

Federal Register

91-211

See corrections

Friday
August 18, 1989

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 1 et al.
Revision of General Operating and Flight
Rules; Final Rule

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

14 CFR Parts 1, 21, 23, 25, 27, 29, 31, 33, 35, 36, 43, 45, 47, 61, 63, 65, 71, 91, 93, 99, 103, 121, 125, 127, 133, 135, 137, 141

[Docket No. 18334; Amdts. No. 1-36, 21-66, 23-37, 25-68, 27-24, 29-27, 31-5, 33-13, 35-6, 36-18, 43-31, 45-18, 47-24, 61-84, 63-27, 65-34, 71-13, 91-211, 93-58, 99-11, 103-3, 121-206, 125-12, 127-43, 133-10, 135-32, 137-12, 141-11]

RIN 2120-AA13

Revision of General Operating and Flight Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment reorganizes and realigns the general operating and flight rules to make them more understandable and easier to use. Also, several changes are made to provide more flexibility for certain operations. These changes result from comments received from the general public and aviation industry in response to a request for specific comments to help identify substantive areas needing review.

EFFECTIVE DATE: This amendment becomes effective on August 18, 1990, except that § 91.203(a)(2) becomes effective September 18, 1989, and remains numbered as § 91.27(a)(2) until August 18, 1990.

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SUPPLEMENTARY INFORMATION:**Background**

On August 9, 1978, the Aircraft Owners and Pilots Association (AOPA) petitioned the Federal Aviation Administration (FAA) to revise part 91 of the Federal Aviation Regulations (FAR) to make the regulations simpler and more comprehensible. In response to this petition, on January 11, 1979, the FAA issued an Advance Notice of Proposed Rulemaking (ANPRM) No. 79-2 (44 FR 4572; January 22, 1979) consisting of a verbatim publication of AOPA's proposal.

The FAA received 106 comments in response to the ANPRM. An

overwhelming majority of the commenters supported the intent of the proposal to reorganize part 91. However, there were numerous problem areas identified by the commenters relating to the proposed changes that were considered substantive.

On November 18, 1980, the FAA formed a part 91 Working Group to analyze the AOPA proposal and comments received on the ANPRM. It was determined that certain technical and administrative problems existed and that it was not feasible to undertake a substantive revision of part 91 at that time. Subsequently, AOPA withdrew its petition. However, review of AOPA's proposal to reorganize and renumber part 91 revealed that many of the changes had merit and could be implemented. The FAA part 91 Working Group concluded that the reorganization and renumbering of part 91 would be the first step to improve the regulation and make it more understandable and easier to use. Consequently, the FAA published NPRM No. 79-2A (46 FR 45256; September 10, 1981), which proposed to reorganize and realign the general operating and flight rules to make them more understandable and easier to use. Other proposals were made to delete redundancies and obsolete compliance dates and to make other minor changes.

Notice No. 79-2A did not contain any substantive changes; however, it did inform the public that the FAA considered that notice to be the first step in a regulatory review of part 91 consistent with the objective of Executive Order 12291. With this in mind, the FAA invited additional specific comments to help identify substantive areas to be reviewed and possibly included in subsequent proposals concerning part 91. The notice further stated that the FAA would not take final action concerning the reorganization until substantive changes were proposed and the public had been given an opportunity to comment on those proposals.

The FAA published Notice No. 79-2B (46 FR 60481; December 10, 1981) to extend the comment period for Notice No. 79-2A by 120 days. That notice was issued in response to a petition from the National Business Aircraft Association to allow additional time for commenters to prepare substantive comments.

The FAA received 69 comments in response to Notice No. 79-2A. The majority of these comments favored the proposal and were discussed in Notice No. 79-2C (50 FR 11292; March 20, 1985).

Notice 79-2C proposed four substantive changes in addition to the numerous changes made to reorganize and clarify existing rules. Two of these

changes were made in response to comments received from the public. These changes are as follows:

(1) *Section 91.117.* Allows reciprocating-powered aircraft to be operated at 200 knots in an airport traffic area;

(2) *Section 91.135.* Allows operators desiring authorizations to deviate from positive control area and route segment requirements to utilize a 48-hour oral notification system;

(3) *Section 91.409.* Allows operators of turbine-powered rotorcraft to use an alternate inspection program, such as an FAA-approved inspection program; and

(4) *Sections 91.205, 91.509, and 91.511.* Defines "shore" as it is used in these sections to exclude tidal flats.

Public Comments

Forty-seven comments were received in response to Notice No. 79-2C. A number of commenters recommended regulations that were not proposed in the notice. Because such comments discuss matters which the public has not had an opportunity to consider, they are beyond the scope of the notice and cannot be considered without further notice and public participation. Some of these comments concern proposals that will be considered by the FAA in future rulemaking and, therefore, could be published in a future notice.

There were two areas in particular where several proposals were received that are not within the scope of the notice. First, 11 comments specifically request that balloons be excepted from certain requirements now pertaining to aircraft in general. These comments seek substantive change to the existing regulations not proposed in the notice.

Second, a number of commenters propose substantive changes to the regulations with regard to rotorcraft. Although these comments are not within the scope of this rulemaking, they were considered in the Rotorcraft Regulatory Review Program, Notice No. 5.

Two commenters are opposed to changing masculine references to "airman" to read "he or she." One commenter states that this would keep the text shorter and speed up the reading of the text. The other commenter states that § 1.3(a)(3) already provides that "words importing the masculine gender include the feminine," and the better course would be to refer to the "person," or the "pilot." The FAA agrees with these commenters. Accordingly, references throughout part 91 that use the words "he" or "she" have been changed to refer to the "person," the "pilot," the "crewmember," or the "Administrator."

One commenter writes that the use of "pilot in command" and "PIC" is inconsistent in the proposed rules. The FAA agrees with this commenter and, accordingly, has changed references to "PIC" in §§ 91.123(a) and 91.129(b) to "pilot in command" to make their use consistent throughout part 91.

A commenter suggests that all references to distances expressed in miles should state whether they are statute or nautical miles. The FAA agrees that such references should be clear. Accordingly, references to distance expressed in miles in §§ 91.171(b)(4)(ii) and 91.207(e)(3) are changed by adding the word "nautical" to reflect that the distances are expressed in nautical miles since they reference ground-measured distance. References to visibilities in §§ 91.155(b), 91.167(b)(2)(ii), and 91.303(e) are changed by adding the word "statute" to reflect that visibilities are expressed in statute miles.

Several commenters state that the proposed wording for § 91.1 implies that operations of moored balloons, kites, unmanned rockets, and unmanned free balloons are governed by part 103. This comment has merit and § 91.1 is revised by adding a specific reference to part 101 after the phrase "unmanned free balloons" to make clear that moored balloons, kites, unmanned rockets, and unmanned free balloons operate under part 101.

Another commenter requests clarification of the discussion of § 91.7 in Notice No. 79-2C, where the FAA states that there is no provision for the use of an approved Minimum Equipment List (MEL) in part 91 operations, whereas § 91.213 permits the use of an approved MEL. The FAA points out that at the time Notice No. 79-2C was published, the effective date of current § 91.30 (proposed § 91.213) was stayed indefinitely (44 FR 62884; November 1, 1979). Amendment No. 91-192 (50 FR 51188; December 13, 1985) which took effect on March 13, 1986, terminated the stay.

Section 91.7(b), which was proposed without substantive change from existing § 91.29, provides that a flight should be discontinued when unairworthy mechanical or structural conditions occur. One commenter suggests that this be changed by deleting "mechanical or structural" and making it more general so as to provide for a possible unairworthy electrical system. This suggestion raises a valid point; however, the FAA has determined that the rule should be amended to explicitly reference mechanical, electrical, or structural conditions.

Therefore, § 91.7(b) is amended accordingly.

As suggested by one commenter, § 91.21(a)(1) is amended by deleting reference to a "commercial operator." This revision conforms § 91.21(a)(1) with SFAR 38-2 and part 125 which do not provide for a commercial operator's certificate and, instead, provide for the issuance of either an "air carrier operating certificate" or an "operating certificate."

One commenter states that consideration should be given to better defining "appropriately rated pilot" in § 91.109 and provide a definition. The FAA agrees that the phrase "appropriately rated pilot" should be defined better.

The preamble to Amendment No. 91-36 (32 FR 260; January 11, 1967) states that an "appropriately rated pilot" in § 91.21(b) requires a private pilot certificate with an airplane category rating, a multiengine class rating for a small multiengine land plane, and a type rating for a large airplane or a turbojet-powered airplane (large or small).

Accordingly § 91.109(b)(1) is amended to require that the safety pilot hold at least a private pilot certificate with category and class ratings appropriate to the aircraft being flown.

One commenter urges the FAA to reinsert the current rule regarding visual descent points (VDPs) (current § 91.116). VDPs are not an integral part of the approach procedure. An aircraft that is not equipped to identify a VDP has the same approach minima as a similar aircraft that is equipped to identify the VDP.

Mandatory use of VDPs is considered inappropriate for a number of reasons:

(1) VDPs that use Distance Measuring Equipment (DME) fixes may, because of displacement factors and/or fix errors, result in descent angles that are either too shallow or too steep for the approach.

(2) A mandatory VDP rule discourages the purchase and use of the very equipment necessary to identify the VDP. This is so because compliance can only be required of those aircraft that are equipped to identify the VDP.

For these reasons, the final rule, like the NPRM, does not include a mandatory VDP requirement.

Notice No. 79-2C proposed that § 91.175(a) read: "Unless otherwise authorized by ATC, when an instrument letdown to a civil airport is necessary, each person operating an aircraft except a military aircraft of the United States, shall use a standard instrument approach procedure prescribed for the airport in Part 97 of this chapter." The

lead-in clause is changed to read, "Unless otherwise authorized by the Administrator," because ATC does not have the authority to approve a person's noncompliance with this rule.

Several commenters raise objections to proposed § 91.203(a)(2), which would prevent an aircraft from operating outside of the United States under the temporary authority of the pink copy of the Aircraft Registration Application as provided in § 47.31(b). The commenters assert that the proposal is a substantive change and not a clarification of the present rule; and that the FAA should consider the economic impact on the industry, the consumers, and the historical precedence of past practices. These commenters suggest that the FAA withdraw the proposal and acknowledge the pink copy of the application as a temporary certificate of registration.

Another commenter is of the opinion that the FAA has not provided discussion, as required by Executive Order 12291, on the economic impacts that would result from the delay between application for an issuance or denial of the registration certificate, under the proposals, in the NPRM. The commenter maintains that future investment purchases and leases would also be adversely affected. Several commenters also question the regulatory consistency that the FAA claims as the basis for the change.

These comments were responded to in full in a Notice of Legal Opinion issued December 1988 (53 FR 50208; December 14, 1988). That Notice of Legal Opinion stated that the limitation of temporary authority to operate an aircraft without registration to domestic operations (as also provided in new § 91.203(a)(2)) reflects current U.S. law and practice. Concerning the economic impact of this ruling, the FAA in that Notice of Legal Opinion answered:

The aviation community has always been able to transfer ownership and register their aircraft with minimal difficulty. In order to mitigate the potential hardship that could result from grounding an aircraft used in international operations, pending receipt of a registration certificate, the Registry will, upon request, telex a copy of the Certificate of Aircraft Registration to the individual whose name appears on the application as the registered owner of the aircraft. The telex copy is issued after confirmation of the information contained on an Aircraft Registration Application and determination of eligibility for registration. The telex, which reflects critical and verified information resulting from the evaluation by the Registry of an application for aircraft registration, may be used as a temporary Certificate of Aircraft

Registration until the original certificate is forwarded for carriage in the aircraft.

This telex certificate will assist owners who submit an application for aircraft registration and who wish to operate the aircraft as soon as possible in international operations. Since the telex, by its terms, is a form of registration certificate, the aircraft may be operated in international air navigation consistent with Article 29 of the Convention [Convention on International Civil Aviation (61 Stat. 1180; T.I.A.S. 1591; 15 U.N.T.S. 295)]. The Registry will telex this copy within a matter of days—often within 48 hours—to be kept in the aircraft until the original Certificate of Aircraft Registration (AC Form 8050-3) is forwarded to the registered owner.

Accordingly, the FAA has determined that the rule should be amended as proposed, and consistent with the Chief Counsel's legal opinion, to provide explicitly that operations of aircraft outside the United States for which an application for registration has been submitted but a certificate of registration has not been issued are not authorized under the Federal Aviation Regulations.

Several judicial decisions have defined the "shore" as including tidal flats. In some parts of the United States, these tidal flats can extend for several miles and, because of the extreme tides prevalent in these areas, the land may be submerged under as much as 25 to 35 feet of water during periods of high tide. The intent of the rule is to require operators carrying passengers for hire over these areas to equip their aircraft with the necessary flotation gear and pyrotechnic devices. Therefore, "shore," when it is used in §§ 91.205, 91.509, and 91.511, is defined to exclude land areas, such as tidal flats, which are intermittently under water.

An incorrect reference to "§ 91.109" was used in proposed § 91.409(e), which has been corrected to "§ 91.409" in the final rule.

It was pointed out by several commenters that the word "stop" in § 91.605(c)(2) was inadvertently included in the proposal and should be deleted. The commenters are correct, and the final rule has been amended accordingly. Also, the word "if" following the word "distance" in that same sentence has been corrected to read "is."

In addition to the specific changes discussed above, minor changes have been made in the wording of the regulations proposed in Notice No. 72-2C. In § 91.3(b), the word "in-flight" has been inserted to clarify that the deviation authority of § 91.3 applies only to in-flight emergencies which affect the safe completion of the flight.

The original intent of § 91.3 was to allow the pilot in command to deviate from certain regulations in the event of an in-flight emergency. Over time, regulations involving non-flight items were inserted into subparts A and B, while flight-related regulations were inserted in other subparts. Therefore, the word "in-flight" is being added to return the language to its original intent.

Other changes are nonsubstantive in nature. Except for such minor revisions, those parts of the proposal for which there were no comments are adopted as proposed. Finally, all other sections of Part 91 remain unchanged except for renumbering (see the cross-reference lists below).

Several amendments to part 91 adopted since Notice No. 79-2C were published are reflected in the final rule. Where reference to other sections of this part were set forth in an amendment, the references have been changed to reflect the appropriate sections as used in the final rule. Those required changes published in the Federal Register prior to June 19, 1989 are discussed below.

Amendment No. 91-188, (50 FR 15380; April 17, 1985) amended current § 91.11, which governs the use of alcohol or drugs by any crewmember performing duty during the operation of an aircraft. This amendment took effect on June 17, 1985. Subsequently, Amendment No. 91-194 (51 FR 1229; January 9, 1986) amended § 91.11(c) to impose a requirement for a crewmember to furnish the results of any test that indicates percentage by weight of alcohol in a crewmember's blood. This amendment took effect on April 9, 1986. Proposed § 91.17 has been revised accordingly.

Amendment No. 91-189 (50 FR 31588; August 5, 1985) removed references to "expect approach clearance time" in § 91.127. This amendment took effect on September 4, 1985. Section 91.185 reflects this amendment.

Amendment No. 91-190 (50 FR 45602; November 1, 1985) added a new paragraph (c) to current § 91.24. This amendment took effect on December 2, 1985. This new paragraph required all aircraft equipped with an operable radar beacon transponder be turned on while airborne in controlled airspace. Subsequently, § 91.24(c) was amended by Amendment No. 91-203 (53 FR 23374; June 21, 1988). Proposed § 91.215(c) has been redesignated as paragraph (d) and the changes brought about by Amendment Nos. 91-190 and 91-203 have been incorporated into revised § 91.215(c).

Amendment No. 91-191 (50 FR 46877; November 13, 1985) amended current § 91.14 (proposed § 91.107) by revising

the title and the section to include reference to shoulder harnesses. This amendment took effect on December 12, 1985. Section 91.107 has been revised accordingly. Amendment No. 91-191 also added a new paragraph to current § 91.33 which requires a shoulder harness for specified seats in normal, utility, and acrobatic category airplanes with a seating configuration, excluding pilot seats, of nine or less, manufactured after December 12, 1986. This paragraph appears as § 91.205(b)(15).

Amendment No. 91-192 (50 FR 51189; December 13, 1985) terminated the suspension of Amendment No. 91-157 (44 FR 43714; July 26, 1979) staying the effective date of current § 91.30. This amendment took effect on March 31, 1986. Subsequently, Amendment No. 206 (53 FR 50195; December 13, 1988) amended § 91.30. Section 91.213 reflects these amendments.

Amendment No. 91-193 (50 FR 51193; December 13, 1985) changed the FAA's description of North Atlantic (NAT) Minimum Navigation Performance Specifications (MNPS) airspace to coincide with the International Civil Aviation Organization's (ICAO's) description of the NAT MNPS airspace. This has been reflected accordingly in Section 1 of Appendix C of this final rule.

Amendment No. 91-195 (51 FR 31006; September 2, 1986) corrects the reference to the Department of Defense office in current § 91.102 restricting the flight of aircraft near space flight operations. This amendment took effect on September 15, 1986. Section 91.143 reflects this amendment.

Amendment No. 91-196 (51 FR 40692; November 7, 1986) upgraded rotorcraft certification and operational requirements, thus effecting amendments to several FARs. This amendment took effect on January 6, 1987. Current § 91.2 was amended to afford small helicopter operators the opportunity to apply for Category II instrument approach authorization. Proposed § 91.193 has been revised accordingly. Current § 91.23 was amended to reduce the IFR reserve fuel requirement for helicopters from 45 to 30 minutes. Proposed § 91.167 has been amended to reflect this change. Current § 91.116 (proposed § 91.175) was amended to establish a separate takeoff minimum for helicopters under IFR, of one-half mile visibility. Current § 91.171 was amended to include helicopters in the altimeter system and altitude reporting equipment tests and inspection requirements. Proposed § 91.411 has been amended to reflect this change. In order to enable rotorcraft to perform

Category II operations, Amendment No. 91-196 also amended appendix A in part 91 by removing the word "airplane" and replacing it with the word "aircraft" wherever it appears.

Amendment No. 91-197 (52 FR 1836; January 15, 1987) revises the authority citation for part 91 and adds a new paragraph to current § 91.213 which states that a commuter category airplane must have a pilot designated as second in command, unless the airplane has a passenger seating configuration, excluding pilot seats, of nine or less seats, and is type certificated for operations with one pilot. This amendment took effect on February 17, 1987. This rule now appears as § 91.531(a)(3).

Amendment No. 91-198, (52 FR 3391; February 3, 1987) amended current § 91.24(a) and (b) on ATC transponder and altitude reporting equipment and use. This amendment took effect on April 6, 1987. Subsequently, Amendment No. 91-203 (53 FR 23374; June 21, 1988) amended § 91.24(b) and (c) and Amendment No. 91-210 (54 FR 25682; June 16, 1989) revised § 91.24(a). Proposed § 91.215 has been revised accordingly. Amendment No. 91-198 also revised paragraph (b)(2)(iii) of current § 91.90 to allow operations conducted prior to December 1, 1987, in Group II TCAs, to be exempt from the new equipment requirements of current § 91.24. Amendment No. 91-203 (53 FR 23374; June 21, 1988) subsequently revised § 91.90, effective July 21, 1988. Amendment No. 91-205 (53 FR 40323; October 14, 1988) further revised § 91.90 in its entirety effective January 12, 1989. Amendment No. 91-209 (54 FR 24883; June 9, 1989) amended § 91.90 by delaying the effective date of the section for helicopter operations. The rule, covering all amendments to date, appears in this revision as § 91.131.

Amendment No. 91-199, (52 FR 9636; March 25, 1987) amended current § 91.35 by renumbering the paragraphs and adding a new paragraph that requires any operator who has installed approved flight recorders and approved cockpit voice recorders to keep the recorded information for at least 60 days, or longer, if requested by the Administrator or the National Transportation Safety Board. This amendment took effect on May 26, 1987. The amended rule now appears as § 91.609.

Amendment No. 91-200, (52 FR 17277; May 6, 1987) amended current § 91.173 by requiring each registered aircraft owner or operator to keep "preventive maintenance" records as well as maintenance, alteration, and records of the 100-hour annual, progressive, and

other required or approved inspections, as appropriate, for each engine, propeller, rotor, and appliance of an aircraft. This amendment took effect on June 5, 1987. This amended rule now appears as § 91.417(a)(1).

Amendment No. 91-201, (52 FR 20028; May 26, 1987) adds the reference to part 129 to the exception in current § 91.161(b) from the requirements of §§ 91.165, 91.165, 91.171, 91.173, and 91.174 for aircraft maintained in accordance with a continuous maintenance program as provided for in part 129. The amendment took effect on August 25, 1987. This amended rule now appears as § 91.401(b).

Amendment No. 91-202, (52 FR 34102; September 9, 1987 and 52 FR 35234; September 18, 1987) amended current § 91.27 on civil aircraft certification requirements by adding a new paragraph (c) to require that a copy of the form which authorized the alteration of an aircraft with fuel tanks within the passenger or a baggage compartment be kept on board the modified aircraft. This new rule now appears as § 91.203(c). Current § 91.173 on maintenance records was revised by requiring that such records be made available to the Administrator or an authorized representative of the National Transportation Safety Board and when such a fuel tank is installed as set forth in § 91.35 as amended pursuant to part 43, a copy of the FAA Form 337 be kept on board the modified aircraft. This new rule appears as § 91.417(b) and (c). This amendment took effect on December 8, 1987.

Amendment No. 91-203, (53 FR 23374; June 21, 1988, 53 FR 25050; July 1, 1988, and 53 FR 26592; July 14, 1988) amended or revised §§ 91.24 (ATC transponder and altitude reporting equipment and use), 91.88 (Airport radar service areas), and 91.90 (Terminal control areas), and by adding a new appendix D entitled "Airports/Locations Where the Transponder Requirements of § 91.24(b)(5)(ii) Apply," regarding use of transponders with automatic altitude reporting. This amendment took effect on July 21, 1988. Amendment No. 91-205 (53 FR 40323; October 14, 1988) revised § 91.90 in its entirety effective January 12, 1989. Amendment No. 91-209 (54 FR 24883; June 9, 1989) amended § 91.90 by delaying the effective date of the section for helicopter operations. These rules now appear in this revision as §§ 91.215, 91.130, 91.131, and new appendix D to Part 91, respectively.

Amendment No. 91-204, (53 FR 26145; July 11, 1988) amended current § 91.35 on flight recorders and cockpit voice recorders to require digital flight recorders and voice recorders to be

installed on selected aircraft operated in general aviation. The specifications for such recorders are set forth in a new Appendix E to Part 91 for airplanes and in a new appendix F to Part 91 for helicopters. The amendment is reflected as § 91.609(b), (c), (d), and (e), and new appendixes E and F to part 91. This amendment becomes effective on October 11, 1991.

Amendment No. 91-205 (53 FR 40323; October 14, 1988) revised the classification and pilot and equipment requirements for conducting operations in terminal control areas (TCA's) by amending § 91.90 to establish a single-class TCA; require the pilot-in-command of a civil aircraft to hold at least a private pilot certificate, except for a student pilot who has received certain documented training; and, to eliminate the helicopter exception from the minimum equipment requirement. The amendment was effective on January 12, 1989. Subsequently, Amendment No. 91-209 (54 FR 24883; June 9, 1989) amended § 91.90(c)(1) by delaying the application of the section for helicopter operations for one year. Revised § 91.131 covers these amendments.

Amendment No. 91-206 (53 FR 50195; December 13, 1988) amended § 91.30 to permit rotorcraft, nonturbine-powered airplanes, gliders, and lighter-than-air aircraft, for which an approved Master Minimum Equipment List has not been developed, to be operated with inoperative instruments and equipment not essential for the safe operation of the aircraft. The amendment also permits general aviation operators of small rotorcraft, nonturbine-powered small airplanes, gliders, and lighter-than-air aircraft for which a Master Minimum Equipment List has been developed, the option of operating under the minimum equipment list concept, or under other conditions as set forth in the amendment. Amendment No. 91-206 also amended § 91.165 to require that any inoperative instrument or item of equipment permitted to be inoperative under the new amended § 91.30 to be repaired, replaced, removed, or inspected at the next required inspection for the aircraft. These amendments became effective on December 13, 1988 and appear as §§ 91.213 and 91.405 of this revision to part 91.

Amendment No. 91-207 (54 FR 265; January 4, 1989) amended §§ 91.1 and 91.61 to extend the controlled airspace and the applicability of certain air traffic rules to coincide with presidential action to extend the territorial sea of the United States for international purposes, from 3 to 12 nautical miles from the U.S. coast. This amendment became effective

on December 27, 1988. These amended rules now appear as §§ 91.1 and 91.101.

Amendment No. 91-208 (54 FR 950; January 10, 1989) added a new § 91.26 to require that any traffic alert and collision avoidance system installed in a U.S. registered civil aircraft must be approved by the Administrator, and if installed, must be on and operating during the aircraft's operation. The amendment became effective on February 9, 1989. The amendment appears herein as § 91.221.

Amendment No. 91-209 (54 FR 24883; June 9, 1989) delays the effective date of certain navigational equipment requirements of helicopter operations in a Terminal Control Area (TCA) by the amendment of § 91.91.90(c)(1). The amendment became effective on June 6, 1989. Section 91.131 covers this amendment.

Amendment No. 91-210 (54 FR 25682; June 16, 1989), effective June 16, 1989, amended § 91.24(a) to allow certain aircraft operators to install non-Mode S transponders in aircraft until July 1, 1992, instead of until January 1, 1992, provided that such transponders are manufactured prior to January 1, 1991, instead of prior to January 1, 1990. This amendment appears as § 91.215(a).

References to part 91 found in other sections of the Federal Aviation Regulations have also been amended to incorporate the revised numbering of part 91. These miscellaneous amendments are found at the end of the amendments to part 91.

Furthermore, §§ 91.615 through 91.645 as identified in Notice No. 79-2C (50 FR 11292; March 20, 1985) now appear in this final rule as §§ 91.503 through 91.533.

Regulatory Evaluation

FAA analysis indicates that these amendments will not have a significant impact on the public or any level of government on an annual basis. The final rule includes changes to clarify the existing rules by simplifying the language, deleting obsolete requirements, consolidating similar regulations, updating equipment requirements to reflect the state-of-the-art, and relaxing certain operating and flight rule requirements.

Benefits

Section 91.117 allows reciprocating-powered aircraft to be operated in an airport traffic area at indicated airspeeds not greater than 200 knots. The FAA is unable to determine operator time and fuel cost savings because they will largely depend on the type of aircraft involved, desired speed, and weather and traffic conditions. The

aggregate annual cost savings to these operators will not be significant because: (1) The normal cruise speed for most single engine reciprocating-powered aircraft does not exceed 156 knots, and (2) pilots of most multiengine reciprocating-powered aircraft, while operating within an airport traffic area, will not exceed the normal aircraft cruising speed which is not significantly greater than 156 knots in many of these aircraft.

Section 91.135 provides for a 2-day advance oral notification for submitting requests for authorizations to deviate from positive control area and route segment requirements. The old rule required a 4-day advance written notification of the proposed operation to ATC. A request for an authorization to deviate from these requirements is an infrequent occurrence. Consequently, the new rule will have minor benefits in terms of cost savings.

Sections 91.205, 91.509, and 91.511 clarify the definition of "shore" as that area of land adjacent to the water which is above the high water mark, thereby excluding tidal flats. From a safety standpoint, a tidal area covered with water is not as safe an emergency landing place as a dry shoreline. The main benefit is improved survivability from accidents in areas where for-hire operators may not be in compliance with the intent of the present rule. There is insufficient information in accident records to be able to estimate how many deaths could have been avoided through the use of life jackets and pyrotechnic signaling devices in these instances.

Costs

Any cost associated with defining "shore" in § 91.205 as the high water line is expected to be negligible. The only parties potentially affected are small for-hire operators who do not comply with the obvious intention of the rule as presently worded. The FAA believes these operators are very few (probably less than 20 operators) in number. Such operators are likely to be traversing tidal flats in areas like Alaska. If such operators do not comply with the rule as written now, then the cost of compliance would be a maximum of about \$105 per year per aircraft. This assumes a \$50 cost for an approved flotation device per seat and a flotation device useful life of 5 years (\$10 per passenger seat per year), 10 seats per aircraft for these specific operators, plus \$5 per year per aircraft for a pyrotechnic signaling device.

Section 91.409 allows operators of turbine-powered rotorcraft to use alternate inspection programs such as inspections under an FAA-approved

continuous airworthiness maintenance program. The operators may now schedule inspections in a manner that allows the highest level of utilization of their rotorcraft.

The FAA estimates that in 1984 there were approximately 3,000 active turbine-powered rotorcraft in non-air taxi use. The FAA assumes that about one-half of the operators of these aircraft would use the new inspection options.

The value of using these options is difficult to estimate. At a minimum, the major effect of this proposed rule would be one additional day per year of rotorcraft utility. The usefulness of this can be set at least at the cost of capital for 1 day. Using an average aircraft value of \$300,000 and a use of 250 days per year, the cost of capital can be estimated at \$180 per day (\$300,000 at 15 percent interest divided by 250 days). Thus, the minimum benefit is approximately \$0.27 million per year (half the fleet, 1500 turbine-powered rotorcraft times \$180). As the fleet grows, the value of this benefit also increases.

Because of the reorganization and resulting renumbering of provisions, persons who regularly refer to existing part 91 must familiarize themselves with the new structure. It is also recognized that many non-regulatory materials containing references to present part 91 sections may have to be modified. To assist in reference to the new provisions, a redesignation table, similar to the cross-reference table published herein, will be included in subsequent editions of the Code of Federal Regulations. The FAA believes that any short-term costs associated with transition to the reorganized part 91 will be outweighed by the benefits inherent in a more logically organized set of regulations.

Trade Impact

The FAA has determined that this regulation will have no impact on international trade.

Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980 was enacted by Congress in order to insure, among other things, that small entities are not disproportionately affected by Government regulations. The RFA requires agencies to review rules which may have a "significant economic impact on a substantial number of small entities." As discussed above, the regulatory evaluation for part 91 indicates that there are no negative or significant economic impacts associated with the proposed rule.

All but four of the changes to part 91 are editorial or clarifying changes. Three of the four changes result only in minimal benefits being applied. The other is a change to § 91.205 which, while it is basically clarifying, may involve some minimal cost and benefit. Any economic impact would be minor—approximately \$100 per aircraft per year and would affect only a few small for-hire operators in Alaska who do not comply with the intent of the rule as presently worded. Thus, the change could not be construed to cause "significant economic impact on a substantial number" of small entities within the meaning of the RFA. Therefore, this rule will not have a significant economic impact on a substantial number of small entities.

Conclusion

The FAA has determined that this document is not considered major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It causes only four minor changes, three of which will provide benefits with no additional costs to the aviation public. The fourth will impose negligible costs which are substantially outweighed by the benefits provided. Other amendments provide general benefits by deleting obsolete requirements, relaxing certain operating and flight rule requirements, and updating and clarifying the text. Under the provisions of Executive Order 12291, the amendments in this final rule will not have a major economic effect on consumers; industries; Federal, State, or local government agencies; or geographic regions. There will be no significant effects on competition, employment, investment, productivity, innovations, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or import markets. It is certified that under the criteria of the Regulatory Flexibility Act this final rule will not have a significant economic impact on a substantial number of small entities. A copy of the full economic evaluation is filed in the public docket and may be obtained by contacting the person listed in the "FOR FURTHER INFORMATION CONTACT" paragraph of this document.

Cross Reference

To identify where present regulations are relocated in the new rule, the following cross-reference lists are provided:

CROSS REFERENCE TABLE

Old section	New section
91.1	91.1 and 91.709.
91.2	91.193.
91.3	91.3.
91.4	91.5.
91.5	91.103.
91.6	91.189.
91.7	91.105.
91.8	91.11.
91.9	91.13.
91.10	91.13.
91.11	91.17.
91.12	91.19.
91.13	91.15.
91.14	91.107.
91.15	91.307.
91.17	91.309.
91.18	91.311.
91.19	91.21.
91.20	91.705.
91.21	91.109.
91.22	91.151.
91.23	91.167.
91.24	91.215.
91.25	91.171.
91.26	91.221.
91.27	91.203.
91.28	91.715.
91.29	91.7.
91.30	91.213.
91.31	91.9.
91.32	91.211.
91.33	91.205.
91.34	91.191.
91.35	91.609.
91.36	91.217.
91.37	91.605.
91.38	91.323.
91.39	91.313.
91.40	91.315.
91.41	91.317.
91.42	91.319.
91.43	91.711.
91.45	91.611.
91.47	91.607.
91.49	91.603.
91.50	Deleted.
91.51	91.219.
91.52	91.207.
91.53	Deleted.
91.54	91.23.
91.55	91.817.
91.56	91.815.
91.57	91.25.
91.58	91.613.
91.59	91.321.
91.61	91.101.
91.63	91.903.
91.65	91.111 and 91.123.
91.67	91.113.
91.69	91.115.
91.70	91.117.
91.71	91.303.
91.73	91.209.
91.75	91.123.
91.77	91.125.
91.79	91.119.
91.81	91.121.
91.83	91.153 and 91.169.
91.84	91.707.
91.85	91.127.
91.87	91.129.
91.88	91.130.
91.89	91.127.
91.90	91.131.
91.91	91.137.
91.93	91.305.
91.95	91.133.
91.97	91.135.
91.100	91.139.
91.101	91.709.

