

**OPENING STATEMENT OF
HONORABLE JAMES L. OBERSTAR
BEFORE THE HOUSE AVIATION SUBCOMMITTEE
AVIATION CONSUMER ISSUES: EMERGENCY CONTINGENCY PLANNING AND
OUTLOOK FOR SUMMER TRAVEL
MAY 20, 2009**

I want to thank Chairman Costello and Ranking Member Petri for calling today's hearing on "Aviation Consumer Issues: Emergency Contingency Planning and Outlook for Summer Travel."

Mr. Chairman, thank you for your ongoing commitment to passenger protection and oversight. Last Congress, this Subcommittee held four hearings and one roundtable meeting on these issues. As a result, the Department of Transportation (DOT), Federal Aviation Administration (FAA), airlines and airports have taken some actions to improve customer service and reduce delays, and I hope to hear today that they will be doing even more.

Another recent issue of importance to passengers and the aviation industry has been the outbreak of the novel influenza A (H1N1), also known as the "swine flu." It has affected thousands around the world. I am pleased to hear that, in most instances, DOT, FAA, airlines and airports responded quickly to the guidance that was provided by the Centers for Disease Control and Prevention to protect workers and passengers.

The DOT and airlines worked to reassure the public that it was, and still is, safe to fly. It seems that the lessons learned from past disease outbreaks, like Severe Acute Respiratory Syndrome (SARS), were well-applied in this recent outbreak. I look forward to hearing from the witnesses on how contingency plans are used in these situations.

I also look forward to receiving testimony from the Department of Transportation Inspector General (DOT IG), who has been tracking the issues of consumer protection and airline delays very closely, and whose recommendations have driven many of the actions by DOT, FAA, airlines and airports.

According to the DOT IG, delays declined by 24 percent between the second half of 2007 and the second half of 2008. Delays have decreased as a result of declines in traffic and corresponding cuts in capacity. I want to ensure that we continue to work on efforts to mitigate delays, since traffic will eventually increase. The "chokepoints" of the New York area, Atlanta, and Chicago remain problematic and experience higher rates of delays than the rest of the country.

In 2008, there were over 1,200 flights with taxi-out times of three hours or more. While that is a small percentage of total flights, it places a huge inconvenience and stress on the passengers and crew who are on those flights. The DOT, FAA, and aviation industry must work together to try to eliminate long onboard delays and provide for proper passenger care during these instances. Contingency planning for these situations is critical. I am pleased that the DOT has started a rulemaking to address many of these

issues and I look forward to hearing from our DOT witness on the Department's progress.

The airlines' failure to adequately implement a passengers' bill of rights in 1999, combined with the DOT IG's recommendations, spurred this Committee to include specific customer service provisions in the FAA reauthorization bill in the last Congress, which passed the House on September 20, 2007. H.R. 915, the "FAA Reauthorization Act of 2009", goes even further to enhance consumer protections, decrease delays, and improve contingency planning. Under H.R. 915:

- Air carriers and airports are required to have emergency contingency plans, approved by DOT, detailing how air carriers and airports will deplane passengers following excessive delays. DOT will have the authority to assess a civil penalty against an air carrier or airport that fails to adhere to an approved contingency plan;
- FAA is required to convene schedule reduction meetings if aircraft operations exceed hourly rates and are likely to significantly adversely affect national or regional airspace;
- DOT IG is directed to review airline flight delays, cancellations, and associated causes;
- Air carriers are required to include on their websites and electronic boarding passes the DOT consumer complaint hotline number and the contact information for both the DOT's consumer protection division and the air carrier; and
- Airports used by an air carrier for flights in foreign air transportation must provide for the use of the airport's terminal, to the maximum extent practicable, for the processing of passengers arriving at the airport on such a flight in the case of an excessive tarmac delay.

I strongly support these provisions and believe they help ensure that there are no repeats of past cases in which passengers have been left to sit on the runway for as long as nine hours without adequate food or water.

Thank you again, Chairman Costello, for your leadership on these issues. I want to thank the witnesses for sharing their testimony with us today.

###