



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

GENERAL COUNSEL

1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

October 2, 2020

Mr. Paul Hudson  
President, Flyers Rights Education Fund  
4411 Bee Ridge Road, # 274  
Sarasota, FL 34233

RE: Petition for Rulemaking (Docket DOT-OST-2020-0135)

Dear Mr. Hudson:

This letter responds to the petition for rulemaking dated August 4, 2020 that you filed on behalf of the Flyers Rights Education Fund in Docket DOT-OST-2020-0135.

The petition urges the U.S. Department of Transportation (Department) to issue an interim final rule mandating airlines and airport operators to require all persons to wear protective face masks or coverings at all times, with exceptions for eating or drinking, verification of identity, and operational reasons. The petition also requests that the interim final rule require airlines and airport operators to enforce the face mask mandate by either refusing to transport or removing from airport property any individual who does not wear a face mask after being informed of the mandate.

Pursuant to 49 CFR § 5.13(c), any person may file a petition with the Department to issue, amend, or repeal a rule. After considering the petition, I have determined that rulemaking is not warranted.

The Department shares the concerns expressed in the petition about the health of the traveling public, airline staff, and airport workers and has taken numerous steps to ensure that critical health and workplace protocols issued by the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) are observed in our air transportation system. Through an interagency effort with the Departments of Health and Human Services (HHS) and Homeland Security (DHS), the Department also issued comprehensive guidance on the use of face masks and other health risk mitigation measures for airports and airlines titled “Runway to Recovery: The United States Framework for Airlines and Airports to Mitigate the Public Health Risks of Coronavirus.” This detailed set of guidelines provides airports and airlines a risk-based approach for incorporating critical protections in the passenger air transportation system that is premised on CDC guidance. Specifically, the framework provides that airlines and airports should have face masks or coverings available for

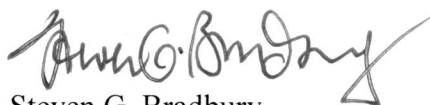
passengers and workers who do not have one and should mandate their use when maintaining the recommended six feet between persons for social distancing is not possible.

Further, airlines and airport operators have adopted policies requiring face mask for passengers and crew. All major U.S. air carriers and most others require the use of face masks.

The Department also embraces the notion that there should be no more regulations than necessary. We emphasize consideration of non-regulatory solutions and have rigorous processes in place for continual reassessment of existing regulations to ensure they remain cost-justified and narrowly tailored to address an identified market failure. At this time, the Department's view is that the measures discussed above, along with the ongoing efforts of key transportation stakeholders, are adequate to address the concerns identified in the petition without the initiation of a rulemaking process.

For these reasons, pursuant to the authority delegated at 49 CFR § 1.27, I deny the petition. The Department will continue to monitor relevant health and workplace guidelines issued by CDC and OSHA, and their incorporation by aviation transportation stakeholders, to help prevent the spread of the coronavirus disease 2019 (commonly known as COVID-19) and maintain health in the air transportation system.

Sincerely,



Steven G. Bradbury  
General Counsel

(and performing the duties and function of Deputy Secretary)