September 27, 2005

Federal Aviation Administration
Office of the Chief Counsel
Attn: Rules Docket
Docket No. FAA-2001-9483
800 Independence Avenue, SW
Washington, DC 20591

Docket No. FAA-2001-9483

Dear Sir or Madam:

On behalf of the Association of Flight Attendants-CWA (AFA), representing 46,000 flight attendants at 22 airlines, we would like to express our extreme disappointment in the Federal Aviation Administration’s (FAA) decision to withdraw the Advanced Notice of Proposed Rulemaking (ANPRM) regarding mandating the use of child restraint systems (CRS) in aircraft.

The reasoning for the withdrawal of the ANPRM is the same argument that the FAA has been using since 1990: that if the agency were to require the use of CRS then some families would choose to drive to their destinations rather than fly. The FAA continues to say that due to the fact that carriers will subsequently charge a fare for these seats and because injury and fatality rates in automobiles are higher than injury and fatality rates in aviation that there would be a net increase in transportation injuries and fatality rates. The FAA in their notice admits that there have been numerous critics of this fare and diversion argument.

AFA has been one of the critics of the FAA’s arguments for allowing children under the age of two to remain unrestrained on aircraft. As we have stated in the past, the FAA’s position is flawed because it is based on speculative assumptions. A National Transportation Safety Board (NTSB) report regarding diversion supports AFA’s concerns. An August 3, 2004 NTSB report analyzed data associated with diversion from air travel and the resulting effect in highway travel and the associated injuries and fatalities. The summary stated that in some cases relevant to a specific vehicle, trip, and driver types that there may be an increased accident risk but the risk was not specific to children under 5 years of age. The summary continued:

“In total, there does not appear to be a clearly defined relationship between diversion from air travel and highway accidents or injury. In fact, despite the acknowledged difference in relative risk between road and commercial airline travel in the United States, and the largest diversion from air travel in U.S. history during recent years, road fatalities and injuries to children under 5 years old have continued to decrease.”
In order to promote aviation safety AFA has for many years advocated the elimination of the rule allowing children under two years of age to be the only passengers allowed to be unrestrained during takeoff, landing, movement on the surface and during flight. The FAA too must recognize the safety concern of leaving these young travelers unrestrained otherwise they would not be strongly recommending that parents use the appropriate restraint on their child based on their size and age.

In serving the public interest, the FAA Administrator is under a duty to consider assigning, maintaining and enhancing aviation safety and security as the highest priorities in air commerce and regulating air commerce in a way that best promotes safety—49 USC 4010(d)(1) and (2). By withdrawing this ANPRM the FAA has failed to meet the duty mentioned above and gives the impression to parents that children under the age of two do not deserve the same safety precautions as other passengers.

Sincerely,

Candace K. Kolander
Association of Flight Attendants-CWA