



New Study Shows DOT Three-Hour Tarmac Delay Rule Drives Cancellation of 5,000 Additional Flights

- 384,000 Passengers Stranded This Summer -

Washington, D.C. – Nov. 18, 2010 – The most comprehensive analysis to date of U.S. airline tarmac delays has confirmed that the threat of punitive fines of DOT’s new three-hour delay rule has driven thousands of flight cancellations, airline consultants said today. While the rule reduced tarmac delays by 523 flights this year, it drove an increase in cancellations by 5,064 flights, stranding 384,356 passengers on those flights. The report, issued today, shows that threatened multi-million dollar fines and conflicting regulations are causing significant consumer harm.

The joint and independent study, conducted by respected aviation consultants from Marks Aviation and The Airline Zone, used a large-scale database of flight operations, weather, and air traffic control data to isolate the causes of cancellations. Despite the best weather in a decade and fewer planes in the sky, airlines are cancelling flights at far greater rates under the rule than they did before.

In a webcast today explaining the study’s findings, The Airline Zone President Darryl Jenkins said, “the new tarmac delay rule had good intentions. DOT has threatened multi-million dollar fines for even minor violations, and needs to provide clarification on enforcement. Facing punitive fines, airlines simply cancel flights that have any exposure to the rule, so thousands of passengers who would not have experienced a long on-board delay are stranded and inconvenienced. The rule is doing more harm than good.”

“DOT used a bazooka to kill an ant. The public policy objective of ending long on-board delays is valid. However, unintended consequences of DOT’s rule are growing,” said Joshua Marks of Marks Aviation. “There is no question the ant is dead – tarmac delays have ended. But the collateral damage must be addressed quickly for this rule to be sustainable.”

“To put it another way, every day 3.5 tarmac delayed flights were eliminated this year, but the equivalent of 18 Boeing 737s were cancelled daily in the process,” Marks said.

The report, *Summer 2010 Cancellations and the Five-Month Impact of the Three-Hour Rule*, reveals that airlines cancelled 5,064 additional flights during the five months from May through September 2010 – 18% more than the same 2009 period – under the new tarmac delay rule. Based on analysis of nearly 100 million lines of data, Marks and Jenkins showed the strong connection between enforcement of the tarmac delay rule and unnecessary flight cancellations.

The consultants have recommended several changes to how the rule is enforced and monitored, so that both long onboard delays and cancellations can be minimized. Those recommendations include clarifying inconsistent and conflicting rule language, providing fine and enforcement guidance to airlines, improving airline-to-air traffic control communication during onboard delays, collecting tarmac rule cancellation details from airlines, and postponing expansion of fixed tarmac time limits to international airlines and small airports until cancellations are brought under control. The consultants do not recommend ending the rule until enforcement changes allow a true assessment of costs and benefits.

The report was written pro bono by the airline consultants and was not funded by industry or government entities. The complete report and exhibits are available at TarmacLimits.com.

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