

DEPT. OF TRANSPORTATION
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Coalition for an Airline Passengers Bill of Rights

December 2, 2007

Subject:

14 CFR Parts 234, 253, 259, and 399

Docket No. DOT-OST-2007-0022

RIN No. 2105-AD72

Enhancing Airline Passenger Protections

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT)

ACTION: Advance Notice of Proposed Rulemaking (ANPRM)

Dear Secretary Peters,

Please accept my comments on the Enhancing Airline Passenger Protections ANPRM.

1. **Require Contingency Plans for Lengthy Tarmac Delays and Incorporate Them in their Contracts of Carriage**
 - a. The Department must review and approve air carrier's contingency plans. Existing air carrier contingency plans and contracts of carriage are not enforceable. We depend upon the government to ensure that consumers are protected from unfair and deceptive practices.
 - b. The Department should be responsible for setting minimum standards. If the left solely up to the airlines, they can set unreasonable thresholds.
 - c. The ANPRM must be specific in definition of "the maximum tarmac delay that the carrier will permit". This provision of the proposal should explicitly require airlines to define the maximum tarmac time before passengers are permitted to deplane.
 - d. I strongly agree with inclusion of 30 passenger seats aircraft as regional jets are used in approximately 25% of commercial traffic.
 - e. Contingency plans should otherwise include; a) maximum tarmac delay that the carrier will permit; b) the amount of time on the tarmac that triggers the plan's terms; c) assurance of adequate food, **potable** water, and **operable** lavatory facilities and medical attention; d) assurance of sufficient resources to implement the plan; e) assurance that the plan has been coordinated with airport authorities at medium and large hub airports, and; f) record retention for a period of up to two years.
 - f. Carriers should be required to publish airport specific contingency plans in their contract of carriage. Where the carrier's plan necessitates different plans for different airports, consumers will then know what to expect if they are traveling to or from any given airport in the event of a delay. This will give consumers more information to enable them to choose different routes where a choice of carriers/airports might be available.
 - g. Often, once flights are canceled and return to a gate, passengers are left with no food and water options because airport concessions are closed. Airports

should have contractual provisions with their vendors to require concessions to remain open when aircraft are sitting on runways for extended periods.

2. Require Carriers to Respond to Consumer Problems

I agree with the adoption of this new regulation. Carriers should be required to;

- a. Provide customer service postal addresses, telephone numbers and email addresses.
- b. Respond within 24 hours to acknowledge receipt of complaints
- c. Respond within 30 days with final complaint resolution.

3. Declare the Operation of Flights that Remain Chronically Delayed to be an Unfair and Deceptive Practice and an Unfair Method of Competition

I agree with this regulation. However, airlines should not be permitted to have six months to correct these problems. Civil penalties should be automatically affected when a flight reaches the specified delay threshold in any given quarter. Fines should be automatically imposed and immediate corrective action should be taken. Airlines should be required to be proactive rather than requiring the DOT having to be reactive.

The criteria for identifying a chronically delayed flight should be;

- Applicable to flights with a frequency of 24 per quarter rather than 45.
- Considered late if late by 15 minutes or more
- Considered chronically late if late more than 50% of the time. In what other industry would it be acceptable to be late 50% of the time let alone 70%?

In addition, I urge the DOT to ensure that loopholes such as simply changing the flight number and departure time by a few minutes not be a permissible way of circumventing this rule.

4. Require Carriers to Publish Delay Data on their Websites

I agree that the DOT that on-time arrival and late arrival percentage data should be made available for all flights, not just those that are identified by an arbitrary percentage of lateness. Consumers should be permitted to make their own determinations as to acceptable levels of flight performance.

- "Late" should not be defined as arrivals that were more than 30 minutes late. It should be 15 minutes. Late is late. Carriers have already included buffer time in their schedules. The DOT doesn't need to add to that buffer.

These provisions will help consumers make better-informed choices when booking flights and this information will have a direct result on which flights they book. In turn, this should increase carriers' incentives to correct problem flights through their schedules and operations.

Airlines should be required to provide this information on their websites during the online booking of flights, and also be required to provide this information, on request, when flights are booked by telephone.

Third-party reservation services should also be required to provide this information whether reservations are made by telephone or on-line reservation websites. Airlines should be required to provide open interfaces for internet applications to access this data from their servers so as not to impose undue costs by third parties.

These requirements be expanded to include international flights made by domestic carriers, and all domestic scheduled passenger service using aircraft with more than 30 passenger seats regardless of their revenue levels.

5. Require Carriers to Publish Complaint Data on their Websites

I believe that airlines should be required to publish complaint data on their websites under the following categories:

- Involuntary Bumping
- Baggage Issues
- Frequent Flyer Miles
- Unaccompanied minors
- Delays
- Tarmac strandings
- Disabilities

6. Require Carriers to Report On-Time Performance of International Flights

Carriers should be required to report on-time performance for all domestic and international scheduled passenger service using aircraft with more than 30 passenger seats.

7. Require Carriers to Audit their Adherence to their Customer Service Plans

Carriers should be required to audit their CSPs at least every three years, and submit the results of those audits to the DOT for approval.

Thank you for the opportunity to comment on these important issues.

Best regards,

Michael O'Brien
4505 E Hinsdale Place
Centennial, CO 80122
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