

Consumer Rule II

Subject	NPRM	Final Rule
<p><u>Tarmac Delay Contingency Plans</u></p>	<p>A. Expand the pool of carriers that are required to adopt and adhere to tarmac delay contingency plans to include foreign air carriers operating to and from U.S. with at least one aircraft with 30 or more passenger seats.</p> <ul style="list-style-type: none"> • set their own time limit for deplaning passengers, with appropriate safety, security, and ATC exceptions; • provide food and water after 2 hours, unless safety or security considerations preclude such service • provide operable lavatories and medical attention if necessary; • coordinate plans with airport authorities, including diversion airports; and • retain information for all three-hour plus tarmac delays on the length and cause of the delay, steps taken to minimize hardships for passengers (permits DOT to more easily monitor these incidents), whether flight ultimately took off, and explanation for any tarmac delay that exceeded 3 hours. <p>B. Expand the airports at which airlines must adhere to the contingency plan’s terms to include small hub and non-hub airports, including diversion airports.</p>	<p>A. Require foreign air carriers operating to or from the U.S. with at least one aircraft with 30 or more passenger seats to adopt and adhere to tarmac delay contingency plans.</p> <p>B. Require U.S. and foreign air carriers to not permit an aircraft to remain on the tarmac at a U.S. airport for more than four hours before allowing passengers to deplane appropriate safety, security, and ATC exceptions.</p> <p>C. Expand the airports at which airlines must adhere to the contingency plan’s terms to include small hub and non-hub airports, including diversion airports.</p> <p>D. Require U.S. and foreign carriers to coordinate plans with CBP & TSA.</p> <p>E. Require notification regarding status of delay every 30 minutes while aircraft is delayed, including reasons for tarmac delay if known.</p> <p>F. Require notification of opportunity to deplane from an aircraft that is at the gate or another disembarkation area with door open if the opportunity to deplane</p>

	<p>C. Require notification regarding the status of the tarmac delay (i.e., notify passengers every 30 minutes of reasons for tarmac delay).</p> <p>D. Require coordination of plan with CBP at any U.S. airport that is regularly used for that carrier's international flights, including diversion airports.</p> <p>E. Require coordination of plan with TSA at any U.S. airport</p>	<p><i>actually exists.</i></p>
<p><u>Tarmac Delay Data</u></p>	<p>A. Require the 18 largest U.S. carriers (i.e., reporting carriers) that are already required to provide tarmac delay data for their domestic scheduled flights to provide such data for their public charter service and international flights.</p> <p>B. Expand the pool of carriers that must file information with the Department regarding tarmac delays from just the 18 largest U.S. carriers to U.S. carriers and foreign carriers that operate any aircraft with 30 or more passenger seats.</p>	<p>A. Require all carriers that must adopt tarmac delay contingency plans to file data with the Department regarding lengthy tarmac delays.</p>

<u>Customer Service Plans</u>	<p>A. Expand the pool of carriers that are required to adopt, follow and audit customer service plans to include foreign air carriers operating to and from U.S. with at least one aircraft with 30 or more passenger seats. Foreign carriers are not currently covered by the rule.</p> <p>B. Establish standards for the subjects carriers must cover in customer service plans.</p>	<p>A. Require foreign air carriers with at least one aircraft with 30 or more passenger seats to adopt, follow and audit customer service plans.</p> <p>B. Establish standards for the subjects U.S. and foreign air carriers must cover in customer service plans. Changes from NPRM in the following key areas.</p> <p>a. <u>Revised Standard</u>: Delivering baggage on time, including ... <i>reimbursing passengers for any fee charged to transport a bag if the bag is lost.</i></p> <p>b. <u>Revised Standard</u>: Where ticket refunds are due, providing prompt refunds ... <i>including refund of optional fees charged to a passenger for services that the passenger was unable to use due to an oversale situation or flight cancellation.</i></p> <p>c. <u>Revised Standard</u>: Allowing reservations to be held at the quoted fare without payment, or cancelled without penalty, for at least twenty-four hours after the reservation is made <i>if the reservation is made one week or more prior to a flight's departure date</i></p>
<u>Contracts of Carriage</u>	<p>A. Require carriers (U.S. and foreign) to include their contingency plans and customer service plans in their contracts of carriage.</p> <p>B. Require foreign carriers to post contracts of carriage on their websites which is already required of U.S. carriers.</p>	<p>A. <i>Do not require carriers (U.S. and foreign) to include their contingency plans and customer service plans in their contracts of carriage.</i></p> <p>B. Require foreign carriers to post their contingency plans, their customer service plans, and their contracts of carriage on their websites which is already required of</p>

