

Aviation Consumer Protection Policy Recommendations for the Department of Transportation

Priority Early Actions for the Administration

- **COVID-19 Health Protections.** In the wake of the recent mask mandate for commercial air travel, the administration should immediately issue clear, enforceable requirements for other COVID-19 protections on aircraft and in airports. Such requirements should be based on the best available science and should apply to all US airlines; all foreign airlines operating to, within, and from the United States; and all US airports. The protocols should include enforced social distancing in airports and onboard aircraft, including empty middle seats between strangers; requirements for consistent state-of-the-art aircraft cleaning procedures; as well as consistent, fair, and sensible policies on testing, screening, and quarantining passengers and workers.
- **Flight Refunds.** The administration should strengthen and expand existing DOT rules on passenger flight refunds, particularly during “force majeure” situations such as a global pandemic. In addition, the DOT must vigorously enforce these refund regulations with US airlines, foreign airlines, and other ticket sellers, including resolving outstanding claims that have not been settled, in some cases since March 2020.
- **Unfair and Deceptive Airline Practices.** The Administration should promptly review the new DOT rule, rushed to approval in late November, that created procedural hurdles for unfair and deceptive practices rulemaking and adjudication. Implementation should be suspended, and steps should be begun to rescind it. This ill-conceived rule is totally unnecessary; its only effect is to make it more difficult for DOT to exercise its own authority to protect the traveling public against abusive airline practices.

Further Recommendations

- **Revamp the Aviation Consumer Protection Advisory Committee (ACPAC) so that it better represents consumers.** As we and other consumer advocates [wrote to Secretary Chao](#) in October 2020, the ACPAC is fundamentally broken. It is supposed to be a forum for bringing consumer interests and concerns to DOT. But in its current formulation it does not effectively represent consumers or adequately address issues of concern to the traveling public. This Committee should be reconstituted in a way that provides a true consumer protection voice to the Department, with members who advocate on behalf of consumers.
- **Family Seating.** The administration should issue rules to ensure that families with young children always sit together inflight without incurring additional fees or being required to purchase upgraded tickets. Congress directed DOT to issue such a rule in 2016, but left in a loophole giving the Department the ability to decline to regulate if such regulation is not “appropriate.” [Consumer complaints and concerns](#), as well as a 2018 FBI report on inflight sexual assaults, make clear the need for such a rule.
- **Airfare Transparency.** Implement full airline fare and fee transparency rules so that consumers are always provided “bottom line pricing” for all flights prior to selection, inclusive of both mandatory and “optional” taxes and fees. These rules should apply to all booking channels, whether the tickets are sold through airlines or third-party ticket sellers, and whether they are sold online or offline.

- **Passenger Bill of Rights.** The administration should develop a Bill of Rights that will address the glaring inequities in US airlines' Contracts of Carriage, documents that are one-sided, binding, intentionally vague, and utterly confusing. Other nations—including Canada and the members of the European Union—have introduced simple, consistent, and easily understood passenger compensation policies for airline flight delays, flight cancellations, involuntary bumping, and mishandled baggage.
- **Seat Standards.** Develop minimum seat size standards for all US commercial aircraft, including regional aircraft operating on behalf of major US carriers. Consumer Reports has documented that economy class seat pitch/legroom and seat width dimensions have diminished in recent decades. This reduces passenger comfort, but also increases dangers of blood clotting, and threatens safe emergency evacuations.
- **Emergency Evacuations.** Conduct a fresh evaluation to revamp the FAA's emergency evacuation standards and testing procedures for commercial aircraft. In recent years the FAA has relied on outdated computer modeling for such testing, and certain airlines and aircraft types have not been properly tested in more than two decades. These outdated testing procedures fail to account for the seismic changes that have overtaken airline travel in the last 20 years. In addition, there are valid concerns that computer modeling and even actual testing have selectively not accounted for real-world demographics, including passengers with disabilities.
- **Federal Preemption.** Work with Congress to eliminate the preemption clause of the 1978 Airline Deregulation Act, so that airline passengers gain more rights on the state and local levels, via state legislatures, state attorneys general, and private right of action.
- **FAA oversight of aircraft manufacturers.** The Boeing 737 MAX crisis highlighted weaknesses in the FAA's oversight of aircraft manufacturers. In particular, the FAA Inspector Designee program should be reformed so that additional FAA oversight is provided over aircraft manufacturer employees who are tasked with serving the potentially conflicting role as FAA inspectors and certifiers.
- **Maintenance Outsourcing.** The administration should require that airline maintenance work be conducted in the United States, and the FAA should provide adequate surveillance of such maintenance work.
- **Pandemic Insurance.** The administration should stipulate that all US airlines should purchase pandemic insurance, a product that has existed for years but has never been utilized by any US carriers. Those US airlines and aviation companies that neglect to purchase such insurance should become ineligible for government bailouts and loan guarantees in the future.
- **Child Restraints.** Since 1989, the National Transportation Safety Board, consumer organizations, pediatricians, and flight attendant unions have been publicly calling for the FAA to close the 1953 loophole in federal regulations that allows the most vulnerable passengers—babies under 2—to fly unrestrained. For years Consumer Reports has advocated for the FAA to ban lap children during takeoffs, landings, turbulence, and emergencies.