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UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC

Issued by the Department of Transportation on April 18, 2002

**NOTICE OF ACTION TAKEN -- DOCKET OST-2001-11152- 5**

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).

Applications of US Airways, Inc. filed 12/11/2001 for:

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

**Scheduled foreign air transportation of persons, property and mail between Washington DC and Bermuda.**

American Airlines and Delta Air Lines filed answers to the application and US Airways filed a reply.

American and Delta oppose the application since it contemplates service from Ronald Reagan Washington National Airport (DCA). This airport, according to American and Delta, has been restricted since September 11, and service to a number of domestic U.S. cities has not yet been restored due to a shortage of sky marshals and other factors. In these circumstances, American and Delta argue that the Department should not authorize international leisure service from DCA until the previous DCA domestic services have been restored.<sup>1</sup>

In its reply, US Airways argues that its proposed service will help to implement the full extent of US Airways' operations at DCA, thereby contributing to the reopening and recovery of DCA; provide consumer benefits for U.S. - Caribbean service travelers; and generate economic benefits for the entire Washington DC metro area, plus the surrounding region.

Applicant rep: Joel Stephen Burton (202) 383-5300 DOT Analyst: Michael D. Bodman (202) 366-9667

**DISPOSITION**

**XX** Granted (see below).

The above action was effective when taken: April 18, 2002, through April 18, 2004.

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

**XX** The authority granted is consistent with the aviation agreement between the United States and the United Kingdom.

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

**XX** Holder's certificates of public convenience and necessity

**XX** Standard Exemption Conditions (attached)

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<sup>1</sup>American and Delta state that they would not oppose US Airways' application if it intended to serve Bermuda from Washington Dulles Airport or Baltimore-Washington International Airport.

**Remarks:** With regard to the submissions of American and Delta, we note that the Department has now announced that, as of April 15, 2002, flight operations at Ronald Reagan Washington National Airport were authorized to return to their pre-September 11 capacity. Against this background, we have decided to grant the requested exemption authority.

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On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) 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, 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 seven (7) 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 order is available on the World Wide Web at  
[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*

**U.S. CARRIER**  
**Standard Exemption Conditions**

In the conduct of operations authorized by the attached notice, the applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations, including all U.S. Government requirements concerning security; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.