

Passenger Rights Stakeholder Hearing

September 22, 2009, Washington, DC

2200 Rayburn House Office Building



Senator Barbara Boxer, Honorary Chairperson

Produced by Business Travel Coalition and FlyersRights.org



This document contains the proceedings of the September 22, 2009 Passenger Rights Stakeholder Hearing conducted in 2200 Rayburn House Office Building in Washington, DC. The hearing was produced on behalf of airline passengers by FlyersRights.org and Business Travel Coalition (BTC).

The standing-room-only hearing replicated a Congressional hearing in every way except for expert witnesses were questioned not by Members of Congress but by professional aviation industry journalists and travel industry specialists. The purpose of the format was to bring immediate transparency to both sides of the debate and to ensure all relevant issues were aired. By all measures this objective was met.

A highlight of the hearing was an impromptu and spirited exchange between Senator Barbara Boxer (D-CA) and former American Airlines Chairman and CEO Robert L. Crandall wherein the Senator learned to her surprise that Mr. Crandall supported her 3-hour deplanement-rule so long as it was phased in from a 4-hour initial rule.

Consistent with the stated purpose of the hearing proceedings, and the BTC mission of bringing transparency to issues of strategic importance to customers, this document includes the statements and biographies of the opponents and proponents of passenger rights legislation as well as their contact information so that Congressional staff and members of the press have ready access to expert commentary on this important consumer issue.

The Air Transport Association (ATA), which represents U.S. airlines, was invited twice to testify at the September 22 hearing, but declined to do so. A search of the ATA website to include a statement of its views on this subject in this document was non-productive. Several other opponents of said legislation were likewise invited but also declined to participate.

Kevin Mitchell, *Chairman*, Business Travel Coalition

Kate Hanni, *Executive Director*, FlyersRights.org

Passenger Rights Stakeholder Hearing

September 22, 2009 → Washington, DC → 9:15am

2200 Rayburn House Office Building

Senator Barbara Boxer, Honorary Chairperson

Produced by FlyersRights.org & [Business Travel Coalition](http://BusinessTravelCoalition.org)

- 9:15** **Welcome**
Kevin Mitchell, *Chairman*, [Business Travel Coalition](http://BusinessTravelCoalition.org)
- 9:20** **Opening Comments**
Kate Hanni, *Executive Director*, FlyersRights.org
Hearing genesis, purpose, objectives
- 9:25** **The Problem of Extended Tarmac Delays**
Robert L. Crandall, *Former Chairman and CEO*, [American Airlines](http://AmericanAirlines.com)
- 9:50** **A View From Labor**
John Herron, *Teamsters Airline Division*
- 10:10** **Hearing Process**
Jerome Greer Chandler, *Veteran and Award-Winning Aviation Journalist*
- 10:15** **Keynote Address**
Senator Barbara Boxer
- 10:35** **Hearing Proceedings**
Jerome Greer Chandler, *Veteran and Award-Winning Aviation Journalist*
Susan Gurley, *Executive Director, COO*, [Association of Corporate Travel Executives](http://AssociationofCorporateTravelExecutives.org)
- Questioners**
Colin Tooze, *Vice President, Government Affairs*, [American Society of Travel Agents](http://AmericanSocietyofTravelAgents.org)
William McGee, *Contributor*, [Consumer Reports](http://ConsumerReports.com)
Jay Boehmer, *Senior Editor*, [Business Travel News](http://BusinessTravelNews.com)
Shane Downey, *Government Relations Manager*, [National Business Travel Association](http://NationalBusinessTravelAssociation.org)
Jennifer Michels, *Deputy Editor*, [Aviation Daily](http://AviationDaily.com)
- Airline Passenger Witness Panel**
Link Christin, *Adjunct Professor of Law*, [William Mitchell College of Law](http://WilliamMitchellCollegeofLaw.edu)
Luke Thomas, *Founder*, [LTVentures](http://LTVentures.com); *CEO*, [The Vennture Group](http://TheVenntureGroup.com)
Dave Carroll, *Songwriter / Performing Artist*
Shawn O'Brien, MD, [St. Mary's Hospital Medical Center](http://StMarysHospitalMedicalCenter.org)
Leslie Yourra, *Business Owner and Mother*
- Expert Witness Panel**
Scott Nason, *Aviation and Travel Industry Consultant*, [SDN TT&H Consulting, LLC](http://SDN-TT&H-Consulting-LLC.com)
Dr. Amy Cohn, *Associate Professor of Industrial and Operations Engineering*, [University of Michigan](http://UniversityofMichigan.edu)
George F. Doughty, *Executive Director*, [Lehigh Northampton Airport Authority](http://LehighNorthamptonAirportAuthority.org)
James M. Crites, *Executive Vice President of Operations*, [Dallas/Fort Worth International Airport](http://DallasFortWorthInternationalAirport.com)
Kate Hanni, *Executive Director*, FlyersRights.org
- 12:35** **Adjourn**

Passenger Rights Stakeholder Hearing:

Examining a Market Failure?

September 22, 2009 → Washington, DC

BACKGROUND

On Tuesday, September 22, 2009 consumer groups and travel industry organizations will conduct a Stakeholder Hearing in the Rayburn House Office Building regarding airline passenger rights. The purpose of the hearing is to examine passenger safety-related problems such as extended ground delays. Desired outcomes from the hearing include a better understanding of passenger safety problems; best practices from the EU in the area of passenger rights regulations; and the potential efficacy of proposed Congressional solutions. Experts representing all sides in this debate have been invited to participate in this hearing.

This passenger-safety issue first reached prominence in 1999 after a snowstorm stranded aircraft for up to eight hours at Detroit Metro Airport. The airline industry avoided passenger rights legislation at that time by agreeing to a voluntary customer service initiative, which was soon largely cast off in the aftermath of the industry's troubles following September 11, 2001. More recently, extended ground delays in Texas and New York in 2006 and 2007 respectively led to a new round of Congressional hearings and increased calls for passenger rights legislation and a single industry standard regarding extended ground delays. Such legislative prescriptions are currently included in FAA reauthorization bills in the House and in the Senate, whose version would allow passengers to disembark after three hours delay, should a captain decide it is reasonable and safe to do so.

In addition to audience members attending the hearing, stakeholders will comprise "Witnesses" and "Questioners." Witness panels will include passengers and airline, airport and association executives as well as functional-area experts from academe and industry. Witnesses will present 5-minute statements. After all statements have been presented, Questioners will address their queries to each of the Witnesses. Questioners will include corporate travel managers, airport executives and functional area experts as well as members of the press, to provide an extra measure of impartiality.

Kevin Mitchell Introduction of Kate Hanni

Good morning and welcome everyone to the Passenger Rights Stakeholder Hearing. I am Kevin Mitchell, Chairman of the Business Travel Coalition. Thank you for your interest and participation today. We are at (over) capacity with this hearing and have a packed program today, so let's get right to it.

This hearing, conducted on behalf of airline passengers, is a co-production of BTC and FlyersRights.org, whose founder and Executive Director is Kate Hanni. Kate and her organization gained national prominence after she and her family were stuck on Texas tarmac for some 9 hours in December of 2006.

That experience was transformational for Kate and she has been advocating passenger rights legislation ever since. She has grown from a few hundred members to over 27,000 in under 3 years. A remarkable accomplishment.

Leading change is never easy. Nor is it ever popular with those vested in the status quo. As I have gotten to know Kate, I am truly impressed. Kate is an unusually bright and persuasive person. She has an advantage that will allow her to ultimately prevail...That advantage is her perseverance and perspicacity - both of which will enable her to achieve the results she seeks.

Indeed, in all likelihood, we would not be having this hearing today if it were not for Kate's courage and skill. She brought us to this day, virtually singlehandedly.

It is my pleasure to introduce Kate Hanni.

Kate Hanni Opening Comments

Thank you Kevin for that very gracious introduction! Hello everyone. I too would like to extend a warm welcome to all of you and to thank you for your willingness to spend the morning with us examining what is first and foremost an important health and safety issue.

Extended tarmac delays of 3 or more hours affect 200,000 to 300,000 passengers per year. That is why FlyersRights.org endorses passenger rights language championed by Senators Barbara Boxer and Olympia Snowe contained in S.213. We also endorse Representative Mike Thompson's bill HR 674. Both call for providing passengers with an option of deplaning at 3-hour intervals, should a captain decide it safe to do so.

A 3-hour deplaning option for passengers should represent the maximum Congress should consider. 3 hours is too long for most persons to tolerate sitting in a sealed metal tube; but it is likely within the margin of safety. Anything greater than 3 hours is risky.

A passenger's chance of fatal blood clots increases at 4 hours on the tarmac according to the UN WHO WRIGHT report of 2007. These events are usually accompanied by some amount of dehydration and lack of available, potable hydration. An EPA water report in 2008 stated that 17% of all airplane water tested had true coliform in it and recommended that elderly passengers, children or anyone whose underlying health condition is compromised -- which DOT says is 20% of all passengers -- not drink the water.

