



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

SERVED: August 2, 2002

DOCKETS: OST-2002-12555, OST-2002-12556

DESIGNATION OF AGENT FOR SERVICE OF NOTICE AND PROCESS

NOTICE

The Office of Aviation Enforcement and Proceedings ("Enforcement Office") has become aware that a number of U.S. and, particularly, foreign air carriers have failed to maintain an up-to-date designation of an agent for service of notice and process with the Department of Transportation (Department), as required by 49 U.S.C. § 46103. This information is very important in order for the Department to be able to contact carriers in an efficient manner in order to carry out its duties.

Pursuant to 49 U.S.C. § 46103, each carrier and foreign air carrier shall designate an agent on whom service of notice and process in all proceedings before, and actions of, the Secretary of Transportation (or Administrator of the Federal Aviation Administration) may be made.

The Department has had problems informing carriers of new legislative requirements and policy positions of the Department. For example, in November 1996 and January 1998 this office needed to contact U.S. and foreign carriers, respectively, regarding new legislative requirements for family assistance plans in connection with aviation disasters. In attempting to provide such notice, we experienced difficulty in ascertaining the name and address of the current designated agent for all carriers. Some persons listed as agents with the Department no longer represented the carrier being contacted. In addition, some of our mail was returned because the address of the agent was not current. These listings must be kept up to date. Carriers are reminded that failure to comply with the requirements of 49 U.S.C. § 46103 subjects a carrier to civil penalties of up to \$1,100 per violation and \$1,100 for each day each violation continues, and they are warned that this office will pursue enforcement action in the future if carriers are non-compliant.

The DOT Dockets recently posted a form on the Department's website (dms.dot.gov) in order for carriers to designate an agent for service. Many carriers responded by updating their records but many others have not responded. Therefore, we are requesting that all U.S. and foreign air carriers file the appropriate information regarding their designated agents with DOT Dockets within 30 days of the date of this notice. Although the form provided does not specify that carriers must provide the telephone numbers and email addresses of their respective agents, we urge all carriers to include such information, as well. If this information is already up to date, an airline need not resubmit the information. Any information provided should be submitted to the U.S. Department of Transportation at the following website address: <http://dms.dot.gov/>

One of the following Dockets should be designated:

- Docket OST -2002-12555 (U.S. air carriers)
- Docket OST -2002-12556 (foreign air carriers)

The information may also be mailed to the following address:

U.S. Department of Transportation
Chief, Dockets and Media Management
400 Seventh St., S.W. PL-401
Washington, DC 20590

By:

Samuel Podberesky
Assistant General Counsel for
Aviation Enforcement and Proceedings

Dated: August 2, 2002