

PART 217—REPORTING TRAFFIC STATISTICS BY FOREIGN AIR CARRIERS IN CIVILIAN SCHEDULED, CHARTER, AND NON-SCHEDULED SERVICES

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AUTHORITY: 49 U.S.C. 329 and chapters 41102, 41301, 41708, and 41709.

SOURCE: 53 FR 46294, Nov. 16, 1988, unless otherwise noted.

§217.1 Definitions.

As used in this part:

Foreign Air Carrier means a non-U.S. air carrier holding a foreign air carrier permit or exemption authority from the Department of Transportation.

Nonrevenue passenger means: a person traveling free or under token charges, except those expressly named in the definition of *revenue passenger*; a person traveling at a fare or discount available only to employees or authorized persons of air carriers or their agents or only for travel on the business of the carriers; and an infant who does not occupy a seat. (This definition is for 14 CFR part 217 traffic reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges and Security Fees.)

The definition includes, but is not limited to the following examples of passengers when traveling free or pursuant to token charges:

(1) Directors, officers, employees, and others authorized by the air carrier operating the aircraft;

(2) Directors, officers, employees, and others authorized by the air carrier or another carrier traveling pursuant to a pass interchange agreement;

(3) Travel agents being transported for the purpose of familiarizing themselves with the carrier's services;

(4) Witnesses and attorneys attending any legal investigation in which such carrier is involved;

(5) Persons injured in aircraft accidents, and physicians, nurses, and others attending such persons;

(6) Any persons transported with the object of providing relief in cases of general epidemic, natural disaster, or other catastrophe;

(7) Any law enforcement official, including any person who has the duty of guarding government officials who are traveling on official business or traveling to or from such duty;

(8) Guests of an air carrier on an inaugural flight or delivery flights of newly-acquired or renovated aircraft;

(9) Security guards who have been assigned the duty to guard such aircraft against unlawful seizure, sabotage, or other unlawful interference;

(10) Safety inspectors of the National Transportation Safety Board or the FAA in their official duties or traveling to or from such duty;

(11) Postal employees on duty in charge of the mails or traveling to or from such duty;

(12) Technical representatives of companies that have been engaged in the manufacture, development or testing of a particular type of aircraft or aircraft equipment, when the transportation is provided for the purpose of in-flight observation and subject to applicable FAA regulations;

(13) Persons engaged in promoting air transportation;

(14) Air marshals and other Transportation Security officials acting in their official capacities and while traveling to and from their official duties; and

(15) Other authorized persons, when such transportation is undertaken for promotional purpose.

Reporting carrier for T-100(f) purposes means the air carrier in operational control of the flight, i.e., the carrier that uses its flight crews under its own operating authority.

Revenue passenger means: a passenger for whose transportation an air carrier receives commercial remuneration. (This definition is for 14 CFR part 217

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traffic reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges and Security Fees.) This includes, but is not limited to, the following examples:

(1) Passengers traveling under publicly available tickets including promotional offers (for example two-for-one) or loyalty programs (for example, redemption of frequent flyer points);

(2) Passengers traveling on vouchers or tickets issued as compensation for denied boarding or in response to consumer complaints or claims;

(3) Passengers traveling at corporate discounts;

(4) Passengers traveling on preferential fares (Government, seamen, military, youth, student, etc.);

(5) Passengers traveling on barter tickets; and

(6) Infants traveling on confirmed-space tickets.

Statement of Authorization under this part means a statement of authorization from the Department, pursuant to 14 CFR part 207, 208, or 212, as appropriate, that permits joint service transportation, such as blocked space agreements, part-charters, code-sharing or wet-leases, between two direct air carriers holding underlying economic authority from the Department.

Wet-Lease Agreement means an agreement under which one carrier leases an aircraft with flight crew to another air carrier.

[53 FR 46294, Nov. 16, 1988, as amended at 67 FR 49223, July 30, 2002; 67 FR 58689, Sept. 18, 2002]

§217.2 Applicability.

This part applies to foreign air carriers that are authorized by the Department to provide civilian passenger and/or cargo service to or from the United States, whether performed pursuant to a permit or exemption authority.

[Doc. No. OST-98-4043, 67 FR 49223, July 30, 2002]

§217.3 Reporting requirements.