A 3-hour maximum with a 30-minute extension provides passengers with the best possible scenario for avoiding exposure to these risks.

In addition:

- 1 in 7 Americans are diagnosed diabetics, with 3.89 per hundred classified as undiagnosed diabetics. Being deprived of glucose or medications beyond 3 hours is life threatening for many with diabetes.
- 30% of all Americans have some degree of claustrophobia, which would be mitigated by having the knowledge that they won't be "trapped" indefinitely.
- Elderly, disabled persons, children and anyone with compromised health will have the assurance they will be able to get their needs met at any time on the tarmac, and guaranteed optional deplanement in 3.5 hours.

This is why I so passionately believe extended tarmac delays to be a health and safety problem that urgently requires a solution. This is why we are gathered here today.

Members of Congress are back from August recess amidst lots of pressure for passenger rights legislation. They will need to decide what they are for. This hearing is designed to help provide them with sufficient information to make informed judgments.

Today you will hear from Senator Boxer, a lioness of that deliberative body who will share her considered judgments on this problem and her proposed solution. You will also receive analysis from perhaps the world's most accomplished airline industry CEO Robert Crandall. The Teamsters Airline Division will share a great vision. Airline passengers will tell of their experiences with both extended tarmac delays and other customer service meltdowns which together underscore clear airline industry structural failures. Divergent airline and airport perspectives will be examined as well as a view from academe.

The process today will be powerful and lead to true transparency around this problem. Well-qualified expert witnesses will be grilled by travel industry experts and independent members of the press that cover the aviation and travel industries for a living. For we witnesses, there will be nowhere to run, nowhere to hide. We will need to put our best arguments forward in an intellectually honest manner.

So, I have been asked, why are we providing opponents of passenger rights proposals a platform and megaphone before the U.S. Congress and national and travel industry media? The short answer is Kevin Mitchell talked me into it 😊 The longer answer is that FlyersRights.org, along with the National Business Travel Association, the American Society of Travel Agents, BTC and many other organizations, are resigned to the fact that at the industry level airlines are not taking this problem seriously. On this there is nothing to debate. We are secure in our assessment of the problem and confident in the merits of our arguments; it's that simple.

For the record, we have invited the Air Transport Association to this hearing on two different occasions, but they declined to bring a detailed argumentation before you and the cameras today.

I hope members of the audience, including Congressional staff and the media, will find today's proceedings both informative and productive.

Thank you very much.

REMARKS OF ROBERT L. CRANDALL

BEFORE THE PASSENGER RIGHTS STAKEHOLDER HEARING

SEPTEMBER 22, 2009

2200 RAYBURN HOUSE OFFICE BUILDING

IT IS A PLEASURE TO BE HERE TODAY, AND TO PARTICIPATE IN YOUR CONSIDERATION OF WAYS TO PROVIDE BETTER SERVICE TO AIRLINE CUSTOMERS.

I'D LIKE TO MAKE TWO THINGS CLEAR AT THE OUTSET:

FIRST, ALTHOUGH I WORKED FOR AMERICAN AIRLINES FOR 25 YEARS AND SERVED AS CHAIRMAN AND CHIEF EXECUTIVE BETWEEN 1985 AND 1998, I HAVE HAD NO FORMAL RELATIONSHIP WITH THE COMPANY SINCE I RETIRED IN THE SPRING OF 1998. THUS, THE OPINIONS I WILL EXPRESS TODAY ARE MY OWN, AND CANNOT FAIRLY BE ATTRIBUTED TO AMERICAN, WHOSE EXECUTIVES MAY OR MAY NOT AGREE WITH WHAT I HAVE TO SAY.

SECOND, ALTHOUGH I WILL URGE YOU TO THINK CAREFULLY ABOUT THE UNINTENDED CONSEQUENCES OF CARELESSLY DRAWN RULES, I AM FIRMLY IN FAVOR OF REQUIRING AIRLINES, AIRPORTS, FAA, TSA, CUSTOMS, LOCAL LAW ENFORCEMENT AGENCIES, AIRLINE LABOR UNIONS AND ANY OTHER ORGANIZATION OR AGENCY INVOLVED TO ABIDE BY RULES THAT WILL PREVENT PEOPLE WHO WISH TO DEPLANE FROM BEING HELD ON AIRPLANES FOR UNACCEPTABLY LONG PERIODS, AND WILL MITIGATE TO THE EXTENT POSSIBLE THE ADVERSE CONSEQUENCES OF PROCEDURAL CHANGES NEEDED TO ACCOMPLISH THAT GOAL.

BUT I CLAIM NO SPECIAL VIRTUE. MOST AVIATION EXECUTIVES I KNOW AGREE THAT KEEPING PEOPLE INVOLUNTARILY CONFINED ABOARD AIRPLANES FOR EXTENDED PERIODS OF TIME IS UNACCEPTABLE.

IF THAT'S THE CASE, WHY HASN'T SELF REGULATION WORKED BETTER? WHY HASN'T THE INDUSTRY ST

FIRST, THERE ARE ALWAYS SOME WHO SIMPLY CANNOT SEEM TO UNDERSTAND THAT NO ONE – NOT THE PUBLIC AND NOT THE GOVERNMENT -- IS PREPARED TO ACCEPT LONG INVOLUNTARY HOLDS. ADDITIONALLY, THERE ARE SOME WHO ARE IDEOLOGICALLY OPPOSED TO GOVERNMENT INVOLVEMENT IN ANYTHING AND OTHERS WHO THINK THE GOVERNMENT LESS LIKELY THAN THE PRIVATE SECTOR TO BE RESPONSIVE TO PASSENGER PRIORITIES.

FOR THE MOST PART, HOWEVER, I THINK THE INDUSTRY'S RESISTANCE TO MANDATES IS ROOTED IN ITS PREOCCUPATION WITH SAFETY, AT WHICH IT HAS DONE AN EXTRAORDINARILY GOOD JOB AND WITH THE PAST DIFFICULTY OF REVISING OPERATING PLANS IN CONJUNCTION WITH THE FAA.

WHILE I DO NOT SEEK TO EXCUSE THOSE WHO HAVE RESISTED CHANGE ON SPECIOUS GROUNDS, I THINK EVERYONE NEEDS TO UNDERSTAND THAT TO SOME EXTENT, THE INDUSTRY'S EXEMPLARY SAFETY RECORD IS A CONSEQUENCE OF RESISTING ANY CHANGE THAT IS NOT FULLY UNDERSTOOD AND HAS NOT BEEN THOUGHT THROUGH IN EVERY DETAIL.

ANOTHER REASON FOR CARRIER RESISTANCE TO "INVOLUNTARY CONFINEMENT" RULES IS THEIR RECOGNITION THAT ONE PASSENGER'S INVOLUNTARY CONFINEMENT IS ANOTHER'S AGGRAVATING DELAY. ON ANY GIVEN FLIGHT WHOSE DEPARTURE IS STILL POSSIBLE THERE WILL PROBABLY BE MANY MORE PASSENGERS WHO WOULD PREFER TO CONTINUE WAITING THAN THE FEW WHO WOULD PREFER TO RETURN TO THE GATE AND RISK CANCELLATION.

STILL ANOTHER REASON FOR AIRLINE PUSH BACK IS CARRIER CERTAINTY THAT THE IMPOSITION OF RULES WILL MEAN THAT MORE PLANES WILL BE RETURNING TO THE GATE THAN HAS BEEN TRUE IN THE PAST. THEIR CONCERN IS ROOTED IN THE FACT THAT IN SEVERE WEATHER CONDITIONS, WHEN LONG "INVOLUNTARY HOLDS" ARE LIKELY TO OCCUR, GATES ARE OFTEN IN SHORT SUPPLY. IT IS MAGNIFIED BY THE REALITY THAT UP TILL NOW, THE GENERAL RULE HAS BEEN THAT AIRCRAFT THAT LEAVE A TAKE OFF LINE TO RETURN TO THE GATE LOSE THEIR TAKEOFF POSITION. WHILE THERE WILL INEVITABLY BE PRACTICAL CONSTRAINTS ON CHANGING THAT PROCEDURE, THE AIRLINES – AND PASSENGERS – WILL WANT TO SEE LOTS OF COOPERATION BETWEEN AIRLINES AND THE FAA TO FIND WAYS TO SUSTAIN THE TAKEOFF PRIORITY OF FLIGHTS WHENEVER POSSIBLE IN ORDER TO AVOID CANCELLATIONS, PRESERVE CREW TIME AND SUSTAIN AIRCRAFT UTILIZATION.

