BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, DC

In the matter of	:	
	:	
NOTICE OF PROPOSED	:	**Docket OST-2007-28522**
RULEMAKING CONCERNING REVISION OF	:	
AIRLINE SERVICE QUALITY PERFORMANCE	:	
REPORTS AND DISLCOSURE REQUIREMENTS	:	

COMMENTS OF THE AIR TRANSPORT ASSOCIATION OF AMERICA, INC. *and* REGIONAL AIRLINE ASSOCIATION

The Air Transport Association of America, Inc. ("ATA") submits these comments in response to the Department of Transportation's notice of proposed rulemaking concerning revisions to airline service quality performance reports and disclosure requirements ("reporting requirements" or the "NPRM").[1] *See* 72 Fed. Reg. 65230 (November 20, 2007). The Regional Airline Association[2] ("RAA") joins in submitting these comments in response to the NPRM.

[1] ATA airline members are: ABX Air, Inc.; Alaska Airlines, Inc.; Aloha Airlines; 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.; Midwest Airlines, Inc.; Northwest Airlines, Inc.; 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] RAA airline members are: Aerolitoral, Air Canada Jazz, Air Wisconsin Airlines Corp., AirNet Systems Inc., Alma de Mexico, American Eagle Airlines, Atlantic Southeast Airlines, Big Sky Airlines, Cape Air, Chautauqua Airlines, Colgan Air, Comair, CommutAir, Compass Airlines, Empire Airlines, Era Aviation, ExpressJet, FedEx, Flight Options, GoJet, Grand Canyon Airlines, Great Lakes Aviation, Gulfstream Int'l Airlines, Horizon Air, IBC Airways, Island Air, Mesa Airlines, Mesaba Aviation, New England Airlines, Piedmont Airlines, Inc., Pinnacle Airlines, Inc., PSA Airlines, Republic Airlines, Salmon Air, Scenic Airlines, Shuttle America, Skybus, Skyway Airlines, SkyWest Airlines, Inc, Trans States Airlines, Twin Otter International, US Airways Express

The NPRM seeks comments from the public on whether the Department should amend its economic regulations (14 C.F.R. Part 234) to require carriers to report the following additional information:

- Cancellations and Gate/Air Returns
    - For gate/air returns, first gate departure time at origin airport
    - Total ground time away from gate for all gate/air returns at origin airport, including cancelled flights—actual minutes.
    - Average ground time away from gate for all gate/air returns at origin airport, including cancelled flights—actual minutes
- Diverted Flights
    - Three letter code of airport for diverted airport(s)
    - Wheels-on time at diverted airport
    - Gate arrival time at diverted airport
    - Gate departure time at diverted airport
    - Wheels-off time at diverted airport

I. SUMMARY OF ATA POSITION

We continue to support DOT's efforts to improve the quality of information that is available to consumers of air travel. As we have done throughout this past year, ATA will continue to work with DOT to propose the best methods to report data to better inform the public. We appreciate the opportunity to provide additional feedback and comments as a supplement to our two proposals submitted previously in this docket.

We support the proposed changes for cancelled and gate/air returns. As discussed below, the DOT proposed cancelled and gate/air return data fields are the same data

fields ATA suggested in our previous comments. We also support reporting additional information on diverted flights and note that ATA submitted proposed new data fields to DOT on this topic on September 25, 2007. While we support the reporting of additional diverted flight information, we have many questions as to how DOT's proposal on diversions would accurately capture data in a variety of scenarios. Accordingly, we ask DOT to reconsider the ATA September 2007 proposal. We fundamentally support DOT's NPRM as a positive step towards a more informed public.

II. BACKGROUND

On June 20, 2007, DOT held a public meeting "…to discuss the reporting of on-time aviation data, specifically the reporting of gate-departure time when an aircraft returns to the gate after an initial gate departure, but before the wheels-off time, and the need to report gate-departure time when the flight is ultimately cancelled." 72 FR 72221. Several groups expressed their views, as did ATA on behalf of its members.

In order to be pro-active and responsive to DOT concerns, ATA proposed to DOT at the public meeting to amend BTS Form 234 to require two additional data fields: (1) in the event an aircraft returns to a gate before departing, create a field to report the first gate departure time, and (2) create a field to report cumulative time for aircraft with multiple gate returns. In response to a DOT request for written comments, ATA followed up this proposal with written comments and examples on August 7, 2007.

