

Board Opinion Docket No. 3609

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It is ordered that:

1. The said application of American and Delta for approval of an agreement for interchange of equipment be and is hereby temporarily approved pending disposition of the consolidated proceeding in Docket No. 1102 et al.
2. The temporary approval of this hearing granted herein is automatically terminated upon the effective date of the Board's order rendering the decision in Docket No. 1102 et al.
3. The temporary approval granted herein is made upon the following express terms as stated:
 - a. Delta and American comply with procedures set forth in the Railway Labor Act, particularly Section 6 thereof and existing bargaining agreement for the purpose of amending said bargain agreements between said two carriers and labor organizations representing the employees to resolve any conflicts between said agreement and provisions of the interchange contract;
 - b. Commencement of operation under the proposed interchange be made contingent upon Delta and American submitting said evidence to the Board that there has been substantial standardization of types of and arrangements thereof of instruments, power controls, particularly that uniformity has been established as to Gyron Compass direction control in all the DC-6 or other type planes that are to be used in the interchange operation and that a said training program has been carried out with respect to all personnel who may be at any time engaged in or connected with the interchange operation;
 - c. All proposed interchange schedules other than those providing for operation between Miami-Jacksonville, Florida; Atlanta, Georgia-Birmingham, Alabama and New Orleans on Delta's routes Nos. 64 and 24 and the cities of El Paso, Texas, Tucson, Arizona and Phoenix, Arizona, San Diego, Los Angeles and Oakland, California and San Francisco, California on American's route No. 4 via the interchange point Fort Worth-Dallas be filed with the Board and served on each carrier serving a point on such proposed schedules 15 days in advance of the effective date of such schedules and that operation on such schedules be not permitted until after they have been approved by the Board. Such approval should be granted with or without hearing, as the Board may determine.
 - d. Approval of the interchange agreement is made contingent upon Delta and American rendering adequate through service to each city to which service is rendered pursuant to said agreement.
 - e. No operations under the interchange agreement be discontinued without prior application to the Board and decision thereof with or without hearing at the Board's discretion, provided that this general provision does not apply to mere revision of schedules which do not eliminate through service to any points for which it has been approved.
 - f. The approval of the interchange agreement granted herein shall terminate if at any time the Board finds that the continued operation of the points under said agreement or any of its provisions would be adverse to the public interest or in

violation of the CAA of 1938 as amended or of any rules, regulations or orders of the Board now or hereinafter effective.

C g. No through plane operation other than those approved by the Board be continued by Delta and American and that for this purpose a flight with the same plane between any two points shall be deemed to be a through plane operation between those points unless there is a reasonable layover at an intermediate point between said two points. Such reasonable layovers to be $1\frac{1}{2}$ hours at the scheduled arrival time or 1 hour after such actual arrival time, whichever is later;

O h. Board approvals herein shall not be deemed the determination for rate making purposes of the reasonableness of any of the costs or charges granted by either carrier under the terms of the interchange agreement.

i. All agreements modifying or supplementing the basic interchange agreement herein be filed for Board approval at least 20 days prior to the proposed date of such modifying or supplementing agreements.

P j. The Board retains jurisdiction of this proceeding for the purpose of imposing from time to time such further terms and conditions as they find to be just and reasonable and for the further purpose of requiring the submission of such special reports of the financial and operating aspects of the interchange operation as the Board may from time to time order.

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