

b. Controller.

1. Do not clear an aircraft for a visual approach unless reported weather at the airport is ceiling at or above 1,000 feet and visibility is 3 miles or greater. When weather is not available for the destination airport, inform the pilot and do not initiate a visual approach to that airport unless there is reasonable assurance that descent and flight to the airport can be made visually.

2. Issue visual approach clearance when the pilot reports sighting either the airport or a preceding aircraft which is to be followed.

3. Provide separation except when visual separation is being applied by the pilot.

4. Continue flight following and traffic information until the aircraft has landed or has been instructed to change to advisory frequency.

5. For all aircraft, inform the pilot when the preceding aircraft is a heavy. Inform the pilot of a small aircraft when the preceding aircraft is a B757. Visual separation is prohibited behind super aircraft.

6. When weather is available for the destination airport, do not initiate a vector for a visual approach unless the reported ceiling at the airport is 500 feet or more above the MVA and visibility is 3 miles or more. If vectoring weather minima are not available but weather at the airport is ceiling at or above 1,000 feet and visibility of 3 miles or greater, visual approaches may still be conducted.

5-5-12. Visual Separation

a. Pilot.

1. Acceptance of instructions to follow another aircraft or to provide visual separation from it is an acknowledgment that the pilot will maneuver the aircraft as necessary to avoid the other aircraft or to maintain in-trail separation. Pilots are responsible to maintain visual separation until flight paths (altitudes and/or courses) diverge.

2. If instructed by ATC to follow another aircraft or to provide visual separation from it, promptly notify the controller if you lose sight of that aircraft, are unable to maintain continued visual contact with it, or cannot accept the responsibility for your own separation for any reason.

3. The pilot also accepts responsibility for wake turbulence separation under these conditions.

b. Controller. Applies visual separation only:

1. Within the terminal area when a controller has both aircraft in sight or by instructing a pilot who sees the other aircraft to maintain visual separation from it.

2. Pilots are responsible to maintain visual separation until flight paths (altitudes and/or courses) diverge.

3. Within en route airspace when aircraft are on opposite courses and one pilot reports having seen the other aircraft and that the aircraft have passed each other.

5-5-13. VFR-on-top

a. Pilot.

1. This clearance must be requested by the pilot on an IFR flight plan, and if approved, allows the pilot the choice (subject to any ATC restrictions) to select an altitude or flight level in lieu of an assigned altitude.

NOTE-

VFR-on-top is not permitted in certain airspace areas, such as Class A airspace, certain restricted areas, etc. Consequently, IFR flights operating VFR-on-top will avoid such airspace.

REFERENCE-

*AIM, Paragraph 4-4-8, IFR Clearance VFR-on-top.
AIM, Paragraph 4-4-11, IFR Separation Standards.
AIM, Paragraph 5-3-2, Position Reporting.
AIM, Paragraph 5-3-3, Additional Reports.*

2. By requesting a VFR-on-top clearance, the pilot assumes the sole responsibility to be vigilant so as to see and avoid other aircraft and to:

(a) Fly at the appropriate VFR altitude as prescribed in 14 CFR Section 91.159.

(b) Comply with the VFR visibility and distance from clouds criteria in 14 CFR Section 91.155, *Basic VFR Weather Minimums*.

(c) Comply with instrument flight rules that are applicable to this flight; i.e., minimum IFR altitudes, position reporting, radio communications, course to be flown, adherence to ATC clearance, etc.

3. Should advise ATC prior to any altitude change to ensure the exchange of accurate traffic information.