§§ 91.615–91.699

in excess of 12,500 pounds unless within 1 year after issuance of the initial air-
worthiness certificate under that
SFAR the airplane meets the compart-
ment 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.

(b) Thermal/acoustic insulation ma-
terials. For transport category air-
planes type certificated after January
1, 1958:

(1) For airplanes manufactured before
September 2, 2005, when thermal/acous-
tic insulation is installed in the fuse-
lage as replacements after September
2, 2005, the insulation must meet the
flame propagation requirements of
§ 25.856 of this chapter, effective Sep-
tember 2, 2003, if it is:

(i) Of a blanket construction or
(ii) Installed around air ducting.

(2) For airplanes manufactured after
September 2, 2005, thermal/acoustic in-
sulation materials installed in the fu-
selage must meet the flame propaga-
tion requirements of § 25.856 of this
chapter, effective September 2, 2003.

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

§ 91.617 Personen on board.

Section 91.11 of this part (Prohibi-
tions on interference with crew-
members) applies to each person on
board an aircraft.

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

§§ 91.615–91.699 [Reserved]

Subpart H—Foreign Aircraft Oper-
atons and Operations of U.S.-
Registered Civil Aircraft Out-
side of the United States; and
Rules Governing Persons on
Board Such Aircraft

19, 1989, unless otherwise noted.

§ 91.701 Applicability.

(a) This subpart applies to the oper-
ations 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 air-
craft operated as follows:

(1) A U.S. registered civil aircraft op-
erated outside the United States;

(2) Any aircraft operated outside the
United States—

(i) That has its next scheduled desti-
nation 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. 18334, 54 FR 34318, Aug. 18, 1989, as
amended by Amdt. 91–279, 68 FR 45083, July
31, 2003; Amdt. 91–290, 70 FR 77752, Dec. 30,
2005]

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

(a) Each person operating a civil air-
craft 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 §§ 91.117(a), 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 for-

gien country where the aircraft is oper-
ated 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 op-
erating within airspace designated as
Reduced Vertical Separation Minimum
(RVSM) airspace, comply with § 91.706.

(5) For aircraft subject to ICAO
Annex 16, carry on board the aircraft
documents that summarize the noise
operating characteristics and certifi-
cations of the aircraft that dem-

strate compliance with this part and
part 36 of this chapter.

(b) Annex 2 to the Convention on
International Civil Aviation, Ninth
Edition—July 1990, with Amendments

(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 Navigation Performance Specifications airspace unless—

(1) The aircraft has approved navigation performance capability that complies with the requirements of appendix C of this part; and

(2) The operator is authorized by the Administrator to perform such operations.

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

§ 91.706 Operations within airspace designated as Reduced Vertical Separation 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 operations.

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

§ 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.

§ 91.709 Operations to Cuba.

No person may operate a civil aircraft from the United States to Cuba unless—

(a) Departure is from an international 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 District of Columbia, the pilot in command of the aircraft has filed—

(1) A DVFR or IFR flight plan as prescribed in §§99.11 or §99.13 of this chapter; 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.

§ 91.706 Operations within airspace designated as Reduced Vertical Separation 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 operations.

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

§ 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.

§ 91.709 Operations to Cuba.

No person may operate a civil aircraft from the United States to Cuba unless—

(a) Departure is from an international 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 District of Columbia, the pilot in command of the aircraft has filed—

(1) A DVFR or IFR flight plan as prescribed in §§99.11 or §99.13 of this chapter; 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.

§ 91.709 Operations to Cuba.

No person may operate a civil aircraft from the United States to Cuba unless—

(a) Departure is from an international 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 District of Columbia, the pilot in command of the aircraft has filed—

(1) A DVFR or IFR flight plan as prescribed in §§99.11 or §99.13 of this chapter; 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.
§ 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 operation.

(c) IFR. No person may operate a foreign 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 airspace; and

(ii) Navigation equipment suitable for the route to be flown.

(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 navigation 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 approved DME or a suitable RNAV system. When the DME or RNAV system required by this paragraph fails at and above FL 240, the pilot in command of the aircraft must notify ATC immediately and may then continue operations at and above FL 240 to the next airport of intended landing where repairs or replacement of the equipment can be made. A foreign civil aircraft may be operated within the 50 States and the District of Columbia at or above FL 240 without DME or an RNAV system when operated for the following purposes, and ATC is notified before 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.

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

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


§§ 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 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