



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

**Issued by the Department of Transportation
on the 30th day of November, 2016**

Royal Jordanian Airlines

**Violations of 14 CFR Part 244 and
49 U.S.C. § 41708**

Docket OST 2016-0002

Served November 30, 2016

CONSENT ORDER

This consent order concerns violations by Royal Jordanian Airlines (Royal Jordanian) of 14 CFR 244.3 and 49 U.S.C. § 41708. Specifically, the carrier failed to file with the Department of Transportation (Department) the required tarmac delay data for a lengthy tarmac delay in violation of 14 CFR 244.3 and 49 U.S.C. § 41708. This consent order directs Royal Jordanian to cease and desist from future similar violations of Part 244 and section 41708, and assesses the carrier \$35,000 in civil penalties.

Applicable Law

Section 244.3 of the Department's regulation requires certain air carriers to file Bureau of Transportation Statistics (BTS) Form 244 "Tarmac Delay Report" with the Department's Office of Airline Information for each month in which at least one tarmac delay of three hours or more occurred. The data are then published and made available to the public in a useable format in the Department's monthly Air Travel Consumer Report (ATCR), which, among other things, lists all domestic flights with tarmac delays of three hours or more and international flights with tarmac delays of four hours or more.¹ The ATCR data in question are used for a number of purposes, including by the traveling public to choose among transportation options, by the Department as a basis for conducting enforcement investigations, and by carriers as a basis for making advertising claims regarding the quality of their service compared to other carriers. It is imperative, therefore, that ATCR data be accurate. Violations of section 244.3 also constitute violations of 49 U.S.C. § 41708.

¹ See *Air Travel Consumer Report*, available at <http://www.dot.gov/airconsumer>.

Background

Royal Jordanian is a foreign air carrier as defined by 49 U.S.C. § 40102(a)(21)² that operates scheduled service from large U.S. airports using at least one aircraft having a designed capacity of more than 30 passenger seats. Royal Jordanian operates scheduled service at Chicago O'Hare International Airport (ORD), Detroit Metropolitan Wayne County Airport (DTW), and John F. Kennedy International Airport (JFK).

Prompted by a consumer complaint, the Office of Aviation Enforcement and Proceedings (Enforcement Office) investigated and found that on July 5, 2014, Royal Jordanian flight RJ264 was delayed on the tarmac for more than four hours in violation of 14 CFR 259.4(b)(2), after the flight diverted to DTW on a scheduled flight from ORD to Queen Alia International Airport (AMM), Jordan.³ Royal Jordanian, however, failed to timely file the required BTS Form 244 "Tarmac Delay Report" with the Department's Bureau of Transportation Statistics' Office of Airline Information covering flight RJ264 as required by Part 244.⁴ The Department first learned of the tarmac delay experienced by flight RJ264 after reviewing a complaint it received from a consumer aboard flight RJ264 alleging that he experienced a lengthy tarmac delay. Royal Jordanian's failure to file a Tarmac Delay Report for flight RJ264 is a violation of 14 CFR 244.3 and 49 U.S.C. § 41708.

Response

In response, Royal Jordanian states that it is fully committed to complying with the Department's consumer protection regulations and reporting requirements, including those relating to tarmac delays. Royal Jordanian states that, on July 4, 2014, RJ264 was unexpectedly diverted to DTW due to mechanical issues with the aircraft. Royal Jordanian states that RJ264 was delayed on the tarmac at DTW on July 5, 2014, because there were no available gates for a wide body aircraft and Royal Jordanian was unable to obtain shuttle busses and other equipment to safely deplane passengers. Royal Jordanian asserts that terminal operations had ceased at that time. Due to Royal Jordanian's limited operations at DTW Airport, Royal Jordanian states that it experienced some delay in investigating and reporting the cause of the tarmac delay in a timely manner. Royal Jordanian asserts that it takes its reporting obligations seriously and understands the importance of ensuring the accuracy and timeliness of the data it reports to the Department.

² 49 U.S.C. § 40102(a)(21) defines a foreign air carrier as "a person, not a citizen of the United States, undertaking by any means, directly or indirectly, to provide foreign air transportation."

³ Royal Jordanian was issued a warning for violating 14 CFR 259.4, the Department's lengthy tarmac delay rule because of the mitigating circumstances surrounding the lengthy tarmac delay experienced by flight RJ264.

⁴ In response to the Enforcement Office's investigation of this tarmac delay, Royal Jordanian filed a BTS Form 244 on October 7, 2016.

Decision

The Enforcement Office views seriously Royal Jordanian's violations of 14 CFR 244.3 and 49 U.S.C. § 41708. Accordingly, after carefully considering all the facts in this case, including those set forth above, the Enforcement Office believes that enforcement action is warranted. In order to avoid litigation, and without admitting or denying the violations described above, Royal Jordanian consents to the issuance of this order to cease and desist from future violations of 14 CFR 244.3 and 49 U.S.C. § 41708 and to the assessment of \$35,000 in compromise of potential civil penalties otherwise due and payable pursuant to 49 U.S.C. § 46301. The compromise assessment is appropriate considering the nature and extent of the violations described herein and serves the public interest. It establishes a strong deterrent against future similar unlawful practices by Royal Jordanian and other carriers.

This order is issued under the authority contained in 49 CFR Part 1.

ACCORDINGLY,

1. Based on the above information, we approve this settlement and the provisions of this order as being in the public interest;
2. We find that Royal Jordanian Airlines violated 14 CFR 244.3 by failing to file BTS Form 244 with the Department regarding the tarmac delay experienced by flight RJ264 on July 5, 2014;
3. We find that by engaging in the conduct and violations described in ordering paragraph 2, above, Royal Jordanian Airlines violated 49 U.S.C. § 41708;
4. We order Royal Jordanian Airlines and its successors and assigns to cease and desist from further violations of 14 CFR 244.3 and 49 U.S.C. § 41708;
5. We assess Royal Jordanian Airlines \$35,000 in compromise of civil penalties that might otherwise be assessed for the violations described in paragraphs 2 and 3, above. Of this total amount, \$17,500 shall be due and payable within 30 days of the issuance date of this order. The remaining \$17,500 shall become due and payable if, within one year of the issuance date of this order, Royal Jordanian Airlines violates this order's cease and desist or payment provisions, in which case the entire unpaid amount shall become due and payable immediately and Royal Jordanian Airlines may be subject to additional enforcement action for failure to comply with this order; and
6. We order Royal Jordanian Airlines to pay within 30 days of the issuance of this order the penalty assessed in Ordering Paragraph 5, above, through Pay.gov to the account of the U.S. Treasury. Payment shall be made in accordance with the instructions contained in the Attachment to this order. Failure to pay the penalty as ordered shall subject Royal Jordanian Airlines to the assessment of interest,

penalty, and collection charges under the Debt Collection Act and to further enforcement action for failing to comply with this order.

This order will become a final order of the Department 10 days after its service date unless a timely petition for review is filed or the Department takes review on its own motion.

BY:

BLANE WORKIE
Assistant General Counsel for
Aviation Enforcement and Proceedings

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