



Order 2004-3-7

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

Issued by the Department of Transportation  
on the 11<sup>th</sup> day of March, 2004

Ninety-day notice of intent of

**Served: March 16, 2004**

**SHUTTLE AMERICA CORPORATION  
d/b/a US Airways Express**

**DOCKET OST-2004-17011**

to terminate service at Trenton, New Jersey,  
under 49 U.S.C. 41731 *et seq.*

**ORDER ALLOWING SUSPENSION OF SERVICE**

**Summary**

By this order, the Department is allowing Shuttle America Corporation, d/b/a US Airways Express (Shuttle America), to suspend its scheduled service at Trenton, New Jersey, effective May 31, 2004, because it is less than 70 driving miles from Philadelphia International Airport.

**Background**

On January 30, 2004, Shuttle America filed a 90-day notice of its intent to suspend service at Trenton effective May 31, 2004.<sup>1</sup> The carrier currently operates one round trip a week between Trenton and Pittsburgh and five round trips a week between Trenton and Bedford, using 34-seat SAAB 340 aircraft. Shuttle America is the only carrier providing service at Trenton.

Order 92-12-9 defines Trenton's EAS determination as at least two nonstop round trips a day to any hub airport.

**Decision**

To ensure that EAS funds are spent prudently, Congress has established certain eligibility criteria. Under Public Law 106-69, the Department of Transportation and Related Agencies Appropriations Act of 2000, the Department is precluded from compensating a carrier for serving any community within 70 driving miles of a medium or large hub airport.<sup>2</sup> By Order 94-5-11, the Department

<sup>1</sup> The carrier's original termination date was May 1, 2004. However, on February 11, the carrier submitted an amendment to its filing changing the termination date to May 31, 2004.

<sup>2</sup> Congress first imposed that eligibility standard in fiscal year 1992 appropriations language and repeated it every year through fiscal year 1999. Then, by P.L. 106-69, the Department of Transportation and Related Agencies Appropriations Act, 2000, Congress made it a permanent eligibility standard.

found that Trenton was 45 miles from Philadelphia International Airport, a large hub and, thus, not eligible for subsidized air service under the Essential Air Service program. We repeat that finding here. Because we are unable to pay subsidy for Shuttle America's service, we cannot require it to continue service beyond the end of the 90-day notice period and will allow the carrier to terminate service May 31, 2004.

As a final matter, before suspending service, we expect Shuttle America to contact all passengers holding reservations for flights affected, to inform them of the suspension, and to secure alternate air transportation for such passengers or to provide a refund of the ticket price, without penalty, if requested.

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

**ACCORDINGLY,**

1. We will take no action to prohibit Shuttle America Corporation, d/b/a US Airways Express, from suspending its scheduled service at Trenton, New Jersey; and
2. We will serve a copy of this order on the parties listed in the Certificate of Service of Docket OST-2004-17011.

By:

**KARAN K. BHATIA**  
Assistant Secretary for Aviation  
and International Affairs

(SEAL)

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