

Plaintiff's Exhibit 101



MY TRIPS

BOOK A TRIP

FLIGHT STATUS

CHECK IN

SIGN UP

LOG IN

CONFIRMATION # [REDACTED]

THANK YOU FOR TRAVELING WITH DELTA, LUCAS!

Your booking is complete. We'll send you an email shortly to LEWNWDC77-AIRLINES@YAHOO.COM with your receipt and itinerary details.

Orlando, FL to Washington-Reagan National, DC

Total Trip Cost (USD) \$160.40

Flight confirmation # [REDACTED] - Sat, 17 Jul 2021

MULTI CITY | 1 PASSENGER

GET TRIP NOTIFICATIONS

WHAT'S NEXT

- Visit My Trips to access your itinerary, see receipts, and manage your flights
- Also in My Trips, purchase insurance, hotel stays, car rentals, or Trip Extras like Wi-Fi and Priority Boarding
- On international tickets, you may be entitled to a refund of some government taxes or fees. If you believe you qualify for a refund, please submit a request [online](#) or see our [Refunds FAQs](#) for other ways to do so.

SAT  
17  
JUL

MCO

FRA

2:00 PM08:55 AM

ARRIVES NEXT DAY

DL 2303, DL 14

12h 55m | 1 STOP

Main Cabin (L) |  
Main Cabin (L)  
Changeable / Refundable

Delta Air Lines Baggage Information

Details

DEPARTS

Sat, 17 Jul | 2:00 PM from Orlando Intl (MCO)

ARRIVES

Sat, 17 Jul | 3:42 PM at Hartsfield-Jackson Atlanta Intl (ATL)

FLIGHT

DL 2303 | 1h 42m

AIRCRAFT

Boeing 757 | Meal Services

2h 19m Layover in Atlanta , GA | You change planes in ATL

PRICE SUMMARY PER PASSENGER

Original Flight Value

\$2,127.25

Change Fee

- 0.00

Available eCredit

\$2,127.25

New Flight

-\$2,287.65

Total Price Per Passenger

\$160.40

SAT  
24  
JUL

FRA

DCA

11:30 AM7:40 PM

DL 15, DL 2174

14h 10m | 1 STOP

Main Cabin (T) |  
Main Cabin (T)  
Changeable / Refundable

Delta Air Lines Baggage Information

Details

DEPARTS

Sat, 24 Jul | 11:30 AM from Frankfurt Rhein Main Intl Arpt (FRA)

ARRIVES

Sat, 24 Jul | 3:30 PM at Hartsfield-Jackson Atlanta Intl (ATL)

FLIGHT

DL 15 | 10h 0m

AIRCRAFT

Airbus A330-300 | Meal Services

2h 15m Layover in Atlanta , GA | You change planes in ATL

Total Price (1 passenger) (USD)

\$160.40

DEPARTS Sat, 24 Jul | 5:45 PM from Hartsfield-Jackson Atlanta Intl (ATL)  
ARRIVES Sat, 24 Jul | 7:40 PM at Ronald Reagan Washington National Arpt (DCA)  
FLIGHT DL 2174 | 1h 55m  
AIRCRAFT Airbus A321 | Meal Services

Thank you for being a valued customer. The fees below are based on general passenger information. If you qualify for free or discounted checked baggage, this will be taken into account when you check in.

PASSENGERS, SEATS & EXTRAS					
		Seats	Extras	Special Services	
1	LUCAS WALL				Seats \$0.00
	MCO ▶ ATL		39D		Extras \$0.00
	ATL ▶ FRA	FREE FIRST \$100 SECOND	30B		
	FRA ▶ ATL		41G		
	ATL ▶ DCA	FREE FIRST \$100 SECOND	23C		
<sup>1</sup> On Delta operated flights, you may carry on one bag and a small personal item at no charge. Carry-on allowances may differ and fees may apply for flights operated by carriers other than Delta. Contact the operating carrier for detailed carry-on limitations and charges.  IMPORTANT: Visit <a href="https://www.delta.com">delta.com</a> for details on <b>baggage embargoes</b> that may apply to your itinerary.					All Seats & Extras Subtotal \$0.00

PAYMENT			
CARD TYPE	CARD HOLDER	CARD NUMBER	Amount Charged (USD)
MasterCard	Lucas Wall	*****7555	\$160.40

TERMS AND CONDITIONS
General Conditions of Purchase
You agree to accept all <b>Fare Rules</b> for each flight, all <b>Trip Extras Terms &amp; Conditions</b> , and all terms in Delta's applicable <b>Contract of Carriage</b> . Once your ticket is purchased, <b>Risk-Free Cancellation</b> may apply. No contract exists until you receive confirmation that payment was received and processed.
View <b>Fare Rules, Change &amp; Cancellation Policies</b> . This ticket is <b>changeable/ refundable</b> . Fees may apply. Failure to appear for any flight without notice to Delta will result in cancellation of your remaining reservation.
The advertised price is not an offer and is subject to change. All prices are (USD) unless otherwise noted. You may see separate transactions to your credit card based on the vendors and the products you are purchasing. Amounts may vary dependant on the rate of exchange at time of transaction.
In-Flight services and amenities may vary and are <b>subject to change</b> .
BAGGAGE ALLOWANCE
Final baggage fees will be assessed and charged at time of check in. <b>Baggage fees</b> may change based on the class of service or frequent flyer status.

## Plaintiffs' Exhibit 102

HOME MAIL NEWS FINANCE SPORTS ENTERTAINMENT LIFE SHOPPING YAHOO PLU Upgrade to Yahoo Mail Plus

Find messages, documents, photos or people

Compose

← Back ↩ ⏮ ⏭ ➡ Archive Move Delete Spam ...

**Inbox** 999+

Unread  
Starred  
Drafts  
Sent  
Archive  
Spam  
Trash  
^ Less

Views Show

Folders Hide

+ New Folder

00 -- Mask La...  
01 -- Facebook ... 5  
1A -- Print Me 74  
1B -- TO DO 45  
1C -- Read 240  
2010 Inbox  
2011 Inbox  
2012 Inbox 13  
2013 Inbox 135  
2014 Inbox 86  
2015 Inbox 101  
2016 Inbox 456  
2017 Inbox 999+  
2018 Inbox 999+  
2019 Inbox 609  
A4A SmartBr... 999+  
AAA  
AASHTO Co...  
AASHTO Jour... 345  
Adobe  
Agoda 1  
Air BNB 1  
Airlineroute 858  
Amazon 4  
American Exp... 135  
Amtrak  
Anna Aero 413  
Apartment 20  
ASU 10  
Atlantis 162  
Aviation Week 36


• Your MCO > FRA Trip Details

Delta Air Lines <deltaairlines@t.delta.com>  
To: lewnwdc77-airlines@yahoo.com

Wed, Jul 14 at 1:29 PM

[View as a Web Page](#)

**DELTA**

 **YOU'RE AT THE CENTER OF EVERYTHING WE DO.**  
See how we've added layers of protection for you and your travel plans with the Delta CareStandard™ >

**DEPARTURE**  
**MCO**  
2:00 PM Sat, Jul 17 DL2303

**ATL 6:01 PM DL14**

**DESTINATION**  
**FRA**  
8:55 AM Sun, Jul 18

**CONFIRMATION #: H8O9NX**

**Government-Issued COVID-19 Travel Requirements**  
Several countries/states have issued travel mandates that may affect your trip. We strongly encourage all customers to review the [COVID-19 Travel Requirements](#) before arriving at the airport. You may check your eligibility to change or cancel your flight [here](#).

**Masks Required For Everyone's Safety**  
It's Delta's policy and federal law that all employees and customers wear masks during boarding and deplaning, while in the airport and during public transit. Customers requiring exemptions for not wearing face masks due to a disability should be prepared to complete a clearance to fly process prior to departure at the airport. [Learn More »](#)

Aviation Week 36

Barnes and N...

Bicycling 110

Bios

Bitly

Blinds to Go 4

Bluehost

Bocce

Camera-GoPr...

Canon

Capitals

Cats 34

Catsitting Exc...

Celebrity Crui...

Cellphone

Clear

Cloud Storage

Comcast

Computer Setup 6

Continental A... 168

CPAP

CTA

CTA Members 948

DC Center 145

Dell 2

DirectTV 1

## Get Ready To Go



### Arrive On Time

Plan to arrive at MCO at least 3 hours before your scheduled departure time.

[See Details >](#)



### Get The Fly Delta App For A Touchless Experience

Access your digital boarding pass, flight status alerts, message Delta for help, track bags and more. [Download Now >](#)



## Travel With Ease

1

### Get Connected In The Air

Stay on top of it all with onboard Wi-Fi and Free Messaging.

[See How >](#)

2

### Calculate your Baggage Estimate

Use the baggage calculator to get an estimate of the baggage allowance and fees for your upcoming trip. Visit the [My Trips](#) page and select an upcoming trip.

3

### Food & Beverage Offerings

Enjoy a new selection of snacks and beverages, now available.



HOME MAIL NEWS FINANCE SPORTS ENTERTAINMENT LIFE SHOPPING YAHOO PLU Upgrade to Yahoo Mail Plus

Find messages, documents, photos or people

home


Compose

← Back ↩️ ↪️ → Archive Move Delete Spam ...

It's Time To Check In Yahoo/Inbox


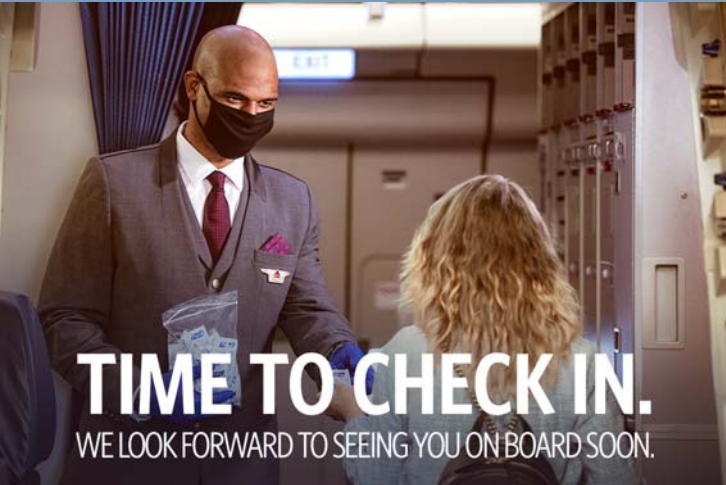
**Delta Air Lines** <deltaairlines@t.delta.com>  
To: lewnwdc77-airlines@yahoo.com

Fri, Jul 16 at 2:02 PM



**Hello, Lucas**

**Confirmation # : H8O9NX**

**TIME TO CHECK IN.**  
WE LOOK FORWARD TO SEEING YOU ON BOARD SOON.

**CHECK IN ONLINE >**

Your flight on Saturday, July 17 is available for check-in.

**Confirm You're Healthy To Fly**  
When you check-in, we'll ask you commit to wearing a mask throughout your trip – even if you are vaccinated – and acknowledge that you have not experienced symptoms, been exposed to or tested positive for COVID-19 in the past 10 days.  
[More Information >](#)

[Learn more](#) about the steps we are taking to provide you with the safest experience.

**Inbox 999+**

Unread  
Starred  
Drafts  
Sent  
Archive  
Spam  
Trash  
^ Less

Views Show

Folders Hide

+ New Folder

00 -- Mask La...  
01 -- Facebook ... 5  
1A -- Print Me 74  
1B -- TO DO 45  
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2010 Inbox  
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2012 Inbox 13  
2013 Inbox 135  
2014 Inbox 86  
2015 Inbox 101  
2016 Inbox 456  
2017 Inbox 999+  
2018 Inbox 999+  
2019 Inbox 609  
A4A SmartBr... 999+  
AAA  
AASHTO Co...  
AASHTO Jour... 345  
Adobe  
Agoda 1  
Air BNB 1  
Airlineroute 858  
Amazon 4  
American Exp... 135  
Amtrak  
Anna Aero 413  
Apartment 20  
ASU 10  
Atlantis 162  
Aviation Week 36

Aviation Week 36



Barnes and N...

Bicycling 110

Bios

Bitly

Blinds to Go 4

Bluehost

Bocce



Camera-GoPr...

Canon

Capitals

Cats 34

Catsitting Exc...

Celebrity Crui...

Cellphone

Clear

Cloud Storage

Comcast

Computer Setup 6

Continental A... 168

CPAP

CTA

CTA Members 948



Dell 2

DirectTV 1

## YOUR PRE-TRIP CHECKLIST FOR EASIER TRAVEL:

**JOIN SKYMILES®** - start earning miles that don't expire and can take you to more than 1,000 destinations. In addition, receive important information about your trip whenever you fly. [Join Today For Free >](#)

**DOWNLOAD THE FLY DELTA APP** – during this time, flight schedules can change quickly, so we strongly encourage you to download the Fly Delta app before you leave for the airport. With real-time push notifications sent to your mobile device, you'll never miss an update, and you can easily check your flight status under the "My Trips" tab. [Download Now >](#)

**CALCULATE YOUR BAGGAGE ESTIMATE** – use the baggage calculator to get an estimate of the baggage allowance and fees for you upcoming trip. Visit the [My Trips](#) page and select an upcoming trip.

**VISIT OUR HELP CENTER PAGE** – get all your travel questions answered with information on self-service tools, baggage, SkyMiles, and more. [Visit Now >](#)

Have a great trip, and thank you for choosing Delta.

## Trip One

Saturday July 17	DEPART	ARRIVE	SEAT
Delta 2303	Orlando, Florida 2:00 pm	Atlanta, Georgia 3:42 pm	39D
Delta 14	Atlanta, Georgia 6:01 pm	Frankfurt** 8:55 am on July 18	30B

## Trip Two

Saturday July 24	DEPART	ARRIVE	SEAT
Delta 15	Frankfurt 11:30 am	Atlanta, Georgia 3:30 pm	41G
Delta 2174	Atlanta, Georgia 5:45 pm	Ronald Reagan Washington Natl,	23C

FB Photos -- T... 11  
 FB Photos -- Ti... 1  
 FlightAware 261  
 [REDACTED]  
 For Rent  
 For Sale  
 Freelancing  
 Give Away  
 GoPro  
 Green Party 88  
 Groupon  
 Guardian VSP  
 Hertz Rental ...  
 Hetlizio  
 Hilton  
 Hilton Honors 149  
 Hold  
 Holly Gatheri...  
 Hotel Coupons  
 Hotwire  
 HPAP

#### **MASKS REQUIRED FOR EVERYONE'S SAFETY**

It's Delta policy and federal law that customers and employees wear a mask throughout the airport and during their flight. Federal law requires each person to wear a mask at all times throughout flight, including during boarding and deplaning, while in the airport and during public transit. Refusal to wear a mask is a violation of federal law and may result in denial of boarding, removal from the aircraft, and/or penalties under federal law. If wearing oxygen masks is needed because of loss of cabin pressure or other events affecting aircraft ventilation, masks should be removed to accommodate oxygen masks. Customers requiring exemptions for not wearing face coverings or masks due to a disability should be prepared to complete a clearance to fly process prior to departure at the airport. [Learn More >](#)

#### **THE DELTA SKY CLUB® EXPERIENCE FOR GUESTS WITH ACCESS**

A majority of our Delta Sky Club® network remains open. Keeping your safety top of mind, we are focused on the Delta CareStandard<sup>SM</sup> which includes keeping surfaces clean, disinfected, and offering personal care along with seasonal food selections and our full premium bar program. Many of our partner and third-party lounges are experiencing operational changes and their hours may vary during this time. To find an open Club and see all the ways we are working to keep you safe, [click here](#).

#### **RESTRICTED HAZARDOUS ITEMS**

As a reminder, firearms, loaded or unloaded, are not permitted through TSA security checkpoints. For more information on the transport of firearms, firearms part and ammunition [click here](#).

Plaintiffs' Exhibit 103



**YOU'RE AT THE CENTER OF EVERYTHING WE DO.**

See how we've added layers of protection and flexibility with the Delta CareStandard<sup>SM</sup>. >

**WE'VE GOT YOU COVERED.**

On your upcoming trip, get ready to experience  
a new standard of care.



 **DELTA**  
**CARESTANDARD<sup>SM</sup>**

We're here to help you prepare for your trip, so you'll know what to expect.

**Preparing for Your Trip**

**What To Expect On Your Trip**

---

1

### At the Airport

Providing a safer experience starts when you arrive **at the airport**. All customers and employees are required to wear face masks, and hand sanitizer dispensers have been added near high-touch locations. **At the gate**, the **Fly Delta app** can be used to scan your boarding pass for touchless boarding.

2

### On Board

**At boarding**, you will be offered a PURELL® sanitizing wipe and sanitizer stations will be available near our lavatories.

3

### In-Flight Offerings

Enjoy a **new selection** of premium beverages, including mini soda cans, coffee, and more. Don't forget to pair your favorite beverage with our refreshed snack selection and **please remember to keep your mask on between bites and sips**. To reduce touchpoints, we will have contactless payment options available.

## How You Can Help Create A Safer Experience

---



### Wear a Mask

It's Delta's policy and federal law that all employees and customers wear masks during boarding and deplaning, while in the airport and during public transit. Customers requiring exemptions for not wearing face masks due to a disability should be prepared to complete a clearance to fly process prior to departure at the airport. [Learn More >](#)



### Review Regional Travel Requirements

Check your destination's entry requirements before arriving at the airport as several states and countries have issued travel mandates that may affect your trip. Visit our interactive map to be prepared. [Learn More >](#)



### Use the App

For a touchless experience, download the [Fly Delta app](#) to stay updated on your flight and for digital access to your boarding pass.



### Confirm You're Healthy To Fly

When you check-in, we'll ask you commit to wearing a mask throughout your trip – even if you are vaccinated – and acknowledge that you have not experienced symptoms, been exposed to or tested positive for COVID-19 in the past 10 days. [Learn More >](#)

## Need Additional Help or Information?

Visit our [Travel Planning Center](#) for the latest updates or [Message Us directly](#) for information and support.

## Let Us Know

We love hearing from you.  
How helpful was this message?



## Plaintiffs' Exhibit 104

HOME MAIL NEWS FINANCE SPORTS ENTERTAINMENT LIFE SHOPPING YAHOO PLU... MORE Upgrade to Yahoo Mail Plus

Find messages, documents, photos or people



home

Compose



Inbox

999+

Unread

Starred

Drafts

Sent

Archive

Spam

Trash

Less

Views

Show

Folders

Hide

New Folder

00 -- Mask Law... 9

01 -- Facebook ... 5

1A -- Print Me 74

1B -- TO DO 45

1C -- Read 240

2010 Inbox

2011 Inbox

2012 Inbox 13

2013 Inbox 135

2014 Inbox 86

2015 Inbox 101

2016 Inbox 456

2017 Inbox 999+

2018 Inbox 999+

2019 Inbox 609

A4A SmartBr... 999+

AAA

AASHTO Co...

AASHTO Jour... 345

Adobe

Agoda 1

Air BNB 1

Airlineroute 858

Amazon 4

American Exp... 135

Amtrak

Anna Aero 413

Apartment 20

ASU 10

Atlantis 162

Aviation Week 36

Don't Forget Your Bags

Yahoo/Inbox



Spirit Airlines <booking@fly.spirit-airlines.com>  
To: lewnwdc77-airlines@yahoo.com

Sat, Jun 19 at 11:16 AM

PURCHASE NOW TO SAVE

**spirit**

HOTEL

CAR

TRIPS

PARTNERS

Regardless of local or state ordinances, airlines and airports remain subject to federal law requiring Guests to wear an appropriate face covering at airports and on flights. Children under the age of 2 years old are exempt. There may be other limited exceptions for a Guest who meets certain criteria. Please [click here](#) to view the full Face Covering Policy.

Confirmation Number:  
**QYSUWY**

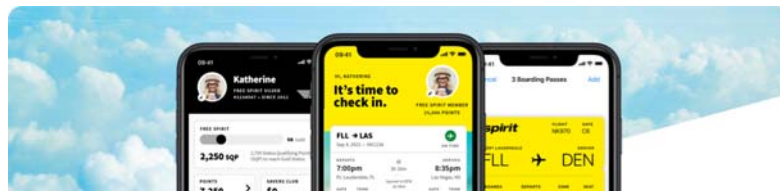
Departing MYR  
**Myrtle Beach, SC**  
7/3/21 7:05 AM



Arriving BWI  
**Baltimore, MD**  
7/3/21 8:30 AM

**MODIFY ITINERARY >****Hi Spirit Guest,**

We look forward to welcoming you onboard soon. We noticed you haven't purchased any bags for your flight. If you're planning on bringing a carry-on or checked bag – purchasing now will help you not only save time at the airport but maximize your savings.

**ADD BAGS**

# Cancel Reservation

**Confirmation Code**  
**QYSUWY**

You will be charged the applicable cancellation fee and any remaining value will be refunded to the original form of payment.

As a thank you for cancelling the reservation in advance, we would like to provide each customer a voucher in an amount up to \$10 per one way (maximum \$20) to be used for a future booking. Voucher numbers will be provided after the cancellation is confirmed

## Reservation Summary

**TOTAL CREDIT** **\$0.00** ^

FLIGHT	<b>\$37.59</b> ✓
CANCELLATION FEES	-\$14.60 ✓
NON-REFUNDABLE CARRIER FEES	-\$22.99 ✓

## Credit Summary

Type	Valid Thru	Amount
Voucher Credit	Aug 21, 2021	\$10.00

**CANCEL RESERVATION**

**DO NOT CANCEL RESERVATION**



# Cancel Confirmation

**Confirmation Code**  
**QYSUWY**

Your reservation has been cancelled and refunded to the original form of payment as shown below, and an email with details has been sent to:lewnwdc77-airlines@yahoo.com

## Credit Summary

Number	Type	Valid Thru	Amount
	Voucher Credit	Aug 21, 2021	\$10.00

**CONTINUE TO HOMEPAGE**

## Plaintiffs' Exhibit 106

Confirmation Code:



## Traveler

Lucas Wall

E-Ticket: [REDACTED]

MP#: Not available

Seats: IAD-SEA 25E

SEA-IAD 28B

## Flight

Alaska 1032

## Departs

Washington, DC-Dulles (IAD)

Wed, Jul 28

7:45 am

## Arrives

Seattle (SEA)

Wed, Jul 28

10:33 am

Main (Y) |

Nonstop

Distance: 2,299 mi |

Duration: 5h 48m

Alaska 1078

Seattle (SEA)

Wed, Aug 4

8:26 am

Washington, DC-Dulles (IAD)

Wed, Aug 4

4:35 pm

Main (Y) |

Nonstop

Distance: 2,299 mi |

Duration: 5h 9m

## Flight Total for 1 passenger

The MasterCard ending with \*\*\*\*\*7555 has been charged a total of USD \$5.20.

## Airfare for Lucas Wall:

New Purchase	\$1,598.00
Previous Purchase	-\$1,592.80
Amount charged:	\$5.20

New ticket total per passenger	\$1,598.00
Fare	\$1,459.72
Base fare	\$1,459.72
Taxes and fees	\$138.28
United States Flight Segment Tax	
Domestic	\$8.60
US psgr. facility charge	\$9.00
US Sept. 11 security fee	\$11.20
US transportation tax	\$109.48

Each ticket will be a separate charge on your credit card statement.

For additional assistance with your reservation, call us at 1-800-252-7522 for assistance.

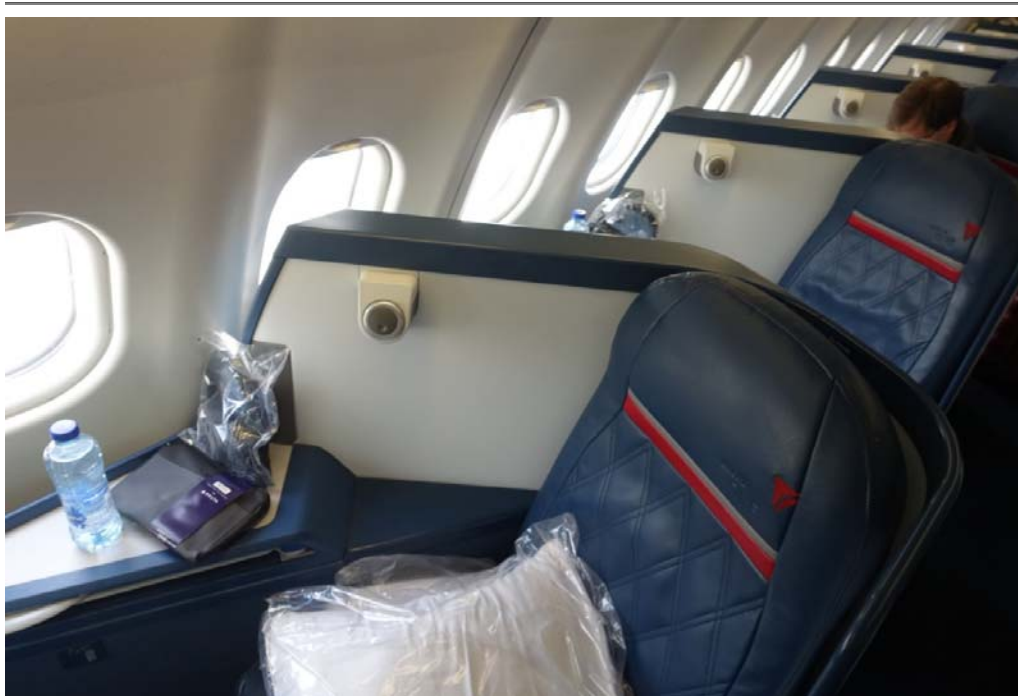
Plaintiffs' Exhibit 107

[travelsort.com](https://travelsort.com)

## United, AA, Delta, JetBlue Require Face Masks for Passengers

3-4 minutes

5-1-20



**United, American Airlines and Delta are Joining JetBlue in Requiring Passengers to Wear Face Masks** on Flights Effective May 4 (May 11 for AA). JetBlue was the first U.S. airline to require passengers to don face masks during flights, announcing the measure on April 27, for flights starting on May 4, 2020.

Now American Airlines, Delta, Frontier and United Airlines have all also instituted the requirement to wear a face mask on board the flight, and most are also encouraging passengers to wear a face mask while at the airport as well, in line with [CDC guidance](#) to wear face coverings in public where social distancing is difficult to maintain.

The good news is that, compared to other public transit options such as trains and buses, or even leisure transport such as cruise ships, most aircraft have high efficiency air particulate (HEPA) filters that remove over 99.9% of particles, including bacteria viruses,

with all cabin air changed every 3-5 minutes. And currently most people are wisely avoiding any nonessential flights.

Closely packed seats, especially in the main cabin, however, are antithetical to social distancing, so it's great that U.S. airlines are finally adopting these measures for passengers, in addition to crew members. After all, face masks are primarily about protecting others from the wearer, which is important given the ease of COVID-19 transmission, including by those who are asymptomatic or have very mild symptoms.

#### **Delta Requires Face Masks for All Passengers Starting May 4**

- Starting May 4, face masks will be required not only on Delta flights, but also in the check-in lobby, Delta SkyClubs, boarding gate, and jetway
- **Only exceptions are for meal service and young children**

#### **American Requires Face Masks for All Passengers Starting May 11**

- Passengers will be required to wear face masks on all AA flights starting May 11
- Only exceptions are for young children and those with medical conditions that prevent them from wearing a face covering

#### **JetBlue Requires Face Masks for All Passengers Starting May 4**

- Starting May 4, JetBlue will require passengers to wear a face covering over their nose and mouth throughout their journey, including during check-in, boarding, while in flight and deplaning.
- **Exempt: Small children who are not able to maintain a face covering**

#### **Recommended Posts**

[New York Requires Masks in Public](#)

[Earn Frequent Flyer Miles During Coronavirus Without Flying](#)

[Review: Delta One A330 Paris to NYC](#)

[Coronavirus: Tips for Staying Healthy \(and Sane\)](#)

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**[Become a TravelSort Client](#) and **Book 5-Star Hotels with Virtuoso or Four Seasons Preferred Partner Benefits****

Plaintiffs' Exhibit 108

[abcnews.go.com](https://abcnews.go.com)

## Airlines under scrutiny over mask policies as parents with toddlers get kicked off flights

*Mina Kaji*

4-5 minutes

---

"Should I tie her hands, what should I do?" one mom asked a flight attendant.

Rachel Davis was brought to tears last week as she pleaded with American Airlines gate agents after [getting booted from a flight](#) because her 2-year-old son would not wear a mask.

"What do you want me to do -- duct tape his face?" she asked. "He's 2 years old, he doesn't get it!"

Davis called it her lowest point as a mother, and she's not alone. Her story is just the most recent to surface as [airlines](#) grapple with how to handle child mask requirements.

In late July, major U.S. airlines started revising their policies from "young children" being exempt from wearing masks to "all children age 2 and up" being required to wear a face covering in order to fly.

Over the last two months, at least five mothers have struggled to get their toddlers to keep their masks on after boarding their plane, and were subsequently removed from their flight.

Chaya Bruck was traveling with her six children in August when they were [all kicked off of a JetBlue Airways flight](#) after her 2-year-old daughter refused to wear a mask.

"Should I tie her hands, what should I do?" Bruck asked the JetBlue flight attendant.

These incidents have inspired a Change.org petition calling for the airlines to increase their minimum age requirement for mask use, but the carriers say their policies align with U.S. Centers for Disease Control and Prevention guidelines that any child over the age of two should wear a mask.

The World Health Organization, on the other hand, says children aged five years and under should not be required to wear masks.

"The exact age is somewhat arbitrary," Dave Harrison, M.D., a pediatric cardiology fellow and ABC News contributor said. "The idea is that everyone should wear a mask to minimize spread, but it's all about safety first. The recommended age is based on a child's ability to

remove the mask by themselves in an emergency situation."

Harrison explained that there is currently no evidence that a child that's age 5 versus age 2 has any difference in risk associated with COVID-19 severity.

But there is a difference in behavior.

"Having had two children go through that phase, I can tell you it's no easy feat to get them to do anything that they don't want to do," said Heather Greenwood Davis, contributing editor at National Geographic Traveler. "Kids at that age vary in temperament from day to day, hour to hour. Any expectation that a 2-year-old will follow any rule has to be tempered with the reality that kids at that age are prone to testing boundaries."

Greenwood Davis said experts she's spoken to have suggested letting kids choose their own masks, talking to kids about how great it is that they are helping keep everyone safe, and gradually increasing the amount of time that they have the mask on at home as ways [to make a potential future trip easier](#).

"There has to be a way that airlines can adjust procedures to make sure that parents and kids have enough time and space to adopt safe procedures," Greenwood Davis said. "We're all going to have to work together to get through this."

A flight attendant who wished to remain anonymous told ABC News they are trained to first try to calm the situation and then call for a customer service manager.

Charles Leocha, president and cofounder of the Washington, D.C., consumer advocacy group Travelers Unite, thinks flight attendants should be given some sort of leeway for children between the ages of 2 and 5.

"Someone could be just having a bad day," Leocha said. "The kids are upset. Maybe their diaper's unchanged. I mean there's a whole bunch of reasons that there could be for not wanting to wear a mask. And I think that at some point we have to have some common sense coming into this situation, especially when you've got mothers and families traveling together, and you're saying everybody has to go."

Leocha suggested airlines could try creating more space between young children and other passengers.

"Given the fact that most of the flights are not packed with every single seat filled, there's always a way that you can get a small kid into an area of the plane where they're not really going to be right in someone's face," Leocha said.

*ABC News' Amanda Maile contributed to this report.*



# **LEGAL NOTICE**

To the Person in Charge of this Establishment

As the person responsible for the operation and management of this place of public accommodation, YOU are criminally and civilly liable for the activities that you allow or prohibit on these premises – regardless of whether you own this establishment or not.

YOU ARE HEREBY NOTIFIED THAT:

- (1) **It is UNLAWFUL for you or another employee to require someone to wear a mask.** Even if you are a licensed medical doctor who has examined the patron and you have determined that person to be physically fit enough to restrict their breathing while on your premises, the person still has the right to choose whether to wear a mask or not. **Recommending that someone wear a mask, which is designated by the FDA as a “medical device” is the unlicensed practice of medicine,** which is a violation of **California Business and Professions Code 2052.**
- (2) **It is UNLAWFUL for you or another employee to take someone’s temperature.** Gathering vital statistics is a **violation of the 4<sup>th</sup> Amendment**, which protects a person’s right to privacy. Violation of this protection will result in your actions being report to the U.S. Department of Justice, which is required by law to investigate Civil Rights Violations.
- (3) **It is UNLAWFUL for you to require proof of vaccination as a condition of entry to this establishment.** State and federal non-discrimination laws protect **FREE AND EQUAL ACCESS** regardless of my medical condition, which I do not need to disclose to you.
- (4) **It is UNLAWFUL for you or another employee to attempt to enforce local ordinances.** You are not a law enforcement officer and impersonating a law enforcement officer is a crime in this state under **California Penal Code 538(d) PC**: Impersonating a peace officer carries the penalty of one year in jail and a \$2,000 fine. You will be reported to authorities for this violation.
- (5) **It is UNLAWFUL for you or another employee to prohibit someone to enter this establishment, which is a place of public accommodation. U.S. Federal Civil Rights Law, Title II requires free and equal access to all services and facilities WITHOUT DISCRIMINATION.** Having someone else shop for them is not equal. Further, the non-discrimination laws in this State, under **California Civil Code 51** further prohibit you from preventing entry to the full enjoyment of this business establishment. Violation of these laws will result in you being served a **NOTICE OF DISCRIMINATION**, which can serve as the basis of a formal complaint against

you personally with the California Department of Justice and the U.S. Department of Justice, which is required by law to investigate civil rights violations.

- (6) **It is UNLAWFUL for you or another employee to block someone's entry to your establishment.** This is a place of public accommodation and as such, no person may be prevented entry when this establishment is open to the public. FALSE IMPRISONMENT is the "unlawful violation of the personal liberty of another." Attempting to prevent someone's entry to this establishment or to restrict, detain or confine their movement constitutes **FALSE IMPRISONMENT**, under **California Penal Code 236 PC**, which can be a felony and punishable up to three years in jail.
- (7) **Any claim of "store policy" or "no mask, no service" is NULL, VOID and UNLAWFUL** as no business may enforce policy that violates established law. This LEGAL NOTICE sets forth the previous five laws (and there may be more) which SUPERCEDE any claim to a "store policy". Any attempt to prohibit the "free and equal access to all services and facilities" of this business establishment will:
- a. Be reported to law enforcement as criminal charges of false imprisonment
  - b. Be reported to the U.S. Department of Justice as a violation of civil rights
  - c. Be reported to the LEGAL COUNSEL of this establishment
  - d. Be reported to the DISTRICT ATTORNEY of this jurisdiction for possible criminal charges.
- (8) **Neither you nor an employee may prevent the lawful entry of a patron – regardless of whether they are wearing a mask or not.** Attempting to prevent the entry of a patron to your business establishment, which is a place of public accommodation is a violation of an IMPLIED, IRREVOCABLE LICENSE that this business has granted to the public.
- (9) **Any attempt by you or an employee to summon law enforcement with a claim of "trespassing" will be reported as ASSAULT by you or your employee.** You or your employee can be charged with and convicted of assault in this state if no one is physically hurt by your behavior. There is **NO VALID CLAIM of TRESPASS** because:
- a. your business establishment is open to the public
  - b. this business has extended an irrevocable license to the public for entry
  - c. the patron has entered legally and has not interfered with the business
  - d. there has been no evidence of violation
- (10) **If you are wearing a mask while engaged in any of the above violations, this may aggravate your crime.** You or your employee can be charged with and convicted of assault in this state under code even if no one is physically hurt by your behavior.



## Plaintiffs' Exhibit 110

[hklaw.com](https://www.hklaw.com)

## Preventing Airline Liability for Spread of Communicable Diseases | Insights | Holland & Knight

*Judy R. Nemsick*

13-16 minutes

The international health scare triggered by Atlanta attorney Andrew Speaker, who earlier this year traveled on a series of international commercial flights from the United States to Europe for his wedding and honeymoon while infected with multidrug-resistant tuberculosis (MDR-TB),<sup>1</sup> has once again heightened the concerns about an outbreak of a serious communicable disease during air travel. Although Mr. Speaker was warned not to board any long-haul flights for his return travel (as health authorities believed at that time that he was infected with a more severe drug-resistant form of tuberculosis), he nonetheless flew home on commercial flights via Prague and Montreal, crossing the U.S. border by car. By traveling with tuberculosis, Mr. Speaker potentially exposed numerous passengers and crew members to his disease.

Transporting a passenger like Mr. Speaker raises concerns about the potential liability exposure of an airline in the event of an infectious disease outbreak. In addition to lawsuits for fear of exposure to and/or actual contraction of a communicable disease, airlines would likely face an increase in cancelled flights and denied boarding claims, along with an overall decrease in public air travel. Discussed below are some relevant international and federal regulations, potential bases for airline liability for outbreaks on domestic and international flights, and several suggested precautions for airlines to take to prevent or limit their liability exposure.

### International Regulations

Airlines are expected to comply with a new set of international health regulations (IHR (2005)) developed by the World Health Organization (WHO), which entered into force on June 15, 2007.<sup>2</sup> The International Air Transport Association, International Civil Aviation Organization and the U.S. Centers for Disease Control and Prevention all collaborated with WHO in developing these regulations and guidelines.

The new legal framework establishes rules for international coordination in the detection, investigation and response to diseases, including treatment, and sets forth special procedures addressing a public health emergency. The regulations seek to avoid unnecessary interference with international travel and trade, while at the same time strengthening global public health awareness and detection. Airlines also are expected to familiarize themselves with specific laws and regulations concerning infectious diseases in the countries in which they operate.