(a) Each foreign air carrier shall file BTS Form 41 Schedule T-100(f) "Foreign Air Carrier Traffic Data by Non-

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stop Segment and On-flight Market." All traffic statistics shall be compiled in terms of each flight stage as actually performed.

(b) The traffic statistics reported on Schedule T-100(f) shall be accumulated in accordance with the data elements prescribed in §217.5 of this part, and these data elements are patterned after those in section 19-5 of part 241 of this chapter.

(c) One set of Form 41 Schedule T-100(f) data shall be filed.

(d) Schedule T-100(f) shall be submitted to the Department within thirty (30) days following the end of each reporting month.

(e) Reports required by this section shall be submitted to the Bureau of Transportation Statistics in a format specified in accounting and reporting directives issued by the Bureau of Transportation Statistics' Director of Airline Information.

[53 FR 46294, Nov. 16, 1988, as amended at 60 FR 66722, Dec. 26, 1995; 75 FR 41583, July 16, 2010]

§217.4 Data collected (service classes).

(a) The statistical classifications are designed to reflect the operating elements attributable to each distinctive class of service offered for scheduled, nonscheduled and charter service.

(b) The service classes that foreign air carriers shall report on Schedule T-100(f) are:

(1) F Scheduled Passenger/Cargo

(2) G Scheduled All-Cargo

(3) L Nonscheduled Civilian Passenger/Cargo Charter

(4) P Nonscheduled Civilian All-Cargo Charter

(5) Q Nonscheduled Services (Other than Charter). This service class is reserved for special nonscheduled cargo flights provided by a few foreign air carriers under special authority granted by the Department.

§217.5 Data collected (data elements).

(a) Within each of the service classifications prescribed in §217.4, data shall be reported in applicable traffic elements.

(b) The statistical data to be reported on Schedule T-100(f) are:

(1) *Air carrier*. The name and code of the air carrier reporting the data. The

carrier code is assigned by DOT. The Office of Airline Information (OAI'S) will confirm the assigned code upon request; OAI's address is in the appendix to §217.10 of this part.

(2) *Reporting period date.* The year and month to which the reported data are applicable.

(3) *Origin airport code.* This code represents the industry designator as described in the appendix to §217.10 of this part. A common private industry source of these industry designator codes is the *Official Airline Guides* (OAG). Where none exists, OAI will furnish a code upon request. OAI's address is in the appendix to §217.10 of this part.

(4) *Destination airport code.* This represents the industry designator, from the source described in §217.5(b)(3).

(5) *Service class code.* For scheduled and other services, the applicable service class prescribed in §217.4 of this part shall be reported.

(6) *Aircraft type code.* This code represents the aircraft type, as specified in the appendix to §217.10 of this part. Where none exists, OAI will furnish a code upon request.

(7) *Revenue aircraft departures performed (Code 510).* The number of revenue aircraft departures performed.

(8) *Revenue passengers transported (Code 130).* The total number of revenue passengers on board over a flight stage, including those already on the aircraft from previous flight stages. Includes both local and through passengers on board the aircraft.

(9) *Revenue freight transported (kilograms) (Code 237).* The volume, expressed in kilograms, of revenue freight that is transported. As used in this part, "Freight" means revenue cargo other than passengers or mail.

(10) *Total revenue passengers in market (Code 110).* The total number of revenue passengers enplaned in a market, boarding the aircraft for the first time. While passengers may be transported over several flight stages in a multi-segment market, this data element (code 110) is an unduplicated count of passengers originating within the market.

(11) *Total revenue freight in market (kilograms) (Code 217).* The amount of revenue freight cargo (kilograms) that

is enplaned in a market, loaded on the aircraft for the first time.

(12) *Available capacity-payload (Code 270).* The available capacity is collected in kilograms. This figure shall reflect the available load (see load, available in 14 CFR part 241 Section 03) or total available capacity for passengers, mail and freight applicable to the aircraft with which each flight stage is performed.

(13) *Available seats (Code 310).* The number of seats available for sale. This figure reflects the actual number of seats available, excluding those blocked for safety or operational reasons. Report the total available seats in item 310.

