



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

Issued by the Department of Transportation
on the 30th day of November, 1999

Served: December 3, 1999

Essential Air Service at

YOUNGSTOWN, OHIO

Under 49 U.S.C. 41731 *et seq.*

Docket OST-1999-6307

**ORDER GRANTING WAIVER TO SUSPEND SERVICE
AND MODIFYING ESSENTIAL AIR SERVICE DETERMINATION**

Summary

By this order, the Department is granting UFS, Inc., an exemption from the provisions of 49 U.S.C. 41734(a), and a waiver of the requirements of 14 CFR 323.3(a)(2) of the Department's aviation economic regulations to permit it to terminate its essential air service (EAS) at Youngstown, Ohio, on less than 90-days notice, *i.e.*, effective December 14, 1999. Because Youngstown is within 70 highway miles of a large-hub airport (Pittsburgh), we are precluded by statute from paying subsidy to any carrier to provide essential air service; thus, we may not require service beyond the 90-day termination date. We will also amend the community's EAS determination to recognize service to any large or medium hub, removing the two-hub EAS definition currently ascribed for Youngstown. (See Appendix A for a map.)

Background

The essential air service determination for Youngstown, as last established by Order 83-11-19, November 3, 1983, requires at least two daily round trips providing a total of at least 67 seats to two hubs--Chicago (with no more than two stops) and Pittsburgh (nonstop). On October 1, 1999, UFS filed a 90-day notice of its intention to suspend its subsidy-free air service at Youngstown and requested that the Department grant it an exemption to suspend that service on less than 90 days, effective December 14, 1999. UFS's suspension of service would reduce the community's service below its designated essential air service level.

UFS, operating as United Express, currently provides two round trips a day in the Youngstown-O'Hare market with 64-seat ATP aircraft. Three of the four daily flights operate over the intermediate point Akron/Canton. Youngstown is also served by US Airways Express (Air Midwest) providing five nonstop round trips a day to Pittsburgh with 19-seat Beech aircraft, and by Northwest Airlink (Mesaba) providing four nonstop round trips to Detroit with 35-seat Saab 340 aircraft.

Community Comments

On behalf of the Youngstown community, the Western Reserve Port Authority submitted comments in response to UFS's termination notice. Although they expressed their disappointment with the carrier's decision to suspend O'Hare service (a service they consider very valuable to Youngstown), because of the community's longstanding relationship with United Airlines, UFS's code share parent, and the hope that at some later date United will consider other service options for Youngstown, the community has agreed to UFS's early termination. We have been in contact with Youngstown officials and they understand that the Department cannot require UFS to maintain that service beyond the 90-day notice period in any event because of its proximity to Pittsburgh.

Decision

After careful consideration of this matter, we have decided to grant UFS an exemption to terminate service in the Youngstown-O'Hare market before the end of the 90-day notice period, *i.e.*, December 14, 1999. Our longstanding program policy has been to grant requests for early termination when we receive concurrence from the affected community or, at a minimum, a lack of objection. Youngstown has stated that it does not oppose the early termination. We will also amend Youngstown's EAS definition.

To ensure that funds are spent only for isolated communities, Congress has prohibited the Department from paying subsidy at communities that are within 70 highway miles of an FAA-designated medium or large-hub airport. Youngstown is approximately 56 highway miles from the Pittsburgh airport, a large hub.¹ Thus, Youngstown's proximity to the Pittsburgh airport precludes the Department from paying subsidy support for UFS's service, and likewise precludes us from requiring it to continue service beyond the end of the 90-day notice period. We note that Air Midwest's service to Pittsburgh (a designated EAS hub for Youngstown) and Mesaba's service to Detroit (not presently specified as the community's EAS hub) will continue to link Youngstown to the national air transportation system.

Although we cannot prohibit UFS's termination, Youngstown remains an essential air service community and carriers remain subject to the EAS statutes and the Department's rules requiring 90-day notices before service may be terminated. For the purpose of the notice provisions, we will redefine Youngstown's essential air service as at least two round trips a day to any medium or large hub. If a carrier files a suspension notice in the future, we would again not be able to require the carrier to continue to provide service beyond the 90-day notice period. Nonetheless, the notice would afford Youngstown with a 90-day transition period.

¹ As published in the Federal Aviation Administration's annual report, *Airport Activity Statistics of Certificated Route Carriers*, hub classifications are based on each hub's enplanements as a percentage of all U.S. enplanements. A large hub accounts for at least 1.00 percent, a medium hub for at least 0.25 but less than 1.00 percent, and a small hub for at least 0.05 but less than 0.25 percent. During calendar 1998, the most recent year for which data are available, Pittsburgh accounted for 1.52 percent of all U.S. enplanements.

As a final matter, before USF suspends service at Youngstown, we expect it to contact all passengers holding reservations for flights that will be affected, to inform them of the termination, and assist them in arranging alternative transportation.

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

ACCORDINGLY,

1. We grant UFS, Inc., d/b/a United Express, an exemption from the provisions of 49 U.S.C 41734 and a waiver of the requirements of 14 CFR 323.(a)(2) to spend its service at Youngstown, Ohio, effective December 14, 1999;
2. We amend the essential air service definition for Youngstown, Ohio, to require at least two nonstop or one-stop round trips a day to any medium or large hub;
3. This docket shall remain open until further order of the Department; and
4. We will serve a copy of this order on the Mayor and airport manager of Youngstown, Ohio, the Governor of Ohio, the Ohio Department of Transportation, United Airlines, and UFS, Inc.

By:

A. BRADLEY MIMS
Deputy Assistant Secretary for Aviation
and International Affairs

(SEAL)

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<http://dms.dot.gov>*

**YOUNGSTOWN, OHIO
AND THE SURROUNDING AREA**

