

605 Holly Court
York PA 17406

9th February 2006

FAA Office of the Chief Counsel
800 Independence Avenue SW
Washington, DC 20591

FAO The Chief Counsel

Dear Sir

Interpretation of FAR 91.130(c)(1)

I am seeking clarification of two related issues concerning the requirement specified in FAR 91.130(c)(1) whereby a pilot must in communication with ATC when operating inside Class C airspace.

The first issue concerns the wording of the section of the regulation that refers to contacting “*the* ATC facility” (emphasis added) before entering the airspace. Does the use of the definite article demand contact with the specific Approach facility responsible for the Class C airspace, or is contact with any ATC facility acceptable?

The second can be illustrated by the case of a pilot who is receiving VFR advisories from Center, but who then for some reason fails to get a hand-off to the Approach facility as he approaches the edge of the Class C airspace. If he continues and enters the airspace, is he in breach of FAR 91.130(c)(1), or can use as a defense the assertion that either (a) he was communicating with ATC in that he was talking to Center; or (b) that Center’s failure to hand him off in dereliction of the actions arguably required by Order 7110.65 effectively removes from the pilot the need to make contact with the Class C approach control?

I would be grateful for your opinion on these matters.

Sincerely

Mike Granby