[53 FR 46294, Nov. 16, 1988 and 53 FR 52404, Dec. 28, 1988, as amended at 54 FR 7183, Feb. 17, 1989; 60 FR 66722, Dec. 26, 1995; 62 FR 6718, Feb. 13, 1997]

§217.6 Extension of filing time.

(a) If circumstances prevent the filing of a Schedule T-100(f) report on or before the due date prescribed in section 22 of part 241 of this chapter and the appendix to §217.10 of this part, a request for an extension must be filed with the Director, Office of Airline Information.

(b) The extension request must be received at the address provided in §217.10 at least 3 days in advance of the due date, and must set forth reasons to justify granting an extension, and the date when the report can be filed. If a request is denied, the air carrier must submit the required report within 5 days of its receipt of the denial of extension.

[53 FR 46294, Nov. 16, 1988, as amended at 60 FR 66722, Dec. 26, 1995]

§217.7 Certification.

The certification for BTS Form 41 Schedule T-100(f) shall be signed by an officer of the air carrier with the requisite authority over the collection of data and preparation of reports to ensure the validity and accuracy of the reported data.

[53 FR 46294, Nov. 16, 1988, as amended at 60 FR 66722, Dec. 26, 1995]

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§ 217.8 Reporting procedures.

Reporting guidelines and procedures for Schedule T-100(f) are prescribed in the Appendix to § 217.10 of this part.

§ 217.9 Waivers from reporting requirements.

(a) A waiver from any reporting requirement contained in Schedule T-100(f) may be granted by the Department upon its own initiative, or upon the submission of a written request of the air carrier to the Director, Office of Airline Information, when such a waiver is in the public interest.

(b) Each request for waiver must demonstrate that: Existing peculiarities or unusual circumstances warrant a departure from the prescribed procedure or technique; a specifically defined alternative procedure or technique will result in substantially equivalent or more accurate portrayal of the operations reported; and the application of such alternative procedure will not adversely affect the uniformity in reporting applicable to all air carriers.

[53 FR 46294, Nov. 16, 1988, as amended at 60 FR 66722, Dec. 26, 1995]

§ 217.10 Instructions.

(a) Reports required by this section shall be submitted to the Bureau of Transportation Statistics in a format specified in accounting and reporting directives issued by the Bureau of Transportation Statistics' Director of Airline Information.

(b) The detailed instructions for preparing Schedule T-100(f) are contained in the appendix to this section.

APPENDIX TO SECTION 217.10 OF 14 CFR PART 217—INSTRUCTIONS TO FOREIGN AIR CARRIERS FOR REPORTING TRAFFIC DATA ON FORM 41 SCHEDULE T-100(f)

(a) General instructions.

(1) Description. Form 41 Schedule T-100(f) provides flight stage data covering both passenger/cargo and all cargo operations in scheduled and nonscheduled services. The schedule is used to report all flights which serve points in the United States or its territories as defined in this part.

(2) Applicability. Each foreign air carrier holding a § 41302 permit or exemption authority shall file Schedule T-100(f).

(3) Reports required by this section shall be submitted to the Bureau of Transpor-

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tation Statistics in a format specified in accounting and reporting directives issued by the Bureau of Transportation Statistics' Director of Airline Information.

(4) Filing period. Form 41 Schedule T-100(f) shall be filed monthly and is due at the Department thirty (30) days following the end of the reporting month to which the data are applicable.

(5) Number of copies. A single set of legible Form 41 Schedule T-100(f) data and certification shall be submitted.

(6) Foreign air carrier certification. Each foreign air carrier shall submit a certification statement (illustrated at the end of this Appendix) as an integral part of each monthly Schedule T-100(f), as prescribed in § 217.5 of this part.

(7) [Reserved]

(b) Preparation of Form 41 Schedule T-100(f):

(1) Explanation of nonstop segments and on-flight markets. There are two basic categories of data, one pertaining to nonstop segments and the other pertaining to on-flight markets. For example, the routing (A-B-C-D) consists of three nonstop segment records A-B, B-C, and C-D, and six on-flight market records A-B, A-C, A-D, B-C, B-D, and C-D.

(2) Guidelines for reporting a nonstop segment. A nonstop segment is reported when one or both points are in the United States or its territories. These data shall be merged with that for all of the other reportable nonstop operations over the same segment. Nonstop segment data must be summarized by aircraft type, under paragraph (h)(1), and class of service, paragraph (g)(1)(v).

