

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

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**NOTICE TO U.S. CARRIERS REGARDING THE SUBMISSION OF  
UPDATED CONTINGENCY PLANS FOR LENGTHY TARMAC DELAYS**

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The U.S. Department of Transportation's Office of Aviation Consumer Protection<sup>1</sup> (OACP), a unit within the Office of the General Counsel, is issuing this notice to remind U.S. carriers of the statutory obligation to submit updated tarmac delay contingency plans ("Contingency Plan for Lengthy Tarmac Delays") to the Department for review and approval. Specifically, pursuant to 49 U.S.C. § 42301(d)(1), U.S. carriers that operate scheduled passenger service or public charter service using an aircraft with a design capacity of 30 or more seats are required to submit updated tarmac delay emergency contingency plans every three years to the U.S. Department of Transportation (Department) for review and approval. Covered carriers most recently submitted their plans to the Department on May 14, 2018. The Department will be accepting updated plans from airlines beginning on June 2, 2021. The deadline for covered carriers to submit their updated plans to the Department for this cycle is **June 17, 2021**.

Each covered carrier's updated Contingency Plan for Lengthy Tarmac Delays must comply with both the requirements of section 42301(d)(1) and the Department's tarmac delay rule in 14 CFR Part 259, including the amendments in recent final rule. On May 3, 2021, the final rule amending the Department's tarmac delay rule was published in the Federal Register.<sup>2</sup> The final rule is available at: <https://www.federalregister.gov/d/2021-08850>.

Pursuant to 14 CFR 259.4, as amended, each covered carrier shall adopt a Contingency Plan for Lengthy Tarmac Delays for its scheduled and public charter flights at each U.S. large hub airport, medium hub airport, small hub airport, and non-hub airport at which it operates or markets such air service and shall adhere to its plan's terms. Each Contingency Plan for Lengthy Tarmac Delays must include, at a minimum, the following assurances:

- A provision that a passenger shall have the option to deplane an aircraft when there is an excessive tarmac delay (three hours for domestic flights and four hours for international flights) with the following exceptions:
  - For departing flights, when the flight begins to return to a suitable disembarkation point no later than three hours (for domestic flights) or four hours (for international

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<sup>1</sup> The Office of Aviation Consumer Protection was formerly known as the Office of Aviation Enforcement and Proceedings.

<sup>2</sup> The final rule modifies certain U.S. and foreign carrier obligations with respect to tarmac delays and conforms carrier obligations with respect to departure delays with changes made to the Federal Aviation Administration Extension, Safety, and Security Act of 2016. The final rule also makes changes to passenger notification requirements during tarmac delays, as well as carrier tarmac delay reporting and record retention requirements. The final rule is effective on June 2, 2021.

flights) after the main aircraft door is closed in order to deplane passengers. If the aircraft is in an area that is not under the carrier's control, the aircraft has begun to return to a suitable disembarkation point when a request is made to the Federal Aviation Administration control tower, airport authority, or other relevant authority directing the aircraft's operations. If the aircraft is in an area that is under the carrier's control, the aircraft has begun to return to a suitable disembarkation point when the pilot begins maneuvering the aircraft to a suitable disembarkation point;

- The pilot-in-command determines that deplaning passengers at a suitable disembarkation point would jeopardize passenger safety or security, or there is a safety related or security related reason why the aircraft cannot leave its position on the tarmac to deplane passengers; or
- Air traffic control advises the pilot-in-command that returning to a suitable disembarkation point to deplane passengers would significantly disrupt airport operations;
- A provision that the carrier will provide adequate food and potable water no later than two hours after the start of the tarmac delay, unless the pilot-in-command determines that safety or security considerations preclude such service;
- A provision that the carrier will provide operable lavatory facilities, as well as adequate medical attention if needed, during a tarmac delay;
- A provision that the carrier will notify the passengers on board the aircraft during a tarmac delay regarding the status of the delay when the tarmac delay exceeds 30 minutes for all flights;
- A provision that the carrier will notify passengers on board the aircraft that passengers have the opportunity to deplane each time the opportunity to deplane exists at a suitable disembarkation point for all departing flights and diversions;
- A provision that the carrier has sufficient resources to implement its Contingency Plan for Lengthy Tarmac Delays;
- A description of how the carrier will share facilities and make gates available at the airport in an emergency;
- Assurances that the Contingency Plan for Lengthy Tarmac Delays has been coordinated with airport authorities (including terminal facility operators where applicable), U.S. Customs and Border Protection and the Transportation Security Administration at each U.S. large hub airport, medium hub airport, small hub airport and non-hub airport that the carriers serve, as well as their regular U.S. diversion airports.

The submission and review process for Contingency Plan for Lengthy Tarmac Delays will be identical to the process used in 2018 and in past years. **Beginning on June 2, 2021 until June 17, 2021**, covered carriers should submit their plans to the Department using the following website:

<http://filingtarmacdelayplan.dot.gov>. Most covered carriers already have an existing account created for the previous submission cycles. If a carrier is submitting a plan for the first time, it must register and create an account at <http://filingtarmacdelayplan.dot.gov> by doing the following: (1) click the hyperlink titled “Create Account to Submit Tarmac Delay Contingency Plan” in the blue sign-in box on the home page of the established website; (2) select “Airline” and locate your airport in the drop-down menu; and (3) click “submit” to be taken to the registration screen.

The OACP will have 60 days from receipt of a plan to review and approve a plan or, if necessary, require modifications to the updated plan. 49 U.S.C. § 42301(e)(1). If OACP fails to approve or require modifications to an updated plan within the 60-day timeframe, the plan shall be deemed approved. 49 U.S.C. § 42301(e)(2).

For any questions (e.g., forgotten usernames or passwords), please contact Maegan Johnson, Senior Trial Attorney, or Vinh Nguyen, Senior Trial Attorney in the Office of the General Counsel, U.S. Department of Transportation, 1200 New Jersey Ave., S.E., W-96-429, Washington, DC 20590; Phone: (202) 366-9342; Email: [TarmacDelayEmailAccount@dot.gov](mailto:TarmacDelayEmailAccount@dot.gov).

By:

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Dated: May 18, 2021