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The Voice of Small Community Air Service in Rural America
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October 1, 2007

Mr. Dennis DeVany
Chief, Essential Air Service Division
U.S. Department of Transportation
Room W86-308
1200 New Jersey Avenue, SE
Washington, D.C. 20590

RE: EAS Eligibility for Hagerstown, MD; Lancaster, PA; and Brookings, SD

Dear Mr. DeVany:

On September 29, 2007 President Bush signed into law H.J. Resolution 52, making continuing appropriations for Fiscal Year 2008. Provided Congress has not yet passed the Fiscal Year 2008 Transportation Appropriations Act, we are pleased that this law will continue funding of the Essential Air Service (EAS) program until November 16, 2007 at Fiscal Year 2007 funding levels and commercial air service to small communities will be maintained.

Continued Commercial Air Service to Hagerstown, MD; Lancaster, PA; and Brookings, SD

On December 12, 2003 the President signed into law Vision 100¹. Among the law's many EAS reforms, Section 409 required that the DOT determine the distance between Hagerstown, MD; Lancaster, PA; and Brookings, SD and their nearest large or medium hub airports based on the "most commonly used route", not the shortest distance as is used elsewhere. Furthermore, the provision authorized the governors for the states of Maryland, Pennsylvania, and South Dakota to establish, for purposes of EAS eligibility, the most commonly used route and required the DOT to certify this distance and issue a final order regarding the EAS eligibility of these places. The distances certified by the

¹ Vision 100, The Century of Aviation Reauthorization Act- Public Law 108-176.

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DOT had the effect of maintaining the EAS eligibility of these three communities until September 30, 2007 when the final order issued by the DOT expired.

As you are aware, Vision 100 expired on September 30, 2007 and along with it the DOT's order establishing the eligibility of these three communities. However, during debate on H.J. Res. 52, Senators John Rockefeller (D-WV), Chairman of the Senate Aviation Subcommittee, and Patty Murray (D-WA), Chairwoman of the Senate Transportation Appropriations Subcommittee, stated their intent that funds appropriated under H.J. Res. 52 to the EAS program be used to continue subsidized air service to Hagerstown, Lancaster, and Brookings. Senator Rockefeller states,

“Yes. We do hope to pass the full FAA authorization this session, and it contains the EAS mileage waiver. In the interim, it is the intent of the Committee that EAS funding should continue to these airports.”

Meanwhile Senator Murray states,

“This continuing resolution provides funding for the Essential Air Service program at the current rate with the expectation that the program shall continue to function as it is functioning now. We expect the Department of Transportation to avoid any major policy decisions that can impact this program during the period of the continuing resolution--especially given the fact that there is already legislation reported out of committee and awaiting Senate action that addresses the continuation of air service to these communities.”

RAP requests that the DOT abide by Congress' clear intent in this matter and continue to subsidize scheduled air service to these communities. Should the air carriers currently providing air service to these places discontinue air service during the interim, we would ask that the DOT issue an emergency order requesting proposals to provide air service.

Sincerely,

/s/ *Maurice A. Parker*

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Regional Aviation Partners