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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation
on the 7th day of August, 2001

Ninety-day Notice of

AIR MIDWEST, INC.

under 49 U.S.C. 41731 *et seq.* to terminate
service at Youngstown, Ohio

Docket OST-2001-10182 - 2

ORDER ALLOWING SUSPENSION OF SERVICE

Summary

By this order, the Department is permitting Air Midwest, Inc., d/b/a USAirways Express, to terminate its essential air service (EAS) at Youngstown, Ohio, at the end of its 90-day notice period, effective October 15, 2001.

Background

By Order 99-11-21, the Department defined essential air service for Youngstown, Ohio, as requiring two daily nonstop or one-stop round trips to any medium or large hub providing sufficient capacity to enplane at least 40 passengers a day or, based on the statutory 60% load factor, at least 67 seats in and 67 seats out of the community with 15-seat or larger aircraft. On July 18, 2001, Air Midwest filed a 90-notice to terminate all of its subsidy-free service at Youngstown. Air Midwest filed a notice under the Department's "one-third" rule: 14 CFR section 323.3(a)(5) of the Department's Aviation Economic Regulations requires carriers to file a 90-day notice if their proposed suspensions of service would reduce the total number of passenger seats linking the affected community to Federal Aviation Administration-designated hubs by 33 percent or more. At the time Air Midwest filed its suspension notice, it provided four daily nonstop round trips a day to Pittsburgh with 19-seat Beech 1900 aircraft. Youngstown is also served by Mesaba Airlines, d/b/a Northwest Airlink which operates two round trips a day to Detroit with 34-seat Saab 340 aircraft.

Decision

Under P.L. 106-69, Department of Transportation and Related Agencies Appropriations Act, 2000, the Department is precluded from compensating a carrier under the essential air service program for serving any community that is within 70 highways miles of a large or medium

hub. Because Youngstown is located 56 highway miles from Pittsburgh, a large hub, we are prohibited from paying compensation to any carrier for its essential air service and thus we are precluded from requiring it to serve Youngstown after the end of its 90-day notice period.

The 90-day notice provision under the one-third rule was put in place to afford communities a reasonable period of time to react to changes in the market, and to ensure smooth carrier transitions. As noted below, we are requiring Air Midwest to accommodate all passengers who have been booked on the carrier.

We iterate, however, that Youngstown retains its standing under the notice provisions of the EAS program. Thus, any carrier serving the community is obligated to submit a 90-day notice of intent to suspend if it wishes to discontinue its scheduled services at Youngstown.

As a final matter, before Air Midwest suspends service, we expect it to make every effort to ensure an orderly transfer of service at Youngstown, including notifying all passengers holding reservations on its flights that the service will be suspended, informing them of the availability of replacement service by Northwest Airlinck, and assisting them in arranging alternative transportation.

This order is issued under authority delegated in 49 CFR 1.56a(f).

Accordingly,

1. We take no action to prohibit Air Midwest from suspending service at Youngstown, Ohio, at the end of its 90-day notice period, October 15, 2001;
2. This docket will remain open until further order of the Department; and
3. We will serve copies of this order on the Mayor and airport manager of Youngstown, Ohio, the Governor of Ohio, the Ohio Department of Transportation; USAirways Express, and Mesaba Airlines.

By:

Susan McDermott
Deputy Assistant Secretary for Aviation
And International Affairs

(SEAL)

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