



March 2, 2020

Ed Bastian  
Chief Executive Officer  
Delta Air Lines  
1030 Delta Blvd.  
Atlanta, GA 30320

Dear Mr. Bastian:

We are writing to urge Delta Air Lines to establish a policy to ensure that children aged 13 and younger are seated with a parent or other family member with whom they are travelling, without having to pay an added fee or upgrade to a different class of ticket. Consumers are demanding this common sense change to your policies, which would improve safety and security for travelers while giving families peace of mind. In just over a week, more than 120,000 people have signed Consumer Reports' petition urging American, Delta, and United Airlines to seat children with their families without charging them extra for it.

Delta Air Lines is already aware of the ages of those traveling, and uses that information as reservations are made. For example, a parent cannot make a reservation for a child under age 15 traveling alone unless they set up arrangements for that child to travel as an unaccompanied minor, at which point Delta makes sure that flight attendants are aware of and responsible for the child during travel, particularly in the case of emergencies. And children under the age of five are not allowed to fly alone, under any circumstances.<sup>1</sup> These same requirements should apply to children flying with their families: regardless of the ticket class purchased, children under the age of 14 should be seated with an adult who is looking out for them -- at no extra cost.

Four years ago, recognizing the safety risks inherent in seating children away from their families on planes, Congress directed the Department of Transportation (DOT) to:

review and, if appropriate, establish a policy directing all air carriers providing scheduled passenger interstate or intrastate air transportation to establish policies that enable a child, who is age 13 or under on the date an applicable flight is scheduled to occur, to be seated in a seat adjacent to the seat of an accompanying family member over the age of 13, to the maximum extent practicable and at no

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<sup>1</sup> <https://www.delta.com/us/en/children-infant-travel/overview>.

additional cost, except when assignment to an adjacent seat would require an upgrade to another cabin class.<sup>2</sup>

And yet, to date, DOT has taken no steps toward change, stating publicly that the limited number of complaints did not make the case for regulation.<sup>3</sup> However, research by Consumer Reports has found that the problem is persistent and that some families face a battle to ensure that they are seated together with their children, sometimes even when they choose seats far in advance.

We have also found that DOT's complaint form is not well known or understood by the traveling public. After Consumer Reports established a portal to enable travelers to easily submit complaints to the Department, approximately 600 people submitted complaints in just two months -- four times as many as the Department had previously received in nearly two years.<sup>4</sup> One individual who submitted a complaint about an incident that took place in 2016 wrote, "I didn't complain back then because I didn't know I could. [People] need to speak up and we need education on our rights as consumers. Had I known I could file a complaint I would have at that very moment." Another who spoke by phone with Consumer Reports told us, "I never would have thought to complain to the Department of Transportation." And a third emailed Consumer Reports noting that she only learned about the complaint form when she saw a posting on Facebook about CR's efforts.

In their complaints and their responses to the petition, parents are expressing deep frustration about the current situation with airlines. We have heard from parents who bought tickets and selected seats but then found those seats were no longer assigned to them when they checked in. Other parents bought Basic Economy tickets understanding that they would not be able to select particular seats, but not understanding that the ticket could actually put the children in seats that are nowhere near their parents, leaving them vulnerable and at risk. Many were told that paying an additional fee, or securing an upgrade, was the way to enable them to sit with their children.

These parents expressed concern about what could happen to their children if they were seated apart. As one mother who was initially seated 12 rows away from her daughter wrote in a complaint to the DOT filed through the CR portal:

They were able to find someone willing to move seats to accommodate us at the last minute, but I had no idea that Delta would separate my child from me on a flight. It is my opinion that a separated child is just as at risk as an unaccompanied minor, and therefore Delta would be responsible for any problems related to assault, injury, or the child getting lost. I believe that not only is separating

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<sup>2</sup> Section 2309 of the FAA Extension, Safety, and Security Act of 2016.

<sup>3</sup> U.S. Department of Transportation, "DOT's Review of U.S. Airline Family Seating Policies," updated September 27, 2019. "Based on the low number of complaints received and review of airline family seating policies, the Department determined that it was unnecessary to direct airlines to establish policies on family seating." ([www.transportation.gov/individuals/aviation-consumer-protection/review-us-airline-family-seating-policies](http://www.transportation.gov/individuals/aviation-consumer-protection/review-us-airline-family-seating-policies)).

<sup>4</sup> All complaints cited in this letter were submitted to CR through the website, [www.cr.org/familytravel](http://www.cr.org/familytravel), between the dates of November 21, 2019 and February 27, 2020. CR forwarded them to the Department of Transportation on the complainants' behalf.

families a major liability to the airline, but it isn't worth the risks. My child has seizures, and I was unwilling to allow her to sit alone. If Delta had not found a solution, we would not have boarded that flight.