CROSS REFERENCE TABLE—Continued

Old section	New section
91.102	91.143.
91.103	91.713.
91.104	91.141.
91.105	91.155.
91.107	91.157.
91.109	91.159.
91.115	91.173.
91.116	91.175.
91.117	Deleted.
91.119	91.177.
91.121	91.179.
91.123	91.181.
91.125	91.183.
91.127	91.185.
91.129	91.187.
91.161	91.401.
91.163	91.403.
91.165	91.405.
91.167	91.407.
91.169	91.409.
91.170	91.415.
91.171	91.411.
91.172	91.413.
91.173	91.417.
91.174	91.419.
91.175	91.421.
91.181	91.501.
91.183	91.503.
91.185	91.505.
91.187	91.507.
91.189	91.509.
91.191	91.511.
91.193	91.513.
91.195	91.515.
91.197	91.517.
91.199	91.519.
91.200	91.521.
91.201	91.523.
91.203	91.525.
91.205	Deleted.
91.207	Deleted.
91.209	91.527.
91.211	91.529.
91.213	91.531.
91.215	91.533.
91.301	91.601.
91.302	91.603.
91.303	91.605.
91.305	91.607.
91.306	91.609.
91.307	91.611.
91.308	91.613.
91.309	91.619.
91.311	91.621.
Appendix A	Appendix A.
Appendix B	Appendix B.
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Appendix D	Appendix D.
Appendix E	Appendix E.
Appendix F	Appendix F.

CROSS REFERENCE TABLE

New section	Old section
91.1	91.1.
91.3	91.3.
91.5	91.4.
91.7	91.29.
91.9	91.31.
91.11	91.8.
91.13	91.9 and 91.10.
91.15	91.13.
91.17	91.11.
91.19	91.12.
91.21	91.19.
91.23	91.54.
91.25	91.57.

CROSS REFERENCE TABLE—Continued

New section	Old section
91.101.....	91.61.
91.103.....	91.5.
91.105.....	91.7.
91.107.....	91.14.
91.109.....	91.21.
91.111.....	91.65.
91.113.....	91.67.
91.115.....	91.69.
91.117.....	91.70.
91.119.....	91.79.
91.121.....	91.81.
91.123.....	91.75 and 91.65.
91.125.....	91.77.
91.127.....	91.85 and 91.89.
91.129.....	91.87.
91.130.....	91.88.
91.131.....	91.90.
91.133.....	91.95.
91.135.....	91.97.
91.137.....	91.91.
91.139.....	91.100.
91.141.....	91.104.
91.143.....	91.102.
91.151.....	91.22.
91.153.....	91.83.
91.155.....	91.105.
91.157.....	91.107.
91.159.....	91.109.
91.167.....	91.23.
91.169.....	91.83.
91.171.....	91.25.
91.173.....	91.115.
91.175.....	91.116.
91.177.....	91.119.
91.179.....	91.121.
91.181.....	91.123.
91.183.....	91.125.
91.185.....	91.127.
91.187.....	91.129.
91.189.....	91.6.
91.191.....	91.34.
91.193.....	91.2.
91.201.....	New.
91.203.....	91.27.
91.205.....	91.33.
91.207.....	91.52.
91.209.....	91.73.
91.211.....	91.32.
91.213.....	91.30.
91.215.....	91.24.
91.217.....	91.36.
91.219.....	91.51.
91.221.....	91.26.
91.301.....	New.
91.303.....	91.71.
91.305.....	91.93.
91.307.....	91.15.
91.309.....	91.17.
91.311.....	91.18.
91.313.....	91.39.
91.315.....	91.40.
91.317.....	91.41.
91.319.....	91.42.
91.321.....	91.59.
91.323.....	91.38.
91.401.....	91.161.
91.403.....	91.163.
91.405.....	91.165.
91.407.....	91.167.
91.409.....	91.169.
91.411.....	91.171.
91.413.....	91.172.
91.415.....	91.170.
91.417.....	91.173.
91.419.....	91.174.
91.421.....	91.175.
91.501.....	91.161.
91.503.....	91.183.
91.505.....	91.185.
91.507.....	91.167.

CROSS REFERENCE TABLE—Continued

New section	Old section
91.509.....	91.189.
91.511.....	91.191.
91.513.....	91.193.
91.515.....	91.195.
91.517.....	91.197.
91.519.....	91.199.
91.521.....	91.200.
91.523.....	91.201.
91.525.....	91.203.
91.527.....	91.209.
91.529.....	91.211.
91.531.....	91.213.
91.533.....	91.215.
91.601.....	New.
91.603.....	91.49.
91.605.....	91.37.
91.607.....	91.47.
91.609.....	91.35.
91.611.....	91.45.
91.613.....	91.58.
91.701.....	New.
91.703.....	91.1.
91.705.....	91.20.
91.707.....	91.84.
91.709.....	91.101.
91.711.....	91.43.
91.713.....	91.103.
91.715.....	91.28.
91.801.....	91.301.
91.803.....	91.302.
91.805.....	91.303.
91.807.....	91.305.
91.809.....	91.306.
91.811.....	91.307.
91.813.....	91.308.
91.815.....	91.56.
91.817.....	91.55.
91.819.....	91.309.
91.821.....	91.311.
91.901.....	New.
91.903.....	91.63.
91.905.....	New.
Appendix A.....	Appendix A.
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Newly Established Rules.....	91.201, 91.301, 91.601, 91.701, 91.901, 91.905.

List of Subjects

14 CFR Part 1

Airmen, Flights, Balloons, Parachutes, Aircraft pilots, Pilots, Transportation, Agreements, Kites, Air safety, Safety, Aviation safety, Air transportation, Air carriers, Aircraft, Airports, Airplanes, Helicopters, Rotorcraft, Heliports.

14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 23

Air transportation, Aircraft, Aviation safety, Safety, Tires.

14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety, Tires.

14 CFR Part 27

Air transportation, Aircraft, Aviation safety, Safety, Tires.

14 CFR Part 31

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 33

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 35

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 36

Aircraft noise, Type certification.

14 CFR Part 43

Air carriers, Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 45

Nationality, Air safety, Safety, Aviation safety, Air transportation, Transportation, Airplanes, Helicopters, Rotorcraft.

14 CFR Part 47

Aliens, Transportation, Nationality, Air safety, Safety, Aviation safety, Air transportation, Citizenship and naturalization, Corporations, Treaties.

14 CFR Part 61

Airmen, Balloons, Aircraft pilots, Pilots, Alcohol and alcoholic beverages, Students, Foreign persons, Transportation, International agreements, Narcotics, Air safety, Safety, Aviation safety, Air transportation, Aircraft, Airplanes, Helicopters, Rotorcraft, Drug abuse, Compensation, Education, Teachers.

14 CFR Part 63

Airmen, Narcotics, Air safety, Safety, Aviation safety, Air transportation, Transportation, Aircraft, Airplanes, Helicopters, Rotorcraft, Drug abuse.

14 CFR Part 65

Airmen, Parachutes, Transportation, Narcotics, Air safety, Safety, Aviation safety, Air transportation, Aircraft, Drug abuse.

14 CFR Part 71

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14 CFR Part 91

Air carriers, Aviation safety, Safety, Aircraft, Aircraft pilots, Air traffic control, Liquor, Narcotics, Pilots, Airspace, Air transportation, Cargo.

Smoking, Airports, Airworthiness directives and standards.

14 CFR Part 93

Special air traffic rules.

14 CFR Part 99

Air defense zone, Identification of foreign aircraft.

14 CFR Part 103

Safety, Ultralight, Ultralight certification, Ultralight operations, Ultralight pilot, Ultralight registration.

14 CFR Part 121

Aviation safety, Safety, Air carriers, Air traffic control, Air transportation, Aircraft, Aircraft pilots, Airmen, Airplanes, Airports, Airspace, Airworthiness directives and standards, Beverages, Cargo, Chemicals, Children, Narcotics, Flammable materials, Handicapped, Hazardous materials, Hours of work, Infants, Liquor, Mail, Drugs, Pilots, Smoking, Transportation, Common carriers.

14 CFR Part 125

Aircraft, Airplanes, Hours of work, Airports, Air traffic control, Airworthiness, Flammable materials, Cargo, Airmen, Pilots, Drugs, Narcotics, Hazardous materials, Handicapped, Children, Infants, Smoking, Air transportation, Airspace, Chemicals.

14 CFR Part 127

Aircraft, Air carriers, Narcotics, Airworthiness, Cargo, Airmen, Pilots, Air traffic control, Helicopters, Drugs, Airspace, Weapons, Alcohol, Hours of work, Children, Infants, Smoking, Beverages.

14 CFR Part 133

Aircraft, Airworthiness, Narcotics, Pilots, Drugs, Mail.

14 CFR Part 135

Air carriers, Aviation safety, Safety, Air transportation, Air taxi, Narcotics, Airworthiness, Cargo, Pilots, Airmen, Aircraft, Alcohol, Airports, Hours of work, Hazardous materials, Weapons, Baggage, Transportation, Mail, Helicopters, Smoking, Beverages, Air traffic control, Handicapped, Drugs, Airspace, Chemicals, Airplanes.

14 CFR Part 137

Aircraft, Narcotics, Rotorcraft, Pilots, Air traffic control, Airports.

14 CFR Part 141

Airmen, Balloons, Parachutes, Aircraft pilots, Pilots, Educational facilities, Students, Transportation, Air safety, Safety, Aviation safety, Air transportation, Airplanes, Helicopters,

Rotorcraft, Education, Schools, Teachers, Business and industry.

The Rule

For the reasons set forth above, part 91 of the Federal Aviation Regulations (14 CFR part 91) is amended to read as follows; and parts 1, 21, 23, 25, 27, 31, 33, 35, 36, 43, 45, 47, 61, 63, 65, 71, 93, 99, 103, 121, 125, 127, 133, 135, 137, and 141 of the Federal Aviation Regulations (14 CFR parts 1, 21, 23, 25, 27, 31, 33, 35, 36, 43, 45, 47, 61, 63, 65, 71, 93, 99, 103, 121, 125, 127, 133, 135, 137, and 141) are amended as follows:

1. By amending part 91 by revising subparts A-E and appendices A-F and by adding subparts F-J to read as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

Special Federal Aviation Regulations

* * * * *

Subpart A—General

Sec.

- 91.1 Applicability.
- 91.3 Responsibility and authority of the pilot in command.
- 91.5 Pilot in command of aircraft requiring more than one required pilot.
- 91.7 Civil aircraft airworthiness.
- 91.9 Civil aircraft flight manual, marking, and placard requirements.
- 91.11 Prohibition against interference with crewmembers.
- 91.13 Careless or reckless operation.
- 91.15 Dropping objects.
- 91.17 Alcohol or drugs.
- 91.19 Carriage of narcotic drugs, marijuana, and depressant or stimulant drugs or substances.
- 91.21 Portable electronic devices.
- 91.23 Truth-in-leasing clause requirement in leases and conditional sales contracts.
- 91.25 Aviation Safety Reporting Program: Prohibition against use of reports for enforcement purposes.
- 91.27-91.99 [Reserved]

Subpart B—Flight Rules

General

- 91.101 Applicability.
- 91.103 Preflight action.
- 91.105 Flight crewmembers at stations.
- 91.107 Use of safety belts.
- 91.109 Flight instruction; Simulated instrument flight and certain flight tests.
- 91.111 Operating near other aircraft.
- 91.113 Right-of-way rules: Except water operations.
- 91.115 Right-of-way rules: Water operations.
- 91.117 Aircraft speed.
- 91.119 Minimum safe altitudes: General.
- 91.121 Altimeter settings.
- 91.123 Compliance with ATC clearances and instructions.
- 91.125 ATC light signals.
- 91.127 Operating on or in the vicinity of an airport: General rules.
- 91.129 Operation at airports with operating control towers.

- 91.130 Airport radar service areas.
- 91.131 Terminal control areas.
- 91.133 Restricted and prohibited areas.
- 91.135 Positive control areas and route segments.
- 91.137 Temporary flight restrictions.
- 91.139 Emergency air traffic rules.
- 91.141 Flight restrictions in the proximity of the Presidential and other parties.
- 91.143 Flight limitation in the proximity of space flight operations.
- 91.145-91.149 [Reserved]

Visual Flight Rules

- 91.151 Fuel requirements for flight in VFR conditions.
- 91.153 VFR flight plan: Information required.
- 91.155 Basic VFR weather minimums.
- 91.157 Special VFR weather minimums.
- 91.159 VFR cruising altitude or flight level.
- 91.161-91.165 [Reserved]

Instrument Flight Rules

- 91.167 Fuel requirements for flight in IFR conditions.
- 91.169 IFR flight plan: Information required.
- 91.171 VOR equipment check for IFR operations.
- 91.173 ATC clearance and flight plan required.
- 91.175 Takeoff and landing under IFR.
- 91.177 Minimum altitudes for IFR operations.
- 91.179 IFR cruising altitude or flight level.
- 91.181 Course to be flown.
- 91.183 IFR radio communications.
- 91.185 IFR operations: Two-way radio communications failure.
- 91.187 Operation under IFR in controlled airspace: Malfunction reports.
- 91.189 Category II and III operations: General operating rules.
- 91.191 Category II manual.
- 91.193 Certificate of authorization for certain Category II operations.
- 91.195-91.199 [Reserved]

Subpart C—Equipment, Instrument, and Certificate Requirements

- 91.201 [Reserved]
- 91.203 Civil aircraft: Certifications required.
- 91.205 Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements.
- 91.207 Emergency locator transmitters.
- 91.209 Aircraft lights.
- 91.211 Supplemental oxygen.
- 91.213 Inoperative instruments and equipment.
- 91.215 ATC transponder and altitude reporting equipment and use.
- 91.217 Data correspondence between automatically reported pressure altitude data and the pilot's altitude reference.
- 91.219 Altitude alerting system or device: Turbojet-powered civil airplanes.
- 91.221 Traffic alert and collision avoidance system equipment and use.
- 91.223-91.299 [Reserved]

Subpart D—Special Flight Operations

- 91.301 [Reserved]
- 91.303 Aerobatic flight.
- 91.305 Flight test areas.
- 91.307 Parachutes and parachuting.
- 91.309 Towing: Gliders.

- 91.311 Towing: Other than under § 91.309.
- 91.313 Restricted category civil aircraft: Operating limitations.
- 91.315 Limited category civil aircraft: Operating limitations.
- 91.317 Provisionally certificated civil aircraft: Operating limitations.
- 91.319 Aircraft having experimental certificates: Operating limitations.
- 91.321 Carriage of candidates in Federal elections.
- 91.323 Increased maximum certificated weights for certain airplanes operated in Alaska.
- 91.325-91.399 [Reserved]

Subpart E—Maintenance, Preventive Maintenance, and Alterations

- 91.401 Applicability.
- 91.403 General.
- 91.405 Maintenance required.
- 91.407 Operation after maintenance, preventive maintenance, rebuilding, or alteration.
- 91.409 Inspections.
- 91.411 Altimeter system and altitude reporting equipment tests and inspections.
- 91.413 ATC transponder tests and inspections.
- 91.415 Changes to aircraft inspection programs.
- 91.417 Maintenance records.
- 91.419 Transfer of maintenance records.
- 91.421 Rebuilt engine maintenance records.
- 91.423-91.499 [Reserved]

Subpart F—Large and Turbine-Powered Multiengine Airplanes

- 91.501 Applicability.
- 91.503 Flying equipment and operating information.
- 91.505 Familiarity with operating limitations and emergency equipment.
- 91.507 Equipment requirements: Over-the-top or night VFR operations.
- 91.509 Survival equipment for overwater operations.
- 91.511 Radio equipment for overwater operations.
- 91.513 Emergency equipment.
- 91.515 Flight altitude rules.
- 91.517 Smoking and safety belt signs.
- 91.519 Passenger briefing.
- 91.521 Shoulder harness.
- 91.523 Carry-on baggage.
- 91.525 Carriage of cargo.
- 91.527 Operating in icing conditions.
- 91.529 Flight engineer requirements.
- 91.531 Second in command requirements.
- 91.533 Flight attendant requirements.
- 91.535-91.599 [Reserved]

Subpart G—Additional Equipment and Operating Requirements for Large and Transport Category Aircraft

- 91.601 Applicability.
- 91.603 Aural speed warning device.
- 91.605 Transport category civil airplane weight limitations.
- 91.607 Emergency exits for airplanes carrying passengers for hire.
- 91.609 Flight recorders and cockpit voice recorders.
- 91.611 Authorization for ferry flight with one engine inoperative.
- 91.613 Materials for compartment interiors.

91.615-91.699 [Reserved]

Subpart H—Foreign Aircraft Operations and Operations of U.S.-Registered Civil Aircraft Outside of the United States

- 91.701 Applicability.
- 91.703 Operations of civil aircraft of U.S. registry outside of the United States.
- 91.705 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace.
- 91.707 Flights between Mexico or Canada and the United States.
- 91.709 Operations to Cuba.
- 91.711 Special rules for foreign civil aircraft.
- 91.713 Operation of civil aircraft of Cuban registry.
- 91.715 Special flight authorizations for foreign civil aircraft.
- 91.717-91.799 [Reserved]

Subpart I—Operating Noise Limits

- 91.801 Applicability: Relation to part 36.
- 91.803 Part 125 operators: Designation of applicable regulations.
- 91.805 Final compliance: Subsonic airplanes.
- 91.807 Phased compliance under parts 121, 125, and 135: Subsonic airplanes.
- 91.809 Replacement airplanes.
- 91.811 Service to small communities exemption: Two-engine, subsonic airplanes.
- 91.813 Compliance plans and status: U.S. operations of subsonic airplanes.
- 91.815 Agricultural and fire fighting airplanes: Noise operating limitations.
- 91.817 Civil aircraft sonic boom.
- 91.819 Civil supersonic airplanes that do not comply with part 36.
- 91.821 Civil supersonic airplanes: Noise limits.
- 91.823-91.899 [Reserved]

Subpart J—Waivers

- 91.901 [Reserved]
- 91.903 Policy and procedures.
- 91.905 List of rules subject to waivers.
- 91.907-91.999 [Reserved]

Appendix A—Category II Operations: Manual, Instruments, Equipment, and Maintenance

Appendix B—Authorizations to Exceed Mach 1 (§ 91.817)

Appendix C—Operations in the North Atlantic (NAT) Minimum Navigation Performance Specifications (MNPS) Airspace

Appendix D—Airports/Locations Where the Transponder Requirements of Section 91.215(b)(5)(ii) Apply

Appendix E—Airplane Flight Recorder Specifications

Appendix F—Helicopter Flight Recorder Specifications

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

Subpart A—General

§ 91.1 Applicability.

(a) Except as provided in paragraph (b) of this section and § 91.703, this part prescribes rules governing the operation of aircraft (other than moored balloons, kites, unmanned rockets, and unmanned free balloons, which are governed by part 101 of this chapter, and ultralight vehicles operated in accordance with part 103 of this chapter) within the United States, including the waters within 3 nautical miles of the U.S. coast.

(b) Each person operating an aircraft in the airspace overlying the waters between 3 and 12 nautical miles from the coast of the United States shall comply with §§ 91.1 through 91.21; §§ 91.101 through 91.143; §§ 91.151 through 91.159; §§ 91.167 through 91.193; § 91.203; § 91.205; §§ 91.209 through 91.217; § 91.221; §§ 91.303 through 91.319; § 91.323; § 91.605; § 91.609; §§ 91.703 through 91.715; and 91.903.

§ 91.3 Responsibility and authority of the pilot in command.

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

(b) In an in-flight emergency requiring immediate action, the pilot in command may deviate from any rule of this part to the extent required to meet that emergency.

(c) Each pilot in command who deviates from a rule under paragraph (b) of this section shall, upon the request of the Administrator, send a written report of that deviation to the Administrator.

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

§ 91.5 Pilot in command of aircraft requiring more than one required pilot.

No person may operate an aircraft that is type certificated for more than one required pilot flight crewmember unless the pilot in command meets the requirements of § 61.58 of this chapter.

§ 91.7 Civil aircraft airworthiness.

(a) No person may operate a civil aircraft unless it is in an airworthy condition.

(b) The pilot in command of a civil aircraft is responsible for determining whether that aircraft is in condition for safe flight. The pilot in command shall discontinue the flight when unairworthy mechanical, electrical, or structural conditions occur.

§ 91.9 Civil aircraft flight manual, marking, and placard requirements.

(a) Except as provided in paragraph (d) of this section, no person may operate a civil aircraft without complying with the operating limitations specified in the approved Airplane or Rotorcraft Flight Manual, markings, and placards, or as otherwise prescribed by the certifying authority of the country of registry.

(b) No person may operate a U.S.-registered civil aircraft—

(1) For which an Airplane or Rotorcraft Flight Manual is required by § 21.5 of this chapter unless there is available in the aircraft a current, approved Airplane or Rotorcraft Flight Manual or the manual provided for in § 121.141(b); and

(2) For which an Airplane or Rotorcraft Flight Manual is not required by § 21.5 of this chapter, unless there is available in the aircraft a current approved Airplane or Rotorcraft Flight Manual, approved manual material, markings, and placards, or any combination thereof.

(c) No person may operate a U.S.-registered civil aircraft unless that aircraft is identified in accordance with part 45 of this chapter.

(d) Any person taking off or landing a helicopter certificated under part 29 of this chapter at a heliport constructed over water may make such momentary flight as is necessary for takeoff or landing through the prohibited range of the limiting height-speed envelope established for the helicopter if that flight through the prohibited range takes place over water on which a safe ditching can be accomplished and if the helicopter is amphibious or is equipped with floats or other emergency flotation gear adequate to accomplish a safe emergency ditching on open water.

§ 91.11 Prohibition against interference with crewmembers.

No person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated.

§ 91.13 Careless or reckless operation.

(a) *Aircraft operations for the purpose of air navigation.* No person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

(b) *Aircraft operations other than for the purpose of air navigation.* No person may operate an aircraft, other than for the purpose of air navigation, on any part of the surface of an airport used by aircraft for air commerce (including areas used by those aircraft for

receiving or discharging persons or cargo), in a careless or reckless manner so as to endanger the life or property of another.

§ 91.15 Dropping objects.

No pilot in command of a civil aircraft may allow any object to be dropped from that aircraft in flight that creates a hazard to persons or property. However, this section does not prohibit the dropping of any object if reasonable precautions are taken to avoid injury or damage to persons or property.

§ 91.17 Alcohol or drugs.

(a) No person may act or attempt to act as a crewmember of a civil aircraft—

(1) Within 8 hours after the consumption of any alcoholic beverage;

(2) While under the influence of alcohol;

(3) While using any drug that affects the person's faculties in any way contrary to safety; or

(4) While having .04 percent by weight or more alcohol in the blood.

(b) Except in an emergency, no pilot of a civil aircraft may allow a person who appears to be intoxicated or who demonstrates by manner or physical indications that the individual is under the influence of drugs (except a medical patient under proper care) to be carried in that aircraft.

(c) A crewmember shall do the following:

(1) On request of a law enforcement officer, submit to a test to indicate the percentage by weight of alcohol in the blood, when—

(i) The law enforcement officer is authorized under State or local law to conduct the test or to have the test conducted; and

(ii) The law enforcement officer is requesting submission to the test to investigate a suspected violation of State or local law governing the same or substantially similar conduct prohibited by paragraph (a)(1), (a)(2), or (a)(4) of this section.

(2) Whenever the Administrator has a reasonable basis to believe that a person may have violated paragraph (a)(1), (a)(2), or (a)(4) of this section, that person shall, upon request by the Administrator, furnish the Administrator, or authorize any clinic, hospital, doctor, or other person to release to the Administrator, the results of each test taken within 4 hours after acting or attempting to act as a crewmember that indicates percentage by weight of alcohol in the blood.

(d) Whenever the Administrator has a reasonable basis to believe that a person may have violated paragraph (a)(3) of this section, that person shall,

upon request by the Administrator, furnish the Administrator, or authorize any clinic, hospital, doctor, or other person to release to the Administrator, the results of each test taken within 4 hours after acting or attempting to act as a crewmember that indicates the presence of any drugs in the body.

(e) Any test information obtained by the Administrator under paragraph (c) or (d) of this section may be evaluated in determining a person's qualifications for any airman certificate or possible violations of this chapter and may be used as evidence in any legal proceeding under section 602, 609, or 901 of the Federal Aviation Act of 1958.

§ 91.19 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft.

(b) Paragraph (a) of this section does not apply to any carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances authorized by or under any Federal or State statute or by any Federal or State agency.

§ 91.21 Portable electronic devices.

(a) Except as provided in paragraph (b) of this section, no person may operate, nor may any operator or pilot in command of an aircraft allow the operation of, any portable electronic device on any of the following U.S.-registered civil aircraft:

(1) Aircraft operated by a holder of an air carrier operating certificate or an operating certificate; or

(2) Any other aircraft while it is operated under IFR.

(b) Paragraph (a) of this section does not apply to—

(1) Portable voice recorders;

(2) Hearing aids;

(3) Heart pacemakers;

(4) Electric shavers; or

(5) Any other portable electronic device that the operator of the aircraft has determined will not cause interference with the navigation or communication system of the aircraft on which it is to be used.

(c) In the case of an aircraft operated by a holder of an air carrier operating certificate or an operating certificate, the determination required by paragraph (b)(5) of this section shall be made by that operator of the aircraft on which

the particular device is to be used. In the case of other aircraft, the determination may be made by the pilot in command or other operator of the aircraft.

§ 91.23 Truth-in-leasing clause requirement in leases and conditional sales contracts.

(a) Except as provided in paragraph (b) of this section, the parties to a lease or contract of conditional sale involving a U.S.-registered large civil aircraft and entered into after January 2, 1973, shall execute a written lease or contract and include therein a written truth-in-leasing clause as a concluding paragraph in large print, immediately preceding the space for the signature of the parties, which contains the following with respect to each such aircraft:

(1) Identification of the Federal Aviation Regulations under which the aircraft has been maintained and inspected during the 12 months preceding the execution of the lease or contract of conditional sale, and certification by the parties thereto regarding the aircraft's status of compliance with applicable maintenance and inspection requirements in this part for the operation to be conducted under the lease or contract of conditional sale.

(2) The name and address (printed or typed) and the signature of the person responsible for operational control of the aircraft under the lease or contract of conditional sale, and certification that each person understands that person's responsibilities for compliance with applicable Federal Aviation Regulations.

(3) A statement that an explanation of factors bearing on operational control and pertinent Federal Aviation Regulations can be obtained from the nearest FAA Flight Standards district office.

(b) The requirements of paragraph (a) of this section do not apply—

(1) To a lease or contract of conditional sale when—

(i) The party to whom the aircraft is furnished is a foreign air carrier or certificate holder under part 121, 125, 127, 135, or 141 of this chapter, or

(ii) The party furnishing the aircraft is a foreign air carrier, certificate holder under part 121, 125, 127, or 141 of this chapter, or a certificate holder under part 135 of this chapter having appropriate authority to engage in air taxi operations with large aircraft.

(2) To a contract of conditional sale, when the aircraft involved has not been registered anywhere prior to the execution of the contract, except as a new aircraft under a dealer's aircraft

registration certificate issued in accordance with § 47.61 of this chapter.

(c) No person may operate a large civil aircraft of U.S. registry that is subject to a lease or contract of conditional sale to which paragraph (a) of this section applies, unless—

(1) The lessee or conditional buyer, or the registered owner if the lessee is not a citizen of the United States, has mailed a copy of the lease or contract that complies with the requirements of paragraph (a) of this section, within 24 hours of its execution, to the Aircraft Registry Technical Section, P.O. Box 25724, Oklahoma City, Oklahoma 73125;

(2) A copy of the lease or contract that complies with the requirements of paragraph (a) of this section is carried in the aircraft. The copy of the lease or contract shall be made available for review upon request by the Administrator, and

(3) The lessee or conditional buyer, or the registered owner if the lessee is not a citizen of the United States, has notified by telephone or in person the FAA Flight Standards district office nearest the airport where the flight will originate. Unless otherwise authorized by that office, the notification shall be given at least 48 hours before takeoff in the case of the first flight of that aircraft under that lease or contract and inform the FAA of—

(i) The location of the airport of departure;

(ii) The departure time; and

(iii) The registration number of the aircraft involved.

(d) The copy of the lease or contract furnished to the FAA under paragraph (c) of this section is commercial or financial information obtained from a person. It is, therefore, privileged and confidential and will not be made available by the FAA for public inspection or copying under 5 U.S.C. 552(b)(4) unless recorded with the FAA under part 49 of this chapter.

(e) For the purpose of this section, a lease means any agreement by a person to furnish an aircraft to another person for compensation or hire, whether with or without flight crewmembers, other than an agreement for the sale of an aircraft and a contract of conditional sale under section 101 of the Federal Aviation Act of 1958. The person furnishing the aircraft is referred to as the lessor, and the person to whom it is furnished the lessee.

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

§ 91.25 Aviation Safety Reporting Program: Prohibition against use of reports for enforcement purposes.

The Administrator of the FAA will not use reports submitted to the National Aeronautics and Space Administration under the Aviation Safety Reporting Program (or information derived therefrom) in any enforcement action except information concerning accidents or criminal offenses which are wholly excluded from the Program.

§ 91.27-91.99 [Reserved]

Subpart B—Flight Rules

General

§ 91.101 Applicability.

This subpart prescribes flight rules governing the operation of aircraft within the United States and within 12 nautical miles from the coast of the United States.

§ 91.103 Preflight action.

Each pilot in command shall, before beginning a flight, become familiar with all available information concerning that flight. This information must include—

(a) For a flight under IFR or a flight not in the vicinity of an airport, weather reports and forecasts, fuel requirements, alternatives available if the planned flight cannot be completed, and any known traffic delays of which the pilot in command has been advised by ATC;

(b) For any flight, runway lengths at airports of intended use, and the following takeoff and landing distance information:

(1) For civil aircraft for which an approved Airplane or Rotorcraft Flight Manual containing takeoff and landing distance data is required, the takeoff and landing distance data contained therein; and

(2) For civil aircraft other than those specified in paragraph (b)(1) of this section, other reliable information appropriate to the aircraft, relating to aircraft performance under expected values of airport elevation and runway slope, aircraft gross weight, and wind and temperature.

§ 91.105 Flight crewmembers at stations.

(a) During takeoff and landing, and while en route, each required flight crewmember shall—

(1) Be at the crewmember station unless the absence is necessary to perform duties in connection with the operation of the aircraft or in connection with physiological needs; and

(2) Keep the safety belt fastened while at the crewmember station.

(b) Each required flight crewmember of a U.S.-registered civil airplane shall, during takeoff and landing, keep the shoulder harness fastened while at the crewmember station. This paragraph does not apply if—

(1) The seat at the crewmember's station is not equipped with a shoulder harness; or

(2) The crewmember would be unable to perform required duties with the shoulder harness fastened.

§ 91.107 Use of safety belts.

(a) No pilot may take off a U.S.-registered civil aircraft (except an airship or free balloon that incorporates a basket or gondola) unless the pilot in command of that aircraft ensures that each person on board is briefed on how to fasten and unfasten that person's safety belt and shoulder harness, if installed. The pilot in command shall ensure that all persons on board have been notified to fasten their safety belt and shoulder harness, if installed, before takeoff or landing.

