

**STATEMENT OF JOHN N. LIEBER  
DEPUTY ASSISTANT SECRETARY FOR  
TRANSPORTATION POLICY,  
DEPARTMENT OF TRANSPORTATION  
before the  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
SUBCOMMITTEE ON AVIATION  
concerning AVIATION ON-TIME PERFORMANCE REPORTING  
JULY 27, 1995**

**MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:**

**MY NAME IS JOHN LIEBER, AND I SERVE AS DEPUTY ASSISTANT SECRETARY FOR TRANSPORTATION POLICY IN THE UNITED STATES DEPARTMENT OF TRANSPORTATION. I AM JOINED THIS MORNING BY BILL F. JEFFERS, THE FEDERAL AVIATION ADMINISTRATION'S DIRECTOR OF AIR TRAFFIC.**

**I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THE COMMITTEE TODAY TO DISCUSS THE ON-TIME PERFORMANCE SYSTEM ADMINISTERED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION ("DOT" OR "DEPARTMENT"). UNDER A RULE ADOPTED IN 1987, THE DEPARTMENT REQUIRES THE LARGEST AIR CARRIERS IN THE UNITED STATES TO REPORT ON-TIME PERFORMANCE DATA FOR DOMESTIC SCHEDULED PASSENGER FLIGHTS. THIS RULE NOT ONLY PROVIDES VALUABLE COMPARATIVE INFORMATION ABOUT AIRLINE SERVICE -- WHICH CONSUMERS CAN AND DO USE IN MAKING TRAVEL DECISIONS -- IT PROVIDES THE FEDERAL AVIATION ADMINISTRATION ("FAA") WITH INFORMATION CRITICAL TO FAA POLICY-MAKING.**

## **INTRODUCTION**

**SECRETARY PEÑA IS COMMITTED TO PROVIDING THE PUBLIC WITH USEFUL INFORMATION IN ALL AREAS OF TRANSPORTATION. IN THE PAST TWO-AND-A-HALF YEARS, HE HAS UNDERTAKEN A NUMBER OF IMPORTANT INITIATIVES TO PROVIDE CONSUMERS WITH MORE INFORMATION. FOR EXAMPLE, THE DEPARTMENT INITIATED A RULEMAKING TO DEVELOP A PROCESS FOR BETTER PUBLIC DISCLOSURE OF CODE SHARING ARRANGEMENTS. THE DEPARTMENT ALSO ISSUED AN NPRM WHICH PROPOSED THAT CONSUMERS BE GIVEN SPECIFIC INFORMATION WHEN AN AIR CARRIER CHANGES THE TYPE OF PLANE IT IS USING WHILE KEEPING THE SAME FLIGHT NUMBER ("CHANGE OF GAUGE"). IN 1995, SECRETARY PEÑA ORDERED THE DEPARTMENT TO PUBLISH A LIST OF COUNTRIES THAT REQUIRE INCOMING PASSENGERS TO BE SPRAYED WITH INSECTICIDE. FURTHER, THE SECRETARY ORDERED THE RELEASE TO THE PUBLIC OF INFORMATION ABOUT WHICH FOREIGN COUNTRIES DO NOT -- UNDER ICAO STANDARDS -- PROVIDE ADEQUATE SAFETY OVERSIGHT FOR THEIR AIRLINE OPERATIONS.**

**TODAY YOU HAVE ASKED US TO DISCUSS ANOTHER ISSUE WHICH DIRECTLY IMPACTS CONSUMERS -- AIRLINE FLIGHT DELAYS.**

THE AIRLINE ON-TIME PERFORMANCE RULE, CODIFIED IN 14 CFR PART 234 ("PART 234"), HAS PROVEN EXTREMELY EFFECTIVE SINCE ITS INCEPTION IN 1987. IN THE MID-1980s CHANGES IN THE AIRLINE INDUSTRY PROMPTED A SIGNIFICANT UPSURGE OF DELAYS AT U.S. AIRPORTS. A MAJOR CAUSE OF THIS WAS THE UNREALISTIC SCHEDULING OF FLIGHTS BY THE AIRLINES FOR COMPETITIVE PURPOSES. IN 1986-87, THE DEPARTMENT CONDUCTED A YEAR-LONG STUDY OF AIRLINE OPERATING PERFORMANCE AT EIGHT OF THE COUNTRY'S LARGEST AIRPORTS. THE STUDY SHOWED THAT CARRIER DELAY RATES WERE UP TO 60 PERCENT. CONSUMERS WERE OUTRAGED, AND THEY LET BOTH DOT AND THEIR CONGRESSIONAL REPRESENTATIVES KNOW ABOUT IT.

