

## § 218.6

shall be filed jointly by both parties to the lease, and shall generally conform to the procedural requirements of part 302, subpart A, of this chapter. It shall be served upon any air carrier providing services over all or any part of the route upon which air transportation services will be provided pursuant to the agreement. The application should set forth in detail all evidence and other factors relied upon to demonstrate that true operational control and safety responsibility for the air transportation services to be provided are in the hands of the lessee rather than the lessor. A copy of the agreement and all amendments thereof, as well as a summary interpretation of its pertinent provisions, shall be included with the applications. Any interested person may file an answer to the application within 7 days after service hereof. Until the Board has acted upon the application, no operations in foreign transportation shall be performed pursuant to the agreement.

### **§ 218.6 Issuance of order disclaiming jurisdiction.**

If the Board finds that true operational control and safety responsibility will be vested in the lessee and not in the lessor (i.e., that the lease transaction is in substance a true lease of aircraft rather than a charter or series of charters), and that the performance of the operations provided for in such lease will not result in the lessor's being engaged in foreign air transportation, it will issue an order disclaiming jurisdiction over the matter. Otherwise the application for disclaimer of jurisdiction will be denied.

### **§ 218.7 Presumption.**

Whether under a particular lease agreement the lessor of the aircraft is engaged in foreign air transportation is a question of fact to be determined in the light of all the facts and circumstances. However, in circumstances where the lessor furnishes both the aircraft and the crew, there is a presumption that true operational control and safety responsibility are exercised by the lessor, and that the agreement constitutes a charter arrangement under which the lessor is engaged in foreign air transportation. The burden shall

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rest upon the applicants for disclaimer of jurisdiction in each instance to demonstrate by an appropriate factual showing that the operation contemplated will not constitute foreign air transportation by the lessor.

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AUTHORITY: 49 U.S.C. 40101, 40109, 40113, 46101, 46102, Chapter 411, Chapter 413, Chapter 415 and Subchapter I of Chapter 417.

SOURCE: ER-439, 30 FR 9439, July 29, 1965, unless otherwise noted.

### Subpart A—General

#### § 221.1 Applicability of this part.

All tariffs and amendments to tariffs of air carriers and foreign air carriers filed with the Board pursuant to section 403 of the act shall be constructed, published, filed, posted and kept open for public inspection in accordance with the regulations in this part.

#### § 221.2 Board may direct reissue of publications.

The Board for good cause shown, may direct the reissue of any tariff publication, concurrence, or power of attorney at any time.

#### § 221.3 Carrier's duty.

(a) *Must file tariffs.* Except as set forth in paragraph (d) or (e) of this section, every air carrier and every foreign air carrier shall file with the Board, and print, and keep open to public inspection, tariffs showing all rates, fares, and charges for air transportation between points served by it, and between points served by it and points served by any other air carrier or foreign air carrier, when through service and through rates shall have been es-

tablished, and showing to the extent required by regulations of the Board, all classifications, rules, regulations, practices, and services in connection with such air transportation. Tariffs shall be filed, posted, and published in such form and manner, and shall contain such information as the Board shall by regulation prescribe. Any tariff so filed which is not consistent with section 403 of the act and such regulations may be rejected. Any tariff so rejected shall be void.

(b) *Must observe tariffs.* No air carrier or foreign air carrier shall charge or demand or collect or receive a greater or less or different compensation for air transportation or for any service in connection therewith, than the rates, fares and charges specified in its currently effective tariffs; and no air carrier or foreign air carrier shall, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, refund or remit any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities, with respect to matters required by the Board to be specified in such tariffs, except those specified in such tariffs.

(c) *No relief from violations.* Nothing contained in this part shall be construed as relieving any air carrier or foreign air carrier from liability for violations of the act, nor shall the filing of a tariff, or amendment thereto, relieve any air carrier or foreign air carrier from such violations or from violations of regulations issued under the Act.

(d) *Exemption authority.* Air carriers and foreign air carriers, both direct and indirect, are exempted from the requirement of section 403 of the Act and any requirement of this chapter to file, and shall not file with the Board, tariffs for operations under the following provisions:

(1) Part 291, *Domestic Cargo Transportation*, except to the extent noted in § 291.31(a)(1);

(2) Part 296, *Indirect Air Transportation of Property*;

(3) Part 297, *Foreign Air Freight Forwarders and Foreign Cooperative Shippers Association*;

(4) Part 298, *Exemption for Air Taxi Operations*, except to the extent noted in § 298.11(b);

(5) Part 380, *Public Charters*;

(6) Part 207, *Charter Trips and Special Services*;

(7) Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation*;

(8) Part 212, *Charter Trips by Foreign Air Carriers*;

(9) Part 292, *International Cargo Transportation*, except as provided in 292.

(e) *Domestic passenger fare tariffs.* For interstate and overseas air transportation of passengers, the following provisions apply to each pair of points served by an air carrier:

(1) The carrier shall file a tariff stating an unrestricted coach fare for service between those points. The carrier may also file tariffs describing other fare categories (e.g., first class, supersaver). Such tariffs shall include the availability conditions applicable to each fare category filed. The carrier shall not charge any passenger more than the fare on file for the fare category purchased by the passenger, but may charge less than that fare. If there is no fare on file for the fare category purchased by the passenger, the carrier shall not charge more than the unrestricted coach fare on file, except for service that includes additional amenities.

(2) The carrier shall also file a tariff stating the amount to be used for construction of joint fares for interline service, if that amount is different from the unrestricted coach fare on file. Joint fares constructed from such filed amounts shall be binding on carriers and ticket agents except for interline routings where the carriers have agreed to charge lesser amounts.

(3) Ticket agents shall not charge any passenger more than the fare on file for the fare category purchased by the passenger, but may, except as set forth in paragraph (e)(2) of this section, charge less than that fare. If there is no fare on file for the fare category purchased by the passenger, the ticket agent shall not charge more than the unrestricted coach fare on file except for service that includes additional amenities. A carrier may arrange, by

contract with its ticket agents, to specify fixed fares to be charged by the ticket agents, and may provide notice of such arrangements in its tariffs. Failure of ticket agents to observe such arrangements will not, however, be considered a violation of the Act or of Board rules. The Board does not hereby approve such contractual arrangements under section 412 of the Act or exempt them from the antitrust laws under section 414.

(4) Air carriers and ticket agents are exempt from the requirements of section 403(a) and (b)(1) of the Act and the other provisions of this part to the extent necessary to allow the filing of tariffs and the charging of prices for interstate and overseas air transportation as set forth in this paragraph (e).

(5) In this paragraph, “charge” includes “charge,” “collect,” “demand,” and “receive,” as those terms are used in section 403 of the Act.

(Secs. 102, 204, 403, and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95-504, 72 Stat. 740, 743, 758, and 771, 92 Stat. 1731, 1732 (49 U.S.C. 1302, 1324, 1373, and 1386))

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1125, 44 FR 33059, June 8, 1979; ER-1246, 46 FR 46794, Sept. 22, 1981; ER-1313, 48 FR 1941, Jan. 17, 1983; 60 FR 61478, Nov. 30, 1995]

#### § 221.4 Definitions.

As used in this part, terms shall be defined as follows:

*Act* means the Federal Aviation Act of 1958, as amended.

*Area No. 1* means all of the North and South American Continents and the islands adjacent thereto; Greenland; Bermuda; the West Indies and the islands of the Caribbean Sea; and the Hawaiian Islands (including Midway and Palmyra).

*Area No. 2* means all of Europe (including that part of the Union of the Soviet Socialist Republics in Europe) and the islands adjacent thereto; Iceland; the Azores; all of Africa and the islands adjacent thereto; Ascension Island; and that part of Asia lying west of and including Iran.

*Area No. 3* means all of Asia and the islands adjacent thereto except that portion included in Area No. 2; all of the East Indies, Australia, New Zealand, and the islands adjacent thereto;

and the islands of the Pacific Ocean except those included in Area No. 1.

*Board* means the Civil Aeronautics Board.

*Book tariff* means a tariff consisting of pages bound together in book form which conforms with the specifications applicable only to book tariffs.

*Bundled Normal Economy Fare* means the lowest one-way fare available for unrestricted, on-demand service in any city-pair market.

*CRT* means a video display terminal that uses a cathode ray tube as the image medium.

*Carrier* means an air carrier or foreign air carrier subject to section 403 of the Act.

*Class rate* means a rate which is published to apply on articles or commodities assigned to a numbered class by a classification or an exception thereto.

*Consignee* means the person whose name appears on the airwaybill as the party to whom the shipment is to be delivered by the carrier.

*Contract of carriage* means those fares, rates, rules, and other provisions applicable to the foreign air transportation of passengers, baggage, or property, as defined in the Federal Aviation Act.

*Direct-service market* means an international market where the carrier provides service either on a nonstop or single-flight-number basis, including change-of-gauge.

*ECAC agreement* means the Memorandum of Understanding between the United States and various member nations of the European Civil Aviation Conference, signed on December 17, 1982, as revised and renewed on October 11, 1984, as further revised and renewed on February 13, 1987, and as may be subsequently further revised and renewed.

*Electronic Tariff* means an international passenger fares tariff or a special tariff permission application transmitted to the Department by means of an electronic medium, and containing fares for the transportation of persons and their baggage or property, and including such associated data as arbitraries, footnotes, routings, and fare class explanations.

*Fare* means the amount per passenger or group of persons stated in the appli-

cable tariff for the transportation thereof and includes baggage unless the context otherwise requires.

*Fare tariff* means a tariff containing fares for the air transportation of person and may include baggage charges and provisions relating thereto.

*Field* means a specific area of a record used for a particular category of data.

*Filer* means an air carrier, foreign air carrier, or tariff publishing agent of such a carrier filing electronic tariffs on its behalf in conformity with this subpart.

*General commodity rate* means a rate which is published to apply on all articles or commodities except those which will not be accepted for transportation under the terms of the tariff containing such rate or of governing tariffs.

*General effective date* means the effective date shown on the title page of a tariff as required by §221.31(a)(11), the effective date shown on title page of a supplement as required by §221.112(b)(8), and the effective date shown on an original or revised page as required by §221.22(b)(6). Also, see §221.160.

*Item* means a small subdivision of a tariff designated as an item and identified by a number, a letter, or other definite method for the purpose of facilitating reference and amendment.

*Joint fare or rate* means a fare or rate that applies to transportation over the joint lines or routes of two or more carriers and which is made and published by arrangement or agreement between such carriers evidenced by concurrence or power of attorney.

*Joint tariff* means a tariff that contains joint fares or rates.

*Local fare or rate* means a fare or rate that applies to transportation over the lines or routes of one carrier only.

*Local tariff* means a tariff that contains local fares or rates.

*Loose-leaf tariff* means a tariff consisting of loose-leaf pages and conforming with the specifications applicable to loose-leaf tariffs as set forth in §221.22.

*Machine-Readable Data* means encoded computer data, normally in a binary format, which can be read electronically by another computer with

the requisite software without any human interpretation.

*Official DOT Tariff Database* means those data records constituted pursuant to §§ 221.283 and 221.286 of this subpart, which are in the custody of, and are maintained by, the Department of Transportation.

*On-line Tariff Database* means the remotely accessible, on-line version, maintained by the filer, of (1) the electronically filed tariff data submitted to the official DOT tariff database, and (2) the Departmental approvals, disapprovals, and other actions, as well as any Departmental notation concerning such approvals, disapprovals, or other actions, that subpart W of part 221 requires the filer to maintain in its database.

*Original tariff*, as applied to a loose-leaf tariff, refers to the tariff as it was originally filed exclusive of any supplements, revised pages, or additional original pages. *Original tariff*, as applied to a book tariff, refers to the tariff as it was originally filed exclusive of any supplements.

*Passenger* means any person who purchases, or who contacts a ticket office or travel agent for the purpose of purchasing, or considering the purchase of, air transportation.

*Passenger tariff* means a tariff containing fares, charges, or governing provisions applicable to the air transportation of persons and their baggage.

*Property tariff* means a tariff containing rates, charges, or governing provisions applicable to the air transportation of property (other than baggage accompanied or checked by passengers).

*Proportional rate (or fare)* means a rate (or fare) which may be used only to construct a through combination rate (or fare) on traffic which:

- (1) Originates at a point beyond the point from which such proportional rate (or fare) applies, or
- (2) Is destined to a point beyond the point to which such proportional rate (or fare) applies, or
- (3) Both originates at a beyond point specified in paragraph (1) above and is destined to a beyond point specified in paragraph (2) above.

*Proportional tariff* or *basing tariff* means a tariff which contains proportional or basing rates or fares.

*Rates* means the amount per unit stated in the applicable tariff for the transportation of property, and includes *charge* unless the context otherwise requires.

*Rate tariff* means a tariff containing rates and charges for the air transportation of property, other than baggage accompanying or checked by passengers.

*SFFL* means the Standard Foreign Fare Level as established by the Department of Transportation under section 1002 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1482).

*Shipper* means the person whose name appears on the airwaybill as the party contracting with, or a person who contacts a carrier, a cargo sales office or agent of a carrier for the purpose of contracting with the carrier for carriage of a shipment.

*Specific commodity rate* means a rate which is published to apply only on a specific commodity or commodities which are specifically named or described in the item naming such rate or in an item specifically referred to by such rate in the manner prescribed by § 221.75.

*Statutory Notice* means the number of days required for tariff filings in § 221.160(a).

*Tariff publication* means a tariff, a supplement to a tariff, or an original or revised page of a loose-leaf tariff, and includes an index of tariffs (subpart L) and an adoption notice (§ 221.230).

*Through fare* means the total fare from point of origin to destination. It may be a local fare, a joint fare, or combination of separately established fares.

*Through rate* means the total rate from point of origin to destination. It may be a local rate, a joint rate, or combination of separately established rates.

*Ticket/Cargo Sales Office* means a station, office, or other location where tickets are sold, or airwaybills or other similar documents are issued, that is under the charge of a person employed exclusively by the carrier, or by it jointly with another person.

*Unbundled Normal Economy Fare* means the lowest one-way fare available for on-demand service in any city-pair market which is restricted in some way, e.g., by limits set and/or charges imposed for enroute stopovers or transfers.

*United States* means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying air space thereof.

*Warsaw Convention* means the Convention for the Unification of Certain Rules Relating to International Transportation by Air, 49 Stat. 3000.

(Secs. 102, 204, 403, and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95-504, 72 Stat. 740, 743, 758, and 771, 92 Stat. 1731, 1732 (49 U.S.C. 1302, 1324, 1373, and 1386))

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-947, 41 FR 11018, Mar. 16, 1976; ER-987, 42 FR 12422, Mar. 4, 1977; ER-1038, 43 FR 1322, Jan. 9, 1978; ER-1051, 43 FR 24277, June 5, 1978; ER-1125, 44 FR 33059, June 8, 1979; 53 FR 52677, Dec. 29, 1988; Amdt. 221-68, 54 FR 2095, Jan. 19, 1989]

#### § 221.5 English language.

All tariff publications, powers of attorney, concurrences, revocations of powers of attorney or concurrences, letters of tariff transmittal, Special Tariff Permission applications, waiver applications and all other documents filed with the Board pursuant to this part shall be in the English language.

#### § 221.6 [Reserved]

#### § 221.7 Unauthorized air transportation.

Tariff publications shall not contain rates, fares, or charges, or their governing provisions, applicable to air transportation which the issuing or participating carriers are not authorized by the Board to perform, except where the Board expressly requests or authorizes tariff publications to be filed prior to the Board's granting authority to perform the air transportation covered by such tariff publications. Any tariff publication filed pursuant to such express request or authorization which is not consistent with section 403 of the Act and this part may be rejected; any tariff publication so rejected shall be void.

### Subpart B—Who Is Authorized To Issue and File Tariffs

#### § 221.10 Carrier.

(a) *Local or joint tariffs.* A carrier may issue and file, in its own name, tariff publications which contain:

(1) Local rates or fares of such carrier only and provisions governing such local rates or fares, and/or

(2) Joint rates or fares which apply jointly via such issuing carrier in connection with other carriers (participating in the tariff publications under authority of their concurrences given to the issuing carrier as provided in § 221.210) and provisions governing such joint rates and fares. Provisions for account of an individual participating carrier may be published to govern such joint rates or fares provided § 221.38(k) is complied with.

A carrier shall not issue and file tariff publications containing local rates or fares of other carriers, joint rates or fares in which the issuing carrier does not participate, or provisions governing such local or joint rates or fares.

(b) *Issuing officer.* An officer or designated employee of the issuing carrier shall be shown as the issuing officer of a tariff publication issued by a carrier, and such issuing officer shall file the tariff publication with the Board on behalf of the issuing carrier and all carriers participating in the tariff publication. (See §§ 221.22(b)(7), 221.31(a)(12), and 221.112(b)(9) for location of issuing officer's name on tariff publications.)

#### § 221.11 Agent.

An agent may issue and file, in his or its own name, tariff publications naming local rates or fares and/or joint rates or fares, and provisions governing such rates or fares, for account of carriers participating in such tariff publications, under authority of their powers of attorney given to such issuing agent as provided in § 221.220. The issuing agent shall file such tariff publications with the Board on behalf of all carriers participating therein. Only one issuing agent may act in issuing and filing each such tariff publication.

### Subpart C—Form and Other Specifications of Tariff Publications

#### § 221.20 Book or loose-leaf form.

Tariffs shall be prepared either in the form of book tariffs or in the form of loose-leaf tariffs. Supplements shall be prepared in book form in accordance with the specifications applicable to book tariffs.

#### § 221.21 Specifications applicable to all tariff publications.

(a) *Paper and size.* Tariff publications shall be prepared on paper of good quality and strong texture 8½ by 11 inches.

(b) *Printing or other durable process; legible copies.* Tariff publications shall be plainly and legibly printed, planographed, mimeographed, stereotyped, or prepared by other similar durable process. Typewritten copies, carbon copies, proof sheets, or copies reproduced by hectograph (or similar process where the printed matter is subject to fading) shall not be used for filing or posting. Copies of tariff publications posted and filed shall be clear and legible in all respects.

(c) *Size of type.* The size of type shall not be less than 8-point bold or full face type except:

(1) As provided in § 221.31(a)(1), (C.A.B. number),

(2) Not less than 6-point bold or full face type may be used for explanations or reference marks (when such explanations appear on the page where the reference marks are used), for the cross reference required by § 221.35(a), the statement of filing with other countries required by § 221.24, and for column headings.

(d) *Margin.* A clear margin of not less than one inch without any printing shall be allowed on each page at the vertical binding edge of each tariff or supplement (including all revised or original pages of a loose-leaf tariff, notwithstanding that such pages shall contain no binding).

(e) *Alterations prohibited.* Alteration by writing, erasure, rubber stamps, or otherwise shall not be made in tariff publications.

(f) *Tables to be ruled or spaced.* When fares, rates, charges, and numbers or letters (used for rate bases or similar purposes) are shown in tables, such ta-

bles shall be systematically arranged, and ruled or spaced to prevent misapplication. When not more than three figures (digits) or letters, including reference marks, are employed to express each rate, fare, charge, rate base, etc., the column shall be not less than one-fourth of an inch in width with a proportionately greater width when more than three figures or letters, including reference marks, are so employed. Tables shall not contain more than six horizontal lines of printed matter without a horizontal break in the printed matter (either by a ruled line or by at least one blank space across the table) where it is necessary for the tariff user to refer to corresponding provisions on the same line in parallel columns.

(g) *Items and similar units to be in numerical order.* All items in a tariff publication shall be arranged in numerical or alphabetical order (with the lowest appearing first and the highest appearing last in the tariff). Each item shall bear a separate item designation and the same designation shall not be assigned to more than one item in the tariff. A gap between item designations may be allowed for the addition of future items, for example, the items in an original tariff may be numbered Items Nos. 5, 10, 15, etc. The requirements of this paragraph are also applicable to units similar to items (see § 221.38(b) for designating rules).

(h) *Item, rule, or similar unit continued to next page.* Where an item, rule, or similar unit is commenced on one page and is continued on the following page, the notation “(continued on next page)” shall be shown at the bottom of the portion of the item, rule, or unit on the page from which it is continued, and the following page to which it is continued shall show the designation of the item, rule, or similar unit followed by “(continued)”.

(i) *Tariff shall apply to persons or property (not both).* Rates and charges applicable to the transportation of property or provisions governing such rates or charges shall not be published in the same tariff with fares or charges applicable to the transportation of persons or provisions governing such fares or charges, except:

(1) [Reserved]

(2) A tariff applicable to passengers may include provisions applicable to passengers' baggage.

(3) A tariff applicable to property may include provisions applicable to persons accompanying shipments, provided that the carrier holds authority to transport such persons.

(j) *Carrier's name.* Wherever the name of a carrier appears in a tariff publication, such name shall be shown in full exactly as it appears in the carrier's certificate of public convenience and necessity, foreign air carrier permit, letter of registration, or whatever other form of operating authority of the Board to engage in air transportation is held by the carrier, or such other name which has specifically been authorized by order of the Board. Except as provided in §221.35(d), a carrier's name may be abbreviated, provided the abbreviation is explained in the tariff.

(k) *Agent's name and title.* Wherever the name of an agent appears in tariff publications, such name shall be shown in full exactly as it appears in the powers of attorney given to such agent by the participating carriers and the title "Agent" or "Alternate Agent" (as the case may be) shall be shown immediately in connection with the name.

(Secs. 102, 204, 403, and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95-504, 72 Stat. 740, 743, 758, and 771, 92 Stat. 1731, 1732 (49 U.S.C. 1302, 1324, 1373, and 1386))

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1125, 44 FR 33059, June 8, 1979]

**§221.22 Specifications applicable only to loose-leaf tariff publications.**

(a) *No binding.* Pages of a loose-leaf tariff shall not be bound, but may be secured by a single staple or similar removable device when submitted to the Board for filing.

(b) *Information required on all interior pages.* Each original page and revised page following the title page of a loose-leaf tariff shall contain the following information in the location specified:

(1) In the upper left corner, the name of the issuing carrier or the name and title of the issuing agent.

(2) In the upper left corner, immediately below the name of the issuing carrier or agent, the title of the tariff.

(3) In the upper right corner, the C.A.B. number of the tariff.

(4) Immediately below the C.A.B. number, the original page number or the revised page number, as the case may be, and, if a revised page, the cancellation of preceding issues of that page (see paragraph (c) of this section and §221.111).

(5) In the lower left corner, the issued date of the page.

(6) In the lower right corner, the effective date on which the fares, rates, charges, rules, and other provisions will become effective (see §221.160). When a page which is published back-to-back with another page on the same leaf is reissued without change in its provisions, the same general effective date shall be shown on both pages: *Provided, however,* That the general effective date on the page which reissues matter without change shall allow at least the statutory notice (see §221.60) and shall not be earlier than the general effective date of the prior issue of such page.

(7) Centered at the bottom of the page, the name, title and address of:

(i) The issuing officer (if tariff is issued by a carrier).

(ii) The issuing agent (if tariff is issued by an individual agent).

(iii) The official or employee of a corporate agent designated by such agent to issue and file tariff publications in the corporate agent's name (if tariff is issued by a corporate agent).

The information required by paragraph (b)(7) of this section may be omitted from interior loose-leaf pages provided that, whenever there is a change in such required information, a revision of the title page is issued and filed immediately to reflect the current name, title and address. When such information is omitted from interior pages, each letter of tariff transmittal tendering revised or original interior pages for filing shall bear the name, address and title of the issuing officer, individual agent, or corporate agent's designee shown on the latest issue of the title page at the time of filing; if a letter of tariff transmittal bears a different name, title or address from that on the latest issue of the title page, the pages submitted with such letter of

tariff transmittal are in violation of these requirements.

(c) *Numbering pages.* The title page of an original loose-leaf tariff shall bear no page number but shall show the designation “Original Title Page” in the upper right corner of the page, a few spaces below the C.A.B. number and any tariff cancellation thereunder. The pages following the title page of an original loose-leaf tariff shall be designated as “Original Page 1”, “Original Page 2”, etc. (to be shown immediately below the C.A.B. number in the upper right corner of the page) and shall be consecutively numbered in one series of page numbers throughout the entire tariff, commencing with “Original Page 1” (see §221.111 for numbering original and revised pages issued to the tariff after the original filing of the tariff with the Board).

(d) *Printing matter on one or both faces of each loose-leaf.* Tariff matter shall be published uniformly throughout a loose-leaf tariff either (1) on only one face of each leaf (reverse side of each leaf left entirely blank) or (2) commencing on page 1, on both faces of each leaf (2 pages back-to-back to each other). The method of publication used in an original tariff shall be used on all revised pages and added original pages filed to such tariff. When it is desired to change from one method to the other, the entire tariff shall be re-issued.

(Secs. 204, 403, 1002; 72 Stat. 743, 758, 788; 49 U.S.C. 1324, 1373, 1482, as amended)

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1038, 43 FR 1322, Jan. 9, 1978; ER-1104, 44 FR 9577, Feb. 13, 1979]

**§ 221.23 Specifications applicable only to book tariffs and supplements.**

(a) *Binding.* The pages of a book tariff or supplement shall be bound together in book form at the left binding edge of the tariff or supplement. The binding shall be by two or more staples, wire or other permanent book binding.

(b) *Numbering pages.* The title page of a book tariff or supplemental shall bear no page number. The pages following the title page of each book tariff or supplement shall be consecutively numbered as 1, 2, 3, 4, etc. (to be shown centered at the bottom of the page) and shall be consecutively num-

bered in only one series of page numbers throughout the entire tariff or supplement.

(c) *Information which is not to be shown on interior pages.* The pages following the title page of a book tariff or supplement shall not contain any of the information specified in §221.22(b) except that, if desired, the name of the issuing carrier or agent, the number of the supplement, and the title of the tariff may be shown at the top of each interior page.

**§ 221.24 Statement of filing with foreign government to be shown in air carriers’ tariff publications.**

(a) Every tariff publication issued by or on behalf of an air carrier which contains rates, fares, rules, or other tariff provisions which by treaty, convention, or agreement entered into between any foreign country and the United States are required to be filed with that foreign country, shall include a statement substantially as follows:

The rates, fares, charges, classifications, rules, regulations, practices, and services provided herein have been filed in each country in which filing is required by treaty, convention, or agreement entered into between that country and the United States, in accordance with the provisions of the applicable treaty, convention, or agreement.

(b) The foregoing statement may be included upon each tariff publication by a symbol which is properly explained.

(c) The required statement may be omitted from a tariff publication which has been filed with the foreign country pursuant to its tariff regulations and which bears a tariff filing designation of the foreign country in addition to the C.A.B. number appearing on the tariff required by this part.

**Subpart D—Contents of Tariff**

**§ 221.30 Arrangement and nature of contents.**

(a) Except as otherwise provided in this part, tariffs shall contain only the contents prescribed by §§221.31 to 221.41, inclusive, which shall be arranged in each tariff in the following order:

(1) Title page (§221.31).

- (2) Correction number check sheet (loose-leaf tariff only) (§221.32).
- (3) Table of contents (§221.33).
- (4) List of participating carriers (§221.34).
- (5) Explanations of abbreviations, symbols, and reference marks (§221.35).
- (6) Index of Commodities (property tariff only) (§221.36).
- (7) Index of points (§221.37).
- (8) Rules and regulations (§221.38).
- (9) Classification ratings or exceptions to governing classification ratings (property tariff only) (§221.39).
- (10) Statement of fares or rates for air transportation (§221.40).
- (11) Routing (§221.41).

**§221.31 Title page.**

(a) *Contents.* Except as otherwise required in this part, or by other regulatory agencies, the title page of every tariff shall contain the following information to be shown in the order named in paragraphs (a) (1) through (12) of this section and shall contain no other matter:

(1) *C.A.B. number.* In the upper right-hand corner of the title page, the C.A.B. number of the tariff shall be shown in not less than 12-point bold face type. Except as provided in §221.224(d), tariffs shall bear consecutive C.A.B. numbers in the series of the issuing carrier or the issuing agent. Each carrier and each agent shall issue and file tariffs consecutively in its own individual series of C.A.B. numbers, commencing with C.A.B. No. 1, and shall use only one series of C.A.B. numbers for all of the tariffs which it issues. Passenger tariffs and property tariffs shall be consecutively numbered in the same series of C.A.B. numbers and a separate series shall not be used for each type of tariff. C.A.B. numbers shall not bear prefixes or suffixes.

(2) *Tariff cancellation.* In the upper right-hand corner of the title page, immediately below the C.A.B. number, the cancellation of tariffs to be superseded shall be shown in the manner prescribed by §221.113.

(3) *Issuing carrier or agent.* The name of the issuing carrier or the name and title of the issuing agent shall be shown in the upper central portion of the title page.

(4) *Title of tariff.* The title of the tariff, including the issuing carrier's or issuing agent's tariff serial number, if any, shall be shown in the upper central portion of the title page, below the name of the issuing carrier or agent. The title should be descriptive of the type of tariff, for example, Mileage Guide No. 1.

(5) *Description of rates, fares, or other contents of tariff.* In the central portion of the title page, below the title of the tariff, there shall be shown a statement indicating the kinds or types of rates or fares contained in the tariff or, if the tariff is a governing tariff such as a rules tariff, classification, or mileage guide, a brief description of the tariff's contents shall be shown. Such statement in a fare or rate tariff shall specify:

(i) Whether the tariff contains local fares or rates, joint fares or rates, or local and joint fares or rates.

(ii) If a fare tariff, that the tariff applies on passengers.

(iii) If a rate tariff, the type(s) of rates contained therein such as class, specific commodity, or general commodity rates, or any combination thereof.

(iv) If a fare tariff, the type(s) of fares contained therein, such as normal first class, coach, excursion, or other types of fares, or any combination thereof.

(6) *Description of territory.* The title page shall contain a brief but reasonably comprehensive description of the territory within which the rates or fares in the tariff apply. The territory shall be described by the names of cities, states, countries, or other definite geographical designations.

(7) *Reference to governing tariffs.* If a tariff is governed by other tariffs as authorized in this part, such as rules tariffs, mileage guides, and classifications, the title page shall show reference to such governing tariffs (by title, C.A.B. number, and issuing carrier or agent thereof in substantially the following form:

This tariff is governed, except as otherwise provided herein, by \_\_\_\_\_ (show tariff title), C.A.B. No. \_\_\_\_, issued by \_\_\_\_\_ (show name of issuing carrier or agent), by \_\_\_\_\_ (show tariff title), C.A.B. No. \_\_\_\_, issued by \_\_\_\_\_ (show name of issuing

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carrier or agent), and by supplements to and successive issues of said publications.

If preferred, reference to governing tariffs may be omitted from the title page and published in the first rule of the tariff, provided that the title page refers to such rule in the following manner:

For reference to governing tariffs, see rule No. \_\_\_ as amended.

(8) *Reference to Special Tariff Permissions, orders, and regulations.* Where an entire tariff is issued pursuant to a Special Tariff Permission order, or regulation which requires the tariff to bear a notation referring to such Special Tariff Permission order or regulation, such notation shall be shown in the manner required thereby. If only certain tariff provisions, and not the entire tariff, are issued pursuant to permission, order, or regulation, reference to the permission, order, or regulation shall be shown in connection with such tariff provisions and not on the title page.

(9) *Expiration date.* If the entire tariff is to expire with a given date, such expiration date shall be shown in distinctive type on the title page in the following manner:

This tariff expires with \_\_\_\_\_ (show date in full) unless sooner canceled, changed, or extended.

If, however, only a portion of the tariff is to expire with a given date, the expiration date shall not be shown on the title page but shall be shown in connection with the particular item, rule, or other provision which is to expire.

(10) *Issued date.* The date on which the tariff is issued shall be shown in the lower left-hand portion of the title page in the following manner:

Issued: \_\_\_\_\_, 19\_\_.  
(Show month, date, and year in full, using no abbreviations.)

Tariffs must be received by the Board on or before the designated issued date. (See § 221.160(d) and § 221.171 of this part.)

(11) *Effective date.* The date on which the fares, rates, charges, rules and other provisions in the tariff will become effective shall be shown in the lower right-hand portion of the title page (directly opposite the issued date) in the following manner:

Effective: \_\_\_\_\_, 19\_\_.

(Show month, date, and year in full, using no abbreviations.)

See § 221.160 for required notice.

(12) *Issuing officer, agent or designee.* The name, title and address of the following person shall be shown centered at the bottom of the title page:

(i) The issuing officer (if tariff is issued by a carrier),

(ii) The issuing agent (if tariff is issued by an individual agent),

(iii) The official or employee of a corporate agent designated by such agent to issue and file tariff publications in the corporate agent's name (if tariff is issued by a corporate agent).

With respect to loose-leaf tariffs, the title page shall be revised immediately, upon lawful notice, to reflect the current name, title and address of the above person whenever there is a change in such information. The title of an issuing officer of a carrier or the official or employee designated by a corporate agent to issue and file tariff publications shall not include the terms "Agent" or "Alternate Agent". (See §§ 221.10 and 221.11 stating who may issue tariffs.)

(b) *Specimen title page.* See § 221.248 containing a specimen title page which is shown only for the purpose of illustrating the arrangement of the contents of a title page.

(Secs. 204, 403, 1002; 72 Stat. 743, 758, 788 (49 U.S.C. 1324, 1373, 1482, as amended))

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1104, 44 FR 9577, Feb. 13, 1979]

**§ 221.32 Correction number check sheet (loose-leaf tariff).**

Original Page 1 (page following the title page) of each loose-leaf tariff shall contain a check sheet of correction numbers (see § 221.111(c)). Original Page 1 shall contain no other contents of the tariff unless the tariff contains less than 30 pages. Such check sheet shall consist of the following explanatory provision followed by columns of consecutive correction numbers arranged in numerical order, commencing with No. 1, which shall be shown in the following manner:

CORRECTION NUMBER CHECK SHEET

Each time revised or additional original pages are received, check marks should be

made on this check sheet opposite the correction numbers corresponding to those appearing in the lower right-hand corner of the revised or additional original pages. If pages are received not bearing consecutive correction numbers, the issuing carrier or agent should be requested to furnish the page bearing the correction number for which a page has not been received.

CORRECTION NUMBERS							
1	6	11	16	21	26	31	36
2	7	12	17	22	27	32	37
3	8	13	18	23	28	33	38
4	9	14	19	24	29	34	39
5	10	15	20	25	30	35	40

When all correction numbers on a check sheet have been used and additional corrections are to be issued, the check sheet should be revised to continue the series of correction numbers. The correction numbers on a revised check sheet shall commence with the correction number following the last number on the preceding check sheet.

**§ 221.33 Table of contents.**

The table of contents shall contain a full and complete statement of the exact locations where information in the tariff will be found. Such statement shall show all subjects in alphabetical order and shall show the page number and the number of the item, rule, or unit where each subject will be found. The general headings of the various parts of the tariff, the subjects of individual rules and regulations, and terms descriptive of the application of the sections or tables of fares, rates or charges shall be included in the subjects of the tables of contents. If preferred, a separate index of the rules and regulations may be published immediately following the table of contents, provided the latter makes reference to such index. If a tariff or supplement contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

**§ 221.34 List of participating carriers.**

(a) *One list of carriers arranged alphabetically.* Except as provided in paragraph (e) of this section and in § 221.151, the names of all carriers which participate in a tariff shall be shown in alphabetical order in one list with the power

of attorney or concurrence number of each carrier shown opposite its name. If a participating carrier is an individual or partnership doing business under a trade name, the trade name should be shown in its alphabetical sequence in the list of participating carriers followed by the name of the individual or partners in the following manner:

Doe Airlines (John Doe and Earl Doe, doing business as).

