

## SUBCHAPTER A—ECONOMIC REGULATIONS

### PART 200—DEFINITIONS AND INSTRUCTIONS

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200.1 Terms and definitions.

200.2 Instructions.

AUTHORITY: 49 U.S.C. Chapters 401, 411, 413, 415, 417, 461.

#### § 200.1 Terms and definitions.

For purposes of this chapter—

(a) Unless otherwise specifically stated, words and phrases other than those listed in this section have the meaning defined in 49 U.S.C. Subtitle VII.

(b) *Department* or *DOT* means the Department of Transportation.

(c) *Predecessor* means the Civil Aeronautics Board (CAB).

(d) *Order* refers to the rules, regulations, and orders prescribed by the Department pursuant to the 49 U.S.C. Subtitle VII or its orders that are, by law, still in effect.

(e) *FAA* means the Federal Aviation Administration, U.S. Department of Transportation.

(f) *OST-R* means the Office of the Assistant Secretary for Research and Technology, U.S. Department of Transportation.

(g) *Secretary* means the Secretary of Transportation, U.S. Department of Transportation.

[Doc. No. DOT-OST-2014-0140, 84 FR 15924, Apr. 16, 2019]

#### § 200.2 Instructions.

The regulations of the Department may be cited by section numbers. For example, this regulation may be cited as “§200.2 of the Aviation Economic Regulations.” The sections contained in the Rules of Practice may also be cited by appropriate rule numbers. (See §302.1(c) of this chapter.) For example, 14 CFR 302.10 may be cited as “rule 10 of the Rules of Practice.”

[Doc. No. 47939, 57 FR 40100, Sept. 2, 1992, as amended at 65 FR 6456, Feb. 9, 2000]

### PART 201—AIR CARRIER AUTHORITY UNDER SUBTITLE VII OF TITLE 49 OF THE UNITED STATES CODE

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AUTHORITY: 5 U.S.C. 1008; 49 U.S.C. Chapters 401, 411, 413, 415, 417.

SOURCE: Docket No. 47582, 57 FR 38765, Aug. 27, 1992, unless otherwise noted.

#### Subpart A—Application Procedures

##### § 201.1 Formal requirements.

(a) Applications for certificates of public convenience and necessity under section 41102 of 49 U.S.C. Subtitle VII and for interstate all-cargo air transportation certificates under section 41103 of 49 U.S.C. Subtitle VII shall meet the requirements set forth in part 302 of this chapter as to general requirements, execution, number of copies, service, and formal specifications of papers.

(b) Any person desiring to provide air transportation as a commuter air carrier must comply with the provisions of part 298 of this chapter and submit data to support a fitness determination in accordance with part 204 of this chapter. An executed original plus two (2) true copies of the fitness data shall be filed with Docket Operations Office, U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Requests for confidential treatment of

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documents should be filed in accordance with the requirements of part 302 of this chapter.

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### § 201.2 Amendments.

If, after receipt of any application, the Department asks the applicant to supply additional information, such information shall be furnished in the form of a supplement to the original application.

### § 201.3 Incorporation by reference.

Incorporation by reference shall be avoided. However, where two or more applications are filed by a single carrier, lengthy exhibits or other documents attached to one may be incorporated in the others by reference if that procedure will substantially reduce the cost to the applicant.

### § 201.4 General provisions concerning contents.

(a) All pages of an application shall be consecutively numbered, and the application shall clearly describe and identify each exhibit by a separate number or symbol. All exhibits shall be deemed to constitute a part of the application to which they are attached.

(b) All amendments to applications shall be consecutively numbered and shall comply with the requirements of this part.

(c) Requests for authority to engage in interstate air transportation shall not be included in the same application with requests for authority to engage in foreign air transportation. Similarly, requests for authority to engage in scheduled air transportation under section 41102 of 49 U.S.C. Subtitle VII shall not be included in the same application with requests for authority to engage in charter air transportation under section 41102 of 49 U.S.C. Subtitle VII or with requests for authority to engage in interstate all-cargo air transportation under section 41103 of 49 U.S.C. Subtitle VII.

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(d) Each application shall specify the type or types of service (passengers, property or mail) to be rendered and whether such services are to be rendered on scheduled or charter operations.

(e) Each application for foreign scheduled air transportation shall include an adequate identification of each route for which a certificate is desired, including the terminal and intermediate points to be included in the certificate for which application is made.

