

NEW



U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

February 19, 1998

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of Trans World Airlines, Inc. filed 1/26/98 in Docket OST-98-3382 for:

**XX** Exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between New York, New York, on the one hand, and Delhi and Calcutta, India; and Karachi, Pakistan, on the other. TWA further requests authority to integrate this exemption with authority under its existing certificate for Route 147. TWA intends to operate between New York, on the one hand, and Delhi and Calcutta, India; Karachi, Pakistan; Aqaba, Jordan; Doha, Qatar; and Bahrain, on the other, under a code-share arrangement with Alia-The Royal Jordanian Airline on flights operated by Alia.

Applicant reps: Richard J. Fahy, Jr. 202-457-4764 DOT analyst: Gerald Caolo 202-366-2406

### DISPOSITION

**XX** *Granted in part, subject to conditions. (See below)*

**XX** *Balance dismissed (for authority beyond May 28, 1999)*

The above action was effective when taken: February 19, 1998, through May 28, 1999

**XX** Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director

Office of International Aviation

*(Petitions for review may be filed from now until*

*10 days after the confirming order/letter issues.*

*Filing of a petition shall not stay the effectiveness of this action.)*

**XX** Exemption Authority granted between the United States and Jordan, India, and Pakistan is consistent with the aviation agreements between the United States and these foreign countries, and the authority granted between the United States and Bahrain and Qatar is consistent with the overall state of aviation relations between the United States and these countries.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX** Holder's certificate of public convenience and necessity

**XX** Standard Exemption Conditions (attached)

(See Reverse Side)

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**Conditions:** The code-sharing operations conducted pursuant to the authority granted herein must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted and are expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere, and that the carrier selling such transportation (*i.e.*, the carrier shown on the ticket) accept all obligations established in its contract of carriage with the passenger, and that the operator shall not permit the code of its U.S. carrier code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition.

The route integration authority requested is granted subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in our award of the route integration authority requested should be construed as conferring upon TWA rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless TWA notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in TWA's authority by virtue of the route integration exemption granted here, but that are not then being used by TWA, the holding of such authority by route integration will not be considered as providing any preference for TWA in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

**Remarks:** TWA's authority on Route 147 generally authorizes service between New York, New York, and St. Louis, Missouri, on the one hand, and numerous countries in Europe, the Near East and the Far East, including Bahrain, Jordan, and Qatar, on the other. See Orders 91-4-47 and 89-8-30.

The authority granted here will be operated in conjunction with TWA's existing exemption authority to provide code-share service with Alia between New York and Amman, Jordan, via the Netherlands. See Order 97-7-16. Thus, we make the authority granted here coextensive with the duration of the above exemption authority. The balance of the carrier's request (*i.e.*, for approval for two years rather than through May 28, 1999) is dismissed without prejudice to refile for renewal at the appropriate time.

This authority granted here is coextensive with the Statement of Authorization granted to Alia and TWA on February 20, 1998.