

Regional Community Airports Coalition of Canada

Suite 220, 10610 Airport Drive,

Grande Prairie, AB T8V 7Z5

Telephone: 780-539-5270

Fax: 780-532-1520



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Canadian Transportation Agency

Via Email

Re: Consultation – Air Passenger Protection Regulations

I am writing to you today on behalf of our membership to express concerns with the proposed changes to the Air Passenger Protection Regulations (APPR) included in Bill C-47 and contained in the “Consultation Paper: Proposed changes to clarify, simplify and strengthen the Air Passenger Protection Regulations”.

The Regional Community Airports of Canada (RCAC), formed in 2004, is an organization of airports and associations representing non-NAS regional and community airports across Canada. With more than 60 non-NAS direct airport members along with reciprocal membership agreements with the Réseau Québécois Des Aéroports (RQA), Saskatchewan Aviation Council (SAC), British Columbia Aviation Council (BCAC) and the Airport Management Council of Ontario (AMCO) we provide national representation for more than 190 airports nation wide.

While we are fully supportive of the goal of improving the air passenger experience in Canada, there are a number of proposed changes that will ultimately negatively impact air travel and connectivity to and from Canada, in particular in regional markets across the country.

In many regional communities, such as ours, airports are an economic anchor in their regions. Air service brings a significant source of well-paid direct and indirect jobs, supports local businesses and creates a number of economic spin-off effects through all the third-party services required to run an airport and beyond. For any of this to be possible, however, regional airports need airlines to offer routes to and from these airports. As such, there is a need for a balanced approach to passenger rights that allows routes to be financially viable, will not undermine airlines’ competitiveness and still supports a more efficient, affordable, and inclusive air travel system in Canada.

The most significant concerns with the proposed changes for regional airports include:

1. Implications for Competitiveness and new services

(To Complete- Explain the airport efforts to attract carriers, and the competition by other airports from other countries)

The proposed changes to the APPR will be significantly more punitive than regimes in other jurisdictions, like the EU. In Europe, for example, compensation for flights of less than 1,500 km

are capped at 250 euros per passenger, but in Canada, compensation can reach up to \$1,000 CAD per passenger, regardless of distance for certain disruptions. This will ultimately further increase the cost of travel in Canada and have a disproportionate impact in regional markets that are in large part served with shorter domestic flights.

2. Earlier Flight Disruptions (Knock-On Effects)

Airlines that serve regional airports often operate many short-haul segments with multiple turnarounds in a single day in order to be able to serve these markets efficiently. In fact, aircraft at Canada's regional airlines often fly six or more flight segments in a day.

Currently, when a delay is caused by reasons outside the control of the airline, the APPR recognizes and exempts the subsequent flights suffering knock-on effects of the delay from certain obligations including compensation. However, the proposed changes to APPR arbitrarily set a limit of knock-on effects to a single subsequent flight after the initially disrupted flight. In reality, it can take airlines up to 48 hours or more to overcome the knock-on effects of delays. Recovery time is even longer in the event of significant weather events, which can impact regional airports more significantly than larger hubs.

Given the realities of airline operations, one delay will have knock-on effects on all subsequent flights that the original aircraft or crew impacted may operate. By only exempting one subsequent flight in the event of a disruption outside of airline control, airlines may be inclined to simply cancel more flights that face a disruption rather than incurring the subsequent delays in order to seek a quicker recovery and reduce their compensation liability. In most cases, this would have a significant impact on regional airports and the flights to our regions. This may also make certain routes to regions with more challenging weather environments, with less demand, or not as financially viable less appealing for airlines to continue operating, and could limit essential air connectivity as the risk for increased costs to air carriers would be substantially increased.

3. Safety and Unplanned Mechanicals

All air industry partners are committed to upholding Canada's record as one of the safest air travel systems in the world. As such, decisions made for safety reasons must never be punished. For this reason, unexpected air safety events, in particular an unplanned mechanical malfunction of an aircraft, have always been treated in various aviation regulations as an uncontrollable event exempt from the ambit of passenger compensation regimes. However, the proposed new APPR regulation ordering significant financial compensation in such circumstances would unduly penalize airlines for safety-related decisions that are in the best interest of all parties throughout the ecosystem.

The need to factor in these financial considerations would change the economics of regional routes, and risks airlines favoring routes to larger airports instead with more mechanical support operations and opting against serving remote and regional communities where recovery from mechanical issues would take longer, ultimately resulting in higher compensation and impacts from the newly proposed knock-on effects.

As such, the new APPR list of exceptional circumstances (exemptions from compensation) must include exemptions for flight safety and specifically for unplanned mechanical delays where an aircraft is unfit to fly in accordance with applicable regulations and maintenance protocols.

4. Reprotection and Duty of Assistance

The proposed changes to the APPR would require airlines to rebook passengers within 9 hours instead of the current 48-hour requirement, which should be maintained. Should a carrier be unable to re-protect on their own carrier or a partner, they will be obligated to purchase a ticket on a competing airline. This too will disadvantage smaller airports that have less frequencies and volumes offered than larger airports. In fact, some frequencies at smaller airports are only offered once a week, making reprotection on these routes difficult.

In addition, it is proposed to expand some duty of assistance requirement in exceptional circumstances such as a significant weather event. However, sudden mass hotel, restaurant, or ground transfer bookings, in particular at remote or distant locations at all hours of the day or night, would represent a significant cost and operational burden on airlines. In fact, such amenities may be extremely limited or not available altogether in the numbers required in certain regional communities. These obligations would therefore make it even harder for smaller airports to attract large carriers to operate flights outside their hubs, in particular to popular routes to sun destinations.

We encourage government to ensure that regulations are developed that will mitigate these concerns with due consideration of regional air service across the nation.

Yours truly,

Carman Hendry
Chair
Regional Community Airports of Canada