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

Office of the Chief Counsel

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

MAY 2 4 2011

Mr. Edwin Bacon
[redacted]

Dear Mr. Bacon,

This letter is in response to your request for a legal interpretation regarding Operations in Class C airspace as referenced in 14 CFR § 91.130(c)(2)(i). You ask for the definition of a satellite airport and whether a pilot departing from a satellite airport that establishes communication with the satellite airport's operating control tower would satisfy two-way radio communication requirements in Class C airspace. As explained below, the situation you describe would satisfy 14 CFR § 91.130(c)(2)(i).

14 CFR § 91.130(a) states that, for the purpose of this section, the primary airport is the airport for which the Class C airspace area is designated and a satellite airport is any other airport within the Class C airspace.[1] Each person operating an aircraft in Class C airspace must meet two-way radio communication requirements. For departing flights from the primary airport or a satellite airport with an operating control tower, each person must "establish and maintain two-way radio communications with the control tower, and thereafter as instructed by ATC while operating in the Class C airspace." *See* 14 CFR § 91.130(c)(2)(i).

You pose a scenario where a pilot departs from a satellite airport and establishes communication with the control tower. The satellite airport's operating control tower cleared the pilot to depart and then instructed the pilot to remain on frequency. You question whether establishing and maintaining communication with the satellite control tower satisfies the requirements of § 91.130(c)(2)(i), or if the regulation requires the pilot to then subsequently establish two-way radio communication with a separate ATC facility. Specifically, you ask whether in this scenario, the pilot must "attempt to contact Class C departure on a second radio and/or slow down or otherwise linger in the satellite control tower's airspace until the pilot receives permission to switch frequency and contact Class C departure."

A pilot that departs from a satellite airport within Class C airspace and establishes and maintains two-way radio communications with the control tower is compliant with § 91.130(c)(2)(i). The Air Traffic Controller's Handbook dictates that any aircraft that penetrates Class C airspace after departing controlled airports within Class C airspace shall be provided the same services as those aircraft departing the primary airports. The procedures for handling adjacent airport operations are covered in a Letter of Agreement

[1] A satellite airport within the Class C airspace may or may not have an operating control tower.

(LOA) or facility directive between the two facilities *See* FAA Order JO 7110.65T, para. 7-8-7(a). Controllers are directed to ensure that necessary coordination has been accomplished before allowing an aircraft under its control to enter another controller's area of jurisdiction, unless otherwise specified by a LOA or facility directive. *See* FAA Order JO 711.65T, para. 2-1-14(a)-(b). Additionally, in a situation where the controller does not want the pilot to change frequency but the pilot is expecting or may want a frequency change, the controller is directed to instruct the pilot to "remain this frequency." *See* FAA Order JO 711.65T, para. 2-1-17(g).

Without further details concerning the scenario you describe, the FAA assumes the facilities in question have properly coordinated procedures for handling adjacent airport operations. Thus, a pilot that establishes communication with the satellite airport's operating control tower and is then instructed to remain on frequency is not in violation of § 91.130(c)(2)(i) by remaining in communication with that tower. The pilot need not establish subsequent communication with a separate ATC to satisfy the requirements of § 91.130(c)(2)(i) unless instructed to do so by the satellite airport's operating control tower.

The FAA distinguishes your scenario with the requirements for arrival or through flights in Class C airspace. Aircraft entering Class C airspace must establish two-way radio communications with the ATC facility providing air traffic services prior to entering that airspace and thereafter maintain those communications within that airspace. This regulation requires the operator to contact the specific ATC facility responsible for managing the Class C airspace in question. *See* 14 CFR § 91.130(c)(1); *see also* Legal Interpretation to Mike Granby from Rebecca MacPherson, Assistant Chief Counsel for Regulations (2006) (stating that a pilot would be in violation of §91.130(c)(1) if the pilot enters Class C airspace while in two-way communication with an Air Route Traffic Control Center (ARTCC) and failed to establish communication with the Terminal Radar Approach Control (TRACON), the ATC facility responsible for the Class C airspace, prior to entering).

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 Service and Terminal Safety and Operations Support Office – Terminal Airspace Group, Air Traffic Organization. Please contact us at (202) 267-3073 if we can be of further assistance.

Sincerely,

Michael C. Chase

for Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200