## Federal Regulations

Airlines often are faced with the difficult task of balancing the safety of their crew and passengers against the interests and rights of a passenger traveling with a communicable disease. For example, the Air Carrier Access Act (ACAA) prohibits airlines from discriminating against a passenger with a disability, which includes a person with a communicable disease or infection, in the provision of air transportation.<sup>3</sup> A carrier may deny boarding, require a medical certificate, or impose conditions on a passenger (such as wearing a mask) only in cases where a passenger with a communicable disease poses a “direct threat” to the safety and health of others.<sup>4</sup> In determining whether a passenger poses such a threat, the airline makes an “individualized assessment” by relying on current medical knowledge, the likelihood of potential harm to others, and whether reasonable procedures or modifications could mitigate the risk.<sup>5</sup>

The airline, however, must transport a passenger with a communicable disease or infection if he or she presents a medical certificate describing conditions or precautions that would prevent transmission and the airline can feasibly carry out these measures.<sup>6</sup> Airlines must be careful not to discriminate against passengers who have a communicable disease but do not necessarily pose a threat of transmission to other passengers.<sup>7</sup>

Airlines also must comply with the Federal Public Health Regulations, which concern the control of communicable disease and are intended to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into and within the United States. For example, airlines are required by these regulations to notify public health authorities of any death or ill person among passengers or crew, and may be penalized for failing to do so.<sup>8</sup> Proposed amendments to the regulations expand reporting requirements for ill passengers, require more detailed passenger contact information, and impose substantial penalties for violation of the federal quarantine rules and regulations (e.g., up to \$500,000 per event by an organization).<sup>9</sup>

## Potential Airline Liability: The Airline’s Duty of Care

Plaintiffs' Exhibit 111

[onemileatatime.com](https://onemileatatime.com)

## Airline Crews Told Not To Enforce Face Mask Policy | One Mile at a Time

4-5 minutes 5-13-20

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**Update:** [US airlines will start to enforce face mask policies as of mid-June.](#)

Within the past week major US airlines ([with the exception of Allegiant Air](#)) have introduced a policy requiring all passengers to wear face masks or some sort of face coverings on flights. While the messaging seems strong, [flight attendants and pilots are being told](#) that they shouldn't actually [enforce this rule](#).

- [Flight attendants told to inform, not enforce](#)
- [Why create policies that won't be enforced?](#)
- [Bottom line](#)

### Flight attendants told to inform, not enforce

The way the new policy works, airlines are allowed to deny boarding to those passengers not wearing face masks, but once passengers are onboard, it's a different story.

[Reuters](#) shares a memo that American Airlines sent to pilots, making it clear that once onboard the plane the face mask policy becomes more lenient. [The crew's role is to inform rather than to enforce.](#)

As the memo reads:

"Once on board and off the gate, the face covering policy becomes more lenient. The flight attendant's role is informational, not enforcement, with respect to the face covering policy.

Bottom line to the pilots: a passenger on board your aircraft who is being compliant with the exception of wearing a face covering is NOT considered disruptive enough to trigger a Threat Level 1 response."

In a separate memo to flight attendants, American Airlines said the following:

"If the customer chooses not to comply for other reasons, please encourage them to

comply, but do not escalate further.

Likewise, if a customer is frustrated by another customer's lack of face covering, please use situational awareness to de-escalate the situation."

Why create policies that won't be enforced?

I'm guessing there are a couple of reasons that US airlines are basically telling crews not to enforce the rules.

First of all, I can only imagine the endless diversions that would be caused by passengers not wearing masks. This is potentially yet another point of conflict on planes.

That being said, I suspect the bigger reason for this is liability. The major airlines have exceptions so that young children and those with medical issues don't have to wear masks.

Presumably the airlines would be opening themselves up to a lawsuit if they forced someone to put on a mask when they claim they have a medical condition.

For example, Alaska Airlines' statement regarding exceptions for wearing masks is interesting, making it clear that people don't have to disclose or prove the condition they have:

**If a guest is exempt, how should they notify Alaska Airlines?**

Guests are encouraged to communicate their exemption with an Alaska Airlines representative when they arrive at the airport. Note: In line with health privacy laws, guests are not required to disclose or prove their specific medical condition to airline employees and are asked to notify our airport staff upon boarding. Airport staff will inform the flight attendants of guests who have a medical exemption.

Understandably airlines want to avoid confrontations where passengers argue they were humiliated and scorned by the crew for not wearing a mask, claiming they have a condition. At least that's the best logic I can come up with.

Bottom line

It's not unreasonable to essentially say that the face mask rule will be enforced at the gate, while onboard the crew will provide reminders that are simply informational. At least that would be reasonable if people were reasonable.

Hopefully [everyone takes the face mask requirement seriously](#), and we don't see people taking off face masks inflight in order to "protest" the policy, or in order to create a viral video.

Plaintiffs' Exhibit 112

[onemileatatime.com](https://onemileatatime.com)

## US Airlines May Ban People Who Don't Wear Masks | One Mile at a Time

6-7 minutes

6-16-20

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[While most US airlines](#) [have been asking passengers to wear face masks](#) for the past several weeks, [it hasn't actually been that widely enforced](#). [That's going to be changing...](#)

- [The face mask problem that US airlines have had](#)
- [There will be increased enforcement for face masks](#)
- [United Airlines' updated policy](#)
- [American Airlines' updated policy](#)
- [Bottom line](#)

The face mask problem that US airlines have had

[Around late April we saw most major US airlines \(with the exception of Allegiant Air\) start to make wearing face masks on planes mandatory.](#) The problem has been that:

- Airline crews have been largely [told not to enforce this policy](#); they've largely been told that if a passenger doesn't comply they should be "encouraged" to wear one, but the situation shouldn't be escalated further
- [There are exceptions for those who have to wear face masks](#), as these rules don't apply to young passengers and [those with certain health conditions](#)

All of this creates serious issues:

- [Wearing a face mask](#) isn't just about protecting yourself, but it's also about protecting others near you
- Airlines have been messaging in a way that suggests face masks must be worn, but then refused to enforce it
- This has caused anger among a lot of people who are wearing face masks, who aren't happy that others near them aren't wearing face masks, since that's also endangering them

Because of all that, it seems we can soon expect face mask usage to actually be enforced...

There will be increased enforcement for face masks

Airlines for America, the trade group representing many US airlines, has announced that member airlines will begin "vigorously enforcing face covering policies."

With this update, Alaska Airlines, American Airlines, Delta Air Lines, Hawaiian Airlines, JetBlue Airways, Southwest Airlines, and United Airlines, will be implementing the following policies:

1. Preflight Communications: Each airline will clearly articulate its individual face covering policy in communications with customers, which may require passengers to acknowledge the specific rules during the check-in process
2. Onboard Announcements: Onboard the aircraft, crew members will announce specific details regarding the carrier's face covering policy including the consequences passengers could face for violating the policy
3. Consequences for Noncompliance: Each carrier will determine the appropriate consequences for passengers who are found to be in noncompliance of the airline's face covering policy up to and including suspension of flying privileges on that airline



*Airlines will start enforcing face mask policies*

#### United Airlines' updated policy

United Airlines was the first to [announce](#) an updated policy as a result of this restriction. As of June 18, 2020, any passenger not complying onboard a flight will be placed on an internal travel restriction list. Customers on the list will lose travel privileges on United for a duration of time to be determined pending a comprehensive incident review.

The only exceptions to this requirement are individuals who have a medical condition or a disability that prevents them from wearing a face covering, those who cannot put on or remove a face covering themselves, and small children.

How will this enforcement work in practice?

- If a flight attendant notices or is informed of a customer onboard who is not wearing a face covering and that passenger does not fall within an exception, the flight attendant will proactively inform the customer that for the health and safety of everyone, face coverings are mandatory for all customers and crew on board
- They will also offer to provide the customer with a mask if needed
- If the customer continues to be non-compliant, flight attendants will do their best to de-escalate the situation, again inform the customer of United's policy, and provide the



passenger with an inflight mask policy reminder card

- If a customer continues to not comply, the flight attendant will file a report of the incident, which will initiate a formal review process
- Any final decision or actions regarding a customer's future flight benefits will not occur onboard but instead take place after the flight has reached its destination and the security team has investigated the incident



*United will start enforcing face mask rules*

American Airlines' updated policy

American Airlines has also [announced](#) plans to increase enforcement of the face mask policy as of June 16, 2020. As it's explained:

- American already enforces this policy at the gate, and will deny boarding to customers who don't comply
- Beyond that, [American may now "deny future travel" for customers who refuse to wear a face covering](#)
- Details of the updated policy for face coverings will be communicated to American Airlines team members this week

Some passengers are exempt from the face covering requirement, such as young children and those with a disability or medical reason for why they cannot wear a face covering.





*American will start enforcing face mask rules*

## Bottom line

Major US airlines claim that they will start actually enforcing the face mask policy going forward, which makes a lot of sense. People book flights expecting that those around them are wearing masks as well, so this is an area where empty threats can't be made.

American and United are both threatening to ban passengers who don't comply with this policy.

The one major potential challenge is that there are exclusions for those with a "medical reason" for why they can't wear a mask. That's reasonable, but the problem is that I fear this might be taken advantage of by anti-mask crowd.

Am I the only one who fears that those who currently refuse to wear masks will simply claim they have a medical condition? After all, the crew isn't qualified to assess medical conditions, so there shouldn't be any follow-up questions. To people who are in that camp — being a jerk isn't a medical condition.

**Are you happy to see US airlines starting to enforce face mask policies?**

Plaintiff's Exhibit 113



### Don't let your guard down on COVID-19

Unfortunately, we're seeing an increase in the number of COVID-19 cases in our department and company. While the numbers remain below the national average for our team, we're deeply concerned about any increase. This mirrors the rise in infections in states where we have large operations, such as Texas, Florida and Arizona. Now is definitely not the time to let our guard down when it comes to health and safety.

- **Check your temperature and monitor your health.** If you are experiencing any symptoms, do not come to work. Call Crew Scheduling and Daily Ops to let them know you are not feeling well. Take advantage of [Premise Health and Doctor on Demand](#) to schedule a test, if you feel you may have COVID-19.
- **Wear your face covering at all times.** You must wear a face mask on aircraft, in airports, crew rooms and any time you are in close proximity to other team members. You should also wear face coverings in airport shuttles and on public transportation.
- **Remember to wash your hands frequently,** avoid touching your eyes, nose, mouth or face. Soap and water is best, but there are also sanitizing gel/wipes in the PPE drawer to help.
- **Observe social distancing when possible.** It's difficult to create distance on aircraft, that's why it's so important that crew members wear face coverings. If everyone wears a face covering, it significantly reduces the risk of COVID-19 transmission according to the CDC. Even though onboard space is limited, avoid crowding in galleys when possible. This is especially important if a crew member briefly has their face covering off, like when they are eating or drinking. Observe social distancing in crew rooms and while on layovers. Until this illness dies down, consider avoiding large group dinners or outings.
- **Avoid crowds while away from work.** Please follow CDC guidelines on social gatherings and take precautions to keep yourself safe. If you feel you may have been exposed, please tell your Flight Service manager.

- **Set a good example for customers.** It's important to show our customers that we are doing our part to remain vigilant. If you properly wear your face covering at all times, they will be more likely to do the same.

The company continues to take steps to prevent the spread of COVID-19. We've adjusted flight attendant service procedures to reduce unnecessary customer contact. We've enhanced cleaning on aircraft, in airports and crew rooms. We're also conducting crew member temperature checks at key airports and asking customers to fill out a health assessment before travel. In a recent letter to employees, Chief Operating Officer David Seymour detailed many of the actions the company is taking. Read his note on [Jetnet](#).

Ultimately, we are all responsible for monitoring our own health and taking precautions to remain healthy. By protecting yourself from COVID-19, you are also protecting other crew members and our customers.

### Flight Service Virtual Town Hall

Thank you to everyone who took part in today's Flight Service Virtual Town Hall. We had more than 1,000 people on the call. We received more than 230 questions.

Here are some of the big questions that we got today:

- **Since we have an overage of 7,000 – 8,000 flight attendants, does that mean we will furlough that many people?**  
No. We hope that a combination of early out and voluntary leaves will reduce or even eliminate the overage and lower the number of flight attendants who may be subject to a furlough. We will be offering more leaves and early out opportunities in the next few weeks.
- **What happens if I get furloughed? Can I keep insurance? Do I accrue longevity/pay seniority?**  
Your benefits will continue until your pay furlough date. After that, you'll have the opportunity to continue benefits under COBRA. When you are on furlough, you will not accrue pay seniority. Once you return, your seniority and pay will start where you left off. We're working on a frequently asked questions list and will post it soon.
- **What bases could see the most reductions? Why? Do we know how many flight attendants will be displaced?**  
In addition to the closures of SLT and RDU, we expect to see sizeable reductions in LAX, PHX and MIA. Since the size of our airline will shrink, we need to think strategically about our network. While these bases are still very important, we will need more flight attendants in other domiciles. We expect that LAX, PHX and MIA could decrease by around 800 or more. These number are estimates and will adjust as the network does. The number of potential displacements depends on how many people at those bases take voluntary leaves, early outs or voluntarily transfers to other bases.
- **Is there anything management is doing to reduce costs, other than possible flight attendant furloughs?**  
Earlier this week, we made some painful job cuts impacting our Flight Service management and support staff. We reduced the number of management

positions in Flight Service by about 37%. Across the company, leadership and support positions are being reduced by an average of 30%. These were tough decisions, but necessary to prepare us to become a smaller airline. A few months ago, we reduced the salaries of all director level and above team members. We've also reduced costs by retiring aircraft and making changes to the network. So far, we've reduced our costs by about \$14.5 billion. We went from burning through \$100 million a day in April to around \$35 million today – but we still have a long way to go.

- **When will our normal food and beverage service return?**

We don't see a return to our pre-pandemic onboard service for a while. Any change will be slow and incremental, since we'll continue to minimize customer/flight attendant touchpoints. In response to both customer and flight attendant feedback, we'll soon add a new First Class fruit and cheese plate on most domestic flights 2.5 hours or longer. This will be in addition to our snack bags on flights 2.5-4.5 hours, and it will be in place of the streamlined tray service we currently offer on Domestic/NIPD flights over 4.5 hours. These changes more closely align us to what our competitors currently offer. AFS, HFS, and IPD flights will continue to receive our current, streamlined tray service. And we will continue to offer full beverage service on longer flights, and beverages upon request on shorter flights, including alcoholic beverages in First Class. So, if a customer asks for a beverage in any cabin, please be sure to accommodate them.

**We'll be hosting another Virtual Town Hall on July 9 at 1100 CT.** Please watch your CCI messages for more information on how to join in.

Have more questions? Email them to [FA.Questions@aa.com](mailto:FA.Questions@aa.com). My team will do their best to get you an answer, and we may feature your question in an upcoming edition of Flight Service Forum.

### **Update: Face coverings now required in crew rooms and break areas**

We continue to update our face covering policy. Team members are now required to wear face coverings at all times while in indoor common areas, including breakrooms, hallways, restrooms, crew rooms and office buildings — regardless of whether 6 feet of social distance can be maintained. Face coverings are also required outdoors unless you can maintain 6 feet of social distance.

#### **There are exceptions:**

- When eating or drinking
- When performing an official duty like delivering a PA
- When sitting at a desk and 6 feet of distance can be maintained
- **The Flight Deck per the Flight Deck safety exception**
- If you have a medical condition that prevents you from wearing one

Please see [Jetnet](#) for more information.

### **Lands' End face coverings are now available in crew rooms**

Please visit your local Crew Service Center to get your set of three Lands' End face coverings. The masks are fully washable and carry the OEKO-TEX Standard 100 certification. See the CCI message from your Base Manager for more information on how to pick up your set.

**Request from stations:** Please pick-up these reusable face coverings at your base rather than repeatedly asking for disposable masks at out-station airports. We need to conserve as many face coverings as possible. Agents are not able to give you Lands' End masks, you must pick them up at your base. Disposable face coverings will continue to be available in the PPE drawer.

For more information on the Lands' End face coverings, visit the [Flight Service website](#).

### **Please follow hotel and local rules on face coverings**

Many hotels now require guests to wear face coverings in airport shuttles, lobbies and other common areas. Please abide by these rules when laying over. Depending on local orders, you may also have to wear a face covering when entering restaurants, shops and other local businesses. If you have a question about what's required, please ask the hotel staff. It is your responsibility to follow local rules and hotel policies.

### **Need a thermometer? Visit a Crew Service Center**

While temperature checks are being conducted at many key airports, it's a good idea to take your own temperature often. You can easily slip a thermometer in your bag and take it with you on a trip. If you don't have one, pick up a disposable thermometer in a Crew Service Center. There's a limited supply in each base.

### **Reminder: Fill out a CERS report if a customer refuses to wear a face covering**

Please provide as much detail as possible, including what the customer said, where s/he was sitting, etc., so that Corporate Security can follow-up and investigate. Do not attempt to argue or escalate the situation. If a customer tells you they have a medical or religious exemption, please do not ask them to provide proof. For more information, see the [FAQs about customer face coverings](#) on the Flight Service website.

### **Viasat Wi-Fi**

A big thanks to our partners at Viasat for giving off-duty flight attendants free inflight Wi-Fi for the last few months. Now that customer demand is starting to return, Viasat is no longer offering free crew member internet access. The previous code expired at the end of June. I'll let you know if they offer another freebie.

### **Extra care appreciated**

We don't always know what our customers are going through and why they're in our care. A customer on a recent DTW-CLT flight wrote in to tell us about the extra care she received from PHL flight attendant Caitlin Gough:

*My aunt passed away. As I was having an emotional breakdown while in the air, flight attendant Caitlin took care of me like she was my mom. I want to make sure she gets recognized for the traits that make her so amazing at her job. If she can somehow read this – thank you, Caitlin. So much. You calmed me down when I was alone in the sky.*

Caitlin -- I'm glad to give you the recognition to deserve. Your compassion was truly appreciated.

Thanks for checking in!

A handwritten signature in cursive script that reads "Jill".

Jill Surdek  
Senior Vice President, Flight Service



**July 10, 2020**

*All Flight Service team members*

## **Flight Service Virtual Town Hall**

Thank you to everyone who joined in on our Virtual Town Hall yesterday. We've had more than 1,000 participants. Here are some of the questions we received:

- 1. When are we going to see the early out and leave program? We have been waiting a long time.**

The company has been working to assess new options to address suggestions for new early out and leave options. The goal is to create programs that minimize or hopefully eliminate the need for furloughs. We hope to have more to share in the next week or so. Thanks for your patience as I know you are very interested to review.

- 2. If flight attendants are furloughed, will they get paid for unused vacation time?**

In the event of a furlough, you'll have the option to get accrued and unused vacation time either paid out or carried over for when you return to work. If it's necessary to furlough, we'll communicate more details on this process to any affected flight attendants.

- 3. Do furloughed flight attendants get travel benefits? Do they still have the ability to sit on the jumpseat.**

If you are furloughed, you will have D2R travel benefits for 24 months per company policy. You will not have jumpseat privileges. Additional information about travel privileges – including D1, D3 and other airline travel – will be communicated if it becomes necessary to furlough.

- 4. What if a pilot or flight attendant doesn't follow our face covering policy?**

Some crew members have medical exemptions. Pilots have certain exemptions on wearing masks in the flight deck for safety reasons. (I.e. A mask may interfere with their ability to see or don an oxygen mask.) Pilots are asked to put on a face covering if another crew member enters the flight deck and requests it. The pilots do not have to put on a face covering if they feel it could impact safety. Pilots are encouraged to notify flight attendants about their decision to wear face coverings in the flight deck during the crew briefing. If you believe a crew member isn't following company policy, please fill out a CERS report. Just as you would handle a similar situation with a customer, try to avoid escalating the issue. In addition, you may also report



the incident and individual to the APFA's and/or APA's Professional Standards team.

**5. Some airlines have returned to providing a regular beverage service? What are we doing to keep up with our competitors?**

We're keeping a close watch on what other airlines are doing while listening to your feedback. Some of you say it's time for beverage service to return on all flights, while others say you don't yet feel comfortable performing a full service. We provision beverages on every flight, and even on flights where we currently don't do a full beverage service, we offer them on customer request. Any changes to our onboard service will happen gradually. To stay competitive, we're adding a new First Class fruit and cheese plate on certain domestic flights starting next week. Read more about that enhancement below.

**Reminder: For now, it's ok for customers to move to different seats in the same cabin**

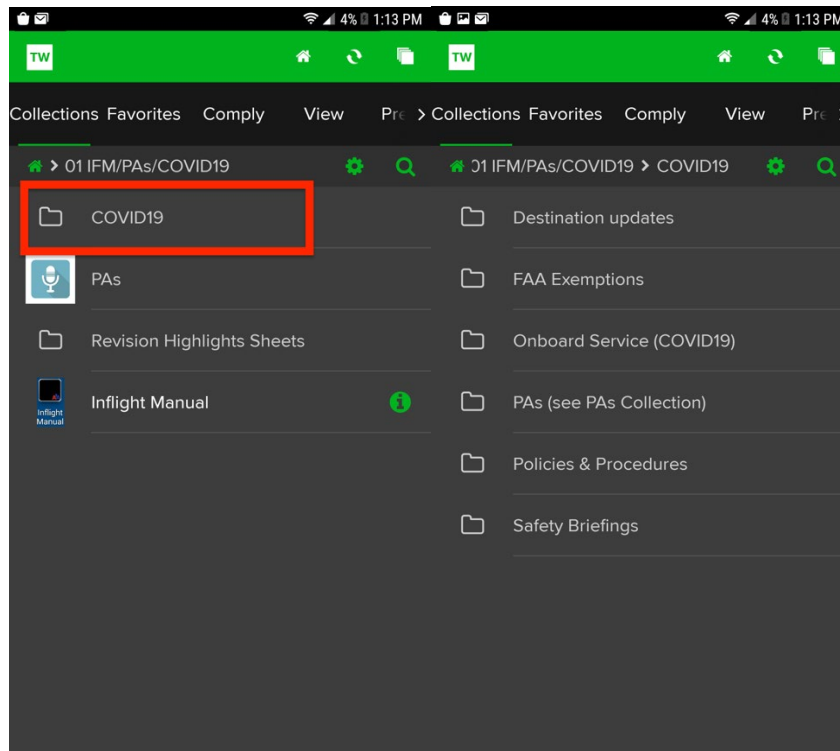
Customers may move to any seat within their ticketed cabin, including from Main Cabin to Main Cabin Extra without any additional charges. In March, we relaxed our policy on switching from MC to MCE in response to the pandemic to let people spread out if there are empty seats. If a customer moves into an exit row, you're required to provide them an exit row briefing.

On flights with very low load factors, gate agents may need to coordinate customer seat moves before take-off to avoid aircraft weight & balance issues. In this case, agents will discuss this with the FA1/Purser during the Departure Dependability Briefing. We're working with the Airport Customer Service team to improve this process. This also underscores the need for FA1 and the gate agent to always have a departure dependability briefing – where this and other important information about the flight can be discussed.

We've also updated the Health and Safety Departure PAs as REV 52.9 effective July 9 in response to increased load factors. PAs can be found in the PA Card in Comply365.

**New COVID-19 folder in Comply365**





In just the last few months, our company has experienced a tremendous amount of change in response to COVID-19. We can expect to see even more change as best safety practices and government regulations evolve. I know it can be a challenge to keep up with so many changes to flight attendant procedures, both inflight and on the ground. To make your job a little easier, we've created a COVID-19 folder in Comply365. This will be your central location to find the most recent COVID-19 inflight and operational updates.

### ***Comply365>My Publications > 01IFM/PAs/COVID19***

Inside this folder, you'll find destination updates, including forms and destination specific PAs, FAA exemptions, COVID-19 onboard service procedures, COVID-19 policies and procedures and safety briefings.

You'll find COVID-19 PAs (that are not destination-specific) in the English PA card. This includes the pre-departure snack bag service PA, the Health & Safety departure and mid-flight PAs and arrival/taxi-in PAs.

**Please make sure you Sync and check Comply365 at the start of every duty day,** to ensure you have the latest information.

### **Coming soon: New domestic First Class fruit and cheese plate**

Beginning July 15, we're enhancing our domestic First Class service by offering customers a boxed fruit and cheese plate on flights 900 miles or longer. The fruit and cheese plate will be served after level-off. We'll continue to offer snack bags during boarding to customers in all cabins on flights between 900 – 2,199 miles. Transcon (LAX/SFO to JFK), long haul Hawaii (DFW/ORD to Hawaii), and long haul International (IPD) flights will continue to receive tray meal service.

As a reminder, we provide a beverage service on all flights over 2,200 miles. On flights shorter than 2,200 miles (including snack bag flights), beverages should be delivered on request. Alcohol is available to customers in the First and Business Class cabin on all flights. It is also available to Main Cabin customers on IPD flights. If a customer asks for a beverage, please fulfill their request, providing cans and liquor minis unopened, or pouring juice, water and wine as requested.

### **New: AA Inflight Portal to access onboard Wi-Fi**

We've started rolling out the new American Airlines Inflight Portal across the narrow body fleet. This is great news since it will make it easier for our customers to use the high-speed Wi-Fi service. Customers will connect to the same "AA-Inflight" Wi-Fi signal and view a similar sign-on screen regardless of whether they are onboard an aircraft with equipped with Viasat or Gogo. They'll also be able to seamlessly use promotion codes or credit cards associated with an AAdvantage account to purchase Wi-Fi access. We plan to have the new AA Inflight portal rolled out to all narrow body aircraft by the end of the month.

### **Impressing our customers**

A customer sent us a note saying he was impressed by LGA-based flight attendants Carlos Warner, Annmarie Cook, Jordan Meinholz and Alexa Panopoulos:

*Yesterday, my flight from Phoenix to JFK (Flight 2339 on 25 June) was wonderful. The attention to safety precautions, and the service and care provided was exceptional. The [flight attendants] carefully and thoughtfully provided a safe and welcoming experience given the circumstances under which they had to work. Carlos, in particular, ensured everyone followed the safety requirement and also attended to service needs cordially and warmly. He and his team should be commended for their efforts and service which [should make] American Airlines proud.*

What a great compliment Carlos, Annmarie, Jordan and Alexa. It sounds like you provided great service and made sure everyone was comfortable in your care.

Thanks for checking in!



Jill Surdek  
Senior Vice President, Flight Service

Plaintiffs' Exhibit 114

[airlines.org](https://www.airlines.org)

## Major U.S. Airlines Announce Increased Enforcement of Face Coverings | Airlines For America

Emily G

5-6 minutes

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Safety & Security

June 15, 2020

*Passengers who do not wear face coverings could have flying privileges revoked*

**WASHINGTON, June 15, 2020** – Today, Airlines for America (A4A), the industry trade organization representing the leading U.S. airlines, announced that its member carriers will be vigorously enforcing face covering policies, putting rigor around rules requiring passengers and customer-facing employees to wear facial coverings over their nose and mouth. This is one critical element of the multiple layers that A4A carriers are implementing to mitigate risk and protect passengers and crew.

Alaska Airlines, American Airlines, Delta Air Lines, Hawaiian Airlines, JetBlue Airways, Southwest Airlines and United Airlines will be implementing the following policy updates regarding face coverings:

1. **Preflight Communications:** Each airline will clearly articulate its individual face covering policy in communications with customers, which may require passengers to acknowledge the specific rules during the check-in process.
2. **Onboard Announcements:** Onboard the aircraft, crew members will announce specific details regarding the carrier's face covering policy including the consequences passengers could face for violating the policy.
3. **Consequences for Noncompliance:** Each carrier will determine the appropriate consequences for passengers who are found to be in noncompliance of the airline's face covering policy up to and including suspension of flying privileges on that airline.

"U.S. airlines are very serious about requiring face coverings on their flights. Carriers are stepping up enforcement of face coverings and implementing substantial consequences

for those who do not comply with the rules,” said A4A President and CEO Nicholas E. Calio. “Face coverings are one of several public health measures recommended by the CDC as an important layer of protection for passengers and customer-facing employees.”

The measures are expected to remain in place throughout the COVID-19 public health crisis.

### **“Fly Healthy. Fly Smart.”**

Last month, A4A unveiled a new public awareness campaign, [“Fly Healthy. Fly Smart.”](#) which helps educate the traveling public on measures airlines are implementing as well as reminding the traveling public of steps they can take to help prevent the spread of COVID-19.

### **Airlines Take Action**

In addition to enforcement of face covering policies, passengers may see several other changes and updates to the travel experience.

- At check-in counters and gate areas, travelers may see agents sanitizing counters and kiosks. Some airlines have installed plexiglass shields over the counters to provide additional protection, and some have marked the floors to ensure appropriate distance is maintained.
- All A4A member airlines have aircraft equipped with HEPA filters, which help generate hospital-grade air quality. The CDC has said that, “Because of how air circulates and is filtered on airplanes, most viruses and other germs do not spread easily on flights.”
- U.S. airlines have implemented intensive cleaning protocols, in some cases to include electrostatic cleaning and fogging procedures. Carriers are working around the clock to sanitize cockpits, cabins and key touchpoints – including tray tables, armrests, seatbelts, buttons, vents, handles and lavatories – with EPA-approved disinfectants. Airlines have increased the frequency of deep cleaning procedures for both domestic and international flights.
- Carriers have implemented a range of policies – including back-to-front boarding and adjusting food and beverage services – to help allow for distancing between people.
- As an additional layer of protection, A4A's member airlines have encouraged the Transportation Security Administration (TSA) to begin conducting temperature screenings.

### **Passenger Responsibilities**

- All passengers are required to wear a face covering throughout the travel journey on the leading U.S. airlines, as clearly stated on each airline's website.
- Additionally, travelers are urged to stay home when ill, frequently wash their hands and to

wear a face covering throughout their air travel journey, consistent with [CDC guidance](#).

For more information about how carriers are working to protect traveling public and what travelers can do to protect themselves and others, please visit [www.AirlinesTakeAction.com](http://www.AirlinesTakeAction.com).

### **Latest News Articles**

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Plaintiffs' Exhibit 115

[liveandletsfly.com](https://liveandletsfly.com)

## A Captain Explains Why Few Pilots Wear Masks In Cockpit - Live and Let's Fly

121pilot

4-5 minutes

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*121pilot, our resident airline captain on Live and Let's Fly, returns today to discuss pilots wearing masks inside the cockpit.*

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In light of a controversial recent decision by American Airlines to [dock pay](#) from a captain who forced his first officer to wear a mask, I want to address the issue of pilots wearing masks in the cockpit.

### Why Pilots Wearing Masks In the Cockpit Are A Whole Different

When COVID-19 first became a threat, most airlines prohibited crews from wearing masks. Given the CDC guidance at the time, this was not without reason. But even when mask usage started to become more common and ultimately permitted for flight attendants, it remained prohibited for cockpit crews by the FAA.

Then two welcome changes occurred. First and foremost, in recognition of the latest science and the possible germ pool that a cockpit oxygen mask represented, the requirement to don and wear the oxygen mask when one pilot left the cockpit above 25,000 feet was lifted. Given that this was probably one of the most violated rules in all of commercial aviation, this move was greeted with universal enthusiasm. Additionally, the FAA issued a ruling that was adopted by most if not all airlines in the US, that allowed *but did not require* pilots to wear masks in the cockpit.

### Three Reasons Why Masks Don't Belong In Cockpits

There are a number of issues that come with wearing a mask in the cockpit and those reasons are why most crew members don't wear one in flight. First, in an explosive decompression getting your facial mask off and the oxygen mask on adds seconds to a procedure that is already time critical. Second is the issue of rebreathing CO2 for hours on end while at altitude in a safety critical position. Third, for those who wear glasses, masks represent a challenge that frequently leads to those glasses becoming fogged. This can be a challenge even for those with perfect vision during daytime flights when you need to wear sunglasses. Even with the built-in shades, it can get very bright in the cockpit at altitude. Consequently, wearing a mask while operating the aircraft compromises safety. With what we know about how air flows on aircraft, the risks posed by wearing a mask greatly outweigh the risks that come from not wearing one inside the flight deck.

### One Great Exception Toward A Greater Goal

The above does come with a very large caveat, however, and leads me to how I brief all my first officers (FO) on the subject. When I meet an FO for the first time, I tell them that I'm not planning on wearing my mask and that they do not need to wear theirs if they do not want to. I am very clear, though, that



[wheelchairtravel.org](https://wheelchairtravel.org)

## Only 2 Airlines Permit Disabled People Who Cannot Wear Face Masks to Fly - Wheelchair Travel

*John Morris*

6-8 minutes

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**Face Mask Exemption for Disabled People** — As of February 2021, the Centers for Disease Control and U.S. Department of Transportation require airlines to waive the face mask requirement for qualified disabled people. To learn more about the procedures for getting an exemption at the 10 largest U.S. airlines, [click here](#).

In July, American Airlines and Southwest Airlines were the [first carriers to institute a blanket ban](#) on passengers with disabilities who cannot not wear a face mask. Southwest stated that it would “temporarily refuse to transport any passenger who is unable to wear a mask even if the Customer has a verifiable medical condition that prevents them from wearing a mask.”

The majority of other U.S. airlines followed with similar policies, including:

- **Alaska Airlines** — “If you are unable to wear a mask throughout the airport and for the duration of your flight for any reason, you will not be able to fly with us.”
- **Allegiant Airlines** — “Only children under the age of 2 are exempt from wearing a face covering. Customers who are not able to wear a face covering will not be permitted to travel.”
- **Frontier Airlines** — “We require both passengers and employees to wear a face-covering over nose and mouth throughout the Frontier travel experience including ticket counters, gate areas, baggage claim and onboard all flights. The only exception is for children under the age of 2.”
- **JetBlue Airways** — “Customers with conditions that prevent them from wearing a face covering should postpone travel until this temporary requirement is no longer in place.”
- **Spirit Airlines** — “Any other Guest who is unable to wear an appropriate face covering for any reason, including medical, will not be permitted to travel with us at this time.”

Buried in a July 22 [press release](#), United Airlines states that “if a passenger believes that there are extraordinary circumstances that warrant an exception, they should contact United or speak to a representative at the airport.” Repeated requests for clarification were refused and, because the statement is not included on the airline’s customer-facing website, I do not believe that United is willing to serve disabled passengers who cannot wear a mask.



That's 8 of the 10 largest U.S. airlines which have told disabled people with autism, asthma, cerebral palsy, claustrophobia, COPD, PTSD, severe anxiety and other conditions that they are not welcome onboard an aircraft. It is the largest ban on disabled air travel since the Air Carrier Access Act became law in 1986.

## These airlines still permit disabled people to fly without a face mask

If you or someone you are traveling with has any of these conditions or is unable to wear a mask due to a legitimate disability, you will only be able to fly on the following carriers:

**Delta Air Lines** — “Customers with underlying conditions that explicitly prevent the wearing of a face covering or mask are strongly encouraged to reconsider travel or should be prepared to complete a ‘Clearance-to-Fly’ process prior to departure at the airport. If you require this exemption, please arrive early to complete the process during check-in and avoid missing your flight – this process can take over one hour.” ([Read the policy](#))

**Hawaiian Airlines** — “Guests who are unable to wear a face covering due to a medical condition or disability will be required to complete an assessment with a medical professional via phone at the airport. We recommend arriving at the airport early with ample time to complete the assessment, as the process may take more than one hour, and your flight will not be held. Please notify one of our Guest Services Agents as soon as you are ready to complete the medical assessment.” ([Read the policy](#))

Delta and Hawaiian both require passengers to submit to a virtual medical examination. It is unclear whether these are permitted under the Air Carrier Access Act, but it nonetheless provides a pathway to access that other airlines do not.

## Can airlines really ban disabled people from flying?

It is my belief that policies which restrict disabled people from accessing air transportation are a violation of the [Air Carrier Access Act](#), specifically [§382.19\(a\)](#), which states that carriers “must not refuse to provide transportation to a passenger with a disability on the basis of his or her disability.”

Although airlines are permitted to refuse disabled passengers who pose a “direct threat” to the health and safety of others, they are required to conduct an “individualized assessment” of each disabled passenger to consider the following:

1. The nature, duration, and severity of the risk;
2. The probability that the potential harm to the health and safety of others will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

Blanket bans like those instituted by 8 of the 10 largest U.S. airlines are not permitted by the ACAA and fail to consider a number of circumstances that would result in a passenger being deemed a non-threat, such as a negative COVID-19 test or self-isolation prior to travel.

## **What if you booked a flight before stricter face mask policies were put into place?**

As recently as August 5th, Alaska Airlines policy stated that “Mask and face covering exceptions include: children under age 2, anyone with trouble breathing, anyone who cannot remove a mask without assistance or anyone with a disability that prevents wearing a mask.” Passengers who purchased tickets at a time when disabled people were granted an exception to face mask policies should ask to be accommodated on another airline free of charge. If your request is refused, file a complaint with the DOT as described below.

## **What to do if you cannot wear a mask and have been prevented from flying**

If you have have a disability, cannot wear a mask and have been prevented from booking a new trip or taking a previously booked trip due to these airline policies, please [file a complaint](#) with the U.S. Department of Transportation’s Aviation Consumer Protection Division. Describe your disability and allege a violation of the Air Carrier Access Act.

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**Note:** The Centers for Disease Control has advised that any person who is able to wear a mask should do so. By wearing our masks, we can create an environment where our disabled peers, including those who cannot wear masks, can safely exist and participate in the community.