(b) During the takeoff and landing of a U.S.-registered civil aircraft (except an airship or a free balloon that incorporates a basket or gondola) each person on board that aircraft must occupy an approved seat or berth with a safety belt and shoulder harness, if installed, properly secured about that person. However, a person who has not reached the second birthday may be held by an adult who is occupying an approved seat or berth, and a person on board for the purpose of engaging in sport parachuting may use the floor of the aircraft as a seat.

(c) This section does not apply to operations conducted under part 121, 125, 127, or 135 of this chapter. Paragraph (b) of this section does not apply to persons subject to § 91.105.

§ 91.109 Flight instruction; Simulated instrument flight and certain flight tests.

(a) No person may operate a civil aircraft (except a manned free balloon) that is being used for flight instruction unless that aircraft has fully functioning dual controls. However, instrument flight instruction may be given in a single-engine airplane equipped with a single, functioning throwover control wheel in place of fixed, dual controls of the elevator and ailerons when—

(1) The instructor has determined that the flight can be conducted safely; and

(2) The person manipulating the controls has at least a private pilot certificate with appropriate category and class ratings.

(b) No person may operate a civil aircraft in simulated instrument flight unless—

(1) The other control seat is occupied by a safety pilot who possesses at least a private pilot certificate with category and class ratings appropriate to the aircraft being flown.

(2) The safety pilot has adequate vision forward and to each side of the aircraft, or a competent observer in the aircraft adequately supplements the vision of the safety pilot; and

(3) Except in the case of lighter-than-air aircraft, that aircraft is equipped with fully functioning dual controls. However, simulated instrument flight may be conducted in a single-engine airplane, equipped with a single, functioning, throwover control wheel, in place of fixed, dual controls of the elevator and ailerons, when—

(i) The safety pilot has determined that the flight can be conducted safely; and

(ii) The person manipulating the controls has at least a private pilot certificate with appropriate category and class ratings.

(c) No person may operate a civil aircraft that is being used for a flight test for an airline transport pilot certificate or a class or type rating on that certificate, or for a part 121 proficiency flight test, unless the pilot seated at the controls, other than the pilot being checked, is fully qualified to act as pilot in command of the aircraft.

§ 91.111 Operating near other aircraft.

(a) No person may operate an aircraft so close to another aircraft as to create a collision hazard.

(b) No person may operate an aircraft in formation flight except by arrangement with the pilot in command of each aircraft in the formation.

(c) No person may operate an aircraft, carrying passengers for hire, in formation flight.

§ 91.113 Right-of-way rules: Except water operations.

(a) *Inapplicability.* This section does not apply to the operation of an aircraft on water.

(b) *General.* When weather conditions permit, regardless of whether an operation is conducted under instrument flight rules or visual flight rules, vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft. When a rule of this section gives another aircraft the right-of-way, the pilot shall give way to that aircraft and may not pass over, under, or ahead of it unless well clear.

(c) *In distress.* An aircraft in distress has the right-of-way over all other air traffic.

(d) *Converging.* When aircraft of the same category are converging at

approximately the same altitude (except head-on, or nearly so), the aircraft to the other's right has the right-of-way. If the aircraft are of different categories—

(1) A balloon has the right-of-way over any other category of aircraft;

(2) A glider has the right-of-way over an airship, airplane, or rotorcraft; and

(3) An airship has the right-of-way over an airplane or rotorcraft.

However, an aircraft towing or refueling other aircraft has the right-of-way over all other engine-driven aircraft.

(e) *Approaching head-on.* When aircraft are approaching each other head-on, or nearly so, each pilot of each aircraft shall alter course to the right.

(f) *Overtaking.* Each aircraft that is being overtaken has the right-of-way and each pilot of an overtaking aircraft shall alter course to the right to pass well clear.

(g) *Landing.* Aircraft, while on final approach to land or while landing, have the right-of-way over other aircraft in flight or operating on the surface; except that they shall not take advantage of this rule to force an aircraft off the runway surface which has already landed and is attempting to make way for an aircraft on final approach. When two or more aircraft are approaching an airport for the purpose of landing, the aircraft at the lower altitude has the right-of-way, but it shall not take advantage of this rule to cut in front of another which is on final approach to land or to overtake that aircraft.

§ 91.115 Right-of-way rules: Water operations.

(a) *General.* Each person operating an aircraft on the water shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation, and shall give way to any vessel or other aircraft that is given the right-of-way by any rule of this section.

(b) *Crossing.* When aircraft, or an aircraft and a vessel, are on crossing courses, the aircraft or vessel to the other's right has the right-of-way.

(c) *Approaching head-on.* When aircraft, or an aircraft and a vessel, are approaching head-on, or nearly so, each shall alter its course to the right to keep well clear.

(d) *Overtaking.* Each aircraft or vessel that is being overtaken has the right-of-way, and the one overtaking shall alter course to keep well clear.

(e) *Special circumstances.* When aircraft, or an aircraft and a vessel, approach so as to involve risk of collision, each aircraft or vessel shall proceed with careful regard to existing

circumstances, including the limitations of the respective craft.

§ 91.117 Aircraft speed.

(a) No person may operate an aircraft below 10,000 feet MSL at an indicated airspeed of more than 250 knots (288 m.p.h.).

(b) Unless otherwise authorized or required by ATC, no person may operate an aircraft within an airport traffic area at an indicated airspeed of more than 200 knots (230 m.p.h.). This paragraph (b) does not apply to any operations within a terminal control area. Such operations shall comply with paragraph (a) of this section.

(c) No person may operate an aircraft in the airspace underlying a terminal control area, or in a VFR corridor designated through a terminal control area, at an indicated airspeed of more than 200 knots (230 m.p.h.).

(d) If the minimum safe airspeed for any particular operation is greater than the maximum speed prescribed in this section, the aircraft may be operated at that minimum speed.

§ 91.119 Minimum safe altitudes: General.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) *Anywhere.* An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) *Over congested areas.* Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) *Over other than congested areas.* An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) *Helicopters.* Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with any routes or altitudes specifically prescribed for helicopters by the Administrator.

§ 91.121 Altimeter settings.

(a) Each person operating an aircraft shall maintain the cruising altitude or flight level of that aircraft, as the case may be, by reference to an altimeter that is set, when operating—

- (1) Below 18,000 feet MSL, to—

(i) The current reported altimeter setting of a station along the route and within 100 nautical miles of the aircraft;

(ii) If there is no station within the area prescribed in paragraph (a)(1)(i) of this section, the current reported altimeter setting of an appropriate available station; or

(iii) In the case of an aircraft not equipped with a radio, the elevation of the departure airport or an appropriate altimeter setting available before departure; or

(2) At or above 18,000 feet MSL, to 29.92" Hg.

(b) The lowest usable flight level is determined by the atmospheric pressure in the area of operation as shown in the following table:

Current altimeter setting	Lowest usable flight level
29.92 (or higher)	180
29.91 through 29.42	185
29.41 through 28.92	190
28.91 through 28.42	195
28.41 through 27.92	200
27.91 through 27.42	205
27.41 through 26.92	210

(c) To convert minimum altitude prescribed under §§ 91.119 and 91.177 to the minimum flight level, the pilot shall take the flight level equivalent of the minimum altitude in feet and add the appropriate number of feet specified below, according to the current reported altimeter setting:

Current altimeter setting	Adjustment factor
29.92 (or higher)	None
29.91 through 29.42	500
29.41 through 28.92	1,000
28.91 through 28.42	1,500
28.41 through 27.92	2,000
27.91 through 27.42	2,500
27.41 through 26.92	3,000

§ 91.123 Compliance with ATC clearances and instructions.

(a) When an ATC clearance has been obtained, no pilot in command may deviate from that clearance, except in an emergency, unless an amended clearance is obtained. A pilot in command may cancel an IFR flight plan if that pilot is operating in VFR weather conditions outside of positive controlled airspace. If a pilot is uncertain of the meaning of an ATC clearance, the pilot shall immediately request clarification from ATC.

(b) Except in an emergency, no person may operate an aircraft contrary to an

ATC instruction in an area in which air traffic control is exercised.

(c) Each pilot in command who, in an emergency, deviates from an ATC clearance or instruction shall notify ATC of that deviation as soon as possible.

(d) Each pilot in command who (though not deviating from a rule of this subpart) is given priority by ATC in an emergency, shall submit a detailed report of that emergency within 48 hours to the manager of that ATC facility, if requested by ATC.

(e) Unless otherwise authorized by ATC, no person operating an aircraft may operate that aircraft according to any clearance or instruction that has been issued to the pilot of another aircraft for radar air traffic control purposes.

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

§ 91.125 ATC light signals.

ATC light signals have the meaning shown in the following table:

Color and type of signal	Meaning with respect to aircraft on the surface	Meaning with respect to aircraft in flight
Steady green	Cleared for takeoff.	Cleared to land.
Flashing green	Cleared to taxi	Return for landing (to be followed by steady green at proper time).
Steady red	Stop	Give way to other aircraft and continue circling.
Flashing red	Taxi clear of runway in use.	Airport unsafe—do not land.
Flashing white	Return to starting point on airport.	Not applicable.
Alternating red and green.	Exercise extreme caution.	Exercise extreme caution.

§ 91.127 Operating on or in the vicinity of an airport: General rules.

(a) Unless otherwise required by part 93 of this chapter, each person operating an aircraft on or in the vicinity of an airport shall comply with the requirements of this section and, if applicable, of § 91.129.

(b) Each person operating an aircraft to or from an airport without an operating control tower shall—

- (1) In the case of an airplane approaching to land, make all turns of that airplane to the left unless the airport displays approved light signals

or visual markings indicating that turns should be made to the right, in which case the pilot shall make all turns to the right;

(2) In the case of a helicopter approaching to land, avoid the flow of fixed-wing aircraft; and

(3) In the case of an aircraft departing the airport, comply with any traffic patterns established for that airport in part 93.

(c) Unless otherwise authorized or required by ATC, no person may operate an aircraft within an airport traffic area except for the purpose of landing at, or taking off from, an airport within that area. ATC authorization may be given as individual approval of specific operations or may be contained in written agreements between airport users and the tower concerned.

(d) Except when necessary for training or certification, the pilot in command of a civil turbojet-powered airplane shall use, as a final landing flap setting, the minimum certificated landing flap setting set forth in the approved performance information in the airplane flight manual for the applicable conditions. However, each pilot in command has the final authority and responsibility for the safe operation of the airplane and may use a different flap setting approved for that airplane if it is necessary in the interest of safety.

§ 91.129 Operation at airports with operating control towers.

(a) *General.* Unless otherwise authorized or required by ATC, each person operating an aircraft to, from, or on an airport with an operating control tower shall comply with the applicable provisions of this section.

(b) *Communications with control towers operated by the United States.* No person may, within an airport traffic area, operate an aircraft to, from, or on an airport having a control tower operated by the United States unless two-way radio communications are maintained between that aircraft and the control tower. However, if the aircraft radio fails in flight, the pilot in command may operate that aircraft and land if weather conditions are at or above basic VFR weather minimums, visual contact with the tower is maintained, and a clearance to land is received. If the aircraft radio fails while in flight under IFR, the pilot must comply with § 91.185.

(c) *Communications with other control towers.* No person may, within an airport traffic area, operate an aircraft to, from, or on an airport having a control tower that is operated by any person other than the United States unless—

(1) If that aircraft's radio equipment so allows, two-way radio communications are maintained between the aircraft and the tower; or

(2) If that aircraft's radio equipment allows only reception from the tower, the pilot has the tower's frequency monitored.

(d) *Minimum altitudes.* When operating to an airport with an operating control tower, each pilot of—

(1) A turbine-powered airplane or a large airplane shall, unless otherwise required by the applicable distance from cloud criteria, enter the airport traffic area at an altitude of at least 1,500 feet above the surface of the airport and maintain an altitude of at least 1,500 feet within the airport traffic area, including the traffic pattern, until further descent is required for a safe landing;

(2) A turbine-powered airplane or a large airplane approaching to land on a runway being served by an ILS, if the airplane is ILS equipped, shall fly that airplane at an altitude at or above the glide slope between the outer marker (or the point of interception with the glide slope, if compliance with the applicable distance from clouds criteria requires interception closer in) and the middle marker; and

(3) An airplane approaching to land on a runway served by a visual approach slope indicator shall maintain an altitude at or above the glide slope until a lower altitude is necessary for a safe landing.

However, paragraphs (d) (2) and (3) of this section do not prohibit normal bracketing maneuvers above or below the glide slope that are conducted for the purpose of remaining on the glide slope.

(e) *Approaches.* When approaching to land at an airport with an operating control tower, each pilot of—

(1) An airplane shall circle the airport to the left; and

(2) A helicopter shall avoid the flow of fixed-wing aircraft.

(f) *Departures.* No person may operate an aircraft taking off from an airport with an operating control tower except in compliance with the following:

(1) Each pilot shall comply with any departure procedures established for that airport by the FAA.

(2) Unless otherwise required by the departure procedure or the applicable distance from clouds criteria, each pilot of a turbine-powered airplane and each pilot of a large airplane shall climb to an altitude of 1,500 feet above the surface as rapidly as practicable.

(g) *Noise abatement runway system.* When landing or taking off from an airport with an operating control tower

and for which a formal runway use program has been established by the FAA, each pilot of a turbine-powered airplane and each pilot of a large airplane assigned a noise abatement runway by ATC shall use that runway. However, consistent with the final authority of the pilot in command concerning the safe operation of the aircraft as prescribed in § 91.3(a), ATC may assign a different runway if requested by the pilot in the interest of safety.

(h) *Clearances required.* No person may, at an airport with an operating control tower, operate an aircraft on a runway or taxiway, or take off or land an aircraft, unless an appropriate clearance is received from ATC. A clearance to "taxi to" the takeoff runway assigned to the aircraft is not a clearance to cross that assigned takeoff runway or to taxi on that runway at any point, but is a clearance to cross other runways that intersect the taxi route to that assigned takeoff runway. A clearance to "taxi to" any point other than an assigned takeoff runway is a clearance to cross all runways that intersect the taxi route to that point.

§ 91.130 Airport radar service areas.

(a) *General.* For the purposes of this section, the primary airport is the airport designated in Part 71, Subpart L, for which the airport radar service area is designated. A satellite airport is any other airport within the airport radar service area.

(b) *Deviations.* An operator may deviate from any provision of this section under the provisions of an ATC authorization issued by the ATC facility having jurisdiction of the airport radar service area. ATC may authorize a deviation on a continuing basis or for an individual flight, as appropriate.

(c) *Arrivals and overflights.* No person may operate an aircraft in an airport radar service area unless two-way radio communication is established with ATC prior to entering that area and is thereafter maintained with ATC while within that area.

(d) *Departures.* No person may operate an aircraft within an airport radar service area unless two-way radio communication is maintained with ATC while within that area, except that for aircraft departing a satellite airport, two-way radio communication is established as soon as practicable and thereafter maintained with ATC while within that area.

(e) *Traffic patterns.* No person may take off or land an aircraft at a satellite airport within an airport radar service

area except in compliance with FAA arrival and departure traffic patterns.

(D) **Equipment requirement.** Unless otherwise authorized by ATC, no person may operate an aircraft within an airport radar service area unless that aircraft is equipped with the applicable equipment specified in § 91.215.

§ 91.431 Terminal control areas.

(a) **Operating rules.** No person may operate an aircraft within a terminal control area designated in part 71 of this chapter except in compliance with the following rules:

(1) No person may operate an aircraft within a terminal control area unless that person has received an appropriate authorization from ATC prior to operation of that aircraft in that area.

(2) Unless otherwise authorized by ATC, each person operating a large turbine engine-powered airplane to or from a primary airport shall operate at or above the designated floors while within the lateral limits of the terminal control area.

(3) Any person conducting pilot training operations at an airport within a terminal control area shall comply with any procedures established by ATC for such operations in terminal control area.

(b) **Pilot requirements.** (1) No person may takeoff or land a civil aircraft at an airport within a terminal control area or operate a civil aircraft within a terminal control area unless:

(i) The pilot-in-command holds at least a private pilot certificate; or,

(ii) The aircraft is operated by a student pilot who has met the requirements of § 91.35.

(2) Notwithstanding the provisions of paragraph (b)(1)(ii) of this section, at the following TCA primary airports, no person may takeoff or land a civil aircraft unless the pilot-in-command holds at least a private pilot certificate:

(i) Atlanta Hartsfield Airport, GA.

(ii) Boston Logan Airport, MA.

(iii) Chicago O'Hare International Airport, IL.

(iv) Dallas/Fort Worth International Airport, TX.

(v) Los Angeles International Airport, CA.

(vi) Miami International Airport, FL.

(vii) Newark International Airport, NJ.

(viii) New York Kennedy Airport, NY.

(ix) New York La Guardia Airport, NY.

(x) San Francisco International Airport, CA.

(xi) Washington National Airport, DC.

(xii) Andrews Air Force Base, MD.

(c) **Communications and navigation equipment requirements.** Unless otherwise authorized by ATC, no person

may operate an aircraft within a terminal control area unless that aircraft is equipped with—

(1) An operable VOR or TACAN receiver [except for helicopter operations prior to January 1, 1990; and

(2) An operable two-way radio capable of communications with ATC on appropriate frequencies for that terminal control area.

(d) **Transponder requirement.** No person may operate an aircraft in a terminal control area unless the aircraft is equipped with the applicable operating transponder and automatic altitude reporting equipment specified in paragraph (a) of § 91.215, except as provided in paragraph (c) of that section.

§ 91.133 Restricted and prohibited areas.

(a) No person may operate an aircraft within a restricted area (designated in part 73) contrary to the restrictions imposed, or within a prohibited area, unless that person has the permission of the using or controlling agency, as appropriate.

(b) Each person conducting, within a restricted area, an aircraft operation (approved by the using agency) that creates the same hazards as the operations for which the restricted area was designated may deviate from the rules of this subpart that are not compatible with the operation of the aircraft.

§ 91.135 Positive control areas and route segments.

(a) Except as provided in paragraph (b) of this section, no person may operate an aircraft within a positive control area or positive control route segment designated in part 71 of this chapter unless the aircraft is—

(1) Operated under IFR at a specific flight level assigned by ATC;

(2) Equipped with instruments and equipment required for IFR operations;

(3) Flown by a pilot rated for instrument flight; and

(4) Equipped, when in a positive control area, with—

(i) The applicable equipment specified in § 91.215; and

(ii) A radio providing direct pilot/controller communication on the frequency specified by ATC for the area concerned.

(b) ATC may authorize deviations from the requirements of paragraph (a) of this section. In the case of an inoperative transponder, ATC may immediately approve an operation within a positive control area allowing flight to continue, if desired, to the airport of ultimate destination, including any intermediate stops, or to proceed to

a place where suitable repairs can be made, or both. A request for authorization to deviate from a requirement of paragraph (a) of this section, other than for operation with an inoperative transponder as outlined above, must be submitted at least 48 hours before the proposed operation to the ATC center having jurisdiction over the positive control area concerned. ATC may authorize deviation on a continuing basis or for an individual flight, as appropriate.

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

§ 91.137 Temporary flight restrictions.

(a) The Administrator will issue a Notice to Airmen (NOTAM) designating an area within which temporary flight restrictions apply and specifying the hazard or condition requiring their imposition, whenever he determines it is necessary in order to—

(1) Protect persons and property on the surface or in the air from a hazard associated with an incident on the surface;

(2) Provide a safe environment for the operation of disaster relief aircraft; or

(3) Prevent an unsafe congestion of sightseeing and other aircraft above an incident or event which may generate a high degree of public interest.

The Notice to Airmen will specify the hazard or condition that requires the imposition of temporary flight restrictions.

(b) When a NOTAM has been issued under paragraph (a)(1) of this section, no person may operate an aircraft within the designated area unless that aircraft is participating in the hazard relief activities and is being operated under the direction of the official in charge of on scene emergency response activities.

(c) When a NOTAM has been issued under paragraph (a)(2) of this section, no person may operate an aircraft within the designated area unless at least one of the following conditions are met:

(1) The aircraft is participating in hazard relief activities and is being operated under the direction of the official in charge of on scene emergency response activities.

(2) The aircraft is carrying law enforcement officials.

(3) The aircraft is operating under the ATC approved IFR flight plan.

(4) The operation is conducted directly to or from an airport within the area, or is necessitated by the impracticability of VFR flight above or around the area due to weather, or terrain; notification is given to the Flight Service Station (FSS) or ATC facility

specified in the NOTAM to receive advisories concerning disaster relief aircraft operations; and the operation does not hamper or endanger relief activities and is not conducted for the purpose of observing the disaster.

(5) The aircraft is carrying properly accredited news representatives, and, prior to entering the area, a flight plan is filed with the appropriate FAA or ATC facility specified in the Notice to Airmen and the operation is conducted above the altitude used by the disaster relief aircraft, unless otherwise authorized by the official in charge of on scene emergency response activities.

(d) When a NOTAM has been issued under paragraph (a)(3) of this section, no person may operate an aircraft within the designated area unless at least one of the following conditions is met:

(1) The operation is conducted directly to or from an airport within the area, or is necessitated by the impracticability of VFR flight above or around the area due to weather or terrain, and the operation is not conducted for the purpose of observing the incident or event.

(2) The aircraft is operating under an ATC approved IFR flight plan.

(3) The aircraft is carrying incident or event personnel, or law enforcement officials.

(4) The aircraft is carrying properly accredited news representatives and, prior to entering that area, a flight plan is filed with the appropriate FSS or ATC facility specified in the NOTAM.

(e) Flight plans filed and notifications made with an FSS or ATC facility under this section shall include the following information:

(1) Aircraft identification, type and color.

(2) Radio communications frequencies to be used.

(3) Proposed times of entry of, and exit from, the designated area.

(4) Name of news media or organization and purpose of flight.

(5) Any other information requested by ATC.

§ 91.139 Emergency air traffic rules.

(a) This section prescribes a process for utilizing Notices to Airmen (NOTAMs) to advise of the issuance and operations under emergency air traffic rules and regulations and designates the official who is authorized to issue NOTAMs on behalf of the Administrator in certain matters under this section.

(b) Whenever the Administrator determines that an emergency condition exists, or will exist, relating to the

FAA's ability to operate the air traffic control system and during which normal flight operations under this chapter cannot be conducted consistent with the required levels of safety and efficiency—

(1) The Administrator issues an immediately effective air traffic rule or regulation in response to that emergency condition; and

(2) The Administrator or the Associate Administrator for Air Traffic may utilize the NOTAM system to provide notification of the issuance of the rule or regulation.

Those NOTAMs communicate information concerning the rules and regulations that govern flight operations, the use of navigation facilities, and designation of that airspace in which the rules and regulations apply.

(c) When a NOTAM has been issued under this section, no person may operate an aircraft, or other device governed by the regulation concerned, within the designated airspace except in accordance with the authorizations, terms, and conditions prescribed in the regulation covered by the NOTAM.

§ 91.141 Flight restrictions in the proximity of the Presidential and other parties.

No person may operate an aircraft over or in the vicinity of any area to be visited or traveled by the President, the Vice President, or other public figures contrary to the restrictions established by the Administrator and published in a Notice to Airmen (NOTAM).

§ 91.143 Flight limitation in the proximity of space flight operations.

No person may operate any aircraft of U.S. registry, or pilot any aircraft under the authority of an airman certificate issued by the Federal Aviation Administration within areas designated in a Notice to Airmen (NOTAM) for space flight operations except when authorized by ATC, or operated under the control of the Department of Defense Manager for Space Transportation System Contingency Support Operations.

§§ 91.145-91.149 [Reserved]

Visual Flight Rules

§ 91.151 Fuel requirements for flight in VFR conditions.

(a) No person may begin a flight in an airplane under VFR conditions unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed—

(1) During the day, to fly after that for at least 30 minutes; or

(2) At night, to fly after that for at least 45 minutes.

(b) No person may begin a flight in a rotorcraft under VFR conditions unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed, to fly after that for at least 20 minutes.

§ 91.153 VFR flight plan: Information required.

(a) *Information required.* Unless otherwise authorized by ATC, each person filing a VFR flight plan shall include in it the following information:

(1) The aircraft identification number and, if necessary, its radio call sign.

(2) The type of the aircraft or, in the case of a formation flight, the type of each aircraft and the number of aircraft in the formation.

(3) The full name and address of the pilot in command or, in the case of a formation flight, the formation commander.

(4) The point and proposed time of departure.

(5) The proposed route, cruising altitude (or flight level), and true airspeed at that altitude.

(6) The point of first intended landing and the estimated elapsed time until over that point.

(7) The amount of fuel on board (in hours).

(8) The number of persons in the aircraft, except where that information is otherwise readily available to the FAA.

(9) Any other information the pilot in command or ATC believes is necessary for ATC purposes.

(b) *Cancellation.* When a flight plan has been activated, the pilot in command, upon canceling or completing the flight under the flight plan, shall notify an FAA Flight Service Station or ATC facility.

§ 91.155 Basic VFR weather minimums.

(a) Except as provided in § 91.157, no person may operate an aircraft under VFR when the flight visibility is less, or at a distance from clouds that is less, than that prescribed for the corresponding altitude in the following table:

Altitude	Flight visibility	Distance from clouds
1,200 feet or less above the surface (regardless of MSL altitude)— Within controlled airspace.....	3 statute miles.....	500 feet below, 1,000 feet above, 2,000 feet horizontal.
Outside controlled airspace.....	1 statute mile except as provided in § 91.155(b).....	Clear of clouds.
More than 1,200 feet above the surface but less than 10,000 feet MSL— Within controlled airspace.....	3 statute miles.....	500 feet below, 1,000 feet above, 2,000 feet horizontal.
Outside controlled airspace.....	1 statute mile.....	500 feet below, 1,000 feet above, 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL.....	5 statute miles.....	1,000 feet below, 1,000 feet above, 1 mile horizontal.

(b) When the visibility is less than 1 statute mile, a helicopter may be operated outside controlled airspace at 1,200 feet or less above the surface if operated at a speed that allows the pilot adequate opportunity to see any air traffic or other obstruction in time to avoid a collision.

(c) Except as provided in § 91.157, no person may operate an aircraft, under VFR, within a control zone beneath the ceiling when the ceiling is less than 1,000 feet.

(d) Except as provided in § 91.157, no person may take off or land an aircraft, or enter the traffic pattern of an airport, under VFR, within a control zone—

(1) Unless ground visibility at that airport is at least 3 statute miles; or

(2) If ground visibility is not reported at that airport, unless flight visibility during landing or takeoff, or while operating in the traffic pattern, is at least 3 statute miles.

(e) For the purposes of this section, an aircraft operating at the base altitude of a transition area or control area is considered to be within the airspace directly below that area.

§ 91.157 Special VFR weather minimums.

(a) Except as provided in § 93.113, when a person has received an appropriate ATC clearance, the special weather minimums of this section instead of those contained in § 91.155 apply to the operation of an aircraft by that person in a control zone under VFR.

(b) No person may operate an aircraft in a control zone under VFR except clear of clouds.

(c) No person may operate an aircraft (other than a helicopter) in a control zone under VFR unless flight visibility is at least 1 statute mile.

(d) No person may take off or land an aircraft (other than a helicopter) at any airport in a control zone under VFR—

(1) Unless ground visibility at that airport is at least 1 statute mile; or

(2) If ground visibility is not reported at that airport, unless flight visibility during landing or takeoff is at least 1 statute mile.

(e) No person may operate an aircraft (other than a helicopter) in a control zone under the special weather minimums of this section, between sunset and sunrise (or in Alaska, when the sun is more than 6 degrees below the horizon) unless:

(1) That person meets the applicable requirements for instrument flight under part 61 of this chapter; and

(2) The aircraft is equipped as required in § 91.205(d).

§ 91.159 VFR cruising altitude or flight level.

Except while holding in a holding pattern of 2 minutes or less, or while turning, each person operating an aircraft under VFR in level cruising flight more than 3,000 feet above the surface shall maintain the appropriate altitude or flight level prescribed below, unless otherwise authorized by ATC:

(a) When operating below 18,000 feet MSL and—

(1) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude + 500 feet (such as 3,500, 5,500, or 7,500); or

(2) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude + 500 feet (such as 4,500, 6,500, or 8,500).

(b) When operating above 18,000 feet MSL to flight level 290 (inclusive) and—

(1) On a magnetic course of zero degrees through 179 degrees, any odd flight level + 500 feet (such as 195, 215, or 235); or

(2) On a magnetic course of 180 degrees through 359 degrees, any even flight level + 500 feet (such as 185, 205, or 225).

(c) When operating above flight level 290 and—

(1) On a magnetic course of zero degrees through 179 degrees, any flight level, at 4,000-foot intervals, beginning at and including flight level 300 (such as flight level 300, 340, or 380); or

(2) On a magnetic course of 180 degrees through 359 degrees, any flight level, at 4,000-foot intervals, beginning

at and including flight level 320 (such as flight level 320, 360, or 400).

§§ 91.161-91.165 [Reserved]

Instrument Flight Rules

§ 91.167 Fuel requirements for flight in IFR conditions.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft in IFR conditions unless it carries enough fuel (considering weather reports and forecasts and weather conditions) to—

(1) Complete the flight to the first airport of intended landing;

(2) Fly from that airport to the alternate airport; and

(3) Fly after that for 45 minutes at normal cruising speed or, for helicopters, fly after that for 30 minutes at normal cruising speed.

(b) Paragraph (a)(2) of this section does not apply if—

(1) Part 97 of this chapter prescribes a standard instrument approach procedure for the first airport of intended landing; and

(2) For at least 1 hour before and 1 hour after the estimated time of arrival at the airport, the weather reports or forecasts or any combination of them indicate—

(i) The ceiling will be at least 2,000 feet above the airport elevation; and

(ii) Visibility will be at least 3 statute miles.

§ 91.169 IFR flight plan: Information required.

(a) Information required. Unless otherwise authorized by ATC, each person filing an IFR flight plan shall include in it the following information:

(1) Information required under § 91.153(a).

(2) An alternate airport, except as provided in paragraph (b) of this section.

(b) Exceptions to applicability of paragraph (a)(2) of this section.

Paragraph (a)(2) of this section does not apply if part 97 of this chapter prescribes a standard instrument

approach procedure for the first airport of intended landing and, for at least 1 hour before and 1 hour after the estimated time of arrival, the weather reports or forecasts, or any combination of them, indicate—

- (1) The ceiling will be at least 2,000 feet above the airport elevation; and
- (2) The visibility will be at least 3 statute miles.

(c) *IFR alternate airport weather minimums.* Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless current weather forecasts indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at that airport will be at or above the following alternate airport weather minimums:

(1) If an instrument approach procedure has been published in part 97 of this chapter for that airport, the alternate airport minimums specified in that procedure or, if none are so specified, the following minimums:

(i) Precision approach procedure: Ceiling 600 feet and visibility 2 statute miles.

(ii) Nonprecision approach procedure: Ceiling 800 feet and visibility 2 statute miles.

(2) If no instrument approach procedure has been published in part 97 of this chapter for that airport, the ceiling and visibility minimums are those allowing descent from the MEA, approach, and landing under basic VFR.

(d) *Cancellation.* When a flight plan has been activated, the pilot in command, upon canceling or completing the flight under the flight plan, shall notify an FAA Flight Service Station or ATC facility.

§ 91.171 VOR equipment check for IFR operations.

(a) No person may operate a civil aircraft under IFR using the VOR system of radio navigation unless the VOR equipment of that aircraft—

(1) Is maintained, checked, and inspected under an approved procedure; or

(2) Has been operationally checked within the preceding 30 days, and was found to be within the limits of the permissible indicated bearing error set forth in paragraph (b) or (c) of this section.

(b) Except as provided in paragraph (c) of this section, each person conducting a VOR check under paragraph (a)(2) of this section shall—

(1) Use, at the airport of intended departure, an FAA-operated or approved test signal or a test signal radiated by a certificated and appropriately rated radio repair station

or, outside the United States, a test signal operated or approved by an appropriate authority to check the VOR equipment (the maximum permissible indicated bearing error is plus or minus 4 degrees); or

(2) Use, at the airport of intended departure, a point on the airport surface designated as a VOR system checkpoint by the Administrator, or, outside the United States, by an appropriate authority (the maximum permissible bearing error is plus or minus 4 degrees);

(3) If neither a test signal nor a designated checkpoint on the surface is available, use an airborne checkpoint designated by the Administrator or, outside the United States, by an appropriate authority (the maximum permissible bearing error is plus or minus 6 degrees); or

(4) If no check signal or point is available, while in flight—

(i) Select a VOR radial that lies along the centerline of an established VOR airway;

(ii) Select a prominent ground point along the selected radial preferably more than 20 nautical miles from the VOR ground facility and maneuver the aircraft directly over the point at a reasonably low altitude; and

(iii) Note the VOR bearing indicated by the receiver when over the ground point (the maximum permissible variation between the published radial and the indicated bearing is 6 degrees).

