



Memorandum

U.S. Department of
Transportation

Office of the Secretary
of Transportation
Office of Inspector General

Subject: **INFORMATION:** Audit Announcement –
Impacts of DOT’s Tarmac Delay Rule
Office of Secretary of Transportation
Project No. 15S3002S000

Date: February 10, 2015

From: Mitchell Behm 
Assistant Inspector General for Surface
Transportation Audits¹

Reply to
Attn. of: JA-30

To: Office of General Counsel

In recent years, the Department of Transportation (DOT) has taken steps to reduce the number of lengthy tarmac delays—i.e., when passengers remain on board an aircraft on the tarmac for extended periods of time. Specifically, to address customer complaints and protect passenger rights during delays, DOT implemented a rule in 2010 that prohibits aircraft operating domestic flights from remaining on the tarmac for more than 3 hours without the opportunity for passengers to deplane,² with some exceptions. In the 12 months following the introduction of the rule, the number of tarmac delays exceeding 3 hours decreased from 693 to 20.

However, since then, some questions have been raised regarding the rule’s impact on air carriers, including whether it has led to an increased number of cancelled flights. Recently, a number of studies have assessed the impact of the tarmac delay rule on cancellations, with mixed results. In particular, a study commissioned by the Office of the Secretary of Transportation (OST)³ found the tarmac delay rule to have an adverse impact on cancellations in the summer months of 2011, but little or no impact in 2010 and 2012.

In the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012, Congress directed our office to assess the impact of DOT’s rules on carriers’ decisions to delay or cancel flights. Accordingly, our objectives for this audit are to

¹ The OIG economists who will conduct this audit cover all modes of transportation and are situated in the Surface Transportation Group.

² In August 2011, the rule was expanded to include a 4-hour limit on tarmac delays for international flights.

³ Econometrica, Inc., “Independent review and analysis of the impact of the three-hour tarmac delay rule,” 2014.

(1) assess the effect of the tarmac delay rule on carriers' decisions to delay or cancel flights; and (2) evaluate OST's analysis of this issue.

We plan to begin the audit within the next few weeks, and we will contact your audit liaison to schedule an entrance conference. If you have any questions or require any additional information, please contact me at 202-366-9970 or Betty Krier, Program Director, at 202-366-1422.

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cc: FAA Deputy Administrator
DOT Audit Liaison, M1
FAA Audit Liaison, AAE-100