[aarp.org](https://www.aarp.org)

## Airlines Change Safety Protocol as Travel Increases

*Elaine Glusac*

8-10 minutes



Annebel van den heuvel/Alamy Stock Photo

[En español](#) | Some travelers have taken to the skies again despite the surging pandemic, and some are contemplating doing so during the holiday season and beyond. Those who do will find that flying in the [COVID-19 era](#) is a very different experience than it once was. Among other changes, passengers now have few if any food options, must follow carefully choreographed boarding procedures to allow for social distancing, and, along with airline staff, are required to wear masks, with very few exceptions.

Here's more on what to expect if you plan to fly this winter.

### Pre-flight

Once you are through security ([see new rules](#)) and arrive at the gate, don't expect an empty concourse. The number of airline passengers screened by the Transportation Safety Administration (TSA) ticked up from about 88,000 a day in mid-April to about 867,000 on Nov. 12, though it's still down substantially from about 2.3 million on that day a year ago. Some airlines, including Alaska Airlines, Delta Air Lines, JetBlue and Southwest Airlines, are limiting the number of passengers per flight to prevent the crowded conditions that might lead to infection. American Airlines and United Airlines do not have capacity constraints, though both will allow customers to move to another flight free of charge if their scheduled flight is 70 percent or more full.

The major airlines are now serious about enforcing their requirements that passengers (unless they are age 2 and under, usually) wear face masks during boarding and on the plane, as well as in areas throughout airports they serve, such as customer service counters and gates. The only time masks may be removed is for eating or drinking — which experts suggest you keep to a minimum. They've announced that travelers who refuse to wear masks onboard will not be allowed to fly. Delta has reportedly blacklisted nearly 550 passengers who have refused to wear a mask since the mandate was issued in May. "If a customer is unable to wear a face covering or mask for any reason, Southwest regrets that we will be unable to transport the individual," the company said in a statement.

Like [American](#), United and [Southwest](#), Delta doesn't permit masks with vents or valves, which allow air to be expelled, nor face shields (unless worn with a mask). It offers customers complimentary replacements if they show up wearing masks with valves. Exemptions require completing a "clearance to fly" procedure that, according to the airline's website, "can take over one hour."

Many airlines are also handling boarding differently to encourage physical distancing. Southwest Airlines, for one, previously asked customers to line up in two adjacent lines of 30, but it's now boarding just one line of 10 people at a time.

[Alaska Airlines](#), [Allegiant](#), [Delta](#), [Frontier](#), [JetBlue](#) and [United](#) are boarding their planes from the rear rows forward, to avoid crowding in the aisles.

American Airlines continues to board passengers by groups — it says the row system works only if everyone is at the gate, which is impossible with the number of connecting flights it operates — though agents space people out during boarding.

Spirit asks passengers to scan their own boarding pass and will allow anyone to board at the end of the boarding process to reduce their time on the plane.

Frontier is the first U.S. airline to take passengers' temperatures with a touchless thermometer before boarding, and will block anyone with a temperature of 100.4 F or higher from flights. Frontier says it "will work with that customer to rebook travel on a later date or otherwise accommodate the traveler's preferences with respect to their reservation." Like other airlines, it's also asking passengers to complete an online "health acknowledgment" before check-in to confirm, among other things, that they will wash or sanitize their hands before boarding, will check their temperature before heading to the airport, and have had no symptoms related to COVID-19 in the previous 14 days.

Air Canada is taking passengers' temperatures before boarding now as well.

Proof of negative results from a COVID-19 test in order to avoid quarantine restrictions is required by a growing list of destinations, including New York, Hawaii and Jamaica. For international fliers, American is piloting a new app called VeriFLY for Jamaica-bound fliers that allows them to learn the travel requirements of the destinations and safely store required documentation, such as COVID-19 test results. A growing number of airports have begun offering COVID-19 tests to departing passengers.

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## In-flight

**Seat spacing:** As traffic in the air increases, empty middle seats are becoming less common, and passengers may have to fly next to strangers, especially on American and United. JetBlue is taking a gradual approach to filling its planes, limiting them to 70 percent full through Dec. 1, then to 85 percent through Jan. 7, after which it will resume selling to capacity as demand permits.

Both Alaska and Delta have said they will block middle seats through Jan. 6. Southwest is blocking middle seats through Nov. 30. Allegiant says it spaces people out as practicable "but on fuller flights, that's not always possible," according to a spokesperson. Allegiant fliers can opt to be notified if their flight exceeds 65 percent capacity and can request a credit voucher or choose another flight, though they must pay any fare difference.

**Cleaning:** All carriers have announced enhanced aircraft cleaning procedures, including the use of hospital-grade disinfectants. Southwest reports, "We deep clean each plane from nose to tail for nearly 6-7 hours every night," and says the airline uses "a sophisticated air recirculation system that introduces fresh air into the cabin every second while in flight." Delta claims that the airline is using "state-

of-the-art air circulation systems with industrial-grade HEPA filters on many Delta aircraft that extract more than 99.99 percent of particles, including viruses.” And Air Canada notes that, among other cleaning procedures, “We’re rigorously grooming all headrest covers.” Several airlines are touting a new study by the Harvard T.H. Chan School of Public Health that put the risk of in-flight disease transmission at low and safer than everyday activities like grocery shopping.

**Food:** Galleys are largely retired for now. JetBlue’s beverages and snacks come in a sealed bag. Frontier planes will carry only a limited amount of bottled water for sale. In the main cabin on flights between 900 and 2,199 miles, American hands out snacks and bottled water only at boarding; on flights over 2,200 miles, snacks and nonalcoholic drinks are available in-flight. Delta encourages travelers to bring their own snacks and nonalcoholic beverages. Southwest serves water and a snack mix on flights over 250 miles “when available.”

**Entertainment:** Many airlines have removed seat-back literature, including in-flight magazines (American’s publication, *American Way*, is a prominent exception). Alaska has moved the content to its app. Unless you’re flying JetBlue, don’t assume you’ll have a seat-back screen; most major carriers, including United and American, were already moving their video entertainment to their apps for in-flight viewing before the pandemic. JetBlue will enable your personal electronic device to act as the seat-back television remote control on some planes.

**Personal protection:** All domestic carriers require that customers wear face masks in flight (see above, under Preflight).

**Wearing masks off the plane:** Depending on your destination, expect to keep your face covering on after landing until you leave the airport. Reagan National and Dulles International airports, in Virginia, and Los Angeles International Airport are among the many large airports that require everyone in public spaces to wear face coverings.

*Editor's note: This article was originally published on June 5. It's been updated to reflect new airline procedures.*





## Customers with Disabilities

### Notice of Disability

### Advance notice of disability

#### Assistance in the Airport

Customers with disabilities are not required to provide advance notice of the need for assistance; however, doing so helps us better prepare for the number of Customers who will need our help.

#### Security Screening

We give Customers the opportunity to proactively notify Southwest Airlines of any specific disability-related needs during and after booking.

#### Wheelchairs & Other Devices

When booking a new reservation, Customers may use the "Special Assistance" link on the Passenger & Payment Info page to indicate that he/she requires assistance. When booking online, Customers may notice that there is a link (identified with an italicized "i") that directs the user to the details of our policies for assisting Passengers with disabilities. After the Customer has selected his/her option(s), the Customer should scroll down and complete the booking process.

#### Allergies

If a reservation has already been created, simply click on the "FLIGHT | HOTEL | CAR | VACATIONS" link located on the top of our home page. Then, select "Manage Reservations" from the "Flight" column, input the required information, and select "Search." From that page, click on the "Special Assistance" link under the Passenger name. Once a Customer has added his/her option(s), the Customer should click "Update Information" and the information will be saved to the Customer's reservation.

#### Cognitive Disabilities

Customers may also advise us of any disability-related travel needs at the time of booking by telephone or, if a reservation has already been made, by calling 1-800-I-FLY-SWA (1-800-435-9792) prior to travel.

#### Deaf or Hard of Hearing

We recommend that Customers arrive at the airport no later than the recommended airport arrival time. If traveling with a power wheelchair, in the event that we need to prepare the wheelchair for stowage, we may ask that Customers relinquish his/her power wheelchair up to an hour in advance of departure. In this case, the Customer will be transferred to an airport wheelchair until boarding begins.

#### Blind Or Low Vision

If traveling in a group of 10 or more Customers who use wheelchairs, please advise us at least 24 hours in advance by calling 1-800-I-FLY-SWA (1-800-435-9792) so that we can ensure adequate staffing and room in the cargo compartment of the aircraft for the wheelchairs.

#### Medication

#### Trained Service Animals

#### Medical Oxygen


#### Portable Oxygen Concentrators

#### Non-Passenger Escort

#### Mask Exemptions

#### Your Rights

### Join the Discussion

Share knowledge and learn from travelers just like you.  
Community 

### How May We Help You? Search Customer Service

### Need Help?

We're a click away.  
[Contact Us](#)

**Need help?**  
**Contact Us**

**Subscribe**  
**Wanna receive**

**Connect with us** 



## **Passenger Application for Exemption to Federal Mask Requirement on Southwest Airlines**

Please complete the information below and submit to Southwest Airlines for review of a mask exception application. You are submitting the information below and as outlined in this Application for Exemption in order for Southwest to evaluate and process your request for an exemption from the federal mask mandate while flying with Southwest Airlines. Southwest Airlines may share this information with a third-party medical provider, the CDC and other government authorities, and our agents, vendors, and service providers for purposes of managing and fulfilling your travel reservations and assisting Southwest Airlines with the evaluation and processing of your application for an exemption.

Please check the box below that applies:

- I am completing this form for myself.
- I am completing this form for the minor named herein. I am either the parent or guardian of the minor child and have the authority to and, by completing this form, hereby attest to the information provided below.

Passenger First Name: \_\_\_\_\_

Passenger Middle Initial: \_\_\_\_\_

Passenger Last Name: \_\_\_\_\_

Contact Email address: \_\_\_\_\_

Contact Phone number: \_\_\_\_\_

Reason for Mask Exception Request:

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Is flight already booked? Yes\_\_\_\_\_ No\_\_\_\_\_

If flight is already booked, please include the following information:

Date(s) of Travel: \_\_\_\_\_

City Pair: \_\_\_\_\_



Confirmation Number (if flight already booked): \_\_\_\_\_

Does Passenger possess a WN Employee ID? \_\_\_\_\_

If Passenger possesses a WN Employee ID, please include the following information:

WN Employee ID of Traveling Passenger: \_\_\_\_\_

By submitting this request and signing below, I [name of passenger or authorized representative] [on behalf of \_\_\_\_\_] have read and understand the disclosures and requirements included above pertaining to my application to receive an exemption from the federal requirement to wear a mask while flying on Southwest Airlines, including, without limitation, Southwest's collection, use, and sharing of information and that Southwest Airlines may change my travel dates and/or flights should one or more of my originally scheduled flights have a capacity of 75% or more, or another Passenger approved for a mask exemption booked on such flight.

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Passenger Signature or Signature of Passenger Parent or Guardian

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Printed Name of Passenger or Parent or Guardian

Date: \_\_\_\_\_

## Southwest Airlines – Masks FAQ

### Should I wear a mask in the airport and on the plane? What forms of masks are acceptable?

Yes, Federal law requires each person to wear a mask at all times throughout the flight, including during boarding and deplaning. Refusing to wear a mask is a violation of federal law and may result in denial of boarding, removal from the aircraft, and/or penalties under federal law. On the aircraft, if wearing oxygen masks is needed because of loss of cabin pressure or other event affecting aircraft ventilation, masks should be removed to accommodate oxygen masks.

Masks are also required in the airport.

If you forget your mask at home, a mask will be available for you.

#### Acceptable forms of masks

In accordance with the Federal law, a properly worn mask completely covers the nose and mouth, is secured to the head with ties, ear loops, or elastic bands that go behind the head, and fits snugly against the side of the face. Cloth masks should be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source). Neck gaiters (also called multi-bands) may be worn as mask so long as they have two layers of fabric or may be folded to make two layers and cover the nose and mouth and are secured under the chin.

In addition, if your mask meets the requirements noted above, the following are acceptable:

- Clear masks or cloth masks with a clear plastic panel to facilitate communication with people who are hearing impaired or others who need to see a speaker's mouth to understand speech.
- Medical masks and N-95 respirators.
- The following are some examples of coverings that will not be accepted:
- Masks not made of a solid piece of material, including those made of mesh or lace fabrics or with slits, exhalation valves or punctures
- Face shields (face shields may be worn in addition to a mask that meets the above required attributes)
- Bandanas, scarves, ski masks, or balaclavas
- Shirt or sweater collars (e.g., turtleneck collars) pulled up over the mouth and nose
- Masks made from loosely woven fabric or that are knitted, i.e., fabrics that let light pass through
- Masks that do not fit properly (large gaps, too loose or too tight)

#### Exemptions to face coverings

Young children under the age of 2.

Beginning March 14, 2021, Southwest Airlines will consider applications for exemptions from this mask requirement from Passengers with a disability who cannot wear a mask, or who cannot safely wear a mask because of the disability. Several conditions apply that must be completed/adhered to prior to travel and receiving a mask exemption. For more details on this policy and for access to the submission form, please visit [here](#).

When the Federal law requires Customers to wear a mask

Customers will be required to wear a mask over their nose and mouth at all times during their Southwest travel experience—while checking in, boarding, while in flight, deplaning, retrieving baggage; and any other time they may engage with a Southwest Employee or another Customer. Customers are required to wear a mask in order to board the plane.

The following are times when a Customer may need to briefly remove their mask:

- When necessary for identity verification purposes such as during Transportation Security Administration screening or when asked to do so by our Employees or any law enforcement official
- While eating, drinking, or taking oral medications. Prolonged periods of mask removal are not permitted for eating or drinking; the mask must be worn between bites and sips.
- While communicating with a person who is hearing impaired when the ability to see the mouth is essential for communication
- If, on an aircraft, wearing of oxygen masks is needed because of loss of cabin pressure or other event affecting aircraft ventilation
- If unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance

**If I have received the COVID-19 vaccine, am I required to adhere to the federal mask mandate and/or other travel requirements?**

Yes, per federal mask mandate, the requirement to wear a mask applies to all passengers ages 2 and over, including vaccinated persons. Please continue to adhere to all current travel requirements, including United States Government requirements for flights arriving in the United States and other federal, state, international, and local COVID-19 travel restrictions that apply to your specific itinerary. For more information regarding travel requirements for specific destinations, please click here.

<https://www.southwest.com/airline-cleanliness-social-distance/#mask-faq>

Visited May 24, 2021

## Exemption to Federal Mask Requirement on Southwest Airlines

Federal law requires each person, 2 years of age and older, to wear a mask at all times throughout the flight, including during boarding and deplaning. Refusing to wear a mask is a violation of federal law and may result in denial of boarding, removal from the aircraft, and/or penalties under federal law.

Southwest Airlines will consider applications for exemptions from this mask requirement from Passengers with a disability who cannot wear a mask, or who cannot safely wear a mask because of the disability.

Per guidance from the U.S. Department of Transportation, airlines are permitted to impose certain requirements or conditions on a person requesting an exemption from the mask requirement. These requirements/conditions are described below.

### Important Notice: Flight must be less than 75% full

As a mitigation measure, DOT allows airlines to schedule the passenger (not wearing a mask) on a less-crowded flight. Therefore, Southwest requires that a Passenger obtaining a mask exemption travel on a flight with less than 75% capacity at the time of the flight's departure, and with no other Passengers on board approved for a mask exemption. If the passenger's preferred flight ends up being more than 50 percent full on the day of travel, Southwest Airlines will work to reaccommodate Passengers who obtain a mask exemption. Please note that Passengers may be required to travel on a different date than their scheduled itinerary. That may also require the Passenger to provide documentation of new (updated) test results at the Passenger's expense in line with Southwest Airlines' requirements to receive a mask exemption.

Please comply with the following pre-travel steps:

- At least seven (7) days prior to the Passenger's planned date of travel, a Passenger requesting a mask exemption for travel on Southwest Airlines must complete and submit the following via Southwest.com>Contact Us>Send a Message.>Email Us: Comment/Question>Disability>Future Travel Assistance:
- A fully completed copy of this form executed by the Passenger making the request, or if the Passenger requesting a mask exemption is a minor child, the parent or guardian of such minor child; and
- A signed letter from the requesting Passenger's Medical Physician on the Physician's letterhead stating that the Passenger with a disability has a recognized medical condition precluding the wearing or safe wearing of a mask because of their disability.

Once Southwest Airlines receives a mask exemption application in line with the above criteria, at Southwest's request to Passenger, Passenger may undergo a private medical screening (over the phone) with a third-party medical provider (Southwest Airlines' vendor StatMD).

If Southwest preliminarily approves a mask exemption after reviewing the Passenger's PDF document and the Medical Physician's letter and after receiving the third party medical provider's affirmation for travel, if required, Southwest will contact you at the phone number or email address provided below to discuss any need to change your travel dates and/or flights and remind you of the need to obtain a qualifying COVID negative viral test.

No later than 24 hours prior to the Passenger's scheduled departure(s), Passenger must provide evidence of Passenger's qualifying COVID negative viral test result. A qualifying COVID negative viral test result is defined as:

A physical or electronic documentation of a qualifying COVID negative viral test taken within three (3) calendar days preceding the Passenger's scheduled date of travel. A viral test means a viral detection test for current infection, which is a nucleic acid amplification test with observation approved or authorized by the relevant national authority for the detection of SARS-CoV-2.

Note: Roundtrip travel will require an additional qualifying COVID negative viral test result taken within three (3) calendar days preceding the Passenger's scheduled date of return travel and submitted no later than 24 hours prior to the Passenger's scheduled departure, unless the Passenger's return flight is within three (3) calendar days of the date of the initial negative COVID-19 departure test. Also, if the Passenger's originally scheduled date of travel is changed as a result of the flight having a capacity of 75% or more or another Passenger approved for a mask exemption, then you will be required to obtain a qualifying COVID negative viral test result within three (3) calendar days preceding the Passenger's new scheduled date of departure or return travel, as applicable and at your own expense.

<https://www.southwest.com/html/customer-service/unique-travel-needs/customers-with-disabilities-pol.html>

Visited May 24, 2021



FLIGHT | HOTEL | CAR | VACATIONS SPECIAL OFFERS

# Customers with Disabilities

Notice of Disability

Assistance in the Airport

Security Screening

Wheelchairs & Other Devices

Allergies

Cognitive Disabilities

Deaf or Hard of Hearing

Blind Or Low Vision

Medication

Trained Service Animals

Medical Oxygen

Portable Oxygen Concentrators

Non-Passenger Escort

Mask Exemptions

Your Rights

## Exemption to Federal Mask Requirement on Southwest Airlines

Federal law requires each person, 2 years of age and older, to wear a mask at all times throughout the flight, including during boarding and deplaning. Refusing to wear a mask is a violation of federal law and may result in denial of boarding, removal from the aircraft, and/or penalties under federal law.

**Southwest Airlines will consider applications for exemptions from this mask requirement from Passengers with a disability who cannot wear a mask, or who cannot safely wear a mask because of the disability.**

Per guidance from the U.S. Department of Transportation, airlines are permitted to impose certain requirements or conditions on a person requesting an exemption from the mask requirement.

**Please comply with the following pre-travel steps:**

At least seven (7) days prior to the Passenger's planned date of travel, a Passenger requesting a mask exemption for travel on Southwest Airlines must complete and submit the following via [Southwest.com>Contact Us>Send a Message.>Email Us: Comment/Question>Disability>Future Travel Assistance:](#)

1. A fully completed copy of this form executed by the Passenger making the request, or if the Passenger requesting a mask exemption is a minor child, the parent or guardian of such minor child; and
2. A signed letter from the requesting Passenger's Medical Physician on the Physician's letterhead stating that the Passenger with a disability has a recognized medical condition precluding the wearing or safe wearing of a mask because of their disability.

Once Southwest Airlines receives a mask exemption application in line with the above criteria, at Southwest's request to Passenger, Passenger may undergo a private medical screening (over the phone) with a third-party medical provider (Southwest Airlines' vendor StatMD).

If Southwest preliminarily approves a mask exemption after reviewing the Passenger's PDF document and the Medical Physician's letter and after receiving the third party medical provider's affirmation for travel, if required, Southwest will contact you at the phone number or email address provided below to discuss any need to change your travel dates and/or flights and remind you of the need to obtain a qualifying COVID negative viral test.

No later than 24 hours prior to the Passenger's scheduled departure(s), Passenger must provide evidence of Passenger's qualifying COVID negative viral test result. A qualifying COVID negative viral test result is defined as:

A physical or electronic documentation of a qualifying COVID negative viral test taken within three (3) calendar days preceding the Passenger's scheduled date of travel. A viral test means a viral detection test for current infection, which is a nucleic acid amplification test with observation approved or authorized by the relevant national authority for the detection of SARS-CoV-2.

**Note:** Roundtrip travel will require an additional qualifying COVID negative viral test result taken within three (3) calendar days preceding the Passenger's scheduled date of return travel and submitted no later than 24 hours prior to the Passenger's scheduled departure, unless the Passenger's return flight is within three (3) calendar days of the date of the initial negative COVID-19 departure test.

## Join the Discussion

Share knowledge and learn from travelers just like you.

[paddleyourownkanoo.com](https://www.paddleyourownkanoo.com)

## Southwest Introduces Tough New Face Mask Exemption Rule That Still Complies With CDC Rules

by Mateusz Maszczyński 11th March 2021

4-5 minutes

Southwest Airlines will introduce tough new face mask rules that will make it even more difficult for passengers with a legitimate medical exemption to fly with the airline while still complying with a Centers for Disease Control and Prevention (CDC) federal mask mandate.

Along with requiring a pre-travel questionnaire at least seven days before departure and written proof of their medical exemption from a physician, passengers will also need to obtain a negative pre-departure COVID-19 test certificate within 72-hours of departure and undergo a private medical screening with a third-party medical provider.

Once a passenger has jumped through those hoops, Southwest Airlines will still refuse to board them if the flight is booked to 50 per cent capacity or more. Even on a near-empty flight, an exempt passenger may still be refused boarding if there is more than one exempt passenger booked on the same flight.

One of President Biden's first acts on entering the White House was to introduce a federal face mask mandate for passengers and employees on public transport including airplanes. The order came into effect on February 1 but the mandate actually eased the strict face mask rules that some airlines had introduced.

Like American Airlines and United, Dallas-based Southwest airlines barred anyone over the age of two years old from flying with them if they claimed to have a medical condition that prevented them wearing a face mask. Instead, Southwest told passengers to either delay travel indefinitely or find another airline to fly with.

The federal mask mandate, however, included a specific exemption for passengers with medical issues that made it impossible for them to wear a mask. Airlines like United and Southwest have been forced to comply, although they can add conditions.

"As a mitigation measure, DOT allows airlines to schedule the passenger (not wearing a mask) on a less-crowded flight. Therefore, Southwest requires that a Passenger obtaining a mask exemption travel on a flight with less than 50% capacity at the time of the flight's departure, and with no other Passengers on board approved for a mask exemption," the airline explains on its website.

Southwest says it will accommodate passengers on a different flight at no extra cost but this might be on a later date. If that were to happen, passengers would be responsible for covering the cost of a new COVID-19 test themselves.

According to TSA data, passenger numbers are slowly ticking up with travel demand currently sitting around 45 to 50 per cent of what it was at this time in 2019. However, many airlines have slashed schedules and consolidated flights, meaning that passenger numbers often exceed 50 per cent

capacity.

The CDC still recommends that people avoid all but the most essential of air travel – including those who are fully vaccinated against COVID-19. The agency also says passengers should continue to wear a face mask on airplanes, in airports and anywhere else in a crowded public environment.

### **Sign Up for the Cabin Crew Brief**

Get the latest cabin crew recruitment news delivered to your inbox once a week...

#### Mateusz Maszczyński

Mateusz Maszczyński is a serving international flight attendant with experience at a major Middle East and European airline. Mateusz is passionate about the aviation industry and helping aspiring flight attendants achieve their dreams. Cabin crew recruitment can be tough, ultra-competitive and just a little bit confusing - Mateusz has been there and done that. He's got the low down on what really works.



Plaintiff's Exhibit 120

[onemileatatime.com](https://onemileatatime.com)

## Airlines Remove Face Mask Policy Loopholes | One Mile at a Time

Ben

6-7 minutes

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Up until this point Delta has been leading major US airlines when it comes to enforcing its mask policies, though both American and Southwest have just taken their policies to the next level. **Get ready for people to start threatening lawsuits...**

In this post:

- American & Southwest eliminate medical exemptions for masks
- What Southwest Airlines is telling employees
- This sure makes things easier...
- "That's illegal, I'm going to sue the airlines!"
- Bottom line

### **American & Southwest eliminate medical exemptions for masks**

Both American Airlines and Southwest Airlines have been requiring passengers to wear face coverings for several weeks now. However, enforcement has been getting progressively better.

Up until now, both airlines have had a fairly open-ended policy — masks don't need to be worn by people "with conditions that prevent them from wearing a face mask."

That has been left open to interpretation, but both airlines are now adopting a much stricter policy. American Airlines and Southwest Airlines will both only exempt those under two years old from wearing masks, as of July 29 and July 27, respectively.

Everyone else will have to wear a mask, even if they claim to have a condition that prevents them from doing so.



*American has eliminated medical exemptions for its mask policy*

## What Southwest Airlines is telling employees

View from the Wing notes an internal Southwest Airlines document making this policy explicit:

Due to the Safety risk posed by someone not wearing a mask, we are not able to allow any other exemptions at this time, including those for disabilities or medical conditions. If a Customer cannot travel safely while wearing a mask, the Customer will be refused transportation.

In other words, effective July 27, 2020, if a Customer is unable to wear a face covering for any reason (even a verifiable disability or medical condition), we regret that we will be unable to transport him/her at this time, due to the safety risk of COVID-19 transmission by Customers without face coverings. This includes any Customer who is unable to remove the mask without assistance.



*Southwest has eliminated medical exemptions for its mask policy*

This sure makes things easier...

In the US we sure love to sue, and we sure love freedom. The combination of those two things hasn't been great when it comes to getting the population to wear masks.

We know we're not supposed to ask people what their medical conditions are, and largely that's for good reason. However, I think it's safe to say that "freedom" and "the Constitution" and a desire to use "God's breathing system" all aren't scientifically-backed conditions.

I'm no medical expert, though I have spoken to more than one medical doctor who has explained that if you can fly on a plane, you can also wear a loose face covering. But then I also see a bunch of people on Facebook who say that's not true, so I'm really not sure what to believe anymore...



The further challenge has been that not wearing a mask puts those around you at increased risk. To what extent should the safety of other people be compromised to accommodate the conditions of others?

That brings us to the next point...

"That's illegal, I'm going to sue the airlines!"

No doubt we'll soon hear threats of people suing airlines, claiming that this is a violation of the Americans with Disabilities Act. Well, as it turns out, the airlines are within their rights here.

Live and Let's Fly has a good rundown of the situation, and why this is legal. What has to be looked at here is the Air Carrier Access Act. While airlines aren't allowed to discriminate on the basis of disabilities, they are allowed to refuse transportation to people on the basis of disability if that person would be inimical to the safety of the flight:

"While airlines may not refuse transportation to people on the basis of disability, airlines may exclude anyone from a flight if carrying the person would be inimical to the safety of the flight. If a carrier excludes a person with a disability on safety grounds, the carrier must provide a written explanation of the decision."

Here's how the decision making process for airlines is described in more detail:

(1) You can determine that there is a disability-related safety basis for refusing to provide transportation to a passenger with a disability if you are able to demonstrate that the passenger poses a direct threat. In determining whether an individual poses a direct threat, you must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

- (i) The nature, duration, and severity of the risk;
- (ii) The probability that the potential harm to the health and safety of others will actually occur; and
- (iii) Whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

(2) If you determine that the passenger does pose a direct threat, you must select the least restrictive response from the point of view of the passenger, consistent with protecting the health and safety of others. For example, you must not refuse transportation to the passenger if you can protect the health and safety of others by means short of a refusal.

~~Based on this, airlines sure do seem to be allowed to deny transportation over refusal to wear a mask, even if there is a medical condition. After all, transporting someone without a mask does pose a threat to other people on the plane.~~

## Bottom line

We're now seeing two major US airlines require all passengers two years of age and older to wear face coverings. There are no longer exclusions for those who claim to have medical issues.

I'm sure some will threaten to sue airlines, and will also claim that this is an ADA violation, though the regulations suggest that's not the case. I also have to imagine the legal departments of airlines studied this very closely before making a policy change.

Plaintiffs' Exhibit 121

[change.org](https://www.change.org)

## Sign the Petition

2 minutes

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Recently, Southwest Airlines, alongside American Airlines and United have just made mask wearing mandatory for ALL individuals over the age of 2 to wear a mask for the entirety of their flight, regardless of when your travel was booked. This new requirement directly impacts individuals with special needs, medical conditions and those with developmental disabilities. Over the last 8 years, my life as a mother has been heavily involved in the fair treatment of children (and adults) on the Autism Spectrum. After purchasing tickets to travel several weeks ago for travel on August 6th, the new mandate will go into effect on Monday, July 27, 2020, I contacted Southwest Airlines to make arrangements for my autistic daughter and we were told that she will not be allowed to fly on their airline if she is not able to mask for the duration of time before, during and after the flight. They claim they are following CDC guidelines, which explicitly states that accommodations for those with disabilities should be made. This is also a violation of the Air Carrier Access Act that states that airlines are prohibited to discriminate against people with mental or physical disabilities.

Plaintiffs' Exhibit 122

[viewfromthewing.com](https://viewfromthewing.com)

## Southwest Airlines CEO: Let Our Vaccinated Passengers Take Off Their Masks! - View from the Wing

*About Gary Leff*

2-3 minutes

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Southwest Airlines CEO Gary Kelly says he – and the airline lobbying group he leads – wants to see the federal transportation mask mandate end September 13 and he also says he believes airline passengers should be able to follow the same guidance set out by the CDC for everyone else – that no mask is needed if you've been vaccinated.

That would be cumbersome to enforce – think wristbands, for instance – but might actually encourage air travelers to get vaccinated.

In any case, enforcement might not be needed since the primary route of virus spread is from one unvaccinated person to another, which for most is an individual choice they're making to remain at risk. Those choosing to get the vaccine, and protect themselves and others, shouldn't have a cost imposed on them by other passengers unwilling to do so. And the paper and string that counts as a mask on board isn't very protective in any case.

While Southwest's Kelly is being reported as "the first U.S. airline

executive to publicly state what is in effect support for letting the mandate expire” for comments made during the carrier’s earnings call, earlier this week United Airlines CEO Scott Kirby told CNBC that he hopes the federal transportation mask mandate expires September 13 as well.

While American Airlines CEO Doug Parker dodged the question on his own earnings call this week, he has told American Airlines employees [he expects the mask mandate to be lifted September 13](#) and that’s when the airline can serve alcohol in coach again.

Parker says [“we’ve got to get to”](#) September 13th, and that because most inflight incidents are over masks things are going to get even harder on board as that date approaches. In the meantime [they’re seeing more passengers bring their own booze on board planes](#).

Plaintiff's Exhibit 123

[usatoday.com](https://www.usatoday.com)

## Will the mask mandate for flights be extended? Southwest Airlines CEO says airlines not pushing for it

3-4 minutes

July 22, 2021; updated July 27

Airplanes and airports are among the few remaining places where face masks are required, but they might not be after Sept. 13 if the rule isn't extended.

Southwest Airlines CEO Gary Kelly, chairman of industry lobbying group Airlines for America (A4A), said Thursday that Southwest and the trade group are not recommending another extension of the federal transportation mask mandate.

The mandate, which airlines and their unions requested to help with passenger mask compliance and to protect the health of flight crews, was [put in place by President Joe Biden in January](#). The mandate, which applies to trains, planes and airports, buses and transportation hubs, was initially due to expire in May but was [extended through Sept. 13](#), with the blessing of airlines.

Reports abound of [passengers refusing to wear masks](#) and [becoming aggressive with flight crews](#).

Kelly, answering reporter questions during Southwest's quarterly earnings conference call, said airlines support following Centers for Disease Control and Prevention [guidance on masks](#), which says vaccinated individuals don't need one but unvaccinated individuals should wear one.

**New rules:** [CDC lifts indoor mask requirement for fully vaccinated people](#)

Unless that advice changes, he said, "we wouldn't advocate from Southwest's perspective, or the A4A for that matter, extending the mandate."

Kelly said he doesn't know whether the mandate, enforced by the



Transportation Security Administration, will be extended or lifted.

"That's a political question, to a degree," he said.

Kelly said the government is studying the matter, given the [spreading delta variant](#), which has caused a spike in COVID-19 cases, but he is not aware of "any efforts underway" to extend the mask mandate.

**COVID-19 and travel:** [The delta variant is spreading. Should travelers be concerned?](#)

The CDC has had no comment on the status of the mandate beyond Sept. 13.

"We can't comment on pending regulatory discussions as to the future of the order," spokesperson Caitlin Shockey said via email.

Kelly is the first U.S. airline executive to publicly express what is in effect support for letting the mandate expire, though United Airlines CEO Scott Kirby said he expected it to be lifted in September.

"What they decide, we'll enforce," American Airlines CEO Doug Parker said earlier Thursday on the airline's quarterly earnings conference call. "It's not for us to opine."

Last week, Delta CEO Ed Bastian told Wall Street analysts and investors he didn't know the fate of the mandate.

He said there are as many "pros to taking the mask requirement off as there are to keeping it on at the present time."

"I think it's important that medical experts make those decisions, not airline professionals, as we've learned through the pandemic," he said on the airline's earnings call. "They're the ones that have all the insight and the information and keeping people safe. I appreciate people not wanting to wear the mask. I don't like wearing the mask when I'm on board either, but it's something that we need to do to keep each other safe."

Los Angeles County, the most populated county in the USA, will once again require people to wear masks indoors – regardless of vaccination status – after a surge in [COVID-19 cases](#).

Plaintiff's Exhibit 124

TRAVEL NEWS



# A4A Won't Push for a Federal Transportation Mask Mandate Extension



John Michael Jayme

July 25, 2021



03:54

15 KEY TRAVEL ADVISO

**The federal transportation mask mandate is about to end on September 13.**

According to this mandate, people will have to wear masks in public transportation including airports and planes. Since CDC eased on masking rules, airports and airplanes have been the few remaining places where you are required to wear a mask.

It's also the number one reason why there's an increased **report of unruly passengers** on planes. The majority of these unruly passengers refused to wear masks.

**Southwest Airlines CEO Gary Kelly, who is also the chairman of Airlines for America (A4A), said that the trade group and Southwest are not recommending an extension of the federal transportation mask mandate.**

## **Federal Transportation Mask Mandate Extension As Delta Variant Spreads?**

President Biden announced the federal transportation mask mandate **in January**. The goal is to protect the passengers' and flight crews' health and improve mask compliance. This means that travelers will have to wear masks on trains, buses, planes, airports, and other transportation hubs. It was originally only up to May. But with the COVID situation in the US, it was extended until September 13.

Kelly said that airlines support the mask guidelines set by the US Centers for Disease Control and Prevention. According to the latest guidance, only unvaccinated individuals should be wearing a mask. He added though that "we wouldn't advocate from Southwest's perspective, or the A4A for that matter, extending the mandate".

**03:54**

**15 KEY TRAVEL ADVISO**

Kelly isn't sure if the Transportation Security Administration will extend or lift the mandate. According to Kelly, "That's a political question, to a degree".

The recent surge of COVID cases in the US is something that can affect the decision of TSA. Delta variant is now the dominant strain in the US. CDC currently has no comment regarding the status of the mask mandate. Caitlin Shockey in an email said that "We can't comment on pending regulatory discussions as to the future of the order".

American Airlines CEO Doug Parker said that "What they decide, we'll enforce".



***John Michael Jayme***

*John Michael Jayme is a Travel Analyst for The Jet Set. He writes about news and events affecting the travel industry.*

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**READ MORE**

**03:54**

**15 KEY TRAVEL ADVISO**





## Accessible travel services

For the best travel experience when requesting these services:

- Make reservations as early as possible and request services while booking online, or call our dedicated accessible services line at [1-800-503-0101](tel:1-800-503-0101) (dial 711 for relay services).
- Arrive at the airport at least 2 hours prior to departure.
- Let us know about any special requirements - at check-in, in the boarding area, and on the aircraft.

**New:** Download our free mobile app called Fly for All, designed for those with cognitive and developmental disabilities, first-time flyers, and unaccompanied minors. It's available now on the [App Store](#) and [Google Play](#).

**Federal law** requires guests to wear a mask over their nose and mouth at all times during travel, including throughout the flight, during boarding and deplaning, and while traveling through an airport. Visit our [travel advisories](#) to learn more about our mask requirement.

If you have a disability and are unable to wear a mask, please call our dedicated accessible services line at 1-800-503-0101 (dial 711 for relay services) to request an exemption from the mask requirement.

### Exemptions will require:

- Documentation from a licensed health care provider as to your inability to wear a mask due to your disability; and
- Proof of a negative test result from an FDA approved molecular NAAT or PCR Covid-19 test taken within 72 hours of your scheduled flight departure

Documentation from your health care provider must be submitted to Alaska Airlines at least 72 hours before your flight. We recommend that you contact us at least one week before departure to start the exemption process.

Airport accessibility

Developmental and intellectual disabilities

Hearing

## **Alaska Airlines -- Masks are Required to Fly**

### **Policy and guidelines**

Federal law requires guests to wear a mask over their nose and mouth at all times during travel, including throughout the flight, during boarding and deplaning, and while traveling through an airport.

