

GOVERNMENT/INDUSTRY CHARTING FORUM
Instrument Procedures Group
October 25, 2005
HISTORY RECORD

FAA CONTROL # 05-02-260

SUBJECT: ACF Closed Issue Re: Course Reversals Negated by AIM Change

BACKGROUND/DISCUSSION: Because of years of confusion and erosion of certain procedural aspects of instrument approach procedures by both pilots and air traffic control, in 1993 the Air Line Pilots Association wrote FAA chief counsel asking for legal interpretations about certain aspects pertaining to the conduct of instrument approach procedures, including a precise, unambiguous ruling about when a prescribed course reversal is required. On November 28, 1994, FAA's chief counsel's office issued a responsive letter of interpretation, which included the following language pertaining to course reversals:

"Finally, you ask whether a course reversal segment is optional 'when one of the conditions of FAR section 91.175(j) is not present.' Section 91.175(j) states that in the case of a radar vector to a final approach course or fix, a timed approach from a holding fix, or an approach for which the procedures specifies 'no procedure turn,' no pilot may make a procedure turn unless cleared to do so by ATC."

"Section 97.3(p) defines a procedure turn, in part, as a maneuver prescribed when it is necessary to reverse direction to establish the aircraft on an intermediate or final approach course. A SIAP may or may not prescribe a procedure turn based on the application of certain criteria contained in the TERPs. However, if a SIAP does contain a procedure turn and ATC has cleared a pilot to execute the SIAP, the pilot must make the procedure turn when one of the conditions of Section 91.175(j) is not present."

The cited language did not create new instrument flight operating procedures. Rather, it clearly set forth the requirements for course reversals that had been intended by the Flight Standards Service from the inception of TERPS criteria in November, 1967.

But, the foregoing letter of legal interpretation had little, if any, practical effect to correct the misunderstandings prevalent among pilots and controllers because the aviation community has no effective or uniform access to FAA legal interpretations. Thus, the issue was brought to the ACF for the purpose of working a change to the AIM so that the mandate of the legal interpretation would be set forth in an effective and continuing manner to the pilot community and to air traffic controllers.

It took several years of discussion and AIM amendments to provide language of sufficient precision and clarity to finally put an end to the morass of pilot community and air traffic controller "sharp-shooting" the language. The AIM was eventually amended to contain the following precise, clear and unambiguous language, which language was the **final** consensus of the ACF on the matter:

"5-4-9. Procedure Turn

a. A procedure turn is the maneuver prescribed when it is necessary to perform a course

reversal to establish the aircraft inbound on an intermediate or final approach course. The procedure turn or hold in lieu of procedure turn is a required maneuver. The procedure turn is not required when the symbol 'No PT' is shown, when RADAR VECTORING to the final approach course is provided, when conducting a timed approach, or when the procedure turn is not authorized. The hold in lieu of procedure turn is not required when RADAR VECTORING to the final approach course is provided or when 'No PT' is shown. The altitude prescribed for the procedure turn is a minimum altitude until the aircraft is established on the inbound course. The maneuver must be completed within the distance specified in the profile view."

The foregoing language lay to rest the morass of user "sharp shooting" of previous AIM language about course reversals. But, this past August, the settled language was amended without first being considered and discussed at the ACF. The new language is cited below. The fatal blow to all the previous work done to set this issue straight is emphasized in bold type:

"5-4-9. Procedure Turn

{New-2005-17 a. revised August 4, 2005}

*a. A procedure turn is the maneuver prescribed to perform a course reversal to establish the aircraft inbound on an intermediate or final approach course. The procedure turn or hold in lieu of procedure turn is a required **maneuver when it is necessary to perform a course reversal**. The procedure turn is not required when the symbol "No PT" is shown, when RADAR VECTORING to the final approach course is provided, when conducting a timed approach, or when the procedure turn is not authorized. The hold in lieu of procedure turn is not required when RADAR VECTORING to the final approach course is provided or when "No PT" is shown. The altitude prescribed for the procedure turn is a minimum altitude until the aircraft is established on the inbound course. The maneuver must be completed within the distance specified in the profile view."*

The phrase "when it is necessary to perform a course reversal" has ignited the "sharp shooters" debate with vigor greater than past ad hoc community debates about the issue. In a few short weeks, the myriad of discussions in various aviation forums have completely undone the years of effort by the ACF on this issue.