(b) *Agent's tariff.* Except as provided in paragraph (e) of this section and § 221.151, the list of participating carriers in an agent's tariff shall be published in the following manner:

LIST OF PARTICIPATING CARRIERS

This tariff is issued and filed with the Civil Aeronautics Board by \_\_\_\_\_ (show name and title of agent) for and on behalf of the following participating carriers under authority of their powers of attorney filed with the Civil Aeronautics Board:

Participating carrier	Power of attorney No.
-----------------------	-----------------------

(List participating carriers alphabetically and show opposite each carrier the number of its power of attorney given to the issuing agent)

(c) *Carrier's tariff.* Except as provided in paragraph (e) of this section, the list of participating carriers in a tariff issued by a carrier shall be published in the following manner:

LIST OF PARTICIPATING CARRIERS

This tariff is issued and filed with the Civil Aeronautics Board by \_\_\_\_\_ (show name of issuing carrier) for and on behalf of itself and the following participating carriers under authority of their concurrences filed with the Civil Aeronautics Board:

Participating carrier	Concurrence No.
-----------------------	-----------------

(List participating carriers alphabetically and show opposite each carrier the number of its concurrence given to the issuing carrier)

(d) *Restrictions upon participation.* Restrictions upon the extent to which a carrier participates in the tariff shall not be shown in the list of participating carriers (as amended) but shall be shown elsewhere in the tariff as authorized by this part.

(e) *When powers of attorney or concurrence numbers may be omitted.* Powers of

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attorney numbers and concurrence numbers need not be shown in the tariff as required above by the publishing carrier or agent, provided:

(1) That with the filing of each tariff, a separate alphabetical list of all participating carriers be transmitted to the Board, which list shall include opposite the name of each carrier the current power of attorney or concurrence number under which the carrier participates in the tariff; and

(2) That when revisions of the tariff propose the addition or elimination of any carrier in the tariff, such tariff revision shall be accompanied by a revised alphabetical list showing all participating carriers and specifically indicating additions and cancellations, and such list shall also be filed when there is any change in a power of attorney or concurrence such as a cancellation, revocation, reissue.

**§ 221.35 Explanations of abbreviations, reference marks, and symbols.**

(a) *Explanation required.* Abbreviations, reference marks, and symbols which are used in the tariff shall be explained either on the same page on which they are used or their explanations shall be shown preceding the indexes of commodities and points. Each page on which abbreviations, reference marks or symbols are used but not explained thereon shall refer to the page containing their explanations substantially in the following manner (at the bottom of the page):

For explanations of abbreviations, reference marks, and symbols used but not explained hereon, see page \_\_\_\_ (as amended).

(b) *Uniform symbols.* The following symbols shall be used only in the manner specified in § 221.114 and the following explanations of such symbols shall be used in all tariff publications.

- (R) or ●—denotes reductions.
- (A) or ◆—denotes increases.
- (C) or ▲—denotes changes which result in neither increases nor reductions.
- (K) or +—denotes no change.
- (N) or ■—addition.

Either the set of lettered symbols above or the set of solid black symbols to their right, but not both, shall be used.

(c) *Restrictions on use of certain symbols.* The symbols ¢ and § shall be used only to indicate currencies and shall clearly define the type of currency for

which used. The symbol % shall be used only to mean percent.

(d) *Prohibited abbreviations, symbols, or reference marks.* The following shall be shown in full and shall not be designated by symbols, abbreviations, or reference marks:

- (1) Name of an agent.
- (2) Name of a carrier (except in the rules or regulations and in the routings and indexes of points).
- (3) Name of a city or town (except in routings).
- (4) Name of a month when used in issued, effective or expiration dates.

**§ 221.36 Index of commodities (property tariff).**

(a) *Complete index.* Except as provided in paragraph (d) of this section, each property tariff shall contain a complete, alphabetical index of all commodities or articles for which ratings or specific commodity rates are provided in the tariff. Opposite each commodity or article in the index, reference shall be shown to the number of each item (or similar unit, such as group) in which such commodity or article is shown.

(b) *Alphabetical arrangement.* Commodities shall be arranged in the index in alphabetical order according to their nouns, for example, “wrapping paper” shall be shown and indexed as “paper, wrapping”. If the noun is not sufficiently explicit, the commodity should also be indexed under the adjective as well as under the noun. All of the entries for the same noun should be grouped together and indexed alphabetically first according to the noun and then according to the adjective appearing after the noun, for example, various kinds of paper would be indexed under “paper” in the following manner:

Commodity	Item No.
Paper, gummed .....	120
Paper, printing .....	210
Paper, waxed .....	120
Paper, wrapping .....	240

(c) *Indexing commodity lists.* When a tariff contains specific commodity rates applicable to a list of specific commodities or articles grouped under

a generic commodity description heading as authorized by § 221.75, the index of commodities shall show:

(1) Such generic heading or description (in distinctive type) in its proper alphabetical sequence in the index and opposite thereto reference to each item where such generic heading or description is shown including the item which contains the list of commodities under such generic heading;

(2) Each individual commodity or article (named in such list under the generic heading) in its proper alphabetical sequence in the index and opposite thereto reference to each item where such generic heading or description is shown including the item containing the list of commodities under such generic heading.

(d) *When index may be omitted*—(1) *Alphabetical arrangement.* The index of commodities may be omitted from a tariff or supplement if all specific commodity rates therein are arranged in alphabetical order (by commodities) in only one alphabetical sequence and all classification or exceptions ratings are arranged in alphabetical order (by commodities) in only one alphabetical sequence (the showing of generic headings in alphabetical sequence will not meet this requirement since individual commodities thereunder would not appear in the required alphabetical sequence). If the index of commodities is omitted under authority of this paragraph, an explanation of the alphabetical arrangement shall be published in the place where the index would have been published, for example:

INDEX OF COMMODITIES

(Commodities are arranged alphabetically throughout pages \_\_\_ through \_\_\_)

(2) *Less than five pages of commodity descriptions.* If the commodity descriptions on which rates or ratings are applicable are shown on not more than four pages of a tariff or supplement, the index of commodities may be omitted from such tariff or such supplement.

**§ 221.37 Index of points.**

(a) *Alphabetical index required.* Each tariff shall contain an alphabetical index of all points of origin named in the tariff and a separate alphabetical

index of all points of destination named in the tariff, except that the points of origin and destination may be included in one alphabetical index when all or substantially all of the rates or fares in the tariff apply in both directions between their respective points. The state, territory, possession, or District of Columbia in which each United States point is located shall be shown in connection with each such point. If the tariff applies to or from foreign countries, the respective country shall also be shown in connection with each and every point in the index except that:

(1) Only the name of the state, possession, territory or the District of Columbia is required to be shown in connection with each point in the United States.

(2) Only the name of the province is required to be shown in connection with each point in Canada.

(3) Only the name of the possession or territory is required to be shown in connection with each foreign point which is situated within a possession or territory of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the territory or possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British).

Opposite each point, reference shall be made to the number of each item (or similar unit) in which the respective point appears. If the point is not published in a numbered item (or similar unit), reference shall be made to the page on which the point appears. If the tariff contains rates or fares for account of more than one carrier, each point in the index shall show the carrier or carriers serving the respective point.

(b) *When index may be omitted.* The index of points may be omitted provided that all points of origin and destination are arranged in alphabetical order throughout the tariff or, if the fares or rates are published in two or more distinct sections or tables, throughout each section or table. Such alphabetical arrangement shall be explained as required by paragraph (c) of this section. In addition, when fares or

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rates are so arranged in sections or tables, reference to each section or table shall be shown in the table of contents. Tables of rate scale numbers conforming to §221.80(b)(1) and alphabetical lists of points conforming to §221.80(c)(1) shall constitute acceptable alphabetical arrangements of points for the purpose of determining whether an index of points may be omitted under the terms of this paragraph. The following arrangements of points shall be considered to be in alphabetical order:

(1) From origin points arranged in alphabetical sequence, to destination points arranged in alphabetical sequence under their respective origin points;

(2) To destination points arranged in alphabetical sequence, from origin points arranged in alphabetical sequence under their respective destination points;

(3) Between one group of points arranged alphabetically as headline points, and another group of different points arranged alphabetically as sideline points under their respective headline points, (but with no fares or rates between points in the same group) as, for example, between United States headline points, on the one hand, and Canadian sidelines points, on the other hand;

(4) Between points shown in a descending alphabetical arrangement in which fares or rates are provided between substantially all points in the fare or rate table as, for example, between headline point A and sideline points B through Z, between headline point B and sideline points C through Z, between headline point C and sideline points D through Z, and continuously descending to the final listing, between headline point Y and sideline point Z. In the above arrangements, points shall be either (i) in alphabetical sequence by points or (ii) in alphabetical sequence first by States (or Canadian provinces) and thence by points grouped under their respective States (or provinces).

(c) *Explanation required when index omitted.* When the index of points is omitted as provided in paragraph (b) of this section, a comprehensive explanation of the alphabetical arrangement

of points must be shown in the place where the index of points would have been published. The following are some examples of such explanations which may be modified to explain the particular alphabetical arrangement employed in the tariff:

INDEX OF POINTS OF ORIGIN AND DESTINATION

Points of origin are arranged alphabetically as headline points throughout the tariff. Points of destination are arranged alphabetically as sideline points under each origin point. (See §221.37(b)(1).)

or

Points in the United States are arranged alphabetically as headline points throughout the tariff. Points in Canada are arranged alphabetically as sideline points under each headline point. (See §221.37(b)(3).)

OR

Points of origin and destination are arranged alphabetically throughout the tariff (or each section or table of fares (or rates)). (See §221.37(b)(4).)

or

Points of origin and destination are arranged alphabetically throughout the tariff (or each section or table of fares (or rates)) first by States or provinces, thence by points of origin and destination grouped under their respective States or provinces. (See §221.37(b)(4).)

(d) *When reference to items (or similar units) or pages may be omitted from index.* If an index is published in a tariff containing rates or fares for account of two or more carriers, the index of points shall show the carrier or carriers serving each point but may omit reference to each item (or similar unit) or page where each point appears, provided that the tariff conforms with §221.37(b) and that the explanation of the alphabetical arrangement of points is shown in the heading of the index on each page thereof in the manner set forth in paragraph (c) of this section.

§221.38 Rules and regulations.

(a) *Contents.* Except as otherwise provided in this part, the rules and regulations of each tariff shall contain:

(1) Such explanatory statements regarding the fares, rates, rules or other provisions contained in the tariff as may be necessary to remove all doubt as to their application.

(2) All of the terms, conditions, or other provisions which affect the rates, fares, or charges for air transportation named in the tariff.

(3) All the rates or charges for, and the provision governing, terminal services, and all other services which the carrier undertakes or holds out to perform on, for, or in connection with air transportation, except that, in the case of pick-up and delivery services, the tariff need only specify the extent to which the air transportation rates named in the tariff include such services; and, where pick-up and delivery services are provided only at an additional charge, such additional charges shall not be included in the tariffs.

(4) All other provisions and charges which in any way increase or decrease the amount to be paid on any shipment or by any passenger, or which in any way increase or decrease the value of the services rendered to the shipper or passenger.

(5) [Reserved]

(6) For individually ticketed passenger service, the name of each type of aircraft used in rendering such service by manufacturer model designation and a description of the seating configuration (or configurations if there are variations) of each type of aircraft. Where fares are provided for different classes or types of passenger service (that is, first class, coach, day coach, night coach, tourist, economy or whatever other class or type of service is provided under the tariff), the tariff shall specify the type of aircraft and the seating configuration used on such aircraft for each class or type of passenger service. When two or more classes or types of passenger service are performed in a single aircraft, the seating configuration for each type or class shall be stated. The description of the seating configuration of each type of service on each aircraft shall include the following:

(i) The number of seats abreast.

(ii) The maximum and minimum distances in inches from the forward edge of a seat to the forward edge of the seat directly in front thereof (pitch).

(iii) The number of lounge seats.

(iv) The number of lounge seats or other seats withheld from sale and available for passengers' temporary use

during flight. If some or all lounge seats are available for sale under certain conditions, such fact and conditions shall be explicitly stated.

(7) *Denied boarding compensation.* For carriers subject to part 250, denied boarding compensation as specified in part 250.

(8) For certificated air carriers, the rules and regulations relating to the transportation of persons who may need assistance to evacuate the aircraft during an emergency. All such provisions shall be in conformity with part 121 of the Federal Aviation Regulations (14 CFR part 121), as amended or revised from time to time: *Provided*, That no provision of the Board's regulations issued under this part or elsewhere shall be construed to permit the filing of any tariff rules limiting or conditioning a carrier's obligation to provide transportation and services in connection therewith upon reasonable request therefor to a person who may require assistance of another person in expeditiously moving to an emergency exit of the aircraft in the event of an evacuation, except as provided for in said part 121.

(b) *Rule numbers.* Each rule or regulation shall be given a separate designation. The same designation shall not be assigned to more than one rule in the tariff. The rules and regulations shall be shown in the tariff in numerical or alphabetical order. A gap between rule numbers may be allowed for the addition of future rules, for example, the rules in an original tariff may be numbered Rules Nos. 5, 10, 15, etc. When a rule contains more than one paragraph, the paragraphs and subparagraphs shall be consecutively lettered or numbered.

(c) *Single subject and caption.* Each numbered rule shall be confined to a single subject and shall bear a caption descriptive of the subject matter therein. Such caption shall be shown in distinctive type.

(d) *Rules of limited application.* A rule affecting only a particular rate, fare, or other provisions in the tariff shall be specifically referred to in connection with such rate, fare, or other provision, and such rule shall indicate that it is applicable only in connection with such rate, fare or other provision.

Such rule shall not be published in a separate governing rules tariff.

(e) *Clear, explicit, and definite statements required.* All rules and regulations shall be stated in clear, explicit, and definite terms. Ambiguous or indefinite terms or language shall not be used. Where the rules and regulations contain any rates or charges or other amounts affecting the charges to be paid on any shipment or by any passenger, such rates, charges, or amounts shall be stated in United States dollars or cents to be applied to a definite unit of weight, measurement, time, currency, or other definite measure. When transportation fares or rates are published in foreign currency under authority of §221.51(b), any charges or other amounts set forth in rules or regulations may be stated in such foreign currency in addition to the required statement in United States currency, provided that such charges or other amounts in foreign currency are substantially equivalent in value to the respective charges or other amounts stated in United States currency. Where the carrier holds out to perform terminal or other services in connection with air transportation, the rule covering such services shall describe the exact service, state the rates or charges which the carrier will make for such service, and set forth in definite terms the conditions under which the carrier will perform such service. Where a rule provides a charge in the nature of a penalty, the rule shall state the exact conditions under which such charge will be imposed. Rules and regulations shall not contain indefinite statements to the effect that traffic of any nature will be “taken only by special arrangements”, or that services will be performed or penalties imposed “at carrier’s option”, or that the carrier “reserves the right” to act or to refrain from acting in a specified manner, or other provisions of like import; instead, the rules shall state definitely what the carrier will or will not do under the exact conditions stated in the rules.

(f) *Conflicting or duplicating rules prohibited.* The publication of rules or regulations which duplicate or conflict with other rules or regulations published in the same or any other tariff

for account of the same carrier or carriers and applicable to or in connection with the same transportation is hereby prohibited.

(g) *Separate rules tariff.* If desired, the rules and regulations required by this section may be published in separate governing tariffs to the extent authorized and in the manner required by §§221.100 through 221.104, and 221.107.

(h) *Personal liability rules.* No provision of the Board’s regulations issued under this part or elsewhere shall be construed to require on and after March 2, 1954, the filing of any tariff rules stating any limitation on, or condition relating to, the carrier’s liability for personal injury or death. No subsequent regulation issued by the Board shall be construed to supersede or modify this rule of construction except to the extent that such regulation shall do so in express terms.

(i) *Carriers’ extension of credit—passenger tariffs, property tariffs.* Air carriers and foreign air carriers shall not file tariffs that set forth charges, rules, regulations, or practices relating to the extension of credit for payment of charges applicable to the air transportation of persons or property.

(j) *Notice of limitation of liability for death or injury under the Warsaw Convention.* Notwithstanding the provisions of paragraph (h) of this section, each air carrier and foreign air carrier shall publish in its tariffs a provision stating whether it avails itself of the limitation on liability to passengers as provided in Article 22(1) of the Warsaw Convention or whether it has elected to agree to a higher limit of liability by a tariff provision. Unless the carrier elects to assume unlimited liability, its tariffs shall contain a statement as to the applicability and effect of the Warsaw Convention, including the amount of the liability limit in dollars. Where applicable, a statement advising passengers of the amount of any higher limit of liability assumed by the carrier shall be added.

(k) *Individual carrier provisions governing joint rates or fares.* Provisions governing joint rates or fares may be published for account of an individual carrier participating in such joint rates or fares provided that the tariff clearly indicates how such individual carrier’s

provisions apply to the through transportation over the applicable joint routes comprised of such carrier and other carriers who either do not maintain such provisions or who maintain different provisions on the same subject matter.

(l) *Passenger tariffs; property which cannot lawfully be carried in the aircraft cabin.* Each air carrier shall set forth in its tariffs governing the transportation of persons, including passengers' baggage, charges, rules, and regulations providing that such air carrier receiving as baggage any property of a person traveling in air transportation, which property cannot lawfully be carried by such person in the aircraft cabin by reason of any Federal law or regulation, shall assume liability to such person, at a reasonable charge and subject to reasonable terms and conditions, within the amount declared to the air carrier by such person, for the full actual loss or damage to such property caused by such air carrier.

(Secs. 102, 416, 72 Stat. 240, 771, secs. 3, 4, 80 Stat. 383, 81 Stat. 54; 49 U.S.C. 1302, 1386, 5 U.S.C. 552, 553, secs. 102, 204, 403, and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95-504, 72 Stat. 740, 743, 758, and 771, 92 Stat. 1731, 1732 (49 U.S.C. 1302, 1324, 1373, and 1386))

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-504, 32 FR 11938, Aug. 18, 1967; ER-795, 38 FR 9222, Apr. 12, 1973; ER-871, 39 FR 31882, Sept. 3, 1974; ER-1020, 42 FR 43830, Aug. 31, 1977; ER-1062, 43 FR 34442, Aug. 4, 1978; ER-1125, 44 FR 33059, June 8, 1979; ER-1229, 46 FR 32551, June 24, 1981; ER-1369, 48 FR 54589, Dec. 6, 1983]

**§ 221.39 Classification ratings or exceptions to governing classification ratings.**

(a) *Classification ratings.* Each tariff containing class rates shall list all articles or commodities accepted for transportation together with their applicable ratings in the following manner:

(1) The articles or commodities on which the ratings apply shall be described and listed in an orderly manner, and opposite each article or commodity there shall be shown the class rating applicable to the respective article or commodity.

(2) The articles or commodities shall be listed alphabetically in one se-

quence throughout the section of class ratings to the greatest extent that is practicable. A group of articles or commodities may be published under a generic commodity heading: *Provided*, That the generic heading appears in its proper alphabetical sequence in the section of class ratings and that the articles or commodities in such group are listed alphabetically and indented under such generic heading.

(3) The class ratings assigned to the articles or commodities shall be numbered classes corresponding identically to the numbered classes for which class rates are provided. (See § 221.73(c) describing rates on numbered classes.)

(4) Each commodity description and its applicable class rating shall be published in a separate, numbered item. The items shall be shown in numerical order in sequence with other item numbers as may be used in the tariff.

(5) An item shall not state that the rating on any article or commodity will be that applying on another article or commodity, for example, an item shall not provide that "paper wrappers" will take "wrapping paper" ratings. (If "paper wrappers" are to take the same rating as "wrapping paper", such rating shall be shown in the item listing "paper wrappers".)

(6) The publication of class ratings which duplicate or conflict with other class ratings is hereby prohibited. Also, class ratings shall not take precedence over other class ratings (except as provided in paragraph (c) of this section).

(7) The following format is suggested for the publication of classification ratings in the tariff containing the class rates, but may be adjusted to conform with the format or context of a particular tariff:

CLASSIFICATION RATINGS		
[Applicable only in connection with class rates Section ____ §]		
Item No.	Article or commodity	Class

(b) *Classification ratings in governing tariff.* The classification of articles required by paragraph (a) of this section may be omitted from the rate tariff provided that it is published in its entirety in a separate classification tariff

in accordance with §§ 221.100, 221.101, and 221.105.

(c) *Exceptions to governing classification ratings.* When the classification ratings are published in a separate classification tariff as provided under paragraph (b) of this section and it is found necessary to publish ratings which are exceptions to such classification ratings without canceling the classification ratings, this part of the class rates tariff shall contain the ratings which are exceptions to the ratings in the governing classification tariff. Such exception ratings shall be published in compliance with the following requirements:

(1) The exceptions ratings shall comply with paragraph (a)(1) through (7) of this section, except that the heading reading “Classification Ratings” in paragraph (a)(7) of this section shall be changed to read substantially “Exceptions to Ratings in Governing Classification.”

(2) Exceptions ratings shall be exceptions, in fact, to ratings in the governing classification and shall not be published to cover commodities for which no ratings are provided in the governing classification.

(3) Exceptions ratings restricted to apply from and to or between a small number of points shall not be published to avoid the publication of specific commodity rates from and to or between such points.

(4) The descriptions of the commodities on which the exceptions ratings apply shall conform as closely as possible to the commodity descriptions in the governing classification tariff.

**§ 221.40 Statement of fares or rates for air transportation.**

The statement of fares for the air transportation of persons shall be prepared in accordance with the provisions of subpart E. The statement of rates for the air transportation of property shall be prepared in accordance with the provisions of subparts E and F.

**§ 221.41 Routing.**

(a) *Required routing.* The route or routes over which each fare or rate applies shall be stated in the tariff in such manner that the following information

can be definitely ascertained from the tariff:

(1) The carrier or carriers performing the transportation,

(2) The point or points of interchange between carriers if the route is a joint route (via two or more carriers),

(3) The intermediate points served on the carrier’s or carriers’ routes applicable between the origin and destination of the rate or fare and the order in which such intermediate points are served. (This information, however, is not required in those property tariffs which are not subject to rules or other provisions for stopping in transit or to any other provisions which require determining what intermediate points are served via the tariff routing between the origin point and destination point of a rate; nor is it required in passenger tariffs of carriers whose operations are other than over defined routes stated in certificates or permits issued by the Board; nor in charter tariffs.) On an experimental basis, for the purposes of complying with this paragraph, tariffs may include for each carrier a separate map of the carrier’s routes, showing intermediate points in the order served.

(b) *Individually stated routings—(1) Method of publication.* Except as otherwise authorized in paragraphs (c) and (d) of this section, the routing required by paragraph (a) of this section shall be shown directly in connection with each fare, rate or charge for transportation, or in a routing portion of the tariff (following the rate or fare portion of the tariff), or in a governing routing tariff. When shown in the routing portion of the tariff or in a governing routing tariff, the fare or rate from each point of origin to each point of destination shall bear a routing number and the corresponding routing numbers with their respective explanations of the applicable routings shall be arranged in numerical order in the routing portion of the tariff or in the governing routing tariff.

(2) *Class of passenger service and aircraft type specified in routing.* Where a passenger fare applies via one class of service (or type of aircraft) over a portion of the routing applicable from origin to destination and via a different

class or classes of service (or a different type or types of aircraft) over the remainder of the routing, provisions as to the classes of services (or types of aircraft) provided over the respective segments of the routing may be included in the applicable routing published in accordance with paragraph (b)(1) of this section. When routings containing such provisions are published in a separate routing section of the tariff or in a governing routing tariff, the headings of the pages containing fares subject to such routings shall indicate that provisions as to class of service or type of aircraft are set forth in the routing.

(c) *Diagrammatic routings.* For property rates between United States points, on the one hand, and points in foreign countries or United States Territories or Possessions, on the other hand, the routing information required by paragraphs (a) (1) and (2) of this section may be shown in the form of routing diagrams. A routing diagram consists of a series of connected columns or rectangular figures, each naming or designating a group of points, with carrier routing designated between each pair of consecutive, connected groups, and an explanation of how to use the diagram in determining applicable routings. An illustration of an acceptable form of routing diagram is set forth in Illustration No. 1 at the end of this paragraph. Publication of routing diagrams shall conform to the following requirements:

(1) Each routing diagram shall bear a routing number. Only connected groups shall be included in one diagram.

(2) Routing diagrams shall be published in numerical order, by routing number, in the routing portion of the tariff following the rate portion or in a governing routing tariff.

(3) The pages containing the rates shall refer, by routing number, to the applicable routing diagrams. Where all rates in a tariff, table or section are subject to one routing diagram, such reference may be shown in the heading of each rate page thereof. Otherwise, reference to the applicable routing diagrams shall be shown directly in connection with the respective rates from each origin to each destination.

(4) An explanation of the application and use of each routing diagram shall be published in connection therewith in sufficient detail to enable the applicable routings to be definitely determined.

(5) Groups of points of origin, destination and interchange shall be designated in the diagram by definite geographic terms.

(6) The carriers performing the transportation between each pair of consecutive, connected groups of points in the diagram shall be specifically designated in the routing diagram except that where space limitations make this impractical, such carrier routing may be published in the following manner:

(i) Except as otherwise authorized in paragraph (a)(6)(ii) of this section, the routing between two consecutive, connected groups in the diagram may be shown by referring to a routing chart conforming to the following requirements. Routing charts shall be in tabular form showing the specific points in one group as headline points and the specific points in the other group as sideline points. Headline points shall be arranged alphabetically and the sideline points shall be arranged alphabetically under the respective headline points. Carrier routing between each headline point and each sideline point shall be shown in the intersecting space in the tabular chart. An illustration of such routing chart (using abbreviations to designate carriers) is set forth in Illustration No. 2 at the end of this paragraph.

(ii) Carrier routing between two consecutive, connected groups consisting exclusively of foreign points may be shown either by a routing chart authorized under paragraph (a)(6)(i) of this section or in the following manner. The routing diagram may provide that carrier routing between such groups of foreign points shall be via any single-carrier service and shall refer to the tariff's alphabetical index or list of points of origin and destination to determine the carriers serving the respective points in each group. The latter method of publication may be used only where the tariff contains an alphabetical index or list of points of origin and destination showing the carriers serving the respective points,

and only where each carrier indicated by such index or list as serving a pair of points (one in each such group) does in fact maintain service between such pair of points.

(d) [Reserved]

(e) *Emergency routing rule.* If desired, the following routing rule may be published in property rate tariffs conforming with paragraph (b) or (c) of this section:

*Routing instructions.* The rates named in this tariff will apply only over the routes and via interchange points authorized herein except that when, in the case of pronounced traffic congestion (not an embargo) or other similar emergency, or through carrier's error, carriers forward shipments by other transfer points of the same carriers or over other carriers parties to the tariff, the rates specified in this tariff (but not higher than the rate applicable over the actual route of movement) will be applied.

(f) *Forwarders.* The preceding paragraphs of this section do not apply to tariffs of Air Freight Forwarders or International Air Freight Forwarders. Where the rates and charges of two or more forwarders are published in one tariff issued by an agent, the tariff shall clearly indicate in connection with each rate or charge the respective individual forwarder for whom it is published.

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-867, 39 FR 35570, Oct. 2, 1974]

### Subpart E—Requirements Applicable to All Statements of Fares or Rates

#### § 221.50 Clear and explicit statement; systematic arrangement.

All fares, rates, and charges shall be clearly and explicitly stated and shall be arranged in a simple and systematic manner. Complicated plans and ambiguous or indefinite terms shall not be used. So far as practicable, the fares, rates, and charges shall be subdivided into items or similar units, and an identifying number shall be assigned to each item or unit to facilitate reference thereto.

#### § 221.51 Currency.

(a) *Statement in United States currency required.* All fares, rates, and charges shall be stated in cents or dollars of

the United States except as provided in paragraph (b) of this section.

(b) *Statements in both United States and foreign currencies permitted.* Rates, fares, and charges applying between points in the United States, on the one hand, and points in foreign countries, on the other hand, or applying between points in foreign countries, may also be stated in the currencies of foreign countries in addition to being stated in United States currency as required by paragraph (a) of this section: *Provided, That:*

(1) The fares, rates, and charges stated in currencies of countries other than the United States are substantially equivalent in value to the respective fares, rates, and charges stated in cents or dollars of the United States.

(2) Each page containing fares, rates, and charges shall clearly indicate the respective currencies in which the fares, rates and charges thereon are stated, and

(3) The fares, rates, and charges stated in cents or dollars of the United States are published separately from those stated in currencies of other countries. Such separate publication shall be done in a systematic manner and the fares, rates, and charges in the respective currencies shall be published either in separate columns on the same page, or on separate pages, or in separate sections or tables of the tariff.

#### § 221.52 Territorial application.

(a) *Specific points of origin and destination.* Except as otherwise provided in this part, the specific points of origin and destination from and to which the fares or rates apply shall be specifically named directly in connection with the respective fares or rates. If the tariff names points only in the United States and/or Canada, the respective State, possession, territory or District of Columbia shall be shown in connection with each United States point and the respective province shall be shown in connection with each Canadian point; however, if such tariff applies to scheduled transport service and contains an index of points conforming to § 221.37 (a) or (d), the State, possession, territory, District of Columbia, or Canadian province may be omitted (at publisher's election) from the fare or

rate tables except in connection with different points of the same name. If the tariff contains fares or rates applying to or from points in foreign countries (other than or in addition to Canada), the following shall be shown in connection with each point named:

(1) The respective State, possession, territory or District of Columbia in which each United States point is situated, and the respective province in which each Canadian point is situated;

(2) The respective country in which each point is situated except that the country may be omitted (at publisher's election) in connection with United States and Canadian points;

(3) Only the respective possession is required to be shown in connection with each foreign point which is situated within a possession of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British).

(b) *Points taking same fares or rates.* The fares or rates applying to (or from) a particular point named in the table of fares or rates may be made to apply to (or from) other points in the following manner. Show such other points in their proper alphabetical order in the rate or fare table and show in connection with each such point a statement that it takes the same fares or rates as apply to (or from) the particular point for which fares or rates are specifically published in the table. If the tariff has an index or list of points, the latter statement may be published in connection with the respective points in the index or list instead of in the rate or fare table. All such statements shall be published uniformly either (1) in the index (or list) or (2) in the table, but not in both.

(c) *Directional application.* A tariff shall specifically indicate directly in connection with the rates or fares therein whether they apply "from" and "to" or "between" the points named. Where the rates or fares apply in one direction, the terms "From" and "To" shall be shown in connection with the point of origin and point of destination, respectively, and, where the rates and fares apply in both directions be-

tween the points, the terms "Between" and "And" shall be shown in connection with the respective points.

[ER-439, 30 FR 9439, July 29, 1965, as amended by Amdt. 221-69, 56 FR 44001, Sept. 6, 1991]

**§ 221.53 Airport-to-airport application, accessorial services.**

(a) Tariff publications containing rates or fares for air transportation shall specify whether or not they include additional services in one or more of the following ways:

(1) The tariff shall indicate that rates or fares include pick-up, delivery, or other services, explicitly defining the services to be furnished, and defining areas or points within or between which the services will be performed; or

(2) The tariffs shall indicate that the rates or fares apply from airport-to-airport and that the carrier does not perform additional services; or

(3) The tariff shall indicate that the rates or fares apply only from airport-to-airport but that additional services are furnished subject to additional charges, and, except for pick-up and delivery services, the tariff shall set forth charges for all other services and other provisions applicable thereto, as required by § 221.38, clearly and explicitly specifying the extent to which such services will be furnished.

(b) The above requirements shall not be construed as precluding the publication of rates or fares for air transportation which include pick-up or delivery service at certain specified points or areas within the pick-up and delivery zone of the airport city of origin or destination but subject to a further provision that pick-up or delivery service will be provided at other specified areas or points within the same pick-up and delivery zone only upon payment of an additional charge.

(c) The airport-to-airport application of rates or fares for air transportation and the statements as to the extent to which such rates or fares include pick-up, delivery or other accessorial services shall be published in the rate or fare tariff and not in a governing tariff. However, the definitions of such services, the definitions of areas or points within or between which such services will be performed, and the rates or

charges for such services (when not included in the air transportation rates or fares) may be published in a governing rules tariff conforming to § 221.102, except that additional charges for pick-up and delivery services shall not be included in the tariffs.

[ER-1229, 46 FR 32551, June 24, 1981]

**§§ 221.54—221.55 [Reserved]**

**§ 221.56 Rates may include transfer at interchange points.**

A rate applying locally over the lines of one carrier or jointly over the lines of two or more carriers shall include transfer service at interchange points unless the tariff otherwise provides. In the case the transfer service is not included, the tariff containing such rates shall state that such transfer service is not included or is provided at a specified additional charge.

**§ 221.57 Proportional fares or rates.**

(a) *Definite application.* Proportional fares or rates shall be specifically designated as “proportional” fares or rates on each page where they appear. Subject to paragraph (b) of this section, proportional fares or rates shall be specifically restricted to apply:

(1) Only on traffic which:

(i) Originates at a point of origin beyond the point from which the proportional fare or rate applies, or

(ii) Is destined to a point of destination beyond the point to which the proportional fare or rate applies, or

(iii) Both originates at a beyond point specified in paragraph (a)(1)(i) of this section and is destined to a beyond point specified in paragraph (a)(1)(ii) of this section.

(2) Only when the passenger is transported on a through ticket or the shipment is transported on a through air waybill or other form of transportation contract or document covering the through transportation from and/or to such beyond points, or, with respect to foreign air transportation, when such through ticket or through air waybill, or other form of through transportation contract or document cannot be issued, the tariff shall provide that the proportional fare or rate may be used only upon presentation by the passenger or shipper of clear and con-

vincing evidence that the passenger or shipment has been or will be transported from and/or to such beyond points.

(b) *Restrictions upon beyond points or connecting carriers.* If a proportional fare or rate is intended for use only on traffic originating at and/or destined to particular beyond points or is to apply only in connection with particular connecting carriers, such application shall be clearly and explicitly stated directly in connection with such proportional fare or rate.

**§ 221.58 Arbitraries.**

(a) A tariff may provide that rates or fares from (or to) particular points shall be determined by the addition of arbitraries to, or the deduction of arbitraries from, rates or fares therein which apply from (or to) a base point. An arbitrary is a specific amount in dollars or cents published specifically for application in the above manner. Provisions for the addition or deduction of such arbitraries shall be shown either directly in connection with the fare or rate applying to or from the base point or in a separate provision which shall specifically name the base point. The tariff shall clearly and definitely state the manner in which such arbitraries shall be applied. In the case of arbitraries applicable to the transportation of property, the arbitraries shall be published in the same units of currency and rate as those in which the base rates are stated, and shall be stated to apply on the same minimum quantities (or quantity groups) as those on which the base rates apply.

