



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on January 26, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-2000-8485

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: **British Midland Airways Limited and United Air Lines, Inc.** Date Filed: December 6, 2000

Relief requested: Exemption from 49 U.S.C. 41301 to permit British Midland to engage in scheduled foreign air transportation of persons, property and mail between London (Heathrow), England, and the coterminal points Boston, MA, Chicago, IL, Los Angeles, CA, New York, NY/Newark, NJ, San Francisco, CA, Baltimore/Washington, DC, and beyond to specified U.S. points served by United. Statement of authorization under 14 CFR 212 of the Department's regulations to permit United to place the airline designator code of British Midland on United flights between London (Heathrow), and the coterminal points Boston, MA, Chicago, IL, Los Angeles, CA, New York, NY/Newark, NJ, San Francisco, CA, Baltimore/Washington, DC, and beyond to specified U.S. points served by United.

Applicant representatives: Robert Papkin (British Midland) 202-626-6600; Jeffrey Manley (United) 202-663-6670

Responsive pleadings: American Airlines, Inc., Northwest Airlines, Inc., Delta Air Lines, Inc., Trans World Airlines, Inc., and Continental Airlines, Inc., filed answers in opposition, citing the extrabilateral nature of the authority requested and the current state of U.S.-U.K. aviation relations. British Midland and United filed a joint reply, stating that approval would be consistent with the United States' objective of liberalizing the U.S.-U.K. agreement.

DISPOSITION

Action: Denied, without prejudice

Action date: January 26, 2001

Remarks: The requested authority is not provided for in the U.S.-U.K. aviation agreement, and we are not prepared to approve the applicants' request for extrabilateral authority at this time. Consequently, given the current state of our aviation relationship with the United Kingdom, we determined that the best course of action was to deny, without prejudice, the application at issue here.

Action taken by: **Susan E. McDermott**
Deputy Assistant Secretary for
Aviation and International Affairs

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