

**§ 216.1**

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

SOURCE: ER–525, 33 FR 692, Jan. 19, 1968, unless otherwise noted.

**§ 216.1 Definitions.**

(a) As used in this part, unless the context otherwise requires:

*Blind sector traffic* means revenue traffic, carried by a foreign air carrier on a flight operating in air transportation, which is enplaned at one foreign point and deplaned at another foreign point, where at least one of such points is not named as a terminal or intermediate point in the carrier's applicable foreign air carrier permit.

NOTE: This definition shall not be deemed to include the carriage of authorized *beyond homeland* traffic (*i.e.*, traffic carried between a point named in a carrier's foreign air carrier permit and a point beyond a homeland terminal point authorized under such permit).

*Revenue traffic* means persons, property or mail carried for compensation or hire.

(b) Terms defined in 49 U.S.C. 40102 have the meaning expressed in such definitions.

[ER–525, 33 FR 692, Jan. 19, 1968, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15926, Apr. 16, 2019]

**§ 216.2 Applicability.**

This part sets forth the requirements applicable to foreign air carriers for obtaining a Special Authorization from the Department with respect to any deviation from an authorized foreign air transportation route for the purpose of commingling blind sector traffic with air transportation traffic carried pursuant to a foreign air carrier permit issued by the Department. The deviation by a foreign air carrier from its authorized route for the purpose of combined carriage to or from the United States of nonrevenue or other traffic, the carriage of which does not constitute engaging in foreign air

transportation, is governed by the provisions of part 375 of this chapter.

[ER–525, 33 FR 692, Jan. 19, 1968, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15926, Apr. 16, 2019]

**§ 216.3 Prohibition.**

No foreign air carrier shall carry any blind sector traffic, as defined in this part, on any flight operating in air transportation pursuant to the authority of a foreign air carrier permit issued under 49 U.S.C. 41301, unless the combined carriage of such traffic has been specifically authorized by such permit, or by a Special Authorization issued under § 216.4.

[ER–525, 33 FR 692, Jan. 19, 1968, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15926, Apr. 16, 2019]

**§ 216.4 Special authorizations.**

(a) *Applications.* Any foreign air carrier may apply to the Department for a Special Authorization, as required by this part, for the carriage of blind sector traffic on a particular flight, series of flights, or for a specified or indefinite period of time between specified points. Applications shall be submitted directly to the Department, addressed to the attention of the Director, Office of International Aviation. One original and two copies in conformity with the requirements of §§ 302.3(b) and 302.4 (a) and (b) of this chapter shall be filed. The applications shall contain a proper identification of the applicant; the flight or flights upon which it is proposed to carry such blind sector traffic, including routing, nontraffic stops, and dates or duration of the authority sought; a full description of such traffic, and points between which such traffic will be carried; information or documentation as to whether the country of which the applicant is a national grants reciprocal privileges to U.S. carriers; and the reasons for requesting such authorization together with such additional information as will establish that the grant of such authority will otherwise be in the public interest. Such additional information as may be specifically requested by the Department shall also be furnished.

(b) *Service.* Applications shall be served upon each direct U.S. air carrier certificated to engage in individually