

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.

(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]

§ 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

§ 234.3

14 CFR Ch. II (1–1–25 Edition)

of traffic that cannot be accommodated on the regularly scheduled flight.

Flight means any nonstop scheduled passenger flight segment with a specific flight number scheduled to be operated pursuant to a published schedule within a specific origin-destination city pair, other than transborder or foreign air transportation. In the case of reporting to computer reservations system vendors, *flight* also means one-stop or multi-stop single plane scheduled operations that include any flight segments for which performance is reported pursuant to this part.

Late or late flight means a flight that arrives at the gate 15 minutes or more after its published arrival time.

Mishandled-baggage report means a report filed with a carrier by or on behalf of a passenger that claims loss, delay, damage or pilferage of baggage.

Mishandled checked bag means a checked bag that is lost, delayed, damaged or pilfered, as reported to a carrier by or on behalf of a passenger.

New flight means a flight added to a carrier's schedule to operate in a specific origin-destination city pair and not scheduled to depart within 30 minutes of any discontinued flight that was contained in the carrier's published schedules for the same city pair during the previous month.

On-time means a flight that arrives less than 15 minutes after its published arrival time.

On-time performance means the percentage of scheduled operations of a specific flight that an air carrier operates on-time during a month.

On-time performance code means a single character determined in accordance with the provisions of this part that reflects the monthly on-time performance of certain nonstop flights and single plane one-stop or multi-stop flights, the schedule and availability of which are listed in a computer reservation system (CRS) regulated by 14 CFR part 255.

Reportable flight. (1) Reportable flight for air transportation taking place before January 1, 2018 means any nonstop flight, including a mechanically delayed flight, to or from any airport within the contiguous 48 states that accounts for at least 1 percent of domestic scheduled-passenger

enplanements in the previous calendar year, as reported to the Department pursuant to part 241 of this title. Qualifying airports will be specified periodically in accounting and reporting directives issued by the Office of Airline Information.

(2) Reportable flight for air transportation taking place on or after January 1, 2018 means any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, held out to the public under the reporting carrier's code, to or from any U.S. large, medium, small, or non-hub airport as defined in 49 U.S.C. 47102. Qualifying airports will be specified periodically in accounting and reporting directives issued by the Office of Airline Information.

Reporting carrier. (1) Reporting carrier for air transportation taking place before January 1, 2018 means an air carrier certificated under 49 U.S.C. 41102 that accounted for at least 1 percent of domestic scheduled-passenger revenues in the most recently reported 12-month period as defined by the Department's Office of Airline Information, and as reported to the Department pursuant to part 241 of this title. Reporting carriers will be identified periodically in accounting and reporting directives issued by the Office of Airline Information.

(2) Reporting carrier for air transportation taking place on or after January 1, 2018 means an air carrier certificated under 49 U.S.C. 41102 that accounted for at least 0.5 percent of domestic scheduled-passenger revenues in the most recently reported 12-month period as defined by the Department's Office of Airline Information, and as reported to the Department pursuant to part 241 of this chapter. Reporting carriers will be identified periodically in accounting and reporting directives issued by the Office of Airline Information.

[Amdt. 234–1, 52 FR 34071, Sept. 9, 1987, as amended by Doc. No. 48524, 59 FR 49797, Sept. 30, 1994; 60 FR 66722, Dec. 26, 1995; Docket. No. DOT-RITA–2011–0001, 81 FR 76306, Nov. 2, 2016; Docket. No. DOT-OST–2014–056; 81 FR 76826, Nov. 3, 2016]

§ 234.3 Applicability.

For air transportation taking place before January 1, 2018, this part applies

to reportable flights as defined in § 234.2 that are held out to the public by certificated air carriers that account for at least 1 percent of domestic scheduled passenger revenues. As stated in § 234.7, certain provisions also apply to voluntary reporting of on-time performance by carriers. For air transportation taking place on or after January 1, 2018, this part applies to reportable flights as defined in § 234.2 that are held out to the public by certificated air carriers that account for at least 0.5 percent of domestic scheduled passenger revenues. As stated in § 234.7, certain provisions also apply to voluntary reporting of on-time performance by carriers.

