

# NOTICE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
Air Traffic Organization Policy

N JO 8020.186

Effective Date:  
April 29, 2010

Cancellation Date:  
April 28, 2011

**SUBJ:** Tarmac Delay Data Retention

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**1. Purpose of This Notice.** This notice provides interim guidance concerning Department of Transportation (DOT) Rule, Enhancing Airline Passenger Protections, title 14, Code of Federal Regulations, part 259, commonly referred to as the “Three-hour Tarmac Rule.” Some verbiage contained in this notice is extracted from the aforementioned rule. The rule was published in the Federal Register on December 30, 2009, and is effective on April 29, 2010.

**2. Audience.** This notice applies to Federal Aviation Administration (FAA) tower facilities; Federal contract towers; and Terminal, En Route and Oceanic, and System Operations Services.

**3. Where Can I Find This Notice?** This notice is available on the MYFAA employee Web site at [https://employees.faa.gov/tools\\_resources/orders\\_notices/](https://employees.faa.gov/tools_resources/orders_notices/) and on the air traffic publications Web site at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/).

**4. Explanation of Policy Change.** In response to numerous instances of passengers experiencing lengthy tarmac delays, the DOT has issued a final ruling titled “Enhancing Airline Passenger Protections,” effective April 29, 2010.

The final rule requires that each air carrier at “medium” and “large” hub U.S. airports develop a contingency plan that, among other requirements, includes an assurance that the air carrier will not allow an aircraft to remain on the tarmac for more than 3 hours unless the pilot-in-command determines there is a safety-related or security-related impediment to deplaning passengers or air traffic control advises the pilot-in-command that returning to the gate or allowing passengers to disembark elsewhere would significantly disrupt airport operations. The rule also mandates that the air carrier provide adequate food and potable water no later than 2 hours after the aircraft leaves the gate in the case of a departure, or touches down, in the case of an arrival, unless the pilot-in-command determines that safety or security requirements preclude such service.

The “Three-hour Tarmac Rule” is applicable to domestic flights. International flights by domestic carriers have some latitude to extend the criteria beyond 3 hours, to be determined by the carrier. Foreign flag carriers are exempt.

**5. Procedures.** Amend FAA Order JO 8020.16, Paragraph 119, Miscellaneous Incidents, to read as follows:

## 119. MISCELLANEOUS INCIDENTS

Title through subparagraph e, no change.

**f. Tarmac Delay Data Retention.** When a facility is notified that an aircraft has exceeded the Three-hour Tarmac Rule, assemble an incident file containing, but not limited to, the following records:

(1) Flight progress strip and/or flight plan data including delay information to the aircraft via pre-departure clearance (PDC) message.

(2) Phone call to aircraft operations or other form of communication.

- (3) Audio files in accordance with Chapter 6, Paragraph 93, Re-Recording of Voice Recordings, from 5 minutes before initial contact or first PDC message until 5 minutes after last contact with the facility.
- (4) FAA Form 7230-4 containing the quality assurance review entry and its results.
- (5) Position logs for the period contained in the audio files.
- (6) Radar data (for example, CDR and ASDE-X).
- (7) Completed FAA Form 8020-26, Personnel Statement, from each involved facility.
  - (a) The reporting facility must request supporting documentation from other facilities involved.
  - (b) The supporting facility must forward copies of supporting documentation and file originals under the reporting facility's file number.
  - (c) The file must be labeled as "Three-hour Tarmac Rule Incident" and include the following:
    - (i) The aircraft call sign.
    - (ii) Date and UTC time when the aircraft exceeded the Three-hour Tarmac Rule.
  - (d) Records must be retained for 1 year.

## 6. Responsibilities.

- a. The contents of this notice must be briefed to the applicable personnel.
- b. Air traffic managers of affected facilities are responsible for ensuring the requirements of this notice are met and associated procedures are in a facility directive.
- c. The terminal district manager is responsible for ensuring affected district facilities comply with the requirements of this notice.
- d. The David J. Hurley Air Traffic Control System Command Center is responsible to compile all airline communication regarding individual flights or airport status in relation to tarmac delay issues, other than communication between the pilot-in-command of a tarmac delays aircraft and the local air traffic control facility.

**7. Distribution.** This notice is distributed to the following Air Traffic Organization (ATO) service units: Terminal, En Route and Oceanic, System Operations Services, and Technical Operations; the ATO Office of Safety; service center offices; the Air Traffic Safety Oversight Service; the William J. Hughes Technical Center; and the Mike Monroney Aeronautical Center.



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4-2-2010

Date Signed