

SUBCHAPTER A—DEFINITIONS AND GENERAL REQUIREMENTS

PART 1—DEFINITIONS AND ABBREVIATIONS

Sec.

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AUTHORITY: 49 U.S.C. 106(f), 106(g), 40113, 44701.

§ 1.1 General definitions.

As used in Subchapters A through K of this chapter, unless the context requires otherwise:

Administrator means the Federal Aviation Administrator or any person to whom he has delegated his authority in the matter concerned.

Aerodynamic coefficients means non-dimensional coefficients for aerodynamic forces and moments.

Air carrier means a person who undertakes directly by lease, or other arrangement, to engage in air transportation.

Air commerce means interstate, overseas, or foreign air commerce or the transportation of mail by aircraft or any operation or navigation of aircraft within the limits of any Federal airway or any operation or navigation of aircraft which directly affects, or which may endanger safety in, interstate, overseas, or foreign air commerce.

Aircraft means a device that is used or intended to be used for flight in the air.

Aircraft engine means an engine that is used or intended to be used for propelling aircraft. It includes turbo-superchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers.

Airframe means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotors but excluding propellers and rotating airfoils of engines), and landing gear of an aircraft and their accessories and controls.

Airplane means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings.

Airport means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

Airship means an engine-driven lighter-than-air aircraft that can be steered.

Air traffic means aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

Air traffic clearance means an authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within controlled airspace.

Air traffic control means a service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

Air Traffic Service (ATS) route is a specified route designated for channeling the flow of traffic as necessary for the provision of air traffic services. The term "ATS route" refers to a variety of airways, including jet routes, area navigation (RNAV) routes, and arrival and departure routes. An ATS route is defined by route specifications, which may include:

- (1) An ATS route designator;
- (2) The path to or from significant points;
- (3) Distance between significant points;
- (4) Reporting requirements; and
- (5) The lowest safe altitude determined by the appropriate authority.

Air transportation means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

Alert Area. An alert area is established to inform pilots of a specific area wherein a high volume of pilot training or an unusual type of aeronautical activity is conducted.

Alternate airport means an airport at which an aircraft may land if a landing at the intended airport becomes inadvisable.

Altitude engine means a reciprocating aircraft engine having a rated takeoff

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power that is producible from sea level to an established higher altitude.

Amateur rocket means an unmanned rocket that:

(1) Is propelled by a motor or motors having a combined total impulse of 889,600 Newton-seconds (200,000 pound-seconds) or less; and

(2) Cannot reach an altitude greater than 150 kilometers (93.2 statute miles) above the earth's surface.

Appliance means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine, or propeller.

Approved, unless used with reference to another person, means approved by the FAA or any person to whom the FAA has delegated its authority in the matter concerned, or approved under the provisions of a bilateral agreement between the United States and a foreign country or jurisdiction.

Area navigation (RNAV) is a method of navigation that permits aircraft operations on any desired flight path.

Area navigation (RNAV) route is an ATS route based on RNAV that can be used by suitably equipped aircraft.

Armed Forces means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including their regular and reserve components and members serving without component status.

Autorotation means a rotorcraft flight condition in which the lifting rotor is driven entirely by action of the air when the rotorcraft is in motion.

Auxiliary rotor means a rotor that serves either to counteract the effect of the main rotor torque on a rotorcraft or to maneuver the rotorcraft about one or more of its three principal axes.

Balloon means a lighter-than-air aircraft that is not engine driven, and that sustains flight through the use of either gas buoyancy or an airborne heater.

Brake horsepower means the power delivered at the propeller shaft (main drive or main output) of an aircraft engine.

Calibrated airspeed means the indicated airspeed of an aircraft, corrected

for position and instrument error. Calibrated airspeed is equal to true airspeed in standard atmosphere at sea level.

Canard means the forward wing of a canard configuration and may be a fixed, movable, or variable geometry surface, with or without control surfaces.

Canard configuration means a configuration in which the span of the forward wing is substantially less than that of the main wing.

Category:

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a broad classification of aircraft. Examples include: airplane; rotorcraft; glider; and lighter-than-air; and

(2) As used with respect to the certification of aircraft, means a grouping of aircraft based upon intended use or operating limitations. Examples include: transport, normal, utility, acrobatic, limited, restricted, and provisional.

Category A, with respect to transport category rotorcraft, means multiengine rotorcraft designed with engine and system isolation features specified in Part 29 and utilizing scheduled take-off and landing operations under a critical engine failure concept which assures adequate designated surface area and adequate performance capability for continued safe flight in the event of engine failure.

Category B, with respect to transport category rotorcraft, means single-engine or multiengine rotorcraft which do not fully meet all Category A standards. Category B rotorcraft have no guaranteed stay-up ability in the event of engine failure and unscheduled landing is assumed.

Category II operations, with respect to the operation of aircraft, means a straight-in ILS approach to the runway of an airport under a Category II ILS instrument approach procedure issued by the Administrator or other appropriate authority.

Category III operations, with respect to the operation of aircraft, means an ILS approach to, and landing on, the runway of an airport using a Category III ILS instrument approach procedure

issued by the Administrator or other appropriate authority.

Ceiling means the height above the earth's surface of the lowest layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration", and not classified as "thin" or "partial".

Civil aircraft means aircraft other than public aircraft.

Class:

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a classification of aircraft within a category having similar operating characteristics. Examples include: single engine; multi-engine; land; water; gyroplane; helicopter; airship; and free balloon; and

(2) As used with respect to the certification of aircraft, means a broad grouping of aircraft having similar characteristics of propulsion, flight, or landing. Examples include: airplane; rotorcraft; glider; balloon; landplane; and seaplane.

Clearway means:

(1) For turbine engine powered airplanes certificated after August 29, 1959, an area beyond the runway, not less than 500 feet wide, centrally located about the extended centerline of the runway, and under the control of the airport authorities. The clearway is expressed in terms of a clearway plane, extending from the end of the runway with an upward slope not exceeding 1.25 percent, above which no object nor any terrain protrudes. However, threshold lights may protrude above the plane if their height above the end of the runway is 26 inches or less and if they are located to each side of the runway.

(2) For turbine engine powered airplanes certificated after September 30, 1958, but before August 30, 1959, an area beyond the takeoff runway extending no less than 300 feet on either side of the extended centerline of the runway, at an elevation no higher than the elevation of the end of the runway, clear of all fixed obstacles, and under the control of the airport authorities.

Climbout speed, with respect to rotorcraft, means a referenced airspeed which results in a flight path clear of the height-velocity envelope during initial climbout.

Commercial operator means a person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier or under the authority of Part 375 of this title. Where it is doubtful that an operation is for "compensation or hire", the test applied is whether the carriage by air is merely incidental to the person's other business or is, in itself, a major enterprise for profit.

Configuration, Maintenance, and Procedures (CMP) document means a document approved by the FAA that contains minimum configuration, operating, and maintenance requirements, hardware life-limits, and Master Minimum Equipment List (MMEL) constraints necessary for an airplane-engine combination to meet ETOPS type design approval requirements.