[Docket. No. DOT-OST-2014-0056, 81 FR 76826, Nov. 3, 2016]

§ 234.4 Reporting of on-time performance.

(a) Each reporting carrier shall file BTS Form 234 "On-Time Flight Performance Report" with the Office of Airline Information of the Department's Bureau of Transportation Statistics on a monthly basis, setting forth the information for each of its reportable flights operated by the reporting carrier and held out to the public on the reporting carrier's Web site and the Web sites of major online travel agencies, or in other generally recognized sources of schedule information. (See also paragraph (k) of this section.) The reportable flights include, but are not limited to, cancelled flights, mechanically cancelled flights, diverted flights, new flights and wet-leased flights. The report shall be made in the form and manner set forth in accounting and reporting directives issued by the Director, Office of Airline Statistics, and shall contain the following information:

- (1) Carrier and flight number.
- (2) Aircraft tail number.
- (3) Origin and Destination airport codes.
- (4) Published OAG departure and arrival times for each scheduled operation of the flight.
- (5) CRS scheduled arrival and departure time for each scheduled operation of the flight.
- (6) Actual departure and arrival time for each operation of the flight.

(7) Difference in minutes between OAG and CRS scheduled arrival times.

(8) Difference in minutes between OAG and CRS scheduled departure times.

(9) Actual wheels-off and wheels-on times for each operation of the flight.

(10) Date and day of week of scheduled flight operation.

(11) Scheduled elapsed time, according to CRS schedule.

(12) Actual elapsed time.

(13) Amount of departure delay, if any.

(14) Amount of arrival delay, if any.

(15) Amount of elapsed time difference, if any.

(16) Causal code for cancellation, if any.

(17) Minutes of delay attributed to the air carrier, if any.

(18) Minutes of delay attributed to extreme weather, if any.

(19) Minutes of delay attributed to the national aviation system, if any.

(20) Minutes of delay attributed to security, if any.

(21) Minutes of delay attributed to a previous late arriving aircraft, if any.

(22) For gate returns, first gate-departure time at origin airport.

(23) Total ground time away from gate for all gate/air returns at origin airport, including cancelled flights—actual minutes.

(24) Longest time away from gate for gate return or cancelled flight.

(25) Three-letter code of airport where diverted flight landed.

(26) Wheels-on time at diverted airport.

(27) Total time away from gate at diverted airport.

(28) Longest period of time away from gate at diverted airport.

(29) Wheels-off time at diverted airport.

(b) Repeat fields (25) through (29) for each subsequent diverted airport landing.

(c) When reporting the information specified in paragraph (a) of this section for diverted flights, a reporting carrier shall use the original scheduled flight number and the origin and destination airport codes except for item (25).

(d) A reporting carrier shall report the information specified in paragraph

§ 234.4

14 CFR Ch. II (1–1–25 Edition)

(a) of this section for a new flight beginning with the first day of the new scheduled operation.

(e) A reporting carrier shall not report the information specified in paragraph (a) of this section for any discontinued or extra-section flight.

(f) Actual arrival, departure and elapsed times shall be measured by the times at which the aircraft arrived at and departed from the gate or passenger loading area.

(g) The published arrival time and departure time of a flight shall be, respectively, the scheduled arrival and departure times in effect on the date of the scheduled operation of the flight, as shown in the most recent *Official Airline Guide*, and in computer reservations systems. Each carrier shall designate a single computer reservations system in addition to the *Official Airline Guide* as the sources of scheduled arrival time and departure time data in its reports to the Department and shall report the scheduled arrival times and departure times listed in those sources for each flight. Scheduled elapsed times, amount of departure and/or arrival delay, and elapsed time difference shall be calculated using the scheduled times shown in the designated CRS source.

