

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

**NOTICE ENCOURAGING U.S. AIRLINES TO HAVE POLICIES THAT ENABLE CHILDREN
TO BE SEATED ADJACENT TO AN ACCOMPANYING ADULT TO THE MAXIMUM
EXTENT PRACTICABLE AND AT NO ADDITIONAL COST**

The U.S. Department of Transportation's Office of Aviation Consumer Protection (OACP), a unit within the Office of the General Counsel, is issuing this notice to address challenges families with young children face to be seated together on aircraft. The number of family seating complaints that the Department receives against airlines is low compared to the number received in other complaint categories; however, the Department recognizes that even one complaint is significant for the impacted travelers.¹ Airlines should do everything that they can to ensure the ability of a young child (age 13 or younger) to be seated next to an accompanying adult (over age 13) family member or other accompanying adult, without charging fees for adjacent seating.² Beginning four months after the date of this notice, the Department will monitor airlines' actions in this regard and consider what steps, including potential regulation consistent with the Department's authorities, may be appropriate to ensure airlines' seating policies and practices are not barriers to a young child being seated next to an adult family member or other accompanying adult.

Background

Section 2309 of the FAA Extension, Safety, and Security Act of 2016 (P.L. 114-190)³ required the Department to review U.S. airline family seating policies and, "if appropriate, establish a policy directing all air carriers providing scheduled passenger interstate⁴ or intrastate⁵ air transportation to

¹ OACP began tracking family seating complaints as a separate complaint category in 2017. Included in the family seating category are complaints that express a consumer's dissatisfaction regarding airline seating of, or the consumer's attempt to get seats for, a young child with an adult family member or other accompanying adult. In calendar year 2017, .38% of complaints (44 complaints) filed with the Department by consumers against U.S. airlines concerned family seating. In calendar year 2018, .51% of air travel service complaints (46 complaints) against U.S. airlines concerned family seating. In calendar year 2019, 2.4% of air travel service complaints (230 family seating complaints) against U.S. airlines concerned family seating. This increase corresponded with a consumer advocacy group's efforts to encourage air travelers to file complaints with the Department if they were dissatisfied with an experience related to family seating. Fewer than .5% of the air travel service complaints against U.S. airlines filed with the Department in calendar years 2020 and 2021 concerned family seating -- .46% of complaints (165 family seating complaints) in calendar year 2020 and .46% of complaints (94 family seating complaints) in calendar year 2021.

² DOT does not consider an accompanying adult to be an adult chosen by the airline to look after the child.

³ Section 2309 is codified at 49 U.S.C. 42301 note prec.

⁴ Interstate means the transportation is taking place in the United States but is not entirely in the same State.

⁵ Intrastate means the transportation is taking place entirely in the same State.

establish policies that enable a child, who is age 13 or under on the date an applicable flight is scheduled to occur, to be seated in a seat adjacent to the seat of an accompanying family member over the age of 13, to the maximum extent practicable and at no additional cost, except when assignment to an adjacent seat would require an upgrade to another cabin class or a seat with extra legroom or seat pitch for which additional payment is normally required.” Section 2309 states that “[w]hen considering any new policy under this section, the Secretary shall consider the traditional seating and boarding policies of air carriers providing scheduled passenger interstate or intrastate air transportation and whether those policies generally allow families to sit together.” In addition, Section 2309 does not authorize the Secretary to “impose a significant change in the overall seating or boarding policy of an air carrier providing scheduled passenger interstate or intrastate air transportation that has an open or flexible seating policy in place that generally allows adjacent family seating...”

In response to the statutory directive, OACP reviewed the seating policies of the largest U.S. airlines and consumer complaints about family seating filed with the Department.⁶ OACP found that the airlines generally had policies that facilitated each young child to be seated next to an accompanying adult but did not guarantee that they would be seated together. Some airlines handled family seating as a matter of customer service, while others had specific mechanisms in place to seat children next to at least one adult.

Based on the low number of complaints received by the Department about family seating compared to other kinds of complaints and the existing airline policies that could facilitate adjacent seating, the Department focused on providing helpful information to consumers about airline seating policies. OACP added a family seating page to its consumer website with information to help adults traveling with young children obtain seats together and be better informed when choosing among transportation options. OACP's family seating webpage is available [here](#).

Despite these actions, the Department continues to receive complaints from consumers about family seating. Of particular concern to the Department are consumer complaints alleging that very young children were not seated next to an accompanying adult.⁷ While the number of family seating complaints remains a small percentage of the total complaints filed with the Department against airlines, even one incident is one too many.

