

**PART 205—INAUGURATION AND TEMPORARY SUSPENSION OF SCHEDULED ROUTE SERVICE AUTHORIZED BY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY**

- Sec. 205.1 Applicability.
- 205.2 Board authorization required for delayed inauguration or temporary suspensions of service.
- 205.3 Applications pursuant to § 205.2.
- 205.4 Answers by interested persons.
- 205.5 Service.
- 205.6 Disposition.
- 205.7 Petition for reconsideration.
- 205.8 Automatic suspension authority for involuntary postponement of inauguration or involuntary interruption of service.
- 205.9 Re-examination of suspension authority.
- 205.10 Effect of failure to provide service.
- 205.11 Institution of service after suspension or postponement of inauguration: notice to the Board.
- 205.12 Strikes; report to be filed.

**AUTHORITY:** The provisions of this Part 205 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 401, 72 Stat. 754; 49 U.S.C. 1371.

**SOURCE:** The provisions of this Part 205 contained in ER-348, 27 F.R. 733, Jan. 25, 1962, except as otherwise noted.

**§ 205.1 Applicability.**

(a) This part shall apply to all air carriers holding currently effective certificates of public convenience and necessity authorizing scheduled route service between designated points (hereinafter referred to as certificates) issued by the Board pursuant to section 401 of the Act with respect to:

- (1) Inauguration of new service pursuant to certificate awards;
- (2) Applications to the Board for authority to temporarily suspend service to or from any point named in a certificate or included in an approved service plan designating points which may be served in a general area named in such certificate;
- (3) Notice to the Board when all service to or from a point, pursuant to a certificate, shall have been interrupted or inauguration delayed because of circumstances or events beyond the carrier's control as provided in § 205.8(a); and
- (4) Termination of suspension of service.

(b) Sections 205.2(a) and 205.10 shall not apply to the operations of certificated air carriers to or from points authorized for service in their certificates pursuant to section 401(e) of the Civil Aeronautics Act of 1938, 49 U.S.C. 481, but never regularly served. This part does not relieve any carriers from the obligation to file schedules pursuant to the requirements of Part 231 of this chapter.

**§ 205.2 Board authorization required for delayed inauguration or temporary suspensions of service.**

(a) *Inauguration of service.* Any service authorized by a certificate shall be inaugurated within 90 days after the effective date of the new or amended certificate unless the Board has fixed a longer period. If the recipient of a certificate award authorizing scheduled route service between designated points desires to postpone inauguration of service to any such point or points beyond the 90-day period or such other period as the Board may have fixed, he shall, not later than 45 days prior to expiration of such period, file an application for postponement of the date of required inauguration of service.

(b) *Temporary suspension of service.* Service to or from any point, authorized in a certificate or included in an approved service plan, shall not be suspended by an air carrier except in accordance with the provisions of this part.

**§ 205.3 Applications pursuant to § 205.2.**

(a) The application shall contain a specific statement of the relief requested and of the facts relied upon to establish that there is good cause for the postponement of inauguration of service or that the temporary suspension of service is in the public interest, with a statement of economic data or other matters which it is desired that the Board officially notice.

(b) When temporary suspension of service in interstate or overseas transportation is sought on economic grounds, the application shall contain at least the following specific economic data:

- (1) History of service, particularly schedules and equipment offered by the applicant for the past two years to and from the point;
- (2) Applicant's most recent yearly traffic data for the point: total number

of passengers originating and deplaning; and on-line or, if the applicant does not compile on-line data, on-flight origin and destination of such passengers for four representative months;

(3) Anticipated financial benefit to the applicant, with an explanation of the factors considered in reaching such conclusion;

(4) Services offered by other scheduled carriers to the point;

(5) When the applicant is the only carrier regularly serving the point, the nearest alternative air service, and available surface transportation, schedules and fares to alternative airports;

(6) Surface transportation to major markets from the point; and

(7) A factual statement of applicant's efforts to stimulate traffic through schedule experimentation, promotion and advertising, new equipment, or other means during past two years.

(c) The application shall also contain a list of the persons upon whom copies were served in accordance with § 205.5, and a statement that any interested person may file an answer in opposition to or in support of the application within twenty (20) days after the filing of the application. An executed original and 19 copies of such application shall be filed with the Docket Section of the Civil Aeronautics Board, Washington, D.C., 20428. Applications which are incomplete or which fail to comply with the requirements of this part will be dismissed.