PENDING LEGISLATION SPECIFIES THREE HOURS AS THE MAXIMUM TIME THAT SHOULD ELAPSE BEFORE PASSENGERS ARE OFFERED THE OPTION TO DEPLANE. WHILE I HAVE DIFFICULTY FINDING FAULT WITH THAT OBJECTIVE, I WOULD SUGGEST THAT THE LEGISLATION INITIALLY STIPULATE FOUR HOURS, AND THAT IT ALLOW THE INDUSTRY A TRANSITION PERIOD BETWEEN NOW AND 2011 BEFORE INCORPORATING THE THREE HOUR GOAL. THIS APPROACH WOULD GIVE THE AIRLINES TIME TO ADJUST OPERATING PROCEDURES AS NEEDED TO MINIMIZE CANCELLATIONS. ONE OF THE FACTORS COMPLICATING THIS WHOLE MATTER IS THE FACT THAT AT THOSE AIRPORTS WHERE LENGTHY TAXI/HOLD TIMES ARE THE NORM, THREE HOURS WOULD ALLOW VERY LITTLE "EXTRA" TIME BEFORE A RETURN TO GATE DECISION WOULD HAVE TO BE MADE. AT JFK, FOR EXAMPLE, WHERE AFTERNOON TAXI-OUT TIMES APPROACH 50 MINUTES, A THREE HOUR MAXIMUM

WOULD ALLOW ONLY AN HOUR OF HOLDING TIME BEFORE LAUNCHING PLANS TO RETURN TO THE GATE ... AND THAT DECISION PROCESS WOULD HAVE TO TAKE PLACE ALMOST EVERY DAY, NOT JUST DURING EXTREME EVENTS.

GIVEN THE RECENT FINANCIAL PROBLEMS OF THE AIRLINE INDUSTRY, I AM SURE THAT ITS RESISTANCE TO MANDATORY RULES ALSO RESTS IN PART ON THE REALITY THAT SUCH RULES WILL DRIVE SOME ADDITIONAL COST. SOME RULE ADVOCATES CITE A STUDY DONE BY HDR/DECISION ECONOMICS IN SEPTEMBER OF 2008 WHICH PURPORTS TO PROVE THAT NEW RULES MIGHT BE FINANCIALLY BENEFICIAL TO THE AIRLINES. I AM FAMILIAR WITH THE STUDY, BUT PUT LITTLE FAITH IN ITS CONCLUSIONS.

THE STUDY ASSIGNS MONETARY VALUES TO SUCH THINGS AS GREATER PASSENGER COMFORT, LESS PASSENGER ANXIETY, LESS INCONVENIENCE FOR MEETERS AND GREETERS AND LESS COMPLEX COMPLAINT PROCEDURES. WHILE THESE MAY BE SOCIALLY DESIRABLE, THEY ARE UNLIKELY TO SHOW UP ON ANYONE'S PROFIT AND LOSS STATEMENT. ADDITIONALLY, THE STUDY ASSIGNS INADEQUATE WEIGHT TO LIKELY INCREMENTAL COSTS SUCH AS THE PERSONNEL THAT WILL BE NEEDED TO PLAN FOR AND ADMINISTER NEW SERVICING GUIDELINES AND THE CAPITAL COST OF ACQUIRING AND MAINTAINING THE VEHICLES AND FACILITIES THAT WILL BE NEEDED AT MANY AIRPORTS TO ACCOMMODATE INFREQUENT PEAK DEMANDS.

HAVING SAID ALL THAT, I DOUBT THAT THE INCREMENTAL COSTS WILL BE SO LARGE THAT THEY CANNOT BE ABSORBED WITH VERY SMALL FARE INCREASES. THUS, INCREMENTAL COSTS SHOULD NOT BE REGARDED AS A PERSUASIVE ARGUMENT AGAINST ESTABLISHING MANDATORY RULES.

AS I NOTED EARLIER, AND NOW WANT TO EMPHASIZE, I BELIEVE NEW RULES CAN BE IMPLEMENTED WITHOUT COMPROMISING SAFETY, WITHOUT SERIOUSLY INCREASING CONSUMER COSTS AND WITHOUT ADVERSELY IMPACTING LONG TERM CARRIER ECONOMICS. WHEN CREATING THESE RULES, HOWEVER, CONGRESS AND THE FAA SHOULD BE CAREFUL TO ALLOW ENOUGH FLEXIBILITY SO THAT NO EMPLOYEE WILL EVER BE TEMPTED TO COMPROMISE SAFETY IN ORDER TO COMPLY WITH MANDATORY SERVICING RULES.

AS WE MOVE FORWARD WITH REGULATION, IT IS WORTHWHILE TO NOTE THE SCALE OF THE PROBLEM. SEEN THROUGH THE EYES OF A PASSENGER WHO WANTS TO GET OFF THE AIRPLANE, THE PROBLEM CAN CERTAINLY BE PERCEIVED AS SUBSTANTIAL – AND UNACCEPTABLE.

HOWEVER, IN STATISTICAL TERMS, IT IS VERY SMALL. IN 2009, THROUGH JULY, THE AIRLINE INDUSTRY OPERATED 3.8 MILLION DOMESTIC FLIGHTS. OF THOSE, 776 – JUST TWO ONE HUNDRETHS OF ONE PERCENT (0.020%) OR LESS THAN ONE OF

EVERY 4,900 FLIGHTS--EXPERIENCED TARMAC DELAYS OF MORE THAN THREE HOURS. ONLY 126 FLIGHTS, OR LESS THAN ONE FLIGHT IN 30,000(30,163) EXPERIENCED A TARMAC DELAY IN EXCESS OF FOUR HOURS.

THE DOT REQUIRED AIRLINES TO BEGIN REPORTING PASSENGER TARMAC DELAYS ONLY LAST OCTOBER, SO WE DON'T HAVE MUCH HISTORICAL DATA. IF WE DID, HOWEVER, I BELIEVE WE WOULD SEE THAT THE SMALL NUMBERS I'VE MENTIONED ARE LOWER THAN PREVIOUS YEARS DUE TO THE RECENT ACTIVE MANAGEMENT OF POTENTIAL DELAY SITUATIONS.

AS EVERYONE HERE KNOWS, MANY AIRLINES AND AIRPORTS HAVE ALREADY RESPONDED TO THE PUBLIC OUTRAGE OVER THIS PROBLEM BY DEVELOPING PROGRAMS TO AVOID EXTENSIVE TARMAC DELAYS. ALTHOUGH I HAVE NO COMPEDIUM OF SUCH PLANS, I KNOW THAT AMERICAN, AFTER EXPERIENCING A SEVERE PROBLEM IN DECEMBER OF 2006, RESPONDED BY CREATING A VERY ROBUST AND SUCCESSFUL PROGRAM.

ALTHOUGH THERE ARE MORE PARTICULARS TO THEIR PROGRAM, THE BASIC RULE AT AMERICAN IS THAT NO PASSENGER WILL BE HELD ON AN AIRCRAFT FOR MORE THAN FOUR HOURS WITHOUT THE OPPORTUNITY TO DEPLANE. THE COMPANY HAS DEVELOPED PLANS AND PROCEDURES FOR THE SYSTEM AS A WHOLE AND FOR EACH AIRPORT, INDIVIDUALLY, TO ACCOMPLISH ITS GOALS, AND HAS CREATED A NUMBER OF AUTOMATED TOOLS TO ASSIST IN MANAGING DELAYED FLIGHTS.

THE AUTOMATED REPORTING PROCESS BEGINS TO TRACK OFF-GATE AIRCRAFT AT TWO HOURS. AT THREE HOURS, SENIOR OPERATIONS MANAGERS ARE NOTIFIED OF THE STATUS OF A DELAYED FLIGHT, AND SPECIFIC PLANS ARE FORMULATED TO ENSURE THAT PASSENGERS CAN DEPLANE WITHIN THE NEXT HOUR OR THAT THE AIRCRAFT WILL DEPART.

AMERICAN HAS GENEROUSLY PROVIDED ME WITH STATISTICS ON HOW THEY'RE DOING. YEAR TO DATE THROUGH JULY, AMERICAN HAD 84 FLIGHTS THAT INCURRED PASSENGER TARMAC TIMES OF OVER THREE HOURS. OF THESE 84, 25 RETURNED TO THE GATE BEFORE DEPARTING, AND OF THOSE 25, 19 WERE CANCELLED. PUT ANOTHER WAY, MORE THAN 75% OF THE FLIGHTS THAT RETURNED TO THE GATE WERE CANCELLED.

NOW, LET'S CONSIDER WHAT THE RESULT WOULD HAVE BEEN IF A THREE-HOUR RULE HAD BEEN IN EFFECT. AMERICAN ESTIMATES THAT HAD IT BEEN REQUIRED TO ACT ONE HOUR EARLIER THAN ITS CURRENT PROCEDURES PROVIDE, IT WOULD HAVE CANCELLED AN ADDITIONAL 47 FLIGHTS, REQUIRING MORE THAN 6000 ADDITIONAL PASSENGERS (6058) TO FIND SPACE ON ANOTHER FLIGHT OR STAY OVERNIGHT AT A LOCATION THEY HAD NOT INTENDED. IT IS CLEAR THAT THE FULL RAMIFICATIONS OF ANY POLICY NEED BE CAREFULLY CONSIDERED!

