**TITLE 49**

**UNITED STATES CODE**

**§ 40102.  Definitions**

**(a)** General definitions.--In this part--

**(1)** “aeronautics” means the science and art of flight.

**(2)** “air carrier” means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation.

**(3)** “air commerce” means foreign air commerce, interstate air commerce, the transportation of mail by aircraft, the operation of aircraft within the limits of a Federal airway, or the operation of aircraft that directly affects, or may endanger safety in, foreign or interstate air commerce.

**(4)** “air navigation facility” means a facility used, available for use, or designed for use, in aid of air navigation, including--

**(A)** a landing area;

**(B)** runway lighting and airport surface visual and other navigation aids;

**(C)** apparatus, equipment, software, or service for distributing aeronautical and meteorological information to air traffic control facilities or aircraft;

**(D)** communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;

**(E)** any structure, equipment, or mechanism for guiding or controlling flight in the air or the landing and takeoff of aircraft; and

**(F)** buildings, equipment, and systems dedicated to the national airspace system.

**(5)** “air transportation” means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

**(6)** “aircraft” means any contrivance invented, used, or designed to navigate, or fly in, the air.

**(7)** “aircraft engine” means an engine used, or intended to be used, to propel an aircraft, including a part, appurtenance, and accessory of the engine, except a propeller.

**(8)** “airman” means an individual--

**(A)** in command, or as pilot, mechanic, or member of the crew, who navigates aircraft when under way;

**(B)** except to the extent the Administrator of the Federal Aviation Administration may provide otherwise for individuals employed outside the United States, who is directly in charge of inspecting, maintaining, overhauling, or repairing aircraft, aircraft engines, propellers, or appliances; or

**(C)** who serves as an aircraft dispatcher or air traffic control-tower operator.

**(9)** “airport” means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

**(10)** “all-cargo air transportation” means the transportation by aircraft in interstate air transportation of only property or only mail, or both.

**(11)** “appliance” means an instrument, equipment, apparatus, a part, an appurtenance, or an accessory used, capable of being used, or intended to be used, in operating or controlling aircraft in flight, including a parachute, communication equipment, and another mechanism installed in or attached to aircraft during flight, and not a part of an aircraft, aircraft engine, or propeller.

**(12)** “cargo” means property, mail, or both.

**(13)** “charter air carrier” means an air carrier holding a certificate of public convenience and necessity that authorizes it to provide charter air transportation.

**(14)** “charter air transportation” means charter trips in air transportation authorized under this part.

**(15)** “citizen of the United States” means--

**(A)** an individual who is a citizen of the United States;

**(B)** a partnership each of whose partners is an individual who is a citizen of the United States; or

**(C)** a corporation or association organized under the laws of the United States or a State, the District of Columbia, or a territory or possession of the United States, of which the president and at least two-thirds of the board of directors and other managing officers are citizens of the United States, which is under the actual control of citizens of the United States, and in which at least 75 percent of the voting interest is owned or controlled by persons that are citizens of the United States.

**(16)** “civil aircraft” means an aircraft except a public aircraft.

**(17)** “civil aircraft of the United States” means an aircraft registered under chapter 441 of this title.

**(18)** “conditional sales contract” means a contract--

**(A)** for the sale of an aircraft, aircraft engine, propeller, appliance, or spare part, under which the buyer takes possession of the property but title to the property vests in the buyer at a later time on--

**(i)** paying any part of the purchase price;

**(ii)** performing another condition; or

**(iii)** the happening of a contingency; or

**(B)** to bail or lease an aircraft, aircraft engine, propeller, appliance, or spare part, under which the bailee or lessee--

**(i)** agrees to pay an amount substantially equal to the value of the property; and

**(ii)** is to become, or has the option of becoming, the owner of the property on complying with the contract.

**(19)** “conveyance” means an instrument, including a conditional sales contract, affecting title to, or an interest in, property.

**(20)** “Federal airway” means a part of the navigable airspace that the Administrator designates as a Federal airway.

**(21)** “foreign air carrier” means a person, not a citizen of the United States, undertaking by any means, directly or indirectly, to provide foreign air transportation.

**(22)** “foreign air commerce” means the transportation of passengers or property by aircraft for compensation, the transportation of mail by aircraft, or the operation of aircraft in furthering a business or vocation, between a place in the United States and a place outside the United States when any part of the transportation or operation is by aircraft.

**(23)** “foreign air transportation” means the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft, between a place in the United States and a place outside the United States when any part of the transportation is by aircraft.

