year if requested under both para-
graphs. The request must be accom-
panied by a certified statement signed
by an officer of the operator indicating
that the operator has or has contracted
for aircraft capable of being utilized in
using the slots requested and that the
operator has bona fide plans to use the
requested slots for operations described
in paragraph (a).

[Doc. No. 24105, 51 FR 21717, June 13, 1986, as
amended by Amdt. 93–61, 55 FR 53243, Dec. 27,
1990; 56 FR 1059, Jan. 10, 1991; Amdt. 93–78, 64
FR 53565, Oct. 1, 1999]

§ 93.218 Slots for transborder service
to and from Canada.

(a) Except as otherwise provided in
this subpart, international slots identi-
fied by U.S. carriers for international
operations in December 1985 and the
equivalent number of international slots held as of February 24, 1998, will
be domestic slots. The Chief Counsel of
the FAA shall be the final decision-
maker for these determinations.

(b) Canadian carriers shall have a
guaranteed base level of slots of 42
slots at LaGuardia, 36 slots at O’Hare
for the Summer season, and 32 slots at
O’Hare in the Winter season.

(c) Any modification to the slot base
by the Government of Canada or the
Canadian carriers that results in a de-
crease of the guaranteed base in para-
graph (b) of this section shall perma-
nently modify the base number of
slots.

[Doc. No. FAA–1999–4971, 64 FR 53565, Oct. 1,
1999]

§ 93.219 Allocation of slots for essential
air service operations and applica-
table limitations.

Whenever the Office of the Secretary
of Transportation determines that
slots are needed for operations to or
from a High Density Traffic Airport
under the Department of Transpor-
tation’s Essential Air Service (EAS)
Program, those slots shall be provided
to the designated air carrier or com-
muter operator subject to the following
limitations:

(a) Slots obtained under this section
may not be bought, sold, leased or oth-
erwise transferred, except that such
slots may be traded for other slots on a
one-for-one basis at the same airport.

(b) Any slot obtained under this sec-
tion must be returned to the FAA if it
will not be used for EAS purposes for
more than a 2-week period. A slot re-
turned under this paragraph may be re-
allocated to the operator which re-
turned it upon request to the FAA off-
ice specified in §93.221(a)(1) if that slot
has not been reallocated to an operator
to provide substitute essential air serv-
ice.

(c) Slots shall be allocated for EAS
purposes in a time period within 90
minutes of the time period requested.

(d) The Department will not honor
requests for slots for EAS purposes to a
point if the requesting carrier has pre-
viously traded away or sold slots it had
used or obtained for use in providing
essential air service to that point.

(e) Slots obtained under Civil Aero-
nautics Board Order No. 84–11–40 shall
be considered to have been obtained
under this section.

§ 93.221 Transfer of slots.

(a) Except as otherwise provided in
this subpart, effective April 1, 1986,
slots may be bought, sold or leased for
any consideration and any time period
and they may be traded in any com-
bination for slots at the same airport
or any other high density traffic air-
port. Transfers, including leases, shall
comply with the following conditions:

(1) Requests for confirmation must be
submitted in writing to Slot Adminis-
tration Office, AGC–230, Office of the
Chief Counsel, Federal Aviation Ad-
ministration, 800 Independence Ave.,
SW., Washington, DC 20591, in a format
to be prescribed by the Administrator.
Requests will provide the names of the
transferor and recipient; business ad-
dress and telephone number of the per-
sons representing the transferor and
recipient; whether the slot is to be used
for an arrival or departure; the date
the slot was acquired by the transferor;
the section of this subpart under which
the slot was allocated to the trans-
feror; whether the slot has been used
by the transferor for international or
essential air service operations; and
whether the slot will be used by the re-
cipient for international or essential
air service operations. After with-
drawal priorities have been established
under §93.223 of this part, the requests
must include the slot designations of the transferred slots as described in §93.223(b)(5).

(2) The slot transferred must come from the transferor’s then-current FAA-approved base.

(3) Written evidence of each transferor’s consent to the transfer must be provided to the FAA.

(4) The recipient of a transferred slot may not use the slot until written confirmation has been received from the FAA.

(5)(i) Until a slot obtained by a new entrant or limited incumbent carrier in a lottery held under §93.225 after June 1, 1991, has been used by the carrier that obtained it for a continuous 24-month period after the lottery in accordance with §93.227(a), that slot may be transferred only by trade for one or more slots at the same airport or to other new entrant or limited incumbent carriers under §93.221(a)(5)(iii). This transfer restriction shall apply to the same extent to any slot or slots acquired by trading the slot obtained in a lottery. To remove the transfer restriction, documentation of 24 months’ continuous use must be submitted to the FAA Office of the Chief Counsel.

(ii) Failure to use a slot acquired by trading a slot obtained in a lottery for a continuous 24-month period after the lottery, shall void all trades involving the lottery slot, which shall be returned to the FAA. All use of the lottery slot shall be counted toward fulfilling the minimum use requirements under §93.227(a) applicable to the slot or slots for which the lottery slot was traded, including subsequent trades.

