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U.S. Department of
Transportation
Office of the Secretary
of Transportation

DEPT. OF TRANSPORTATION
DOCKETS

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**DEPARTMENT ACTION ON APPLICATION IN
DOCKET OST 2004-17986
(Trans States Airlines, Inc. and Austrian Airlines)**

Approved under assigned authority (14 CFR §385.13).

Date of Action: **August 31, 2004**

A handwritten signature in cursive script, appearing to read "Scott L. Lerner".

Director, Office of International Aviation

This action is subject to the conditions attached. Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR §385.30, should file their petitions within seven (7) days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

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http://dms.dot.gov/reports/reports_aviation.asp*

**Application of Trans States Airlines, Inc. and Austrian Airlines,
Docket OST-2004-17986
(Statement of Authorization for code-sharing purposes)**

Background: On July 6, 2004, the Department granted a limited statement of authorization to seven U.S. carriers, one of which was Trans States Airlines, Inc., that would operate as United Express carriers in operations between points in the United States in code-share arrangements with certain named foreign air carriers. In each instance, the U.S. carrier would place the code of the foreign air carrier on the U.S. carrier operations. The limited statement was contingent upon the individual applicant carriers submitting code-share agreements to the Department for Department approval. On July 27, 2004, Trans States Airlines submitted its code-share agreement with Austrian Airlines.

The Statement of Authorization is granted subject to the following conditions:

- (a) The statement of authorization will remain in effect only as long as (i) Trans States and Austrian 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) Trans States and/or Austrian must notify the Department no later than 30 days before they begin any new code-share service under the service authorized here. Such notice shall identify the market(s) to be served, which carrier will be operating the aircraft in the code-share market added, and the date on which the service will begin. (Such notices shall be filed in Docket OST-2004-17986.)
- (c) Trans States and/or Austrian 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 if the carriers decide to cease operating all or a portion of the approved code-share services.¹ (Such notices should be filed in Docket OST-2004-17986.)
- (d) The code-sharing operations conducted under this authority must comply with Part 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in the computer reservation systems and elsewhere; that the carrier selling such transportation (i.e., the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected.
- (e) The authority granted here is specifically conditioned so that neither Trans States nor Austrian Airlines shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

We may amend, modify, or revoke this authority at any time without hearing.

¹ We expect this notification to be received within ten (10) days after such non-effectiveness or of such decision.