(c) If dual system VOR (units independent of each other except for the antenna) is installed in the aircraft, the person checking the equipment may check one system against the other in place of the check procedures specified in paragraph (b) of this section. Both systems shall be tuned to the same VOR ground facility and note the indicated bearings to that station. The maximum permissible variation between the two indicated bearings is 4 degrees.

(d) Each person making the VOR operational check, as specified in paragraph (b) or (c) of this section, shall enter the date, place, bearing error, and sign the aircraft log or other record. In addition, if a test signal radiated by a repair station, as specified in paragraph (b)(1) of this section, is used, an entry must be made in the aircraft log or other record by the repair station certificate holder or the certificate holder's representative certifying to the bearing transmitted by the repair station for the check and the date of transmission.

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

§ 91.173 ATC clearance and flight plan required.

No person may operate an aircraft in controlled airspace under IFR unless that person has—

- (a) Filed an IFR flight plan; and
- (b) Received an appropriate ATC clearance.

§ 91.175 Takeoff and landing under IFR.

(a) *Instrument approaches to civil airports.*

Unless otherwise authorized by the Administrator, when an instrument letdown to a civil airport is necessary, each person operating an aircraft, except a military aircraft of the United States, shall use a standard instrument approach procedure prescribed for the airport in part 97 of this chapter.

(b) *Authorized DH or MDA.* For the purpose of this section, when the approach procedure being used provides for and requires the use of a DH or MDA, the authorized DH or MDA is the highest of the following:

(1) The DH or MDA prescribed by the approach procedure.

(2) The DH or MDA prescribed for the pilot in command.

(3) The DH or MDA for which the aircraft is equipped.

(c) *Operation below DH or MDA.* Where a DH or MDA is applicable, no pilot may operate an aircraft, except a military aircraft of the United States, at any airport below the authorized MDA or continue an approach below the authorized DH unless—

(1) The aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers, and for operations conducted under part 121 or part 135 unless that descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing;

(2) The flight visibility is not less than the visibility prescribed in the standard instrument approach being used; and

(3) Except for a Category II or Category III approach where any necessary visual reference requirements are specified by the Administrator, at least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot:

(i) The approach light system, except that the pilot may not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable.

- (ii) The threshold.
 - (iii) The threshold markings.
 - (iv) The threshold lights.
 - (v) The runway end identifier lights.
 - (vi) The visual approach slope indicator.
 - (vii) The touchdown zone or touchdown zone markings.
 - (viii) The touchdown zone lights.
 - (ix) The runway or runway markings.
 - (x) The runway lights.
- (d) *Landing.* No pilot operating an aircraft, except a military aircraft of the United States, may land that aircraft when the flight visibility is less than the visibility prescribed in the standard instrument approach procedure being used.

(e) *Missed approach procedures.* Each pilot operating an aircraft, except a military aircraft of the United States, shall immediately execute an appropriate missed approach procedure when either of the following conditions exist:

(1) Whenever the requirements of paragraph (c) of this section are not met at either of the following times:

- (i) When the aircraft is being operated below MDA; or
- (ii) Upon arrival at the missed approach point, including a DH where a DH is specified and its use is required, and at any time after that until touchdown.

(2) Whenever an identifiable part of the airport is not distinctly visible to the pilot during a circling maneuver at or above MDA, unless the inability to see an identifiable part of the airport results only from a normal bank of the aircraft during the circling approach.

(f) *Civil airport takeoff minimums.* Unless otherwise authorized by the Administrator, no pilot operating an aircraft under parts 121, 125, 127, 129, or 135 of this chapter may take off from a civil airport under IFR unless weather conditions are at or above the weather minimum for IFR takeoff prescribed for that airport under part 97 of this chapter. If takeoff minimums are not prescribed under part 97 of this chapter for a particular airport, the following minimums apply to takeoffs under IFR for aircraft operating under those parts:

- (1) For aircraft, other than helicopters, having two engines or less—1 statute mile visibility.
- (2) For aircraft having more than two engines—1/2 statute mile visibility.
- (3) For helicopters—1/2 statute mile visibility.

(g) *Military airports.* Unless otherwise prescribed by the Administrator, each person operating a civil aircraft under IFR into or out of a military airport shall comply with the instrument approach procedures and the takeoff and landing

minimum prescribed by the military authority having jurisdiction of that airport.

(h) *Comparable values of RVR and ground visibility.* (1) Except for Category II or Category III minimums, if RVR minimums for takeoff or landing are prescribed in an instrument approach procedure, but RVR is not reported for the runway of intended operation, the RVR minimum shall be converted to ground visibility in accordance with the table in paragraph (h)(2) of this section and shall be the visibility minimum for takeoff or landing on that runway.

RVR (feet)	Visibility (statute miles)
1,600	1/4
2,400	1/2
3,200	3/8
4,000	1/2
4,500	3/4
5,000	1
6,000	1 1/4

(i) *Operations on unpublished routes and use of radar in instrument approach procedures.* When radar is approved at certain locations for ATC purposes, it may be used not only for surveillance and precision radar approaches, as applicable, but also may be used in conjunction with instrument approach procedures predicated on other types of radio navigational aids. Radar vectors may be authorized to provide course guidance through the segments of an approach to the final course or fix. When operating on an unpublished route or while being radar vectored, the pilot, when an approach clearance is received, shall, in addition to complying with § 91.177, maintain the last altitude assigned to that pilot until the aircraft is established on a segment of a published route or instrument approach procedure unless a different altitude is assigned by ATC. After the aircraft is so established, published altitudes apply to descent within each succeeding route or approach segment unless a different altitude is assigned by ATC. Upon reaching the final approach course or fix, the pilot may either complete the instrument approach in accordance with a procedure approved for the facility or continue a surveillance or precision radar approach to a landing.

(j) *Limitation on procedure turns.* In the case of a radar vector to a final approach course or fix, a timed approach from a holding fix, or an approach for which the procedure specifies "No PT," no pilot may make a procedure turn unless cleared to do so by ATC.

(k) *ILS components.* The basic ground components of an ILS are the localizer, glide slope, outer marker, middle marker, and, when installed for use with Category II or Category III instrument approach procedures, an inner marker. A compass locator or precision radar may be substituted for the outer or middle marker. DME, VOR, or nondirectional beacon fixes authorized in the standard instrument approach procedure or surveillance radar may be substituted for the outer marker. Applicability of, and substitution for, the inner marker for Category II or III approaches is determined by the appropriate part 97 approach procedure, letter of authorization, or operations specification pertinent to the operations.

§ 91.177 Minimum altitudes for IFR operations.

(a) *Operation of aircraft at minimum altitudes.* Except when necessary for takeoff or landing, no person may operate an aircraft under IFR below—

(1) The applicable minimum altitudes prescribed in Parts 95 and 97 of this chapter; or

(2) If no applicable minimum altitude is prescribed in those parts—

(i) In the case of operations over an area designated as a mountainous area in part 95, an altitude of 2,000 feet above the highest obstacle within a horizontal distance of 4 nautical miles from the course to be flown; or

(ii) In any other case, an altitude of 1,000 feet above the highest obstacle within a horizontal distance of 4 nautical miles from the course to be flown.

However, if both a MEA and a MOCA are prescribed for a particular route or route segment, a person may operate an aircraft below the MEA down to, but not below, the MOCA, when within 22 nautical miles of the VOR concerned (based on the pilot's reasonable estimate of that distance).

(b) *Climb.* Climb to a higher minimum IFR altitude shall begin immediately after passing the point beyond which that minimum altitude applies, except that when ground obstructions intervene, the point beyond which that higher minimum altitude applies shall be crossed at or above the applicable MCA.

§ 91.179 IFR cruising altitude or flight level.

(a) *In controlled airspace.* Each person operating an aircraft under IFR in level cruising flight in controlled airspace shall maintain the altitude or flight level assigned that aircraft by ATC. However, if the ATC clearance

assigns "VFR conditions on-top," that person shall maintain an altitude or flight level as prescribed by § 91.159.

(b) *In uncontrolled airspace.* Except while in a holding pattern of 2 minutes or less or while turning, each person operating an aircraft under IFR in level cruising flight in uncontrolled airspace shall maintain an appropriate altitude as follows:

(1) When operating below 18,000 feet MSL and—

(i) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude (such as 3,000, 5,000, or 7,000); or

(ii) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude (such as 2,000, 4,000, or 6,000).

(2) When operating at or above 18,000 feet MSL but below flight level 290, and—

(i) On a magnetic course of zero degrees through 179 degrees, any odd flight level (such as 190, 210, or 230); or

(ii) On a magnetic course of 180 degrees through 359 degrees, any even flight level (such as 180, 200, or 220).

(3) When operating at flight level 290 and above, and—

(i) On a magnetic course of zero degrees through 179 degrees, any flight level, at 4,000-foot intervals, beginning at and including flight level 290 (such as flight level 290, 330, or 370); or

(ii) On a magnetic course of 180 degrees through 359 degrees, any flight level, at 4,000-foot intervals, beginning at and including flight level 310 (such as flight level 310, 350, or 390).

§ 91.181 Course to be flown.

Unless otherwise authorized by ATC, no person may operate an aircraft within controlled airspace under IFR except as follows:

(a) On a Federal airway, along the centerline of that airway.

(b) On any other route, along the direct course between the navigational aids or fixes defining that route. However, this section does not prohibit maneuvering the aircraft to pass well clear of other air traffic or the maneuvering of the aircraft in VFR conditions to clear the intended flight path both before and during climb or descent.

§ 91.183 IFR radio communications.

The pilot in command of each aircraft operated under IFR in controlled airspace shall have a continuous watch maintained on the appropriate frequency and shall report by radio as soon as possible—

(a) The time and altitude of passing each designated reporting point, or the

reporting points specified by ATC, except that while the aircraft is under radar control, only the passing of those reporting points specifically requested by ATC need be reported;

(b) Any unforecast weather conditions encountered; and

(c) Any other information relating to the safety of flight.

§ 91.185 IFR operations: Two-way radio communications failure.

(a) *General.* Unless otherwise authorized by ATC, each pilot who has two-way radio communications failure when operating under IFR shall comply with the rules of this section.

(b) *VFR conditions.* If the failure occurs in VFR conditions, or if VFR conditions are encountered after the failure, each pilot shall continue the flight under VFR and land as soon as practicable.

(c) *IFR conditions.* If the failure occurs in IFR conditions, or if paragraph (b) of this section cannot be complied with, each pilot shall continue the flight according to the following:

(1) *Route.* (i) By the route assigned in the last ATC clearance received;

(ii) If being radar vectored, by the direct route from the point of radio failure to the fix, route, or airway specified in the vector clearance;

(iii) In the absence of an assigned route, by the route that ATC has advised may be expected in a further clearance; or

(iv) In the absence of an assigned route or a route that ATC has advised may be expected in a further clearance, by the route filed in the flight plan.

(2) *Altitude.* At the highest of the following altitudes or flight levels for the route segment being flown:

(i) The altitude or flight level assigned in the last ATC clearance received;

(ii) The minimum altitude (converted, if appropriate, to minimum flight level as prescribed in § 91.121(c)) for IFR operations; or

(iii) The altitude or flight level ATC has advised may be expected in a further clearance.

(3) *Leave clearance limit.* (i) When the clearance limit is a fix from which an approach begins, commence descent or descent and approach as close as possible to the expect-further-clearance time if one has been received, or if one has not been received, as close as possible to the estimated time of arrival as calculated from the filed or amended (with ATC) estimated time en route.

(ii) If the clearance limit is not a fix from which an approach begins, leave the clearance limit at the expect-further-clearance time if one has been received, or if none has been received, upon

arrival over the clearance limit, and proceed to a fix from which an approach begins and commence descent or descent and approach as close as possible to the estimated time of arrival as calculated from the filed or amended (with ATC) estimated time en route.

§ 91.187 Operation under IFR in controlled airspace: Malfunction reports.

(a) The pilot in command of each aircraft operated in controlled airspace under IFR shall report as soon as practical to ATC any malfunctions of navigational, approach, or communication equipment occurring in flight.

(b) In each report required by paragraph (a) of this section, the pilot in command shall include the—

(1) Aircraft identification;

(2) Equipment affected;

(3) Degree to which the capability of the pilot to operate under IFR in the ATC system is impaired; and

(4) Nature and extent of assistance desired from ATC.

§ 91.189 Category II and III operations: General operating rules.

(a) No person may operate a civil aircraft in a Category II or III operation unless—

(1) The flight crew of the aircraft consists of a pilot in command and a second in command who hold the appropriate authorizations and ratings prescribed in § 61.3 of this chapter;

(2) Each flight crewmember has adequate knowledge of, and familiarity with, the aircraft and the procedures to be used; and

(3) The instrument panel in front of the pilot who is controlling the aircraft has appropriate instrumentation for the type of flight control guidance system that is being used.

(b) Unless otherwise authorized by the Administrator, no person may operate a civil aircraft in a Category II or Category III operation unless each ground component required for that operation and the related airborne equipment is installed and operating.

(c) *Authorized DH.* For the purpose of this section, when the approach procedure being used provides for and requires the use of a DH, the authorized DH is the highest of the following:

(1) The DH prescribed by the approach procedure.

(2) The DH prescribed for the pilot in command.

(3) The DH for which the aircraft is equipped.

(d) Unless otherwise authorized by the Administrator, no pilot operating an aircraft in a Category II or Category III

approach that provides and requires use of a DH may continue the approach below the authorized decision height unless the following conditions are met:

(1) The aircraft is in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers, and where that descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing.

(2) At least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot:

(i) The approach light system, except that the pilot may not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable.

(ii) The threshold.

(iii) The threshold markings.

(iv) The threshold lights.

(v) The touchdown zone or touchdown zone markings.

(vi) The touchdown zone lights.

(e) Unless otherwise authorized by the Administrator, each pilot operating an aircraft shall immediately execute an appropriate missed approach whenever, prior to touchdown, the requirements of paragraph (d) of this section are not met.

(f) No person operating an aircraft using a Category III approach without decision height may land that aircraft except in accordance with the provisions of the letter of authorization issued by the Administrator.

(g) Paragraphs (a) through (f) of this section do not apply to operations conducted by the holders of certificates issued under part 121, 125, 129, or 135 of this chapter. No person may operate a civil aircraft in a Category II or Category III operation conducted by the holder of a certificate issued under part 121, 125, 129, or 135 of this chapter unless the operation is conducted in accordance with that certificate holder's operations specifications.

§ 91.191 Category II manual.

(a) No person may operate a civil aircraft of United States registry in a Category II operation unless—

(1) There is available in the aircraft a current, approved Category II manual for that aircraft;

(2) The operation is conducted in accordance with the procedures, instructions, and limitations in that manual; and

(3) The instruments and equipment listed in the manual that are required for a particular Category II operation have been inspected and maintained in

accordance with the maintenance program contained in that manual.

(b) Each operator shall keep a current copy of the approved manual at its principal base of operations and shall make it available for inspection upon request of the Administrator.

(c) This section does not apply to operations conducted by the holder of a certificate issued under part 121 of this chapter.

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

§ 91.193 Certificate of authorization for certain Category II operations.

The Administrator may issue a certificate of authorization authorizing deviations from the requirements of §§ 91.189, 91.191, and 91.205(f) for the operation of small aircraft identified as Category A aircraft in § 97.3 of this chapter in Category II operations if the Administrator finds that the proposed operation can be safely conducted under the terms of the certificate. Such authorization does not permit operation of the aircraft carrying persons or property for compensation or hire.

§ 91.195-91.199 [Reserved]

Subpart C—Equipment, Instrument, and Certificate Requirements

§ 91.201 [Reserved]

§ 91.203 Civil aircraft: Certifications required.

(a) Except as provided in § 91.715, no person may operate a civil aircraft unless it has within it the following:

(1) An appropriate and current airworthiness certificate. Each U.S. airworthiness certificate used to comply with this subparagraph (except a special flight permit, a copy of the applicable operations specifications issued under § 21.197(c) of this chapter, appropriate sections of the air carrier manual required by parts 121 and 135 of this chapter containing that portion of the operations specifications issued under § 21.197(c), or an authorization under § 91.611) must have on it the registration number assigned to the aircraft under part 47 of this chapter. However, the airworthiness certificate need not have on it an assigned special identification number before 10 days after that number is first affixed to the aircraft. A revised airworthiness certificate having on it an assigned special identification number, that has been affixed to an aircraft, may only be obtained upon application to an FAA Flight Standards district office.

(2) An effective U.S. registration certificate issued to its owner or, for operation within the United States, the

second duplicate copy (pink) of the Aircraft Registration Application as provided for in § 47.31(b), or a registration certificate issued under the laws of a foreign country.

(b) No person may operate a civil aircraft unless the airworthiness certificate required by paragraph (a) of this section or a special flight authorization issued under § 91.715 is displayed at the cabin or cockpit entrance so that it is legible to passengers or crew.

(c) No person may operate an aircraft with a fuel tank installed within the passenger compartment or a baggage compartment unless the installation was accomplished pursuant to part 43 of this chapter, and a copy of FAA Form 337 authorizing that installation is on board the aircraft.

§ 91.205 Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements.

(a) *General.* Except as provided in paragraphs (c)(3) and (e) of this section, no person may operate a powered civil aircraft with a standard category U.S. airworthiness certificate in any operation described in paragraphs (b) through (f) of this section unless that aircraft contains the instruments and equipment specified in those paragraphs (or FAA-approved equivalents) for that type of operation, and those instruments and items of equipment are in operable condition.

(b) *Visual-flight rules (day).* For VFR flight during the day, the following instruments and equipment are required:

- (1) Airspeed indicator.
- (2) Altimeter.
- (3) Magnetic direction indicator.
- (4) Tachometer for each engine.
- (5) Oil pressure gauge for each engine using pressure system.
- (6) Temperature gauge for each liquid-cooled engine.
- (7) Oil temperature gauge for each air-cooled engine.
- (8) Manifold pressure gauge for each altitude engine.
- (9) Fuel gauge indicating the quantity of fuel in each tank.

(10) Landing gear position indicator, if the aircraft has a retractable landing gear.

(11) If the aircraft is operated for hire over water and beyond power-off gliding distance from shore, approved flotation gear readily available to each occupant and at least one pyrotechnic signaling device. As used in this section, "shore" means that area of the land adjacent to the water which is above the high water mark and excludes land

areas which are intermittently under water.

(12) Except as to airships, an approved safety belt with an approved metal-to-metal latching device for each occupant 2 years of age or older.

(13) For small civil airplanes manufactured after July 18, 1978, an approved shoulder harness for each front seat. The shoulder harness must be designed to protect the occupant from serious head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2) of this chapter. Each shoulder harness installed at a flight crewmember station must permit the crewmember, when seated and with the safety belt and shoulder harness fastened, to perform all functions necessary for flight operations. For purposes of this paragraph—

(i) The date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA-approved type design data; and

(ii) A front seat is a seat located at a flight crewmember station or any seat located alongside such a seat.

(14) An emergency locator transmitter, as required by § 91.207.

(15) For normal, utility, and acrobatic category airplanes with a seating configuration, excluding pilot seats, of 9 or less, manufactured after December 12, 1986, a shoulder harness for—

(i) Each front seat that meets the requirements of § 23.785 (g) and (h) of this chapter in effect on December 12, 1985;

(ii) Each additional seat that meets the requirements of § 23.785(g) of this chapter in effect on December 12, 1985.

(c) *Visual flight rules (night)*. For VFR flight at night, the following instruments and equipment are required:

(1) Instruments and equipment specified in paragraph (b) of this section.

(2) Approved position lights.

(3) An approved aviation red or aviation white anticollision light system on all U.S.-registered civil aircraft. Anticollision light systems initially installed after August 11, 1971, on aircraft for which a type certificate was issued or applied for before August 11, 1971, must at least meet the anticollision light standards of part 23, 25, 27, or 29 of this chapter, as applicable, that were in effect on August 10, 1971, except that the color may be either aviation red or aviation white. In the event of failure of any light of the anticollision light system, operations with the aircraft may be continued to a stop where repairs or replacement can be made.

(4) If the aircraft is operated for hire, one electric landing light.

(5) An adequate source of electrical energy for all installed electrical and radio equipment.

(6) One spare set of fuses, or three spare fuses of each kind required, that are accessible to the pilot in flight.

(d) *Instrument flight rules*. For IFR flight, the following instruments and equipment are required:

(1) Instruments and equipment specified in paragraph (b) of this section, and, for night flight, instruments and equipment specified in paragraph (c) of this section.

(2) Two-way radio communications system and navigational equipment appropriate to the ground facilities to be used.

(3) Gyroscopic rate-of-turn indicator, except on the following aircraft:

(i) Large airplanes with a third attitude instrument system usable through flight attitudes of 360 degrees of pitch and roll and installed in accordance with § 121.305(j) of this chapter; and

(ii) Rotorcraft with a third attitude instrument system usable through flight attitudes of ± 80 degrees of pitch and ± 120 degrees of roll and installed in accordance with § 29.1303(g) of this chapter.

(4) Slip-skid indicator.

(5) Sensitive altimeter adjustable for barometric pressure.

(6) A clock displaying hours, minutes, and seconds with a sweep-second pointer or digital presentation.

(7) Generator or alternator of adequate capacity.

(8) Gyroscopic pitch and bank indicator (artificial horizon).

(9) Gyroscopic direction indicator (directional gyro or equivalent).

(e) *Flight at and above 24,000 ft. MSL (FL 240)*. If VOR navigational equipment is required under paragraph (d)(2) of this section, no person may operate a U.S.-registered civil aircraft within the 50 states and the District of Columbia at or above FL 240 unless that aircraft is equipped with approved distance measuring equipment (DME). When DME required by this paragraph fails at and above FL 240, the pilot in command of the aircraft shall notify ATC immediately, and then may 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.

(f) *Category II operations*. For Category II operations the instruments and equipment specified in paragraph (d) of this section and appendix A to this part are required. This paragraph does not apply to operations conducted by the holder of a certificate issued under part 121 of this chapter.

§ 91.207 Emergency locator transmitters.

(a) Except as provided in paragraphs (d) and (e) of this section, no person may operate a U.S.-registered civil airplane unless—

(1) There is attached to the airplane an automatic type emergency locator transmitter that is in operable condition and meets the applicable requirements of TSO-C91 for the following operations:

(i) Those operations governed by the supplemental air carrier and commercial operator rules of parts 121 and 125;

(ii) Charter flights governed by the domestic and flag air carrier rules of part 121 of this chapter; and

(iii) Operations governed by part 135 of this chapter; or

(2) For operations other than those specified in paragraph (a)(1)(i) of this section, there must be attached to the airplane a personal type or an automatic type emergency locator transmitter that is in operable condition and meets the applicable requirements of TSO-C91.

(b) Each emergency locator transmitter required by paragraph (a) of this section must be attached to the airplane in such a manner that the probability of damage to the transmitter in the event of crash impact is minimized. Fixed and deployable automatic type transmitters must be attached to the airplane as far aft as practicable.

(c) Batteries used in the emergency locator transmitters required by paragraphs (a) and (b) of this section must be replaced (or recharged, if the batteries are rechargeable)—

(1) When the transmitter has been in use for more than 1 cumulative hour; or

(2) When 50 percent of their useful life (or, for rechargeable batteries, 50 percent of their useful life of charge), as established by the transmitter manufacturer under TSO-C91, paragraph (g)(2) of this section, has expired.

The new expiration date for replacing (or recharging) the battery must be legibly marked on the outside of the transmitter and entered in the aircraft maintenance record. Paragraph (c)(2) of this section does not apply to batteries (such as water-activated batteries) that are essentially unaffected during probable storage intervals.

(d) Notwithstanding paragraph (a) of this section, a person may—

(1) Ferry a newly acquired airplane from the place where possession of it was taken to a place where the emergency locator transmitter is to be installed; and

(2) Ferry an airplane with an inoperative emergency locator

transmitter from a place where repairs or replacements cannot be made to a place where they can be made.

No person other than required crewmembers may be carried aboard an airplane being ferried under paragraph (d) of this section.

(e) Paragraph (a) of this section does not apply to—

- (1) Turbojet-powered aircraft;
- (2) Aircraft while engaged in scheduled flights by scheduled air carriers;
- (3) Aircraft while engaged in training operations conducted entirely within a 50-nautical mile radius of the airport from which such local flight operations began;
- (4) Aircraft while engaged in flight operations incident to design and testing;
- (5) New aircraft while engaged in flight operations incident to their manufacture, preparation, and delivery;
- (6) Aircraft while engaged in flight operations incident to the aerial application of chemicals and other substances for agricultural purposes;
- (7) Aircraft certificated by the Administrator for research and development purposes;
- (8) Aircraft while used for showing compliance with regulations, crew training, exhibition, air racing, or market surveys;
- (9) Aircraft equipped to carry not more than one person; and
- (10) An aircraft during any period for which the transmitter has been temporarily removed for inspection, repair, modification, or replacement, subject to the following:
 - (i) No person may operate the aircraft unless the aircraft records contain an entry which includes the date of initial removal, the make, model, serial number, and reason for removing the transmitter, and a placard located in view of the pilot to show "ELT not installed."
 - (ii) No person may operate the aircraft more than 90 days after the ELT is initially removed from the aircraft.

§ 91.209 Aircraft lights.

No person may, during the period from sunset to sunrise (or, in Alaska, during the period a prominent unlighted object cannot be seen from a distance of 3 statute miles or the sun is more than 6 degrees below the horizon)—

- (a) Operate an aircraft unless it has lighted position lights;
- (b) Park or move an aircraft in, or in dangerous proximity to, a night flight operations area of an airport unless the aircraft—
 - (1) Is clearly illuminated;
 - (2) Has lighted position lights; or

(3) Is in an area which is marked by obstruction lights;

(c) Anchor an aircraft unless the aircraft—

- (1) Has lighted anchor lights; or
- (2) Is in an area where anchor lights are not required on vessels; or
- (d) Operate an aircraft, required by § 91.205(c)(3) to be equipped with an anticollision light system, unless it has approved and lighted aviation red or aviation white anticollision lights. However, the anticollision lights need not be lighted when the pilot in command determines that, because of operating conditions, it would be in the interest of safety to turn the lights off.

§ 91.211 Supplemental oxygen.

(a) General. No person may operate a civil aircraft of U.S. registry—

- (1) At cabin pressure altitudes above 12,500 feet (MSL) up to and including 14,000 feet (MSL) unless the required minimum flight crew is provided with and uses supplemental oxygen for that part of the flight at those altitudes that is of more than 30 minutes duration;
 - (2) At cabin pressure altitudes above 14,000 feet (MSL) unless the required minimum flight crew is provided with and uses supplemental oxygen during the entire flight time at those altitudes; and
 - (3) At cabin pressure altitudes above 15,000 feet (MSL) unless each occupant of the aircraft is provided with supplemental oxygen.
- (b) Pressurized cabin aircraft. (1) No person may operate a civil aircraft of U.S. registry with a pressurized cabin—
- (i) At flight altitudes above flight level 250 unless at least a 10-minute supply of supplemental oxygen, in addition to any oxygen required to satisfy paragraph (a) of this section, is available for each occupant of the aircraft for use in the event that a descent is necessitated by loss of cabin pressurization; and
 - (ii) At flight altitudes above flight level 350 unless one pilot at the controls of the airplane is wearing and using an oxygen mask that is secured and sealed and that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude of the airplane exceeds 14,000 feet (MSL), except that the one pilot need not wear and use an oxygen mask while at or below flight level 410 if there are two pilots at the controls and each pilot has a quick-donning type of oxygen mask that can be placed on the face with one hand from the ready position within 5 seconds, supplying oxygen and properly secured and sealed.

- (2) Notwithstanding paragraph (b)(1)(ii) of this section, if for any reason at any time it is necessary for one pilot

to leave the controls of the aircraft when operating at flight altitudes above flight level 350, the remaining pilot at the controls shall put on and use an oxygen mask until the other pilot has returned to that crewmember's station.

§ 91.213 Inoperative instruments and equipment.

(a) Except as provided in paragraph (d) of this section, no person may take off an aircraft with inoperative instruments or equipment installed unless the following conditions are met:

- (1) An approved Minimum Equipment List exists for that aircraft.
- (2) The aircraft has within it a letter of authorization, issued by the FAA Flight Standards district office having jurisdiction over the area in which the operator is located, authorizing operation of the aircraft under the Minimum Equipment List. The letter of authorization may be obtained by written request of the airworthiness certificate holder. The Minimum Equipment List and the letter of authorization constitute a supplemental type certificate for the aircraft.
- (3) The approved Minimum Equipment List must—

- (i) Be prepared in accordance with the limitations specified in paragraph (b) of this section; and
- (ii) Provide for the operation of the aircraft with the instruments and equipment in an inoperable condition.

(4) The aircraft records available to the pilot must include an entry describing the inoperable instruments and equipment.

(5) The aircraft is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the letter authorizing the use of the list.

(b) The following instruments and equipment may not be included in a Minimum Equipment List:

- (1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the aircraft is type certificated and which are essential for safe operations under all operating conditions.
- (2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.
- (3) Instruments and equipment required for specific operations by this part.

(c) A person authorized to use an approved Minimum Equipment List issued for a specific aircraft under Part 121, 125, or 135 of this chapter shall use

that Minimum Equipment List in connection with operations conducted with that aircraft under this part without additional approval requirements.

(d) Except for operations conducted in accordance with paragraph (a) or (c) of this section, a person may takeoff an aircraft in operations conducted under this part with inoperative instruments and equipment without an approved Minimum Equipment List provided—

(1) The flight operation is conducted in a—

(i) Rotorcraft, nonturbine-powered airplane, glider, or lighter-than-air aircraft for which a master Minimum Equipment List has not been developed; or

(ii) Small rotorcraft, nonturbine-powered small airplane, glider, or lighter-than-air aircraft for which a Master Minimum Equipment List has been developed; and

(2) The inoperative instruments and equipment are not—

(i) Part of the VFR-day type certification instruments and equipment prescribed in the applicable airworthiness regulations under which the aircraft was type certificated;

(ii) Indicated as required on the aircraft's equipment list, or on the Kinds of Operations Equipment List for the kind of flight operation being conducted;

(iii) Required by § 91.205 or any other rule of this part for the specific kind of flight operation being conducted; or

(iv) Required to be operational by an airworthiness directive; and

(3) The inoperative instruments and equipment are—

(i) Removed from the aircraft, the cockpit control placarded, and the maintenance recorded in accordance with § 43.9 of this chapter; or

(ii) Deactivated and placarded "Inoperative." If deactivation of the inoperative instrument or equipment involves maintenance, it must be accomplished and recorded in accordance with part 43 of this chapter; and

(4) A determination is made by a pilot, who is certificated and appropriately rated under part 61 of this chapter, or by a person, who is certificated and appropriately rated to perform maintenance on the aircraft, that the inoperative instrument or equipment does not constitute a hazard to the aircraft.

An aircraft with inoperative instruments or equipment as provided in paragraph (d) of this section is considered to be in a properly altered condition acceptable to the Administrator.

(e) Notwithstanding any other provision of this section, an aircraft with

inoperable instruments or equipment may be operated under a special flight permit issued in accordance with §§ 21.197 and 21.199 of this chapter.

§ 91.215 ATC transponder and altitude reporting equipment and use.

(a) *All airspace: U.S.-registered civil aircraft.* For operations not conducted under part 121, 127 or 135 of this chapter, ATC transponder equipment installed within the time periods indicated below must meet the performance and environmental requirements of the following TSO's.

(1) *Through July 1, 1992:*

(i) Any class of TSO-C74b or any class of TSO-C74c as appropriate, provided that the equipment was manufactured before January 1, 1991; or

(ii) The appropriate class of TSO-C112 (Mode S).

(2) *After July 1, 1992:* The appropriate class of TSO-C112 (Mode S). For purposes of paragraph (a)(2) of this section, "installation" does not include—

(i) Temporary installation of TSO-C74b or TSO-C74c substitute equipment, as appropriate, during maintenance of the permanent equipment;

(ii) Reinstallation of equipment after temporary removal for maintenance; or

(iii) For fleet operations, installation of equipment in a fleet aircraft after removal of the equipment for maintenance from another aircraft in the same operator's fleet.