THE SITUATION TODAY IS RADICALLY CHANGED. IN THE FIRST QUARTER OF THIS YEAR, THE AIRLINE WITH THE *LOWEST* ON-TIME ARRIVAL PERFORMANCE WAS ON-TIME 71.5 PERCENT OF THE TIME. A NUMBER OF FACTORS CONTRIBUTED TO IMPROVING THE SITUATION: THE ON-TIME PERFORMANCE RULE, WE BELIEVE, IS HIGH ON THAT LIST, ALONG WITH ENFORCEMENT ACTION TAKEN AGAINST AIRLINES FOR UNREALISTIC SCHEDULING AND MAJOR IMPROVEMENTS MADE BY THE FAA IN ENROUTE AND GROUND TRAFFIC MANAGEMENT.

## **ON-TIME PERFORMANCE RULE**

**THE ON-TIME PERFORMANCE RULE REQUIRES THE LARGEST U.S. AIR CARRIERS TO REPORT THEIR ON-TIME DEPARTURE AND ARRIVAL PERFORMANCE FOR EVERY DOMESTIC SCHEDULED PASSENGER FLIGHT OPERATED TO OR FROM AIRPORTS WITH SIGNIFICANT PASSENGER TRAFFIC. CURRENTLY TEN CARRIERS SUBMIT DATA TO DOT AND THEY HAVE CHOSEN TO PROVIDE ON-TIME PERFORMANCE STATISTICS FOR THEIR ENTIRE DOMESTIC SYSTEMS. A FLIGHT IS CONSIDERED "ON TIME" IF THE FLIGHT ARRIVES LESS THAN 15 MINUTES AFTER ITS PUBLISHED ARRIVAL TIME.**

**THE DEPARTMENT PROVIDES THIS INFORMATION EVERY MONTH TO THE PUBLIC BY DISTRIBUTING THE DATA COLLECTED FROM THE AIRLINES TO MORE THAN 75 MEDIA OUTLETS. USA TODAY AND OTHER NEWSPAPERS ROUTINELY PUBLISH THIS INFORMATION. DOT ALSO SUPPLIES THE DATA TO MORE THAN 400 CONSUMER ORGANIZATIONS AND OTHER INTERESTED PARTIES. THE DEPARTMENT IS PLANNING TO MAKE THIS INFORMATION AVAILABLE ON THE INTERNET. TODAY, CONSUMERS CAN OBTAIN DATA ON THE ON-TIME PERFORMANCE OF PARTICULAR FLIGHTS FROM THEIR TRAVEL AGENT OR AIRLINE RESERVATIONISTS.**

**IT IS A MEASURE OF THE DATA'S IMPORTANCE TO CONSUMERS THAT THE CARRIERS THAT HAVE HELD THE NUMBER ONE**

POSITION IN THE ON-TIME PERFORMANCE RANKINGS FOR ANY APPRECIABLE PERIOD OF TIME SINCE THE RULE WAS ADOPTED HAVE FEATURED THAT FACT PROMINENTLY IN THEIR ADVERTISING.

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***DOT AND FAA REPORTING SYSTEMS***

BOTH THE DEPARTMENT AND THE FAA HAVE REPORTS CONCERNING DELAYED FLIGHTS. THE DISTINCTION BETWEEN THE TWO REPORTS IS SUBTLE, BUT IMPORTANT.

