

**NEW  
NOTICE OF ACTION TAKEN**

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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 **1/13/98** and amended **1/15/98** in Docket **OST-98-3325** for:

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

**Scheduled foreign air transportation of property and mail between Los Angeles, California, and Honolulu, Hawaii, on the one hand, and Auckland and Christchurch, New Zealand; Sydney, Melbourne, and Brisbane, Australia; London, England (via London's Heathrow Airport); and Frankfurt, Germany, on the other hand. TWA intends to operate the service under a code-share arrangement with Air New Zealand.**

Joint application of: **Trans World Airlines, Inc.,** and **Air New Zealand Limited** filed **1/13/98**, **Undocketed** for:

**XX** Statements of Authorization for two years under 14 CFR Parts 212 and 207 for:

**(1) Air New Zealand to display TWA's airline designator code for the transportation of cargo on flights operated by Air New Zealand between Los Angeles, on the one hand, and Auckland, Christchurch, Sydney, Frankfurt, and London's Heathrow Airport, on the other hand, and between Auckland, on the one hand, and Sydney, Melbourne, Brisbane, and Honolulu, on the other hand; and (2) Trans World Airlines to display ANZ's airline designator code on flights operated by TWA between Los Angeles, on the one hand, and Atlanta, Boston, Chicago, Dallas/Ft. Worth, Denver, Miami, New York, Orlando, San Francisco, St. Louis, and Washington, D.C., on the other hand, for the carriage of Air New Zealand's foreign air transportation cargo traffic.**

Applicant reps.: **Richard J. Fahy, Jr. 202-457-4746** DOT Analyst: **John Quay 202-366-1052**  
**Susan Gotbetter 212-318-3121**

**DISPOSITION**

**XX** *Granted in Part (subject to conditions, see below)*

**XX** *Balance Dismissed (i.e., exemption authority and statement of authorization for service to London (Heathrow)).*

The above action with respect to TWA's exemption request was effective when taken: **March 31, 1998**, through **March 31, 2000**.

**(See Reverse Side)**

The above action with respect to the requests for statements of authorization was effective when taken: **March 31, 1998.**

**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 is consistent with the air transport agreements between the United States and foreign countries involved. The code-share operations authorized are consistent with the air transport agreements between the United States, on the one hand, and New Zealand and Germany, on the other hand. The U.S.-Australia code-share operations authorized are consistent with the state of current aviation relations between the United States and Australia.

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

**XX** Standard exemption conditions (attached).

**XX** Holder's certificate of public convenience and necessity (Trans World Airlines)

**Conditions:** The statements of authorization granted are subject to the following conditions:

- (a) The statements of authorization will remain in effect only as long as (I) TWA and Air New Zealand continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect.
- (b) TWA and/or Air New Zealand must promptly notify the Department (Office of International Aviation) if the code-share agreement providing for the code-share operations is no longer effective or the carriers cease operating the approved code-share services.
- (c) The code-share operations conducted under this authority 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 the service in computer reservation systems and elsewhere, and that the carrier selling such transportation (*i.e.*, the carrier shown on the waybill) accept all obligations in the contract of carriage with the shipper, and that the operator shall not permit the code of its U.S. 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.

(d) In conjunction with the code-sharing operations authorized, the Joint Alliance Committee is authorized only to review, plan for implementation, and promote any aspect of the agreement, as well as to resolve disputes as referenced in Article 12.1 of the addendum to the code-share agreement.

(e) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

**Dismissal:** We dismissed TWA's request for exemption authority to serve London (Heathrow) and the joint applicants' request for code-share authority to London (Heathrow). Such service is not provided for under the current United States-United Kingdom bilateral aviation agreement.