Consensus standard means, for the purpose of certificating light-sport aircraft, an industry-developed consensus standard that applies to aircraft design, production, and airworthiness. It includes, but is not limited to, standards for aircraft design and performance, required equipment, manufacturer quality assurance systems, production acceptance test procedures, operating instructions, maintenance and inspection procedures, identification and recording of major repairs and major alterations, and continued airworthiness.

Controlled airspace means an airspace of defined dimensions within which air traffic control service is provided to IFR flights and to VFR flights in accordance with the airspace classification.

NOTE: Controlled airspace is a generic term that covers Class A, Class B, Class C, Class D, and Class E airspace.

Controlled Firing Area. A controlled firing area is established to contain activities, which if not conducted in a controlled environment, would be hazardous to nonparticipating aircraft.

Crewmember means a person assigned to perform duty in an aircraft during flight time.

Critical altitude means the maximum altitude at which, in standard atmosphere, it is possible to maintain, at a specified rotational speed, a specified power or a specified manifold pressure.

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Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(1) The maximum continuous power, in the case of engines for which this power rating is the same at sea level and at the rated altitude.

(2) The maximum continuous rated manifold pressure, in the case of engines, the maximum continuous power of which is governed by a constant manifold pressure.

Critical engine means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft.

Decision altitude (DA) is a specified altitude in an instrument approach procedure at which the pilot must decide whether to initiate an immediate missed approach if the pilot does not see the required visual reference, or to continue the approach. Decision altitude is expressed in feet above mean sea level.

Decision height (DH) is a specified height above the ground in an instrument approach procedure at which the pilot must decide whether to initiate an immediate missed approach if the pilot does not see the required visual reference, or to continue the approach. Decision height is expressed in feet above ground level.

Early ETOPS means ETOPS type design approval obtained without gaining non-ETOPS service experience on the candidate airplane-engine combination certified for ETOPS.

Enhanced flight visibility (EFV) means the average forward horizontal distance, from the cockpit of an aircraft in flight, at which prominent topographical objects may be clearly distinguished and identified by day or night by a pilot using an enhanced flight vision system.

Enhanced flight vision system (EFVS) means an electronic means to provide a display of the forward external scene topography (the natural or manmade features of a place or region especially in a way to show their relative positions and elevation) through the use of imaging sensors, such as a forward looking infrared, millimeter wave

radiometry, millimeter wave radar, low light level image intensifying.

Equivalent airspeed means the calibrated airspeed of an aircraft corrected for adiabatic compressible flow for the particular altitude. Equivalent airspeed is equal to calibrated airspeed in standard atmosphere at sea level.

ETOPS Significant System means an airplane system, including the propulsion system, the failure or malfunctioning of which could adversely affect the safety of an ETOPS flight, or the continued safe flight and landing of an airplane during an ETOPS diversion. Each ETOPS significant system is either an ETOPS group 1 significant system or an ETOPS group 2 significant system.

(1) An ETOPS group 1 Significant System—

(i) Has fail-safe characteristics directly linked to the degree of redundancy provided by the number of engines on the airplane.

(ii) Is a system, the failure or malfunction of which could result in an IFSD, loss of thrust control, or other power loss.

(iii) Contributes significantly to the safety of an ETOPS diversion by providing additional redundancy for any system power source lost as a result of an inoperative engine.

(iv) Is essential for prolonged operation of an airplane at engine inoperative altitudes.

(2) An ETOPS group 2 significant system is an ETOPS significant system that is not an ETOPS group 1 significant system.

Extended Operations (ETOPS) means an airplane flight operation, other than an all-cargo operation in an airplane with more than two engines, during which a portion of the flight is conducted beyond a time threshold identified in part 121 or part 135 of this chapter that is determined using an approved one-engine-inoperative cruise speed under standard atmospheric conditions in still air.

Extended over-water operation means—

(1) With respect to aircraft other than helicopters, an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline; and

(2) With respect to helicopters, an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline and more than 50 nautical miles from an off-shore heliport structure.

External load means a load that is carried, or extends, outside of the aircraft fuselage.

External-load attaching means means the structural components used to attach an external load to an aircraft, including external-load containers, the backup structure at the attachment points, and any quick-release device used to jettison the external load.

Final approach fix (FAF) defines the beginning of the final approach segment and the point where final segment descent may begin.

Final takeoff speed means the speed of the airplane that exists at the end of the takeoff path in the en route configuration with one engine inoperative.

Fireproof—

(1) With respect to materials and parts used to confine fire in a designated fire zone, means the capacity to withstand at least as well as steel in dimensions appropriate for the purpose for which they are used, the heat produced when there is a severe fire of extended duration in that zone; and

(2) With respect to other materials and parts, means the capacity to withstand the heat associated with fire at least as well as steel in dimensions appropriate for the purpose for which they are used.

Fire resistant—

(1) With respect to sheet or structural members means the capacity to withstand the heat associated with fire at least as well as aluminum alloy in dimensions appropriate for the purpose for which they are used; and

(2) With respect to fluid-carrying lines, fluid system parts, wiring, air ducts, fittings, and powerplant controls, means the capacity to perform the intended functions under the heat and other conditions likely to occur when there is a fire at the place concerned.

Flame resistant means not susceptible to combustion to the point of propagating a flame, beyond safe limits, after the ignition source is removed.

Flammable, with respect to a fluid or gas, means susceptible to igniting readily or to exploding.

Flap extended speed means the highest speed permissible with wing flaps in a prescribed extended position.

Flash resistant means not susceptible to burning violently when ignited.

Flightcrew member means a pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time.

Flight level means a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury. Each is stated in three digits that represent hundreds of feet. For example, flight level 250 represents a barometric altimeter indication of 25,000 feet; flight level 255, an indication of 25,500 feet.

Flight plan means specified information, relating to the intended flight of an aircraft, that is filed orally or in writing with air traffic control.

Flight simulation training device (FSTD) means a flight simulator or a flight training device.

Flight time means:

(1) Pilot time that commences when an aircraft moves under its own power for the purpose of flight and ends when the aircraft comes to rest after landing; or

(2) For a glider without self-launch capability, pilot time that commences when the glider is towed for the purpose of flight and ends when the glider comes to rest after landing.

Flight training device (FTD) means a replica of aircraft instruments, equipment, panels, and controls in an open flight deck area or an enclosed aircraft cockpit replica. It includes the equipment and computer programs necessary to represent aircraft (or set of aircraft) operations in ground and flight conditions having the full range of capabilities of the systems installed in the device as described in part 60 of this chapter and the qualification performance standard (QPS) for a specific FTD qualification level.

Flight visibility means the average forward horizontal distance, from the cockpit of an aircraft in flight, at which prominent unlighted objects may be seen and identified by day and

prominent lighted objects may be seen and identified by night.

Foreign air carrier means any person other than a citizen of the United States, who undertakes directly, by lease or other arrangement, to engage in air transportation.