THE DEPARTMENT COLLECTS DATA FROM THE TEN LARGEST AIRLINES TO DETERMINE WHETHER A FLIGHT ARRIVES AT ITS DESTINATION WITHIN 15 MINUTES OF ITS SCHEDULED TIME. THE DEPARTMENT PROVIDES THIS INFORMATION TO THE PUBLIC BY CARRIER, FLIGHT AND AIRPORT. THE PURPOSE OF THE DATA COLLECTION AND REPORT IS TO PROVIDE CONSUMERS WITH INFORMATION ON ALL AIR CARRIER DELAYS.

THE FAA RECORDS ALL COMMERCIAL AND PRIVATE AIRCRAFT DELAYS OF 15 MINUTES OR MORE RESULTING FROM AIR TRAFFIC CONTROL ACTION. THE PURPOSE OF THEIR REPORT IS TO HELP FAA PLAN AND MANAGE THE AIR TRAFFIC CONTROL AND AIRSPACE SYSTEMS.

MR. CHAIRMAN, I WOULD LIKE TO NOTE AT THIS TIME THAT THE NUMBER OF FLIGHTS DELAYED DUE TO AIR TRAFFIC CONTROL

HAS STEADILY DECLINED OVER THE LAST SEVERAL YEARS. FROM A HIGH OF 417,000 IN 1986, DELAYS ARE DOWN TO 248,000 IN 1994, DESPITE AN INCREASE OF 13.1% IN AIR TRAFFIC OPERATIONS. MR. JEFFERS IS HERE THIS MORNING TO ANSWER YOUR PARTICULAR QUESTIONS ABOUT THE FAA'S DELAY TRACKING SYSTEM, AS WELL AS QUESTIONS CONCERNING WHAT THE FAA IS DOING TO REDUCE DELAYS.

### ***MECHANICAL DELAYS***

WHEN THE ON-TIME PERFORMANCE RULE WAS ISSUED IN 1987, MECHANICAL-RELATED DELAYS OR CANCELLATIONS WERE EXCLUDED FROM THE REQUIRED REPORTS. THE RATIONALE FOR THIS WAS SIMPLE -- THE DEPARTMENT DID NOT WANT INCENTIVES FOR TIMELINESS TO COMPETE -- EVEN POTENTIALLY -- WITH THE SAFETY ASSURANCE PROCESS.

IN 1992, THE DEPARTMENT'S RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION ("RSPA") TOOK ANOTHER LOOK AT THE ON-TIME RULE. RSPA PROPOSED TWO CHANGES TO THE RULE. FIRST, THAT DATA NEEDED BY THE FAA FOR AIR TRAFFIC CONTROL SYSTEM MODELING -- WHEELS-ON TIME, WHEELS-OFF TIME, AND AIRCRAFT TAIL NUMBER -- SHOULD BE REPORTED WITH THE REST OF THE ON-TIME DATA. SECOND, THE DEPARTMENT PROPOSED THE ELIMINATION OF THE MECHANICAL EXCLUSION.

**WHY DID THE DEPARTMENT REVISIT THE MECHANICAL DELAY ISSUE? FIRST, THE DEPARTMENT'S INSPECTOR GENERAL EXAMINED THE PROGRAM'S IMPLEMENTATION. THE IG REPORT FOUND THAT CARRIERS WERE INCONSISTENT IN EXCLUDING FLIGHTS IMPACTED BY MECHANICAL DELAYS AS A RESULT OF THE CARRIERS MISINTERPRETATION OF DOT AND FAA REGULATIONS, RATHER THAN AN EFFORT TO IMPROVE ON-TIME PERFORMANCE RANKINGS. THE REPORT RECOMMENDED THAT MECHANICALS BE REPORTED WITH A SUPPRESSION CODE, WHICH WOULD PERMIT THE DEPARTMENT TO EXCLUDE THEM FROM THE PUBLIC CARRIER RANKINGS. IT DID NOT ADDRESS SAFETY ONE WAY OR THE OTHER.**

**THE DEPARTMENT, HOWEVER, CONCLUDED THAT IT COULD NOT COLLECT DATA ON ALL SCHEDULED FLIGHTS AND THEN EXCLUDE MECHANICAL DELAYS FROM THE PUBLIC REPORTS UNDER THE FREEDOM OF INFORMATION ACT. THUS, DOT PROPOSED TO COLLECT THE MECHANICAL DELAYS AND INCLUDE THEM IN THE ON-TIME REPORTS.**