(b) The tariff shall state definitely whether the arbitraries are to be added to, or deducted from, the fares or rates applying from (or to) the base points (for example, it may provide in effect that the arbitraries shall be added to the fares or rates applying from (or to) the base points except that those arbitraries bearing a particular reference mark, such as a minus sign (–), shall be deducted from such base fares or rates). In some circumstances, it may be necessary to publish a zero amount “0” in the table of arbitraries; in this event, the tariff shall state definitely that the fare or rate applying from (or to) the base point shall also

apply from (or to) the point taking the zero amount in the arbitrary table without the addition or deduction of an arbitrary.

**§221.59 Fares or rates stated in percentages of other fares or rates; other relationships prohibited.**

(a) Fares or rates for air transportation of persons or property shall not be stated in the form of percentages, multiples, fractions, or other relationships to other fares or rates except to the extent authorized in paragraphs (b), (c), (d), and (e) of this section with respect to passenger fares and baggage charges and in subpart F with respect to property rates.

(b) A basis of fares for refund purposes may be stated, by rule, in the form of percentages of other fares.

(c) Transportation rates for the weight of passengers' baggage in excess of the baggage allowance under the applicable fares may be stated, by rule, as percentages of fares, provided reference is made to a conversion table complying with paragraph (e) of this section for the purpose of determining the amounts of such rates in dollars or cents represented by the published percentages of the fares.

(d) Children's fares, round-trip fares, or other types of fares may be stated, by rule, as percentages of other fares published specifically in dollars and cents (hereinafter referred to as base fares): *Provided*, That:

(1) Fares stated as percentages of base fares shall apply from and to the same points, via the same routes, and for the same class of service and same type of aircraft to which the applicable base fares apply, and shall apply to all such base fares in a fares tariff or designated section or table of a fares tariff except that:

(i) If the base fares are published for account of two or more participating carriers, such percentage fares may be restricted to apply for account of only certain participating carriers. If such carriers participate in joint base fares, the extent to which such restricted percentage fares apply to the joint base fares shall be clearly indicated.

(ii) If the base fares are named between points in the continental United States and points outside thereof, such

percentage fares may be restricted territorially to apply between, within, or from and to any of the following areas (but not portions of a single area):

Alaska.

Hawaii.

Continental United States.

United States of America.

One or more Territories or Possessions of the United States.

One or more foreign countries.

A definite geographic area larger than a country.

The term "continental United States," as used in this paragraph, means all of the 48 contiguous States and the District of Columbia.

(2) Fares shall not be stated as percentages of base fares for the purpose of establishing fares applying from and to points, or via routes, or on types of aircraft, or for classes of service different from the points, routes, types of aircraft, or classes of service to which the base fares are applicable.

(3) Fares stated as percentages of base fares shall refer to a conversion table complying with paragraph (e) of this section for the purpose of determining the amounts of such fares in dollars and cents represented by the published percentages of the base fares.

(e)(1) A conversion table shall be published in the fares section of the tariff containing the base fares or, if that tariff is governed by a rules tariff, the table may be published after the last rule therein. The conversion table shall contain in the first column, in numerical order ranging from the lowest to the highest amounts, the amounts of all the base fares on which the percentages are to be applied. Each of the other columns shall be captioned with a percentage corresponding to a percentage in which a fare is stated. In each of the percentage-captioned columns and directly opposite each base fare, the amount in dollars or cents represented by the stated percentage of the respective base fare shall be shown. Such columns shall be arranged in numerical order (according to percentage). A clear and definite explanation of how to use the conversion table shall be shown in connection therewith.

(2) Instead of showing in the first column all base fares from the lowest to the highest, the table may contain in the first column \$0.05 and all multiples

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thereof to and including \$1.00 and all multiples of \$1.00 to and including \$100.00 with a plainly stated rule for using, in combination, amounts ascertained in the percentage columns for the separate portions of the base fare. The rule shall provide, for example, that if the base fare is \$7.65, the percentages for \$7.00 and \$0.65 are to be ascertained separately and combined.

**§ 221.60 Conflicting or duplicating rates or fares prohibited.**

The publication of rates or fares of a carrier which duplicate or conflict with the rates or fares of the same carrier published in the same or any other tariff for application over the same route or routes is hereby prohibited.

**§ 221.61 Provisions for alternative use of or precedence of rates or fares prohibited.**

Except as specifically authorized otherwise in this part, a tariff containing rates or fares shall not contain nor be made subject to any tariff provisions to the effect that rates or fares in such tariff take precedence over or apply alternatively with other rates or fares in the same or any other tariff, or that the rates or fares in any other tariff take precedence over or alternate with the rates or fares in such tariff.

**§ 221.62 [Reserved]**

**§ 221.63 Applicable rate when no through local or joint fares or rates.**

(a) *Lowest combination fare or rate applicable.* Where no applicable local or joint fare or rate is provided from point of origin to point of destination over the route of movement, whichever combination of applicable fares or rates provided over the route of movement produces the lowest charge shall be applicable, except that a tariff may state that a fare or rate cannot be used in any combination or in a combination on particular traffic or under specified conditions, provided another combination is available.

(b) *Date governing combination fares or rates.* A combination fare or rate for through transportation shall be treated as a unit (single-factor fare or rate) from point of origin to final destination. The combination fare or rate applied shall be the combination of the

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intermediate fares or rates in effect on the date on which the passenger begins his transportation or shipment was received by the carrier and all of the rules and other tariff provisions applicable to each intermediate fare or rate in effect on such date shall be observed and cannot be varied as to that passenger or shipment during the period of transportation to final destination; except that in foreign or overseas air transportation, carriers may, by appropriate tariff rules, provide for application of combination fares in effect on date of sale of ticket for transportation commencing not later than 30 days after the effective date of an increase in any intermediate fares when such transportation is sold prior to the issue date of tariffs stating increased fares, and provided that each factor of the combination is subject to like tariff provisions.

**Subpart F—Requirements Applicable Only to Statements of Property Rates**

**§ 221.70 Definite unit of rate.**

(a) All rates for the air transportation of property shall be clearly and explicitly stated in cents or dollars per pound, per 100 pounds, per kilogram, per ton of 2,000 pounds, per ton of 2,240 pounds, per United States gallon, or other definite unit of weight, measurement or value except that:

(1) [Reserved]

(2) Rates stated to apply on specific types of animals may be stated in cents or dollars per animal.

(b) When rates are stated in units of cubical measurement, such as per cubic foot, the tariff containing such rates, or its governing rules tariff, shall explicitly state how the cubical measurement of the articles shipped (including irregular shaped articles) is to be determined.

(c) Rates shall not be stated to apply per package or other shipping unit unless definite specifications as to size, weight, or capacity of the package or other shipping unit is specified in the tariff. This rule does not prohibit the publication of charges or rates other

than by units for accessorial services performed by the carrier.

(Secs. 102, 204, 403, and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95-504, 72 Stat. 740, 743, 758, and 771, 92 Stat. 1731, 1732; 49 U.S.C. 1302, 1324, 1373, and 1386)

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1125, 44 FR 33059, June 8, 1979]

**§221.71 Quantities on which rates apply.**

(a) *Quantities shall be specified.* When rates for the air transportation of property are to apply only on particular quantities, such quantities shall be specified in the tariff in connection with the rates or, in the case of class rates, they may be stated in connection with the class ratings. Such quantities shall be stated in the same unit of weight or measurement as the rate; for example, rates stated in cents per pound shall be subject to minimum weights in pounds, rates stated in cents per kilogram shall be subject to minimum weights in kilograms. The published quantities to which rates are subject may be stated as minimum quantities (for example, minimum weight \_\_\_ pounds), or they may be stated in the form of quantity groups (for example, weight groups of "under 100 pounds", "100 pounds and over but less than 3,000 pounds", "3,000 pounds and over but less than 10,000 pounds", and "10,000 pounds and over"). These particular weights are shown for purposes of illustration only. This provision does not prohibit the publication of specific minimum charges in lieu of or in addition to minimum quantities.

(b) *Different rates subject to different quantities.* Different rates on the same commodities from and to the same points subject to different minimum quantities or quantity groups may be published provided the following requirements are complied with:

(1) A lower rate shall be provided on a greater minimum quantity or quantity group.

(2) A tariff containing such rates or its governing rules tariff shall contain a rule to the effect that when two or more rates subject to different minimum quantities are provided on the same commodity in the same shipping form from and to the same points over the same route, the lower of the two

charges specified under paragraph (b) (2) (i) and (ii) of this section shall be applied:

(i) The charge computed on the quantity shipped at the rate applicable to such quantity, or

(ii) The charge computed on the next greater quantity, for which a lower rate is provided at the rate applicable to such greater quantity.

(3) All such rates of the same type (class, specific commodity, or general commodity) applying on the same commodities from the same point of origin to the same point of destination via the same route shall be published together continuously on one page or two or more successive pages or in one item, except as otherwise authorized in paragraph (c) of this section. This does not waive the requirements of §221.75(b) as to publishing specific commodity rates in numbered items.

(c) *Volume rate conversion table.* Rates meeting the requirements of paragraph (b) of this section may be published in the following manner. Where a rate table names rates subject to a definite minimum weight, for example, "minimum weight 100 pounds," lower rates for greater minimum weights may be published in a separate conversion table substantially in the following form:

TABLE OF VOLUME RATES (IN DOLLARS PER 100 POUNDS)

This table is applicable only in connection with rates subject to minimum weight of 100 pounds which refer hereto for rates applicable to greater minimum weights.

Where the rate of subject to minimum weight 100 pounds is	The rate for the following minimum weights will be as specified in the respective columns below (minimum weight in pounds):				
	1,000	3,000	5,000	10,000	20,000
4.00 .....	3.80	3.60	3.40	3.00	2.80

The particular minimum weights shown in the above form are for illustrative purposes only. Such conversion table shall be published immediately following each table or section naming the applicable base rates or, where a single conversion table applies to two or more tables or sections of base rates, such conversion table may be published immediately following the last table or section of rates in the tariff. Each conversion table shall provide

that it is applicable only in connection with the base rates which refer to it (substantially as shown in the above form). Each page naming the base rates shall make specific reference to such conversion table for rates applicable to the greater minimum weights provided by the conversion table. Such reference shall be made substantially in the following manner:

For rates subject to minimum weights of \_\_\_ pounds and over, apply Table of volume Rates on page \_\_\_.

**§ 221.72 Types of property rates (class, general commodity, or specific commodity) which may be published.**

(a) *Types permitted.* Except as otherwise authorized in this part, only the following types of rates shall be published to apply on the air transportation of property:

(1) Class rates (see § 221.73).

(2) General commodity rates (see § 221.74).

(3) Specific commodity rates (see § 221.75).

(b) *Order of publication in same tariff.* If both general commodity rates and specific commodity rates are published in the same tariff, the general commodity rates shall be published in tables or sections preceding the specific commodity rates. If both class rates and specific commodity rates are published in the same tariff, the class rates shall be published in tables or sections preceding the specific commodity rates.

**§ 221.73 Class rates.**

(a) *Captions.* Class rates shall be published under the caption "Class Rates" to be shown on each page containing such rates.

(b) *Governing classification and exceptions thereto.* A tariff of class rates shall contain a classification which shall assign a class rating to each specific article or commodity as required by § 221.39(a) or shall be governed by a separate tariff containing such class ratings (see § 221.105). Also, the class rates may be made subject to exceptions to the ratings in the governing tariff as provided in § 221.39(c).

(c) *Rates may be published on specified classes; percentage relationship.* (1) Class rates may be published for specified classes which shall correspond identi-

cally to the classes assigned to the various articles or commodities by the classification or exceptions thereto and on which such rates are applicable.

(2) The classes shall be specified, for example:

*Method 1.* The classes shall be consecutively numbered as "Class 1," "Class 2," "Class 3," "Class 4," etc., ranging from the class taking the highest rates to the class taking the lowest rates, respectively. All rates published for each class lower or higher than Class 1 shall bear the same percentage relationship to the respective Class 1 rates, for example, each Class 2 rate may equal 85 percent of the respective Class 1 rate, each Class 3 rate may equal 70 percent of the respective Class 7 rate. If it is found necessary to publish rates for classes higher than Class 1, such rates shall be assigned a class number which represents their percentage relationship to the respective Class 1 rates, for example, rates for "Class 125" shall equal 125 percent of the respective Class 1 rates.

*Method 2.* The rates in each class shall be assigned a class number which represents their percentage relationship of the respective "Class 100" rates. For example, rates for "Class 85" shall equal 85 percent of the respective "Class 100" rates, rates for "Class 70" shall equal 70 percent of the respective "Class 100" rates.

(d) *Arrangement.* The rates for each class shall be published in a single column and each column shall be captioned with its respective class. The columns shall be arranged on each page in the order of the classes ranging from the class taking the highest rates (to be published in the first rate column) to the class taking the lowest rates (to be published in the last rate column).

**§ 221.74 General commodity rates and exception ratings thereto.**

(a) *General commodity rates.* General commodity rates shall be published under the caption "General Commodity Rates." Such caption shall be shown on each page containing such rates. Each tariff which contains general commodity rates shall contain a rule captioned "Application of General Commodity Rates" which shall provide that the general commodity rates apply on all commodities except those which will not be accepted for transportation under the terms of the tariff or of governing tariffs. Each rule shall be published in the tariff containing the general commodity rates and not in a governing tariff. If it is desired to

establish a rate on a particular commodity different from the general commodity rate, an exception rating to the general commodity rate (see paragraph (b) of this section) or a specific commodity rate (see § 221.75) shall be published on such commodity.

(b) *Exception ratings to general commodity rates.* Exception ratings to general commodity rates may be stated as percentages of general commodity rates applying from and to the same points over the same route or routes provided the following requirements are complied with:

(1) Such exception ratings shall be published under the caption "Exception Ratings to General Commodity Rates (stated as percentages of the General Commodity Rates)". Such caption shall be shown on each page containing the exception ratings.

(2) Such exception ratings shall be published in numbered items in the same tariff naming the general commodity rates to which they are exceptions, and shall follow the general commodity rates and precede specific commodity rates (if published therein) in the order of the tariff's contents.

(3) Such exception ratings shall be published to apply only on specific articles or commodities which shall be named directly in connection with the applicable exception ratings.

(4) Each exception rating shall be stated as a single percentage of the general commodity rates for all quantities on which the general commodity rates apply. However, where the general commodity rates vary according to the different quantities on which they apply, exception ratings may be stated as percentages of one or more of such general commodity rates provided the quantities to which the exception ratings apply are specifically stated.

(5) Such exception ratings shall not be published unless they are to apply from and to or between all of the points for which general commodity rates are provided in the tariff or in a designated table or section of the tariff except:

(i) If the tariff names general commodity rates for account of two or more carriers, such exception ratings may be restricted to apply for account of only certain carriers. If the tariff

names joint general commodity rates in which such carriers participate, the tariff shall clearly indicate the extent to which such restricted exception ratings apply in connection with the joint general commodity rates.

(ii) If the tariff names general commodity rates between points in the continental United States and points outside thereof, such exception ratings may be restricted territorially to apply between, within, or from and to any of the following areas (but not portions of a single area):

*Areas*

Alaska.

Hawaii.

Continental United States.

United States of America.

One or more Territories of Possessions of the United States.

One or more foreign countries.

A definite geographic area larger than a country.

The term "continental United States," as used in this paragraph (b)(5)(ii), means all of the 48 contiguous States and the District of Columbia.

(6) Such exception ratings shall refer to a conversion table in the same tariff complying with paragraph (b)(7) of this section for the purpose of determining the rates in cents or dollars represented by the exception rating percentages of the general commodity rates.

(7) A conversion table shall be published immediately following such exception ratings. The conversion table shall contain in the first column, in numerical order ranging from the lowest to the highest amounts, the amounts of all of the base general commodity rates on which the percentages are to be applied. Each of the following columns shall be captioned with a percentage corresponding to a percentage in which an exception rating is stated. In each of the latter columns and directly opposite each base rate, the amount in cents or dollars represented by the stated percentage of the respective base rate shall be shown. Such columns shall be arranged in numerical order (according to percentages). A clear and definite explanation of how to use the conversion table shall be shown in connection therewith. Instead of showing in the first column all base

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general commodity rates from the lowest to the highest, the table may contain in the first column all amounts from \$0.01 to \$1.00 and all multiples of \$1.00 to and including \$50.00 with a plainly stated rule for using in combination amounts ascertained in the percentage column for separate portions of the general commodity rate. The rule must provide, for example, that if the general commodity rate is \$2.77, the percentages for \$2.00 and \$0.77 are to be ascertained separately and combined.

§ 221.75 Specific commodity rates.

(a) *Applicable on specific articles or commodities named in tariff.* Specific commodity rates shall be published to apply only on specific articles or commodities which shall be specifically named in the tariff. Generic commodity descriptions shall not be used except to the extent permitted in paragraph (c) in this section. The commodity descriptions shall be set forth directly in connection with the respective rates to which they apply, except as otherwise provided in this section. Specific commodity rates shall apply only on the specific articles or commodities on which they are indicated by the tariff to apply and shall not apply on analogous articles or commodities. As far as possible, uniform commodity descriptions shall be use in all tariffs.

(b) *Page caption and numbered items.* Specific commodity rates shall be published under the caption "Specific Commodity Rates" to be shown on each page containing such rates. Specific commodity rates shall be published in numbered items except as otherwise provided in paragraph (d) in this section. Two or more commodities taking different specific commodity rates from and to the same points shall not be published in the same item. When an item containing specific commodity rates is continued to a successive page or pages, either the commodity description shall be repeated on each such successive page or the commodity description may be omitted from each such successive page provided such page refers to the commodity description in the following manner:

For commodity description of this item, see page \_\_\_\_.

(c) *When generic commodity descriptions may be used.* A generic commodity description may be used in connection with a specific commodity rate to designate a number of specific commodities or articles embraced within such generic description, without naming such specific commodities or articles in connection with the rate: *Provided*, That the following requirements are complied with:

(1) The generic commodity description shown in connection with the rate shall refer to a numbered item (other than a rate item) in the same tariff which contains a list of the specific commodities or articles embraced within such generic commodity description and on which the rate will apply. The generic commodity description shall be shown in connection with the rate exactly as it appears in the heading of the item to which reference is made. Such generic commodity description and reference to the description item in the same tariff shall be shown in connection with the rate substantially in the following manner:

Abrasives, as described in Item No. \_\_\_\_ (as amended).

(2) The item to which such reference is made in accordance with paragraph (c)(1) of this section shall show:

(i) The same generic commodity description as a heading and the list of specific articles or commodities on which the rate is to apply, arranged in alphabetical order under such generic heading. For example, if the rate is indicated to apply on "Abrasives, as described in Item No. \_\_\_\_, as amended", the item to which such reference is made shall contain the following heading: "Abrasives, namely:" and the specific abrasives on which the rate is to apply shall be named in alphabetical order and indented under such heading, for example:

Abrasives, namely:

Abrasive cloth or paper, including emery or sandpaper.

Alundum, corundum, emery or other natural or synthetic abrasive material.

Wheels, pulp grinding.

or,

(ii) The same generic commodity description as a heading followed by an

explicit explanation of the application of the generic description.

(3) The items containing the lists of specific commodities or articles under their respective generic headings shall be published immediately preceding the rates sections or tables in the tariff, and shall be published under a heading (on each page) which shall provide that such commodity descriptions are applicable only when and to the extent that reference is made to such commodity descriptions. Each such list of articles or commodities under a generic heading shall be published in a separate item.

(4) The method of publication authorized in this paragraph shall not be used when a specific commodity rate applies on less than ten specific commodities or articles embraced within a generic commodity description. In such cases, the specific commodities or articles shall be named in connection with the rate.

(d) *Commodity descriptions published separately from rates when latter arranged alphabetically by points.* When all specific commodity rates in a tariff are published in tabular form and all points of origin and destination are arranged alphabetically in conformance with §221.37(b) (1) through (4) throughout the table of specific commodity rates, the commodity descriptions applicable to such rates may be published separately provided the following requirements are complied with:

(1) The full commodity descriptions shall be published in numbered items (other than rate items) immediately preceding the table of specific commodity rates.

(2) The items containing the commodity descriptions shall be published under a heading (on each page) which shall state that such commodity descriptions apply only in connection with and to the extent that reference is made thereto by the specific commodity rates on pages \_\_\_ through \_\_\_ (or, in § \_\_\_) of the tariff.

(3) Directly in connection with each specific commodity rate, reference shall be shown to the respective item containing the description of the specific commodities or articles on which such rate applies.

### **§221.76 Precedence of authorized types of rates.**

(a) *Exception ratings to general commodity rates versus general commodity rates.* When both general commodity rates and exception ratings to general commodity rates (stated as percentages of the general commodity rates) are published to apply from and to the same points via the same routes, the tariffs containing such rates and exception ratings (or their governing rules tariffs) shall contain a rule reading as follows:

An exception rating to the general commodity rate, stated as a percentage of the general commodity rate, removes the application of the general commodity rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

(b) *Specific commodity rates versus general commodity rates and exceptions to general commodity rates.* When specific commodity rates, general commodity rates and exception ratings to general commodity rates (stated as percentages of the general commodity rates) are published to apply from and to the same points via the same routes, the tariffs containing such rates and exception ratings (or their governing rules tariffs) shall contain a rule reading as follows:

A specific commodity rate removes the application of the general commodity rate and the exception rating to the general commodity rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

If no exception ratings to general commodity rates are published, the phrase "and the exception rating to the general commodity rate" shall be omitted from the above rule.

(c) *Specific commodity rates versus class rates.* When both specific commodity rates and class rates are published to apply from and to the same points via the same routes, the tariffs containing such rates (or their governing rules or classification tariffs) shall contain a rule reading as follows:

A specific commodity rate removes the application of the class rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

(d) *Prescribed rules in forwarder tariffs.* When the rules prescribed in this section are published in tariffs of Air Freight Forwarders or International Air Freight Forwarders, the phrase “over the same route” shown in the prescribed rules shall be omitted from the rules published in such tariffs.

**§ 221.77 Straight or mixed shipments.**

(a) *Rates will apply on straight or mixed shipments unless restricted.* When a rate is subject to a commodity description which names two or more commodities, such rate shall apply on a straight shipment (consisting wholly of only one of the commodities) or on a mixed shipment (containing two or more of the commodities), unless the commodity description specifies that the rate applies on the commodities in straight shipments only or on the commodities in mixed shipments only. If a rate is restricted to apply only on mixed shipments, the restriction shall specify whether two or more or all of the commodities named in the applicable description must be included in a single shipment.

(b) *Mixed shipment rule.* Each rate tariff (or its governing rules or classification tariff) shall contain a rule stating how the rates and charges are to be applied to a single mixed shipment of two or more commodities for which the same or different rates or charges are separately published. The rule shall state which minimum quantity is applicable to the entire mixed shipment where different minimum quantities are provided on the commodities in a mixed shipment and, if different rates are made applicable to the commodities in such mixed shipment, the rule shall state which rate is applicable to any deficit quantity (the difference between the quantity shipped and the applicable minimum quantity when the latter is greater).

**§ 221.80 Rate scale method of publishing rates.**

(a) *When to be used.* In lieu of publishing the points of origin and destination directly in connection with the rates as required by § 221.52(a), the rate scale method of publication may be employed in the manner authorized by either paragraph (b) or (c) of this sec-

tion. The rate scale method will normally reduce the volume of publication where a rate tariff names numerous points of origin and destination for class rates, general commodity rates or rates on one specific commodity (or one group of specific commodities taking the same rates) and the same rate or rates apply in many instances between different points of origin and destination. Where such conditions do not exist, the rate scale method shall not be used and the points of origin and destination shall be shown directly in connection with the rates as required by § 221.52(a) which results in a more simplified tariff format. When the rate scale method authorized by this section is employed, the volume rate conversion table method of publication under § 221.71(c) shall not be used.

(b) *Rate scale method without zone numbers.* The rate scale method without zone numbers consists of publishing two tables, namely, a table of rate scale numbers showing the rate scale number applicable between each point of origin and each point of destination and referring to a table of rates to determine the applicable rates for the respective rate scale numbers, and a table of rates listing such rate scale numbers (in numerical order) and showing the applicable rates for each rate scale number. Such tables shall conform to the following requirements:

(1) *Table of rate scale numbers.* The table of rate scale numbers shall be published immediately preceding the table of rates. The points of origin and destination shall be arranged in alphabetical order, conforming with § 221.37(b) (1) through (4), in the table of rate scale numbers which shall show the rate scale number applying from each point of origin to each point of destination (or applying between such points). All such pairs of points taking the same rates shall be assigned the same rate scale number. The heading on each page of the table shall refer to the table of rates substantially in the following manner: “To determine rates for the applicable rate scale number, refer to Section \_\_\_\_.”

(2) *Table of rates.* The rate scale numbers shall be arranged in the table of rates in numerical order (from lowest to highest) and the rates for each rate

scale number shall be shown directly in connection with the respective rate scale number. The rates shall conform to all requirements of this part. The heading on each page of the table shall refer to the table of rate scale numbers substantially in the following manner: "To determine the applicable rate scale number, refer to Section \_\_\_\_."

(c) *Rate scale method with zone numbers.* The rate scale method with zone numbers may be used where, in addition to the rate situations mentioned in paragraph (a) of this section, the points of origin and destination fall into zones with all points in each zone taking the same rates (common rated points). It shall not be used where such common rated points are not extensive, or where the method of publishing common rated points authorized by §221.52(b) is used. The rate scale method with zone numbers consists of three parts, namely, an alphabetical index or list of origin and destination points showing the rate zone number assigned to each point, a table of rate scale numbers showing the rate scale number applicable between each pair of zone numbers (arranged in numerical order in headline and sideline format), and a table of rates which lists the rate scale numbers (in numerical order) showing the applicable rates for each rate scale number. Such tables shall conform to the following requirements:

(1) *Alphabetical index or list of points showing zone numbers.* A zone number shall be assigned to each and every point of origin or destination. Points taking the same rates shall be assigned the same zone number. Such zone numbers shall be published in a column captioned "Zone Number" in the index of points or, if the tariff contains no index of points, in an alphabetical list of origin and destination points placed immediately preceding the table of rate scale numbers. If such list or index of points is published in a tariff containing rates for account of two or more carriers, such list or index shall also show the carrier or carriers serving each respective point. The heading of each page of such index or list of points shall refer to the table of rate scale numbers substantially in the following manner: "To determine applica-

ble rate scale numbers, refer to Section \_\_\_\_."

(2) *Table of rate scale numbers.* The table of rate scale numbers shall be published immediately preceding the table of rates. The zone numbers assigned to the points of origin and destination shall be arranged in numerical order in headline and sideline format in the table of rate scale numbers which shall show the rate scale number applying between each headline zone number and each sideline zone number (or from each headline zone number to each sideline zone number, or in the reverse direction). All such pairs of zone numbers taking the same rates shall be assigned the same rate scale number. The heading on each page of the table shall refer to the index or list of points substantially in the following manner: "To determine the zone numbers of the points of origin and destination, refer to Section \_\_\_\_", and shall also refer to the table of rates substantially in the following manner: "To determine rates for the applicable rate scale number, refer to Section \_\_\_\_."

(3) *Table of rates.* The table of rates shall conform to the requirements of paragraph (b)(2) of this section.

(d) *Routing.* When the rate scale method of publication makes it impossible to show comprehensibly the required routing provisions directly in connection with the rates in accordance with §221.41, such routing provisions shall be shown directly in connection with each respective rate scale number in the table of rate scale numbers. If the routing provisions cannot be indicated comprehensibly under the above methods, the rate scale method of publication shall not be used.

### Subpart G—Governing Tariffs

#### §221.100 When reference to governing tariffs permitted.

(a) *Reference to other tariffs, etc., prohibited except as authorized.* A tariff shall not refer to nor provide that it is governed by any other tariff, document, or publication, or any part thereof, except as specifically authorized by this part.

(b) *Reference by rate or fare tariff to governing tariffs.* A fare tariff or a rate

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tariff may be made subject to a governing tariff or governing tariffs authorized by this subpart: *Provided*, That reference to such governing tariffs is published in the rate tariff or fare tariff in the manner required by § 221.31(a)(7).

(c) *Participation in governing tariffs.* A rate tariff or a fare tariff may refer to a separate governing tariff authorized by this subpart only when all carriers participating in such rate tariff or fare tariff are also shown as participating carriers in the governing tariff: *Provided*, That:

(1) If such reference to a separate governing tariff does not apply for account of all participating carriers and is restricted to apply only in connection with local or joint rates or fares applying over routes consisting of only particular carriers, only the carriers for whom such reference is published are required to be shown as participating carriers in the governing tariff to which such qualified reference is made.

(d) *Maximum number of governing tariffs.* A single fare tariff or a single rate tariff shall not make reference to conflicting governing tariffs.

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1229, 46 FR 32552, June 24, 1981]

## § 221.101 Contents of all governing tariffs.

(a) *Contents.* Each governing tariff authorized by this subpart shall contain the following contents in the order named (in addition to the contents specified in the following respective sections of this subpart):

- (1) Title page (§ 221.31).
- (2) Correction number check sheet (in loose-leaf tariffs only) (§ 221.32).
- (3) Table of contents (§ 221.33).
- (4) List of participating carriers (§ 221.34).
- (5) Explanations of abbreviations reference marks, and symbols (§ 221.35).
- (6) The contents specified in §§ 221.102 through 221.108, whichever section is applicable to the particular type of governing tariff. The contents specified in two or more of such sections shall not be combined into one governing tariff except that a governing rules tariff authorized by § 221.102 may include

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the contents specified in §§ 221.103 and 221.107.

(b) *Notation to be shown on title page.* Each governing tariff authorized by this subpart shall contain the following notation in distinctive type (to be shown above the issued and effective dates in the lower part of the title page):

This tariff is applicable only in connection with tariffs making reference hereto.

## § 221.102 Rules tariff.

Carriers may publish all the rules and regulations as required by § 221.38, in separate governing tariffs, conforming to §§ 221.100 and 221.101, instead of being included in the rate tariffs or fare tariffs.

[ER-1062, 43 FR 34443, Aug. 4, 1978]

## § 221.103 [Reserved]

## § 221.104 Explosives and other dangerous or restricted articles.

Carriers may publish rules and regulations governing the transportation of explosives and other dangerous or restricted articles in separate government tariffs, conforming to §§ 221.100 and 221.101, instead of being included in the fares or rate tariffs or in the governing rules tariff authorized by § 221.102. This separate governing tariff shall contain no other rules or governing provisions.

[ER-1062, 43 FR 34443, Aug. 4, 1978]

## § 221.105 Classification tariff.

(a) *Requirements.* When the classification ratings required by § 221.39(a) are published in a separate classification tariff pursuant to § 221.39(b), such separate classification tariff shall conform with §§ 221.100 and 221.101 and the requirements in this section.

(b) *Index of commodities.* Each classification tariff shall contain an index of commodities conforming with § 221.36.

(c) *Rules or regulations.* Each classification tariff shall contain such rules or regulations as may be necessary to make the application of the classification ratings clear and definite. If the classification tariff is published for account of more than one carrier, any exceptions to such rules or regulations for account of a particular carrier shall

be published in the tariff containing the class rates of that carrier.

(d) *Classification ratings.* All articles or commodities accepted for transportation shall be listed together with their applicable class ratings in the manner described in § 221.39 (a) (1) through (6). Any exceptions to the classification ratings shall be published in the tariffs containing the class rates governed by such classification tariff (see § 221.39(c)).

#### **221.106 [Reserved]**

#### **§ 221.107 Aircraft equipment tariff.**

If desired, the seating configuration data required by § 221.38(a)(6) may be published in a separate governing aircraft equipment tariff conforming to §§ 221.100 and 221.101 in lieu of publishing such data in the fare tariff or in the governing rules tariff authorized by § 221.102. Such aircraft equipment tariff may also include other definite data concerning the respective configurations, capacities or other physical characteristics of the various types of aircraft to the extent that such data are pertinent to the application of fares or charges in tariffs governed thereby. The seating configuration and other aircraft equipment data shall be arranged in a simple and systematic manner.

#### **§ 221.108 Other types of governing tariffs.**

Carriers may publish other types of governing tariffs not specified in this subpart, such as routing guides.

### **Subpart H—Amendment of Tariffs**

#### **§ 221.110 Methods of amending tariffs.**

(a) *Loose-leaf tariffs.* Amendment of a loose-leaf tariff shall be made only by (1) issuing revised pages or additional original pages to such tariff as provided in § 221.111, or (2) reissuing the tariff, that is, issuing a new tariff canceling completely the tariff to be amended. Supplements shall not be issued to a loose-leaf tariff except as specifically authorized in this part.

(b) *Book tariffs.* Amendment of a book tariff shall be made only by (1) issuing supplements to such tariff as provided in § 221.112, or (2) reissuing the tariff,

that is, issuing a new tariff canceling completely the tariff to be amended.

(c) *Who may amend.* A tariff shall be amended only by the carrier or agent who issued the tariff (except as otherwise authorized in subparts S and T).

(d) *Amendment symbols.* All amendments of rates, fares, rules, and other tariff provisions accomplished by tariffs, supplements, revised pages, or original pages shall be indicated by the use of uniform amendment symbols in the manner prescribed by § 221.114.

(e) *Amendments involving suspension.* All amendments involving tariff provisions suspended by the Board or continued in effect by such suspension are also subject to the requirements of subparts I, J, and K.

#### **§ 221.111 Amending loose-leaf tariff by revised pages and additional original pages.**

(a) *Amendment by revised pages—(1) Method.* The amendment of any page of a loose-leaf tariff shall be made by reissuing the particular page upon which the change, addition or cancellation is to be made. Reissuing a page means to cancel it by a new page which shall be designated as a revised page in the manner shown in paragraphs (a) (2) and (3) of this section and shall contain the same tariff provisions except for whatever additions, changes, or cancellations are to be made in such provisions. Where provisions are to be amended on only one of two pages published back-to-back on the same leaf, both pages shall be reissued on lawful notice, and the page containing no changes shall bear the notation "NO CHANGE OF THIS PAGE" at its top.

Reissuance of pages containing suspended matter or matter continued in effect by suspension shall comply with § 221.122 (a) or (b), whichever is applicable.

(2) *Revised page numbers.* Each revised page shall bear the same page number as the page which it amends and shall bear a consecutive revision number. A revised page which amends an original page shall be designated "1st Revised Page \_\_\_\_" and revisions of the same page subsequent to the 1st revision

shall bear consecutive revisions numbers: "2nd Revised Page \_\_\_\_", "3rd Revised Page \_\_\_\_", "4th Revised Page \_\_\_\_", etc.

(3) *Page cancellation.* Each revised page shall direct the cancellation of the original or revised page which it amends and such cancellation shall be shown in the following manner (using page 10 as an example):

1st Revised Page 10  
cancels  
Original Page 10

or, when 1st Revised Page 10 is to be amended, it shall be canceled by 2nd Revised Page 10 in the following manner:

2nd Revised Page 10  
cancels  
1st Revised Page 10

In the case of revised title pages, the designation of the revised title page and the page cancellation shall be shown as "1st Revised Title Page cancels Original Title Page", "2nd Revised Title Page cancels 1st Revised Title Page", etc., in the above manner.

