

Air Transport Association Files Lawsuit Against Federal Aviation Administration

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Says Agency's Actions to Auction Slots Are Unlawful and Outside of Its Authority

The Air Transport Association of America (ATA), the industry trade organization for the leading U.S. airlines, today filed a lawsuit against the Federal Aviation Administration (FAA), responding to its decision to auction slots.

"FAA's claim that it can use its property management authority to auction slots is intellectually dishonest and a disturbing end run around Congress," said ATA President and CEO James C. May. "Every transportation administration except this one has acknowledged that it does not have the authority to implement auctions and other so-called market mechanisms. Yet this administration believes it can ignore the statutory limits of its authority to remake the industry as it sees fit.

"We said that we would challenge the FAA decision in a court of law and we are doing just that. Today we have started the process to protect our members' rights," said May.

ATA's lawsuit, a petition for review filed in the U.S. Court of Appeals for the District of Columbia, states that the FAA slot auction is, in effect, a final rule that "should be held unlawful and set aside because these actions are in excess of the FAA's statutory authority, constitute unauthorized regulatory action disguised as property management, are contrary to express statutory limitations imposed by Congress in the 2008 Consolidated Appropriations Act, are without observance of procedure required by law, and are arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law."

"FAA's plan is not only unlawful, it is both surprising and perplexing. It is surprising because the end result will be more flights during the busiest times of the day at Newark, even as we suffer through yet another delay-plagued summer, and it is perplexing because the announced slot auction precedes formal rules to auction slots at Newark and other airports," said May. "Sadly, FAA believes that it has the right to make up the rules as it goes along. FAA should focus its efforts on fulfilling its responsibility to provide the infrastructure and air traffic resources necessary to meet the public's demand for safe air transportation services, instead of finding new ways to inhibit economic growth and further tax an already overtaxed traveling public."

For more information, please see the following resources online:

-- ATA Petition for Review of FAA Order on Notice of Slot Lease Auction
(<http://www.airlines.org/government/agency/ATA+Petition+on+Slot+Auctions.htm>)

-- ATA Comments to FAA on Notice of Slot Lease Auction
(<http://www.airlines.org/government/agency/ATA+Slot+Lease+Auction+and+Congesti on+Management+Comments.htm>)

-- Questions & Answers on ATA Slot Auction Lawsuit Against FAA
(http://www.airlines.org/news/releases/2008/QandA_8-11-08.htm)

ATA airline members and their affiliates transport more than 90 percent of all U.S. airline passenger and cargo traffic.

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