

§ 222.3 Application for Statement of Authorization.

(a) Application for a Statement of Authorization shall be filed with the Department's Foreign Air Carrier Licensing Division, Office of International Aviation, in duplicate, on OST Form 4500. In most cases, the Department will act upon applications for Statements of Authorization within 60 days.

(b) Persons objecting to an application for a Statement of Authorization shall file their objections with the Foreign Air Carrier Licensing Division, Office of International Aviation, within 28 days of the filing date of the application. The Department will list the names and nationalities of all persons applying for Statements of Authorization in its Weekly Summary of Filings.

(c) An application shall include a copy of any bilateral agreement, memorandum of consultations, or diplomatic note or letter, in support of the authority requested. Documents that appear in official U.S. publications may be incorporated by reference.

(Approved by the Office of Management and Budget under control number 3024-0045)

[ER-1228, 46 FR 32556, June 24, 1981, as amended by ER-1348, 48 FR 31635, July 11, 1983; Doc. No. DOT-OST-2014-0140, 84 FR 15930, Apr. 16, 2019]

§ 222.4 Procedure on receipt of application for Statement of Authorization.

(a) After review of an application form filed under § 222.3, the Department will take one or more of the following actions:

(1) Indicate by stamp on OST Form 4500 the effective date of the Statement of Authorization, and return to the carrier the duplicate copy of Form 4500 as evidence of approval under this part;

(2) Request additional information from the applicant;

(3) Set the application for notice and hearing procedures;

(4) Disapprove the application or approve it subject to such terms, conditions, or limitations as may be required by the public interest; or

(5) Reject the application on the grounds that there is no agreement by

the United States authorizing the proposed services.

(b) An order disapproving an application or subjecting it to conditions or limitations shall be transmitted to the President for stay or disapproval. If the President does not stay or disapprove the Department's order, it shall become effective on the 31st day after transmittal to the President, or within any longer time period established in the order.

[ER-1228, 46 FR 32556, June 24, 1981, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15930, Apr. 16, 2019]

§ 222.5 Cancellation or conditioning of a Statement of Authorization.

A Statement of Authorization may be canceled or made subject to additional terms, conditions, or limitations, at any time, with or without hearing, if the Department finds that it is in the public interest to do so. An order canceling or conditioning a Statement of Authorization shall be submitted to the President for stay or disapproval and shall become effective on the 31st day after transmittal or within any longer time period established by the Department.

[ER-1228, 46 FR 32556, June 24, 1981, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15930, Apr. 16, 2019]

PART 223—FREE AND REDUCED-RATE TRANSPORTATION**Subpart A—General Provisions**

Sec.

223.1 Definitions.

223.2 Exemption from section 401 of the Act.

223.3 Mandatory free transportation.

223.4 Transferability of passes.

223.5 Responsibility of agencies.

223.6 Carrier's rules.

Subpart B—Domestic Travel

223.11 Free and reduced-rate transportation permitted.

Subpart C—International Travel

223.21 Free and reduced-rate transportation authorized by statute or regulation.

223.22 Other persons to whom free and reduced-rate transportation may be furnished.

223.23 Applications for authority to carry other persons.

§ 223.1

223.24 Transportation of empty mail bags.
223.25 List of affiliates.

AUTHORITY: 49 U.S.C. 40113, 40114, and 41711.

SOURCE: ER-1371, 48 FR 57118, Dec. 28, 1983, unless otherwise noted.

Subpart A—General Provisions

§ 223.1 Definitions.

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

Affiliate of a carrier means a person:

(1) Who controls that carrier, or is controlled by that carrier or by another person who controls or is controlled by that carrier; and

(2) Whose principal business in purpose or in fact is:

(i) The holding of stock in one or more carriers;

(ii) Transportation by air or the sale of tickets therefor;

(iii) The operation of one or more airports, one or more of which are used by that carrier or by another carrier who controls or is controlled by that carrier or that is under common control with that carrier by another person; or

(iv) Activities related to the transportation by air conducted by that carrier or by another carrier that controls or is controlled by that carrier or which is under common control with that carrier by another person.

