

Client Bulletin

February 2007

A Bill Of Rights For Airline Passengers

“I’m mad as hell, and I’m not going take this anymore”, the famous line uttered by the late Peter Finch in the movie *Network*, is the mantra for a group of disgruntled airline passengers who have urged Congress to enact a Passengers’ Bill of Rights which would require airlines to provide specific redress for lengthy delays and other customer service problems on flights. The group has set up a website, www.strandedpassengers.blogspot.com to pursue their agenda. The proposed Bill of Rights would require all domestic United States air carriers to

- Establish procedures to respond to passengers’ complaints within twenty-four hours and to appropriately resolve those problems within two weeks.
- Notify passengers within ten minutes of delay of known diversions or cancellations via announcements and posting on television monitors in the terminal.
- Establish procedures for the return of passengers to terminal gates after delays are incurred so that no plane sits for longer than three hours on a tarmac without being connected to a gate.
- Provide for essential needs of passengers such as food, water and sanitary facilities for any delays longer than three hours.
- Provide for the needs of disabled and special needs passengers including removing and retrieval of baggage.
- Publish a monthly website update of chronically delayed flights, defined as those flights delayed for thirty minutes more than 40% of time.
- Compensate bumped passengers up to 150% of the ticket price when their flight has been delayed or postponed by twelve hours.
- Make the lowest fare information itineraries, cancellation policies and frequent flyer program requirements in easily accessible format and updated in real time.
- Ensure that baggage is handled without delay and that if baggage is misplaced, that the airline will notify passengers of the status of their baggage within twelve hours.
- Provide compensation for lost or damaged baggage based on the current market value of the bags and its contents.
- Require that these rules be applicable to international air carriers who code share with domestic United States carriers.

A similar proposal was introduced in 1999 but was later withdrawn. The prospects for formal introduction into Congress of this Bill of Rights are uncertain at the present time. What is certain is that in these days of overcrowded flights, congested skies and bad weather, airline passengers, despite the low fares they may be paying, are becoming an increasingly disgruntled group who has used the Internet as a valuable tool to gather grass root strength and make their position known to governmental authorities.

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Effective February 28, 2007, the limit on liability for lost, damaged or delayed domestic baggage will increase from \$2,800.00 to \$3,000.00. The increase was pursuant to 14 C.F.R. § 254.6 which requires that the Department of Transportation periodically review the minimum limits of liability in light of changes in the Consumer Price Index. The last change had been in July of 2004. The regulation increasing the liability limit was published on January 29, 2007 in the Federal Register and takes effect thirty days thereafter, *i.e.*, on February 28, 2007ⁱ



If you have any questions or would like further information, please contact:

Michael J. Holland, Esq.
Katherine B. Posner, Esq.
Condon & Forsyth LLP
Times Square Tower
7 Times Square
New York, NY 10036
Tel: (212) 894-6740
Fax: (212) 370-4482
E-mail:

mholland@condonlaw.com
kposner@condonlaw.com

ⁱ 72 Federal Register 3942 (Jan. 29, 2007),
Docket No. OST-2007-27020.