Civil Aeronautics Manual 190

Authorization of Navigation of Foreign Civil Aircraft Within the United States

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Introductory Note

This manual contains Civil Air Regulations Part 190, dated April 30, 1954, as amended by Amendment 190–1, effective December 10, 1954; Amendment 190–2, effective February 7, 1957; and Civil Aeronautics Board Regulation No. SPR–1, effective December 31, 1958.

Note: Regulation No. SPR–1 repealed most of Part 190 and added a new Part 375, "Authorization of Navigation of Foreign Civil Aircraft Within the United States," to the Board's Regulations. Part 375 contains the provisions formerly found in Part 190 which remained under the jurisdiction of the Civil Aeronautics Board under the Federal Aviation Act of 1958. Copies of Part 375 may be obtained from the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

As amendments and other pertinent materials pertaining to Part 190 are issued, they will be included in this manual.

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Authorization of Navigation of Foreign Civil Aircraft Within the United States

190.2 *Definitions.* As used in this part:

(a) "Administrator" means the Administrator of the Federal Aviation Agency.

(b) "Air commerce" means transportation in whole or in part by aircraft of persons or property for hire, navigation of aircraft in furtherance of a business, or navigation of aircraft from one place to another for operation in the conduct of a business.

(c) "Air transportation" means air transportation as defined in the Civil Aeronautics Act of 1938, as amended.

(d) "Board" means the Civil Aeronautics Board.

(e) "Scheduled international air service" means scheduled international air service as defined by the Council of the International Civil Aviation Organization in ICAO Document 7278–C/841 of May 10, 1952, adopted March 28, 1952.

(f) "United States" means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), any part thereof and the overlying airspace; but shall not include the Canal Zone.

190.22 *Flight operations.* Flight of foreign aircraft in the United States shall be conducted in accordance with the current applicable Civil Air Regulations and with regulations of the Administrator under Title XII of the Civil Aeronautics Act of 1938, as amended. Without limiting the generality of the foregoing, the following conditions are specified with respect to the following operations:

(a) *VFR operations.* Flight shall be conducted in accordance with the visual flight rules of Part 60, Air Traffic Rules, and the applicable sections of Part 43, General Operation Rules, of this chapter, except that a VFR Flight Plan shall be filed with the nearest appropriate FAA Communications station prior to each such flight.

(b) *IFR operations.* Flight shall be conducted in aircraft equipped with (1) radio equipment which will permit two-way radiotelephone communication with Federal Aviation Agency air traffic control while the aircraft is in a control zone or control area, and (2) a radio navigational device suitable for use with the type of ground aids upon which navigation is to be predicated. No such instrument flight shall be conducted unless every pilot operating the aircraft in the United States possesses a United States instrument rating or is authorized by his foreign airman certificate to engage in instrument flight and has thoroughly familiarized [1] himself with the United States en route, holding and let-down procedures. At least one member of the crew must be able to conduct two-way radio-telephone communication in the English language between the aircraft and ground communication stations and must be on duty while approaching, within and leaving the United States. Instrument flight shall be performed in accordance with the instrument flight rules of Part 60 and the applicable sections of Part 43 of this chapter.

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[1] The highly developed system of air navigation aids, detailed traffic control procedures, and heavy instrument traffic in the United States require the most meticulous observance of air traffic control instructions. Any failure to observe such instructions can imperil not only the offending pilot and those aboard his aircraft, but other aircraft in the vicinity and persons and property on the ground as well. Operation of aircraft under instrument conditions by pilots who are not thoroughly familiar with the workings of the air navigation aids being used or who cannot understand or are unable to follow traffic control instructions exactly presents such a hazard to life that it is considered gross negligence. Accordingly, any pilot who flies under instrument conditions in the United States without the required degree of familiarity will be considered in violation of section 60.12 of this chapter and subject to a civil penalty of up to $1,000. Foreign pilots are advised that agents of the Federal Aviation Agency in the United States and at many points abroad are available to help foreign pilots in this respect, and if such an agent is satisfied that the pilot concerned possesses the required degree of familiarity he will issue a letter so stating. Possession of such a letter addressed to the pilot concerned is considered to satisfy this requirement. A flight demonstration will not be required to satisfy the agent of the required degree of familiarity.

Entry into and exit from the United States under instrument conditions shall be in accordance with instructions issued by the appropriate area airway traffic control center. Instrument operations into all airports shall be conducted in accordance with the instrument approach procedures and weather minimums published in Parts 609 and 610 of the Regulations of the Administrator. These procedures and minimums also may be found in the Approach and Landing Charts and Radio Facility Charts of the Coast and Geodetic Survey, and in the Airman's Guide.

(c) *Overwater operations.* A flight notification or flight plan will be required for all flights conducted offshore (overwater) in accordance with the Supplementary Procedures for the pertinent ICAO regions.

Note: **Information describing such requirements is found in separate publications for each ICAO region and may be obtained through the Federal Aviation Agency regional offices.**

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