



*A bold voice for transportation workers*

March 26, 2014

Ms. Laura E. Jennings  
Senior Trial Attorney  
U.S. Department of Transportation  
1200 New Jersey Ave SE  
Washington, DC 20590

**RE: Use of Mobile Wireless Devices for Voice Calls on Aircraft  
Advanced Notice of Proposed Rulemaking  
Docket No. DOT-OST-2014-0002  
RIN 2105-AE30  
Office of the Secretary, DOT**

Dear Ms. Jennings:

On behalf of the Transportation Trades Department, AFL-CIO (TTD) I write in response to the Department of Transportation's (DOT) Advanced Notice of Proposed Rulemaking (ANPRM) seeking information on the effects and implications of prohibiting passengers from using mobile devices to make voice calls while onboard a flight traveling within, to or from the United States. By way of background, TTD consists of 32 affiliated unions that represent workers in all modes of transportation, including several with aviation members who would be directly impacted by this proceeding.<sup>1</sup>

Drawing on its aviation consumer protection authority, the DOT seeks comment on whether allowing in-flight phone calls would be an "unfair practice to consumers, pursuant to 49 USC 41712, or would be so disruptive as to be inconsistent with adequate air transportation, pursuant to 49 USC 41702."<sup>2</sup> We believe that DOT has ample statutory authority to ban voice calls on commercial aircraft and, for the reasons cited in these comments, the policy justification to do so as well. We therefore urge DOT to promulgate a rule that bans in-flight voice calls and ask the agency to thoroughly consider the concerns expressed in these comments as it develops this rulemaking.

As indicated above, TTD unions represent flight attendants, pilots and other front-line aviation workers who depend on a safe and efficient air transportation system. We bring their perspective, particularly flight attendants and pilots that work onboard an aircraft, to the debate over cell phone use. Based on this perspective, we believe that allowing passengers to talk on their phones while in-flight would be inherently disruptive to the cabin environment and would create needless safety issues that would be difficult if not impossible to resolve.

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<sup>1</sup> Attached is a complete list of TTD affiliate unions.

<sup>2</sup> Department of Transportation, Office of the Secretary, ANPRM, 'Use of Mobile Wireless Devices for Voice Calls on Aircraft,' Issued February 24, 2014, Docket No. DOT-OST-2014-0002, page 10050.

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Edward Wytkind, President /Larry I. Willis, Secretary-Treasurer



Undoubtedly phone call use would increase cabin noise levels, making it difficult for both flight attendants and pilots to communicate safety announcements to passengers. In emergency situations specifically, passengers distracted by phone conversations, both of their own and those of their fellow passengers, may miss important directions and instructions. An aircraft cabin already includes several potential distractions and other challenges to ensure effective crew-to-passenger communication. It makes little sense to create yet another barrier that flight attendants must overcome to meet their safety responsibilities.

The ANPRM cites that before expanding passenger use of personal electronic devices (PEDs), air carriers would need to revise their policies and “institute mitigation strategies for passenger disruptions to crewmember safety briefings and announcements and potential passenger conflicts.”<sup>3</sup> We agree with this need, but there is no analysis measuring the success of the strategies intended to overcome these problems.

As the lone crewmembers physically present in the aircraft cabin, flight attendants would become responsible for policing passenger calls and responding to disagreements that will inherently arise. Mediating disputes between passengers when the volume or content of a call becomes offensive will create yet another distraction that must be navigated by flight attendants while performing their regular duties.

Moreover, current polls and surveys of public opinion indicate a majority of fliers oppose the possibility of allowing in-flight phone calls. As reported by the Portable Electronic Devices Aviation Rulemaking Committee, 61% of passengers oppose in-flight cell phone calls “mainly due to the potential distractions it could cause for other passengers.”<sup>4</sup> Similarly, a national poll released by the Quinnipiac University in December 2013 found that 59 percent of Americans oppose the use of cell phones on planes.<sup>5</sup> And, even some airlines have announced they will continue prohibiting their passengers from talking on their phones due to customer preference, including Delta Air Lines which stated that 64% of its customers feel making phone calls would have a “negative impact on the onboard experience.”<sup>6</sup> These results indicate that the majority of passengers on a given flight would be unhappy if others are talking on their phones. As DOT notes in its ANPRM, an unfair or deceptive practice under 49 USC 41712 can be an act that is harmful to passengers but could not be reasonably avoided. Clearly, cell phone use onboard an aircraft would fall into that category. Not only would passengers be unable to avoid the distractions or annoyances that wide-spread voice communication would present, but their only outlet to vent their frustrations would be to flight attendants onboard the flight.

