

Proposed Rules

Federal Register

Vol. 60, No. 12

Thursday, January 19, 1995

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-AWP-1]

Proposed amendment of Class D airspace; Redding, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class D airspace at Redding, CA. This action is necessary due to the recent closures of Enterprise Skypark, CA and Redding Sky Ranch Airport, CA, those portions within a 1-mile radius of Redding Sky Ranch Airport and Enterprise Skypark, which are presently addressed in the current Redding Class D airspace area description, will be deleted from the amended Class D airspace area at Redding, CA.

DATES: Comments must be received on or before March 10, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP-530, Docket No. 95-AWP-1, Air Traffic Division, P.O. Box 92007, World Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours in the Office of the Manager, System Management Branch Air Traffic Division, at the address show above.

FOR FURTHER INFORMATION CONTACT: Scott Speer, Airspace Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation

Boulevard, Lawndale, California 90261, telephone (310) 297-0010.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decision on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 95-AWP-1." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, at 1500 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, P.O. Box 92007, Worldwide Postal Center, Los Angeles, California 90009.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class D airspace area at Redding, CA. This proposed action is necessary due to the recent closures of Enterprise Skypark and Redding Sky Ranch Airport. Those portions within a 1-mile radius of Redding Sky Ranch Airport and Enterprise Skypark, which are currently depicted in the Class D airspace description, will be deleted from the amended Class D airspace area at Redding, CA. The coordinates for this airspace docket are based on North American Datum 83. Class D airspace areas designations are published in Paragraph 5000 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class D airspace designations listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Navigation (Air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E. O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.09B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AWP CA D Redding, CA [Revised]
Redding Municipal Airport, CA
(Lat. 40°30'32" N, long. 122°17'30" W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.3-mile radius of the Redding Municipal Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Los Angeles, California, on January 6, 1995.

Richard R. Lien,

Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 95–1268 Filed 1–18–95; 8:45 am]

BILLING CODE 4910–13–M

Office of the Secretary**14 CFR Part 258**

[Dockets No. 47546, 49511, 49512, and 49513; Notice 95–3]

RIN 2105–AC17

Disclosure of Change-of-Gauge Services

AGENCY: Department of Transportation, Office of the Secretary (OST).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: In order to ensure that prospective airline consumers are given pertinent information on the nature of change-of-gauge services, *i.e.*, services with one flight number that require a change of aircraft, the Department of Transportation is proposing to codify and augment its current disclosure requirements. The Department is requesting comments on the following three proposed requirements, which would apply to U.S. air carriers, foreign air carriers, and where appropriate,

ticket agents (including travel agents) doing business in the United States: (1) that transporting carriers include notice of required aircraft changes in their written and electronic schedule information provided to the public, to the *Official Airline Guide* and comparable publications, and to computer reservations systems, (2) that consumers be given reasonable and timely notice before they book transportation that a particular service with a single flight number entails a change of aircraft *en route*, and (3) that written notice of the aircraft change be provided at the time of sale. This proposal constitutes the department's response to the petition of American Airlines in Docket 47546 to ban the practice of "funnel flights," a type of change-of gauge service. The Department is also dismissing the complaints of TACA International Airlines, Aviateca, and Nicaraguense de Aviacion ("NICA") in Dockets 49511, 49512, and 49513, respectively, against Continental Airlines for operating funnel flights.

DATES: The Department requests comments by March 20, 1995 and reply comments by April 19, 1995. The Department will consider late-filed comments only to the extent practicable.

ADDRESSES: Comments should be filed with the Docket Clerk, U.S. Department of Transportation, Room 4107, Docket No. 47546, 400 Seventh Street SW, Washington, DC 20590. To facilitate consideration of the comments, we ask commenters to file twelve copies of each submission. We also encourage commenters to submit electronic versions of their comments to the Department through the Internet; our e-mail address is dot_dockets@postmaster.dot.gov.¹ Please note, however, that at this time the Department considers only the paper copies filed with the Docket Clerk to be official comments. Comments will be available for inspection at the above address from 9:00 a.m. to 5:00 p.m., Monday through Friday. For acknowledgment of receipt of comments, include a stamped, self-addressed postcard, which the Docket Clerk will date-stamp and mail.

FOR FURTHER INFORMATION CONTACT: Betsy L. Wolf, Senior Trial Attorney, Office of Aviation Enforcement and Proceedings (202–366–9356), Office of the General Counsel, U.S. Department of Transportation, 400 7th St. SW., Washington, DC 20590.

¹ Our X.400 e-mail address is as follows: G=dot/S=dockets/OU1=qmail/O=hq/p=gov+dot/a=attmail/c=us.

SUPPLEMENTARY INFORMATION:**Introduction**

A change-of-gauge service is a type of scheduled passenger air transportation for which the operating carrier uses one single flight number even though passengers do not travel in the same aircraft from origin to destination but must change planes at an intermediate stop. One-flight-to-one flight change-of-gauge service differs from ordinary connecting service in that the carrier will usually hold the second aircraft for the arrival of the first one. *Computer Reservations System (CRS) Regulations, Final Rule, 57 FR 43780, 43804* (September 22, 1992).

"Change-of-gauge service is a long-established practice in transportation. The term itself originate with the railroads when passengers had to change trains due to differences in the size of tracks. Change-of-gauge services have been used in aviation for decades. In 1972, the Civil Aeronautics Board rejected the contention that change-of-gauge services were an unfair or deceptive practice or an unfair method of competition, as long as notice was given, and it changed its rules to accommodate them. Internationally, in 1978, the United States won an international arbitration brought when France attempted to limit the right of a U.S. carrier to operate change-of-gauge service. The tribunal found that the agreement between the United States and France permitted change-of-gauge service by giving each country wide discretion over operational aspects of flight. Change-of-gauge services are constantly used in cargo transportation, where they sometimes entail changes from one mode of transportation to another. The policy of the United States has been to permit intermodal changes of gauge as long as shippers are not misled as to actual service.

In addition to one-flight-to-one flight change-of-gauge services, change-of-gauge services can also involve aircraft changes between multiple flight on one side of the change point and one single flight on the other side. Change-of-gauge services with multiple origins or destinations are called "Y" (*i.e.*, two-for-one), "W" (*i.e.*, three-for-one), or "starburst" (*i.e.*, unrestricted) changes of gauge, depending on the shape of the route patterns. Popularly, they are also called "funnel flights." The United States has taken the lead in persuading our bilateral aviation partners to move beyond one-for-one change-of-gauge services to allow carriers the flexibility to operate multiple changes of gauge. As with one-for-one change-of-gauge services, the carrier assigns a single