**SECOND, THE DEPARTMENT SAW AN OPPORTUNITY TO MAKE IMPROVEMENTS IN THE REPORTING SYSTEM AND PROVIDE CONSUMERS WITH BETTER INFORMATION.**

**ACCORDINGLY, THE DEPARTMENT ISSUED AN NPRM ASKING FOR PUBLIC COMMENT ON WHETHER MECHANICAL DELAYS SHOULD BE INCLUDED IN THE ON-TIME REPORTS.**

AMERICAN AND DELTA AIRLINES, THE AIR TRANSPORT ASSOCIATION, AND THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY SUPPORTED THE 1992 PROPOSAL TO INCLUDE MECHANICAL DELAYS IN THE ON-TIME REPORTS, ARGUING THAT SAFETY IS AND WILL REMAIN THE NUMBER ONE PRIORITY OF THE CARRIERS EVEN IF MECHANICAL DELAYS ARE INCLUDED.

AMERICA WEST AIRLINES, SOUTHWEST AIRLINES, AND NORTHWEST AIRLINES OPPOSED THE INCLUSION OF MECHANICAL DELAYS. IN PARTICULAR, NORTHWEST STATED THAT THE INCLUSION OF MECHANICAL DELAYS WILL MAKE ON-TIME PERFORMANCE AN ISSUE THAT EMPLOYEES MAY WRONGLY CONSIDER WHEN MAKING DECISIONS THAT HAVE MAJOR SAFETY IMPLICATIONS. NORTHWEST STATED THAT IT DID NOT WANT ITS EMPLOYEES TO FEEL PRESSURE TO CHOOSE BETWEEN SAFETY AND ON-TIME FLIGHT PERFORMANCE.

THE PROGRAM AND RULEMAKING STAFF CHARGED WITH PROMULGATING THIS RULE, THEN IN RSPA AND NOW TRANSFERRED TO THE BUREAU OF TRANSPORTATION STATISTICS ("BTS"), ANALYZED COMMENTS ON THE 1992 NPRM. THE INFORMATION AVAILABLE AT THAT TIME LED TO A FINAL RULE BEING ISSUED LAST SEPTEMBER, AND WHICH

TOOK EFFECTIVE JANUARY 1995, ENDING THE EXCLUSION OF MECHANICAL DELAYS FROM ON-TIME PERFORMANCE.

***POST-1994 FINAL RULE EVENTS***

FOLLOWING THE PUBLICATION OF THE FINAL RULE IN SEPTEMBER 1994 WHICH MODIFIED THE ON-TIME PERFORMANCE RULE TO INCLUDE MECHANICAL DELAYS IN THE ON-TIME REPORTS, SEVERAL EVENTS TOOK PLACE WHICH LED THE DEPARTMENT TO ISSUE AN NPRM THIS PAST JUNE TO PUT FORWARD THE QUESTION AS TO WHETHER THE DEPARTMENT SHOULD RECONSIDER INCLUDING MECHANICALS IN THE REPORTS.

**1. AVIATION SAFETY CONFERENCE**

ON DECEMBER 14, 1994, SECRETARY PEÑA INVITED SENIOR U.S. AVIATION OFFICIALS TO MEET WITH HIM AND ADMINISTRATOR HINSON IN A SAFETY CONFERENCE IN WASHINGTON, D.C. ON JANUARY 9 AND 10, 1995, MORE THAN 1,000 INDUSTRY, GOVERNMENT AND UNION AVIATION OFFICIALS MET IN AN UNPRECEDENTED HANDS-ON WORKING SESSION TO ADDRESS SAFETY IN THE AVIATION INDUSTRY. THE CONFERENCE OPENED WITH REMARKS BY SECRETARY PEÑA WHICH SET THE TONE AND GOAL OF THE CONFERENCE: MEETING THE CHALLENGE OF ZERO ACCIDENTS. THE SECRETARY CHARGED PARTICIPANTS TO CONDUCT A

