



Record of Meeting

September 2015

Ninth Meeting of the Advisory Committee on Aviation Consumer Protection

*Prepared by CENTRA Technology, Inc.
Arlington, Virginia 22203*

RECORD OF MEETING
Ninth Meeting of the Advisory Committee on Aviation Consumer Protection

Meeting Date: September 1, 2015

Scheduled Meeting Time: 10:00 a.m. to 12:15 p.m., Eastern Time

Meeting Location: US Department of Transportation, 1200 New Jersey Avenue SE.
 Washington, DC

Public Notice: The Office of Public Affairs, Department of Transportation (DOT) informed the public of the Advisory Committee meeting in a News Digest published August 17, 2015.

Attendees:

Last Name	First Name	Affiliation
Agostinelli	Jeananne	Office of the Attorney General, State of Pennsylvania
Ale Flint	Deborah	Los Angeles World Airports
Arshad	Amna	DOT, Office of Aviation Enforcement and Proceedings
Atwood	Tristan	Kirstein & Young, PLLC
Baxley	Richard	FlyersRights.Org
Berg	David	Airlines for America
Blaney	James	British Airways
Blank Riether	Kathleen	DOT
Bramlett	Alec	American Airlines
Diggs, Esq.	Parnell	National Federation of the Blind
Enstice	Tim	Orbitz Worldwide
Friedman	Brian	JetBlue Airways Corporation
Hainbach	Don	Garofalo Goerlich Hainbach PC
Hoover	James	Law 360
Kane	Kathleen	Attorney General of Pennsylvania
Kehrer	Alison Hayden	United Airlines
Liptak	Michael	The Travel Technology Association
Leocha	Charlie	Consumer Travel Alliance
McElroy	Debby	Airports Council International – North America
Mokadam	Dinkar	AFA-CWA
Przybyla	Amy	CENTRA Technology, Inc.
Reese	Patrick	Office of the Attorney General, State of Pennsylvania
Ruddy	Robert	Office of the Attorney General, State of Pennsylvania
Schembs	Stephen	AFA-CWA
Simmons Kendale	Lynora	DOT
Thumpston	Jim	Zuckert, Scoutt & Rasenberger LLP
Victor	Kirk	FTC Watch
Westfall	Sara	CENTRA Technology, Inc.
Witkowski	Chris	FTC Watch
Workie	Blane A.	DOT, Assistant General Counsel for Aviation Enforcement and Proceedings

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SUMMARY OF MEETING PROCEEDINGS
Ninth Meeting of the Advisory Committee on Aviation Consumer Protection (ACACP)

WELCOME AND HOUSEKEEPING MATTERS

Blane A. Workie, Assistant General Counsel for Aviation Enforcement and Proceedings

The ACACP Designated Federal Official (DFO) Ms. Blane A. Workie called the meeting to order at 10:00 a.m. After this meeting, the Committee will send its preliminary recommendations to Secretary of Transportation, which will serve as the basis for a report submitted to the Department of Transportation (DOT).

INTRODUCTORY REMARKS OF COMMITTEE MEMBERS

Committee Chairperson Kathleen Kane thanked all the members of the Committee for all their hard work over the past year. The Committee had a lively internal meeting on August 31, 2015 and put a lot of thought into the recommendations. The Committee thought it was important to balance free market forces with consumer protection issues, as well as operating within the mandate of DOT and the Committee.

Committee member Deborah Ale Flint thanked the other members of the Committee, DOT staff, and the various speakers who have attended these meetings for their hard work and participation.

Committee member Charlie Leocha expressed that the last three years working on the Committee had been an amazing opportunity to learn about the aviation industry. The Committee provides a unique forum in government that is not found elsewhere. It allows the DOT to reach out to the public regarding aviation issues and show how it makes decisions. Mr. Leocha hopes that Congress will renew the Federal Aviation Administration (FAA) Reauthorization Bill so that the Committee can continue its work. He also expressed appreciation to the DOT staff for their hard work supporting the Committee.