(iii) Slots obtained by new entrant or limited incumbent carriers in a lottery may be sold, leased, or otherwise transferred to another entrant or limited incumbent carrier after a minimum of 60 days of use by the obtaining carrier. The transfer restrictions of §93.221(a)(5)(i) shall continue to apply to the slot until documentation of 24 months’ continuous use has been submitted and the transfer restriction removed.

(6) The Office of the Secretary of Transportation must determine that the transfer will not be injurious to the essential air service program.

(b) A record of each slot transfer shall be kept on file by the office specified in paragraph (a)(1) of this section and will be made available to the public upon request.

(c) Any person may buy or sell slots and any air carrier or commuter may use them. Notwithstanding §93.123, air carrier slots may be used with aircraft of the kind described in §93.123(c)(1) or (c)(2) but commuter slots may only be used with aircraft of the kind described in §93.0123(c)(2).

(d) Air carriers and commuter operators considered to be a single operator under the provisions of §93.213(c) of this subpart but operating under separate names shall report transfers of slots between them.

(e) Notwithstanding §93.123(c)(2) of this part, a commuter slot at O’Hare International Airport may be used with an aircraft described in §93.123(c)(1) of this part on the following conditions:

(1) Air carrier aircraft that may be operated under this paragraph are limited to aircraft:

(i) Having an actual seating configuration of 110 or fewer passengers; and

(ii) Having a maximum certificated takeoff weight of less than 126,000 pounds.

(2) No more than 50 percent of the total number of commuter slots held by a slot holder at O’Hare International Airport may be used with aircraft described in paragraph (e)(1) of this section.

(3) An air carrier or commuter operator planning to operate an aircraft described in paragraph (e)(1) of this section in a commuter slot shall notify ATC at least 75 days in advance of the planned start date. The notice shall include the slot number, proposed time of operation, aircraft type, aircraft series, actual aircraft seating configuration, and planned start date. ATC will approve or disapprove the proposed operation no later than 45 days prior to the planned start date. If an operator does not initiate operation of a commuter slot under this section within 30 days of the planned start date first submitted to the FAA, the ATC approval for that operation will expire. That operator may file a new or revised notice for the same half-hour slot time.
§ 93.223 Slot withdrawal.

(a) Slots do not represent a property right but represent an operating privilege subject to absolute FAA control. Slots may be withdrawn at any time to fulfill the Department’s operational needs, such as providing slots for international or essential air service operations or eliminating slots. Before withdrawing any slots under this section to provide them for international operations, essential air services or other operational needs, those slots returned under § 93.224 of this part and those recalled by the agency under § 93.227 will be allocated.

(b) Separate slot pools shall be established for air carriers and commuter operators at each airport. The FAA shall assign, by random lottery, withdrawal priority numbers for the recall priority of slots at each airport. Each additional permanent slot, if any, will be assigned the next higher number for air carrier or commuter operator slots, as appropriate, at each airport. Each slot shall be assigned a designation consisting of the applicable withdrawal priority number; the airport code; a code indicating whether the slot is an air carrier or commuter operator slot; and the time period of the slot. The designation shall also indicate, as appropriate, if the slot is daily or for certain days of the week only; is limited to arrivals or departures; is allocated for international operations or for EAS purposes; and, at Kennedy International Airport, is a summer or winter slot.

(c) Whenever slots must be withdrawn, they will be withdrawn in accordance with the priority list established under paragraph (b) of this section, except:

(1) Slots obtained in a lottery held pursuant to § 93.225 of this part shall be subject to withdrawal pursuant to paragraph (i) of that section, and

(2) Slots necessary for international and essential air service operations shall be exempt from withdrawal for use for other international or essential air service operations.

(3) Except as provided in § 93.227(a), the FAA shall not withdraw slots held at an airport by an air carrier or commuter operator holding and operating 12 or fewer slots at that airport (excluding slots used for operations described in § 93.212(a)(1)), if withdrawal would reduce the number of slots held below the number of slots operated.

(4) No slot comprising the guaranteed base of slots, as defined in section 93.318(b), shall be withdrawn for use for international operations or for new entrants.

(d) The following withdrawal priority rule shall be used to permit application of the one-for-one trade provisions for international and essential air service slots and the slot withdrawal provisions where the slots are needed for other than international or essential air service operations. If an operator has more than one slot in a specific time period in which it also has a slot being used for international or essential air service operations, the international and essential air service slots will be considered to be those with the lowest withdrawal priority.

(e) The operator(s) using each slot to be withdrawn shall be notified by the FAA of the withdrawal and shall cease operations using that slot on the date indicated in the notice. Generally, the FAA will provide at least 30 days after notification for the operator to cease operations unless exigencies require a shorter time period.

(f) For 24 months following a lottery held after June 1, 1991, a slot acquired in that lottery shall be withdrawn by the FAA upon the sale, merger, or acquisition of more than 50 percent ownership or control of the carrier using that slot or one acquired by trade of

Federal Aviation Administration, DOT

§ 93.223