- Masks are required even if you are fully vaccinated.
- Refusing to wear a mask is a violation of federal law and may result in denial of boarding, removal from the aircraft, and/or penalties under federal law.
- The FAA has also implemented stricter legal enforcement and fines against guests who refuse to comply with crew instructions. In addition, we reserve the right to refuse transportation in the future to guests who refuse to comply with mask requirements.
- While guests are allowed to temporarily remove their masks when briefly drinking or eating or when taking medication, masks must otherwise be worn at all times, including between sips of beverages or bites of food.
- If wearing oxygen masks is needed because of loss of cabin pressure or other event affecting aircraft ventilation, masks should be removed to accommodate oxygen masks.
- Information about medical accommodations may be found in our accessible services section.

### **Acceptable masks**

The following are required to meet CDC requirements.

- A properly worn mask completely covers your nose and mouth.
- Cloth masks should be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source).
- If gaiters are worn, they should have two layers of fabric or be folded to make two layers.
- Masks should be secured to the head with ties, ear loops, or elastic bands that go behind the head.
- A mask should fit snugly but comfortably against the side of the face.
- Masks should be a solid piece of material without slits, exhalation valves, or punctures.
- Additionally, the following are acceptable as long as your mask meets the requirements above.
- Masks can be either manufactured or homemade.
- Masks can be reusable or disposable.
- Masks can have inner filter pockets.
- Clear masks or cloth masks with a clear plastic panel may be used to facilitate communication with people who are hearing impaired or others who need to see a speaker's mouth to understand speech.
- Medical masks and N-95 respirators are acceptable.

**Unacceptable masks**

The following DO NOT meet CDC requirements.

- Masks worn in a way that does not cover both the mouth and nose.
- Face coverings that do not cover a guest's nose and mouth
- Scarves, ski masks, balaclavas, or bandannas.
- Shirt or sweater collars (e.g., turtleneck collars) pulled up over the mouth and nose.
- Masks made from loosely woven fabric or that are knitted, i.e., fabrics that let light pass through.
- Masks made from materials that are hard to breathe through (such as vinyl, plastic or leather).
- Masks containing slits, exhalation valves, or punctures.
- Masks that do not fit properly (large gaps, too loose or too tight).
- Face shields or goggles (face shields or goggles may be worn to supplement a mask that meets above required attributes).

<https://www.alaskaair.com/content/advisories/travel-advisories>

Visited May 24, 2021

Plaintiffs' Exhibit 126

[thewindowflyer.com](http://thewindowflyer.com)

## Alaska Airlines strengthens its mask policy — The Window Flyer

*The Window Flyer*

3 minutes

8-5-20



On Wednesday, Seattle-based Alaska Airlines announced a strengthening of their mask policy, requiring all passengers above the age of two to wear face coverings, with no medical exceptions allowed. The change goes into effect August 7th. Alaska's announcement comes the same day as New York-based jetBlue's, who also announced it is eliminating medical exemptions for mask wearing, effective August 10th.

Alaska, along with jetBlue, now join American and Southwest, which announced similar zero-exceptions policies in recent weeks, as the airlines



with the strictest face covering policies in the United States. Meanwhile, another airline with a strict policy, Delta Air Lines, still allows medical exceptions, but now requires passengers who claim a medical exemption to consult with a medical professional via telehealth at the airport where a decision will be made if the passenger can fly maskless, be rebooked onto another flight, or denied boarding and given a refund.

It is important to note that while some people claim the moves are illegal and discriminatory, the US Department of Justice had already issued a [statement](#) at the end of June that “The ADA does not provide a blanket exemption to people with disabilities from complying with legitimate safety requirements necessary for safe operations.” The key phrase in the statement pertains to “safe operations.” In conjunction with the U.S. Department of Transportation’s Air Carrier Access Act, which [states](#) that “airlines may not refuse transportation to people on the basis of disability. Airlines may exclude anyone from a flight if carrying the person would be inimical to the safety of the flight.”, it appears to be well within an airline’s right to require all passengers to wear masks, regardless of medical condition.

In addition to making masks mandatory for all passengers, Alaska has also extended its blocking of middle seats until October 31st, and its rebooking and cancellation fee waiver through September 8th.

Plaintiffs' Exhibit 127

[yahoo.com](https://www.yahoo.com)

## No more medical exemptions: Alaska Airlines says anyone who can't or won't wear a mask won't be allowed to fly

*dslotnick@businessinsider.com (David Slotnick)*

4-5 minutes

8-5-20



While other airlines demand documentation of medical conditions or connect fliers with doctors, Alaska has wiped away the complication with a blanket requirement.

Ted S. Warren/AP

- Alaska Airlines is the latest airline to announce it will no longer allow medical exemptions from its mask-wearing requirement.
- The carrier said that if a passenger was unwilling or unable to wear one, they would not be permitted to fly.

- Despite evidence that wearing masks can significantly limit the spread of the [coronavirus](#), masks have become a flashpoint for conflicts aboard flights (as well as elsewhere).
- [Visit Business Insider's homepage for more stories.](#)

Alaska Airlines said on Wednesday that it will no longer fly passengers who are unwilling or unable to wear a mask — even when there's a legitimate and documented medical reason — following similar moves by [American Airlines](#) and [Southwest](#).

US airlines have largely implemented on-board mask requirements since air travel demand began ticking back up this spring.

At first, those policies were criticized as toothless: Flight attendants were discouraged from confronting passengers who wouldn't wear masks, and airlines offered little clarity on the consequences for those customers. In June, airlines including Alaska, United, American, and Delta said they would ban passengers who refuse to comply with mask requirements.

The question of medical exemptions, however, has continued to vex airlines.

Although airlines have said they would make exceptions for anyone with a medical reason for not wearing a mask, gate agents and flight attendants have been faced with passengers who claim exemptions without providing documentation. As mask use has become politicized in the US, exemption claims made in bad faith have become increasingly problematic.

In late-July, Delta Air Lines said that any passenger claiming a medical exemption would be [required to consult with a medical professional](#) at the airport, through a telehealth service. Passengers would either be cleared to fly maskless, rebooked on another flight, or refused service and given a refund. United said it would no longer accept medical exemption claims without documentation.

Alaska's new policy wipes away the complication by simply eliminating all exemptions.

"If a guest is unwilling or unable to wear a mask for any reason while at the airport, they will not be permitted to travel," the airline said in a [statement](#). "If a

guest refuses to wear a mask after boarding their flight, they will be suspended from future travel."

It was not immediately clear whether a refusal to accommodate medical exemptions for legitimate medical reasons would violate any federal or state disability protection laws. However, the Department of Justice [said in June](#) that the Americans with Disabilities Act "does not provide a blanket exemption to people with disabilities from complying with legitimate safety requirements necessary for safe operations."

This policy follows a "yellow card" program that Alaska rolled out in June, in which flight attendants would issue a formal notice to passengers who refuse to wear masks. The airline said that going forward, any passenger who does not comply with the mask requirement after receiving a yellow card will be banned from flying with it immediately on landing, and will have any connecting or return flights cancelled.

Alaska also said it will continue to block middle seats on flights through at least October 31, a one-month extension.

Read the original article on [Business Insider](#)

## Face Covering Policy

Am I required to wear a face covering?

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Yes, federal law requires every person to wear a face covering that covers the nose and mouth at all times while traveling. Face coverings must be made of a solid material, fully cover the mouth and nose, fit snugly against the face, and be secured under the chin. Prohibited coverings include those with exhalation valves, holes (such as lace or mesh), neck gaiters, and bandanas. Face shields may be worn in addition to a face covering, but not as an alternative.

Learn more about the CDC's face covering recommendations [here](#).

Are Allegiant employees required to wear face coverings?

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Yes, federal law requires every person to wear a face covering at all times. However, the law states face coverings can be briefly removed when communicating with a person who is deaf or hard of hearing or when the ability to see the mouth is essential for communication.

Can I remove my face covering to eat, drink, or take oral medication?

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Yes, you may briefly remove your face covering to eat, drink, or take oral medication, but prolonged removal is not permitted. Face coverings must be worn between bites and sips.

Can I wear a bandana?

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No, face coverings must be secured under the chin.

Can I wear a face mask with a valve?

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No, face coverings with exhalation valves are prohibited.

Can I wear a face shield instead of a face mask?

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No, face shields may be worn in addition to a face covering, but not as an alternative.

Can I wear a neck gaiter?

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No, neck gaiters are prohibited.

### Do children have to wear a face covering?

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Children under the age of 2 are not required to wear a face covering.

### Do I have to wear a face covering at the airport?

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Yes, federal law requires every person to wear a face covering at all times in airports and on commercial aircraft.

### Does Allegiant provide face coverings?

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Yes, you can use your own face covering, but we also provide complimentary health and safety kits upon request that contain a single-use face mask and two sanitizing wipes. Please be advised that federal regulations require face masks to enter the airport.

### What if I choose not to wear a face covering?

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Refusal to wear a face covering is a violation of federal law and can result in denial of boarding, removal from the aircraft and additional penalties.

### What should I do if I have a disability that prevents me from removing a face covering without assistance?

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Those with limited mobility who are unable to remove a face covering without assistance are exempt from the requirement. To request face mask exemptions, please email our Disabilities Team at [ACAA@allegiantair.com](mailto:ACAA@allegiantair.com) at least 10 days prior to the departure of the first flight on your itinerary. Please note, if your exemption is approved, a negative COVID test will be required within 3 days of each flight segment. Details for submission of negative tests will be provided upon exemption approval.

### What should I do if I have a medical condition that prevents me from wearing a face covering?

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To request face mask exemptions, please email our Disabilities Team at [ACAA@allegiantair.com](mailto:ACAA@allegiantair.com) at least 10 days prior to the departure of the first flight on your itinerary. Please note, if your exemption is approved, a negative COVID test will be required within 3 days of each flight segment. Details for submission of negative tests will be provided upon exemption approval.



IWA to HOU One way | Jun 20 | 1 Seated | Modify ▼

Log in

 Trip Total:  
**\$110.00**

## Special Assistance

CANCEL

Allegiant is happy to assist passengers with disabilities. An Allegiant representative must be notified at the airport to receive disability accommodations. Please visit our [FAQs](#) page for more information.

- |  |  |
|--|--|
| <input type="checkbox"/> Wheelchair Assistance                             | <input type="checkbox"/> Deaf/Hard of Hearing (Assistance is required) |
| <input type="checkbox"/> Traveling with personal wheelchair/scooter        | <input type="checkbox"/> Blind/Low Vision (Assistance is required)     |
| <input type="checkbox"/> Traveling with Portable Oxygen Concentrator (POC) | <input type="checkbox"/> Intellectual or Developmental Disability      |
| <input type="checkbox"/> Service Animal (i.e. trained guide dog)           |  |

## Other Services Information

mask exemption

Please note that, for safety reasons, all passengers must be able to sit upright unassisted during taxi, take off and landing, or provide an FAA approved Orthotic Positioning device which enables upright positioning without attachment to the seat. For more information, [visit our FAQs](#).

Plaintiffs' Exhibit 129

[onemileatatime.com](https://onemileatatime.com)

## Why Doesn't Allegiant Air Require Face Masks? | One Mile at a Time

5-6 minutes

6-19-20

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**Update:** [Allegiant Air will require customers to wear face masks as of July 2, 2020.](#)

[Wearing face coverings on planes](#) has become [a shockingly controversial topic](#). At this point, most US airlines require passengers to wear face masks, and some have even [promised to step up enforcement](#).

What some people don't realize is that there's one major US airline that doesn't require face masks to be worn.

- [Allegiant Air's face mask policy](#)
- [What's Allegiant Air's logic for not requiring masks?](#)
- [Is there an ulterior motive to Allegiant Air's policy?](#)
- [To the anti-mask crowd: vote with your wallet](#)
- [Bottom line](#)

### Allegiant Air's face mask policy

**Ultra-low-cost carrier Allegiant Air** doesn't require passengers to wear face masks. To my knowledge, there's no other major US airline with such a policy.

[Allegiant has a webpage](#) titled "[Going the Distance for Health and Safety](#)," which describes all the initiatives the airline is taking. In some ways, Allegiant is more progressive than other airlines, **as each passenger gets a complimentary health and safety kit with a face mask, gloves, and two sanitizing wipes.**

At the same time, the airline doesn't require passengers to wear face masks. Heck, the above webpage doesn't even encourage passengers to wear masks.

Ironically the airline makes the following claim:

We work closely with the Centers for Disease Control and Prevention (CDC), World Health Organization (WHO) and other authorities and experts. Based on their direction, we



ensure our actions not only follow current guidance, but exceed the recommended standards so you can fly with confidence.

The CDC does recommend that people should wear face masks in situations where social distancing isn't possible, so I'm not sure how exactly Allegiant is exceeding recommended standards.

## What's Allegiant Air's logic for not requiring masks?

I reached out to Allegiant Air to ask about the company's logic for not making face masks mandatory, and here's what I was told:

"We're constantly evaluating our policies to ensure they best meet our customers' needs. We strongly encourage passengers to wear face masks in all of our communications with them. We send reminder emails before their flights and make announcements at the gate and on board each flight. However, we find that most of our passengers have already adopted mask-wearing as a standard practice. We've also heard from customers with asthma and other health conditions who say they can't wear masks. We want to ensure our policies accommodate them, as well.

As an extra precaution, we provide each passenger with a free health and safety kit as they board their flights. The kits include a mask, gloves and sanitizing wipes. Passengers tend to already have their own wipes and masks but they appreciate the extra supplies we provide."

## Is there an ulterior motive to Allegiant Air's policy?

In some way, I respect the fact that Allegiant Air is doing a better job of managing expectations than other airlines. Other airlines "require" face masks, but face mask usage isn't as common or consistent as you'd hope, as I recently experienced firsthand.

Meanwhile, if you fly Allegiant, you should have no expectations that someone seated next to you is wearing a face mask, because there's no requirement to do so. Then you also won't be disappointed.

Is Allegiant Air's policy that straightforward, though, or does the airline have an ulterior motive? I've been in Nevada, Arizona, and Utah, the past couple of days, and have been in complete disbelief about how coronavirus is viewed here. I'll save that for another post, but simply put, a vast majority of people don't wear masks here.

When you look at the markets Allegiant Air serves, I can see how for some people this policy may actually be a selling point.

To the anti-mask crowd: vote with your wallet

Flying Allegiant Air seems like the perfect solution for the anti-face mask crowd:

- You can support an airline that doesn't require face masks
- You can fly with like-minded people

That seems like a much better option than giving your money to a greedy company that's infringing on your personal liberties, no? 😊

While Allegiant obviously has a slightly different route network than other major airlines, odds are decent that they at least fly somewhat close to where you may need to go within the US, even if a bit of extra driving is needed.

Bottom line

Allegiant is the only major US airline to not require passengers to wear face masks. The airline does offer face masks and gloves to passengers, but there's no requirement to wear them.

The airline notes that passengers are "encouraged" to wear masks, but because some passengers have health issues, the airline doesn't want to make it mandatory.

I have a hard time believing that this isn't a more deliberate move, though. With every other airline requiring masks, Allegiant is an outlier. I think the most likely explanation is that this is a reflection of some of the markets that Allegiant serves, and therefore the perception that many Allegiant passengers may have towards face masks.

**What do you make of Allegiant Air's decision to not require passengers to wear face masks?**

Plaintiffs' Exhibit 130

[onemileatatime.com](https://onemileatatime.com)

## Allegiant Air Will (Finally) Require Face Coverings | One Mile at a Time

2-3 minutes

6-26-20

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Better late than never, I suppose?

- [Allegiant Air will require face coverings](#)
- [Why did it take Allegiant so long to add this rule?](#)
- [Bottom line](#)

For quite a while now, [Allegiant Air has been the only major US airline](#) to not require passengers to wear masks. That will finally be changing. **As of July 2, 2020, Allegiant Air will require passengers to wear face masks at all times when traveling, including at the ticket counter and gate, during boarding, and while onboard the aircraft.**

[https://twitter.com/braden\\_duran/status/1276528402464256006](https://twitter.com/braden_duran/status/1276528402464256006)

Why did it take Allegiant so long to add this rule?

Last week I wrote about how [Allegiant Air was the only major US airline to not require face coverings](#) during travel. Here's how the airline justified the policy:

"We're constantly evaluating our policies to ensure they best meet our customers' needs. We strongly encourage passengers to wear face masks in all of our communications with them. We send reminder emails before their flights and make announcements at the gate and on board each flight. However, we find that most of our passengers have already adopted mask-wearing as a standard practice. **We've also heard from customers with asthma and other health conditions who say they can't wear masks. We want to ensure our policies accommodate them, as well.**

As an extra precaution, we provide each passenger with a free health and safety kit as they board their flights. **The kits include a mask,** gloves and sanitizing wipes. Passengers tend to already have their own wipes and masks but they appreciate the extra supplies we provide."

On the one hand, I can appreciate [the challenge some other airlines have when it comes](#)

to enforcing face mask policies. I don't love the fact that airlines have created face mask policies they can't enforce, especially since many people rely on others to wear masks in order to feel comfortable on planes.

On the other hand, at least trying to require face masks to be used seems better than not requiring it.

Bottom line

Allegiant Air will become the last major US airline to require passengers to wear face masks as of July 2, 2020. Welcome to the club, Allegiant!

Meet Ben Schlappig, OMAAT Founder

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Plaintiffs' Exhibit 131

[wcjb.com](http://wcjb.com)

## Confusion over Delta face mask policy causes trouble for one local mom

4-5 minutes

GAINESVILLE, Fla. (WCJB) - Traveling alone with a toddler is already a stressful experience, but the airline face mask policies can cause some big headaches for parents - especially when airline employees are not consistently interpreting the policy the same way.

"I was trying but at the end of the day she is three," said an emotional Krystyn Linville.

Krystyn and her daughter, Finley, were traveling to see her mother in North Carolina. Krystyn, knowing the Delta face mask policy, was prepared for the flight. The mother packed three different masks, a tablet and plenty of snacks for her three-year-old daughter.

After some initial fussiness and a mask selfie, Finley was slowly adjusting - that's when things took a turn.

"Flight attendant was going through her walk through, and I guess Finley's mask had fallen down, and it was down her chin area," Krystyn told TV20. "She said to me, 'I need you to put her mask on or I am going to call the gate attendant and have you guys removed from the plane - that was the very first sentence she ever said to me.'"

Krystyn says the flight attendants continued to harass her and her daughter about the mask throughout the flight, even though Finley only removed her mask when she was snacking - which is allowed.

Snacks that the flight attendants, Krystyn says, did not even want to provide to her - despite other passengers receiving them.

Their constant presence stressed an already frazzled Finley and made the situation worse for the toddler and the mother.

In Atlanta, Krystyn tried to ask someone at Delta customer service about the face mask policy.

"Here is the policy," she told the Delta representative. "I pulled out my phone and went onto Delta's website, and I showed him the policy, and he said, 'that's not what the policy said.'"

The rep then appeared at the gate at her connecting flight to warn the next flight crew that

her daughter "was a problem."

Krystyn flew on Endeavor Air, which is a Delta partner and abides by Delta policies.

She argued that the part of the face mask policy that exempts 'young children who cannot maintain a face covering' fit her situation. The policy even exempts unaccompanied minors from wearing a face mask - those kids ranging from 5 to 17-years- old.

In a statement to TV20, Delta writes: "Wearing a mask or face covering is one of the most important ways customers and employees stay safe while flying. We apologize for any confusion or miscommunication that may have occurred on this trip, and we are in touch with our Delta Connection partner that operated the flight to look in to the situation."

"There is no federal mandate, so everything is airline to airline," said Travelers United President and co-founder Charles Leocha. "But not only is it airline to airline, it's flight attendant to flight attendant."

Leocha, who works for a travel advocacy group that lobbies in Washington, has seen a spike in cases of families getting kicked off of flights.

"It's foolishness," said Leocha, who says flight crews should be more reasonable when dealing with younger children.

Although Krystyn says the Delta rep spoke to the second flight crew, the flight attendant on the flight, realizing the situation, offered Finley a bottle of water - which would allow the three-year-old girl to take a break from wearing a mask if she wanted to.

"Just frustrating to not wanting to have this trip taken away from my mom and to not let grown people treat my child the way they were treating her," said Krystyn.

Krystyn and her daughter are set to return home to Gainesville on Friday, and she is anxious about her upcoming trip.

"It is already going to be stressed flying with a toddler. They already present their own challenges, but then to not know if the staff is going to treat us appropriately or treat my daughter appropriately and just be educated or aware of their policy."

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Plaintiffs' Exhibit 132

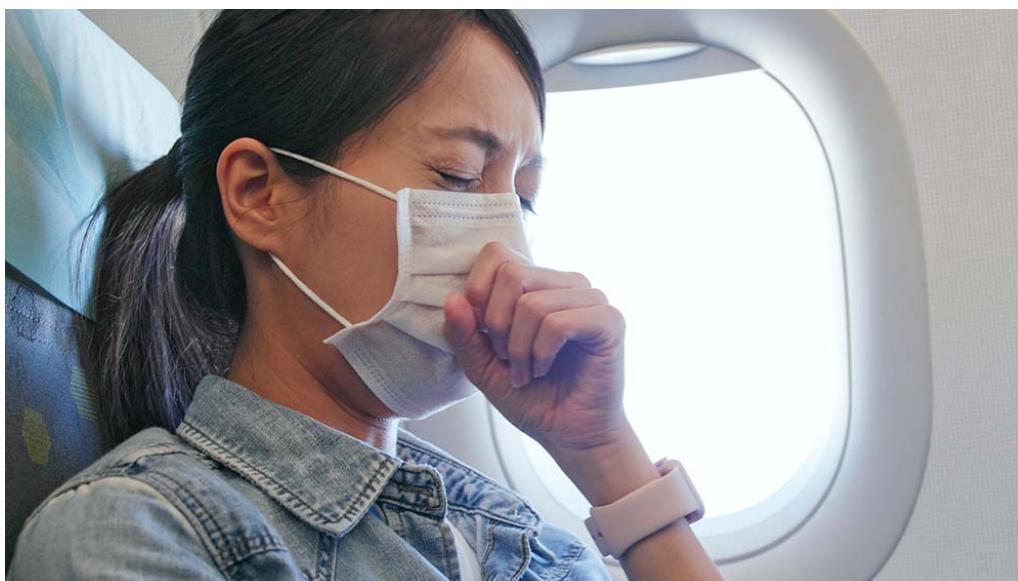
[naturalnews.com](https://www.naturalnews.com)

## Delta Air Lines bans over 100 people from flying with them for refusing to comply with company's mask mandate

Arsenio Toledo

8-8-20

5-7 minutes



([Natural News](#)) Delta Air Lines CEO Ed Bastian said that his company's no-fly list has greatly expanded after they started banning passengers from flying with Delta if they refuse to comply with the company's COVID-19 mask mandate.

"We've had well over 100 people that have refused to keep their mask on during the flight," Bastian said in an interview. The CEO further said that while a vast majority of Delta's flyers have complied with the company's mask mandate, the few who did not have been blamed for causing flight disruptions.

A company spokesperson confirmed that these people have lost their ability to book future flights with Delta.

Bastian said during his interview that passengers are not allowed to board a plane if they

aren't wearing masks. However, employees have reported that once people are on the plane many try to take off their masks. Flight attendants have regularly tried to get the passengers to keep their masks on for the duration of the flight, warning that if they continue with their behavior they will not be allowed to fly with the company.

One infamous incident occurred on July 23. A Delta flight going to Atlanta, Georgia, went back to Detroit, Michigan after two passengers refused to keep their face coverings on. The flight later departed for its original destination. Social media has been flooded with viral videos of people asserting their individual rights. (Related: [Harvard doctor wants US to enforce national mask mandate](#); [Surgeon General says order may lead to REBELLION.](#))

Mask fight on a plane. The goal of all global corporate media is to create then grow this kind of division amongst people so that the most evil people in the world can consolidate wealth & power. They are satan's mouthpiece [pic.twitter.com/MbQRUigPQ9](https://pic.twitter.com/MbQRUigPQ9)

— George (@jitotweets) [August 2, 2020](#)

Bastian has urged people who are considering flying without a mask to consider traveling with other airlines that have fewer restrictions, to figure out other means of traveling or to simply not travel at all.

Listen to this episode of the *Health Ranger Report*, a podcast by Mike Adams, the Health Ranger, as he talks about how people can use the logic employed by the [lunatic liberal mob](#) in order to claim that they are wearing a face mask despite their objections over being forced to wear one.

## **Delta Air Lines more focused on profits than on upholding individual rights**

In a letter Bastian sent to Delta employees on Thursday, August 6, the CEO talked about how the company needs to not only keep customers happy, but to also ensure that public health protocols are met. He emphasized that this was going to be Delta's business strategy for the foreseeable future.

"We want to ensure that those who travel now are choosing Delta," the letter read. This strategy will allow the company to bring in additional revenue, which will help keep them afloat and also "build additional loyalty and affinity for our brand, which will power our growth when demand begins to come back."

Delta and other major American airline companies are focused on making sure that they make enough money, as the COVID-19 pandemic has tanked much of their revenue due to the slowdown in worldwide travel.



From April to June, the company reported that it had 93 percent fewer passengers than it did during the same three months last year. In July, the company's second quarter report showed that Delta had a net loss of \$5.7 billion, the largest since the 2008 financial crisis.

Delta and several other airlines announced early in June that they would be forcing their passengers to wear face masks whenever they fly on their planes. Other airline companies that have announced similar mask mandates include United Airlines and American Airlines.

Delta's own mandatory mask policy came into effect on May 1 and it required all of the company's passengers to wear a mask for the duration of the flight. The company has distinguished itself as having some of the strictest rules regarding masks among airline companies, such as preventing middle seats from being sold in order to maintain some level of social distancing between passengers.

Delta's policy also requires people who want to be exempted from wearing a mask due to health concerns to go through a process known as the "Clearance to Fly screening process" before being allowed to board a Delta plane.

This screening takes place over the phone and is conducted in partnership with the University of Pittsburgh Medical Center (UPMC). A physician has the final say over whether or not a person looking to fly can board the Delta plane without a mask. It can take up to an hour to complete.

If the physician finds that they are not allowed to fly without a mask, the customer can ask to be rebooked for a later flight or get a refund. If they insist on boarding the plane or if they make false medical claims, Delta can temporarily blacklist customers from booking flights with their company. The worst offenders, the company warns, can be permanently banned from flying with Delta.

Delta has not stated when their mask mandate will end.

Learn about all the other companies that are using the Wuhan coronavirus pandemic to impose their will upon their potential customers with tyrannical policies such as mask mandates by reading the articles at Pandemic.news.

**Sources include:**

[DailyMail.co.uk](https://www.dailymail.co.uk)

[Edition.CNN.com](https://edition.cnn.com)

[BusinessInsider.com](https://www.businessinsider.com)

[FoxBusiness.com](https://www.foxbusiness.com)

Plaintiffs' Exhibit 133

[news.delta.com](https://news.delta.com)

## Delta expands safety commitment by requiring all customers to wear face coverings across travel

5-6 minutes

4-30-20

In keeping with best practice guidelines from the CDC, starting May 4 Delta will require all customers to wear a face mask or appropriate face covering when traveling.



Delta employees and customers will experience an extra layer of protection starting May 4, as we require all customers to wear a face mask or appropriate face covering when traveling with us.

In keeping with [best practice guidelines](#) from the Centers for Disease Control, this move comes on the heels of our announcement earlier this week requiring employees worldwide to wear face masks if they are unable to maintain six feet of distance with customers or each other. This requirement for our

people helps set the example for our customers to follow as well.

This action is one more way we are working to protect our people and customers, as well as doing our part in the broader community to help slow and stop the spread of the virus. Other measures include:

- New temporary requirements for employees to wear masks or face coverings when within six feet of others while at work, starting this week
- Employee temperature checks
- Enhanced cleaning measures implemented in airports and on aircraft
- Expanding electrostatic spraying procedures, which disinfect employee work and break areas, to more locations

“Nothing is more important than the health and safety of our people and our customers,” said **Bill Lentsch, Chief Customer Experience Officer**. “While we remain committed to our new standard of clean and to providing more space for our customers when they travel, we take seriously the CDC guidelines for adding this extra layer of protection. We believe this change will give customers and employees some additional comfort when traveling with us.”

Please visit the CDC website for guidance on:

- [Recommendations for masks, including how to make one at home](#)
- [Use of Cloth Face Covering to Help Slow the Spread of COVID-19](#)

Face coverings will be required starting in the check-in lobby and across Delta touchpoints including Delta Sky Clubs, boarding gate areas, jet bridges and on board the aircraft for the duration of the flight – except during meal service. Their use is also strongly encouraged in high-traffic areas including security lines and restrooms. **People unable to keep a face covering in place, including children, are exempt.**

This **temporary requirement** will be communicated to customers using the same channels we have shared changes to service and experiences throughout this pandemic. Delta.com, Pre-flight emails and Fly Delta app push notifications will serve as reminders before heading to the airport, while

signage, displays and, of course, our incredible Delta people will support this effort via announcements once traveling. And while we continue to encourage customers to bring their own face covering when traveling with us, supplies will be available for customers who need them.

### **Delivering on Delta's New Standard of Clean**

Delta will continue evaluating our practices and new opportunities to support personal safety. Requiring customers and employees to wear face coverings throughout their journey is one of many steps Delta has taken to protect their health and safety, while providing an essential service to the communities we continue to serve. These efforts and our new standard of clean include:

- Expanding electrostatic sanitizing [spraying – to all aircraft](#) and adopting extensive pre-flight cleaning practices that disinfect high-touch areas – on top of existing cleaning measures and the use of [state-of-the-art air circulation systems with HEPA filters](#) that extract more than more than 99.999% of even the tiniest viruses on many Delta aircraft
- Taking steps to give customers and employees [more space for safer travel](#) on the ground and in the air by blocking middle seats, reducing the number of customers on each flight and pausing automatic Medallion Complimentary Upgrades
- Adjusting the [boarding process](#) to encourage more space for safer travel by boarding all flights from back-to-front — reducing the instances of customers needing to pass by one another to reach their seats
- [Streamlining](#) onboard food and beverage service on all flights and encouraging customers to pack their own food and beverages to decrease touch points
- Providing supplies directly to customers when available, including [hand sanitizers](#), [amenity kits](#) and other protective equipment to minimize the spread of COVID-19 and other viruses
- Connecting with health experts, partners and healthcare industry leaders on best practices

***A comprehensive list of onboard changes can be found on [delta.com](#).***

Plaintiffs' Exhibit 134

[onemileatatime.com](https://onemileatatime.com)

## Delta Air Lines Adds Face Mask Requirement | One Mile at a Time

3 minutes

4-30-20

And now all airlines seem to be following one another. We've just seen announcements from [JetBlue](#), [Frontier](#), and [American](#), regarding passengers having to wear face masks. Now [Delta is joining the club as well](#).

- [Delta Air Lines will require face masks](#)
- [Delta will have masks for those who need them](#)
- [Bottom line](#)

Delta Air Lines will require face masks

As of May 4, 2020, Delta Air Lines will [require all employees and customers to wear a face masks or appropriate face covering](#).

Face coverings will be required throughout the journey, including at check-in, in Delta SkyClubs, at boarding gates, in jet bridges, and onboard flights.

There are a couple of exceptions:

- People unable to keep a face covering in place, including children, are exempt
- Face coverings don't have to worn during meal services

Delta also notes that face masks are "strongly encouraged" in high-traffic areas at the airport that aren't Delta-specific, like security lines and restrooms.

This is a temporary requirement, and they'll be communicating this with customers through the same channels they have shared all other changes.

As Delta's Chief Customer Experience Officer describes this decision:

"Nothing is more important than the health and safety of our people and our customers. While we remain committed to our new standard of clean and to providing more space for our customers when they travel, we take seriously the CDC guidelines for adding this extra layer of protection. We believe this change will give customers and employees some

additional comfort when traveling with us.”



Delta will have masks for those who need them

While Delta encourages customers to bring their own face coverings when traveling, the airline will have supplies available to those who need them. Presumably they would be available starting at check-in, since a face covering is required throughout the Delta journey.

Bottom line

It seems like we're quickly getting to the point where most (and probably eventually all) US airlines will require passengers to wear face masks. I firmly believe that this is the right move for now, given the lack of social distancing that's possible on aircraft.

Hopefully this requirement doesn't last as long as the ban on liquids... 😊

Meet Ben Schlappig, OMAAT Founder

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Plaintiffs' Exhibit 135

[paddleyourownkanoo.com](https://www.paddleyourownkanoo.com)

## Delta Becomes First U.S. Airline to Require Customers Who Claim a Medical Exemption for Not a Wearing Face Mask to Get Pre-Clearance

by Mateusz Maszczyński 17th July 2020

3-4 minutes

---

Delta Air Lines has become the first major U.S. carrier to require passengers who claim a medical exemption for not wearing a face mask on one of its planes to first obtain clearance from a physician. Despite mandatory face mask rules, passengers have been able to claim a medical reason for not wearing one without providing any proof.

"Customers with health conditions or disabilities that explicitly prevent the wearing of a face covering or mask are strongly encouraged to reconsider travel or should be prepared to complete a 'Clearance-to-Fly' process prior to departure at the airport," an updated FAQ's section on Delta's website informs passengers.

The process for passengers who need pre-clearance, Delta warns, could take up to an hour and will involve a virtual consultation with a healthcare professional.

The Atlanta-based airline does not provide a list of possible exemptions, suggesting passengers will be considered on a case-by-case basis. Details will be passed to gate staff and flight attendants to ensure they know which passengers won't be wearing a mask.

The new rules won't take effect until Monday, July 20th and the service will be available 24 hours a day.

"Medical research tells us that wearing a mask is one of the most effective ways to reduce the COVID-19 infection rate," a [spokesperson](#) for the airline explained.

"That's why Delta remains committed to requiring customers and employees to wear a mask or face covering as a consistent layer of protection across all Delta touchpoints. We encourage customers who are prevented from wearing a mask due to a health condition to reconsider travel."

"If they decide to travel, they will be welcome to fly upon completing a virtual consultation

prior to departure at the airport to ensure everyone's safety, because nothing is more important."

Several weeks ago, Delta joined other U.S. including American and United in threatening to ban passengers who simply refuse to wear a face mask. Flight attendants don't have the power to enforce face mask rules if someone doesn't wear a mask onboard a flight but they file a report after the flight and passengers face being added to a 'no fly' list.

Several international airlines, including Dutch flag-carrier KLM, have required passengers who have a medical reason for not wearing a face covering to seek pre-clearance since mandatory face mask policies were introduced.

Federal authorities have declined to mandate the wearing of face masks onboard flights despite calls from lawmakers and flight attendant leaders.

### **Sign Up for the Cabin Crew Brief**

Get the latest cabin crew recruitment news delivered to your inbox once a week...

### [Mateusz Maszczyński](#)

Mateusz Maszczyński is a serving international flight attendant with experience at a major Middle East and European airline. Mateusz is passionate about the aviation industry and helping aspiring flight attendants achieve their dreams. Cabin crew recruitment can be tough, ultra-competitive and just a little bit confusing - Mateusz has been there and done that. He's got the low down on what really works.



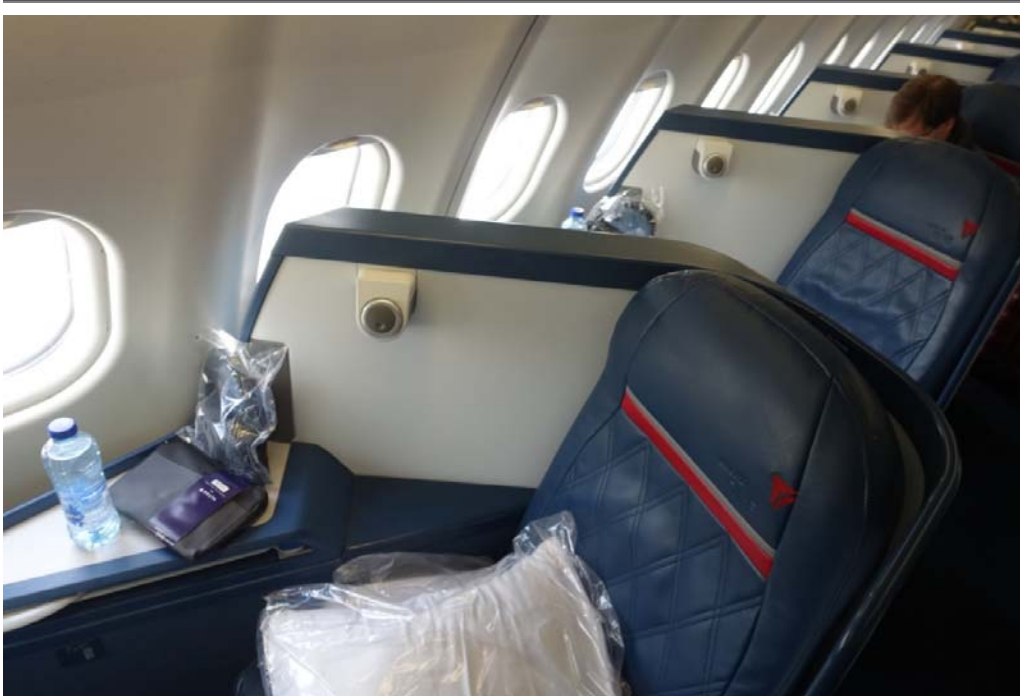
Plaintiffs' Exhibit 136

[travelsort.com](https://travelsort.com)

## Delta: For Face Mask Exemption Must Have Pre-Flight Medical Evaluation

4-5 minutes

7-19-20



**Delta Airlines, as with Most Other Airlines Flying During Covid-19, Requires that Passengers Wear Face Masks While Aboard**, as well as during check-in, boarding, and in Delta Sky Clubs. Delta's face mask requirement is expected to remain through at least December 31, 2020, and could well be extended.

