



U.S. Department of  
Transportation

Office of the Secretary  
of Transportation

GENERAL COUNSEL  
February 1, 2008

1200 New Jersey Avenue, SE  
Washington, DC 20590

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INFORMATION

The Honorable Barbara Boxer  
United States Senate  
Washington, DC 20510

Dear Senator Boxer:

Secretary Peters has asked me to respond to your letter of January 22, 2008, cosigned by Senator Snowe, concerning the Department's Advance Notice of Proposed Rulemaking ("ANPRM") on enhancing protection for airline passengers. We appreciate your taking the time to give us substantive suggestions in response to our initial proposals.

The comment period for the ANPRM closed on January 22, 2008. The Department will consider all comments filed in determining what rules, if any, to propose. As required by the Department's *ex parte* rules, 14 CFR Part 300, I will have a copy of your letter and this response placed in Docket DOT-OST-2007-0022 so that the letter will be considered along with the other responses to the ANPRM. In addition, any more concrete proposal will take the form of a Notice of Proposed Rulemaking ("NPRM") and will again call for comments from interested parties. As with the ANPRM, the Department will consider all comments on the NPRM in deciding on any final rules.

I thank you for imparting your views on the issues addressed in the ANPRM, and I hope this response proves useful. If you need additional information, please feel free to call Samuel Podberesky, the Assistant General Counsel for Aviation Enforcement and Proceedings at 202-366-9342. I am sending an identical response to Senator Snowe.

Sincerely,

D.J. Gribbin

# United States Senate

WASHINGTON, DC 20510

January 22, 2008

The Honorable Mary Peters  
Secretary of Transportation  
Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Secretary Peters:

We are pleased that the Department of Transportation (DOT) has turned its attention toward addressing airline delays and service, but we have serious concerns about several of the rules proposed by your Department in Docket No. DOT-OST-2007-0022.

As the DOT moves forward with this rulemaking, we urge you to set minimum standards for the contingency plans and ask the DOT to both review and approve the plans proposed by the airlines. These minimum standards should not only include necessary food and water, but also passengers' right to safely deplane if they have spent more than three hours on the tarmac either when arriving at, departing from, or being diverted to an airport.

Allowing airlines to design their contingency plans without the guidance of minimum standards or even a review by the DOT renders this rule completely ineffective. As noted by your own Inspector General, many of the airlines previously signed a voluntary Airline Customer Service Commitment in 1999 and incorporated many of those requirements in their contracts of carriage. Despite those efforts, little has changed and it is clear that this system of voluntary commitments is not enough to prevent the severe delays and unconscionable conditions that too many air travelers have recently endured.

We applaud the efforts of states to protect the healthy and safety of passengers who travel through their airports. It is important that any rule established by the DOT should not preempt state efforts such as the law recently passed in New York, or those measures currently under consideration in California, Rhode Island, Washington and other states.

Lastly, we support the proposals to improve communication between the airlines and their customers, and require airlines to track and provide consumers with more information about the past performance of flights and their carriers. Better information will help consumers make an educated choice when purchasing their ticket, and provides airlines an incentive to compete on the quality of their service as well as price.

We look forward to working with you and other officers in the Department of Transportation on these important issues.

Sincerely,

  
U.S. Senator Barbara Boxer

  
U.S. Senator Olympia Snowe