[ER 394, 28 F.R. 10195, Sept. 18, 1963]

#### § 205.4 Answers by interested persons.

Any interested person may file with the Board and serve upon the applicant a written answer in opposition to or in support of, an application made pursuant to § 205.3 within twenty (20) days of the filing thereof. Such answer shall set forth in detail the reasons why the postponement of inauguration of service or temporary suspension of service should be denied or authorized, with a statement of economic data and other matters which it is desired that the Board shall officially notice. An executed original and 19 copies of such answer shall be filed with the Docket Section. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

#### § 205.5 Service.

(a) A copy of each application made and each answer addressed thereto pursuant to §§ 205.3 and 205.4 shall be served personally or by registered or certified mail upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(1) Each certificated route air carrier which serves any point for which postponement of inauguration or suspension of service is sought, or its designated agent.

(2) The chief executive of the city, town or other unit or local government at any such point located in the United States or any possession thereof;

(3) The State commission or agency having jurisdiction of transportation by air in the State wherein any such point is located, or if there is no such commission or agency, the chief executive of such State;

(4) The Secretary of State (marked for the attention of Chief, Aviation Division) if such point is not located in the United States or any possession thereof;

(5) The Postmaster General (marked for the attention of the Assistant Postmaster General—Bureau of Transportation) if the applicant's certificate authorizes the transportation of United States mail to or from such point;

(6) In cases involving an application for suspension of service at a point located in the United States or any possession thereof, the manager or other individual having direct supervision over and responsibility for the management of the airport being used to serve such point at the time the application is filed.

(b) Local service carriers shall serve such applications also on each certificated route air carrier which provides or is authorized to provide nonstop service between points between which the applicant could provide nonstop service if the application were granted.

#### § 205.6 Disposition.

An order may be issued authorizing such postponement or temporary suspension for such term and upon such conditions as the Board may find to be in the public interest. Where the public interest so requires, the Board may act on applications without waiting for answers thereto.

**§ 205.7 Petition for reconsideration.**

A petition for reconsideration of the Board's determination under § 205.6 may be filed by any interested person within twenty (20) days after the date of service thereof. Except for the time of filing, such petitions shall conform to the provisions of § 302.37 of this chapter. Any interested person may file an answer in opposition to, or in support of, the petition within ten (10) days after it is filed. An executed original and 19 copies of such petition for reconsideration or answer shall be filed with the Docket Section, and copies thereof shall be served upon the persons described in § 205.5, the applicant and any person who filed an answer in opposition to the original application.

**§ 205.8 Automatic suspension authority for involuntary postponement of inauguration or involuntary interruption of service.**

(a) The holder of a certificate shall not be required to file an application under § 205.2 if the postponement of inauguration of new service or interruption of service to or from a point named in a certificate, or included in the holder's approved service plan is caused by conditions or events which the holder cannot reasonably be expected to foresee or control, such as rules, standards or other action or inaction of the Administrator of the Federal Aviation Agency or of a foreign government, emergency measures, strikes, weather conditions, construction work on airports, or disasters: *Provided*, That the provisions of this paragraph shall apply to interruptions due to airport inadequacies only if the holder is unable to serve the certificated point through any airport convenient thereto with the type of equipment last regularly used to serve such point.

(b) In the case of delayed inauguration or an interruption of service caused by a strike, the holder shall give immediate notice of such interruption to the Board (marked for the attention of the Chief, Routes and Agreements Division, Bureau of Economic Regulation).

(c) If service at a point is interrupted or inauguration delayed for more than three (3) consecutive days for reasons beyond the certificate holder's control other than a strike, the holder shall give notice to the Board (marked for the attention of Chief, Routes and Agreements Division, Bureau of Economic Regula-

tion) within three (3) days following the date of required inauguration of service or suspension, setting forth the date of suspension, the actual or estimated duration of delay of service or suspension, and a full and complete statement of the reasons therefor.

**NOTE:** See also the reporting requirements of § 241.24 of this chapter, Schedule P-2(d) of Part 241 of the Board's regulations.

**§ 205.9 Re-examination of suspension authority.**

Authority to postpone inauguration or to suspend service, granted pursuant to § 205.6 or § 205.8, may be modified, conditioned or terminated by the Board at any time upon notice but without hearing where the public interest so requires.

