§ 42301. Emergency contingency plans

(a) Submission of Air Carrier and Airport Plans.—Not later than 90 days after the date of enactment of this section, each of the following air carriers and airport operators shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section:

(1) An air carrier providing covered air transportation at a commercial airport.

(2) An operator of a commercial airport.

(3) An operator of an airport used by an air carrier described in paragraph (1) for diversions.

(b) Air Carrier Plans.—

(1) Plans for Individual Airports.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

(A) each airport at which the carrier provides covered air transportation; and

(B) each airport at which the carrier has flights for which the carrier has primary responsibility for inventory control.

(2) Contents.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the carrier will—
“(A) provide adequate food, potable water, restroom facilities, comfortable cabin temperatures, and access to medical treatment for passengers onboard an aircraft at the airport when the departure of a flight is delayed or the disembarkation of passengers is delayed;

“(B) share facilities and make gates available at the airport in an emergency; and

“(C) allow passengers to deplane following an excessive tarmac delay in accordance with paragraph (3).

“(3) DEPLANING FOLLOWING AN EXCESSIVE TARMAC DELAY.—For purposes of paragraph (2)(C), an emergency contingency plan submitted by an air carrier under subsection (a) shall incorporate the following requirements:

“(A) A passenger shall have the option to deplane an aircraft and return to the airport terminal when there is an excessive tarmac delay.

“(B) The option described in subparagraph (A) shall be offered to a passenger even if a flight in covered air transportation is diverted to a commercial airport other than the originally scheduled airport.
“(C) Notwithstanding the requirements described in subparagraphs (A) and (B), a passenger shall not have an option to deplane an aircraft and return to the airport terminal in the case of an excessive tarmac delay if—

“(i) an air traffic controller with authority over the aircraft advises the pilot in command that permitting a passenger to deplane would significantly disrupt airport operations; or

“(ii) the pilot in command determines that permitting a passenger to deplane would jeopardize passenger safety or security.

“(c) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the operator, to the maximum extent practicable, will—

“(1) provide for the deplanement of passengers following excessive tarmac delays; 

“(2) provide for the sharing of facilities and make gates available at the airport in an emergency; and

“(3) provide a sterile area following excessive tarmac delays for passengers who have not yet
clear United States Customs and Border Protection.

“(d) UPDATES.—

“(1) AIR CARRIERS.—An air carrier shall update each emergency contingency plan submitted by the carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

“(2) AIRPORTS.—An airport operator shall update each emergency contingency plan submitted by the operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

“(e) APPROVAL.—

“(1) IN GENERAL.—Not later than 60 days after the date of the receipt of an emergency contingency plan submitted under subsection (a) or an update submitted under subsection (d), the Secretary shall review and approve or, if necessary, require modifications to the plan or update to ensure that the plan or update will effectively address emergencies and provide for the health and safety of passengers.

“(2) FAILURE TO APPROVE OR REQUIRE MODIFICATIONS.—If the Secretary fails to approve or re-
quiere modifications to a plan or update under para-
graph (1) within the timeframe specified in that
paragraph, the plan or update shall be deemed to be
approved.

“(3) ADHERENCE REQUIRED.—An air carrier
or airport operator shall adhere to an emergency
contingency plan of the carrier or operator approved
under this section.

“(f) MINIMUM STANDARDS.—The Secretary shall es-
tablish, as necessary or desirable, minimum standards for
elements in an emergency contingency plan required to be
submitted under this section.

“(g) PUBLIC ACCESS.—An air carrier or airport op-
erator required to submit an emergency contingency plan
under this section shall ensure public access to the plan
after its approval under this section on the Internet Web
site of the carrier or operator or by such other means as
determined by the Secretary.

“(h) REPORTS.—Not later than 30 days after any
flight experiences an excessive tarmac delay, the air car-
rier responsible for such flight shall submit a written de-
scription of the incident and its resolution to the Aviation
Consumer Protection Division of the Department of
Transportation.
“(i) Definitions.—In this section, the following definitions apply:

“(1) Commercial airport.—The term ‘commercial airport’ means a large hub, medium hub, small hub, or nonhub airport.

“(2) Covered air transportation.—The term ‘covered air transportation’ means scheduled or public charter passenger air transportation provided by an air carrier that operates an aircraft that as originally designed has a passenger capacity of 30 or more seats.

“(3) Tarmac delay.—The term ‘tarmac delay’ means the period during which passengers are on board an aircraft on the tarmac—

“(A) awaiting takeoff after the aircraft doors have been closed or after passengers have been boarded if the passengers have not been advised they are free to deplane; or

“(B) awaiting deplaning after the aircraft has landed.

“(4) Excessive tarmac delay.—The term ‘excessive tarmac delay’ means a tarmac delay that lasts for a length of time, as determined by the Secretary.