Foreign air commerce means the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between a place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

Foreign air transportation means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce between a place in the United States and any place outside of the United States, whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

Forward wing means a forward lifting surface of a canard configuration or tandem-wing configuration airplane. The surface may be a fixed, movable, or variable geometry surface, with or without control surfaces.

Full flight simulator (FFS) means a replica of a specific type; or make, model, and series aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in part 60 of this chapter and the qualification performance standards (QPS) for a specific FFS qualification level.

Glider means a heavier-than-air aircraft, that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

Ground visibility means prevailing horizontal visibility near the earth's surface as reported by the United States National Weather Service or an accredited observer.

Go-around power or thrust setting means the maximum allowable in-flight power or thrust setting identified in the performance data.

Gyrodyne means a rotorcraft whose rotors are normally engine-driven for takeoff, hovering, and landing, and for forward flight through part of its speed range, and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

Gyroplane means a rotorcraft whose rotors are not engine-driven, except for initial starting, but are made to rotate by action of the air when the rotorcraft is moving; and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

Helicopter means a rotorcraft that, for its horizontal motion, depends principally on its engine-driven rotors.

Heliport means an area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters.

Idle thrust means the jet thrust obtained with the engine power control level set at the stop for the least thrust position at which it can be placed.

IFR conditions means weather conditions below the minimum for flight under visual flight rules.

IFR over-the-top, with respect to the operation of aircraft, means the operation of an aircraft over-the-top on an IFR flight plan when cleared by air traffic control to maintain "VFR conditions" or "VFR conditions on top".

Indicated airspeed means the speed of an aircraft as shown on its pitot static airspeed indicator calibrated to reflect standard atmosphere adiabatic compressible flow at sea level uncorrected for airspeed system errors.

In-flight shutdown (IFSD) means, for ETOPS only, when an engine ceases to function (when the airplane is airborne) and is shutdown, whether self induced, flightcrew initiated or caused by an external influence. The FAA considers IFSD for all causes: for example, flameout, internal failure, flightcrew

initiated shutdown, foreign object ingestion, icing, inability to obtain or control desired thrust or power, and cycling of the start control, however briefly, even if the engine operates normally for the remainder of the flight. This definition excludes the airborne cessation of the functioning of an engine when immediately followed by an automatic engine relight and when an engine does not achieve desired thrust or power but is not shutdown.

Instrument means a device using an internal mechanism to show visually or aurally the attitude, altitude, or operation of an aircraft or aircraft part. It includes electronic devices for automatically controlling an aircraft in flight.

Instrument approach procedure (IAP) is a series of predetermined maneuvers by reference to flight instruments with specified protection from obstacles and assurance of navigation signal reception capability. It begins from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point:

(1) From which a landing can be completed; or

(2) If a landing is not completed, to a position at which holding or en route obstacle clearance criteria apply.

Interstate air commerce means the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same territory or possession of the United States, or the District of Columbia.

Interstate air transportation means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft in commerce:

(1) Between a place in a State or the District of Columbia and another place in another State or the District of Columbia;

(2) Between places in the same State through the airspace over any place outside that State; or

(3) Between places in the same possession of the United States;

Whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

Intrastate air transportation means the carriage of persons or property as a common carrier for compensation or hire, by turbojet-powered aircraft capable of carrying thirty or more persons, wholly within the same State of the United States.

Kite means a framework, covered with paper, cloth, metal, or other material, intended to be flown at the end of a rope or cable, and having as its only support the force of the wind moving past its surfaces.

Landing gear extended speed means the maximum speed at which an aircraft can be safely flown with the landing gear extended.

Landing gear operating speed means the maximum speed at which the landing gear can be safely extended or retracted.

Large aircraft means aircraft of more than 12,500 pounds, maximum certificated takeoff weight.

Light-sport aircraft means an aircraft, other than a helicopter or powered-lift that, since its original certification, has continued to meet the following:

(1) A maximum takeoff weight of not more than—

(i) 1,320 pounds (600 kilograms) for aircraft not intended for operation on water; or

(ii) 1,430 pounds (650 kilograms) for an aircraft intended for operation on water.

(2) A maximum airspeed in level flight with maximum continuous power (V_H) of not more than 120 knots CAS under standard atmospheric conditions at sea level.

(3) A maximum never-exceed speed (V_{NE}) of not more than 120 knots CAS for a glider.

(4) A maximum stalling speed or minimum steady flight speed without the use of lift-enhancing devices (V_{SI}) of not more than 45 knots CAS at the aircraft's maximum certificated takeoff

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weight and most critical center of gravity.

(5) A maximum seating capacity of no more than two persons, including the pilot.

(6) A single, reciprocating engine, if powered.

(7) A fixed or ground-adjustable propeller if a powered aircraft other than a powered glider.

(8) A fixed or feathering propeller system if a powered glider.

(9) A fixed-pitch, semi-rigid, teetering, two-blade rotor system, if a gyroplane.

(10) A nonpressurized cabin, if equipped with a cabin.

(11) Fixed landing gear, except for an aircraft intended for operation on water or a glider.

(12) Fixed or retractable landing gear, or a hull, for an aircraft intended for operation on water.

(13) Fixed or retractable landing gear for a glider.

Lighter-than-air aircraft means aircraft that can rise and remain suspended by using contained gas weighing less than the air that is displaced by the gas.

Load factor means the ratio of a specified load to the total weight of the aircraft. The specified load is expressed in terms of any of the following: aerodynamic forces, inertia forces, or ground or water reactions.

Long-range communication system (LRCS). A system that uses satellite relay, data link, high frequency, or another approved communication system which extends beyond line of sight.

Long-range navigation system (LRNS). An electronic navigation unit that is approved for use under instrument flight rules as a primary means of navigation, and has at least one source of navigational input, such as inertial navigation system, global positioning system, Omega/very low frequency, or Loran C.

Mach number means the ratio of true airspeed to the speed of sound.

Main rotor means the rotor that supplies the principal lift to a rotorcraft.

Maintenance means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

Major alteration means an alteration not listed in the aircraft, aircraft engine, or propeller specifications—

(1) That might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(2) That is not done according to accepted practices or cannot be done by elementary operations.

Major repair means a repair:

(1) That, if improperly done, might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(2) That is not done according to accepted practices or cannot be done by elementary operations.

Manifold pressure means absolute pressure as measured at the appropriate point in the induction system and usually expressed in inches of mercury.

Maximum engine overtorque, as it applies to turbopropeller and turboshaft engines incorporating free power turbines for all ratings except one engine inoperative (OEI) ratings of two minutes or less, means the maximum torque of the free power turbine rotor assembly, the inadvertent occurrence of which, for periods of up to 20 seconds, will not require rejection of the engine from service, or any maintenance action other than to correct the cause. *Maximum speed for stability characteristics*, V_{FC}/M_{FC} means a speed that may not be less than a speed midway between maximum operating limit speed (V_{MO}/M_{MO}) and demonstrated flight diving speed (V_{DF}/M_{DF}), except that, for altitudes where the Mach number is the limiting factor, M_{FC} need not exceed the Mach number at which effective speed warning occurs.

