



June 30, 2023

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

The Honorable Polly Trottenberg
Deputy Secretary
U.S. Department of Transportation
Acting Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

The Honorable Katie Thomson
Deputy Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Secretary Buttigieg, Acting Administrator Trottenberg, and Deputy Administrator Thomson,

This letter is being submitted to correct several inaccurate allegations that have been levied against Part 135 air carriers that conduct public charter flights under Part 380.

Recently, a U.S. Department of Transportation (DOT) docket relating to a pending financial fitness application filed by a Part 135 air carrier for commuter air carrier authorization has been misused by economic competitors that, with no evidence of safety and security concerns, seek to prevent Part 135 operators from conducting public charter flights. Their unsubstantiated claims do a disservice to this well-established regulatory framework and the safe, secure transportation services its operators provide to the traveling public.

For more than 45 years, DOT's public charter regulations have governed charter operations without controversy. There are various types of aviation regulations to distinguish different safety and security needs, including FAA operating rules for flag, domestic and supplemental operations (Part 121), and for on-demand and commuter operations (Part 135). A [2014 legal interpretation](#) issued by the FAA Office of the Chief Counsel lays out the regulatory history of DOT Part 380 public charter operations and its intersection with FAA safety regulations.

The public charter regulations at Part 380 allow for a broad diversity of safe and secure air service options for U.S. consumers, whether the flights are conducted under Part 121 or Part 135. When required by TSA, Part 135 air carriers conducting flights for Part 380 public charters adhere to a TSA-approved Twelve-Five Standard Security Program.

Furthermore, Parts 135 and 380 establish the operating rules under which innovation flourishes and differing business models are provided flexibility to adapt to continuing changes in the aviation industry, with robust safety and security compliance. For example, the evolution of commercial air transportation—particularly with respect to vertical take-off and landing aircraft, hybrid and all-electric flight, and advanced air mobility operations—depends on Part 380 for

commercial success. Swift regulatory change without research, data, or stakeholder input could negatively impact promising new technologies.

The public charter industry supports much needed service to smaller underserved communities. Part 135 air carriers provide expanded competitive air service to more destinations across the United States, maximizing consumer choice and improving the passenger experience. This service would be severely disrupted and entire communities deprived of air service if a wholesale revision of the regulations were made by Congress, as some opponents of the Part 135/Part 380 business model urge—especially if legislative action were taken without public hearings on the adequacy of the existing regulatory framework and the desirability of changes to that framework.

The Part 135 carrier economic application pending before DOT should be adjudicated by the Department under its established procedures for such financial fitness applications. DOT is fully capable of deciding the application based on its merits; no legislative or regulatory overhaul of public charter operations is required. If DOT has concerns with the applicable regulations, DOT can issue a notice of proposed rulemaking and invite public comments on that proposal, where all stakeholders can participate.

We respectfully ask Congress and the administration to allow DOT to independently resolve the financial fitness application and reject any legislative attempts to interfere. Doing so will protect service to small communities and promising new technologies.

Sincerely,

National Business Aviation Association (NBAA)
National Air Transportation Association (NATA)
National Air Carrier Association (NACA)
Helicopter Association International (HAI)
The Airline Passenger Experience Association (APEX)
International Flight Services Association (IFSA)

cc. The Honorable Shalanda Young, Office of Management and Budget
Dr. Lael Brainard, National Economic Council
The Honorable Gina Raimondo, U.S. Department of Commerce
The Honorable Maria Cantwell, U.S. Senate
The Honorable Ted Cruz, U.S. Senate
The Honorable Tammy Duckworth, U.S. Senate
The Honorable Jerry Moran, U.S. Senate
The Honorable Sam Graves, U.S. House of Representatives
The Honorable Rick Larsen, U.S. House of Representatives
The Honorable Garret Graves, U.S. House of Representatives
The Honorable Steve Cohen, U.S. House of Representatives