

**DEPARTMENT OF TRANSPORTATION**

**OFFICE OF THE SECRETARY**

**14 CFR Parts 256 and 257**

**Docket No. DOT-OST-2014-0056**

**RIN No. 2105-AE11**

**Enhancing Airline Passenger Protections III: Extension of Compliance Date for Certain Provisions**

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Final Rule; extension of compliance date of certain provisions.

**SUMMARY:** The Department of Transportation is extending the compliance date for certain requirements issued in a final rule on enhancing airline passenger protections that was published in the *Federal Register* on November 3, 2016. Specifically, the Department is extending the compliance date from December 5, 2016, to February 15, 2017, for the provisions concerning codeshare disclosure requirements and prohibition of undisclosed flight display bias. This extension is in response to petitions by Airlines for America (A4A) and Carson Wagonlit Travel.

**DATES:** The effective date of the final rule published at 81 FR 76800 on November 3, 2016, continues to be December 5, 2016. The compliance date for the new 14 CFR Part 256 and the revisions to 14 CFR Part 257.5 is now February 15, 2017. This notice does not change the compliance dates for any other provisions of the November 3, 2016, final rule.

**FOR FURTHER INFORMATION CONTACT:** Sohum Karia, Trial Attorney, Office of Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey

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**SUPPLEMENTAL INFORMATION:**

On November 3, 2016, the Department of Transportation published a Final Rule in the Federal Register (81 FR 76800), titled “Enhancing Airline Passenger Protections III.” The November 3, 2016, rule (1) expands the pool of reporting carriers that are required to provide airline service quality data; (2) requires reporting carriers to separately report service quality data for their domestic scheduled flights operated by their code-share partners; (3) amends the Department’s code-share disclosure regulation; and (4) prohibits undisclosed biasing based on carrier identity by carriers and ticket agents in any electronic displays that provide the fare, schedule or availability information of multiple carriers. As published, the effective date of the rule is December 5, 2016. The compliance date for the first two items is January 1, 2018, and the compliance date for the latter two items is December 5, 2016.

On November 18, 2016, we received a request from Airlines for America (A4A) for an extension of the compliance date for the provisions regarding code-share disclosure and prohibition on undisclosed flight display bias from December 5, 2016, to March 5, 2017. A4A states that the extension to March 5, 2017, is appropriate because the new code-share disclosure requirements and prohibition on undisclosed display bias “impact[s] several airline operational and technology disciplines within the airlines that will require internal assessment, changing, approving and rolling out internal policies, and in some cases, additional training.”

In addition, we recently received a request from Carlson Wagonlit Travel for an extension of the compliance date for the prohibition on undisclosed flight display bias from December 5, 2016 to March 5, 2017. Carlson Wagonlit Travel states that the extension to March 5, 2017, is

appropriate because “the rule does not provide ticket agents (and others subject to the rule) sufficient time to fully evaluate the impact of and seek clarification on the final rule and to prepare for and implement any changes that may be required to ensure compliance.”

Both A4A and Carlson Wagonlit Travel state that the current compliance period is effectively diminished by the Thanksgiving holiday and that an extension into December would be similarly diminished by the holiday season because many employees take extended vacations during these time periods.

We have received one comment opposing the A4A request for extension of the compliance date, stating that the A4A request is poorly substantiated and too broad and suggesting that each airline individually request an extension.

After carefully considering the above petitions and comment, we have decided to grant an extension of the compliance date of the codeshare disclosure and undisclosed display bias requirements until February 15, 2017.

ISSUED THIS 2<sup>ND</sup> DAY OF DECEMBER, 2016, IN WASHINGTON, D.C. under authority delegated in 49 CFR 1.27(n):

A handwritten signature in black ink, appearing to read 'Molly J. Moran', with a long horizontal line extending to the right.

Molly J. Moran,  
Acting General Counsel.