Air carrier means the holder of a certificate of public convenience and necessity issued by the Department under 49 U.S.C. 41102 authorizing the carriage of persons. This definition is applicable to a holder of a certificate issued by the Civil Aeronautics Board before its sunset in 1984.

Attendant means any person required by a passenger with a disability in order to travel, whether or not that person's services are required while the passenger with a disability is in an aircraft.

Carrier means:

(1) An air carrier;

(2) An all-cargo air carrier operating under 49 U.S.C. 41102, 41103;

(3) A foreign air carrier;

(4) An intrastate carrier;

(5) An air taxi (including a commuter air carrier) operating under part 294 or 298 of this chapter; and

(6) Any person operating as a common carrier by air, or in the carriage of

14 CFR Ch. II (1–1–25 Edition)

mail by air, or conducting transportation by air, in a foreign country.

Delivery flight means a flight from a point in the United States where a carrier has taken delivery of a newly manufactured aircraft to any point or points on its route system.

Foreign air carrier means the holder of a permit issued by the Department under 49 U.S.C. 41302 authorizing the carriage of persons. This definition is applicable to a holder of a certificate issued by the Civil Aeronautics Board before its sunset in 1984.

Free transportation means the carriage by an air carrier or foreign air carrier of any person or property (other than property owned by that carrier) in air transportation without compensation therefore.

Inaugural flight means a flight on an aircraft type being introduced by a carrier for the first time on a route, even if that aircraft type has been used by that carrier on other routes or on that route by other carriers.

Passenger with a disability means any person who has a physical or mental impairment (other than drug addiction or alcoholism), that substantially limits one or more major life activities.

Pass means a written authorization, other than actual ticket stock, issued by a carrier for free or reduced-rate transportation of persons or property.

Reduced-rate transportation means the carriage by an air carrier or foreign air carrier of any person or property (other than property owned by such carrier) in air transportation for a compensation less than that specified in the tariffs of that carrier on file with the Department and otherwise applicable to such carriage.

Retired means:

(1) With respect to carrier directors, officers, and employees, persons receiving retirement benefits from any carrier; and

(2) With respect to the general public, persons not regularly working at a full-time paying job, and not intending to do so in the future.

[Doc. No. DOT-OST-2014-0140, 84 FR 15930, Apr. 16, 2019]

§ 223.2 Exemption from 49 U.S.C. 41102.

(a) Any all-cargo carrier is exempted from 49 U.S.C. 41102 to the extent necessary to carry, for purposes of in-flight observation, technical representatives of companies that have been engaged in the manufacture, development, or testing of aircraft or aircraft equipment.

(b) Every carrier providing transportation under this section shall also comply with the applicable regulations of the Federal Aviation Administration such as regulations pertaining to admission of persons to the aircraft flight deck.

[ER-1371, 48 FR 57118, Dec. 28, 1983, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15930, Apr. 16, 2019]

§ 223.3 Mandatory free transportation.

Every air carrier shall carry, without charge, on any aircraft that it operates, the following persons:

(a) Security guards who have been assigned to the duty of guarding such aircraft against unlawful seizure, sabotage or other unlawful interference, upon the exhibition of such credentials as may be prescribed by the Administrator of the Federal Aviation Administration;

(b) Safety inspectors of the National Transportation Safety Board or of the Federal Aviation Administration who have been assigned to the duty of inspecting during flight such aircraft or its equipment, route facilities, operational procedures, or airman competency upon the exhibition of credentials or a certificate from the agency involved in authorizing such transportation; and

(c) Postal employees on duty in charge of the mails or traveling to or from such duty, upon the exhibition of the credentials issued by the Postmaster General.

§ 223.4 Transferability of passes.