Medical certificate means acceptable evidence of physical fitness on a form prescribed by the Administrator.

Military operations area. A military operations area (MOA) is airspace established outside Class A airspace to separate or segregate certain nonhazardous military activities from IFR Traffic and to identify for VFR traffic where these activities are conducted.

Minimum descent altitude (MDA) is the lowest altitude specified in an instrument approach procedure, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering until the pilot sees the required visual references for the heliport or runway of intended landing.

Minor alteration means an alteration other than a major alteration.

Minor repair means a repair other than a major repair.

Model aircraft means an unmanned aircraft that is:

- (1) Capable of sustained flight in the atmosphere;
- (2) Flown within visual line of sight of the person operating the aircraft; and
- (3) Flown for hobby or recreational purposes.

National defense airspace means airspace established by a regulation prescribed, or an order issued under, 49 U.S.C. 40103(b)(3).

Navigable airspace means airspace at and above the minimum flight altitudes prescribed by or under this chapter, including airspace needed for safe takeoff and landing.

Night means the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the Air Almanac, converted to local time.

Nonprecision approach procedure means a standard instrument approach procedure in which no electronic glide slope is provided.

Operate, with respect to aircraft, means use, cause to use or authorize to use aircraft, for the purpose (except as provided in §91.13 of this chapter) of air navigation including the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise).

Operational control, with respect to a flight, means the exercise of authority over initiating, conducting or terminating a flight.

Overseas air commerce means the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between a place

in any State of the United States, or the District of Columbia, and any place in a territory or possession of the United States; or between a place in a territory or possession of the United States, and a place in any other territory or possession of the United States.

Overseas air transportation means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce:

- (1) Between a place in a State or the District of Columbia and a place in a possession of the United States; or
- (2) Between a place in a possession of the United States and a place in another possession of the United States; whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

Over-the-top means above the layer of clouds or other obscuring phenomena forming the ceiling.

Parachute means a device used or intended to be used to retard the fall of a body or object through the air.

Person means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

Pilotage means navigation by visual reference to landmarks.

Pilot in command means the person who:

- (1) Has final authority and responsibility for the operation and safety of the flight;
- (2) Has been designated as pilot in command before or during the flight; and
- (3) Holds the appropriate category, class, and type rating, if appropriate, for the conduct of the flight.

Pitch setting means the propeller blade setting as determined by the blade angle measured in a manner, and at a radius, specified by the instruction manual for the propeller.

Positive control means control of all air traffic, within designated airspace, by air traffic control.

Powered parachute means a powered aircraft comprised of a flexible or semi-rigid wing connected to a fuselage so that the wing is not in position for

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flight until the aircraft is in motion. The fuselage of a powered parachute contains the aircraft engine, a seat for each occupant and is attached to the aircraft's landing gear.

Powered-lift means a heavier-than-air aircraft capable of vertical takeoff, vertical landing, and low speed flight that depends principally on engine-driven lift devices or engine thrust for lift during these flight regimes and on nonrotating airfoil(s) for lift during horizontal flight.

Precision approach procedure means a standard instrument approach procedure in which an electronic glide slope is provided, such as ILS and PAR.

Preventive maintenance means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

Prohibited area. A prohibited area is airspace designated under part 73 within which no person may operate an aircraft without the permission of the using agency.

Propeller means a device for propelling an aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engines.

Public aircraft means any of the following aircraft when not being used for a commercial purpose or to carry an individual other than a crewmember or qualified non-crewmember:

(1) An aircraft used only for the United States Government; an aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration; an aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments; or an aircraft exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments.

(i) For the sole purpose of determining public aircraft status, *commercial purposes* means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by any Federal statute, regulation, or directive, in effect on November 1, 1999, or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

(ii) For the sole purpose of determining public aircraft status, *governmental function* means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

(iii) For the sole purpose of determining public aircraft status, *qualified non-crewmember* means an individual, other than a member of the crew, aboard an aircraft operated by the armed forces or an intelligence agency of the United States Government, or whose presence is required to perform, or is associated with the performance of, a governmental function.

(2) An aircraft owned or operated by the armed forces or chartered to provide transportation to the armed forces if—

(i) The aircraft is operated in accordance with title 10 of the United States Code;

(ii) The aircraft is operated in the performance of a governmental function under title 14, 31, 32, or 50 of the United States Code and the aircraft is not used for commercial purposes; or

(iii) The aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which

the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.

(3) An aircraft owned or operated by the National Guard of a State, the District of Columbia, or any territory or possession of the United States, and that meets the criteria of paragraph (2) of this definition, qualifies as a public aircraft only to the extent that it is operated under the direct control of the Department of Defense.

Rated 30-second OEI Power, with respect to rotorcraft turbine engines, means the approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 of this chapter, for continuation of one flight operation after the failure or shutdown of one engine in multiengine rotorcraft, for up to three periods of use no longer than 30 seconds each in any one flight, and followed by mandatory inspection and prescribed maintenance action.

Rated 2-minute OEI Power, with respect to rotorcraft turbine engines, means the approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 of this chapter, for continuation of one flight operation after the failure or shutdown of one engine in multiengine rotorcraft, for up to three periods of use no longer than 2 minutes each in any one flight, and followed by mandatory inspection and prescribed maintenance action.

Rated continuous OEI power, with respect to rotorcraft turbine engines, means the approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 of this chapter, and limited in use to the time required to complete the flight after the failure or shutdown of one engine of a multiengine rotorcraft.

Rated maximum continuous augmented thrust, with respect to turbojet engine type certification, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, with fluid injection

or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and approved for unrestricted periods of use.

Rated maximum continuous power, with respect to reciprocating, turbo-propeller, and turboshaft engines, means the approved brake horsepower that is developed statically or in flight, in standard atmosphere at a specified altitude, within the engine operating limitations established under part 33, and approved for unrestricted periods of use.

Rated maximum continuous thrust, with respect to turbojet engine type certification, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, without fluid injection and without the burning of fuel in a separate combustion chamber, within the engine operating limitations established under part 33 of this chapter, and approved for unrestricted periods of use.

Rated takeoff augmented thrust, with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, with fluid injection or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under part 33 of this chapter, and limited in use to periods of not over 5 minutes for takeoff operation.

Rated takeoff power, with respect to reciprocating, turbopropeller, and turboshaft engine type certification, means the approved brake horsepower that is developed statically under standard sea level conditions, within the engine operating limitations established under part 33, and limited in use to periods of not over 5 minutes for takeoff operation.

Rated takeoff thrust, with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, without fluid injection and without the burning of fuel in a separate combustion chamber, within the engine operating limitations established under part 33 of this chapter,

and limited in use to periods of not over 5 minutes for takeoff operation.

Rated 30-minute OEI power, with respect to rotorcraft turbine engines, means the approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 of this chapter, and limited in use to one period of use no longer than 30 minutes after the failure or shutdown of one engine of a multiengine rotorcraft.