⁶ In 2017, OACP reviewed the seating policies of large U.S. airlines, which with their operating partners accounted for approximately 95 percent of domestic passenger air traffic. In 2019, OACP conducted a follow-up review of the family seating policies of these same airlines.

⁷ Since OACP's 2019 review, the Department has received complaints against U.S. airlines describing challenges families face obtaining seats together, including incidents where families with young children were seated apart from a parent. For example, a parent attempting to travel on a major U.S. airline in 2021 complained to the Department that the airline seated her 11-month-old and 4-year-old children by themselves. The airline did not dispute this occurred and stated that DOT had yet to put any directives in place for U.S. airlines about family seating. In another example, a complaint against another major airline alleged that in 2020 the airline seated a six-year-old apart from a parent and that the traveler next to the child proceeded to watch R-rated content. The airline did not dispute this occurred. The Department also received complaints alleging that some airlines would not provide a parent with an advance seat assignment next to his or her young child despite many seats being available on the aircraft at the time of the request. The airline responses confirmed that while the airline would try to seat families together before flight, they charge for the advance seat assignments, and seating together could not be guaranteed if passengers forgo payment and wait for their seat assignments.

DOT Policy on Airlines Seating a Young Child Next to an Accompanying Adult

The Department has determined that it is appropriate for each U.S. airline providing scheduled passenger service to have and implement a policy that enables a child, who is age 13 or under on the date an applicable flight is scheduled to occur, to be seated in a seat adjacent to the seat of an adult family member or other accompanying adult over the age of 13, to the maximum extent practicable and at no additional cost.

To ensure that airline policies enable young children to be seated with an accompanying adult “to the maximum extent practicable and at no additional cost,” consistent with section 2309, U.S. airlines that permit consumers to reserve seats at the time of booking should consider a policy to assign without charge adjacent seats to a young child and his or her accompanying adult traveling on the same ticket contemporaneously with booking to the extent seating inventory is available. If adjacent seats are not available at booking, OACP encourages airlines to provide clear and accurate information to the parent or other adult traveling with the young child to enable the adult to make informed decisions on how to proceed. Airlines are not required to provide a seat assignment that would result in an upgrade to another cabin class or a seat with extra legroom or seat pitch for which additional payment is normally required. However, if a young child and an accompanying adult purchase tickets in the same class of service or fare type, including basic economy,⁸ airlines should seat them together to the maximum extent practicable.

If an airline does not provide advance seat assignments at booking at no additional cost for those traveling with a young child or has an open seating policy, the airline should have a policy and procedures in place to ensure adults traveling with young children are able to be seated so that at least one accompanying adult is adjacent to each young child at no additional cost. For example, an airline with an open seating policy may permit an adult traveling with young children to board early enough in the process to obtain adjacent seats. In the alternative, an airline might choose to block seats for use by these travelers at no additional cost. An airline that uses seat blocking should monitor its ability to ensure that adequate numbers of seats are blocked to meet the demand for adjacent seats for those traveling with young children on that flight. Also, airlines should have policies that enable its personnel to make immediate adjustments as needed to ensure young children are able to be seated adjacent to an accompanying adult.

Future Action

The Department expects U.S. airlines providing scheduled passenger service to review their seating policies and practices and revise them as necessary to ensure the ability of a parent or other accompanying adult to sit next to his or her young child. Beginning four months from the date of this notice, OACP will review airlines’ policies and practices to determine whether they enable a child, who is age 13 or under on the date an applicable flight is scheduled to occur, to be seated in a seat adjacent to the seat of an accompanying adult over the age of 13, to the maximum extent practicable and at no additional cost as described in section 2309. OACP will also monitor consumer complaints to determine

⁸ OACP recognizes that airlines’ basic economy fares generally do not allow passengers to select their seats. If an adult traveling with a young child has purchased two basic economy tickets, airlines should enable them to sit together though airlines may still not allow them to select their specific seats.

whether adults who are traveling with, or plan to travel with, young children continue to experience difficulty obtaining seating for young children adjacent to accompanying adults.

The four-month period following the date of issuance of this policy notice is intended to provide airlines with adequate time to review and improve, as necessary, their seating policies and procedures before OACP initiates its review to consider what additional action, if any, is needed. If the Department's review reveals that airlines' seating policies and practices are barriers to a child sitting next to an adult family member or other accompanying adult, the Department will determine what additional action consistent with the Department's authorities is necessary. Such action may include rulemaking or other actions to prohibit airlines from charging fees for seating young children next to an accompanying adult.

Questions regarding this notice may be addressed to the Office of Aviation Consumer Protection (C-70), U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. You may also send questions regarding this notice by email at C70Notice@dot.gov.

By:

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An electronic version of this document is available at <http://www.transportation.gov/airconsumer>

