

Posted: June 10, 1998

Order 98-6-11

12:25 p.m.

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

Issued by the Department of Transportation
on the 10th day of June, 1998

Complaint of

US AIRWAYS, INC.

against

**THE GOVERNMENT OF THE
UNITED KINGDOM**

under 49 U.S.C. § 41310

Docket OST-98-3615

ORDER

On March 12, 1998, US Airways, Inc., filed a complaint under 49 U.S.C. § 41310 against the Government of the United Kingdom. US Airways alleges that the United Kingdom has violated its obligations under the U.S.-U.K. aviation agreement by refusing to ensure that US Airways is provided the Gatwick Airport access it requires to operate its new Charlotte-London (Gatwick) daily service that, at the time of the complaint's filing, was scheduled to commence May 7, 1998.¹

Section 41310 provides that the Department shall approve, deny, dismiss, or set a complaint for hearing, or institute other procedures proposing remedial action, within 60 days after receipt of the complaint. We may extend the period for taking action up to 90 days from the date of the complaint if we conclude that it is likely that the complaint can be resolved satisfactorily through negotiations. We may further extend the action deadline up to 180 days from receipt of the complaint, in 30-day increments, if we find that intergovernmental negotiations have progressed to a point that a satisfactory resolution of the complaint appears imminent.

By Order 98-3-18, the Department invited all interested parties to file answers to US Airways' complaint in Docket OST-98-3615. US Airways, Delta Air Lines, Inc., and the Government of the United Kingdom filed answers.

¹ We summarized the complaint more fully in Order 98-3-18, March 18, 1998.

In the meantime, intergovernmental efforts to resolve US Airways' concerns were ongoing, and by Order 98-5-13, issued May 11, 1998, we extended for 30 days, through June 10, 1998, the deadline for action on US Airways' complaint to provide additional time to resolve this matter.

On May 19, 1998, US Airways filed a response to Order 98-5-13, arguing that all governmental and private party attempts to resolve the matter have failed, and requesting that the Department move promptly to impose appropriate sanctions against British Airways.

The continuing inability of U.S Airways to utilize the U.S.'s bilateral right to serve the Charlotte-London market, which now is only served by British Airways, has been a source of great concern to the U.S. government, and a problem upon which we place a high priority for solution. We continue to emphasize to the U.K. government the importance of a resolution of this issue. We have carefully reviewed the posture of the US Airways complaint, including the fact that since the submission of US Airways' response further critical discussions aimed at achieving resolution of the complaint have been occurring. In these circumstances, we have decided that the public interest is best served by extending for an additional 30 days the period within which we must act on US Airways' complaint.

ACCORDINGLY,

1. We extend through July 10, 1998, the period for taking action on the complaint of US Airways, Inc., in Docket OST-98-3615;
2. We will serve this order on Air Transport International LLC; American Airlines, Inc.; American Trans Air, Inc.; Amerijet International, Inc.; Challenge Air Cargo, Inc.; Continental Airlines, Inc.; Delta Air Lines, Inc.; DHL Airways, Inc.; Emery Worldwide Airlines, Inc.; Evergreen International Airlines, Inc.; Federal Express Corporation; Florida West International Airways, Inc.; Laker Airways, Inc.; Northwest Airlines, Inc.; Polar Air Cargo, Inc.; Southern Air Transport, Inc.; Tower Air, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; United Parcel Service Company; US Airways, Inc.; World Airways, Inc.; Air U. K. Limited; British Air Limited; British Airways Plc; Virgin Atlantic Airways Limited; the Ambassador of the United Kingdom of Great Britain and Northern Ireland in Washington, D.C.; the U.S. Department of State (Office of Aviation Negotiations); the Assistant U. S. Trade Representative (Office of the United States Trade Representative); the U.S. Department of Commerce (Office of Service Industries); and the Air Transport Association.

By:

CHARLES A. HUNNICUTT
Assistant Secretary for Aviation
and International Affairs

(SEAL)

*An electronic version of this notice is available on the World Wide Web at
<http://dms.dot.gov/general/orders/aviation.html>.*

