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November 13, 2008

Tamarac Delay Task Force Final Model Contingency Plan

WASHINGTON, November 2008 - After ten months of deliberation and hard work, the Department of Transportation's Tarmac Delay Task Force developed a model contingency plan to improve passenger service during lengthy ground delays. The final report will now be transmitted to Secretary of Transportation Mary Peters.

The Air Carrier Association of America (ACAA) was able to provide input and participate in all the Task Force meetings and appreciates the effort put forth by Sam Podberesky, Kirk Shaffer, and the entire Department of Transportation (DOT) and Federal Aviation Administration (FAA) team that worked on the critically important issues addressed by the Task Force. ACAA was glad to work with all those involved in the industry and those representing passengers.

The ACAA fully supports the final Task Force recommendations. Attached is an ACAA letter, submitted to Sam Podberesky, outlining points of importance to accompany the final report.



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Mr. Sam Podberesky
Tarmac Delay Task Force
Department of Transportation
Office of General Counsel
1200 New Jersey Avenue, SE
Washington, DC 20590

Subject: Comments on the Tarmac Delay Task Force Final Model Contingency Plan

Dear Sam,

On behalf of the members of the Air Carrier Association of America and the communities and passengers served by our members and by all U.S. carriers, we applaud the hard work of all involved in the Task Force discussions and final recommendations. We thank you, Kirk Shaffer, and the entire DOT/FAA team for working with the industry on the issues discussed at the Task Force meetings.

We appreciate the fact that all aviation parties were invited to participate and were listened to and that the focus was not only on the views expressed by the largest aviation entities attending the Task Force meetings. As a result, we believe that the Task Force recommendations do address the needs of all parties. Therefore, we support the final Task Force recommendations although we believe it is important to emphasize some additional points.

As all parties involved in the aviation industry understand, some carriers may have hundreds of flights at certain airports and have multiple gates and other airport facilities. Therefore, if they experience delays, they have various options to resolve these delays. While major delays do cause these carriers problems, they have those options to get their operations back on track. At the same time, carriers that face significant delays but only have a few operations at an airport are limited in the steps that they can take to get their operations back on track. They are similarly limited in the options they can provide to passengers at the particular airport where the delays are taking place and to passengers at other airports they serve after the delays are addressed. Therefore, it is important the Task Force's final recommendations make it clear that

airport operators and carriers that lease space (and provide staffing) to smaller carriers do not only address their own delay/cancellation problems. Instead, airports and the largest carriers at an airport must address problems faced at that airport by all carriers, whether the carrier has a few operations or dominates the airport. There should not be a priority system put in place that only addresses problems faced by small carriers after the largest carriers have resolved their issues.

In this connection, we support Section “4.4(a) a “During an event” which says that an airport should, “activate the unified communication plan for all aviation service providers as necessitated by the scale of the ground delay.” In addition, we think the Department should emphasize to all parties the following statements in 4.4, b(2):

Airport operators should collaborate in the response efforts in support of aircraft delayed on the ground with passengers onboard. The airport collaboration should address:

- Working with airline operations centers and the FAA to track aircraft delayed on the ground.
- Working with airlines to provide for the use of empty gates, consistent with the needs of other airline operations, customer service needs, technical requirements, and lease terms, and hardstand positions for the remote parking of aircraft. Airports should attempt to negotiate lease terms and other agreements that provide for the sharing of unused gates under appropriate circumstances.

It is important that the Department remind all parties that this section protects all carriers at an airport whether they have a few operations, or hundreds of operations.

As part of this effort, the FAA must also take steps to ensure that when delays occur, carriers with only a few flights in the system are not treated differently than carriers with hundreds of flights.

At a number of large airports, smaller carriers have historically had longer delays than the larger carriers. When delay programs are in place, a higher percentage of smaller carriers flights are impacted, while only a small percentage of large carrier flights are impacted by those same delay programs. For example, it is not unusual that on a bad delay day, delays for small carriers run three to four hours. When added to later delays, small carriers – with limited fleets – frequently face 8-10 hour total delays on flights throughout the day. On those same delay days, large carriers are able to operate many of their flights closer to scheduled times because of the significant number of flights they have scheduled (10 to 15 roundtrips in some markets). Therefore, when they cancel a few flights, they can operate the rest of their flights on-time. Moreover, passengers of large carriers are protected because they can be moved to final destinations by several different routings because they serve multiple hubs from 46 same or nearby airports.

To address this inequitable situation, steps need to be taken to establish a “level” playing field. One option is to allow small carriers to designate a certain number of “delay-free” arrivals (not departures) that would not be subject to delays unless unusual conditions exist requiring the FAA

to immediately and dramatically limit traffic. Each carrier would have to advise the FAA of the arrivals it wants to designate as “delay free.”

These steps would create a new level “delay” playing field. By making these points, the Department will further protect passengers and the entire system. All parties will benefit!

We again thank the Department for managing this process. We recommend that the Department use this type of process with key aviation parties to address other issues impacting the system. All of us benefit from these types of discussions.

Sincerely,

Edward P. Faberman

cc: Peggy Swalve
Kathleen Blankriether
Livaughn Chapman