

**DEPARTMENT OF TRANSPORTATION
BUREAU OF TRANSPORTATION STATISTICS
OFFICE OF AIRLINE INFORMATION**

**TITLE 14 CODE OF FEDERAL REGULATIONS PART 250
TECHNICAL REPORTING DIRECTIVE #28 - OVERSALES**

ISSUE DATE: December 1, 2017

EFFECTIVE DATE: January 1, 2018

The Bureau of Transportation Statistics is issuing this Technical Reporting Directive to update the lists of reporting air carriers and reportable airports, and to provide instructions for carriers to report Oversales data for codeshare flights that they market.

On November 3, 2016, the Department of Transportation (DOT or Department) published a Final Rule “*Enhancing Airline Passenger Protections III*”, Docket No. DOT-OST-2014-0056, 81 FR 76826. With respect to reporting Passenger Denied Confirmed Space data as required by 14 CFR 250.10, for air transportation carried out on or after January 1, 2018, the Final Rule lowered the reporting carrier threshold from at least 1 percent of Industry Scheduled-Service Domestic Passenger Revenues to at least (0.5) percent. The Final Rule further requires reporting carriers that market domestic scheduled codeshare flights to file separate Passengers Denied Confirmed Space reports for codeshare flights originating in the United States marketed only under one U.S. carrier’s code.

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I. Introduction

Part 250 of the Department’s Regulations, *Oversales* requires certain U.S. air carriers to submit passengers denied confirmed space data to the Department. This data is provided to consumers and is filed electronically in accordance with the procedures set forth in §§ 250.10 and in this Technical Directive.

II. Applicability

1. Each reporting air carrier providing scheduled domestic passenger operations at a reportable airport will file “Passengers Denied Confirmed Space” data if its share of the industry’s total domestic scheduled-service passenger revenues exceed half of one percent (0.5), based on Form 41 data for the 12 months ended December 31. Each year the Office of Airline Information updates the list of reporting air carriers.

2. For calendar year 2018, there are 18 air carriers that reached the reporting threshold of \$453,130,000 in domestic scheduled passenger revenues (0.5 percent of total domestic scheduled-service passenger revenues). The revenues were measured for the 12-month period ending December 31, 2016.

REPORTING AIR CARRIERS

Alaska
Allegiant
American
Delta
Endeavor
Envoy
ExpressJet
Frontier
Hawaiian
JetBlue
Mesa
PSA
Republic
SkyWest
Southwest
Spirit
United
Virgin America

3. The reportable flight operations for which “Passengers Denied Confirmed Space” data must be submitted to the Department are (1) all scheduled flight segments originating in the United States operated by the reporting carrier using aircraft that have a designed passenger capacity of 30 or more seats; and (2) all scheduled flight segments originating in the United States, operated by a codeshare partner of the reporting carrier that is a certificated air carrier or commuter air carrier using aircraft that have a designed passenger capacity of 30 or more seats, and marketed only under one U.S. carrier’s code.

4. A reporting carrier that markets reportable codeshare flights operated by another carrier must file two separate Form 251 for data required in paragraphs II.3.(1) and II.3.(2) of this Technical Reporting Directive.

5. In addition to the required data for each reportable flight, any carrier not included in paragraph II.2 of this Technical Directive that voluntarily submits Form 251 data pursuant to 14 CFR 234.7 may do so, provided that the Director, Office of Airline Information (OAI) is advised beforehand. Such voluntary data must be submitted for a minimum of 12 consecutive months. The voluntary submission must meet the exact reporting specifications set forth in this directive. Volunteering carriers that wish to discontinue reporting after one year must advise the Director, OAI, a minimum of 30 days before discontinuance, so that the necessary changes can be made to the Department's data programs.

III. Reporting of Passengers Denied Confirmed Space

A certification statement is required for each Passengers Denied Confirmed Space Report identifying an appropriate official of the reporting carrier. Reporting carriers that market domestic scheduled codeshare flights must file separate Passengers Denied confirmed Space reports for codeshare flights originating in the United States and marketed only under one U.S. carrier's code. The certification statement will read:

I, (Name) and (Title), of the above named carrier, certify that the Passengers Denied Confirmed Space Report file is to the best of my knowledge and belief, true, correct and a complete report for the period stated.

