



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS
WASHINGTON, DC**

This message was e-mailed to major airlines and aviation associations on September 25, 2001. It concerns the aftermath of the attacks on the World Trade Center and the Pentagon on September 11, 2001.

We are receiving an increasing number of complaints and inquiries from ticketed passengers, including many with non-refundable tickets, who describe having been denied refunds for flights that were cancelled or significantly delayed as a result of the tragic events of September 11. In many of these cases, alternate transportation either on the same carrier or other airlines was offered but declined by the passengers. In addition, we are very aware that most carriers have announced plans for significant reductions in scheduled service. The result is that many passengers' travel plans have and will be significantly affected.

As we have stated in the past (see our [industry letter](#) of July 15, 1996), carriers should not be applying nonrefundability/penalty provisions in situations in which a change in travel date or a significant change in scheduled departure or arrival time has been necessitated by carrier action. The same is true of a change in carriers or airports used, even without a significant schedule change, or a change from direct to connecting service or from nonstop service to a flight with a stop. We believe that imposing monetary penalties on passengers in these kind of situations or maintaining any contract of carriage or tariff provision mandating such a result would be grossly unfair and violate 49 U.S.C. 41712.

While we recognize that the sequence of events since September 11 has had a dramatic impact on airline personnel and schedules, it is very important that all reservationists, ticket counter agents, refund personnel and every other customer service professional in your company be reminded that refunds should be provided upon request to passengers who wish to cancel their trip as a result of a flight cancellation or significant schedule change made by the carrier. In addition, while we are aware of the deluge of refund requests that you are receiving and the added time needed to process them, the Department expects carriers to dedicate the appropriate resources necessary to process refunds in a timely manner.

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Office of Aviation Enforcement and Proceedings
Office of the General Counsel
U.S. Department of Transportation

Sent to:

Alaska Airlines

America West Airlines

American Airlines

American Trans Air

Continental Airlines

Delta Air Lines

Northwest Airlines

Southwest Airlines

Trans World Airlines

United Airlines

US Airways

Air Transport Association

International Air Transport Association

Aviation Consumer Action Project

Regional Airline Association

Air Carrier Association of America

American Society of Travel Agents