**"RUTHLESSLY HONEST SELF-EVALUATION" OF THE STATE OF AIRLINE SAFETY.**

**THE FOCUS OF THE CONFERENCE WAS THE WORK CONDUCTED BY THE PARTICIPANTS IN SIX WORKSHOPS ON AVIATION SAFETY. SECRETARY PEÑA PERSONALLY ATTENDED THE "AIRCRAFT MAINTENANCE PROCEDURES AND INSPECTIONS" WORKSHOP. THAT WORKSHOP HAD 220 PARTICIPANTS, INCLUDING REPRESENTATIVES FROM EIGHT OF THE TEN AIRLINES WHICH REPORT ON-TIME PERFORMANCE DATA TO DOT. THE CHAIRMAN OF THE WORKSHOP WAS LARRY BRETT OF TRANS WORLD AIRLINES, AND HIS CO-CHAIRS WERE REPRESENTATIVES FROM THE REGIONAL AIRLINE ASSOCIATION, THE INTERNATIONAL ASSOCIATION OF MACHINISTS, THE AIRLINE PILOTS ASSOCIATION AND THE FAA.**

**AT THE WORKSHOP, THE SECRETARY WAS TOLD THAT HE HAD MADE A MISTAKE IN INCLUDING MECHANICAL DELAYS IN ON-TIME REPORTS. AS SUMMARIZED DURING A PRESENTATION MADE AT THE CONCLUDING PLENARY SESSION OF THE CONFERENCE, PARTICIPANTS IN THE MAINTENANCE WORKSHOP STATED THAT DOT SHOULD REMOVE MECHANICALS FROM THE REPORTING SYSTEM BECAUSE: "IT INTIMIDATES MAINTENANCE PERSONNEL; IT ENCOURAGES UNSAFE PRACTICES; AND THE RISKS OUTWEIGH THE BENEFITS OF THE INFORMATION." THOSE CONCERNS VOICED TO THE SECRETARY BY THE MECHANICS LED THE SECRETARY TO**

QUESTION THE DECISION TO INCLUDE MECHANICAL DELAYS IN THE ON-TIME REPORTS.

## 2. ADDITIONAL NEW EVIDENCE

THE SAFETY CONCERNS OF THE MECHANICS PROMPTED THE SECRETARY TO REVIEW THE DECISION REGARDING MECHANICAL DELAYS. WHILE THE DEPARTMENT MADE ITS 1994 DECISION BASED ON THE BEST AVAILABLE DATA AT THAT TIME, HE WAS CONCERNED THAT THE DEPARTMENT DID NOT HAVE A COMPLETE PICTURE UPON WHICH TO BASE A DECISION. HIS DECISION TO REVIEW THE 1994 DECISION WAS BOLSTERED WHEN THE DEPARTMENT RECEIVED CORRESPONDENCE FROM MECHANICS, PILOTS, AND FLIGHT ATTENDANTS, ALL ASKING THAT MECHANICAL DELAYS BE EXCLUDED FROM ON-TIME REPORTS FOR SAFETY REASONS. THESE THREE GROUPS DID NOT SUBMIT COMMENTS ON THE 1992 NPRM.

CORRESPONDENCE REQUESTING THE DEPARTMENT TO REVERSE ITS DECISION WAS ALSO RECEIVED FROM MEMBERS OF CONGRESS. ONE LETTER WAS FROM SENATOR PRESSLER, WHO WROTE THE SECRETARY SHORTLY AFTER THE AVIATION CONFERENCE, URGING THE DEPARTMENT TO "REVERSE THIS DECISION IMMEDIATELY." ANOTHER LETTER WAS FROM CONGRESSMAN OBERSTAR, WHO WROTE THE SECRETARY,

STATING THAT THE DEPARTMENT'S DECISION TO INCLUDE MECHANICAL DELAYS IN THE ON-TIME REPORTS "GIVES A WRONG PICTURE OF AIRLINES' PERFORMANCE, AND IS IN FACT A DETERRENT TO SAFE PRACTICES . . . MECHANICAL DELAYS ARE CLEARLY BEYOND THE CONTROL OF THE CARRIER. IT IS CRITICALLY IMPORTANT TO SAFETY THAT SUCH DELAYS BE HONORED UNTIL THE REPAIRS ARE MADE. NO GOOD PUBLIC PURPOSE IS SERVED BY GIVING AN AIRLINE A BLACK MARK FOR FIXING AN AIRPLANE . . . I URGE YOU TO RECONSIDER YOUR DECISION, AND REMOVE MECHANICAL DELAYS FROM THE AIRLINE SERVICE QUALITY PERFORMANCE REPORTS."