RECOMMENDATION: The aviation community needs to be informed on a priority basis that the August, 2005, change to the AIM was in error, and that the language cited above that existed prior to August, 2005 is still the directive practice set forth by the office of primary responsibility for this issue: Flight Standards Service. Further, until the language is corrected and effectively disseminated to the aviation community, not only is Flight Standards Service's mandate thwarted, so is chief counsel's 1994 legal ruling.

A change to the AIM, although essential, will take too long to set the issue straight before the new misunderstandings become embedded within the system. NBAA submits that the confusion created by the new AIM language represents a critical safety of flight issue that must be first resolved by timely NOTAM action, with the AIM language to be corrected in the next AIM open cycle. Thus, it is also recommended that an immediate GENOT or general FDC NOTAM be issue to rescind the new AIM language and to restate the recently rescinded AIM language as being the language that is in full force and effect.

Finally, the substance of this issue is not reopened by this issue paper. The issue about AIM language for course reversals had been the subject of much previous ACF discussion, amendments, and debate. The issue was properly closed in the past and settled with the AIM language that existed prior to August, 2005, and cited above. The issue set forth by this issue paper is limited to getting the agreed-to language back into the hands of the aviation community as soon as possible.

COMMENT: This recommendation affects the Aeronautical Information Manual, the FAA chief counsel's legal ruling dated November 18, 1994, the ATC 7110.65 series handbook, and the general procedural control of the orderly and proper use of standard instrument approach procedures.

SUBMITTED BY: Steve Bergner

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INITIAL DISCUSSION (Meeting 05-02): New issue introduced by Steve Bergner, NBAA. NBAA is concerned that language in the most recent AIM paragraph 5-4-9 is misleading and contradicts the FAA General Council opinion discussed at the ACF in the early 1990's. The current language could cause pilot confusion on when a course reversal is required and lead to violation of 14 CFR Part 91.175(j). Tom Schneider, AFS-420, stated that his office is in agreement with the NBAA concern. Tom presented the following draft language for the AIM to resolve the issue, noting that it would not be published until the August 06 AIM revision. The consensus was that the proposed language would resolve the issue. Mark Ingram, ALPA, recommended the draft language be published in the Notices to Airmen Publication (NTAP) as soon as possible. Tom agreed to pursue this.

ACTION: AFS-420.

Proposed AIM Revision: 5-4-9. Procedure Turn: *A procedure turn is the maneuver prescribed when it is necessary to reverse direction to establish the aircraft inbound on an intermediate or final approach course. The procedure turn or hold-in-lieu-of-PT is a required maneuver when it is depicted on the approach chart. However, the procedure turn or hold-in-lieu-of-PT is not permitted when the symbol "No PT" is depicted on the initial segment being used, when a RADAR VECTOR to the final approach course is provided, or when conducting a timed approach from a holding fix. The altitude prescribed for the procedure turn is a minimum altitude until the aircraft is established on the inbound course. The maneuver must be completed within the distance specified in the profile view.*

Note: *The pilot may elect to use the procedure turn or hold-in-lieu-of-PT when it is not required by the procedure, but must first receive an amended clearance from ATC. When ATC is Radar vectoring to the final approach course or to the Intermediate Fix, ATC **may** specify in the approach clearance "CLEARED STRAIGHT-IN (type) APPROACH" to insure the procedure turn or hold-in-lieu-of-PT is not to be flown. If the pilot is uncertain whether the ATC clearance intends for a procedure turn to be conducted or to allow for a straight-in approach, the pilot shall immediately request clarification from ATC (14 CFR Part 91.123).*

MEETING 06-01: Tom Schneider, AFS-420, stated that immediately following the last ACF, AFS-420 published the agreed upon AIM text in the NTAP. The text has been forwarded for publication in the August AIM change.

Action: None Required - Pending Publication.

MEETING 06-02: Bill Hammett, AFS-420 (ISI), briefed that the ACF agreed upon text was published in the August AIM. **ISSUE CLOSED.**