(3) Rules for determining a reportable on-flight market. On-flight markets are reportable when one or both points are within the U.S., with the following exceptions: (i) Do not report third country to U.S. markets resulting from flight itineraries which serve a third country prior to a homeland point in flights passing through the homeland bound for the U.S.; and (ii) do not report U.S. to third country markets resulting from itineraries serving third country points subsequent to a homeland point in flights outbound from the U.S. and passing through the homeland. In reporting data pertaining to these two exceptions, the traffic moving to or from the U.S. relating to the applicable prior or subsequent third countries (referred to as "behind" or "beyond" traffic) is to be combined with the applicable foreign homeland gateway point, just as though the traffic were actually enplaned or deplaned at the homeland gateway, without disclosure of the actual prior or subsequent points. Applicable flights are illustrated in examples (6) and (7) under paragraph (c).

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(c) Examples of flights. Following are some typical flight itineraries that show the reportable nonstop segment and on-flight market entries. The carrier's homeland is the key factor in determining which on-flight markets are reportable.

foreign country. It is not necessary to report anything on the NRT—SIN leg.

SQ—Singapore Airlines
 LAX—Los Angeles, USA
 NRT—Tokyo-Narita, Japan
 SIN—Singapore, Singapore

(1) SQ flight # 11 LAX—NRT—SIN. This is an example of a flight with an intermediate

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an X)					By aircraft type—				Sum of all aircraft types—	
		Origin	Destination	F	G	L	P	Q	B-1—Aircraft type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)
LAX	NRT	X	....	....	....	....	8161	12	2400	4800	400	500
LAX	SIN	X	....	....	....	....	.....	.....	.....	.....	2000	4300

(2) SQ flight #15 LAX—HNL—TPE—SIN. This is an example of two U.S. points, an intermediate third country, and a homeland point. Information is reportable on only the on-flight markets and nonstop segments that consist of one or both U.S. points.

SQ—Singapore Airlines
 LAX—Los Angeles, USA
 HNL—Honolulu, USA
 TPE—Taipei, Taiwan
 SIN—Singapore, Singapore

A-3—Airport code	A-4—Airport code	A-5—Service class (Mark an x)					By aircraft type—				Sum of all aircraft types—	
		Origin	Destination	F	G	L	P	Q	B-1—Acraft. type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)
LAX	HNL	X	....	....	....	....	8161	12	2700	5300	0	0
LAX	TPE	X	....	....	....	....	.....	.....	.....	.....	700	1300
LAX	SIN	X	....	....	....	....	.....	.....	.....	.....	2000	4000
HNL	TPE	X	....	....	....	....	8161	12	2200	6800	1200	800
HNL	SIN	X	....	....	....	....	.....	.....	.....	.....	1000	6000

(3) LB flight # 902 LPB—VVI—MAO—CCS—MIA. This flight serves two homeland points and two different foreign countries before terminating in the U.S. Nonstop segment information is required only for the nonstop segment involving a U.S. point. On-flight market information is required in 4 of the 10 markets, LPB—MIA and VVI—MIA, since these involve homeland and U.S. points; MAO—MIA is necessary to show traffic carried into the U.S., and CCS—MIA for the same reason, and

also because in all cases where a nonstop segment entry is required, a corresponding on-flight market entry must also be reported.

LB—Lloyd Aero Boliviano
 LPB—La Paz, Bolivia
 VVI—Santa Cruz-Viru Viru, Bolivia
 MAO—Manaus, Brazil
 CCS—Caracas, Venezuela
 MIA—Miami, USA

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)					By aircraft type—				Sum of all aircraft types—	
		Origin	Destination	F	G	L	P	Q	B-1—Acraft. type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)
CCS	MIA	X	8161	31	6900	71000	0	0
LPB	MIA	X	1100	20000

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A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)						By aircraft type—				Sum of all aircraft types—		
		Origin	Destination	F	G	L	P	Q	B-1—Acf. type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
VVI	MIA	X	....	....	....	....	....	.....	.....	.....	.....	.....	4000	30000
MAO	MIA	X	....	....	....	....	....	.....	.....	.....	.....	.....	1000	12000

(4) LY flight #005 TLV-AMS-ORD-LAX. This flight serves a single foreign intermediate point and two U.S. points after its homeland origination. The information on the TLV-AMS leg is not reportable.

