

Federal Aviation Administration, DOT**§ 91.703****§ 91.613 Materials for compartment interiors.**

No person may operate an airplane that conforms to an amended or supplemental type certificate issued in accordance with SFAR No. 41 for a maximum certificated takeoff weight in excess of 12,500 pounds unless within 1 year after issuance of the initial airworthiness certificate under that SFAR the airplane meets the compartment interior requirements set forth in § 25.853 (a), (b), (b-1), (b-2), and (b-3) of this chapter in effect on September 26, 1978.

§§ 91.615-91.699 [Reserved]**Subpart H—Foreign Aircraft Operations and Operations of U.S.-Registered Civil Aircraft Outside of the United States; and Rules Governing Persons on Board Such Aircraft**

SOURCE: Docket No. 18334, 54 FR 34320, Aug. 18, 1989, unless otherwise noted.

§ 91.701 Applicability.

(a) This subpart applies to the operations of civil aircraft of U.S. registry outside of the United States and the operations of foreign civil aircraft within the United States.

(b) Section 91.702 of this subpart also applies to each person on board an aircraft operated as follows:

(1) A U.S. registered civil aircraft operated outside the United States;

(2) Any aircraft operated outside the United States—

(i) That has its next scheduled destination or last place of departure in the United States if the aircraft next lands in the United States; or

(ii) If the aircraft lands in the United States with the individual still on the aircraft regardless of whether it was a scheduled or otherwise planned landing site.

[Doc. No. FAA-1998-4954, 64 FR 1079, Jan. 7, 1999]

§ 91.702 Persons on board.

Section 91.11 of this part (Prohibitions on interference with crew-

members) applies to each person on board an aircraft.

[Doc. No. FAA-1998-4954, 64 FR 1079, Jan. 7, 1999]

§ 91.703 Operations of civil aircraft of U.S. registry outside of the United States.

(a) Each person operating a civil aircraft of U.S. registry outside of the United States shall—

(1) When over the high seas, comply with annex 2 (Rules of the Air) to the Convention on International Civil Aviation and with §§ 91.117(c), 91.127, 91.129, and 91.131;

(2) When within a foreign country, comply with the regulations relating to the flight and maneuver of aircraft there in force;

(3) Except for §§ 91.307(b), 91.309, 91.323, and 91.711, comply with this part so far as it is not inconsistent with applicable regulations of the foreign country where the aircraft is operated or annex 2 of the Convention on International Civil Aviation; and

(4) When operating within airspace designated as Minimum Navigation Performance Specifications (MNPS) airspace, comply with § 91.705. When operating within airspace designated as Reduced Vertical Separation Minimum (RVSM) airspace, comply with § 91.706.

(b) Annex 2 to the Convention on International Civil Aviation, Ninth Edition—July 1990, with Amendments through Amendment 32 effective February 19, 1996, to which reference is made in this part, is incorporated into this part and made a part hereof as provided in 5 U.S.C. § 552 and pursuant to 1 CFR part 51. Annex 2 (including a complete historic file of changes thereto) is available for public inspection at the Rules Docket, AGC-200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, Annex 2 may be purchased from the International Civil Aviation Organization (Attention: Distribution Officer), P.O. Box 400, Succursale, Place de L'Aviation Internationale, 1000

§91.705

Sherbrooke Street West, Montreal,
Quebec, Canada H3A 2R2.

[Doc. No. 18834, 54 FR 34320, Aug. 18, 1989, as
amended by Amdt. 91-227, 56 FR 65661, Dec.
17, 1991; Amdt. 91-254, 62 FR 17487, Apr. 9,
1997]

**§91.705 Operations within airspace
designated as Minimum Navigation
Performance Specification Air-
space.**

(a) Except as provided in paragraph
(b) of this section, no person may operate
a civil aircraft of U.S. registry in
airspace designated as Minimum Navi-
gation Performance Specifications air-
space unless—

(1) The aircraft has approved naviga-
tion performance capability that com-
plies with the requirements of appendix
C of this part; and

(2) The operator is authorized by the
Administrator to perform such opera-
tions.

(b) The Administrator may authorize
a deviation from the requirements of
this section in accordance with Section
3 of appendix C to this part.

[Doc. No. 28870, 62 FR 17487, Apr. 9, 1997]

**§91.706 Operations within airspace
designated as Reduced Vertical Sepa-
ration Minimum Airspace.**

(a) Except as provided in paragraph
(b) of this section, no person may operate
a civil aircraft of U.S. registry in
airspace designated as Reduced
Vertical Separation Minimum (RVSM)
airspace unless:

(1) The operator and the operator's
aircraft comply with the requirements
of appendix G of this part; and

(2) The operator is authorized by the
Administrator to conduct such opera-
tions.