Rated 2½-minute OEI power, with respect to rotorcraft turbine engines, means the approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 of this chapter for periods of use no longer than 2½ minutes each after the failure or shutdown of one engine of a multiengine rotorcraft.

Rating means a statement that, as a part of a certificate, sets forth special conditions, privileges, or limitations.

Reference landing speed means the speed of the airplane, in a specified landing configuration, at the point where it descends through the 50 foot height in the determination of the landing distance.

Reporting point means a geographical location in relation to which the position of an aircraft is reported.

Restricted area. A restricted area is airspace designated under Part 73 within which the flight of aircraft, while not wholly prohibited, is subject to restriction.

Rocket means an aircraft propelled by ejected expanding gases generated in the engine from self-contained propellants and not dependent on the intake of outside substances. It includes any part which becomes separated during the operation.

Rotorcraft means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

Rotorcraft-load combination means the combination of a rotorcraft and an external-load, including the external-load attaching means. Rotorcraft-load combinations are designated as Class A, Class B, Class C, and Class D, as follows:

(1) *Class A rotorcraft-load combination* means one in which the external load cannot move freely, cannot be jettisoned, and does not extend below the landing gear.

(2) *Class B rotorcraft-load combination* means one in which the external load is jettisonable and is lifted free of land or water during the rotorcraft operation.

(3) *Class C rotorcraft-load combination* means one in which the external load is jettisonable and remains in contact with land or water during the rotorcraft operation.

(4) *Class D rotorcraft-load combination* means one in which the external-load is other than a Class A, B, or C and has been specifically approved by the Administrator for that operation.

Route segment is a portion of a route bounded on each end by a fix or navigation aid (NAVAID).

Sea level engine means a reciprocating aircraft engine having a rated takeoff power that is producible only at sea level.

Second in command means a pilot who is designated to be second in command of an aircraft during flight time.

Show, unless the context otherwise requires, means to show to the satisfaction of the Administrator.

Small aircraft means aircraft of 12,500 pounds or less, maximum certificated takeoff weight.

Small unmanned aircraft means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Small unmanned aircraft system (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

Special VFR conditions mean meteorological conditions that are less than those required for basic VFR flight in controlled airspace and in which some aircraft are permitted flight under visual flight rules.

Special VFR operations means aircraft operating in accordance with clearances within controlled airspace in meteorological conditions less than the

basic VFR weather minima. Such operations must be requested by the pilot and approved by ATC.

Standard atmosphere means the atmosphere defined in U.S. Standard Atmosphere, 1962 (Geopotential altitude tables).

Stopway means an area beyond the takeoff runway, no less wide than the runway and centered upon the extended centerline of the runway, able to support the airplane during an aborted takeoff, without causing structural damage to the airplane, and designated by the airport authorities for use in decelerating the airplane during an aborted takeoff.

Suitable RNAV system is an RNAV system that meets the required performance established for a type of operation, e.g. IFR; and is suitable for operation over the route to be flown in terms of any performance criteria (including accuracy) established by the air navigation service provider for certain routes (e.g. oceanic, ATS routes, and IAPs). An RNAV system's suitability is dependent upon the availability of ground and/or satellite navigation aids that are needed to meet any route performance criteria that may be prescribed in route specifications to navigate the aircraft along the route to be flown. Information on suitable RNAV systems is published in FAA guidance material.

Synthetic vision means a computer-generated image of the external scene topography from the perspective of the flight deck that is derived from aircraft attitude, high-precision navigation solution, and database of terrain, obstacles and relevant cultural features.

Synthetic vision system means an electronic means to display a synthetic vision image of the external scene topography to the flight crew.

Takeoff power:

(1) With respect to reciprocating engines, means the brake horsepower that is developed under standard sea level conditions, and under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for the normal takeoff, and limited in continuous use to the period of time shown in the approved engine specification; and

(2) With respect to turbine engines, means the brake horsepower that is developed under static conditions at a specified altitude and atmospheric temperature, and under the maximum conditions of rotor shaft rotational speed and gas temperature approved for the normal takeoff, and limited in continuous use to the period of time shown in the approved engine specification.

Takeoff safety speed means a referenced airspeed obtained after lift-off at which the required one-engine-inoperative climb performance can be achieved.

Takeoff thrust, with respect to turbine engines, means the jet thrust that is developed under static conditions at a specific altitude and atmospheric temperature under the maximum conditions of rotorshaft rotational speed and gas temperature approved for the normal takeoff, and limited in continuous use to the period of time shown in the approved engine specification.

Tandem wing configuration means a configuration having two wings of similar span, mounted in tandem.

TCAS I means a TCAS that utilizes interrogations of, and replies from, airborne radar beacon transponders and provides traffic advisories to the pilot.

TCAS II means a TCAS that utilizes interrogations of, and replies from, airborne radar beacon transponders and provides traffic advisories and resolution advisories in the vertical plane.

TCAS III means a TCAS that utilizes interrogation of, and replies from, airborne radar beacon transponders and provides traffic advisories and resolution advisories in the vertical and horizontal planes to the pilot.

Time in service, with respect to maintenance time records, means the time from the moment an aircraft leaves the surface of the earth until it touches it at the next point of landing.

Traffic pattern means the traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from, an airport.

True airspeed means the airspeed of an aircraft relative to undisturbed air. True airspeed is equal to equivalent airspeed multiplied by $(\rho_0/\rho)^{1/2}$.

Type:

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(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a specific make and basic model of aircraft, including modifications thereto that do not change its handling or flight characteristics. Examples include: DC-7, 1049, and F-27; and

(2) As used with respect to the certification of aircraft, means those aircraft which are similar in design. Examples include: DC-7 and DC-7C; 1049G and 1049H; and F-27 and F-27F.

(3) As used with respect to the certification of aircraft engines means those engines which are similar in design. For example, JT8D and JT8D-7 are engines of the same type, and JT9D-3A and JT9D-7 are engines of the same type.

United States, in a geographical sense, means (1) the States, the District of Columbia, Puerto Rico, and the possessions, including the territorial waters, and (2) the airspace of those areas.

United States air carrier means a citizen of the United States who undertakes directly by lease, or other arrangement, to engage in air transportation.

Unmanned aircraft means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

VFR over-the-top, with respect to the operation of aircraft, means the operation of an aircraft over-the-top under VFR when it is not being operated on an IFR flight plan.

Warning area. A warning area is airspace of defined dimensions, extending from 3 nautical miles outward from the coast of the United States, that contains activity that may be hazardous to nonparticipating aircraft. The purpose of such warning areas is to warn nonparticipating pilots of the potential danger. A warning area may be located over domestic or international waters or both.

Weight-shift-control aircraft means a powered aircraft with a framed pivoting wing and a fuselage controllable only in pitch and roll by the pilot's ability to change the aircraft's center of gravity with respect to the wing. Flight control of the aircraft depends on the wing's ability to flexibly deform rather than the use of control surfaces.

