

Aviation Group Client Update

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Contact: Lisa A. Harig, Partner
Washington DC Office
lharg@mklawdc.com
+1 703 247 5487

DOT FOLLOW-UP ON TARMAC DELAY CONTINGENCY PLAN REQUIREMENT

On March 1, 2012, DOT issued a notice regarding the FAA Modernization and Reform Act of 2012 (the “Act”) which requires covered U.S. carriers and U.S. airports to submit for review and approval tarmac delay contingency plans by **May 14, 2012**. Today, DOT issued a [Notice](#) on how covered carriers and airports can submit the required plans through a DOT website and provided guidance on frequently asked questions.

The Office of Aviation Enforcement and Proceedings has established a [website](#) for the filing of contingency plans. Carriers and airports must use this website to submit their tarmac contingency plans rather than sending the plans to DOT by mail or email. In order to use the filing system, covered carriers and airports will need to register on website before they can upload their tarmac contingency plans to the system. Each registrant will be assigned a username and password after DOT verifies the authenticity of the registered carrier or airport, which may take up to three days. DOT urges each covered carrier or airport to register on the website as soon as possible so that they will receive a username and password from DOT in advance of the **May 14, 2012** deadline.

In addition, DOT provided guidance with respect to the Act’s submission requirements: (1) operators of large hub, medium hub, small hub, or non-hub commercial U.S. airports must submit a tarmac delay contingency plan; (2) airlines and airports should reference a [model contingency plan](#); (3) airports can submit plans that cover more than the requirements of the Act, but are not required to do so; (4) each covered carrier must submit a plan for each covered airport, but a carrier may submit one overarching plan covering all of the carrier’s operations with the requisite assurances required by the Act; and (5) foreign flag carriers are not subject to the Act.

We will continue to monitor developments with regard to tarmac delay contingency plan requirements. Please contact our office with questions or for assistance with the preparation and submission of contingency plans

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