



March 19, 2018

Dear Senators,

FlyersRights.org is the largest airline passenger advocacy organization in the United States. We operate a toll-free hotline for airline passengers, maintain a website with a comprehensive guide for airline passenger rights www.flyersrights.org, publish a weekly newsletter and maintain a staffed office in Washington, DC. Its current President, Paul Hudson, has been in the aviation consumer protection field for over 25 years, and currently serves on the FAA Aviation Rulemaking Advisory Committee.

We would like to express our concerns about provisions of Bill C-49, currently before the Senate of Canada. The bill proposes to roll back many substantive rights for airline passengers, and would remove the ability of public interest organizations to gain public interest standing. Passengers do not have many choices when it comes to air transportation, and so it is vital that passengers have protections guaranteed by law, and a fair process to enforce those rights.

Public interest organizations advocate to ensure that airlines follow the law. Filing a complaint is a time-consuming process for a passenger, and takes a level of expertise and resources that only advocacy groups truly possess. Public interest complaints enable an advocacy group to challenge a practice, in the name of all passengers, before the practice has a chance to harm even more passengers and the general public. For example, the Council of Canadians with Disabilities and Canadian air passenger rights advocate Dr. Gábor Lukács have both used this public interest complaint mechanism to make sure air carriers' policies and rules comply with the *Canada Transportation Act*, the *Air Transportation Regulations*, and the *Montreal Convention* (codified in Canada's *Carriage by Air Act*). We are puzzled as to why the drafters of the bill seek to create legal barriers to such complaints, which have proven to greatly benefit the public in past decades.

Canada's existing 90-minute tarmac confinement rule is a world-leading standard. To double this time, as the bill proposes to do, would mark a significant step backwards for airline passengers and consumer rights.

The bill also seeks to classify mechanical issues, issues that are recognized worldwide as being within an airline's control, as a cause for delay that is not compensable. Ostensibly, this has been proposed on safety grounds, for no one would want an airline to make a decision whether a flight will be safe based on monetary concerns. However, airlines do not and will not risk the safety of a flight over concerns of the relatively minor monetary compensation due to passengers. The European Union's system and the international system under the *Montreal Convention* requires the airline to provide compensation for delay when the cause of the delay is within the airlines control. This correctly absolves the airline for any liability arising from force majeure acts—weather and war, for example.

We find these provisions in Bill C-49 to be a troubling erosion of consumer rights, as well as an erosion of the process where advocacy groups hold airlines accountable on behalf of the public.

Sincerely,

A handwritten signature in black ink that reads "Paul Hudson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul Hudson

President

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