Visual Approaches: When To Say No

Chris Shieff
28 May, 2025

There is a recent history in the US of serious incidents that have occurred during visual approaches – you don't have to hunt long to find them. The reality is this: *when we accept a visual approach, we accept more risk.*

That isn't to say that this risk cannot be effectively and safely managed. Visual approaches are still an important way to increase the efficiency of congested airspace. But we *do* have to give ourselves the room, the capacity, and the mitigations to fly them **safely**. And in my opinion, that's where the **true risk** lies.

The FAA seems to agree. On April 2, it issued an eye-opening Safety Alert for Operators (SAFO) regarding visual approaches. The lowdown is this: visual approaches can be **riskier** than they seem, especially in today's busy airspace. Let's take a closer look.

FAA SAFO on Visual Approaches

The FAA's SAFO is resolute in its message – the pilot-in-command has the ultimate responsibility (by law) to **say no to clearances that excessively increase workload or erode safety margins.** In other words, they **don't want us to hesitate to say 'UNABLE'.** Ultimately, it's our decision as pilots, and no one else's.

FAA Reg 14 CFR § 91.3 specifically says:

"…The pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft."

This includes the **full authority** to refuse or decline any clearance or instruction that they deem unsafe or beyond the operational limits of the aircraft or crew. The SAFO then continues with another important message – **ATC will support a PIC's authority to declare 'unable'** when a clearance may reduce safety margins.

This is where the SAFO falls short a little, at least on a real-world basis. What needs to be included is '*with impunity.*'

Recent Events

In a US NAS burdened by traffic volume, aging infrastructure and controller shortages we continue to hear reports of excessive delays and even confrontation when a clearance is declined.

Check out the recent diversion of a Lufthansa A350 at KSFO/San Francisco due to **non-acceptance of visual separation at night.**

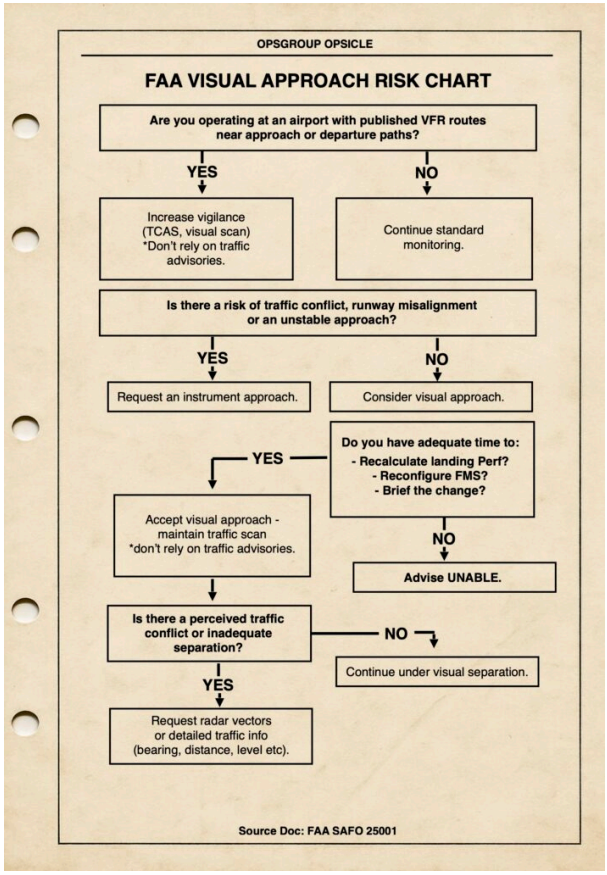
Courtesy of VASAviation.

There appears to be a growing disconnect here between what the FAA wants in its SAFO, and what's actually happening in the real world.

It's seems clear that more needs to change amongst all stakeholders before we can begin to consistently practice 'safety over sequence' while accommodating all traffic.

FAA Mitigations

The FAA's recent SAFO also provides some **guidance for pilots** on how to mitigate some of the risks of accepting visual approaches. We've summarized those in the following little Opsicle.