LY—El Al Israel Airlines
 TLV—Tel Aviv, Israel
 AMS—Amsterdam, Netherlands
 ORD—Chicago, USA
 LAX—Los Angeles, USA

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)						By aircraft type—				Sum of all aircraft types—		
		Origin	Destination	F	G	L	P	Q	B-1—Acf. type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
AMS	ORD	X	....	....	....	....	....	8161	1	350	10000	.....	50	1500
TLV	ORD	X	....	....	....	....	....	.....	.....	.....	.....	.....	150	4000
TLV	LAX	X	....	....	....	....	....	.....	.....	.....	.....	.....	125	3000
ORD	LAX	X	....	....	....	....	....	8161	1	150	4500	.....	0	0
AMS	LAX	X	....	....	....	....	....	.....	.....	.....	.....	.....	25	1500

(5) QF flight #25 SYD-BNE-CNS-HNL-YVR. This flight serves three homeland points, a U.S. point, and a subsequent third country. Nonstop segment information is required on the respective legs into and out of the United States. All on-flight market entries involving the U.S. point HNL are also required. Data are not required on the home-

land to homeland markets, or the homeland—third country markets.
 QF—Qantas Airways (Australia)
 SYD—Sydney, Australia
 BNE—Brisbane, Australia
 CNS—Cairns, Australia
 HNL—Honolulu, USA
 YVR—Vancouver, Canada

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)						By aircraft type				Sum of all aircraft types		
		Origin	Destination	F	G	L	P	Q	B-1—Acf. type code	B-2—Revenue aircraft departures	B-3—Revenue freight transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
CNS	HNL	X						8161	5	2200	41000	.....	400	8000
SYD	HNL	X						.....	.....	.....	.....	.....	600	10000
BNE	HNL	X						.....	.....	.....	.....	.....	600	9000
HNL	YVR	X						8161	5	750	15700	.....	150	1700

(6) JL flight #002 HKG-NRT-SFO. This flight originates in a third country prior to the homeland. No data is required on the HKG-NRT leg, but the HKG-SFO passengers and cargo shall be shown as enplanements in the NRT-SFO on-flight market entry. These volumes are included by definition in the

passenger and cargo transported volumes of the NRT-SFO nonstop segment entry.
 JL—Japan Air Lines
 HKG—Hong Kong, Hong Kong
 NRT—Tokyo-Narita, Japan
 SFO—San Francisco, USA

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)					By aircraft type				Sum of all aircraft types		
		Origin	Destination	F	G	L	P	Q	B-1—Acf. type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
NRT	SFO	X						8161	3	1200	18000	1200	18000

(7) JL flight #001 SFO-NRT-HKG. This flight is the reverse sequence of flight #002 above; it requires a nonstop segment entry covering SFO-NRT, and a single on-flight market entry also for SFO-NRT. In this case, the on flight traffic enplaned at SFO and destined for HKG, a beyond homeland point,

shall be included in the SFO-NRT entry; a separate SFO-HKG entry is not required.

JL—Japan Air Lines
 SFO—San Francisco, USA
 NRT—Tokyo-Narita, Japan
 HKG—Hong Kong, Hong Kong

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)					By aircraft type				Sum of all aircraft types		
		Origin	Destination	F	G	L	P	Q	B-1—Acf. type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
SFO	NRT	X						8161	1	400	20000	400	20000

(8) BA flight #5 LHR-ANC-NRT-OSA. This example contains a single homeland point and a single U.S. point followed by two third country points. It is necessary to report the nonstop segments into and out of the U.S., and all three of the on-flight markets which

have the U.S. point ANC as either an origin or destination.

BA—British Airways
 LHR—London, England
 ANC—Anchorage, USA
 NRT—Tokyo-Narita, Japan
 OSA—Osaka, Japan

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)					By aircraft type				Sum of all aircraft types		
		Origin	Destination	F	G	L	P	Q	B-1—Acf. type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
LHR	ANC	X						8161	10	3000	50000	100	1000
ANC	NRT	X						8161	10	3150	55000	100	2500
ANC	OSA	X						.....	.....	.....	.....	150	1500

(d) Provisions to reduce paperwork:

(1) Nonstop Segment Entries. The flight stage data applicable to nonstop segment entries must be summarized to create totals by aircraft equipment type, within service class, within pairs-of-points.