Month and Year of Data:

Number of Domestic Scheduled Passengers Enplaned:

Number of Passengers Denied Boarding Involuntary:

Date:

Name (Please Print or Type):

Signature:

Once signed, the *Passenger Denied Confirmed Space Report Certification* must be published as an electronic "portable document format" file format, for uploading to the eSubmit application.

The portable document format file MUST BE indicated when naming the file, by using the letters [PDF] or [pdf] following the file name, as the file name extension. You must have Adobe Reader software downloaded on your computer in order to "save as/print" your document as a 'pdf' file.

While the file name is flexible and may be determined by the individual air carrier, the portable document format (pdf) file format is required, as outlined in Accounting and Reporting Directive No. 307 entitled, *Submitting Airline Data via the Internet*:

<https://www.bts.gov/topics/airlines-and-airports/accounting-and-reporting-directives>

Suggested file name: XX201003-Form251.csv

In addition, the file name for reports of codeshare flights filed by a marketing carrier must contain the word "codeshare" to indicate the nature of the file.

Suggested file name: XX201003-Form251-Codeshare.csv

Sample Record Format:

EV,2010,03,1177,1358,0,0,746,3281,2535,28566,0,0,25450773,407092,480726,0

REQUIREMENTS**RECORD DESCRIPTION: 251 - Report of Passengers Denied Confirmed Space Report¹**

Field Description	Data Type	Length	Comments	Sample Data
Carrier Code	Character	2	Two Letter (OAG) Carrier Code ²	DL
Quarter Ending Year	Character	6	Year (ccyy)	2010
Quarter Ending Month	Character	6	Month (mm = 03, 06, 09, 12)	03
Number of passengers who were given alternate transportation.	Numeric	Varies	Number of passengers who were denied boarding involuntarily who qualified for denied boarding compensation and: (a) were given alternate transportation within the meaning of §250.5.	1177
Number of passengers who were not given alternate transportation.	Numeric	Varies	Number of passengers who were denied boarding involuntarily who qualified for denied boarding compensation and: (b) were not given such alternate transportation.	1358
Number of passengers who did not qualify for denied boarding compensation due to accommodation on another flight that arrived within 1 hour after the scheduled arrival time of the original flight.	Numeric	Varies	Number of passengers denied boarding involuntarily who did not qualify for denied boarding compensation due to: (a) accommodation on another flight that arrived within 1 hour after the scheduled arrival time of the original flight.	0
Number of passengers who did not qualify for denied boarding compensation due to substitution of smaller capacity equipment.	Numeric	Varies	Number of passengers denied boarding involuntarily who did not qualify for denied boarding compensation due to: (b) substitution of smaller capacity equipment.	0
Number of passengers who did not qualify for denied boarding compensation due to failure of passenger to comply with ticketing, check-in, or reconfirmation procedures, or to be acceptable for transportation under carrier's tariff	Numeric	Varies	Number of passengers denied boarding involuntarily who did not qualify for denied boarding compensation due to: (c) failure of passenger to comply with ticketing, check-in, or reconfirmation procedures, or	746

1 The Department Plans to amend Form 251 in the near future, pursuant to the notice and comment procedural requirements of the Paperwork Reduction Act. Form 251 has not been updated in decades.