On September 10, 2007 DOT sent follow-up questions to carriers on gate returns and cancelled flights, and added the new topic of flight diversions. On September 25, 2007 ATA responded with a proposal to add three new fields to BTS Form 234: one data field for gate and air returns (Average Ground Time Away from Gate for All Gate/Air

Returns at Origin Airport, Including Canceled Flights - Actual Minutes); and two data fields addressing diversions (Total Ground Time Away from Gate at Divert and Destination Airport(s) - Actual Minutes, and Average Ground Time Away from Gate at Divert and Destination Airport(s) - Actual Minutes). On November 20, 2007 DOT published its NPRM proposing to adopt all three of ATA's recommendations on cancellations and air/gate returns, and to replace our proposal on diversions with five additional data fields.

III. CANCELLATIONS AND GATE/AIR RETURNS

We applaud DOT's efforts to work with carriers to find solutions for a better informed public. As DOT has decided to propose the three data fields ATA submitted for consideration last year, we fully support the new data fields for cancellations and gate/air returns as set forth in the NPRM. We look forward to working with DOT to implement these new data fields.

III. DIVERTED FLIGHTS

We support DOT efforts to collect and distribute additional information concerning diverted flights, as reflected in our September response to DOT proposing two data fields to record diversion information. ATA's diversion proposal was reached after extensive discussion among ATA members to come up with additional fields that would capture the most complete picture and account for the most diverse scenarios. In addition, adding data fields to the existing Part 234 scheduled flight record format would maintain the integrity of current reporting by continuing the fixed-length record format which is oriented to a one scheduled flight approach (one origin, one destination). As ATA indicated in earlier submissions, diversions are a rare event; representing just 0.16%

of all operations reported in the December 2007 DOT Air Travel Consumer Report. ATA believed that if DOT were concerned with information on such a small segment of operations, we should submit a proposal that would collect information for all possible scenarios.

It is clear from the NPRM that DOT decided to seek diversion information in a different format than we proposed. ATA members spent a lot of time creating data fields that capture all scenarios. After reviewing the DOT proposal for diversion information, it is unclear to us how the five data fields would handle the extensive diversion possibilities. Attachment I lists several questions concerning the DOT proposal on diversions. Attachment II graphically illustrates one scenario where the DOT diversion proposal would accurately capture flight information but several more complex diversion examples where the current DOT proposal is insufficient to accurately report flight information.

Without the answers to the attached questions and an explanation of how DOT's proposal would accurately report flight information in various scenarios, it is impossible for the public to comment on the effect of the NPRM, including reprogramming efforts, likely costs, or implementation time. The two most fundamental questions we have regarding the proposal are: (1) whether diversion data would be reported in a single record or multiple records, and; (2) for the multitude of differing scenarios, how data fields would be represented (e.g., diverting airplanes do not reach a gate, flight over-flies an intermediate stop, flight over-flies an intermediate stop and then diverts, etc.)

Accordingly, because we carefully researched our proposal for diversions and are comfortable that our proposal would accurately capture the data DOT seeks, and our

members have many substantive and technical questions regarding the DOT proposal, we ask DOT to reconsider the ATA proposal which we believe is a solution that will accurately capture information for all diversion scenarios.

IV. ADDITIONAL COMMENTS

Carriers will be required to undertake a significant amount of work to add and populate additional fields to BTS Form 234, whether it is five fields as ATA suggests or eight as DOT proposed in the NPRM. As mentioned above, it is impossible for us to estimate the true cost and time it would take to implement these changes without additional information on the DOT diversion proposal. At a minimum, incorporation will require system and protocol changes, design work and programming and testing of the new procedures to ensure the integrity of the data.

To make certain that all carriers are able to comply with new reporting requirements and that DOT will receive accurate, reliable, consistent, and comparable data, we request that DOT adopt the following approach:

(1) Assemble a pilot group with all interested airlines as suggested in the NPRM, with a charter to collaboratively determine final new reporting requirements and the detailed data processing rules to be applied

(2) Complete pilot group work and determine the timeline for implementation based on finalized reporting requirements and programming/testing efforts needed

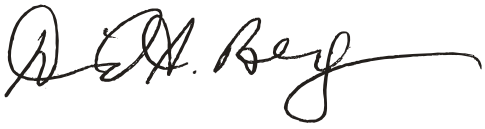
(3) Issue the final rule

(4) Issue the technical directive.

