

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Request for Comments on Draft Sample Assurances relating to Department's Guidance on Public Charter Prospectuses

Docket DOT-OST-2013-0002

The Department of Transportation's Office of International Aviation and Office of Aviation Enforcement and Proceedings revised their guidance on public charter operations and prospectuses on January 14, 2013. The revised notice stated that future prospectus filings under 14 CFR Part 380 have to be accompanied by a number of statements assuring the Department that the charter operator, the escrow bank and the direct air carrier are aware of and have taken steps to ensure compliance with a number of specific provisions of Part 380.

The principal assurances, as mentioned in the January 14 notice, are that: (1) the contract between the charter operator and the direct air carrier is for the full cost of air transportation or, if more limited, that the escrow bank has agreed to maintain full accounting of all disbursements of escrow funds to each vendor (e.g., fuel suppliers, ground service providers); (2) if a bond or security instrument is used in place of an escrow agreement to protect consumer funds, it covers the full cost of air transportation, including all taxes, fees and vendor charges; (3) the public charter operator will maintain access to passenger reservation information and share that information with the direct air carrier in the event of a disruption of the program so that the direct air carrier (or substitute carrier) may meet its obligation to provide return transportation to tour

participants under 14 CFR 212.3(f); (4) the charter operator will not accept payment by debit card absent a written commitment from its merchant bank or debit card processor that it will accord full chargeback protection to debit card users comparable to that available to credit card users; and (5) the charter operator will not sell vouchers for future travel unless they are associated with specific travel dates and itineraries.

We have attached a document with such sample assurances. You may file comments on the sample assurance document no later than February 7, 2013, in Docket DOT-OST-2013-0002, by any of the following methods: *Federal eRulemaking Portal:* go to <http://www.regulations.gov> and follow the online instructions for submitting written comments. *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave., SE, Room W12-140, Washington, DC 20590-0001. *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays. *Fax:* (202) 493-2251. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.