

Order 97-10-7

Served: October 9, 1997



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

Issued by the Department of Transportation  
on the 9th day of October, 1997

Fitness determination of

**AUSTIN EXPRESS, INC.**

as a commuter air carrier under 49 U.S.C. 41738

**FINAL ORDER**

By Order 97-9-25, issued September 23, 1997, we directed all interested persons to show cause why we should not make final our tentative findings and conclusions that Austin Express, Inc., is fit, willing, and able to provide service as a commuter air carrier. Interested persons were given 15 days to file objections.

No objections to Order 97-9-25 have been received.

**ACCORDINGLY,**

1. We find that Austin Express, Inc., is fit, willing, and able under 49 U.S.C. 41738 to provide scheduled passenger service as a commuter air carrier.
2. We issue a Commuter Air Carrier Authorization to Austin Express, Inc., subject to the Terms, Conditions, and Limitations attached.
3. We direct Austin Express, Inc., to notify the Department in writing at least 45 days prior to increasing the number of aircraft operated to more than six, and provide updated fitness information relative to its proposed expansion.<sup>1</sup>

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<sup>1</sup> This notice should be submitted to the Air Carrier Fitness Division. The carrier may contact the Air Carrier Fitness Division prior to submitting its notice to determine what fitness information should be provided.

4. We will serve a copy of this order on the persons listed in Attachment A to this order.

By:

**CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
Aviation and International Affairs

(SEAL)



## Commuter Air Carrier Authorization

### AUSTIN EXPRESS, INC.

is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in scheduled passenger air transportation operations as a commuter air carrier.

This authorization is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

Issued by Order 97-10-7  
On October 9, 1997  
Effective on (see attached)

Charles A. Hunnicutt  
Assistant Secretary for Aviation  
and International Affairs



*Terms, Conditions, and Limitations*

**AUSTIN EXPRESS, INC.**

*is authorized to engage in scheduled passenger air transportation operations as a commuter air carrier.*

*This authority is subject to the following provisions:*

- (1) *The authority to conduct scheduled passenger operations will not become effective until six (business) days after the Department has received the following documents; provided, however, that the Department may stay the effectiveness of this authority at any time prior to that date:*
  - (a) *A copy of the holder's Air Carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).*
  - (b) *A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.*
  - (c) *A statement of any changes the holder has undergone in its ownership, key personnel, operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.*
  - (d) *A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a working capital reserve equal to the operating costs that would be incurred in three months of operations.*
- (2) *Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check, or credit card) or issue tickets for scheduled passenger operations, and any advertisement or listing of flights by the holder must prominently state: "This service is subject to receipt of government operating authority."*
- (3) *The holder shall at all times conduct its operations in accordance with the requirements of 14 CFR Part 298 and any other regulations prescribed by the Department of Transportation for the services authorized here, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*
- (4) *The holder may not operate aircraft designed to have a maximum passenger capacity of more than 60 seats or a maximum payload capacity of more than 18,000 pounds.*
- (5) *The holder's authority is effective only to the extent that such operations are also authorized by the FAA.*
- (6) *The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (7) *The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render this authority ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this authority.*

(8) *The holder shall maintain in effect at all times with the Department of Transportation current information on OST Registration Form 4507.*

(9) *The holder may not provide scheduled passenger air transportation to or from Dallas (Love Field), Texas, except within the limits set forth in section 29 of the International Air Transportation Competition Act of 1979.*

(10) *Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.*

(11) *In the event that the holder does not commence actual flying operations as a commuter air carrier under this authority within one year of the date of the Department's determination of its fitness, its commuter authority shall be revoked for dormancy. Further, in the event that the holder commences but subsequently ceases all scheduled passenger operations, the authority granted here shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.*

**SERVICE LIST FOR AUSTIN EXPRESS, INC.**

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