(4) *Revised title page shall show effective date of original tariff.* Each revised title page shall bear (immediately below its own effective date) the effective date of the original tariff which is to be shown in the following manner: (Original tariff effective \_\_\_\_\_.) (show date).

(5) *Revised title page shall bring forward tariff cancellation.* Each revised title page shall bring forward without change any tariff cancellation or reference to a cancellation notice that is shown below the tariff's C.A.B. number on the original title page.

(b) *Adding original pages for expanded or added matter.* If, after a loose-leaf tariff has been issued, it becomes necessary to add pages thereto to provide for expanded or added tariff matter, such added page shall comply with the following requirements:

(1) A page added between pages shall be designated as an original page (not a revised page) and shall be given the same page number as the page which it follows but a letter suffix (in alphabet-

ical sequence) shall be shown in such page number, for example:

(i) In a tariff where matter is printed on only one face of each leaf, a page added between pages 4 and 5 shall be designated as "Original Page 4-A"; a page added between pages 4-A and 5 shall be designated "Original Page 4-B"; and so on.

(ii) In a tariff where matter is printed on both faces of each leaf, two consecutive pages printed back-to-back on the same leaf to be added between pages 30 and 31 shall be designated "Original Page 30-A" and "Original Page 30-B", respectively; two consecutive pages printed back-to-back on the same leaf to be added between pages 30-B and 31 shall be designated "Original Page 30-C" and "Original Page 30-D", respectively; and so on.

(2) When a page is added at the end of the tariff after the last page, the added page shall be designated as an original page and shall bear the next consecutive page number following the number of the last page of the tariff. For example, if the last page of the tariff is page 99, the added page shall be designated Original Page 100.

(3) A page shall not be added between two pages both bearing page numbers with letter suffixes.

(4) A page shall not be added between two pages printed back-to-back on the same leaf. For example, if a tariff contains pages 31 and 32 published back-to-back, pages designated as Original Pages 31-A and 31-B shall not be added to such tariff.

(5) Where pages are added to a tariff in which matter is printed on both faces of each leaf, original pages shall be issued simultaneously on both faces of each added leaf. If the added or expanded matter requires the space of only one page on the added leaf, the body of the page on the reverse side thereof shall bear the notation "This page intentionally left blank."

(c) *Correction numbers.* Each revised page and each original page (added to the tariff after issuance of the tariff) shall bear a consecutive correction number in the lower right-hand corner of the page. One series of consecutive correction numbers shall be used for each loose-leaf tariff. The first revised page or added original page issued to

the tariff shall be "Correction No. 1" and subsequent revised or original pages issued to that tariff shall bear consecutive Corrections Nos. 2, 3, 4, etc. (see §221.32).

(d) *Transferring matter from page to page.* When a revised page of a loose-leaf tariff is issued which omits rates, fares, rules, or other provisions formerly published on the page which it cancels and such omitted matter is transferred to a different page, such revised page shall make specific reference to the respective page on which such omitted matter will thereafter be found, for example:

For \_\_\_\_\_ (here identify the omitted matter) formerly published on \_\_\_ Revised Page \_\_\_, see \_\_\_ Revised Page \_\_\_.

The page to which such omitted matter is transferred shall refer, substantially in the following manner, to the respective page on which such matter was formerly published:

For \_\_\_\_\_ (here identify the transferred matter) in effect prior to the effective date hereof, see \_\_\_ Revised Page \_\_\_ (or, Original Page \_\_\_).

The cancellation of the matter from the former page shall be made effective simultaneously with the effective date of such matter on the page to which it is transferred. Subsequent revisions of the respective pages accomplishing such transfer shall omit the references required above with respect to such transferred matter.

(e) *Cancellation of omitted matter.* If a rate, fare, rule or other tariff provision on a page is to be canceled entirely and is not to be transferred to another page of the same tariff, the revised page which effects such amendment shall specifically show the cancellation of such provisions and identify the provisions to be canceled. For example, if a rule is canceled, the number and caption of the rule shall be brought forward on the new page but the body of the rule shall be omitted and, in lieu thereof, a statement that the rule is canceled shall be shown; or, if a fare is to be canceled, the points of origin and destination shall be brought forward on the new page but the fare shall be omitted and, in lieu thereof, a statement that the fare is canceled shall be shown. Alternatively, such cancellation (but not transfer of matter to an-

other page) may be accomplished by omitting the matter to be canceled, provided that a footnote at the bottom of the revised page specifically identifies the matter to be canceled and directs its cancellation. All of the foregoing cancellation shall be omitted from subsequent revisions of the revised page which effected the cancellation.

(f) *Matter reissued before it becomes effective.* When rates, fares, rules, or other provisions which have not become effective are reissued and brought forward on a page which bears a general effective date earlier than the effective date of such rates, fares, rules, or other provisions, such page shall conform with the following:

(1) Such rates, fares, rules, or other provisions shall bear their original effective date, shall be designated as reissued matter, and shall indicate the page from which they are reissued. Such information shall be shown, either directly in connection with the reissued matter or by the use of a reference mark (explained on the same page), in the following manner:

Effective \_\_\_\_\_. Released from \_\_\_. Revised Page \_\_\_\_.

(2) The general effective date of the page shall be qualified by a notation reading "(Except as noted)" to be shown directly following the general effective date.

(g) *Cancellation of participating carrier.* When a participating carrier is canceled by a revised page, the fares (or rates) and other provisions of the tariff insofar as they apply in connection with such carrier shall be canceled at the same time, by either of the following methods:

(1) Such cancellation shall be accomplished by revising the particular pages containing the fares (or rates) and other provisions applying in connection with the canceled participating carrier, or

(2) Such cancellation shall be accomplished by publishing the following statement (following the list of participating carriers) which shall be referred to in connection with the elimination of the carrier from the list of participating carriers:

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PARTICIPATING CARRIER CANCELLATION

(Name of canceled participating carrier) eliminated as participating carrier in this tariff and all rates (or fares) and other provisions published in connection with that carrier canceled effective \_\_\_\_\_ by \_\_\_\_\_ Revised Page \_\_\_\_.

If the eliminated carrier is designated by abbreviation or carrier number in the tariff, show the carrier abbreviation or number in parentheses immediately following the carrier's name in the above statement. Also, in the above statement, show the effective date of the carrier's elimination as a participating carrier and the revised page on which the above statement is initially published. Such cancellation statement shall be brought forward on subsequent revisions of the page until such time as specific cancellation of all rates, fares and other provisions in connection with the eliminated carrier has been accomplished by revising the pages affected. Such specific cancellation shall be fully accomplished not later than 180 days after the effective date of the cancellation of the carrier's participation.

**§ 221.112 Amending book tariff by supplement (also applicable to supplements to loose-leaf tariffs when such supplements are specifically authorized in this part).**

(a) *Form of supplement.* (1) A supplement shall be constructed in the same manner and its contents arranged in the same order as the tariff to which it is issued, subject to the provisions of this section.

(2) When points in a tariff are given station numbers, index numbers, or similar designations, the same designation shall be used for the same point in all supplements to the tariff.

(b) *Title page of supplement.* Except as otherwise provided in this part, the title page of each supplement shall contain the following information to be shown in the order named below and shall contain no other matter:

(1) *Supplement and C.A.B. numbers.* Each supplement shall bear a consecutive supplement number as follows: The first supplement issued to a particular tariff shall be designated as

Supplement No. 1 and subsequent supplements to the same tariff shall be consecutively numbered Supplements Nos. 2, 3, 4, etc. The supplement number and the C.A.B. number (of the tariff to which the supplement is issued) shall be shown in the upper right-hand corner of the title page in the manner shown in the following example:

Supplement No. 1  
to  
C.A.B. No. 1

(2) *Specifying canceled and effective supplements.* Each supplement shall specify on its title page the supplements which it cancels in full and the supplements which remain in effect. Such provisions shall be shown immediately below the supplement and C.A.B. numbers in the upper right-hand corner of the title page in the manner shown in the following example:

Supplement No. 3  
to  
C.A.B. No. 1

(Cancels Supplement No. 1)

Supplements Nos. 2 and 3 are the only effective supplements.

The only cancellation of prior supplements or of the tariff which shall be shown on the title page of a supplement shall be the complete cancellation of prior supplements or of the tariff as provided in this paragraph and in paragraph (b)(3) of this section. Specific cancellation of the particular items, rules, rates, fares or other provisions to be amended shall be made within the supplement in the manner required by this section.

(3) *Specifying cancellation of original tariff.* When a tariff is canceled in full by a supplement issued thereto, such cancellation shall specify the C.A.B. number of the tariff and shall be shown immediately under the supplement and C.A.B. numbers in the upper right-hand corner of the title page of the supplement in the manner shown in the following example:

Supplement No. 4

to

C.A.B. No. 1

cancel

C.A.B. No. 1

(Also, see §221.113(d).)

(4) *Provisions to be reproduced from title page of tariff (as amended).* The following provisions appearing on the title page of the tariff (to which the supplement is issued), as amended, shall be shown on the title page of the supplement in the same order and location as it appears on the title page of the tariff, as amended:

- (i) Name of issuing carrier or agent,
- (ii) Title of tariff (the supplement number may also be shown immediately above the title of the tariff, if desired),
- (iii) Description of rates, fares, or other contents of tariff,
- (iv) Description of territory.

(5) *Reference to Special Tariff Permissions, orders, and regulations.* Where an entire supplement is issued pursuant to a Special Tariff Permission, order, or regulation which requires the supplement to bear a notation referring to such Special Tariff Permission, order, or regulation, such notation shall be shown in the manner required thereby. If only certain provisions, and not the entire supplement, are issued pursuant to such permission, order, or regulation, such notation shall be shown in connection with those provisions and not on the title page.

(6) *Expiration date.* When a tariff is indicated on its title page to expire with a specified date, the title page of a supplement to such tariff shall indicate that the supplement expires with the same date. When a supplement is to expire with a given date, for the above or other reasons, the expiration date shall be shown in distinctive type in the following manner:

This supplement expires with \_\_\_\_\_ (Show date) unless sooner canceled, changed, or extended.

If, however, only a portion of the supplement is to expire with a given date, such expiration date shall not be shown on the title page but shall be shown in connection with the particular item,

rule, or other provision which is to expire.

(7) *Issued date.* The date on which the supplement is issued shall be shown in the lower left-hand portion of the title page. Tariffs must be received by the Board on or before the designated issued date. (See §221.160(d) and §221.171 of this part.)

(8) *Effective date.* The date on which the fares, rates, charges, rules and other provisions in the supplement will become effective shall be shown in the lower right-hand portion of the title page (See §221.160 for required notice.)

(9) *Issuing officer or agent.* The name, title, and address of the issuing officer or the issuing agent shall be shown centered at the bottom of the title page. If the supplement is issued by a corporate agent, the name, title and business address of the person designated by the corporation to issue and file tariffs in the corporation's name shall also be shown. The issuing officer or employee of a carrier or the person so designated by a corporate tariff agent shall not use the title "Agent" or "Alternate Agent" (see §§221.10 and 221.11).

(c) *Table of contents.* A supplement shall contain a table of its contents conforming to §221.33.

(d) *List of participating carriers.* (1) When a tariff contains a list of participating carriers (see §221.34), each supplement issued thereto shall contain the following provision:

*List of participating carriers.* The list of participating carriers is as shown in tariff.

If amendment of the list of participating carriers has been made in prior supplements, add "as amended" after the word "tariff" in the above statement. If additions, eliminations, or changes are to be made in the list of participating carriers, such amendments shall be published in the following manner:

LIST OF PARTICIPATING CARRIERS

The list of participating carriers is as shown in tariff, as amended, except:

Revised as indicated	Participating carriers	Concurrence No.
Add .....	Boe Air Lines, Inc .....	1
Change .....	Doe Airways, Inc .....	2

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LIST OF PARTICIPATING CARRIERS—Continued  
The list of participating carriers is as shown in tariff, as amended, except:

Revised as indicated	Participating carriers	Concurrence No.
Cancel .....	Roe Airline Co .....	.....

NOTE: Concurrence numbers may be omitted if carrier complies with § 221.34(e). The listing of participating carriers in a supplement shall otherwise conform to the requirements of § 221.34.

(2) When the participation of a carrier in a tariff is canceled by supplement, the fares or rates and other provisions of the tariff, so far as they apply in connection with such carrier, shall be canceled at the same time. Such cancellation shall be accomplished by amending the affected items or other provisions in the manner prescribed by paragraphs (h) and (i) of this section.

(e) *Index of commodities.* A supplement shall contain an index of the commodities therein conforming to § 221.36.

(f) *Index of points.* A supplement shall contain an index of the points therein conforming to § 221.37.

(g) *Explanations of abbreviations, reference marks, and symbols.* All abbreviations, reference marks, and symbols used in a supplement shall be explained and are subject to the provisions of § 221.35. Each page of a supplement on which abbreviations, reference marks, or symbols are used but not explained thereon shall refer to the page of the supplement or to the page of the original tariff which contains their explanations.

(h) *Amending numbered items, rules, and similar units—(1) Method of amending.* When any provision contained in a numbered item, rule, or similar unit is amended, all provisions (in their amended form) of such item, rule, or unit shall be published in their entirety in the supplement effecting such amendment and shall be given the same item, rule, or unit number followed by a letter suffix (each item, rule, or unit number shall be assigned letter suffixes in consecutive alphabetical sequence, commencing with ‘A’). The revised item, rule, or unit containing the amended provisions shall direct the cancellation of the former item, rule, or unit which it amends. The numbers of such revised items, rules, or units and the cancellation of

such former items, rules, or units shall be shown in the following manner (using successive amendments in an Item 10 series as examples): When Item 10 is to be amended, the revised item containing the amended provisions shall show ‘Item 10-A cancels Item 10’; when Item 10-A is to be amended, the revised item containing the amended provisions shall show ‘Item 10-B cancels Item 10-A’; when Item 10-B is to be amended, the revised item containing the amended provisions shall show ‘Item 10-C cancels Item 10-B’; and so on. Using similar successive amendments in a Rule 10 series as examples, the successive issues of Rule 10 shall show ‘Rule 10-A cancels Rule 10’; ‘Rule 10-B cancels Rules 10-A’; ‘Rule 10-C cancels Rule 10-B’ and so on.

(2) *Withdrawing an item, rule, or similar unit.* When all provisions in a numbered item, rule, or similar unit are to be canceled, such cancellation shall be made by amending the time, rule, or similar unit in the manner prescribed by paragraph (h)(1) of this section, but the canceled matter shall not be reproduced in the revised item, rule, or like unit except to the extent necessary to identify the subject matter which is being canceled. For example, only the caption or subject of a rule or the generic commodity caption of a rating or rate item shall be shown when such rule, rates or ratings are to be canceled.

(3) *Reestablishing expired or canceled items, rules, or other units.* The provisions of an expired or canceled item, rule, or similar unit may be reinstated only by republishing such provisions under a new effective date allowing lawful notice. The item, rule, or similar unit which effected the cancellation of such provisions or which contained the expired provisions shall be amended in the manner prescribed by paragraph (h)(1) of this section and the provisions shall be republished in the revised item, rule, or similar unit.

(4) *Transferring matter.* When all or part of the matter in a numbered item, rule, or similar unit is to be transferred to another portion of the tariff or to a different tariff, such item, rule, or similar unit shall be amended in the manner prescribed by paragraph (h)(1) of this section and shall specify the

cancellation of such matter and where it will thereafter be published; for example, "Item 10-A cancels Item 10; rates formerly appearing in Item 10 but not shown herein will be found in Item \_\_\_ (or in Item \_\_\_ of C.A.B. No. \_\_\_)." The item, rule, or similar unit, or different tariff, to which the matter has been transferred shall show reference to the item, rule or similar unit, or other tariff, which formerly contained the transferred matter.

(i) *Amending matter not published in numbered units.* When an amendment is made in a provision which is not published in a numbered item, rule, or similar unit, the changed provision shall be published in its entirety in a supplement. The cancellation of the former provision shall be shown directly in connection with such changed provision, and such cancellation shall refer to the page of the tariff or supplement containing the former provision and clearly specify the matter to be canceled. Where the provision to be amended is published in a prior supplement, the cancellation of such provision shall specify both the page of the prior supplement and the page of the tariff which contained the corresponding provision; or, if the provision was published initially in a supplement and not in the tariff, the cancellation shall specify both the page of the prior supplement and the page of any effective supplement previously issued thereto which contained the corresponding provision.

(j) *Omitted matter.* When a supplement canceling a previous supplement omits points of origin or destination, routes, rates, fares, ratings, rules, or other provisions appearing in the previous supplement, the new supplement shall specifically indicate the cancellation of such omitted matter, and if such omission effects changes in rates, fares, charges, or services, that fact shall be indicated by the use of the uniform symbols prescribed in § 221.114.

(k) *Reissued matter*—(1) *Designating reissued matter.* When a supplement cancels a preceding supplement to the same tariff, those provisions and amendments in the canceled supplement which have not been amended by subsequent supplements and which are not to be amended by the new supple-

ment shall be brought forward without change in the new supplement (except that amendment symbols required by § 221.114 shall not be brought forward). Such matter brought forward without change from one supplement to another shall be specifically designated "Reissued" in distinctive type and shall show the number of the original supplement form which it was reissued. For example, if Item 5-A was published in Supplement No. 1 and is brought forward without change to Supplement No. 2 (canceling Supplement No. 1), the following notation shall be shown in Item 5-A in Supplement No. 2: "Reissued from Supplement No. 1"; if Item 5-A is again brought forward without change, for example, in Supplement No. 3 (canceling Supplement No. 2), it shall continue to bear the same notation indicating that it is reissued from Supplement No. 1. Such reissued matter may also be indicated by the use of a reference mark shown preceding such matter and explained in the supplement in which it is used. When the latter method is used, the reference mark shall consist of a number within a square and the number shall be that of the original supplement from which the matter is reissued, for example, the reference mark □ shall be used to indicate matter reissued from Supplement No. 1. The reference marks shall be explained in the following manner:

- Reissued from Supplement No. 1.
- Reissued from Supplement No. 2.

Such reference marks comprised of a number within a square shall be used only for the above purpose and shall not be used for any other purpose.

(2) *Matter reissued before its effective date.* When matter published in a supplement is brought forward as reissued matter in a subsequent supplement which bears a general effective date earlier than the effective date of such reissued matter shall be included in the reissued notation required by paragraph (k)(1) of this section. For example, if Item 5-A published to become effective May 1, 1952 in Supplement No. 1 is brought forward without change in Supplement No. 2 (canceling Supplement No. 1) which bears a general effective date of April 15, 1952, Item 5-A

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shall bear the following notation indicating its effective date and that it is reissued matter:

Effective May 1, 1952. Reissued from Supplement No. 1.

When the supplement contains reissued matter to become effective after the general effective date of the supplement, the notation “(Except as otherwise provided herein)” shall be shown directly after the general effective date on the title page of the supplement.

(3) *Expired matter.* When an item, rule, or other matter in a supplement has expired by its own terms and such supplement is canceled by a subsequent supplement, the latter supplement shall identify, but not republish, the matter which has expired and shall show when it expired and the supplement in which it appeared when it expired. For example, if the expired matter is an item which formerly contained commodity rates, the item number and cancellation and an identifying portion of the commodity description should be shown with a statement reading substantially: “This term expired with \_\_\_ in Supplement No. \_\_\_.” Such notation shall be shown in all successive reissues of the supplement.

(1) *Maximum supplemental matter permitted.* (1) Except as authorized in paragraphs (1) (2), (3), and (4) of this section, a book tariff containing the number of pages stated in Column 1 in the table below may have in effect at any time not more than the number of supplements shown directly opposite thereto in Column 2 in the table below and all supplements in effect at any time to such tariff may contain in the aggregate not more than the aggregate number of pages indicated directly opposite thereto in Column 3 in the table of this paragraph.

Column 1—Number of pages in tariff	Column 2—Number of effective supplements permitted	Column 3—Aggregate number of pages permitted in aggregate of effective supplements
4 or less .....	None .....	None.
Over 4 but not over 12 .....	1 .....	4.
Over 12 but not over 16 .....	1 .....	(See Note 1.)
Over 16 but not over 80 .....	2 .....	(See Note 1.)
Over 80 but not over 200 .....	3 .....	(See Note 1.)

Column 1—Number of pages in tariff	Column 2—Number of effective supplements permitted	Column 3—Aggregate number of pages permitted in aggregate of effective supplements
Over 200 .....	4 .....	(See Note 1.)

NOTE 1: 33 $\frac{1}{3}$  percent of the number of pages in the original tariff. Resulting fractions of a page shall be increased to a whole page.

In determining the number of pages in a tariff or an effective supplement, the title page of the tariff and the title pages of the supplements shall be counted in all instances, and every page of an effective supplement shall be counted regardless of whether the provisions on a particular page are in effect.

(2) The supplements (and the numbers of pages therein) authorized or required to be filed under the terms of the following sections shall be in addition to the number of supplements and volume of supplemental matter permitted by the terms of paragraph (1)(1) of this section:

- Sec.
- 221.113(d) (Cancellation supplement)
- 221.121 (Suspension supplement)
- 221.131 (Vacating supplement)
- 221.140 (Provided the supplement contains only matter described in § 221.140)
- 221.223(c) (Take-over supplement issued by alternate agent)
- 221.224(b) (Take-over supplement issued by new principal agent)
- 221.231 (Adoption supplement)

(3) A supplement which has been canceled except as to matter suspended by the Board or a supplement suspended in full by the Board shall be in addition to the maximum number of supplements and supplement pages permitted by paragraph (1)(1) of this section. If, upon termination of the suspension, such supplements result in a greater number of effective supplements or supplement pages than permitted by paragraph (1)(1) of this section, the tariff shall be brought into conformity with paragraph (1)(1) of this section by the next amendment of the tariff issued subsequently to the termination of the suspension.

(4) When a tariff is continued in effect by reason of the Board’s suspending an entire tariff, any supplements lawfully issued and filed during the suspension period to the tariff continued in effect by the suspension shall

be in addition to the maximum number of supplements and supplement pages permitted by paragraph (l)(1) of this section. If the maximum number of supplements or supplement pages permitted under paragraph (l)(1) of this section is exceeded under this authority and the Board orders the cancellation of the suspended tariff, the tariff which was continued in effect by the suspension shall be brought into conformity with paragraph (l)(1) of this section by a supplement filed within 120 days after the date of such order of the Board or such tariff shall be reissued within that time.

(Secs. 204, 403, 1002; 72 Stat. 743, 758, 788; 49 U.S.C. 1324, 1373, 1482, as amended)

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1104, 44 FR 9577, Feb. 13, 1979]

**§221.113 Reissuing and canceling tariffs; transferring matter to other tariffs.**

(a) *One or more tariffs superseded by one new tariff.* (1) When one new tariff is issued to supersede one or more previously filed tariffs (of the same issuing carrier or agent) which are to have no further effect, such new tariff shall direct the cancellation of the tariff or tariffs to be superseded. Such cancellation shall specify the C.A.B. numbers of the tariff or tariffs to be canceled and shall be shown in the upper right-hand corner of the title page of the new tariff (immediately below its C.A.B. number) in the following manner:

C.A.B. No. \_\_\_\_

cancels

C.A.B. No. \_\_\_\_

(2) If the tariff or tariffs to be canceled contain any rates, fares, or other tariff provisions which are to be canceled and not brought forward in the new tariff, the new tariff shall contain a notice reading substantially as follows:

NOTICE

Rates (or fares, charges, rules, ratings, as the case may be) formerly published in C.A.B. No. \_\_\_\_ but not brought forward herein are hereby canceled.

Such notice shall be published immediately following the table of contents

and reference thereto shall be shown on the title page of the new tariff, immediately below the cancellation prescribed by paragraph (a)(1) of this section, in the following manner:

C.A.B. No. \_\_\_\_

cancels

C.A.B. No. \_\_\_\_

(See Notice on Page \_\_\_\_ hereof)

(b) *One tariff superseded by two or more new tariffs.* When two or more new tariffs are issued to supersede one previously filed tariff (of the same issuing carrier or agent) which is to have no further effect, a supplement shall be issued to the tariff to be superseded and such supplement shall direct the cancellation of the tariff in the manner prescribed by §221.112 (b) (3) and paragraph (d) (2) of this section and shall refer to the new tariffs in the manner required thereby. Each of the new tariffs shall direct the following cancellation of the tariff to be superseded (to be shown in the upper right-hand corner of the title page of each new tariff immediately below its C.A.B. number):

C.A.B. No. \_\_\_\_

cancels

C.A.B. No. \_\_\_\_

(to the extent shown in

Supplement No. \_\_\_\_ thereto)

(c) *Transferring rates, fares or provisions from one tariff to another.* When all or a portion of the rates, fares, or other provisions of a tariff are to be transferred to another tariff or other tariffs, such transfer shall be accomplished by the following amendments (except that this paragraph shall not apply when paragraphs (a) and (b) of this section are applicable):

(1) If no effective provisions are to remain in the tariff from which the provisions are transferred, the issuing carrier or agent shall issue a supplement thereto canceling such tariff in its entirety in the manner prescribed by §221.112 (b) (3) and paragraph (d) (2) of this section and stating where the transferred provisions will thereafter be found.

(2) If only a portion of a tariff's provisions are to be transferred, the tariff

shall be amended (in the manner required by § 221.110) by specifically canceling the provisions to be transferred and, in connection with such cancellation, a reference shall be shown to the tariff or tariffs (specifying their C.A.B. numbers) to which the provisions are transferred.

(3) The tariff or tariffs to which the provisions are to be transferred shall be amended (in the manner prescribed by § 221.110) by adding the transferred provisions thereto effective on the same date as the date on which the cancellation of such provisions from the former tariff becomes effective. The publication effecting the addition of the transferred provisions shall refer to the former tariff in the following manner:

(i) If the publication to which the provisions are transferred is a new tariff (issued by the same issuing carrier or agent of the former tariff), it shall direct a partial cancellation of the former tariff and such cancellation shall be shown in the following manner (in the upper right-hand corner of the title page of the new tariff immediately below its C.A.B. number):

C.A.B. No. \_\_\_ cancels C.A.B. No. \_\_\_ to the extent shown in Supplement No. \_\_\_ (or, \_\_\_ Revised Page \_\_\_) thereto

(ii) If the publication to which the provisions are transferred is a new tariff (issued by an agent or carrier other than the issuing agent or carrier of the former tariff), the new tariff shall bear the following notation "(see notice on page \_\_\_ hereof)" in the upper right-hand corner of the title page (immediately below the C.A.B. number and any cancellation thereunder and the notice referred to shall be shown following the table of contents and shall read substantially:

NOTICE

Rates (or fares, rules, etc.), herein applying (\_\_\_ briefly identify transferred rates, etc. \_\_\_) were formerly published in C.A.B. No. \_\_\_ issued by \_\_\_\_\_.

(iii) If the transferred provisions are added by supplement, revised page or original page to an existing tariff (issued by the same or different issuing carrier or agent), reference to the former tariff shall be shown in connection with the added provisions in such supplement, revised page or original

page and such reference shall read substantially:

These rates (or fares, rules, etc.) were formerly published in C.A.B. No. \_\_\_ issued by \_\_\_\_\_.

(d) *Canceling tariff by supplement*—(1) *When permitted.* A supplement shall be issued to a tariff (including a loose-leaf tariff) for the purpose of canceling such tariff in its entirety when:

(i) All of the fares, rates, or other tariff provisions in such tariff are to be canceled entirely and are to have no further application; or

(ii) A later issue of such tariff failed to cancel such tariff as required by paragraph (a) of this section; or

(iii) Other paragraphs of this section require that a tariff be canceled by supplement; or

(iv) Suspended matter is to be canceled, under authority of the Board, from a tariff which has previously been canceled except as to such suspended matter.

(2) *Cancellation notice.* In addition to directing the cancellation of the tariff (by C.A.B. number) in the manner prescribed by § 221.112(b) (3), such cancellation supplement shall contain a cancellation notice stating what disposition has been made of the rates, fares, or other provisions formerly published in the canceled tariff. When such rates, fares, or other provisions will thereafter be published in other tariffs, the notice shall refer to such other tariffs (by C.A.B. number) and, if reference is made to two or more tariffs, the notice shall briefly describe the respective rates, fares, or other provisions which will be found in each of such tariffs, for example:

CANCELLATION NOTICE

\_\_\_\_\_ (title of tariff), C.A.B. No. \_\_\_, issued by \_\_\_ is hereby canceled.

See C.A.B. No. \_\_\_ issued by \_\_\_\_\_ for rates between \_\_\_\_\_ and \_\_\_\_\_.

See C.A.B. No. \_\_\_ issued by \_\_\_\_\_ for rates between \_\_\_\_\_ and \_\_\_\_\_.

If the canceled tariff contains any rates, fares, or other provisions which are to be canceled and not brought forward in the new tariffs, the following cancellation statement shall be added to the above notice:

Rates (or fares, etc.) formerly published herein but not carried forward to the above tariffs are hereby canceled.

The cancellation notice in this subparagraph shall be published either in the body of the title page of the cancellation supplement (below the territorial application and above the issued and effective dates) or on the next page.

**§221.114 Amendment symbols to indicate changes in rates, fares and other provisions.**

(a) *Uniform amendment symbols required.* All tariffs, supplements, original pages, and revised pages shall indicate the changes made thereby in existing rates, fares, charges, routings, ratings, rules, and other tariff provisions and shall indicate the character of each change, that is, whether it results in a reduction or an increase in fares, rates, or charges or is a change resulting in neither increase nor reduction. The changes and their character shall be indicated by the use of the following uniform amendment symbols and, except as provided in paragraph (b) of this section, shall be shown immediately in connection with and preceding each change

(R) or • to denote increases.

(A) or ♦ to denote reductions.

(C) or ▲ to denote changes which result in neither increases nor reductions.

(N) or ■ to denote addition.

(b) *Indicating general changes—(1) Changes of same character in all fares, rates, or charges.* When a change of the same character (either increase or reduction) is effected by all of the rates, fares, or charges in a tariff or supplement, or a page thereof, including a revised page or added original page, that fact and the character of such change may be indicated in distinctive type at the top of the title page of such tariff or supplement, or at the top of such page, as the case may be, in the following manner:

(Notation for title page of tariff or supplement)

ALL \*\* IN THIS ISSUE ARE \*\*\*\*.

(Notation for other pages)

ALL \*\* ON THIS PAGE ARE \*\*\*\*.

\*\*—show RATES, FARES, or CHARGES, whichever is appropriate.

\*\*\*\*—show INCREASES or REDUCTIONS, whichever is appropriate.

(2) *Changes of same character in substantial portion of rates, fares, or charges.*

The notations prescribed in paragraph (b)(1) of this section may be qualified by adding thereto the words "unless otherwise indicated" and such qualified notations may be used, in the manner described in paragraph (b)(1) of this section, to indicate changes of the same character in a substantial portion but not all of the rates, fares, or charges in a tariff, supplement, or a page thereof, including a revised page or added original page. When this method is used to indicate such changes, any rates, fares, or charges which are exceptions to the qualified notation used shall be indicated by:

(i) Showing a bold-faced dot "O" or the symbol "(K)" in connection with and preceding a rate, fare, or charge in which no change has been made, and

(ii) Using the proper amendment symbol prescribed in paragraph (a) of this section for the purpose of indicating the character of any changes which are not indicated by the notation used on the title page or at the top of the page, as the case may be.

(c) *Explanations and uniform use of symbols.* Explanations of the symbols prescribed in paragraphs (a) and (b) of this section shall be provided in the manner prescribed by §221.35 and such symbols shall not be used for any other purpose.

(d) *Symbols and notations not to be brought forward.* When a symbol or notation prescribed by this section is used in a tariff, supplement, or page, such symbol or notation shall not be carried forward into reissues, supplements, or revised pages when the matter in connection with which they were used is reissued without change.

**§221.115 Reinstating canceled or expired tariff provisions.**

Any rates, fares, rules, or other tariff provisions which have been canceled or which have expired may be reinstated only by republishing such provisions and posting and filing the tariff publications (containing such republished provisions) on lawful notice in the form and manner required by this part.

**§ 221.116 Supplement to loose-leaf tariff authorized when service terminated or suspended.**

When the Board authorizes or requires a carrier to suspend air transportation service to and from a particular point, or terminates authority to serve a particular point, supplements may be issued to loose-leaf tariffs for the purpose of canceling rates, fares, or other provisions therein applying to, from, at, or via such point for account of such carrier. The title page of a supplement issued hereunder shall bear the following notation on its title page, "Issued under § 221.116 of Economic Regulations of Civil Aeronautics Board." A single tariff shall have not more than one supplement, issued under authority of this section, in effect at any one time. Supplements issued hereunder shall contain no provisions other than the cancellation of rates, fares, or other provisions published under the above authority. When a supplement is issued under authority of this section, the canceled rates, fares, or other provisions shall be specifically removed from the tariff pages on which they appear by reissuing such pages not later than 180 days after the effective date of such supplement.

**Subpart I—Suspension of Tariff Provisions by Board**

**§ 221.120 Effect of suspension by Board.**

(a) *Suspended matter not to be used.* A rate, fare, charge, or other tariff provision which is suspended by the Board, under authority of section 1002(g) of the act, shall not be used during the period of suspension specified by the Board's order.

(b) *Suspended matter not to be changed.* A rate, fare, charge, or other tariff provision which is suspended by the Board shall not be changed in any respect or withdrawn or the effective date thereof further deferred except by authority of an order or special tariff permission of the Board.

(c) *Suspension continues former matter in effect.* If a tariff publication containing matter suspended by the Board directs the cancellation of a tariff, supplements, or loose-leaf tariff page, or any portion thereof, which contains

fares, rates, charges, or other tariff provisions sought to be amended by the suspended matter, such cancellation is automatically suspended for the same period insofar as it purports to cancel any tariff provisions sought to be amended by the suspended matter.

(d) *Matter continued in effect not to be changed.* A rate, fare, charge, or other tariff provision which is continued in effect as a result of a suspension by the Board shall not be changed during the period of suspension unless the change is authorized by order or special tariff permission of the Board, except that such matter may be reissued without change during the period of suspension.

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-991, 42 FR 19126, Apr. 12, 1977]

**§ 221.121 Suspension supplement.**

(a) *To be filed immediately to either book or loose-leaf tariff.* Upon receipt of an order of the Board suspending any tariff publication in part or in its entirety, the carrier or agent who issued such tariff publication shall immediately issue and file with the Board a consecutively numbered supplement for the purpose of announcing such suspension. Such supplement, referred to in this subpart as a suspension supplement, is required to be filed to a loose-leaf tariff as well as a book tariff and shall conform fully with the provisions of this section.

(b) *Title page of suspension supplement.* The title page of a suspension supplement shall be constructed in the manner prescribed in § 221.112(b) except that it shall not contain an effective date and it shall contain the suspension notice required by paragraph (c) of this section.

(c) *Suspension notice.* The title page of a suspension supplement shall contain a notice of suspension (to be shown immediately below the description of tariff contents and territory) which shall:

- (1) Indicate what particular rates, fares, charges, or other tariff provisions are under suspension,
- (2) State the date to which such tariff matter is suspended,
- (3) State the Board's docket number and order number which suspended such tariff matter,
- (4) Give specific reference to the tariffs (specifying their C.A.B. numbers),





by the suspension. Such cancellation shall be set forth in substantially the manner shown in the following example:

Supplement No. 4

to

C.A.B. No. 1

(Cancels Supplement No. 2 except portions under suspension in C.A.B. Docket No. \_\_\_\_, and completes the cancellation of Supplement No. 1)

Supplements Nos. \*2, 3, and 4 are the only effective supplements.

