

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

Procedural Information Regarding
Enhancing Transparency of Airline Ancillary Service Fees
Notice of Proposed Rulemaking

The comment period on the U.S. Department of Transportation's (Department or DOT) notice of proposed rulemaking (NPRM) on Enhancing Transparency of Airline Ancillary Service Fees, which was published in the Federal Register on October 20, 2022, closes today, Monday, January 23, 2023. The NPRM provided for a comment period of 60 days after publication of the NPRM in the Federal Register, *i.e.*, December 19, 2022, and was subsequently extended to January 23, 2023, in response to commenter requests. On Friday, January 20, 2023, the Department denied a request by Travel Technology Association (Travel Tech) to extend the comment period beyond January 23, 2023. The following day, Traveler's United submitted a request for additional time to comment on this NPRM. The Department will consider the request by Traveler's United and publish a decision whether to reopen the comment period in the *Federal Register*. In the meanwhile, we remind the public that late filed comments will be considered to the extent practicable.

In requesting to extend the comment period for this NPRM, Travel Tech noted that it was not able to view the meeting of the Aviation Consumer Protection Advisory Committee (ACPAC) that resulted in recommendations on this rulemaking when it occurred on January 12, and that the meeting minutes and other materials had not yet been posted. The Department declined Travel Tech's request because the meeting was publicly viewable on the date it was held, materials used during that meeting have been posted in the ACPAC docket, and a [video recording of the full meeting](#) has been posted publicly and can be viewed on the Department's website. Nevertheless, at this time, to further facilitate the public's consideration of this NPRM, summarized below are the recommendations adopted by the ACPAC at its January 12 meeting.

Recommendation 1 (Baggage): Consumers should be given the opportunity to indicate how many bags they will be traveling with early in the itinerary search process, and the fees applicable to the consumers' selections should then be displayed.

Recommendation 2 (Baggage): The Department's proposal that pop-ups or links are acceptable for specific information about size and dimension allowances for baggage should be retained in any final rule that may be adopted.

Recommendation 3 (Baggage): The Department's proposal that bag fee information be adjusted based on passenger-specific information should be retained in any final rule that may be adopted.

Recommendation 4 (Baggage): The Department’s proposal to require disclosure of baggage fees when a fare is quoted to a consumer during an in-person or telephone inquiry should be retained in any final rule that may be adopted.

Recommendation 5 (Change and Cancellation): The Department’s proposal that change and cancellation fee information be displayed during the itinerary search selection process and not just before ticket purchase should be retained in any final rule that may be adopted.

Recommendation 6 (Change and Cancellation): The Department should require change and cancellation fee information of airlines that is displayed by travel agencies and metasearch entities be displayed in a consistent manner to avoid creating confusion for consumers.

Recommendation 7 (Change and Cancellation): The Department should not provide the option for consumers to opt-out of receiving change and cancellation fee information.

Recommendation 8 (Change and Cancellation): The Department’s proposal that additional change or cancellation policy information may be displayed by links or pop-ups should be retained in any final rule that may be adopted.

Recommendation 9 (Change and Cancellation): The Department should provide greater clarification on the specific location rollovers or pop-ups should be placed for consumers to view additional change or cancellation policy information.

Recommendation 10 (Change and Cancellation): The Department’s proposal that change and cancellation fees be adjusted based on passenger-specific information should be retained in any final rule that may be adopted.

Recommendation 11 (Change and Cancellation): The Department’s proposal to require disclosure of change and cancellation fees when a fare is quoted to a consumer during an in-person or telephone inquiry should be retained in any final rule that may be adopted.

Recommendation 12 (Family Seating): The Department’s proposal regarding the disclosure of family seat fee information should be retained in any final rule that may be adopted.

Recommendation 13 (Family Seating): The Department should not provide the option for consumers traveling with young children to opt-out of receiving family seating fee information.

Recommendation 14 (Family Seating): The Department’s proposal that family seating fees be adjusted based on passenger-specific information should be retained in any final rule that may be adopted.

Recommendation 15 (Family Seating): The Department’s proposal to require disclosure of family seating fees when a fare is quoted to a consumer during an in-person or telephone inquiry should be retained in any final rule that may be adopted.

Recommendation 16 (Family Seating): The Department’s proposal to require that family seating fees be transactable during the ticket purchase process should be retained in any final rule that may be adopted.

Recommendation 17 (Data Sharing): The Department should clarify and refine what is meant by “useable, current, and accessible in real-time” and “non-static dynamic fashion” when describing how data is to be shared by airlines to ticket agents.

Recommendation 18 (Compliance Date): The Department, in determining the time frame for compliance of a final rule on ancillary fee transparency, should consider what can be done realistically as well as the need for consumers to have this information as soon as possible.

By:

Blane Workie
Assistant General Counsel for the
Office of Aviation Consumer Protection

Dated: January 23, 2023

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