Any pass authorizing free or reduced-rate transportation issued by a carrier may be made transferable to the extent specified by the granting carrier.

§ 223.5 Responsibility of agencies.

The Federal Aviation Administration, National Transportation Safety Board, National Weather Service, and the Postal Service shall be responsible for the following:

(a) The issuance of any credentials or certificates to their personnel eligible for free or reduced-rate transportation under this part; and

(b) The promulgation of any internal rules that are necessary to obtain compliance by such personnel with this part.

§ 223.6 Carrier's rules.

(a) Each air carrier and foreign air carrier shall maintain at its principal office either a copy or all instructions to its employees and of all company rules governing its practice in connection with the issuance and interchange of free and reduced-rate transportation passes or a statement describing those practices.

(b) The rules or statement required by this section shall, at a minimum, include the following:

(1) The titles of its officials upon whose authorizations passes may be issued;

(2) The titles of other officials who are authorized by these officials to countersign passes on their behalf, and the extent of the authority granted to them; and

(3) The titles of persons who are authorized to request passes from other carriers.

(c) The rules, instructions, or statement required by this section shall be furnished to the Department upon request or to a member of the public upon payment of a reasonable charge for this service.

(Approved by the Office of Management and Budget under control number 3024-0002)

[ER-1371, 48 FR 57118, Dec. 28, 1983, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15930, Apr. 16, 2019]

Subpart B—Domestic Travel**§ 223.11 Free and reduced-rate transportation permitted.**

Air carriers may charge any rate or fare for interstate and overseas air transportation.

Subpart C—International Travel**§ 223.21 Free and reduced-rate transportation authorized by statute or regulation.**

(a) Any air carrier or foreign air carrier may provide free or reduced-rate foreign air transportation to any classes of persons specifically named in 49 U.S.C. 41511 or free transportation to those named in § 375.35 of this chapter.

(b) Air carriers and foreign air carriers may offer reduced fares for foreign air transportation to ministers of religion, the elderly, retired, and handicapped passengers, and to attendants required by handicapped passengers, but shall file tariffs for such fares. Carriers may establish reasonable tariff rules to assist in identifying those who qualify for reduced fares.

[ER–1371, 48 FR 57118, Dec. 28, 1983, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15930, Apr. 16, 2019]

§ 223.22 Other persons to whom free and reduced-rate transportation may be furnished.

Air carriers and foreign air carriers are exempted from 49 U.S.C. 41510 and 41310(b) and part 221 of this chapter to the extent necessary to provide free or reduced-rate foreign air transportation, including passes, to the following:

(a) Directors, officers, employees, and retirees and members of their immediate families, of any carrier or of any affiliate of such carrier, subject to the requirements of § 223.25.

(b) Persons to whom the carrier is required to furnish such transportation by law or government directive or by a contract or agreement between the carrier and the government of any country served by the carrier. The Department may, without prior notice, direct the carrier to file a tariff covering such transportation if it finds that the law or government directive in question requires the provision of such transportation. This transportation may be provided only if:

(1) The contract or agreement is filed with the Department, and it is not disapproved by the Department; and

(2) The law or government directive does not require the furnishing of such

transportation to the general public or any segment thereof.

(c) Technical representatives of companies that have been engaged in the manufacture, development or testing of a particular type of aircraft or aircraft equipment, when the transportation is provided for the purposes of in-flight observation, and subject to applicable regulations of the Federal Aviation Administration such as regulations pertaining to admission of persons to the aircraft flight deck.

(d) Any person in return for goods or services provided by such person whether the transportation is used by that person or any designee of such person;

(e) Persons engaged in promoting transportation and their immediate families, when such transportation is undertaken for a promotional purpose;

(f) Persons being transported on an inaugural flight or delivery flight of the carrier except that, in the case of delivery flights, this exemption extends only to free, and not reduced-rate, transportation;

(g) Any law-enforcement official, including any person who has the duty of guarding government officials traveling on official business against unlawful interference;

(h) As compensation to persons that file a complaint or claim against the carrier;

(i) Charitable organizations; and

(j) Any person in an aviation-related occupation when the transportation is provided for the purpose of technical in-flight observation.

