Section 5207, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 770; Pub. L. 104–88, title III, § 307(11), (14), Dec. 29, 1995, 109 Stat. 946, directed the Surface Transportation Board to fix rates.

Section 5208, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 770; Pub. L. 104–88, title III, § 307(12), (14), Dec. 29, 1995, 109 Stat. 946, related to procedures.

Section 5209, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 770; Pub. L. 104–88, title III, § 307(14), Dec. 29, 1995, 109 Stat. 946, related to special rates.

Section 5210, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771, related to intermodal transportation.

Section 5211, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771, related to statistical studies.

Section 5212, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771; Pub. L. 104–88, title III, § 307(14), Dec. 29, 1995, 109 Stat. 946, related to special contracts.

Section 5213, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771, related to carrier operations, receipts, and expenditures.

Section 5214, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771, related to agreements with passenger common carriers by motor vehicle.

Section 5215, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771; Pub. L. 95–473, § 2(a)(4)(E), Oct. 17, 1978, 92 Stat. 1465; Pub. L. 104–88, title III, § 307(12)–(14), Dec. 29, 1995, 109 Stat. 946, related to star route certification.

CHAPTER 54—TRANSPORTATION OF MAIL BY AIR

Sec.
5401. Authorization.
5402. Contracts for transportation of mail by air.
5403. Fines.

§ 5401. Authorization

(a) The Postal Service is authorized to provide for the safe and expeditious transportation of mail by aircraft.

(b) Except as otherwise provided in section 5402 of this title, the Postal Service may make such rules, regulations, and orders consistent with part A of subtitle VII of title 49, or any order, rule, or regulation made by the Secretary of Transportation thereunder, as may be necessary for such transportation.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 772; Pub. L. 98–443, § 9(g)(3), Oct. 4, 1984, 98 Stat. 1707; Pub. L. 103–272, § 5(k)(3), July 5, 1994, 108 Stat. 1375.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–272 substituted ''part A of subtitle VII'' for ''sections 1301–1542''.

1984—Subsec. (b). Pub. L. 98–443 substituted ''Secretary of Transportation'' for ''Civil Aeronautics Board''.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98–443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Chapter effective July 1, 1971, pursuant to Resolution No. 71–9 of the Board of Governors. See section 15(a) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

§ 5402. Contracts for transportation of mail by air

(a) In this section—

(1) the term ''acceptance point'' means the point at which nonpriority bypass mail originates;

(2) the terms foreign air carrier,[1] ''air carrier'', ''interstate air transportation'', ''foreign air carrier''.[2] and ''foreign air transportation'' have the meanings given such terms in section 40102(a) of title 49, United States Code;

(3) the term ''base fare'' means the fare paid to the carrier issuing the passenger ticket or carrying nonmail freight which may entail service being provided by more than 1 carrier;

(4) the term ''bush carrier'' means a carrier operating aircraft certificated within the payload capacity requirements of subsection (g)(1)(A)(iv)(I) on a city pair route;

(5) the term ''bush passenger carrier'' means a passenger carrier that meets the requirements of subsection (g)(1)(A)(iv)(I) and provides passenger service on a city pair route;

(6) the term ''bush route'' means an air route in which only a bush carrier is tendered nonpriority bypass mail between the origination point, being either an acceptance point or a hub, as determined by the Postal Service, and the destination city;

(7) the term ''certificated air carrier'' means an air carrier that holds a certificate of public convenience and necessity issued under section 41102(a) of title 49;

(8) the term ''city pair'' means service between an origin and destination city pair;

(9) the term ''code-share relationship'' means a relationship pursuant to which any certificated air carrier or foreign air carrier's designation code is used to identify a flight operated by another air carrier or foreign air carrier;

(10) the term ''composite rate''—

(A) means a combination of mainline and bush linehaul rates and a single terminal handling payment at a bush terminal handling rate paid to a bush carrier for a direct flight from an acceptance point to a bush destination beyond a hub point; and

(B) shall be based on the mainline rate paid to the hub, plus the lowest bush rate paid to bush carriers in the State of Alaska for the distance traveled from the hub point to the destination point;

(11) the term ''equitable tender'' means the practice of the Postal Service of equitably distributing mail on a fair and reasonable basis between those air carriers that offer equivalent services and costs between 2 communities in accordance with the regulations of the Postal Service;

(12) the term ''existing mainline carrier'' means a mainline carrier (as defined in this subsection) that on January 1, 2001, was—

(A) certified under part 121;

(B) qualified to provide mainline nonpriority bypass mail service; and

(C) actually engaged in the carriage, on scheduled service within the State of Alaska, of mainline nonpriority bypass mail tendered to it under its designator code.[3]

[1] So in original. Probably should be set off by quotation marks and the term ''foreign air carrier'' probably should appear only once.

[2] So in original. The period probably should be a comma and the term ''foreign air carrier'' probably should appear only once.

[3] So in original. The period probably should be a semicolon.