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Winglet or tip fin means an out-of-plane surface extending from a lifting surface. The surface may or may not have control surfaces.

[Doc. No. 1150, 27 FR 4588, May 15, 1962]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 1.2 Abbreviations and symbols.

In Subchapters A through K of this chapter:

AFM means airplane flight manual.

AGL means above ground level.

ALS means approach light system.

APU means auxiliary power unit.

ASR means airport surveillance radar.

ATC means air traffic control.

ATS means Air Traffic Service.

CAMP means continuous airworthiness maintenance program.

CAS means calibrated airspeed.

CAT II means Category II.

CHDO means an FAA Flight Standards certificate holding district office.

CMP means configuration, maintenance, and procedures.

CONSOL or *CONSOLAN* means a kind of low or medium frequency long range navigational aid.

DH means decision height.

DME means distance measuring equipment compatible with TACAN.

EAS means equivalent airspeed.

EFVS means enhanced flight vision system.

Equi-Time Point means a point on the route of flight where the flight time, considering wind, to each of two selected airports is equal.

ETOPS means extended operations.

EWIS, as defined by § 25.1701 of this chapter, means electrical wiring interconnection system.

FAA means Federal Aviation Administration.

FFS means full flight simulator.

FM means fan marker.

FSTD means flight simulation training device.

FTD means flight training device.

GS means glide slope.

HIRL means high-intensity runway light system.

IAS means indicated airspeed.

ICAO means International Civil Aviation Organization.

IFR means instrument flight rules.

IFSD means in-flight shutdown.

ILS means instrument landing system.

IM means ILS inner marker.

INT means intersection.

LDA means localizer-type directional aid.

LFR means low-frequency radio range.

LMM means compass locator at middle marker.

LOC means ILS localizer.

LOM means compass locator at outer marker.

M means mach number.

MAA means maximum authorized IFR altitude.

MALS means medium intensity approach light system.

MALSRS means medium intensity approach light system with runway alignment indicator lights.

MCA means minimum crossing altitude.

MDA means minimum descent altitude.

MEA means minimum en route IFR altitude.

MEL means minimum equipment list.

MM means ILS middle marker.

MOCA means minimum obstruction clearance altitude.

MRA means minimum reception altitude.

MSL means mean sea level.

NDB (ADF) means nondirectional beacon (automatic direction finder).

NM means nautical mile.

NOPAC means North Pacific area of operation.

NOPT means no procedure turn required.

OEI means one engine inoperative.

OM means ILS outer marker.

OPSPECS means operations specifications.

PACOTS means Pacific Organized Track System.

PAR means precision approach radar.

PMA means parts manufacturer approval.

Ptrs means Performance Tracking and Reporting System.

RAIL means runway alignment indicator light system.

RBN means radio beacon.

RCLM means runway centerline marking.

RCLS means runway centerline light system.

REIL means runway end identification lights.

RFFS means rescue and firefighting services.

RNAV means area navigation.

RR means low or medium frequency radio range station.

RVR means runway visual range as measured in the touchdown zone area.

SALS means short approach light system.

SATCOM means satellite communications.

SSALS means simplified short approach light system.

SSALSRS means simplified short approach light system with runway alignment indicator lights.

TACAN means ultra-high frequency tactical air navigational aid.

TAS means true airspeed.

TCAS means a traffic alert and collision avoidance system.

TDZL means touchdown zone lights.

TSO means technical standard order.

TVOR means very high frequency terminal omnirange station.

V_A means design maneuvering speed.

V_B means design speed for maximum gust intensity.

V_C means design cruising speed.

V_D means design diving speed.

V_{DF}/M_{DF} means demonstrated flight diving speed.

V_{EF} means the speed at which the critical engine is assumed to fail during takeoff.

V_F means design flap speed.

V_{FC}/M_{FC} means maximum speed for stability characteristics.

V_{FE} means maximum flap extended speed.

V_{FTO} means final takeoff speed.

V_H means maximum speed in level flight with maximum continuous power.

V_{LE} means maximum landing gear extended speed.

V_{LO} means maximum landing gear operating speed.

V_{LOF} means lift-off speed.

V_{MC} means minimum control speed with the critical engine inoperative.

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V_{MO}/M_{MO} means maximum operating limit speed.

V_{MU} means minimum unstick speed.

V_{NE} means never-exceed speed.

V_{NO} means maximum structural cruising speed.

V_R means rotation speed.

V_{REF} means reference landing speed.

V_S means the stalling speed or the minimum steady flight speed at which the airplane is controllable.

V_{S0} means the stalling speed or the minimum steady flight speed in the landing configuration.

V_{S1} means the stalling speed or the minimum steady flight speed obtained in a specific configuration.

V_{SR} means reference stall speed.

V_{SRO} means reference stall speed in the landing configuration.

V_{SR1} means reference stall speed in a specific configuration.

V_{SW} means speed at which onset of natural or artificial stall warning occurs.

V_{TOSS} means takeoff safety speed for Category A rotorcraft.

V_X means speed for best angle of climb.

V_Y means speed for best rate of climb.

V_1 means the maximum speed in the takeoff at which the pilot must take the first action (e.g., apply brakes, reduce thrust, deploy speed brakes) to stop the airplane within the accelerate-stop distance. V_1 also means the minimum speed in the takeoff, following a failure of the critical engine at V_{EF} , at which the pilot can continue the takeoff and achieve the required height above the takeoff surface within the takeoff distance.

V_2 means takeoff safety speed.

V_{2min} means minimum takeoff safety speed.

VFR means visual flight rules.

VHF means very high frequency.

VOR means very high frequency omnirange station.

$VORTAC$ means collocated VOR and TACAN.

[Doc. No. 1150, 27 FR 4590, May 15, 1962]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

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§ 1.3 Rules of construction.

(a) In Subchapters A through K of this chapter, unless the context requires otherwise:

(1) Words importing the singular include the plural;

(2) Words importing the plural include the singular; and

(3) Words importing the masculine gender include the feminine.

(b) In Subchapters A through K of this chapter, the word:

(1) *Shall* is used in an imperative sense;

(2) *May* is used in a permissive sense to state authority or permission to do the act prescribed, and the words “no person may * * *” or “a person may not * * *” mean that no person is required, authorized, or permitted to do the act prescribed; and

(3) *Includes* means “includes but is not limited to”.

[Doc. No. 1150, 27 FR 4590, May 15, 1962, as amended by Amdt. 1–10, 31 FR 5055, Mar. 29, 1966]

PART 3—GENERAL REQUIREMENTS

Sec.

3.1 Applicability.

3.5 Statements about products, parts, appliances and materials.

AUTHORITY: 49 U.S.C. 106(g), 40113, 44701, and 44704.

SOURCE: 70 FR 54832, Sept. 16, 2005, unless otherwise noted.

§ 3.1 Applicability.

(a) This part applies to any person who makes a record regarding:

(1) A type-certificated product, or

(2) A product, part, appliance or material that may be used on a type-certificated product.

