2002-3-10

Order 2003-6-3

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

**Issued by the Department of Transportation**
**On the 2nd day of June, 2003**

**Served June 2, 2003**

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| **Northwest Airlines, Inc.**<br><br>**Violations of 49 U.S.C. §§ 41310, 41702, 41705 and 41712 and 14 CFR Part 382**<br>**Enforcement Proceeding** | **OST-01-10598** |

## ORDER

On April 25, 2003, Northwest Airlines, Inc. ("Northwest") filed a motion under 14 CFR 302.419 to amend OST Order 01-10598. Order OST 01-10598, among other obligations, required Northwest to pay a civil penalty of $75,000 by May 1, 2003, unless it achieved a 15% reduction in 14 CFR Part 382 complaints in calendar year 2002 over calendar year 2001. Northwest's motion states that it has failed to meet this requirement by year-end 2002 and thereafter entered into discussions with the Office of Aviation Enforcement and Proceedings ("Enforcement Office") proposing to expend $100,000 in additional enhancements for its passengers with disabilities rather than paying the $75,000 civil penalty. Northwest's motion further advises that the Enforcement Office supports Northwest's amendment. On April 30, 2003, under assigned authority

appropriate company official that the $100,000 it proposes to expend does not come from funds already budgeted for enhancements in its service to disabled passengers, and once expended, documentation, including a sworn and certified statement from an appropriate company official, demonstrating that the $100,000 was properly expended. Such documentation must be submitted to the Enforcement Office, the Inspector General's Office and the Office of Aviation and International Affairs, and is subject to review or audit by those offices.

**ACCORDINGLY,**

1. We grant Northwest Airlines' motion to amend OST Order 01-10598 on condition that it complies with paragraphs 2-5 and that it submits, within 14 days after this order becomes final, a sworn and certified statement from an appropriate company official, to the Enforcement Office, this office and the Inspector General's Office that the $100,000 it proposes to expend does not come from funds already budgeted for enhancements in its service to disabled passengers, and once expended, documentation, including a sworn and certified statement from an appropriate company official, demonstrating that the $100,000 was properly expended. Failure to comply with any of these provisions will result in the immediate reinstatement of the $75,000 civil penalty;

2. Northwest will spend $44,600 in increased resources for wheelchair staffing at hub airports and must submit documentation evidencing such expenditure by January 31, 2004;

3. Northwest will spend $10,000 towards purchasing additional wheelchairs for Detroit Metropolitan Wayne County Airport and submit supporting documentation evidencing such expenditure by July 31, 2003;

4. Northwest will purchase $16,400 worth of additional oxygen bottles and submit documentation evidencing such purchase by July 31, 2003;

5. Northwest will spend $29,000 to maintain its ACAA Quality Assurance Program from March 2, 2004, to March 1, 2005, and submit documentation evidencing such expenditure by April 1, 2005; and

6. Northwest will retain all books and records pertinent to this Order for three years following the date that Northwest fulfilled its obligations under paragraphs 1-5.