



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

Issued by the Department of Transportation on July 30, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST 98-4149

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: VOYAGEUR AIRWAYS LIMITED

Date Filed: July 22, 1998

Relief requested: Exemption from 49 USC section 41301 to conduct: 1) scheduled combination services between any point or points in Canada and any point or points in the United States; 2) passenger and cargo charter operations between Canada and the United States; and 3) other passenger/cargo charter operations in accordance with 14 CFR Part 212. Statement of Authorization under 14 CFR Part 212 to carry Air Canada's code on its scheduled Canada-United States services. The applicant proposes to conduct these scheduled and charter operations using small equipment, and requested that we grant these authorities for two years.

If renewal, date and citation of last action: New authority.

Applicant representative(s): Anita M. Mosner and Steven Y. Quan, 202-342-5200

Responsive pleadings: None.

DISPOSITION

Action: Approved

Action date: July 30, 1998

Effective dates of authority granted: July 30, 1998, through July 30, 2000.

Basis for approval (bilateral agreement/reciprocity): U.S.-Canada Air Transport Agreement.

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

Standard exemption conditions Foreign air carrier permit conditions

Special conditions/Partial grant/Denial basis/Remarks: We find that Voyageur Airways is operationally and financially qualified to conduct the operations it proposes and that it is substantially owned and effectively controlled by citizens of Canada. The code-share operations 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 the further conditions that this foreign air transportation be sold in the name of the carrier holding out the service in computer reservation systems and elsewhere, that the carrier selling such transportation accept all obligations established in its contract of carriage with the passenger (that is, the ticket), and that the passenger liability of the operating carrier be unaffected. Further, the operator shall not permit the code of its U.S. air 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. Finally, in the conduct of the above-authorized scheduled and charter operations, Voyageur Airways may only use aircraft having a: 1) maximum passenger capacity of not more than 30 seats and a maximum payload capacity of not more than 7,500 pounds, and/or 2) maximum authorized takeoff weight on wheels not greater than 35,000 pounds.

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (3) grant of the authority was consistent with the public interest; and (4) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not

granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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