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Order 2001-9-20

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

Served: October 2, 2001

Issued by the Department of Transportation
on the 27th day of September, 2001

REPORTS ON SIGNIFICANT AIRLINE
SERVICE REDUCTIONS

Docket: OST-2001-10711-1

ORDER

The tragic events of September 11 and the resulting traffic declines have caused airlines to reduce or end service in a number of markets. We have the preexisting responsibility to administer the small community service program created by 49 U.S.C. 41731 et seq. In addition, we have an overall responsibility to monitor industry conditions, advise Congress on industry developments, and implement Congressional legislation, including the Air Transportation Safety and System Stabilization Act, P.L. 107-42.

In view of our responsibilities, we need to obtain advance information from the airlines on plans to substantially reduce or end a community's domestic scheduled passenger service. We will therefore require that all carriers, both certificated carriers and commuter carriers, give us fifteen days notice before any of the following: 1) a termination of all scheduled service by a U.S. airline at a U.S. community, 2) a termination of the last nonstop service in a domestic market, or 3) a reduction of service at a U.S. community if the total available seats or flights linking that community with FAA-designated hubs will be reduced by 33 percent or more during a 90-day period. The 90-day period will consist of the ninety days preceding the date when the airline will implement the schedule change and will require the airline to take account of changes already made or announced by other airlines that may trigger the notice requirement. We are also requiring airlines to give us notice of any such changes that have been announced or implemented since September 11.

We are adopting this order under 49 U.S.C. 41708 (formerly section 407(a) of the Federal Aviation Act, 49 U.S.C. 1377(a)). That section gives us the authority, among other things, to require information on conditions that may indicate a need for future action under the essential air service program. Delta Air Lines v. CAB, 674 F.2d 1 (D.C. Cir. 1982). We are establishing this reporting requirement only as a result of the current temporary emergency, and it will now terminate as of December 31, 2001. We may extend the requirement, however, if that appears necessary.

The notices shall be filed in this docket and identify the name of the airline, the community or market affected by the reduction or termination of service, the amount by which capacity or frequency will be reduced, and the date on which the reduction or termination will occur.

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We have complied with the requirements of the Paperwork Reduction Act, 44 U.S.C. Chapter 35, for this information directive.

ACCORDINGLY, pursuant to 49 U.S.C. 40113 and 41708, the Department finds it necessary to compel the submission of certain reports and to take action, as follows:

1. Each airline providing scheduled passenger service under certificate authority granted under 49 U.S.C. 41102 or as a commuter air carrier under exemption authority issued under 14 C.F.R. Part 298 shall give the Department fifteen days advance notice of any of the following: 1) a termination of all scheduled service by that airline at a U.S. community, 2) a termination of the last nonstop service in a domestic market, or 3) a reduction of service at a U.S. community if the total available seats or flights linking that community with FAA-designated hubs will be reduced by 33 percent or more during a 90-day period; provided that each air carrier subject to this order shall provide notice as soon as possible of any such changes scheduled to take effect before the fifteenth day after the issuance of this order;

2. The notice requirement imposed by this order shall terminate on December 31, 2001.

By:

READ VAN DE WATER
Assistant Secretary for Aviation
and International Affairs

(SEAL)