

## Subpart H—Violations

294.70 Enforcement.

## Subpart I—Terms, Conditions, and Limitations of This Part

- 294.80 Waiver of sovereign immunity.  
 294.81 Local traffic prohibited.  
 294.82 Third-country traffic prohibited.  
 294.83 Compliance with certain international agreements.  
 294.84 Air competency requirements.  
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 294.86 Industrial/agricultural/other non-transport air operations prohibited.  
 294.87 Compliance with Canadian licenses.  
 294.88 Northwest Ontario restriction.  
 294.89 Uplift ratio.

AUTHORITY: 49 U.S.C. Chapters 401, 417.

SOURCE: ER-1257, 46 FR 52591, Oct. 27, 1981, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 294 appear at 57 FR 40102, Sept. 2, 1992.

## Subpart A—General

## § 294.1 Applicability and purpose.

This part establishes a classification of foreign air carriers known as “Canadian charter air taxi operators,” and establishes registration procedures for these carriers operating or seeking to operate transborder services between Canada and the United States. This part also exempts Canadian charter air taxi operators from certain provisions of the Subtitle VII of Title 49 of the United States Code (Transportation), and establishes rules applicable to their operations in the United States. This part does not provide exemption from the safety regulatory provisions of the Statute that are administered by the U.S. Department of Transportation through the Federal Aviation Administration (FAA), and Canadian charter air taxi operators in the conduct of their operations must observe all applicable safety standards and requirements.

[ER-1257, 46 FR 52591, Oct. 27, 1981, as amended at 60 FR 43526, Aug. 22, 1995]

## § 294.2 Definitions.

As used in this part:

(a) *Agreement* means the U.S.—Canada Nonscheduled Air Services Agreement signed May 8, 1974, and any

amendments, supplements, reservations, or supersessions to it.

(b) *Canadian charter air taxi operator* means a foreign air carrier that is substantially owned and effectively controlled by Canadian citizens, the Government of Canada, or both, whose foreign air transportation operations are limited to charter air service between points in Canada and points in the United States, and that does not use large aircraft in those operations.

(c) *Charter air service* means non-scheduled commercial air transportation of persons and their accompanied baggage, and of property, on a time, mileage, or trip basis where the entire payload capacity of one or more aircraft has been engaged, or the transportation of mail by aircraft.

(d) *Large aircraft* means any aircraft that are not *small aircraft* as defined in this section.

(e) *Maximum authorized takeoff weight* has the meaning assigned to it in regulations of the Canadian Transport Commission.

(f) *Maximum certificated takeoff weight* means the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate. This weight may be found in the airplane operating record or in the airplane flight manual that is incorporated by regulation into the airworthiness certificate.

(g) *Maximum passenger capacity* means the maximum number of passenger seats for which an aircraft is configured.

(h) *Maximum payload capacity* means the maximum certificated takeoff weight of an aircraft less the empty weight as defined in section 03 of part 241 of this chapter, less all justifiable aircraft equipment, and less the operating load (consisting of minimum fuel load, oil, flight crew, steward’s supplies, etc.). For purposes of this part, the allowance for weight of the crew, oil and fuel is as follows:

(1) Crew—200 pounds per crew member required under FAA regulations, (2) oil—350 pounds, (3) fuel—the minimum weight of fuel required under FAA regulations for a flight between domestic points 200 miles apart, assuming VFR weather conditions and flights not involving extended overwater operations. However, in the case of aircraft for