

**Report on  
Recommendations of the Advisory Committee on Aviation Consumer Protection  
As Required by  
Public Law 112-95, Section 411**

*March 22, 2013*

**Overview**

Section 411 of the FAA Modernization and Reform Act of 2012 (Pub. L. 112-95, 126 Stat. 11 (2012)) mandates the establishment of an advisory committee for the purpose of advising the Secretary of Transportation on airline customer service improvements. By statute, this Committee must consist of four members --one representative each of airlines, airports, non-profit public interest groups, and state and local governments. It is charged with providing recommendations to the Secretary for improving existing aviation consumer protection programs and for establishing new ones, if needed. The Act also requires the Secretary to submit two reports to Congress on the Committee's recommendations -- the first report is due no later than February 1, 2013, and the second report is due no later than February 1, 2014.

As required by the Act, on May 24, 2012, Secretary Ray LaHood announced the creation of an Advisory Committee on Aviation Consumer Protection to advise him in carrying out activities related to airline customer service improvements. He selected as members of the Committee four individuals who have demonstrated experience in dealing with consumer protection matters. They are: (1) Lisa Madigan, Attorney General of Illinois, who was also chosen to be the Committee chairperson; (2) David Berg, Senior Vice President, General Counsel and Corporate Secretary for Airlines for America; (3) Deborah Ale-Flint, Oakland International Airport's Director of Aviation; and (4) Charles Leocha, founder and Director of the Consumer Travel Alliance. The Secretary tasked the Committee members with providing him their first set of recommendations no later than October 15, 2012, and their second set of recommendations no later than October 15, 2013.

On October 22, 2012, the Committee submitted its first set of recommendations to the Secretary on a wide range of aviation consumer issues including service to passengers with disabilities, discrimination based on race and religion, consumer complaints, ancillary fees, and disclosures by online travel agencies and other agents as to which carriers' services they sell. Prior to arriving at these recommendations, the Committee held three public meetings and heard from members of the public and organizations representing airlines, travel agents, airport operators, state and local governments, and consumer and other public interest groups. Records relating to the advisory committee, including a transcript and minutes of its meetings and its full recommendation report are contained in the Department's docket. See Docket No. DOT-OST-2012-0087.

This is the Department's first report to Congress on the recommendations of the Advisory Committee on Aviation Consumer Protection. This report summarizes the recommendations of the Committee, describes the Department's efforts and plans to implement these recommendations, and provides the reasons for not implementing certain recommendations immediately and in their entirety.

## **Recommendations of the Committee**

The principal recommendations made by the Committee related to (1) travelers with disabilities; (2) discrimination by air carriers on the basis of race, religion, national origin or gender; (3) the handling of air travel complaints by the Department; (4) additional dissemination by the Department of information on consumer rights; (5) greater clarity in contract terms in carrier contracts of carriage and customer service plans; (6) transparency in airline pricing; (7) disclosures by travel agents; and (8) additional reporting of on-time performance by air carriers. Each recommendation and the steps the Department is taking in response, is addressed below.

### ***1. Travelers with Disabilities***

Recommendation: DOT should: (1) encourage airlines and airports to take any voluntary steps that they believe will result in a better travel experience for travelers with disabilities; (2) encourage airline and airport personnel to work with the Transportation Security Administration (TSA) to develop a plan to assist travelers who are unable to sit during lengthy layovers without their specially made wheelchairs; (3) work with airlines and airports to make their kiosks and Web sites accessible to travelers with disabilities; and (4) require airports and airlines to ensure appropriate access to service animal relief areas in airports where practicable.

Response: We concur with the recommendation to encourage airlines and airports to make the travel experience better for travelers with disabilities and the recommendation to encourage them to work with TSA to ensure timely return of passengers' wheelchairs to enable passengers to use their own wheelchairs during lengthy layovers. To implement these recommendations, within 30 days of the date of this report, the Secretary will send a letter to U.S. and foreign air carrier associations asking the associations to remind their member carriers of their obligations under the Department's rule concerning air travelers with disabilities to provide individuals with disabilities nondiscriminatory service and access to air transportation. The Secretary will also reference the existing requirement for carriers to provide for the checking and timely return of passengers' wheelchairs so that passengers may use their own equipment to the extent possible except where this practice would be inconsistent with Federal regulations governing transportation security, and he will urge airlines to work with airports and TSA to ensure that passengers who are dependent on their specially-made wheelchairs can use them during lengthy airport layovers.

We also concur with the recommendation to work with airlines and airports to make their kiosks and Web sites accessible and ensure appropriate access to service animal relief areas, and as the Committee noted, rulemakings on these issues are already underway (RIN 2105-AD96, and RIN 2105-AD91). The Department published a supplemental notice of proposed rulemaking (NPRM)

that proposed to require airport and airline automated kiosks and airline Web sites to be accessible to passengers with disabilities such as passengers who are blind or have low vision. The Department also published an NPRM that solicited public comments on whether the Department should require airports to locate a minimum of one service animal relief area per terminal inside the “sterile area” between the TSA security checkpoint and the gate area. The Department is working to finalize these rules as soon as possible.

## 2. *Discrimination Based on Race, Religion, National Origin or Gender*

Recommendation: DOT should remind the airlines of their obligation to avoid discrimination on the basis of race, religion, national origin, or gender and should encourage carriers to stress this obligation in their initial and recurring personnel training.

