

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

**GUIDANCE ON THE FAA MODERNIZATION AND REFORM ACT REQUIREMENTS THAT
U.S. AND FOREIGN AIR CARRIERS PLACE CONSUMER COMPLAINT-RELATED
INFORMATION ON THEIR WEBSITES AND REFER CONSUMERS TO THE DEPARTMENT'S
WEBSITE ON THE USE OF INSECTICIDES IN PASSENGER AIRCRAFT**

NOTICE

The Department of Transportation's (DOT or Department) Office of Aviation Enforcement and Proceedings (Enforcement Office) is issuing this notice in order to provide guidance to U.S. air carriers, foreign air carriers, and U.S. ticket agents regarding compliance with the aviation consumer information-related requirements contained in the FAA Modernization and Reform Act of 2012 (Act, P.L. 112-95, Feb. 14, 2012). The Act requires U.S. and foreign air carriers operating scheduled service using aircraft originally designed to have 30 or more passenger seats to post on or before April 14, 2012, certain contact information on their websites in order to facilitate a consumer's ability to file a complaint. More specifically, the Act requires covered airlines to include on their websites the email address, telephone number, and mailing address of the carrier for the submission of complaints by passengers about air travel service problems, as well as the web and mailing addresses of the Department's Aviation Consumer Protection Division (ACPD). This guidance document also addresses the requirements in the Act that U.S. and foreign air carriers post the DOT consumer hotline telephone number on their websites, on e-ticket confirmations, and at airport ticket counters in the U.S., as well as the requirement that a U.S. carrier, foreign air carrier, or ticket agent selling tickets, in the U.S., for a flight in foreign air transportation refer the ticket purchaser to the Department's website on the use of insecticides in passenger aircraft.

The Act requires each covered airline to post on its website its own e-mail address, telephone number and mailing address for the submission of complaints by passengers. DOT's Enforcement Office will consider a carrier in compliance with the Act's requirement to have an e-mail address on its website for consumers to file complaints if the carrier provides either an actual e-mail address or a link to an on-line web-based complaint form for filing complaints. As carriers are aware, the Department already requires U.S. and foreign air carriers to make available on their websites the mailing address and e-mail or web address of the designated department in the airline with which

a consumer can file a complaint about the carrier's scheduled service. (See 14 CFR 259.7). This information must be provided on U.S. carriers' websites and on foreign carrier websites that are marketed to U.S. consumers.

While Congress did not explicitly state in the statute what must be done with complaints airlines receive by telephone, it is reasonable to assume that Congress intended for carriers to handle the complaints in some manner. Carriers will not be in compliance with the statutory requirement if they use their posted telephone complaint line to tell callers that they do not accept complaints by telephone and that complaints are only accepted in writing. However, because the Act simply requires a telephone number for the submission of complaints by passengers and does not require that these calls be answered live, our office would view a system that allows callers to record a complaint to be acceptable if the carrier listens to the complaints and responds to the consumer in some reasonable fashion. Carriers are not required by the Act or current Department rules to respond in writing to a passenger's telephone call about his or her air travel service problems.

To comply with the requirements of the Act related to posting information about the ACPD, airlines can inform consumers that complaints and comments about airline service (other than those related to safety or security which should be submitted to the Federal Aviation Administration and the Transportation Security Administration, respectively) may be submitted to that office by providing its web address (<http://airconsumer.dot.gov>) and mailing address on their websites. That mailing address is:

Aviation Consumer Protection Division, C-75
U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington, D.C. 20590

The Act also requires each covered carrier to display ACPD's consumer complaint toll-free hotline telephone number on its website and at its airport ticket counters. However, the Department has not yet established this hotline. We recognize that airlines cannot post information on their websites or at airport ticket counters regarding the hotline until the telephone number is established and provided to them by the Department.

With respect to the use of insecticides in passenger aircraft, the Act requires a U.S. carrier, foreign air carrier, or ticket agent selling, in the U.S., a ticket for a flight in foreign air transportation to refer the purchaser of the ticket to the Department's website containing a list of countries that require airlines to treat the passenger cabin with insecticides. This disclosure requirement is applicable only if the country to which the consumer is traveling is listed on that website. The Department's aircraft disinsection website contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used

for those flights when the cabin is occupied with passengers, as well as other useful information about the aircraft disinsection program.

To comply with the requirements of the Act related to informing passengers about the use of insecticides in a passenger aircraft, a covered U.S. or foreign air carrier or ticket agent must refer consumers to the following website:

<http://www.dot.gov/office-policy/aviation-policy/aircraft-disinsection-requirements>

The Department plans to further address the Act's requirements covered in this notice in a future rulemaking. Questions regarding this notice may be addressed to the Office of Aviation Enforcement and Proceedings (C-70), U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590.

By:

Samuel Podberesky
***Assistant General Counsel for
Aviation Enforcement and Proceedings***

Dated: April 19, 2012

(SEAL)

An electronic version of this document is available at <http://www.regulations.gov>