(b) *All airspace.* No person may operate an aircraft in the airspace described in paragraphs (b)(1) through (b)(5) of this section, unless that aircraft is equipped with an operable coded radar beacon transponder having either Mode 3/A 4096 code capability, replying to Mode 3/A interrogations with the code specified by ATC, or a Mode S capability, replying to Mode 3/A interrogations with the code specified by ATC and intermode and Mode S interrogations in accordance with the applicable provisions specified in TSO C-112, and that aircraft is equipped with automatic pressure altitude reporting equipment having a Mode C capability that automatically replies to Mode C interrogations by transmitting pressure altitude information in 100-foot increments. This requirement applies—

(1) *All aircraft.* In terminal control areas and positive control areas;

(2) *Effective July 1, 1989—All aircraft.* In all airspace within 30 nautical miles of a terminal control area primary airport from the surface upward to 10,000 feet MSL;

(3) *Effective July 1, 1989.*

Notwithstanding paragraph (b)(2) of this

section, any aircraft which was not originally certificated with an engine-driven electrical system or which has not subsequently been certified with such a system installed, balloon, or glider may conduct operations in the airspace within 30 nautical miles of a terminal control area primary airport provided such operations are conducted—

(i) Outside any terminal control area and positive control area; and

(ii) Below the altitude of the terminal control area ceiling or 10,000 feet MSL whichever is lower; and

(4) *Effective December 30, 1990—All aircraft.* (i) In the airspace of an airport radar service area, and

(ii) In all airspace above the ceiling and within the lateral boundaries of an airport radar service area upward to 10,000 feet MSL; and

(5) *All aircraft except any aircraft which was not originally certificated with an engine-driven electrical system or which has not subsequently been certified with such a system installed, balloon, or glider.* (i) In all airspace of the 48 contiguous states and the District of Columbia:

(A) *Through June 30, 1989.* Above 12,500 feet MSL and below the floor of a positive control area, excluding the airspace at and below 2,500 feet AGL.

(B) *Effective July 1, 1989.* At and above 10,000 feet MSL and below the floor of a positive control area, excluding the airspace at and below 2,500 feet AGL; and

(ii) *Effective December 30, 1990.* In the airspace from the surface to 10,000 feet MSL within a 10-nautical-mile radius of any airport listed in Appendix D of this part excluding the airspace below 1,200 feet AGL outside of the airport traffic area for that airport.

(c) *Transponder-on operation.* While in the airspace as specified in paragraph (b) of this section or in all controlled airspace, each person operating an aircraft equipped with an operable ATC transponder maintained in accordance with § 91.413 of this part shall operate the transponder, including Mode C equipment if installed, and shall reply on the appropriate code or as assigned by ATC.

(d) *ATC authorized deviations.* ATC may authorize deviations from paragraph (b) of this section—

(1) Immediately, to allow an aircraft with an inoperative transponder to continue to the airport of ultimate destination, including any intermediate stops, or to proceed to a place where suitable repairs can be made or both;

(2) Immediately, for operations of aircraft with an operating transponder

but without operating automatic pressure altitude reporting equipment having a Mode C capability; and

(3) On a continuing basis, or for individual flights, for operations of aircraft without a transponder, in which case the request for a deviation must be submitted to the ATC facility having jurisdiction over the airspace concerned at least one hour before the proposed operation.

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

§ 91.217 Data correspondence between automatically reported pressure altitude data and the pilot's altitude reference.

No person may operate any automatic pressure altitude reporting equipment associated with a radar beacon transponder—

(a) When deactivation of that equipment is directed by ATC;

(b) Unless, as installed, that equipment was tested and calibrated to transmit altitude data corresponding within 125 feet (on a 95 percent probability basis) of the indicated or calibrated datum of the altimeter normally used to maintain flight altitude, with that altimeter referenced to 29.92 inches of mercury for altitudes from sea level to the maximum operating altitude of the aircraft; or

(c) Unless the altimeters and digitizers in that equipment meet the standards of TSO-C10b and TSO-C88, respectively.

§ 91.219 Altitude alerting system or device: Turbojet-powered civil airplanes.

(a) Except as provided in paragraph (d) of this section, no person may operate a turbojet-powered U.S.-registered civil airplane unless that airplane is equipped with an approved altitude alerting system or device that is in operable condition and meets the requirements of paragraph (b) of this section.

(b) Each altitude alerting system or device required by paragraph (a) of this section must be able to—

(1) Alert the pilot—

(i) Upon approaching a preselected altitude in either ascent or descent, by a sequence of both aural and visual signals in sufficient time to establish level flight at that preselected altitude; or

(ii) Upon approaching a preselected altitude in either ascent or descent, by a sequence of visual signals in sufficient time to establish level flight at that preselected altitude, and when deviating above and below that preselected altitude, by an aural signal;

(2) Provide the required signals from sea level to the highest operating

altitude approved for the airplane in which it is installed;

(3) Preselect altitudes in increments that are commensurate with the altitudes at which the aircraft is operated;

(4) Be tested without special equipment to determine proper operation of the alerting signals; and

(5) Accept necessary barometric pressure settings if the system or device operates on barometric pressure. However, for operation below 3,000 feet AGL, the system or device need only provide one signal, either visual or aural, to comply with this paragraph. A radio altimeter may be included to provide the signal if the operator has an approved procedure for its use to determine DH or MDA, as appropriate.

(c) Each operator to which this section applies must establish and assign procedures for the use of the altitude alerting system or device and each flight crewmember must comply with those procedures assigned to him.

(d) Paragraph (a) of this section does not apply to any operation of an airplane that has an experimental certificate or to the operation of any airplane for the following purposes:

(1) Ferrying a newly acquired airplane from the place where possession of it was taken to a place where the altitude alerting system or device is to be installed.

(2) Continuing a flight as originally planned, if the altitude alerting system or device becomes inoperative after the airplane has taken off; however, the flight may not depart from a place where repair or replacement can be made.

(3) Ferrying an airplane with any inoperative altitude alerting system or device from a place where repairs or replacements cannot be made to a place where it can be made.

(4) Conducting an airworthiness flight test of the airplane.

(5) Ferrying an airplane to a place outside the United States for the purpose of registering it in a foreign country.

(6) Conducting a sales demonstration of the operation of the airplane.

(7) Training foreign flight crews in the operation of the airplane before ferrying it to a place outside the United States for the purpose of registering it in a foreign country.

§ 91.221 Traffic alert and collision avoidance system equipment and use.

(a) *All airspace: U.S.-registered civil aircraft.* Any traffic alert and collision avoidance system installed in a U.S.-registered civil aircraft must be approved by the Administrator.

(b) *Traffic alert and collision avoidance system, operation required.* Each person operating an aircraft equipped with an operable traffic alert and collision avoidance system shall have that system on and operating.

§§ 91.223-91.299 [Reserved]

Subpart D—Special Flight Operations

§ 91.301 [Reserved]

§ 91.303 Aerobatic flight.

No person may operate an aircraft in aerobatic flight—

(a) Over any congested area of a city, town, or settlement;

(b) Over an open air assembly of persons;

(c) Within a control zone or Federal airway;

(d) Below an altitude of 1,500 feet above the surface; or

(e) When flight visibility is less than 3 statute miles.

For the purposes of this section, aerobatic flight means an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.

§ 91.305 Flight test areas.

No person may flight test an aircraft except over open water, or sparsely populated areas, having light air traffic.

§ 91.307 Parachutes and parachuting.

(a) No pilot of a civil aircraft may allow a parachute that is available for emergency use to be carried in that aircraft unless it is an approved type and—

(1) If a chair type (canopy in back), it has been packed by a certificated and appropriately rated parachute rigger within the preceding 120 days; or

(2) If any other type, it has been packed by a certificated and appropriately rated parachute rigger—

(i) Within the preceding 120 days, if its canopy, shrouds, and harness are composed exclusively of nylon, rayon, or other similar synthetic fiber or materials that are substantially resistant to damage from mold, mildew, or other fungi and other rotting agents propagated in a moist environment; or

(ii) Within the preceding 60 days, if any part of the parachute is composed of silk, pongee, or other natural fiber, or materials not specified in paragraph (a)(2)(i) of this section.

(b) Except in an emergency, no pilot in command may allow, and no person may make, a parachute jump from an aircraft within the United States except in accordance with Part 105.

(c) Unless each occupant of the aircraft is wearing an approved parachute, no pilot of a civil aircraft carrying any person (other than a crewmember) may execute any intentional maneuver that exceeds—

- (1) A bank of 60 degrees relative to the horizon; or
- (2) A nose-up or nose-down attitude of 30 degrees relative to the horizon.

(d) Paragraph (c) of this section does not apply to—

(1) Flight tests for pilot certification or rating; or

(2) Spins and other flight maneuvers required by the regulations for any certificate or rating when given by—

- (i) A certificated flight instructor; or
- (ii) An airline transport pilot instructing in accordance with § 61.169 of this chapter.

(e) For the purposes of this section, "approved parachute" means—

(1) A parachute manufactured under a type certificate or a technical standard order (C-23 series); or

(2) A personnel-carrying military parachute identified by an NAF, AAF, or AN drawing number, an AAF order number, or any other military designation or specification number.

§ 91.309 Towing: Gliders.

(a) No person may operate a civil aircraft towing a glider unless—

(1) The pilot in command of the towing aircraft is qualified under § 61.69 of this chapter;

(2) The towing aircraft is equipped with a tow-hitch of a kind, and installed in a manner, that is approved by the Administrator;

(3) The towline used has breaking strength not less than 80 percent of the maximum certificated operating weight of the glider and not more than twice this operating weight. However, the towline used may have a breaking strength more than twice the maximum certificated operating weight of the glider if—

(i) A safety link is installed at the point of attachment of the towline to the glider with a breaking strength not less than 80 percent of the maximum certificated operating weight of the glider and not greater than twice this operating weight.

(ii) A safety link is installed at the point of attachment of the towline to the towing aircraft with a breaking strength greater, but not more than 25 percent greater, than that of the safety link at the towed glider end of the towline and not greater than twice the maximum certificated operating weight of the glider;

(4) Before conducting any towing operation within a control zone, or

before making each towing flight within a control zone if required by ATC, the pilot in command notifies the control tower if one is in operation in that control zone. If such a control tower is not in operation, the pilot in command must notify the FAA Flight Service Station serving the control zone before conducting any towing operation in that control zone; and

(5) The pilots of the towing aircraft and the glider have agreed upon a general course of action, including takeoff and release signals, airspeeds, and emergency procedures for each pilot.

(b) No pilot of a civil aircraft may intentionally release a towline, after release of a glider, in a manner that endangers the life or property of another.

§ 91.311 Towing: Other than under § 91.309.

No pilot of a civil aircraft may tow anything with that aircraft (other than under § 91.309) except in accordance with the terms of a certificate of waiver issued by the Administrator.

§ 91.313 Restricted category civil aircraft: Operating limitations.

(a) No person may operate a restricted category civil aircraft—

(1) For other than the special purpose for which it is certificated; or

(2) In an operation other than one necessary to accomplish the work activity directly associated with that special purpose.

(b) For the purpose of paragraph (a) of this section, operating a restricted category civil aircraft to provide flight crewmember training in a special purpose operation for which the aircraft is certificated is considered to be an operation for that special purpose.

(c) No person may operate a restricted category civil aircraft carrying persons or property for compensation or hire. For the purposes of this paragraph, a special purpose operation involving the carriage of persons or material necessary to accomplish that operation, such as crop dusting, seeding, spraying, and banner towing (including the carrying of required persons or material to the location of that operation), and operation for the purpose of providing flight crewmember training in a special purpose operation, are not considered to be the carriage of persons or property for compensation or hire.

(d) No person may be carried on a restricted category civil aircraft unless that person—

- (1) Is a flight crewmember;
- (2) Is a flight crewmember trainee;

(3) Performs an essential function in connection with a special purpose operation for which the aircraft is certificated; or

(4) Is necessary to accomplish the work activity directly associated with that special purpose.

(e) Except when operating in accordance with the terms and conditions of a certificate of waiver or special operating limitations issued by the Administrator, no person may operate a restricted category civil aircraft within the United States—

- (1) Over a densely populated area;
- (2) In a congested airway; or
- (3) Near a busy airport where passenger transport operations are conducted.

(f) This section does not apply to nonpassenger-carrying civil rotorcraft external-load operations conducted under Part 133 of this chapter.

(g) No person may operate a small restricted-category civil airplane manufactured after July 18, 1978, unless an approved shoulder harness is installed for each front seat. The shoulder harness must be designed to protect each occupant from serious head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2) of this chapter. The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with the safety belt and shoulder harness fastened, to perform all functions necessary for flight operation. For purposes of this paragraph—

- (1) The date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA-approved type design data; and
- (2) A front seat is a seat located at a flight crewmember station or any seat located alongside such a seat.

§ 91.315 Limited category civil aircraft: Operating limitations.

No person may operate a limited category civil aircraft carrying persons or property for compensation or hire.

§ 91.317 Provisionally certificated civil aircraft: Operating limitations.

(a) No person may operate a provisionally certificated civil aircraft unless that person is eligible for a provisional airworthiness certificate under § 21.213 of this chapter.

(b) No person may operate a provisionally certificated civil aircraft outside the United States unless that person has specific authority to do so from the Administrator and each foreign country involved.

(c) Unless otherwise authorized by the Director of Airworthiness, no person may operate a provisionally certificated civil aircraft in air transportation.

(d) Unless otherwise authorized by the Administrator, no person may operate a provisionally certificated civil aircraft except—

(1) In direct conjunction with the type or supplemental type certification of that aircraft;

(2) For training flight crews, including simulated air carrier operations;

(3) Demonstration flight by the manufacturer for prospective purchasers;

(4) Market surveys by the manufacturer;

(5) Flight checking of instruments, accessories, and equipment that do not affect the basic airworthiness of the aircraft; or

(6) Service testing of the aircraft.

(e) Each person operating a provisionally certificated civil aircraft shall operate within the prescribed limitations displayed in the aircraft or set forth in the provisional aircraft flight manual or other appropriate document. However, when operating in direct conjunction with the type or supplemental type certification of the aircraft, that person shall operate under the experimental aircraft limitations of § 21.191 of this chapter and when flight testing, shall operate under the requirements of § 91.305 of this part.

(f) Each person operating a provisionally certificated civil aircraft shall establish approved procedures for—

(1) The use and guidance of flight and ground personnel in operating under this section; and

(2) Operating in and out of airports where takeoffs or approaches over populated areas are necessary. No person may operate that aircraft except in compliance with the approved procedures.

(g) Each person operating a provisionally certificated civil aircraft shall ensure that each flight crewmember is properly certificated and has adequate knowledge of, and familiarity with, the aircraft and procedures to be used by that crewmember.

(h) Each person operating a provisionally certificated civil aircraft shall maintain it as required by applicable regulations and as may be specially prescribed by the Administrator.

(i) Whenever the manufacturer, or the Administrator, determines that a change in design, construction, or operation is necessary to ensure safe operation, no person may operate a provisionally

certificated civil aircraft until that change has been made and approved. Section 21.99 of this chapter applies to operations under this section.

(j) Each person operating a provisionally certificated civil aircraft—

(1) May carry in that aircraft only persons who have a proper interest in the operations allowed by this section or who are specifically authorized by both the manufacturer and the Administrator; and

(2) Shall advise each person carried that the aircraft is provisionally certificated.

(k) The Administrator may prescribe additional limitations or procedures that the Administrator considers necessary, including limitations on the number of persons who may be carried in the aircraft.

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

§ 91.319 Aircraft having experimental certificates: Operating limitations.

(a) No person may operate an aircraft that has an experimental-certificate—

(1) For other than the purpose for which the certificate was issued; or

(2) Carrying persons or property for compensation or hire.

(b) No person may operate an aircraft that has an experimental certificate outside of an area assigned by the Administrator until it is shown that—

(1) The aircraft is controllable throughout its normal range of speeds and throughout all the maneuvers to be executed; and

(2) The aircraft has no hazardous operating characteristics or design features.

(c) Unless otherwise authorized by the Administrator in special operating limitations, no person may operate an aircraft that has an experimental certificate over a densely populated area or in a congested airway. The Administrator may issue special operating limitations for particular aircraft to permit takeoffs and landings to be conducted over a densely populated area or in a congested airway, in accordance with terms and conditions specified in the authorization in the interest of safety in air commerce.

(d) Each person operating an aircraft that has an experimental certificate shall—

(1) Advise each person carried of the experimental nature of the aircraft;

(2) Operate under VFR, day only, unless otherwise specifically authorized by the Administrator; and

(3) Notify the control tower of the experimental nature of the aircraft when

operating the aircraft into or out of airports with operating control towers.

(e) The Administrator may prescribe additional limitations that the Administrator considers necessary, including limitations on the persons that may be carried in the aircraft.

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

§ 91.321 Carriage of candidates in Federal elections.

(a) An aircraft operator, other than one operating an aircraft under the rules of part 121, 125, or 135 of this chapter, may receive payment for the carriage of a candidate in a Federal election, an agent of the candidate, or a person traveling on behalf of the candidate, if—

(1) That operator's primary business is not as an air carrier or commercial operator;

(2) The carriage is conducted under the rules of this part 91; and

(3) The payment for the carriage is required, and does not exceed the amount required to be paid, by regulations of the Federal Election Commission (11 CFR *et seq.*).

(b) For the purposes of this section, the terms "candidate" and "election" have the same meaning as that set forth in the regulations of the Federal Election Commission.

§ 91.323 Increased maximum certificated weights for certain airplanes operated in Alaska.

(a) Notwithstanding any other provision of the Federal Aviation Regulations, the Administrator will approve, as provided in this section, an increase in the maximum certificated weight of an airplane type certificated under Aeronautics Bulletin No. 7-A of the U.S. Department of Commerce dated January 1, 1931, as amended, or under the normal category of part 4a of the former Civil Air Regulations (14 CFR Part 4a, 1964 ed.) if that airplane is operated in the State of Alaska by—

(1) An air taxi operator or other air carrier; or

(2) The U.S. Department of Interior in conducting its game and fish law enforcement activities or its management, fire 1 detection, and fire suppression activities concerning public lands.

(b) The maximum certificated weight approved under this section may not exceed—

(1) 12,500 pounds;

(2) 115 percent of the maximum weight listed in the FAA aircraft specifications;

(3) The weight at which the airplane meets the positive maneuvering load

factor requirement for the normal category specified in § 23.337 of this chapter; or

(4) The weight at which the airplane meets the climb performance requirements under which it was type certificated.

(c) In determining the maximum certificated weight, the Administrator considers the structural soundness of the airplane and the terrain to be traversed.

(d) The maximum certificated weight determined under this section is added to the airplane's operation limitations and is identified as the maximum weight authorized for operations within the State of Alaska.

§§ 91.325-91.399 [Reserved]

Subpart E—Maintenance, Preventive Maintenance, and Alterations

§ 91.401 Applicability.

(a) This subpart prescribes rules governing the maintenance, preventive maintenance, and alterations of U.S.-registered civil aircraft operating within or outside of the United States.

(b) Sections 91.405, 91.409, 91.411, 91.417, and 91.419 of this subpart do not apply to an aircraft maintained in accordance with a continuous airworthiness maintenance program as provided in part 121, 127, 129, or § 135.411(a)(2) of this chapter.

(c) Sections 91.405 and 91.409 of this part do not apply to an airplane inspected in accordance with part 125 of this chapter.

§ 91.403 General.

(a) The owner or operator of an aircraft is primarily responsible for maintaining that aircraft in an airworthy condition, including compliance with part 39 of this chapter.

(b) No person may perform maintenance, preventive maintenance, or alterations on an aircraft other than as prescribed in this subpart and other applicable regulations, including part 43 of this chapter.

(c) No person may operate an aircraft for which a manufacturer's maintenance manual or instructions for continued airworthiness has been issued that contains an airworthiness limitations section unless the mandatory replacement times, inspection intervals, and related procedures specified in that section or alternative inspection intervals and related procedures set forth in an operations specification approved by the Administrator under part 121, 127 or 135 of this chapter or in accordance with an inspection program approved under § 91.409(e) have been complied with.

§ 91.405 Maintenance required.

Each owner or operator of an aircraft—

(a) Shall have that aircraft inspected as prescribed in subpart E of this part and shall between required inspections, except as provided in paragraph (c) of this section, have discrepancies repaired as prescribed in part 43 of this chapter;

(b) Shall ensure that maintenance personnel make appropriate entries in the aircraft maintenance records indicating the aircraft has been approved for return to service;

(c) Shall have any inoperative instrument or item of equipment, permitted to be inoperative by § 91.213(d)(2) of this part, repaired, replaced, removed, or inspected at the next required inspection; and

(d) When listed discrepancies include inoperative instruments or equipment, shall ensure that a placard has been installed as required by § 43.11 of this chapter.

§ 91.407 Operation after maintenance, preventive maintenance, rebuilding, or alteration.

(a) No person may operate any aircraft that has undergone maintenance, preventive maintenance, rebuilding, or alteration unless—

(1) It has been approved for return to service by a person authorized under § 43.7 of this chapter; and

(2) The maintenance record entry required by § 43.9 or § 43.11, as applicable, of this chapter has been made.

(b) No person may carry any person (other than crewmembers) in an aircraft that has been maintained, rebuilt, or altered in a manner that may have appreciably changed its flight characteristics or substantially affected its operation in flight until an appropriately rated pilot with at least a private pilot certificate flies the aircraft, makes an operational check of the maintenance performed or alteration made, and logs the flight in the aircraft records.

(c) The aircraft does not have to be flown as required by paragraph (b) of this section if, prior to flight, ground tests, inspection, or both show conclusively that the maintenance, preventive maintenance, rebuilding, or alteration has not appreciably changed the flight characteristics or substantially affected the flight operation of the aircraft.

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

§ 91.409 Inspections.

(a) Except as provided in paragraph (c) of this section, no person may operate an aircraft unless, within the preceding 12 calendar months, it has had—

(1) An annual inspection in accordance with part 43 of this chapter and has been approved for return to service by a person authorized by § 43.7 of this chapter; or

(2) An inspection for the issuance of an airworthiness certificate in accordance with part 21 of this chapter.

No inspection performed under paragraph (b) of this section may be substituted for any inspection required by this paragraph unless it is performed by a person authorized to perform annual inspections and is entered as an "annual" inspection in the required maintenance records.

(b) Except as provided in paragraph (c) of this section, no person may operate an aircraft carrying any person (other than a crewmember) for hire, and no person may give flight instruction for hire in an aircraft which that person provides, unless within the preceding 100 hours of time in service the aircraft has received an annual or 100-hour inspection and been approved for return to service in accordance with part 43 of this chapter or has received an inspection for the issuance of an airworthiness certificate in accordance with part 21 of this chapter. The 100-hour limitation may be exceeded by not more than 10 hours while en route to reach a place where the inspection can be done. The excess time used to reach a place where the inspection can be done must be included in computing the next 100 hours of time in service.

(c) Paragraphs (a) and (b) of this section do not apply to—

(1) An aircraft that carries a special flight permit, a current experimental certificate, or a provisional airworthiness certificate;

(2) An aircraft inspected in accordance with an approved aircraft inspection program under part 125, 127, or 135 of this chapter and so identified by the registration number in the operations specifications of the certificate holder having the approved inspection program;

(3) An aircraft subject to the requirements of paragraph (d) or (e) of this section; or

(4) Turbine-powered rotorcraft when the operator elects to inspect that rotorcraft in accordance with paragraph (e) of this section.

(d) *Progressive inspection.* Each registered owner or operator of an

aircraft desiring to use a progressive inspection program must submit a written request to the FAA Flight Standards district office having jurisdiction over the area in which the applicant is located, and shall provide—

(1) A certificated mechanic holding an inspection authorization, a certificated airframe repair station, or the manufacturer of the aircraft to supervise or conduct the progressive inspection;

(2) A current inspection procedures manual available and readily understandable to pilot and maintenance personnel containing, in detail—

(i) An explanation of the progressive inspection, including the continuity of inspection responsibility, the making of reports, and the keeping of records and technical reference material;

(ii) An inspection schedule, specifying the intervals in hours or days when routine instructions for exceeding an inspection interval by not more than 10 hours while en route and for changing an inspection interval because of service experience;

(iii) Sample routine and detailed inspection forms and instructions for their use; and

(iv) Sample reports and records and instructions for their use;

(3) Enough housing and equipment for necessary disassembly and proper inspection of the aircraft; and

(4) Appropriate current technical information for the aircraft.

The frequency and detail of the progressive inspection shall provide for the complete inspection of the aircraft within each 12 calendar months and be consistent with the manufacturer's recommendations, field service experience, and the kind of operation in which the aircraft is engaged. The progressive inspection schedule must ensure that the aircraft, at all times, will be airworthy and will conform to all applicable FAA aircraft specifications, type certificate data sheets, airworthiness directives, and other approved data. If the progressive inspection is discontinued, the owner or operator shall immediately notify the local FAA Flight Standards district office, in writing, of the discontinuance. After the discontinuance, the first annual inspection under § 91.409(a)(1) is due within 12 calendar months after the last complete inspection of the aircraft under the progressive inspection. The 100-hour inspection under § 91.409(b) is due within 100 hours after that complete inspection. A complete inspection of the aircraft, for the purpose of determining when the annual and 100-hour inspections are due, requires a detailed

inspection of the aircraft and all its components in accordance with the progressive inspection. A routine inspection of the aircraft and a detailed inspection of several components is not considered to be a complete inspection.

(e) *Large airplanes (to which part 125 is not applicable), turbojet multiengine airplanes, turbopropeller-powered, multiengine airplanes, and turbine-powered rotorcraft.* No person may operate a large airplane, turbojet multiengine airplane, turbopropeller-powered multiengine airplane, or turbine-powered rotorcraft unless the replacement times for life-limited parts specified in the aircraft specifications, type data sheets, or other documents approved by the Administrator are complied with and the airplane or turbine-powered rotorcraft, including the airframe, engines, propellers, rotors, appliances, survival equipment, and emergency equipment, is inspected in accordance with an inspection program selected under the provisions of paragraph (f) of this section, except that the owner or operator of a turbine-powered rotorcraft may elect to use the inspection provisions of § 91.409(a), (b), (c), or (d) in lieu of an inspection option of § 91.409(f).

(f) *Selection of inspection program under paragraph (e) of this section.* The registered owner or operator of each airplane or turbine-powered rotorcraft described in paragraph (e) of this section must select, identify in the aircraft maintenance records, and use one of the following programs for the inspection of the aircraft:

(1) A continuous airworthiness inspection program that is part of a continuous airworthiness maintenance program currently in use by a person holding an air carrier operating certificate or an operating certificate issued under part 121, 127, or 135 of this chapter and operating that make and model aircraft under part 121 of this chapter or operating that make and model under part 135 of this chapter and maintaining it under § 135.411(a)(2) of this chapter.

(2) An approved aircraft inspection program approved under § 135.419 of this chapter and currently in use by a person holding an operating certificate issued under part 135 of this chapter.

(3) A current inspection program recommended by the manufacturer.

(4) Any other inspection program established by the registered owner or operator of that airplane or turbine-powered rotorcraft and approved by the Administrator under paragraph (g) of this section. However, the Administrator may require revision of this inspection

program in accordance with the provisions of § 91.415.

Each operator shall include in the selected program the name and address of the person responsible for scheduling the inspections required by the program and make a copy of that program available to the person performing inspections on the aircraft and, upon request, to the Administrator.

(g) *Inspection program approved under paragraph (e) of this section.* Each operator of an airplane or turbine-powered rotorcraft desiring to establish or change an approved inspection program under paragraph (f)(4) of this section must submit the program for approval to the local FAA Flight Standards district office having jurisdiction over the area in which the aircraft is based. The program must be in writing and include at least the following information:

(1) Instructions and procedures for the conduct of inspections for the particular make and model airplane or turbine-powered rotorcraft, including necessary tests and checks. The instructions and procedures must set forth in detail the parts and areas of the airframe, engines, propellers, rotors, and appliances, including survival and emergency equipment required to be inspected.

(2) A schedule for performing the inspections that must be performed under the program expressed in terms of the time in service, calendar time, number of system operations, or any combination of these.

(h) *Changes from one inspection program to another.* When an operator changes from one inspection program under paragraph (f) of this section to another, the time in service, calendar times, or cycles of operation accumulated under the previous program must be applied in determining inspection due times under the new program.

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

§ 91.411 Altimeter system and altitude reporting equipment tests and inspections.

(a) No person may operate an airplane, or helicopter, in controlled airspace under IFR unless—

(1) Within the preceding 24 calendar months, each static pressure system, each altimeter instrument, and each automatic pressure altitude reporting system has been tested and inspected and found to comply with appendix E of part 43 of this chapter;

(2) Except for the use of system drain and alternate static pressure valves, following any opening and closing of the

static pressure system, that system has been tested and inspected and found to comply with paragraph (a), appendices E and F, of part 43 of this chapter; and

(3) Following installation or maintenance on the automatic pressure altitude reporting system of the ATC transponder where data correspondence error could be introduced, the integrated system has been tested, inspected, and found to comply with paragraph (c), appendix E, of part 43 of this chapter.

(b) The tests required by paragraph (a) of this section must be conducted by—

(1) The manufacturer of the airplane, or helicopter, on which the tests and inspections are to be performed;

(2) A certificated repair station properly equipped to perform those functions and holding—

(i) An instrument rating, Class I;

(ii) A limited instrument rating appropriate to the make and model of appliance to be tested;

(iii) A limited rating appropriate to the test to be performed;

(iv) An airframe rating appropriate to the airplane, or helicopter, to be tested; or

(v) A limited rating for a manufacturer issued for the appliance in accordance with § 145.101(b)(4) of this chapter; or

(3) A certificated mechanic with an airframe rating (static pressure system tests and inspections only).

(c) Altimeter and altitude reporting equipment approved under Technical Standard Orders are considered to be tested and inspected as of the date of their manufacture.

(d) No person may operate an airplane, or helicopter, in controlled airspace under IFR at an altitude above the maximum altitude at which all altimeters and the automatic altitude reporting system of that airplane, or helicopter, have been tested.

§ 91.413 ATC transponder tests and inspections.

(a) No persons may use an ATC transponder that is specified in 91.215(a), 121.345(c), 127.123(b), or § 135.143(c) of this chapter unless, within the preceding 24 calendar months, the ATC transponder has been tested and inspected and found to comply with appendix F of part 43 of this chapter; and

(b) Following any installation or maintenance on an ATC transponder where data correspondence error could be introduced, the integrated system has been tested, inspected, and found to comply with paragraph (c), appendix E, of part 43 of this chapter.

(c) The tests and inspections specified in this section must be conducted by—

(1) A certificated repair station properly equipped to perform those functions and holding—

(i) A radio rating, Class III;

(ii) A limited radio rating appropriate to the make and model transponder to be tested;

(iii) A limited rating appropriate to the test to be performed;

(iv) A limited rating for a manufacturer issued for the transponder in accordance with § 145.101(b)(4) of this chapter; or

(2) A holder of a continuous airworthiness maintenance program as provided in part 121, 127 or § 135.411(a)(2) of this chapter; or

(3) The manufacturer of the aircraft on which the transponder to be tested is installed, if the transponder was installed by that manufacturer.

§ 91.415 Changes to aircraft inspection programs.

(a) Whenever the Administrator finds that revisions to an approved aircraft inspection program under § 91.409(f)(4) are necessary for the continued adequacy of the program, the owner or operator shall, after notification by the Administrator, make any changes in the program found to be necessary by the Administrator.

(b) The owner or operator may petition the Administrator to reconsider the notice to make any changes in a program in accordance with paragraph (a) of this section.

(c) The petition must be filed with the FAA Flight Standards district office which requested the change to the program within 30 days after the certificate holder receives the notice.

(d) Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

§ 91.417 Maintenance records.

(a) Except for work performed in accordance with §§ 91.411 and 91.413, each registered owner or operator shall keep the following records for the periods specified in paragraph (b) of this section:

(1) Records of the maintenance, preventive maintenance, and alteration and records of the 100-hour, annual, progressive, and other required or approved inspections, as appropriate, for each aircraft (including the airframe) and each engine, propeller, rotor, and appliance of an aircraft. The records must include—

(i) A description (or reference to data acceptable to the Administrator) of the work performed; and

(ii) The date of completion of the work performed; and

(iii) The signature, and certificate number of the person approving the aircraft for return to service.