[ER–1371, 48 FR 57118, Dec. 28, 1983, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15930, Apr. 16, 2019]

§ 223.23 Applications for authority to carry other persons.

(a) Any air carrier or foreign air carrier desiring special authorization to provide free or reduced-rate foreign air transportation to persons to whom the carrier would not otherwise be authorized to furnish such transportation under the previous provisions of this part may apply to the Department, by letter or other writing, for such authorization.

(b) The application shall include the following information:

Office of the Secretary, DOT

§ 234.2

(1) The identity of the persons to whom the transportation is to be furnished;

(2) The points between which the transportation is to be furnished;

(3) The approximate time of departure; and

(4) The carrier's reasons for desiring to furnish such transportation.

(c) No transportation for which approval is required shall be furnished by the carrier until that approval is received by the carrier.

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[ER-1371, 48 FR 57118, Dec. 28, 1983, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15930, Apr. 16, 2019]

§ 223.24 Transportation of empty mail bags.

Any carrier authorized to engage in foreign air transportation may transport in foreign air transportation empty air mail bags from any country to the country of origin of such bags, free of charge, on a voluntary space-available basis.

§ 223.25 List of affiliates.

(a) Each carrier shall maintain at its principal office a list containing all of that carrier's affiliates, showing the exact relationship of each affiliate to the carrier.

(b) No pass may be issued under § 223.22(a) to a director, officer, employee, or members of their immediate family, of any affiliate, unless that affiliate is on the list required by paragraph (a) of this section.

(c) The list required by paragraph (a) of this section shall be furnished to the Department upon request.

(Approved by the Office of Management and Budget under control number 3024-0002)

[ER-1371, 48 FR 57118, Dec. 28, 1983, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15930, Apr. 16, 2019]

PART 234—AIRLINE SERVICE QUALITY PERFORMANCE REPORTS

Sec.

234.1 Purpose.

234.2 Definitions.

234.3 Applicability.

234.4 Reporting of on-time performance.

234.5 Form of reports.

234.6 Baggage-handling statistics.

234.7 Voluntary reporting.

234.8 Calculation of on-time performance codes.

234.9 Reporting of on-time performance codes.

234.10 Voluntary disclosure of on-time performance codes.

234.11 Disclosure to consumers.

234.12 Waivers.

AUTHORITY: 49 U.S.C. 329, 41708, and 41709.

SOURCE: Amdt. 234-1, 52 FR 34071, Sept. 9, 1987, unless otherwise noted.

NOTE: The reporting requirements contained in this part have been approved by the Office of Management and Budget under control number 2138-0041.

§ 234.1 Purpose.

The purpose of this part is to set forth required data that certain air carriers must submit to the Department and to computer reservations system vendors in computerized form, except as otherwise provided, so that information on air carriers' quality of service can be made available to consumers of air transportation. This part also requires that service quality data be disclosed directly to consumers.

§ 234.2 Definitions.

For the purpose of this part:

Cancelled flight means a flight operation that was not operated, but was listed in a carrier's computer reservation system within seven calendar days of the scheduled departure.

Discontinued flight means a flight dropped from a carrier's computer reservation system more than seven calendar days before its scheduled departure.

Diverted flight means a flight which is operated from the scheduled origin point to a point other than the scheduled destination point in the carrier's published schedule. For example, a carrier has a published schedule for a flight from A to B to C. If the carrier were to actually fly an A to C operation, the A to B segment is a diverted flight, and the B to C segment is a cancelled flight.

Extra-section flight means a flight conducted as an integral part of scheduled passenger service, that has not been provided for in published schedules and is required for transportation