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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4209**

October 31, 2019

Mr. Stephen Dickson  
Administrator  
Federal Aviation Administration  
800 Independence Avenue SW  
Washington, DC 20591

Mr. Daniel K. Elwell  
Deputy Administrator  
Federal Aviation Administration  
800 Independence Avenue SW  
Washington, DC 20591

Dear Administrator Dickson and Deputy Administrator Elwell,

I am writing to express my concern that the Federal Aviation Administration (FAA) is not upholding its commitment to incorporate a demographically representative sample in its upcoming evacuation testing as mandated by law.

As you know, on October 3, 2018, Congress passed the Federal Aviation Administration Reauthorization Act of 2018, which reauthorized the FAA for five years. A provision that I authored with Representative Adam Kinzinger to combat shrinking airline seats, the Seat Egress in Air Travel (SEAT) Act, was included in this important legislation. This bipartisan bill directs the FAA to establish minimum seat size and distance between rows of seats on commercial aircraft to protect the safety of the flying public.

I am pleased that the FAA is finally beginning to implement this provision in the law by conducting twelve days of evacuation testing next month with 720 participants to determine whether planes need new seat dimensions to improve passenger safety.<sup>1</sup> While this is a positive and long over-due step, I am concerned that the demographics of the participants will not be representative of the US population.

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<sup>1</sup> Koenig, David. "FAA to test whether packed planes affect evacuation time," Associated Press. October 18, 2019.  
<https://apnews.com/422266ca108d41938b93c0a4124ef3f8>

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It has been relayed to me that the FAA is not including individuals under the age of 18 or over the age of 60, individuals with disabilities, service animals, or young children. This is completely unacceptable and unrealistic. For instance, according to the Bureau of Transportation Statistics (BTS), 25.5 million Americans age five and older have a travel-limiting disability.<sup>2</sup> Additionally, in 2018 alone, it was reported that over one million passengers brought support animals on flights.<sup>3</sup>

On September 26, 2019, at the Transportation and Infrastructure Committee's Subcommittee on Aviation's hearing on the Implementation of the FAA Reauthorization Act of 2018, Mr. Elwell assured me that the FAA would "try to use a good demographic sampling" and "incorporate lap children and animals in the testing."<sup>4</sup> Additionally, on October 2, 2019, Mr. Elwell was quoted stating, "We need to look into evacuation and make sure we have all the right assumptions to ensure in these instances folk can get out of airplanes in emergencies."<sup>5</sup>

Despite these assurances from Mr. Elwell, it appears that the FAA is moving forward with its November testing without the inclusion of these critical factors that are representative of millions of the flying public.

Congress sent a clear signal to the FAA in October 2018 when it included the SEAT Act in its five-year reauthorization of the agency. The SEAT Act will have a significant impact on the safety and health of airline passengers if it is implemented properly. I respectfully request that you provide an update and explanation in the FAA's decision-making process into omitting these crucial demographic groups.

Please do not hesitate to contact Alex Schnelle in my office at 202-225-3265 or alex.schnelle@mail.house.gov, if you have any questions related to this request.

As always, I remain,

Most sincerely,



Steve Cohen  
Member of Congress

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<sup>2</sup> Bureau of Transportation Statistics. "Travel patterns of American Adults with disabilities." December 11, 2018. <https://www.bts.gov/topics/passenger-travel/travel-patterns-american-adults-disabilities>

<sup>3</sup> Thompson, Julia. "Flying with an emotional support animal? This DOT guidance might help you." CNN. August 8, 2019. <https://www.usatoday.com/story/travel/airline-news/2019/08/08/emotional-support-animals-flights-dot-issues-clarifying-guidance/1958817001/>

<sup>4</sup> Transportation and Infrastructure Committee, Subcommittee on Aviation, "A Work in Progress: Implementation of the FAA Reauthorization Act of 2018," <https://transportation.house.gov/committee-activity/hearings/the-subcommittee-on-aviation-hearing-on--a-work-in-progress-implementation-of-the-faa-reauthorization-act-of-2018>

<sup>5</sup> Sullivan, Roy. "FAA to test whether fliers can evacuate safely as people get bigger and seats get smaller," CNN. October 2, 2019. <https://www.cnn.com/travel/article/faa-test-bigger-people-smaller-seats-scli-intl/index.html>