\*—contains only matter suspended in C.A.B. Docket No. \_\_\_\_.

(d) *Tariff suspended in part.* When a tariff suspended in part (including a tariff having a supplement suspended wholly or in part) is reissued, the reissue of such tariff shall conform to the following requirements:

(1) The tariff (reissue) shall not reproduce or bring forward the matter under suspension.

(2) The tariff (reissue) shall direct the cancellation of the partially suspended tariff except the portions thereof under suspension. Such tariff cancellation shall be set forth (in the upper right-hand corner of title page of the reissue) in substantially the manner shown in the following example:

C.A.B. No. 3

cancels

C.A.B. No. 2 (except portions under suspension in C.A.B. Docket No. \_\_\_\_)

(3) If the suspension has continued in effect tariff provisions which are published in the tariff containing the suspended matter, the reissue of such tariff shall bring forward such effective tariff provisions without change.

(4) If the tariff containing the suspended matter has canceled a preceding issue except provisions in such preceding issue which are continued in effect by reason of the suspension, the reissue of the partially suspended tariff shall, in addition to directing the cancellation required by paragraph (d)(2) of this section, complete the cancellation of the tariff containing the provisions continued in effect by the suspension, and shall bring forward such provisions without change. Such tariff cancellation shall be set forth (in upper

right-hand corner of title page of the reissue) in substantially the manner shown in the following example:

C.A.B. No. 8

cancels

C.A.B. No. 2 (except portions under suspension in C.A.B. Docket No. \_\_\_\_) and completes the cancellation of C.A.B. No. 1

(e) *Item, rule, or similar unit suspended in part.* When a numbered item, rule, or similar unit in a book tariff or supplement thereto is suspended in part, a reissue of such item, rule, or similar unit shall conform to the following requirements:

(1) The reissue shall not reproduce or bring forward the matter under suspension.

(2) The reissue shall direct the cancellation of the partially suspended item rule, or similar unit except the portions thereof under suspension. Such cancellation shall be set forth in substantially the manner shown in the following example:

Item No. 10-B

cancels

Item No. 10-A (except portions under suspension in C.A.B. Docket No. \_\_\_\_)

(3) If the suspension has continued in effect tariff provisions in preceding issues of the partially suspended item, rule, or similar unit, the reissue of the partially suspended item, rule, or similar unit shall bring forward without change the tariff provisions which were continued in effect by the suspension. In such cases, such reissue shall, in addition to directing the cancellation required by paragraph (e)(2) of this section, complete the cancellation of the item, rule, or similar unit which contained the matter continued in effect by the suspension. Such cancellation shall be set forth in substantially the manner shown in the following example:

Item No. 10-B

cancels

Item No. 10-A (except portions under suspension in C.A.B. Docket No. \_\_\_\_) and completes the cancellation of Item No. 10

**§221.123 Reissue of matter continued in effect by suspension to be canceled upon termination of suspension.**

When tariff provisions continued in effect by a suspension are reissued during the period of such suspension, the termination of the suspension and the coming into effect of the suspended matter will not accomplish the cancellation of such reissued matter. In such circumstances, prompt action shall be taken by the issuing agent or carrier to cancel such reissued provisions upon the termination of the suspension in order that they will not conflict with the provisions formerly under suspension.

**Subpart J—Vacating the Suspension of Tariff Matter**

**§221.130 Tariff must be amended to make suspended matter effective.**

(a) When the Board vacates an order which suspended certain tariff matter in full or in part, such matter will not become effective until the termination of the suspension period unless the issuing agent or carrier amends the pertinent tariffs in the manner prescribed in this subpart (except as provided in paragraph (b) of this section).

(b) If the Board vacates its suspension order prior to the original published effective date of the tariff provisions whose suspension is vacated, such provisions will become effective on their published effective date without filing a vacating supplement as required by this subpart.

**§221.131 Vacating supplement.**

(a) Subject to §§221.132 and 221.133, the tariff, supplement, page, item, rule, fare, rate, or other tariff provision whose suspension has been vacated by an order of the Board may be made effective prior to the termination of the suspension period only by issuing and filing to the tariff containing the suspended matter a supplement (referred to in this subpart as a vacating supplement) which shall conform with the following requirements:

(1) Such vacating supplement shall be issued on not less than one day's notice unless otherwise provided by the Board's vacating order.

(2) Such vacating supplement may be filed to a loose-leaf tariff as well as a book tariff.

(3) Such vacating supplement shall contain a vacating notice which shall specify the tariff matter whose suspension is vacated and shall state the specific date on which such matter will become effective. Such date shall be the same effective date as the effective date of the vacating supplement and must be earlier than the date to which the tariff matter was suspended. The vacating notice shall be published on the title page of the supplement (immediately below the description of contents and territory) or at the top of the next page.

(4) Such vacating supplement shall direct the cancellation of the suspension supplement if all suspended matter covered by the suspension supplement is being vacated.

(5) Such vacating supplement shall contain no tariff provisions other than those specifically authorized to be included therein by this section and §221.132, and those required by other regulatory bodies.

(6) The title page of such vacating supplement shall contain reference to this subpart and to the Board's vacating order to be shown immediately above the issued and effective dates in the following manner:

Issued under authority of subpart J, part 221 of the Economic Regulations and Order No. \_\_\_ in Docket No. \_\_\_ of the Civil Aeronautics Board.

(b) [Reserved]

**§221.132 When tariff amendments in addition to vacating supplement are required.**

(a) *Notice and effective date.* All amendments made pursuant to this section shall be filed on not less than one day's notice, unless otherwise provided by the Board's vacating order, and shall bear the same effective date as the effective date of the vacating supplement filed pursuant to §221.131, except as otherwise provided in paragraph (h) of this section, and except that the effective date of any tariff provisions other than the vacated matter shall not be advanced under this authority. All tariff amendments made pursuant to this section which are not published in the vacating supplement

shall bear the reference required by § 221.131(a)(6).

(b) *When a loose-leaf page suspended in part has been reissued.* When a loose-leaf page is suspended in part and such suspension is vacated in its entirety by the Board but, prior to such vacating of the suspension, the page has been canceled (except as to matter under suspension) by a subsequent revision of that page, the following tariff amendments shall be made in addition to issuing and filing a vacating supplement pursuant to § 221.131:

(1) A consecutive revision in the series of the page containing the suspended matter shall be issued which shall (i) republish the suspended matter without change, (ii) cancel the matter continued in effect by the suspension (if published on the preceding revisions of the page) and (iii) complete the cancellation of the page which contained the suspended matter. The latter cancellation shall be set forth (below the C.A.B. and page numbers in the upper right-hand corner of the page) in the manner shown in the following example:

3rd Revised Page 20

                    cancels

2nd Revised Page 20

(and completes the cancellation of 1st  
Revised Page 20)

In the above example, the 3rd revision (filed pursuant to this paragraph) cancels the 2nd revision and completes the cancellation of the 1st revision (which was previously canceled by the 2nd revision except as to the suspended matter).

(2) [Reserved]

(c) *When a loose-leaf page continued in effect by suspension of entire revised page has been reissued.* When an entire revised page has been suspended and the Board fully vacates such suspension but prior to such vacating of the suspension, the page continued in effect by such suspension has been revised, the following tariff amendments shall be made in addition to issuing and filing the vacating supplement pursuant to § 221.131:

(1) A consecutive revision in the series of the suspended page shall be issued and filed which shall (i) repub-

lish the suspended tariff provisions without change, (ii) cancel the reissue of the tariff provisions which were continued in effect by the suspension, and (iii) include the cancellation of the revised page whose suspension has been vacated.

(2) [Reserved]

(d) *When provisions continued in effect by suspension of supplement (in full or part) have been reissued in a supplement.* When the Board has suspended in full or in part, a supplement to a book tariff and such suspension is vacated by the Board but (prior to such vacating of the suspension) all or part of the provisions which were continued in effect by the suspension have been reissued in a subsequent supplement to the same tariff, the vacating supplement shall include the following amendments:

(1) The vacating supplement shall cancel such reissue of the provisions continued in effect by the suspension.

(2) The vacating supplement shall republish without change the respective suspended provisions which are to supersede the provisions canceled pursuant to paragraph (d)(1) of this section and shall cancel such suspended provisions from the supplement which was under suspension.

(e) *When partially suspended item, rule, or similar unit in a book tariff or supplement has been reissued in a supplement.* When the Board has suspended, in part, a numbered item, rule, or similar unit in a book tariff or supplement and such suspension is fully vacated by the Board but (prior to such vacating of the suspension) the partially suspended item, rule, or similar unit has been canceled except as to the suspended matter by a subsequent issue of such item, rule, or unit, the vacating supplement shall amend such items, rules, or similar units as specified below:

(1) The tariff provisions whose suspension is vacated shall be republished without change.

(2) The tariff provisions which were continued in effect by such suspension shall be canceled.

(3) The cancellation of the partially suspended item, rule, or similar unit shall be completed in the manner shown in the following example:

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Item No. 10-C

          cancels

Item No. 10-B

(and completes the cancellation of Item No. 10-A)

In the above example, Item No. 10-C in the vacating supplement directs the cancellation of the current Item No. 10-B and completes the cancellation of Item No. 10-A (which has been previously canceled by Item No. 10-B except as to the suspended matter).

(f) *When tariff continued in effect by suspension has been amended by supplement or loose-leaf page.* When the Board fully vacates the suspension of an entire tariff but, prior to such action, the tariff which was continued in effect by the suspension has been amended by supplement or loose-leaf page, the following tariff amendments shall be made in addition to issuing and filing the vacating supplement pursuant to § 221.131:

(1) If the suspended tariff is a book tariff, the vacating supplement issued to such tariff shall set forth as reissued matter (without change) any changes or additions which were lawfully published in the tariff continued in effect by the suspension but which are not included in the suspended tariff.

(2) If the suspended tariff is a loose-leaf tariff loose-leaf pages shall be issued thereto and such pages shall set forth as reissued matter (without change) any changes or additions which were lawfully published in the tariff continued in effect by the suspension but which are not included in the suspended tariff.

(g) *When tariff continued in effect by suspension has been reissued.* When the Board fully vacates the suspension of an entire tariff but, prior to such action, the tariff which was continued in effect by such suspension has been reissued, the following tariff amendments shall be made in addition to filing the vacating supplement pursuant to § 221.131:

(1) A supplement shall be issued and filed to the tariff containing the reissued tariff provisions which were continued in effect by the suspension and such supplement shall cancel that tariff in its entirety.

(2) Any changes or additions which have been lawfully published in the tariff specified in paragraph (g)(1) of this section but which are not included in the suspended tariff shall be republished:

(i) As reissued matter (without change) in the vacating supplement issued to the suspended tariff if the latter is a book tariff, or

(ii) As reissued matter (without change) in revised pages or additional original pages issued to the suspended tariff if the latter is a loose-leaf tariff.

(h) *When a tariff suspended in part has been reissued.* When a tariff has been suspended in part (or has a supplement suspended in full or in part) and the Board fully vacates such suspension but, prior to the vacating of the suspension, a new tariff has been issued which directs the cancellation of the partially suspended tariff (except as to the suspended provisions), the following tariff amendments are required in order to make the suspended tariff provisions effective under authority of the Board's vacating order:

(1) When the suspended tariff provisions are to be made effective prior to the effective date of such new tariff, a vacating supplement shall be issued and filed to the partially suspended tariff together with any amendments required by other paragraphs of this section. Also, the new tariff shall be amended in the manner prescribed by § 221.110 for the purpose of establishing the following amendments effective on the effective date of the new tariff:

(i) The tariff cancellation shown on the title page of the new tariff shall be amended so that it fully cancels the former tariff by C.A.B. number instead of canceling it "except portions under suspension in C.A.B. Docket No. \_\_\_\_".

(ii) The tariff provisions whose suspension has been vacated in the former tariff shall be republished without change in the new tariff.

(iii) The reissue of the tariff provisions which were continued in effect by the suspension shall be canceled from the new tariff.

(2) When the suspended tariff provisions are to be made effective on or after the effective date of such new tariff, a vacating supplement shall not be issued to the partially suspended tariff

but a supplement shall be issued and filed to such tariff which shall cancel the suspended provisions, refer to such provisions as republished in the new tariff, and complete the cancellation of the tariff. The latter cancellation shall be set forth in the upper right corner of the supplement's title page (below the supplement and C.A.B. numbers) in the manner shown in the following example:

Supplement No. 3

to

C.A.B. No. 6

(completes the cancellation of C.A.B. No. 6)

Also, the new tariff shall be amended simultaneously in the manner prescribed by §221.110 for the purpose of accomplishing the following amendments:

(i) The tariff provisions in the former tariff whose suspension has been vacated by the Board shall be republished without change in the new tariff.

(ii) The reissue of the tariff provisions which were continued in effect by such suspension shall be canceled from the new tariff.

**§221.133 When Special Tariff Permission is required to file amendments making suspended matter effective pursuant to vacating order.**

When tariff provisions continued in effect by a suspension have been reissued prior to the Board's vacating the suspension and §221.132 does not authorize the amendments necessary to cancel such provisions in order to prevent a conflict with the tariff provisions whose suspension is being vacated, a vacating supplement shall not be issued and filed. In such circumstances, the issuing agent or carrier shall file an application for Special Tariff Permission specifically setting forth the amendments which are proposed to be issued and filed on one day's notice (unless the Board's vacating order provides otherwise) for the purpose of making the suspended matter effective and canceling the reissue of the tariff provisions continued in effect by the suspension. Upon approval of such application, the issuing agent or carrier shall then file the amendments authorized thereunder.

**Subpart K—Canceling Suspended Matter in Compliance With Board's Order**

**§221.140 Notice required when canceling suspended matter in compliance with Board's order.**

When the Board orders the cancellation shall be filed on not less than one other tariff provisions theretofore suspended by the Board, the tariff amendments which accomplish such cancellation of rates, fares, charges, rules, or day's notice to the Board and the public unless otherwise provided by the Board's order. The tariff amendments which accomplish such cancellation of suspended matter shall bear reference to this subpart and the Board's order in the following manner:

Issued in compliance with subpart K of Economic regulations and Order No. \_\_\_ in Docket No. \_\_\_ of the Civil Aeronautics Board.

**§221.141 Cancellation of suspended matter subsequent to date to which suspended.**

(a) *Endeavor to cancel prior to expiration of suspension period.* When an order of the Board requires the cancellation of tariff provisions which were suspended by the Board and such cancellation is required to be made effective on or before a date which is subsequent to the date to which such tariff provisions were suspended, the issuing carrier or agent shall, if possible, make the cancellation effective prior to the date to which such tariff provisions were suspended.

(b) *When necessary to republish matter continued in effect by suspension.* If suspended tariff provisions become effective upon expiration of their suspension period and thereby accomplish the cancellation of the tariff provisions continued in effect by the suspension, the issuing agent or carrier shall republish and reestablish such canceled tariff provisions effective simultaneously with the cancellation of the suspended provisions in compliance with the Board's order. The tariff amendments which reestablish such canceled tariff provisions shall bear reference to this subpart and the Board's order in the manner shown in §221.140.

### Subpart L—Index of Tariffs

#### § 221.150 When index required.

Each carrier shall issue, post, and file individually or by a duly appointed agent an index of the tariffs which have been filed with the Board by such carrier or for its account when:

(a) The carrier has ten or more tariffs which it has issued and filed in its own name with the Board and such tariffs are either effective or are to become effective, or

(b) The carrier is shown as a participating carrier under authority of its power of attorney or concurrence in three or more tariffs issued by agents or other carriers, and such participation is either effective or is filed to become effective.

#### § 221.151 Index to be issued and filed as a tariff.

The index of tariffs required by this subpart shall bear a consecutive C.A.B. number in the tariff series of the issuing carrier or agent and shall be prepared, posted, filed, and amended in the form and manner prescribed for a tariff except:

(a) Such index of tariffs shall contain only the following contents:

- (1) Title page.
- (2) Correction number check sheet if index is in loose-leaf form.
- (3) Explanations of abbreviations, reference marks, and symbols.

(4) A list of tariffs on file with the Board which are in effect or are to become effective and which the carrier has issued in its own name or in which the carrier is shown as a participating carrier.

(b) Such index of tariffs shall be issued in the name of and filed by the carrier for whom it is published and, except as provided in paragraph (c) of this section, shall not be issued and filed by the carrier's agent.

(c) An agent may publish an index of tariffs, and the regulations relating to powers of attorney will not apply: *Provided*, That the agency index contains a complete alphabetical index of carriers and that each carrier electing to publish its index in an agency issue shall inform the Board by letter as to what agency issue will include its index of tariffs. Also, any such carrier which

changes its method of publishing the tariff index from individual carrier index to agency index or from agency index to individual carrier index or from one agent to another shall notify the Board by letter. The arrangement and information required by §§ 221.152 and 221.153 shall be observed in connection with each participant in an agency issue.

(d) Such index of tariffs (including supplements or loose-leaf pages issued thereto) shall bear an issued date but shall not bear an effective date. Such index of tariffs (including supplements or loose-leaf pages issued thereto) shall be transmitted to the Board promptly upon issuance. The requirement that tariff publications shall be filed on thirty days' notice is not applicable to such index of tariffs (including amendments thereof).

(e) Such index of tariffs shall list both passenger tariffs and property tariffs and each carrier may have only one effective index of tariffs.

(f) The title page of an index issued by a carrier shall contain the following statement (below the title of the index):

THIS INDEX CONTAINS A LIST OF  
TARIFFS ISSUED BY OR ON BEHALF OF

(Show issuing carrier's name)

(If an agency tariff, an agent must show participating carriers on the title page or make reference thereon to the list of participants named therein.)

#### § 221.152 Arrangement of lists of tariffs.

When the carrier issuing the index of tariffs required by this subpart issues or participates in both passenger tariffs and property tariffs, the list of tariffs in such carrier's index may be divided into two sections; the first section shall list the passenger tariffs only and the second section shall list the property tariffs only. When the carrier issues or participates in either passenger tariffs or property tariffs (but not both), all tariffs shall be listed in one section. The tariffs listed shall be shown in the following order in each section:

(a) The tariffs issued in the name of and by the carrier issuing the index

(listed in numerical order by C.A.B. number),

(b) The tariffs issued in the name of and by an agent or agents and in which the carrier (issuing the index) is shown as a participating carrier under authority of its power of attorney (the names of the agents shall be listed alphabetically and each agent's tariffs shall be listed numerically by C.A.B. number under that agent's name),

(c) The tariffs issued by other carriers and in which the carrier (issuing the index) is shown as a participating carrier under authority of its concurrence (the names of the carriers issuing such tariffs shall be listed alphabetically and the tariffs of each such carrier shall be listed in numerical order by C.A.B. number under the carrier's name).

**§ 221.153 Information to be shown in list of tariffs.**

The index of tariffs required by this subpart shall show the following information for each tariff listed therein (preferably in tabular form):

- (a) Name of issuing carrier or agent.
- (b) C.A.B. number.
- (c) C.A.B. number of tariff cancelled by tariff listed.
- (d) General effective date.
- (e) Title of tariff.
- (f) Description of rates, fares or other contents of tariff (as shown on its title page).
- (g) Where tariff applies from (as shown on its title page).
- (h) Where tariff applies to (as shown on its title page).

When supplements or loose-leaf pages are issued to a tariff after it has been filed with the Board which result in the information in the index of tariffs becoming inaccurate, such index shall be amended to reflect the correct information.

**§ 221.154 Index to be maintained current.**

Additions, changes, or cancellations in an index of tariffs required by this part shall be made by reissue or amendment quarterly.

**Subpart M—Filing Tariff Publications With Board**

**§ 221.160 Required notice.**

(a) *Statutory notice required.* Unless otherwise authorized by the Board or specified in a bilateral agreement between the United States and a foreign country, all tariff filings shall be made on the following schedule, whether or not they effect any changes:

(1) At least 30 days before they are to become effective, for tariffs stating a passenger fare within the zone created by section 1002(d)(4) of the Act (interstate and overseas) or the zone created by section 1002(j)(6) (foreign), or stating a rule that affects only such a fare;

(2) At least 25 days before they are to become effective, for matching tariffs that are to become effective on the same date as the tariff to be matched and that meet competition as described in § 221.165(d)(1)(iv); and

(3) At least 60 days before they are to become effective, for all other tariffs.

(b) *When single publication contains changes effective on different dates.* Each tariff, supplement, or loose-leaf tariff page which contains various changes to become effective on different dates shall:

(1) Bear a general effective date which shall allow at least thirty days' notice,

(2) Show directly in connection with such general effective date the following notation: "(except as noted)";

(3) Show in connection with each change which is to become effective earlier or later than such general effective date, its specific effective date which shall allow at least thirty days' notice unless the Board authorizes the change to be filed on less notice.

(4) When matter is authorized by the Board to be filed on less than thirty days' notice, show reference to the Board's order, regulation, or special tariff permission authorizing such filing. Such reference shall be shown (immediately following the specific effective date of such matter) in the manner required by the order, regulation, or special tariff permission, for example:

Effective: \_\_\_\_\_. Issued on \_\_\_\_\_ days' notice under Special Tariff Permission No. \_\_\_\_\_ of the Civil Aeronautics Board. (See also § 221.194.)

(c) *Computing number of days' notice.* A tariff publication shall be deemed to be filed only upon its actual receipt by the Board, and the first day of any required period of notice shall be the day of actual receipt by the Board.

(d) *Issued date.* All tariff publications must be received by the Board on or before the designated issued date.

(Approved by the Office of Management and Budget under control number 3024-0038)

(Secs. 204, 403, 1002; 72 Stat. 743, 758, 788; 49 U.S.C. 1324, 1373, 1482, as amended)

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1038, 43 FR 1322, Jan. 9, 1978; ER-1044, 44 FR 9577, Feb. 13, 1979; ER-1171, 45 FR 20064, Mar. 27, 1980; ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.161 Delivering tariff publications to Board.**

Tariff publications will be received for filing only by delivery thereof to the Board through normal mail channels, or by delivery thereof directly to that office of the Board charged with the responsibility of maintaining the Board's official file of tariffs. Tariff publications will be received for filing only during the established business hours of the Board. The office of the Board is closed on Saturdays and Sundays and on the following holidays:

New Year's Day (January 1).  
Inauguration Day (January 20, 1973, and January 20 of each fourth year thereafter).  
Washington's Birthday (third Monday in February).  
Memorial Day (last Monday in May).  
Independence Day (July 4).  
Labor Day (first Monday in September).  
Columbus Day (second Monday in October).  
Veterans Day (November 11).  
Thanksgiving Day (fourth Thursday in November).  
Christmas (December 25).

When any such holiday falls on Saturday, the office of the Board will be closed on the preceding Friday. When any such holiday falls on Sunday, the office of the Board will be closed on the following Monday. No tariff publication will be accepted by the Board unless it is delivered to the Board free from all charges, including claims for postage.

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-670, 36 FR 4538, Mar. 9, 1971; ER-1079, 43 FR 52697, Nov. 14, 1978]

**§ 221.162 Number of copies required.**

Three copies of each tariff, supplement, loose-leaf tariff page, index of tariffs, and adoption notice to be filed shall be sent to the Civil Aeronautics Board, Tariffs Section, Washington, DC 20428. All such copies shall be included in one package and shall be accompanied by a letter of tariff transmittal (§ 221.163).

**§ 221.163 Letter of tariff transmittal.**

All tariff publications (including indexes of tariffs and adoption notices) filed with the Board shall be accompanied by a letter of tariff transmittal in duplicate in the form prescribed in § 221.240. Each letter of transmittal may include one or more tariff publications but passenger tariff publications shall not be included in the same letter of tariff transmittal with property tariff publications. If the filing carrier or agent desires a receipt for the filing, the letter of tariff transmittal shall be sent in triplicate (accompanied by a preaddressed postage paid return envelope, if return by mail is requested), and one copy thereof showing the date of receipt by the Board will be returned to the sender.

(Approved by the Office of Management and Budget under control number 3024-0038)  
[ER-874, 39 FR 34514, Sept. 26, 1974, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.164 Concurrences or powers of attorney not previously filed to accompany tariff transmittal.**

When a tariff publication is filed on behalf of a carrier participating therein under authority of its concurrence or power of attorney, such concurrence or power of attorney shall, if not previously filed with the Board, be transmitted with such tariff publication submitted for filing and shall be listed in the letter of tariff transmittal.

(Approved by the Office of Management and Budget under control number 3024-0038)  
[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.**

When a tariff publication is filed with the Board which contains new or changed local or joint rates, fares, or

charges for air transportation, or new or changed classifications, rules, regulations, or practices affecting such rates, fares, or charges, or the value of the service thereunder, the issuing air carrier, foreign air carrier, or agent shall submit with the filing of such publication, in or attached to the transmittal letter:

(a) An explanation of the new or changed matter and the reasons for the filing, including (if applicable) the basis of rate making employed. Where a tariff publication is filed pursuant to an intercarrier agreement approved by the Board, the explanation shall identify such agreement by CAB agreement number, IATA, or ATC resolution number, or if none is designated, then by other definite identification. Where a tariff publication is filed on behalf of a foreign air carrier pursuant to a Government order, a copy of such order shall be submitted with the letter of tariff transmittal.

(b) Economic data and/or information in support of the new or changed matter, including, in cases where pertinent,

(1) Estimates of costs of service, with supporting details and references to sources, and

(2) Estimates of the aggregate effect of the new or changed matter upon such carrier's traffic, schedules, and revenues, and an explanation of the basis for the estimates (including, where available, data as to past traffic, schedules and revenues).

(c) In cases where such publication contains new or changed local or joint rates (other than charter rates), fares, or charges (whether such rates, fares, or charges are published specifically or by rule), a table prepared as follows:

(1) In the first column, a sample of the pairs of points between which such new or changed rates, fares, or charges apply, which sample shall contain every 10th pair of all such pairs (but not less than 10 pairs, unless such new or changed rates, fares, or charges apply between fewer than 10 pairs of points, in which event all such pairs shall be included), but need not include more than 75 pairs of points, for each new or changed type of rate, fare (e.g.,

first class, coach, etc.), or charge included in such publication;<sup>5</sup>

(2) In the second column, the existing rates, fares, or charges canceled or superseded by the new or changed rates, fares, or charges, except in cases where the publication contains new rates, fares, or charges which do not cancel or supersede existing rates, fares, or charges, in which event the second column shall contain those rates, fares, or charges upon which the filing air carrier relies for comparison<sup>6</sup> in evaluating such new rates, fares, or charges;

(3) In the third column, the new or changed rates, fares, or charges;

(4) In the fourth column, the differences between the rates, fares, or charges listed in the second and third columns, expressed as percentages of those listed in the second column;

(5) In the fifth column, the existing fares per mile or rates or charges per ton-mile;

(6) In the sixth column, the new or changed fares per mile, or rates or charges per ton-mile; and

(7) In the seventh column, the airport-to-airport mileage<sup>7</sup> used in computing the fares per mile or rates or charges per ton-mile.

<sup>5</sup> If a carrier's freight rates are published in rate scales rather than on a point-to-point basis, the table shall contain a representative sample of the proposed rates and charges for each rate scale, which sample shall contain 10 percent of all rates or charges, but not less than 10 rates or charges unless such new or changed rates or charges are less than 10, in which event all such rates or charges shall be included: *Provided, however*, That the sample need not include more than a total of 75 representative rates and charges for each new or changed type of rate or charge (e.g., general commodity or specific commodity) included in such publication.

<sup>6</sup> Identify as, e.g., jet coach fare, general commodity rate, etc. If reliance is placed upon rates, fares, or charges for different pairs of points than shown in the first column, such points should be indicated by footnote.

<sup>7</sup> The direct airport-to-airport mileage between the points shown in the first column shall normally be used for purposes of this table. Where points with multiple airports are involved, show the mileage to/from the principal airport with respect to the related service. Other than direct mileages may be used where appropriate (e.g., where the filing

*Continued*

(d) Exceptions: (1) The requirement for data and/or information in paragraphs (b) and (c) of this section will not apply to tariff publications containing new or changed matter which are filed.

(i) In response to Board orders or specific policy pronouncements of the Board directly related to such new or changed matter.

(ii) Pursuant to an intercarrier agreement approved by the Board prescribing the rates, fares, charges (or specific formulas therefor) or other matter,

(iii) For the interstate air transportation of property, as defined in § 1002(k)(1) of the Act, or by air freight forwarders or international air freight forwarders, as defined in part 296 of this subchapter, or

(iv) To meet competition: *Provided*, That

(a) Changed matter will be deemed to have been filed to meet competition only when it affects decreases in rates, fares, or charges and/or increases the value of service so that the level of the rates or fares or charges and the services provided will be substantially similar to the level of rates or fares or charges and the services of a competing carrier or carriers.

(b) New matter will be deemed to have been filed to meet competition only when it establishes or affects a rate, fare, or charge and a service which will be substantially similar to the rates, fares, or charges and the services of a competing carrier or carriers.

(c) When new or changed matter is filed to meet competition over a portion of the filing air carrier's system and is simultaneously made applicable to the balance of the system, such matter, insofar as it applies over the balance of the system, will be deemed to be within the exception in this paragraph (d)(1)(iv) of this section only if such carrier submits an explanation as to the necessity of maintaining uni-

carrier is not authorized to provide direct service, or where a joint fare involves a circuitous routing via a junction point). In all instances where a mileage other than the direct airport-to-airport mileage is used, show the points by which it is computed and the reason for its use.

formity over its entire system with respect to such new or changed matter.

(d) In any case where new or changed matter is filed to meet competition, the filing carrier or agent must supply, in or attached to the transmittal letter, the complete tariff references which will serve to identify the competing tariff matter which the tariff publication purports to meet. In such case the transmittal letter or attachment shall state whether the new or changed matter is identical to the competing tariff matter which it purports to meet or whether it approximates the competing tariff matter. If the new or changed matter is not identical, the transmittal letter or attachment shall contain a statement explaining, in reasonable detail, the basis for concluding that the tariff publication being filed is substantially similar to the competing tariff matter.

(2) The requirement for data and/or information in paragraph (b) of this section will not apply to foreign air carriers.

(3) The requirement for information in paragraph (c) of this section will not apply to tariff publications containing new or changed rates, fares or charges which result from (i) uniform percentage adjustments, (ii) specific increment adjustments, or (iii) cancellation of rates, fares or charges.

(4) The requirement for data and/or information in paragraph (b) of this section shall not apply to:

(i) Fares for scheduled passenger service that are within a statutory or Board-established zone of fare flexibility; and

(ii) Rates for cargo service in foreign air transportation that are within the rate flexibility zones set forth in § 399.41 of this chapter, except as specifically required by the Board.

(Approved by the Office of Management and Budget under control number 3024-0038)

(Sec. 102, 72 Stat. 740 (49 U.S.C. 1302); National Environmental Policy Act of 1969 (Pub. L. 91-90, 42 U.S.C. 4321 *et seq.*) and E. O. 11514)

[ER-493, 32 FR 7453, May 19, 1967, as amended by ER-760, 37 FR 19804, Sept. 22, 1972; ER-796, 38 FR 10256, Apr. 26, 1973; ER-927, 40 FR 37183, Aug. 25, 1975; ER-1061, 43 FR 34118, Aug. 3, 1978; ER-1271, 46 FR 63218, Dec. 31, 1981; ER-1322, 48 FR 4270, Jan. 31, 1983]

**§ 221.166 Explanation of missing C.A.B. numbers to accompany tariff transmittal.**

Section 221.31(a) requires a carrier or agent to file tariffs under consecutive C.A.B. numbers. However, the Board may accept a tariff bearing a C.A.B. number which is not consecutive and results in an unused C.A.B. number intervening since the last previously filed tariff: *Provided*, That a letter accompanies the tariff transmittal explaining why the C.A.B. number of the tariff is not consecutive to the last previously filed tariff and stating whether or not the missing C.A.B. number will be used on a future tariff.

(Approved by the Office of Management and Budget under control number 3024-0038)  
[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.167 Posting copies to be furnished participating carriers at time of filing.**

At the same time that a tariff publication is transmitted to the Board for filing, the issuing carrier or agent shall send sufficient copies of the tariff publication for posting purposes to all participating carriers (see subpart N).

**§ 221.168 Withdrawal or substitution of filed tariff publications prohibited.**

A tariff publication filed with the Board will not be surrendered or returned and no substitution thereof will be permitted.

**Subpart N—Posting Tariff Publications for Public Inspection**

**§ 221.170 Public notice of tariff information.**

Carriers must make tariff information available to the general public, and in so doing must comply with either:

(a) Sections 221.171, 221.172, 221.173, 221.174, 221.175, and 221.176 or

(b) Sections 221.175, 221.176 and 221.177 of this subpart.

[53 FR 52677, Dec. 29, 1988]

**§ 221.171 Posting at stations, offices, or locations other than principal or general office.**

(a) Each carrier shall post and make available for public inspection at each of its stations, offices, or other locations which is in charge of a person employed exclusively by the carrier, or by it jointly with another person, currently effective tariffs and tariff publications which have been issued but are not yet effective, to which it is a party, as follows:

(1) At stations, offices, or locations at which tickets for passenger transportation are sold, all tariff publications applicable to passenger traffic from or to the point where such station, office, or location is situated, including tariffs covering any terminal services, charges, or practices whatsoever, which apply to passenger traffic from or to such point.

(2) At stations, offices, or locations at which property is handled, received, and delivered for transportation, all tariff publications applicable to cargo traffic from or to the point where such station, office or location is situated, including tariffs covering any terminal services, charges, or practices whatsoever, which apply to cargo traffic transported from or to such point.

(b) A carrier will be deemed to have complied with the requirement that it "post" tariffs, if it maintains at each station, office, or location a file in complete form of all tariff publications required to be posted; and in the case of tariffs involving passenger fares, rules, charges or practices, notice to the passenger as required in §§ 221.174 and 221.175.

(c) Tariff publications shall be posted by each carrier party thereto no later than the issued date designated thereon except that in the case of carrier stations, offices of locations situated outside the United States, its territories and possessions, the time shall be not later than five days after the issued date, and except that a tariff publication which the Board has authorized to be filed on shorter notice

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shall be posted by the carrier on like notice as authorized for filing.

(Secs. 204, 403, 1002; 72 Stat. 743, 758, 788; 49 U.S.C. 1324, 1373, 1482, as amended)

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1104, 44 FR 9578, Feb. 13, 1979]

**§ 221.172 Accessibility of tariffs to the public.**

Each file of tariffs shall be kept in complete and accessible form. Employees of the carrier shall be required to give any desired information contained in such tariffs, to lend assistance to seekers of information therefrom, and to afford inquirers opportunity to examine any of such tariffs without requiring the inquirer to assign any reason for such desire.