(2) Records containing the following information:

(i) The total time in service of the airframe, each engine, each propeller, and each rotor.

(ii) The current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance.

(iii) The time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis.

(iv) The current inspection status of the aircraft, including the time since the last inspection required by the inspection program under which the aircraft and its appliances are maintained.

(v) The current status of applicable airworthiness directives (AD) including, for each, the method of compliance, the AD number, and revision date. If the AD involves recurring action, the time and date when the next action is required.

(vi) Copies of the forms prescribed by § 43.9(a) of this chapter for each major alteration to the airframe and currently installed engines, rotors, propellers, and appliances.

(b) The owner or operator shall retain the following records for the periods prescribed:

(1) The records specified in paragraph (a)(1) of this section shall be retained until the work is repeated or superseded by other work or for 1 year after the work is performed.

(2) The records specified in paragraph (a)(2) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold.

(3) A list of defects furnished to a registered owner or operator under § 43.11 of this chapter shall be retained until the defects are repaired and the aircraft is approved for return to service.

(c) The owner or operator shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB). In addition, the owner or operator shall present Form 337 described in paragraph (d) of this section for inspection upon request of any law enforcement officer.

(d) When a fuel tank is installed within the passenger compartment or a baggage compartment pursuant to part 43 of this chapter, a copy of FAA Form 337 shall be kept on board the modified aircraft by the owner or operator.

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

§ 91.419 Transfer of maintenance records.

Any owner or operator who sells a U.S.-registered aircraft shall transfer to the purchaser, at the time of sale, the following records of that aircraft, in plain language form or in coded form at the election of the purchaser, if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Administrator:

(a) The records specified in § 91.417(a)(2).

(b) The records specified in § 91.417(a)(1) which are not included in the records covered by paragraph (a) of this section, except that the purchaser may permit the seller to keep physical custody of such records. However, custody of records by the seller does not relieve the purchaser of the responsibility under § 91.417(c) to make the records available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 91.421 Rebuilt engine maintenance records.

(a) The owner or operator may use a new maintenance record, without previous operating history, for an aircraft engine rebuilt by the manufacturer or by an agency approved by the manufacturer.

(b) Each manufacturer or agency that grants zero time to an engine rebuilt by it shall enter in the new record—

(1) A signed statement of the date the engine was rebuilt;

(2) Each change made as required by airworthiness directives; and

(3) Each change made in compliance with manufacturer's service bulletins, if the entry is specifically requested in that bulletin.

(c) For the purposes of this section, a rebuilt engine is a used engine that has been completely disassembled, inspected, repaired as necessary, reassembled, tested, and approved in the same manner and to the same tolerances and limits as a new engine with either new or used parts. However, all parts used in it must conform to the production drawing tolerances and limits for new parts or be of approved oversized or undersized dimensions for a new engine.

§§ 91.423-91.499 [Reserved]

Subpart F—Large and Turbine-Powered Multiengine Airplanes

§ 91.501 Applicability.

(a) This subpart prescribes operating rules, in addition to those prescribed in other subparts of this part, governing the operation of large and of turbojet-powered multiengine civil airplanes of U.S. registry. The operating rules in this subpart do not apply to those airplanes when they are required to be operated under parts 121, 125, 129, 135, and 137 of this chapter. (Section 91.409 prescribes an inspection program for large and for turbine-powered (turbojet and turboprop) multiengine airplanes of U.S. registry when they are operated under this part or part 129 or 137.)

(b) Operations that may be conducted under the rules in this subpart instead of those in parts 121, 129, 135, and 137 of this chapter when common carriage is not involved, include—

(1) Ferry or training flights;

(2) Aerial work operations such as aerial photography or survey, or pipeline patrol, but not including fire fighting operations;

(3) Flights for the demonstration of an airplane to prospective customers when no charge is made except for those specified in paragraph (d) of this section;

(4) Flights conducted by the operator of an airplane for his personal transportation, or the transportation of his guests when no charge, assessment, or fee is made for the transportation;

(5) Carriage of officials, employees, guests, and property of a company on an airplane operated by that company, or the parent or a subsidiary of the company or a subsidiary of the parent, when the carriage is within the scope of, and incidental to, the business of the company (other than transportation by air) and no charge, assessment or fee is made for the carriage in excess of the cost of owning, operating, and maintaining the airplane, except that no charge of any kind may be made for the carriage of a guest of a company, when the carriage is not within the scope of, and incidental to, the business of that company;

(6) The carriage of company officials, employees, and guests of the company on an airplane operated under a time sharing, interchange, or joint ownership agreement as defined in paragraph (c) of this section;

(7) The carriage of property (other than mail) on an airplane operated by a person in the furtherance of a business or employment (other than transportation by air) when the carriage

is within the scope of, and incidental to, that business or employment and no charge, assessment, or fee is made for the carriage other than those specified in paragraph (d) of this section;

(8) The carriage on an airplane of an athletic team, sports group, choral group, or similar group having a common purpose or objective when there is no charge, assessment, or fee of any kind made by any person for that carriage; and

(9) The carriage of persons on an airplane operated by a person in the furtherance of a business other than transportation by air for the purpose of selling them land, goods, or property, including franchises or distributorships, when the carriage is within the scope of, and incidental to, that business and no charge, assessment, or fee is made for that carriage.

(c) As used in this section—

(1) A "time sharing agreement" means an arrangement whereby a person leases his airplane with flight crew to another person, and no charge is made for the flights conducted under that arrangement other than those specified in paragraph (d) of this section;

(2) An "interchange agreement" means an arrangement whereby a person leases his airplane to another person in exchange for equal time, when needed, on the other person's airplane, and no charge, assessment, or fee is made, except that a charge may be made not to exceed the difference between the cost of owning, operating, and maintaining the two airplanes;

(3) A "joint ownership agreement" means an arrangement whereby one of the registered joint owners of an airplane employs and furnishes the flight crew for that airplane and each of the registered joint owners pays a share of the charge specified in the agreement.

(d) The following may be charged, as expenses of a specific flight, for transportation as authorized by paragraphs (b) (3) and (7) and (c)(1) of this section:

(1) Fuel, oil, lubricants, and other additives.

(2) Travel expenses of the crew, including food, lodging, and ground transportation.

(3) Hangar and tie-down costs away from the aircraft's base of operation.

(4) Insurance obtained for the specific flight.

(5) Landing fees, airport taxes, and similar assessments.

(6) Customs, foreign permit, and similar fees directly related to the flight.

(7) In flight food and beverages.

(8) Passenger ground transportation.

(9) Flight planning and weather contract services.

(10) An additional charge equal to 100 percent of the expenses listed in paragraph (d)(1) of this section.

§ 91.503 Flying equipment and operating information.

(a) The pilot in command of an airplane shall ensure that the following flying equipment and aeronautical charts and data, in current and appropriate form, are accessible for each flight at the pilot station of the airplane:

(1) A flashlight having at least two size "D" cells, or the equivalent, that is in good working order.

(2) A cockpit checklist containing the procedures required by paragraph (b) of this section.

(3) Pertinent aeronautical charts.

(4) For IFR, VFR over-the-top, or night operations, each pertinent navigational en route, terminal area, and approach and letdown chart.

(5) In the case of multiengine airplanes, one-engine inoperative climb performance data.

(b) Each cockpit checklist must contain the following procedures and shall be used by the flight crewmembers when operating the airplane:

(1) Before starting engines.

(2) Before takeoff.

(3) Cruise.

(4) Before landing.

(5) After landing.

(6) Stopping engines.

(7) Emergencies.

(c) Each emergency cockpit checklist procedure required by paragraph (b)(7) of this section must contain the following procedures, as appropriate:

(1) Emergency operation of fuel, hydraulic, electrical, and mechanical systems.

(2) Emergency operation of instruments and controls.

(3) Engine inoperative procedures.

(4) Any other procedures necessary for safety.

(d) The equipment, charts, and data prescribed in this section shall be used by the pilot in command and other members of the flight crew, when pertinent.

§ 91.505 Familiarity with operating limitations and emergency equipment.

(a) Each pilot in command of an airplane shall, before beginning a flight, become familiar with the Airplane Flight Manual for that airplane, if one is required, and with any placards, listings, instrument markings, or any combination thereof, containing each operating limitation prescribed for that airplane by the Administrator, including those specified in § 91.9(b).

(b) Each required member of the crew shall, before beginning a flight, become familiar with the emergency equipment installed on the airplane to which that crewmember is assigned and with the procedures to be followed for the use of that equipment in an emergency situation.

§ 91.507 Equipment requirements: Over-the-top or night VFR operations.

No person may operate an airplane over-the-top or at night under VFR unless that airplane is equipped with the instruments and equipment required for IFR operations under § 91.205(d) and one electric landing light for night operations. Each required instrument and item of equipment must be in operable condition.

§ 91.509 Survival equipment for overwater operations.

(a) No person may take off an airplane for a flight over water more than 50 nautical miles from the nearest shore unless that airplane is equipped with a life preserver or an approved flotation means for each occupant of the airplane.

(b) No person may take off an airplane for a flight over water more than 30 minutes flying time or 100 nautical miles from the nearest shore unless it has on board the following survival equipment:

(1) A life preserver, equipped with an approved survivor locator light, for each occupant of the airplane.

(2) Enough liferafts (each equipped with an approved survival locator light) of a rated capacity and buoyancy to accommodate the occupants of the airplane.

(3) At least one pyrotechnic signaling device for each liferaft.

(4) One self-buoyant, water-resistant, portable emergency radio signaling device that is capable of transmission on the appropriate emergency frequency or frequencies and not dependent upon the airplane power supply.

(5) A lifeline stored in accordance with § 25.1411(g) of this chapter.

(c) The required liferafts, life preservers, and signaling devices must be installed in conspicuously marked locations and easily accessible in the event of a ditching without appreciable time for preparatory procedures.

(d) A survival kit, appropriately equipped for the route to be flown, must be attached to each required liferaft.

(e) As used in this section, the term shore means that area of the land adjacent to the water which is above the high water mark and excludes land areas which are intermittently under water.

§ 91.511 Radio equipment for overwater operations.

(a) Except as provided in paragraphs (c) and (d) of this section, no person may take off an airplane for a flight over water more than 30 minutes flying time or 100 nautical miles from the nearest shore unless it has at least the following operable equipment:

(1) Radio communication equipment appropriate to the facilities to be used and able to transmit to, and receive from, any place on the route, at least one surface facility:

(i) Two transmitters.

(ii) Two microphones.

(iii) Two headsets or one headset and one speaker.

(iv) Two independent receivers.

(2) Appropriate electronic navigational equipment consisting of at least two independent electronic navigation units capable of providing the pilot with the information necessary to navigate the airplane within the airspace assigned by air traffic control. However, a receiver that can receive both communications and required navigational signals may be used in place of a separate communications receiver and a separate navigational signal receiver or unit.

(b) For the purposes of paragraphs (a)(1)(iv) and (a)(2) of this section, a receiver or electronic navigation unit is independent if the function of any part of it does not depend on the functioning of any part of another receiver or electronic navigation unit.

(c) Notwithstanding the provisions of paragraph (a) of this section, a person may operate an airplane on which no passengers are carried from a place where repairs or replacement cannot be made, if not more than one of each of the dual items of radio communication and navigational equipment specified in paragraphs (a)(1)(i) through (iv) and (a)(2) of this section malfunctions or becomes inoperative.

(d) Notwithstanding the provisions of paragraph (a) of this section, when both VHF and HF communications equipment are required for the route and the airplane has two VHF transmitters and two VHF receivers for communications, only one HF transmitter and one HF receiver is required for communications.

(e) As used in this section, the term "shore" means that area of the land adjacent to the water which is above the high-water mark and excludes land areas which are intermittently under water.

§ 91.513 Emergency equipment.

(a) No person may operate an airplane unless it is equipped with the emergency equipment listed in this section.

(b) Each item of equipment—

(1) Must be inspected in accordance with § 91.409 to ensure its continued serviceability and immediate readiness for its intended purposes;

(2) Must be readily accessible to the crew;

(3) Must clearly indicate its method of operation; and

(4) When carried in a compartment or container, must have that compartment or container marked as to contents and date of last inspection.

(c) Hand fire extinguishers must be provided for use in crew, passenger, and cargo compartments in accordance with the following:

(1) The type and quantity of extinguishing agent must be suitable for the kinds of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher must be provided and located on or near the flight deck in a place that is readily accessible to the flight crew.

(3) At least one hand fire extinguisher must be conveniently located in the passenger compartment of each airplane accommodating more than six but less than 31 passengers, and at least two hand fire extinguishers must be conveniently located in the passenger compartment of each airplane accommodating more than 30 passengers.

(4) Hand fire extinguishers must be installed and secured in such a manner that they will not interfere with the safe operation of the airplane or adversely affect the safety of the crew and passengers. They must be readily accessible and, unless the locations of the fire extinguishers are obvious, their stowage provisions must be properly identified.

(d) First aid kits for treatment of injuries likely to occur in flight or in minor accidents must be provided.

(e) Each airplane accommodating more than 19 passengers must be equipped with a crash axe.

(f) Each passenger-carrying airplane must have a portable battery-powered megaphone or megaphones readily accessible to the crewmembers assigned to direct emergency evacuation, installed as follows:

(1) One megaphone on each airplane with a seating capacity of more than 60 but less than 100 passengers, at the most rearward location in the passenger cabin where it would be readily accessible to a normal flight attendant seat. However, the Administrator may

grant a deviation from the requirements of this subparagraph if the Administrator finds that a different location would be more useful for evacuation of persons during an emergency.

(2) On each airplane with a seating capacity of 100 or more passengers, one megaphone installed at the forward end and one installed at the most rearward location where it would be readily accessible to a normal flight attendant seat.

§ 91.515 Flight altitude rules.

(a) Notwithstanding § 91.119, and except as provided in paragraph (b) of this section, no person may operate an airplane under VFR at less than—

(1) One thousand feet above the surface, or 1,000 feet from any mountain, hill, or other obstruction to flight, for day operations; and

(2) The altitudes prescribed in § 91.177, for night operations.

(b) This section does not apply—

(1) During takeoff or landing;

(2) When a different altitude is authorized by a waiver to this section under subpart J of this part; or

(3) When a flight is conducted under the special VFR weather minimums of § 91.157 with an appropriate clearance from ATC.

§ 91.517 Smoking and safety belt signs.

(a) Except as provided in paragraph (b) of this section, no person may operate an airplane carrying passengers unless it is equipped with signs that are visible to passengers and cabin attendants to notify them when smoking is prohibited and when safety belts should be fastened. The signs must be so constructed that the crew can turn them on and off. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command.

(b) The pilot in command of an airplane that is not equipped as provided in paragraph (a) of this section shall ensure that the passengers are orally notified each time that it is necessary to fasten their safety belts and when smoking is prohibited.

§ 91.519 Passenger briefing.

(a) Before each takeoff the pilot in command of an airplane carrying passengers shall ensure that all passengers have been orally briefed on—

(1) Smoking;

(2) Use of safety belts;

(3) Location and means for opening the passenger entry door and emergency exits;

(4) Location of survival equipment;

(5) Ditching procedures and the use of flotation equipment required under § 91.509 for a flight over water; and

(6) The normal and emergency use of oxygen equipment installed on the airplane.

(b) The oral briefing required by paragraph (a) of this section shall be given by the pilot in command or a member of the crew, but need not be given when the pilot in command determines that the passengers are familiar with the contents of the briefing. It may be supplemented by printed cards for the use of each passenger containing—

(1) A diagram of, and methods of operating, the emergency exits; and

(2) Other instructions necessary for use of emergency equipment.

(c) Each card used under paragraph (b) must be carried in convenient locations on the airplane for the use of each passenger and must contain information that is pertinent only to the type and model airplane on which it is used.

§ 91.521 Shoulder harness.

(a) No person may operate a transport category airplane that was type certificated after January 1, 1958, unless it is equipped at each seat at a flight deck station with a combined safety belt and shoulder harness that meets the applicable requirements specified in § 25.785 of this chapter, except that—

(1) Shoulder harnesses and combined safety belt and shoulder harnesses that were approved and installed before March 8, 1980, may continue to be used; and

(2) Safety belt and shoulder harness restraint systems may be designed to the inertia load factors established under the certification basis of the airplane.

(b) No person may operate a transport category airplane unless it is equipped at each required flight attendant seat in the passenger compartment with a combined safety belt and shoulder harness that meets the applicable requirements specified in § 25.785 of this chapter, except that—

(1) Shoulder harnesses and combined safety belt and shoulder harnesses that were approved and installed before March 8, 1980, may continue to be used; and

(2) Safety belt and shoulder harness restraint systems may be designed to the inertia load factors established under the certification basis of the airplane.

§ 91.523 Carry-on baggage.

No pilot in command of an airplane having a seating capacity of more than 19 passengers may permit a passenger to stow baggage aboard that airplane except—

(a) In a suitable baggage or cargo storage compartment, or as provided in § 91.525; or

(b) Under a passenger seat in such a way that it will not slide forward under crash impacts severe enough to induce the ultimate inertia forces specified in § 25.561(b)(3) of this chapter, or the requirements of the regulations under which the airplane was type certificated. Restraining devices must also limit sideward motion of under-seat baggage and be designed to withstand crash impacts severe enough to induce sideward forces specified in § 25.561(b)(3) of this chapter.

§ 91.525 Carriage of cargo.

(a) No pilot in command may permit cargo to be carried in any airplane unless—

(1) It is carried in an approved cargo rack, bin, or compartment installed in the airplane;

(2) It is secured by means approved by the Administrator; or

(3) It is carried in accordance with each of the following:

(i) It is properly secured by a safety belt or other tiedown having enough strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions.

(ii) It is packaged or covered to avoid possible injury to passengers.

(iii) It does not impose any load on seats or on the floor structure that exceeds the load limitation for those components.

(iv) It is not located in a position that restricts the access to or use of any required emergency or regular exit, or the use of the aisle between the crew and the passenger compartment.

(v) It is not carried directly above seated passengers.

(b) When cargo is carried in cargo compartments that are designed to require the physical entry of a crewmember to extinguish any fire that may occur during flight, the cargo must be loaded so as to allow a crewmember to effectively reach all parts of the compartment with the contents of a hand fire extinguisher.

§ 91.527 Operating in icing conditions.

(a) No pilot may take off an airplane that has—

(1) Frost, snow, or ice adhering to any propeller, windshield, or powerplant installation or to an airspeed, altimeter,

rate of climb, or flight attitude instrument system;

(2) Snow or ice adhering to the wings or stabilizing or control surfaces; or

(3) Any frost adhering to the wings or stabilizing or control surfaces, unless that frost has been polished to make it smooth.

(b) Except for an airplane that has ice protection provisions that meet the requirements in section 34 of Special Federal Aviation Regulation No. 23, or those for transport category airplane type certification, no pilot may fly—

(1) Under IFR into known or forecast moderate icing conditions; or

(2) Under VFR into known light or moderate icing conditions unless the aircraft has functioning de-icing or anti-icing equipment protecting each propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb, or flight attitude instrument system.

(c) Except for an airplane that has ice protection provisions that meet the requirements in section 34 of Special Federal Aviation Regulation No. 23, or those for transport category airplane type certification, no pilot may fly an airplane into known or forecast severe icing conditions.

(d) If current weather reports and briefing information relied upon by the pilot in command indicate that the forecast icing conditions that would otherwise prohibit the flight will not be encountered during the flight because of changed weather conditions since the forecast, the restrictions in paragraphs (b) and (c) of this section based on forecast conditions do not apply.

§ 91.529 Flight engineer requirements.

(a) No person may operate the following airplanes without a flight crewmember holding a current flight engineer certificate:

(1) An airplane for which a type certificate was issued before January 2, 1964, having a maximum certificated takeoff weight of more than 80,000 pounds.

(2) An airplane type certificated after January 1, 1964, for which a flight engineer is required by the type certification requirements.

(b) No person may serve as a required flight engineer on an airplane unless, within the preceding 6 calendar months, that person has had at least 50 hours of flight time as a flight engineer on that type airplane or has been checked by the Administrator on that type airplane and is found to be familiar and competent with all essential current information and operating procedures.

§ 91.531 Second in command requirements.

(a) Except as provided in paragraph (b) of this section, no person may operate the following airplanes without a pilot who is designated as second in command of that airplane:

(1) A large airplane, except that a person may operate an airplane certificated under SFAR 41 without a pilot who is designated as second in command if that airplane is certificated for operation with one pilot.

(2) A turbojet-powered multiengine airplane for which two pilots are required under the type certification requirements for that airplane.

(3) A commuter category airplane, except that a person may operate a commuter category airplane notwithstanding paragraph (a)(1) of this section, that has a passenger seating configuration, excluding pilot seats, of nine or less without a pilot who is designated as second in command if that airplane is type certificated for operations with one pilot.

(b) The Administrator may issue a letter of authorization for the operation of an airplane without compliance with the requirements of paragraph (a) of this section if that airplane is designed for and type certificated with only one pilot station. The authorization contains any conditions that the Administrator finds necessary for safe operation.

(c) No person may designate a pilot to serve as second in command, nor may any pilot serve as second in command, of an airplane required under this section to have two pilots unless that pilot meets the qualifications for second in command prescribed in § 61.55 of this chapter.

§ 91.533 Flight attendant requirements.

(a) No person may operate an airplane unless at least the following number of flight attendants are on board the airplane:

(1) For airplanes having more than 19 but less than 51 passengers on board, one flight attendant.

(2) For airplanes having more than 50 but less than 101 passengers on board, two flight attendants.

(3) For airplanes having more than 100 passengers on board, two flight attendants plus one additional flight attendant for each unit (or part of a unit) of 50 passengers above 100.

(b) No person may serve as a flight attendant on an airplane when required by paragraph (a) of this section unless that person has demonstrated to the pilot in command familiarity with the necessary functions to be performed in an emergency or a situation requiring

emergency evacuation and is capable of using the emergency equipment installed on that airplane.

§§ 91.535-91.599. [Reserved].

Subpart G—Additional Equipment and Operating Requirements for Large and Transport Category Aircraft

§ 91.601 Applicability.

This subpart applies to operation of large and transport category U.S.-registered civil aircraft:

§ 91.603 Aural speed warning device.

No person may operate a transport category airplane in air commerce unless that airplane is equipped with an aural speed warning device that complies with § 25.1303(c)(1).

§ 91.605. Transport category civil airplane weight limitations.

(a) No person may take off any transport category airplane (other than a turbine-engine-powered airplane certified after September 30, 1958), unless—

(1) The takeoff weight does not exceed the authorized maximum takeoff weight for the elevation of the airport of takeoff;

(2) The elevation of the airport of takeoff is within the altitude range for which maximum takeoff weights have been determined;

(3) Normal consumption of fuel and oil in flight to the airport of intended landing will leave a weight on arrival not in excess of the authorized maximum landing weight for the elevation of that airport; and

(4) The elevations of the airport of intended landing and of all specified alternate airports are within the altitude range for which the maximum landing weights have been determined.

(b) No person may operate a turbine-engine-powered transport category airplane certified after September 30, 1958, contrary to the Airplane Flight Manual, or take off that airplane unless—

(1) The takeoff weight does not exceed the takeoff weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of takeoff;

(2) Normal consumption of fuel and oil in flight to the airport of intended landing and to the alternate airports will leave a weight on arrival not in excess of the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures expected at the time of landing;

(3) The takeoff weight does not exceed the weight shown in the Airplane Flight Manual to correspond with the minimum distances required for takeoff considering the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of takeoff; and

(4) Where the takeoff distance includes a clearway, the clearway distance is not greater than one-half of—

(i) The takeoff run, in the case of airplanes certificated after September 30, 1958, and before August 30, 1959; or

(ii) The runway length, in the case of airplanes certificated after August 29, 1959;

(c) No person may take off a turbine-engine-powered transport category airplane certificated after August 29, 1959, unless, in addition to the requirements of paragraph (b) of this section—

(1) The accelerate-stop distance is no greater than the length of the runway plus the length of the stopway (if present); and

(2) The takeoff distance is no greater than the length of the runway plus the length of the clearway (if present); and

(3) The takeoff run is no greater than the length of the runway.

§ 91.607 Emergency exits for airplanes carrying passengers for hire.

(a) Notwithstanding any other provision of this chapter, no person may operate a large airplane (type certificated under the Civil Air Regulations effective before April 9, 1957) in passenger-carrying operations for hire, with more than the number of occupants—

(1) Allowed under Civil Air Regulations § 4b.362 (a), (b), and (c) as in effect on December 20, 1951; or

(2) Approved under Special Civil Air Regulations SR-387, SR-389, SR-389A, or SR-389E, or under this section as in effect.

However, an airplane type listed in the following table may be operated with up to the listed number of occupants (including crewmembers) and the corresponding number of exits (including emergency exits and doors) approved for the emergency exit of passengers or with an occupant exit configuration approved under paragraph (b) or (c) of this section:

Airplane type	Maximum number of occupants, including air crewmembers	Corresponding number of exits authorized for passenger use
B-307	61	4
B-377	96	9
C-46	67	4
CV-240	53	6
CV-340 and CV-440	53	6
DC-3	35	4
DC-3 (Super)	39	5
DC-4	86	5
DC-6	87	7
DC-6B	112	11
L-18	17	3
L-049, L-649, L-749	67	7
L-1049 series	99	9
M-202	53	6
M-404	52	7
Viscount 700 series	53	7

(b) Occupants in addition to those authorized under paragraph (a) of this section may be carried as follows:

(1) For each additional floor-level exit at least 24 inches wide by 48 inches high, with an unobstructed 20-inch-wide access aisleway between the exit and the main passenger aisle, 12 additional occupants.

(2) For each additional window exit located over a wing that meets the requirements of the airworthiness standards under which the airplane was type certificated or that is large enough to inscribe an ellipse 16 $\frac{1}{2}$ x 20 inches, eight additional occupants.

(3) For each additional window exit that is not located over a wing but that otherwise complies with paragraph (b)(2) of this section, five additional occupants.

(4) For each airplane having a ratio (as computed from the table in paragraph (a) of this section) of maximum number of occupants to number of exits greater than 14:1, and for each airplane that does not have at least one full-size, door-type exit in the side of the fuselage in the rear part of the cabin, the first additional exit must be a floor-level exit that complies with paragraph (b)(1) of this section and must be located in the rear part of the cabin on the opposite side of the fuselage from the main entrance door. However, no person may operate an airplane under this section carrying more than 115 occupants unless there is such an exit on each side of the fuselage in the rear part of the cabin.

(c) No person may eliminate any approved exit except in accordance with the following:

(1) The previously authorized maximum number of occupants must be reduced by the same number of

additional occupants authorized for that exit under this section.

(2) Exits must be eliminated in accordance with the following priority schedule: First, non-over-wing window exits; second, over-wing window exits; third, floor-level exits located in the forward part of the cabin; and fourth, floor-level exits located in the rear of the cabin.

(3) At least one exit must be retained on each side of the fuselage regardless of the number of occupants.

(4) No person may remove any exit that would result in a ratio of maximum number of occupants to approved exits greater than 14:1.

(d) This section does not relieve any person operating under part 121 of this chapter from complying with § 121.291.

§ 91.609 Flight recorders and cockpit voice recorders.

(a) No holder of an air carrier operating certificate or an operating certificate may conduct any operation under this part with an aircraft listed in the holder's operations specifications or current list of aircraft used in air transportation unless that aircraft complies with any applicable flight recorder and cockpit voice recorder requirements of the part under which its certificate is issued except that the operator may—

(1) Ferry an aircraft with an inoperative flight recorder or cockpit voice recorder from a place where repair or replacement cannot be made to a place where they can be made;

(2) Continue a flight as originally planned, if the flight recorder or cockpit voice recorder becomes inoperative after the aircraft has taken off;

(3) Conduct an airworthiness flight test during which the flight recorder or cockpit voice recorder is turned off to test it or to test any communications or electrical equipment installed in the aircraft; or

(4) Ferry a newly acquired aircraft from the place where possession of it is taken to a place where the flight recorder or cockpit voice recorder is to be installed.

(b) No person may operate a U.S. civil registered, multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration, excluding any pilot seats of 10 or more that has been manufactured after October 11, 1991, unless it is equipped with one or more approved flight recorders that utilize a digital method of recording and storing data and a method of readily retrieving that data from the storage medium, that are capable of recording the data specified in appendix E to this part, for an airplane, or

appendix F to this part, for a rotorcraft, of this part within the range, accuracy, and recording interval specified, and that are capable of retaining no less than 8 hours of aircraft operation.

(c) Whenever a flight recorder, required by this section, is installed, it must be operated continuously from the instant the airplane begins the takeoff roll or the rotorcraft begins lift-off until the airplane has completed the landing roll or the rotorcraft has landed at its destination.

(d) Unless otherwise authorized by the Administrator, after October 11, 1991, no person may operate a U.S. civil registered multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration of six passengers or more and for which two pilots are required by type certification or operating rule unless it is equipped with an approved cockpit voice recorder that:

(1) Is installed in compliance with § 23.1457(a) (1) and (2), (b), (c), (d), (e), (f), and (g); § 25.1457(a) (1) and (2), (b), (c), (d), (e), (f), and (g); § 27.1457(a) (1) and (2), (b), (c), (d), (e), (f), and (g); or § 29.1457(a) (1) and (2), (b), (c), (d), (e), (f), and (g) of this chapter, as applicable; and

(2) Is operated continuously from the use of the checklist before the flight to completion of the final checklist at the end of the flight.

(e) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used, so that at any time during the operation of the recorder, information recorded more than 15 minutes earlier may be erased or otherwise obliterated.

(f) In the event of an accident or occurrence requiring immediate notification to the National Transportation Safety Board under part 830 of its regulations that results in the termination of the flight, any operator who has installed approved flight recorders and approved cockpit voice recorders shall keep the recorded information for at least 60 days or, if requested by the Administrator or the Board, for a longer period. Information obtained from the record is used to assist in determining the cause of accidents or occurrences in connection with the investigation under part 830. The Administrator does not use the cockpit voice recorder record in any civil penalty or certificate action.

§ 91.611 Authorization for ferry flight with one engine inoperative.

(a) *General.* The holder of an air carrier operating certificate or an operating certificate issued under Part 125 may conduct a ferry flight of a four-

engine airplane or a turbine-engine-powered airplane equipped with three engines, with one engine inoperative, to a base for the purpose of repairing that engine subject to the following:

(1) The airplane model has been test flown and found satisfactory for safe flight in accordance with paragraph (b) or (c) of this section, as appropriate. However, each operator who before November 19, 1966, has shown that a model of airplane with an engine inoperative is satisfactory for safe flight by a test flight conducted in accordance with performance data contained in the applicable Airplane Flight Manual under paragraph (a)(2) of this section need not repeat the test flight for that model.

(2) The approved Airplane Flight Manual contains the following performance data and the flight is conducted in accordance with that data:

- (i) Maximum weight.
- (ii) Center of gravity limits.
- (iii) Configuration of the inoperative propeller (if applicable).
- (iv) Runway length for takeoff (including temperature accountability).
- (v) Altitude range.
- (vi) Certificate limitations.
- (vii) Ranges of operational limits.
- (viii) Performance information.
- (ix) Operating procedures.

(3) The operator has FAA approved procedures for the safe operation of the airplane, including specific requirements for—

- (i) Limiting the operating weight on any ferry flight to the minimum necessary for the flight plus the necessary reserve fuel load;
- (ii) A limitation that takeoffs must be made from dry runways unless, based on a showing of actual operating takeoff techniques on wet runways with one engine inoperative, takeoffs with full controllability from wet runways have been approved for the specific model aircraft and included in the Airplane Flight Manual;
- (iii) Operations from airports where the runways may require a takeoff or approach over populated areas; and
- (iv) Inspection procedures for determining the operating condition of the operative engines.

(4) No person may take off an airplane under this section if—

- (i) The initial climb is over thickly populated areas; or
- (ii) Weather conditions at the takeoff or destination airport are less than those required for VFR flight.

(5) Persons other than required flight crewmembers shall not be carried during the flight.

(6) No person may use a flight crewmember for flight under this section

unless that crewmember is thoroughly familiar with the operating procedures for one-engine inoperative ferry flight contained in the certificate holder's manual and the limitations and performance information in the Airplane Flight Manual.

(b) *Flight tests: reciprocating-engine-powered airplanes.* The airplane performance of a reciprocating-engine-powered airplane with one engine inoperative must be determined by flight test as follows:

(1) A speed not less than $1.3 V_{SI}$ must be chosen at which the airplane may be controlled satisfactorily in a climb with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator and with all other engines operating at the maximum power determined in paragraph (b)(3) of this section.

