

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY**

**NOTICE OF EXTENSION REGARDING CURRENT
ADMINISTRATION AND ENFORCEMENT OF
THE ESSENTIAL AIR SERVICE PROGRAM**

I. SUMMARY

By this Notice of Extension, the U.S. Department of Transportation (the Department) is extending the Notice Regarding Current Administration and Enforcement of the Essential Air Service Program (the Notice) through September 30, 2020, unless further extended by the Department. The Notice,¹ issued April 29, 2020, outlined conditions under which air carriers providing Essential Air Service (EAS) may receive compensation for certain non-completed flights as a result of the impact of the Coronavirus (COVID-19) public health emergency. The Notice was effective only through June 30, 2020.

II. BACKGROUND

By Notice on April 29, 2020, the U.S. Department of Transportation's Office of Aviation and International Affairs authorized subsidy payments for certain non-completed flights under the EAS Program given the significant reduction in passenger demand caused by the COVID-19 public health emergency and the resulting financial impact on air carriers. The Office of Aviation and International Affairs authorized payments of 50 percent of the contracted per-flight subsidy for flights that are not completed due to the COVID-19 public health emergency, so long as an EAS air carrier serving a community in the continental United States, Hawaii, and Puerto Rico completes at least one round trip flight a day, six days a week, for that EAS community, and an EAS air carrier serving a community in Alaska completes at least 50 percent of its weekly schedule for that EAS community.

In addition, as part of the Notice, the Department's Office of Aviation Enforcement and Proceedings (Aviation Enforcement Office),² a unit within the Office of the General Counsel, apprised EAS air carriers and eligible communities of its intention not to initiate enforcement actions against EAS air carriers for failure to comply with the level-of-service requirements in 49 U.S.C. §§ 41732 and 41733 in situations where the noncompliance takes place during the effective period of the Notice, the significant reduction in passenger demand due to the COVID-19 public health emergency is the cause of the noncompliance, the EAS air carrier complies with the level-of-service requirements provided in the Notice, and the eligible communities do not object to the change in service levels.

¹ A full copy of the Notice may be found at: <https://www.regulations.gov/document?D=DOT-OST-2000-8012-0168>

² Since the issuance of the Notice, the Aviation Enforcement Office has been renamed the Office of Aviation Consumer Protection.

Since the issuance of the Notice, initially effective through June 30, 2020, many air carriers providing EAS have inquired whether the Department will extend the effective period in light of the ongoing challenges they are experiencing due to the COVID-19 public health emergency. These carriers state that the demand for passenger air travel remains low and the financial effects continue to be challenging. They seek an extension as soon as possible, with one carrier noting that it needs as much advance notice as possible to schedule and staff flights efficiently starting July 1, 2020. The Department observes that air carriers participating in the EAS program continue to encounter record-low demand. As of June 1, U.S. airlines carried just 14 percent of the passenger volume that they carried on the same date last year, a trend that is reflected across the system, including at small and rural communities receiving EAS.³

III. DECISION

The Department recognizes that the documented effects of the COVID-19 public health emergency on air travel demand are ongoing. Therefore, the Department is acting now to extend the effective period of the Notice through September 30, 2020, unless further extended by the Department.

By:

David E. Short
Deputy Assistant Secretary
Office of Aviation and International Affairs
U.S. Department of Transportation

Blane A. Workie
Assistant General Counsel
Office of Aviation Consumer Protection
U.S. Department of Transportation

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³ See Transportation Security Administration checkpoint data, *available at* <https://www.tsa.gov/coronavirus/passenger-throughput>.