(b) Section 3.5(b) does not apply to records made under part 43 of this chapter.

§ 3.5 Statements about products, parts, appliances and materials.

(a) *Definitions.* The following terms will have the stated meanings when used in this section:

Airworthy means the aircraft conforms to its type design and is in a condition for safe operation.

Product means an aircraft, aircraft engine, or aircraft propeller.

Record means any writing, drawing, map, recording, tape, film, photograph or other documentary material by which information is preserved or conveyed in any format, including, but not limited to, paper, microfilm, identification plates, stamped marks, bar codes or electronic format, and can either be separate from, attached to or inscribed on any product, part, appliance or material.

(b) *Prohibition against fraudulent and intentionally false statements.* When conveying information related to an advertisement or sales transaction, no person may make or cause to be made:

(1) Any fraudulent or intentionally false statement in any record about the airworthiness of a type-certificated product, or the acceptability of any product, part, appliance, or material for installation on a type-certificated product.

(2) Any fraudulent or intentionally false reproduction or alteration of any record about the airworthiness of any type-certificated product, or the acceptability of any product, part, appliance, or material for installation on a type-certificated product.

(c) *Prohibition against intentionally misleading statements.* (1) When conveying information related to an advertisement or sales transaction, no person may make, or cause to be made, a material representation that a type-certificated product is airworthy, or that a product, part, appliance, or material is acceptable for installation on a type-certificated product in any record if that representation is likely to mislead a consumer acting reasonably under the circumstances.

(2) When conveying information related to an advertisement or sales transaction, no person may make, or cause to be made, through the omission of material information, a representation that a type-certificated product is airworthy, or that a product, part, appliance, or material is acceptable for installation on a type-certificated product in any record if that representation is likely to mislead a consumer acting reasonably under the circumstances.

(d) The provisions of §3.5(b) and §3.5(c) shall not apply if a person can show that the product is airworthy or that the product, part, appliance or material is acceptable for installation on a type-certificated product.

PART 5—SAFETY MANAGEMENT SYSTEMS

Subpart A—General

Sec.

- 5.1 Applicability.
- 5.3 General requirements.
- 5.5 Definitions.

Subpart B—Safety Policy

- 5.21 Safety policy.
- 5.23 Safety accountability and authority.
- 5.25 Designation and responsibilities of required safety management personnel.
- 5.27 Coordination of emergency response planning.

Subpart C—Safety Risk Management

- 5.51 Applicability.
- 5.53 System analysis and hazard identification.
- 5.55 Safety risk assessment and control.

Subpart D—Safety Assurance

- 5.71 Safety performance monitoring and measurement.
- 5.73 Safety performance assessment.
- 5.75 Continuous improvement.

Subpart E—Safety Promotion

- 5.91 Competencies and training.
- 5.93 Safety communication.

Subpart F—SMS Documentation and Recordkeeping

- 5.95 SMS documentation.
- 5.97 SMS records.

AUTHORITY: Pub. L. 111-216, sec. 215 (Aug. 1, 2010); 49 U.S.C. 106(f), 106(g), 40101, 40113, 40119, 41706, 44101, 44701-44702, 44705, 44709-44711, 44713, 44716-44717, 44722, 46105.

SOURCE: 80 FR 1326, Jan. 8, 2015, unless otherwise noted.

Subpart A—General

§ 5.1 Applicability.

(a) A certificate holder under part 119 of this chapter authorized to conduct operations in accordance with the requirements of part 121 of this chapter

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must have a Safety Management System that meets the requirements of this part and is acceptable to the Administrator by March 9, 2018.

(b) A certificate holder must submit an implementation plan to the FAA Administrator for review no later than September 9, 2015. The implementation plan must be approved no later than March 9, 2016.

(c) The implementation plan may include any of the certificate holder's existing programs, policies, or procedures that it intends to use to meet the requirements of this part, including components of an existing SMS.

[80 FR 1326, Jan. 8, 2015, as amended at 80 FR 1584, Jan. 13, 2015]

§ 5.3 General requirements.

(a) Any certificate holder required to have a Safety Management System under this part must submit the Safety Management System to the Administrator for acceptance. The SMS must be appropriate to the size, scope, and complexity of the certificate holder's operation and include at least the following components:

(1) Safety policy in accordance with the requirements of subpart B of this part;

(2) Safety risk management in accordance with the requirements of subpart C of this part;

(3) Safety assurance in accordance with the requirements of subpart D of this part; and

(4) Safety promotion in accordance with the requirements of subpart E of this part.

(b) The Safety Management System must be maintained in accordance with the recordkeeping requirements in subpart F of this part.

(c) The Safety Management System must ensure compliance with the relevant regulatory standards in chapter I of Title 14 of the Code of Federal Regulations.

§ 5.5 Definitions.

Hazard means a condition that could foreseeably cause or contribute to an aircraft accident as defined in 49 CFR 830.2.

Risk means the composite of predicted severity and likelihood of the potential effect of a hazard.

Risk control means a means to reduce or eliminate the effects of hazards.

Safety assurance means processes within the SMS that function systematically to ensure the performance and effectiveness of safety risk controls and that the organization meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Safety Management System (SMS) means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of safety risk controls. It includes systematic procedures, practices, and policies for the management of safety risk.

Safety objective means a measurable goal or desirable outcome related to safety.

Safety performance means realized or actual safety accomplishment relative to the organization's safety objectives.

Safety policy means the certificate holder's documented commitment to safety, which defines its safety objectives and the accountabilities and responsibilities of its employees in regards to safety.

Safety promotion means a combination of training and communication of safety information to support the implementation and operation of an SMS in an organization.

Safety Risk Management means a process within the SMS composed of describing the system, identifying the hazards, and analyzing, assessing and controlling risk.

Subpart B—Safety Policy

§ 5.21 Safety policy.

(a) The certificate holder must have a safety policy that includes at least the following:

(1) The safety objectives of the certificate holder.

(2) A commitment of the certificate holder to fulfill the organization's safety objectives.

(3) A clear statement about the provision of the necessary resources for the implementation of the SMS.

(4) A safety reporting policy that defines requirements for employee reporting of safety hazards or issues.

(5) A policy that defines unacceptable behavior and conditions for disciplinary action.

(6) An emergency response plan that provides for the safe transition from normal to emergency operations in accordance with the requirements of § 5.27.

(b) The safety policy must be signed by the accountable executive described in § 5.25.

(c) The safety policy must be documented and communicated throughout the certificate holder's organization.

(d) The safety policy must be regularly reviewed by the accountable executive to ensure it remains relevant and appropriate to the certificate holder.

§ 5.23 Safety accountability and authority.

(a) The certificate holder must define accountability for safety within the organization's safety policy for the following individuals:

(1) Accountable executive, as described in § 5.25.

(2) All members of management in regard to developing, implementing, and maintaining SMS processes within their area of responsibility, including, but not limited to:

(i) Hazard identification and safety risk assessment.

(ii) Assuring the effectiveness of safety risk controls.

