

Order 2003-6-12
Served: June 11, 2003



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

Issued by the Department of Transportation
on the **6th day of June, 2003**

Essential Air Service at

WILLIAMSPORT, PA

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

Docket OST-2003-14946

ORDER ALLOWING SUSPENSION OF SERVICE

Summary

This order allows Air Midwest, Inc., d/b/a US Airways Express (Air Midwest), to suspend all scheduled air service at Williamsport, Pennsylvania, and grants the carrier's request to suspend such service on less than 90 days' notice.

Background

On April 14, 2003, in accordance with 49 U.S.C. 41734, Air Midwest filed a 90-day notice of its intent to suspend all scheduled air service at Williamsport and, further, requested that it be permitted to suspend such service on less than 90 days' notice, on or after June 8, 2003.¹ Air Midwest currently provides two weekday and three weekend nonstop round trips between Williamsport and Philadelphia with 19-seat Beech 1900D aircraft.

Williamsport also receives service to Pittsburgh by Shuttle America, Inc., d/b/a US Airways Express. Shuttle America provides Williamsport with four weekday and five weekend nonstop round trips to Pittsburgh, with 34-seat Saab 340 aircraft.

¹ See 49 U.S.C. 41734(a). This section requires an air carrier to file a 90-day notice with the Department, the appropriate State authority, and the affected community, of its intent to end, suspend, or reduce air transportation to an eligible place below the level of basic essential air service.

The essential air service determination for Williamsport, established by Civil Aeronautics Board Order 83-5-146, is defined as two nonstop round trips a day to Philadelphia and two nonstop or one-stop round trips a day to Pittsburgh, with 15-seat or larger aircraft, providing 62 seats outbound and 62 seats inbound each day.²

On May 29, 2003, the Executive Director of the Williamsport Regional Airport submitted a letter stating that it agrees with Air Midwest's request for a waiver of the 90-day notice period to allow the carrier to suspend service at the community effective June 14, 2003.

Decision

After careful consideration, we have decided to allow Air Midwest to suspend its service to Williamsport, and to grant the carrier's request to suspend service on less than 90 days' notice. In accordance with the comments submitted by the airport, we will allow Air Midwest to suspend its service effective June 14, 2003.

The primary purpose of the Essential Air Service program is to ensure that eligible communities maintain a link with the nation's air transportation system. In that regard, we note that with the departure of Air Midwest, Williamsport will still receive service from Shuttle America to Pittsburgh, a major hub. Shuttle America, like Air Midwest, also operates as a US Airways Express code-share carrier, and provides Williamsport with four weekday and five weekend nonstop round trips to Pittsburgh, or a total of 136 weekday and 170 weekend seats in each direction. That level of service far exceeds the maximum capacity of 67 seats a day inbound and outbound that the Department can guarantee under the Essential Air Service program. Furthermore, Pittsburgh is a major operations center for US Airways and, through its code-share arrangements, provides Williamsport travelers with on-line connections throughout US Airways' nationwide system.

Regarding the early suspension, Section 41734 requires that carriers file a 90-day notice before reducing service below the defined essential air service levels. Therefore, we do not allow carriers to suspend service prior to the end of the full 90-day notice period unless the community states in writing that it concurs with, or affirmatively does not object to, the early suspension. Because the community has submitted such a concurrence, we will allow Air Midwest to suspend its service, not on June 8 as requested, but on June 14, as agreed to by the community.

As a final matter, before Air Midwest suspends service at Williamsport, we expect it to contact all passengers who hold reservations for flights that will be suspended, to inform them of the suspension, and to assist them in arranging alternate transportation.

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

² Order 83-5-146 required capacity sufficient to accommodate 40 inbound and outbound passengers, which continues to represent the maximum guarantee under the Essential Air Service program. Under the 60-percent load factor standard subsequently established by the Airport and Airway Safety and Capacity Expansion Act of 1987, P.L. 100-223, the number of guaranteed seats is therefore 67: $40/0.60 = 66.7$.

ACCORDINGLY,

1. We take no action to prohibit Air Midwest, Inc., d/b/a US Airways Express, from suspending its scheduled air service at Williamsport, Pennsylvania, on or after July 14, 2003;
2. We grant the carrier's request for an exemption from the 90-day notice period required by 49 U.S.C. 41734, to allow it to suspend service at Williamsport, Pennsylvania, on less than 90 days' notice, effective June 14, 2003;
3. This docket will remain open until further order of the Department; and
4. We will serve a copy of this order on the Mayor of Williamsport, the manager of the Williamsport Regional Airport, the Governor of Pennsylvania, the Pennsylvania Department of Transportation, Air Midwest, and Shuttle America.

By:

MICHAEL W. REYNOLDS
Acting Assistant Secretary for Aviation
and International Affairs

(SEAL)

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