BASED ON THIS NEW PERSPECTIVE, THE DEPARTMENT DETERMINED THAT IT WOULD BE APPROPRIATE TO REVISIT THE QUESTION. ACCORDINGLY, WE PUBLISHED AN NPRM FOR PUBLIC COMMENT ON JUNE 5, 1995, PROPOSING THAT MECHANICAL DELAYS BE EXCLUDED FROM ON-TIME REPORTS. THE COMMENT PERIOD CLOSES AUGUST 5, 1995.

THE JUNE 1995 NPRM ALSO ASKS FOR COMMENT ON WHETHER THE DEPARTMENT SHOULD SEPARATELY PUBLISH A REPORT ON "COMPLETION FACTORS," WHICH WOULD SHOW HOW OFTEN AIRLINES CANCEL FLIGHTS.

AS THIS IS A MATTER CURRENTLY IN RULEMAKING, THE COMMITTEE WELL UNDERSTANDS THAT I AM NOT FREE TO DISCUSS HOW THE DEPARTMENT INTENDS TO RESOLVE THIS

**MATTER. NONETHELESS, I CAN CONVEY THE IMPORTANCE THE ISSUE HAS FOR THE DEPARTMENT. IT IS FAIR TO SAY THAT THE EXTENSIVE HISTORY OF THIS ISSUE, AND THE SPREAD OF OPINION CONCERNING IT, UNDERLINES JUST HOW COMPLEX THE BALANCING OF FACTORS MUST BE.**

***IMPORTANCE OF ON-TIME PERFORMANCE REPORTS***

**WHATEVER ONE'S VIEW OF THE MECHANICAL ISSUE, THERE IS NO QUESTION THAT THE ON-TIME PERFORMANCE REPORTING SYSTEM INITIATED BY THE DEPARTMENT IN 1987 IS AN UNQUALIFIED SUCCESS STORY. IN 1987, THE DEPARTMENT RECEIVED AN ALL-TIME HIGH OF 44,845 CONSUMER COMPLAINTS, AND THE LARGEST SINGLE COMPLAINT TOPIC WAS THE 18,618 COMPLAINTS, OR 41 PERCENT OF THE TOTAL, ABOUT DELAYED AND CANCELED FLIGHTS.**

**DOT RESPONDED WITH ITS RULE ON DISCLOSURE OF ON-TIME PERFORMANCE IN THE FALL OF 1987, AND THE RESULTS QUICKLY BECAME APPARENT. IN 1988 TOTAL COMPLAINTS TO DOT DROPPED TO 23,844, OF WHICH 9,230 WERE ABOUT DELAYED OR CANCELED FLIGHTS. BY 1994, TOTAL COMPLAINTS HAD DROPPED TO 6,943, OF WHICH ONLY 1,778, OR 26 PERCENT, CONCERNED DELAYED OR CANCELED FLIGHTS. THUS, CONSUMER COMPLAINTS TODAY REGARDING FLIGHT DELAYS AND CANCELLATIONS ARE ONE-TENTH OF WHAT THEY WERE PRIOR TO THE ENACTMENT OF THE RULE.**

THE DEPARTMENT BELIEVES THAT THE ON-TIME RULE HAS PLAYED A MAJOR PART IN THIS IMPROVEMENT BY THE AIR CARRIERS. UNDER THIS RULE, WE DO KNOW THAT THE TYPES OF UNREALISTIC SCHEDULING THAT EXISTED IN THE MID-1980s DO NOT EXIST TODAY.

