

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Air Traffic Organization Policy

N JO 7210.745

Effective Date:
April 29, 2010

Cancellation Date:
March 10, 2011

SUBJ: Enhancing Airline Passenger Protections (Three-hour Tarmac Rule)

1. Purpose of This Notice. This notice provides interim guidance concerning Department of Transportation (DOT) Rule, Enhancing Airline Passenger Protections, Title 14 Code of Federal Regulations, part 259, commonly referred to as the “Three-hour Tarmac Rule.” Some verbiage contained in this notice is extracted from the aforementioned rule. The rule was published in the Federal Register on December 30, 2009, and is effective on April 29, 2010. This notice is intended to facilitate the successful management of the requirements contained in the Enhancing Airline Passenger Protections Rule.

2. Audience. This notice applies to Federal Aviation Administration (FAA) tower facilities, Federal contract towers, Terminal, En Route and Oceanic, and System Operations Services.

3. Where Can I Find This Notice? This notice is available on the MYFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices/ and on the air traffic publications Web site at http://www.faa.gov/air_traffic/publications/.

4. Explanation of Policy Change. In response to numerous instances of passengers experiencing lengthy tarmac delays, the DOT has issued a final ruling entitled “Enhancing Airline Passenger Protections,” also referred to as the “Three-hour Tarmac Rule,” effective April 29, 2010.

The final rule requires that each air carrier at “medium” and “large” hub U.S. airports develop a contingency plan that, among other requirements, includes an assurance that the air carrier will not permit an aircraft to remain on the tarmac for more than 3 hours unless the pilot-in-command determines there is a safety-related or security-related impediment to deplaning passengers or air traffic control advises the pilot-in-command that returning to the gate or permitting passengers to disembark elsewhere would significantly disrupt airport operations. The rule also mandates that the air carrier provide adequate food and potable water no later than 2 hours after the aircraft leaves the gate in the case of a departure, or touches down, in the case of an arrival, unless the pilot-in-command determines that safety or security requirements preclude such service.

The “Three-hour Tarmac Rule” is applicable to domestic flights. International flights by domestic carriers have some latitude to extend the criteria beyond 3 hours to be determined by the carrier. Foreign flag carriers are exempt.

To reduce coordination and/or confusion, requests for an aircraft to return to the ramp, gate, or alternate deplaning area from entities other than the pilot-in-command of that aircraft will not normally be accepted unless the aircraft operator is unable to contact the flightcrew via radio or Aircraft Communications Addressing and Reporting System (ACARS). The intent is to have a single source initiating the request and a single focal acknowledging receipt.

5. Procedures.

a. Add Paragraph 17-5-13, Tarmac Delay Operations, to FAA Order JO 7210.3 to read as follows:

17-5-13. TARMAC DELAY OPERATIONS

a. Facility Procedures. The ATCSCC, en route facilities, and affected terminal facilities must develop procedures for handling requests related to tarmac delays. ATMs must ensure that those procedures are in a facility directive and briefed annually. Issues to consider when developing local procedures should include:

1. What constitutes a “significant disruption” of service at that location to accommodate a tarmac delay aircraft. These issues vary by location and may include but are not limited to:

(a) Accommodating a tarmac delay aircraft would require airborne holding that would result in delays of 15 minutes or more.

(b) Use of an active runway to taxi a tarmac delay aircraft that would preclude the use of that runway for arrivals or departures and result in arrival/departure delays of 15 minutes or more.

(c) Taxi of tarmac delay aircraft would result in placing other aircraft in jeopardy of violating the “Three-hour Tarmac Rule.”

(d) Taxi of tarmac delay aircraft would displace departure aircraft already in a reportable delay status and result in delays in excess of an additional 15 minutes.

(e) The taxi of a tarmac delay aircraft to the ramp, gate, or alternate deplaning area would result in a diversion or the airborne holding of more than three aircraft.

2. Operational complexity, surface operations, other arrival/departure runways, taxi routes, ramp areas, and low visibility operations.

3. Security and/or Customs concerns.

4. Local safety considerations, such as multiple runway crossings.

5. Location of alternate deplanement areas, if applicable.

6. Taxiway/runway closures and/or airport construction.

b. Notification Requirements. Requests should be received from the pilot-in-command of tarmac delayed aircraft in a timely manner to ensure compliance with the “Three-hour Tarmac Rule.” This request should include the reason, such as “tarmac related delay,” and the time by which the aircraft must be airborne or deplane passengers.