(h) Reporting carriers should use the following codes to identify causes for cancelled flights:

Code

A—Air Carrier

B—Extreme Weather

C—National Aviation System (NAS).

D—Security

(1) Air Carrier cancellations are due to circumstances that were within the control of the air carrier (e.g., lack of flight crew, maintenance, etc.).

(2) Extreme weather cancellations are caused by weather conditions (e.g., significant meteorological conditions), actual or forecasted at the point of departure, en route, or point of arrival that, in accordance with applicable regulatory standards and/or in the judgment of the air carrier, prevents operation of that flight and/or prevents operations of subsequent flights due to the intended aircraft being out of position as a result of a prior cancellation or delay attributable to weather.

(3) NAS cancellations are caused by circumstances within the National Aviation System. This term is used to refer to a broad set of conditions: weather-non-extreme, airport operations, heavy traffic volume, air traffic control, etc.

(4) Security cancellations may be the result of malfunctioning screening or other security equipment or a breach of security that causes the evacuation of the airport or individual concourses, or the need to re-screen passengers.

(i) Reporting carriers should use the following causes to identify the reasons for delayed flights:

CAUSE

Air Carrier

Extreme weather

NAS

Security

Late arriving aircraft

(1) Air carrier delays are due to circumstances within the control of the air carrier.

(2) Extreme weather delays are caused by weather conditions (e.g., significant meteorological conditions, actual or forecasted at the point of departure, en route, or point of arrival that, in accordance with applicable regulatory standards and/or in the judgment of the air carrier, prevents operation of that flight and/or prevents operations of subsequent flights due to the intended aircraft being out of position as a result of a prior cancellation or delay attributable to weather.

(3) NAS delays are caused by circumstances within the National Aviation System. This term is used to refer to a broad set of conditions: weather-non-extreme, airport operations, heavy traffic volume, air traffic control, etc.

(4) Security delays may be the result of malfunctioning screening or other security equipment or a breach of security that causes the evacuation of the airport or individual concourses or the need to re-screen passengers.

(5) Late arriving aircraft delays are the result of a late incoming aircraft from the previous flight.

(j) When reporting causal codes in paragraph (a) of this section, reporting carriers are required to code delays only when the arrival delay is 15 minutes or greater; and reporting carriers must report each causal component of

Office of the Secretary, DOT

§ 234.6

the reportable delay when the causal component is 5 minutes or greater.

(k) For air transportation taking place on or after January 1, 2018, each reporting carrier shall also file a separate BTS Form 234 “On-Time Flight Performance Report” with the Office of Airline Information on a monthly basis, setting forth the information for each of its reportable flights held out with only the reporting carrier’s airline designator code on the reporting carrier’s Web site, on the Web sites of major online travel agencies, or in other generally recognized sources of schedule information, and operated by any code-share partner that is a certificated air carrier or commuter air carrier. If the operating carrier of the flight is not a reporting carrier, the non-operating reporting carrier must file a BTS Form 234 “On-time Flight Performance Report” with the Office of Airline Information on a monthly basis, setting forth the information regarding those flights in a form and manner consistent with the requirements set forth in paragraph (a) through (j) of this section. If the operating carrier of the flight is a reporting carrier, the non-operating reporting carrier must file a simplified BTS Form 234 “On-Time Flight Performance Report” with the Office of Airline Information on a monthly basis, setting forth the information regarding those flights in a form and manner consistent with the requirements set forth in paragraph (a)(1) through (a)(4) and paragraph (a)(10) of this section, and in accordance with the requirements set forth in accounting and reporting directives issued by the Office of Airline Information.

