

Association for Airline Passenger Rights (AAPR)

PO Box 15275

Washington, DC 20003

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July 19, 2011

The Honorable John D. Rockefeller, IV, M.C.
Chairman
Committee on Commerce, Science & Transportation
U.S. Senate
Washington, DC 20510

The Honorable Kay Bailey Hutchinson, M.C.
Ranking Member
Committee on Commerce, Science & Transportation
U.S. Senate
Washington, DC 20510

The Honorable John L. Mica, M.C.
Chairman
Committee on Transportation & Infrastructure
U.S. House of Representatives
Washington, DC 20515

The Honorable Nick Joe Rahall II, M.C.
Ranking Member
Committee on Transportation & Infrastructure
U.S. House of Representatives
Washington, DC 20515

RE: FAA Air Transportation Modernization and Safety Improvement Act

Dear Conferee,

I am writing to you on behalf of the Association for Airline Passenger Rights ("AAPR") and its board of directors to express our strong support for the **FAA Air Transportation Modernization and Safety Improvement Act** (H.R.658 / S.223). As the House-Senate Conferees deliberate on resolving the differences between H.R.658 / S.223, please take into consideration how the law will impact airline passengers. AAPR commends you on nearing completion of the process to modernize our nation's outdated aviation system, while also recognizing the need to include stronger passenger rights protections.

The mission of the Association for Airline Passenger Rights is to promote fairer customer service and accessibility standards in the airline industry and to improve passenger satisfaction. Our purpose is to educate policymakers on travel-related information important to airline passengers, improve accessibility for passengers with disabilities and protect the consumer rights and responsibilities of airline passengers.

The following provides short summaries on the sections important to airline passengers, including air safety standards, customer service standards and reliability standards. AAPR encourages you to maintain these provisions in the final House-Senate Conference Report:

• **Title II, Section 201 – Next Generation Air Transportation System & Air Traffic Control Modernization**

AAPR strongly supports the implementation of NextGen. NextGen will allow the **air transportation system** in the United States to **expand, improve and meet the ever-increasing demands** being placed on the existing **air traffic control system**. The **new technologies** driving NextGen will set the stage for **better quality service** in multiple areas of today's air traffic control system. It is important to note that under Sec. 217 – Inclusion of Stakeholders in Air Traffic Control Modernization Projects – airline passengers should also be afforded the opportunity to participate in the process.

- **Title IV, Section 423 – Air Passenger Service Improvements**

The passenger rights protections would require the airlines to provide essential services to its passengers when a flight is excessively delayed, including **adequate food and potable water, adequate restroom facilities, cabin ventilation with comfortable cabin temperatures and access to necessary medical treatment.** Equally important, however, it would require airline contingency plans providing passengers with the opportunity to safely deplane from long on-board tarmac delays. AAPR contends that the Conference Report needs to define “excessive tarmac delays” as longer than 3-hours, as established in the recent final rule promulgated by the U.S. Department of Transportation. Finally, the legislation would establish an “**Air Passengers Complaint Hotline**” for air passengers to register their complaints.

- **Title IV, Section 426 – Airfares for Members of the Armed Forces**

This provision **requests** the airlines **offer** “**reduced air fares** that are comparable to the lowest airfare for ticketed flights; and **flexible terms** that allow members of the Armed Forces on **active duty** to **purchase, modify, or cancel tickets without time restrictions, fees, and penalties** and **waive baggage fees for a minimum of 3 bags.**” AAPR agrees that this small gesture from the airlines would continue to demonstrate our collective appreciation as a nation for our valuable service men and women.

- **Title IV, Section 427 – Review of Air Carrier Flight Delays, Cancellations, and Associated Causes**

The **Inspector General of the Department of Transportation** is instructed to **conduct a review** regarding air carrier **flight delays, cancellations, and associated causes** to update its 2000 report entitled “Audit of Air Carrier Flight Delays and Cancellations.” **Chronically delayed flights, statistics on taxi-in and taxi-out times, and negative impact of flight cancellations** are all **vitaly important** to improving the **overall customer satisfaction** toward the airline industry, which is the lowest of all sixteen industries surveyed in the first quarter of 2008 by the American Consumer Satisfaction Index (ACSI).

- **Title IV, Section 428 – Denied Boarding Compensation**

AAPR supports the legislation’s call for an evaluation of Denied Boarding Compensation. Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Transportation shall evaluate the amount provided by air carriers for denied boarding compensation. If, upon completing an evaluation required under subsection (a), the Secretary determines that the amount provided for denied boarding compensation should be adjusted, the Secretary shall issue a regulation to adjust such compensation.

- **Title IV, Section 429 – Compensation for Delayed Baggage**

AAPR supports the legislation’s call for an evaluation of examine delays in the delivery of checked baggage to passengers of air carriers; and assessing the options for and examine the impact of establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

- **Title IV, Section 431 – Expansion of DOT Airline Consumer Complaint Investigations**

This initiative will ultimately **prove meaningless unless** adequate **appropriation levels** accompany the ongoing **investigation** of consumer complaints: **immediate funding needs to accompany this provision** – not an annex to an annual budget request. Whether the **complaints** are about **flight cancellations, lost/damaged/delayed baggage,**

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incorrect or incomplete information about fares, misleading advertising, or unfair treatment of passengers by airline staff, DOT needs to do more than simply pass along the complaint to the airline. **Airline customers need reassurance** that their **complaint will not stop with DOT** informing the airlines of problems, but rather that **measurable goals to improve overall service** be initiated.

- **Title IV, Section 433 – Use of Cell Phones on Passenger Aircraft**

This provision calls for a **study** on the impact of the use of cell phones for voice communications in an aircraft during a flight in scheduled passenger air transportation where currently permitted by foreign governments in foreign air transportation.

- **Title VIII, Section 808 – Study on Aviation Fuel Prices**

AAPR supports the call to study the increasing cost of aviation fuel prices, as well as their subsequent fuel surcharges on airline passengers. Particularly, fuel surcharges should be evaluated to determine whether the airlines maintain these surcharges even during times of lower aviation fuel prices.

In conclusion, AAPR's salient points of greatest interests have been summarized above, grouped chronologically as the sections appear in the bill. Sections 423-423 are provisos essentially repeating the Airline Passenger Bill of Rights, except that there is no definition applied to the term "excessive delays". It is evident that a clear definition is needed on this important issue.

Additionally, AAPR supports the addition of relevant special provisions for airline passengers with disabilities designed to reinforce the Air Carrier Access Act – which may provide an opportunity in the future to address the unmet needs of airline passengers with disabilities. As the only airline passenger rights organization focusing on improving air travel for passengers with disabilities, we believe that this is an important area deserving of the Conferees' attention.

Again, thank you for affording AAPR the opportunity to comment on the **FAA Air Transportation Modernization and Safety Improvement Act**.

Sincerely,

Brandon M. Macsata
Executive Director