



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

Issued by the Department of Transportation
on the 19th day of March, 1999

Application of

SINGAPORE AIRLINES LIMITED

for an exemption from Subparts K and S of Part 93
of Title 14, Code of Federal Regulations pursuant
to 49 U.S.C. § 41714(b)(1)

Docket OST-99-5055

ORDER GRANTING EXEMPTION

APPLICATION

On January 28, 1999, Singapore Airlines Limited (Singapore) requested an exemption from 14 C.F.R. Part 93, Subparts K and S, under 49 U.S.C. § 41714(b)(1), to the extent necessary to enable it to continue to operate a weekly all-cargo round-the world flight to include service between Singapore and Chicago, Illinois (O'Hare International Airport) using Stage 3 aircraft.¹ Singapore requests two slot exemptions on each Wednesday to accommodate an O'Hare arrival at 10:50 A.M. and an O'Hare departure at 1:20 P.M. Singapore hopes to commence operations under this exemption on or about March 28, 1999, and continue them through the 1999 summer season.² No answers in opposition to the application have been filed.

In support of its request, Singapore states that it had made a timely request for the additional slots with the Federal Aviation Administration (FAA), for the 1999 summer season, but at the recent IATA slot conference the FAA informally notified the carrier that Singapore's request, along with those of other carriers, exceeded the number of slots that FAA could allocate and was likely to be denied. On January 4, 1999, Singapore renewed its request, but on January 8, 1999, the FAA reiterated its previous answer that the number of requested slots had exceeded the number of slots available for allocation. Singapore asserts that grant of the requested slot exemptions would provide needed additional cargo capacity and frequency in the U.S.-Southeast Asia market. The applicant also alleges that the large size of its cargo aircraft will provide additional opportunities to shippers of large and oversized cargo. Singapore also contends that its application is similar to

¹ Service would be operated on a Singapore-Tapei-Anchorage-Chicago (O'Hare)-New York (JFK)-Brussels-Bombay-Singapore routing.

² Singapore has requested that its exemption authority commence on March 28, 1999, rather than the April 4, 1999, summer season commencement date as defined by the Federal Aviation Regulations. March 28, 1999, is the beginning date of the Northern summer season as determined by the International Air Transport Association (IATA). FAA staff confirm that the inauguration of Singapore's service on the earlier date would not present operational concerns.

other slot exemption requests that have been granted by the Department. Finally, Singapore argues that grant of its application is fully consistent with the objectives of the U.S.-Republic of Singapore Air Transport Agreement.

STATUTORY BACKGROUND

Subparts K and S of 14 C.F.R. Part 93 designate Chicago's O'Hare International Airport, New York's John F. Kennedy International and LaGuardia Airports, and Ronald Reagan Washington National Airport as high density traffic airports and prescribe certain air traffic rules for the operation of aircraft at these airports. These regulations limit the number of allocated Instrument Flight Rule (IFR) operations (takeoffs and landings) for specified classes of users during certain periods of the day.

Pursuant to 49 U.S.C. § 41714(b)(1), the Secretary of Transportation may, by order, grant exemptions from the requirements of Subparts K and S of 14 C.F.R. Part 93 (pertaining to slots at high density airports other than National), to enable air carriers and foreign air carriers to provide foreign air transportation using Stage 3 aircraft, if he finds such action to be in the public interest.

DECISION

We will grant Singapore Airlines an exemption to enable it to perform one weekly Singapore-Chicago scheduled flight arrival and one weekly departure at O'Hare during the 1999 summer season, effective March 28, 1999. We find that grant of this exemption authority is consistent with the public interest.

Grant of this application will enable the continuation of existing cargo service in the Singapore-Chicago market. Grant of this application is also consistent with the objectives of the bilateral air services agreements between the U.S. and Singapore which contemplate passenger and cargo access to the market for carriers of either nation.

In reaching our decision, we recognize that Singapore filed a timely request with the FAA for these additional slots, and that due to hourly constraints the FAA has not been able to accommodate the applicant's request within the requested time frame. Moreover, we note that aviation relations with Singapore Airlines are governed by the U.S.-Republic of Singapore Air Transport Agreement, which provides for the proposed Singapore-Chicago service, and that Singapore Airlines has been properly authorized by its government to provide scheduled foreign air transportation in the Singapore-Chicago market.³

As we have affirmed,⁴ while 49 U.S.C. § 41714(b)(1) provides the Department with discretionary authority to grant slot exemptions for foreign air transportation at a high density airport, we do not view this authority as a substitute mechanism for the slot-allocation procedures outlined in Subpart S of 14 C.F.R. Part 93. We fully expect air carriers and foreign air carriers to follow and exhaust all appropriate procedures for slot acquisition before filing a slot exemption request with the Department. In this case, Singapore followed those slot-allocation procedures.

³ While our findings in this matter will allow for the improvement of services in the Singapore-Chicago market, we emphasize that airline requests for exemption authority will be decided by the Department on a case-by-case basis.

⁴ See Orders 98-6-8 at 3 and 98-8-26 at 3.

Since grant of this exemption authority is dependent upon the applicant's existing U.S.- Singapore operating authority, we attach the condition that this exemption authority may be used only in the provision of Singapore Airlines' scheduled service between Singapore and Chicago O'Hare as described in footnote 1, above. Furthermore, in accordance with the requirements of the statute, all aircraft operations performed under this exemption shall be conducted by Stage 3 aircraft. We also note that grant of this exemption provides Singapore with only a temporary slot allocation at O'Hare Airport and does not confer on the applicant any ability to sell, trade, transfer, or convey the authority.

This Order is issued under authority delegated in 49 C.F.R. 1.56a(f)(l).

ACCORDINGLY,

1. The Department grants a temporary exemption from 14 C.F.R. Part 93, Subparts K and S under 49 U.S.C. 41714(b)(1) to Singapore Airlines Limited to the extent necessary to enable it to operate one weekly scheduled arrival at Chicago's O'Hare International Airport between 10:45 A.M. and 11:14 A.M. (local time) and one weekly scheduled departure at Chicago's O'Hare International Airport between 1:15 P.M. and 1:44 P.M. (local time) in a pattern to be determined in consultation between Singapore Airlines Limited and the Slot Administration Office, FAA;
2. As a condition of approval, Singapore Airlines Limited may use this exemption authority only to provide all-cargo scheduled service between Singapore, Republic of Singapore, and Chicago, Illinois (O'Hare International Airport) on a Singapore-Tapei-Anchorage-Chicago (O'Hare)-New York (JFK)-Brussels-Bombay-Singapore routing;
3. As a further condition of approval, the Department directs that all aircraft operations granted under this exemption must be provided by Stage 3 aircraft;
4. The authority granted under this exemption is subject to all of the other requirements delineated in 14 C.F.R. Part 93, Subparts K and S;
5. We direct Singapore Airlines Limited to contact the Federal Aviation Administration's Slot Administration Office in order to determine the start-up date in consultation with that Office for the exemption authority granted here. The Federal Aviation Administration will assign slot withdrawal numbers for the slot exemption times listed in ordering paragraph 1;
6. The temporary slot allocation provided for in ordering paragraph 1 above is effective commencing on March 28, 1999, and expires on October 30, 1999;
7. We will serve this order on the Ambassador of Singapore in Washington, D.C.; the City of Chicago; Singapore Airlines Limited, the Department of State (Office of Aviation Negotiations); and all other parties served with the application; and
8. We grant all motions to file otherwise unauthorized documents.

By:

CHARLES A. HUNNICUTT
Assistant Secretary for Aviation
and International Affairs

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