The above approach will provide DOT the greatest likelihood that new data elements will accurately account for information on all flight scenarios. Furthermore, this approach will ensure that all carriers will implement the same methodology to report accurately, reliably, consistently, and comparably. We note that in the Causal Delay Final Rule (see 67 FR 70535), carriers were asked before the NPRM for input on the best way to collect data.

For the approach described above, we request a minimum of six months after DOT publishes a technical directive with all of the method of collection details to implement all needed changes. We further request that all changes occur at one time, to save carriers the cost of having to design and reprogram software multiple times over the course of several months or years. Finally, we are encouraged by DOT's commitment to assemble a working group to discuss and test methods of collection and we look forward to working with DOT in this group. ATA appreciates the opportunity to comment on this proposal would be happy to answer any questions.

Respectfully submitted,



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Attachment I

A. Record Format Questions:

1) Will diversion data be reported in a single record or multiple records?

Additional questions if the data is reported in multiple records:

a. How will the original schedule segment be reported and what field elements will be populated?

b. How will diverted segments be identified?

c. How will the diverted segments be associated with each other and the original scheduled segment?

d. How will on-time performance and completion factor be calculated?

If a single record:

a. How will data fields for multiple diversions be populated?

b. How will data fields for overflies be reported?

Until this basic fundamental formatting question is answered, the cost and man hours required to comply with this proposal cannot be determined.

2) For flights that divert to an airport and do not reach a gate, how should the gate arrival and gate departure data fields be represented?

B. Business Rules Questions:

1) **When a flight diverts, how should the flight data be represented?**
2) **When a flight over-flies an intermediate stop, how should the data be represented?**
3) **When a flight over-flies an intermediate stop and diverts, how should the data be represented?**
4) **When a flight originates at an unscheduled airport prior to the scheduled origin airport, how should the data be represented?**
5) **When a flight extends beyond the scheduled destination airport, how should the data be represented?**
6) **When a flight operates to an alternate airport, same city, how should the data be represented?**
7) **What happens when we have multiple operational issues? Such as a flight that is scheduled to go from Seattle-Boston, has a gate return, then leaves Seattle but diverts to Denver due to a medical emergency, then continues on, but again diverts to EWR due to weather in Boston, then at last makes it to Boston. Are we to have 4 different data records to account for each mishap?**
8) **How is the On-time calculated since we left our scheduled origin airport and did arrive at our scheduled destination.**

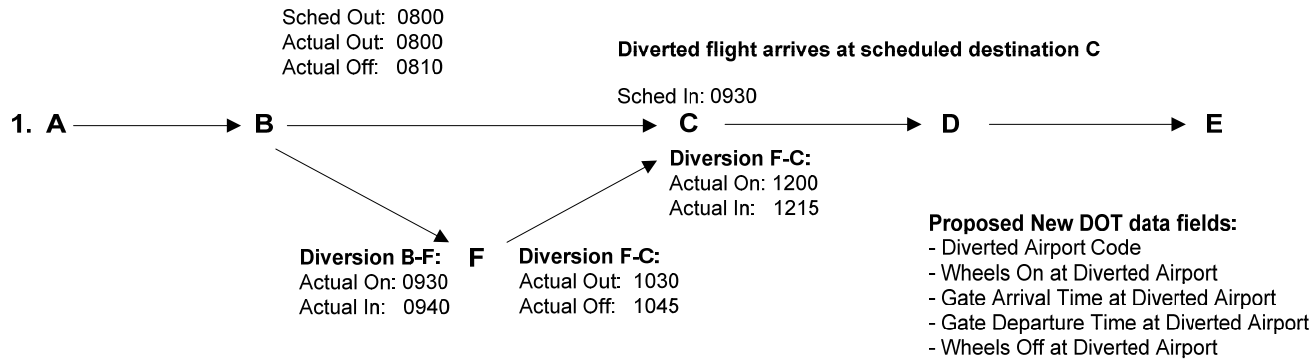
C. On-Time Causal Delay Reporting Questions

1) **We would like clarification that the definition of On-time performance is not changing due to these new data elements?**

