

Aviation Group Client Update

Date: March 1, 2012

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DOT ANNOUNCES TARMAC DELAY CONTINGENCY PLAN REQUIREMENT

Today, DOT issued a [Notice](#) regarding the FAA Modernization and Reform Act of 2012 (the “Act”), which requires covered U.S. carriers and U.S. airports to submit for review and approval tarmac delay contingency plans by **May 14, 2012**.

In addition to the requirements set forth in 14 CFR Part 259, the Act requires U.S. carrier contingency plans to contain a description of how the carrier will: (1) provide adequate food, potable water, restroom facilities, comfortable cabin temperatures, and access to medical treatment for passengers onboard an aircraft when the departure of a flight is delayed or disembarkation or passengers is delayed; and (2) share facilities and make gates available at the airport in an emergency.

Further, unlike current DOT tarmac delay rules, which do not apply directly to airports, the Act requires airports to provide contingency plans that will: (1) provide for the deplanement of passengers following excessive tarmac delays; (2) provide for the sharing of facilities and make gates available at the airport in an emergency; and (3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared U.S. Customs and Border Protection.

DOT is developing an electronic submission system where airlines and airports can submit their required plans, DOT plans to issue a notice within 45 days detailing the submission process.

We will continue to monitor developments with regard to tarmac delay contingency plan requirements. If you have any questions about the requirements, please do not hesitate to contact our office.

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