

Aviation Group Client Update

Date: November 15, 2012
Contact: Lisa A. Harig, Partner
Washington DC Office
lharg@mklawdc.com
+1 703 247 5487

FAA ISSUES WAIVER OF SLOTS USAGE REQUIREMENT AT JFK, LGA & EWR

Today, FAA granted a limited general waiver of the requirement to use Operating Authorizations (slots) at John F. Kennedy International Airport (JFK), LaGuardia Airport (LGA), and Newark Liberty International Airport (EWR) as a result of the disruption, including airport closures and mass cancellation of scheduled flights, caused by Hurricane Sandy. FAA will treat as used any slot or Operating Authorization held by a carrier from October 28 through November 2, 2012.

On October 29, 2012, Hurricane Sandy made landfall in southern New Jersey. Combined with another weather front, Hurricane Sandy transitioned to an extratropical storm that caused widespread power outages, severe flooding, and severe disruption of transportation systems in the northeastern and mid-Atlantic United States.

Slots must be used at least 80% of the time. Slots not meeting the minimum usage requirement will be withdrawn or not receive historic precedence for the following scheduling season, depending on the airport. The FAA may grant a waiver from the minimum usage requirement in highly unusual and unpredictable conditions that are beyond the control of the carrier and affect carrier operations for a period of five or more consecutive days (for LGA, JFK, and EWR) or of nine or more consecutive days (for DCA).

For LGA, JFK, and EWR, the FAA has determined the unusual circumstances created by Hurricane Sandy meet the criteria for a limited waiver of the minimum slot usage requirement.

For Reagan Washington National Airport (DCA), FAA has determined that overall operational disruption did not last for the required nine or more consecutive days. FAA declined to grant a waiver of the requirement to use slots at DCA; however, the agency encourages affected carriers to submit an individual request for limited waiver with regard to DCA. The carrier must demonstrate operational disruptions of scheduled flights that lasted nine or more consecutive days to be eligible for waiver relief.

The waiver is effective as of November 15, 2012. If you have any questions regarding the impact of the waiver on your operations, or if you need assistance with submission of an individual request for limited waiver for operations at DCA, please contact our office.

* * * * *

McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.