**(24)** “interstate air commerce” means the transportation of passengers or property by aircraft for compensation, the transportation of mail by aircraft, or the operation of aircraft in furthering a business or vocation--

**(A)** between a place in--

**(i)** a State, territory, or possession of the United States and a place in the District of Columbia or another State, territory, or possession of the United States;

**(ii)** a State and another place in the same State through the airspace over a place outside the State;

**(iii)** the District of Columbia and another place in the District of Columbia; or

**(iv)** a territory or possession of the United States and another place in the same territory or possession; and

**(B)** when any part of the transportation or operation is by aircraft.

**(25)** “interstate air transportation” means the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft--

**(A)** between a place in--

**(i)** a State, territory, or possession of the United States and a place in the District of Columbia or another State, territory, or possession of the United States;

**(ii)** Hawaii and another place in Hawaii through the airspace over a place outside Hawaii;

**(iii)** the District of Columbia and another place in the District of Columbia; or

**(iv)** a territory or possession of the United States and another place in the same territory or possession; and

**(B)** when any part of the transportation is by aircraft.

**(26)** “intrastate air carrier” means a citizen of the United States undertaking by any means to provide only intrastate air transportation.

**(27)** “intrastate air transportation” means the transportation by a common carrier of passengers or property for compensation, entirely in the same State, by turbojet-powered aircraft capable of carrying at least 30 passengers.

**(28)** “landing area” means a place on land or water, including an airport or intermediate landing field, used, or intended to be used, for the takeoff and landing of aircraft, even when facilities are not provided for sheltering, servicing, or repairing aircraft, or for receiving or discharging passengers or cargo.

**(29)** “large hub airport” means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.

**(30)** “mail” means United States mail and foreign transit mail.

**(31)** “medium hub airport” means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

**(32)** “navigable airspace” means airspace above the minimum altitudes of flight prescribed by regulations under this subpart and subpart III of this part, including airspace needed to ensure safety in the takeoff and landing of aircraft.

**(33)** “navigate aircraft” and “navigation of aircraft” include piloting aircraft.

**(34)** “nonhub airport” means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.

**(35)** “operate aircraft” and “operation of aircraft” mean using aircraft for the purposes of air navigation, including--

**(A)** the navigation of aircraft; and

**(B)** causing or authorizing the operation of aircraft with or without the right of legal control of the aircraft.

**(36)** “passenger boardings”--

**(A)** means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

**(B)** includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.

**(37)** “person”, in addition to its meaning under section 1 of title 1, includes a governmental authority and a trustee, receiver, assignee, and other similar representative.

**(38)** “predatory” means a practice that violates the antitrust laws as defined in the first section of the Clayton Act (15 U.S.C. 12).

**(39)** “price” means a rate, fare, or charge.

**(40)** “propeller” includes a part, appurtenance, and accessory of a propeller.

**(41)** “public aircraft” means any of the following:

**(A)** Except with respect to an aircraft described in subparagraph (E), an aircraft used only for the United States Government, except as provided in section 40125(b).

**(B)** An aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration, except as provided in section 40125(b).

**(C)** An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

**(D)** An aircraft exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

**(E)** An aircraft owned or operated by the armed forces or chartered to provide transportation or other commercial air service to the armed forces under the conditions specified by section 40125(c). In the preceding sentence, the term “other commercial air service” means an aircraft operation that (i) is within the United States territorial airspace; (ii) the Administrator of the Federal Aviation Administration determines is available for compensation or hire to the public, and (iii) must comply with all applicable civil aircraft rules under title 14, Code of Federal Regulations.

**(42)** “small hub airport” means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.

**(43)** “spare part” means an accessory, appurtenance, or part of an aircraft (except an aircraft engine or propeller), aircraft engine (except a propeller), propeller, or appliance, that is to be installed at a later time in an aircraft, aircraft engine, propeller, or appliance.

**(44)** “State authority” means an authority of a State designated under State law--

**(A)** to receive notice required to be given a State authority under subpart II of this part; or

**(B)** as the representative of the State before the Secretary of Transportation in any matter about which the Secretary is required to consult with or consider the views of a State authority under subpart II of this part.

**(45)** “ticket agent” means a person (except an air carrier, a foreign air carrier, or an employee of an air carrier or foreign air carrier) that as a principal or agent sells, offers for sale, negotiates for, or holds itself out as selling, providing, or arranging for, air transportation.

**(46)** “United States” means the States of the United States, the District of Columbia, and the territories and possessions of the United States, including the territorial sea and the overlying airspace.

**(47)** “air traffic control system” means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including--

**(A)** allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

**(B)** laws, regulations, orders, directives, agreements, and licenses;

**(C)** published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

**(D)** trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.

**(b)** Limited definition.--In subpart II of this part, “control” means control by any means.

Credits

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