(b) The Administrator may authorize
a deviation from the requirements of
this section in accordance with Section
5 of appendix G to this part.

[Doc. No. 28870, 62 FR 17487, Apr. 9, 1997]

**§91.707 Flights between Mexico or
Canada and the United States.**

Unless otherwise authorized by ATC,
no person may operate a civil aircraft
between Mexico or Canada and the
United States without filing an IFR or
VFR flight plan, as appropriate.

14 CFR Ch. I (1-1-03 Edition)**§91.709 Operations to Cuba.**

No person may operate a civil air-
craft from the United States to Cuba
unless—

(a) Departure is from an interna-
tional airport of entry designated in
§6.13 of the Air Commerce Regulations
of the Bureau of Customs (19 CFR 6.13);
and

(b) In the case of departure from any
of the 48 contiguous States or the Dis-
trict of Columbia, the pilot in com-
mand of the aircraft has filed—

(1) A DVFR or IFR flight plan as pre-
scribed in §99.11 or §99.13 of this chap-
ter; and

(2) A written statement, within 1
hour before departure, with the Office
of Immigration and Naturalization
Service at the airport of departure,
containing—

(i) All information in the flight plan;

(ii) The name of each occupant of the
aircraft;

(iii) The number of occupants of the
aircraft; and

(iv) A description of the cargo, if any.

This section does not apply to the opera-
tion of aircraft by a scheduled air car-
rier over routes authorized in opera-
tions specifications issued by the Ad-
ministrator.

(Approved by the Office of Management and
Budget under control number 2120-0005)

**§91.711 Special rules for foreign civil
aircraft.**

(a) *General.* In addition to the other
applicable regulations of this part,
each person operating a foreign civil
aircraft within the United States shall
comply with this section.

(b) *VFR.* No person may conduct VFR
operations which require two-way
radio communications under this part
unless at least one crewmember of that
aircraft is able to conduct two-way
radio communications in the English
language and is on duty during that op-
eration.

(c) *IFR.* No person may operate a for-
eign civil aircraft under IFR unless—

(1) That aircraft is equipped with—

(i) Radio equipment allowing two-
way radio communication with ATC
when it is operated in controlled air-
space; and

Federal Aviation Administration, DOT**§ 91.715**

(ii) Radio navigational equipment appropriate to the navigational facilities to be used;

(2) Each person piloting the aircraft—

(i) Holds a current United States instrument rating or is authorized by his foreign airman certificate to pilot under IFR; and

(ii) Is thoroughly familiar with the United States en route, holding, and letdown procedures; and

(3) At least one crewmember of that aircraft is able to conduct two-way radiotelephone communications in the English language and that crewmember is on duty while the aircraft is approaching, operating within, or leaving the United States.

(d) *Over water.* Each person operating a foreign civil aircraft over water off the shores of the United States shall give flight notification or file a flight plan in accordance with the Supplementary Procedures for the ICAO region concerned.

(e) *Flight at and above FL 240.* If VOR navigational equipment is required under paragraph (c)(1)(ii) of this section, no person may operate a foreign civil aircraft within the 50 States and the District of Columbia at or above FL 240, unless the aircraft is equipped with distance measuring equipment (DME) capable of receiving and indicating distance information from the VORTAC facilities to be used. When DME required by this paragraph fails at and above FL 240, the pilot in command of the aircraft shall notify ATC immediately and may then continue operations at and above FL 240 to the next airport of intended landing at which repairs or replacement of the equipment can be made. However, paragraph (e) of this section does not apply to foreign civil aircraft that are not equipped with DME when operated for the following purposes and if ATC is notified prior to each takeoff:

(1) Ferry flights to and from a place in the United States where repairs or alterations are to be made.

(2) Ferry flights to a new country of registry.

(3) Flight of a new aircraft of U.S. manufacture for the purpose of—

(i) Flight testing the aircraft;

(ii) Training foreign flight crews in the operation of the aircraft; or

(iii) Ferrying the aircraft for export delivery outside the United States.

(4) Ferry, demonstration, and test flight of an aircraft brought to the United States for the purpose of demonstration or testing the whole or any part thereof.

[Doc. No. 18834, 54 FR 34320, Aug. 18, 1989, as amended by Amdt. 91-227, 56 FR 65661, Dec. 17, 1991]

§ 91.713 Operation of civil aircraft of Cuban registry.