Committee member David Berg thanked his fellow Committee members and the DOT staff. The discussions between himself, representing the airline industry, and Mr. Leocha, representing consumer issues, was beneficial to the public. Since Congress decided to let market forces determine the airline industry by deregulating it, the industry has evolved over the years. There is a natural tension between deregulation and consumer issues and many interests have evolved in response to market forces. Mrs. Flint's views were also especially helpful by representing the interests of the airports. Committee Chairperson Kane was an effective leader and he thanked her for her role.

DISCUSSION OF RECOMMENDATIONS FROM SIXTH ACACP MEETING

Voice Calls

The Committee decided upon two recommendations based on their discussions and the testimony heard during the meeting:

1. The Committee encourages DOT to continue its participation in an interagency working group exploring safety and security issues related to voice calls on aircraft.
2. If it is determined to be safe and secure, DOT should allow airlines to determine whether or not to allow passengers to make voice calls on their aircraft.

Government-Imposed Taxes and Fees

The Committee has no recommendations on this topic.

Airline Mergers and Consolidations

The Committee recommends that DOT enforce its policies for fair and equitable gate and slot access and encourage competition, particularly in the case of LaGuardia Airport.

Questions and Answers

There were no questions from the public.

DISCUSSION OF RECOMMENDATIONS FROM SEVENTH ACACP MEETING

Space Allocated Per Passenger on Aircraft

The Committee has two recommendations regarding this topic:

1. The FAA should conduct realistic testing to ensure that the 90-second evacuation test can be met on any aircraft with any seat pitch. This should be done when the FAA certifies that aircraft.
2. The Secretary of Transportation should send a letter to airlines encouraging them to disclose seat dimension on their websites.

Committee member Charlie Leocha stated that he was disappointed that the Committee could not agree on a recommendation for personal space on aircraft. He believes it is unfair that dogs are required to have more space on aircraft than passengers. He believes there is a need for minimum space requirements. He supports the petition for rulemaking submitted by FlyersRights.org regarding this topic.

Airline frequent Flyer Programs

The Committee recommends that the Secretary of Transportation send a letter to airlines, with a copy to the Inspector General, stating that they should provide reasonable notice on fundamental changes to frequent flyer programs, including how miles are earned or redeemed.

Questions and Answers

Committee member Charlie Leocha stated that he felt it is important that the FAA understands from a consumer perspective that evacuation tests are needed immediately to cover more seat pitches. Currently testing is only done on 31” seats, whereas many airlines now have 28” seats.

In response to a question from the audience about why the Committee is not making any recommendations regarding personal space, Committee member David Berg stated that seating arrangements on board aircraft is an issue of service and competition between airlines as part of the deregulation of the industry. The Committee felt that this issue was beyond the scope of DOT’s regulation.

Committee member Charlie Leocha stated that FlyersRights.org’s petition for rulemaking deals with this issue. Because it is a pending issue already in the process of rulemaking, it is outside of the purview of the Committee.

DISCUSSION OF RECOMMENDATIONS FROM EIGHTH ACACP MEETING

Airline Change/Cancellation Fees

The Committee recommends that DOT require change/cancellation fees be clear and displayed in the booking cap before ticket purchase.

Mandatory Hotel Resort Fees

The Committee recommends that the FTC require mandatory hotel resort fees be included in the published room rates.

Baggage Allowances, Fees, and Interlining

The Committee has no recommendations on this topic.

Questions and Answers

Regarding mandatory hotel resort fees, Committee member Charlie Leocha clarified that the Committee is stating that if a fee is mandatory, it must be included in the room rate. Hotels that create vacation packages with airlines can break down components that are part of the room rate later on in the booking process, but now, the full rate including fees will be shown first.

Mr. Leocha also stated that there was a lot of discussion about baggage fees in terms of code sharing arrangements. The DOT has worked with other agencies on this issue and is solving the problem. Therefore, no recommendation was necessary on this topic.

PUBLIC COMMENT PERIOD

Mr. Parnell Diggs from the National Federation of the Blind stated that all the issues discussed today affect blind consumers. As a blind person who flies frequently, he has found it increasingly difficult to access services. For example, check-in kiosks that are accessible for the blind will be available in the next 10 years, but are not currently. Call buttons on aircraft do not have braille or any way for the blind to distinguish it from the rest of the overhead panel. He would like to remind the Committee that all disability issues related to air travel cannot be grouped together as each disability requires unique accessibility requirements. He would like there to be a discussion of blind needs and for the airline industry to take it seriously.

