

July 31, 2000

U.S. Department of Transportation
Dockets 2000-7479
400 Seventh Street, S.W, Room Plaza 401
Washington, D.C. 20590

Dear Sir or Madam:

The following comments are submitted with respect to proposed regulations concerning public charter operations. Congress has limited scheduled passenger service operations at uncertified airports, including Centennial Airport in Arapahoe County, Colorado, to aircraft with 9 passenger seats or less. This change was intended to ensure that passenger flights were limited to airports equipped to handle passenger air crashes.

Legislation recently extended the 9 passenger seat limit to public charter companies, which would operate under a regular schedule. Section 723 of Public Law 106-181 amends 49 U.S.C. § 41104 as follows:

(b) SCHEDULED OPERATIONS

- (1) IN GENERAL** – An air carrier, including an indirect air carrier, which operates aircraft designed for more than 9 passenger seats, may not provide regularly scheduled charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights to or from an airport that is not located in Alaska and that does not have an operating certificate issued under Part 139 of Title 14, Code of Federal Regulations (or any subsequent similar regulations).
- (2) DEFINITION** - In this paragraph, the term “regularly scheduled charter air transportation” does not include operations for which the departure time, departure location and arrival location are specifically negotiated with the customer or the customer’s representative.

Section 723 was adopted to close a loophole for small commuter carriers claiming charter status to avoid the earlier limits on scheduled passenger service at uncertificated airports.

The draft rules published by the Federal Aviation Administration (“FAA”) to implement Section 723 are contrary to the legislative intent. The draft rules would exclude “small” scheduled air charter operations from the requirement that they operate only at certificated airports. The term “small” aircraft includes most commuter aircraft between 10-30 passengers.

The federal law applies to all charter operations, both large and small. The FAA’s proposed rules must be revised to reflect that all public charter operations using aircraft with more than 9 passenger seats that have regularly scheduled operations must operate at a certified airport. The proposed rules are arbitrary and capricious and inconsistent with congressional intent. Furthermore, the draft regulations compromise public safety. I respectfully urge that the rules be revised to reflect the legislative mandate. Please include these comments as part of the Notice of Proposed Rulemaking for the above docket.

Thank you for your consideration.

Respectfully yours,

P.B. “Lynn” Walker-Coffey

PBW:mrj

#8334