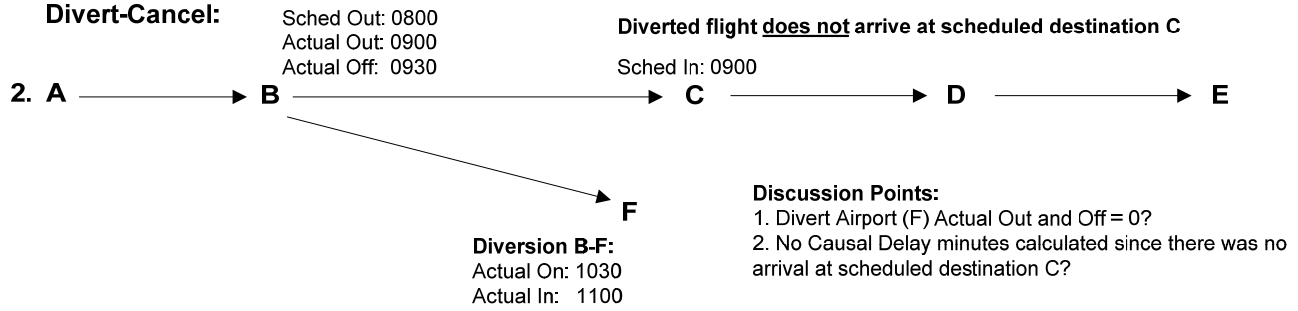
2) **If you divert to another airport and give the wheels on and gate arrival, then continue on to the original destination what scheduled times do you use for On-time performance calculations.**