2 When completing the Passengers Denied Confirmed Space Report for covered codeshare flights, use the reporting (marketing) carrier's code.

or contract of carriage.			to be acceptable for transportation under carrier's tariff or contract of carriage.	
TOTAL NUMBER DENIED BOARDING INVOLUNTARILY	Numeric	Varies		3281
Number of passengers denied boarding involuntarily who actually received compensation.*	Numeric	Varies	*If any passengers qualified for denied boarding compensation but were not offered compensation, <u>attach a pdf statement</u> as to the number of such passengers and an explanation of why the offer was not made.	2535
Number of passengers who volunteered to give up reserved space in exchange for a payment of the carrier's choosing.	Numeric	Varies		28566
Number of passengers accommodated in another section of the aircraft: Upgraded.	Numeric	Varies	Number of passengers accommodated in another section of the aircraft: (a) Upgrades.	0
Number of passengers accommodated in another section of the aircraft: Downgraded.	Numeric	Varies	Number of passengers accommodated in another section of the aircraft: (b) Downgrades	0
Total Boardings.	Numeric	Varies		25450773
Amount of compensation paid to passengers who were denied boarding involuntarily and were given alternate transportation.	Currency	Varies	Amount of compensation paid to passengers who: (a) were denied boarding involuntarily and were given alternate transportation within the meaning of §250.5.	407092
Amount of compensation paid to passengers who were denied boarding involuntarily and were not given alternate transportation.	Currency	Varies	Amount of compensation paid to passengers who: (b) were denied boarding involuntarily and were not given alternate transportation.	480726
Amount of compensation paid to passengers who volunteered for denied boarding.	Currency	Varies	Amount of compensation paid to passengers who: (c) volunteered for denied boarding.	0

RECORD FORMAT:

The **251 - Passengers Denied Confirmed Space Report** must be created as an electronic “comma separated values” file, using ASCII text character encoding, for uploading via the “eSubmit” application.

The comma separated values file **MUST BE** indicated when naming the file, by using the letters [CSV] or [csv] following the file name, as the file name extension.

The file name is flexible and may be determined by the individual air carrier, but the comma separated values (csv) file format is required, as outlined in the rule entitled, *Submitting Airline Data via the Internet*.

IV. Submission of Reports

1. For more information regarding submission of reports refer to Accounting and Reporting Directive No. 307 entitled, *Submitting Airline Data via the Internet*:

<https://www.bts.gov/topics/airlines-and-airports/accounting-and-reporting-directives>

For assistance, carriers should e-mail Form251.support@dot.gov

The Air Travel Consumer Report is a product of the Office of Secretary’s Aviation Consumer Protection Division. Questions concerning this publication should be directed to:

Mindaugas Lescinskas
Aviation Industry Analyst
Aviation Consumer Protection Division
Office of Aviation Enforcement and Proceedings
Office of the General Counsel
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

202-366-9990

2. **Due Dates.** The due date for Form 251 Passengers Denied Confirmed Space Report is 30 days after the applicable quarter, i.e., data for the first quarter (January, February, March) is due by April 30. If the 30th day falls on a weekend or Federal holiday, the due date will be the next workday.

3. **Enforcement.** Penalties for late filing or noncompliance with these reporting requirements will be assessed in accordance with 49 U.S.C. 46310.

4. Missing or Incomplete Records. Any carrier subject to this directive, which does not file the required data for any period, or files incomplete data, must submit a sworn statement that the carrier was unable to provide the data because it did not have and could not obtain the necessary records. That statement, as well as the veracity of the information and the data submitted, will be subject to 18 U.S.C. 1001, regarding criminal penalties for false statements made to a government agency. The statement must be filed with the Director, Office of Airline Information, at the address below, three days prior to the due date.

William Chadwick, Jr.
Director, Office of Airline Information
Bureau of Transportation Statistics RTS-42
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

202 366-4405
Form251.support@dot.gov

5. Special Circumstances. Requests for waivers, exceptions, extensions, or other considerations must be submitted in writing to the Director, Office of Airline Information, at the address in paragraph 4 above.

V. Records Retention

Form 251 is a statistical report. The record retention requirements for statistical reports are governed by 14 CFR Part 249, "Preservation of Air Carrier Records" of the Department's Regulations. Specifically, § 249.20-6 requires the information supporting a statistical report to be maintained by the carrier for three years.

Questions regarding this technical directive should be addressed to:

Form251.support@dot.gov

W.A. Chadwick, Jr.
Director, Office of Airline Information
Bureau of Transportation Statistics
U.S. Department of Transportation