UNFORTUNATELY, NOT EVERY AIRLINE HAS BEEN SIMILARLY RESPONSIVE, AND THE INTEGRATED PLANS ENVISIONED IN NOVEMBER OF 2008 BY THE NATIONAL TASK FORCE TO DEVELOP MODEL CONTINGENCY PLANS HAVE NOT YET BEEN CREATED FOR MANY AIRPORTS AND CIRCUMSTANCES. THUS, REQUIREMENTS SIMILAR TO THOSE NOW EMBEDDED IN PENDING REAUTHORIZATION LEGISLATION – WHICH WOULD EFFECTIVELY MANDATE DEVELOPMENT OF SUCH PLANS -- SEEM APPROPRIATE. HOWEVER, TO MAKE THE REGULATIONS EFFECTIVE, I'D RECOMMEND SEVERAL ADDITIONS:

FIRST, EVERY AGENCY THAT IMPACTS ON BOARD HOLDS IN ANY WAY – FAA, CUSTOMS AND IMMIGRATION, TSA, THE SECRET SERVICE AND POSSIBLY OTHERS - SHOULD BE REQUIRED TO PARTICIPATE IN THE ANALYSIS AND TO SUBMIT PLANS AS TO HOW EACH WILL HELP AIRLINES ANTICIPATE, MANAGE AND RESPOND TO UNEXPECTED EVENTS WHEREVER THEY OCCUR.

SECOND, WHEN PASSENGERS ARE INVOLVED IN CODE SHARE SERVICES – THAT IS, SERVICE THAT A CUSTOMER BELIEVES IS PROVIDED BY ONE AIRLINE BUT WHICH IS ACTUALLY PERFORMED BY A SUBCONTRACTOR - THE AIRLINE THAT THE CUSTOMER BELIEVES TO BE THE CARRIER SHOULD BE HELD RESPONSIBLE FOR ITS OWN AND IT'S SUBCONTRACTORS CONTINGENCY PLANS.

FINALLY, ANY REGULATIONS SHOULD REQUIRE THAT THE CONTINGENCY PLANS SUBMITTED PROVIDE FOR NOTIFICATION OF THE CHIEF EXECUTIVE OFFICER OF ANY AIRLINE OR AIRPORT WHEN ANY DELAY VIOLATING THE REGULATION IS IN PROCESS. MOST OF THE EVENTS I AM AWARE OF COULD AND WOULD HAVE BEEN AVOIDED – OR IF NOT AVOIDED, SUBSTANTIALLY MITIGATED – HAD SENIOR PEOPLE KNOWN WHAT WAS HAPPENING AT THE TIME IT WAS IN PROCESS. AIRLINES ARE BOTH HIGHLY DECENTRALIZED AND STRUCTURALLY DISCIPLINED ORGANIZATIONS, AND IN MANY CASES, LOCAL PERSONNEL ARE RELUCTANT TO CHALLENGE ESTABLISHED PROCEDURE – WHICH IS EXACTLY WHAT MUST OFTEN BE DONE TO PREVENT LONG TARMAC HOLDS.

I THINK IT IS QUITE CLEAR THAT MOST EXTENDED TARMAC DELAYS CAN BE ELIMINATED IF THE INTEGRATED CONTINGENCY PLANS ENVISIGED BY THE NOVEMBER 2008 TASK FORCE ARE CREATED AND IF EVERY AIRLINE RESPONDS AS FULLY AS SEVERAL ALREADY HAVE. THERE ARE, HOWEVER, A NUMBER OF FACTORS THAT, IN EXTREME CONDITIONS, MAY CAUSE A GIVEN AIRPORT OR AIRLINE TO BE OVERWHELMED. AT EVERY AIRPORT, THERE ARE PHYSICAL LIMITATIONS IMPOSED BY THE NUMBER OF GATES AND PARKING POSITIONS AVAILABLE. IN AN UNEXPECTEDLY HEAVY SNOW STORM, FOR EXAMPLE, IT MAY SIMPLY BE IMPOSSIBLE FOR AN AIRLINE TO DIVERT FLIGHTS IN SUFFICIENT TIME TO AVOID HAVING MORE AIRPLANES ON THE GROUND THAN CAN BE ACCOMODATED BY AVAILABLE PHYSICAL LOCATIONS, PERSONNEL AND EQUIPMENT.

PERIODS DURING WHICH LOAD FACTORS ARE EXTREMELY HIGH CAN ALSO CREATE SERVICE PROBLEMS. DURING HOLIDAY PERIODS, FOR EXAMPLE, AIRLINES ARE QUITE NATURALLY RELUCTANT TO CANCEL PREEMPTIVELY SINCE THE INDUSTRY NOW OFFERS FAR FEWER FLIGHTS AND HAS FAR LESS EXCESS CAPACITY THAN WAS TRUE ONLY A FEW YEARS AGO. IN SUCH CIRCUMSTANCES, PASSENGERS BOOKED ON CANCELLED FLIGHTS MAY BE UNABLE TO FIND ALTERNATIVE SPACE FOR SEVERAL DAYS. THUS, THERE MAY WELL BE TIMES WHEN THE ONLY OPTIONS ARE TO WAIT A BIT LONGER ON THE TARMAC OR ABANDON A TRIP ALTOGETHER – WHICH WILL NOT BE AN EASY CHOICE.

WHILE THESE ARE NOT REASONS TO AVOID MANDATING BEST EFFORTS, THEY ARE REMINDERS THAT NONE OF US SHOULD EXPECT THAT EVERY UNCOMFORTABLE SITUATION IS AVOIDABLE.

WHAT WE ARE LARGELY TALKING ABOUT HERE IS THE WAY AIRLINES RESPOND TO IRREGULAR OPERATIONS. HOWEVER, EVERYONE INVOLVED IN THIS DISCUSSION SHOULD ALSO KEEP IN MIND THAT THE ROOT CAUSE OF ALMOST ALL EXTENDED TARMAC DELAYS IS OUR FAILURE TO BUILD AN ADEQUATE AVIATION INFRASTRUCTURE AND OUR UNWILLINGNESS TO IMPOSE OPERATING CONSTRAINTS ON THE CHOKE POINTS THAT INFRASTRUCTURE INADEQUACY HAS CREATED. IN THE LONG RUN, OVERCOMING THE PROBLEM WE ARE TALKING ABOUT REQUIRES MORE THAN NEW OPERATING RULES.

THE MOST CLEAR AND COMPELLING NEED IS TO ACCELERATE THE DEVELOPMENT AND INSTALLATION OF A NEW AIR TRAFFIC CONTROL SYSTEM. SUCH A SYSTEM HAS BEEN IN THE WORKS FOR MANY YEARS, BUT HAS PROGRESSED FAR TOO SLOWLY BECAUSE OF CONGRESSIONAL MICROMANAGEMENT, FUNDING PROBLEMS, DISAGREEMENTS AMONG STAKEHOLDERS, AND INADEQUATE SYSTEM MANAGEMENT. THE MOST IMPORTANT SINGLE THING WE CAN DO TO RELIEVE CONGESTION AND ENHANCE ON TIME OPERATIONS IS TO ACCELERATE PROGRESS ON NEXT GEN.

NEXT GEN, OF COURSE, IS NOT THE ONLY PROBLEM. WHETHER THE GOAL IS RECONFIGURING THE AIRSPACE IN A BUSY SECTOR, BUILDING A NEW RUNWAY OR CREATING A PRIVATE SECTOR ATC OPERATOR – AS VIRTUALLY ALL OTHER ADVANCED COUNTRIES HAVE DONE – DEVELOPING OUR AVIATION INFRASTRUCTURE SEEMS TO BE BEYOND OUR REACH. UNLESS WE FIND WAYS TO TAKE DECISIONS IN FAVOR OF THE COMMON GOOD, OUR AVIATION SYSTEM WILL CONTINUE TO IMPOSE MORE DELAYS THAN ANY OF US LIKE.

OUR UNWILLINGNESS TO IMPOSE REASONABLE REGULATION ON SYSTEM CHOKE POINTS IS ALSO A PROBLEM. IT SIMPLY MAKES NO SENSE, IN MY VIEW, TO PERMIT THE AIRLINES TO SCHEDULE MORE FLIGHTS AT AN AIRPORT THAN THE FACILITY CAN COMFORTABLY AND ROUTINELY HANDLE ON TIME. DOING SO SUBJECTS FAR

TOO MANY TRAVELERS TO BOTH SHORT AND EXTENDED DELAYS, RAISES AIRLINE COSTS, WASTES FUEL AND FOULS THE ENVIRONMENT.

WE CAN DO BETTER THAN WE HAVE, AND WE OUGHT TO, BECAUSE A SMOOTHLY FUNCTIONING AVIATION SYSTEM MAKES AN IMPORTANT CONTRIBUTION TO THE U. S. ECONOMY – WHICH CERTAINLY NEEDS HELP AT THIS POINT. WE NEED TO DO ALL WE CAN TO MAKE AIR TRAVEL BOTH CONVENIENT AND PLEASANT, AND WE CONTRIBUTE TO NEITHER GOAL WHEN WE TOLERATE DELAY AND EVEN ENCOURAGE DELAYS.

