

## § 99.5

## 14 CFR Ch. I (1–1–03 Edition)

### § 99.5 Emergency situations.

In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from the rules in this part to the extent required by that emergency. He shall report the reasons for the deviation to the communications facility where flight plans or position reports are normally filed (referred to in this part as “an appropriate aeronautical facility”) as soon as possible.

### § 99.7 Special security instructions.

Each person operating an aircraft in an ADIZ or Defense Area shall, in addition to the applicable rules of this part, comply with special security instructions issued by the Administrator in the interest of national security and that are consistent with appropriate agreements between the FAA and the Department of Defense.

### § 99.9 Radio requirements

(a) A person who operates a civil aircraft into an ADIZ must have a functioning two-way radio, and the pilot must maintain a continuous listening watch on the appropriate aeronautical facility’s frequency.

(b) No person may operate an aircraft into, within, or whose departure point is within an ADIZ unless—

(1) The person files a DVFR flight plan containing the time and point of ADIZ penetration, and

(2) The aircraft departs within five minutes of the estimated departure time contained in the flight plan.

[Doc. No. FAA-2001-10693, 66 FR 49822, Sept. 28, 2001]

### § 99.11 ADIZ flight plan requirements.

(a) Unless otherwise authorized by air traffic control, a person must not operate an aircraft into, within, or whose departure point is within an ADIZ unless the person files, activates, and closes a flight plan with the appropriate aeronautical facility.

(b) Unless ATC authorizes an abbreviated flight plan—

(1) A flight plan for IFR flight must contain the information specified in § 91.169; and

(2) A flight plan for VFR flight must contain the information specified in § 91.153(a) (1) through (6).

(3) If airport of departure is within the Alaskan ADIZ and there is no facility for filing a flight plan then:

(i) Immediately after takeoff or when within range of an appropriate aeronautical facility, comply with provisions of paragraph (b)(1) or (b)(2) as appropriate.

(ii) Proceed according to the instructions issued by the appropriate aeronautical facility.

(c) The pilot shall designate a flight plan for VFR flight as a DVFR flight plan.

[Doc. No. 25113, 53 FR 18217, May 20, 1988; 53 FR 44182, Nov. 2, 1988, as amended by Amdt. 99-15, 54 FR 34331, Aug. 18, 1989; 66 FR 49822, Sept. 28, 2001]

### § 99.12 Transponder-on requirements.

(a) *Aircraft transponder-on operation.* Each person operating an aircraft into or out of the United States into, within, or across an ADIZ designated in subpart B of this part, if that aircraft is equipped with an operable radar beacon transponder, shall operate the transponder, including altitude encoding equipment if installed, and shall reply on the appropriate code or as assigned by ATC.

(b) *ATC transponder equipment and use.* Effective September 7, 1990, unless otherwise authorized by ATC, no person may operate a civil aircraft into or out of the United States into, within, or across the contiguous U.S. ADIZ designated in subpart B of this part unless that aircraft is equipped with a coded radar beacon transponder.

(c) *ATC transponder and altitude reporting equipment and use.* Effective December 30, 1990, unless otherwise authorized by ATC, no person may operate a civil aircraft into or out of the United States into, within, or across the contiguous U.S. ADIZ unless that aircraft is equipped with a coded radar beacon transponder and automatic pressure altitude reporting equipment having altitude reporting capability that automatically replies to interrogations by transmitting pressure altitude information in 100-foot increments.

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(d) Paragraphs (b) and (c) of this section do not apply to the operation of an aircraft which was not originally certificated with an engine-driven electrical system and which has not subsequently been certified with such a system installed, a balloon, or a glider.

[Doc. No. 24903, 55 FR 8395, Mar. 7, 1990]

### § 99.15 Arrival or completion notice.

The pilot in command of an aircraft for which a flight plan has been filed shall file an arrival or completion notice with an appropriate aeronautical facility, unless the flight plan states that no notice will be filed.

### § 99.17 Position reports; aircraft operating in or penetrating an ADIZ; IFR.

The pilot of an aircraft operating in or penetrating an ADIZ under IFR—

(a) In controlled airspace, shall make the position reports required in § 91.183; and

(b) In uncontrolled airspace, shall make the position reports required in § 99.19.

[Doc. No. 25113, 53 FR 18217, May 20, 1988, as amended by Amdt. 99-15, 54 FR 34331, Aug. 18, 1989]

### § 99.19 Position reports; aircraft operating in or penetrating an ADIZ; DVFR.

No pilot may operate an aircraft penetrating an ADIZ under DVFR unless—

(a) That pilot reports to an appropriate aeronautical facility before penetration: The time, position, and altitude at which the aircraft passed the last reporting point before penetration and the estimated time of arrival over the next appropriate reporting point along the flight route;

(b) If there is no appropriate reporting point along the flight route, that pilot reports at least 15 minutes before penetration: The estimated time, position, and altitude at which he will penetrate; or

(c) If the airport departure is within an ADIZ or so close to the ADIZ boundary that it prevents his complying with paragraphs (a) or (b) of this section, that pilot has reported immediately after taking off: the time of departure, altitude, and estimated time of arrival

over the first reporting point along the flight route.

### § 99.21 Position reports; aircraft entering the United States through an ADIZ; United States aircraft.

The pilot of an aircraft entering the United States through an ADIZ shall make the reports required in § 99.17 or 99.19 to an appropriate aeronautical facility.

### § 99.23 Position reports; aircraft entering the United States through an ADIZ; foreign aircraft.

In addition to such other reports as ATC may require, no pilot in command of a foreign civil aircraft may enter the U.S. through an ADIZ unless that pilot makes the reports required in § 99.17 or 99.19 or reports the position of the aircraft when it is not less than one hour and not more than 2 hours average direct cruising distance from the United States.

[Doc. No. 25113, 53 FR 18217, May 20, 1988; 53 FR 21989, June 13, 1988]

### § 99.27 Deviation from flight plans and ATC clearances and instructions.

(a) No pilot may deviate from the provisions of an ATC clearance or ATC instruction except in accordance with § 91.123 of this chapter.

(b) No pilot may deviate from the filed IFR flight plan when operating an aircraft in uncontrolled airspace unless that pilot notifies an appropriate aeronautical facility before deviating.

(c) No pilot may deviate from the filed DVFR flight plan unless that pilot notifies an appropriate aeronautical facility before deviating.

[Doc. No. 25113, 53 FR 18217, May 20, 1988, as amended by Amdt. 99-15, 54 FR 34331, Aug. 18, 1989]

### § 99.29 Radio failure; DVFR.

If the pilot operating an aircraft under DVFR in an ADIZ cannot maintain two-way radio communications, the pilot may proceed in accordance with original DVFR flight plan or land as soon as practicable. The pilot shall report the radio failure to an appropriate aeronautical facility as soon as possible.