**There are exceptions for children and for passengers with health conditions or disabilities that prevent wearing a mask**, and passengers are also able to remove a mask to consume food and drink.

In the absence of a U.S. federal mandate (or even a DoT mandate) however, some adult passengers without a disability or medical reason that prevents wearing a mask have not

complied with Delta's (or other airlines') face mask requirements, potentially putting other passengers needlessly at risk of being infected with coronavirus. There's only so much flight crew can do vis-a-vis the more intransigent passengers, since crew are supposed to de-escalate situations with any non-compliant passengers.

Delta is now taking a stronger approach that may prevent non-compliant (but otherwise healthy) individuals from boarding in the first place: urging passengers that are unable to wear a mask not to fly ("strongly encouraged to reconsider travel"), or otherwise face a mandatory "Clearance to Fly" pre-flight evaluation conducted virtually by STAT-MD prior to the flight.

STAT-MD is Delta's in-flight emergency medical partner, staffed by physicians that are also knowledgeable about FAA regulations and the Air Carrier Access Act, which prohibits discrimination on the basis of disability when it comes to air travel.

Since the ACA prohibits airlines from requiring advance notice that a person with a disability is traveling, the new "Clearance to Fly" procedure will be conducted at the airport; [Delta's coronavirus FAQ](#) says to arrive early as the process can take over 1 hour.

While Delta can make a note on the passenger's profile of a medical exemption, after successfully undergoing the "Clearance to Fly" pre-flight evaluation, the airline can require it for future flights, such that those requiring a medical exemption may need to continue to arrive earlier for their Delta flights.

[United and American Airlines have threatened to ban passengers who refuse to wear face masks](#) but don't have a medical exemption. That can be difficult to enforce once such passengers are already on the plane. Delta's approach makes more sense, since it requires all passengers who want to claim a medical exemption to declare this prior to boarding, and be interviewed by a licensed physician. For those with true medical exemption needs, that won't pose an issue, other than arriving an hour earlier, but it may well deter those who don't have a legitimate medical reason for not wearing a face mask, since Delta plans to ban passengers who make false claims, bolding mine:

**"Any false claims** of a disability or health condition **to obtain an exemption from wearing a mask** or face covering may result in the **suspension of travel privileges on any Delta flight** for the duration of the mask/face covering requirement."

**If you've flown on a Delta flight recently, how compliant were other passengers about wearing face masks?**

#### **Recommended Posts**

[United, AA, Delta, JetBlue Require Face Masks for Passengers](#)

[Review: Delta One A330 Paris to NYC](#)

Plaintiffs' Exhibit 137

Fwd: KC2021060025 - (TINA LEMENS) MZ2399

---

From: Tina Lemens (tinalemens@gmail.com)

To: lucas.wall@yahoo.com

Date: Friday, July 2, 2021, 6:15 PM EDT

---

----- Forwarded message -----

From: <[kimberly.hargett@dot.gov](mailto:kimberly.hargett@dot.gov)>

Date: Fri, Jun 25, 2021 at 4:23 PM

Subject: KC2021060025 - (TINA LEMENS) MZ2399

To: <[TINALEMENS@gmail.com](mailto:TINALEMENS@gmail.com)>

Cc: <[kimberly.hargett@dot.gov](mailto:kimberly.hargett@dot.gov)>



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

**GENERAL COUNSEL**

1200 New Jersey Ave., S.E.  
Washington, DC 20590

Dear Ms. Lemens:

Thank you for writing to us concerning your problem with Delta Airlines involving disability issues. We were sorry to hear of your dissatisfaction.

Section 382.159 (a) states that "any person believing that a carrier has violated any provision of this Part may seek assistance or file an informal complaint at the Department of Transportation no later than 6 months after the date of the incident, to ensure that the Department of Transportation will investigate the matter." Section 382.155 (c) states that a carrier is "not required to respond to a complaint postmarked or transmitted more than 45 days after the date of the incident, except for complaints referred to [the carrier] by the Department of Transportation." Since the alleged incident happened more than 6 months ago and we are asking the carrier to investigate this matter to the extent practical and respond to you with the copy to us. We will review the response and take further action, as appropriate.

In addition to ensuring prompt corrective action when a complaint and carrier response indicate that the airline's policies and procedures are not in compliance with the Air Carrier Access Act (ACAA), the Department generally will pursue further enforcement action on the basis of a number of complaints from which it may infer a pattern or practice of discrimination. However, where one or a few complaints describe particularly egregious conduct on the part of a carrier and those complaints are supported by adequate evidence, we will pursue enforcement action as our resources permit. You should be aware that the Department is statutorily limited in the remedies it may pursue for violations of the ACAA. In this regard, the Department may not award monetary damages or pecuniary relief to the injured party. The Department is limited to issuing cease and desist orders proscribing unlawful conduct by carriers in the future and assessing civil penalties payable to the government. The Department may only take such action through a settlement or after a formal hearing before an administrative law judge. To obtain a personal monetary award of damages, a complainant would have to file a private legal action that may be based on private contract rights or

on civil rights statutes that provide for a private right of action.

We have also entered your complaint in our computerized industry monitoring system, and the company will be charged with the complaint in our *Air Travel Consumer Report*. This report is made available to the aviation industry, the news media and the general public so that both consumers and air travel companies can compare the overall and disability-related complaint records of individual airlines. We also use this complaint data to track trends or spot areas of concern which we feel may warrant further action in the future. This system also serves as a basis for rulemaking, legislation and research.

A copy of the publication "New Horizons" that summarizes the Department of Transportation's ACAA rules is available at <http://airconsumer.ost.dot.gov/publications/horizons/htm>. Other useful consumer information for air travelers, including the above referenced complaint report and our pamphlet *Fly-Rights, a Consumer's Guide to Air Travel*, can be found on our website at <http://airconsumer.ost.dot.gov>.

I hope this information is useful. Thank you for taking the time to contact us.

Sincerely,

Alex Taday  
Office of Aviation Consumer Protection  
Office of Aviation Enforcement and Proceedings

**Case Number: KC2021060025**

**Consumer Information**

Inquirer Type	Name	Address	E-mail Address	Office Phone	Home Phone
AA	MS TINA LEMENS	297 BEAVER DAM ROAD DEFUNIAK SPRINGS FL 32433	<a href="mailto:TINALEMENS@GMAIL.COM">TINALEMENS@GMAIL.COM</a>	850-760-7265	850-760-72

**Complaints Information**

**Complaint Code Carrier Name Flight Date Flight Itinerary**

Complaint Code	Carrier Name	Flight Date	Flight Itinerary
MZ2399	DELTA AIR LINES	08/01/2020	VPS AIRPORT FL TO GEORGIA SOMEWHERE THEN ONTO MILWAUKEE WI

**Description of Problem/Inquiry**

Denied Basic Human Rights and Decency! Basically Abused for obtaining evidence for unfair treatment! Pulled from line connecting flight after evidence was obtained against Delta Airlines. Ada violations! Child Mental abuse! Discrimination! 2 Internal reports written at least! Right to drink water taken! I honestly don't know all the policies or laws they have but they are in a cover up of it all and I have been denied the right to an investigation by the law. I tried to report the attack Delta Airlines to the DOJ even and got very little help at all. I have reported this to governors offices and the law over at to land only on deaf ears from the first moment I begged for help in the airport. What happened to us was a crime. You hold injured and disabled people against their will! You cannot call their homes and harass them at home after they hang you for refusing to do a proper investigation. We were refused help everywhere we asked for help from the law, Delta, at a store in Florida in the airport to be put at risk as I have a life threatening condition. I have serious injuries that do put ability to walk and/or live on top of that in danger! Delta would not even lift our baggage for us knowing we were disabled daughter has brain trauma and injuries and they caused her brain to basically shut down in fear! I was in fear for her same and I am choosing to never fly again do to what Delta has done. I now realize we are not safe in an airport if those control are the ones attacking you! As I am related to an officer of the law I do as I am told to do by those in authority! staff had me fearing the next thing was my arrest for taking a pic or a video of what I was seeing as my rights were being violated and my ability to breathe along with my daughters ability to breathe properly taken from us. Our flight to medic and the only chance we have at an investigation into possible medical and insurance fraud repeatedly threatened. There enough space in the type of setting to contact you to even begin to truly explain what they did to my daughter and my fateful day but it has affected our lives greatly and heroes of that event are being ignored as Delta covers up what they did they should be recognized for what they did actually! This isn't right what is happening and how Delta staff is getting away what they did to us and now I am told that the airports purged the evidence I needed to prove Delta Airlines not only is

their reports and they essentially attacked us for being disabled over masks. Tsa is not innocent in the bullying either. Di forced me to wear a scarf. They slandered me and forced me to change into a mask making it even harder for me to breathe. They abused and harassed us victims. HELP US



KC2021060025\_5.pdf  
204.1kB



KC2021060025\_2\_ES.jpg  
2.3MB



KC2021060025\_1\_ES.jpg  
235.5kB

Plaintiff's Exhibit 138

[delta.com](https://www.delta.com)

## Face Masks | Delta Air Lines

5-6 minutes

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**For everyone's safety, face masks are required.**

Delta customers, employees and partners are required to wear a face mask or appropriate cloth face covering over their nose and mouth throughout their travel.

Federal law requires each person to wear a mask at all times while in the airport and when using public transit, during boarding and deplaning, and for the duration of the flight. Refusal to wear a mask is a violation of federal law and may result in denial of boarding, removal from the aircraft, and/or penalties





## When Masks Are Required

---

Masks or face coverings are required from curb to claim throughout the airport, including these Delta touchpoints:

- Lobby Check-in
- Delta Sky Clubs
- Boarding Gate Areas
- Jet Bridges
- On board the aircraft for the duration of the flight

Masks must be worn at all times except while eating, drinking, or taking oral medications for brief periods. Prolonged periods of mask removal are not permitted for eating or drinking – masks must be worn between bites and sips.

If oxygen masks are needed due to loss of cabin pressure or other events affecting aircraft ventilation, personal face masks should be removed to accommodate oxygen masks.

## Types of Masks

---

To comply with federal law and for the protection of our customers and employees, Delta has specified the types of masks allowed onboard in compliance with [CDC guidance](#). Masks or face coverings should be secured to the head with ties or ear loops and should fit snugly but comfortably against the side of the face to ensure proper fit.

### **Permitted Masks:**

- Disposable surgical or medical masks
- Cloth masks with tightly woven fabric (2 or 3 ply masks are recommended)

- Valve-free respirator masks (N95 or KN95)
- Fabric masks with a clear plastic window
- Gaiters with two layers (single layer gaiters should be doubled over)
- Plastic face shields or goggles may be worn in addition to a mask but are not approved mask replacements

### **Masks Not Permitted:**

- Any mask with an exhaust valve
- Masks with slits, punctures or holes
- Bandanas, scarves, ski masks, and balaclavas
- Novel and battery-operated masks that do not meet the specifications of the permitted masks listed above

### **Mask Exemptions**

---

Children under the age of two are exempt from the mask requirement.

Customers with a disability who cannot wear a mask for reasons related to their individual disability are strongly encouraged to reconsider travel or should be prepared to complete a 'Clearance-to-Fly' process prior to departure at the airport. If you are a customer with a disability who requires this exemption, please arrive early to complete the process during check-in to avoid missing your flight. This process can take over one hour and requests are now evaluated pursuant to the CDC and TSA's federal mask requirement for air transportation (adopted in February 2021). Mask exemptions only apply for travel onboard flights operated by Delta Air Lines and Delta Connection and do not exempt customers from any requirements that may be imposed by governments, including local, state or foreign countries, (at the origin or destination) or from requirements on other airlines. An exemption request is required for each unique itinerary, and each request is conducted on a case-by-case basis pursuant to law. Please consult your departure, connection and arrival locations for local mask mandate requirements.

Any false claims of a disability to obtain an exemption from wearing a mask or face coverings may result in the suspension of travel privileges on any Delta flight for the duration of the mask/face covering requirement and may be reported to appropriate government authorities.

Learn about [Delta Partner carrier face mask policies](#).

### **Related Links**



Plaintiffs' Exhibit 139

[delta.com](https://www.delta.com)

## Face Masks | Delta Air Lines

5-6 minutes

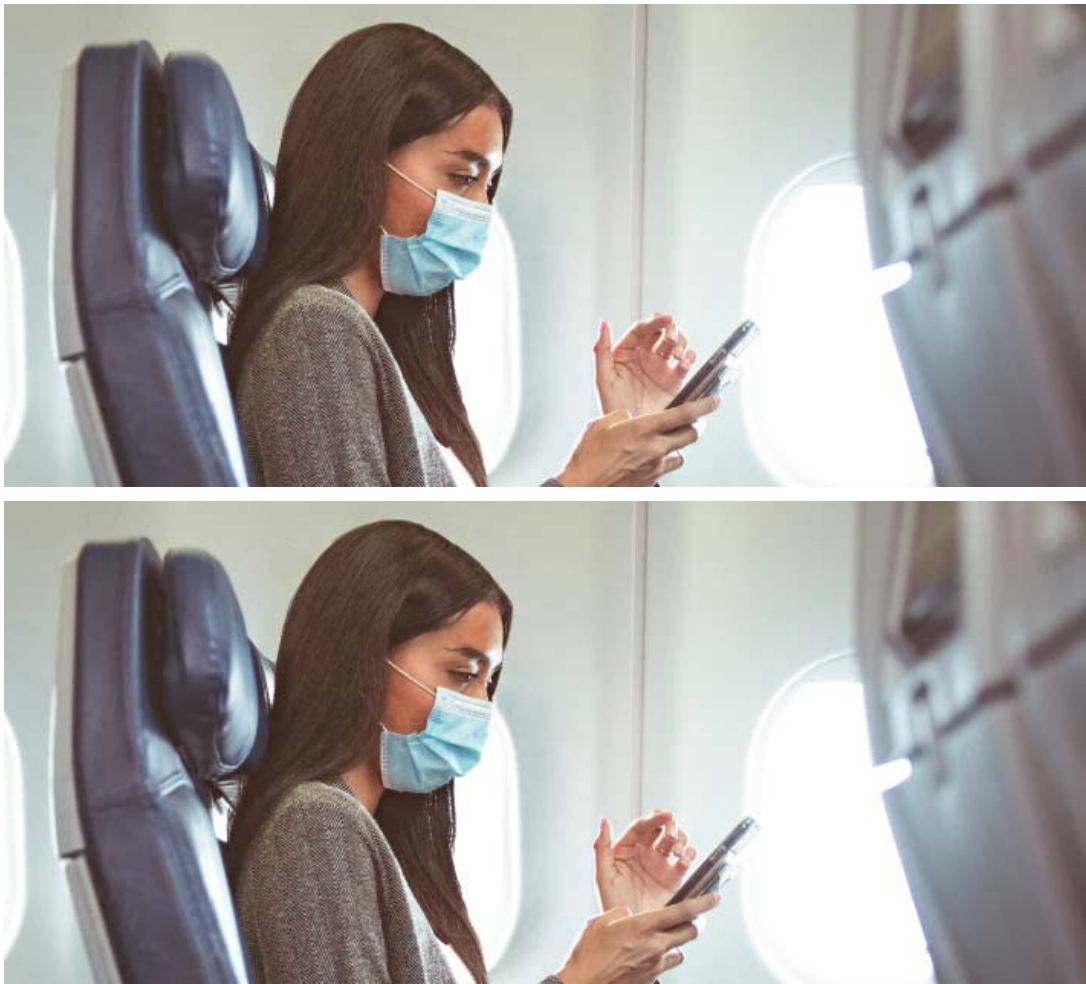
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**For everyone's safety, face masks are required.**

Delta customers, employees and partners are required to wear a face mask or appropriate cloth face covering over their nose and mouth throughout their travel.

**Federal law** requires each person to wear a mask at all times while in the airport and when using public transit, during boarding and deplaning, and for the duration of the flight. Those who have received a COVID-19 vaccination are still required to wear a mask. Refusal to wear a mask is a violation of federal law and may result in denial of boarding, removal from the aircraft, and/or penalties.



## **When Masks Are Required**

---

Masks or face coverings are required from curb to claim throughout the airport, including these Delta touchpoints:

- Lobby Check-in
- Delta Sky Clubs
- Boarding Gate Areas
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- On board the aircraft for the duration of the flight

Masks must be worn at all times except while eating, drinking, or taking oral medications for brief periods. Prolonged periods of mask removal are not permitted for eating or drinking – masks must be worn between bites and sips.

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- Plastic face shields or goggles may be worn in addition to a mask but are not approved mask replacements

### Masks Not Permitted:

- Any mask with an exhaust valve
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their individual disability are strongly encouraged to reconsider travel or should be prepared to complete a 'Clearance-to-Fly' process prior to departure at the airport. If you are a customer with a disability who requires this exemption, please arrive early to complete the process during check-in to avoid missing your flight. This process can take over one hour and requests are now evaluated pursuant to the CDC and TSA's federal mask requirement for air transportation (adopted in February 2021). Mask exemptions only apply for travel onboard flights operated by Delta Air Lines and Delta Connection and do not exempt customers from any requirements that may be imposed by governments, including local, state or foreign countries, (at the origin or destination) or from requirements on other airlines. An exemption request is required for each unique itinerary, and each request is conducted on a case-by-case basis pursuant to law. Please consult your departure, connection and arrival locations for local mask mandate requirements.

Any false claims of a disability to obtain an exemption from wearing a mask or face coverings may result in the suspension of travel privileges on any Delta flight for the duration of the mask/face covering requirement and may be reported to appropriate government authorities.

Learn about [Delta Partner carrier face mask policies](#).

## **Related Links**

TRAVEL ALERT

Plaintiff's Exhibit 140

Sign up for our latest deals!

We are committed to you and your well-being. [Learn more.](#)



## COMMITTED TO YOU

Frontier remains committed to ensuring that the sky is for everyone. This means going the extra mile in all that we do for you.



### HEALTH & SAFETY

[Learn More](#)



### TRAVEL TIPS

[Learn More](#)



### HELPFUL VIDEOS

[Learn More](#)



### CHANGE FEES

[Learn More](#)

Find the Spanish Committed To You page [here](#)

## FROM CHECK-IN TO ARRIVAL AT YOUR DESTINATION, WE ARE COMMITTED TO YOUR HEALTH AND SAFETY

The next time you fly with us, you'll notice that we've made several changes. We've been working around the clock to improve our customer experience and to safeguard your well-being. Whether you are planning a trip back home to give mom a hug or dreaming of planting your feet in the sand, rest assured that the extra measures we are taking are designed to provide a safe and pleasant travel experience from the time you check-in until you arrive at your destination.

*We'd like to share how Frontier is 'Committed to You' and what that means for you and your family when you're ready to travel again.*



Frontier Airlines Magic



## STEPS WE'RE TAKING TO SUPPORT YOUR WELL-BEING & COMFORT



### ENHANCED CLEANING ON & OFF THE PLANE

Our **Ticket Counters, Gate Areas, and Aircraft** are getting extra attention. We've increased cleaning intervals with EPA approved anti-virus cleaning solutions. Here's a more specific look at what we're doing onboard:

- **Before Every Flight** the aircraft is cleaned with a focus on passenger seating, cabin walls, overhead bins, galleys and lavatories.
- **Aircraft with Extended Time Between Flights** are cleaned to include a wipe down of all customer and crew touchpoints - lavatories, seats, armrests, tray tables, walls, overhead panels and bins, window shades and galleys - with a disinfectant EPA rated to be effective against viruses, including SARS-CoV-2, the virus that causes COVID-19.
- **Every night** while our planes are positioned overnight, our Aircraft Appearance Team spends 4 to 6 hours thoroughly cleaning the aircraft's interior from top to bottom using industry-recommended disinfectant.
- **Monthly** enhanced deep cleaning of the entire aircraft

utilizing an anti-microbial agent that reaches virtually every surface and forms a protective shield that continues to be effective against viruses for 30 days.



## **FACE COVERINGS**

As required by federal law, the Centers for Disease Control (CDC) Order and Transportation Security Administration (TSA) Security Directive, all\* passengers and employees must wear a face covering over nose and mouth throughout the Frontier travel experience including at ticket counters, gate areas, baggage claim and onboard all flights. Face coverings are not required for children under the age of 2. Face coverings must fit snugly over your nose and mouth and be secured under the chin. Open-chin triangle bandanas, face coverings containing vents, valves or mesh material, and face shields are not acceptable as face-coverings. This level of protection is important for everyone's well-being. Not wearing an approved face covering is a violation of federal law and you may lose future travel privileges on Frontier.

Check out our blog post on 'How to Make a No Sew Face Mask' - link [here](#).



## **STATE-OF-THE-ART AIR FILTRATION TECHNOLOGY**

Did you know, the air in the cabin is passed through an air filtration system that mixes with fresh air drawn from outside? This occurs up to every 3 minutes circulating the cabin with new air and sending the old air directly outside.

Our system uses HEPA filters capable of capturing respiratory virus particles at more than 99.9% efficiency. These are the same filters used in hospitals and doctors' offices.





## TEMPERATURE SCREENING

To help ensure the well-being of everyone onboard, a non-invasive temperature screening taken on the forehead using a touchless thermometer will be taken at the gate for all passengers and crew.

Anyone with a temperature of 100.4 degrees Fahrenheit or higher will not be able to board the plane. If time allows, we will give customers the opportunity to rest before receiving a second check. If the second temperature screening is 100.4 degrees or higher, our team will help the customer to rebook travel on a later date when they are feeling better.



## QUICK & EASY HEALTH ACKNOWLEDGEMENT

When you check-in for your flight on our website or mobile app, you will be asked to accept the following health acknowledgment:

- You will have your temperature screened by a touch-less thermometer prior to boarding. Anyone with a temperature of 100.4 degrees or higher will not be allowed to fly.
- You will **wear a face covering over your nose and mouth throughout your journey**, including ticket counters, gate areas, and onboard our aircraft.
- In the last 14 days, neither you, nor anyone in your household or that you have come in close contact with, has tested positive for, exhibited symptoms of, or been advised to quarantine for COVID-19.
- You will wash your hands/sanitize before boarding the flight.





## **MAINTAINING SOCIAL DISTANCE**

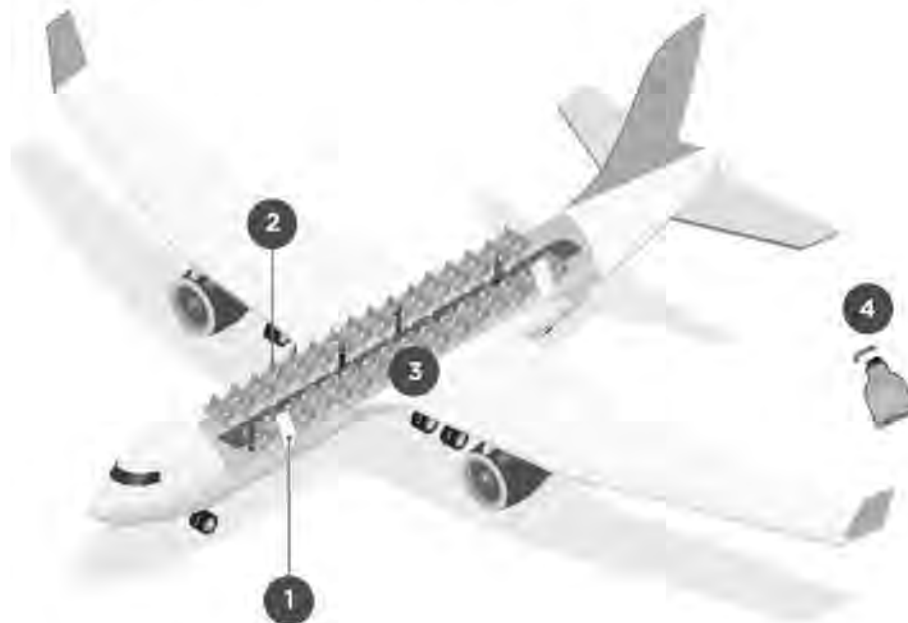
We're making space for you at our check-in counters and gate areas. Signage and floor markers have been placed throughout the gate and ticket areas encouraging customers to maintain social distancing.

At the gate, our boarding process has changed to load passengers from the back of the aircraft to the front. This helps to minimize "passing" contact with other passengers during the boarding process.

We're currently installing plexiglass partitions at our ticket counters for the added safety of both employees and passengers.

## **OUR EVERYDAY DISINFECTION PROCEDURE AT A GLANCE**

Let us take you through our everyday disinfection procedure. Aircraft disinfection is performed in accordance with the Airbus Aircraft Maintenance Manual (AMM).



1. Aircraft doors are opened.
2. Touchpoints and surfaces are sprayed and cleaned with a disinfectant cleaner.

3. All trash and waste is removed from the aircraft.
4. Anti-bacterial hand soap is added to the restrooms.

*The daily cleaning process takes several hours to complete. We have taken a variety of proactive measures with respect to COVID-19 including increased heavy cleaning of aircraft and increased supplies of cleaning and disinfection products on board.*



## **FRESH AIR**

The air onboard our planes is cleaner than many of the public places you visit daily. From outside the plane, clean air flows into the cabin via a sophisticated filtration system – using a hospital-grade HEPA filter - while old air is pushed back outside. Within every 3 minutes, you're breathing fresh outside-air.

## **TOUCHLESS THERMOMETER SCREENINGS**

Jake Filene, SVP Customers, talks about Frontier's new temperature screenings for both passengers and crew.



## HEPA FILTERS

Learn more about our HEPA (High-Efficiency Particulate Arrestors) aircraft filtration systems which filter 99.99% of dust particles and airborne contaminants such as viruses and bacteria.

## FACE COVERINGS REQUIRED FOR CUSTOMERS

At Frontier, your health and safety are our top priority. **Frontier customers are required to wear a face-covering over their nose and mouth throughout their journey.** This includes all ticket counters, gate areas, and onboard our aircraft.

Frontier flight crews are also required to wear face-coverings while working.

### Committed to You - Face Masks



Based on [CDC guidance](#), a suitable face covering should be an item of cloth that should fit snugly against the side of the face and that should be secured with ties or ear loops. It should also include multiple layers of fabric and allow for unrestricted breathing. The CDC recommends surgical masks and N-95 respirators be reserved for healthcare workers and other medical first responders. The policy will not apply to very young children who are unable to maintain a face covering.

### Committed to You - Fogging



## CABIN FOGGING

Committed to You - Customer Well-Being



### **CUSTOMER WELLBEING**

Committed to You - Disinfection Procedures



### **DISINFECTION**

Committed to You - Travel Tips



### **HEALTHY TRAVEL TIPS**



## STEPS WE ENCOURAGE WHEN TRAVELING

- ✓ **1 - Upon entering the airport, put your face-covering over your nose and mouth.**
- ✓ **2 - Bring your own gloves, hand sanitizer, and cleaning wipes.**
- ✓ **3 - Limit your touchpoints – for instance, download your mobile boarding pass prior to arrival.  
It also saves time! And, bring your own snacks to avoid additional contact.**
- ✓ **4 - While in the terminal, maintain social distancing whenever possible.**



## A Special Message From Frontier and Airbus CEOs

open

**\*FEDERAL & EXPERT GUIDELINES THAT WE**

## FOLLOW

Frontier Airlines continues to closely monitor developments with respect to COVID-19.

- **Mask Exemptions for Customers with Disabilities**  
Customers with a disability who cannot wear a mask, or cannot safely wear a mask, because of that disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) can apply for a face mask exemption. To learn about pre-travel exemption requirements, click [here](#). This is a narrow exception that includes a person with a disability who cannot wear a mask for reasons related to the disability. It is not meant to cover persons for whom mask-wearing may only be difficult.
- As a U.S.-based commercial airline, we coordinate closely with multiple federal and other agencies to ensure we are continuously operating under established best practices for aircraft cleanliness and sanitation. Among those, we follow the recommendations set forth by the **CDC for 'Preventing Spread of Disease on Commercial Aircraft'** as well as adhere to our own stringent internal guidelines.
- All of our aircraft are regularly cleaned using disinfectant deemed by the U.S. Environmental Protection Agency (EPA) as effective against COVID-19.
- If you need travel advice, we recommend visiting the U.S. Centers for Disease Control's (CDC) website at [cdc.gov/travel](https://www.cdc.gov/travel).

From our family to yours, we look forward to welcoming you onboard again soon!



FRONTIER

TRAVEL ALERT

Sign up for our latest deals!

We are committed to you and your well-being. [Learn more.](#)[Travel / Travel Info / Special Services](#)

## SPECIAL SERVICES

Need a little extra help? We are happy to assist you. Here is some information on our services and policies.

If you seek additional assistance with booking a flight, flight information, or have a special services request, please call us at 801-401-9004 or fill out our [Contact Us Form](#).

## PICK A TOPIC FOR MORE INFORMATION

### Mask Exemptions for Customers with Disabilities

open

If you are a person with a disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and that disability prevents you from safely wearing a mask, and you are requesting an exemption to the CDC order requiring masks to be worn during air travel, the following requirements must be met:

- **At least 10 days prior to departure:**
  - **Submit documentation from a licensed medical provider on professional letterhead stating the customer is a person with a disability who cannot wear a mask, or cannot safely wear a mask, because of that disability as defined by the Americans with Disabilities Act. [Form Here](#)**
    - State license number (or, if applicable, other medical license information) from the medical provider must be included on the letter.
    - Frontier will contact your licensed medical provider to validate the document.
    - Any customer who presents falsified medical documentation will be subject to suspension of their privileges for future travel on Frontier.
    - **Failure to provide 10 days' notice will result in denial of the request.**
- **At the airport on each day of travel:**
  - The customer must check in at the Frontier ticket counter a minimum of 2 hours prior to departure.
    - **Present evidence that the customer requesting a mask exemption does not have COVID-19 by providing a negative result from a SARS-CoV-2 viral test; the specimen for the test must have been collected no more than 3 days before the applicable flight.** This evidence must be shown to the Frontier representative at the airport before boarding each flight.
- **These testing requirements apply to return travel.**





## Face Mask Exemption

This form should only be used by customers requesting an exemption to the Centers for Disease Control (CDC) Order and Transportation Security Administration (TSA) Security Directive requiring masks to be worn during air travel and who meet the following requirements:

- Customers with a disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) whose disability prevents them from safely wearing a mask.
- The request is being submitted at least 10 days before departure.
- The request includes:
  - Documentation from a licensed medical provider on professional letterhead stating the customer requesting the exemption is a person with a disability who cannot wear a mask, or cannot safely wear a mask, because of that disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.)
  - The documentation includes the medical professional's state license number (or, if applicable, medical license information)

A representative from Frontier Airlines will contact the licensed medical provider to validate the document.

Any customer who presents falsified medical documentation will be subject to suspension of their privileges for future travel on Frontier Airlines.

Enter the information for the customer that is requesting the mask exemption.

**Email Address \***

**Frontier Confirmation Code \***

Passenger First  
Name \*

Passenger Middle  
Name

Passenger Last  
Name \*

Please note that the Passenger Name entered must match the Reservation.

Origin

Departure Date

MM

DD

YYYY \*

5

24

2021

Please note: failure to provide 10 days' notice will result in denial of the request.

**Attach Documentation (PDF preferred and size should be less than 10 MB) \***

Browse...

No file selected.

Continue...

Earn **507 mi.** on this trip! [Learn More](#)

#### Add Additional Services & Information

Special Services [-]

Cabin Pet [+]

Redress Number [+]

Known Traveler Number/TSA Pre✓® [+]

We make sure to take care of passengers who need special assistance.

Select Special Service(s)

##### Wheelchair Services

- ☐ Can walk some short distances/need help to/from gate
- ☐ Can walk short distance/cannot use stairs/need help to/from gate
- ☐ Aisle chair needed, transfer assist to/from aircraft seat
- ☐ I have my own wheelchair

##### Special Assistance

- ☐ Blind or Vision Impairment
- ☐ Deaf or Hearing Impairment
- ☐ Cognitive or Developmental Disability
- ☐ Request Trained Service Animal

For more information about special services at Frontier, please visit our [special services](#) page.

Please Note: For safety reasons, passengers must be able to sit upright (unassisted) during taxi, take off and landing to travel on Frontier Airlines.

Plaintiff's Exhibit 141

## JetBlue: Requiring Masks for All Travelers at the Airport and on Board

Federal law requires masks to be worn by all travelers 2 years and older at all times throughout the flight including during boarding and deplaning, and in the airport. Any individual who fails to comply with this law may be subject to denied boarding, removal from the aircraft and/or penalties under federal law. If conditions on board a flight necessitate, masks should be removed to accommodate the placement and wearing of oxygen masks. According to researchers at Harvard, universal use of masks during air travel combined with high-performing ventilation systems and other safety measures significantly reduces the risk of transmission. Masks with vents or exhalation valves are not permitted. JetBlue also restricts the use of the following recreational items and personal protective equipment on all flights:

- Personal face/body tents or pods
- Personal air purifiers/refreshers or ozone generators
- Masks connected to tubing or battery-operated filters
- Any device that is prohibited by federal regulation or could put others at risk

Plastic face shields may be worn in addition to a face mask but not in place of one. Customers with conditions that prevent them from wearing a mask should consider postponing travel.

<https://www.jetblue.com/safety>

Visited May 24, 2021

## Federal Mask Requirement Exemptions

Customers with disabilities who cannot wear a mask, or cannot safely wear a mask because of the disability as defined by the Americans with Disabilities Act, may contact us to learn about qualifying for an exemption from the federal requirement to wear a mask when on board a flight. Exemptions will be limited on board each flight and will require specific documentation.

<https://www.jetblue.com/at-the-airport/accessibility-assistance/other-medical-concerns>

Visited May 24, 2021

## Safety reminders and travel alerts for your trip to Salt Lake City.

From: JetBlue (jetblueairways@email.jetblue.com)

To: lewnwdc77-airlines@yahoo.com

Date: Sunday, June 13, 2021, 10:40 AM EDT

Onboard safety and travel alerts for your upcoming flight.



### SAFETY FROM THE GROUND UP

Hello, Lucas,

Thanks again for choosing JetBlue for your upcoming flight.

As always, Safety is our #1 priority and — to make sure that you, other travelers and crewmembers feel confident and comfortable throughout the journey — your travel experience may be a bit different than the last time you flew with us.

Please take a moment to familiarize yourself with the following important info for your trip to Salt Lake City.

- **Federal law requires masks to be worn by all travelers 2 years and older at all times throughout the flight including during boarding and deplaning, and in the airport.** Any individual who fails to comply with this law may be subject to denied boarding, removal from the aircraft and/or penalties under federal law. If conditions on board a flight necessitate, masks should be removed to accommodate the placement and wearing of oxygen masks. Masks with vents or valves, and any devices that are prohibited by federal regulation or could put others at risk are not permitted. Face shields may be worn in addition to a mask but not in place of one.
- All travelers must complete a JetBlue health declaration during the check-in process. If you're not feeling well, you can change or cancel your travel plans without a fee [here](#).
- To limit touchpoints, you can check in, manage your trip and access your self-scannable boarding pass with the free [JetBlue app](#).
- We'll board by group (you'll find your boarding group noted on your mobile or printed boarding pass), and ask that you stay seated until your group is called and keep a healthy distance from others while boarding.
- Checking bags? Add them in advance, then print out your bag tags touch-free by scanning your boarding pass at the airport.

- To minimize physical interactions, we've streamlined our onboard service. We'll be serving a limited selection of Pepsi drinks and snacks. No fresh food will be available for purchase. If you want more to munch on, please plan accordingly.
- We are no longer limiting capacity on our flights so it's likely you may be seated next to another customer.

Our safety measures are grounded in the latest science, so you can travel confidently. You'll find more details on what to expect at the airport and on board — and how we're going above and beyond to put your safety first, at [jetblue.com/covid19](https://jetblue.com/covid19).

We'll send you a check-in reminder 24 hours before departure. We can't wait to welcome you on board.

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### CUSTOMER CONCERNS

Have a question or concern? Contact us at [jetblue.com/contact-us](https://jetblue.com/contact-us). Or mail us at JetBlue 27-01 Queens Plaza North, Long Island City, NY 11101.

### NOTICE OF INCORPORATED TERMS

All travel on JetBlue is subject to JetBlue's Contract of Carriage, the full terms of which are incorporated herein by reference, including but not restricted to: (i) Limits on JetBlue's liability for personal injury or death, and for loss, damage, or delay of goods and baggage, including special rules for fragile and perishable goods; (ii) Claims restrictions, including time periods within which you must file a claim or bring an action against JetBlue; (iii) Rights of JetBlue to change the terms of the Contract of Carriage; (iv) Rules on reservations, check-in, and refusal to carry; (v) JetBlue's rights and limits on its liability for delay or failure to perform service, including schedule changes, substitution of aircraft or alternate air carriers, and rerouting; (iv) Non-refundability of reservations. International travel may also be subject to JetBlue's International Passenger Rules Tariffs on file with the U.S. Department of Transportation and, where applicable, the Montreal Convention or the Warsaw Convention and its amendments and special contracts. The full text of the Contract of Carriage is available for inspection at [www.jetblue.com](https://www.jetblue.com) and all airport customer service counters. Tariffs may also be inspected at all airport customer service counters. You have the right to receive a copy of the Contract of Carriage and tariffs by mail upon request.

### EMPLOYEE ASSAULT PREVENTION AND RESPONSE

It is a violation of federal law to assault an airport, air carrier, or federal employee within the airport.

## **Spirit Airlines – Face Covering Policy**

Airlines and airports remain subject to federal law requiring Guest to wear an appropriate face covering at airports and on flights.

Face coverings must be worn while at the airport, on the jet bridge, and onboard the aircraft. Face coverings may be removed only while eating, drinking, or taking medication — when done eating, drinking, or taking medication, face coverings must be repositioned immediately.