**§ 221.173 Notice of tariff posting.**

Each carrier shall cause to be displayed continuously in a conspicuous public place at each station, office, or location at which tariffs are required to be posted, a notice printed in large type reading as follows:

PUBLIC INSPECTION OF TARIFFS

All the currently effective passenger (and/or cargo as applicable) tariffs to which this company is a party and all passenger (and/or cargo as applicable) tariff publications which have been issued but are not yet effective are on file in this office, so far as they apply to traffic from or to \_\_\_\_\_. (Here name the point.) These tariffs may be inspected by any person upon request and without the assignment of any reason for such inspection. The employees of this company on duty in this office will lend assistance in securing information from the tariffs.

In addition, a complete file of all tariffs of this company, with indexes thereof, is maintained and kept available for public inspection at \_\_\_\_\_. (Here indicate the place or places where complete tariff files are maintained, including the street address, and where appropriate, the room number.)

[ER-439, 39 FR 9439, July 29, 1965, as amended at 53 FR 52677, Dec. 29, 1988]

**§ 221.174 Notification to the passenger of status of fare, rule, charge or practice.**

A carrier or ticket agent shall print, stamp upon, or affix to every purchased passenger ticket a notice stating that the terms and conditions of the contract of carriage including the price of the ticket are subject to adjustment

prior to the commencement of transportation, except that such notice is not required where a passenger ticket is sold pursuant to an effective tariff rule which provides that the terms and conditions of the contract of carriage, including the price of the ticket, are not subject to any future adjustment during the validity of the ticket, or the ticket is sold for transportation commencing on the same day.

[53 FR 52677, Dec. 29, 1988]

**§ 221.175 Special notice of limited liability for death or injury under the Warsaw Convention.**

(a) In addition to the aforesaid requirements of this subpart, each air carrier and foreign air carrier which, to any extent, avails itself of the limitation on liability to passengers provided by the Warsaw Convention, shall, at the time of delivery of the ticket, furnish to each passenger whose transportation is governed by the Convention and whose place of departure or place of destination is in the United States, the following statement in writing:

ADVICE TO INTERNATIONAL PASSENGERS ON LIMITATIONS OF LIABILITY

Passengers embarking upon a journey involving an ultimate destination or a stop in a country other than the country of departure are advised that the provisions of a treaty known as the Warsaw Convention may be applicable to their entire journey including the portion entirely within the countries of departure and destination. The Convention governs and in most cases limits the liability of carriers to passengers for death or personal injury to approximately \$10,000.

Additional protection can usually be obtained by purchasing insurance from a private company. Such insurance is not affected by any limitation of the carrier's liability under the Warsaw Convention. For further information please consult your airline or insurance company representative.

*Provided, however,* That when the carrier elects to agree to a higher limit of liability to passengers than that provided in Article 22(1) of the Warsaw Convention, such statement shall be modified to reflect the higher limit. The statement prescribed herein shall be printed in type at least as large as 10-point modern type and in ink contrasting with the stock on:

- (1) Each ticket; (2) a piece of paper either placed in the ticket envelope

with the ticket or attached to the ticket; or (3) the ticket envelope; *And provided further*, That a carrier which has heretofore been furnishing a statement including either the sum of "\$8,290" or the sum of "\$9,000," in place of the sum of "\$10,000" in the text of the statement prescribed by this paragraph, may continue to use such statement until July 15, 1974.

(b) Each air carrier and foreign air carrier which, to any extent, avails itself of the limitation on liability to passengers provided by the Warsaw Convention, shall also cause to be displayed continuously in a conspicuous public place at each desk, station, and position in the United States which is in the charge of a person employed exclusively by it or by it jointly with another person, or by any agent employed by such air carrier or foreign air carrier to sell tickets to passengers whose transportation may be governed by the Warsaw Convention and whose place of departure or destination may be in the United States, a sign which shall have printed thereon the statement prescribed in paragraph (a) of this section: *Provided, however*, That an air carrier, except an air taxi operator subject to part 298 of this subchapter, or foreign air carrier which provides a higher limitation of liability than that set forth in the Warsaw Convention and has signed a counterpart of the agreement among carriers providing for such higher limit, which agreement was approved by the Board by Order E-23680, dated May 13, 1966 (31 FR 7302, May 19, 1966), may use the alternate form of notice set forth in the proviso to § 221.176(a) of this chapter in full compliance with the posting requirements of this paragraph. *And provided further*, That an air taxi operator subject to part 298 of this subchapter, which provides a higher limitation of liability than that set forth in the Warsaw Convention and has signed a counterpart of the agreement among carriers providing for such higher limit, which agreement was approved by the Board by Order E-23680, dated May 13, 1966 (31 FR 7302, May 19, 1966), may use the following notice in the manner prescribed above in full compliance with the posting requirements of this paragraph.

ADVICE TO INTERNATIONAL PASSENGERS ON  
LIMITATION OF LIABILITY

Passengers traveling to or from a foreign country are advised that airline liability for death or personal injury and loss or damage to baggage may be limited by the Warsaw Convention and tariff provisions. See the notice with your ticket or contact your airline ticket office or travel agent for further information.

Such statements shall be printed in bold faced type at least one-fourth of an inch high.

(Sec. 402, 72 Stat. 757; 49 U.S.C. 1372)

[ER-708, 36 FR 22229, Nov. 23, 1971, as amended by ER-837, 39 FR 8319, Mar. 5, 1974; ER-844, 39 FR 16120, May 7, 1974]

**§ 221.176 Notice of limited liability for baggage; alternative consolidated notice of liability limitations.**

(a) Each air carrier and foreign air carrier which, to any extent, avails itself of limitations on liability for loss of, damage to, or delay in delivery of baggage shall cause to be displayed continuously in a conspicuous public place at each desk, station, and position in the United States which is in the charge of a person employed exclusively by it or by it jointly with another person, or by any agent employed by such air carrier or foreign air carrier to sell tickets to persons or accept baggage for checking, a sign which shall have printed thereon the following statement:

NOTICE OF LIMITED LIABILITY FOR BAGGAGE

For most international travel (including domestic portions of international journeys) liability for loss, delay, or damage to baggage is limited to approximately \$9.07 per pound for checked baggage and \$400 per passenger for unchecked baggage unless a higher value is declared and an extra charge is paid. Special rules may apply for valuables. Consult your carrier for details.

*Provided, however*, That an air carrier or foreign air carrier which provides a higher limitation of liability for death or personal injury than that set forth in the Warsaw Convention and has signed a counterpart of the agreement approved by the Board by Order E-23680, dated May 13, 1966 (31 FR 7302, May 19, 1966), may use the following notice in full compliance with the posting requirements of this paragraph and of § 221.175(b):

## ADVICE TO PASSENGERS ON LIMITATIONS OF LIABILITY

Airline liability for death or personal injury may be limited by the Warsaw Convention and tariff provisions in the case of travel to or from a foreign country.

For most international travel (including domestic portions of international journeys) liability for loss, delay or damage to baggage is limited to approximately \$9.07 per pound for checked baggage and \$400 per passenger for unchecked baggage unless a higher value is declared and an extra charge is paid. Special rules may apply to valuable articles.

See the notice with your tickets or consult your airline or travel agent for further information.

*Provided, however,* That carriers may include in the notice the parenthetical phrase “(\$20.00 per kilo)” after the phrase “\$9.07 per pound” in referring to the baggage liability limitation for most international travel. Such statements shall be printed in bold-face type at least one-fourth of an inch high and shall be so located as to be clearly visible and clearly readable to the traveling public.

(b) Each air carrier and foreign air carrier which, to any extent, avails itself of limitations of liability for loss of, damage to, or delay in delivery of, baggage shall include on or with each ticket issued in the United States or in a foreign country by it or its authorized agent, the following notice printed in at least 10 point type:

## NOTICE OF BAGGAGE LIABILITY LIMITATIONS

For most international travel (including domestic portions of international journeys) liability for loss, delay, or damage to baggage is limited to approximately \$9.07 per pound for checked baggage and \$400 per passenger for unchecked baggage unless a higher value is declared in advance and additional charges are paid. Excess valuation may not be declared on certain types of valuable articles. Carriers assume no liability for fragile or perishable articles. Further information may be obtained from the carrier.

*Provided, however,* That carriers may include in their ticket notice the parenthetical phrase “(\$20.00 per kilo)” after the phrase “\$9.07 per pound” in referring to the baggage liability limitation for most international travel.

(c) It shall be the responsibility of each carrier to ensure that travel agents authorized to sell air transportation for such carrier comply with the

notice provisions of paragraphs (a) and (b), of this section.

(d) Any air carrier or foreign air carrier subject to the provisions of this section which wishes to use a notice of limited liability for baggage of its own wording, but containing the substance of the language prescribed in paragraphs (a) and (b) of this section may substitute a notice of its own wording upon approval by the Board.

(e) The requirements as to time and method of delivery of the notice (including the size of type) specified in paragraphs (a) and (b) of this section and the requirement with respect to travel agents specified in paragraph (c) may be waived by the Board upon application and showing by the carrier that special and unusual circumstances render the enforcement of the regulations impractical and unduly burdensome and that adequate alternative means of giving notice are employed.

(f) Applications for relief under paragraphs (d) and (e) of this section shall be filed with the Board (Attention: Assistant Director, Bureau of Pricing and Domestic Aviation, Legal Analysis Division) not later than 15 days before the date on which such relief is requested to become effective.

(g) Notwithstanding any other provisions of this section, no air taxi operator subject to part 298 of this subchapter shall be required to give the notices prescribed in this section, either in its capacity as an air carrier or in its capacity as an agent for an air carrier or foreign air carrier.

[ER-708, 36 FR 22229, Nov. 23, 1971, as amended by ER-995, 42 FR 20459, Apr. 20, 1977; ER-1119, 44 FR 25627, May 2, 1979; ER-1310, 48 FR 227, Jan. 4, 1983; 48 FR 3585, Jan. 26, 1983; ER-1390, 49 FR 40005, Oct. 12, 1984]

**§221.177 Alternative notice of tariff terms.**

(a) *Terms incorporated in the contract of carriage.* (1) A ticket, airwaybill, or other written instrument that embodies the contract of carriage for foreign air transportation shall contain or be accompanied by notice to the passenger, shipper, or consignee as required in paragraphs (b) and (d) of this section.

(2) Each carrier shall make the full text of all terms that are incorporated

in a contract of carriage readily available for public inspection at each airport or other ticket/cargo sales office of the carrier: *Provided*, That the medium, *i.e.*, printed or electronic, in which the incorporated terms and conditions are made available to the consumer shall be at the discretion of the carrier.

(3) Each carrier shall display continuously in a conspicuous public place at each airport or other ticket/cargo sales office of the carrier a notice printed in large type reading as follows:

EXPLANATION OF CONTRACT TERMS

All passenger (and/or cargo as applicable) contract terms incorporated by law to which this company is a party are available in this office. These provisions may be inspected by any person upon request and for any reason. The employees of this office will lend assistance in securing information, and explaining any terms.

In addition, a file of all tariffs of this company, with indexes thereof, from which the incorporated contract terms are obtained is maintained and kept available for public inspection at \_\_\_\_\_. (Here indicate the place or places where tariff files are maintained, including the street address and, where appropriate, the room number.)

(4) Each carrier shall provide to the passenger, shipper or consignee a complete copy of the text of any/all terms and conditions applicable to the contract of carriage, free of charge, immediately, if feasible, or otherwise promptly by mail or other delivery service, upon request at any airport or other ticket/cargo sales office of the carrier. In addition, all other locations where the carrier's tickets or airwaybills may be issued shall have available at all times, free of charge, information sufficient to enable the passenger, shipper or consignee to request a copy of such term(s).

(b) *Notice of incorporated terms.* Each carrier and ticket agent shall include on or with a ticket, airwaybill or other written instrument given to the passenger, shipper, or consignee, that embodies the contract of carriage, a conspicuous notice that:

(1) The contract of carriage may incorporate by law terms and conditions filed in public tariffs with U.S. authorities; passengers, shippers and consignees may inspect the full text of

each applicable incorporated term at any of the carrier's airport locations or other ticket/cargo sales offices of the carrier; and passengers, shippers and consignees have the right to receive, upon request at any airport or other ticket/cargo sales office of the carrier, a free copy of the full text of any/all such terms by mail or other delivery service;

(2) The incorporated terms may include, among others, the terms shown in paragraphs (b)(2) (i) through (v) of this section. Passengers may obtain a concise and immediate explanation of the terms shown in paragraphs (b)(2) (i) through (v) of this section from any location where the carrier's tickets are sold, and a shipper or consignee may obtain the same information at any location where an airwaybill or any similar document may be issued:

(i) Limits on the carrier's liability for personal injury or death of passengers (subject to §221.175), and for loss, damage, or delay of goods and baggage, including fragile or perishable goods.

(ii) Claim restrictions, including time periods within which passengers, shippers, or consignees must file a claim or bring an action against the carrier for its acts or omissions or those of its agents.

(iii) Rights of the carrier to change the terms of the contract. (Rights to change the price, however, are governed by paragraph (d) of this section).

(iv) Rules about re-confirmations or reservations, check-in times, and refusal to carry.

(v) Rights of the carrier and limitations concerning delay or failure to perform service, including schedule changes, substitution of alternate carrier or aircraft, and rerouting.

(3) The salient features of any applicable terms that restrict refunds of the transportation price, impose monetary penalties on passengers, shippers or consignees, or permit a carrier to raise the price, are also being provided on or with the ticket.

(c) *Explanation of incorporated terms.* Each carrier shall ensure that any passenger, shipper, or consignee can obtain from any location where its tickets are sold, or airwaybills or any similar documents are issued, a concise and

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immediate explanation of any term incorporated concerning the subjects listed in paragraph (b)(2) or identified in paragraph (d) of this section.

(d) *Direct notice of certain terms.* A passenger, shipper or consignee must receive conspicuous written notice, on or with the ticket, airwaybill, or other similar document, of the salient features of any terms that (1) restrict refunds of the price of the transportation, (2) impose monetary penalties on passengers, shippers, or consignees, or (3) permit a carrier to raise the price: *Provided*, That the notice specified in paragraph (d)(3) of this section is not required where a passenger ticket is sold pursuant to an effective tariff rule which provides that the terms and conditions of the contract of carriage, including the price of the ticket, are not subject to any future adjustment during the validity of the ticket, or the ticket is sold for transportation commencing on the same day.

[53 FR 52677, Dec. 29, 1988]

**§ 221.178 [Reserved]**

**§ 221.179 Transmission of tariff filings to subscribers.**

(a) Each carrier required to file tariffs in accordance with this part shall make available to any person so requesting a subscription service as described in paragraph (b) of this section separately for its passenger tariffs and its freight tariffs issued by it or by a publishing agent on its behalf.

(b) Under the required subscription service one copy of each new tariff, supplement, and loose-leaf page, including the justification required by § 221.165, must be transmitted to each subscriber thereto by first-class mail (or other equivalent means agreed upon by the subscriber) not later than one day following the time the copies for official filing are transmitted to the Board. The subscription service described herein shall not preclude the offering of additional types of subscription services by carriers or their agents.

(c) The carriers or their publishing agents at their option may establish a charge for providing the required subscription service to subscribers: *Provided*, That the charge may not exceed

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a reasonable estimate of the added cost of providing the service.

(Secs. 102, 204, 403, and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95–504, 72 Stat. 740, 743, 758, and 771, 92 Stat. 1731, 1732; 49 U.S.C. 1302, 1324, 1373, and 1386)

[ER–1001, 42 FR 28877, June 6, 1977, as amended by ER–1125, 44 FR 33059, June 8, 1979]

**Subpart O—Rejection of Tariff Publications**

**§ 221.180 Board's authority to reject.**

Under the terms of section 403(a) of the act, the Board is empowered to reject any tariff publication which is not consistent with section 403 of the act or with the regulations in this part.

**§ 221.181 Notification of rejection.**

When a tariff publication is rejected, the issuing carrier or agent thereof will be notified in writing that the publication is rejected and of the reason for such rejection. The rejected publication will not be returned to the issuing carrier or issuing agent.

**§ 221.182 Rejected publication is void and must not be used.**

A tariff publication rejected by the Board is void and is without any force or effect whatsoever. Such rejected tariff publication must not be used.

**§ 221.183 Tariff publication issued in lieu of rejected publication.**

When a publication is rejected by the Board, the number which it bears must not be again used. Such publication must not thereafter be referred to as canceled or amended but a publication that is issued in lieu of such rejected publication shall bear the following notation (to be shown in the manner described in paragraphs (a), (b), and (c) of this section):

(Issued in lieu of \_\_\_\_\_ rejected by C.A.B.) (Show number of rejected publication)

(a) If the rejected publication is a tariff, the tariff which is issued in lieu thereof shall show the above required notation under its C.A.B. number on the title page in the manner shown in the following example:

C.A.B. No. 3

(Issued in lieu of C.A.B. No. 2 rejected by C.A.B.)

                  cancels

C.A.B. No. 1

(b) If the rejected publication is a loose-leaf tariff page, the page which is issued in lieu thereof shall show the required notation under the page number in the manner shown in the following examples:

(1) When new page is issued in lieu of a rejected original page:

                  1st Revised Page 10

                  (Issued in lieu of Original Page 10

                  rejected by C.A.B.)

(2) When new page is issued in lieu of a rejected revised page:

                  3rd Revised Page 16

                  (Issued in lieu of 2nd Revised Page 16  
                  rejected by C.A.B.)

                  cancels

                  1st Revised Page 16

(c) If the rejected publication is a supplement, the supplement which is issued in lieu thereof shall show the required notation under the supplement number in the manner shown in the following example:

                  Supplement No. 3 (Issued in lieu of  
                  Supplement No. 2

                  rejected by C.A.B.) to

                  C.A.B. No. 1

                  (Cancels Supplement No. 1)

Supplement No. 3 is the only effective supplement.

**§ 221.184 Issue page in lieu of rejected loose-leaf page within 20 days.**

If a rejected loose-leaf tariff page is published on the reverse side of another page which has not been rejected, a page shall be issued and filed in lieu of the rejected page within 20 days after the date of the rejection notice, and the page on the reverse side of the rejected page shall be reissued on lawful notice.

**Subpart P—Special Tariff Permission To File on Less Than Statutory Notice**

**§ 221.190 Grounds for approving or denying Special Tariff Permission applications.**

(a) *General authority.* The Board is authorized, when actual emergency or real merit is shown, to permit changes in rates, fares, or other tariff provisions on less than the statutory notice required by section 403 of the Act.

(b) *Grounds for approval.* The following facts and circumstances constitute some of the grounds for approving applications for Special Tariff Permission in the absence of other facts and circumstances warranting denial:

(1) *Clerical or typographical errors.* Clerical or typographical errors in tariff publications constitute grounds for approving applications for Special Tariff Permission to file on less than statutory notice the tariff changes necessary to correct such errors. Each application for Special Tariff Permission based on such grounds shall plainly specify the errors and contain a complete statement of all the attending facts and circumstances, and such application shall be presented to the Board with reasonable promptness after issuance of the defective tariff publication.

(2) *Rejection caused by clerical or typographical errors or illegibility.* Rejection of a tariff publication caused by illegible printing (in matter reissued without change) or by clerical or typographical errors constitutes grounds for approving applications for Special Tariff Permission to file on less than statutory notice, effective not earlier than the original effective dates in the rejected publication, all changes contained in the rejected publication but with the errors corrected. Each application for the grant of Special Tariff Permission based on such grounds shall plainly specify the errors and contain a complete statement of all the attending facts and circumstances, and such application shall be filed with the Board within five days after receipt of the Board's notice of rejection.

(3) *Incorrect page cancellation caused by rejection of prior issue.* When a revision of a loose-leaf page bears incorrect

page cancellation because it was submitted prior to receipt of the notice of rejection of a prior issue of such page, such circumstances constitute grounds for approving an application for Special Tariff Permission to file amendments on less than statutory notice for the purpose of effecting adjustment of the page cancellation and to show “(Issued in lieu of \_\_\_ rejected by C.A.B.)” to be made effective on the effective date of the revision bearing the incorrect page cancellation.

(4) *Newly authorized transportation.* The fact that the Board has newly authorized a carrier to perform air transportation constitutes grounds for approving applications for Special Tariff Permission to file on less than statutory notice the fares, rates, and other tariff provisions covering such newly authorized transportation.

(5) The fact that a passenger fare or cargo rate is within a statutory or Board-established zone of fare or rate flexibility constitutes grounds for approving an application for Special Tariff Permission to file a tariff stating that fare or rate, and any rules affecting it only, on less than statutory notice. The Board’s policy on approving such applications is set forth in §399.35 of this chapter.

(6) *Lowered fares, rates, and charges.* The prospective lowering of fares, rates, or charges to the traveling or shipping public constitutes grounds for approving an application for Special Tariff Permission to file on less than statutory notice a tariff stating the lowered fares, rates, or charges and any rules affecting only them. However, the Board will not approve the application if the proposed tariff raises significant questions of lawfulness, as set forth in §399.35 of this chapter.

(c) [Reserved]

(d) *Filing notice required by formal order.* When a formal order of the Board requires the filing of tariff matter or publications on a stated number of days’ notice, an application for Special Tariff Permission to file on less notice will not be approved. In any such instance a petition for modification of

the order should be filed in the formal docket.

[ER–439, 30 FR 9439, July 29, 1965, as amended by ER–1038, 43 FR 1323, Jan. 9, 1978; ER–1171, 45 FR 20064, Mar. 27, 1980; ER–1322, 48 FR 4270, Jan. 31, 1983]

**§ 221.191 How to prepare and file applications for Special Tariff Permission.**

(a) *Form.* Except as set forth in §221.195, each application for Special Tariff Permission to file a tariff on less than statutory notice shall be prepared in the form prescribed in §221.241 and shall show all of the information required by that section.

(b) *Number of copies and place of filing.* The original and one copy of each such application for Special Tariff Permission, including all exhibits thereto and amendments thereof, shall be sent to the Civil Aeronautics Board, Tariffs Section, Washington, D.C. 20428.

(c) *Who may make application.* Applications for Special Tariff Permission to file rates, fares, or other tariff provisions on less than statutory notice shall be made only by the issuing carrier or agent authorized to issue and file the proposed tariff publication. Such application by the issuing carrier or agent will constitute application on behalf of all carriers participating in the proposed rates, fares, or other tariff provisions.

(d) *More than one tariff.* Where the same special circumstances or unusual conditions are relied upon as justifying Special Tariff Permission involving amendments of more than one tariff, the applicant may file one application covering the proposed amendments of all tariffs involved or an individual application for each tariff involved. Since one tariff may present a problem not encountered in the other tariffs, the filing of individual applications may preclude delay in the processing of applications other than the one with respect to the tariff to which the problem pertains. Passenger tariff amendments shall not be included in the same application with property tariff amendments.

(e) *When notice is required.* Notice in the manner set forth in paragraph (f) of this section is required when a carrier

files an application for Special Tariff Permission:

(1) To offer passenger fares that would be outside a Board-established zone of fare flexibility or, in markets for which the Board has not established such a zone, outside the statutory zone of fare flexibility; or

(2) To file any price increase or rule change that the carrier believes is likely to be controversial.

(f) *Form of notice.* When notice of filing of a Special Tariff Permission application affecting passenger fares is required by paragraph (e) of this section, the carrier shall, when it files the application, give immediate telegraphic notice or other notice approved by the Chief of the Tariffs Division, Bureau of International Aviation, to all certificated and foreign route carriers authorized to provide nonstop or one-stop service in the markets involved, and to civic parties that would be substantially affected. When notice of an application affecting cargo rates is required by paragraph (e) of this section, the carrier shall give the notice as described in the previous sentence to readily identifiable representatives of affected shippers. The application shall include a list of the parties notified.

(Approved by the Office of Management and Budget under control number 3024-0038)

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1038, 43 FR 1323, Jan. 9, 1978; ER-1171, 45 FR 20064, Mar. 27, 1980; ER-1205, 45 FR 87009, Dec. 31, 1980; ER-1233, 46 FR 35633, July 10, 1981; ER-1271, 46 FR 63218, Dec. 31, 1981; ER-1322, 48 FR 4270, Jan. 31, 1983]

**§221.192 Special Tariff Permission to be used in its entirety as granted.**

Each Special Tariff Permission to file rates, fares, or other tariff provisions on less than statutory notice shall be used in its entirety as granted. If it is not desired to use the permission as granted, and lesser or more extensive or different permission is desired, a new application for Special Tariff Permission conforming with §§221.191 and 221.241 in all respects and referring to the previous permission shall be filed.

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1038, 43 FR 1323, Jan. 9, 1978]

**§221.193 Re-use of Special Tariff Permission when publication is rejected.**

If a tariff publication containing matter issued under Special Tariff Permission is rejected, the same Special Tariff Permission may be used in a tariff publication issued in lieu of such rejected publication provided that such re-use (a) is not precluded by the terms of the Special Tariff Permission, and (b) is made within the time limit thereof or within seven days after the date of the Board's notice of rejection, whichever is later, but in no event later than fifteen days after the expiration of the time limit specified in the Special Tariff Permission.

**§221.194 Reference to Special Tariff Permission on tariff publications.**

The terms of Special Tariff Permissions require that tariff publications filed pursuant thereto shall bear reference to the Special Tariff Permission substantially in the following form:

Issued on \_\_\_ days' notice under Special Tariff Permission No. \_\_\_ of the Civil Aeronautics Board.

At the election of the publisher, the Board's Special Tariff Permission number may be omitted from such notation on the tariff publication provided that:

(a) The Special Tariff Permission number is shown in the letter of tariff transmittal in connection with the listed tariff publication containing matter issued under such permission, and

(b) The Special Tariff Permission application number of the issuing carrier or agent is shown in the notation on the tariff publication in the following manner:

Issued on \_\_\_ days' notice under Special Tariff Permission of the Civil Aeronautics Board. (Appl. No. \_\_\_\_.)

Publishers should elect to omit the Special Tariff Permission number from the tariff publication only when publication and filing will be expedited since it is preferable that the Special Tariff Permission number be shown on the tariff publication.

**§ 221.195 Pre-filing tariff approval for fare reductions.**

(a) Carriers obtaining Special Tariff Permission under this section are exempt from section 403 (b) and (c) of the Act to the extent necessary to charge passenger fares approved by the Board under these procedures.

(1) Applications shall be filed with the Chief, Tariffs Division, Bureau of Domestic Aviation, and be entitled “Special Tariff Permission Application No. —Pre-filing Approval Requested.” The title page of the application shall include the name and telephone number of the contact person for the carrier.

(2) Applications filed with the Board before 12 noon on any business day will be acted on the same day. Applications filed with the Board after 12 noon will be acted on by the end of the next business day. The Chief, Tariffs Division, will inform the carrier by telephone as soon as a decision is made on the application.

(3) The new fare may be put into effect by the carrier at 12:01 a.m. on the day following approval of the application.

(4) Within 7 days after approval of any application under this section, the carrier shall file a tariff reflecting the changed fare. The tariff shall show the date on which the fare became effective. A succession of fare changes in accordance with this section may be reflected in a single tariff filing by showing the superseded fares and their effective dates in footnotes.

(b) Applications shall be in easily readable and understandable format.

(1) The application shall describe: (i) the fare for which approval is sought, (ii) the tariff to be amended, (iii) the current fare to be changed, if any, and (iv) the current page and revision number of the affected tariff.

(2) Extensive or complicated exhibits included with the application shall be summarized in a statement explaining the intent of the proposal.

(c) The procedures in this section apply to interstate and overseas passenger fares. They shall be used only for proposing either (1) a decrease in an existing fare, or (2) a fare that is within the downward zone set for interstate and overseas passenger fares in subpart

C of 14 CFR part 399 and does not increase an existing fare. For these purposes an increase or decrease in an existing fare means a change in the fare amount without changing any of the conditions.

(d) The procedures in this section do not apply to proposals to match other fares already filed on statutory notice set forth in § 221.60. Applications proposing fares that raise significant questions or lawfulness, as set forth in § 399.35 of this chapter, will be denied.

(e) An application under this section may be filed on a weekend or holiday if it proposes to match a fare approved under this section on the preceding business day. Such an application shall be filed by Western Union TWX (7108229066 CABAIR WSH). Along with the information set forth in paragraph (b)(1) of this section, it shall identify the fare to be matched, by carrier, fare class, and amount. If the application is filed before noon, as indicated on the TWX, the carrier may consider it as having been granted on that day and so put the new fare into effect at 12:01 a.m. the next day. The application will be acted on by the end of the first business day after it is filed. Any disapproval will be prospective only.

[ER-1205, 45 FR 87009, Dec. 31, 1980]

**Subpart Q—Waiver of Tariff Regulations****§ 221.200 Applications for waiver of tariff regulations.**

Applications for waiver or modification of any of the requirements of this part 221 or for modification of section 403 with respect to the filing and posting of tariffs shall be made by the issuing carrier or issuing agent.

**§ 221.201 Form of application for waivers.**

Applications for waivers shall be in the form of a letter addressed to the Civil Aeronautics Board, Tariffs Section, Washington, DC 20428, and shall:

(a) Specify (by section and paragraph) the particular regulation which the applicant desires the Board to waive.

(b) Show in detail how the proposed provisions will be published in the tariff publication or other document under authority of such waiver if granted (submitting exhibits of the proposed publication where necessary to clearly show this information).

(c) Set forth all facts and circumstances on which the applicant relies as warranting the Board's granting the authority requested. No tariff publication or other documents shall be filed pursuant to such application prior to the Board's granting the authority requested.

### Subpart R—Giving and Revoking Concurrences to Carriers

#### §221.210 Method of giving concurrence.

(a) *Prescribed form of concurrence.* A concurrence prepared in accordance with the form set forth in §221.242 shall be used by a carrier to give authority to another carrier to issue and file with the Board tariff publications which contain joint rates, fares, or charges, including provisions governing such rates, fares, or charges, applying to, from, or via points served by the carrier giving the concurrence. A concurrence shall not be used as authority to publish joint rates, fares, or charges in which the carrier to whom the concurrence is given does not participate, and it shall not be used as authority to publish local rates, fares, or charges.

(b) *Number of copies.* Each concurrence shall be prepared in triplicate. The original of each concurrence shall be filed with the Board, the duplicate thereof shall be given to the carrier in whose favor the concurrence is issued, and the third copy shall be retained by the carrier who issued the concurrence.

(c) *Conflicting authority to be avoided.* Care should be taken to avoid giving authority to two or more carriers which, if used, would result in conflicting or duplicate tariff provisions.

#### §221.211 Method of revoking concurrence.

(a) *Prescribed form of revocation notice.* A concurrence may be revoked by filing with the Board in the manner specified in this section a Notice of Revoca-

tion of Concurrence prepared in accordance with the form set forth in §221.243.

(b) *Sixty days' notice required.* Such Notice of Revocation of Concurrence shall be filed on not less than sixty days' notice to the Board. A Notice of Revocation of Concurrence will be deemed to be filed only upon its actual receipt by the Board, and the period of notice shall commence to run only from such actual receipt.

(c) *Number of copies.* Each Notice of Revocation of Concurrence shall be prepared in triplicate. The original thereof shall be filed with the Board and, at the same time that the original is transmitted to the Board, the duplicate thereof shall be sent to the carrier to whom the concurrence was given. The third copy shall be retained by the carrier issuing such notice.

(d) *Amendment of tariffs when concurrence revoked.* When a concurrence is revoked, a corresponding amendment of the tariff or tariffs affected shall be made by the issuing carrier of such tariffs on not less than statutory notice to become effective not later than the effective date stated in the Notice of Revocation of Concurrence. In the event of failure to so amend the tariff or tariffs, the provisions therein shall remain applicable until lawfully canceled.

(Approved by the Office of Management and Budget under control number 3024-0038)

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1038, 43 FR 1323, Jan. 9, 1978; ER-1271, 46 FR 63218, Dec. 31, 1981]

#### §221.212 Method of withdrawing portion of authority conferred by concurrence.

If a carrier desires to issue a concurrence conferring less authority than a previous concurrence given to the same carrier, the new concurrence shall not direct the cancellation of such previous concurrence. In such circumstances, such previous concurrence shall be revoked by issuing and filing a Notice of Revocation of Concurrence in the form and manner prescribed by §221.211. Such revocation notice shall include reference to the new concurrence, "(set

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Concurrence No. \_\_\_\_)" to be shown at the end of the body of the document.

(Approved by the Office of Management and Budget under control number 3024-0038) [ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**Subpart S—Giving and Revoking Powers of Attorney to Agents**

**§ 221.220 Method of giving power of attorney.**

(a) *Prescribed form of power of attorney.* A power of attorney prepared in accordance with the applicable form set forth in §221.244 shall be used by a carrier to give authority to an agent and (in the case of the agent being an individual) such agent's alternate to issue and file with the Board tariff publications which contain local or joint rates, fares, or charges, including provisions governing such rates, fares or charges, applicable via and for account of such carrier. Agents may be only natural persons or corporations (other than incorporated associations of air carriers). The authority conferred in a power of attorney may not be delegated to any other person.

(b) *Designation of tariff issuing person by corporate agent.* When a corporation has been appointed as agent it shall forward to the Board a certified excerpt of the minutes of the meeting of its Board of Directors designating by name and title the person responsible for issuing tariffs and filing them with the Board. Only one such person may be designated by a corporate agent, and the title of such designee shall not contain the word "Agent". When such a designee is replaced the Board shall be immediately notified in like manner of his successor. An officer or employee of an incorporated tariff-publishing agent may not be authorized to act as tariff agent in his individual capacity. Every tariff issued by a corporate agent shall be issued in its name as agent.

(c) *Number of copies.* Each power of attorney shall be prepared in triplicate. The original of each power of attorney shall be filed with the Board, the duplicate thereof shall be given to the agent in whose favor the power of attorney is issued, and the third copy shall be re-

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tained by the carrier who issued the power of attorney.

(d) *Conflicting authority to be avoided.* In giving powers of attorney, care should be taken to avoid giving authority to two or more agents which, if used, would result in conflicting or duplicate tariff provisions.

(Approved by the Office of Management and Budget under control number 3024-0038) [ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.221 Method of revoking power of attorney.**

(a) *Prescribed form of revocation notice.* A power of attorney may be revoked only by filing with the Board in the manner specified in this section a Notice of Revocation of Power of Attorney prepared in accordance with the form set forth in §221.245.

(b) *Sixty days' notice required.* Such Notice of Revocation of Power of Attorney shall be filed on not less than sixty days' notice to the Board. A Notice of Revocation of Power of Attorney will be deemed to be filed only upon its actual receipt by the Board, and the period of notice shall commence to run only from such actual receipt.

(c) *Number of copies.* Each Notice of Revocation of Power of Attorney shall be prepared in triplicate. The original thereof shall be filed with the Board and, at the same time that the original is transmitted to the Board, the duplicate thereof shall be sent to the agent in whose favor the power of attorney was issued (except, if the alternate agent has taken over the tariffs, the duplicate of the Notice of Revocation of Power of Attorney shall be sent to the alternate agent). The third copy of the notice shall be retained by the carrier.

(d) *Amendment of tariffs when power of attorney is revoked.* When a power of attorney is revoked, a corresponding amendment of the tariff or tariffs affected shall be made by the issuing agent of such tariffs on not less than statutory notice to become effective not later than the effective date stated in the Notice of Revocation of Power of Attorney. In the event of failure to so

amend the tariff or tariffs, the provisions therein shall remain applicable until lawfully canceled.

