

(c) Only crewmembers are permitted onboard the aircraft; and

(d) “Maintenance Flight” is included in the remarks section of the flight plan.

5–6–7. Civil Aircraft Operations Transiting U.S. Territorial Airspace

a. Civil aircraft (except those operating in accordance with subparagraphs 5–6–7b, 5–6–7c, 5–6–7d, and 5–6–7e) are authorized to transit U.S. territorial airspace if in compliance with all of the following conditions:

1. File and are on an active flight plan (IFR, VFR, or DVFR);

2. Equipped with an operational transponder with altitude reporting capability and continuously squawk an ATC assigned transponder code;

3. Equipped with an operational ADS–B Out when operating in airspace specified in 14 CFR 91.225;

4. Maintain two–way radio communications with ATC;

5. Comply with all other applicable ADIZ requirements described in paragraph 5–6–4 and any other national security requirements in paragraph 5–6–2;

6. Are operating under an approved TSA aviation security program (see paragraph 5–6–10 for TSA aviation security program information) or are operating with and in accordance with an FAA/TSA airspace waiver (see paragraph 5–6–9 for FAA/TSA airspace waiver information), if:

(a) The aircraft is not registered in the U.S.; or

(b) The aircraft is registered in the U.S. and its maximum takeoff gross weight is greater than 100,309 pounds (45,500 kgs);

7. Are in receipt of, and are operating in accordance with, an FAA routing authorization if the aircraft is registered in a U.S. State Department–designated special interest country or is operating with the ICAO 3LD of a company in a country listed as a U.S. State Department–designated special interest country, unless the operator holds valid FAA Part 129 operations specifications. VFR and DVFR flight operations are prohibited for any aircraft requiring an

FAA routing authorization. (See paragraph 5–6–11 for FAA routing authorization information.)

b. Civil aircraft registered in Canada or Mexico, and engaged in operations for the purposes of air ambulance, firefighting, law enforcement, search and rescue, or emergency evacuation are authorized to transit U.S. territorial airspace within 50 NM of their respective borders with the U.S., with or without an active flight plan, provided they have received and continuously transmit an ATC–assigned transponder code.

c. Civil aircraft registered in Canada, Mexico, Bahamas, Bermuda, Cayman Islands, or the British Virgin Islands with a maximum certificated takeoff gross weight of 100,309 pounds (45,500 kgs) or less are authorized to transit U.S. territorial airspace if in compliance with all of the following conditions:

1. File and are on an active flight plan (IFR, VFR, or DVFR) that enters U.S. territorial airspace directly from any of the countries listed in this subparagraph 5–6–7c. Flights that include a stop in a non–listed country prior to entering U.S. territorial airspace must comply with the requirements prescribed by subparagraph 5–6–7a above, including operating under an approved TSA aviation security program (see paragraph 5–6–10 for TSA aviation security program information) or operating with, and in accordance with, an FAA/TSA airspace waiver (see paragraph 5–6–9 for FAA/TSA airspace waiver information).

2. Equipped with an operational transponder with altitude reporting capability and continuously squawk an ATC assigned transponder code;

3. Equipped with an operational ADS–B Out when operating in airspace specified in 14 CFR 91.225;

4. Maintain two–way radio communications with ATC; and

5. Comply with all other applicable ADIZ requirements described in paragraph 5–6–4 and any other national security requirements in paragraph 5–6–2.

d. Civil aircraft registered in Canada, Mexico, Bahamas, Bermuda, Cayman Islands, or the British Virgin Islands with a maximum certificated takeoff gross weight greater than 100,309 pounds (45,500 kgs) must comply with the requirements subparagraph 5–6–7a, including operating under an