[Amdt. 234-1, 52 FR 34071, Sept. 9, 1987, as amended by Doc. No. 48524, 59 FR 49797, Sept. 30, 1994; 60 FR 66722, Dec. 26, 1995; 67 FR 70544, Nov. 25, 2002; Doc. No. RITA 2007-28522, 73 FR 29431, May 21, 2008; Docket. No. DOT-OST-2014-0056; 81 FR 76826, Nov. 3, 2016]

§ 234.5 Form of reports.

Except where otherwise noted, all reports required by this part shall be filed within 15 days of the end of the month for which data are reported. The reports must be submitted to the Office of Airline Information in a format specified in accounting and reporting

directives issued by the Bureau of Transportation Statistics’ Assistant Director for Airline Information.

[Doc. No. DOT-OST-2000-8164, 67 FR 70545, Nov. 25, 2002]

§ 234.6 Baggage-handling statistics.

(a) For air transportation taking place before January 1, 2019, an air carrier certificated under 49 U.S.C. 41102 that accounts for at least 1 percent of domestic scheduled-passenger revenues in the most recently reported 12-month period as defined by the Department’s Office of Airline Information, and as reported to the Department pursuant to part 241 of this title shall, for the flights it operates, report monthly to the Department on a domestic system basis, excluding charter flights, the total number of passengers enplaned system-wide and the total number of mishandled-baggage reports filed with the carrier for any nonstop flight, including a mechanically delayed flight, to or from any airport within the contiguous 48 states that accounts for at least 1 percent of domestic scheduled-passenger enplanements in the previous calendar year, as reported to the Department pursuant to part 241 of this title.

(b) For air transportation taking place on or after January 1, 2019, an air carrier certificated under 49 U.S.C. 41102 that accounts for at least 0.5 percent of domestic scheduled-passenger revenues in the most recently reported 12-month period as defined by the Department’s Office of Airline Information, and as reported to the Department pursuant to part 241 of this title shall report monthly to the Department on a domestic system basis, excluding charter flights:

(1) The total number of checked bags enplaned, including gate checked baggage, “valet bags,” interlined bags, and wheelchairs and scooters enplaned in the aircraft cargo compartment for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, operated by the carrier to or from any U.S. large, medium, small or non-hub airport as defined in 49 U.S.C. 41702 and separately for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, held out with only the

§ 234.7

carrier's designator code to or from any U.S. large, medium, small, or non-hub airport as defined in 49 U.S.C. 47102 and operated by any code-share partner that is a certificated air carrier or commuter air carrier;

(2) The total number of wheelchairs and scooters that were enplaned in the aircraft cargo compartment for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, operated by the carrier to or from any U.S. large, medium, small or non-hub airport as defined in 49 U.S.C. 47102 and separately for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, held out with only the carrier's designator code to or from any U.S. large, medium, small, or non-hub airport as defined in 49 U.S.C. 47102 and operated by any code-share partner that is a certificated air carrier or commuter air carrier;

(3) The number of mishandled checked bags, including gate-checked baggage, "valet bags," interlined bags and wheelchairs and scooters that were enplaned in the aircraft cargo compartment for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, operated by the carrier to or from any U.S. large, medium, small or non-hub airport as defined in 49 U.S.C. 47102 and separately for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, held out with only the carrier's designator code to or from any U.S. large, medium, small, or non-hub airport as defined in 49 U.S.C. 47102 and operated by any code-share partner that is a certificated air carrier or commuter air carrier; and

(4) The number of mishandled wheelchairs and scooters that were enplaned in the aircraft cargo compartment for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, operated by the carrier to or from any U.S. large, medium, small or non-hub airport as defined in 49 U.S.C. 47102 and separately for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, held out with only the carrier's designator code to or from any U.S. large, medium, small, or non-hub airport as defined in 49 U.S.C. 47102

14 CFR Ch. II (1–1–25 Edition)

and operated by any code-share partner that is a certificated air carrier or commuter air carrier.