TO SUMMARIZE:

WE CAN AND SHOULD SOLVE THE PROBLEM OF EXTRAORDINARILY LONG TARMAC DELAY BY IMPOSING REASONABLE OBLIGATIONS OF THE AIRLINES AND OTHER AGENCIES THAT MAKE UP OUR AVIATION SYSTEM.

WE SHOULD BE AWARE, HOWEVER, THAT DOING SO WILL IMPOSE SOME ADDITIONAL COSTS AND REQUIRE OPERATIONAL ADJUSTMENTS THAT WILL, IN SOME CIRCUMSTANCES, CREATE ALTERNATIVE ADVERSE CONSEQUENCES.

WE SHOULD RECOGNIZE THAT THE ROOT CAUSE OF MANY AIRCRAFT DELAYS IS THE INADEQUACY OF OUR AVIATION INFRASTRUCTURE AND SHOULD BE MORE AGGRESSIVE ABOUT OVERCOMING THOSE WHO RESIST IMPROVING THAT INFRASTRUCTURE.

AND WHILE WE WAIT FOR INFRASTRUCTURE IMPROVEMENTS, WE SHOULD USE CAREFUL REGULATION TO ASSURE THE BEST POSSIBLE RESULTS FOR BOTH TRAVELERS AND TRAVEL PROVIDERS.

THANKS FOR LISTENING, AND FOR INCLUDING ME IN YOUR DIALOGUE.

John Herron Remarks

A View From Labor

John Herron, Teamsters Airline Division
Washington, D.C.
September 22, 2009

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The width of an airline seat on an Embraer 145, a Brazilian manufactured airplane, is 17 inches wide – 17 inches. This is the aircraft that a plane full of passengers were trapped in at Rochester International Airport overnight last month. Imagine being stuck there – 9 hours – overlapping shoulders and arms, next to complete strangers, crying babies, and the aroma of over-used toilets. Imagine that. My shoulders are about 21 inches wide. I cannot comprehend the experience of spending an entire night in a seat 17 inches wide. Our industry failed you.

Good morning, and thank you for inviting me to speak with you today.

We deregulated the airline industry in 1978, but never had a national debate regarding priorities and desired outcomes. Therefore, today, we do not have a national air transportation policy. We tend to lurch from one crisis to another and end up with a patchwork of legislative and regulatory prescriptions.

Economists agree on little. But most agree some markets work well, some not so well and some not at all. If you look at airline industry stakeholders – passengers, workers, investors, management, small & mid-size communities, corporations that fund business travel activities – nobody – nobody, is really satisfied.

If ever there were a time to have a debate over a national air transportation policy, I would think it's now. Let's take advantage of the crisis gripping the airline industry and solve some intractable problems for passengers and all other stakeholders. In the process, let's build a new culture of collaboration and transparency, of the sort that Business Travel Coalition and FylersRights.org are providing today.

The Teamsters Airline Division has grown steadily to 54,000 workers across the airline industry that includes pilots and flight attendants. This is one industry sector of the 1.4 Million members that is the International Brotherhood of Teamsters. We represent workers at a number of air carriers, and regional

airlines that include Republic Airways, comprising Chautauqua Airlines, Republic Airlines, Shuttle America, and now Midwest Airlines; Horizon Air, sister airline to Alaska Airlines; and Gulfstream International Airlines.

The Teamsters Airline Division supports passage of the Airline Passenger Bill of Rights Act, (S.213 and H.R.674) because the aviation environment is changing and we must address the human side of that change. While airline employees are on the front line when these delays occur – target number 1 – we want you to know we care. Some may argue we can't legislate customer service, but we simply can't afford to do nothing about this situation. Perhaps we can dictate common sense solutions – through legislation and through policies and procedures at all carriers – to empower employees to make common sense decisions so that we treat our customers decently.

If we are truly in this together, let's reconsider our less than optimum impulse to cut costs, cut costs, cut costs ... and make profit, make profit, make profit ... and really take on the adverse impacts tarmac delays and taxiway delays have on our customers. If we as an industry can't police ourselves when passengers are trapped like sardines in a can on a tarmac, then perhaps regulation is appropriate that ensures we treat people imprisoned on small airplanes at least as compassionately as we would treat animals being transported.

If, during long delays, people don't have enough space in an airplane to stand up and move around, to be fed, and to take care of basic human needs, then let's get them off that airplane. Airline employees are directly involved in this experience and it is a terrible situation. We care. Perhaps carriers need to be directed to work with unions to commit to include contract provisions so that pilots who properly exercise their "Captains' Authority" and deplane passengers in these horrible conditions will not be disciplined, threatened with discipline or intimidated, when they attempt to exercise their authority as Pilot-In-Command. Too often, the authority to make decisions on the ground is misapplied, giving individuals in ground support positions the authority to make decisions when the authority itself is not well defined. Conflicts arise between the Captain and department heads over the appropriate action to take when instances like this occur.

The stories we will hear today are examples that our industry has failed.

Ladies and gentlemen, the core of the problem is how we as an industry treat each other. We need to consider a mind shift that is no longer an us against you mindset. We can't view this as customers vs. companies, buyer vs. supplier, unions vs. management. The airline industry is a critical part of our national infrastructure and our national economy, and should be viewed as a means to an end rather than an end unto itself.

There is a groundswell of change in our industry. As part of the Federal Aviation Administration's Call to Action initiative, I have attended meetings held at cities across the country that encourage improved professional standards, pilot training and safety, and other issues, in an atmosphere whereby labor expectations and corporate expectations are openly discussed and addressed. I am pleased to report we have Union Committee structures interacting with airline management that are proactively addressing these issues and getting positive results.

The FAA is now considering changes to flight and duty time and rest requirements for airline pilots after receiving input from an Advisory Rulemaking Committee made up of representatives across the industry. There appears to be plans to implement fatigue risk management programs that are more in-line with recent scientific research.

The Airline Safety and Pilot Training Improvement Act has been introduced that requires all airline pilots to hold an Airline Transport Pilot license, establishes a more comprehensive pre-employment screening process for prospective pilots, and requires airlines to establish pilot mentoring programs whereby experienced pilots will mentor junior pilots and create Professional Development Committees. The Teamsters Airline Division supports these and other efforts.

As to the aviation market, there is a shift towards regional air carriers. The regional carriers are experiencing growth and we need to seriously consider how these issues will be addressed. While Unions at legacy carriers have mature labor contracts and union committee structures that have been developed through decades of experience, airline workers at many regional carriers work under 1st generation Collective Bargaining Agreements and have internal committee structures that are relatively new and comprised of volunteers that are new to the industry.

There was a strike at a cargo carrier based in Miami a few weeks ago and the primary issue that led to the strike was whether the workers – flight deck crewmembers at the carrier – would be provided lavatories and water on board their aircraft. You heard that right, workers had to strike for lavatories and water. We had great support from many other Unions and from trade unionists across other industries to back this self-help measure that was a matter of simple human decency, dignity and respect.

During difficult economic circumstances, staffing issues impact normal operations. We now see carriers push the limits of worker contracts and federal regulations for scheduling and work rules. These staffing issues have a much greater impact when normal operations face changing circumstances – such as foreseeable delays. The aviation industry is a fluid environment, and we must be staffed to readily adapt to that environment.

This, in turn, causes working environment issues that impact sometimes overworked and sometimes stressed out employees who can't always provide the best customer service. There are other legislative initiatives that should be considered. For example, with respect to bankruptcy laws, limit executive compensation of the top 5 executives to 500 thousand dollars for every year the Company is in bankruptcy and for 2 years after. This, and other initiatives, deserve full consideration in light of the state of the aviation industry as it relates to the whole industry and specifically as it relates to regional carriers.

Seats are getting smaller, legroom is shrinking, and passengers face a constant stream of advertisements in search of ancillary revenue sources with boundless imagination – from baggage fees, to fees for basic seat changes, to fees for the opportunity of an express line. Shouldn't these be standard offerings? The people trapped in the small airplane overnight last month were stuck there because the flight crew reached its maximum flight time for the day and exceeding those hours would have violated federal regulations and would have triggered certificate action against the pilots.

Regional airlines are growing and there are more people traveling on airlines with fewer and fewer employees. We need to plan for the worst-case scenario, and have the workers available and empowered to treat our customers in a humane manner when these situations arise. The International Brotherhood of Teamsters stands ready to take a leadership position should legislation to solve important passenger safety and health problems require the need for contract revisions for airline crews. Our leadership role is based on this philosophy – passengers first. We will fix the passenger problem then deal with any contractual challenges that follow. The Teamsters will be proactive, visionary, and leadership oriented. We know that what is in the best interests of passengers is in alignment with what's good for aircrew and airport workers too.

Thank you.

