

Tarmac Delay Contingency Plan

[14 CFR § 244, 14 CFR § 259]



1.1 Overview

In accordance with the U.S. Department of Transportation's (DOT) regulations regarding Enhanced Protections for Airline Passengers (14 CFR Part 259), New Pacific Airlines, Inc. (New Pacific) has adopted this Contingency Plan for Lengthy Tarmac Delays (Plan). The New Pacific Operational Control Center (OCC) at New Pacific's headquarters is responsible for the daily execution of this Plan, while keeping in mind the safety and well-being of our customers.

Under the Plan, passengers on a New Pacific flight experiencing a tarmac delay shall have the opportunity to deplane before three hours (for domestic flights) or four hours (for international flights) after the start of the tarmac delay unless:

- a. For departing flights, the flight begins to return to a suitable disembarkation point no later than three hours (for domestic flights) or four hours (for international flights) after the main aircraft door is closed in order to deplane passengers. If the aircraft is in an area that is not under New Pacific's control, the aircraft has begun to return to a suitable disembarkation point when a request is made to the Federal Aviation Administration control tower, airport authority, or other relevant authority directing the aircraft's operations. If the aircraft is in an area that is under New Pacific's control, the aircraft has begun to return to a suitable disembarkation point when the pilot begins maneuvering the aircraft to a suitable disembarkation point;
- b. The pilot-in-command determines that deplaning passengers at a suitable disembarkation point would jeopardize passenger safety or security, or there is a safety related or security related reason why the aircraft cannot leave its position on the tarmac to deplane passengers; or
- c. Air Traffic Control (ATC) advises the pilot-in-command that returning to a suitable disembarkation point to deplane passengers would significantly disrupt airport operations.

1.2 Plan Requirements

New Pacific has sufficient resources to implement this Plan and will meet the requirements of the DOT for extended tarmac delays, including diversions.

During a tarmac delay, New Pacific will provide:

- a. Adequate food and potable water no later than two hours after the start of the tarmac delay, unless the pilot-in-command determines that safety or security considerations preclude such service;
- b. Operable lavatory facilities;
- c. Adequate medical attention if needed;
- d. Comfortable cabin temperature, which will be maintained by New Pacific in-flight personnel; and
- e. Other customer comfort needs.

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1.3 Responsibility

The OCC is responsible for the management and quality of the Plan. The decision making for this Plan lies within the OCC. Flight Operations and In-Flight Service will carry out the Plan at the station and flight level.

1.4 Station Plan

The Plan builds upon the standard operating procedures now in place to handle extended on-board delays and diversions. All stations have identified resources and developed procedures that will allow them to effectively bring a plane off the runway and open the door, giving the passengers the opportunity to egress within specified time limits.

Stations will ensure that diversions are given the same priority as other taxi delays, meaning passenger egress will be allowed prior to the 3-hour mark (4 hours for international flights). Individual station plans should allow at least 30 minutes (or as much as 60 minutes at larger stations) to complete the task of returning to the gate and deplaning.

All Stations have coordinated this Plan with airport authorities (including terminal facility operators where applicable), U.S. Customs and Border Protection (CBP) and the Transportation Security Administration (TSA) at each U.S. large hub airport, medium hub airport, small hub airport and non-hub airport that New Pacific serves, as well as New Pacific's regular diversion airports. This consists of back-up methods for inoperative equipment, provisioning and servicing of aircraft, as well as gate or remote pad parking considerations. In addition, New Pacific will work with airport authorities and other airlines to share facilities and make gates available during an emergency.

1.5 Communication

- a. New Pacific will notify passengers on board the aircraft during a tarmac delay regarding the status of the delay when the tarmac delay exceeds 30 minutes for all flights, and thereafter may provide subsequent updates, including flight status changes, as appropriate; and
- b. New Pacific will notify passengers on board the aircraft that passengers have the opportunity to deplane each time the opportunity to deplane exists at a suitable disembarkation point for all departing flights and diversions.