(c) The information in paragraphs (a) and (b) of this section shall be submitted to the Department within 15 days after the end of the month to which the information applies and must be submitted with the transmittal accompanying the data for on-time performance in the form and manner set forth in accounting and reporting directives issued by the Director, Office of Airline Information.

[Docket. No. DOT-OST-2014-0056, 82 FR 14604, Mar. 22, 2017]

§ 234.7 Voluntary reporting.

(a) In addition to the data for each reportable flight required to be reported by this part, a reporting carrier may report to DOT for every other nonstop domestic flight that it schedules, the reportable flight data specified in this part.

(b) Any air carrier that is not a reporting carrier may file the data specified in this part for every reportable flight that it schedules, or for every nonstop domestic flight that it schedules.

(c) Voluntary reports containing information not required to be filed (1) must be submitted in the same form and manner, and at the same time, as reports containing data required to be filed, and (2) must be accompanied by a written statement describing in detail the information that is being voluntarily submitted. A carrier that files a voluntary report must continue to do so for a period of not less than 12 consecutive months.

§ 234.8 Calculation of on-time performance codes.

(a) Each reporting carrier shall calculate an on-time performance code in accordance with this section and as provided in more detail in accounting and reporting directives issued by the Director, Office of Airline Information. The calculations shall be performed for each reportable flight, except those scheduled to operate three times or less during a month. In addition, each reporting carrier shall assign an on-time performance code to each of its single plane one-stop or multi-stop

Office of the Secretary, DOT

§ 234.11

flights, or portion thereof, that the carrier holds out to the public through a CRS, the last segment of which is a reportable flight.

(b) The on-time performance code shall be calculated as follows:

(1) Based on reportable flight data provided to the Department, calculate the percentage of on-time arrivals of each nonstop flight. Calculations shall not include discontinued or extra-section flights for which data are not reported to the Department.

(2) Based upon the on-time performance percentage calculated in paragraph (b)(1) of this section, assign a single digit code to each flight that reflects the percentile of on-time performance achieved by the flight, as set forth in the following table:

ON TIME PERFORMANCE	
Code:	Percentage
9	90–100
8	80–89.9
7	70–79.9
6	60–69.9
5	50–59.9
4	40–49.9
3	30–39.9
2	20–29.9
1	10–19.9
0	0–9.9

(3) For a one-stop or multi-stop flight, or portion thereof, listed in a CRS, the performance code for the non-stop flight segment arriving at the destination listed in the CRS shall be used.

(4) In the case of a new flight, carriers shall assign a performance code consisting of the letter “N.” A flight that is not a new flight shall be assigned the performance code calculated for the flight that it replaces, even if the two flights do not have the same flight number. In the case of a flight scheduled to operate three times or less during a month, carriers shall assign a performance code consisting of the letter “U.”

(c) Carriers shall calculate on-time performance percentages and assign on-time performance codes on a monthly basis. This process shall be completed no later than the 15th day of each month, when the reports required by this part are due to the Department,

and the codes shall reflect the previous month’s operations.

[Amdt. 234-1, 52 FR 34071, Sept. 9, 1987, as amended by Amdt. 234-3, 52 FR 48397, Dec. 22, 1987; 53 FR 27677, July 22, 1988; Doc. No. 48524, 59 FR 49798, Sept. 30, 1994; 60 FR 66722, Dec. 26, 1995]

§ 234.9 Reporting of on-time performance codes.

No later than the 15th day of each month, each reporting carrier shall deliver, or arrange to have delivered, to each system vendor, as defined in 14 CFR part 255, the on-time performance codes required to be determined above. Carriers may report the codes by insuring that they are included in basic schedule tapes provided to CRS vendors or by providing a separate tape that will permit the CRS vendors to match the performance codes with basic schedule tapes.

§ 234.10 Voluntary disclosure of on-time performance codes.

(a) Any air carrier may determine, in accordance with the provisions of § 234.8 of this part, the on-time performance codes for the flights for which it voluntarily provides flight information to the Department pursuant to § 234.7 of this part.