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John Herron, 47, is a representative of the Teamsters Airline Division, and represents pilots from nine different air carriers. As a pilot, he has accrued 6,000 flight hours and is a type-rated B-767 pilot with domestic and international experience. He has ten years experience as a pilot in airline operations and experience representing pilots in labor matters.

John Herron has seven years experience as a Naval Aviator as a carrier qualified tactical pilot that includes combat experience and 300 arrested carrier landings. He received his bachelor's degree from the U.S. Naval Academy and a law degree from Temple University.

Kevin Mitchell Remarks

I would like to share with you the evolution of BTC's thinking on the extended tarmac delay problem.

BTC recently concluded due diligence, including a month-long survey of business travel industry professionals, to determine if it should support passenger rights legislation. BTC now endorses S.213, introduced by Senators Barbara Boxer and Olympia Snowe. BTC also endorses Representative Mike Thompson's bill, HR 674. In particular BTC strongly supports the provision in both bills that would provide passengers with an option to disembark after three hours of delay, should a captain decide it is safe to do so.

BTC would go further, however, and encourage Congress to phase-in a 2-hour standard 1 year after the initial 3-hour rule becomes effective. Congress should likewise make mandatory the U.S. Department of Transportation Tarmac Delay Task Force recommendations.

Since 1999, BTC has testified four times in Congress in opposition to passenger rights legislation. In lieu of Congressional intervention in the marketplace, anathema to businesses whose interests BTC represents, BTC called for the voluntary airline Customer Service Plans that were announced in September 1999. In testimony in March of that year, however, as well as in follow-on testimony throughout the years, BTC cautioned that if the airlines do not fix service and extended ground delay problems, someone will eventually endeavor to do so for them.

From BTC's [1999 testimony](#): *"Like other industries that have faced the ominous threat of government intervention, airlines should view this legislation as a major warning and move decisively to address Congressional concerns. The industry needs to take immediate steps to head off this and further Congressional action, which will surely follow, if the industry's problems are not corrected in the near term."*

The problem persisted throughout the years though and in September 2007 testimony before the House Transportation Committee, BTC recommended passing what it referred to as reverse-sunset legislation. The idea was the legislation would not become effective if airlines took Congress seriously and fixed the problem. But if there were another major meltdown, like there was over the Valentines Day holiday in NYC that year, then there would be no more hearings to determine if we have a problem. The legislation would just become effective. So, BTC was very close to supporting legislation 2 years ago.

It was after I read the DOT IGs report to Congress this May that caused me to take another look, survey the industry and interview a lot of experts in this area. That combined with Kate Hanni's unrelenting hounding.

After 10 years of Congressional pressure on airlines as well as highly unfavorable press reports of nightmarish delays and conditions for passengers, the response by the airline industry has been uneven, as confirmed in the U.S. DOT Inspector General's report to Congress this spring. While some airlines have taken limited positive steps on behalf of their

customers, at the industry-level airlines appear either unwilling or unable to fix this extended ground delay problem.

Based upon BTC survey and interview results it is clear that the vast majority of travel industry professionals and organizations, including BTC, have now concluded that there is an evident market failure that can only be addressed by government intervention. 82% of travel industry professionals BTC surveyed support a 3-hour rule.

To focus the debate on root causes, such as bad weather or antiquated ATC technology, is to avoid discussing the real problem which is how airlines respond to irregular operations, which they themselves often give birth to each morning by over scheduling. Likewise, to blame mishaps on the poor judgment of individual airline employees, as was done in the Rochester, MN case, is to miss the larger, structural leadership failure at the individual airline and industry levels. If airline CEOs were as focused and committed, for example, as they were after 9/11 in securing from Congress, in just days, \$5 billion in direct payments and \$10 billion in federal loan guarantees, the problem would have been solved many years ago.

According to DOT, 613 flights experienced extended tarmac delays of 3 hours or more during the first 6 months of 2009. Members of Congress, the U.S. DOT Inspector General, consumer groups and travel industry organizations are not seeking a one-size-fits-all solution. These stakeholders understand that it is not desirable or possible to solve for 100% of extended-tarmac-delay problems, and that no two airports or irregular operations are the same.

However, the fact that some major airlines, operating in many airports under various conditions, have instituted hour-specific passenger-deplaning guidelines indicates they have become analytically comfortable with a protocol wherein one size fits most extended ground delay problems. That's all that passengers want codified in law so that there are consequences and incentives for improvement in outcomes for incidents like we had in Rochester, MN and NYC last month.

To say there would be unintended consequences from a Congressional law is stating the obvious. There are always benefits and drawbacks from any public policy decision, some anticipated, and some not. The question is whether the problem is worth solving at a governmental level, and on balance, if the solution would likely generate public policy benefits sufficient to effectively solve the problem. Currently, the airline industry policy of denying there is problem is generating its own set of serious unintended consequences, including negative impacts on the health and welfare of passengers, lost productivity for business travelers and diminished airline brand quality.

Airline industry spokespersons characterize flight delays of 3 or more hours as statistically insignificant even though hundreds of thousands of passengers are annually impacted in this way. These extended tarmac delays represent a serious health risk for many passengers. The deadly February 12 crash near Buffalo, NY was also statistically insignificant, but we rightfully investigated, held hearings and will no doubt tirelessly endeavor to learn important lessons and improve upon crash statistics. Passengers believe a high level of determination should also be brought to bear on the growing problem of extended ground delays.

As one former major airline CEO recently told me, “Beyond 3 hours, the airlines need to fix the problem, and if they are forced to do so, they will.” Implied in this statement is that if airlines are given sufficient time before implementation of passenger rights legislation, for example, 6 months, they will likely identify the key operational barriers and work to emplace policies and processes to overcome them before implementation.

(Now, if legislation ends up being a 4 hour-rule that is effective in the near term, and then ratcheted down to 3 hours a year from now, versus 3 hours but giving airlines 9 months or so to prepare before the law becomes effective, then I guess the difference is immaterial. Except that 4 plus hour standings would be covered by the law in the near term.)

What would be the benefits from a national deplanement standard?

Passengers. Each year hundreds of thousands of passengers, many of whom are infants, elderly or suffering ailments, are confined in unhealthy conditions aboard excessively delayed aircraft. A single standard would provide an important safeguard for the health and welfare of passengers.

Corporations. Large organizations that fund business travel activities would benefit from increased business traveler productivity as airlines respond to a single standard with new, more efficient processes and fewer extended onboard delays.

Airports. Excessive ground delays and customer service meltdowns result in bad publicity and a failure of an airport authority’s core mission to facilitate passengers throughout the aviation system. A single 3-hour standard, with attendant financial penalties, would force airlines to address this problem.

Workers. Flight crews aboard excessively delayed aircraft would benefit by avoiding suffering through the same unhealthy conditions as passengers – and probably more often - as well as the additional mental stress caused by having to often deal with upset customers in an operating environment without bright-line go, no-go parameters.

Airlines. Over the past few years, the airlines, as a collective brand, have damaged their image, weakened the customer value proposition, and no doubt, consequently decreased their pricing power. A single 3-hour standard will help them help themselves.

BTC appreciates everyone’s participation today. Thank you!

Questioners

Colin Tooze, *Vice President, Government Affairs, [American Society of Travel Agents](#)*

William McGee, *Contributor, [Consumer Reports](#)*

Jay Boehmer, *Senior Editor, [Business Travel News](#)*

Shane Downey, *Government Relations Manager, [National Business Travel Association](#)*

Jennifer Michels, *Deputy Editor, [Aviation Daily](#)*

Airline Passenger Witness Panel

Link Christin, *Adjunct Professor of Law, [William Mitchell College of Law](#)*

Luke Thomas, *Founder, [LTVenntures](#); CEO, [The Vennture Group](#)*

Dave Carroll, *Songwriter / Performing Artist*

Shawn O'Brien, MD, *[St. Mary's Hospital Medical Center](#)*

Leslie Yourra, *Business Owner and Mother*

Expert Witness Panel

Scott Nason, *Aviation and Travel Industry Consultant, [SDN TT&H Consulting, LLC](#)*

Dr. Amy Cohn, *Associate Professor of Industrial and Operations Engineering, [University of Michigan](#)*

George F. Doughty, *Executive Director, [Lehigh Northampton Airport Authority](#)*

James M. Crites, *Executive Vice President of Operations, [Dallas/Fort Worth International Airport](#)*

Kate Hanni, *Executive Director, [FlyersRights.org](#)*

**STATEMENT of the American Society of Travel
Agents**

As prepared for delivery

PASSENGER RIGHTS STAKEHOLDER HEARING
September 22, 2009 – Washington, DC



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ASTA is pleased to participate in today's stakeholder hearing on the subject of passenger rights, which is obviously a matter of great concern to the travelling public. Truthfully, we had hoped it would not come to this.

In 2008, the Tarmac Delay Task Force, following nearly a year of debate about how to deal with inevitable major delays that routinely inconvenienced passengers for up to 8 or even 10 hours, tasked each airline with developing its own standard for when passengers are permitted to deplane in cases of lengthy tarmac delays. ASTA, which had a seat on the Task Force, voted for the final report. While imperfect, the report nevertheless represented a meaningful, positive step forward for airline passengers.