(2) The distance required to accelerate to the speed listed in paragraph (b)(1) of this section and to climb to 50 feet must be determined with—

(i) The landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator; and

(iii) The other engines operating at not more than maximum power established under paragraph (b)(3) of this section.

(3) The takeoff, flight and landing procedures, such as the approximate trim settings, method of power application, maximum power, and speed must be established.

(4) The performance must be determined at a maximum weight not greater than the weight that allows a rate of climb of at least 400 feet per minute in the en route configuration set forth in § 25.67(d) of this chapter in effect on January 31, 1977, at an altitude of 5,000 feet.

(5) The performance must be determined using temperature accountability for the takeoff field length, computed in accordance with § 25.61 of this chapter in effect on January 31, 1977.

(c) *Flight tests: Turbine-engine-powered airplanes.* The airplane performance of a turbine-engine-powered airplane with one engine inoperative must be determined by flight tests, including at least three takeoff tests, in accordance with the following:

(1) Takeoff speeds V_R and V_2 , not less than the corresponding speeds under which the airplane was type certificated under § 25.107 of this chapter, must be chosen at which the airplane may be controlled satisfactorily with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator, if applicable) and with all

other engines operating at not more than the power selected for type certification as set forth in § 25.101 of this chapter.

(2) The minimum takeoff field length must be the horizontal distance required to accelerate and climb to the 35-foot height at V_2 speed (including any additional speed increment obtained in the tests) multiplied by 115 percent and determined with—

(i) The landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator (if applicable); and

(iii) The other engine operating at not more than the power selected for type certification as set forth in § 25.101 of this chapter.

(3) The takeoff, flight, and landing procedures such as the approximate trim setting, method of power application, maximum power, and speed must be established. The airplane must be satisfactorily controllable during the entire takeoff run when operated according to these procedures.

(4) The performance must be determined at a maximum weight not greater than the weight determined under § 25.121(c) of this chapter but with—

(i) The actual steady gradient of the final takeoff climb requirement not less than 1.2 percent at the end of the takeoff path with two critical engines inoperative; and

(ii) The climb speed not less than the two-engine inoperative trim speed for the actual steady gradient of the final takeoff climb prescribed by paragraph (c)(4)(i) of this section.

(5) The airplane must be satisfactorily controllable in a climb with two critical engines inoperative. Climb performance may be shown by calculations based on, and equal in accuracy to, the results of testing.

(6) The performance must be determined using temperature accountability for takeoff distance and final takeoff climb computed in accordance with § 25.101 of this chapter. For the purpose of paragraphs (c)(4) and (5) of this section, "two critical engines" means two adjacent engines on one side of an airplane with four engines, and the center engine and one outboard engine on an airplane with three engines.

§ 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

§ 91.701 Applicability.

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.

§ 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), 91.130, 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 over the North Atlantic within airspace designated as Minimum Navigation Performance Specifications airspace, comply with § 91.705.

(b) Annex 2 to the Convention on International Civil Aviation, Eighth Edition—July 1986, with amendments through Amendment 28 effective November 1987, 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-10, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. 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 Sherbrooke Street West, Montreal, Quebec, Canada H3A 2R2.

§ 91.705 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace.

No person may operate a civil aircraft of U.S. registry in North Atlantic (NAT) airspace designated as Minimum Navigation Performance Specifications (MNPS) airspace unless—

- (a) The aircraft has approved navigation performance capability which complies with the requirements of Appendix C of this part; and
- (b) The operator is authorized by the Administrator to perform such operations.
- (c) The Administrator authorizes deviations from the requirements of this section in accordance with section 3 of appendix C 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. This section does not apply to the operation of aircraft by a scheduled air carrier over routes authorized in operations specifications issued by the Administrator.

(Approved by the Office of Management and Budget under OMB 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 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 communications with ATC when it is operated in control zone or control area; and
 - (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.

§ 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 Regional Director 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 Regional Director 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 OMB control number 2120-0005)

§§ 91.717-91.799 [Reserved]

Subpart I—Operating Noise Limits

§ 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 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 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.

§ 91.803 Part 125 operators: Designation of applicable regulations.

For airplanes covered by this subpart and operated under part 125 of this chapter, the following regulations apply as specified:

(a) For each airplane operation to which requirements prescribed under this subpart applied before November

29, 1980, those requirements of this subpart continue to apply.

(b) For each subsonic airplane operation to which requirements prescribed under this subpart did not apply before November 29, 1980, because the airplane was not operated in the United States under this part or part 121, 129, or 135 of this chapter, the requirements prescribed under §§ 91.805, 91.809, 91.811, and 91.813 of this subpart apply.

(c) For each supersonic airplane operation to which requirements prescribed under this subpart did not apply before November 29, 1980, because the airplane was not operated in the United States under this part or part 121, 129, or 135 of this chapter, the requirements of §§ 91.819 and 91.821 of this subpart apply.

(d) For each airplane required to operate under part 125 for which a deviation under that part is approved to operate, in whole or in part, under this part or part 121, 129, or 135 of this chapter, notwithstanding the approval, the requirements prescribed under paragraphs (a), (b), and (c) of this section continue to apply.

§ 91.805 Final compliance: Subsonic airplanes.

Except as provided in §§ 91.809 and 91.811, on and after January 1, 1985, no person may operate to or from an airport in the United States any subsonic airplane covered by this subpart unless that airplane has been shown to comply with Stage 2 or Stage 3 noise levels under part 36 of this chapter.

§ 91.807 Phased compliance under Parts 121, 125, and 135: Subsonic airplanes.

(a) *General.* Each person operating airplanes under part 121, 125, or 135 of this chapter, as prescribed under § 91.803 of this subpart, regardless of the state of registry of the airplane, shall comply with this section with respect to subsonic airplanes covered by this subpart.

(b) *Compliance schedules.* Except for airplanes shown to be operated in foreign air commerce under paragraph (c) of this section or covered by an exemption (including those issued under § 91.811), airplanes operated by U.S. operators in air commerce in the United States must be shown to comply with Stage 2 or Stage 3 noise levels under part 36 of this chapter, in accordance with the following schedule, or they may not be operated to or from airports in the United States:

(1) By January 1, 1981—

(i) At least one quarter of the airplanes that have four engines with no

bypass ratio or with a bypass ratio less than two; and

(ii) At least half of the airplanes powered by engines with any other bypass ratio or by another number of engines.

(2) By January 1, 1983—

(i) At least one-half of the airplanes that have four engines with no bypass ratio or with a bypass ratio less than two; and

(ii) All airplanes powered by engines with any other bypass ratio or by another number of engines.

(c) *Apportionment of airplanes.* For purposes of paragraph (b) of this section, a person operating airplanes engaged in domestic and foreign air commerce in the United States may elect not to comply with the phased schedule with respect to that portion of the airplanes operated by that person shown, under an approved method of apportionment, to be engaged in foreign air commerce in the United States.

§ 91.809 Replacement airplanes.

A Stage 1 airplane may be operated after the otherwise applicable compliance dates prescribed under §§ 91.805 and 91.807 if, under an approved plan, a replacement airplane has been ordered by the operator under a binding contract as follows:

(a) For replacement of an airplane powered by two engines, until January 1, 1986, but not after the date specified in the plan, if the contract is entered into by January 1, 1983, and specifies delivery before January 1, 1986, of a replacement airplane which has been shown to comply with Stage 3 noise levels under part 36 of this chapter.

(b) For replacement of an airplane powered by three engines, until January 1, 1985, but not after the date specified in the plan, if the contract is entered into by January 1, 1983, and specifies delivery before January 1, 1985, of a replacement airplane which has been shown to comply with Stage 3 noise levels under part 36 of this chapter.

(c) For replacement of any other airplane, until January 1, 1985, but not after the date specified in the plan, if the contract specifies delivery before January 1, 1985, of a replacement airplane which—

(1) Has been shown to comply with Stage 2 or Stage 3 noise levels under part 36 of this chapter prior to issuance of an original standard airworthiness certificate; or

(2) Has been shown to comply with Stage 3 noise levels under part 36 of this chapter prior to issuance of a standard airworthiness certificate other than original issue.

(d) Each operator of a Stage 1 airplane for which approval of a replacement plan is requested under this section shall submit to the Director, Office of Environment and Energy, an application constituting the proposed replacement plan (or revised plan) that contains the information specified under this paragraph and which is certified (under penalty of 18 U.S.C. 1001) as true and correct. Each application for approval must provide information corresponding to that specified in the contract, upon which the FAA may rely in considering its approval, as follows:

- (1) Name and address of the applicant.
- (2) Aircraft type and model and registration number for each airplane to be replaced under the plan.
- (3) Aircraft type and model of each replacement airplane.
- (4) Scheduled dates of delivery and introduction into service of each replacement airplane.
- (5) Names and addresses of the parties to the contract and any other persons who may effectively cancel the contract or otherwise control the performance of any party.
- (6) Information specifying the anticipated disposition of the airplanes to be replaced.
- (7) A statement that the contract represents a legally enforceable, mutual agreement for delivery of an eligible replacement airplane.
- (8) Any other information or documentation requested by the Director, Office of Environment and Energy, reasonably necessary to determine whether the plan should be approved.

§ 91.811 Service to small communities exemption: Two-engine, subsonic airplanes.

(a) A Stage 1 airplane powered by two engines may be operated after the compliance dates prescribed under §§ 91.805, 91.807, and 91.809 when, with respect to that airplane, the Administrator issues an exemption to the operator from the noise level requirements under this subpart. Each exemption issued under this section terminates on the earliest of the following dates:

- (1) For an exempted airplane sold, or otherwise disposed of, to another person on or after January 1, 1983, on the date of delivery to that person.
- (2) For an exempted airplane with a seating configuration of 100 passenger seats or less, on January 1, 1988.
- (3) For an exempted airplane with a seating configuration of more than 100 passenger seats, on January 1, 1985.

(b) For the purpose of this section, the seating configuration of an airplane is

governed by that shown to exist on December 1, 1979, or an earlier date established for that airplane by the Administrator.

§ 91.813 Compliance plans and status: U.S. operations of subsonic airplanes.

(a) Each U.S. operator of a civil subsonic airplane covered by this subpart (regardless of the state of registry) shall submit to the Director, Office of Environment and Energy, in accordance with this section, the operator's current compliance status and plan for achieving and maintaining compliance with the applicable noise level requirements of this subpart. If appropriate, an operator may substitute for the required plan a notice, certified as true (under penalty of 18 U.S.C. 1001) by that operator, that no change in the plan or status of any airplane affected by the plan has occurred since the date of the plan most recently submitted under this section.

(b) Each compliance plan, including each revised plan, must contain the information specified under paragraph (c) of this section for each airplane covered by this section that is operated by the operator. Unless otherwise approved by the Administrator, compliance plans must provide the required plan and status information as it exists on the date 30 days before the date specified for submission of the plan. Plans must be certified by the operator as true and complete (under penalty of 18 U.S.C. 1001) and be submitted for each airplane covered by this section on or before 90 days after initially commencing operation of airplanes covered by this section, whichever is later, and thereafter—

(1) Thirty days after any change in the operator's fleet or compliance planning decisions that has a separate or cumulative effect on 10 percent or more of the airplanes in either class of airplanes covered by § 91.807(b); and

(2) Thirty days after each compliance date applicable to that airplane under this subpart, and annually thereafter through 1985, or until any later date for that airplane prescribed under this subpart, on the anniversary of that submission date, to show continuous compliance with this subpart.

(c) Each compliance plan submitted under this section must identify the operator and include information regarding the compliance plan and status for each airplane covered by the plan as follows:

- (1) Name and address of the airplane operator.
- (2) Name and telephone number of the person designated by the operator to be

responsible for the preparation of the compliance plan and its submission.

(3) The total number of airplanes covered by this section and in each of the following classes and subclasses:

(i) For airplanes engaged in domestic air commerce—

(A) Airplanes powered by four turbojet engines with no bypass ratio or with a bypass ratio less than two;

(B) Airplanes powered by engines with any other bypass ratio or by another number of engines; and

(C) Airplanes covered by an exemption issued under § 91.811 of this subpart.

(ii) For airplanes engaged in foreign air commerce under an approved apportionment plan—

(A) Airplanes powered by four turbojet engines with no bypass ratio or with a bypass ratio less than two;

(B) Airplanes powered by engines with any other bypass ratio or by another number of engines; and

(C) Airplanes covered by an exemption issued under § 91.811 of this subpart.

(4) For each airplane covered by this section—

(i) Aircraft type and model;

(ii) Aircraft registration number;

(iii) Aircraft manufacturer serial number;

(iv) Aircraft powerplant make and model;

(v) Aircraft year of manufacture;

(vi) Whether part 36 noise level compliance has been shown, "Yes/No";

(vii) The appropriate code prescribed under paragraph (c)(5) of this section which indicates the acoustical technology installed, or to be installed, on the airplane;

(viii) For airplanes on which acoustical technology has been or will be applied, following the appropriate code entry, the actual or scheduled month and year of installation on the airplane;

(ix) For DC-8 and B-707 airplanes operated in domestic U.S. air commerce which have been or will be retired from service in the United States without replacement between January 24, 1977, and January 1, 1985, the appropriate code prescribed under paragraph (c)(5) of this section followed by the actual or scheduled month and year of retirement of the airplane from service;

(x) For DC-8 and B-707 airplanes operated in foreign air commerce in the United States which have been or will be retired from service in the United States without replacement between April 14, 1980, and January 1, 1985, the appropriate code prescribed under paragraph (c)(5) of this section followed

by the actual or scheduled month and year of retirement of the airplane from service;

(xi) For airplanes covered by an approved replacement plan under § 91.807(c) of this subpart, the appropriate code prescribed under paragraph (c)(5) of this section followed by the scheduled month and year for replacement of the airplane;

(xii) For airplanes designated as "engaged in foreign commerce" in accordance with an approved method of apportionment under § 91.807(c) of this subpart, the appropriate code prescribed under paragraph (c)(5) of this section;

(xiii) For airplanes covered by an exemption issued to the operator granting relief from noise level requirements of this subpart, the appropriate code prescribed under paragraph (c)(5) of this section followed by the actual or scheduled month and year of expiration of the exemption and the appropriate code and applicable dates which indicate the compliance strategy planned or implemented for the airplane;

(xiv) For all airplanes covered by this section, the number of spare shipsets of acoustical components needed for continuous compliance and the number available on demand to the operator in support of those airplanes; and

(xv) For airplanes for which none of the other codes prescribed under paragraph (c)(5) of this section describes either the technology applied or to be applied to the airplane in accordance with the certification requirements under Parts 21 and 36 of this chapter, or the compliance strategy or methodology following the code "OTH," enter the date of any certificate action and attach an addendum to the plan explaining the nature and the extent of the certificated technology, strategy, or methodology employed, with reference to the type certificate documentation.

(5) TABLE OF ACOUSTICAL TECHNOLOGY/ STRATEGY CODES

Code	Airplane type/ model	Certificate technology
A	B-707-120B; B-707-320B/C; B-720B.	Quiet nacelles + 1-ring.
B	B-727-100.....	Double wall fan duct treatment.
C	B-727-200.....	Double wall fan duct treatment (pre-January 1977 installations and amended type certificate).
D	B-727-200; B-737-100; B-737-200.	Quiet nacelles + double wall fan duct treatment.

(5) TABLE OF ACOUSTICAL TECHNOLOGY/ STRATEGY CODES—Continued

Code	Airplane type/ model	Certificate technology
E	B-747-100 (pre-December 1971); B-747-200 (pre-December 1971).....	Fixed lip inlets + sound absorbing material treatment.
F	DC-8.....	New extended inlet and buffet with treatment + fan duct treatment areas.
G	DC-9.....	P-36 sound absorbing material treatment kit.
H	BAC-111-200.....	Silencer kit (BAC Acoustic Report 522).
I	BAC-111-400.....	Silencer kit (BAC Acoustic Report 508).
J	B-707; DC-8.....	Reengineered with high bypass ratio turbojet engines + quiet nacelles (# certificated under stage 3 noise level requirements).

REP—For airplanes covered by an approved replacement plan under § 91.807(c) of this subpart.

EFC—For airplanes designated as "engaged in foreign commerce" in accordance with an approved method of apportionment under § 91.811 of this subpart.

RET—For DC-8 and B-707 airplanes operated in domestic U.S. air commerce and retired from service in the United States without replacement between January 24, 1977, and January 1, 1985. RFC—For DC-8 and B-707 airplanes operated by U.S. operators in foreign air commerce in the United States and retired from service in the United States without replacement between April 14, 1980, and January 1, 1985.

EXD—For airplanes exempted from showing compliance with the noise level requirements of this subpart.

OTH—For airplanes for which no other prescribed code describes either the certificated technology applied or to be applied to the airplane, or the compliance strategy or methodology. (An addendum must explain the nature and extent of technology, strategy, or methodology and reference the type certificate documentation.)

§ 91.815 Agricultural and fire fighting airplanes: Noise operating limitations.

(a) This section applies to propeller-driven, small airplanes having standard airworthiness certificates that are designed for "agricultural aircraft operations" (as defined in § 137.3 of this chapter, as effective on January 1, 1989) or for dispensing fire fighting materials.

(b) If the Airplane Flight Manual, or other approved manual material information, markings, or placards for the airplane indicate that the airplane

has not been shown to comply with the noise limits under part 36 of this chapter, no person may operate that airplane, except—

(1) To the extent necessary to accomplish the work activity directly associated with the purpose for which it is designed;

(2) To provide flight crewmember training in the special purpose operation for which the airplane is designed; and

(3) To conduct "nondispensing aerial work operations" in accordance with the requirements under § 137.29(c) of this chapter.

§ 91.817 Civil aircraft sonic boom.

(a) No person may operate a civil aircraft in the United States at a true flight Mach number greater than 1 except in compliance with conditions and limitations in an authorization to exceed Mach 1 issued to the operator under appendix B of this part.

(b) In addition, no person may operate a civil aircraft for which the maximum operating limit speed M_{MO} exceeds a Mach number of 1, to or from an airport in the United States, unless—

(1) Information available to the flight crew includes flight limitations that ensure that flights entering or leaving the United States will not cause a sonic boom to reach the surface within the United States; and

(2) The operator complies with the flight limitations prescribed in paragraph (b)(1) of this section or complies with conditions and limitations in an authorization to exceed Mach 1 issued under appendix B of this part.

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

§ 91.819 Civil supersonic airplanes that do not comply with Part 36.

(a) *Applicability.* This section applies to civil supersonic airplanes that have not been shown to comply with the Stage 2 noise limits of Part 36 in effect on October 13, 1977, using applicable trade-off provisions, and that are operated in the United States, after July 31, 1978.

(b) *Airport use.* Except in an emergency, the following apply to each person who operates a civil supersonic airplane to or from an airport in the United States:

(1) Regardless of whether a type design change approval is applied for under part 21 of this chapter, no person may land or take off an airplane covered by this section for which the type design is changed, after July 31, 1978, in a manner constituting an "acoustical change" under § 21.93 unless the

acoustical change requirements of part 36 are complied with.

(2) No flight may be scheduled, or otherwise planned, for takeoff or landing after 10 p.m. and before 7 a.m. local time.

§ 91.821 Civil supersonic airplanes: Noise limits.

Except for Concorde airplanes having flight time before January 1, 1980, no person may operate in the United States, a civil supersonic airplane that does not comply with Stage 2 noise limits of part 36 in effect on October 13, 1977, using applicable trade-off provisions.

§§ 91.823-91.899 [Reserved]

Subpart J—Waivers

§ 91.901 [Reserved]

§ 91.903 Policy and procedures.

(a) The Administrator may issue a certificate of waiver authorizing the operation of aircraft in deviation from any rule listed in this subpart if the Administrator finds that the proposed operation can be safely conducted under the terms of that certificate of waiver.

(b) An application for a certificate of waiver under this part is made on a form and in a manner prescribed by the Administrator and may be submitted to any FAA office.

(c) A certificate of waiver is effective as specified in that certificate of waiver.

§ 91.905 List of rules subject to waivers.

- Sec.
- 91.107 Use of safety belts.
 - 91.111 Operating near other aircraft.
 - 91.113 Right-of-way rules: Except water operations.
 - 91.115 Right-of-way rules: Water operations.
 - 91.117 Aircraft speed.
 - 91.119 Minimum safe altitudes: General.
 - 91.121 Altimeter settings.
 - 91.123 Compliance with ATC clearances and instructions.
 - 91.125 ATC light signals.
 - 91.127 Operating on or in the vicinity of an airport: General rules.
 - 91.129 Operating at airports with operating control towers.
 - 91.131 Terminal control areas.
 - 91.133 Restricted and prohibited areas.
 - 91.135 Positive control areas and route segments.
 - 91.137 Temporary flight restrictions.
 - 91.141 Flight restrictions in the proximity of the Presidential and other parties.
 - 91.143 Flight limitation in the proximity of space flight operations.
 - 91.153 VFR flight plan: Information required.
 - 91.155 Basic VFR weather minimums.
 - 91.157 Special VFR weather minimums.
 - 91.159 VFR cruising altitude or flight level.
 - 91.169 IFR flight plan: Information required.
 - 91.173 ATC clearance and flight plan required.

- Sec.
- 91.175 Takeoff and landing under IFR.
 - 91.177 Minimum altitudes for IFR operations.
 - 91.179 IFR cruising altitude or flight level.
 - 91.181 Course to be flown.
 - 91.183 IFR radio communications.
 - 91.185 IFR operations: Two-way radio communications failure.
 - 91.187 Operation under IFR in controlled airspace: Malfunction reports.
 - 91.209 Aircraft lights.
 - 91.303 Aerobatic flights.
 - 91.305 Flight test areas.
 - 91.311 Towing: Other than under § 91.309.
 - 91.313(e) Restricted category civil aircraft: Operating limitations.
 - 91.515 Flight altitude rules.
 - 91.705 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace.
 - 91.707 Flights between Mexico or Canada and the United States.
 - 91.713 Operation of civil aircraft of Cuban registry.

§§ 91.907-91.999 [Reserved]

Appendix A—Category II Operations: Manual, Instruments, Equipment, and Maintenance

1. Category II Manual

(a) *Application for approval.* An applicant for approval of a Category II manual or an amendment to an approved Category II manual must submit the proposed manual or amendment to the Flight Standards District Office having jurisdiction of the area in which the applicant is located. If the application requests an evaluation program, it must include the following:

- (1) The location of the aircraft and the place where the demonstrations are to be conducted; and
- (2) The date the demonstrations are to commence (at least 10 days after filing the application).

(b) *Contents.* Each Category II manual must contain:

- (1) The registration number, make, and model of the aircraft to which it applies;
- (2) A maintenance program as specified in section 4 of this appendix; and
- (3) The procedures and instructions related to recognition of decision height, use of runway visual range information, approach monitoring, the decision region (the region between the middle marker and the decision height), the maximum permissible deviations of the basic ILS indicator within the decision region, a missed approach, use of airborne low approach equipment, minimum altitude for the use of the autopilot, instrument and equipment failure warning systems, instrument failure, and other procedures, instructions, and limitations that may be found necessary by the Administrator.

2. Required Instruments and Equipment

The instruments and equipment listed in this section must be installed in each aircraft operated in a Category II operation. This section does not require duplication of instruments and equipment required by § 91.205 or any other provisions of this chapter.

(a) *Group I.* (1) Two localizer and glide slope receiving systems. Each system must provide a basic ILS display and each side of the instrument panel must have a basic ILS display. However, a single localizer antenna and a single glide slope antenna may be used.

(2) A communications system that does not affect the operation of at least one of the ILS systems.

(3) A marker beacon receiver that provides distinctive aural and visual indications of the outer and the middle markers.

(4) Two gyroscopic pitch and bank indicating systems.

(5) Two gyroscopic direction indicating systems.

(6) Two airspeed indicators.

(7) Two sensitive altimeters adjustable for barometric pressure, each having a placarded correction for altimeter scale error and for the wheel height of the aircraft. After June 26, 1979, two sensitive altimeters adjustable for barometric pressure, having markings at 20-foot intervals and each having a placarded correction for altimeter scale error and for the wheel height of the aircraft.

(8) Two vertical speed indicators.

(9) A flight control guidance system that consists of either an automatic approach coupler or a flight director system. A flight director system must display computed information as steering command in relation to an ILS localizer and, on the same instrument, either computed information as pitch command in relation to an ILS glide slope or basic ILS glide slope information. An automatic approach coupler must provide at least automatic steering in relation to an ILS localizer. The flight control guidance system may be operated from one of the receiving systems required by subparagraph (1) of this paragraph.

(10) For Category II operations with decision heights below 150 feet either a marker beacon receiver providing aural and visual indications of the inner marker or a radio altimeter.

(b) *Group II.* (1) Warning systems for immediate detection by the pilot of system faults in items (1), (4), (5), and (9) of Group I and, if installed for use in Category III operations, the radio altimeter and autothrottle system.

(2) Dual controls.

(3) An externally vented static pressure system with an alternate static pressure source.

(4) A windshield wiper or equivalent means of providing adequate cockpit visibility for a safe visual transition by either pilot to touchdown and rollout.

(5) A heat source for each airspeed system pitot tube installed or an equivalent means of preventing malfunctioning due to icing of the pitot system.

3. Instruments and Equipment Approval

(a) *General.* The instruments and equipment required by section 2 of this appendix must be approved as provided in this section before being used in Category II operations. Before presenting an aircraft for approval of the instruments and equipment, it must be shown that since the beginning of the

12th calendar month before the date of submission—

(1) The ILS localizer and glide slope equipment were bench checked according to the manufacturer's instructions and found to meet those standards specified in RTCA Paper 23-83/DO-117 dated March 14, 1963, "Standard Adjustment Criteria for Airborne Localizer and Glide Slope Receivers," which may be obtained from the RTCA Secretariat, 1425 K St., NW., Washington, DC 20005.

(2) The altimeters and the static pressure systems were tested and inspected in accordance with Appendix E to Part 43 of this chapter; and

(3) All other instruments and items of equipment specified in section 2(a) of this appendix that are listed in the proposed maintenance program were bench checked and found to meet the manufacturer's specifications.

(b) *Flight control guidance system.* All components of the flight control guidance system must be approved as installed by the evaluation program specified in paragraph (e) of this section if they have not been approved for Category III operations under applicable type or supplemental type certification procedures. In addition, subsequent changes to make, model, or design of the components must be approved under this paragraph. Related systems or devices, such as the autothrottle and computed missed approach guidance system, must be approved in the same manner if they are to be used for Category II operations.

(c) *Radio altimeter.* A radio altimeter must meet the performance criteria of this paragraph for original approval and after each subsequent alteration.

(1) It must display to the flight crew clearly and positively the wheel height of the main landing gear above the terrain.

(2) It must display wheel height above the terrain to an accuracy of plus or minus 5 feet or 5 percent, whichever is greater, under the following conditions:

(i) Pitch angles of zero to plus or minus 5 degrees about the mean approach attitude.

(ii) Roll angles of zero to 20 degrees in either direction.

(iii) Forward velocities from minimum approach speed up to 200 knots.

(iv) Sink rates from zero to 15 feet per second at altitudes from 100 to 200 feet.

(3) Over level ground, it must track the actual altitude of the aircraft without significant lag or oscillation.

(4) With the aircraft at an altitude of 200 feet or less, any abrupt change in terrain representing no more than 10 percent of the aircraft's altitude must not cause the altimeter to unlock, and indicator response to such changes must not exceed 0.1 seconds and, in addition, if the system unlocks for greater changes, it must reacquire the signal in less than 1 second.

(5) Systems that contain a push-to-test feature must test the entire system (with or without an antenna) at a simulated altitude of less than 500 feet.

(6) The system must provide to the flight crew a positive failure warning display any time there is a loss of power or an absence of ground return signals within the designed range of operating altitudes.

(d) *Other instruments and equipment.* All other instruments and items of equipment required by § 2 of this appendix must be capable of performing as necessary for Category II operations. Approval is also required after each subsequent alteration to these instruments and items of equipment.

(e) *Evaluation program—(1) Application.* Approval by evaluation is requested as a part of the application for approval of the Category II manual.

(2) *Demonstrations.* Unless otherwise authorized by the Administrator, the evaluation program for each aircraft requires the demonstrations specified in this paragraph. At least 50 ILS approaches must be flown with at least five approaches on each of three different ILS facilities and no more than one half of the total approaches on any one ILS facility. All approaches shall be flown under simulated instrument conditions to a 100-foot decision height and 99 percent of the total approaches made must be successful. A successful approach is one in which—

(i) At the 100-foot decision height, the indicated airspeed and heading are satisfactory for a normal flare and landing (speed must be plus or minus 5 knots of programmed airspeed, but may not be less than computed threshold speed if autothrottles are used);

(ii) The aircraft at the 100-foot decision height, is positioned so that the cockpit is within, and tracking so as to remain within, the lateral confines of the runway extended;

(iii) Deviation from glide slope after leaving the outer marker does not exceed 50 percent of full-scale deflection as displayed on the ILS indicator;

(iv) No unusual roughness or excessive attitude changes occur after leaving the middle marker; and

(v) In the case of an aircraft equipped with an approach coupler, the aircraft is sufficiently in trim when the approach coupler is disconnected at the decision height to allow for the continuation of a normal approach and landing.

(3) *Records.* During the evaluation program the following information must be maintained by the applicant for the aircraft with respect to each approach and made available to the Administrator upon request:

(i) Each deficiency in airborne instruments and equipment that prevented the initiation of an approach.

(ii) The reasons for discontinuing an approach, including the altitude above the runway at which it was discontinued.

(iii) Speed control at the 100-foot decision height if auto throttles are used.

(iv) Trim condition of the aircraft upon disconnecting the auto coupler with respect to continuation to flare and landing.

(v) Position of the aircraft at the middle marker and at the decision height indicated both on a diagram of the basic ILS display and a diagram of the runway extended to the middle marker. Estimated touchdown point must be indicated on the runway diagram.

(vi) Compatibility of flight director with the auto coupler, if applicable.

(vii) Quality of overall system performance.

(4) *Evaluation.* A final evaluation of the flight control guidance system is made upon

successful completion of the demonstrations. If no hazardous tendencies have been displayed or are otherwise known to exist, the system is approved as installed.

4. Maintenance program

(a) Each maintenance program must contain the following:

(1) A list of each instrument and item of equipment specified in § 2 of this appendix that is installed in the aircraft and approved for Category II operations, including the make and model of those specified in § 2(a).

(2) A schedule that provides for the performance of inspections under subparagraph (5) of this paragraph within 3 calendar months after the date of the previous inspection. The inspection must be performed by a person authorized by part 43 of this chapter, except that each alternate inspection may be replaced by a functional flight check. This functional flight check must be performed by a pilot holding a Category II pilot authorization for the type aircraft checked.

(3) A schedule that provides for the performance of bench checks for each listed instrument and item of equipment that is specified in section 2(a) within 12 calendar months after the date of the previous bench check.

(4) A schedule that provides for the performance of a test and inspection of each static pressure system in accordance with appendix E to part 43 of this chapter within 12 calendar months after the date of the previous test and inspection.

(5) The procedures for the performance of the periodic inspections and functional flight checks to determine the ability of each listed instrument and item of equipment specified in section 2(a) of this appendix to perform as approved for Category II operations including a procedure for recording functional flight checks.

(6) A procedure for assuring that the pilot is informed of all defects in listed instruments and items of equipment.

(7) A procedure for assuring that the condition of each listed instrument and item of equipment upon which maintenance is performed is at least equal to its Category II approval condition before it is returned to service for Category II operations.

(8) A procedure for an entry in the maintenance records required by § 43.9 of this chapter that shows the date, airport, and reasons for each discontinued Category II operation because of a malfunction of a listed instrument or item of equipment.

(b) *Bench check.* A bench check required by this section must comply with this paragraph.

(1) It must be performed by a certificated repair station holding one of the following ratings as appropriate to the equipment checked:

(i) An instrument rating.

(ii) A radio rating.

(iii) A rating issued under subpart D of part 145 of this chapter.