Similarly, Stephen R., of Queens, NY, used CR's portal to submit a complaint to DOT about travel he booked for November 2019 with his wife, his four-year-old son, and his one-year-old who was traveling as a lap infant. Despite buying what his travel agency described as "Premium Economy" seats and requesting three seats together, he found that he did not have assigned seats and the family was separated into three different rows. As he wrote in his complaint:

We suggested that a four year old should not fly alone and were told by the gate agent that he wouldn't be alone. He would be "around other people." It was only after speaking to the agent's manager and threatening to make a scene that our seats were changed to our original booking.... This is completely unacceptable.... Furthermore, this practice of seating children alone ("around other people") is not consistent with the actions of a company in an industry that prides itself on its safety record. We are told, when traveling with minors, to place our own oxygen mask on before tending to our children. The airline is clearly not taking additional precautions due to having separated children on the plane, and it poses an obvious safety risk.

Delta Air Lines is certainly aware of the risks to small children when sitting far from their parents with no responsible adult nearby. Among other risks, the FBI has reported on increases in sexual assaults in commercial travel.<sup>5</sup> Also, emergency procedures and evacuations will certainly be slowed and compromised by anxious parents and children who are far apart from each other on the plane.

In emails to travelers who submitted complaints through our portal to the Department of Transportation, a Delta employee wrote, "we know how important it is that children are not seated alone when they travel, and it is our goal to ensure they are seated with at least one parent or guardian." But, as the email notes, there are numerous steps the airline leaves to families to take to ensure that they will sit together -- including paying more:

To have a more seamless experience while traveling, please know it is best if children are booked in the same reservation as an adult traveler. Also, it will be helpful to make sure the tickets you're purchasing allow you to reserve specific seats on your flight. For example, basic economy fares are often lower in price, but do not provide consumers with [the] ability to select a seat. These tickets may not meet the needs of families with young children. Additionally, we strongly recommend arriving at the gate well in advance of departure time to allow our gate staff sufficient opportunity to try and secure seats together for your family, if

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<sup>5</sup> Federal Bureau of Investigation, "Sexual Assault Aboard Aircraft," April 26, 2018 ([www.fbi.gov/news/stories/raising-awareness-about-sexual-assault-aboard-aircraft-042618](http://www.fbi.gov/news/stories/raising-awareness-about-sexual-assault-aboard-aircraft-042618)). In FY 2017, 63 cases were reported to the FBI, up from 38 in 2014. According to an FBI airport liaison: "It's safe to say that many incidents occur that are not reported."

you weren't able to do so prior to travel. It is important to mention that if a reservation is booked through an online travel agency or third-party website, we may not receive all the details about the passengers traveling or special requests.

To request seating in advance of travel, please contact our Reservations Sales agents for assistance.<sup>6</sup>

This message puts the onus entirely on families to ensure that they are seated together, rather than keeping that obligation with the airline that, through its reservation system, controls the seat map and knows the ages of all of the travelers on the plane. And that onus is tied, in large part, to paying for a more expensive fare class or a seat selection. As one traveler wrote in her complaint to DOT: “We didn’t care WHERE we sat. We just needed to be with our kids.” Delta can fix this problem for all travelers. This problem will not be resolved if the airline works “with customers on a case-by-case basis to ensure their travel needs are met,” as a spokesperson for the airline recently told USA Today.<sup>7</sup> It needs to be solved across the board so that families do not need to affirmatively reach out to the airline for resolution.

We urge Delta Air Lines to listen to the more than 120,000 petition signatories, and to act where DOT chose not to. Put traveler safety first, by ensuring that young children will always be seated with a member of their family, regardless of how much the family pays for their tickets or whether they pay to choose specific seats.

We appreciate that your staff has taken the time to speak with us about this issue, and look forward to working with you as we continue to work to improve traveler rights and for a more coherent and transparent air travel marketplace.

Sincerely,



Anna Laitin  
Director, Financial Policy



William J. McGee  
Aviation Adviser

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<sup>6</sup> Email from Delta Airlines to Stephen R. (RE: Case 03252385) (Dec. 29, 2019).

<sup>7</sup> Dawn Gilbertson, *Kids should sit with their parents': Petition urges airlines to seat families together for free*, USA Today (Feb. 24, 2020) (online at: <https://www.usatoday.com/story/travel/airline-news/2020/02/24/american-delta-united-airline-family-seating-consumer-reports-starts-petition/4823602002/>).