

September 13, 2004

Dennis J. DeVany, Chief
Dockets Operations and Media Manager
U.S. Department of Transportation
400 7th Street SW
Rm. PL-401
Washington DC 20590

Subject: EAS Community Participation
Docket OST-2004-18443

Dear Mr. DeVany:

Per our recent conversation and the Department's request for comments, the State of Montana Aeronautics Division and Governor's Essential Air Service Task Force offers the following comments in response to improvements to the essential air service program.

Federal Regulations

- New weight and balance requirements for average passenger and baggage weights may require actual weight surveys every several years. Weights for passengers and bags are not getting less and reduce the payload for 19 seat aircraft and decrease the number of actual seats available.
- If communities have to pay to comply with certain Part 139 requirements, these costs must be passed on to the air carrier. The air carrier will pass costs on to the DOT and the cost per passenger for EAS will increase and could eliminate service to some communities. This unfunded mandate cannot be absorbed by the communities.
- The aircraft used to serve seven of Montana's EAS communities is unable to be retrofitted to transport human remains and still permit the carriage of baggage and cargo due to cargo compartments and cargo netting requirements. This makes it extremely difficult for families to make arrangements and should be reconsidered.
- Requiring unnecessary avionics (such as TAWS) and other equipment upgrades to aircraft is not reasonable and very difficult for carriers to fund and comply with.
- Unreasonable instrument approach procedure minimums should be attended to in a timely manner. Montana has been waiting for lower agreed to minimums at an airport for more than two years.

- The “known-shipper” requirement that restricts who can ship cargo on a flight makes it extremely difficult to get time sensitive, critical materials transported on a flight.

Security Regulations

- In Montana passengers pay a security fee to travel between an EAS community and the hub of Billings but these passengers do not receive any benefit for the security fee.
- The requirement for a bus in Billings to transport passengers from the EAS aircraft to the main terminal entrance in order to be screened (reverse screening) must be considered for reimbursement by the DOT as this additional cost to the carrier cannot continue to be absorbed.
- With increased security requirements it is challenging for even the major carriers to remain in compliance. Regional carriers are forced to have at least one person with the sole responsibility of overseeing security related issues forcing another increase in cost.

Other

- The marketing assistance offered by the program is good and should be continued and increased to allow better advertising and promotion by communities.
- A longer-term EAS contract would be beneficial to a carrier as most aircraft lease commitments are longer than two years.
- The DOT is to be complimented on its recent change in the bid process to a Request For Proposal.

Some of these concerns are mandated by jurisdictions other than the Department of Transportation. We bring them to your attention in hopes agencies can work together to make the essential air service program a more efficient, cost-effective program.

As you know, our agencies, Montana’s congressional delegation and community representatives have stressed the importance of this program to our state since its inception. Focusing on your current request for comments, reasons for the necessity of essential air service in Montana are not mentioned in this letter.

Thank you for the opportunity to comment.

Respectfully submitted,

Debbie Alke, Administrator
Montana Aeronautics Division

John Rabenberg, Chairman
Governor’s EAS Task Force