(iii) Promoting safety as required in subpart E of this part.

(iv) Advising the accountable executive on the performance of the SMS and on any need for improvement.

(3) Employees relative to the certificate holder's safety performance.

(b) The certificate holder must identify the levels of management with the authority to make decisions regarding safety risk acceptance.

§ 5.25 Designation and responsibilities of required safety management personnel.

(a) *Designation of the accountable executive.* The certificate holder must identify an accountable executive who, irrespective of other functions, satisfies the following:

(1) Is the final authority over operations authorized to be conducted

under the certificate holder's certificate(s).

(2) Controls the financial resources required for the operations to be conducted under the certificate holder's certificate(s).

(3) Controls the human resources required for the operations authorized to be conducted under the certificate holder's certificate(s).

(4) Retains ultimate responsibility for the safety performance of the operations conducted under the certificate holder's certificate.

(b) *Responsibilities of the accountable executive.* The accountable executive must accomplish the following:

(1) Ensure that the SMS is properly implemented and performing in all areas of the certificate holder's organization.

(2) Develop and sign the safety policy of the certificate holder.

(3) Communicate the safety policy throughout the certificate holder's organization.

(4) Regularly review the certificate holder's safety policy to ensure it remains relevant and appropriate to the certificate holder.

(5) Regularly review the safety performance of the certificate holder's organization and direct actions necessary to address substandard safety performance in accordance with § 5.75.

(c) *Designation of management personnel.* The accountable executive must designate sufficient management personnel who, on behalf of the accountable executive, are responsible for the following:

(1) Coordinate implementation, maintenance, and integration of the SMS throughout the certificate holder's organization.

(2) Facilitate hazard identification and safety risk analysis.

(3) Monitor the effectiveness of safety risk controls.

(4) Ensure safety promotion throughout the certificate holder's organization as required in subpart E of this part.

(5) Regularly report to the accountable executive on the performance of the SMS and on any need for improvement.

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§ 5.27 Coordination of emergency response planning.

Where emergency response procedures are necessary, the certificate holder must develop and the accountable executive must approve as part of the safety policy, an emergency response plan that addresses at least the following:

- (a) Delegation of emergency authority throughout the certificate holder's organization;
- (b) Assignment of employee responsibilities during the emergency; and
- (c) Coordination of the certificate holder's emergency response plans with the emergency response plans of other organizations it must interface with during the provision of its services.

Subpart C—Safety Risk Management

§ 5.51 Applicability.

A certificate holder must apply safety risk management to the following:

- (a) Implementation of new systems.
- (b) Revision of existing systems.
- (c) Development of operational procedures.
- (d) Identification of hazards or ineffective risk controls through the safety assurance processes in subpart D of this part.

§ 5.53 System analysis and hazard identification.

(a) When applying safety risk management, the certificate holder must analyze the systems identified in § 5.51. Those system analyses must be used to identify hazards under paragraph (c) of this section, and in developing and implementing risk controls related to the system under § 5.55(c).

(b) In conducting the system analysis, the following information must be considered:

- (1) Function and purpose of the system.
- (2) The system's operating environment.
- (3) An outline of the system's processes and procedures.
- (4) The personnel, equipment, and facilities necessary for operation of the system.

(c) The certificate holder must develop and maintain processes to iden-

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tify hazards within the context of the system analysis.

§ 5.55 Safety risk assessment and control.

(a) The certificate holder must develop and maintain processes to analyze safety risk associated with the hazards identified in § 5.53(c).

(b) The certificate holder must define a process for conducting risk assessment that allows for the determination of acceptable safety risk.

(c) The certificate holder must develop and maintain processes to develop safety risk controls that are necessary as a result of the safety risk assessment process under paragraph (b) of this section.

(d) The certificate holder must evaluate whether the risk will be acceptable with the proposed safety risk control applied, before the safety risk control is implemented.

Subpart D—Safety Assurance

§ 5.71 Safety performance monitoring and measurement.

(a) The certificate holder must develop and maintain processes and systems to acquire data with respect to its operations, products, and services to monitor the safety performance of the organization. These processes and systems must include, at a minimum, the following:

- (1) Monitoring of operational processes.
- (2) Monitoring of the operational environment to detect changes.
- (3) Auditing of operational processes and systems.
- (4) Evaluations of the SMS and operational processes and systems.
- (5) Investigations of incidents and accidents.
- (6) Investigations of reports regarding potential non-compliance with regulatory standards or other safety risk controls established by the certificate holder through the safety risk management process established in subpart B of this part.
- (7) A confidential employee reporting system in which employees can report hazards, issues, concerns, occurrences, incidents, as well as propose solutions and safety improvements.

(b) The certificate holder must develop and maintain processes that analyze the data acquired through the processes and systems identified under paragraph (a) of this section and any other relevant data with respect to its operations, products, and services.

§ 5.73 Safety performance assessment.

(a) The certificate holder must conduct assessments of its safety performance against its safety objectives, which include reviews by the accountable executive, to:

(1) Ensure compliance with the safety risk controls established by the certificate holder.

(2) Evaluate the performance of the SMS.

(3) Evaluate the effectiveness of the safety risk controls established under § 5.55(c) and identify any ineffective controls.

(4) Identify changes in the operational environment that may introduce new hazards.

(5) Identify new hazards.

(b) Upon completion of the assessment, if ineffective controls or new hazards are identified under paragraphs (a)(2) through (5) of this section, the certificate holder must use the safety risk management process described in subpart C of this part.

§ 5.75 Continuous improvement.

The certificate holder must establish and implement processes to correct safety performance deficiencies identified in the assessments conducted under § 5.73.

Subpart E—Safety Promotion

§ 5.91 Competencies and training.

The certificate holder must provide training to each individual identified in § 5.23 to ensure the individuals attain and maintain the competencies necessary to perform their duties relevant to the operation and performance of the SMS.

§ 5.93 Safety communication.

The certificate holder must develop and maintain means for communicating safety information that, at a minimum:

(a) Ensures that employees are aware of the SMS policies, processes, and tools that are relevant to their responsibilities.

(b) Conveys hazard information relevant to the employee's responsibilities.

(c) Explains why safety actions have been taken.

(d) Explains why safety procedures are introduced or changed.

Subpart F—SMS Documentation and Recordkeeping

§ 5.95 SMS documentation.

The certificate holder must develop and maintain SMS documentation that describes the certificate holder's:

(a) Safety policy.

(b) SMS processes and procedures.

§ 5.97 SMS records.

(a) The certificate holder must maintain records of outputs of safety risk management processes as described in subpart C of this part. Such records must be retained for as long as the control remains relevant to the operation.

(b) The certificate holder must maintain records of outputs of safety assurance processes as described in subpart D of this part. Such records must be retained for a minimum of 5 years.

(c) The certificate holder must maintain a record of all training provided under § 5.91 for each individual. Such records must be retained for as long as the individual is employed by the certificate holder.

(d) The certificate holder must retain records of all communications provided under § 5.93 for a minimum of 24 consecutive calendar months.