(2) It must consist of removal of an instrument or item of equipment and performance of the following:

- (i) A visual inspection for cleanliness, impending failure, and the need for lubrication, repair, or replacement of parts;
 - (ii) Correction of items found by that visual inspection; and
 - (iii) Calibration to at least the manufacturer's specifications unless otherwise specified in the approved Category II manual for the aircraft in which the instrument or item of equipment is installed.
- (c) *Extensions.* After the completion of one maintenance cycle of 12 calendar months, a request to extend the period for checks, tests, and inspections is approved if it is shown that the performance of particular equipment justifies the requested extension.

Appendix B—Authorizations to Exceed Mach 1 (section 91.817)

Section 1. Application

- (a) An applicant for an authorization to exceed Mach 1 must apply in a form and manner prescribed by the Administrator and must comply with this appendix.
- (b) In addition, each application for an authorization to exceed Mach 1 covered by section 2(a) of this appendix must contain all information requested by the Administrator necessary to assist him in determining whether the designation of a particular test area or issuance of a particular authorization is a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and to assist him in complying with that act and with related Executive Orders, guidelines, and orders prior to such action.
- (c) In addition, each application for an authorization to exceed Mach 1 covered by section 2(a) of this appendix must contain—
 - (1) Information showing that operation at a speed greater than Mach 1 is necessary to accomplish one or more of the purposes specified in section 2(a) of this appendix, including a showing that the purpose of the test cannot be safely or properly accomplished by overocean testing;
 - (2) A description of the test area proposed by the applicant, including an environmental analysis of that area meeting the requirements of paragraph (b) of this section; and
 - (3) Conditions and limitations that will ensure that no measurable sonic boom overpressure will reach the surface outside of the designated test area.
- (d) An application is denied if the Administrator finds that such action is necessary to protect or enhance the environment.

Section 2. Issuance

- (a) For a flight in a designated test area, an authorization to exceed Mach 1 may be

- issued when the Administrator has taken the environmental protective actions specified in section 1(b) of this appendix and the applicant shows one or more of the following:
- (1) The flight is necessary to show compliance with airworthiness requirements.
 - (2) The flight is necessary to determine the sonic boom characteristics of the airplane or to establish means of reducing or eliminating the effects of sonic boom.
 - (3) The flight is necessary to demonstrate the conditions and limitations under which speeds greater than a true flight Mach number of 1 will not cause a measurable sonic boom overpressure to reach the surface.
- (b) For a flight outside of a designated test area, an authorization to exceed Mach 1 may be issued if the applicant shows conservatively under paragraph (a)(3) of this section that—

- (1) The flight will not cause a measurable sonic boom overpressure to reach the surface when the aircraft is operated under conditions and limitations demonstrated under paragraph (a)(3) of this section; and
- (2) Those conditions and limitations represent all foreseeable operating conditions.

Section 3. Duration

- (a) An authorization to exceed Mach 1 is effective until it expires or is surrendered, or until it is suspended or terminated by the Administrator. Such an authorization may be amended or suspended by the Administrator at any time if the Administrator finds that such action is necessary to protect the environment. Within 30 days of notification of amendment, the holder of the authorization must request reconsideration or the amendment becomes final. Within 30 days of notification of suspension, the holder of the authorization must request reconsideration or the authorization is automatically terminated. If reconsideration is requested within the 30-day period, the amendment or suspension continues until the holder shows why the authorization should not be amended or terminated. Upon such showing, the Administrator may terminate or amend the authorization if the Administrator finds that such action is necessary to protect the environment, or he may reinstate the authorization without amendment if he finds that termination or amendment is not necessary to protect the environment.
- (b) Findings and actions by the Administrator under this section do not affect any certificate issued under Title VI of the Federal Aviation Act of 1958.

Appendix C—Operations in the North Atlantic (NAT) Minimum Navigation Performance Specifications (MNPS) Airspace

Section 1

NAT MNPS airspace is that volume of airspace between FL 275 and FL 400 extending between latitude 27 degrees north and the North Pole, bounded in the east by the eastern boundaries of control areas Santa Maria Oceanic, Shanwick Oceanic, and Reykjavik Oceanic and in the west by the western boundary of Reykjavik Oceanic Control Area, the western boundary of Gander Oceanic Control Area, and the western boundary of New York Oceanic Control Area, excluding the areas west of 60 degrees west and south of 38 degrees 30 minutes north.

Section 2

- The navigation performance capability required for aircraft to be operated in the airspace defined in section 1 of this appendix is as follows:
- (a) The standard deviation of lateral track errors shall be less than 6.3 NM (11.7 Km). Standard deviation is a statistical measure of data about a mean value. The mean is zero nautical miles. The overall form of data is such that the plus and minus 1 standard deviation about the mean encompasses approximately 68 percent of the data and plus or minus 2 deviations encompasses approximately 95 percent.
 - (b) The proportion of the total flight time spent by aircraft 30 NM (55.6 Km) or more off the cleared track shall be less than 5.3×10^{-4} (less than 1 hour in 1,887 flight hours).
 - (c) The proportion of the total flight time spent by aircraft between 50 NM and 70 NM (92.6 Km and 129.6 Km) off the cleared track shall be less than 13×10^{-5} (less than 1 hour in 7,693 flight hours.)

Section 3

Air traffic control (ATC) may authorize an aircraft operator to deviate from the requirements of § 91.705 for a specific flight if, at the time of flight plan filing for that flight, ATC determines that the aircraft may be provided appropriate separation and that the flight will not interfere with, or impose a burden upon, the operations of other aircraft which meet the requirements of § 91.705.

Appendix D—Airports/Locations Where the Transponder Requirements of Section 91.215(b)(5)(ii) Apply

Section 1

The requirements of § 91.215(b)(5)(ii) apply to operations in the vicinity of each of the following airports. Logan International Airport, Billings MT. Hector International Airport, Fargo, ND.

APPENDIX E—AIRPLANE FLIGHT RECORDER SPECIFICATIONS

Parameters	Range	Installed system 1 minimum accuracy (to recovered data)	Sampling interval (per second)	Resolution 4 read out
Relative Time (From Record on Prior to Takeoff).	8 hr minimum.....	±0.125% per hour.....	1.....	1 sec.

APPENDIX E—AIRPLANE FLIGHT RECORDER SPECIFICATIONS—Continued

Parameters	Range	Installed system 1 minimum accuracy (to recovered data)	Sampling interval (per second)	Resolution 4 read out
Indicated Airspeed.....	V _{so} to V _D (KIAS).....	±5% or ±10 kts., whichever is greater. Resolution 2 kts. below 175 KIAS.	1.....	1%3
Altitude.....	-1,000 ft. to max cert. alt. of A/C.	±100 to ±700 ft. (see Table 1, TSO C51-a).	11.....	25 to 150 ft.
Magnetic Heading.....	360°.....	±5°.....	1.....	1°
Vertical Acceleration.....	-3g to +6g.....	±0.2g in addition to ±0.3g maximum datum.	4 (or 1 per second where peaks, ref. to 1g are recorded).	0.03g.
Longitudinal Acceleration.....	±1.0g.....	±1.5% max. range excluding datum error of ±5%.	2.....	0.01g.
Pitch Attitude.....	100% of usable.....	±2°.....	1.....	0.8°
Roll Attitude.....	±60° or 100% of usable range, whichever is greater.	±2°.....	1.....	0.8°
Stabilizer Trim Position, or.....	Full Range.....	±3% unless higher uniquely required.	1.....	1%3
Pitch Control Position.....	Full Range.....	±3% unless higher uniquely required.	1.....	1%3
Engine Power, Each Engine:	Full Range.....	±3% unless higher uniquely required.	1.....	1%3
Fan or N1 Speed or EPR or Cockpit Indications Used for Aircraft Certification OR.	Maximum Range.....	±5%.....	1.....	1%3
Prop. speed and Torque (Sample Once/Sec as Close together as Practicable).	.....	.....	1 (prop Speed)..... 1 (torque).....	1%3 1%3
Altitude Rate ² (need depends on altitude resolution).	±8,000 fpm.....	±10%. Resolution 250 fpm below 12,000 ft. indicated.	1.....	250 fpm. below 12,000
Angle of Attack ² (need depends on altitude resolution).	-20° to 40° or 100% of usable range.	±2°.....	1.....	0.8% ³
Radio Transmitter Keying (Discrete).	On/Off.....	.....	1.....	.....
TE Flaps (Discrete or Analog).....	Each discrete position (U, D, T/O, AAP) OR.	.....	1.....	.....
LE Flaps (Discrete or Analog).....	Analog 0-100% range.....	±3%.....	1.....	1%3
.....	Each discrete position (U, D, T/O, AAP) OR.	.....	1.....	.....
Thrust Reverser, Each Engine (Discrete).	Analog 0-100% range.....	±3°.....	1.....	1%3
.....	Stowed or full reverse.....	.....	.....	.....
Spoiler/Speedbrake (Discrete).	Stowed or out.....	.....	1.....	.....
Autopilot Engaged (Discrete).....	Engaged or Disengaged.....	.....	1.....	.....

1 When data sources are aircraft instruments (except altimeters) of acceptable quality to fly the aircraft the recording system excluding these sensors (but including all other characteristics of the recording system) shall contribute no more than half of the values in this column.
 2 If data from the altitude encoding altimeter (100 ft. resolution) is used, then either one of these parameters should also be recorded. If however, altitude is recorded at a minimum resolution of 25 feet, then these two parameters can be omitted.
 3 Per cent of full range.
 4 This column applies to aircraft manufactured after October 11, 1991.

APPENDIX F—HELICOPTER FLIGHT RECORDER SPECIFICATIONS

Parameters	Range	Installed system 1 minimum accuracy (to recovered data)	Sampling interval (per second)	Resolution 3 read out
Relative Time (From Recorded on Prior to Takeoff).	4 hr minimum.....	±0.125% per hour.....	1.....	1 sec.
Indicated Airspeed.....	V _M in to V _D (KIAS) (minimum airspeed signal attainable with installed pilot-static system).	±5% or ±10 kts., whichever is greater.	1.....	1 kt.
Altitude.....	-1,000 ft. to 20,000 ft. pressure altitude.	±100 to ±700 ft. (see Table 1, TSO C51-a).	1.....	25 to 150 ft.
Magnetic Heading.....	360°.....	±5°.....	1.....	1°
Vertical Acceleration.....	-3g to +6g.....	±0.2g in addition to ±0.3g maximum datum.	4 (or 1 per second where peaks, ref. to 1g are recorded).	0.05g.
Longitudinal Acceleration.....	±1.0g.....	±1.5% max. range excluding datum error of 5%.	2.....	0.03g.
Pitch Attitude.....	100% of usable range.....	±2°.....	1.....	0.8°
Roll Attitude.....	±60 or 100% of usable range, whichever is greater.	±2°.....	1.....	0.8°
Altitude Rate.....	±8,000 fpm.....	±10% Resolution 250 fpm below 12,000 ft. indicated.	1.....	250 fpm below 12,000.
Engine Power, Each Engine	.....	.....	.....	.....
Main Rotor Speed.....	Maximum Range.....	±5%.....	1.....	1%2.
Free or Power Turbine.....	Maximum Range.....	±5%.....	1.....	1%2.

APPENDIX F—HELICOPTER FLIGHT RECORDER SPECIFICATIONS—Continued

Parameters	Range	Installed system ¹ minimum accuracy (to recovered data)	Sampling interval (per second)	Resolution ³ read out
Engine Torque	Maximum Range	±5%	1	1% ²
<i>Flight Control Hydraulic Pressure</i>				
Primary (Discrete)	High/Low		1	
Secondary—if applicable (Discrete)	High/Low		1	
Radio Transmitter Keying (Discrete)	On/Off		1	
Autopilot Engaged (Discrete)	Engaged or Disengaged		1	
SAS Status—Engaged (Discrete)	Engaged or Disengaged		1	
SAS Fault Status (Discrete)	Fault/OK		1	
<i>Flight Controls</i>				
Collective	Full range	±3%	2	1% ²
Pedal Position	Full range	±3%	2	1% ²
Lat. Cyclic	Full range	±3%	2	1% ²
Long. Cyclic	Full range	±3%	2	1% ²
Controllable Stabilator Position	Full range	±3%	2	1% ²

¹ When data sources are aircraft instruments (except altimeters) of acceptable quality to fly the aircraft the recording system excluding these sensors (but including all other characteristics of the recording system) shall contribute no more than half of the values in this column.

² Per cent of full range.

³ This column applies to aircraft manufactured after October 11, 1991.

PART 1—DEFINITIONS AND ABBREVIATIONS

2. The authority citation for part 1 continues to read as follows:

Authority: 49 U.S.C. 1347, 1348, 1354(a), 1357(d)(2), 1372, 1421 through 1430, 1432, 1442, 1443, 1472, 1510, 1522, 1652(e), 1655(c), 1657(f); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 1.1 [Amended]

3. By amending § 1.1 by changing the cross reference “§ 91.10” found in the definition of “Operate” to “§ 91.13.”

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

4. The authority citation for Part 21 continues to read as follows:

Authority: 49 U.S.C. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2); 42 U.S.C. 1857f-10, 4321 *et seq.*; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

SFAR NO. 29-4—LIMITED IFR OPERATIONS OF ROTORCRAFT

SFAR No. 29-4 [Amended]

5. By amending SFAR 29-4 located in part 21, paragraph 4, by changing the cross reference “§ 91.23(a)(3)” to “§ 91.167(a)(3).”

§ 21.81 [Amended]

6. By amending § 21.81(a) by changing the cross reference “§ 91.41” to “§ 91.317.”

§ 21.83 [Amended]

7. By amending § 21.83(a) and (b) by changing the cross reference “§ 91.41” to “§ 91.317” in each paragraph.

§ 21.85 [Amended]

8. By amending § 21.85(f) by changing the cross reference “§ 91.41” to “§ 91.317.”

§ 21.221 [Amended]

9. By amending § 21.221(a)(2) and (e) by changing the cross reference “§ 91.41” to “§ 91.317.”

§ 21.223 [Amended]

10. By amending § 21.223(a)(2) and (f) by changing the cross reference “§ 91.41” to “§ 91.317.”

§ 21.225 [Amended]

11. By amending § 21.225(a)(2) and (e) by changing the cross reference “§ 91.41” to “§ 91.317.”

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

12. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

Appendix G, Part 23 [Amended]

13. By amending § G23.4 in appendix G in part 23 by changing the cross reference “§ 91.163” to “§ 91.403.”

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

14. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

Appendix H, Part 25 [Amended]

15. By amending § H25.4 in appendix H in part 25 by changing the cross reference “§ 91.163” to “§ 91.403.”

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

16. The authority citation for part 27 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

Appendix A, Part 27 [Amended]

17. By amending § A27.4 in appendix A in part 27 by changing the cross reference “§ 91.163” to “§ 91.403.”

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

18. The authority citation for part 29 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

Appendix A, Part 29 [Amended]

19. By amending § A29.4 in appendix A in part 29 by changing the cross reference "§ 91.163" to "§ 91.403."

PART 31—AIRWORTHINESS STANDARDS: MANNED FREE BALLOONS

20. The authority citation for part 31 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

Appendix A, Part 31 [Amended]

21. By amending § A31.4 in appendix A in part 31 by changing the cross reference "§ 91.163" to "§ 91.403."

PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

22. The authority citation for part 33 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

Appendix A, Part 33 [Amended]

23. By amending § A33.4 in appendix A in part 33 by changing the cross reference "§ 91.163" to "§ 91.403."

PART 35—AIRWORTHINESS STANDARDS: PROPELLERS

24. The authority citation for part 35 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

Appendix A, Part 35 [Amended]

25. By amending § A35.4 in appendix A in part 35 by changing the cross reference "§ 91.163" to "§ 91.403."

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

26. The authority citation for part 36 continues to read as follows:

Authority: 49 U.S.C. 1344, 1348, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430, 1431(b), 1651(b)(2), 2121 through 2125; 42 U.S.C. 4321 *et seq.*; Sec. 124 of Pub. L. 08-473, E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 36.1583 [Amended]

27. By amending § 36.1583(b) by changing the cross reference "§ 91.56" to "§ 91.815."

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

28. The authority citation for part 43 continues to read as follows:

Authority: 49 U.S.C. 1354, 1421 through 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 43.5 [Amended]

29. By amending § 43.5(c) by changing the cross reference "§ 91.31" to "§ 91.9."

§ 43.15 [Amended]

30. By amending § 43.15(a)(2) by changing the cross reference "§ 91.169(e)" to "§ 91.409(e)."

§ 43.16 [Amended]

31. By amending § 43.16 by changing the cross reference "§ 91.169(e)" to "§ 91.409(e)."

§ 43.17 [Amended]

32. By amending § 43.17(a)(2) by changing the cross reference "§ 91.169" to "§ 91.409."

Appendix B, Part 43 [Amended]

33. By amending appendix B in part 43 by changing the cross reference "§ 91.173" to "§ 91.417" in paragraph (d).

Appendix E, Part 43 [Amended]

34. By amending appendix E in part 43 by changing the cross reference "§ 91.171" to "§ 91.411" in the introductory paragraph.

Appendix F, Part 43 [Amended]

35. By amending appendix F in part 43 by changing the cross reference "§ 91.172" to "§ 91.413" in the introductory paragraph."

PART 45—IDENTIFICATION AND REGISTRATION MARKING

36. The authority citation for part 45 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354, 1401, 1402, 1421, 1423, and 1522; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

§ 45.22 [Amended]

37. By amending § 45.22(a)(3)(ii) by changing the cross reference "§ 91.83" to read "either § 91.153 or § 91.169."

PART 47—AIRCRAFT REGISTRATION

38. The authority citation for part 47 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354, 1401, 1402, 1403, 1405, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 4 U.S.T. 1830.

§ 47.9 [Amended]

39. By amending § 47.9(f)(1)(i) by changing the cross reference "§ 91.173(a)(2)(i)" to "§ 91.417(a)(2)(i)."

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

40. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

§ 61.15 [Amended]

41. By amending § 61.15(b) by changing the cross reference "§ 91.11(a) or § 91.12(a)" to "§ 91.17(a) or § 91.19(a)."

§ 61.16 [Amended]

42. By amending § 61.16, introductory text, by changing the cross reference "§ 91.11(c) or (d)" to "§ 91.17(c) or (d)."

§ 61.118 [Amended]

43. By amending § 61.118(d)(5) by changing the cross reference "§ 91.169" to "§ 91.409."

§ 61.153 [Amended]

44. By amending § 61.153(a) by changing the cross reference "§§ 91.1 through 91.9 and subpart B of part 91" to "§§ 91.1, 91.3, 91.5, 91.11, 91.13, 91.103, 91.105, 91.189, 91.193, 91.703, and subpart B of part 91."

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

45. The authority citation for part 63 continues to read as follows:

Authority: 49 U.S.C. 1354, 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

§ 63.12 [Amended]

46. By amending § 63.12(b) by changing the cross reference "§ 91.11(a) or § 91.12(a)" to "§ 91.17(a) or § 91.19(a)."

§ 63.12a [Amended]

47. By amending § 63.12a, introductory text, by changing the cross reference "§ 91.11(c) or (d)" to "§ 91.17(c) or (d)."

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

48. The authority citation for part 65 continues to read as follows:

Authority: 49 U.S.C. 1354, 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

§ 65.12 [Amended]

49. By amending § 65.12(b) by changing the cross reference "§ 91.12(a)" to "§ 91.19(a)."

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

50. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

SFAR No. 45-1**SFAR 45-1 [Amended]**

51. By amending SFAR 45-1, paragraph 4, in part 71 by changing the cross reference "§ 91.5" to "§ 91.103."

§ 71.17 [Amended]

52. By amending § 71.17(a) by changing the cross reference "§ 91.125" to "§ 91.183."

PART 91—GENERAL OPERATING AND FLIGHT RULES

53. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

SFAR No. 29-4—LIMITED IFR OPERATIONS OF ROTORCRAFT**SFAR 29-4 [Amended]**

54. By amending paragraph 4 in SFAR 29-4 in part 91 by changing the cross reference "§ 91.23(a)(3)" to "§ 91.167(a)(3)."

SFAR No. 44-5—AIR TRAFFIC CONTROL SYSTEM INTERIM OPERATIONS PLAN**SFAR 44-5 [Amended]**

55. By amending paragraphs 1, 2(a), and 7 in SFAR 44-5 in part 91 by changing the cross reference "§ 91.100" to "§ 91.139."

SFAR No. 50-2—SPECIAL FLIGHT RULES IN THE VICINITY OF THE GRAND CANYON NATIONAL PARK

56. By amending the Note following section 3(a) in SFAR 50-2 in part 91 by changing the cross reference "§ 91.79" to "§ 91.119."

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

57. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 1302, 1303, 1348, 1354(a), 1421(a), 1424, 2402, and 2424; 49

U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 93.111 [Amended]

58. By amending § 93.111 by changing the cross reference "§ 91.107" to "§ 91.157."

§ 93.113 [Amended]

59. By amending § 93.113 by changing the cross reference "§ 91.107" to "§ 91.157."

§ 93.183 [Amended]

60. By amending § 93.183(b)(3) by changing the cross reference "§ 91.24" to "§ 91.215."

§ 93.199 [Amended]

61. By amending § 93.199(c) by changing the cross reference "§ 91.127" to "§ 91.185."

PART 99—SECURITY CONTROL OF AIR TRAFFIC

62. The authority citation for part 99 continues to read as follows:

Authority: 49 U.S.C. 1348, 1502, 1510, and 1522; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 99.11 [Amended]

63. By amending § 99.11(b)(1) by changing the cross reference "§ 91.83" to "91.169," and by amending § 99.11(b)(2) by changing the cross reference "§§ 91.83(a) (1) through (7)" to "§§ 91.153(a) (1) through (6)."

§ 99.17 [Amended]

64-65. By amending § 99.17(a) by changing the cross reference "§ 91.125" to "§ 91.183."

§ 99.27 [Amended]

66-67. By amending § 99.27(a) by changing the cross reference "§ 91.75" to "§ 91.123."

§ 99.31 [Amended]

68. By amending § 99.31 by changing the cross reference to "§ 91.127" to "§ 91.185."

PART 103—ULTRALIGHT VEHICLES

69. The authority citation for part 103 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421(a), 1422, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 103.20 [Amended]

70. By amending § 103.20 by changing the cross reference "§ 91.102 or § 91.104" to "§ 91.143 or § 91.141."

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

71. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421-1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

§ 121.1 [Amended]

72. By amending § 121.1(f) by changing the cross reference "§ 91.59" to "§ 91.321."

§ 121.15 [Amended]

73. By amending § 121.15 by changing the cross reference "§ 91.12(a)" to "§ 91.19(a)."

§ 121.207 [Amended]

74. By amending § 121.207, introductory text, by changing the cross reference "§ 91.41" to "§ 91.317."

§ 121.579 [Amended]

75. By amending § 121.579(b)(1) and (2) by changing the cross reference "§ 91.105" to "§ 91.155."

§ 121.649 [Amended]

76. By amending § 121.649(c) by changing the cross reference "§ 91.105" to "§ 91.155."

§ 121.657 [Amended]

77. By amending § 121.657(a) by changing the cross reference "§ 91.79" to "§ 91.119."

§ 121.667 [Amended]

78. By amending § 121.667(b) by changing the cross reference "§ 91.83" to "§§ 91.153 and 91.169."

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

79. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 1354, 1421 through 1430, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

§ 125.23 [Amended]

80. By amending § 125.23(b) by changing the cross reference "§ 91.1(c)" to "§ 91.703(b)."

§ 125.39 [Amended]

81. By amending § 125.39 by changing the cross reference "§ 91.12(a)" to "§ 91.19(a)."

§ 125.329 [Amended]

82. By amending § 125.329(c) by changing the cross reference "§ 91.105" to "§ 91.155."

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

83. The authority citation for part 127 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, 1422, 1423, 1424, 1425, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 127.1 [Amended]

84. By amending § 127.1(b) by changing the cross reference "§ 91.59" to "§ 91.321."

§ 127.22 [Amended]

85. By amending § 127.22 by changing the cross reference "§ 91.12(a)" to "§ 91.19(a)."

§ 127.85 [Amended]

86. By amending § 127.85 by changing the cross reference "§ 91.41" in the introductory paragraph to "§ 91.317."

PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS

87. The authority citation for part 133 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1427; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 133.14 [Amended]

88. By amending § 133.14 by changing the cross reference "§ 91.12(a)" to "§ 91.19(a)."

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

89. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 135.1 [Amended]

90. By amending § 135.1(b)(10) by changing the cross reference "§ 91.59" to "§ 91.321."

§ 135.3 [Amended]

91. By amending § 135.3(b) by changing the cross reference "§ 91.1(c)" to "§ 91.703(b)."

§ 135.41 [Amended]

92. By amending § 135.41 by changing the cross reference "§ 91.12(a)" to "§ 91.19(a)."

§ 135.71 [Amended]

93. By amending § 135.71 by changing the cross reference "§ 91.169" to "§ 91.409."

§ 135.93 [Amended]

94. By amending § 135.93(c) by changing the cross reference "§ 91.105" to "§ 91.155."

§ 135.211 [Amended]

95. By amending § 135.211(a)(2) by changing the cross reference "§ 91.116(f)" to "§ 91.175(f)."

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

96. The authority citation for part 137 continues to read as follows:

Authority: 49 U.S.C. 1348(c), 1354(a), 1421, and 1427; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 137.23 [Amended]

97. By amending § 137.23 by changing the cross reference "§ 91.12(a)" to "§ 91.19(a)."

§ 137.43 [Amended]

98. By amending § 137.43(c) by changing the cross reference "§ 91.107(e)" to "§ 91.157(e)."

§ 137.53 [Amended]

99. By amending § 137.53(c)(1)(ii) by changing the cross reference "§ 91.217" to "§ 91.409."

PART 141—PILOT SCHOOLS

100. The authority citation for part 141 continues to read as follows:

Authority: 49 U.S.C. 1354, 1355, 1421, 1422; and 1427; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 141.18 [Amended]

101. By amending § 141.18 by changing the cross reference "§ 91.12(a)" to "§ 91.19(a)."

§ 141.41 [Amended]

102. By amending § 141.41(a) (1)(iii) and (2)(iii) by changing the cross reference "§ 91.33" to "§ 91.205."

Issued in Washington, DC, on August 7, 1989.

James B. Busey,
Administrator.

[FR Doc. 89-18975 Filed 8-17-89; 8:45 am]
BILLING CODE 4910-10-M

on page 34284 in the issue of Friday, August 18, 1989, make the following corrections:

§ 91.185 [Corrected]

1. On page 34303, in the second column, in § 91.185(c)(2) introductory text, in the third line, "segment" was misspelled.

§ 91.323 [Corrected]

2. On page 34310, in the third column, in § 91.323(a)(2), in the fourth line, "1" should be removed.

§ 91.409 [Corrected]

3. On page 34312, in the first column, in § 91.409(d)(2)(ii), in the third line, after "routine", insert "and detailed inspections will be performed and including".

§ 91.801 [Corrected]

4. On page 34322, in the first column, in § 91.801(b), in the sixth line from the bottom of the paragraph, after "under" insert a comma.

PART 91 Appendix A—[Corrected]

5. On page 34328, in Appendix F to part 91, in the 3rd column, in the 10th line, before "5", insert "±"

Note: For a Federal Aviation Administration correction to the document referenced in this correction, see the Rules and Regulations section of this issue.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 18334; Amdts. No. 1-36, 21-66, 23-37, 25-68, 27-24, 29-27, 31-5, 33-13, 35-8, 36-16, 43-31, 45-16, 47-24, 61-84, 63-27, 65-34, 71-13, 91-211, 93-56, 99-11, 103-3, 121-206, 125-12, 127-43, 133-10, 135-32, 137-12, 141-11]

RIN 2120-AA13

Revision of General Operating and Flight Rules

Correction

In rule document 89-18775 beginning

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 21, 23, 25, 27, 29, 31, 33, 35, 36, 43, 45, 47, 61, 63, 65, 71, 91, 93, 99, 103, 121, 125, 127, 133, 135, 137, and 141

[Docket No. 18334; Amdts. No. 1-36, 21-66, 23-37, 25-68, 27-24, 29-27, 31-5, 33-13, 35-6, 36-18, 43-31, 45-18, 47-24, 61-84, 63-27, 65-34, 71-13, 91-211, 93-56, 99-15, 103-3, 121-206, 125-12, 127-43, 133-10, 135-32, 137-12, 141-2]

Revision of General Operating and Flight Rules; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: In the August 18, 1989, issue of the *Federal Register* (54 FR 34284) the FAA published a final rule reorganizing and realigning the general operating and flight rules to make them more understandable and easier to use. Also, several changes were made to provide more flexibility for certain operations.

FAA is correcting editorial errors that appeared in the listing of amendment numbers and in the preamble.

Amendment number "99-11" should read "99-15" and amendment number "141-11" should read "141-2".

On page 34287, second column, first complete paragraph, fifth line: The repeated "91.165" should read "91.169".

On page 34288, first column, second complete paragraph, sixth line: "91.91.90(c)(1)" should read "91.90(c)(1)".

Additional corrections to this document are published elsewhere in the Corrections Section of this issue.

FOR FURTHER INFORMATION CONTACT:
William T. Cook (202) 267-3840.

Issued in Washington, DC, on September 5, 1989.

Clara Thieling,

Editor, Program Management Staff, Office of the Chief Counsel.

[FR Doc. 89-21249 Filed 9-11-89; 8:45 am]

BILLING CODE 4910-13-M

Corrections

Federal Register
Vol. 54, No. 192
Thursday, October 5, 1989

§ 91.323 [Corrected]
2. On page 34310, in the third column, in § 91.323(a)(2), in the fourth line, "fire 1 detection" should read "fire detection".

§ 91.409 [Corrected]
3. On page 34312, in the first column, in § 91.409(d)(2)(ii), in the third line, after "routine" insert "and detailed inspections will be performed and including".

§ 91.801 [Corrected]
4. On page 34322, in the first column, in § 91.801(b), in the 24th line, after "under" insert a comma.

Appendix F [Corrected]
5. On page 34328, in Appendix F, in the table, in the third column, in the sixth entry, "of 5%" should read "of ±".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 18334; Amdts. No. 1-36, et al.]
RIN 2120-AA13

Revision of General Operating and Flight Rules

Correction

In rule document 89-18775 beginning on page 34284, in the issue of Friday, August 18, 1989, make the following corrections:

§ 91.185 [Corrected]
1. On page 34303, in the second column, in § 91.185(c)(2), in the third line, "segment" was misspelled.

ACTION: Final rule; correction and technical amendment.

SUMMARY: This correction and technical amendment clarifies the effective date of the amendment made to Part 91, General Operating and Flight Rules, on August 18, 1989 (54 FR 34284). FAA intended that the text of § 91.203(a)(2) would become effective August 18, 1990, and that the text of that paragraph would be duplicated in the current version of § 91.27(a)(2) effective September 18, 1989. This document corrects the effective date of the August 18, 1989 amendment to § 91.203 and establishes the correct text of current § 91.27(a)(2).

EFFECTIVE DATES: 14 CFR 91.203(a)(2) published at 54 FR 34284, August 18, 1989 is effective August 18, 1990. The amendment to 14 CFR 91.27(a)(2) contained in this document is effective September 18, 1989.

FOR FURTHER INFORMATION CONTACT: William T. Cook (202) 267-3840 or Edna French (202) 267-8150, Project Development Branch (AFS-850), Regulations Branch, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington DC 20591.

List of Subjects in 14 CFR Part 91

Air carriers, Aviation safety, Safety, Aircraft, Aircraft pilots, Air traffic control, Liquor, Narcotics, Pilots, Airspace, Air transportation, Cargo, Smoking, Airports, Airworthiness directives and standards.

Accordingly, 14 CFR part 91 is amended as follows:

PART 91—[AMENDED]

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq.; E.O. 11514, 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. Section 91.27(a)(2) is revised to read as follows:

§ 91.27 Civil aircraft: Certifications required.

(a) * * *

(2) An effective U.S. registration certificate issued to its owner or, for operation within the United States, the second duplicate copy (pink) of the Aircraft Registration Application as provided for in § 47.31(b), or a

14 CFR Part 91

[Docket No. 18334] 91-211

RIN 2120-AA13

Revision of General Operating and Flight Rules; Correction and Technical Amendment

AGENCY: Federal Aviation Administration (FAA), DOT.

registration certificate issued under the
laws of a foreign country.

* * * * *

Issued in Washington, DC on December 19,
1989.

Debbie Swank,

Acting Manager, Program Management Staff.

[FR Doc. 89-29857 Filed 12-22-89; 8:45 am]

BILLING CODE 4910-13-M
