

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

**REPORTING OF CAUSES OF FLIGHT DELAYS AND CANCELLATIONS
GIVEN THE UNPRECEDENTED IMPACT OF THE
COVID-19 PUBLIC HEALTH EMERGENCY ON AIR TRAVEL**

The U.S. Department of Transportation (Department) requires reporting carriers¹ to collect and report the causes of airline delays in five broad categories – air carrier, national aviation system (NAS), extreme weather, late-arriving aircraft, and security.² The categories for the causes of cancellation are the same, except there is no late-arriving aircraft category.³ Recently, Airlines for America (A4A), an airline trade association for passenger and cargo airlines, asked the Department to suspend cancellation and delay reporting requirements for airlines’ March 2020 operations because of significant changes in airline schedules and operations due to the Coronavirus Disease 2019 (COVID-19) public health emergency. In the alternative, A4A requested that the Department allow carriers to code the causes of delays and cancellations related to the COVID-19 public health emergency in the “security” category when submitting on-time performance data to the Department for March 2020. A4A also asked that the reporting deadline for the on-time performance data for March 2020, which is due to the Department by April 15, 2020,⁴ be extended to April 22, 2020, because of the need for coordination between mainline carriers⁵ and their branded code-share partners to recode the March flight delay and cancellation data.

The Department’s on-time reporting regulation in 14 CFR § 234.4 specifies the requirements for reporting the causes of flight delays and cancellations. Under section 234.4(h)(4), security cancellations

¹ Reporting carriers for calendar year 2020 are as follows: Alaska Airlines, Allegiant Air, American Airlines, Delta Air Lines, Endeavor Air, Envoy Air, ExpressJet Airlines, Frontier Airlines, Hawaiian Airlines, JetBlue Airways, Mesa Airlines, PSA Airlines, Republic Airways, SkyWest Airlines, Southwest Airlines, Spirit Airlines, and United Airlines. *See* 14 CFR § 234.2; Technical Reporting Directive #33 – Reporting Air Carriers for Calendar Year 2020, Bureau of Transportation Statistics (December 13, 2019).

² 14 CFR § 234.4(a)(17) to (a)(21); 14 CFR § 234.4(i).

³ 14 CFR § 234.4(a)(16); 14 CFR § 234.4(h).

⁴ 14 CFR § 234.5.

⁵ Mainline carriers, in addition to operating their own flights, contract with other airlines, which operate under the mainline carriers’ brands. There are currently five such mainline carriers: Alaska Airlines (marketing brand – Alaska Horizon), American Airlines (marketing brand – American Eagle), Delta Air Lines (marketing brand – Delta Connection), Hawaiian Airlines (marketing brand – Ohana by Hawaiian), and United Airlines (marketing brand – United Express).

“*may be* [emphasis added] the result of malfunctioning screening or other security equipment or a breach [sic] of security that causes the evacuation of the airport or individual concourses, or the need to re-screen passengers.” Similarly, section 234.4(i)(4) states that security delays “*may be* [emphasis added] the result of malfunctioning screening or other security equipment or a breach [sic] of security that causes the evacuation of the airport or individual concourses or the need to re-screen passengers.” Thus, sections 234.4(h)(4) and 234.4(i)(4) provide *examples* of security cancellations and delays, but do not set limits on the types of delays and cancellations that may be attributed to security for reporting purposes.

On January 31, 2020, President Trump issued a [Proclamation on Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus](#), which became effective on February 2, 2020. In that Proclamation, the President found that the potential for widespread transmission of COVID-19 by infected individuals seeking to enter the United States threatens the security of our transportation system and infrastructure and the national security.⁶ In addition, on March 13, 2020, President Trump issued a [Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus \(COVID-19\) Outbreak](#) and described sweeping actions to control the spread of COVID-19 in the United States. In that Proclamation, President Trump found that the COVID-19 outbreak in the United States constituted a national emergency beginning on March 1, 2020. Also, in March 2020, the Department of Homeland Security (DHS) issued further arrival restrictions requiring American citizens, legal permanent residents, and certain other exempted individuals who are returning home after visiting specified European countries, China, and Iran to return through designated U.S. airports to mitigate the spread of COVID-19 in the United States.⁷ Further, various State and local governments have ordered residents to stay home to stop the spread of COVID-19.

These efforts underscore the recognition by the Federal, State, and local governments of the dangers of COVID-19 and the importance of slowing its spread for the safety and security of the American public. The Department therefore views it as acceptable for flight delays and cancellations that are directly related to government actions to mitigate the spread of COVID-19 in the United States to be coded in the “security” category for the purposes of categorizing delays and cancellations, under 14 CFR § 234.4. This guidance is in effect for the duration of the Secretary of Health and Human Services’ declaration of a public health emergency under section 319 of the Public Health Services Act (42 U.S.C. § 247d), in response to COVID-19.

Applying these principles, it would be acceptable to attribute the following examples of cancellations and delays to the “security” category.

- Compliance with Federal directives or notices to mitigate the spread of COVID-19, including through specific screening procedures, which are not routine procedures.
- Closure of NAS facilities to protect people from the spread of COVID-19.

⁶ Since then, the President has issued additional proclamations suspending entry of aliens from Iran and Europe.

⁷ See Notification of Arrival Restrictions Applicable to Flights Carrying Persons Who Have Recently Traveled From or Were Otherwise Present Within the Countries of the Schengen Area, 85 Fed. Reg. 15059 (March 17, 2020).

- Airline management of system capacity because of actions to mitigate the spread of COVID-19, including Federal, State, or local government guidelines providing for reduced discretionary travel and distancing. Because the system impacts of COVID-19 mitigation measures could be broad, the Department would expect airlines to consider whether the cancellation or delay would have occurred but for the action to mitigate the spread of COVID-19. Additionally, if the cancellation or delay is attributable to a more specific cause (*e.g.*, Air Carrier, NAS, Late Arriving Aircraft), the Department would expect airlines to use that category.

The Department also finds good cause to waive the requirement in 14 CFR § 234.5 for carriers to file on-time performance data within 15 days of the end of the month for which data are reported, as this notice is being issued on April 17, 2020, and additional time is needed for coordination between mainline carriers and their branded code-share partners to recode the March flight delay and cancellation data.⁸ Accordingly, carriers may submit on-time performance data for March 2020 to the Department by April 22, 2020.⁹ Reports for the following months must be filed within 15 days of the end of the month for which data are reported, as set forth in section 234.5.

This notice represents guidance and is not meant to bind the airlines in any way. It will not be relied upon by the Department as a separate basis for affirmative enforcement action or other administrative penalty. It is intended only to provide clarity of existing legal requirements.

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. You may also send questions regarding this notice by email at C70Notice@dot.gov.

By:

Blane A. Workie
Assistant General Counsel
For Office of Aviation Enforcement and Proceedings
U.S. Department of Transportation

Patricia S. Hu
Director
Bureau of Transportation Statistics
U.S. Department of Transportation

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⁸ Section 234.12 states that “[a]ny carrier may request a waiver from the reporting requirements of this part. Such a request, at the discretion of the Director, Bureau of Transportation Statistics may be granted for good cause shown. The requesting party shall state the basis for such a waiver.”

⁹ On April 15, 2020, the Department’s Bureau of Transportation Statistics informed the reporting carriers that it was extending to April 22, 2020, the deadline for reporting on-time performance data for March 2020, because the Department had not concluded its review of A4A’s request.