Throughout the flight delay, communication between OCC and the flight crew will be continual. Both the OCC and flight crew will monitor the general environment and "mood" of the customers at all times. New Pacific will make decisions for the well-being of all customers aboard the affected flight.

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1.6 Definitions

Cancelled flight: means a flight operation that was not operated, but was listed in an air carrier or a foreign air carrier's computer reservation system within seven calendar days of the scheduled departure.

Certificated air carrier: means a U.S. carrier holding a certificate issued under 49 U.S.C. 41102 to conduct passenger service or holding an exemption to conduct passenger operations under 49 U.S.C. 41102.

Commuter air carrier: means a U.S. carrier that has been found fit under 49 U.S.C. 41738 and is authorized to carry passengers on at least five round trips per week on at least one route between two or more points according to a published flight schedule using small aircraft as defined in 14 CFR 298.2.

Covered carrier: means a certificated carrier, a commuter carrier, or a foreign air carrier operating to, from or within the United States, conducting scheduled passenger service or public charter service with at least one aircraft having a designed seating capacity of 30 or more seats.

Diverted flight: means a flight which is operated from the scheduled origin point to a point other than the scheduled destination point in the carrier's published schedule. For example, a carrier has a published schedule for a flight from A to B to C. If the carrier were to actually fly an A to C operation, the A to B segment is a diverted flight, and the B to C segment is a cancelled flight. The same would apply if the flight were to operate from A to an airport other than B or C.

Excessive tarmac delay: means a tarmac delay of more than three hours for a domestic flight and more than four hours for an international flight.

Foreign air carrier: means a carrier that is not a citizen of the United States as defined in 49 U.S.C. 40102(a) that holds a foreign air carrier permit issued under 49 U.S.C. 41302 or an exemption issued under 49 U.S.C. 40109 authorizing direct foreign air transportation.

Gate arrival time: is the instant when the pilot sets the aircraft parking brake after arriving at the airport gate or passenger unloading area. If the parking brake is not set, record the time for the opening of the passenger door. Also, for purposes of § 244.3 carriers using a Docking Guidance System (DGS) may record the official "gate-arrival time" when the aircraft is stopped at the appropriate parking mark.

Gate departure time: is the instant when the pilot releases the aircraft parking brake after passengers have boarded and aircraft doors have closed. In cases where the flight returned to the departure gate before wheels-off time and departs a second time, the reportable gate departure time for purposes of this part is the last gate departure time before wheels-off time. In cases of a return to the gate after wheels-off time, the reportable gate departure time is the last gate departure time before the gate return. If passengers were boarded without the parking brake being set, the reportable gate departure time is the time that the last passenger door was closed. Also, the official "gate-departure time" may be based on aircraft movement for carriers using a Docking Guidance System (DGS). For example, one DGS records gate departure time when the aircraft moves more than 1 meter from the appropriate parking mark within 15 seconds. Fifteen seconds is then subtracted from the recorded time to obtain the appropriate "out" time.

Gate Return time: means the time that an aircraft that has left the boarding gate returns to a gate or other position at an airport for the purpose of allowing passengers the opportunity to disembark from the aircraft.

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Large hub airport: means an airport that accounts for at least 1.00 percent of the total enplanements in the United States.

Main aircraft door: means the door used for boarding. In situations in which there are multiple doors that can be used for boarding, the last door closed is the main aircraft door.

Medium hub airport: means an airport accounting for at least 0.25 percent but less than 1.00 percent of the total enplanements in the United States.

Non-hub airport: means an airport with 10,000 or more annual enplanements but less than 0.05 percent of the country's annual passenger boardings.

Small hub airport: means an airport accounting for at least 0.05 percent but less than 0.25 percent of the total enplanements in the United States.

Suitable disembarkation point: means a location at an airport where passengers can deplane from an aircraft.

Tarmac delay: means the period of time when an aircraft is on the ground with passengers and the passengers have no opportunity to deplane.