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A note about Business Aviation

In researching this article, several suggestions were also raised about the human factors involved with why pilots find it so hard to **say no** to challenging clearances. Attend any Human Factors course and you'll be familiar with the **common culprits** – saying 'unable' can feel like a form of noncompliance, the need to be perceived as competent, an innate desire to 'make it work', or the struggle of time compression.

What's more interesting to us on this occasion is the **vulnerability** (when compared to airline ops) of **business aviation crew** to accept challenging clearances despite the increased risk. In other words, are there unique factors? BizAv pilots are faced with a **unique combination** of industry culture, operational demands and perception of role.

Under Pressure:

BizAv pilots usually find no solace in the **anonymity** of a flight deck door, a staff number, or a large airline. They have direct contact with those who employ them (sometimes even in the cockpit). Whether we like it or not, this can have an insidious effect on our tolerance for risk. Saying 'unable' can feel like **failing to deliver.**

Professional Flexibility:

Travel by private jet can typically cost anywhere between ten to forty times more than flying commercial. Those who pay may have a certain expectation that we can land anywhere, anytime and **circumvent the constraints of conventional airline travel.**

No One's Watching:

Unlike the airlines, there is no requirement for business jets operated under Part 91 to be equipped with Flight Data Recorders or even CVRs, or even under Part 135 (with less than ten seats). And it is hard to deny (even with the best intentions) that this doesn't have some kind of impact in moments of unexpectedly high workload. Strict adherence to stabilized approach criteria for instance can become more flexible **without fear of reprisal.**

Safety Management Under Part 91:

The FAA SAFO also specifically mentions the use of safety management systems (SMS) to better mitigate the risks of conducting visual approaches. However a looming mandate will **only apply to Part 135 operations – not Part 91**, where they will remain voluntary. It's therefore possible that some BizAv pilots will not be exposed sufficiently to the FAA's advice.

Want to join the discussion?

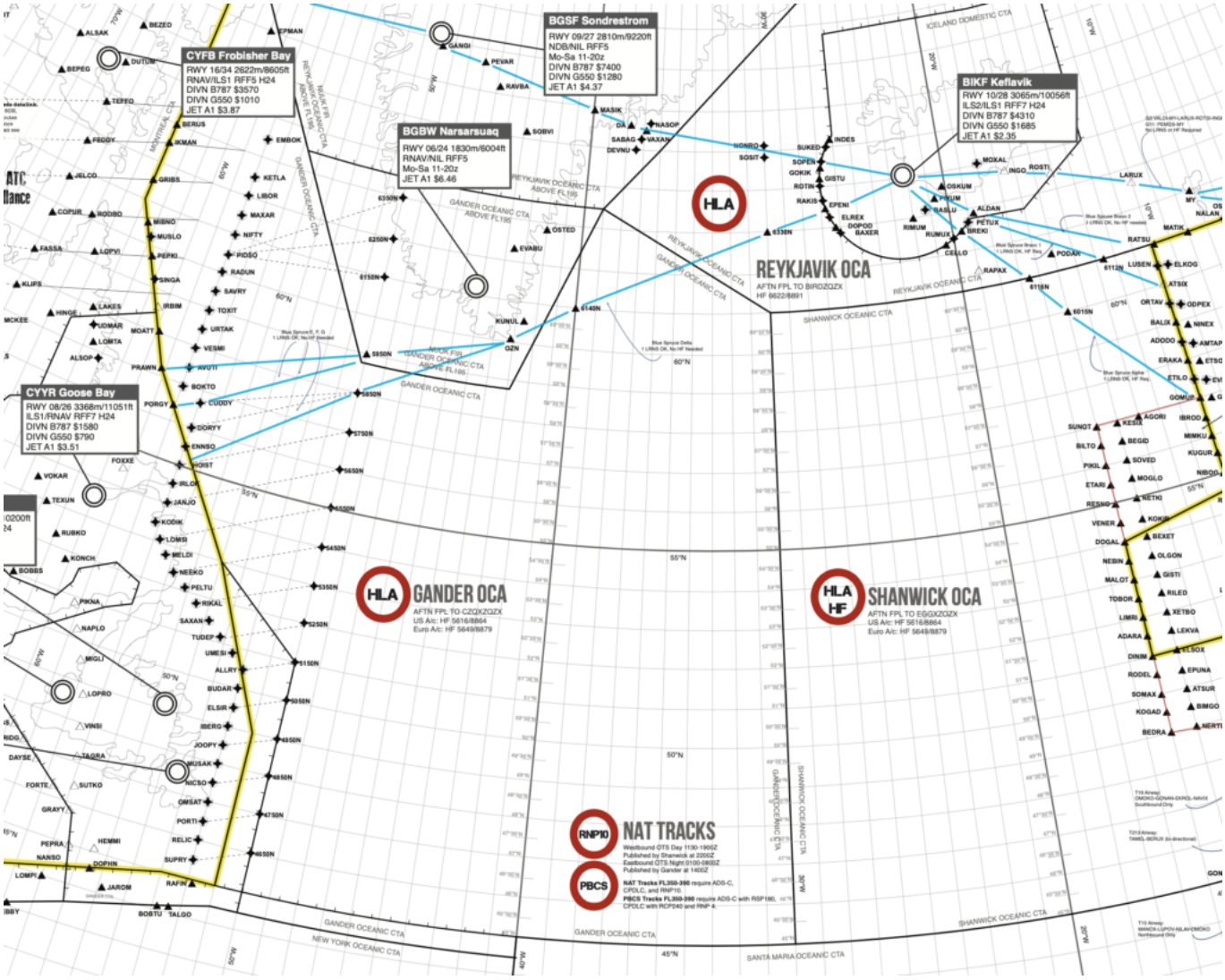
We'd love to hear from you. You can reach us at: news@ops.group.