(Approved by the Office of Management and Budget under control number 3024-0038)  
[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1038, 43 FR 1323, Jan. 9, 1978; ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.222 Method of withdrawing portion of authority conferred by power of attorney.**

If a carrier desires to issue a power of attorney conferring less authority than a previous power of attorney issued in favor of the same agent, the new power of attorney shall not direct the cancellation of such previous power of attorney. In such circumstances, such previous power of attorney shall be revoked by issuing and filing a Notice of Revocation of Power of Attorney in the form and manner prescribed by § 221.221. Such revocation notice shall include reference to the new power of attorney "(see Power of Attorney No. \_\_\_\_)", to be shown at the end of the body of the document.

(Approved by the Office of Management and Budget under control number 3024-0038)  
[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.223 Procedure for alternate agent to assume the duties of and take over tariffs of the principal agent.**

(a) *Alternate may act only upon death or disability of principal agent.* An alternate agent may exercise the authority granted in the power of attorney to the principal agent only in the event of death or disability of the principal agent. The term "disability" as used here and in the power of attorney means resignation, permanent transfer to other duties, or other duties, or other permanent absence of the principal agent, and does not mean temporary absence of the principal agent caused by vacation, illness, or other similar causes. After an alternate agent has once exercised the authority granted by the power of attorney, the principal agent shall not thereafter act under such authority.

(b) *Affidavit to be made by alternate.* When an alternate agent assumes the duties of the principal agent, upon the

death or disability of the principal agent, the alternate agent shall submit to the Board a sworn statement of the facts which justify his exercising the authority in the power of attorney. Such sworn statement shall be submitted to the Board on or before the date on which the alternate agent files any tariff publications under such authority.

(c) *Take-over supplement to be filed by alternate.* When an alternate agent assumes the duties of the principal agent, upon the death or disability of the principal agent, the alternate agent shall issue and file with the Board a supplement to each of the effective tariffs issued by the principal agent which shall comply with the following:

(1) Such supplements shall be filed to loose-leaf tariffs as well as book tariffs.

(2) Such supplement shall consist of a title page prepared in accordance with § 221.112(b) except:

(i) Such supplement shall not bear an effective date.

(ii) Such supplement shall contain the following statement (to be shown immediately below the description of the tariff's contents and territory):

On and after \_\_\_\_\_ (show date when principal agent ceased to act) this tariff (as amended), which was heretofore issued by \_\_\_\_\_ (show name and title of former agent), shall be considered as the issue of \_\_\_\_\_ (show name of alternate), Alternate Agent.

(3) All such supplements to all effective tariffs shall be filed at one time under one letter of tariff transmittal.

(d) *Revised title pages to be filed by alternate.* Simultaneously with the filing of take-over supplements pursuant to § 221.223(c), the alternate agent shall file, on lawful notice, a revised title page to each effective loose-leaf tariff of the principal agent for the purpose of specifically showing the name and title of the alternate agent in lieu of the principal agent's name and title wherever the latter appears on the title page.

(e) *Alternate agent's title to be shown in tariff publications.* The title "Alternate Agent" shall be shown in connection with the alternate agent's name in all tariff publications which he issues and files under his authority as alternate agent and in all tariff publications

making reference to tariffs of such alternate agent.

(f) *C.A.B. numbers of tariffs issued by alternate.* If an alternate agent has occasion to issue tariffs, such tariffs shall bear consecutive C.A.B. numbers continuing in the same C.A.B. number series of the tariffs issued by the principal agent.

(g) *Numbering alternate's letters of tariff transmittal.* All letters of tariff transmittal prepared by and in the name of an alternate agent shall be numbered consecutively continuing in the same tariff transmittal number series of the principal agent.

(h) *Numbering alternate's Special Tariff Permission applications.* Applications for Special Tariff Permission filed by an alternate agent shall be consecutively numbered continuing in the same application number series of the principal agent.

(Approved by the Office of Management and Budget under control number 3024-0038) [ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.224 Procedure for having new principal agent assume the duties of and take over tariffs of another agent.**

(a) *Procedure.* When it is desired to transfer authority from the current principal agent (or an alternate agent acting in the principal's stead) to a new principal agent and have the new agent take over (assume the duties of issuing) all of the effective tariffs of the current agent, the following procedure shall be observed:

(1) Each carrier which has issued a power of attorney in favor of the current agent (or alternate agent) shall issue a new power of attorney in favor of the new principal agent (and his alternate) and such new power of attorney shall be prepared and filed in accordance with the following:

(i) Such new power of attorney shall direct the cancellation of the power of attorney issued in favor of the principal agent and alternate agent from whom the authority is transferred.

(ii) Such new power of attorney shall bear the following statement (in the upper right portion under the date):

(This power of attorney shall become effective on the date of its receipt by the Civil Aeronautics Board.)

(iii) Such new power of attorney shall not confer less authority than the power of attorney which it cancels.

(iv) Such new power of attorney shall not be transmitted by the carrier direct to the Board but shall be transmitted to the new principal agent named therein.

(v) The new principal agent shall secure such powers of attorney from all carriers participating in all of the effective tariffs of the agent or alternate agent to be superseded and, immediately upon securing all such powers of attorney, the new principal agent shall file the originals thereof with the Board all at one time. A new corporate agent shall also file with the Board a certified excerpt of the minutes of the meeting of its Board of Directors showing the name and title of the persons designated to issue and file tariffs in the corporation's name.

(2) At the same time that the new principal agent files with the Board the originals of the powers of attorney pursuant to paragraph (a)(1)(v) of this section, the new principal agent shall file with the Board a take-over supplement, conforming with paragraph (b) of this section, to each one of the former agent's effective tariffs.

(b) *Take-over supplement to be filed by new principal agent.* The take-over supplement to be filed by the new principal agent pursuant to paragraph (a)(2) of this section shall conform with the following:

(1) Such supplements shall be filed to loose-leaf tariffs as well as book tariffs.

(2) The title page of such supplement shall be prepared in accordance with § 221.112(b) except that:

(i) The title page shall not bear an effective date.

(ii) The title page shall contain the following statement (to be shown immediately below the description of the tariff's contents and territory):

On and after (*show date when new powers of attorney are filed with the Board*), this tariff (as amended), which was heretofore issued by (*show name and title of former issuing agent*), shall be considered as the issue of (*show name and title of new principal agent*).

(3) The page following the title page of such take-over supplement shall contain the following amendment of the list of participating carriers in the tariff (as amended) for the purpose of

reflecting the changes in the power of attorney numbers and issuing agent:

Refer to page \_\_\_\_ (or Original Page \_\_\_\_ or \_\_\_\_ Revised Page \_\_\_\_, if filed to a loose-leaf tariff) of the tariff (as amended) and change the List of Participating Carriers in its entirety to read as follows:

LIST OF PARTICIPATING CARRIERS

This tariff is issued and filed with the Civil Aeronautics Board by \_\_\_\_\_ (Show name of new principal agent) Agent for and on behalf of the following participating carriers (under authority of their powers of attorney filed with the Civil Aeronautics Board):

Participating carrier	Power of attorney No.
-----------------------	-----------------------

(List alphabetically all carriers participating in the tariff and their respective new power of attorney numbers)

Such amendment shall not attempt to add, change or eliminate participating carriers but only show the changes in the power of attorney numbers and the issuing agent. If power of attorney numbers have been omitted from the tariff pursuant to §221.34(e), the take-over supplement may omit such numbers, provided that an accompanying statement conforming to §221.34(e) is submitted to the Board with such supplement.

(4) All such take-over supplements to all of the effective tariffs of the predecessor agent shall be filed at one time under one letter of tariff transmittal and shall be accompanied by the powers of attorney in favor of the new principal agent.

(c) *Revised title pages to be filed by new principal agent.* Simultaneously with the filing of take-over supplements pursuant to §221.224(b), the new principal agent shall file, on lawful notice, a revised title page to each effective loose-leaf tariff of the former agent for the purpose of specifically showing the name and title of the new principal agent in lieu of the former agent's name and title wherever the latter appears on the title page.

(d) *C.A.B. number of tariffs issued by new principal agent.* (1) If the new principal agent has not filed tariffs with the Board as an issuing agent prior to taking over the former agent's tariffs, the new agent shall number any tariffs, which he may subsequently issue, ac-

ording to either one of the following two methods:

(i) The new principal agent shall number his tariffs consecutively continuing in the same tariff series of C.A.B. numbers of the former agent. In this event, the new principal agent shall notify the Board that his tariffs will be so numbered.

(ii) The new principal agent shall consecutively number his tariffs in his own tariff series of C.A.B. numbers commencing with C.A.B. No. 1.

(2) If the new principal agent has filed tariffs with the Board as an issuing agent prior to taking over the former agent's tariffs, the new agent shall continue to number any tariffs, which he may subsequently issue, consecutively in his own series of C.A.B. numbers.

(3) If tariffs issued by the new principal agent will be numbered in a different C.A.B. number series from those of the former agent, any supplements or loose-leaf pages filed to, any amendments directed of, or any references to the tariffs of the former agent shall show directly in connection with the C.A.B. numbers that they are in the series of the former agent, for example:

(i) When new agent issues a new tariff which is designated C.A.B. No. 1 in his series and cancels C.A.B. No. 4 in the series of the former agent:

C.A.B. No. 1

                  cancels

C.A.B. No. 4

(Agent John Does series)

(ii) When new agent issues a supplement to tariff issued by the former agent:

Supplement No. 3

                  to

C.A.B. No. 4

(Agent John Does series)

(iii) When new agent issues a revised page to tariff issued by the former agent:

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C.A.B. No. 4 (Agent John Doe series)

1st Revised Page 10

Cancels

Original Page 10

(e) *Numbering tariff transmittal of new principal agent.* All letters of tariff transmittal of the new principal agent shall be numbered consecutively in such agent's series of tariff transmittal numbers, and shall not be numbered in the former agent's series.

(f) *Numbering special tariff permission applications of new principal agent.* Applications for Special Tariff Permission filed by the new principal agent shall be numbered consequently in such agent's series of application numbers, and shall not be numbered in the former agent's series.

(Approved by the Office of Management and Budget under control number 3024-0038) [ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.225 New powers of attorney to be filed within 180 days after death or disability of either principal or alternate.**

Upon the death or disability of either the principal agent or the alternate agent named in a power of attorney filed with the Board, a new power of attorney canceling the previously effective power of attorney and naming a new principal agent or a new alternate agent (as the case may be) thereafter to serve shall be filed within 180 days after such death or disability. The original thereof shall not be sent direct to the Board but shall be forwarded to the principal agent named therein who, after securing such instruments from all of the carriers participating in the effective tariffs, shall file the originals thereof with the Board all at one time. Such new powers of attorney shall become effective upon the date of their receipt by the Board and each power of attorney shall bear the following statement (in the upper right portion under the date):

(This power of attorney shall become effective on the date of its receipt by the Civil Aeronautics Board)

Each such new power of attorney shall not confer less authority than the power of attorney which it cancels. If

the new powers of attorney name a new principal agent, the procedure in § 221.224 shall be followed. If the new powers of attorney name a new alternate agent without changing the principal agent, the principal agent shall also file amendments of the list of participating carriers in his tariffs to show the new power of attorney numbers at the same time as he files the new powers of attorney with the Board.

**Subpart T—Adoption Publications Required To Show Change in Carrier's Name or Transfer of Operating Control**

**§ 221.230 Adoption notice.**

(a) *Prescribed form of adoption notice to be filed by adopting carrier.* When the name of a carrier is changed or when its operating control is transferred to another carrier (including another company which has not previously been a carrier), the carrier which will thereafter operate the properties shall immediately issue, file with the Board, and post for public inspection an adoption notice prepared in accordance with the form set forth in § 221.246. Such adoption notice shall contain no matter other than that required by the prescribed form. (The carrier under its former name or the carrier from whom the operating control is transferred shall be referred to in this subpart as the "former carrier", and the carrier under its new name or the carrier, company, or fiduciary to whom the operating control is transferred shall be referred to in this subpart as the "adopting carrier".)

(b) *Prepared, filed, and posted as a tariff publication.* The adoption notice shall be prepared, filed, and posted as a tariff publication. The adoption notice shall be issued and filed by the adopting carrier and not by an agent.

(c) *Copies to be sent to agents and other carriers.* At the same time that the adoption notice is transmitted to the Board for filing, the adopting carrier shall send copies of such adoption notice to each agent and carrier to whom

the former carrier has given a power of attorney or concurrence. (See § 221.233.)

(Approved by the Office of Management and Budget under control number 3024-0038) [ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.231 Adoption supplements and revised title pages to be filed to former carrier's tariffs.**

At the same time that the adoption notice is issued, posted, and filed pursuant to § 221.230, the adopting carrier shall issue, post and file with the Board:

(a) A consecutively numbered supplement to each effective tariff (loose-leaf or book) issued by the former carrier which shall be prepared in accordance with the form set forth in § 221.247 and shall contain no matter other than that required by the prescribed form, and

(b) A revised title page, on lawful notice, to each effective loose-leaf tariff issued by the former carrier for the purpose of specifically showing the name of the adopting carrier in lieu of the former carrier's name wherever the latter appears on the title page.

(Approved by the Office of Management and Budget under control number 3024-0038) [ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.232 Receiver shall file adoption notice and supplements.**

A receiver shall, immediately upon assuming control of a carrier, issue and file with the Board an adoption notice and adoption supplements as prescribed by §§ 221.230 and 221.231 and shall comply with the requirements of this subpart. An adoption notice filed by a receiver shall be numbered consecutively in the tariff series of C.A.B. numbers of the former carrier and all subsequent tariffs issued by the receiver shall be consecutively numbered in that series. When such receivership relationship is terminated, the carrier taking over the assets shall file an adoption notice and adoption supplements in conformity with §§ 221.230 and 221.231.

**§ 221.233 Agents' and other carriers' tariffs shall reflect adoption.**

If the former carrier is shown as a participating carrier under concur-

rence in tariffs issued by other carriers or is shown as a participating carrier under power of attorney in tariffs issued by agents, the issuing carriers and agents of such tariffs shall, upon receipt of the adoption notice, promptly file on statutory notice the following amendments to their respective tariffs:

(a) Cancel the name of the former carrier from the list of participating carriers. Such cancellation shall make reference to the substitution notice required by paragraph (c) of this section.

(b) Add the adopting carrier (in alphabetical order) to the list of participating carriers. Such addition shall make reference to the substitution notice required by paragraph (c) of this section. If the adopting carrier already participates in such tariff, reference to the substitution notice shall be added in connection with such carrier's name in the list of participating carriers.

(c) Add the following substitution notice (following the list of participating carriers):

SUBSTITUTION NOTICE

\_\_\_\_\_ (Show adopting carrier's name) by its Adoption Notice C.A.B. No. \_\_\_ having taken over the tariffs, etc. of \_\_\_\_\_ (Show former carrier's name) is hereby substituted for \_\_\_\_\_ (Show former carrier's name) wherever the latter appears in this tariff (as amended).

Where the former carrier is specifically named in other parts of the tariff, the adopting carrier's name shall be specifically shown in lieu thereof whenever the issuing carrier or agent next has occasion to amend such parts of the tariff for other reasons.

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1038, 43 FR 1323, Jan. 9, 1978]

**§ 221.234 C.A.B. numbers of tariffs issued by adopting carrier and method of publishing reference to C.A.B. numbers of former carrier's tariffs.**

(a) *Numbering adopting carrier's tariffs.* Except as otherwise provided in § 221.232, the adopting carrier shall consecutively number its adoption notice and tariffs in its own tariff series of C.A.B. numbers, and not in the series of the former carrier. If the adopting carrier has not filed tariffs with the

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Board previous to its adoption notice, the adoption notice shall be designated C.A.B. No. 1 and subsequent tariffs shall be consecutively numbered C.A.B. Nos. 2, 3, 4, 5, etc.

(b) *Method of publishing reference to former carrier's tariffs* (This paragraph is not applicable where adopting carrier is a receiver or other fiduciary). Any supplements or loose-leaf pages filed to, any amendments directed of, or any references to the tariffs of the former carrier shall show directly in connection with the C.A.B. number that such number is in the series of the former carrier, for example:

(1) If the adopting carrier issues and files a tariff which cancels a tariff issued by the former carrier, the title page of the new tariff shall set forth its C.A.B. number and the cancellation of the former tariff in the manner shown in the following example:

C.A.B. No. 2

cancels

C.A.B. No. 5

(John Doe Air Co. series)

(2) If the adopting carrier issues a supplement to a tariff issued by the former carrier, the title page of the supplement shall set forth the supplement and C.A.B. numbers in the manner shown in the following example:

Supplement No. 6

to

C.A.B. No. 5

(John Doe Air Co. series)

Supplements Nos. 5 and 6 are the only effective supplements

(3) If the adopting carrier issues a revised or original page to a loose-leaf tariff issued by the former carrier, the page shall set forth the C.A.B. number and page reference in the manner shown in the following example:

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C.A.B. No. 5

(John Doe Air Co. series)

3rd Revised Page 4

cancels

2nd Revised Page 4

**§221.235 Concurrences or powers of attorney to be reissued.**

(a) *Adopting carrier shall reissue adopted concurrences and powers of attorney.* Within a period of 120 days after the date on which the change in name or transfer of operating control occurs, the adopting carrier shall reissue all effective powers of attorney and concurrences of the former carrier by issuing and filing new powers of attorney and concurrences, in the adopting carrier's name, which shall direct the cancellation of the respective powers of attorney and concurrences of the former carrier. The adopting carrier shall consecutively number its powers of attorney and concurrences in its own series of power of attorney numbers and concurrence numbers (commencing with No. 1 in each series if it had not previously filed any such instruments with the Board), except that a receiver or other fiduciary shall consecutively number its powers of attorney or concurrences in the series of the former carrier. The cancellation reference shall show that the canceled power of attorney or concurrence was issued by the former carrier, for example:

Concurrence No. 1

(cancels Concurrence No. 6 issued

by John Doe Airways Co., Inc.)

If such new powers of attorney or concurrences confer less authority than the powers of attorney or concurrences which they are to supersede, the new issues shall not direct the cancellation of the former issues; in such instances, the provisions of §§221.212 and 221.222 shall be observed. Concurrences and powers of attorney which will not be

replaced by new issues shall be revoked in the form and manner and upon the notice required by §§ 221.211 and 221.221.

(b) *Reissue of other carriers' concurrences issued in favor of former carrier.* Each carrier which has given a concurrence to a carrier whose tariffs are subsequently adopted shall reissue the concurrence in favor of the adopting carrier. If the carrier which issued the concurrence to the former carrier desires to revoke it or desires to replace it with a concurrence conferring less authority, the provisions of §§ 221.211 and 221.212 shall be observed.

(Approved by the Office of Management and Budget under control number 3024-0038) [ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.236 Numbering adopting carrier's letters of tariff transmittal.**

The adopting carrier (except a receiver or other fiduciary) shall consecutively number its letters of tariff transmittal in its own series of tariff transmittal numbers (commencing with No. 1 if the adopting carrier has not filed tariff publications with the Board prior to its adoption notice). A receiver or other fiduciary shall consecutively number its letters of tariff transmittal in the former carrier's series of tariff transmittal numbers.

**§ 221.237 Numbering adopting carrier's Special Tariff Permission applications.**

The adopting carrier (except a receiver or other fiduciary) shall consecutively number its applications for Special Tariff Permission in its own series of application numbers (commencing with No. 1 if the adopting carrier has not filed such applications prior to the adoption). A receiver or other fiduciary shall consecutively number its applications for Special Tariff Permission in the former carrier's series of application numbers.

**§ 221.238 Cessation of operations without successor.**

If a carrier cease operations without having a successor, it shall:

(a) File a supplement to each tariff of its own issue and cancel such tariff in its entirety. Such supplement shall state that operations are discontinued

and give reference to the Board's order permitting such discontinuance.

(b) Revoke all powers of attorney and concurrences which it has issued.

(Approved by the Office of Management and Budget under control number 3024-0038) [ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**Subpart U—Prescribed Forms**

**§ 221.240 Letter of tariff transmittal.**

(a) *Form.* The letter of tariff transmittal required by § 221.163 shall contain the following information and shall be prepared substantially in the following form (on durable paper 8½ by 11 inches):

Name \_\_\_\_\_ (1) \_\_\_\_\_  
Mail address \_\_\_\_\_  
Date \_\_\_\_\_

Tariff Transmittal No. \_\_\_\_ (2) \_\_\_\_.

To the CIVIL AERONAUTICS BOARD,  
Tariffs Section, Washington, D.C., 20428.

Sent you for filing in compliance with the requirements of the Federal Aviation Act of 1958, as amended, is the accompanying tariff publication issued by \_\_\_\_ (1) \_\_\_\_ and bearing:

(3) Tariff C.A.B. No. \_\_\_\_, effective \_\_.  
\_ Revised Page \_ of C.A.B. No. \_\_, effective \_\_\_\_.  
Original Page \_ of C.A.B. No. \_\_, effective \_\_\_\_.  
Supplement No. \_ to C.A.B. No. \_\_, effective \_\_\_\_.

(4) The above-named publication is concurred in by all carriers participating therein under concurrences (or, powers of attorney) which are now on file with the Civil Aeronautics Board except that the concurrences (or, powers of attorney) of the following named carriers are attached hereto:

Sufficient copies of the above-named publication have been sent to each carrier participating in the above-named publication for posting purposes in accordance with subpart N of your Economic Regulations, where required.

(5) \_\_\_\_\_  
Signature \_\_\_\_\_ (6) \_\_\_\_\_

(Show typed name and title of issuing officer or agent below signature.)

(For explanations of reference marks shown in above form, see paragraph (b) of this section.)

(b) *Explanations of reference marks.* Where a reference mark is shown in the above letter of tariff transmittal form, the information to be shown where

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such reference mark appears shall conform to the requirements stated in the following explanation of the respective reference mark:

Ref-erence mark	Explanation
(1) .....	Show name of issuing carrier or agent exactly as it appears in the tariff publication. If issued by an agent, show the agent's title after the agent's name.
(2) .....	Show consecutive tariff transmittal number. Each issuing carrier or agent shall consecutively number its letter of tariff transmittals (commencing with Tariff Transmittal No. 1). Only one series of tariff transmittal numbers shall be used by each carrier or agent and separate series of numbers for passenger tariffs and property tariffs shall not be used.
(3) .....	Use whichever form of reference shown is appropriate for listing the publication filed. Each publication transmitted for filing shall be listed.
(4) .....	Omit the paragraph if no carriers other than the issuing carrier participate in the publication filed. Omit the clause beginning with the word "except" if all concurrences or powers of attorney have been previously filed with the Board.
(5) .....	Here state the changes and additions in the publications and the reasons therefor, or attach such statement and make reference thereto. (See § 221.165.)
(6) .....	The letter of transmittal shall bear the signature of the issuing officer or agent of the tariff publication filed. In the case of a corporate agent the signature of the designee of the corporation authorized by it to issue and file tariffs with the Board in its name shall appear at this point.

[ER-439, 39 FR 9439, July 29, 1965, as amended at 53 FR 52678, Dec. 29, 1988]

**§ 221.241 Application for Special Tariff Permission.**

(a) *Form.* The application for Special Tariff Permission provided for in subpart P of this part shall contain the following information, as far as applicable, and shall be prepared substantially in the following form (on durable paper 8½ by 11 inches):

Name \_\_\_\_\_ (1) \_\_\_\_\_  
 Mail address \_\_\_\_\_  
 Date \_\_\_\_\_  
 Special Tariff Permission Application No. \_\_\_\_\_ (2) \_\_\_\_\_

To the CIVIL AERONAUTICS BOARD,  
 Tariffs Section, Washington, D.C. 20428.

\_\_\_\_\_ (1) \_\_\_\_\_ hereby petitions the Civil Aeronautics Board that your petitioner be permitted under Section 403 of the Federal Aviation Act of 1958, as amended, to put in force the following proposed tariff provisions to become effective not less than \_\_\_\_\_ days after the filing thereof with the Civil Aeronautics Board:

\_\_\_\_\_ (3) \_\_\_\_\_

The proposed tariff provisions will be published in \_\_\_\_\_ (4) \_\_\_\_\_.

The proposed tariff provisions will supersede and take the place of \_\_\_\_\_ (5) \_\_\_\_\_.

The following air carriers and foreign air carriers are known to maintain competitive \_\_\_\_\_ (Fares, rates, or charges) between the points where the proposed tariff provisions will apply (or points related thereto): \_\_\_\_\_ (6) \_\_\_\_\_.

The basis on which the proposed \_\_\_\_\_ (Fares, rates, or charges) are constructed is as follows: \_\_\_\_\_ (7) \_\_\_\_\_.

The following facts are relied upon by your petitioner as constituting special circumstances or unusual conditions which justify the request made herein: \_\_\_\_\_ (8) \_\_\_\_\_.

\_\_\_\_\_ (1) \_\_\_\_\_  
 By \_\_\_\_\_ (9) \_\_\_\_\_  
 (Signature)

(Show typed name and title of issuing officer or agent under signature)

(For explanations of reference marks shown in the above form, see paragraph (b) of this section.)

(b) *Explanations of reference marks shown in prescribed form.* Where a reference mark is shown in the above Special Tariff Permission application form, the information to be shown where such reference mark appears shall conform to the requirements stated in the following explanation of the respective reference mark:

Ref-erence mark	Explanation
(1) .....	Show name of issuing carrier or agent making the application exactly as it appears in such carrier's or agent's tariffs. If application is made by an agent, it shall state that the application is filed "for and on behalf of all carriers parties to tariff C.A.B. No. _____".
(2) .....	Show a consecutive application number. Each issuing carrier or agent shall consecutively number its Special Tariff Permission applications (commencing with No. 1) in only one series of application numbers.
(3) .....	The proposed rates, fares, charges, rules, or other tariff provisions shall be set forth clearly and completely, including the points of origin and destination of proposed rates, fares, and charges and the exact wording of proposed rules, commodity descriptions, routing, and other provisions. If the proposed provisions are to be published in a supplement, the proposed specific cancellation of the provisions to be superseded in the tariff and prior supplements shall be set forth. If desired, the proposed tariff provisions may be set forth in an attached exhibit or exhibits identified as Exhibits A, B, C, etc. and, in such instances, the application shall make reference to such exhibits substantially in the following manner:

Reference mark	Explanation
(4) .....	<p>"The proposed tariff provisions are as shown in Exhibit A attached hereto and hereby made a part hereof."</p> <p>If the Special Tariff Permission application is granted by the Board, only the proposed tariff provisions specified or referred to in this part of the application may be published under authority of the Special Tariff Permission (except for any portion of the proposed provisions which is denied the authority requested).</p> <p>Show the tariff publication(s) in which the proposed provisions will be published and the publication(s) to be canceled thereby, using whichever of the following forms of reference is appropriate:</p> <p>(i) "____ Revised Page ____ (which will cancel Original Page ____ or ____ Revised Page ____) of C.A.B. No. ____."</p> <p>(Or, in lieu of the above form of reference)</p> <p>"Consecutive revision(s) of page(s) ____ of C.A.B. No. ____"</p> <p>(ii) "Original Page(s) ____ to be added to C.A.B. No. ____"</p> <p>(iii) "Consecutively numbered supplement (which will cancel Supplement No. ____) to C.A.B. No. ____"</p> <p>(iv) "New tariff C.A.B. No. ____ which will cancel tariff C.A.B. No. ____"</p>
(5) .....	<p>Show the published rates, fares, or other tariff provisions which it is desired to change. This may be done either by reference to an accompanying exhibit containing such information, or by reference to the number of the page and the item, rule, or similar unit of the tariff or supplement in which such tariff provisions are published.</p>
(6) .....	<p>When applicable show the names of the carriers known to maintain competitive rates, fares, and other tariff provisions together with reference (by C.A.B. number) to the respective tariffs containing such competitive tariff provisions, regardless of whether the proposed tariff provisions will result in greater, less, or the same charges or services than those maintained by the competitive carriers.</p>
(7) .....	<p>When applicable describe the specific basis on which the proposed rates, fares, or charges were constructed or determined. For example, if they are intended to meet competitive rates, fares, or charges, that fact should be stated together with reference (by C.A.B. number) to the tariffs containing such competitive rates, fares, or charges. If meeting a combination rate, fare, or charge, information shall be stated for each factor used in constructing such combination. If the proposed rate, fare, or charge is not designed to meet competition, state how the level or amount of the proposed rate, fare, or charge was computed or determined.</p>
(8) .....	<p>State the specific facts which are relied upon as constituting special circumstances or unusual conditions justifying the requested permission together with any related facts or circumstances which may aid the Board in determining whether the requested permission is justified.</p>

Reference mark	Explanation
(9) .....	<p>The issuing officer or agent of the proposed tariff publication shall sign the application for Special Tariff Permission. In the case of a corporate agent the signature of the designee of the corporation authorized by it to issue and file tariffs with the Board in its name shall appear at this point.</p>

(c) *Telegraphic application.* Application may be submitted initially by telegraph or cable, provided that:

- (1) All necessary information and references are contained in the telegraphic request; and
- (2) The applicant immediately submits written confirmation, in duplicate, which shall observe the requirements of paragraphs (a) and (b) of this section.

**§ 221.242 Concurrence.**

(a) *Form.* The concurrence required by § 221.210 shall be prepared in accordance with the following form (on durable, white paper 8½ by 11 inches):

CONCURRENCE

(1) Concurrence No. \_\_\_\_  
 (2) (Cancels Concurrence No. \_\_\_\_)  
 Name \_\_\_\_\_ (3) \_\_\_\_\_  
 Mail address \_\_\_\_\_  
 Date \_\_\_\_\_

*Know All Men by This Instrument:*  
 That \_\_\_\_ (3) \_\_\_\_ hereby assents to and concurs in the publication and filing with the Civil Aeronautics Board of tariffs (including supplements thereto and original or revised pages thereof) which \_\_\_\_ (4) \_\_\_\_ may issue and file and in which \_\_\_\_ (3) \_\_\_\_ is shown as a participating carrier, and the latter carrier hereby makes itself a party thereto and bound thereby in so far as such tariff publications contain joint rates, fares, or charges (including their governing provisions) in which the latter carrier is shown as participating.

RESTRICTION: This concurrence is further restricted to the publication and filing of \_\_\_\_\_ (5) \_\_\_\_\_  
 \_\_\_\_\_ (3) \_\_\_\_\_  
 By: \_\_\_\_\_ (6) \_\_\_\_\_  
 \_\_\_\_\_ (Signature)

(Show typed name and title under signature)  
 (7) Attest:  
 (Affix corporate seal) \_\_\_\_\_ (Signature) \_\_\_\_\_  
 \_\_\_\_\_ (Secretary)

Duplicate mailed to: \_\_\_\_\_ (4) \_\_\_\_\_  
 at: \_\_\_\_\_  
 \_\_\_\_\_ (Show full address)

(For explanations of reference marks shown in above form, see paragraph (b) of this section.)

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(b) *Explanations of reference marks.*  
Where a reference mark is shown in the above concurrence form, the information to be shown where such reference mark appears shall conform to the requirements stated in the following explanation of the respective reference marks:

Ref-erence mark	Explanation
(1) .....	Show a consecutive concurrence number. All concurrences issued by each carrier shall be consecutively numbered 1, 2, 3, 4, etc. in only one series of concurrence numbers.
(2) .....	A concurrence may only cancel a previous concurrence given to the same carrier (or its successor-in-interest). A concurrence shall not cancel a previous concurrence which conferred greater authority (see §221.212).
(3) .....	Show name of carrier issuing the concurrence. Such name shall be shown exactly as it appears in such carrier's Certificate of Public Convenience and Necessity, Permit, Letter of Registration, or other form of operating authority issued by the Board, or such other name which has specifically been authorized by order of the Board.
(4) .....	Show name of carrier to whom concurrence is given. Such name shall be shown exactly as it appears in the tariffs issued by such carrier. The term "successor-in-interest", as shown in the concurrence after such carrier's name, shall mean any carrier who may adopt the tariffs issued by the carrier to whom the concurrence is given.
(5) .....	If no restrictions are to be placed on the authority conferred in the first paragraph of the concurrence, the paragraph captioned "RESTRICTION" shall be deleted in its entirety.  If the authority is to be restricted to the publication and filing of joint rates, fares, or charges (including their governing provisions) applying between particular points or territories or on particular traffic or via particular routes, such joint rates, fares, or charges shall be specified in explicit and definite terms in the paragraph captioned "RESTRICTION". No restriction shall be imposed in the concurrence with respect to the amounts or level of rates, fares, or charges.  If the authority is to be restricted to the publication and filing of a particular tariff, the restriction shall be shown in the following manner: "RESTRICTION: This authority is restricted to the publication and filing of _____, (Show exact title of tariff), C.A.B. No. __, including supplements thereto and revised or original pages thereof."  If the latter authority is to include successive issues of the tariff named in the restriction, the restriction shall be shown in the following manner: "RESTRICTION: This authority is restricted to the publication and filing of _____, (Show exact title of tariff) C.A.B. No. __, and successive issues thereof, including supplements to and revised or original pages of said publications."

Ref-erence mark	Explanation
(6) .....	The concurrence shall be signed by the owner if the carrier is an individual person and by a partner if the carrier is a partnership. If the carrier is a corporation or similar entity, the concurrence shall be signed by an officer thereof.
(7) .....	If the carrier is a corporation (or similar entity), the concurrence shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and, under the laws of the carrier's native country, such seal and attestation are not required to authenticate the concurrence, affixing the seal and attesting the concurrence are not required, provided that such carrier certifies to the Board in writing that the laws of the carrier's native country do not require such attestation and seal to authenticate such concurrences.

**§ 221.243 Notice of Revocation of Concurrence.**

(a) *Form.* The Notice of Revocation of Concurrence required by §221.211 shall be prepared in accordance with the following form (on durable, white paper 8½ by 11 inches):

NOTICE OF REVOCATION OF CONCURRENCE

Name (1) \_\_\_\_\_  
 Mail address \_\_\_\_\_  
 Date \_\_\_\_\_

*Know All Men by This Instrument:*  
 That effective \_\_\_\_\_ (2) \_\_\_\_\_,  
 Concurrence No. \_\_\_\_\_ issued by \_\_\_\_\_ (3) \_\_\_\_\_ in favor  
 of \_\_\_\_\_ (4) \_\_\_\_\_ is hereby canceled and re-  
 voked in its entirety.

By \_\_\_\_\_ (1) \_\_\_\_\_  
 \_\_\_\_\_ (5) \_\_\_\_\_  
 (Signature)

(Show typed name and title under signature.)  
 (6) Attest:  
 (Affix corporate seal) \_\_\_\_\_ (Signature) \_\_\_\_\_  
 (Secretary)

Duplicate mailed to: \_\_\_\_\_ (Officer)  
 \_\_\_\_\_ (7) \_\_\_\_\_

(Carrier) \_\_\_\_\_  
 (Address) \_\_\_\_\_  
 \_\_\_\_\_ on: \_\_\_\_\_ (8) \_\_\_\_\_

(For explanations of reference marks shown in the above form, see paragraph (b) of this section.)