		U.S. carriers.
<u>Response to Consumer Problems</u>	A. Expand the pool of carriers that must respond to consumer problems to include foreign air carriers operating to and from the U.S. with at least one aircraft with 30 or more passenger seats (i.e., monitor the effects of irregular flights on consumers; inform consumers how to file a complaint with the carrier, and provide substantives responses to consumer complaints within 60 days). Foreign carriers are not now covered.	A. Expand the pool of carriers that must respond to consumer problems to include foreign air carriers operating to and from the U.S. with at least one aircraft with 30 or more passenger seats (i.e., monitor the effects of irregular flights on consumers; inform consumers how to file a complaint with the carrier, and provide substantives responses to consumer complaints within 60 days).
<u>Oversales</u>	<p>A. Increase the minimum DBC limits to \$650/\$1,300 to account for actual CPI increase since 1978. (The last increase about 2 years ago only doubled the 1978 limits of \$200/\$400 to \$400/\$800.)</p> <p>B. Implement an automatic inflation adjuster for minimum DBC limits every 2 years.</p> <p>C. Clarify that DBC must be offered to “zero fare ticket” holders (e.g., frequent flyer award tickets) who are involuntarily bumped (fare paid by passengers with zero fare ticket for calculating DBC is the lowest cash, check, or credit card payment charged for a comparable class of ticket on the same flight).</p> <p>D. Require that a carrier verbally offer cash/check DBC if the carrier verbally offers a travel voucher as DBC to passengers who are involuntarily bumped.</p>	<p>A. Increase the minimum DBC limits to \$650/\$1,300 or 200%/400% of the one-way fare, whichever is smaller and implement an automatic inflation adjuster for minimum DBC limits every 2 years.</p> <p>B. Implement an automatic inflation adjuster for minimum DBC limits every 2 years.</p> <p>C. Clarify that DBC must be offered to “zero fare ticket” holders (e.g., frequent flyer award tickets) who are involuntarily bumped.</p> <p>D. Require that a carrier verbally offer cash/check DBC if the carrier verbally offers a travel voucher as DBC to passengers who are involuntarily bumped.</p> <p>F. Require that a carrier inform passengers solicited to volunteer for denied boarding about all material</p>

	<p>E. Require that a carrier inform passengers solicited to volunteer for denied boarding about its principal boarding priority rules applicable to the specific flight and all material restrictions on the use of transportation vouchers in lieu of cash.</p>	<p>restrictions on the use of transportation vouchers in lieu of cash.</p>
<p><u>Full Fare Advertising</u></p>	<p>A. Enforce the full fare advertising rule as written (i.e., ads which state a price must state the full price to be paid). Carriers currently may exclude government taxes/fees imposed on a per-passenger basis.</p> <p>B. Clarify the rule’s applicability to ticket agents.</p> <p>C. Prohibit carriers and ticket agents from advertising fares that are not the full fare and impose stringent notice requirements in connection with the advertisement of “each-way” fares available for purchase only on a roundtrip basis.</p> <p>D. Prohibit opt-out provisions in ads for air transportation.</p> <p>E. Solicit comment on two-fare system.</p>	<p>A. Enforce the full fare advertising rule as written (i.e., ads which state a price must state the full price to be paid). Carriers currently may exclude government taxes/fees imposed on a per-passenger basis.</p> <p>B. Clarify the rule’s applicability to ticket agents.</p> <p>C. Prohibit carriers and ticket agents from advertising fares that are not the full fare and impose stringent notice requirements in connection with the advertisement of “each-way” fares available for purchase only on a roundtrip basis.</p> <p>D. Prohibit opt-out provisions in ads for air transportation.</p>
<p><u>Baggage and Other Fees and Related Code-Share Issues</u></p>	<p>A. Require U.S. and foreign air carriers that maintain a website accessible to the general public to prominently disclose on the homepage of such website any increase in the fee for the checking of passenger baggage or any change in the free baggage</p>	<p>A. Require U.S. and foreign air carriers to disclose changes in bag fees/allowances on their homepage for three months, to include information regarding the free baggage allowance.</p>