Planning for "ATC Zero" events in Oceanic Airspace

David Mumford
28 May, 2025

You’re halfway across the Atlantic when **ATC declares that they are suspending all services**. TIBA procedures are now in effect. **Would you know what to do next?** As Covid infections impact ATC facilities, short notice closures are currently a constant risk. With the possibility of an entire oceanic ATC area being shut down due to Covid, there are some big questions to consider, and to factor in to your planning: Are you tankering enough fuel if you suddenly have to fly around large sections of oceanic airspace? Where are your ETPs? Do you have a wet footprint?

Back in 2011, there was an incident where transatlantic flights were not allowed to enter CYQX/Gander oceanic airspace due to a smoke situation in ATC control centre which meant that controllers had to be evacuated. They issued a Notam, but that wasn’t much use to the traffic en-route at the time, which all had to be **re-routed around the CYQX/Gander Oceanic FIR** – a vast portion of oceanic airspace.



Fast forward to March of this year, where New York Air Route Traffic Control Center was forced to temporarily close due to **a controller testing positive for Covid-19**. The affected airspace restricted flights into New York area airports, with aircraft having to take longer routes in order to avoid closed sectors, as well as Oceanic airspace which stretches from New York past Bermuda and services flights heading to the Caribbean, Europe, South America, and Africa.

The New York ARTCC is not the only ATC center that has been affected over the past few months due to controllers coming down sick with coronavirus. Eleven sites across the US, including at major airports in New York, Chicago, and Las Vegas, have been **temporarily closed for cleaning**, affected flight operations. Some facilities have been **closed for several days** leaving inbound and departing aircraft left to their own devices for taxi, take-off, and landing.

NAT Doc 006 is the official go-to manual to check what happens during these **“ATC Zero” events** on the North Atlantic, but the spate of recent ATC shutdowns in the US led the FAA to re-examine the increased potential for these situations occurring during the Covid crisis, and in early July they published a SAFO as a result.