CONGRESS DESERVES ITS SHARE OF THE CREDIT FOR THIS SUCCESS STORY. IN 1987, THE CONGRESS ITSELF EXPRESSED BIPARTISAN RECOGNITION OF THE NEED TO ADDRESS THE PROBLEMS OF FLIGHT DELAYS. ON JULY 29, 1987, CONGRESSMAN MINETA INTRODUCED H.R. 3051 ON BEHALF OF HIMSELF AND CONGRESSMAN GINGRICH, WHICH WOULD HAVE REQUIRED DOT TO PUBLISH A MONTHLY REPORT DETAILING AIRLINE ON-TIME ARRIVAL PERFORMANCE. ON-TIME PERFORMANCE REPORTING WAS A GOOD IDEA THEN, AND IT IS STILL A GOOD IDEA TODAY.

IT IS IMPORTANT TO KEEP IN MIND THAT THE DOT RULE BUILDS ON DATA ALREADY IN POSSESSION OF THE AIR CARRIERS. IN ADOPTING THE RULE IN 1987, THE DEPARTMENT REJECTED OTHER MORE BURDENSOME PROPOSALS THAT IT HAD CONSIDERED EARLIER, INCLUDING ON-TIME PERFORMANCE STANDARDS FOR AIRLINES. AIRLINES WERE TRACKING THEIR OWN ON-TIME PERFORMANCE FOR YEARS BEFORE DOT ISSUED ITS RULE, AND THEY WOULD CONTINUE TO DO SO IF THE RULE WERE REVOKED. INDEED, IT IS QUITE LIKELY THAT THEY WOULD CONTINUE TO USE THE FORMAT IN THE CURRENT DOT

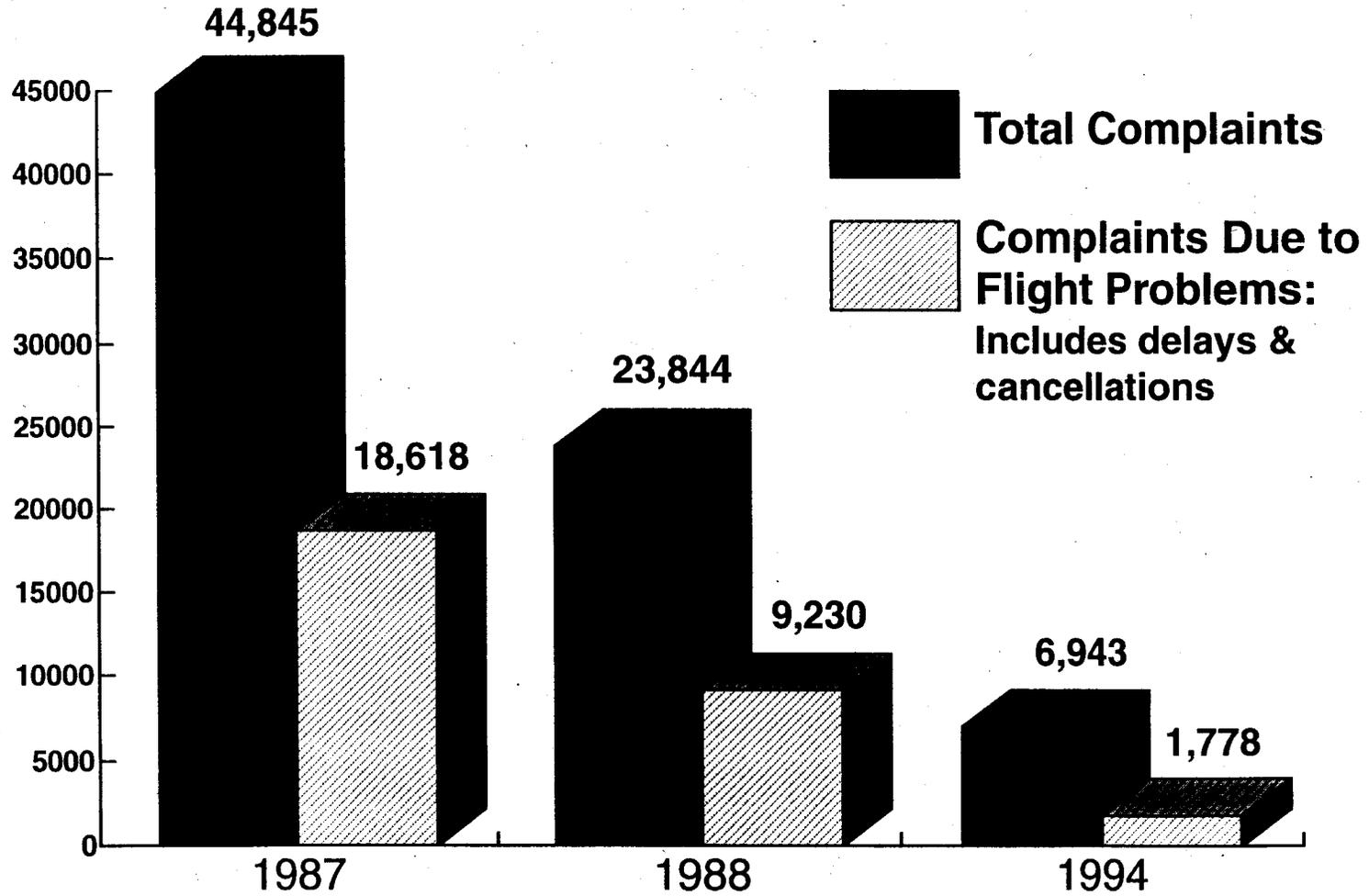
**RULE. THE OPERATING TIMES OF THE FLIGHTS ARE RECORDED AUTOMATICALLY BY EQUIPMENT ON EACH AIRCRAFT. THE ADDITIONAL STEP OF SUBMITTING THE DATA TO DOT IS PERFORMED VIA COMPUTER TAPE, AND IS NOT LABOR INTENSIVE. THE ONLY THING THAT WOULD CHANGE IF THE RULE WERE ABOLISHED IS THAT THE INFORMATION WOULD NO LONGER BE AVAILABLE TO THE PUBLIC. THE RULE ONLY APPLIES TO THE LARGEST CARRIERS, EACH OF WHICH HAS OVER \$1 BILLION IN ANNUAL REVENUE. IT WAS ESTIMATED IN 1994 THAT A ONE PERCENT REDUCTION IN TRAFFIC DELAYS COULD SAVE CONSUMERS AND CARRIERS \$85 MILLION ANNUALLY.**