All face coverings must fit snugly cover the nose and mouth and be secure under the chin and have at least two layers of fabric (e.g. disposable non-medical face mask, multi-layered cloth face covering).

The following items are not considered appropriate face coverings: open-chin triangle bandanas, face coverings containing valves or mesh material, and face shields. Face shields may be worn in addition to a face covering but are not approved as a face covering replacement.

Guests who choose not to comply with our face covering requirement will lose future flight privileges with Spirit. Children under the age of 2 years old are exempt. There may be other limited exceptions for a Guest with a disability recognized under the Americans with Disabilities Act (ADA) who meet certain criteria. To see if you're eligible for this exemption, please review the Frequently Asked Question "I have an upcoming flight and cannot wear a face mask due to a disability. Do I have to wear a face covering or mask onboard a Spirit flight?" that can be found toward the bottom of this page.

### **Do I need to complete a health acknowledgment before flying?**

Yes, to protect your health and safety, Spirit requires all travelers to agree to the below representations prior to check-in:

You will wear a face covering over your nose and mouth, which will be secured under the chin and have at least two layers of fabric throughout your journey in the airport, on the jet bridge and on the plane.

Children under the age of 2 years old are exempt. There may be other limited exemptions for individuals with disabilities recognized under the ADA who meet certain criteria. Refusing to wear a face covering is a violation of federal law and will result in denial of boarding, removal from the aircraft, penalties under federal law, and/or the loss of future flight privileges with Spirit.

Neither you nor anyone in your household have exhibited COVID-19 related symptoms as defined by the CDC in the last 14 days that include a temperature (38C/100.4F or higher), coughing, shortness of breath/difficulty breathing, loss of taste or smell, chills, muscle pain and/or sore throat.

In the past 14 days, neither you nor anyone in your household have tested positive for COVID-19, have had close contact with someone who exhibited symptoms or tested positive for COVID-19.

**Do I need to wear a face-covering or mask on my flight with Spirit?**

Yes, airlines and airports remain subject to federal law requiring Guest to wear an appropriate face covering at airports and on flights. Children under the age of 2 years old are exempt. There may be other limited exceptions for a Guest with a disability recognized under the Americans with Disabilities Act (ADA) who meet certain criteria. To see if you're eligible for this exemption, please review the Frequently Asked Question "I have an upcoming flight and cannot wear a face mask due to a disability. Do I have to wear a face covering or mask onboard a Spirit flight?" that can be found in the next FAQ.

**I have an upcoming flight and cannot wear a face mask due to a disability. Do I have to wear a face covering or mask onboard a Spirit flight?**

Federal law requires all Guests to wear an appropriate face covering throughout the entire duration of your flight, including during boarding and deplaning. Children under 2 years old are exempted, and **we allow limited exceptions for Guests who cannot wear or safely wear an appropriate face covering due to a disability recognized by the Americans with Disabilities Act (ADA) who meet certain criteria. The ADA exemption is narrowly interpreted and will be vetted through a strict approval process.** We will not allow a Guest onboard who simply does not want to wear a covering because they find mask-wearing difficult.

Individuals with disabilities who may be exempt include individuals who:

- Do not understand how to remove their mask due to cognitive impairment.
- Cannot remove a mask on their own due to dexterity/mobility impairments.
- Cannot communicate promptly to ask someone else to remove their mask due to speech impairments or language disorders.
- Cannot wear a mask because doing so would impede the function of assistive devices/technology.

In order to be approved for the exception, a Guest with a qualifying disability must do the following:

- **Contact us through our Chat feature here or via WhatsApp at 855-728-3555 with the words "ADA face mask exemption" 48 hours prior to scheduled departure to let us know you will be asking for an exemption on the day of your flight.**
- Arrive at the airport 3 hours prior to your flight's scheduled departure since you may be screened by our medical experts.
- **Have your medical doctor or medical professional complete the Spirit ADA Face Covering Exemption Form or provide a letter from your medical doctor that must meet all of the following requirements:**
  - Be on the medical doctor office's official letterhead
  - Dated within 10 calendar days prior to each flight on your itinerary (including return flights)
  - Acknowledge that you have a disability recognized under the ADA/ACAA that inhibits you from wearing a mask or from safely wearing one
  - Acknowledge that the doctor understands that this exemption is not for a person who simply may find mask wearing difficult
  - State that you are under their care and they specialize in the area pertaining to your disability
  - Contain the medical professional's NPI number (if available)



- Contain the medical professional's license number, license type, and date license was issued
- Have the license jurisdiction
- Contain the medical doctor's business name
- Contain the medical doctor's business phone number

Note: Spirit reserves the right to contact the medical professional and verify the form or letter. Also, if the form or letter is found to be forged or fraudulent, you will be banned from future flights with Spirit Airlines. **Present a negative COVID-19 PCR or Antigentest result, taken within 24 hours prior to scheduled departure at the airport.**

The test result can be in written or electronic form and must include information that identifies the person, a specimen collection date and the type of test.

**Guests who have received the COVID-19 vaccine or tested positive for antibodies must still provide a negative viral test result as described above.**

If you have recovered from COVID-19 within the last 90 days from your date of travel and have met requirements to end your quarantine, you are NOT required to provide a negative test. However, you must provide documentation of your positive viral test result AND a letter from your healthcare provider or a public health official on official letterhead stating that you have been approved to travel.

#### **International Travel:**

If at an international location, you must comply with any local face covering requirements before and during boarding.

If you're returning to the U.S. from an international destination, in order to obtain a mask exemption, your COVID-19 test must still be taken within 24 hours. You will only need to present one negative COVID-19 test taken within 24 hours.

#### **Additional information:**

Guests who are unable to meet these requirements will need to wear an appropriate face mask or will not be allowed to travel on that flight.




**Spirit agents may contact our third-party medical professionals to determine if you're fit to fly without a mask.**

**We may place you on a flight that has a lower number of Guests.**

**You may be moved to the back of the aircraft.**

If you don't meet the 48-hour advance notice requirement or the 3-hour check-in time, we will attempt to validate your exemption request, but it may not be possible to validate before your flight departs.


#### SPECIAL SERVICES

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Hearing Impaired  | <input type="checkbox"/> Trained Service Animal  | <input type="checkbox"/> Portable Oxygen    |
| <input type="checkbox"/> Vision Disability |   | <input type="checkbox"/> Other (CPAP, nebulizer, ventilator, respirator, cane, walker, etc.)  |

#### WHEELCHAIR SERVICES

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Need Help To/From Gate   | <input type="checkbox"/> Need Help To/From Seat | <input type="checkbox"/> Completely Immobile |
| <input type="checkbox"/> I Have My Own Wheelchair |   |  |

#### VOLUNTARY PROVISION OF EMERGENCY SERVICES PROGRAM

- ☐ I certify that I am a qualified law enforcement officer, firefighter, or medical professional and am interested in voluntarily helping in the unlikely event of an in-flight emergency. 

## Contact

- ☐ The primary passenger is the contact person

**First Name\***

**Last Name\***

**Address\***

**City\***

- **This form must be completed in its entirety by your medical professional or medical doctor.**
- **You must present this form at the airport on the day of your flight – please check-in 3 hours prior to departure.**
- **Spirit is not required to honor a form with blank fields.**
- **This form must be dated within 10 calendar days prior to each flight.**
- **Spirit Airlines reserves the right to contact the medical professional and verify this form.**
- **All future flight privileges with Spirit Airlines will be lost if this form is found to be forged or fraudulent.**

Patient First Name: \_\_\_\_\_ Patient Last Name: \_\_\_\_\_

I, \_\_\_\_\_, acknowledge that I am a licensed medical professional or medical doctor, and \_\_\_\_\_ (patient name) is currently under my professional care. I acknowledge and attest that \_\_\_\_\_ (patient name), has a disability and cannot wear a mask, or cannot safely wear a mask, for reasons related to their disability as defined by the American with Disabilities Act.

I, \_\_\_\_\_, understand that this exemption is not meant to cover persons for whom mask-wearing may only be difficult and by my signature on this form, I am certifying that I have carefully considered this fact in assessing the inability of \_\_\_\_\_ (patient name) to wear a mask.

Individuals Who May Be Exempt Include Individuals Who:

- Do not understand how to remove their mask due to cognitive impairment
- Cannot remove a mask on their own due to dexterity/mobility impairments
- Cannot communicate promptly to ask someone else to remove their mask due to speech impairments or language disorders
- Cannot wear a mask because doing so would impede the function of assistive devices/technology

Medical Professional/Medical Doctor's Name: \_\_\_\_\_

License Type: \_\_\_\_\_ License Issued Date: \_\_\_\_\_

License Number: \_\_\_\_\_ NPI number (if available): \_\_\_\_\_

Jurisdiction of License: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Plaintiff's Exhibit 143

[flightglobal.com](https://flightglobal.com)

## Eliminating passenger mask mandate is 'next step': Spirit Airlines CEO

*Jon Hemmerdinger*

2-3 minutes

The US government can help reduce the incidence of unruly air passenger behavior by doing away with the requirement that travellers wear face coverings, says the chief executive of Spirit Airlines.

"That's got to be the next step – when facial [covering requirements] are relaxed on airplanes," CEO Ted Christie says during the Routes Americas conference on 23 June. "That is going to take a lot of steam out of things."



*Source: Max Kingsley-Jones/FlightGlobal*

Frontier Airlines CEO Barry Biffle agrees: face coverings are a prime contributor to a string of recent in-flight disruptions.

"The reality is, a lot of people don't want to wear masks," says Biffle, who also spoke at the event. "You don't have to wear a mask here, you don't have to wear [masks] at Walmart, but yet you've got to do it on a plane."

“People are agitated,” he adds.

In January, the US Centers for Disease Control and Prevention mandated that air travellers must wear face masks to prevent the spread of Covid-19.

Meanwhile, the FAA has reported a surge in incidents involving allegations of unruly, even violent, passengers – events the FAA has said are often related to the face mask requirement.

“The masks make everyone uncomfortable, and it does drive a lot of friction,” Christie says. “We are going to have to make a step here, where we are creating less abrasive” conditions.

The FAA responded to the trend by instituting a “zero tolerance” policy and dishing out hefty fines – some in the tens of thousands of dollars – to a number of passengers accused of airborne outbursts.

“We are focusing on the symptom, rather than the root cause,” says Biffle, adding that such disturbances are uncommon but become high-profile thanks to social media. “The root cause is.... you’ve got to [wear a mask] on a plane.”

Plaintiff's Exhibit 144

**Legislation Enacted by Congress Concerning the COVID-19 Pandemic**

To prevent across-the-board direct spending cuts, and for other purposes.

Enacted 2021-04-14

PPP Extension Act of 2021

Enacted 2021-03-30

COVID-19 Bankruptcy Relief Extension Act of 2021

Enacted 2021-03-27

SAVE LIVES Act

Enacted 2021-03-24

American Rescue Plan Act of 2021

Enacted 2021-03-11

ACCESS BROADBAND Act

Enacted 2020-12-27

Further Continuing Appropriations Act, 2021, and Other Extensions Act

Enacted 2020-12-11

Veterans COMPACT Act of 2020

Enacted 2020-12-05

Impact Aid Coronavirus Relief Act

Enacted 2020-12-04

Continuing Appropriations Act, 2021 and Other Extensions Act

Enacted 2020-10-01

Safeguarding America's First Responders Act of 2020

Enacted 2020-08-14

Protecting Nonprofits from Catastrophic Cash Flow Strain Act of 2020

Enacted 2020-08-03

Emergency Aid for Returning Americans Affected by Coronavirus Act

Enacted 2020-07-13

A bill to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act, and for other purposes.

Enacted 2020-07-04

Paycheck Protection Program Flexibility Act of 2020

Enacted 2020-06-05

Student Veteran Coronavirus Response Act of 2020

Enacted 2020-04-28

Paycheck Protection Program and Health Care Enhancement Act

Enacted 2020-04-24

CARES Act

Enacted 2020-03-27

COVID-19 Health Care Worker Protection Act of 2020

Enacted 2020-03-18

Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020

Enacted 2020-03-06

Source: <https://coronavirus.skoposlabs.com> (visited May 19, 2021)

## Plaintiff's Exhibit 145

**Determination of a National Emergency Requiring Actions to Protect the Safety of  
Americans Using and Employed by the Transportation System**

As reflected in numerous determinations by the Executive Branch, including the President's March 13, 2020 determination that the outbreak of Coronavirus Disease 2019 (COVID-19) constitutes a "national emergency" under the National Emergencies Act and the nationwide public health emergency declared by the Secretary of Health and Human Services on January 31, 2020, the COVID-19 pandemic continues to pose a threat to our health and security. On January 15, 2021, the Centers for Disease Control and Prevention (CDC) updated their information to account for several new strains of COVID-19, including variant B.1.1.7 from the United Kingdom, variant B.1.351 from South Africa, and variant B.1.1.28.1 from Brazil. As of January 20, 2021, the United States has experienced more than 24 million confirmed COVID-19 cases and more than 400,000 COVID-19 deaths. The CDC, the Surgeon General, and the National Institutes of Health have concluded that mask-wearing, physical distancing, appropriate ventilation, and timely testing can mitigate the risk of travelers spreading COVID-19. On January 21, 2021, the President issued the *Executive Order on Promoting COVID-19 Safety in Domestic and International Travel*. The purpose of this Executive Order is to save lives and allow all Americans, including the millions of people employed in the transportation industry, to travel and work safely. Further, on January 25, 2021 the President issued a *Proclamation on the Suspension of Entry as Immigrants and Non-Immigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease* whereby he reinstituted travel restriction for individuals traveling to the United States from the United Kingdom, Ireland, the Schengen Area, and instituted restrictions for South Africa.

In the light of these circumstances and direction from the President, and after consultation with public health officials, I, David P. Pekoske, Acting Secretary of Homeland Security, pursuant to the authority vested in me under section 101 of the Aviation and Transportation Security Act (ATSA), as codified at section 114(g) of title 49, United States Code (U.S.C.) do hereby determine that a national emergency exists and am directing the Transportation Security Administration to take actions consistent with the authorities in ATSA as codified at 49 U.S.C. sections 106(m) and 114(f), (g), (l), and (m) to implement the Executive Order to promote safety in and secure the transportation system. This includes supporting the CDC in the enforcement of any orders or other requirements necessary to protect the transportation system, including



passengers and employees, from COVID-19 and to mitigate the spread of COVID-19 through the transportation system, to the extent appropriate and consistent with applicable law. I specifically direct the Transportation Security Administration to use its authority to accept the services of, provide services to, or otherwise cooperate with other federal agencies, including through the implementation of countermeasures with appropriate departments, agencies, and instrumentalities of the United States in order to address a threat to transportation, recognizing that such threat may involve passenger and employee safety.

 1/27/2021

David P. Pekoske

Acting Secretary

Department of Homeland Security



## Order: Wearing of face masks while on conveyances and at transportation hubs

The Centers for Disease Control and Prevention (CDC) issued an Order ■ [PDF – 11 pages] on January 29, 2021 requiring the wearing of masks by travelers to prevent spread of the virus that causes COVID-19. Conveyance operators must also require all persons onboard to wear masks when boarding, disembarking, and for the duration of travel. Operators of transportation hubs must require all persons to wear a mask when entering or on the premises of a transportation hub.

This Order must be followed by all passengers on public conveyances (e.g., airplanes, ships, ferries, trains, subways, buses, taxis, ride-shares) traveling into, within, or out of the United States as well as conveyance operators (e.g., crew, drivers, conductors, and other workers involved in the operation of conveyances) and operators of transportation hubs ( e.g., airports, bus or ferry terminals, train or subway stations, seaports, ports of entry) or any other area that provides transportation in the United States.

People must wear masks that cover both the mouth and nose when awaiting, boarding, traveling on, or disembarking public conveyances. People must also wear masks when entering or on the premises of a transportation hub in the United States.

This Order ■ [PDF – 11 pages] is effective as of February 2, 2021 and was published in the Federal Register ☑ on February 3, 2021.

For frequently asked questions, visit the FAQs.

The following are attributes of masks needed to fulfill the requirements of the Order. CDC will update this guidance as needed.

- A properly worn mask completely covers the nose and mouth.
- Cloth masks should be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source).
- Mask should be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers.
- Mask should fit snugly but comfortably against the side of the face.
- Mask should be a solid piece of material without slits, exhalation valves, or punctures.

The following attributes are additionally acceptable as long as masks meet the requirements above.

- Masks can be either manufactured or homemade.
- Masks can be reusable or disposable.
- Masks can have inner filter pockets.
- Clear masks or cloth masks with a clear plastic panel may be used to facilitate communication with people who are hearing impaired or others who need to see a speaker's mouth to understand speech.
- Medical masks and N-95 respirators fulfill the requirements of the Order.



The following do not fulfill the requirements of the Order.

- Masks worn in a way that does not cover both the mouth and nose
- Face shields or goggles (face shields or goggles may be worn to supplement a mask that meets above required attributes)
- Scarves, ski masks, balaclavas, or bandannas
- Shirt or sweater collars (e.g., turtleneck collars) pulled up over the mouth and nose.
- Masks made from loosely woven fabric or that are knitted, i.e., fabrics that let light pass through
- Masks made from materials that are hard to breathe through (such as vinyl, plastic or leather)
- Masks containing slits, exhalation valves, or punctures
- Masks that do not fit properly (large gaps, too loose or too tight)

Additional guidance on the use of masks to slow the spread of COVID-19 is available on CDC's website.

## Disability Exemptions of the Order

Who is covered by the exemption for "a person with a disability who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act ☒ (ADA, 42 U.S.C. 12101 *et seq.*)?"

Most people, including those with disabilities, can tolerate and safely wear a mask and are required to wear one as per CDC's Order. However, certain people with disabilities who, because of their disability, cannot wear a mask, or cannot safely wear a mask, are exempted from CDC's mask-wearing requirement.

The exemption is not meant to cover people with disabilities for whom wearing a mask might only be difficult or whose disability does not prevent them from wearing a mask or wearing a mask safely.

The following narrow subset of persons with disabilities are exempt from CDC's requirement to wear a mask:

- A person with a disability who, for reasons related to the disability, would be physically unable to remove a mask without assistance if breathing becomes obstructed. Examples might include a person with impaired motor skills, quadriplegia, or limb restrictions
- A person with an intellectual, developmental, cognitive, or psychiatric disability that affects the person's ability to understand the need to remove a mask if breathing becomes obstructed

The following persons with disabilities might be exempt from CDC's requirement to wear a mask based on factors specific to the person:

- A person with a disability who cannot wear a mask because it would cause the person to be unable to breathe or have respiratory distress if a mask were worn over the mouth and nose. A person with a condition that causes intermittent respiratory distress, such as asthma, likely does not qualify for this exemption because people with asthma, or other similar conditions, can generally wear a mask safely.
- A person with a disability requiring the use of an assistive device, such as for mobility or communication, that prevents the person from wearing a mask and wearing or using the assistive device at the same time. If use of the device is intermittent and the person can remove the mask independently to use the device, then a mask must be worn during periods when the person is not using the device.
- A person with a severe sensory disability or a severe mental health disability who would pose an imminent threat of harm to themselves or others if required to wear a mask. Persons who experience discomfort or anxiety while wearing a mask without imminent threat of harm would not qualify for this exemption.

**How can operators facilitate safer transportation where a passenger is a person with a disability who is exempt from the requirement to wear a mask?**

Operators of conveyances or transportation hubs should consider providing options for additional protective measures that improve the ability of the people who are subject to the exemption to maintain social distance (separation from others by at least 6 feet/2 meters [about 2 arm lengths]). Examples include—

- If travel is pre-scheduled, schedule travel for people who are exempt at less crowded times or on less crowded conveyances.
- Seat or otherwise situate the person in a less crowded section of the conveyance or transportation hub.
- Inform people with disabilities who cannot wear a mask safely that these additional measures might be taken to facilitate safer transportation.

All people should consider the necessity of using public transportation, especially those with disabilities or underlying conditions that may place them at increased risk for severe illness from COVID-19. Disability alone may not be related to higher risk for getting COVID-19 or having severe illness. Most people with disabilities are not inherently at higher risk for becoming infected with or having severe illness from COVID-19. However, some people with disabilities might be at a higher risk of infection or severe illness, at least in part because of their underlying medical conditions.

People with disabilities should talk with their healthcare providers if they have questions about their health or how their health conditions are being managed.

While this guidance uses the ADA's definition of disability, it does not address other ADA provisions that may be pertinent to issues involving the use of masks.

Page last reviewed: March 23, 2021





**Transportation  
Security  
Administration**

U.S. Department of Homeland Security  
Transportation Security Administration  
6595 Springfield Center Drive  
Springfield, Virginia 20598

**SECURITY DIRECTIVE**

NUMBER SD 1544-21-02A

SUBJECT Security Measures – Mask Requirements

EFFECTIVE DATE May 12, 2021

EXPIRATION DATE September 13, 2021

CANCELS AND SUPERSEDES SD 1544-21-02

APPLICABILITY Aircraft operators regulated under 49 CFR 1544.101

AUTHORITY 49 U.S.C. 114, 44902, and 44903; 49 CFR 1544.305

LOCATION(S) All Locations

PURPOSE AND GENERAL INFORMATION

Due to the ongoing COVID-19 pandemic and to reduce the spread of the virus, the President issued an Executive Order, *Promoting COVID-19 Safety in Domestic and International Travel*, on January 21, 2021, requiring masks to be worn in **and on** airports, on commercial aircraft, and in various modes of surface transportation.<sup>1</sup> On January 27, 2021, the Acting Secretary of Homeland Security determined a national emergency existed<sup>2</sup> requiring the Transportation Security Administration (TSA) to issue this Security Directive (SD) to implement the Executive Order and enforce the related Order<sup>3</sup> issued by the Centers for Disease Control and Prevention (CDC), pursuant to the authority of 49 U.S.C. sections 114, 44902, and 44903. Consistent with these mandates and TSA's authority, TSA is issuing this SD requiring masks to be worn to mitigate the spread of COVID-19 during air travel. **The requirements in this SD must be applied**

<sup>1</sup> 86 FR 7205 (published Jan. 26, 2021).

<sup>2</sup> Acting Secretary David P. Pekoske, *Determination of a National Emergency Requiring Actions to Protect the Safety of Americans Using and Employed by the Transportation System* (Jan. 27, 2021), *available at* <https://www.dhs.gov/publication/determination-national-emergency-requiring-actions-protect-safety-americans-using-and> (accessed Feb. 22, 2021). The Acting Secretary's determination directs TSA to take actions consistent with its statutory authorities "to implement the Executive Order to promote safety in and secure the transportation system." In particular, the determination directs TSA to support "the CDC in the enforcement of any orders or other requirements necessary to protect the transportation system, including passengers and employees, from COVID-19 and to mitigate the spread of COVID-19 through the transportation system."

<sup>3</sup> See Order Under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations (CFR) §§ 70.2, 71.31(B), 71.32(B); Requirement for Persons to Wear Masks While on Conveyances and at Stations, Ports, or Similar Transportation Hubs (January 29, 2021)

to all persons onboard a commercial aircraft operated by a U.S. aircraft operator, including passengers and crewmembers, **including those already vaccinated.** TSA developed these requirements in consultation with the Federal Aviation Administration and CDC.

## DEFINITIONS

For the purposes of this SD, the following definitions apply:

*Conveyance* has the same definition as under 42 CFR 70.1, meaning “an aircraft, train, road vehicle, vessel...or other means of transport, including military.”

*Mask* means a material covering the nose and mouth of the wearer, excluding face shields.<sup>4</sup>

## ACTIONS REQUIRED

A. The aircraft operator must provide passengers with prominent and adequate notice of the mask requirements to facilitate awareness and compliance.<sup>5</sup> At a minimum, this notice must inform passengers, at or before check-in and as a pre-flight announcement, of the following:

1. Federal law requires each person to wear a mask at all times throughout the flight, including during boarding and deplaning.
2. Refusing to wear a mask is a violation of federal law and may result in denial of boarding, removal from the aircraft, and/or penalties under federal law.
3. If wearing oxygen masks is needed because of loss of cabin pressure or other event affecting aircraft ventilation, masks should be removed to accommodate oxygen masks.

B. The aircraft operator must not board any person who is not wearing a mask, except as described in Sections D., E., and F.

C. The aircraft operator must ensure that direct employees and authorized representatives wear a mask at all times while on an aircraft or in an airport location under the control of the aircraft operator, except as described in Sections D., E., and F.

D. The requirement to wear a mask does not apply under the following circumstances:

1. When necessary to temporarily remove the mask for identity verification purposes.

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<sup>4</sup> A properly worn mask completely covers the nose and mouth of the wearer. A mask should be secured to the head, including with ties or ear loops. A mask should fit snugly but comfortably against the side of the face. Masks do not include face shields. Masks can be either manufactured or homemade and should be a solid piece of material without slits, exhalation valves, or punctures. Medical masks and N-95 respirators fulfill the requirements of this SD. CDC guidance for attributes of acceptable masks in the context of this SD is available at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

<sup>5</sup> Notice may include, if feasible, advance notifications on digital platforms, such as on apps, websites, or email; posted signage in multiple languages with illustrations; printing the requirement on boarding passes; or other methods as appropriate.



2. While eating, drinking, or taking oral medications for brief periods.<sup>6</sup> Prolonged periods of mask removal are not permitted for eating or drinking; the mask must be worn between bites and sips.
3. While communicating with a person who is deaf or hard of hearing, when the ability to see the mouth is essential for communication.
4. If wearing oxygen masks is needed because of loss of cabin pressure or other event affecting aircraft ventilation.
5. If unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance, or otherwise unable to remove the mask without assistance.<sup>7</sup>

E. The following conveyances are exempted from this SD:

1. Persons in private conveyances operated solely for personal, non-commercial use.
2. A driver, when operating a commercial motor vehicle as this term is defined in 49 CFR 390.5, if the driver is the sole occupant of the vehicle.

F. This SD exempts the following categories of persons from wearing masks:<sup>8</sup>

1. Children under the age of 2.
2. People with disabilities who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).<sup>9</sup>

<sup>6</sup> The CDC has stated that brief periods of close contact without a face mask should not exceed 15 minutes. See <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

<sup>7</sup> Persons who are experiencing difficulty breathing or shortness of breath or are feeling winded may remove the mask temporarily until able to resume normal breathing with the mask. Persons who are vomiting should remove the mask until vomiting ceases. Persons with acute illness may remove the mask if it interferes with necessary medical care such as supplemental oxygen administered via an oxygen mask.

<sup>8</sup> Aircraft operators may impose requirements, or conditions of carriage, on persons requesting an exemption from the requirement to wear a mask, including medical consultation by a third party, medical documentation by a licensed medical provider, and/or other information as determined by the aircraft operator, as well as require evidence that the person does not have COVID-19 such as a negative result from a SAR-CoV-2 viral test or documentation of recovery from COVID-19. CDC definitions for SAR-CoV-2 viral test and documentation of recovery are available in Frequently Asked Questions at: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html>. Aircraft operators may also impose additional protective measures that improve the ability of a person eligible for exemption to maintain social distance (separation from others by 6 feet), such as scheduling travel at less crowded times or on less crowded conveyances, or seating or otherwise situating the individual in a less crowded section of the conveyance or airport. Aircraft operators may further require that persons seeking exemption from the requirement to wear a mask request an accommodation in advance.

<sup>9</sup> This is a narrow exception that includes a person with a disability who cannot wear a mask for reasons related to the disability; who, e.g., do not understand how to remove their mask due to cognitive impairment, cannot remove a mask on their own due to dexterity/mobility impairments, or cannot communicate promptly to ask someone else to



3. People for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations.
- G. If a passenger refuses to comply with an instruction given by a crew member with respect to wearing a mask, the aircraft operator must:
1. Make best efforts to disembark the person who refuses to comply as soon as practicable; and
  2. Follow incident reporting procedures in accordance with its TSA-approved standard security program and provide the following information, if available:
    - a. Date and flight number;
    - b. Passenger's full name and contact information;
    - c. Passenger's seat number on the flight;
    - d. Name and contact information for any crew members involved in the incident; and
    - e. The circumstances related to the refusal to comply.

#### PREEMPTION

The requirements in this SD do not preempt any State, local, Tribal, or territorial rule, regulation, order, or standard necessary to eliminate or reduce a local safety hazard, which includes public health measures that are the same or more protective of public health than those required in this SD, if that provision is not incompatible with this SD.

#### ACKNOWLEDGMENT OF RECEIPT

The aircraft operator must immediately provide written confirmation of receipt of this SD to its Principal Security Inspector (PSI) or International Industry Representative (IIR), as appropriate.

#### DISSEMINATION REQUIRED

The aircraft operator must immediately pass the information and measures set forth in this SD to any personnel having responsibilities in implementing the provisions of this directive. The aircraft operator may share this SD with anyone subject to the provisions of this directive to include but not limited to: federal, state, and local government personnel; authorized representatives; catering personnel; vendors; airline club staff; contractors; etc.

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remove their mask due to speech impairments or language disorders, or cannot wear a mask because doing so would impede the function of assistive devices/technology. It is not meant to cover persons for whom mask-wearing may only be difficult. The CDC issued additional guidance on disability exemptions on March 23, 2021, which is available at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

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Security Directive

SD 1544-21-02A

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APPROVAL OF ALTERNATIVE MEASURES

In accordance with 49 CFR 1544.305(d), the aircraft operator must immediately notify its PSI or IIR, as appropriate, if unable to implement any of the measures in this SD, or in any TSA-approved alternative measure. The aircraft operator may submit proposed alternative measures and the basis for submitting those measures to its PSI or IIR.



Darby LaJoye  
Senior Official Performing the Duties of the Administrator

 An official website of the United States government [Here's how you know](#) 

The latest general information on the Coronavirus Disease 2019 (COVID-19) is available on [Coronavirus.gov](#). For USDOT specific COVID-19 resources, [please visit our page](#).

[Home](#) \ [Priorities](#)

## Frequently Asked Questions

### Wearing of Face Masks While on Conveyances and at Transportation Hubs

The Centers for Disease Control and Prevention (CDC) issued an [Order](#) on January 29, 2021, requiring the wearing of masks by travelers to prevent spread of the virus that causes COVID-19. Conveyance operators must also require that all persons wear masks when boarding, disembarking, and for the duration of travel, with certain exemptions as described in the Questions below. The Order defines "conveyance" as including "aircraft, train, road vehicle (including rideshares), vessel...or other means of transport, including military transport." (42 CFR §§ 70.1, 71.1). Operators of transportation hubs must require all persons wear a mask when entering or on the premises of a transportation hub. A "transportation hub" means any airport, bus terminal, marina, seaport, or other port, subway station, terminal, train station, U.S. port of entry, or any other location that provides transportation". More information about this order can be found on the [CDC's website](#), including CDC's FAQ's for this mask requirement, [here](#).

The Transportation Security Administration (TSA) has issued an emergency amendment and three security directives in support of the CDC Order. They can be found [here](#). SD 1582/84-21-01 pertains directly to owners and operators of ground transport. The other three pertain to the aviation industry. For more information about the TSA's COVID-19 prevention efforts visit their [COVID-19 hub](#), or their [COVID-19 FAQs](#).

To assist ground transportation operators in the implementation of the Order and the Directive, the U.S. Department of Transportation (USDOT) compiled a list of questions and answers, and will continue to update them as additional information becomes available.

The USDOT will also continue to engage stakeholders in conjunction with the CDC and other Federal agencies.

For air transportation operators, please see FAA's [Fly Healthy web page](#) for more information.

#### [General](#)

[Federal Aviation Administration \(FAA\)](#)

[Federal Transit Administration \(FTA\)](#)

[Federal Railroad Administration \(FRA\)](#)

[Federal Motor Carrier Safety Administration \(FMCSA\)](#)

[Expand All](#)

[Collapse All](#)

#### General

[What is the CDC's Order and who does it apply to?](#)

The Centers for Disease Control and Prevention (CDC) issued an Order on January 29, 2021, requiring the wearing of masks



by travelers to prevent spread of the virus that causes COVID-19. Conveyance operators must require all persons to wear masks when boarding, disembarking, and for the duration of travel. Operators of transportation hubs must require all persons to wear a mask when entering or on the premises of a transportation hub.

This Order must be followed by all passengers on public conveyances (e.g., airplanes, ships, ferries, trains, subways, buses, taxis, rideshares) traveling into, within, or out of the United States as well as conveyance operators (e.g., crew, drivers, conductors, and other workers involved in the operation of conveyances) and operators of transportation hubs (e.g., airports, bus or ferry terminals, train or subway stations, seaports, ports of entry) or any other area that provides transportation in the United States.

People must wear masks that cover both the mouth and nose when awaiting, boarding, traveling on, or disembarking public conveyances. People must also wear masks when entering or on the premises of a transportation hub in the United States.

### What does the CDC Order require?

The CDC Order requires conveyance operators to use their best efforts to ensure that persons wear masks while boarding and disembarking a conveyance, for the duration of a trip, and within a transportation hub. Best efforts may include:

- Boarding and allowing entry to only those persons who wear masks;
- Instructing persons that Federal law requires wearing a mask on the conveyance and in the transportation hub and failure to comply constitutes a violation of Federal law;
- Monitoring persons onboard conveyances and in facilities for anyone who is not wearing a mask and seeking compliance from such persons;
- At the earliest opportunity, disembarking any person who refuses to comply; and
- Providing persons with prominent and adequate notice to facilitate awareness and compliance of the requirement to wear a mask, with best practices including, if feasible, advance notifications on digital platforms, such as on apps, websites, or email; posted signage in multiple languages with illustrations; printing the requirement on tickets; and other methods as appropriate.

Best efforts should take into consideration the safety of conveyance operators when identifying roles and responsibilities for implementing the CDC Order.

### What if we have a local mask mandate already in place?

The CDC Order does not apply within any state, locality, territory, or area under the jurisdiction of a tribe that: (1) requires a person to wear a mask on conveyances; (2) requires a person to wear a mask at transportation hubs; and (3) requires conveyances to transport only a person wearing a mask. Such state, local, territorial, or tribal requirements must provide the same level of public health protection as—or greater protection than—the requirements of the CDC Order. In addition, the CDC Order does not preclude operators from imposing additional requirements or conditions that provide greater public health protection and are more restrictive than the requirements of the CDC Order.

### How does CDC define mask?

*Mask* means a material covering the nose and mouth of the wearer, excluding face shields. CDC guidance for acceptable masks in the context of this Order is available [here](#).

### Are there any exemptions to the CDC Order?

The CDC Order exempts the following categories of persons:

- A child under the age of 2 years;
- A person with a disability who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.*); and
- A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations.

The exemption for a person with a disability is a narrow exception that includes a person with a disability who cannot wear a mask for reasons related to the disability. CDC will issue additional guidance regarding persons who cannot wear a mask under this exemption [here](#).

The CDC Order also states that the requirement to wear a mask shall not apply under the following circumstances:

- While eating, drinking, or taking medication, for brief periods;
- While communicating with a person who is hearing impaired when the ability to see the mouth is essential for communication;
- If unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance; or
- When necessary to temporarily remove the mask to verify one's identity, such as when asked to do so by a ticket or gate agent or any law enforcement official.

In addition, persons who are experiencing difficulty breathing or shortness of breath or are feeling winded may remove the mask temporarily until able to resume normal breathing with the mask. Persons who are vomiting should remove the mask until vomiting ceases. Persons with acute illness may remove the mask if it interferes with necessary medical care such as supplemental oxygen administered via an oxygen mask.

### Are conveyance operators permitted to impose additional requirements or conditions regarding masks?

Yes. The CDC Order does not preclude operators from imposing additional requirements or conditions that provide greater public health protection and are more restrictive than the requirements of the CDC Order. The Order also encourages, State, local, territorial, and tribal governmental entities that operate conveyances to implement additional measures to enforce the Order regarding persons utilizing their system. **Additional requirements or conditions may be imposed that provide greater public health protection and are more restrictive than the requirements of the CDC Order, including requirements for persons requesting an exemption from the mask requirement, including medical consultation by a third party, medical documentation by a licensed medical provider, and/or other information as determined by the operator,**

### How long is the CDC Order in effect?

The effective date of the CDC Order is February 1, 2021, at 11:59 p.m. The Order will remain in effect for the duration of the COVID-19 public health emergency, and as determined by the CDC.

## **Federal Aviation Administration (FAA)**

For air transportation operators, please see [FAA's Fly Healthy web page](#) for more information.

## **Federal Transit Administration (FTA)**



**Are transit operators considered a public conveyance?**

Yes.

**Is Federal funding available to support implementation of the CDC Order?**

Yes. FTA recipients may use the \$39 billion in Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) funds to implement the CDC Order. Operating expenses incurred beginning on January 20, 2020, for all rural, and small and large urban recipients, also are eligible to draw from FTA urbanized area and rural formula funds, including operating expenses to purchase and provide face masks to employees or passengers, install additional cameras in transit vehicles, hire additional transit security personnel, and/or enter into additional contracts for security services to implement the CDC Order. Federal Emergency Management Agency funding also may be available.

**Who should I contact if I have questions about the face mask requirement for transit?**

Please submit your questions about the implementation of the CDC Order for public transit to [TransitMaskUp@dot.gov](mailto:TransitMaskUp@dot.gov).

**What technical assistance will FTA provide to support implementation of the CDC Order?**

In coordination with Federal partners, FTA will support transit's implementation of the CDC Order, with a focus on leveraging its existing technical assistance and stakeholder engagement platforms, including the following:

- Coordinating and publishing FAQs with Federal partners to provide the transit industry with guidance on implementing requirements of E.O. 13998, the CDC Order, the TSA Security Directive, and applicable Federal guidance.