Months went by with no action.

In February, ASTA wrote to Secretary LaHood to request that the airlines and airports at least be required to submit semiannual reports on their progress in carrying out the Task Force's recommendations, lest the Task Force's efforts be rendered irrelevant by collective foot-dragging and the lack of any meaningful enforcement regime.

Historically, ASTA has opposed the governmental imposition of a single standard for the number of hours that must pass before passengers are permitted to deplane from a delayed or diverted flight. However, as we approach the one-year anniversary of the Task Force's final report, the status quo remains firmly in place. In the face of continued delays and the evident lack of concrete efforts on the part of the airlines to create a meaningful solution to this problem, it is now our position that only a Congressionally-defined standard will compel the airlines to do what they have long promised to do in this most basic area of customer service.

In late July, ASTA wrote to the Chairmen and Ranking Members of the Aviation Subcommittees and the Transportation Committees in both Chambers to request that

they include a congressionally-mandated “back-to-gate” standard in their respective versions of the FAA Reauthorization bill.

ASTA is pleased to reiterate today our recently-announced support for the three-hour back-to-gate standard included in the Boxer/Snowe passenger rights language passed by the Commerce Committee. We call on Chairmen Rockefeller, Dorgan, Oberstar, and Costello to ensure that the final version of the FAA Reauthorization bill retain these vital protections. We have also communicated this request to the Department of Transportation in supplemental comments to the Notice of Proposed Rulemaking on the subject of Enhancing Airline Passenger Protections.

While a Congressionally-defined standard will not in itself solve the inexorable problem of chronic flight delays, it will surely represent an improvement over the current system, in which people are trapped on planes without adequate supplies for hours on end.



Luke Thomas Statement

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Thank you Mr. Chairman.

I would like to share some personal experiences from years of domestic air travel on many of the largest airlines in the country. I have been the typical corporate road warrior, flying over 750,000 actual miles in my career primarily on two legacy carriers with a mix of other carriers on occasion.

From a passenger and businessman perspective, I appreciate the complex nature of delivering air service - from federal, state and local regulations to managing labor and energy costs to logistics to competition from low cost carriers and other modes of transport.

In addition to these industry issues are Acts of God and security / terror threats that unexpectedly impact operations on very short notice.

All frequent travelers have their horror stories, but I have been fortunate to never experience the "hostage on the runway" type situation. Conversely, I have actually had the flight crew "work the system" and "sneak" into airports when ground delays were in place.

One specific example occurred a few years ago, in back to back weeks, while flying from Pittsburgh to Newark; I had a pilot remain in a holding area with engines "hot" during a ground delay in Newark. He was ready on a moment's notice and was in constant contact with Air Traffic Control in case a short window opened that would allow us to take off. Fortunately, the delays were limited to fewer than 45 minutes on both occasions because the pilot did receive the call from ATC. In my opinion, the pilots used creative and safe procedures to work the system. I would hate to limit this type of creative problem solving from experienced professionals.

As a result of the challenging commercial business environment in which airlines compete, I have historically been against increased government oversight and regulation. As a businessman involved in the high technology industry, I naturally thought that a wiser investment would be to upgrade the archaic air traffic control system and use newer technology to tighten the logistics around air service.

Adding a mandate based on an arbitrary time parameter is contrary to my business instincts. A struggling industry does not need this additional burden as it navigates these turbulent times.

However, the events in MN last month have caught my attention and have me re-thinking this position. At first, I thought these were isolated incidents sensationalized by the media. However, after further investigation, I was shocked at the complete lack of regard for the passengers. These events would never have happened in a customer centric business.

These events are not statistically frequent, but coupled with the long declining customer service, tighter staffing, fewer and more crowded flights have me lead me to support the passenger bill of rights legislation. I would prefer that competitive forces drive airlines to make decisions with an eye on customer impact as a differentiator, however, the airlines have not shown interest in improving the customer service side of the business equation; instead there has been a laser focus on cost controls without regard to the impact on service.

In my eyes, this matter has migrated from a customer service issue driven by competitive forces to a health & safety issue threatening at-risk passengers while intimidating road warriors into looking for alternatives when possible.

Thank you for the opportunity to express my opinions on the passenger rights legislation.

Shawn O'Brien Statement

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Thanks Mr. Chairman:

My family and I were on a Delta flight from Turks and Caicos to Atlanta that was diverted to Columbia, S.C. in April. I will read a part of the letter of complaint I wrote to Delta.

This is a letter of complaint regarding multiple Delta flights our family had booked on April 10 and 11, 2009. We were on spring break with our 3 children in Turks and Caicos. On 4/4/09 we left Milwaukee and took a flight to Atlanta, then to Providenciales. We returned on Friday 4/10 on flight DL0510. Due to a thunderstorm in Atlanta, Atlanta closed its airport, and our pilot diverted to Columbia, SC. We landed there about 5:50PM, hoping to get more fuel and continue to Atlanta if it opened. It did not reopen soon, and we could not get off the plane because Columbia was not set up for Customs and Immigration. We then sat on the plane, ran out of water, the toilets were full, and had only peanuts to eat, for the next 5 hrs. The Delta pilots had timed out and couldn't fly anymore, so going to another international airport was not an option. There was no effort to get another crew to take us anywhere.

Please have sympathy that spending that long on a plane sitting at an airport is extremely unpleasant. It certainly seemed to the passengers that nobody was stepping in and helping us, the consumer, just get off the plane. We finally were assigned a gate and after 11pm were allowed to enter an empty, cold, uncarpeted room in the airport. There were bottles of water but no food, blankets, or pillows, though we repeatedly asked for these items from the Columbia Delta representative who was there. There were babies, young children, and elderly who had not eaten for 11 hrs. We had boarded about 1:00 pm in Turks and Caicos.

Around midnight we were told that a plane would be coming from Atlanta to transport us back to Atlanta from Columbia. It was estimated we would take off at 2am. When asked what we were to do when we got to Atlanta, we were told agents there would help us in the morning. We were never offered local accommodations in Atlanta or Columbia. Was it assumed that we were to sleep in the airport? Delta showed no concern for any of the passengers in this regard. The only concern was to get us to

Atlanta. We got to ATL at about 3:30am, literally walked a mile through the airport (the trains don't run then), and went through customs and immigration.

The flight crew repeatedly blamed the lack of "Customs" at the Columbia airport for the reason for the 5 hr wait on the plane at Columbia. I would think this would not be such an unlikely scenario that no contingency plan is in place, other than to keep people sitting on a plane after a 3 hr flight for 5 more hours while you try to figure it out! It is unacceptable to wait on a plane on the tarmac for 5hrs.

As an emergency physician, I can tell you that there are serious medical safety concerns with prolonged waiting on an airplane. These include increased risk of blood clot in the leg, which can be fatal if it travels to the lung. This risk increases after 4-5 hrs. There is also the increased exposure to other passengers and possible increased transmission of viral illnesses, including H1N1 Influenza. This is in addition to special needs of passengers, including access to medications, dehydration, and emotional stress.

The percentage of people affected by prolonged waiting on an airplane may not be statistically significant, but it is very personally significant to the passengers it affects. When the numbers of passengers affected is more than 100,000 per year, this should be cause for concern and action.

I firmly support the right of passengers to get off the airplane if there is a delay for 3 hrs or more and it is safe to do so.

Thank you for inviting me to speak.

Dave Carroll Statement

In the spring of 2008, my band and I were traveling to Nebraska for a one-week tour and my Taylor guitar was witnessed being thrown by United Airlines baggage handlers in Chicago. I discovered later that the \$3500 guitar was severely damaged.

They didn't deny the experience occurred but for nine months the various people I communicated with put the responsibility for dealing with the damage on everyone other than themselves and finally said they would do nothing to compensate me for my loss. So I promised the last United Representative to finally say "no" to compensation that I would write and produce three songs about my experience with United Airlines and make videos for each to be viewed online by anyone in the world. United Breaks Guitars: Song 1 was released on July 6, 2009 and Song 2 on Aug. 18, 2009 as promised. In total there have been almost 5.9 million views to date, from all points on the globe. United: Song 3 is still to be completed, as the script for the finale is still playing out, even today.

What was most striking for me out of all of this has been the reaction from consumers and passengers – and most importantly, musicians – who related to my story. The comments on YouTube and later to me personally were incredibly touching. People feeling like they had finally found an outlet where they could voice concerns and actually be heard. **For the first time!**

This exposed the magnitude of what was happening in the industry and the fact that many individuals feel little to no power in terms of actually enabling any change.

I'm here today on behalf of myself – and all of those who trusted me with their stories – to encourage you to consider the positive impact you can make for thousands of musicians with this legislation. I have the opportunity to tell my story, support the American Federation of Musicians and endorse the need for this legislation that protects musician passengers and the treatment of their instruments.

