

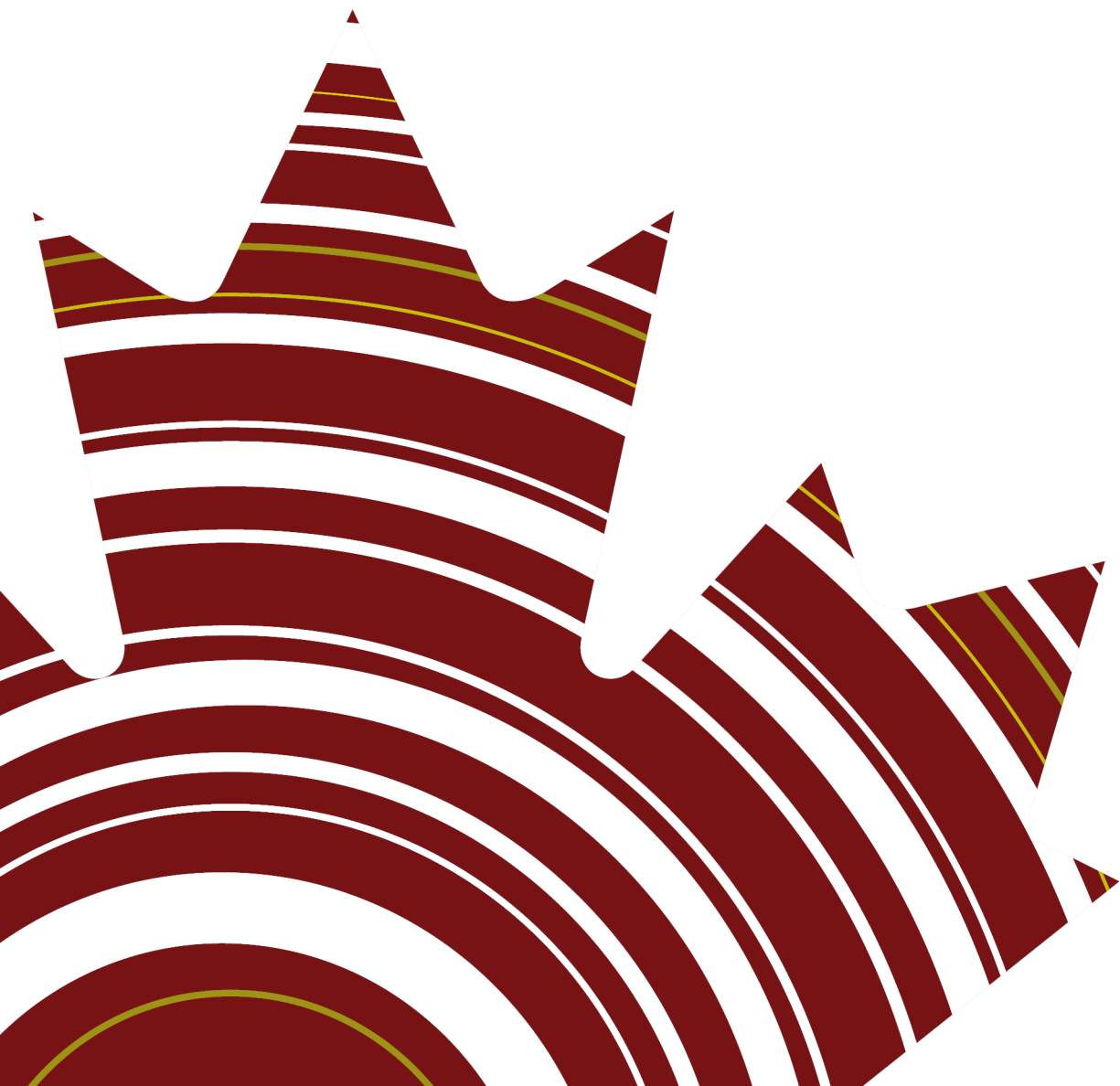


Canadian
Transportation
Agency

Office
des transports
du Canada

Tarmac Delay Standards of Treatment and Disembarkation: A Guide

Canadian Transportation Agency



Canada 

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This is not a legal document. The explanations and definitions it provides are for general guidance purposes only. Airline obligations related to denied boarding can be found in the [Air Passenger Protection Regulations](#) (APPR) and [Annex A](#) of this guide. In case of differences between this guide and legislation, regulations or CTA, the legislation, regulations and decisions prevail.

