



A bold voice for transportation workers

February 13, 2017

Mr. Robert Gorman
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
Notice of Proposed Rulemaking
Docket No. DOT-OST-2014-0002
RIN 2105-AE30
Office of the Secretary, DOT**

Dear Mr. Gorman:

On behalf of the Transportation Trades Department, AFL-CIO (TTD) I write in response to the Department of Transportation's (DOT) Notice of Proposed Rulemaking (NPRM) concerning the use of 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.¹

In the NPRM, DOT proposes new requirements for airlines who may in the future be able to permit voices calls on flights. Currently, the FCC bans wireless broadband calls in flight, though this ban is subject to a separate rulemaking, which TTD also commented on (WT Docket No. 13-301; FCC 13-157).² As a result, carriers may eventually be able to widely allow voice calls on aircraft.³ In this docket, under its consumer protection authority, DOT is proposing that airlines must inform consumers if they are booking a flight on which voice calls are allowed. To justify this requirement, DOT states that allowing the use of mobile wireless devices for voice calls without providing adequate notice to all passengers would be an "unfair" and "deceptive" practice in air transportation.

TTD and several of our affiliates filed comments to the Advance Notice of Proposed Rulemaking (ANPRM), issued in 2014, in which we urged DOT to ban in-flight calls. We are disappointed that DOT has not proposed a ban in this NPRM, and reject the Department's determination that it does not have the authority to do so. TTD represents flight attendants, pilots and other front-line aviation workers charged with maintaining a safe cabin and fulfilling customer service responsibilities. A rulemaking process which does prohibit voice calls on aircraft hampers the ability of these employees to perform their responsibilities, placing an unnecessary burden on flight attendants and pilots while creating needless safety risks.

¹ Attached is a complete list of TTD affiliate unions.

² TTD urged FCC to keep in place its decades-long ban on voice calls on aircraft.

³ We note that passengers may make voice calls over Wi-Fi, which are currently at the discretion of the carrier and not subject to the FCC ban. A DOT ban on voice calls should also cover these calls.

Transportation Trades Department, AFL-CIO

815 16th Street NW / 4th Floor / Washington DC 20006

Tel:202.628.9262 / Fax:202.628.0391 / www.ttd.org

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



Critically, we do not believe that DOT lacks the ability to ban voice calls under its consumer protection authority. As TTD and our affiliates discussed in our comments to the ANPRM, 49 U.S.C. § 41702 requires DOT to ensure that carriers provide safe transportation, and allowing voice calls or establishing a regulatory framework by which carriers may do so stands in opposition to this requirement.

As an example, voice calls in-flight may make it difficult for passengers to hear and respond to safety information communicated by pilots and flight attendants. The ability of flight crew to communicate with passengers clearly falls within the scope of providing safe transportation, and would be at risk in a circumstance in which voice calls were allowed.

Additionally, an environment in which voice calls are allowed places an unnecessary burden on flight attendants already tasked with a multitude of responsibilities relating both to safe operation of the aircraft and customer service duties. Adding the responsibility of policing voice calls and passenger disputes over call volume and content would make it harder for flight attendants to fulfill their existing responsibilities, potentially creating a dangerous situation in the air.

The ubiquity of phones on an aircraft could also make it easier for terrorists to make voice calls in order to coordinate attacks or actions. We know that our aviation system remains a target of terrorist elements and when given the opportunity to mitigate these threats we should do so. Barring voice calls on flights removes one more potential risk to safety in the skies.

While we do not believe that the proposal to notify passengers when cell phones will be allowed on specific flights is sufficient to meet DOT's consumer protection mandate, we are strongly opposed to the proposal that would exempt carriers who operate only aircraft with less than 60 seats from this minimal requirement. TTD has long advocated one level of safety in commercial air transportation and we see no reason why a carrier should be exempted from a notification requirement because of how many seats exist on an aircraft.

Finally, to answer DOT's question from the notice directly, a voice call ban is absolutely justified even if the Department enacts requirements concerning disclosure of a carrier's voice call policy. The proposal to only require that carriers disclose their voice call policy does not adequately protect both consumers and aviation workers from the safety and security concerns raised in these comments.

We appreciate the opportunity to comment on this NPRM and urge DOT to use this rulemaking to ban voice calls on aircraft.

Sincerely,



Edward Wytkind
President



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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

