

D.C. Circuit Court Reaffirms the Importance of Airline Competition in the FAA's enabling Legislation

The D.C. Circuit's May 21 decision in *Spirit Airlines v. U.S. DOT* sets an important precedent in federal airport law. A&K's Scott Lewis, Mina Makarious, and Christina Marshall submitted an *amicus* brief in the case on behalf of Airports Council International-North America. In the decision, the Court vacated FAA's decision to retire peak "slots" used by Southwest at Newark International Airport, even though Spirit Airlines had shown a desire and ability to use them, and the Port Authority of New York and New Jersey, the airport sponsor, supported their continued use. The Court found that FAA had failed to give due regard to the concerns raised by the Port Authority and the United States Department of Justice about the anticompetitive effects of FAA's action. The Court's decision reaffirms the importance of airline competition in the FAA's enabling legislation, and the need to consider airport sponsor input in FAA's decision-making. For more on the case, see: <https://bit.ly/3yCYSb0>