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[Alternate formats](#) are available. Une [version française](#) est aussi disponible.

1. Purpose

This is a guide explaining passenger rights and airline obligations during a tarmac delay. These apply to flights to, from and within Canada, including connecting flights. In the event of a tarmac delay, the airline operating the affected flight is responsible for meeting obligations to passengers. The guide covers:

- what a "tarmac delay" is;
- what airlines must do for passengers while they wait on board the aircraft;
- when and how airlines must allow passengers to disembark;
- what airlines must do for passengers after they disembark; and
- airlines' responsibilities for planning and coordination.

This guide also provides tips for managing common tarmac delay situations. These are meant to help both airlines and passengers understand what factors the Canadian Transportation Agency (CTA) would consider if a passenger complained to the CTA about a disrupted flight. The guide describes airlines' minimum obligations to passengers in the event of a tarmac delay. Airlines also have minimum obligations that apply to all flight delays, generally, and flight cancellations. These can be found in [*Flight Delays and Cancellations: A Guide*](#).

2. What is a tarmac delay?

A tarmac delay occurs when passengers are confined, with no immediate opportunity to disembark, to an aircraft that:

- is on the ground with its doors closed for take-off; or
- has just landed (wheels down).

Closed aircraft doors define a tarmac delay. An aircraft waiting at the gate with its doors open is not experiencing a tarmac delay. If an aircraft's departure is delayed and the doors are open, the situation would be considered a flight delay, not a tarmac delay. In

those cases, airlines have to follow their flight delay obligations. The obligations in this guide apply only to tarmac delays.

Passengers have specific rights in a tarmac delay situation. Airlines must provide them with certain amenities while they wait on board the aircraft. With some exceptions, once the tarmac delay has reached three hours, airlines must let passengers leave the aircraft. The sections below explain airlines' responsibilities at each of these points.

3. Treatment of seated passengers

Airlines must meet certain standards of treatment for passengers waiting on board the aircraft, regardless of the location. This obligation begins as soon as the aircraft doors close or as soon as the wheels of the aircraft touch down upon arrival. It lasts until passengers are provided the opportunity to leave the aircraft.

The following are the amenities airlines must provide free of charge, regardless of where the tarmac delay occurs.

Communications

Airlines must allow passengers the opportunity to communicate with people outside the aircraft free of charge, if feasible. To meet this obligation, an airline could, for example, allow the use of mobile devices or give passengers access to the aircraft's Wi-Fi system. It is recognized that safety requirements may prevent the use of communication devices in certain situations.

Food and drink

Airlines must ensure that passengers are cared for and that their basic needs for food and drink are met. This means providing reasonable quantities of food and drink. In many cases, serving water and a snack (like a granola bar) could meet the food and drink obligation for a three-hour tarmac delay.

Airlines should:

- plan to have appropriate provisions on board the aircraft; or

- ensure provisions can be obtained through their ground handling or catering services.

Airlines should take into account the following factors when determining the quantity of food and drink to provide:

- **Length of delay/time of day:** The length of the delay and the time of day should be considered when determining when to provide food and in what quantities. For example, it would be reasonable to expect greater quantities of food at typical meal times and after waiting on the tarmac for a long period of time.
- **Location of airport:** The location of the delay may affect the availability and range of food and drink options (e.g., Canada's North and remote areas).
- **Pilot discretion:** The pilot in command is responsible for the safe operation of the flight. The pilot or crew would not be expected to contravene safety requirements (e.g., Canadian Aviation Regulations or standards) in order to provide food and drink. If providing food and drink service would jeopardize the safety of passengers, crew or persons delivering food and drinks to the aircraft, the pilot may decide to defer or not permit these services. Food service should commence or be resumed as soon as it is safe to do so.