No person may operate a civil aircraft of Cuban registry except in controlled airspace and in accordance with air traffic clearance or air traffic control instructions that may require use of specific airways or routes and landings at specific airports.

§ 91.715 Special flight authorizations for foreign civil aircraft.

(a) Foreign civil aircraft may be operated without airworthiness certificates required under § 91.203 if a special flight authorization for that operation is issued under this section. Application for a special flight authorization must be made to the Flight Standards Division Manager or Aircraft Certification Directorate Manager of the FAA region in which the applicant is located or to the region within which the U.S. point of entry is located. However, in the case of an aircraft to be operated in the U.S. for the purpose of demonstration at an airshow, the application may be made to the Flight Standards Division Manager or Aircraft Certification Directorate Manager of the FAA region in which the airshow is located.

(b) The Administrator may issue a special flight authorization for a foreign civil aircraft subject to any conditions and limitations that the Administrator considers necessary for safe operation in the U.S. airspace.

(c) No person may operate a foreign civil aircraft under a special flight authorization unless that operation also complies with part 375 of the Special

§§ 91.717–91.799

Regulations of the Department of Transportation (14 CFR part 375).

(Approved by the Office of Management and Budget under control number 2120-0005)

[Doc. No. 18334, 54 FR 34320, Aug. 18, 1989, as amended by Amdt. 91-212, 54 FR 39293, Sept. 25, 1989]

§§ 91.717–91.799 [Reserved]

Subpart I—Operating Noise Limits

SOURCE: Docket No. 18334, 54 FR 34321, Aug. 18, 1989, unless otherwise noted.

§ 91.801 Applicability: Relation to part 36.

(a) This subpart prescribes operating noise limits and related requirements that apply, as follows, to the operation of civil aircraft in the United States.

(1) Sections 91.803, 91.805, 91.807, 91.809, and 91.811 apply to civil subsonic jet (turbojet) airplanes with maximum weights of more than 75,000 pounds and—

(i) If U.S. registered, that have standard airworthiness certificates; or
(ii) If foreign registered, that would be required by this chapter to have a U.S. standard airworthiness certificate in order to conduct the operations intended for the airplane were it registered in the United States. Those sections apply to operations to or from airports in the United States under this part and parts 121, 125, 129, and 135 of this chapter.

(2) Section 91.813 applies to U.S. operators of civil subsonic jet (turbojet) airplanes covered by this subpart. This section applies to operators operating to or from airports in the United States under this part and parts 121, 125, and 135, but not to those operating under part 129 of this chapter.

(3) Sections 91.803, 91.819, and 91.821 apply to U.S.-registered civil supersonic airplanes having standard airworthiness certificates and to foreign-registered civil supersonic airplanes that, if registered in the United States, would be required by this chapter to have U.S. standard airworthiness certificates in order to conduct the operations intended for the airplane. Those sections apply to operations under this

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part and under parts 121, 125, 129, and 135 of this chapter.

(b) Unless otherwise specified, as used in this subpart “part 36” refers to 14 CFR part 36, including the noise levels under appendix C of that part, notwithstanding the provisions of that part excepting certain airplanes from the specified noise requirements. For purposes of this subpart, the various stages of noise levels, the terms used to describe airplanes with respect to those levels, and the terms “subsonic airplane” and “supersonic airplane” have the meanings specified under part 36 of this chapter. For purposes of this subpart, for subsonic airplanes operated in foreign air commerce in the United States, the Administrator may accept compliance with the noise requirements under annex 16 of the International Civil Aviation Organization when those requirements have been shown to be substantially compatible with, and achieve results equivalent to those achievable under, part 36 for that airplane. Determinations made under these provisions are subject to the limitations of §36.5 of this chapter as if those noise levels were part 36 noise levels.

(c) Sections 91.851 through 91.877 of this subpart prescribe operating noise limits and related requirements that apply to any civil subsonic jet (turbojet) airplane (for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator) with a maximum certificated takeoff weight of more than 75,000 pounds operating to or from an airport in the 48 contiguous United States and the District of Columbia under this part, parts 121, 125, 129, or 135 of this chapter on and after September 25, 1991.

(d) Section 91.877 prescribes reporting requirements that apply to any civil subsonic jet (turbojet) airplane with a maximum weight of more than 75,000 pounds operated by an air carrier or foreign air carrier between the contiguous United States and the State of Hawaii, between the State of Hawaii and any point outside of the 48 contiguous United States, or between the islands of Hawaii in turnaround service,