	<p>allowance for checked bags. Asked whether it should apply to ticket agents as well as carriers.</p> <p>B. Require U.S. and foreign air carriers that issue e-ticket confirmations to passengers to include information regarding their free baggage allowance and/or the applicable fee for the first and second checked bag on the e-ticket confirmation. Asked whether it should apply to ticket agents as well as carriers.</p> <p>C. Invited comment on alternative proposals to provide specific notice to consumers about baggage fees and allowances and other ancillary fees.</p> <p>D. Require U.S. and foreign air carriers that have a website accessible to the general public to disclose all optional services that have significant fees to consumers through a prominent link on their homepage that leads directly to a listing of those fees.</p> <p>E. Solicit comment on whether to require carriers to provide up-to-date information on all ancillary fees to global distribution systems to make the information available to travel agents.</p> <p>F. Solicit comment on whether there are any ancillary fees for services that should not be permitted to vary among code-share partners.</p> <p>G. Solicit comment on whether in a code-share situation</p>	<p>B. Require carriers (U.S. and foreign) and ticket agents to include on e-ticket confirmations information about the free baggage allowance and applicable fee for the first and second checked bag and carry-on but allow ticket agents, unlike carriers, to do so through a hyperlink.</p> <p>C. Require carriers (U.S. and foreign) and ticket agents to inform passengers on the first screen in which the ticket agent or carrier offers a fare quotation for a specific itinerary selected by a consumer that additional airline fees for baggage may apply and where consumers can go to see these baggage fees.</p> <p>D. Require U.S. and foreign air carriers to disclose all fees for optional services to consumers through a prominent link on their homepage.</p> <p>E. Announce that we will seek further comment on methods to ensure ancillary fee information can be made available to both Internet and “brick and mortar” travel agencies in a forthcoming notice of proposed rulemaking. (Allows the Department time to better explore the complex relationship between travel agents, GDSs, and airlines).</p> <p>F. Require the same baggage allowances and fees apply throughout a passenger’s journey.</p> <p>G. Require marketing carrier to disclose on its website any difference between its optional services and fees and those of the carrier operating the flight. Disclosure ma</p>
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	the marketing carrier should be required to disclose through reservation agents, websites, and/or e-ticket confirmations any differences in services and fees.	<i>be made through a hyperlink to the operating carriers' websites that detail the operating carriers' fees for optional services, or to a page on its website that lists the differences in policies among code-share partners.</i>
<u>Post-Purchase Price Increases</u>	A. Ban the practice of post-purchase price increases.	A. Ban the practice of post-purchase price increases in air transportation or air tours <i>unless increase is due to government-imposed taxes or fees and passenger was provided full disclosure of potential for increase and affirmatively agreed to the potential for such an increase prior to purchase.</i>
<u>Flight Status Changes</u>	<p>A. Require reporting carriers to promptly notify passengers in the boarding gate area that is open for that flight of changes to their domestic scheduled flights as a result of delays or cancellations (notification method may be by a verbal announcement, display board, etc).</p> <p>B. Require reporting carriers to promptly update all domestic scheduled flight information under their control at airports regarding changes to the status of particular flights as a result of delays or cancellations.</p> <p>C. Require reporting carriers to promptly update flight status details available on their websites and through their telephone reservation systems.</p> <p>D. Require a ticket or gate agent of reporting carriers to provide, upon request, up-to-date information on changes to a carrier's scheduled flights as a result of</p>	<i>A. Require U.S. and foreign air carriers operating scheduled passenger service with any aircraft with 30 or more seats to promptly notify consumers through whatever means is available to the carrier for passenger who subscribe to the carrier's flight status notification services, in the boarding gate area, on a carrier's telephone reservation system and its website of delays of 30 minutes or more, cancellations and diversions within 30 minutes of the carrier becoming aware of a change in the status of a flight.</i>

	delays or cancellations.	
<u>Choice-of-Forum Provisions</u>	A. Prohibit U.S. and foreign air carriers from limiting a passenger’s forum to a particular inconvenient venue. (Specifically permit consumers to file suit wherever a carrier does business, which generally includes where the consumer lives/bought the ticket.)	A. Prohibit U.S. and foreign air carriers from limiting a passenger’s forum to a particular inconvenient venue.
<u>Peanut Allergies</u>	<p>A. Solicit comment on three options to providing greater access to air travel for persons with peanut allergies:</p> <ol style="list-style-type: none"> 1. Banning the serving of peanuts and all peanut products by both U.S. and foreign carriers on flights covered by DOT’s disability rule; 2. Banning the serving of peanuts and all peanut products on all such flights where a passenger with a peanut allergy is on board and has requested a peanut-free flight in advance; 3. Requiring a peanut-free buffer zone in the immediate area of a passenger with a medically-documented severe allergy to peanuts if passenger has requested a peanut-free flight in advance. <p>B. Solicit comment on whether it is preferable to maintain the current practice of allowing carriers to serve peanuts on aircraft without any restriction.</p>	<i>A. Decline to take action at this time on a rulemaking providing greater access to air travel for persons with peanut allergies due to the lack of a peer-reviewed study as required in the Department of Transportation and Related Agencies Appropriations Act of 2000, Public Law 106-69</i>
<u>Effective Date</u>	A. Solicit comment on a final rule that we adopt taking effect 180 days after its publication in the Federal	<i>A. Make the final rule effective 120 days after its publication in the Federal Register but provide</i>

	Register.	<i>additional time for the provision in rule regarding full fare advertising.</i>
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