

(c) *Flap settings.* Except when necessary for training or certification, the pilot in command of a civil turbojet-powered aircraft must use, as a final flap setting, the minimum certificated landing flap setting set forth in the approved performance information in the Airplane Flight Manual for the applicable conditions. However, each pilot in command has the final authority and responsibility for the safe operation of the pilot's airplane, and may use a different flap setting for that airplane if the pilot determines that it is necessary in the interest of safety.

(d) *Communications with control towers.* Unless otherwise authorized or required by ATC, no person may operate an aircraft to, from, through, or on an airport having an operational control tower unless two-way radio communications are maintained between that aircraft and the control tower. Communications must be established prior to 4 nautical miles from the airport, up to and including 2,500 feet AGL. However, if the aircraft radio fails in flight, the pilot in command may operate that aircraft and land if weather conditions are at or above basic VFR weather minimums, visual contact with the tower is maintained, and a clearance to land is received. If the aircraft radio fails while in flight under IFR, the pilot must comply with § 91.185.

[Doc. No. 24458, 56 FR 65658, Dec. 17, 1991, as amended by Amdt. 91-239, 59 FR 11693, Mar. 11, 1994; Amdt. 91-282, 69 FR 44880, July 27, 2004]

§ 91.127 Operating on or in the vicinity of an airport in Class E airspace.

(a) Unless otherwise required by part 93 of this chapter or unless otherwise authorized or required by the ATC facility having jurisdiction over the Class E airspace area, each person operating an aircraft on or in the vicinity of an airport in a Class E airspace area must comply with the requirements of § 91.126.

(b) *Departures.* Each pilot of an aircraft must comply with any traffic patterns established for that airport in part 93 of this chapter.

(c) *Communications with control towers.* Unless otherwise authorized or required by ATC, no person may operate an aircraft to, from, through, or on an

airport having an operational control tower unless two-way radio communications are maintained between that aircraft and the control tower. Communications must be established prior to 4 nautical miles from the airport, up to and including 2,500 feet AGL. However, if the aircraft radio fails in flight, the pilot in command may operate that aircraft and land if weather conditions are at or above basic VFR weather minimums, visual contact with the tower is maintained, and a clearance to land is received. If the aircraft radio fails while in flight under IFR, the pilot must comply with § 91.185.

[Doc. No. 24458, 56 FR 65658, Dec. 17, 1991, as amended by Amdt. 91-239, 59 FR 11693, Mar. 11, 1994]

§ 91.129 Operations in Class D airspace.

(a) *General.* Unless otherwise authorized or required by the ATC facility having jurisdiction over the Class D airspace area, each person operating an aircraft in Class D airspace must comply with the applicable provisions of this section. In addition, each person must comply with §§ 91.126 and 91.127. For the purpose of this section, the primary airport is the airport for which the Class D airspace area is designated. A satellite airport is any other airport within the Class D airspace area.

(b) *Deviations.* An operator may deviate from any provision of this section under the provisions of an ATC authorization issued by the ATC facility having jurisdiction over the airspace concerned. ATC may authorize a deviation on a continuing basis or for an individual flight, as appropriate.

(c) *Communications.* Each person operating an aircraft in Class D airspace must meet the following two-way radio communications requirements:

(1) *Arrival or through flight.* Each person must establish two-way radio communications with the ATC facility (including foreign ATC in the case of foreign airspace designated in the United States) providing air traffic services prior to entering that airspace and thereafter maintain those communications while within that airspace.

(2) *Departing flight.* Each person—

(i) From the primary airport or satellite airport with an operating control

tower must establish and maintain two-way radio communications with the control tower, and thereafter as instructed by ATC while operating in the Class D airspace area; or

(ii) From a satellite airport without an operating control tower, must establish and maintain two-way radio communications with the ATC facility having jurisdiction over the Class D airspace area as soon as practicable after departing.

(d) *Communications failure.* Each person who operates an aircraft in a Class D airspace area must maintain two-way radio communications with the ATC facility having jurisdiction over that area.

(1) If the aircraft radio fails in flight under IFR, the pilot must comply with §91.185 of the part.

(2) If the aircraft radio fails in flight under VFR, the pilot in command may operate that aircraft and land if—

(i) Weather conditions are at or above basic VFR weather minimums;

(ii) Visual contact with the tower is maintained; and

(iii) A clearance to land is received.

(e) *Minimum Altitudes.* When operating to an airport in Class D airspace, each pilot of—

(1) A large or turbine-powered airplane shall, unless otherwise required by the applicable distance from cloud criteria, enter the traffic pattern at an altitude of at least 1,500 feet above the elevation of the airport and maintain at least 1,500 feet until further descent is required for a safe landing;

(2) A large or turbine-powered airplane approaching to land on a runway served by an instrument landing system (ILS), if the airplane is ILS equipped, shall fly that airplane at an altitude at or above the glide slope between the outer marker (or point of interception of glide slope, if compliance with the applicable distance from cloud criteria requires interception closer in) and the middle marker; and

(3) An airplane approaching to land on a runway served by a visual approach slope indicator shall maintain an altitude at or above the glide slope until a lower altitude is necessary for a safe landing.

Paragraphs (e)(2) and (e)(3) of this section do not prohibit normal bracketing

maneuvers above or below the glide slope that are conducted for the purpose of remaining on the glide slope.

(f) *Approaches.* Except when conducting a circling approach under part 97 of this chapter or unless otherwise required by ATC, each pilot must—

(1) Circle the airport to the left, if operating an airplane; or

(2) Avoid the flow of fixed-wing aircraft, if operating a helicopter.

(g) *Departures.* No person may operate an aircraft departing from an airport except in compliance with the following:

(1) Each pilot must comply with any departure procedures established for that airport by the FAA.

(2) Unless otherwise required by the prescribed departure procedure for that airport or the applicable distance from clouds criteria, each pilot of a turbine-powered airplane and each pilot of a large airplane must climb to an altitude of 1,500 feet above the surface as rapidly as practicable.

(h) *Noise abatement.* Where a formal runway use program has been established by the FAA, each pilot of a large or turbine-powered airplane assigned a noise abatement runway by ATC must use that runway. However, consistent with the final authority of the pilot in command concerning the safe operation of the aircraft as prescribed in §91.3(a), ATC may assign a different runway if requested by the pilot in the interest of safety.

(i) *Takeoff, landing, taxi clearance.* No person may, at any airport with an operating control tower, operate an aircraft on a runway or taxiway, or take off or land an aircraft, unless an appropriate clearance is received from ATC. A clearance to “taxi to” the takeoff runway assigned to the aircraft is not a clearance to cross that assigned takeoff runway, or to taxi on that runway at any point, but is a clearance to cross other runways that intersect the taxi route to that assigned takeoff runway. A clearance to “taxi to” any point other than an assigned takeoff runway is clearance to cross all runways that intersect the taxi route to that point.

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