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<sup>3</sup> *Id.*

<sup>4</sup> Portable Electronic Devices Aviation Rulemaking Committee Report to the Federal Aviation Administration, Recommendations on Expanding the Use of Portable Electronic Devices During Flight, September 30, 2013, page 174. [http://www.faa.gov/about/initiatives/ped/media/ped\\_arc\\_final\\_report.pdf](http://www.faa.gov/about/initiatives/ped/media/ped_arc_final_report.pdf).

<sup>5</sup> Quinnipiac University poll, December 11, 2013, ‘Keep Cell Phones Off Planes, American Voters Say 2-1, Quinnipiac University National Poll Finds; More People Spending Less on Holiday Gifts,’ [www.quinnipiac.edu/images/polling/us/us12112013\\_anr2s9.pdf](http://www.quinnipiac.edu/images/polling/us/us12112013_anr2s9.pdf).

<sup>6</sup> Comments submitted by Delta Air Lines, Inc., on October 30, 2012, Page 1. Comments were filed to FAA Notice of Policy, Passenger Use of Portable Electronic Devices on Board Aircraft,” Issued August 31, 2012, Docket No. FAA-2012-0752.

The DOT seeks comments on potential mitigation measures, such as whether a physical structure could be built to create quiet and talking zones. Regardless of whether this is even feasible, it fails to solve the issue: those talking on their phones would still miss safety information and flight attendants would still be distracted from their regular duties, being forced to make sure that those on calls are inside the designated area. Additionally, if an emergency occurred, a physical barrier could add another impediment to evacuation, disseminating information or tending to passenger needs.

Based on these concerns alone, we believe that DOT has the authority and obligation to bar cell phone calls onboard flights traveling within, to or from the United States as inconsistent with adequate air transportation pursuant to Section 41702 and as counter to the protection of consumers specified in Section 41712. We note that Section 41702, in addition to requiring “adequate” transportation, also requires DOT to ensure air carriers provide “safe” transportation. As noted above, introducing voice calls in the aircraft cabin would make it more difficult for crew members to fulfill their varied safety responsibilities. While we understand that the ANPRM is not seeking comment on the safety aspects of voice communications that falls under the authority of the Federal Aviation Administration, the issues raised in these comments are also safety issues that must be considered by DOT under its authority in Section 41702.

The use of cell phones while in-flight also may pose unintended security risks. Terrorists aboard a single or multiple aircrafts could use the new capability to communicate with each other in real time about the movement or vulnerability of crewmembers or to more easily launch a coordinated attack. While outside of its jurisdiction, DOT should work with the Department of Homeland Security to analyze any and all security issues the practice would create.

We appreciate the opportunity to provide comments, and we hope the DOT will take ours into serious consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a stylized flourish at the end.

Edward Wytkind  
President



**Transportation Trades Department, AFL-CIO**  
*A bold voice for transportation workers*

***TTD MEMBER UNIONS***

Air Line Pilots Association (**ALPA**)  
Amalgamated Transit Union (**ATU**)  
American Federation of Government Employees (**AFGE**)  
American Federation of State, County and Municipal Employees (**AFSCME**)  
American Federation of Teachers (**AFT**)  
Association of Flight Attendants-CWA (**AFA-CWA**)  
American Train Dispatchers Association (**ATDA**)  
Brotherhood of Railroad Signalmen (**BRS**)  
Communications Workers of America (**CWA**)  
International Association of Fire Fighters (**IAFF**)  
International Association of Machinists and Aerospace Workers (**IAM**)  
International Brotherhood of Boilermakers, Iron Ship Builders,  
Blacksmiths, Forgers and Helpers (**IBB**)  
International Brotherhood of Electrical Workers (**IBEW**)  
International Longshoremen's Association (**ILA**)  
International Organization of Masters, Mates & Pilots, ILA (**MM&P**)  
International Union of Operating Engineers (**IUOE**)  
Laborers' International Union of North America (**LIUNA**)  
Marine Engineers' Beneficial Association (**MEBA**)  
National Air Traffic Controllers Association (**NATCA**)  
National Association of Letter Carriers (**NALC**)  
National Conference of Firemen and Oilers, SEIU (**NCFO, SEIU**)  
National Federation of Public and Private Employees (**NFOPAPE**)  
Office and Professional Employees International Union (**OPEIU**)  
Professional Aviation Safety Specialists (**PASS**)  
Sailors' Union of the Pacific (**SUP**)  
Sheet Metal, Air, Rail and Transportation Workers (**SMART**)  
SMART-Transportation Division  
Transportation Communications Union/ IAM (**TCU**)  
Transport Workers Union of America (**TWU**)  
UNITE HERE!  
United Mine Workers of America (**UMWA**)  
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service  
Workers International Union (**USW**)

*These 32 labor organizations are members of and represented by the TTD*

