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Straight-in approaches

May 1, 2011 | By John S. Yodice

I am surprised to find that the legal issue of straight-in approaches continues to be debated in hangar-flying sessions. In my opinion, a straight-in approach to a runway at a nontowered airport—rather than the FAA-recommended rectangular traffic pattern—is legal, and can frequently be operationally advantageous. Rather, I should say that a straight-in approach is legal so long as it does not unduly interfere with the flow of arriving and departing traffic at the airport.

What fuels the ongoing debate is FAR 91.126(b). That rule mandates the direction in which turns must be made when approaching to land at an airport without an operating control tower. This FAR does not specifically mention straight-in approaches. Because it only mentions “turns,” it leads some pilots to conclude, not unreasonably, that turns must be made in the traffic pattern—not straight in. Here is what it says specifically: “When approaching to land at an airport without a control tower in Class G airspace—(1) each pilot of an airplane must make all turns to the left unless the airport displays approved light signals or visual markings indicating that turns should be made to the right, in which case the pilot must make all turns to the right.” FAR 91.127, Class E airspace; FAR 91.129, Class D airspace; FAR 91.130, Class C airspace; and FAR 91.131, Class B airspace are consistent with this reading. FAR 91.126(b) goes on to require that helicopters and powered parachutes must avoid the flow of fixed-wing aircraft. As you can see, a strict reading of this rule does not bar straight-in approaches. And a little research turns up an old 1993 advisory circular in which the FAA acknowledges that straight-in approaches are not prohibited (see AC 90-66A).



What is a much more subtle legal issue for debate is “what is a valid straight-in approach?” How far out must an airplane be aligned with the runway to be considered a valid straight-in approach? I could not find much legal authority to resolve this issue. There are two National Transportation Safety Board decisions in FAA enforcement cases that are interesting in this regard, but by no means settle the issue.

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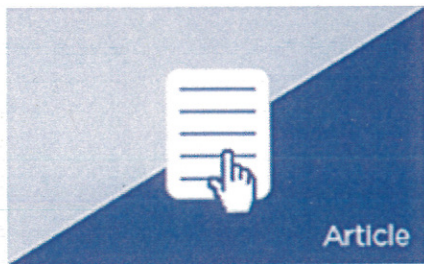
In one case the FAA suspended an airline captain’s pilot certificate for 25 days for using an unauthorized right-hand traffic pattern, instead of a left, when approaching to land at an Alaskan airport. The pilot admitted making the right turn onto final about four miles out, and argued that his approach was straight in after that. That may have been a good argument except that the NTSB law judge, who tried the case on the initial appeal, found from the evidence that the turn was actually made one to two miles out from the runway. Too close to the runway to be considered a straight-in approach? The law judge did suggest that a turn in anticipation of a straight-in approach made five or six miles out would not be considered a violation. On further appeal to the full board, the NTSB sustained the law judge. So, we can glean from this case that, according to the NTSB, a turn to final one to two miles out in a jet airliner is not a straight-in approach. And, according to at least one NTSB law judge, an approach after a turn to final five or six miles out would be considered a straight-in approach.

The second case, also in Alaska, is similar in that the captain of an airliner made a right turn into a final approach to the runway, maintaining that his approach qualified as a straight-in approach. He was relying on instructions in the Alaska Airlines flight operations manual. The instructions provide that straight-in approaches at uncontrolled airports "shall be planned so that the aircraft is aligned not less than four nautical miles from the approach end of the runway." Actually, the airplane was not completely aligned until it was about 3.1 miles out—in order to avoid another aircraft on a practice instrument approach to the airport. The evidence showed that this other aircraft had to abort the practice approach. The NTSB held that even if this was a valid straight-in approach, it would still be a violation of the regulation because the approach interfered with the other aircraft approaching the airport. "Aircraft making valid straight-in approaches at uncontrolled airports would, nevertheless, be deemed in violation of FAR 91.89(a) [now 91.126 and 91.127] if they interfered with other aircraft operating in the standard left-hand pattern." The captain lost his pilot's certificate for 20 days.

So, while a straight-in approach to a runway at a nontowered airport is legal under the FARs, the straight-in approach must be started some considerable (but undefined) distance from the runway and the traffic pattern to be valid, and it must not interfere with aircraft in the traffic pattern or on an instrument approach. Still, there are nuances to this general proposition that should continue to stimulate some interesting hangar-flying debates.

John S. Yodice has served as legal counselor to AOPA for several decades.

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