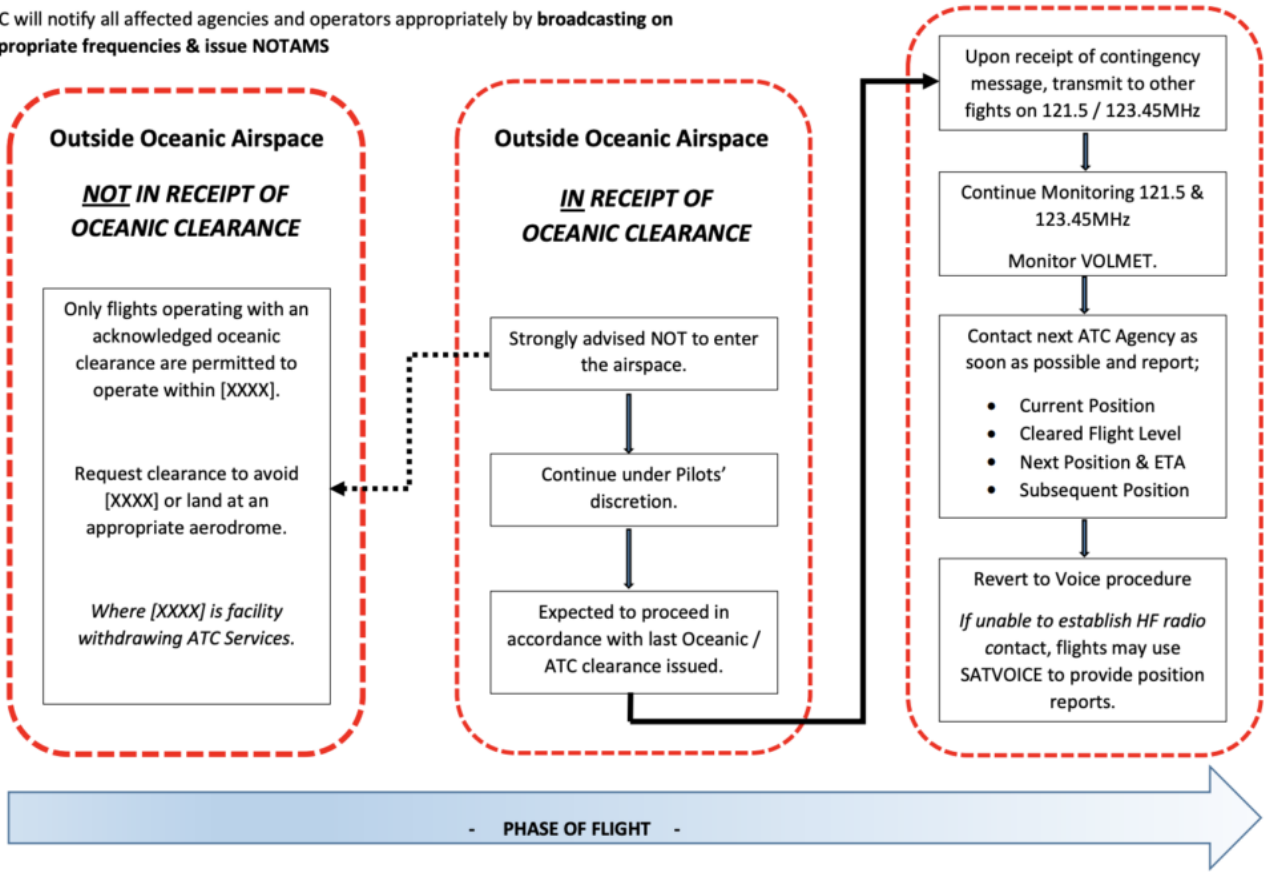
The NAT Doc 006 and the US SAFO are great resources, but here are **two more** which you might not know about!

