



Transportation Trades Department, AFL-CIO

February 17, 2025

The Honorable Cindy A. Baraban
Deputy Assistant Secretary, Aviation and International Affairs
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Ms. Baraban:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am responding to the Department of Transportation's (DOT) Order to Show Cause in which it has tentatively granted economic authority to SkyWest Charter, LLC (SWC) to conduct scheduled passenger operations as a commuter air carrier. TTD consists of 37 affiliate unions representing transportation workers across the aviation industry, including airline pilots, mechanics, flight attendants, dispatchers, Transportation Security Officers (TSOs), aviation safety inspectors, and air traffic controllers. We therefore have a vested interest in actions regarding public charter and on-demand operations. If granted the economic authority it seeks, SWC intends to operate commuter passenger operations as a public charter pursuant to Part 380 of the DOT's economic regulations (14 CFR Part 380) and under its existing Part 135 FAA authority using CRJ-200 jet aircraft configured for 30 passenger seats.

The model SWC intends to utilize will operate flights that are scheduled in all but name. A 1995 FAA rule that removed flights operated under Part 380 public charter rules from the definition of "Scheduled Operations," without consideration for safety or the scale of such operations, has created a loophole that has allowed high frequency flights operated with jet aircraft of 10-30 seats, to operate at lower levels of safety than all other scheduled jet services. Simply put, scheduled flying should be considered scheduled service and therefore operate under scheduled service safety rules.

On-demand charter services have become so frequent, with the number of flights so large, that these charters are virtually indistinguishable from scheduled flights. Continuing a carve-out for on-demand 30-seat-jet charters from the Part 121 scheduled regime is untenable and not in the interest of safety. It is imperative that the DOT and FAA ensure public safety by requiring all scheduled passenger operations to fall under Federal Aviation Regulations (FAR) Part 121 and follow the principles of One Level of Safety established by the DOT and FAA for passenger operations utilizing aircraft with 10 or more seats. SWC's intended model of operation compromises the safety of the flying public and aviation workers while side-stepping the FAA's

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commitment to One Level of Safety. This arrangement is unjustifiable and must not be permitted to continue.

As a matter of safety, providing scheduled service under FAR Part 135 skirts a host of scheduled-airline safety regulations contained in Part 121, including the 1,500-hour threshold for an Airline Transport Pilot certificate (a/k/a First Officer Qualifications), the age 65 retirement mandate, and minimum rest along with no interrupted rest. These and other Part 121 safety regulations have kept U.S. aviation as the safest mode of transportation in the world, but which do not apply to companies abusing the loophole in the regulatory regime. Operating scheduled flights in this way carries out an end-run around the FAA's commitment since the mid-1990s to One Level of Safety, which required that Part 135 scheduled carriers move to the higher, more stringent Part 121 standard.

Of additional concern is the lack of an existing framework of guidance for "scheduled" commuter Part 135 operations for use by Aviation Safety Inspectors (ASIs) and Principal Inspectors (PIs). FAA Order 8900.1, the primary order relied upon by the Flight Standards workforce to assist PIs in decision-making, contains no specific guidance for scheduled Part 135 commuter operations. Without clear and published guidance, each decision made by PIs will be subject to challenge or rebuttal by the carrier.

There is no justification for granting different levels of safety for scheduled passenger airlines, and the DOT must hold all scheduled passenger operators to the highest level of safety. We appreciate the opportunity to comment on this matter and look forward to working with the DOT in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Regan", written over a circular stamp or mark.

Greg Regan
President