



March 17, 2010

Via Electronic Mail

Mr. Samuel Podberesky  
Assistant General Counsel for  
Aviation Enforcement & Proceedings  
U.S. Department of Transportation  
1200 New Jersey Ave., S.E.  
Washington, D.C. 20590

Dear Mr. Podberesky:

This letter is in response to your request for information regarding Virgin America Flight 404 ("Flight 404") which diverted to Stewart International Airport ("Stewart"), in Newburgh New York, on Saturday March 13, 2010.

Flight 404 departed Los Angeles International Airport (LAX) at 7:25 a.m. PST (10:25 a.m. EST) for New York's John F. Kennedy International Airport (JFK). The flight was scheduled to arrive at 3:30 p.m. EST at JFK, but upon arriving in NY airspace, air traffic control issued holding instructions to the aircraft due to poor weather conditions at JFK. At approximately 4:50 p.m. EST, after roughly one hour in holding, our crew, in coordination with our Operations Control Center, made the decision to divert to Stewart due to severe turbulence, wind shear, and excessive crosswinds at JFK.

The flight landed at approximately 5:18 p.m. EST and was parked at approximately 5:34 p.m. EST at Stewart's south ramp while it was refueled, had its lavatories serviced, and was issued a new flight plan and other required paperwork. Once parked, a mobile staircase was attached to the aircraft and the Captain informed guests that the aircraft was going to be refueled and serviced while he waited for weather to improve at JFK. During the entire period of the ground delay, the aircraft had electrical power and air conditioning, passengers were provided with water, all lavatories were operational, and the in-flight entertainment system was operational and available for use (i.e. free TV, movies, music, and video games).

In addition, at approximately 6:00 p.m. EST, a call was made to Stewart's airport operations department to have some guests who wished to deplane escorted across the ramp to a

nearby gate so they could leave the airport. Five guests deplaned at that time. Later, at approximately 7:00 p.m. EST, after learning that weather at JFK had not improved, the Captain was informed by airport officials that they did not have the capability to continuously escort individual passengers across the ramp to the nearby gate or FBO. As a result, the Captain made announcements that anyone else who wished to deplane should do so at that time and another 15 guests were taken to the nearby FBO. The Captain also noted that in the event anyone else needed to leave, they could still do so.

At approximately 10:00 p.m. EST, the crew was informed that a terminal gate had opened up. As a result, the crew taxied the aircraft to the gate in order to deplane remaining guests since the decision had been made to cancel the flight and bus everyone to JFK. Guests were deplaned at approximately 10:23 p.m. EST, loaded onto buses, and at 11:07 p.m. the buses departed for JFK where they arrived at approximately 1:00 a.m. EST on the 14th. Separately, the crew remained with the aircraft and departed Stewart at 12:11 a.m. EST arriving at 1:17 a.m. EST at JFK.

Here are the answers to your specific questions regarding this flight:

Q: What was the length of the ground delay at Stewart?

- Guests who did not deplane were on board the aircraft for approximately 5 hours before disembarking and traveling by bus to JFK airport. The Captain provided guests with updates on the delay and expected next steps approximately every thirty minutes.

Q: What were the actions taken to minimize hardships to passengers, including the provision of food and water?

- The aircraft was provisioned for a transcontinental flight and food and drinks were available for all guests during the flight to the East Coast. Following the diversion to Stewart, all remaining food was split up and passed out to our guests. In addition, all guests were provided with a glass of potable water at that time. Later, additional water (approximately 5 cases) was delivered to the aircraft for our guests.
- In addition, an unsuccessful attempt was made to get additional food to the aircraft during the delay.

Q: Were the lavatories always functional?

- Yes, aircraft lavatories were serviced upon parking on the South Ramp and were functional during the entire period of the ground delay.

Q: Was medical assistance requested or provided for any passenger?

- No passenger requested medical attention, nor was any provided.

- The aircraft was equipped with standard medical kits, and the mobile staircase was attached for the duration of the delay at Stewart had any medical issues occurred.

Q: Were there any efforts by Virgin America to deplane the passengers?

- Yes, after the aircraft arrived at Stewart guests were provided with two organized opportunities to leave the aircraft. Five guests chose to deplane approximately 30 minutes after the aircraft was parked and an additional 15 guests chose to deplane approximately one hour after the first group left.
- In addition, the mobile staircase was attached to the aircraft for the duration of the aircraft delay and guests were aware that they could leave the airplane if they so requested.

Separately, on March 15<sup>th</sup>, the Monday following this incident, we emailed all adult guests from the flight (there were 126 adults and two infants on board) to notify them that every passenger would be receiving a full refund for their ticket. In addition, each guest was also issued a \$100 credit to their frequent flyer account, or alternatively a credit file was established for use on any future flights.

Virgin America is committed to safe and reliable transportation, and we pride ourselves on excellent passenger service. We believe our efforts minimized any hardships caused to our guests during this diversion, and I hope this letter is responsive to your request for additional information. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "DHP Jr". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

David H. Pflieger, Jr.  
SVP – Legal & Government Affairs  
General Counsel