ORDER

FEDERAL AVIATION AGENCY
WASHINGTON, D. C.

OA 2150.1

9/23/63

SUBJ: AGENCY POLICY CONCERNING OPERATIONS IN COMMON CARRIAGE BY COMMERCIAL OPERATORS

1. PURPOSE. This order prescribes the Federal Aviation Agency's policy with respect to the action to be taken concerning alleged operations in common carriage conducted by commercial operators.

2. REFERENCES. Under Section 607 of the Federal Aviation Act, the Agency has promulgated Part 45 of the Civil Air Regulations providing for the certification of commercial operators. Part 45 does not authorize such operators to engage in common carriage. Thus, operators who engage in common carriage operations exceed the authority of their certificates. Section 610(a)(4) of the Federal Aviation Act also provides that it shall be unlawful for any person to operate as an air carrier without an air carrier operating certificate. Common carriage operations by commercial operators are in violation of this provision of the Federal Aviation Act.

3. POLICY. The conduct of common carriage operations by commercial operators, holding certificates from this Agency, is an area of interest and responsibility of both the Federal Aviation Agency and the Civil Aeronautics Board. Since this Agency, by the issuance of Part 45 certificates, places these operators in a position to conduct such operations, we have a corresponding responsibility for monitoring their operations and for initiating action to prevent them from exceeding the permissible limits of operations specified in their certificates.

In pursuit of this responsibility and interest, this Agency will now undertake to pursue this problem more closely in coordination with the Civil Aeronautics Board. Our monitoring of the operations of commercial operators will include our review of the type of operations in which they are engaged, looking to an accurate identification of the scope of their activities; conducting investigations in coordination with the Civil Aeronautics Board of all reasonable complaints that such operators are engaging in operations over and beyond the permissible limits specified in their certificates; and, where appropriate, and in coordination with the Board, initiating and prosecuting enforcement actions, looking to the cessation of such operations.

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4. ASSIGNMENT OF RESPONSIBILITY. The implementation of this policy will be expected through the use of normal Agency investigations and enforcement actions. The Directors of the respective regions are responsible to the Administrator for assuring prompt and thorough investigations and the initiation and prosecution of appropriate enforcement actions where illegal operations are found to exist. Such investigations and actions will be undertaken in conformity with policies and procedures prepared by the Flight Standards Service and the Office of the General Counsel.

N. E. Halaby
Administrator