(2) On-flight Market Entries. The applicable on-flight market entries shall be summarized to create totals by service class within pair-of-points.

(e) Preparation of Schedule T-100 (f):

(1) Section A—Indicative and flight pattern information. A copy of Schedule T-100(f) is

shown at the end of this Appendix. Section A defines the origin and destination points and the service class code to which the nonstop segment data in Section B and the on-flight market data in Section C are applicable. Section A information, along with the carrier code and report date, must be included on each schedule.

(2) Section B—Nonstop segment information. Section B of the schedule is used for reporting nonstop segment information by aircraft type. To reduce the number of schedules reported, space is provided for including

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data on multiple different aircraft types. Similarly, the on-flight market section has been included on a single Schedule T-100(f), along with the nonstop segment data, rather than on a separate schedule.

(3) Section C—On-flight market information. Section C of the schedule is used for reporting on-flight market data. There will always be an on-flight market that corresponds to the nonstop segment. Because the on-flight market data are reported at the service class level rather than by aircraft type, a specific flight may produce more on-flight markets than nonstop segments, (see examples in paragraph (c) of this Appendix), resulting in data reported in sections A and C only.

(f) [Reserved]

(g) Data element definitions:

(1) Service pattern information.

(i) Line A-1 Carrier code. Use the carrier code established by the Department. This code is provided to each carrier in the initial reporting letter from the Office of Airline Information (OAI). If there are any questions about these codes, contact the OAI Data Administration Division at the address in paragraph (a)(3) of this Appendix.

(ii) Line A-2 Report date. This is the year and month to which the data are applicable. For example, 200009 indicates the year 2000, and the month of September.

(iii) Line A-3 Origin airport code. This is the departure airport, where an aircraft begins a flight segment, and where the passengers originate in an on-flight market. Use the 3-letter code from the City/Airport Codes section of the *Official Airline Guide Worldwide Edition*. If no 3-letter code is available, OAI will assign one; the address is in paragraph (a)(3) of this Appendix.

(iv) Line A-4 Destination airport code. This is the arrival airport, where an aircraft stops on a flight segment, and where passengers deplane (get off the flight) after reaching their destination in a market. Use the 3-letter code from the source described in paragraph (g)(1)(iii) of this Appendix.

(v) Line A-5 Service class code. Select one of the following single letter codes which describes the type of service being reported on a given flight operation.

F = Scheduled Passenger/cargo Service

G = Scheduled All-cargo Service

L = Nonscheduled Civilian Passenger/Cargo Charter

P = Nonscheduled Civilian All-Cargo Charter

Q = Nonscheduled Services (Other than Charter)

(2) Nonstop segment information:

(i) Line B-1 Aircraft type code. Use the four digit numeric code prescribed in paragraph (h)(1) of this Appendix. If no aircraft type code is available, OAI will assign one. The address is in paragraph (a)(3) of this Appendix.

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(ii) Line B-2 Aircraft departures performed. This is the total number of physical departures performed with a given aircraft type, within service class and pair-of-points.

(iii) Line B-3 Revenue passengers transported. This is the total number of revenue passengers transported on a given nonstop segment. It represents the total number of revenue passengers on board over the segment without regard to their actual point of enplanement.

(iv) Line B-4 Revenue freight transported. This item is the total weight in kilograms (kg) of the revenue freight transported on a given nonstop segment without regard to its actual point of enplanement.

(3) On-flight market information:

(i) Line C-1 Total revenue passengers in market. This item represents the total number of revenue passengers, within service class, that were enplaned at the origin airport and deplaned at the destination airport.

(ii) Line C-2 Total revenue freight in market. This item represents the total weight in kilograms (kg) of revenue freight enplaned at the origin and deplaned at the destination airport.

(h) [Reserved]

(i) Joint Service.

(1) The Department may authorize joint service operations between two direct air carriers. Examples of these joint service operations are:

Blocked-space agreements;

Part-charter agreements;

Code-sharing agreements;

Wet-lease agreements, and similar arrangements.

