



May 17, 2016



The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Barbara A. Mikulski
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510



The Honorable Bill Shuster
Chairman
Committee on Transportation
& Infrastructure
U.S. House of Representatives
Washington, DC 20515

The Honorable Peter A. DeFazio
Ranking Member
Committee on Transportation
& Infrastructure
U.S. House of Representatives
Washington, DC 20515



Dear Chairmen Cochran and Shuster and Ranking Members Mikulski and DeFazio:

We are writing to express our opposition to any attempts to amend the Airline Deregulation Act's (ADA) federal preemption provision (49 USC 41713).



Congress enacted the preemption provision as part of the Airline Deregulation Act in 1978. The House committee report for the legislation (H.Rept. 95-1211) declared that the "lack of specific provisions" on federal and state jurisdiction over aviation "has created uncertainties and conflicts". To address this problem, Congress prohibited states from enacting any law or regulation "related to a price, route, or service of an air carrier..." Through the ADA's preemption provision, Congress established clear and unitary federal authority over the national airspace. Since then, court decisions and opinion letters issued by the Department of Transportation's (DOT) Office of General Counsel have defined the contours of federal authority under the ADA. The preemption provision has provided legal certainty for air carriers and customers and a single set of rules for the inherently interstate activity of aviation.



Uniform federal authority is an essential predicate to maintaining efficient and safe transportation in the nation's airspace. Any effort to create exemptions from this well-understood federal authority will open the door to creating a patchwork of state aviation regulatory regimes. Furthermore, any exemption could create uncertainty regarding the well-developed legal precedents compiled through court decisions and DOT opinions. Finally, once Congress adopts the first exemption from the preemption provision, the precedent will be established for future legislative carve-outs.



For nearly 40 years, the ADA has provided the foundation for the efficient management of the national airspace. Congress should not unravel this well-established federal authority over aviation.

Thank you for considering our views on this critical issue.

Sincerely,



Mark R. Baker
President, CEO
Aircraft Owners and Pilots Association

Jack J. Pelton
Chairman of the Board
Experimental Aircraft Association



Ed Bolen
President, CEO
National Business Aviation Association

Matthew S. Zuccaro
President, CEO
Helicopter Association International



Christopher Eastlee
President
Air Medical Operators Association (AMOA)

Rick Sherlock
President and CEO
The Association of Air Medical Services (AAMS)