Chairperson Kathleen Kane recommended that the next Committee should take up this issue.

DFO Blane Workie stated that DOT is committed to ensuring air travel is accessible to all. There is an office within DOT that specifically works on this issue and is committed to enforcing disability regulations. There has been rulemaking on accessible kiosks and they must start being placed in airports as of December 2018. DOT is working with airlines on the issue of call buttons and there is a requirement that it needs to be accessible.

Committee member David Berg emphasized that the airlines do take disability issues seriously and want to serve all customers. Airlines work with groups representing a variety of disabilities to provide services to all consumers. The airlines welcome hearing about any problems passengers with disabilities have during air travel.

CLOSING REMARKS

Committee member David Berg believes that the Committee was a useful experience for the airline industry and the public. He is not convinced of the value in continuing the Committee as there are a number of ways to address concerns that consumer groups have and the Committee may not be the best forum. If Congress decides to renew the Committee, then he and the airline industry are happy to participate.

Committee member Charlie Leocha stated that this Committee is a unique forum, giving consumers a place where the passenger experience can be debated and explored. Going forward, the work of this Committee is only going to get more important as airlines deal with the effects of consolidation. He looks forward to the Committee's work being renewed as part of the next FAA Reauthorization Bill. He has benefited by being on the inside of decision making regarding the airline industry and learning from airlines' perspectives. Forums like this Committee allow DOT to show how rules and regulations develop and the debate that creates change.

Committee member Deborah Ale Flint said it was a great pleasure to represent the voice of airports on the Committee. The airline industry is dynamic and each Committee member brought a unique aspect. Consumers, airlines, and airports need to collaborate. She thanked the DOT staff for their hard work and continuing to improve transparency and the ability of the public to access information about the Committee's work.

Chairperson Kathleen Kane noted the importance of transparency. If the public does not know where to go for help, then the Government is not working. This Committee brings together stakeholders in the airline industry in a unique manner and is a useful and effective tool for government and consumers. The more accessible the Committee is and the more information it provides to the public, the better government works. She believes this Committee is of vital importance.

DFO Blane Workie thanked the members of public who provided comments and perspectives on the issues discussed. She also thanked Committee members for facilitating discussion on issues important to consumers and to DOT staff and contractors for their help organizing the Committee's meetings.

The meeting adjourned at 10:38 AM.

COMMITTEE MEMBER BIOGRAPHIES

The Honorable Kathleen Kane

Ms. Kathleen G. Kane is Attorney General (AG) of Pennsylvania and officially chairs the Advisory Committee on Aviation Consumer Protection. AG Kane serves as a representative of state and local governments with the Committee. She was the first Democrat and first woman elected as Pennsylvania's attorney general in 2012. As Attorney General, her priorities have included protecting consumers from abuse and fraud, as well as protecting senior citizens.

Deborah Ale Flint

Ms. Ale Flint serves as a representative of airport operators with the Advisory Committee on Aviation Consumer Protection. She was appointed Oakland International Airport's Director of Aviation in 2010. Ms. Ale Flint is the primary executive responsible for the operation, management, and development of the airport. She previously served as manager of the airport's airside operations, where her responsibilities included noise abatement and environmental compliance.

David A. Berg

Mr. Berg serves as a representative of air carriers with the Advisory Committee on Aviation Consumer Protection. He was named Senior Vice President, General Counsel, and Corporate Secretary for Airlines for America (A4A) in 2011. At A4A, Mr. Berg is responsible for the association's legal affairs and has been involved in a variety of aviation issues, including passengers with disabilities and airport landing fees.

Charles Leocha

Mr. Leocha serves as a representative of aviation consumers with the Advisory Committee on Aviation Consumer Protection. He is Director of the Consumer Travel Alliance (CTA) which he formed in 2009, following a career in journalism where he specialized in reporting on travelers' rights. Since beginning CTA, his advocacy for travelers has included meeting government officials, testifying before Congress, and developing travel information and resources.