



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

400 Seventh St., S.W.  
Washington, D.C. 20590

February 19, 1998

Mr. Lester M. Bridgeman  
Counsel for Heavylift Cargo Airlines, Ltd.  
Miller, Hamilton, Snider & Odom  
254 State Street  
Mobile, Alabama 36603

Dear Mr. Bridgeman:

This response refers to your February 2, 1998 letter to the National Transportation Safety Board, concerning the applicability of the Foreign Air Carrier Family Support Act of 1997 to Heavylift Cargo Airlines, Ltd. You stated that it is your belief that the Act does not apply to cargo carriers, such as Heavylift, that do not carry passengers, and that consequently Heavylift does not propose to file, under the provisions of the Act, a plan to address the needs of families of passengers involved in an accident.

There is nothing in the Foreign Air Carrier Family Support Act of 1997 that would serve to relieve a foreign air carrier conducting only all-cargo services from the obligations contained in that statute.

The Foreign Air Carrier Family Support Act of 1997 (PL 105-148), signed into law December 16, 1997, adds to Title 49 of the U.S. Code a new section 41313, "Plans to address needs of families of passengers involved in foreign air carrier accidents." Section 41313(b) states that:

A foreign air carrier providing foreign air transportation under this chapter shall transmit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves and aircraft under the control of the foreign air carrier and results in a significant loss of life.

Section 41313 thus applies to all foreign air carriers, without distinction as to the type of service being conducted by the carrier. Further, section 41313(a)(2) defines "passenger" to "include an employee of a foreign air carrier or air carrier aboard an aircraft."

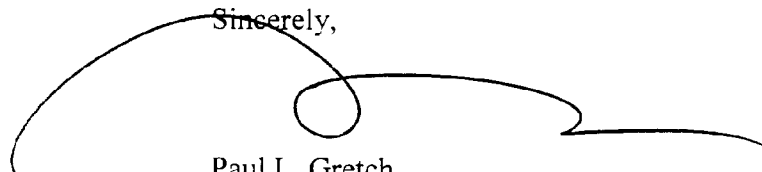
The clear intent of the Act is, therefore, that its coverage extend to any foreign air carrier that carries "passengers", which, as defined in the Act, would include flight crewmembers and other air carrier employees. Also considered to be passengers, of course, would be other persons who might normally be carried aboard an all-cargo aircraft, such as cargo handlers or grooms.

I also note that we have required U.S. all-cargo carriers to file plans under the Aviation Disaster Family Assistance Act of 1996, which imposes comparable requirements on U.S. carriers to those imposed by the Foreign Air Carrier Family Support Act of 1997. Copies of those plans are available for review in Docket OST 96-1960.

In view of the above, and as noted in the January 29, 1998 letter you received from Secretary Slater and National Transportation Safety Board Chairman Hall, Heavylift must, under the terms of the Foreign Air Carrier Family Support Act of 1997, file its plan with the Department and the NTSB not later than June 15, 1998.

If you have any further questions concerning this matter, please contact Mr. George Wellington of my staff at (202) 366-2391.

Sincerely,

A handwritten signature in black ink, consisting of a large, sweeping arch that starts under the word 'Sincerely,' and ends with a horizontal line extending to the right.

Paul L. Gretch  
Director  
Office of International Aviation

cc: Mr. Erik Grosop, NTSB  
Docket OST 98-3304