



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

Issued by the Department of Transportation on January 29, 1999

**NOTICE OF ACTION TAKEN -- DOCKET OST 95-379**

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: TRANSPORTES AEROMAR, S.A. de C.V.

Date Filed: October 29, 1997

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct, using small equipment, the following operations -- A) scheduled, combination services between: 1) the coterminal points Chihuahua, Monterrey, San Luis Potosi, Guadalajara, Puerto Vallarta and Manzanillo, Mexico, and the terminal point San Antonio, Texas; and 2) the coterminal points Monterrey, Puebla, and Queretaro, Mexico, and the terminal point Houston, Texas; and B) charter operations between Mexico and the United States.

If renewal, date and citation of last action: The authority to conduct scheduled, combination services in the Chihuahua-San Antonio, the Monterrey-San Antonio, the San Luis Potosi-San Antonio, the Guadalajara-San Antonio and the Puerto Vallarta-San Antonio markets, and to conduct U.S. charter operations, was last granted November 4, 1996, in this Docket (confirmed by Order 96-11-29). The exemption to conduct scheduled, combination services in the Manzanillo-San Antonio, the Puebla-Houston and the Queretaro-Houston markets is new. We deferred action on the applicant's request to conduct scheduled service in the Monterrey-Houston market (see below).

Applicant representative: Herbert A. Rosenthal, 202-659-9773

Responsive pleadings: None

**DISPOSITION**

Action: APPROVED IN PART and DEFERRED IN PART (SEE BELOW)

Action date: January 29, 1999

Effective date of authority granted: January 29, 1999, through January 29, 2000.

Basis for approval: United States-Mexico Air Transport Services Agreement of August 15, 1960, as amended and extended (Agreement).

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

Standard exemption conditions and the equipment-size conditions set forth in the previous NOAT, issued November 4, 1996, in this Docket. (Aeromar is not required to seek prior approval from the Department for their Third/Fourth Freedom charters conducted solely with small aircraft.)

Partial Grant/Remarks: By letter dated January 27, 1999, Aeromar noted that it has not yet been designated by the Government of Mexico to conduct scheduled combination services in the Monterrey-Houston market under the U.S.-Mexico Agreement, and requested that the Department defer action on that portion of its application, pending designation by its homeland government. Under the circumstances, we deferred action on this portion of the application.

**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.

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