

**BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

In the matter of: :
: :
Final Rule : :
Enhancing Airline : **Docket No. DOT-OST-2007-0022**
Passenger Protections : :

REQUEST TO EXTEND EFFECTIVE DATE

The Air Transport Association of America, Inc.,¹ the Regional Airline Association² and the Air Carrier Association of America on behalf of our members, have a strong interest in the final rule published in the Federal Register at 74 FR 68983 on December 30, 2009 with an effective date of April 29, 2010. By this filing, we request the Department extend the effective date 90 days for the disclosure requirements in 14 CFR 234.11(b) that will require extensive changes to carrier reporting systems.

The Department mandates several reporting requirements in this final rule that will require system and protocol changes, design work, programming, and testing of the new procedures to ensure data integrity. Specifically, the Department mandates that for each domestic flight for which schedule information is available on its Web site, including domestic code-share flights, a reporting carrier must display (1) the percentage of arrivals that were on time, i.e. a flight that arrives less than 15 minutes after its published arrival time, (2) the percentage of arrivals that were more than 30 minutes late, (3) special highlighting if the flight was more than 30 minutes late more than 50 percent of the time, (4) the percentage of flight cancellations if 5 percent or more of the flight's operations were canceled in the month covered.³

Most carriers already comply with the first item but all of the remaining items represent new parameters and items (2) and (3) are not currently reported to the Bureau of Transportation Statistics. Each carrier will have to develop a method to capture the percentage of arrivals more than 30 minutes late and to identify any flights that are 30 minutes late more than 50 percent of the time. In addition to designing how the information will be captured, each carrier will have to

¹ ATA airline members are: ABX Air, Inc.; AirTran Airways; Alaska Airlines, Inc.; American Airlines, Inc.; ASTAR Air Cargo, Inc.; Atlas Air, Inc.; Continental Airlines, Inc.; Delta Air Lines, Inc.; Evergreen International Airlines, Inc.; Federal Express Corporation; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Airlines, Inc.; UPS Airlines; and US Airways, Inc. ATA Airline Associate Members are: Air Canada; Air Jamaica Ltd.; and Mexicana.

² Aerolitoral; Air Wisconsin Airlines Corp.; AirNet Systems Inc.; American Eagle Airlines; Atlantic Southeast Airlines; Cape Air; Chautauqua Airlines; Colgan Air; Comair; CommutAir; Compass Airlines; Empire Airlines; Era Aviation; ExpressJet; GoJet; Grand Canyon Airlines/Scenic; Great Lakes Aviation; Gulfstream Int'l Airlines; Horizon Air; Island Air; Jazz Air; Lynx Aviation, Inc.; Mesaba Aviation; New England Airlines; Piedmont Airlines; Pinnacle Airlines, Inc.; PSA Airlines; Republic Airlines; Shuttle America; SkyWest Airlines, Inc.; Trans States Airlines

³ See 14 CFR 234.11, 74 FR 69002.

program their internal systems to make these changes and test the new procedures to ensure data integrity. Carriers will also have to modify their websites to display this new information. Finally, in addition to all of the internal carrier changes, each carrier will also have to complete the same processes for each domestic code-share partner whose flights are displayed on its website. This inter-carrier coordination to display historic flight information for domestic code-share partner(s) is unprecedented and will take a significant amount of time.

As the Department is aware, it is extremely important that carriers have enough time to thoroughly test and audit any publicly displayed information. Given the extensive coordination this regulation will require and the importance of presenting this new information correctly, the current compliance period is inadequate. We therefore request that the effective date for 14 CFR 234.11(b) be extended for 90 days.

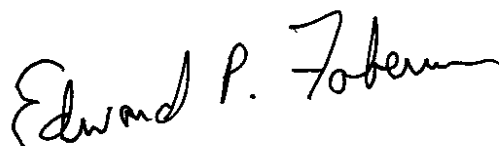
Respectfully submitted,



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