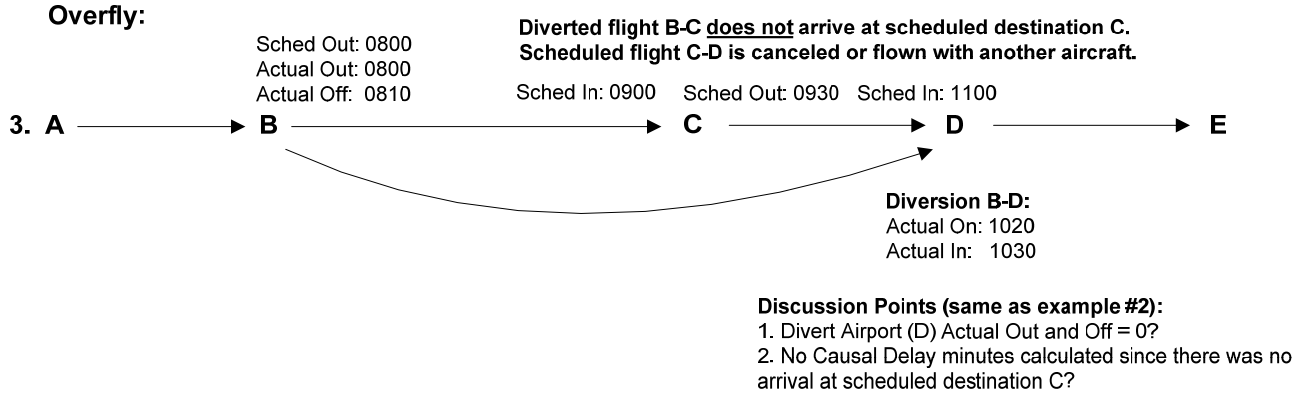
Attachment II

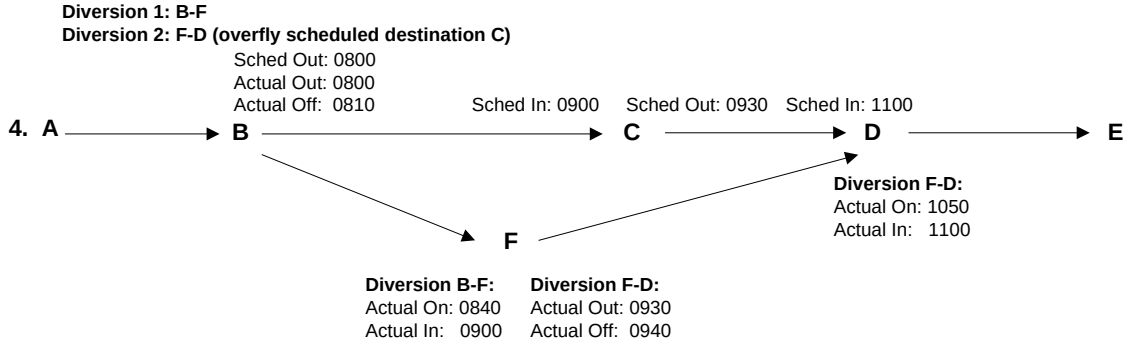
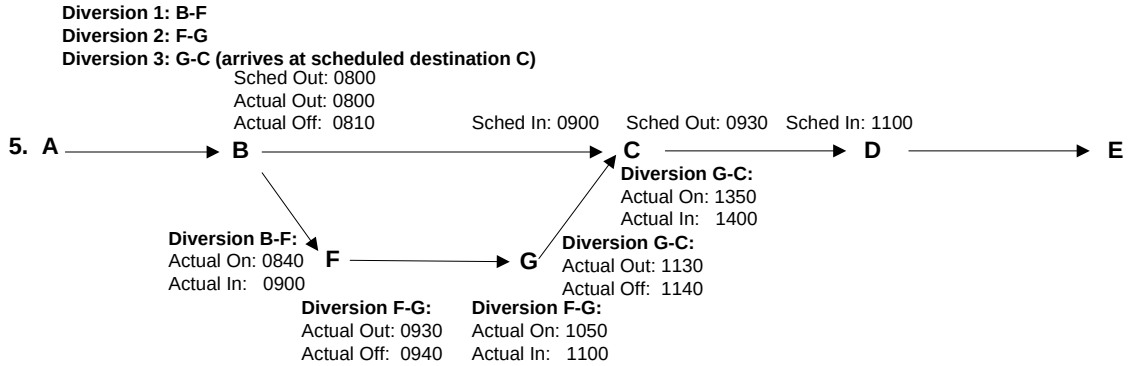
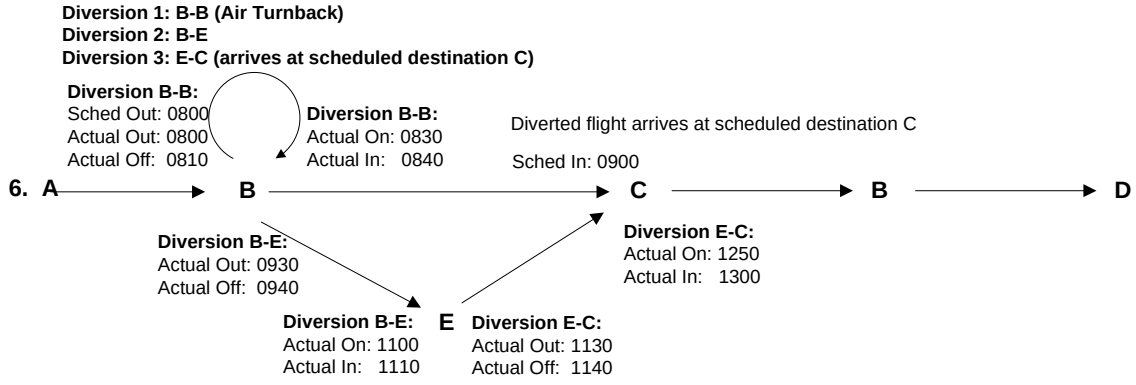
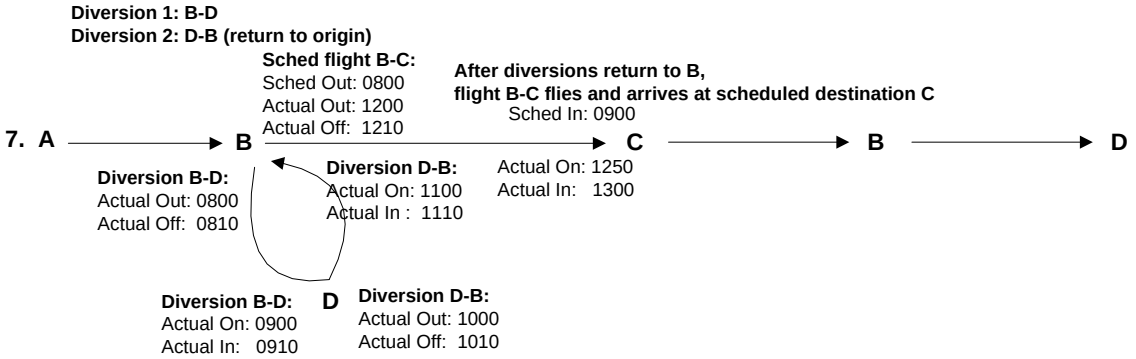
A. Example of a Diversion <u>accurately reported</u> using the proposed 5 new DOT data elements (scheduled flights are listed horizontally)



B. Examples of Diversions that <u>need further clarification</u> regarding accurate ontime performance reporting





Attachment II (cont'd)

C. Examples of <u>multiple-leg</u> Diversions that are <u>not supported</u> by the proposed 5 new DOT data fields using a <u>single-record</u> format