



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

Issued by the Department of Transportation on May 12, 2020

NOTICE OF ACTION TAKEN -- DOCKET DOT-OST-2020-0037

On March 27, 2020, the President signed the Coronavirus Aid, Recovery, and Economic Security Act (CARES Act) into law. Sections 4005 and 4114(b) of the CARES Act authorize the Secretary of the U.S. Department of Transportation (Secretary) to require, "to the extent reasonable and practicable," an air carrier receiving financial assistance under the act to maintain scheduled air transportation service as the Secretary deems necessary to ensure services to any point served by that air carrier before March 1, 2020 (Service Obligation). By Order 2020-4-2, the U.S. Department of Transportation established the parameters for implementation of the authority granted to the Secretary under the CARES Act, including an exemption process as described at pages 9-10 and in Appendix D of that order. This serves as notice to the public of an action taken by a Department official with regard to exemption(s) from Order 2020-4-2. No additional confirming order will be issued in this matter.

Applicant: **Tradewind Aviation, LLC (Tradewind)**¹

Date Filed: **May 4, 2020**

XX Seasonal Exemption: Tradewind requests that the Department approve deletion of the following covered point from its Service Obligation under Order 2020-4-2:

Teterboro, NJ

Tradewind states that it has never conducted scheduled service operations to this point. It states that the Department's inclusion of Teterboro in Tradewind's Service Obligation in Appendix C to Order 2020-4-2 was caused by the carrier accidentally coding seven on-demand flights to Teterboro Airport as scheduled flights in its 2019 T-100 traffic reports. Tradewind states that, under these circumstances, it should not have a Service Obligation at Teterboro.

Responsive pleadings: None

DISPOSITION

XX **Granted (see below)**

Action date: **May 12, 2020**

Request for exemption granted and effective date of authority granted:²

For Teterboro, NJ: **May 12, 2020** through **September 30, 2020**

This authority is subject to the terms, conditions, and limitations indicated:

XX **Holder's commuter air carrier authorization**

XX **Standard exemption conditions (attached)**

¹ A copy of Tradewind's application and the basis for its exemption request can be found at: <https://www.regulations.gov/document?D=DOT-OST-2020-0037-0126>.

² The effectiveness of this authority will terminate on the date specified above. Should the air carrier wish to extend the date(s) of effectiveness, it must file another request for an exemption in accordance with the exemption process as described in Appendix D of Order 2020-4-2.

Basis for approval: We find that granting Tradewind's request to remove Teterboro, New Jersey from its Service Obligation is warranted. Our analysis of T-100 data supports Tradewind's assertion that its inclusion of scheduled operations at Teterboro in its T-100 reports was done in error, which resulted in Teterboro, New Jersey being identified as a covered point in Tradewind's Service Obligation. We also note that Teterboro Airport does not hold certification from the Federal Aviation Administration under 14 CFR Part 139 to support the operation of scheduled services. Under these circumstances, it would not be reasonable or practicable to require Tradewind to serve Teterboro under the terms of that Order, and we will remove this covered point from Tradewind's Service Obligation.

We may amend, modify, or revoke this exemption at any time without hearing at our discretion.

Persons entitled to petition the Department for reconsideration of the action set forth in this Notice under the Department's regulations, 14 CFR § 302.14, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for reconsideration will not alter such effectiveness.

Action taken by: David Short
Deputy Assistant Secretary
Aviation and International Affairs

An electronic version of this document is available at: <http://www.regulations.gov>

U.S. Carrier Exemption Conditions

In the conduct of the operations authorized, the U.S. carrier applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with consumer protection and civil rights requirements, including, but not limited, to requirements contained in 14 CFR Parts 250, 254, 257, 259, 374, 382 and 399;
- (3) Comply with the requirements for reporting data to the Department, including, but not limited, to requirements contained in 14 CFR Parts 234, 241, and 244;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with all applicable requirements of the Federal Aviation Administration, the Transportation Security Administration, and with all applicable U.S. Government requirements concerning security, including, but not limited to, 49 CFR Part 1544. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its Principal Security Inspector (PSI) to advise the PSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served;
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.