**THE ON-TIME PERFORMANCE REPORTS NOT ONLY PROVIDE USEFUL INFORMATION TO THE CONSUMER, THEY ALSO FURNISH INFORMATION NEEDED BY THE FAA. THE ON-TIME REPORTING SYSTEM PROVIDES THE FAA WITH DETAILED INFORMATION ON WHEN AIRCRAFT ACTUALLY LEAVE THE GATE, TAKE-OFF, LAND AND ARRIVE AT THE GATE AT EVERY LARGE DOMESTIC AIRPORT AND FOR EVERY MAJOR CARRIER. THE DATA COLLECTED BY THE FAA FOR AIR TRAFFIC CONTROL PURPOSES DOES NOT PROVIDE THEM WITH THIS INFORMATION. THIS ADDITIONAL DATA ALLOWS THE FAA TO CONSTRUCT ESTIMATES OF THE AVERAGE DELAY PER AIRCRAFT, AIRPORT, AND ROUTE.**

## **CONCLUSION**

**MR. CHAIRMAN, WE INTEND TO DO OUR UTMOST TO PRESS FORWARD TO FINAL RULEMAKING ACTION AS QUICKLY AS POSSIBLE, SHARING WITH THIS COMMITTEE THE DESIRE TO PLACE THE MOST USEFUL INFORMATION ABOUT ON-TIME PERFORMANCE WE CAN INTO CONSUMERS' HANDS WITHOUT UNDERMINING AVIATION SAFETY. THIS COMPLETES MY STATEMENT, AND I WOULD BE PLEASED TO RESPOND TO QUESTIONS FROM THE COMMITTEE.**

# AVIATION CONSUMER COMPLAINTS TO DOT



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