(b) A carrier may supply these additional on-time performance codes to system vendors at the same time and in the same manner as the required disclosures are made to system vendors, provided that voluntary disclosures must continue for a period of not less than 12 consecutive months, and must be supplied either

(1) For each of the carrier’s reportable flights and each of its single plane one-stop or multi-stop flights, or portions thereof, that it holds out to the public through a CRS, the last segment of which is a reportable flight or

(2) For each of the carrier’s domestic flights.

§ 234.11 Disclosure to consumers.

(a) During the course of reservations or ticketing discussions or transactions, or inquiries about flights, between a carrier’s employees or contractors and the public, the carrier shall disclose upon reasonable request the on-time performance code for any

§ 234.12

flight that has been assigned a code pursuant to this part.

(b) For each domestic flight for which schedule information is available on its Web site, including domestic code-share flights, a reporting carrier shall display the following information regarding the flight's performance during the most recent calendar month for which the carrier has reported on-time performance data to the Department: the percentage of arrivals that were on time—*i.e.*, within 15 minutes of scheduled arrival time, the percentage of arrivals that were more than 30 minutes late (including special highlighting if the flight was late more than 30 minutes of scheduled arrival time more than 50 percent of the time), and the percentage of flight cancellations if 5 percent or more of the flight's operations were canceled in the month covered. The information must be provided by showing all of the required information on the initial listing of flights or by showing all of the required information via a prominent hyperlink in close proximity to each flight on the page with the initial listing of flights.

(c) The first time each carrier must load the information whose disclosure is required under paragraphs (a) and (b) of this section onto its Web site is on Saturday, July 24, 2010, for June data. Carriers must load all subsequent flight performance information on the fourth Saturday of the month following the month that is being reported.

(d) A reporting carrier must meet the requirements of paragraphs (b) and (c) of this section by June 29, 2010.

[Doc. No. DOT-OST-2007-0022, 74 FR 69002, Dec. 30, 2009, as amended by Doc. No. DOT-OST-2010-0039, 75 FR 17052, Apr. 5, 2010; Doc. No. DOT-OST-2007-0022, 75 FR 34927, June 21, 2010]

§ 234.12 Waivers.

Any carrier may request a waiver from the reporting requirements of this part. Such a request, at the discretion of the Director, Bureau of Transportation Statistics may be granted for good cause shown. The requesting

14 CFR Ch. II (1–1–25 Edition)

party shall state the basis for such a waiver.

[Doc. No. 48524, 59 FR 49798, Sept. 30, 1994, as amended at 60 FR 66722, Dec. 26, 1995]

PART 235—REPORTS BY AIR CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT

Sec.

235.1 Definitions.

235.2 Applicability.

235.3 Reports by air carriers on incidents involving animals during air transport.

AUTHORITY: 49 U.S.C. 41721.

SOURCE: 79 FR 37945, July 3, 2014, unless otherwise noted.

§ 235.1 Definitions.

For the purposes of this part:

Air transport includes the entire period during which an animal is in the custody of an air carrier, from the time that the animal is tendered to the air carrier prior to departure until the air carrier tenders the animal to the owner, guardian or representative of the shipper of the animal at the animal's final destination. It does not include animals that accompany a passenger at his or her seat in the cabin and of which the air carrier does not take custody.

Animal means any warm- or cold-blooded animal which, at the time of transportation, is being kept as a pet in a family household in the United States and any dog or cat which, at the time of transportation, is shipped as part of a commercial shipment on a scheduled passenger flight, including shipments by trainers and breeders.

§ 235.2 Applicability.

This part applies to the scheduled domestic and international passenger service of any U.S. air carrier that operates such service with at least one aircraft having a designed seating capacity of more than 60 passenger seats. The reporting requirements of this part apply to all scheduled-service passenger flights of such carriers, including flights that are operated with aircraft having 60 or fewer seats.