

GOVERNMENT/INDUSTRY AERONAUTICAL CHARTING FORUM
Instrument Procedures Group
(Transcribed/Re-Formatted)
HISTORY RECORD

FAA Control # 94-02-135

SUBJECT: FAA Chief Counsel's Erroneous Letter of Legal Interpretation, RE: SIAPs, Dated November 3, 1993

BACKGROUND/DISCUSSION: In August, 1993, ALPA wrote for a legal interpretation about the legal mandates of certain aspects of standard instrument approach procedures (SIAPs) in a non-radar (in this context, "non-radar" means that ATC does not provide a proper radar vector to the final approach course) environment. ALPA believed at the time, and still does, that the regulatory procedural requirements of each public SIAP is set forth in tabular form on each SIAPs regulatory Form 8260-3, -4 or -5, as applicable.

For instance, unless the preceding en route airway structure satisfies the requirements of TERPS for an initial approach segment, a SIAP will have one, or more, IAF set forth on the Form 8260. Excepting the approved radar vector, the approach must commence from one of the described IAFs, and the applicable segment routing must be followed from that point to either a landing or a missed approach under instrument meteorological conditions (IMC). This is presumed in the TERPS criteria in order to insure both procedural containment and to provide adequate segment lengths for aircraft maneuvering, configuration and descent.

Chief Consul's letter of November 3, 1993, improperly negates this IAF requirement of both TERPS and individual FAR 97 SIAPs. Further, Chief Counsel's letter negates the requirements of FAR 91.175(j) by requiring a procedure turn, even after an approved radar vector is required.

RECOMMENDATION: This forum should write to the Administrator complaining about the content of Chief Counsel's November 3, 1993 letter and the failure to respond to ALPS's follow on letter on the matter.

COMMENT: This recommendation affects the FAA's public record, the integrity of FAR Parts 91 and 97, and SIAP-related directive publications.

Submitted by: Captain Tom Young, Chairman
Charting and Instrument Procedures Committee
AIR LINE PILOTS ASSOCIATION

INITIAL DISCUSSION (MEETING 94-02): Issue discussed in conjunction with ACF 94-02-130. **Status:** Item Closed