FTA will post responses to Frequently Asked Questions (FAQs) on the DOT FAQ page. Please submit your questions about the implementation of the CDC Order for public transit to [TransitMaskUp@dot.gov](mailto:TransitMaskUp@dot.gov).

Additionally, in accordance with Executive Order 13166, FTA will ensure that FAQs will be made available in languages other than English, to ensure access for individuals with limited English proficiency.

- Hosting industry-wide stakeholder calls, weekly during February and as needed, to deliver key messages on the mask requirement to a broad transit audience.
- Hosting listening sessions with transit stakeholders to provide an opportunity for transit agencies across the United States to share their experiences and lessons learned as they implement a mask requirement and respond to the COVID-19 public health emergency.  
When necessary, FTA will ensure these sessions are accessible in languages other than English.
- Encouraging transit industry engagement in the FTA-sponsored [COVID-19 Recovery Discussion Forum](#) to facilitate peer-to-peer exchanges on ideas, practices, and other information related to implementation of a mask requirement.
- Continuing to work with the American Public Transportation Association and the Community Transportation Association of America to produce a [COVID-19 Recovery Vendor List for Transit](#), which documents over 350 vendors providing critical materials for transit's COVID-19 recovery efforts.
- Publishing updates to the [COVID-19 Recovery Practices in Transit](#) resource, which provides web links to practices implemented by transit systems across the globe to respond to the COVID-19 public health emergency. In providing this resource, FTA also will remind transit agencies to ensure that publicly available information related to COVID-19 practices are made available in languages other than English.



recommendations on transit-related topics. This tool includes information from CDC on face masks.

### Does the mask requirement apply to Section 5310 operators?

The CDC Order applies to all recipients and subrecipients of Federal funding under 49 U.S.C. Chapter 53 that own, operate, or maintain a public transportation system, including an entity that receives Federal financial assistance only under the formula grants for Enhanced Mobility of Seniors and Individuals with Disabilities (49 U.S.C. §5310).

### Does FTA have training on de-escalation for transit operators?

Yes. FTA works with the [National Transit Institute](#) at Rutgers University to deliver a 3-hour training on [Assault Awareness and Prevention for Transit Operators](#), which addresses de-escalation techniques. Virtual offerings of this training became available beginning in February 2021. The goal of the course is to give vehicle operators in the transit industry – with an emphasis on bus operators—the knowledge and skills needed to reduce the likelihood of assault incidents from occurring. Prevention methods covered include discussing the types of incidents that could be considered assault and recognizing key vulnerability factors. Prevention strategies focus on communication and response skills, and the value of reporting incidents.

### What Federal resources will be available to support enforcement of mask usage on transit systems and to reduce the risk of assault to employees who might enforce the CDC Order?

The primary goal of the CDC Order is compliance, not enforcement. The CDC Order requires transit operators to use their best efforts to ensure that persons wear masks while boarding and alighting a transit vehicle, for the duration of a trip, and within a transit facility. Best efforts should take into consideration the safety of transit employees when identifying roles and responsibilities for implementing the CDC Order.

FTA recipients may use the \$39 billion in Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) funds to implement the CDC Order. Operating expenses incurred beginning on January 20, 2020, for all rural, and small and large urban recipients, also are eligible to draw from FTA urbanized area and rural formula funds, including operating expenses to purchase and provide face masks to employees or passengers, install additional cameras in transit vehicles, hire additional transit security personnel, and/or enter into additional contracts for security services to implement the CDC Order. Federal Emergency Management Agency funding also may be available.

### Do transit employees who work behind plexiglass barriers or shields on public transportation conveyances or in transportation hubs still need to wear a face mask?

Yes. **A transit employee is required to wear a mask unless covered under an exemption, even if the employee is separated from passengers or other employees by plexiglass or another protective barrier.** While protective barriers help limit transmission, respiratory droplets that can spread the virus that causes COVID-19 still can enter shielded areas. Masks provide an additional and necessary layer of protection against transmission.

### Does the mask requirement apply in administrative facilities?



include, for example, executive offices, training facilities, and construction field offices. Transit employees must wear masks while on public transportation conveyances, and on the premises of a transportation hub unless they are the only person in the work area, such as in a private office.

As applied to transit, public transportation conveyances are transit vehicles being used in revenue service. A transportation hub is any location where people gather to await, board, or disembark public transportation, such as bus and ferry terminals, train and subway stations, and ride-share pick-up locations. It also includes any facility directly involved in the provision of transit service, such as ticket sales offices, vehicle maintenance facilities, vehicle cleaning facilities, operations control centers, electric vehicle charging facilities, operator break areas, and fueling facilities.

Per the CDC Order, persons for whom a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or Federal regulations are not required to wear a mask. A narrow subset of employees with disabilities also are exempt from the mask requirement under CDC Order because it would be unsafe for them to wear a mask due to their disability. The CDC states it will issue additional guidance regarding persons who cannot wear a mask under this exemption.

#### Does the mask requirement apply to employees in transit maintenance and operations facilities?

Yes. Transit employees must wear masks while on public transportation conveyances and at transportation hubs. The starting point is that everyone should be wearing a mask and employees are broadly required to wear masks by the CDC Order. As applied to transit, public transportation conveyances are transit vehicles being used in revenue service. A transportation hub is any location where people gather to await, board, or disembark public transportation, such as bus and ferry terminals, train and subway stations, and ride-share pick-up locations. It also includes any facility directly involved in the provision of transit service, such as ticket sales offices, vehicle maintenance facilities, vehicle cleaning facilities, operations control centers, electric vehicle charging facilities, operator break areas, and fueling facilities. An employee is not required to wear a mask if he/she is the only person in the work area, such as in a private office.

The CDC Order broadly requires persons to wear masks whenever possible, particularly in any transit facility or location where persons are not alone. Employees must wear a mask while on the premises of a transportation hub unless they are the only person in the work area, such as in private offices.

The CDC Order exempts from the mask requirement persons for whom a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or Federal regulations; such persons are not required to wear a mask. A narrow subset of employees with disabilities are also exempted from the mask requirement under CDC's Order because it would be unsafe for them to wear a mask due to their disability. The CDC states it will issue additional guidance regarding persons who cannot wear a mask under this exemption.

FTA encourages transit agencies to implement mask policies in all areas of their organizations, including those areas where masks are not required to be worn under the CDC Order. The CDC has developed specific guides for rail and bus transit employers to protect transit workers in the workplace. In addition, the Occupational Safety and Health Administration (OSHA) issued guidance, *Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace* (dated January 29, 2021), to help identify risks of being exposed to COVID-19 in workplace settings and to determine any appropriate control measures to implement, which could be informative to the use of masks in transit offices and facilities.

#### How will FTA enforce the CDC Order?

FTA has amended the Master Agreement to incorporate the requirements of the CDC Order. Pursuant to the terms and conditions of FTA Master Agreement FTA MA(28), FTA may take enforcement action against a recipient or subrecipient that fails to comply with this Order, including, but not limited to, actions authorized by 49 U.S.C. § 5329(g) and 2 CFR §§ 200.339-.340 when a recipient does not comply with Federal law with respect to the safety of its public transportation system.



Are riders with disabilities exempt from mask requirements? ^

The CDC Order exempts people with disabilities who cannot wear a mask, or cannot safely wear a mask, because of their disability, as defined by the Americans with Disabilities Act (42 U.S.C. § 12101, *et seq.*). This is a narrow exemption to be applied in very limited circumstances. It is not meant to cover persons for whom mask-wearing may only be difficult.

The TSA Security Directive gives examples of persons unable to wear a mask due to safety reasons who would be exempt, including those who do not understand how to wear or remove the mask due to cognitive impairment, or cannot wear or remove a mask on their own due to dexterity/mobility impairments. The CDC issued supplemental guidance on the disability exemption that gives examples of persons with disabilities who are exempt from the mask-wearing requirement and those individuals who might be exempt. See Disability Exemptions of the Order.

May a transit agency require requests for exemptions from mask requirements to be made in advance of travel? ^

**Yes.** The TSA Security Directive states, “Operators may further require that persons seeking exemption from the requirement to wear a mask request an accommodation in advance. Operators may impose requirements, or conditions of carriage, on persons requesting an exemption from the requirement to wear a mask, including medical consultation by a third party, medical documentation by a licensed medical provider, and/or other information as determined by the owner/operator.”

The exemption process is likely easier to implement in systems that require riders to make trip reservations in advance, and especially in Americans with Disabilities Act (ADA) complementary paratransit service, where the agency has already confirmed the eligible rider’s disability status and functional limitations, and where the submittal of medical and other information is routine. For fixed-route bus and rail systems, which do not require rider reservations, granting exemptions and ensuring only individuals qualified for an exemption ride without wearing a mask may be more challenging. **Consistent with the CDC Order and TSA Security Directive, fixed-route transit providers may require individuals to request an exemption in advance of being allowed to travel and could issue riders a card or other document noting the exemption to present to transit personnel on future trips.**

Is a transit agency required to adopt a specific process for handling exemption requests, such as through its already required Americans with Disabilities Act (ADA) reasonable modification of policy procedures? ^

Generally, no. The TSA Security Directive does not dictate a specific process. Most individuals, including those with disabilities, can tolerate and safely wear a mask. However, a narrow subset of individuals with disabilities may not be able to wear a mask or cannot safely wear a mask. Those who cannot safely wear a mask – for example, a person with a disability who, for reasons related to the disability, would be physically unable to remove a mask without assistance if breathing becomes obstructed – should not be required to wear one. The current exemption for people with disabilities who cannot wear masks safely is in a TSA Security Directive, and is not a reasonable modification under the ADA. Agencies have discretion in how they process such exemption requests; however, any process adopted should provide a prompt response to the person requesting the exemption. The process also must be sufficiently advertised so that people know how to make the request. 49 CFR § 37.167(f). Public information explaining the process also should be provided in languages other than English consistent with the agency’s Title VI program.

Does a transit agency need to ensure frontline workers and other personnel understand the exemption process for people with disabilities? ^

Yes. Regardless of the exemption process an agency adopts, training and providing information to personnel on the process

Americans with Disabilities Act (ADA) regulations at 49 CFR § 37.173 require personnel to be prepared to “properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.”

#### COVID-19 Employer Information for Transit Maintenance Workers - CDC Guidance

CDC Guidance for Transit Maintenance Workers

#### What Rail Transit Operators Need to Know about COVID-19 - CDC Guidance

CDC Guidance for Rail Transit Operators

#### Are direct recipients, such as State Departments of Transportation (DOTs) and local governmental authorities, responsible for ensuring subrecipients implement the mask requirement?

Yes. State DOTs and other direct recipients have the responsibility to ensure that subrecipients are implementing a mask requirement as a term of their grant agreements. On February 9, 2021, FTA issued an amendment to its Master Agreement to incorporate the requirements of the CDC Order into the standard terms and conditions for all of its grants, cooperative agreements, and loans authorized by Federal public transportation law or administered by FTA.

#### Are State DOTs required to report non-compliant passengers to TSA's Transportation Security Operations Center (TSOC)?

It depends. Under TSA's Security Directive, owners/operators must report to the TSOC at 1-866-615-5150 or 1-703-563-3240 if an individual's refusal to comply with the mask requirement constitutes a significant security concern. State DOTs must report non-compliant passengers to the TSOC only if they are the owners/operators of the transportation conveyances or hubs where the incidents occurred.

#### Can local law enforcement enforce the mask requirement?

The CDC Order requires conveyance operators to use best efforts to ensure that any person, unless otherwise exempted, on the conveyance wears a mask when boarding, disembarking, and for the duration of travel; and operators of transportation hubs must use best efforts to ensure that any person entering or on the premises of the transportation hub wears a mask, unless otherwise exempted. The TSA Security Directive requires that owner/operators establish procedures to manage situations with persons who refuse to comply with the mask requirement. At a minimum, these procedures must ensure that if an individual refuses to comply with an instruction given by the owner/operator with respect to wearing a mask, the owner/operator must deny boarding, make best efforts to disembark the individual as soon as practicable, or make best efforts to remove the individual from the transportation hub/facility. Satisfying the mask requirement could include obtaining support from cooperating local law enforcement to assist transit agencies with implementation and minimize confrontations between transit operators and passengers.



Can transit agencies choose not to deny boarding or remove passengers who refuse to wear a mask if local law enforcement does not assist, or if doing so would impact service or put operators in harm's way? ^

Transit agencies must use best efforts to deny boarding to passengers who refuse to wear a mask, unless otherwise exempted, and make best efforts to disembark a passenger who removes a mask as soon as practicable unless the person is otherwise exempted. As defined by the [CDC Order](#), what actions constitute “best efforts” include:

- Boarding only those persons who wear masks, unless persons not wearing masks are exempt from the CDC Order;
- Instructing persons that Federal law requires wearing a mask and failure to comply constitutes a violation of Federal law;
- Monitoring persons onboard for anyone who is not wearing a mask and, unless such persons are exempt from the CDC Order, seeking compliance from such persons; and
- At the earliest opportunity, disembarking any person who refuses to comply.

TSA also clarifies that “best efforts” should take into consideration the safety of transit vehicle operators when identifying roles and responsibilities for implementing the CDC Order. If an individual's refusal to comply with the mask requirement constitutes a significant security concern, the transit agency must report the incident to the Transportation Security Operations Center at 1-866-615-5150 or 1-703-563-3240 for tracking and consideration for possible penalties.

How does the requirement apply to riders who use oxygen? ^

Persons with acute illness may remove the mask if it interferes with necessary medical care such as supplemental oxygen administered via an oxygen mask (see footnote 7 of the CDC Order). Persons who use oxygen full time may be exempt from the mask requirement if a mask interferes with the ability to use an oxygen mask.

CDC guidance on mask wearing seems to suggest people who have trouble breathing shouldn't wear masks, but what if these people don't qualify for an exemption under the CDC Order? ^

The [CDC Order](#) clarifies that persons who are having trouble breathing or shortness of breath, or are feeling winded, may remove the mask temporarily until able to resume normal breathing with the mask (see footnote 7 of the CDC Order).

What should transit agencies do when drivers with glasses report difficulty wearing masks because their glasses fog up? ^

The [CDC Order](#) requires transit employees to wear masks while engaging with passengers and operating transportation conveyances. CDC [recommends](#) that individuals who wear glasses find a mask that fits closely over their nose or has a nose wire to help reduce fogging and consider using an antifogging spray.

Transit agencies should work with drivers on mask fit to reduce fogging. In certain circumstances, where this issue cannot be resolved, the CDC Order provides for exemptions to ensure workplace safety and safe operation of the transit vehicle.

If transit agencies have mobile ticketing, are they required to provide notice of the requirement in the app? ^

No. Transit agencies are not required to provide notice of the requirement on their app, though it is a good practice to do

notice of the mask requirement at the time the conveyance departs its location after boarding passengers. The notice must include the following statements:

- Federal law requires wearing a mask while on the conveyance and failure to comply may result in denial of boarding or removal; and
- Refusing to wear a mask is a violation of federal law; passengers may be subject to penalties under federal law.

The [CDC Order](#) requires conveyance operators and transportation hub operators to use their best efforts to ensure that persons wear masks while boarding and disembarking a conveyance, for the duration of a trip, and within a transportation hub. Best efforts could include advance notifications on digital platforms, such as on apps, websites, or email; posted signage in multiple languages with illustrations; printing the requirement on tickets; and other methods. Best efforts also should include advance notifications in languages other than English consistent with the transit agency's Title VI program, and in accessible formats for persons with disabilities.

#### Are transit agencies required to notify passengers of penalties for non-compliance? If so, what information must transit agencies provide?

Yes. The [TSA Security Directive](#) states that, at a minimum, public notice must include the following statements:

- Federal law requires wearing a mask while on the conveyance and failure to comply may result in denial of boarding or removal; and
- Refusing to wear a mask is a violation of federal law; passengers may be subject to penalties under federal law.

#### Does the exemption from the mask-wearing requirement for disability-related reasons apply to transit personnel?

Yes. The Centers for Disease Control and Prevention (CDC) Order exempts from the mask requirement people with disabilities who cannot wear a mask, or cannot safely wear a mask, because of their disability, as defined by the Americans with Disabilities Act (42 U.S.C. § 12101, *et seq.*). This narrow exemption, to be granted in very limited circumstances, applies not only to transit passengers, but also to transit personnel and all other individuals while on a conveyance or at a transportation hub conducting transit operations. As with exemption requests from the public, agencies "may impose requirements, or conditions of carriage, on persons requesting an exemption from the requirement to wear a mask, including medical consultation by a third party, medical documentation by a licensed medical provider, and/or other information as determined by the owner/operator" per the TSA Security Directive. Also, transit agencies may need to address requests from transit personnel for reasonable accommodation under the ADA.

FTA encourages transit agencies to review the CDC's guidance to [Bus Transit Operators](#), [Rail Transit Operators](#), and [Transit Station Workers](#), as well as [Guidance for Wearing Masks](#).

#### Are transit operators required to wear masks when there are no passengers on the vehicle?

**Yes**, except for operators of transit vehicles that are commercial vehicles, as defined in 49 CFR § 390.5. The [Centers for Disease Control and Prevention \(CDC\)](#) provides an exemption for such commercial motor vehicles, when the operator is the sole occupant of the vehicle. For transit vehicles that meet this regulatory definition of a commercial motor vehicle (including that the vehicle is used on a highway in interstate commerce), the operator is not required to wear a mask when there are no passengers on the vehicle, but must put a mask on prior to any passenger boarding the vehicle. **For all other transit vehicles, the operator must wear a mask when there are no passengers on the vehicle.**

#### Are bus stops without shelters or benches considered transportation hubs?



Yes. The CDC Order defines a transportation hub as any location where people gather to await, board, or disembark public transportation. This includes bus stops with or without shelters or benches.

## **Federal Railroad Administration (FRA)**

Are both passenger and freight train operators and rail employees covered by the mask mandates?

Yes, both passenger and freight train operators and rail employees are subject to Executive Order 13998 and the CDC's Order requiring masks during rail transportation.

Who should I contact if I have questions about the face mask requirement for railroads?

Please submit your questions about the implementation for railroads to [RailroadsMaskup@dot.gov](mailto:RailroadsMaskup@dot.gov).

Does the mandate require mask wearing by employees in railroad yard offices, rail facilities, rail maintenance facilities, vans hauling crews, or occupied engines?

The Order of the Centers for Disease Control and Prevention (CDC Order) broadly requires employees to wear masks in conveyances and transportation hubs. This applies to railroad terminals, yards, storage facilities, yard offices, crew rooms, maintenance shops, and other areas regularly occupied by railroad personnel. Masks are also required in vans hauling crews and occupied engines. The CDC Order broadly requires persons to wear masks in such settings and applies in both passenger and freight rail facilities. See CDC FAQs explaining that employees at transportation hubs must wear a mask while on the premises of a transportation hub unless they are the only person in the work area, such as in private offices, private hangars at airports, or in railroad yards (available at: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/face-masks-public-transportation.html>).

Although wearing a mask is required as outlined above and critical to stop the spread of COVID-19, the CDC Order specifically exempts situations involving commercial truck drivers who are the sole occupants of the vehicle. 86 FR 8025, 8028 (Feb. 3, 2021). Similarly, a railroad employee who is the sole occupant of a vehicle, locomotive cab, or hi-rail truck, would have flexibility through company policy or employee discretion to choose not to wear a mask. Moreover, per the CDC Order, persons for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations are not required to wear a mask.

Additionally, note that the Occupational Safety and Health Administration issued guidance, *Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace* (dated January 29, 2021), to help identify risks of being exposed to COVID-19 in workplace settings and to determine any appropriate control measures to implement, which could be informative to the use of masks in rail offices and facilities.

Does the mandate require mask wearing by railroad employees at all times or only when such employees cannot maintain social distance?

The Order of the Centers for Disease Control and Prevention (CDC Order) broadly requires employees to wear masks in conveyances and transportation hubs. This applies to railroad terminals, yards, storage facilities, yard offices, crew rooms, maintenance shops, and other areas regularly occupied by railroad personnel. Masks are also required in vans hauling

while on the premises of a transportation hub unless they are the only person in the work area, such as in private offices, private hangars at airports, or in railroad yards (available at: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/face-masks-public-transportation.html>). Masks are required at all times, aside from the limited exceptions as outlined in the CDC Order (e.g., while eating, drinking, or taking medication, for brief periods).

Although wearing a mask is required as outlined above and critical to stop the spread of COVID-19, the CDC Order specifically exempts situations involving commercial truck drivers who are the sole occupants of the vehicle. 86 FR 8025, 8028 (Feb. 3, 2021). Similarly, a railroad employee who is the sole occupant of a vehicle, locomotive cab, or hi-rail truck, or a railroad employee performing duties outdoors and not in proximity to any other persons (e.g., a railroad employee performing a train or track inspection outdoors and far from any other persons), would have flexibility through company policy or employee discretion to choose not to wear a mask. Moreover, per the CDC Order, persons for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations are not required to wear a mask.

Additionally, note that the Occupational Safety and Health Administration issued guidance, *Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace* (dated January 29, 2021), to help identify risks of being exposed to COVID-19 in workplace settings and to determine any appropriate control measures to implement, which could be informative to the use of masks in rail offices and facilities.

#### I am a locomotive engineer at a major freight railroad. Does FRA's Emergency Order apply to me? ^

Yes. FRA's Emergency Order applies to all railroad personnel in or on a freight train, locomotive, high-rail vehicle, or crew transportation vehicle, or in a railroad transportation facility, terminal, yard, storage facility, yard office, crew room, maintenance shop, and other areas regularly occupied by railroad personnel when engaged in railroad operations.

#### If I am a crew member alone in a locomotive cab, does FRA's Emergency Order require me to wear a mask? ^

No. If a crew member (or any other railroad personnel) is alone in an enclosed locomotive cab, FRA's Emergency Order does not require wearing a mask. Wearing a mask is required, however, if there is another person inside the cab (e.g., if a locomotive engineer and conductor are both in the cab). Railroad personnel alone in a locomotive cab should therefore have a mask available to put on when required.

#### Do workers at transportation hubs need to wear masks at all times inside or only when they cannot socially distance? ^

Per the January 29, 2021, *Order of the Centers for Disease Control and Prevention* (and the CDC's responses to Frequently Asked Questions), employees must wear a mask while on the premises of a transportation hub. However, CDC has posted [guidance to their website](#) that masks do not need to be worn if a worker is the only person in the work area, which might occur in private offices or in railroad yards and other outdoor spaces. If another person enters the work area, or the employee leaves the work area and enters another area where others might be located, the employee must wear a mask. If the nature of the work area is such that other persons are likely to be located there and are allowed to enter or leave unannounced, then a mask must be worn at all times.

Under CDC's Order, employees do not need to wear a mask if wearing one would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations. An employee is also exempted if the employee has a disability and cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*).



Does FRA's Emergency Order cover personnel performing duties outdoors and not in proximity to any other persons? ^

No. Railroad personnel performing duties outdoors and not in proximity to any other persons (e.g., a railroad employee performing a train or track inspection outdoors and far from any other persons) would have flexibility through company policy or employee discretion to choose not to wear a mask.

Does FRA's Emergency Order cover railroad personnel in corporate office buildings, such as railroad headquarters? ^

No. FRA's Emergency Order does not cover personnel in corporate office buildings, such as railroad headquarters. However, mask orders from States, localities, or other jurisdictions may apply to these spaces. Wearing a mask is encouraged even if the railroad personnel are not specifically covered by the Emergency Order.

Does FRA's Emergency Order cover personnel in a railroad yard office? If so, are masks required for personnel inside a private office with a closed door? ^

**Yes. Personnel in a railroad yard office, such as a depot, would be covered by the Emergency Order.** If a person in a railroad yard office is alone in a private office with the door closed, a mask would not be required. If another person enters the private office, or the person leaves the office and enters another area where others may be located, the individual must wear a mask.

Do passengers or persons (including railroad personnel) in or on a passenger train or in public areas of passenger railroad transportation hubs or facilities have to wear a mask? ^

Yes. Per the Transportation Security Administration (TSA) Security Directive (SD) 1582/84-21-01, *Security Measures – Face Mask Requirements*, such passengers or persons (including railroad personnel) are required to wear a mask.

Is a railroad carrier that fails to comply with FRA's Emergency Order subject to enforcement action? ^

**Yes. Any violation of FRA's Emergency Order may subject the railroad carrier committing the violation to a civil penalty of up to \$118,826 for each day the violation continues.** 49 U.S.C. 21301 and 86 FR 1751 (Jan. 11, 2021). FRA may, through the Attorney General, also seek injunctive relief to enforce the Emergency Order. 49 U.S.C. 20112.

For information about enforcement action for violations of TSA's Security Directives, please email [TSA-Surface@tsa.dhs.gov](mailto:TSA-Surface@tsa.dhs.gov).

Can a railroad employee be subject to enforcement action personally for failure to comply with FRA's Emergency Order? ^

Yes. Any individual (railroad personnel) who willfully violates a provision stated in FRA's Emergency Order is subject to civil penalties under 49 U.S.C. 21301. In addition, any individual (railroad personnel) whose violation of the Emergency Order demonstrates that the individual is a safety hazard or poses a risk to the safety of the railroad or the public may be subject to enforcement action.

For information about enforcement action for violations of TSA's Security Directives, please email [TSA-Surface@tsa.dhs.gov](mailto:TSA-Surface@tsa.dhs.gov).

#### For how long is FRA's Emergency Order in effect?

FRA's Emergency Order is in effect until: (1) the [CDC Order](#) is modified in relevant part or rescinded based on specific public health or other considerations; (2) the U.S. Secretary of Health and Human Services rescinds the determination that a public health emergency exists; or (3) it is rescinded by FRA.

#### Does FRA's Emergency Order cover other individuals (other than passengers) who could be present on railroad property, but are not involved in railroad operations, such as invited guests, government officials, or customers?

No. FRA's Emergency Order does not specifically apply to persons who are not involved in railroad operations, such as invited guests, government officials, or customers. FRA also notes that while FRA's Emergency Order does not cover these persons, mask orders from States, localities, or other jurisdictions, including the [CDC Order](#) or [TSA SD](#), may apply.

#### Does FRA's Emergency Order cover other individuals (other than passengers) who could be present on railroad property, but are not involved in railroad operations, such as trespassers?

No. FRA's Emergency Order does not apply to trespassers, as they are not railroad personnel. However, while FRA's Emergency Order does not cover trespassers, mask orders from States, localities, or other jurisdictions, including the [CDC Order](#) or [TSA SD](#), may apply.

#### Is a railroad required to supply face masks to comply with FRA's Emergency Order?

No. However, it is recommended that the railroad provide railroad personnel with face masks to achieve compliance.

#### By when must a railroad comply with the requirement to have written procedures fully implementing FRA's Emergency Order?

Although FRA's Emergency Order does not have a deadline for when a railroad must establish written procedures implementing the Order, FRA expects railroads to do so within a reasonable amount of time.

#### Can a railroad and contractor agree that the contractor is responsible for ensuring that its employees comply with FRA's Emergency Order and the contractor's written procedures for implementing the order?

While a railroad and its contractor may agree that the contractor has primary responsibility for ensuring the contractor's employees comply with the Emergency Order (including the contractor's written procedures), a railroad retains responsibility for ensuring that contractor employees on the railroad's property comply with the Emergency Order.



How does FRA plan to enforce the Emergency Order?

FRA will enforce the Emergency Order in the same manner it enforces all federal railroad safety requirements. For example, FRA inspectors will note observed instances of non-compliance during inspections, and FRA may take enforcement action (e.g., issue warnings or civil penalties) based on non-compliance.

**Does a railroad have to comply with FRA's Emergency Order if all of its personnel have received a COVID-19 vaccine and waited the appropriate time for the vaccine to be effective?**

Yes. FRA's Emergency Order explains that, for reasons described in the CDC Order, it applies to railroad personnel, including those who have received a COVID-19 vaccine and/or who have recovered from COVID-19. See 86 FR 8029.

Does FRA's Emergency Order apply to railroad personnel working with a customer on the customer's property?

Yes. Railroad carriers must require their personnel to wear a mask while engaged in railroad operations. Railroad personnel therefore would be required to comply with the Emergency Order to the same extent as when they are on railroad property, if they perform railroad operations while working with a customer on the customer's property.

**Does FRA's Emergency Order apply to railroads operating in States without a mask mandate?**

Yes. FRA's Emergency Order applies to railroads and railroad operations under FRA's jurisdiction in every State; whether a State relaxes, revokes, or has no mask requirements, FRA's Emergency Order remains in effect.

If an employee refuses to wear a mask as required by FRA's Emergency Order, what steps does a railroad need to (or should) take to address this with the employee?

A railroad may:

- Educate the employee on the need to wear a mask (for example, the railroad may explain the public health benefit and that it is a Federal requirement).
- If the employee continues to refuse, remove the employee from service.
- Reinstatement the employee into service as soon as the employee agrees to wear a mask in compliance with FRA's Emergency Order.

If an employee's refusal to wear a mask is related to a disability, temporarily remove the employee from service while the railroad determines if reasonable accommodation under the Americans with Disabilities Act is possible or an exemption is granted. See CDC guidance at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

The purpose of removing an employee from service is to ensure compliance with the Emergency Order, not to take punitive action. FRA also expects almost all employees will agree to wear a mask without having to be removed from service. If a railroad employee willfully violates a provision stated in FRA's Emergency Order, the railroad employee is subject to civil penalties under 49 U.S.C. 21301. In addition, any individual (railroad personnel) whose violation of the Emergency Order demonstrates the individual's unfitness for safety-sensitive service may be removed from safety-sensitive service on the railroad under 49 U.S.C. 20111.



Do the Centers for Disease Control and Prevention (CDC) Interim Public Health Recommendations for Fully Vaccinated People, issued on April 27, 2021, affect FRA's Emergency Order requiring face mask use in railroad operations? ^

No. On April 27, 2021, the CDC issued [Interim Public Health Recommendations for Fully Vaccinated People](#), stating that fully vaccinated people no longer need to wear a mask outdoors, except in certain crowded settings and venues. However, the CDC emphasized that fully vaccinated people should continue to take precautions in indoor public settings, including wearing a well-fitted mask, following guidance issued by individual employers, and following CDC and health department travel requirements and recommendations. In addition, the CDC has not modified its [Order](#) requiring persons to wear masks while on conveyances and at transportation hubs, nor modified its related [guidance](#) on the [Order](#). The CDC continues to state that [masks are required](#) on trains and other forms of public transportation traveling into, within, or out of the United States and in U.S. transportation hubs such as train stations. Accordingly, there are no changes to FRA's [Emergency Order](#) requiring face mask use in railroad operations at this time. FRA also notes that its [Emergency Order](#) provides flexibility to railroad personnel performing duties outdoors who are not in proximity to any other persons (e.g., a railroad employee performing a train or track inspection outdoors and far from any other persons). Such railroad personnel have the option not to wear a mask, when consistent with company policy.

## **Federal Motor Carrier Safety Administration (FMCSA)**

Do drivers still need a mask if they are behind plexiglass? ^

A driver is required to wear a mask, even if a driver of a conveyance is segregated from passengers by plexiglass. Plexiglass shields and other fixed barriers on conveyances do not provide adequate protection to limit the spread of COVID-19.

Do passengers need to wear a double mask? ^

No, two masks are not required under the CDC Order. "Mask" means a material covering the nose and mouth of the wearer and secured to the head, including with ties or ear loops. Masks do not include face shields. CDC guidance for acceptable masks is available [here](#).

May passengers remove masks when they are in the restroom on a conveyance or at a transportation hub? ^

No, there is no exception for passengers who are in a restroom. A passenger is required to wear a mask the entire time while they are on the conveyance or at a transportation hub, other than those exceptions specified in the CDC Order.

Are bus companies required to provide riders with masks? ^

No, it is the responsibility of the passenger to have a mask prior to attempting to board a conveyance. Boarding or entry will be denied if a passenger is not wearing a mask. A bus company may provide masks for free, or for a charge.

What if a passenger loses their mask, or the mask gets damaged after the passenger is already on board? ^

be to have a spare mask, and as specified above a bus company may have spare masks available, for free or for a charge, for such situations.

### Who should I contact if I have questions about the face mask requirement for motor carriers?

Please submit your questions about implementation for motor carriers to [FMCSAMaskUp@dot.gov](mailto:FMCSAMaskUp@dot.gov).

### Are school bus operators and their passengers required to wear masks?

Yes, school bus operators, including operations by public school districts, and their passengers are required to wear masks as defined by the Order issued by the Centers for Disease Control and Prevention (CDC). The CDC Order provides limited exemptions to the mask requirement for certain small categories of individuals, including: children under the age of 2; persons with disabilities who cannot wear a mask, or cannot safely wear a mask because of a disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*); and persons for whom wearing a mask would create a risk to workplace health, safety, or job duty.

In an FAQ concerning the CDC Order, the CDC states that passengers and drivers on school buses must wear a mask unless the driver is the only person on the bus. This requirement applies to all school buses whether publicly or privately owned.

#### **Background**

The President's Executive Order 13998, *Promoting COVID-19 Safety in Domestic and International Travel*, directs the CDC and the heads of Agencies to take action, to the extent appropriate and consistent with applicable law, to require masks to be worn in compliance with CDC requirements when traveling in or on various modes of transportation. The CDC subsequently issued an Order, *Order under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, 71.31(b), 71.32(b)* (CDC Order), under its existing statutory and regulatory authority, requiring individuals to properly wear masks, unless otherwise exempted, when boarding, disembarking, and traveling on any conveyance, as defined in the CDC Order, to prevent the spread of the virus that causes COVID-19. Similarly, the Transportation Security Administration (TSA) issued Security Directive No. SD 1582/84-21-01 (TSA Security Directive), applicable to certain surface transportation modes, to implement Executive Order 13998 and enforce the CDC Order. Both the CDC Order and the TSA Security Directive became effective on February 1, 2021.

The CDC Order, consistent with the mandate in Executive Order 13998 to implement additional measures to protect public health in domestic travel, requires a mask to be worn by any operator or passenger traveling on a *conveyance* within the United States unless otherwise exempted. Conveyances include all road vehicles (subject to certain exceptions, e.g., for private conveyances operated solely for personal, non-commercial use), including school buses.<sup>[1]</sup>

<sup>[1]</sup> Executive Order 13998 directs the heads of Agencies to require masks, to the extent appropriate and consistent with applicable law, in or on all forms of public transportation as defined in 49 U.S.C. § 5302. School bus operations are specifically excepted from the statutory definition of public transportation. The TSA Security Directive, likewise, does not include school bus operations in its mask mandate. However, as explained above, the CDC Order applies to school buses.

### Are passengers required to wear masks if bus service is not for-hire, inter-city fixed-route (i.e., charter service, irregular route, private passenger carriers)?

Yes, unless otherwise exempted, passengers are generally required to wear masks when traveling on any bus into or within the United States. There are limited exemptions to the mask mandate for specific categories of persons, such as a child under the age of 2 years, described in the CDC Order.



The President's Executive Order 13998, *Promoting COVID-19 Safety in Domestic and International Travel*, directs the CDC and the heads of Agencies to take action, to the extent appropriate and consistent with applicable law, to require masks to be worn in compliance with CDC requirements when traveling on intercity buses, or on any other modes of public transportation.

The CDC issued an Order (CDC Order) under its existing statutory and regulatory authority, requiring travelers to properly wear masks when traveling on any conveyance to prevent the spread of the virus that causes COVID-19. Similarly, the TSA issued Security Directive No. SD 1582/84-21-01 (TSA Security Directive) applicable to certain surface transportation modes to implement Executive Order 13998 and enforce the CDC Order. Both the CDC Order and the TSA Security Directive became effective on February 1, 2021.

The CDC Order, consistent with the mandate in Executive Order 13998 to implement additional measures to protect public health in domestic travel, requires a mask to be worn by any operator or passenger traveling on a *conveyance* within the United States, unless otherwise exempted. Conveyances include all road vehicles (subject to certain exceptions, e.g., for private conveyances operated solely for personal, non-commercial use), including charter buses, buses operating on irregular routes, and buses operated by private motor carriers of passengers.<sup>[2]</sup>

<sup>[2]</sup> Executive Order 13998 directs the heads of Agencies to require masks, to the extent appropriate and consistent with applicable law, in or on all forms of public transportation, as defined in 49 U.S.C. § 5302. Charter bus operations are specifically excepted from the statutory definition of public transportation. The TSA Security Directive, likewise, does not include charter bus operations in its mask mandate. However, as explained above, the CDC Order applies to charter bus operations.

#### **What should a bus driver do with a non-compliant passenger who refuses to wear a mask and proceeds to cause a disturbance?**

Pursuant to the CDC Order, bus drivers should either refuse to board or seek to disembark as soon as safely possible any passenger who refuses to wear a mask, unless otherwise exempted from the mask requirement. If the passenger continues to cause a disturbance before the bus driver can safely disembark the individual(s), the Federal Motor Carrier Safety Administration (FMCSA) recommends following company policy related to de-escalation and coordination with law enforcement.

If a company does not have a policy for handling disruptive passengers, FMCSA recommends each company develop a policy and provide training to implement the policy. The training should include de-escalation techniques to reduce the disruption; when to call law enforcement for assistance; knowledge and skills needed to reduce the likelihood of assaults occurring; the definition and prevention of assault, including discussing the types of incidents that could be considered assault and recognizing key vulnerability factors; prevention strategies focusing on communication and response skills; effective communication with limited English proficient individuals; and the value of reporting incidents.

