulars." 14 C.F.R. § 61.105(b)(3). The preface of the AIM states the manual is available "solely to assist pilots in executing their responsibilities" that other publications require. The examples and recommendations the AIM provides assist with informing pilots as they ensure their compliance with the regulations. Overall, air traffic controllers are reasonable in trusting that a pilot is familiar and will comply with the guidance provided in the AIM.

I understand your recommendation that the FAA define the regulated responsibilities and limitations while a pilot is on a visual approach. Please note a pilot's discretion in performing a visual approach is not unlimited; for example, 14 C.F.R. § 91.155 requires adherence to basic VFR weather minimums, and a carrier's operations specifications often list such limitations. Moreover, a pilot performing a visual approach must maintain separation from the aircraft it follows, and must continue to adhere to instructions and clearances from ATC, unless an emergency exists. 14 C.F.R. §§ 91.123, 99.17; see also Administrator v. McCarthney, NTSB Order No. EA-5304 (2007). The AIM also

emphasizes the importance of conforming to ATC instructions. AIM ¶ 5-5-11(a)(2). Therefore, in your example, if ATC instructs a pilot to engage in a 30-degree intercept, the pilot must adhere to that instruction unless an emergency exists.

Listing various operating requirements and criteria for visual approaches, in addition to those provided at AIM ¶ 5-5-11, could impugn the flexibility that distinguishes visual approaches from instrument approaches. In general, the FAA relies upon ATC and pilots working together to ensure safety, and the provisions of the AIM, as well as many sections within part 91, presume the safety of aircraft operations based on such collaboration. In the context of a pilot performing a visual approach, such collaboration is especially important. In sum, the AIM is not regulatory, and the regulations do not set forth many specific requirements concerning visual approaches; however, the concurrent fulfillment of respective ATC and pilot-in-command duties works to ensure safe operations and approaches.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This letter has been prepared by Katie Inman, Operations Law Branch, Office of the Chief Counsel and coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,

Lorelei Peter
Assistant Chief Counsel for Regulations, AGC-200

Powell, Ebony (FAA)

From: Paul Lockard [redacted]
Sent: Thursday, April 21, 2016 10:30 AM
To: Powell, Ebony (FAA)
Subject: FAA AIM rule interpretation request

Office of Chief Counsel

800 Independence ave, S.W.

Washington, D.C. 20591

Dear Office of Chief Counsel,

I respectfully request an interpretation of the responsibilities (freedoms) a pilot has while cleared on a visual approach to a towered airport. As an air traffic controller I have always been taught the A.I.M. 5-5-11 clearly defines the roles and responsibilities for pilots and controllers alike. However, the A.I.M. is a nonregulated manual and why the F.A.A would ever publish a nonregulated manual is beyond me. Pilots and controllers alike need regulated rules. Not guidelines. While this sounds like two separate issues, they are related.

My question: when a pilot is cleared for a visual approach to a towered airport, can he/she do "whatever" they want? By "whatever" I mean turn away from the field/climb/etc. This is of course answered in the A.I.M. (5-5-11) but again since it is a nonregulated publication pilots are not obligated to adhere to it. If I'm required to give a 30 degree intercept to an aircraft on a visual approach to a runway meanwhile another aircraft is on an ILS to the parallel, wouldn't the 30 degree intercept be meaningless if the pilot on a visual approach can do "whatever" they deem necessary?

I have reviewed the F.A.R.'s and C.F.R's and noticed those regulated publications clearly state the exact distances aircraft can fly away from the field while conducting a circling approach. Wouldn't it benefit everyone to define the regulated responsibilities and limitations while on a visual approach?

If this is written somewhere in a regulated publication please reply with the reference. Or please forward this to someone that can help. Thank you very much for your time.

Paul Lockard

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