

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

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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.

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

Richard R. Lien,

Manager, Air Traffic Division Western-Pacific Region.

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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