



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

Order 2020-3-9

Issued by the Department of Transportation
on the 27th day of March, 2020

Served: March 27, 2020

In the matter of

ALL U.S. AIR CARRIERS

Waiver of the dormancy and startup conditions on
limited entry route authority

Docket DOT-OST-2020-0035

ORDER GRANTING TEMPORARY WAIVERS

By this Order, the U.S. Department of Transportation (the Department) grants all U.S. carriers holding limited-entry international route authority a waiver of the startup and dormancy conditions applicable to their authorities through October 24, 2020, subject to the conditions set forth in this Order.

U.S. air carriers have found it necessary to reduce various international flight operations because of significant declines in traffic, and particularly international traffic, in the wake of the coronavirus (Covid-19) outbreak. The Department believes that, in the current environment, carriers should not be obligated to reach decisions on restoring such services based on the “use-it-or-lose-it” constraints associated with a startup or dormancy condition for certain international services.¹ Given these circumstances, the Department finds that temporary blanket relief from these conditions is in the public interest, and that it will serve the public interest to afford carriers flexibility to begin or resume their international services as market conditions warrant, without risk that they will lose their route or frequency awards for nonuse.

At the same time, we recognize the value of limited-entry route/frequency awards and the importance of encouraging the availability of services in restricted markets. Taking these factors into consideration, the Department has decided to grant all U.S. carriers a waiver of the startup and dormancy conditions through October 24, 2020, *i.e.*, through the IATA 2020 Summer traffic

¹ This waiver applies to two standard conditions that the Department imposes on limited-entry route authority. Under the startup condition, carriers must begin services for newly allocated route or frequency authority by a date certain. Under the dormancy condition, an allocation of route or frequency authority would be deemed dormant and would revert automatically to the Department if not used for a period of 90 days. We have imposed startup and/or dormancy conditions on authority to serve the following limited-entry markets: Argentina, China, Cuba, Ecuador, Hong Kong, Russia, South Africa, Tokyo Haneda, and Vietnam.

season. Under the terms of this waiver, any limited-entry authorities that have not been used for the applicable dormancy period and for which services have not resumed prior to October 25, 2020, will be deemed dormant as of that date and will revert to the Department.² Similarly, any limited-entry authorities that are subject to a startup condition and have not begun prior to October 25, 2020, will revert to the Department.

We will also require all U.S. carriers to notify the Department, in writing, no later than October 1, 2020, of the limited-entry route rights that they will not be using beginning October 25.³ The October 1 notice requirement will provide all interested carriers notice of any authorities that will be dormant after expiration of the blanket waiver, and sufficient time to plan for services during the winter traffic season, including receipt of the necessary regulatory authorities.

The Department recognizes that specific cases may call for relief going beyond that which we have deemed justified on a blanket basis in the current circumstances. In this regard, carriers may seek extension of the waiver beyond October 24, 2020, for specific city-pair limited-entry services where they can demonstrate that circumstances warrant. Carriers should file such requests in sufficient time for other interested parties to comment and for the Department to make a decision in a timely manner.⁴

ACCORDINGLY,

1. The Department grants all U.S. air carriers a waiver of the startup conditions and dormancy conditions applicable to their limited-entry international route authorities;
2. The waivers granted by this Order are effective from the date of service of this Order and shall expire October 24, 2020;
3. The Department requires all carriers granted waivers by this Order to file a notice no later than October 1, 2020, in Docket DOT-OST-2020-0035 listing each limited-entry market as set forth in the text of this Order in which it will not resume service beginning October 25, 2020;

² In other words, no additional 90-day period of permissible dormancy will attach to the October 25 date.

³ The notice should be filed in the new docket established by this Order and served on all other U.S. carriers. To the extent that a carrier may institute less than its fully authorized service in a particular market, the market involved and limited-entry route rights not being used should be included in the notification.

⁴ Such requests should be filed in the captioned docket for this Order and the applicable docket(s) for the authority at issue. Request should also be served on all other interested parties.

4. The Department will serve this Order on all certificated carriers operating large aircraft; the Federal Aviation Administration; and the U.S. Department of State.

By:

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(SEAL)

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