Proposed Response: We concur. The letter that will be sent to carrier associations as described in the Travelers with Disabilities response above will also ask that they remind carriers of the various Federal statutes that prohibit unlawful discrimination against air travelers because of their race, color, religion, ethnicity, national origin, or sex (49 U.S.C. §§ 40127 and 41310) and stress the benefits of training personnel to ensure that all persons are provided equal protection of the laws and no person is subjected to unlawful discrimination when traveling.

## 3. *Consumer Air Travel Complaints*

Recommendation: DOT should improve its informal air travel consumer complaint resolution process by providing more information to consumers about their complaint. In order to help consumers better understand the status and resolution of their complaint, the Committee recommends the following specific steps.

1. DOT should provide contact information for the analyst handling the complaint and indicate that the analyst is the person the consumer can contact with questions about the status of the complaint.
2. DOT should outline the complaint process to consumers and address other material facts (e.g., whether complaint involves a regulated area, whether investigation will be conducted, whether complaint has been forwarded to airline).

Response: We generally concur in these recommendations. No later than 30 days after the date of this report, the Department will begin to revise its complaint handling process. It will amend its standard letters acknowledging receipt of airline service complaints, which are usually sent to consumers the same day a complaint is entered into its tracking system, so they explain that an analyst will be assigned to work on the case shortly and provide the office’s consumer contact telephone number to reach the analyst. Assurances will also be provided in the letters that telephone calls will be returned by the analyst within one business day. The acknowledgement letters will also be revised to better outline the complaint process for consumers. The acknowledgement letters will not include the specific contact information for the analyst handling the complaint as doing this would result in a delay in sending such letters to complainants and would not be beneficial to consumers. The changes that we are making to the

acknowledgement letters provide the new information recommended by the Committee and would still enable consumers to easily and quickly reach the analyst handling their complaint.

#### **4. *Enhanced Information about Air Travel Consumer Rights***

Recommendation: DOT should place its guidance on consumer rights and related FAQs on its Web site in a prominent place so that consumers can better understand their rights and responsibilities as air travelers.

Response: We concur in this recommendation. There will be greater prominence given to guidance on consumer rights on the Department's Web site and the Web site of its Office of Aviation Enforcement and Proceedings, which is the office that monitors compliance with and investigates violations of the Department's aviation economic, consumer protection, and civil rights requirements. We expect to complete these tasks within 30 days after the date of this report.

#### **5. *Understanding Terms Used in Contracts of Carriage and Customer Service Plans***

Recommendation: DOT should work with the airlines to survey how the airlines define certain terms frequently used in their contracts of carriage and customer service plans. DOT should place this information on its Web site to assist consumers with understanding the terms and conditions of their travel.

Response: We concur in this recommendation. In the Secretary's letter to U.S. and foreign carrier associations referenced above, we will ask the associations to work with the Office of Aviation Enforcement and Proceedings to identify and then define/explain terms commonly used in contracts of carriage and customer service plans. A statement of these definitions will then be made available to members of the public via the DOT Web site, and we will encourage carriers to post this information on their sites as well. Although the date of completion of the work on this recommendation is dependent on airline association cooperation, we believe the task can be completed within 6 months after the date of this report.

#### **6. *Transparency in Pricing***

Recommendation: DOT should ensure transparency in air carrier pricing. The Committee adopts Recommendation 11 of the Final Report of the Future of Aviation Advisory Committee, which urged greater transparency in the disclosure of ancillary fees.

Response: We have initiated a rulemaking package (Enhancing Airline Passenger Protections III, RIN 2105-AE11) which may include a provision seeking comment on whether the Department should require that ancillary fees be displayed through all sale channels. The current status of this rulemaking can be found at [www.reginfo.gov](http://www.reginfo.gov). We note that implementation of this recommendation is subject to rulemaking procedures that preclude us from prejudging the outcome of the rulemaking process.

## **7. *Ticket Agent Disclosures***

Recommendation: DOT should require all ticket agents, including online ticket agents, to disclose the fact that they do not offer for sale all airlines' tickets, if that is the case, and that additional airlines may serve the route being searched. All ticket agents, including online ticket agents, should make this disclosure clearly and conspicuously, so that consumers know they may need to search elsewhere if they want to find out all available travel options.

Response: We have initiated a rulemaking package (Enhancing Airline Passenger Protections III, RIN 2105-AE11) which may include a provision seeking comment on whether the Department should require all ticket agents, including online ticket agents, to disclose the fact that they do not offer for sale all airlines' tickets. The current status of this rulemaking can be found at [www.reginfo.gov](http://www.reginfo.gov). We note that implementation of this recommendation is subject to rulemaking procedures that preclude us from prejudging the outcome of the rulemaking process.

## **8. *On-Time Performance Reporting for All Airlines***

Recommendation: DOT should mandate that data be reported to the agency's Bureau of Transportation Statistics for all flights and airlines, as opposed to only those that account for 1 percent of domestic scheduled passenger revenue.

Response: We have initiated a rulemaking package (Enhancing Airline Passenger Protections III, RIN 2105-AE11) which may include a provision seeking comment on whether the Department should expand the on time performance "reporting carrier" pool to include smaller carriers. The current status of this rulemaking can be found at [www.reginfo.gov](http://www.reginfo.gov). We note that implementation of this recommendation is subject to rulemaking procedures that preclude us from prejudging the outcome of the rulemaking process.