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Order 2001-8-3

Served: August 7, 2001



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

Issued by the Department of Transportation
on the 2nd day of August, 2001

Essential Air Service at

**Binghamton/Endicott/Johnson
City, NY**

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

Docket OST-2001-10102 ← 2

ORDER ALLOWING SUSPENSION OF SERVICE

Summary

By this order, the Department is allowing Champlain Enterprises Inc., d/b/a CommutAir, operating as Continental Connection (CommutAir) to suspend service between Binghamton/Endicott/Johnson City, NY (Binghamton) and New York's John F. Kennedy International Airport (Kennedy) as of August 12, 2001.

Background

On July 10, 2001, CommutAir filed a 90-day notice of its intent to suspend its unsubsidized scheduled air service between Binghamton and one of the community's designated essential air service (EAS) hubs, New York. The carrier provides two round trips each weekday and two round trips each weekend period in the Binghamton – New York, Kennedy market with 19-seat Beech 1900 aircraft. In addition, the carrier provides a single weekday and weekend round trip to Boston, not a designated essential air service hub for Binghamton, also with 19-seat Beech 1900 aircraft.¹ According to the carrier, it

¹ Official Airline Guide, July 1, 2001.

is suffering from rising operating costs and low passenger demand. In its 90-day notice, the carrier also asked that we allow it to suspend service on less than 90-days notice, on August 12, 2001, stating that “keeping service in place would produce further losses for the company while arguably providing very little additional benefits for the community.”

Binghamton’s EAS determination was originally established on March 4, 1980, by the Civil Aeronautics Board (Board) in Order 80-3-19, which among other things designated both New York and Pittsburgh as essential air service hubs for the Broome County Airport at Binghamton. That determination was later reaffirmed by Order 84-3-68, issued on March 16, 1984. While there have been numerous service and airline changes over the ensuing years, the community has received an overall level of service (number of daily flights and destinations served) that far exceeds the maximum level of service, that first the Board and, since 1985, the Department guarantees under the EAS program.

Today, in addition to CommutAir’s service to New York and Boston, the community receives multiple weekday round trip flights, as well as a full pattern of weekend service, to the following large hubs in the Northeast: Detroit (three nonstop round trips a day) on Northwest AirlinK; Philadelphia (three round trips) and Pittsburgh (four round trips) on US Airways Express; and Washington, DC (four round trips) on United Express. The additional service to these other hubs is all provided in aircraft having at least 30 seats, and three of the four round trips to Pittsburgh are provided in 50-passenger regional jet aircraft.²

Community Response

On July 20, 2001, we received a copy of a letter dated July 16, 2001, from Mr. Carl Olson, Commissioner of Aviation, in which he advises CommutAir that the Broome County Department of Aviation does not oppose the termination of service to the Binghamton community on August 12, 2001.

Decision

After careful consideration, we have decided to allow CommutAir to suspend its service at Binghamton, and to grant the carrier’s request so that it may suspend service at the community on less than 90 days’ notice, as of August 12, 2001. We recognize that the service remaining to serve the community does not serve the New York hub, the second essential air service designated hub for Binghamton. However, that determination, first issued in 1981, like all essential air service determinations, is based on the needs of a community in the event that it is faced with a complete withdrawal of service, and assumes that service would not be offered from the community to any destinations other

² Ibid.

than the designated hub or hubs.³ If other service is in fact available when a carrier files notice to suspend its service, we first consider whether the other service can meet the community's need for access to the National air transportation system. As we noted above, Binghamton will continue to receive service to Detroit, Philadelphia, and Washington, DC, and in addition, regional jet service to Pittsburgh. With the multitude of additional services available to other hubs in the region, we are satisfied that the community's service will remain well above the levels that the EAS program is designed to maintain. Further, the community has affirmatively not objected to CommutAir's suspension of service on less than the full 90-day notice period.

Before CommutAir suspends service at Binghamton, however, we expect it to contact all passengers who hold reservations for flights that will be suspended, to inform them of the suspension and the availability of the other services available at Binghamton, and to assist them in arranging alternate transportation.

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

ACCORDINGLY,

1. We take no action to prohibit Champlain Enterprises Inc., d/b/a CommutAir, from suspending its scheduled air service at Binghamton/Endicott/Johnson City, New York, as of August 12, 2001;
2. We grant an exemption from the 90-day notice period required by 49 U.S.C. 41734(a) to the extent necessary to allow it to suspend service at Binghamton/Endicott/Johnson City, New York, as of August 12, 2001;
3. We will rely on the scheduled air services of Mesaba Aviation, Inc., d/b/a Northwest Airlink, Atlantic Coast Airlines, Inc., d//b/a United Express, Trans States Airlines, Inc., d//b/a US Airways Express, and Piedmont Airlines d/b/a US Airways Express, to meet the essential air service requirements of Binghamton, New York, as of the date that Champlain Enterprises Inc., d/b/a CommutAir, suspends service at the community;
4. This docket will remain open until further order of the Department; and
5. We will serve a copy of this order on the Mayors of Binghamton, Endicott, and Johnson City, New York, the airport manager of the Broome County Airport, the Governor of New York, the Director of Aviation Services of the New York Department of Transportation, Champlain Enterprises Inc., d/b/a CommutAir, Mesaba Aviation, Inc.,

³ See Order 84-3-68, March 16, 1984, at pages 7, 8, and 18.

d/b/a Northwest Airlin, Atlantic Coast Airlines, Inc., d//b/a United Express, Trans States Airlines, Inc., d/b/a US Airways Express, and Piedmont Airlines d/b/a US Airways Express.

By:

SUSAN MCDERMOTT
Deputy Assistant Secretary for Aviation
and International Affairs

(SEAL)

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Area Map