Pilot discretion:

- Example 1: If an aircraft is moving in any way, this will restrict the crew's movement aboard the aircraft and therefore prevent food and drink from being offered.
- Example 2: If the pilot in command believes the flight may be able to take off shortly, the pilot may stop food and drink services due to time and safety restrictions.

If passengers must remain on the aircraft beyond three hours for safety or other reasons (discussed in Section IV), airlines should provide additional food and drink in reasonable quantities.

If an aircraft has lavatories, they must be in working order for passengers to remain on board. If passengers do not have access to a working lavatory, due to a malfunction, for example, the airline should promptly provide passengers the opportunity to disembark.

It is acknowledged that there are situations in which allowing lavatory access could jeopardize passenger safety. In these cases, the pilot may decide to restrict access (e.g., while the aircraft is moving or if passengers must remain seated to allow the crew to carry out their duties). This restriction should not be unreasonably lengthy and access should resume as soon as is feasible.

Heating, cooling, ventilation

Airlines must ensure that the cabin temperature is comfortable. If there is no proper ventilation and cooling or heating, the airline should promptly provide passengers the opportunity to disembark.

Medical assistance

If a passenger requires urgent medical assistance while the aircraft is delayed on the tarmac, the airline must help them get the medical assistance. The requirement to offer disembarkation after a three-hour tarmac day (discussed in Section IV) does not change an airline's obligation to allow passengers to disembark earlier for medical or disability-related reasons.

4. Allowing passengers to disembark

With some exceptions, once an aircraft is delayed on the tarmac at an airport **in Canada** for three hours, the airline must provide passengers an opportunity to disembark. Airlines' obligations during this stage of the delay, and the exceptions, are outlined below.

Exceptions

Airlines are not required to let passengers disembark at the three hour mark if takeoff is imminent **and** they can meet all required standards of treatment listed in Section III until take-off.

- "Takeoff is imminent" means it is the reasonable opinion of the pilot in command that takeoff will occur no later than 3 hours and 45 minutes after the start of the tarmac delay (i.e., when aircraft doors were closed).

Airlines are also not required to provide passengers the opportunity to disembark if they are prevented by reasons beyond their control (e.g., safety, security, air traffic control, or customs reasons). This would apply, for instance, if there is no safe means of disembarking available, such as airport gates or air stairs for disembarkation away from the air terminal. However, airlines must seek out all disembarking methods, even if this means procuring (e.g., renting) gates outside their normal allocation at that airport, or securing assistance from other ground handling agents if they are at an airport where they do not have regular contracted staff in place.

Airlines should make reasonable efforts, including working with other parties at the airport, to return to the gate and disembark promptly. Prior to the three-hour mark, if it is clear that take-off will not occur within the timeline noted above, airlines are encouraged to examine options to disembark passengers earlier than this time limit.

Airlines must make sure all their resources are organized to allow passengers to disembark in a tarmac delay situation. This includes any staff at the airport contracted to support the airline's operations (e.g., ground handling staff). An airline would not be exempt from the disembarkation requirement if its contracted parties fail to perform their duties (for example, if employees of the contractor are not available to perform their duties due to a staffing shortage).

Disembarking order

If feasible, airlines should let passengers with disabilities leave the aircraft first if they wish, along with their support persons, service animals, or emotional support animals.

Passengers with disabilities should be consulted to determine whether they would like to disembark first.