FMCSA re-emphasizes that bus companies should include the refusal of a passenger to wear a mask in existing company policies for handling disruptive passengers to provide clarity for drivers on how to handle these situations. Company policies should also include considerations regarding when to call law enforcement, which may ultimately be necessary to enforce the mask mandate. In addition, the TSA Security Directive, which applies to an over-the-road bus operating in fixed route service (among other types of transportation service), includes the following reporting requirement: "If an individual's refusal to comply with the mask requirement constitutes a significant security concern, the owner/operator must report the incident to the Transportation Security Operations Center (TSOC) at 1-866-615-5150 or 1-703-563-3240 in accordance with 49 CFR 1570.203." If there is an immediate threat, the first priority is to notify and work with first responders before contacting TSOC to provide information about the incident. Drivers should contact federal law enforcement or state and local law enforcement if assistance is required to enforce the mask mandate, regardless of company policy.

passengers are not exempted from the mandate in the CDC Order or TSA Directive?

Drivers who believe their company is preventing them from enforcing the mask mandates may be covered by the whistleblower protection provisions in 49 U.S.C. § 31105. Drivers may refuse to operate a vehicle if required by their company to transport passengers without masks. Whistleblower protection prohibits the employer from retaliating against drivers who exercise their rights under the statute. Go to [www.whistleblowers.gov](http://www.whistleblowers.gov) for further information about how to file a complaint. If you choose to inform FMCSA, send an email to [FMCSAMaskUp@dot.gov](mailto:FMCSAMaskUp@dot.gov).

Does the CDC Order apply to team truck drivers while they are in the cab of the truck?

Team drivers are not required to wear a mask in the cab of a commercial motor vehicle (CMV) if the vehicle occupants are individuals who all live in the same household and are the only persons in the vehicle. The CDC recently issued [guidance](#) expanding the exemption for solo drivers to include driving teams from the same household.

U.S. DEPARTMENT OF TRANSPORTATION  
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Updated May 12, 2021

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**RESEARCH AND TECHNOLOGY**

Plaintiffs' Exhibit 149

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

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**NOTICE OF ENFORCEMENT POLICY:  
ACCOMMODATION BY CARRIERS OF PERSONS WITH DISABILITIES  
WHO ARE UNABLE TO WEAR OR SAFELY WEAR MASKS WHILE ON  
COMMERCIAL AIRCRAFT**

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The Office of Aviation Consumer Protection (OACP), a unit within the Office of the General Counsel of the U.S. Department of Transportation (DOT or the Department), is issuing this Notice of Enforcement Policy to remind U.S. and foreign air carriers of their legal obligation to accommodate the needs of passengers with disabilities when developing procedures to implement the Federal mandate on the use of masks to mitigate the public health risks associated with the Coronavirus Disease 2019 (COVID-19). OACP will exercise its prosecutorial discretion and provide airlines 45 days from the date of this notice to be in compliance with their obligation under the Air Carrier Access Act (ACAA)<sup>1</sup> and the Department's implementing regulation in 14 CFR Part 382 (Part 382) to provide reasonable accommodations to persons with disabilities who are unable to wear or safely wear masks, so long as the airlines demonstrate that they began the process of compliance as soon as this notice was issued.

To carry out the Executive Order on Promoting COVID-19 Safety in Domestic and International Travel (Executive Order),<sup>2</sup> the Centers for Disease Control and Prevention (CDC) issued an order on January 29, 2021 (CDC Order)<sup>3</sup> that, among other things, requires U.S. and foreign air carriers to use their best efforts to ensure that persons on flights to, within, or from<sup>4</sup> the United States wear a mask for the duration of travel, including when boarding and disembarking aircraft. The CDC Order exempts certain categories of persons from the mask-wearing mandate, including a person with a disability who cannot wear a mask, or who cannot safely wear a mask

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<sup>1</sup> The ACAA, signed into law in 1986, prohibits discrimination by airlines against individuals with disabilities in commercial air transportation. The Americans with Disabilities Act, signed into law after the ACAA in 1990, prohibits discrimination against individuals with disabilities in employment, state or local government, public accommodations, commercial facilities, telecommunications, and transportation other than by commercial airlines.

<sup>2</sup> Exec. Order No. 13998, 86 FR 7205 (Jan. 26, 2021).

<sup>3</sup> Order Under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, 71.31(b), 71.32(b): Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs (CDC Order), available at [https://www.cdc.gov/quarantine/pdf/Mask-Order-CDC\\_GMTF\\_01-29-21-p.pdf](https://www.cdc.gov/quarantine/pdf/Mask-Order-CDC_GMTF_01-29-21-p.pdf).

<sup>4</sup> CDC Order specifies that "[c]onveyance operators must also require all persons to wear masks on board conveyances departing from the United States and for the duration of their travel until the conveyance arrives at the foreign destination if at any time any of the persons onboard (passengers or conveyance operators) will return to the United States while this Order remains in effect." CDC Order at 9.



because of the disability.<sup>5</sup> However, it allows airlines to impose requirements or conditions for carriage on the categories of persons exempted from the mask mandate, whether the person is a child under the age of two, a person for whom wearing a mask would create a risk to workplace safety, health, or job duty, or a person with a disability who is unable to wear or safely wear a mask because of the disability. Additionally, on January 31, 2021, the Transportation Security Administration (TSA) issued a Security Directive (SD) to aircraft operators on face mask requirements to implement the Executive Order and to support enforcement of the CDC Order mandating masks.<sup>6</sup> The Department supports actions by the airline industry to have procedures in place requiring passengers to wear masks in accordance with the CDC Order, CDC guidance, and TSA SD. At the same time, the ACAA and Part 382, which are enforced by OACP, require airlines to make reasonable accommodations, based on individualized assessments, for passengers with disabilities who are unable to wear or safely wear a mask due to their disability. This Notice sets forth the enforcement policy that OACP will apply in determining, on a prospective basis, whether airlines are complying with the requirements of the ACAA and Part 382 when implementing procedures requiring mask-wearing by passengers.

### Background

SARS-CoV-2, the virus that causes COVID-19, spreads most often when an infected person coughs, sneezes, or talks, and droplets from the infected individual's mouth or nose are spread through the air and come in contact with people nearby.<sup>7</sup> Persons with COVID-19 infection may have symptoms of fever, cough, or shortness of breath,<sup>8</sup> or they may be asymptomatic<sup>9</sup> or pre-symptomatic<sup>10</sup> but still able to spread the virus.<sup>11</sup> CDC has made clear that appropriately worn masks reduce the spread of COVID-19—particularly given the evidence of pre-symptomatic and asymptomatic transmission of COVID-19.<sup>12</sup>

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<sup>5</sup> CDC Order at 4 and 5 (noting that this is a narrow exception that includes a person with a disability who cannot wear a mask for reasons related to disability).

<sup>6</sup> TSA Security Directive 1544-21-02: Security Measures – Face Mask Requirements (January 31, 2021).

<sup>7</sup> See Ctrs. for Disease Control & Prevention, *How COVID Spreads*, CDC.gov (last updated Oct. 28, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>; Ctrs. for Disease Control & Prevention, *Considerations for Wearing Masks*, CDC.gov (last updated Dec. 18, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>.

<sup>8</sup> Ctrs. for Disease Control & Prevention, *Symptoms of Coronavirus*, CDC.gov (last updated Dec. 22, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

<sup>9</sup> An asymptomatic case is an individual infected with SARS-CoV-2, who does not exhibit symptoms during the course of infection. Ctrs. for Disease Control & Prevention, *COVID-19 Pandemic Planning Scenarios*, CDC.gov (last updated Sept. 10, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/hcp/planning-scenarios.html>.

<sup>10</sup> A pre-symptomatic case of COVID-19 is an individual infected with SARS-CoV-2, who has not exhibited symptoms at the time of testing, but who later exhibits symptoms during the course of the infection. *COVID-19 Pandemic Planning Scenarios*, *supra* note 8.

<sup>11</sup> See *How COVID Spreads* and *Considerations for Wearing Masks*, *supra* note 6.

<sup>12</sup> CDC Order at 6.

As of January 27, 2021, there have been over 99 million confirmed cases of COVID-19 globally and over 25 million confirmed cases of COVID-19 in the United States, with over 2 million deaths globally and over 400,000 deaths in the United States due to the disease.<sup>13</sup> To slow the spread of COVID-19, on January 21, 2021, President Biden issued Executive Order 13998, which directs the heads of certain Federal agencies to take immediate actions to require mask-wearing in domestic and international transportation. The Executive Order further provides that the heads of agencies may make categorical or case-by-case exceptions to policies developed under the order, consistent with applicable law, to the extent that doing so is necessary or required by law.

Pursuant to the Executive Order, on January 29, 2021, CDC issued an order directing conveyance operators, which includes airlines, to use best efforts to ensure that any person on the conveyance, such as an aircraft, wears a mask when boarding, disembarking, and for the duration of travel. Recognizing that there are specific instances when wearing a mask may not be feasible, the CDC Order exempts several categories of persons from the mask mandate, including “a person with a disability who cannot wear a mask, or who cannot safely wear a mask because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).” The Americans with Disabilities Act (ADA) defines a person with a disability to include a person who has a physical or mental impairment that substantially limits one or more major life activities.<sup>14</sup> To ensure that only qualified persons under the exemptions would be able to travel without a mask, the CDC Order permits operators of transportation conveyances, such as airlines, to impose requirements, or conditions for carriage, on persons requesting an exemption, including requiring a person seeking an exemption to request an accommodation in advance, submit to medical consultation by a third party, provide medical documentation by a licensed medical provider, and/or provide other information as determined by the operator. The CDC Order also permits operators to require protective measures, such as a negative result from a SARS-CoV-2 viral test or documentation of recovery from COVID-19 or seating or otherwise situating the individual in a less crowded section of the conveyance, e.g., aircraft.<sup>15</sup>

In response to COVID-19, U.S. and foreign air carriers generally have implemented policies requiring passengers to wear masks onboard aircraft even before the issuance of the Executive Order and the CDC Order. Some carriers have adopted policies that expressly allow “no exceptions” to the mask requirement other than for children under the age of two.<sup>16</sup> OACP has

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<sup>13</sup> *Id.* at 5.

<sup>14</sup> 42 U.S.C. 12102(4). OACP notes that the definition of a person with a disability under the ADA is almost identical to the definition of a person with a disability under the Department’s ACAA regulation. See also CDC Order at 4 and 5.

<sup>15</sup> CDC Order at 4. CDC definitions for SARS-CoV-2 viral test and documentation of recovery are available in the Frequently Asked Questions at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html>.

<sup>16</sup> It would be a violation of the ACAA to have an exemption for children under 2 on the basis that children that age cannot wear or safely wear a mask and not to have an exemption for the limited number of individuals with disabilities who similarly cannot wear or safely wear a mask when there is no evidence that these individuals with disabilities would pose a greater health risk to others. See Ctrs. for Disease Control & Prevention, *Information for Pediatric Healthcare Providers*, CDC.gov (last updated Dec. 30, 2020), <https://www.cdc.gov/coronavirus/2019->

received complaints from persons who assert they have a disability that precludes their wearing a mask, and who contend that they were denied transport by an airline under a “no exceptions allowed” mask policy.

The CDC and other medical authorities recognize that individuals with certain medical conditions may have trouble breathing or other difficulties such as being unable to remove the mask without assistance if required to wear a mask that fits closely over the nose and mouth.<sup>17</sup>

The CDC Order provides that a mask is not required in circumstances where an individual is “unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to wear the mask without assistance.”<sup>18</sup> The Order notes that individuals may remove masks “who are experiencing difficulty breathing or shortness of breath or are feeling winded may remove the mask temporarily until able to resume normal breathing with the mask”.<sup>19</sup> Also, individuals with acute illness may remove the mask if it “interferes with necessary medical care such as supplemental oxygen administered via an oxygen mask.”<sup>20</sup> CDC will issue additional guidance regarding persons who cannot wear a mask on the basis of disability.<sup>21</sup> Individuals who have a physical or mental impairment that substantially limits one or more major life activities are individuals with a disability for purposes of the ACAA and Part 382.<sup>22</sup>

#### Legal Authority

The ACAA prohibits U.S. and foreign air carriers from denying air transportation to or otherwise discriminating in the provision of air transportation against a person with a disability by reason of the disability.<sup>23</sup> When a policy or practice adopted by a carrier has the effect of denying service to or otherwise discriminating against passengers because of their disabilities, the Department’s disability regulations in Part 382 require the airline to modify the policy or practice as necessary to provide nondiscriminatory service to the passengers with disabilities, provided that the modifications would not constitute an undue burden or fundamentally alter the airline’s program.<sup>24</sup>

Part 382 allows an airline to refuse to provide air transportation to an individual whom the airline determines presents a disability-related safety risk, provided that the airline can demonstrate that

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[ncov/hcp/pediatric-hcp.html](https://www.hhs.gov/ncov/hcp/pediatric-hcp.html) (stating that “[r]ecent evidence suggests that compared to adults, children likely have similar viral loads in their nasopharynx, similar secondary infections rates, and can spread the virus to others”).

<sup>17</sup> Considerations for Wearing Masks, *supra* note 6.

<sup>18</sup> CDC Order at 4.

<sup>19</sup> CDC Order at 4 (footnote 7).

<sup>20</sup> CDC Order at 4 (footnote 7).

<sup>21</sup> CDC Order at 5 (footnote 9).

<sup>22</sup> 49 U.S.C. 41705(a); 14 CFR 382.3.

<sup>23</sup> 49 U.S.C. 41705(a); 14 CFR 382.11.

<sup>24</sup> 14 CFR 382.13.

the individual would pose a “direct threat” to the health or safety of others onboard the aircraft, and that a less restrictive option is not feasible.<sup>25</sup> To support a determination that an individual poses such a direct threat, the airline must make “an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence,” in order to ascertain “(i) [t]he nature, duration, and severity of the risk; (ii) [t]he probability that the potential harm to the health and safety of others will actually occur; and (iii) [w]hether reasonable modifications of policies, practices, or procedures will mitigate the risk.”<sup>26</sup> If the airline has adequately determined, based on such an individualized assessment, that the passenger does pose a direct threat to the health or safety of others because of a disability-related condition, the airline “must select the least restrictive response from the point of view of the passenger, consistent with protecting the health and safety of others,” and must, for example, “not refuse transportation to the passenger if [the airline] can protect the health and safety of others by means short of a refusal” to provide transportation.<sup>27</sup> Furthermore, the Department’s regulations permit the airline to impose reasonable conditions, restrictions, or requirements on a passenger who has a “medical condition” that may cause the passenger to pose a risk to the health and safety of others.<sup>28</sup>

### Enforcement Policy

The authority to pursue or not to pursue enforcement action against airlines with respect to air travel consumer protection and civil rights requirements, including compliance with the ACAA, lies with OACP.<sup>29</sup>

In accordance with the CDC Order, as conveyance operators, airlines are required to implement face mask policies that treat passengers presumptively as potential carriers of the SARS-CoV-2 virus and, therefore, as presenting a potential threat to the health and safety of other passengers and the crew.<sup>30</sup> Notably, however, the CDC Order exempts from the mask mandate a person with a disability who cannot wear a mask, or who cannot safely wear a mask because of the

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<sup>25</sup> 14 CFR 382.19(c)(1), (2).

<sup>26</sup> *Id.*

<sup>27</sup> 14 CFR 382.19(c)(2).

<sup>28</sup> 14 CFR 382.21(a)(3). The rule recognizes that a passenger with a communicable disease or infection, such as infection with the SARS-CoV-2 virus or other “medical condition,” may pose a direct threat to the health and safety of others onboard an aircraft, and the airline may be justified in refusing to transport the passenger or in requiring protective measures to mitigate the risk, consistent with the directives of public health authorities. 14 CFR 382.21(a)–(b).

<sup>29</sup> 49 U.S.C. 41705(c), 46301. The CDC Order requiring aircraft operators to mandate mask use will be enforced by the Transportation Security Administration under its statutory and regulatory authorities, including 49 U.S.C. 106, 114, 44902, 44903, and 46301; and 49 CFR 1542.303, 1544.305, and 1546.105.

<sup>30</sup> CDC Order at 5 (“The virus that causes COVID-19 spreads very easily and sustainably between people who are in close contact with one another (within about 6 feet).”); *id.* at 7 (“Traveling on public conveyances increases a person’s risk of getting and spreading COVID-19 by bringing persons in close contact with others, often for prolonged periods, and exposing them to frequently touched surfaces.”).

disability. The Department also requires reasonable accommodations for persons with disabilities who are unable to wear masks or are unable to wear them safely.<sup>31</sup>

Airlines have expressed concerns to OACP that a significant number of passengers may claim medical exemption from the mask requirements without an apparent credible basis. The CDC Order permits airlines to impose requirements or conditions for carriage on a person requesting an exemption, including requiring a person seeking an exemption to request an accommodation in advance, submit to medical consultation by a third party, provide medical documentation by a licensed medical provider, and/or provide other information as determined by the airline.<sup>32</sup> Similarly, under the Department's disability regulation in 14 CFR Part 382, airlines may impose conditions, restrictions, or requirements on a passenger asserting that a medical condition prevents the passenger from wearing a face mask, because the passenger may pose a direct threat to the health or safety of others, as any passenger is a potential carrier of the SARS-CoV-2 virus.<sup>33</sup> In short, both the CDC Order and Part 382 permit airlines to require passengers to consult with the airline's medical expert and/or to provide medical evaluation documentation from the passenger's doctor sufficient to satisfy the airline that the passenger does, indeed, have a recognized medical condition precluding the wearing or safe wearing of a mask.

Airlines have also represented to OACP that, given the number of passengers making such claims, it is not practicable for airlines to make the required individualized assessment of appropriate mitigation measures at the airport on the day of the flight. Under the Department's disability regulation in Part 382, airlines must conduct an individualized assessment of the potential ways to mitigate the risk to others of allowing passengers with disabilities to fly without a mask.<sup>34</sup> However, Part 382, like the CDC Order, permits airlines to require passengers with disabilities who are unable to wear masks to request an accommodation in advance.

Airlines may also require such passengers to check in early and to agree to undergo the required individualized assessment a reasonable period in advance of the scheduled flight, provided that the process is completed on the day of travel.

In addition, airlines may impose protective measures to reduce or prevent the risk to other passengers. For example, airlines may require protective measures, such as a negative result from a SARS-CoV-2 test,<sup>35</sup> taken at the passenger's own expense, during the days immediately

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<sup>31</sup> 14 CFR 382.13.

<sup>32</sup> *Id.*

<sup>33</sup> 14 CFR 382.21(a)(3).

<sup>34</sup> 14 CFR 382.19(c)(1).

<sup>35</sup> On January 12, 2021, CDC issued an order requiring any passenger flying into the United States from a foreign country to provide, before boarding the flight, proof of a negative pre-departure test result for SARS-CoV-2, the virus that causes COVID-19, or documentation of recovery from COVID-19 after a previous SARS-CoV-2 infection. This order became effective on January 26, 2021. Order Under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, 71.31(b): Requirement for Negative Pre-Departure COVID-19 Test Result or Documentation of Recovery From COVID-19 for All Airlines or Other Aircraft Passengers Arriving into the United States from Any Foreign Country, *available at* [https://www.cdc.gov/quarantine/pdf/global-airline-testing-order\\_2021-01-2\\_R3-signed-encrypted-p.pdf](https://www.cdc.gov/quarantine/pdf/global-airline-testing-order_2021-01-2_R3-signed-encrypted-p.pdf).



prior to the scheduled flight.<sup>36</sup> Further, the airline may arrange for additional, appropriate mitigation measures, including arranging for the passenger to sit in a less crowded section of the plane, to take a flight at times when airports are less crowded, and/or scheduling the passenger on a less crowded flight.

To ensure travelers are aware of the face mask requirements, airlines should use their best efforts to make this information easily available. The Department requires airlines provide information on request, to individuals with disabilities, about any service-related or other limitations on the airline's ability to accommodate passengers with a disability.<sup>37</sup> Also, CDC and TSA require airlines to provide passengers with prominent and adequate notice to facilitate awareness and compliance with the requirement that masks must be worn, subject to certain limited exemptions, to mitigate the spread of COVID-19 during air travel.<sup>38</sup> Airlines' obligation to provide information on the face mask requirements includes updating airlines' face mask policies on their websites to ensure accuracy and consistency with the ACAA, CDC Order and TSA SD.<sup>39</sup>

In recognition of the CDC Order, as well as airlines' efforts to minimize the potential for transmission of the virus onboard aircraft by implementing policies requiring passengers to wear masks onboard aircraft even before the issuance of the CDC Order, OACP will exercise its prosecutorial discretion and provide airlines an opportunity to follow the steps described herein to become compliant before taking further action.<sup>40</sup> Airlines are expected to review their face mask policies immediately and to revise them as necessary to comply with the ACAA and Department's disability regulation in Part 382. OACP will refrain from taking enforcement action against an airline for a period of up to 45 days from the date of this notice, so long as the airline demonstrates that it began the process of compliance as soon as this notice was issued. This timeframe should provide airlines with adequate time to review and revise their mask procedures as needed to comply with the law.<sup>41</sup>

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<sup>36</sup> A positive test result for SARS-CoV-2, the virus that causes COVID-19, is a valid reason for an airline to deny transport to any individual, including an individual with a disability. CDC recommends isolation to separate people infected with SARS-CoV-2 from people who are not infected. See Ctrs. for Disease Control & Prevention, *Isolate if You are Sick*, CDC.gov (last updated Jan. 7, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/isolation.html>.

<sup>37</sup> 14 CFR 382.41.

<sup>38</sup> CDC Order at 1; TSA SD at 2.

<sup>39</sup> See 14 CFR 399.79 (b)(2) (defining an airline's practice as "deceptive" to consumers within the meaning of section 41712 if it is likely to mislead a consumer, acting reasonably under the circumstances, with respect to a material matter).

<sup>40</sup> Every day, we are learning more about how COVID-19 spreads and affects people and communities. OACP will continue to follow the data and information provided by public health authorities, such as CDC, on actions necessary to limit the spread or impact of SARS-CoV-2 and will make changes to this notice as necessary to be consistent with current medical knowledge and the best available objective evidence.

<sup>41</sup> This document is a temporary notice of enforcement discretion. Regulated entities may rely on this notice as a safeguard from Departmental enforcement as described herein. To the extent that this notice includes guidance on how regulated entities may comply with existing regulations, it does not have the force and effect of law and is not meant to bind the regulated entities in any way.

Questions regarding this Notice may be addressed to the Office of Aviation Consumer Protection (C-70), 1200 New Jersey Avenue, S.E., Washington, D.C. 20590.

By:

Blane A. Workie  
***Assistant General Counsel for  
Office of Aviation Consumer Protection***

Dated: February 5, 2021

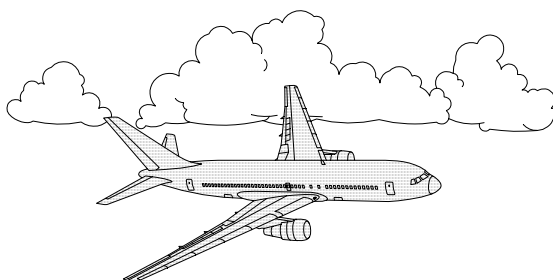
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Plaintiff's Exhibit 150

# *New Horizons*



Information for the  
Air Traveler with  
a Disability



U.S. Department of Transportation

## ***INTRODUCTION***

For years, access to the nation's air travel system for persons with disabilities was an area of substantial dissatisfaction, with both passengers and the airline industry recognizing the need for major improvement. In 1986 Congress passed the Air Carrier Access Act, requiring the Department of Transportation (DOT) to develop new regulations which ensure that persons with disabilities will be treated without discrimination in a way consistent with the safe carriage of all passengers. These regulations were published in March 1990 and have been amended several times since then.

The DOT regulations, referred to here as the Air Carrier Access rules, represent a major stride forward in improving air travel for persons with disabilities. The rules clearly explain the responsibilities of the traveler, the carriers, the airport operators, and contractors, who collectively make up the system which moves over one million passengers per day.

The Air Carrier Access Act was amended effective April 5, 2000, to cover foreign air carriers. The rules that implement the ACAA will be amended to reflect that change.

The Air Carrier Access rules are designed to minimize the special problems that travelers with disabilities face as they negotiate their way through the nation's complex air travel system from origin to destination. This is achieved:

- By recognizing that the physical barriers encountered by passengers with disabilities can frequently be overcome by employing simple changes in layout and technology.
- By adopting the principle that many difficulties confronting passengers with hearing or vision impairments will be relieved if they are provided access to the same information that is available to all other passengers.
- Through training of all air travel personnel who come in day-to-day contact with persons with disabilities, to understand their

needs and how they can be accommodated quickly, safely, and with dignity.

This guide is designed to offer travelers with disabilities a brief but authoritative source of information about the Air Carrier Access rules: the accommodations, facilities, and services that are now required to be available. It also describes features required by other regulations designed to make air travel more accessible.

The guide is structured in much the same sequence as a passenger would plan for a trip: the circumstances he or she must consider prior to traveling, what will be encountered at the airport, and what to expect in the transitions from airport to airplane, on the plane, and then airplane to airport.

## *➔ Planning Your Trip*

### **The New Traveling Environment**

THE AIR CARRIER ACCESS RULES SWEEP aside many restrictions that formerly discriminated against passengers with disabilities:

- A carrier may not refuse transportation to a passenger solely on the basis of a disability.
- Air carriers may not limit the number of individuals with disabilities on a particular flight.
- All trip information that is made available to other passengers also must be made available to passengers with disabilities.
- Carriers must provide passage to an individual who has a disability that may affect his or her appearance or involuntary behavior, even if this disability may offend, annoy, or be an inconvenience to crew-members or other passengers.

There are a few exceptions:

- The carrier may refuse transportation if the individual with a disability would endanger the health or safety of other passengers, or transporting the person would be a violation of FAA safety rules.
- The carrier may refuse transportation if there are no lifts, boarding chairs or other devices available which can be adapted to enplane the passenger. Airline personnel are not required to carry a mobility-impaired person on or off the aircraft by hand, i.e. to directly pick up the passenger's body in the arms of one or more airline staffers and carry the individual up or down stairs. Lifts or similar devices are currently required for nearly all flights on aircraft with 19 or more seats at airports with 10,000 or more annual enplanements.
- There are special rules about persons with certain disabilities or communicable

diseases. These rules are covered in the chapter entitled "At the Airport."

- The carrier may refuse transportation if it is unable to seat the passenger without violating the FAA Exit Row Seating rules. See the chapter "On the Plane."

There are new procedures for resolving disputes:

- All carriers are now required to have a Complaints Resolution Official (CRO) immediately available (even if by phone) to resolve disagreements which may arise between the carrier and passengers with disabilities.
- Travelers who disagree with a carrier's actions toward them can pursue the issue with the carrier's CRO on the spot.
- A carrier that refuses transportation to any person based on a disability must provide a written statement to that person within 10 calendar days, stating the basis for the refusal. The statement must include, where applicable, the basis for the carrier's opinion that transporting the person could be harmful to the safety of the flight.
- If the passenger is still not satisfied, he or she may pursue DOT enforcement action.

### **Getting Advance Information About the Aircraft**

Travelers with disabilities must be provided information upon request concerning facilities and services available to them. When feasible this information will pertain to the specific aircraft scheduled for a specific flight. Such information includes:

- Any limitations concerning the ability of the aircraft to accommodate an individual with a disability (the carrier shall provide this information to any passenger who states that he or she uses a wheelchair for boarding,



even if the passenger does not explicitly request the information);

- The location of seats (if any) with movable aisle armrests and any seats which the carrier does not make available to an individual with a disability (e.g., exit rows);
- Any limitations on the availability of storage facilities in the cabin or in the cargo bay for mobility aids or other equipment commonly used by an individual with a disability;
- Whether the aircraft has an accessible lavatory.

Normally, advance information about the aircraft will be requested by phone. Any carrier that provides telephone service for the purpose of making reservations or offering general information must provide comparable services for hearing-impaired individuals, utilizing telecommunications devices for the deaf (TDDs), or text telephones (TTs). The TTs shall be available during the same hours that the general public has access to regular phone service. The response time to answer calls on the TT line shall also be equivalent to the response time available to the general public. Charges for the call, if any, shall be the same as charges made to the general public.

### **When Advance Notice Can Be Required**

Airlines may not require passengers with disabilities to provide advance notice of their intent to travel or of their disability except as provided below. Nonetheless, letting the airline know in advance how they can help you will generally result in a smoother trip.

Carriers may require up to 48 hours advance notice and one hour advance check-in from a person with a disability who wishes to receive any of the following services:

- Transportation for an electric wheelchair on an aircraft with fewer than 60 seats;
- Provision by the carrier of hazardous materials packaging for the battery of a wheelchair or other assistive device;

- Accommodations for 10 or more passengers with disabilities who travel as a group;
- Provision of an on-board wheelchair on an aircraft that does not have an accessible lavatory for persons who can use an inaccessible lavatory but need an on-board chair to do so.

An airline that uses a “block seating” approach to provide special seating for passengers with disabilities is free to require 24 hours advance notice for such accommodations. See the “Seating” section later in this booklet.

Carriers are not required to provide the following services or equipment, but should they choose to provide them, they may require 48 hours advance notice and a one hour advance check-in:

- Medical oxygen for use on board the aircraft;
- Carriage of an incubator;
- Hook-up for a respirator to the aircraft's electrical supply;
- Accommodations for a passenger who must travel on a stretcher.

Carriers may impose reasonable, non-discriminatory charges for these optional services.

Where a service is required by the rule, the airline must ensure that it is provided if appropriate notice has been given and the service requested is available on that particular flight. If a passenger does not meet advance notice or check-in requirements, carriers must make a reasonable effort to accommodate the requested service, providing this does not delay the flight.

If a passenger with a disability provides the required notice but is required to fly on another carrier (for example, if the flight is cancelled), the original carrier must, to the maximum extent feasible, provide assistance to the second carrier in furnishing the accommodation requested by the individual.

It must be recognized that even when a passenger has requested information in advance on the accessibility features of the scheduled aircraft,

carriers sometimes have to substitute a different aircraft at the last minute for safety, mechanical or other reasons. The substitute aircraft may not be as fully accessible—a condition that may prevail until the retirement of the last of the aircraft that were in service before the implementation of the Air Carrier Access rules.

### **When Attendants Can Be Required**

Carriers may require the following individuals to be accompanied by an attendant:

- A person traveling on a stretcher or in an incubator (for flights where such service is offered);
- A person who, because of a mental disability, is unable to comprehend or respond appropriately to safety instructions from carrier personnel;
- A person with a mobility impairment so severe that the individual is unable to assist in his or her own evacuation from the aircraft;
- A person who has both severe hearing and severe vision impairments which prevent him or her from receiving and acting on necessary instructions from carrier personnel when evacuating the aircraft during an emergency.

The carrier and the passenger may disagree about the applicability of one of these criteria. In such cases, the airline can require the passenger to travel with an attendant, contrary to the passenger's assurances that he or she can travel alone. However, the carrier cannot charge for the transportation of the attendant.

The airline can choose an attendant in a number of ways. It could designate an off-duty employee who happened to be traveling on the same flight to act as the attendant. The carrier or the passenger with a disability could seek a volunteer from among other passengers on the flight to act as the attendant. The carrier could provide a free ticket to an attendant of the passenger's choice for that flight segment. In the end, however, a carrier is not required to find or furnish an attendant.

The attendant would not be required to provide personal service to the passenger with a disability other than to provide assistance in the event of an emergency evacuation. This is in contrast to the case of the passenger that usually travels accompanied by a personal attendant, who would provide the passenger whatever service he or she requests.

If there is not a seat available on the flight for an attendant, and as a result a person with a disability holding a confirmed reservation is denied travel on the flight, the passenger with a disability is eligible for denied boarding compensation.

For purposes of determining whether a seat is available for an attendant, the attendant shall be deemed to have checked in at the same time as the person with the disability.

## ➔ *At The Airport*

### Airport Accessibility

UNTIL A FEW YEARS AGO, ONLY THOSE AIRPORT facilities designed, constructed, or renovated by or for a recipient of federal funds had to comply with federal accessibility standards. Even at federally-assisted airports, not all facilities and activities were required to be accessible. Examples are privately-owned ground transportation and concessions selling goods or services to the public. As a result of the Air Carrier Access rules, and the Americans with Disabilities Act of 1990 (ADA) and implementing regulations, these privately-owned facilities must also be made accessible.

In general, airports under construction or being refurbished must comply with the ADA Accessibility Guidelines (ADAAG) and other regulations governing accessibility in accordance with a timetable established in the ADA. The ADAAGs can be found at <http://www.access-board.gov/adaag/html/adaag.htm>. Note in particular section 10.4, "Airports." Thus, while there are still many changes to be made, the accessibility of most airports is improving. With few exceptions, the following services should be available in all air carrier terminals within the next few years:

- Accessible parking near the terminal;
- Signs indicating accessible parking and the easiest access from those spaces to the terminal;
- Accessible medical aid facilities and travelers aid stations;
- Accessible restrooms;
- Accessible drinking fountains;
- Accessible ticketing systems at primary fare collection areas;
- Amplified telephones and text telephones (TTs) for use by persons with hearing and speech impairments (there must be at least

one TT in each terminal in a clearly marked accessible location);

- Accessible baggage check-in and retrieval areas;
- Jet bridges and mobile lounges that are accessible (at airports that have such facilities);
- Level entry boarding ramps, lifts or other means of assisting an individual with a disability on and off an aircraft;
- Information systems using visual words, letters or symbols with lighting and color coding, and systems for providing information orally;
- Signs indicating the location of specific facilities and services.

### Moving Through the Airport

To make travel easier for an individual with a disability, major airports will be required to make the following services accessible under new rules being put into effect in the next several years:

- Shuttle vehicles, owned or operated by airports, transporting people between parking lots and terminal buildings;
- People movers and moving walkways within and between terminals and gates.

All carrier facilities must currently include one accessible route from an airport entrance to ticket counters, boarding locations and baggage handling areas. These routes must minimize any extra distance that wheelchair users must travel compared to other passengers to reach these facilities. Outbound and inbound baggage facilities must provide efficient baggage handling for individuals with a disability, and these facilities must be designed and operated so as to be accessible. There must be appropriate signs to indicate the location of accessible services.

Carriers cannot restrict the movements of persons with disabilities in terminals or require them to remain in a holding area or other location while awaiting transportation and other assistance.

Curbside baggage check-in (available only for domestic flights) may be helpful to passengers with a disability.

## Passenger Information

Carriers must ensure that individuals with disabilities, including those with vision and hearing impairments, have timely access to the same information provided to other passengers, including (but not limited to) information on:

- ticketing;
- scheduled departure times and gates;
- change of gate assignments;
- status of flight delays;
- schedule changes;
- flight check-in;
- checking and claiming of luggage.

This information must be made available upon request. A crew member is not required to interrupt his or her immediate safety duties to supply such information.

A copy of the Air Carrier Access rules must be made available by carriers for inspection upon request at each airport.

As previously noted, any carrier that provides telephone service for the purpose of making reservations or offering general information shall also provide TT service. This service for people with speech and hearing impairments must be available during the same hours that the general public has access to regular phone service, with equivalent response times and charges.

## Security Screening

An individual with a disability must undergo the same security screening as any other member of the traveling public.

If an individual with a disability is able to pass through the security system without activating it, the person shall not be subject to special screening procedures. Security personnel are free to examine an assistive device that they believe is capable of concealing a weapon or other prohibited item. If an individual with a disability is not able to pass through the system without activating it, the person will be subject to further screening in the same manner as any other passenger activating the system.

Security screening personnel at some airports may employ a hand-held device that will allow them to complete the screening without having to physically search the individual. If this method is still unable to clear the individual and a physical search becomes necessary, then at the passenger's request, the search must be done in private.

If the passenger requests a private screening in a timely manner, the carrier must provide it in time for the passenger to board the aircraft. Such private screenings will not be required, however, to a greater extent or for any different reason than for other passengers. However, they may take more time.

## Medical Certificates

A medical certificate is a written statement from the passenger's physician saying that the passenger is capable of completing the flight safely without requiring extraordinary medical care.

A disability is not sufficient grounds for a carrier to request a medical certificate. Carriers shall not require passengers to present a medical certificate unless the person:

- Is on a stretcher or in an incubator (where such service is offered);
- Needs medical oxygen during flight (where such service is offered);
- Has a medical condition which causes the carrier to have reasonable doubt that the individual can complete the flight safely, without requiring extraordinary medical assistance during the flight; or

- Has a communicable disease or infection that has been determined by federal public health authorities to be generally transmittable during flight.

If the medical certificate is necessitated by a communicable disease (see next section), it must say that the disease or infection will not be communicable to other persons during the normal course of flight, or it shall state any conditions or precautions that would have to be observed to prevent transmission of the disease or infection to others.

Carriers cannot mandate separate treatment for an individual with a disability except for reasons of safety or to prevent the spread of a communicable disease or infection.

### **Communicable Diseases**

As part of their responsibility to their passengers, air carriers try to prevent the spread of infection or a communicable disease on board an aircraft. If a person who seeks passage has an infection or disease that would be transmittable during the normal course of a flight, and that has been deemed so by a federal public health authority knowledgeable about the disease or infection, then the carrier may:

- Refuse to provide transportation to the person;
- Require the person to provide a medical certificate stating that the disease at its current stage would not be transmittable during the normal course of flight, or describing measures which would prevent transmission during flight;
- Impose on the person a condition or requirement not imposed on other passengers (e.g., wearing a mask).

If the individual has a contagious disease but presents a medical certificate describing conditions or precautions that would prevent the transmission of the disease during the flight, the carrier shall provide transportation unless it is not feasible to act upon the conditions set forth in the certificate to prevent transmission of the disease.