(b) *Explanations of reference marks.*  
Where a reference mark is shown in the above form of Notice of Revocation of Concurrence, the information to be shown where such reference mark appears shall conform to the requirements stated in the following explanation of the respective reference mark:

Reference mark	Explanation
(1) .....	Show full name of carrier issuing the notice of revocation.
(2) .....	Show full date (month, date, and year) on which the revocation and cancellation of the concurrence are to become effective.
(3) .....	Show name of carrier who issued the concurrence to be revoked. Such name shall be shown exactly as it appears in the concurrence.
(4) .....	Show name of carrier in whose favor the concurrence was issued. Such name shall be shown exactly as it appears in the concurrence to be revoked.
(5) .....	The revocation shall be signed by the individual owner if the carrier is an individual person and by a partner if the carrier is a partnership. If the carrier is a corporation or similar entity, the revocation shall be signed by an officer thereof.
(6) .....	If the carrier is a corporation (or similar entity), the revocation shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and its concurrence which is being revoked does not bear such attestation and seal, the revocation of such concurrence is not required to bear such attestation and seal.
(7) .....	Duplicate is to be sent to carrier to whom the concurrence was given except that if the tariffs of such carrier have been adopted by another carrier, the duplicate shall be sent to the latter carrier.
(8) .....	Show date on which the duplicate was mailed to the carrier named.

**§221.244 Power of attorney.**

(a) *Form.* The power of attorney required by §221.220 shall be prepared in accordance with the following form (on durable, white paper 8½ by 11 inches):

POWER OF ATTORNEY

- (1) Power of Attorney No. \_\_\_\_
- (2) (Cancels Power of Attorney No. \_\_\_\_)
- Name \_\_\_\_\_ (3) \_\_\_\_\_
- Mail address \_\_\_\_\_
- Date \_\_\_\_\_

*Know All Men by This Instrument:*

That \_\_\_\_ (3) \_\_\_\_, a common carrier by aircraft, hereby makes and appoints \_\_\_\_ (4) \_\_\_\_ attorney and agent to publish and file, for such carrier, tariffs (including supplements thereto and revised or original pages thereof) which such carrier is required or permitted to file with the Civil Aeronautics Board by the Federal Aviation Act of 1958, as amended, and the regulations of the Civil Aeronautics Board issued pursuant thereto, and hereby ratifies and confirms all that said attorney and agent may lawfully do by virtue of the authority herein granted and hereby assumes full responsibility for the acts and failures to act of said attorney and agent.

RESTRICTION: This authority is restricted to the publication and filing of \_\_\_\_ (5) \_\_\_\_.

And, further, that \_\_\_\_ (3) \_\_\_\_ hereby makes and appoints \_\_\_\_ (6) \_\_\_\_ alternate attorney and agent to do and to perform the

same acts and exercise the same authority herein granted to \_\_\_\_ (4) \_\_\_\_ in the disability of \_\_\_\_ (4) \_\_\_\_.

\_\_\_\_ (3) \_\_\_\_\_  
By \_\_\_\_ (7) \_\_\_\_\_  
(Signature)

(Show typed name and title under signature)

(8) Attest:  
(Show corporate seal) \_\_\_\_ (Signature) \_\_\_\_  
(Secretary)

Duplicate mailed to: \_\_\_\_ (4) \_\_\_\_.  
Agent at: \_\_\_\_\_  
(Show mail address)

(For explanations of reference marks shown in above form see paragraph (b) of this section.)

(b) *Explanations of reference marks.* Where a reference mark is shown in the above power of attorney form, the information to be shown where such reference mark appears shall conform to the requirements stated in the following explanation of the respective reference mark:

Reference mark	Explanation
(1) .....	Show a consecutive power of attorney number. All powers of attorney issued by each carrier shall be consecutively numbered 1, 2, 3, 4, etc. in only one series of power of attorney numbers.
(2) .....	A power of attorney may only cancel a previous power of attorney given to the same agent and alternate agent (except as otherwise provided in §§ 221.224 and 221.225). A power of attorney shall not cancel a previous power of attorney which conferred greater authority (see § 221.222).
(3) .....	Show name of carrier issuing the power of attorney. The name shall be shown exactly as it appears in such carrier's Certificate of Public Convenience and Necessity, Permit, Letter of Registration, or other form of operating authority issued by the Board, or such other name which has specifically been authorized by order of the Board.
(4) .....	Show name of agent to whom the power of attorney is given. The agent's name shall be shown uniformly in the same manner in all powers of attorney given by all carriers to such agent and shall be shown exactly as it appears in the tariffs of such agent.
(5) .....	If no restrictions are to be placed on the authority conferred in the power of attorney, the paragraph captioned "RESTRICTION" shall be deleted in its entirety. If the authority is to be restricted to the publication and filing of rates, fares, or charges (including their governing provisions) applying between particular points or territories or on particular traffic or via particular routes, such rates, fares, or charges shall be specified in explicit and definite terms in the paragraph captioned "RESTRICTION". No restriction shall be imposed in the power of attorney with respect to the amounts or level of rates, fares, or charges. If the authority is to be restricted to the publication and filing of a particular tariff, the restriction shall be shown in the following manner:

§ 221.245

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Ref- erence mark	Explanation
	<p>"RESTRICTION: This authority is restricted to the publication and filing of _____ (Show exact title of tariff) C.A.B. No. _____, including supplements thereto and revised or original pages thereof."</p> <p>If the latter authority is to include successive issues of the tariff named in the restriction, the restriction shall be shown in the following manner:</p> <p>"RESTRICTION: This authority is restricted to the publication and filing of _____ (Show exact title of tariff) C.A.B. No. _____, and successive issues thereof, including supplements to and revised or original pages of said publications."</p>
(6) .....	Show name of alternate agent. Each principal agent shall have only one alternate agent. The alternate agent's name shall be shown uniformly in the same manner in all carriers' powers of attorney issued in favor of such alternate. In the case of a corporate agent this entire paragraph of the form shall be omitted.
(7) .....	The power of attorney shall be signed by the owner if the carrier is an individual person and by a partner if the carrier is a partnership. If the carrier is a corporation or similar entity, the power of attorney shall be signed by an officer thereof.
(8) .....	If the carrier is a corporation (or similar entity), the power of attorney shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and, under the laws of the carrier's native country, such seal and attestation are not required to authenticate the document, affixing the seal and attesting the document is not required, provided that such carrier or its agent certifies to the Board in writing that the laws of the carrier's native country do not require such attestation and seal to authenticate such powers of attorney.

(Show typed name and title under the signature.)

(7) Attest:

(Affix corporate seal) \_\_\_\_\_ (Signature) \_\_\_\_\_  
(Secretary)

Duplicate mailed to: \_\_\_\_\_ (8) \_\_\_\_\_  
at: \_\_\_\_\_  
on: \_\_\_\_\_ (9) \_\_\_\_\_

(For explanations of reference marks used in above form, see paragraph (b) of this section.)

(b) *Explanations of reference marks.* Where a reference mark is shown in the above form of Notice of Revocation of Power of Attorney, the information to be shown where such reference mark appears shall conform to the requirements stated in the following explanation of the respective reference mark:

(1) .....	Show full name of carrier issuing the notice of revocation.
(2) .....	Show full date (month, date, and year) on which revocation and cancellation of power of attorney are to become effective.
(3) .....	Show full name of carrier who issued the power of attorney to be revoked. Such name shall be shown exactly as it appears in the power of attorney.
(4) .....	Show name of principal agent exactly as it appears in the power of attorney to be revoked.
(5) .....	Show name of alternate agent exactly as it appears in the power of attorney to be revoked. In the case of a corporate agent all references to an alternate attorney as agent shall be omitted.
(6) .....	The notice of revocation shall be signed by the owner if the carrier is an individual person and by a partner if the carrier is a partnership. If the carrier is a corporation (or similar entity), the notice of revocation shall be signed by an officer thereof.
(7) .....	If the carrier is a corporation (or similar entity), the revocation shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and its power of attorney which is being revoked does not bear such attestation and seal, the revocation of such power of attorney is not required to bear such attestation and seal.
(8) .....	Show name of principal agent unless the alternate agent has taken over the tariffs of the principal agent upon the death or disability of the latter. In the latter case, the alternate agent's name shall be shown and the duplicate shall be mailed to the alternate agent.
(9) .....	Show date on which the duplicate was mailed to the agent or alternate agent (as the case may be).

**§ 221.245 Notice of Revocation of Power of Attorney.**

(a) *Form.* The Notice of Revocation of Power of Attorney required by § 221.221 shall be prepared in accordance with the following form (on durable, white paper 8½ by 11 inches):

NOTICE OF REVOCATION OF POWER OF  
ATTORNEY

Name \_\_\_\_\_ (1) \_\_\_\_\_  
Mail address \_\_\_\_\_  
Date \_\_\_\_\_

*Know All Men By This Instrument:*

That effective \_\_\_\_ (2) \_\_\_\_, Power of Attorney No. \_\_\_\_ issued by \_\_\_\_ (3) \_\_\_\_ in favor of \_\_\_\_ (4) \_\_\_\_, attorney and agent, and \_\_\_\_ (5) \_\_\_\_, alternate attorney and agent, is hereby canceled and revoked in its entirety.

\_\_\_\_ (1) \_\_\_\_\_  
By: \_\_\_\_\_ (6) \_\_\_\_\_  
(Signature)

**§ 221.246 Adoption notice.**

(a) *Form.* The adoption notice required by § 221.230 shall be prepared in accordance with the following form (on durable, white paper 8½ by 11 inches



Reference mark	Explanation
(6) .....	Show the date on which the change in name or transfer of operating control occurs. If the Board's approval of such change in name or transfer of operating control is required, such date shall not be earlier than the Board's approval.

**§ 221.247 Adoption supplement.**

(a) *Form.* The adoption supplement required by § 221.231 shall be prepared in accordance with the following form (on durable, white paper 8½ by 11 inches with a clear margin of not less than 1 inch at left side):

(1) Supplement No. \_\_\_\_  
to  
C.A.B. No. \_\_\_\_  
(\_\_\_\_ (2) series)  
Supplements Nos. \_\_\_\_ are the  
only effective supplements.

\_\_\_\_\_  
(3)  
Supplement No. \_\_\_\_  
to  
\_\_\_\_\_  
(4)  
\_\_\_\_\_  
(5)  
\_\_\_\_\_  
(6)

---

ADOPTION ANNOUNCEMENT

Effective \_\_\_\_ (9) \_\_\_\_, this tariff (as amended) became the tariff of  
\_\_\_\_ (3) \_\_\_\_ as stated in such carrier's adoption notice C.A.B.  
No. \_\_\_\_\_.

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Issued pursuant to Subpart T, Part 221, of the Economic Regulations  
and Order No. \_\_\_\_ (7) \_\_\_\_ of the Civil Aeronautics Board.

Issued: \_\_\_\_ (8) \_\_\_\_

Issued by:  
(name and title of issuing officer)  
(full address)

(For explanation of reference marks shown in above form, see paragraph (b) of this section.)

(b) *Explanations of reference marks.* Where a reference mark is shown in the above adoption supplement, the information to be shown where such reference mark appears shall conform to the requirements stated in the following explanation of the respective reference mark:

Ref- erence mark	Explanation
(1) .....	The supplement number shall be consecutive to the number of the last previous supplement issued to the tariff.
(2) .....	Show the former carrier's name exactly in the same manner as it appears in the tariff.
(3) .....	Show the name of the adopting carrier exactly as it appears in the adoption notice.
(4) .....	Show the title of the tariff.
(5) .....	Show description of rates, fares, or other contents of the tariff in the same manner as such description appears on the title page of the tariff as amended.
(6) .....	Show description of territory in the same manner as it appears on the title page of the tariff as amended.
(7) .....	Show the number of the Board's order which approved the change in name or transfer of operating control.
(8) .....	Show the date on which the adoption supplement is prepared and transmitted to the Board for filing.

Ref- erence mark	Explanation
(9) .....	Show the date on which the change in name or transfer of operating control occurs. Such date shall be the same date as that shown in the adoption notice (see reference mark (6) in §221.246(b)).

**§221.248 Specimen title page of tariff.**

Set forth below is a specimen title page of a tariff which is shown only for the purpose of illustrating the arrangement and location of a title page's contents. The parenthetical numbers in the following specimen refer to correspondingly numbered paragraphs of §221.31(a) which prescribe the respective information to be shown (such parenthetical numbers shall not be shown on the actual title page):

	(1) C.A.B. No. 3 (2) cancels C.A.B. No. 1
	*Original Title Page
(3)	JOHN DOE AIRLINES, INC.
	_____
(4)	Cargo Rates Tariff No. 1-A (cancels Cargo Rates Tariff No. 1)
	naming
(5)	Local, Specific Commodity Rates  applicable to  Transportation of Cargo by Aircraft
(6)	Between  California, Florida, Oregon, Texas and Washington (on one hand)
	And
	New Jersey, New York and Pennsylvania (on the other hand)
(7) This tariff is governed, except as otherwise provided herein, by Cargo Rules Tariff No. 2, C.A.B. No. 2, issued by John Doe Airlines, Inc., and by supplements to and successive issues of said publication.	
(9) This tariff expires with December 31, 1965, unless sooner canceled, changed or extended.	
(10)	(11)
Issued: February 1, 1965	Effective: March 3, 1965
(12) Issued by: John Doe, President 905 Dean Road Washington, D. C. 20006	

(Actual size of page shall be 8½ by 11 inches with a clear margin of not less than 1 inch at left side of page.)

\* - Designation "Original Title Page" shall be shown only on the title page of a loose-leaf tariff and not on a book tariff.

### Subpart V—Complaints Against Tariffs

#### § 221.250 Complaints against tariffs.

All complaints against any air carrier's or foreign air carrier's tariffs, requests to prevent any foreign air carrier's tariffs from taking effect, and matters arising subsequent thereto, shall be governed by subpart E and the other pertinent provisions of part 302 of this chapter.

### Subpart W—Electronically Filed Tariffs

SOURCE: Amdt. 221-68, 54 FR 2095, Jan. 19, 1989, unless otherwise noted.

#### § 221.251 Applicability of the subpart.

(a) Any carrier, consistent with the provisions of this subpart, and part 221 generally, may file its international passenger fares tariffs and international passenger rules tariffs electronically in machine-readable form as an alternative to the filing of printed paper tariffs as provided for elsewhere in Part 221. This subpart applies to all carriers and tariff publishing agents and may be used by either if the carrier or agent complies with the provisions of subpart W. Any carrier or agent that files electronically under this subpart must transmit to the Department the remainder of the tariff, as applicable, in a form consistent with this Part 221, subparts A through V, on the same day that the electronic tariff would be deemed received under § 221.270(b).

(b) To the extent that subpart W is inconsistent with the remainder of part 221, subpart W shall govern the filing of electronic tariffs. In all other respects, part 221 remains in full force and effect.

[Amdt. 221-68, 54 FR 2095, Jan. 19, 1989, as amended by Doc. No. 50355, 61 FR 18074, Apr. 24, 1996]

#### § 221.260 Requirements for filing.

(a) No carrier or filing agent shall file an electronic tariff unless, prior to filing, it has signed a maintenance agreement or agreements, furnished by the Department of Transportation, for the maintenance and security of the on-line tariff database.

(b) No carrier or agent shall file an electronic tariff unless, prior to filing, it has submitted to the Department's Office of International Aviation, Tariffs Division, and received approval of, an application containing the following commitments:

(1) The filer shall file tariffs electronically only in such format as shall be agreed to by the filer and the Department. (The filer shall include with its application a proposed format of tariff. The filer shall also submit to the Department all information necessary for the Department to determine that the proposed format will accommodate the data elements set forth in § 221.283.)

(2) The filer shall provide, maintain and install in the Public Reference Room at the Department (as may be required from time to time) one or more CRT devices and printers connected to its on-line tariff database. The filer shall be responsible for the transportation, installation, and maintenance of this equipment and shall agree to indemnify and hold harmless the Department and the U.S. Government from any claims or liabilities resulting from defects in the equipment, its installation or maintenance.

(3) The filer shall provide public access to its on-line tariff database, at Departmental headquarters, during normal business hours.

(4) The access required at Departmental headquarters by this subpart shall be provided at no cost to the public or the Department.

(5) The filer shall provide the Department access to its on-line tariff database 24 hours a day, 7 days a week, except, that the filer may bring its computer down between 6:00 a.m. and 6:00 p.m. Eastern Standard Time or Eastern Daylight Saving Time, as the case may be, on Sundays, when necessary, for maintenance or for operational reasons.

(6) The filer shall ensure that the Department shall have the sole ability to approve or disapprove electronically any tariff filed with the Department and the ability to note, record and retain electronically the reasons for approval or disapproval. The carrier or agent shall not make any changes in data or delete data after it has been transmitted electronically, regardless

of whether it is approved, disapproved, or withdrawn. The filer shall be required to make data fields available to the Department in any record which is part of the on-line tariff database.

(7) The filer shall maintain all fares and rules with the Department and all Departmental approvals, disapprovals and other actions, as well as all Departmental notations concerning such approvals, disapprovals or other actions, in the on-line tariff database for a period of two (2) years after the fare or rule becomes inactive. After this period of time, the carrier or agent shall provide the Department, free of charge, with a copy of the inactive date on a machine-readable tape or other mutually acceptable electronic medium.

(8) The filer shall ensure that its on-line tariff database is secure against destruction or alteration (except as authorized by the Department), and against tampering.

(9) Should the filer terminate its business or cease filing tariffs electronically, it shall provide to the Department on a machine-readable tape or any other mutually acceptable electronic medium, contemporaneously with the cessation of such business, a complete copy of its on-line tariff database.

(10) The filer shall furnish to the Department, on a daily basis, on a machine-readable tape or any other mutually acceptable electronic medium, all transactions made to its on-line tariff database.

(11) The filer shall afford any authorized Departmental official full, free, and uninhibited access to its facilities, databases, documentation, records, and application programs, including support functions, environmental security, and accounting data, for the purpose of ensuring continued effectiveness of safeguards against threats and hazards to the security or integrity of its electronic tariffs, as defined in this subpart.

(12) The filer must provide a field in the Government Filing File for the signature of the approving U.S. Government Official through the use of a Personal Identification Number (PIN).

(13) The filer shall provide a leased dedicated data conditioned circuit with sufficient capacity (initially not less

than 9.6K baud rate) to handle electronic data transmissions to the Department. Further, the filer must provide for a secondary or a redundancy circuit in the event of the failure of the dedicated circuit. The secondary or redundancy circuit must be equal to or greater than 4.8K baud rate. In the event of a failure of the primary circuit the filer must notify the Chief of the Tariffs Division of the Department's Office of International Aviation, as soon as possible, after the failure of the primary circuit, but not later than two hours after failure, and must provide the name of the contact person at the telephone company who has the responsibility for dealing with the problem.

(c) Each time a filer's on-line tariff database is accessed by any user during the sign-on function the following statement shall appear:

The information contained in this system is for informational purposes only, and is a representation of tariff data that has been formally submitted to the Department of Transportation in accordance with applicable law or a bilateral treaty to which the U.S. Government is a party.

[Amdt. 221-68, 54 FR 2095, Jan. 19, 1989, as amended by Doc. No. 50355, 61 FR 18074, Apr. 24, 1996]

**§ 221.270 Time for filing and computation of time periods.**

(a) A tariff, or revision thereto, or a special tariff permission application may be electronically filed with the Department immediately upon compliance with § 221.260, and anytime thereafter, subject to § 221.500. The actual date and time of filing shall be noted with each filing.

(b) For the purpose of determining the date that a tariff, or revision thereto, filed pursuant to this subpart, shall be deemed received by the Department:

(1) For all electronic tariffs, or revisions thereto, filed before 5:30 p.m. local time in Washington, DC, on Federal business days, such date shall be the actual date of filing.

(2) For all electronic tariffs, or revisions thereto, filed after 5:30 p.m. local time in Washington, DC, on Federal business days, and for all electronic tariffs, or revisions thereto, filed on days that are not Federal business

days, such date shall be the next Federal business day.

**§ 221.275 Requirement for filing paper tariffs.**

(a) Any tariff, or revision thereto, filed in paper format which accompanies, governs, or otherwise affects, a tariff filed electronically, must be received by the Department on the same date that a tariff or revision thereto, is filed electronically with the Department under § 221.270(b). Further, such paper tariff, or revision thereto, shall be filed in accordance with the requirements of subparts A-V of part 221. No tariff or revision thereto, filed electronically under this subpart, shall contain an effective date which is at variance with the effective date of the supporting paper tariff, except as authorized by the Department.

(b) Any printed justifications, or other information accompanying a tariff, or revision thereto, filed electronically under this subpart, must be received by the Department on the same date as any tariff, or revision thereto, filed electronically.

(c) If a filer submits a filing which fails to comply with paragraph (a) of this section, or if the filer fails to submit the information in conformity with paragraph (b) of this section, the filing will be subject to rejection, denial, or disapproval, as applicable.

**§ 221.280 Content and explanation of abbreviations, reference marks and symbols.**

(a) *Content.* The format to be used for any electronic tariff must be that agreed to in advance as provided for in § 221.260, and must include those data elements set forth in § 221.283. Those portions that are filed in paper form shall comply in all respects with part 221, subparts A-V.

(b) *Explanation of Abbreviations, Reference Marks and Symbols.* Abbreviations, reference marks and symbols which are used in the tariff shall be explained in each tariff.

(1) The following symbols shall be used:

R—Reduction  
I—Increase  
N—New Matter  
X—Canceled Matter

C—Change in Footnotes, Routings, Rules or Zones

E—Denotes change in Effective Date only.

(2) Other symbols may be used only when an explanation is provided in each tariff and such symbols are consistent throughout all the electronically filed tariffs from that time forward.

**§ 221.282 Statement of filing with foreign governments to be shown in air carrier's tariff filings.**

(a) Every electronic tariff filed by or on behalf of an air carrier that contains fares which, by international convention or agreement entered into between any other country and the United States, are required to be filed with that country, shall include the following statement:

The rates, fares, charges, classifications, rules, regulations, practices, and services provided herein have been filed in each country in which filing is required by treaty, convention, or agreement entered into between that country and the United States, in accordance with the provisions of the applicable treaty, convention, or agreement.

(b) The statement referenced in § 221.282(a) may be included with each filing advice by the inclusion of a symbol which is properly explained.

(c) The required symbol may be omitted from an electronic tariff or portion thereof if the tariff publication that has been filed with any other country pursuant to its tariff regulations bears a tariff filing designation of that country in addition to the C.A.B./D.O.T. number appearing on the tariff.

**§ 221.283 The filing of tariffs and amendments to tariffs.**

All electronic tariffs and amendments filed under this subpart, including those for which authority is sought to effect changes on less than bilateral/statutory notice under § 221.302, shall contain the following data elements:

(a) A *Filing Advice Status File*—which shall include:

- (1) Filing date and time;
- (2) Filing advice number;
- (3) Reference to carrier;
- (4) Reference to geographic area;
- (5) Effective date of amendment or tariff;
- (6) A place for government action to be recorded; and

(7) Reference to the Special Tariff Permission when applicable.

(b) A *Government Filing File*—which shall include:

- (1) Filing advice number;
- (2) Carrier reference;
- (3) Filing date and time;
- (4) Proposed effective date;

(5) Justification text; reference to geographic area and affected tariff number;

(6) Reference to the Special Tariff Permission when applicable;

(7) Government control data, including places for:

(i) Name of the government analyst, except that this data shall not be made public, notwithstanding any other provision in this or any other subpart;

(ii) Action taken and reasons therefor.

(iii) Remarks, except that internal Departmental data shall not be made public, notwithstanding any other provision in this or any other subpart;

(iv) Date action is taken; and

(v) Personal Identification Number; and

(8) Fares tariff, or proposed changes to the fares tariffs, including:

- (i) Market;
- (ii) Fare code;
- (iii) One-way/roundtrip (O/R);
- (iv) Fare Amount;
- (v) Currency;
- (vi) Footnote (FN);

(vii) Rule Number, provided that, if the rule number is in a tariff, reference shall be made to that tariff containing the rule;

(viii) Routing (RG) Number(s), provided that the abbreviation MPM (Maximum Permissible Routing) shall be considered a number for the purpose of this file;

(ix) Effective date and discontinue date if the record has been superseded;

(x) Percent of change from previous fares; and

(xi) Expiration date.

(9) Rules tariff, or proposed changes to the rules tariffs.

(i) Rules tariffs shall include:

(A) Title: General description of fare rule type and geographic area under the rule;

(B) Application: Specific description of fare class, geographic area, type of

transportation (one way, round-trip, etc.);

(C) Period of Validity: Specific description of permissible travel dates and any restrictions on when travel is not permitted;

(D) Reservations/ticketing: Specific description of reservation and ticketing provisions, including any advance reservation/ticketing requirements, provisions for payment (including prepaid tickets), and charges for any changes;

(E) Capacity Control: Specific description of any limitation on the number of passengers, available seats, or tickets;

(F) Combinations: Specific description of permitted/restricted fare combinations;

(G) Length of Stay: Specific description of minimum/maximum number of days before the passenger may/must begin return travel;

(H) Stopovers: Specific description of permissible conditions, restrictions, or charges on stopovers;

(I) Routing: specific description of routing provisions, including transfer provisions, whether on-line or inter-line;

(J) Discounts: Specific description of any limitations, special conditions, and discounts on status fares, e.g. children or infants, senior citizens, tour conductors, or travel agents, and any other discounts;

(K) Cancellation and Refunds: Specific description of any special conditions, charges, or credits due for cancellation or changes to reservations, or for request for refund of purchased tickets;

(L) Group Requirements: Specific description of group size, travel conditions, group eligibility, and documentation;

(M) Tour Requirements: Specific description of tour requirements, including minimum price, and any stay or accommodation provisions;

(N) Sales Restrictions: Specific description of any restrictions on the sale of tickets;

(O) Rerouting: Specific description of rerouting provisions, whether on-line or inter-line, including any applicable charges; and

(P) Miscellaneous provisions: Any other applicable conditions.

(ii) Rules tariffs shall not contain the phrase “intentionally left blank”.

(10) Any material accepted by the Department for informational purposes only shall be clearly identified as “for information only, not part of official tariff”, in a manner acceptable to the Department.

(c) *A Historical File*—which shall include:

- (1) Market;
- (2) Fare code;
- (3) One-way/roundtrip (O/R);
- (4) Fare amount;
- (5) Currency;
- (6) Footnote (FN);
- (7) Rule Number, provided that, if the rule number is in a tariff other than the fare tariff, reference shall be made to that tariff containing the rule;
- (8) Rule text;
- (9) Routing (RG) Numbers, provided that the abbreviation MPM (Maximum Permissible Routing) shall be considered a number for the purpose of this file;
- (10) Effective Date;
- (11) Discontinue Date;
- (12) Government Action;
- (13) Carrier;
- (14) All inactive fares (two years);
- (15) Any other fare data which is essential; and
- (16) Any necessary cross reference to the Government Filing File for research or other purposes.

[Amdt. 221-68, 54 FR 2095, Jan. 19, 1989, as amended by Doc. No. 50355, 61 FR 18074, 18075, Apr. 24, 1996]

**§ 221.284 Unique rule numbers required.**

(a) Each “bundled” and “unbundled” normal economy fare applicable to foreign air transportation shall bear a unique rule number.

(b) The unique rule numbers for the fares specified in this section shall be set by mutual agreement between the filer and the Department prior to the implementation of any electronic filing system.

**§ 221.285 Adoption of provisions of one carrier by another carrier.**

When one carrier adopts the tariffs of another carrier, the effective and pro-

spective fares of the adopted carrier shall be changed to reflect the name of the adopting carrier and the effective date of the adoption. Further, each adopted fare shall bear a notation which shall reflect the name of the adopted carrier and the effective date of the adoption, provided that any subsequent revision of an adopted fare may omit the notation.

**§ 221.286 Justification and explanation for certain fares.**

Any carrier or its agent, must provide, as to any new or increased bundled or unbundled (whichever is lower) on-demand economy fare in a direct-service market, a comparison between, on the one hand, that proposed fare, and on the other hand, the ceiling fare allowed in that market based on either the pertinent ECAC Zone or SFFL. If, however, the carrier’s proposed fare is intended to match that already approved for another direct-service carrier, the proponent carrier may forego the comparison and instead, simply identify the direct competitor’s fare it claims to match.

**§ 221.287 Statement of fares.**

All fares filed electronically in direct-service markets shall be filed as single factor fares.

**§ 221.300 Suspension of tariffs.**

(a) A rate, fare, charge, change, rule or other tariff provision that is suspended by the Department pursuant to section 1002 of the Act (49 U.S.C. 1482) shall be noted by the Department in the Government Filing File and the Historical File.

(b) When the Department vacates a tariff suspension, in full or in part, and after notification of the carrier by the Department, such event shall be noted by the carrier in the Government Filing File and the Historical File.

(c) When a tariff suspension is vacated or when it becomes effective upon termination of the suspension period, the carrier or its agent shall refile the tariff showing the effective date.

**§ 221.301 Cancellation of suspended matter.**

When, pursuant to an order of the Department, the cancellation of rules,

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fares, charges, or other tariff provision is required, such action shall be made by the carrier by appropriate revisions to the tariff.

**§ 221.302 Special tariff permission.**

(a) When a filer submits an electronic tariff or an amendment to an electronic tariff for which authority is sought to effect changes on less than bilateral/statutory notice, and no related tariff material is involved. The submission shall bear a sequential filing advice number. The submission shall appear in the Government Filing File and the Filing Advice Status File, and shall be referenced in such a manner to clearly indicate that such changes are sought to be made on less than bilateral/statutory notice.

(b) When a filer submits an electronic tariff or an amendment to the electronic tariff for which authority is sought to effect changes on less than bilateral/statutory notice, and it contains related paper under § 221.275, the paper submission must bear the same filing advice number as that used for the electronic submission. Such paper submission shall be in the form of a revised tariff page as prescribed by subpart H of 14 CFR part 221, rather than as a separate request for Special Tariff Permission. All material being submitted on a paper tariff page as part of an electronic submission, will clearly indicate the portion(s) of such tariff page that is being filed pursuant to, and in conjunction with, the electronic submission on less than bilateral/statutory notice.

(c) Departmental action on the Special Tariff Permission request, both electronic and paper, shall be noted by the Department in the Government Filing File and the Filing Advice Status File.

(d) When the paper portion of a Special Tariff Permission that has been filed with the Department pursuant to paragraph (b) of this section is disapproved or other action is taken by the Department, such disapproval or other action will be reflected on the next consecutive revision of the affected tariff page(s) in the following manner:

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(1) The portion(s) of \_\_\_ Revised Page \_\_\_ filed under EFA No. \_\_\_ was/were disapproved by DOT.

(2) *Example of other action:* the portion(s) \_\_\_ Revised Page \_\_\_ filed under EFA No. \_\_\_ was/were required to be amended by DOT.

(e) When the Department disapproves in whole or in part or otherwise takes an action against any page filed under this section the filer must revise and refile a revised page within two business days following the disapproval or notice of other action.

(f) All submissions under this section shall comply with the requirements of § 221.283.

**§ 221.400 Discontinuation of electronic tariff system.**

In the event that the electronic tariff system is discontinued, or the source of the data is changed, or a filer discontinues its business, all electronic data records prior to such date shall be provided immediately to the Department, free of charge, on a machine-readable tape or other mutually acceptable electronic medium.

**§ 221.500 Filing of paper tariffs required.**

(a) After approval of any application filed under § 221.260 of this subpart to allow a filer to file tariffs electronically, the filer in addition to filing electronically must continue to file printed tariffs as required by subparts A–V of part 221 for a period of 90 days, or until such time as the Department shall deem such filing no longer to be necessary: *Provided*, That during the period specified by this section the filed printed tariff shall continue to be the official tariff.

(b) Upon notification to the filer that it may commence to file its tariffs solely in an electronic mode, concurrently with the implementation of filing electronically the filer shall:

(1) Furnish the Department with a copy of all the existing effective and prospective records on a machine-readable tape or other mutually acceptable electronic medium accompanied by an affidavit attesting to the accuracy of such records; and

(2) Simultaneously cancel such records from the paper tariff in the

manner prescribed by subparts A-V of part 221.

**§ 221.600 Transmission of electronic tariffs to subscribers.**

(a) Each filer that files an electronic tariff under this subpart shall make available to any person so requesting, a subscription service meeting the terms of paragraph (b) of this section.

(b) Under the required subscription service, remote access shall be allowed to any subscriber to the on-line tariff database, including access to the justification required by § 221.286. The subscription service shall not preclude the offering of additional services by the filer or its agent.

(c) The filer at its option may establish a charge for providing the required subscription service to subscribers: *Provided*, That the charge may not exceed a reasonable estimate of the added cost of providing the service.

(d) Each filer shall provide to any person upon request, a copy of the machine-readable data (raw tariff data) of all daily transactions made to its on-line tariff database. The terms and prices for such value-added service may be set by the filer: *Provided*, That such terms and prices shall be non-discriminatory, *i.e.*, that they shall be substantially equivalent for all similarly-situated persons.

**§ 221.650 Copies of tariffs made from filer's printer(s) located in Department's public reference room.**

Copies of information contained in a filer's on-line tariff database may be obtained by any user at Departmental Headquarters from the printer or printers placed in Tariff Public Reference Room by the filer. The filer may assess a fee for copying, provided it is reasonable and that no administrative burden is placed on the Department to require the collection of the fee or to provide any service in connection therewith.

**§ 221.700 Actions under assigned authority and petitions for review of staff action.**

When an electronically filed record which has been submitted to the Department under this subpart, is disapproved (rejected), or a special tariff permission is approved or denied, under

authority assigned by the Department of Transportation's Regulations, 14 CFR 385.13, such actions shall be understood to include the following provisions:

*Applicable to a Record or Records Which is/are Disapproved (rejected):*

The record(s) disapproved (rejected) is/are void, without force or effect, and must not be used.

*Applicable to a record or records which is/are disapproved (rejected), and to special tariff permissions which are approved or denied:*

This action is taken under authority assigned by the Department of Transportation in its Organization Regulations, 14 CFR 385.13. Persons entitled to petition for review of this action pursuant to the Department's Regulations, 14 CFR 385.50, may file such petitions within seven days after the date of this action. This action shall become effective immediately, and the filing of a petition for review shall not preclude its effectiveness.

**PART 222—INTERMODAL CARGO SERVICES BY FOREIGN AIR CARRIERS**

Sec.

222.1 Applicability.

222.2 Scope of permissible intermodal cargo services.

222.3 Application for Statement of Authorization.

222.4 Procedure on receipt of application for Statement of Authorization.

222.5 Cancellation or conditioning of a Statement of Authorization.

APPENDIX A TO PART 222—CAB FORM 222

AUTHORITY: Secs. 204, 402, Pub. L. 85-726, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.

SOURCE: ER-1228, 46 FR 32556, June 24, 1981, unless otherwise noted.

**§ 222.1 Applicability.**

This part applies to all air transportation of property that includes both air movement by a direct foreign air carrier and surface transportation to or from any point within the United States (hereafter referred to as "intermodal cargo services").

**§ 222.2 Scope of permissible intermodal cargo services.**

(a) Under its foreign air carrier permit, a direct foreign air carrier may provide or control the surface portion of intermodal cargo services within a zone extending 35 miles from the