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Airlines for America
Request for an Extension of the Exemptions from Sections 58 and 59 of the Accessible Transportation for Persons with Disabilities Regulations (ATPDR)

Airlines for America (“A4A”), on behalf its members that operate scheduled passenger air transportation between the United States and Canada (“Members”),¹ respectfully requests an extension to the exemptions to Sections 58 and 59 of the Canadian Transportation Agency’s (“CTA”) ATPDR (“Exemptions”).² As explained in our initial exemption request, our Members are committed to passenger accessibility, continually assess potential accessibility barriers, and implement accessibility improvements in accordance with their safety review processes that identify and mitigate safety risks. They remain committed to compliance with the ATPDR, including Sections 58 and 59. However, because of the COVID-19 pandemic and its unprecedented impact on air travel, our Members continue to lack necessary resources to make the substantial and complex programming changes to fully implement Sections 58 and 59. Accordingly, an extension of the Exemptions is respectfully requested pursuant to Sections 170(3) and (4) of the Canada Transportation Act.

The current situation for U.S. airlines remains dire because of the COVID-19 pandemic. Passenger travel within and from the United States is down approximately 64% year-over-year and travel to Canada down 96% year-over-year.³ For the week ending on October 25, 2020, net booked revenue was down 79% year-over-year, with total tickets issued by U.S. travel agencies down 66% year-over-year and corporate bookings down 85% year-over-year. Collectively, U.S. passenger airlines continue to burn more than \$200 million USD of cash per day. In the first half of 2020, U.S. airlines reported a combined pretax loss of \$21 billion USD (-51% margin) and a net loss of

¹ Alaska Airlines, Inc.; American Airlines Group, Inc.; Delta Air Lines, Inc.; and United Airlines Holdings, Inc.

² Accessible Transportation for Persons with Disabilities Regulations Application Exemption Order, SOR/2020-125 (Registration 2020-06-01).

³ Based on a seven-day average of U.S. Transportation Security Administration throughput for A4A’s passenger air carriers through September 27, 2020.

\$16.5 billion USD (-40% margin). Total operating revenues each month have fallen year-over-year an average of 77%.⁴ In sum, air transportation has been extraordinarily depressed throughout the duration of the Exemptions, directly impacting airlines' resources and their ability to comply with Sections 58 and 59 of the ATPDR.

Moreover, with the COVID-19 pandemic continuing and growing throughout the United States and the world, forecasts remain bleak and U.S. airlines are continued to take substantial measures to address the ongoing impacts. These forecasts and measures include, but are not limited to:

- Reduced capacity, load factors, and passengers in the fourth quarter, including:
 - System capacity to be down more than 50% year-over-year, with long-haul international capacity down approximately 75% year-over-year;⁵
 - Capacity to be down approximately 55% year-over-year;⁶ and
 - System capacity to be down 40-45% year-over-year.⁷
- Reduced revenue, including fourth-quarter cash burn rates of approximately \$25 to \$30 million per day;⁸
- Restrictions on non-essential maintenance projects and eliminating nearly all other discretionary spending, including pausing all noncritical facility investments and IT projects;⁹ and
- Workforce reduction programs, including on-going voluntary unpaid leaves of absences, voluntary separations, and early retirement programs,¹⁰ which have directly impacted IT personnel resources.

Additionally, our Members cannot simply return to normal with any modest increase in operations; they will have to reallocate resources to ensure continued efficient operations as the industry continues to recover. In sum, our Members have limited resources during the remainder of the Exemptions for the resource-intensive efforts needed to meet the requirements of Sections 58 and 59.

⁴ For A4A passenger carriers, total operating revenues fell year-over-year as follows—March: -54%; April: -92%; May: -88%; June: -81%; July: -79%; August: -77%; and September: -68%.

⁵ See American Airlines Group Inc., Form 8-K (Oct. 22, 2020).

⁶ See United Airlines Holdings, Inc., Form 10-Q (Sept. 30, 2020).

⁷ See Delta Air Lines, Form 10-Q (Sept. 30, 2020).

⁸ See American Airlines Group Inc., Form 8-K (Oct. 22, 2020).

⁹ See Delta Air Lines, Inc. Form 10-Q (Sept. 30, 2020); American Airlines Group Inc., Form 8-K (Oct. 22, 2020)

¹⁰ See Delta Air Lines, Inc., Form 8-K (Oct. 8, 2020); United Airlines Holdings, Inc. and United Airlines, Inc., Form 10-Q (July 22, 2020); American Airlines Group Inc. and American Airlines, Inc., Form 8-K (July 23, 2020).

However, it is important to recognize that our Members continue to work towards compliance with Sections 58 and 59, including:

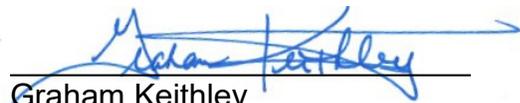
- Establishment of working groups to identify and scope the necessary effort to comply with Sections 58 and 59, as well as development of strategies for compliance;
- Establishment of preliminary systems to comply with Sections 58 and 59, including:
 - Email confirmations of requests, including through automated emails or through call-center and pre-trip email confirmations; and
 - Retention or archiving of passengers' documentation that may be retrieved after passenger communications with carriers.

To the extent that an extension is not granted, we strongly recommend that the CTA consider such efforts and the aforementioned industry-wide circumstances in exercising enforcement discretion in any compliance action related to Sections 58 and 59.

Meanwhile, our Members continue to provide a panoply of services to assisting passengers with disabilities throughout their air travel experience, from curbside at the departure airport to the curbside of the arrival airport.

We appreciate the opportunity to submit this request and thank you for your consideration. If you have any questions, please contact Graham Keithley at gkeithley@airlines.org.

Respectfully submitted,



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AIRLINES FOR AMERICA