1. When a tarmac delay taxi request is received:

(a) Terminal facilities must verbally notify the overlying facility when informed of a tarmac delay request.

(b) TRACONS must verbally notify the overlying ARTCC TMU when an airport within their geographic jurisdiction has received a tarmac delay request.

(c) ARTCC TMUs must verbally notify the ATCSCC when an airport within their geographic jurisdiction has received a tarmac delay request.

2. When a facility is notified that an aircraft has exceeded the “Three-hour Tarmac Rule,” the Washington Operations Center (WOC) must be notified through the ROC as soon as possible. Notification should include the date and time of the occurrence and the identification of the aircraft involved.

NOTE-

It is expected that all airline communication regarding individual flights or airport status in relation to tarmac delay issues will be made to the ATCSCC and not the affected facility.

c. Resulting Actions.

1. An aircraft requesting taxi clearance for tarmac delay reasons should be issued clearance as soon as operationally practical, unless a significant disruption of airport operations or a compromise of safety or security would result.

2. Requests to taxi for deplanement related to “Three-hour Tarmac Rule” must be documented on FAA Form 7230-4 as a QAR, indicating the time the request was made.

3. When a facility is notified that an aircraft has exceeded the “Three-hour Tarmac Rule,” all available records pertinent to that event, to include flight plan data, voice recordings, data recordings, and facility logs, must be retained for 1 year.

NOTE-

Tarmac delay operations are in support of local airline/airport contingency plans regarding Enhancing Airline Passenger Protections (Three-hour Tarmac Rule).

b. Add Appendix 4, List of Medium and Large Hub Airports, to FAA Order JO 7210.3 to read as follows:

Appendix 4. List of Medium and Large Hub Airports

Airport Name/ICAO Identifier	Airport Hub Size	
	Medium (M)	Large (L)
Albuquerque, New Mexico Albuquerque International Sunport Airport – ABQ	X	
Anchorage, Alaska Ted Stevens Anchorage International Airport- ANC	X	
Atlanta, Georgia Hartsfield-Jackson Atlanta International Airport – ATL		X
Austin, Texas Austin-Bergstrom International Airport- AUS	X	
Baltimore, Maryland Baltimore/Washington International Thurgood Marshal Airport– BWI		X
Boston, Massachusetts General Edward Lawrence Logan International Airport– BOS	X	
Buffalo, New York Buffalo Niagra International Airport– BUF	X	
Burbank, California Bob Hope Airport – BUR	X	
Charlotte, North Carolina Charlotte Douglas International Airport CLT		X
Chicago, Illinois Chicago Midway International Airport- MDW Chicago O’Hare International Airport – ORD		X X
Cincinnati, Ohio Cincinnati/Northern Kentucky International Airport– CVG	X	
Cleveland, Ohio Cleveland Hopkins International Airport - CLE	X	
Columbus, Ohio Port Columbus International Airport - CMH	X	
Dallas/Fort Worth, Texas Dallas Love Field Airport– DAL Dallas Fort Worth International Airport- DFW	X	X
Denver, Colorado Denver International Airport– DEN		X

Detroit, Michigan Detroit Metropolitan Wayne County Airport – DTW		X
Fort Lauderdale, Florida Fort Lauderdale/Hollywood International Airport – FLL		X
Fort Myers, Florida Southwest Florida International Airport – RSW	X	
Hartford, Connecticut Bradley International Airport – BDL	X	
Honolulu, Hawaii Honolulu International Airport– HNL		X
Houston, Texas George Bush Intercontinental/Houston Airport – IAH William P. Hobby Airport - HOU	X	X
Indianapolis, Indiana Indianapolis International Airport– IND	X	
Jacksonville, Florida Jacksonville International Airport– JAX	X	
Kahului, Hawaii Kahului Airport-OGG	X	
Kansas City, Missouri Kansas City International Airport – MCI	X	
Las Vegas, Nevada McCarran International Airport– LAS		X
Los Angeles, California Los Angeles International Airport – LAX		X
Louisville, Kentucky Louisville International/Standiford Field Airport– SDF	X	
Manchester, New Hampshire Manchester Airport – MHT	X	
Memphis, Tennessee Memphis International Airport– MEM	X	
Miami, Florida Miami International Airport – MIA		X
Milwaukee, Wisconsin General Mitchell International Airport – MKE	X	
Minneapolis, Minnesota Minneapolis-St. Paul International Wold-Chamberlain Airport – MSP		X
Nashville, Tennessee Nashville International Airport – BNA	X	
New Orleans, Louisiana Louis Armstrong New Orleans International Airport – MSY	X	
New York, New York John F. Kennedy International Airport– JFK La Guardia Airport – LGA Newark Liberty International Airport- EWR		X X X
Norfolk, Virginia Norfolk International Airport– ORF	X	
Oakland, California Metropolitan Oakland International Airport– OAK	X	
Oklahoma City, Oklahoma Will Rogers World Airport – OKC	X	
Omaha, Nebraska Eppley Airfield Airport– OMA	X	
Ontario, California Ontario International Airport – ONT	X	