(2) Joint-service operations shall be reported on BTS Form 41 Schedules T-100 and T-100(f) by the air carrier in operational control of the flight, i.e., the air carrier that uses its flight crew to perform the operation. If there are questions about reporting a joint-service operation, contact the BTS Assistant Director—Airline Information at the address in paragraph (a)(3) of this appendix.

(j) [Reserved]

[53 FR 46294, Nov. 16, 1988, as amended at 54 FR 7183, Feb. 17, 1989; 60 FR 66722, Dec. 26, 1995; 67 FR 49223, July 30, 2002; 75 FR 41583, July 16, 2010]

§217.11 Reporting compliance.

(a) Failure to file reports required by this part will subject an air carrier to civil penalties prescribed in Title 49 United States Code section 46301.

(b) Title 18 U.S.C. 1001, Crimes and Criminal Procedure, makes it a criminal offense subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years, or both, to knowingly and willfully make, or cause to be made, any false or fraudulent statements or

representations in any matter within the jurisdiction of any agency of the United States.

[53 FR 46294, Nov. 16, 1988, as amended at 67 FR 49223, July 30, 2002]

PART 218—LEASE BY FOREIGN AIR CARRIER OR OTHER FOREIGN PERSON OF AIRCRAFT WITH CREW

Sec.

218.1 Definitions.

218.2 Applicability.

218.3 Prohibition against unauthorized operations employing aircraft leased with crew.

218.4 Condition upon authority of lessee.

218.5 Application for disclaimer of jurisdiction.

218.6 Issuance of order disclaiming jurisdiction.

218.7 Presumption.

AUTHORITY: Secs. 204(a), 402, Pub. L. 85-726, as amended, 72 Stat. 743, 757 (49 U.S.C. 1324, 1372).

SOURCE: ER-716, 36 FR 23148, Dec. 4, 1971, unless otherwise noted.

§ 218.1 Definitions.

For the purpose of this part the term *lease* shall mean an agreement under which an aircraft is furnished by one party to the agreement to the other party, irrespective of whether the agreement constitutes a true lease, charter arrangement, or some other arrangement.

§ 218.2 Applicability.

This part applies to foreign air carriers and other persons not citizens of the United States which, as lessors or lessees, enter into agreements providing for the lease of aircraft with crew to a foreign air carrier for use in foreign air transportation. For purposes of section 402 of the Act, the person who has operational control and safety responsibility is deemed to be the carrier, and is required to have appropriate operating authority.

[ER-716, 36 FR 23148, Dec. 4, 1971, as amended by ER-1250, 46 FR 47770, Sept. 30, 1981]

§ 218.3 Prohibition against unauthorized operations employing aircraft leased with crew.

(a) No foreign air carrier, or other person not a citizen of the United States, shall lease an aircraft with crew to a foreign air carrier for use by the latter in performing foreign air transportation unless either:

(1) The lessor holds a foreign air carrier permit issued under section 402 of the Act or an approved registration issued under part 294 of this chapter, and any statement of authorization required by part 212 of this chapter; or

(2) The Board has issued an exemption under section 416 of the Act specifically authorizing the lessor to engage in the foreign air transportation to be performed under the lease; or

(3) The Board has issued an order under § 218.6 disclaiming jurisdiction over the matter.

(b) For purposes of this part, an aircraft shall be considered to be leased with crew if:

(1) The pilot in command or a majority of the crew of the aircraft, other than cabin attendants:

(i) Is to be furnished by the lessor;

(ii) Is employed by the lessor;

(iii) Continues in the employ of the lessor in the operation of services other than those provided for in the agreement between the parties; or

(iv) Has been employed by the lessor prior to the lease, and the employment of whom by the lessee is coextensive with the period or periods for which the aircraft is available to the lessee under the lease; or

(2) The aircraft is operated under operations specifications issued to the lessor by the Federal Aviation Administration.

[ER-716, 36 FR 23148, Dec. 4, 1971, as amended by ER-1250, 46 FR 47770, Sept. 30, 1981; ER-1260, 46 FR 52598, Oct. 27, 1981]

§ 218.4 Condition upon authority of lessee.

In any case where a foreign air carrier leases from another foreign air carrier or other person not a citizen of the United States an aircraft with crew for use in performing foreign air transportation, it shall be a condition upon the authority of the lessee to perform such foreign air transportation that