

Order 99-4-6  
Served April 14, 1999



**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 April, 1999

Fitness Determination of

**TIE AVIATION, INC.  
d/b/a TRANS INTERNATIONAL EXPRESS**

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

**ORDER ISSUING EFFECTIVE COMMUTER AUTHORIZATION  
AND CONFIRMING ORAL ACTION**

By Order 99-3-7, issued March 10, 1999, the Department found Tie Aviation, Inc. d/b/a Trans International Express fit to provide scheduled passenger service as a commuter air carrier and issued to it a Commuter Air Carrier Authorization.

Under the terms of the order, the authority granted was to become effective on the sixth (business) day after the Department had received (1) a copy of the carrier's Air Carrier Certificate and Operations Specifications from the Federal Aviation Administration (FAA) authorizing it to engage in scheduled passenger service; (2) a statement of any changes it had undergone in its ownership, key personnel, compliance history, operating plans, or financial posture since the date of the Show Cause Order;<sup>1</sup> and (3) a revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the company continued to have the necessary financial resources available to it.

On March 1, prior to the issuance of Order 99-3-7, Tie Aviation filed its FAA Air Carrier Certificate and Operations Specifications showing that it had been authorized to engage in scheduled commuter operations. On March 4, we received Tie Aviation's statement that it had undergone no changes in its fitness since the date of the Show Cause Order, and a listing of the remaining pre-operating expenses to be paid along with a statement from Michael Melnicke, the company's Chief Executive Officer, verifying that he will continue

<sup>1</sup> See Order 99-2-17, issued February 17, 1999.

to pledge his personal financial resources to the company's operations to ensure its success. We reviewed all of these documents and found them to be satisfactory.

Inasmuch as Tie Aviation had filed all of the necessary documents for its commuter authority to become effective prior to the issuance of Order 99-3-7 and since no issues regarding the company had come to our attention, we decided that we would allow its commuter authority to become effective on March 10, 1999, upon issuance of the final order. We confirm that action here and will reissue Tie Aviation's Commuter Air Carrier Authorization to reflect its effective date.

**ACCORDINGLY**, acting under authority assigned by the Department in its Regulations, 14 CFR 385.12(a)(5)(iv) and (b)(1):

1. We confirm our oral action making the Commuter Air Carrier Authorization issued to Tie Aviation, Inc. d/b/a Trans International Express effective on March 10, 1999.
2. We reissue to Tie Aviation, Inc. d/b/a Trans International Express the Commuter Air Carrier Authorization issued to it by Order 99-3-7, in the attached form to reflect its effective date.
3. We direct Tie Aviation, Inc. d/b/a Trans International Express to notify the Department in writing at least 45 days prior to increasing the number of aircraft operated to more than four and provide updated fitness information relative to its proposed expansion.<sup>2</sup>
4. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

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<sup>2</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.

The action confirmed in this order was effective when taken and the filing of a petition for review shall not alter its effectiveness.

By:

**John V. Coleman**  
Director  
Office of Aviation Analysis

**(SEAL)**

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[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*



## **Commuter Air Carrier Authorization**

**(as reissued)**

**TIE AVIATION, INC.  
D/B/A TRANS INTERNATIONAL EXPRESS**

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 99-4-6  
On April 9, 1999  
Effective on March 10, 1999**

**John V. Coleman  
Director  
Office of Aviation Analysis**



## Terms, Conditions, and Limitations

**TIE AVIATION, INC.  
D/B/A TRANS INTERNATIONAL EXPRESS**

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 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.
- (2) 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.
- (3) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration.
- (4) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (5) 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.
- (6) The holder shall maintain in effect at all times with the Department of Transportation current information on OST Registration Form 4507.

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\*This commuter air carrier authorization is being reissued to reflect the effective date of the authority contained therein.

(7) 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, as amended by section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998.

(8) 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.

(9) 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 neither 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.