(f) Each application shall give full and adequate information with respect to each of the relevant filing requirements set forth in part 204 of this chapter. In addition, the application may contain such other information and data as the applicant shall deem necessary or appropriate in order to acquaint the Department fully with the particular circumstances of its case; however, the statements contained in an application shall be restricted to significant and relevant facts.

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[Doc. No. 47582, 57 FR 38765, Aug. 27, 1992, as amended at 60 FR 43523, Aug. 22, 1995; Doc. No. DOT-OST-2014-0140, 84 FR 15924, Apr. 16, 2019]

### § 201.5 Advertising and sales by applicants.

(a) An applicant for new or amended certificate or commuter air carrier authority shall not:

(1) Advertise, list schedules, or accept reservations for the air transportation covered by its application until the application has been approved by the Department; or

(2) Accept payment or issue tickets for the air transportation covered by its application until the authority or amended authority has become effective or the Department issues a notice authorizing sales.

(b) An applicant for new or amended certificate or commuter air carrier authority may not advertise or publish schedule listings for the air transportation covered by its application after the application has been approved by the Department (but before all authority issued by DOT, including the FAA,

becomes effective) unless such advertising or schedule listings prominently state: “This service is subject to receipt of government operating authority.”

### **Subpart B—Certificate Terms, Conditions, and Limitations**

#### **§ 201.6 Applicability.**

Unless the certificate or the order authorizing its issuance shall otherwise provide, such terms, conditions and limitations as are set forth in this part, and as may from time to time be prescribed by the Department, shall apply to the exercise of the privileges granted by each certificate issued under section 41102 or section 41103 of 49 U.S.C. Subtitle VII.

[Doc. No. 47582, 57 FR 38765, Aug. 27, 1992, as amended at 60 FR 43523, Aug. 22, 1995; Doc. No. DOT-OST-2014-0140, 84 FR 15924, Apr. 16, 2019]

#### **§ 201.7 General certificate conditions.**

(a) It shall be a condition upon the holding of a certificate that any intentional failure by the holder to comply with any provision of Statute or any order, rule, or regulation issued thereunder or any term, condition, or limitation of such certificate shall be a failure to comply with the terms, conditions, and limitations of the certificate within the meaning of section 41110 of 49 U.S.C. Subtitle VII even though the failure to comply occurred outside the territorial limits of the United States, except to the extent that such failure shall be necessitated by an obligation, duty, or liability imposed by a foreign country.

(b) Failure to file the reports required by part 241, 291, or 298 of this chapter shall be sufficient grounds to revoke a certificate.

(c) The authority to transport U.S. mail under a certificate is permissive, unless the Department, by order or rule, directs a carrier or class of carriers to transport mail on demand of the U.S. Postal Service; such certificate confers no right to receive subsidy, for the carriage of mail or otherwise.

(d) An all-cargo air transportation certificate shall confer no right to carry passengers, other than cargo at-

tendants accompanying a shipment, or to engage in any air transportation outside the geographical scope of interstate cargo transportation. Such certificate shall not, however, restrict the right of the holder to provide scheduled, charter, contract, or other transportation of cargo, by air, within that geographical scope.

(e) It shall be a condition upon the holding of a certificate that the holder have and maintain in effect and on file with the Department a signed counterpart of Agreement 18900 (OST Form 4523), and a tariff (for those carriers otherwise generally required to file tariffs) that includes its terms, and that the holder comply with all other requirements of part 203. OST Form 4523 may be obtained from the Office of International Aviation, Special Authorities Division.

[Doc. No. 47582, 57 FR 38765, Aug. 27, 1992, as amended at 60 FR 43523, Aug. 22, 1995; Doc. No. DOT-OST-2014-0140, 84 FR 15924, Apr. 16, 2019]

## **PART 203—WAIVER OF WARSAW CONVENTION LIABILITY LIMITS AND DEFENSES**

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AUTHORITY: 49 U.S.C. Chapters 401, 411, 413, 415, 417.

SOURCE: ER-1324, 48 FR 8044, Feb. 25, 1983, unless otherwise noted.

#### **§ 203.1 Scope.**

This part requires that certain U.S. and foreign direct air carriers waive the passenger liability limits and certain carrier defenses in the Warsaw Convention in accordance with the provisions of Agreement 18900, dated May 13, 1966, and provides that acceptance of authority for, or operations by the carrier in, air transportation shall be