If it is possible to let some but not all passengers disembark (for example, because of capacity limitations of the airport holding area), the airline should make that offer and allow as many passengers as feasible off the plane. Airlines should also determine a set of reasonable criteria for deciding which passengers will disembark in such circumstances. These criteria should give priority to passengers with a disability that results in difficulties for that passenger during an extended tarmac delay.

5. Planning and coordination

Airlines are encouraged to have plans related to tarmac delays, to help minimize these delays and manage their effects on passengers. These plans should set out how the airline will meet the standard of treatment during the tarmac delay.

It is also airlines' responsibility to coordinate their planning with third parties who may be affected by, or play a role in, a tarmac delay. This includes airport authorities, air traffic control (NAV Canada), government agencies like the Canada Border Services Agency and Canadian Air Transport Security Authority, and emergency services. Planning should include these or other relevant third parties for any airport in Canada that the airline serves, and its regular diversion airports in Canada. An airline's ability to fulfill parts of their plans may depend on the actions of the relevant third parties.

The airline and these third parties should work together and coordinate activities and roles to address tarmac delays when they occur. The airline's plan should reflect this division of responsibilities. In particular, the plan should address how the airport operator will, to the best of its ability:

- make it possible for passengers to disembark following a lengthy tarmac delay;
- provide for the sharing of facilities and make gates available in an emergency; and,
- provide a secure area for passengers who have not yet cleared Canadian Customs, following a lengthy tarmac delay.

6. Conclusion

Tarmac delays are undesirable events for all parties involved, including airlines. However, it is an airline's responsibility to ensure that, when a tarmac delay does occur, passengers are comfortable while they wait on board the aircraft and are given an opportunity to disembark as soon as possible.

Annex A: Legislative and regulatory references

Canada Transportation Act

86.11 (1) The Agency shall, after consulting with the Minister, make regulations in relation to flights to, from and within Canada, including connecting flights,

(f) respecting the carrier's obligations in the case of tarmac delays over three hours, including the obligation to provide timely information and assistance to passengers, as well as the minimum standards of treatment of passengers that the carrier is required to meet

Direction respecting tarmac delays of three hours or less

The Canadian Transportation Agency must make a regulation respecting a carrier's obligations towards passengers in the case of tarmac delays of three hours or less, including the obligation to provide timely information and assistance to passengers, as well as the minimum standards of treatment of passengers.

Air Passenger Protection Regulations

Tarmac delay obligations

8 (1) If a flight is delayed on the tarmac after the doors of the aircraft are closed for take-off or after the flight has landed, the carrier must provide passengers with the following, free of charge:

- (a) if the aircraft is equipped with lavatories, access to those lavatories in working order;
- (b) proper ventilation and cooling or heating of the aircraft;
- (c) if it is feasible to communicate with people outside of the aircraft, the means to do so; and

- (d) food and drink, in reasonable quantities, taking into account the length of the delay, the time of day and the location of the airport.

Urgent medical assistance

(2) If a passenger requires urgent medical assistance while the flight is delayed on the tarmac after the doors of the aircraft are closed for take-off or after the flight has landed, the carrier must facilitate access to that assistance.

Passenger disembarkation

9 (1) If a flight is delayed on the tarmac at an airport in Canada, the carrier must provide an opportunity for passengers to disembark

- (a) three hours after the aircraft doors have been closed for take-off; and
- (b) three hours after the flight has landed, or at any earlier time if it is feasible.

Take-off imminent

(2) However, a carrier is not required to provide an opportunity for passengers to disembark if it is likely that take-off will occur less than three hours and 45 minutes after the doors of the aircraft are closed for take-off or after the flight has landed and the carrier is able to continue to provide the standard of treatment referred to in section 8.

Priority disembarkation

(3) A carrier that allows passengers to disembark must, if feasible, give passengers with disabilities and their support person, service animal or emotional support animal, if any, the opportunity to disembark first.

Exceptions

(4) This section does not apply if providing an opportunity for passengers to disembark is not possible, including if it is not possible for reasons related to safety and security or to air traffic or customs control.