

## **PROCEDURES FOR FILING A PUBLIC CHARTER PROSPECTUS**

The Department of Transportation's (DOT) public charter regulations (14 CFR Part 380) require all persons who wish to arrange public charter flights to first submit and obtain DOT acceptance of a charter prospectus. A charter prospectus comprises a set of documents in which the public charter operator demonstrates that it has taken the steps required by DOT's public charter regulations. A charter prospectus also includes a flight schedule that may cover a single charter flight or a series of charter flights for up to one year. No charter operator shall operate, sell, receive money from any prospective participant for, or offer to sell or otherwise advertise a charter or series of charters until the Office of International Aviation, U.S. Air Carrier Licensing/Special Authorities Division, has accepted a Public Charter prospectus as described in 14 CFR §380.28.

The charter prospectus must contain OST Form 4532; OST Form 4533; and a Certification of the Public Charter Operator, Direct Air Carrier, and Escrow Bank (also known as the "PC Assurances"). In many circumstances, the prospectus must also include OST Form 4534. As applicable, and unless already on file with the Department, the charter operator and direct carrier must also submit the underlying financial security agreement(s) and/or depository agreement(s) required by 14 CFR §380.34 and 14 CFR §212.8. Some circumstances may also require OST Forms 4530 or Form 4535.

Descriptions and links to these forms are provided below. Each required form must be signed and dated by all the parties involved. Digital signatures may be accepted at the Department's discretion. U.S. public charter operators and some foreign public charter operators must accompany their filing with confirmation of the applicable filing fee(s).

### **OST Form 4530 (Foreign Charter Operator Registration)**

Foreign public charter operators must register with the Department as discussed in Part 380 Subpart E. In such case the applicant must complete Form 4530, and pay the filing fee as applicable.<sup>1</sup>

Link to Form 4530: <https://www.transportation.gov/office-policy/aviation-policy/dot-form-4530-foreign-charter-operator-registration>

### **OST Form 4532 (Statement of Charter Operator and Direct Air Carrier)**

Form 4532 must be completed and signed by charter operator and direct air carrier.

Link to Form 4532: <https://www.transportation.gov/office-policy/aviation-policy/dot-form-4532-statement-charter-operator-and-direct-air-carrier>

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<sup>1</sup> The Department has waived filing fees for foreign air carriers of countries that do not charge U.S. air carriers filing fees for comparable operating authority. A list of countries for which the Department has granted final or interim waivers can be found at: <https://www.transportation.gov/policy/aviation-policy/file-fee-waiver-information>.

### **OST Form 4533 (Statement of Charter Operator, Direct Air Carrier and Securer) and Required Security Agreement**

Form 4533 must be completed and signed by the charter operator (or direct carrier in some cases) and the securer.

Link to form 4533: <https://www.transportation.gov/office-policy/aviation-policy/dot-form-4533-statement-charter-operator-or-direct-air-carrier-and>

Unless already on file with the Department, the underlying security agreement must be submitted with the prospectus. The DOT approved surety bond and surety trust agreements are on our website and linked below. If a charter operator wishes to use a letter of credit, there are certain requirements that must be met (*see* 14 CFR §380.34). If the original security agreement is signed in ink, rather than digitally signed, DOT will require the original document to be submitted upon acceptance of the prospectus.

Link to Public Charter Operator's Surety Bond:  
<https://www.transportation.gov/office-policy/aviation-policy/public-charter-operators-surety-bond>

Link to Public Charter Operator's Surety Trust Agreement:  
<https://www.transportation.gov/office-policy/aviation-policy/public-charter-operators-surety-trust-agreement>

### **OST Form 4534 (Statement of Charter Operator, Direct Air Carrier and Depository Bank) and Depository Agreement**

In many circumstances, the charter operator or foreign charter operator, and direct carrier shall enter into an agreement with a designated escrow bank, the terms of which shall provide that all payments by charter participants shall be deposited with and maintained by the bank subject to certain conditions (*see* §380.34(b)). In such cases, Form 4534 must be completed and signed by the charter operator, direct air carrier, and bank.

Link to Form 4534: <https://www.transportation.gov/office-policy/aviation-policy/dot-form-4534-statement-charter-operator-direct-air-carrier-and>

Unless already on file with the Department, the underlying depository agreement must be submitted with the prospectus. The DOT approved depository agreement is on our website and linked below. If the original depository agreement is signed in ink, rather than digitally signed, DOT will require the original document to be submitted upon acceptance of the prospectus.

Link to Public Charter Depository Agreement:  
<https://www.transportation.gov/office-policy/aviation-policy/public-charter-depository-agreements>

### **OST Form 4535 (Statement of Direct Air Carrier)**

In certain situations, a direct air carrier may elect to substitute its own security agreement and/or depository arrangements for that otherwise required of the charter operator (*see* §380.34a). In such circumstances, the direct air carrier must complete and sign Form 4535.

Link to Form 4535: <https://www.transportation.gov/office-policy/aviation-policy/dot-form-4535-statement-direct-air-carrier>

### **Certification of Public Charter Operator, Direct Air Carrier, and Escrow Bank ("PC Assurances")**

Each public charter prospectus must include the PC Assurances signed by the charter operator, the direct air carrier, and escrow bank. Parties may indicate “N/A” for the bank, where necessary on the form, for public charters arranged under §380.34(a).

Link to PC Assurances Form: <https://www.transportation.gov/office-policy/aviation-policy/public-charter-assurances>

### **Confirmation of Filing Fee**

U.S. public charter operators and some foreign public charter operators must also include with each prospectus confirmation that the \$39 filing fee has been made. An amendment to a previously-accepted charter prospectus will not typically require a filing fee.

Link to Special Authorities Division Collections page:  
<https://www.pay.gov/public/form/start/23290175/>

The above list covers the filing requirements for the most common public charter arrangements; however, there may be other forms and documentation that the Department requires from the charter operator or the carrier in certain circumstances. Given the complexities that are often involved in arranging air transportation services, it is common for charter operators and carriers to seek legal counsel experienced with navigating DOT’s public charter requirements.

### **Submitting to DOT**

Once the required documents are completed and signed, applicants may scan and email the full prospectus to the U.S. Air Carrier Licensing/Special Authorities Division at the contact information below. A single attachment with a .pdf file extension is preferred. DOT will review the submission and convey a decision on acceptance once it is reached.<sup>2</sup> Accepted prospectuses will be assigned a “PC number” that charter operators should reference in future correspondence related to the charter program (*e.g.*, amendments to the prospectus).

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<sup>2</sup> DOT may accept a prospectus based on scanned or digitally signed submissions, but reserves the right to require original signed in ink documents to be sent by mail or courier to the Department.

**Public charter contact information:**

U.S. Air Carrier Licensing/Special Authorities Division  
Office of International Aviation  
U.S. Department of Transportation  
1200 New Jersey Ave SE W86-320  
Washington, DC 20590

Email: [Reather.Flemmings@dot.gov](mailto:Reather.Flemmings@dot.gov) and [Brett.Kruger@dot.gov](mailto:Brett.Kruger@dot.gov)

Additional information may be found on our website at:

<https://www.transportation.gov/policy/aviation-policy/licensing/public-charters>