



NACC
National Airlines
Council of Canada

October 27, 2020

Marcia Jones
Chief Strategy Officer
Canadian Transportation Agency
Ottawa, Ontario K1A 0N9
Via email: marcia.jones@otc-cta.gc.ca

RE: Supplemental Information in Support of the A4A/NACC Request for Exemption from Section 62 of the Accessible Transportation for Persons with Disabilities Regulations (ATPDR)

Dear Ms. Jones:

Airlines for America (“A4A”) and the National Airlines Council of Canada (“NACC”)¹ respectfully submit the information herein in support of the July 30, 2020 request for a conditional exemption to Section 62 of the Canadian Transportation Agency’s (“CTA”) ATPDR (the “Request for Exemption”).² As explained in the Request for Exemption, air carriers may waive the liability limitations set forth in the Warsaw Convention and the Montreal Convention (collectively, the “Conventions”) for claims of loss, damage, or delay of mobility aids in international transportation and make their passengers whole without the need for the passenger’s special declaration of interest under the Conventions.

Canadian air carriers’ tariffs may reflect the waiver of liability limitations, which are available to the CTA. Additionally, air carriers also waive the liability limitations through internal policies.

Below are examples of air carriers’ waivers:³

- “Normal carrier limit of liability will be waived for substantial claims involving loss damage or delay in delivery to mobility aids such as wheelchairs, walkers, crutches, scooters and other mobility aid. When such items have been accepted into the care of the carrier as checked baggage or otherwise.”

¹ A4A members are Alaska Airlines, Inc.; American Airlines Group, Inc.; Delta Air Lines, Inc.; and United Airlines Holdings, Inc. NACC members are Air Canada; Air Transat A.T. Inc.; Jazz Aviation LP; and WestJet Airlines Ltd..

² See Letter from G. Keithley, A4A, and M. McNaney, NACC, to M. Jones, CTA (July 30, 2020).

³ Because air carriers’ internal policies are proprietary and confidential, the examples are deidentified.

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- “Liability limits in the Montreal and Warsaw Conventions do not apply to mobility aids and other assistive devices. The cost of repair/replacement is covered in full.”
- “Valuation limit of baggage (*excluding assistive devices*) (1) The total declared value may not exceed USD 5,000/CAD 6,100. (2) No baggage of any one passenger, having declared value in excess of USD 5,000/CAD 6,100 will be accepted unless special arrangements have been made in advance, by the passenger with AA.” (emphasis added)

We appreciate the opportunity to submit this supplemental information and thank you for your consideration. If you have any questions, please contact Graham Keithley at gkeithley@airlines.org or Mike McNaney at mmcnaney@airlinecouncil.ca.

Respectfully submitted,



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AIRLINES FOR AMERICA

cc: Mike McNaney, mmcnaney@airlinecouncil.ca.