147410

Order 2002-1-3

Served: January 15, 2002

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

Issued by the Department of Transportation
on the 10th day of January, 2002

REPORTS ON SIGNIFICANT AIRLINE SERVICE REDUCTIONS

Docket OST-2001-10711-35

ORDER EXTENDING REQUIREMENT TO FILE NOTICE

Summary

By this order, the Department is extending the requirement imposed on all U. S. certifcated and commuter air carriers by D.O.T. Order 2001-9-20, to file notice at least fifteen days in advance of certain terminations or reductions in service at U. S. communities.

Background

By Order 2001-9-20, September 27, 2001, the Department directed airlines 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, to 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.[1]

This requirement to file notices of service terminations or reductions came about as a result of the terrorist attacks of September 11 and the resulting traffic declines that caused airlines to reduce or end service in a number of markets. The Order noted that the

[1] The 90-day period consists of the ninety days preceding the date when the airline will implement the schedule change. The order also directed each air carrier to provide notice as soon as possible of any such changes scheduled to take effect before the fifteenth day after the issuance of the order.

Department has the preexisting responsibility to administer the small community service program created by 49 U.S.C. 41731 et seq., and also has 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.

We adopted the order establishing this notice requirement 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 established this reporting requirement only as a result of the current temporary emergency, and specified that it would terminate as of December 31, 2001, but we stated in the order that we may extend the notice requirement, if that appears necessary.

Extension of Requirement to File Notices

The attacks of September 11 and the resulting traffic declines are still having an impact on airline service throughout the country. We therefore find that it is in the public interest to extend the requirement to file notices, established by Order 2001-9-20, for an additional 90-day period, through March 31, 2002.

As noted in Order 2001-9-20, 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. We are adopting this requirement under 49 U.S.C. 41708, which authorizes us to obtain information and reports from air carriers to the extent that the information is available. While airlines normally announce schedule changes more than fifteen days in advance, in some cases an airline may make a schedule change of the type requiring a report under this order less than fifteen days before the reduction in service takes effect. In that event it would comply with its reporting obligations under this order if it gave us notice of the change as soon as possible.

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 continue 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

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 on or after January 1, 2002; and

2. The notice requirement imposed by this order shall terminate on March 31, 2002.

By:

READ C. VAN DE WATER
Assistant Secretary for Aviation
and International Affairs

(SEAL)

An electric version of this document is available on the World Wide Web at http://dms.dot.gov/