

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

**TITLE 14 CODE OF FEDERAL REGULATIONS PART 250
TECHNICAL REPORTING DIRECTIVE #32 - OVERSALES**

ISSUE DATE: December 12, 2018

EFFECTIVE DATE: January 1, 2019

The Bureau of Transportation Statistics is issuing this Technical Reporting Directive to update the lists of reporting air carriers.

- I. Introduction
- II. Applicability
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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 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 (0.005), based on Form 41 data for the 12 months ended June 30. Each year the Office of Airline Information updates the list of reporting air carriers.

2. For calendar year 2019, there are 18 air carriers that reached the reporting threshold of \$481,192,625 in domestic scheduled passenger revenues (half of one percent of total domestic scheduled-service passenger revenues). The revenues were measured for the 12-month period ending June 30, 2018.

REPORTING AIR CARRIERS

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

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.

Suggested file name: XX201003-Form251-Cert.pdf

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>

The file name for reports of marketing carrier operated flights is reflected as follows.

Required file name format: 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.

Required file name format: XX201003-Form251-Codeshare.csv

Sample Record Format:

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

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2138-0018. Public reporting for Form 251, Report of Passengers Denied Confirmed Space, is estimated to be approximately 10 hours per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory, as authorized by 14 CFR, Part 250. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Cecelia Robinson, OAI/BTS/OST-R, RTS-42, Room E34, 1200 New Jersey Avenue, SE, Washington, D.C. 20590 or e-mail – cecelia.robinson@dot.gov.

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: | 0 |

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.

| | | | | |
|--|----------|--------|--|----------|
| | | | (b) substitution of smaller capacity equipment. | |
| 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 or contract of carriage. | 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 to be acceptable for transportation under carrier's tariff or contract of carriage. | 746 |
| 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 | 480726 |

| | | | | |
|--|----------|--------|--|---|
| | | | alternate transportation. | |
| 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

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. Late filing or noncompliance with these reporting requirements may subject an air carrier to enforcement action, including the assessment of civil penalties of up to \$33,333 for each violation (and for each day such violation continues) under 49 U.S.C. 46301.

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