Code7700.com has published an excellent **2-page crib sheet** with clear guidance for pilots on what to do in these situations. You can download it here:

CONTINGENCY CONSIDERATIONS

GUIDANCE FOR PILOTS IN THE IMMEDIATE AFTERMATH OF A SUDDEN WITHDRAWAL OF ATC SERVICES IN OCEANIC AIRSPACE

ATC will notify all affected agencies and operators appropriately by **broadcasting on appropriate frequencies & issue NOTAMS**



REF: ICAO NAT DOC006, ICAO DOC 7030, (PAC Para. 9.3), FAA SAFO 20011

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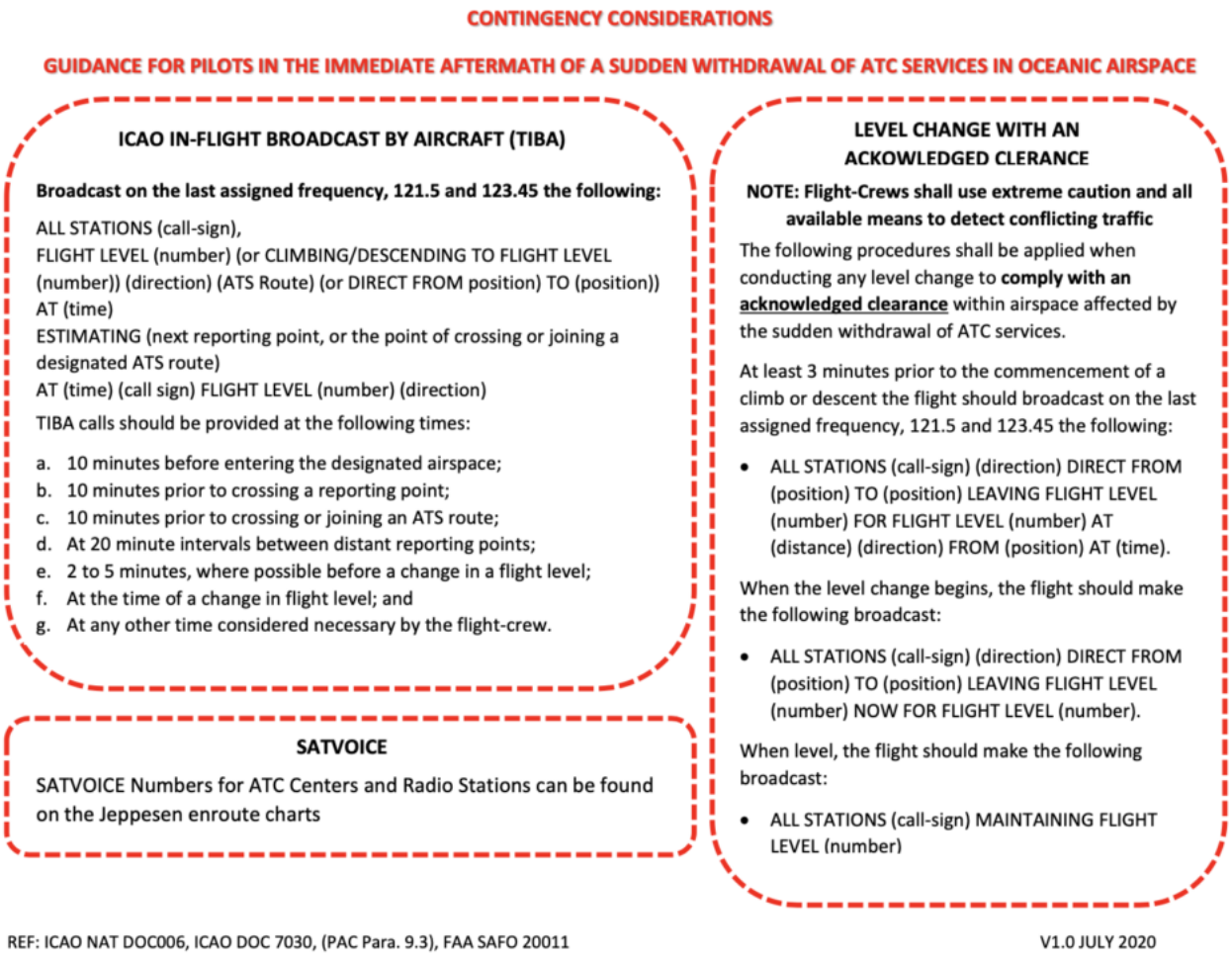

And 30WestIP.com have recorded a **video webinar** discussing this topic in more detail, which you can view here: