

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: February 4, 2014

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations
Committee

FROM: Gerry F. Miller 
Chief Legislative Analyst

Council File No. 14-0002-S3
Assignment No. 14-01-0031

SUBJECT: Resolution (LaBonge-Wesson) to SUPPORT the Prohibition of Voice
Communications through Mobile Wireless Devices during Commercial Passenger
Flights

CLA RECOMMENDATION: ADOPT Resolution (La-Bonge-Wesson) to include in the City's 2013-2014 Federal Legislative Program SUPPORT for H.R. 3676 (Shuster), "The Prohibiting In-Flight Voice Communications on Mobile Wireless Devices Act of 2013" and S. 1811 (Alexander), "The Commercial Flight Courtesy Act" and/or similar legislation that would prohibit voice communications through mobile communication devices on commercial passenger flights.

SUMMARY:

Resolution (LaBonge-Wesson), introduced on January 10, 2014, advises that the Federal Communications Commission on December 12, 2013 proposed rules that would remove the existing ban on the use of personal cell phones by air passengers while in-flight above 10,000 feet if the airline has chosen to install on its aircraft specialized equipment that will prevent personal cell phone use from interfering with wireless networks on the ground needed for aircraft operations.

The Resolution notes that public comments have reflected strong opposition to the notion that lifting the ban on in-flight cell phone use on commercial flights based on various concerns for public safety and passengers' desire for a tranquil environment on board while in-flight.

The Resolution advises that Congress has responded to the FCC's proposed rules with the introduction of H.R. 3676 (Shuster, PA) and S. 1811 (Alexander, TN), both of which propose that commercial airline passengers--with exceptions for specified, on-duty flight crew members and federal law enforcement officers acting in official capacities-- would be prohibited from engaging in voice communications using a mobile communications device while on board an aircraft in scheduled passenger interstate or intrastate air transportation in the United States.

Therefore, the Resolution proposes, with the Mayor's concurrence, that the City of Los Angeles include in its 2013-2014 Federal Legislative Program SUPPORT for H.R. 3676, "The Prohibiting In-Flight Voice Communications on Mobile Wireless Devices Act of 2013,"

S. 1811, "The Commercial Flight Courtesy Act," and/or similar legislation that would prohibit voice communications through mobile communication devices on commercial passenger flights.

BACKGROUND:

Since 1991, the Federal Communications Commission (FCC) has prohibited the use of personal cell phones by air passengers while on aircraft that are in flight because of concerns that such use would interfere with aircraft communications with wireless networks on the ground. However, technology and engineering advances during the interim period have evolved and allowed the design of specialized onboard systems that effectively prevent interference with wireless networks on the ground; and such systems have been successfully deployed by foreign airlines during the last five years in Europe and Asia.

If the existing ban is lifted on in-flight cell phone use, airlines that choose to install the equipment needed on individual aircraft to prevent interference with wireless networks on the ground and therefore interference with the aircraft's operations, passengers on such aircraft could use their cell phones as well as tablets to access wireless data. The FCC has acted to consider removing its ban on in-flight cell phone use in an effort to remove an outdated rule.

DEPARTMENT(S) NOTIFIED: Airports, Harbor

BILL STATUS:

H.R. 3676 Introduced December 9, 2013 by Representative Bill Shuster (PA), with 29 Co-Sponsors, including Representatives Anna Eshoo (CA) and Sam Farr (CA). Referred to the House Committee on Transportation and Infrastructure, Subcommittee on Aviation.

S. 1811 Introduced on December 12, 2013 by Senator Lamar Alexander (TN), with 4 Co-Sponsors, including Senator Diane Feinstein (CA). Referred to Senate Committee on Commerce, Science and Transportation.


 Christine Yee Hollis
 Analyst

Attachments: Resolution (LaBonge-Wesson), introduced January 10, 2014
 H.R. 3676, "The Prohibiting In-Flight Voice Communications on Mobile Wireless Devices Act"
 S. 1811, "The Commercial Flight Courtesy Act"

14-0002-53

JAN 10 2014

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, State or Federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Federal Communications Commission voted 3-2 on December 12, 2013 to consider lifting its long-standing ban on in-flight cell phone use, due to the fact that new technology now makes in-flight cell phone use possible without causing interference with wireless networks on the ground and with aircraft operations; and

WHEREAS, the FCC has initiated a public comment period on specific proposed rules that would allow individual commercial airline companies to install equipment that would permit their passengers to make calls and otherwise use mobile communications services while airborne above 10,000 feet; and

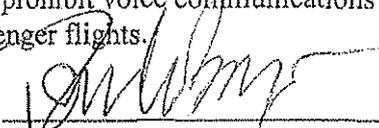
WHEREAS, many cell phone owners have expressed support and enthusiasm for the ability to use their cell phones while flying onboard a commercial aircraft, many other cell phone owners and others have expressed strong objections to in-flight cell phone use by commercial airline passengers based on concerns for public safety and public privacy; and

WHEREAS, H.R. 3676 (Shuster) and S. 1811 (Alexander) have been introduced in response to the proposed FCC ruling to continue to ban cell phone conversations on commercial airline flights or to modify the proposed FCC ruling to prohibit voice communications (but perhaps not to prohibit texting) on cell phones while in-flight; and

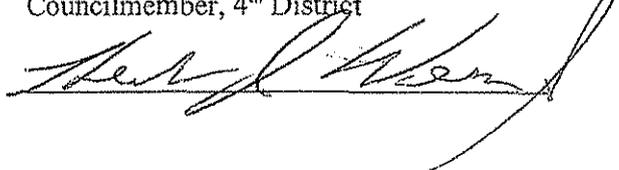
WHEREAS, cell phone conversations in the close quarters of airline passenger cabins would negatively add to ambient noise levels that can interfere with passengers' understanding of public safety and public information announcements; with passengers' desires for peaceful reading or rest; and with the general well-being of passengers and crew members while in-flight;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 Federal Legislative Program SUPPORT for H.R. 3676, "The Prohibiting In-flight Voice Communications on Mobile Wireless Devices Act of 2013," S. 1811, "The Commercial Flight Courtesy Act," and/or similar legislation that would prohibit voice communications through mobile communication devices on commercial passenger flights.

PRESENTED BY


Tom LaBonge
Councilmember, 4th District

SECONDED BY




JAN 10 2014

ORIGINAL

113TH CONGRESS
1ST SESSION

H. R. 3676

To establish a prohibition on certain cell phone voice communications during passenger flights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2013

Mr. SHUSTER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish a prohibition on certain cell phone voice communications during passenger flights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prohibiting In-Flight
5 Voice Communications on Mobile Wireless Devices Act of
6 2013”.

1 aircraft takes off and ending when the aircraft
2 lands.

3 “(2) MOBILE COMMUNICATIONS DEVICE.—

4 “(A) IN GENERAL.—The term ‘mobile
5 communications device’ means any portable
6 wireless telecommunications equipment utilized
7 for the transmission or reception of voice data.

8 “(B) LIMITATION.—The term ‘mobile com-
9 munications device’ does not include a phone in-
10 stalled on an aircraft.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 417 of title 49, United States Code, is amended by
13 inserting after the item relating to section 41724 the fol-
14 lowing:

“41725. Prohibition on certain cell phone voice communications.”.

□

113TH CONGRESS
1ST SESSION

S. 1811

To amend title 49, United States Code, to prohibit voice communications through mobile communication devices on commercial passenger flights.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12 (legislative day, DECEMBER 11), 2013

Mr. ALEXANDER (for himself, Mrs. FEINSTEIN, Mrs. SHAHEEN, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to prohibit voice communications through mobile communication devices on commercial passenger flights.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commercial Flight
5 Courtesy Act”.

1 by inserting after the item relating to section 41724 the

2 following new item:

“41725. Limitation on mobile communications devices.”

□