

111TH CONGRESS  
1ST SESSION

# H. R. 624

To amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2009

Mr. THOMPSON of California introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Airline Passenger Bill  
5        of Rights Act of 2009”.

6        **SEC. 2. AIRLINE CUSTOMER SERVICE COMMITMENT.**

7        (a) IN GENERAL.—Chapter 417 of title 49, United  
8        States Code, is amended by adding at the end the fol-  
9        lowing:



1 of passengers on board an aircraft at an airport in  
2 any case in which the departure of a flight is de-  
3 layed or disembarkation of passengers on an arriving  
4 flight that has landed is substantially delayed, in-  
5 cluding—

6 “(A) adequate food and potable water;

7 “(B) adequate restroom facilities;

8 “(C) cabin ventilation and comfortable  
9 cabin temperatures; and

10 “(D) access to necessary medical treat-  
11 ment.

12 “(2) RIGHT TO DEPLANE.—

13 “(A) IN GENERAL.—Each air carrier shall  
14 submit a proposed contingency plan to the Sec-  
15 retary of Transportation that identifies a clear  
16 time frame under which passengers would be  
17 permitted to deplane a delayed aircraft. After  
18 the Secretary has reviewed and approved the  
19 proposed plan, the air carrier shall make the  
20 plan available to the public.

21 “(B) DELAYS.—

22 “(i) IN GENERAL.—As part of the  
23 plan, except as provided under clause (iii),  
24 an air carrier shall provide passengers with  
25 the option of deplaning and returning to

1 the terminal at which such deplaning could  
2 be safely completed, or deplaning at the  
3 terminal if—

4 “(I) 3 hours have elapsed after  
5 passengers have boarded the aircraft,  
6 the aircraft doors are closed, and the  
7 aircraft has not departed; or

8 “(II) 3 hours have elapsed after  
9 the aircraft has landed and the pas-  
10 sengers on the aircraft have been un-  
11 able to deplane.

12 “(ii) FREQUENCY.—The option de-  
13 scribed in clause (i) shall be offered to pas-  
14 sengers at a minimum not less often than  
15 once during each successive 3-hour period  
16 that the plane remains on the ground.

17 “(iii) EXCEPTIONS.—This subpara-  
18 graph shall not apply if—

19 “(I) the pilot of such aircraft  
20 reasonably determines that the air-  
21 craft will depart or be unloaded at the  
22 terminal not later than 30 minutes  
23 after the 3 hour delay; or

24 “(II) the pilot of such aircraft  
25 reasonably determines that permitting

1 a passenger to deplane would jeopardize passenger safety or security.

3 “(C) APPLICATION TO DIVERTED  
4 FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted  
5 to an airport other than the original destination.  
6  
7

8 “(D) REPORTS.—Not later than 30 days  
9 after any flight experiences a tarmac delay lasting at least 3 hours, the air carrier responsible  
10 for such flight shall submit a written description of the incident and its resolution to the  
11 Aviation Consumer Protection Office of the Department of Transportation.  
12  
13  
14

15 “(e) AIRPORT PLANS.—Each airport operator shall  
16 submit a proposed contingency plan under subsection (b)  
17 that contains a description of—

18 “(1) how the airport operator will provide for  
19 the deplanement of passengers following a long  
20 tarmac delay; and

21 “(2) how, to the maximum extent practicable,  
22 the airport operator will provide for the sharing of  
23 facilities and make gates available at the airport for  
24 use by aircraft experiencing such delays.

1       “(f) UPDATES.—The Secretary shall require periodic  
2 reviews and updates of the plans as necessary.

3       “(g) APPROVAL.—

4             “(1) IN GENERAL.—Not later than 6 months  
5 after the date of the enactment of this section, the  
6 Secretary of Transportation shall—

7                     “(A) review the initial contingency plans  
8 submitted under subsection (b); and

9                     “(B) approve plans that closely adhere to  
10 the standards described in subsections (d) or  
11 (e), whichever is applicable.

12           “(2) UPDATES.—Not later than 60 days after  
13 the submission of an update under subsection (f) or  
14 an initial contingency plan by a new air carrier or  
15 airport, the Secretary shall—

16                     “(A) review the plan; and

17                     “(B) approve the plan if it closely adheres  
18 to the standards described in subsections (d) or  
19 (e), which ever is applicable.

20       “(h) CIVIL PENALTIES.—The Secretary may assess  
21 a civil penalty under section 46301 against any air carrier  
22 or airport operator that does not submit, obtain approval  
23 of, or adhere to a contingency plan submitted under this  
24 section.



“41781. Air carrier and airport contingency plans for long on-board tarmac delays.

“41782. Air passenger complaints hotline and information.”.