Orlando, Florida Orlando International Airport- MCO	X	
Philadelphia, Pennsylvania Philadelphia International Airport- PHL		X
Phoenix, Arizona Phoenix Sky Harbor International Airport – PHX		X
Pittsburgh, Pennsylvania Pittsburgh International Airport – PIT	X	
Portland, Oregon Portland International Airport– PDX		X
Providence, Rhode Island Theodore Francis Green State Airport – PVD	X	
Raleigh/Durham, North Carolina Raleigh-Durham International Airport– RDU	X	
Reno, Nevada Reno/Tahoe International Airport– RNO	X	
Sacramento, California Sacramento International Airport – SMF	X	
Salt Lake City, Utah Salt Lake City International Airport– SLC		X
San Antonio, Texas San Antonio International Airport– SAT	X	
San Diego, California San Diego International Airport –SAN		X
San Francisco, California San Francisco International Airport – SFO		X
San Jose, California Norman Y. Mineta San Jose International Airport – SJC	X	
San Juan, Puerto Rico Luis Munoz Marin International Airport– SJU	X	
Santa Ana, California John Wayne Airport - Orange County Airport – SNA	X	
Seattle, Washington Seattle-Tacoma International Airport– SEA		X
St. Louis, Missouri Lambert-St. Louis International Airport - STL	X	
Tampa, Florida Tampa International Airport – TPA		X
Tucson, Arizona Tucson International Airport– TUS	X	
Washington, D.C. Washington Dulles International Airport – IAD Ronald Reagan Washington National Airport – DCA		X X
West Palm Beach/Palm Beach, Florida Palm Beach International Airport– PBI	X	

c. Add Paragraph 3-4-4, Handling Recorder Tapes or DATs, to FAA Order JO 7210.3 to read as follows:

3-4-4. HANDLING RECORDER TAPES OR DATS

Title through 3-4-4 b1 thru 6, no change.

7. Tarmac Delay: When a facility is notified that an aircraft has exceeded the "Three-hour Tarmac Rule," retain voice recordings relevant to the event for 1 year.

d. Add Paragraph 4-6-5, Preparation of FAA Form 7230-4, to FAA Order JO 7210.3 to read as follows:

4-6-5. PREPARATION OF FAA FORM 7230-4

Title through g, no change.

h. FAA Order 7210.56, Air Traffic Quality Assurance, defines situations requiring a Quality Assurance Review (QAR) and the procedures to be followed to accomplish the review. Promptly notify personnel responsible for conducting the review upon identifying the need for a QAR. Record QARs with the minimum detail necessary in order to identify the initiating incident (for example, unusual go-around, 3-hour tarmac delay) and how it was identified (for example, in-flight evaluation). Facilities may establish local forms and procedures for recording, disseminating, and documenting the resolution of QARs. Local forms used for recording this information are considered supplements to FAA Form 7230-4 and must be filed with it.

e. Add Paragraph 11-3-2, Data Retention, to FAA Order JO 7210.3 to read as follows:

11-3-2. DATA RETENTION

Title through 11-3-2b4 NOTE, no change.

5. Tarmac Delay: When a facility is notified that an aircraft has exceeded the "Three-hour Tarmac Rule," retain data recordings relevant to the event for 1 year.

6. Responsibilities.

a. All operational personnel must be briefed on this notice.

b. Air traffic managers of affected facilities are responsible for ensuring that the requirements of this notice are met and associated procedures are in a facility directive.

c. The terminal district manager is responsible for ensuring affected district facilities comply with the requirements of this notice.

7. Distribution. This notice is distributed to the following ATO service units: Terminal, En Route and Oceanic, and System Operations Services; the ATO Office of Safety; service center offices; the Air Traffic Safety Oversight Service; the William J. Hughes Technical Center; and the Mike Monroney Aeronautical Center.



Nancy B. Kalinowski
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Air Traffic Organization

3-31-2010

Date Signed