**§ 205.10 Effect of failure to provide service.**

In the absence of circumstances excusing involuntary postponement or suspension of service (§ 205.8), if for a period of ninety (90) days (or such longer specific period as may have been designated by the Board) any service authorized by a certificate has not been inaugurated, or if for a period of 90 days such a service has not been operated, the Board may direct the carrier to inaugurate or resume service or may, as authorized by section 401(f) of the Act, by order entered after notice and hearing, direct that the holder's certificate shall cease to be effective to the extent of such service.

**§ 205.11 Institution of service after suspension or postponement of inauguration: notice to the Board.**

When service is inaugurated following postponement of inauguration, or resumed following suspension under either express or automatic authority, immediate notice thereof shall be given to the Board (marked for attention of the Chief, Routes and Agreements Division, Bureau of Economic Regulation), stating the time when service was inaugurated or resumed.

**§ 205.12 Strikes; report to be filed.**

Within fifteen (15) days following resumption of service after a strike an air carrier shall file a report with the Board (marked for the attention of the Chief, Routes and Agreements Division, Bureau of Economic Regulation) containing a list of all flights that were canceled, the

date they were canceled, and the date service was restored.

**NOTE:** The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

### PART 206—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY: SPECIAL AUTHORIZATIONS<sup>1</sup>

Sec.

- 206.1 Emergency transportation.  
206.2 Omission of stop at route junction points.

#### § 206.1 Emergency transportation.

Notwithstanding the provisions of section 401(a) of the act, and any term, condition or limitation attached to the exercise of the privileges of an air carrier certificate of public convenience and necessity which prohibits an air carrier from engaging in air transportation between any points on its route, the air carrier may carry between such points (a) any person or persons certified by a physician to be in need of immediate air transportation in order to secure emergency medical or surgical treatment together with any necessary attendant or attendants and (b) any medical supplies certified by a physician as requiring immediate air transportation for the protection of life. Air carriers offering to provide this emergency transportation shall file appropriate tariffs pursuant to section 403 of the act.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 416(b), 72 Stat. 771; 49 U.S.C. 1336) [ER-261, 24 F.R. 1860, Mar. 14, 1959]

#### § 206.2 Omission of stop at route junction points.

Notwithstanding the provisions of section 401(a) of the act, an air carrier on any flight which is regularly scheduled to be operated between points on two or more of its certificated routes, via a junction point of such routes, may omit a stop at such junction point whenever weather conditions at such junction point otherwise would require the cancellation or postponement of any portion of such flight.

(Secs. 204, 416, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386) [ER-246, 24 F.R. 95, Jan. 6, 1959]

<sup>1</sup> 24 F.R. 1860, Mar. 14, 1959.

### PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Sec.

- 207.1 Definitions.  
207.2 Applicability of part.  
207.3 Scope of authorization.  
207.4 Tariffs to be filed for charter trips and special services.  
207.5 Limitation on amount of charter trips which may be performed by combination carriers.  
207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.  
207.7 Charter trips and other special services within the State of Alaska.  
207.7a Restriction on frequency and regularity of off-route charter trips and other special services.  
207.8 Notice of proposed special services.  
207.9 Passenger names and addresses.

**AUTHORITY:** The provisions of this Part 207 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 401, 72 Stat. 754, as amended by 76 Stat. 143; 49 U.S.C. 1371; sec. 403, 72 Stat. 758, as amended by 74 Stat. 445; 49 U.S.C. 1373; sec. 407, 72 Stat. 766; 49 U.S.C. 1377.

**SOURCE:** The provisions of this Part 207 contained in ER-419, 29 F.R. 13249, Sept. 24, 1964, except as otherwise noted.

#### § 207.1 Definitions.

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

"All-cargo carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401(d) (1) or (2), which authorizes the carriage of property only or property and mail only.

"Base Revenue Plane Miles" means revenue mileage operated by an air carrier in scheduled services, extra sections, and on-route charter trips or special services.

"Charter trip" means air transportation performed by an air carrier holding a certificate of public convenience and necessity where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage or for the movement of property, on a time, mileage or trip basis:

- (1) By a person for his own use,
- (2) By a person (no part of whose business is the formation of groups for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons as agent or representative of such group.

(3) By two or more persons acting jointly for the transportation of such group of persons, or their property,