The proposed passenger legislation can only benefit musicians, and all passengers, when it comes to safety and service. Knowing that people's safety is of the highest priority, this legislation can also ensure that when passengers have issues or complaints, they will be dealt with in a consistent and timely manner – and when property is damaged, there will be guaranteed compensation that is equal to the value of the belongings. But most importantly, it will be without question.

The specific work being undertaken for musicians by the American Federation of Musicians is to underline with the airline industry the importance of integrity required when dealing with our possessions. Our instruments are the means to our success. And it's also to underscore, legally, minimum levels of customer service that we deserve.

It's about respect. Respect and consistency. Passengers shouldn't have to fight for what we rightly deserve. And if my story and my experience can ultimately help create change, then it has been worth all the effort.

Leslie Youra Statement

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My name is Leslie Youra and I am accompanied today by my husband Rick and our daughter Kaitlyn. Our story is a little different than the other members of this panel because first, it affected only our family and second because it was not about being kept on a plane, but instead about our 8 year old daughter being kicked off a plane even though she had told the airline attendant that her dad was still on the plane.

On November 25, 2007 I was traveling with my family, we were confirmed on US Airways Flight 363 departing Phoenix in route to Sacramento. We had used Web Check-in to obtain our boarding passes but, were unable to select seats during the check in process. We arrived at the airport two hours in advance of our flight's scheduled departure but discovered that the reservation agents had double booked the flight's seats.

Volunteers were sought but, because of the holiday weekend, the airline was unable to locate or confirm seats on any airline that day, no one was willing to be rebooked without a confirmed reservation. Despite our protests, we were informed that there was no room for us on the flight. At the very last minute we were told that three seats were available and that if three people in the party would like to travel on flight 363 they would have to board immediately; the remainder of the party would be put on the next available flight. My husband boarded the flight accompanied by our fifteen year old son and eight year old daughter.

My older son and I were working with the gate supervisor, Eric to locate a flight. We were told that there was not a single seat available on any flight to Sacramento and the very first flight available was on Monday, the next day. As we stood at the desk watching the plane pull away my daughter suddenly appeared at my side, tears running down her cheeks. She said that the flight attendant told her that there weren't any more seats and that she would have to get off the plane. The attendant told her to go back outside to her dad. Kaitlyn said she told the attendant "my dad is still on the plane" but, she made her get off anyway. Kaitlyn was not walked back to my custody nor was her father told that she had been removed from the plane.

As I calmed Kaitlyn, I told my son to call his dad on the cell phone and leave a message to let him know that Kaitlyn was with us and safe. I also asked the supervisor, Eric to call the plane to get a message to my husband. The supervisor made the call; however, he showed no outward sign of concern for my

child or the urgency of the situation. The three of us were offered compensation for our missed flight and confirmed on flight 363 on November 26, 2007.

I called the customer service line only to receive a pre-recorded message saying that due to the high volume of calls there would be no one available to talk with and to please go online to log a complaint. I did go online and read Us Airlines Customer First Promise of safety and satisfaction as well as the Customer Service Plan. I feel that they fell short of the mark in every area; double booking the flight, separating our family and endangering and upsetting my eight year old daughter by removing her from the plane without informing my husband and without checking to see if I was still at the gate.

The last time my husband saw his daughter, a female flight attendant told him that they could not sit together but, she would seat Kaitlyn up front and take care of her. After the plane was moving, Rick was told that one of his two kids was deplaned; the male flight attendant that spoke with Rick did not know which one. Rick was not allowed to get out of his seat for almost twenty minutes for take off during which time he, as any parent would, panicked. More than two hours passed before he was able to confirm the whereabouts and safety of his daughter.

I paid in advance to confirm my reservation. Moreover, we had a contract and a promise of safety. US Airlines had an obligation to reserve and hold my seat. They also had an obligation to ensure the safety of my family. I feel strongly that the flight attendant who made the decision to deplane my daughter should have been fired and gate personal who exercised extremely poor judgment should be sanctioned and required to complete a safety training program so that this sort of incident will not be repeated.

Nothing can compensate my family for the emotional trauma it sustained however, had the airline shown us respect and taken responsibility for the incident we would have felt entirely different. Instead the event was not even acknowledged. We received nothing but an auto-generated message for several months and when finally contacted by US Airlines customer service agent Sharon Baker who said, "I'm sorry someone didn't respond sooner, but your online complaint went to the wrong department" and "I understand your frustration and as a mother I would have been upset too, I have coded and sent your file to the flight attendant department, but because of Union contracts we have no control over hiring, firing or training." This was hardly the proactive response I expected.

I have since contacted the Department of Transportation, the Flight Attendant's Union, the Maricopa County Sheriff Department, the Phoenix Airport Police and legislators in both Arizona and California; with exception of the DOT and the local sheriff, I have not received a response.

I know that statistically our incident is insignificant however, no matter how small the statistic when it is *your* family and *your* child it's 100 percent. It's time to put the 'customer' back in customer service. It's time for passengers to stand up and stand together to insure that future passengers have basic health and safety rights, that their complaints are acknowledged and that they treated with respect and dignity.

Scott Nason Testimony

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Distinguished Senators and Members of Congress, fellow aviation colleagues, concerned citizens, Ladies and Gentlemen – my name is Scott Nason. Prior to my retirement earlier this year, I worked for American Airlines for twenty nine years, the last eighteen as a Vice President, overseeing in succession, the departments of Operations Planning and Performance, Information Technology, and finally Revenue Management. I am pleased to appear at this important stakeholder hearing on the topic of a proposed passenger bill of rights and I want to thank you for the opportunity to share my thoughts and observations.

As a now retired, but long-time executive in the airline business, including many years in the 1990s overseeing the operations control functions at American Airlines, I must admit that I am embarrassed by some of the decisions made by some of my airline colleagues that have resulted in very uncomfortable experiences for too many of our customers. But I know too much about the logistics of this business to think that a Federal statute that imposes hard and fast limits to taxi times – especially limits that are too short – is a solution to this problem without significant consequences of its own. We are all familiar with the so-called “law of unintended consequences” which will – without a doubt – rear its ugly head if Congress enacts too strict regulation of taxi times.

Let me give you an example of the unintended consequences of another well-intentioned regulation which sounded very sensible, and was – and is – directly related to airline safety. The issue in question is cockpit rest rules, which are based on the premise that the more a pilot flies in any given 24-hour period, the more rest he or she should have within that 24 hours. If a pilot flies less than eight hours in a 24-hour period, then nine hours of scheduled rest within that 24-hour period is sufficient. If scheduled to fly more than eight hours, then increments of additional flying trigger greater rest obligations. These constraints – as well as the multitude of intricate provisions in pilot labor contracts – were all programmed into the airlines’ crew scheduling software and out popped – after hours of churning – new trips, fully compliant with the new law.

However, not long after enactment of the new rules, one of American’s Check Airmen – a pilot who oversees the flying of other pilots – called me to point out a “really dumb” set of trips that we built for him and another crew. On the first day of his trip, he flew about five hours, and then had 9 ½ hours of overnight rest in Boston. His second day began with a two-hour flight from Boston to Chicago’s O’Hare Airport, after which he was scheduled to “sit” at O’Hare for four hours while another crew – a Chicago-originating crew – flew “his airplane” on a four-hour flight to Orange County. When the first Captain, the Check Airman, arrived at Orange County four hours after the other crew,

he found that crew completing its own four-hour sit, before it flew the aircraft that the Check Airman had just flown into Orange County on to the next destination. He rightly pointed out that the four-hour breaks in the middle of each crew's duty days could have been prevented had he continued on to Orange County upon arrival at O'Hare, while the other crew could have signed in four hours later.

He was right, but he had failed to note that the rules require the airline to consider the rest requirements in each continuous 24-hour period. At the time he arrived in Chicago, he had already flown about seven hours and rested for 9 ½ hours in the past 21, barring him from anything more than one more hour of flying within the next three hours. As a consequence, it was necessary for us to stop him from flying beyond Chicago until several hours had elapsed, ensuring that there was no 24-consecutive hour period in which his flying exceeded eight hours. So, he flew the far-more-tiring, more expensive, less comfortable trip in order to comply with the well-intentioned, but counter-productive "safety legislation". Specifically, as scheduled, and even if his flight was on time, he would have been on duty for about eleven hours at the time that he approached Orange County Airport for landing, instead of seven hours, hardly the result that the authors of these rest rules intended.

I subsequently pointed out this counter-productive provision, but it is very hard to get such rules changed once they are enacted, even after practical experience proves that the as-written rules should be modified.

So, what can go wrong if inflexible rules are established to limit the time a passenger may be required to remain on an aircraft during a delay? If I could perfectly enumerate every possibility, then in theory, you could write a bill that allowed for every one of them. But no one can. They will surely involve issues of Air Traffic Control, crew duty and flight time limits, gate constraints, customs and immigration, taxiway and runway congestion, physical safety and security, critical needs to get someone or something somewhere, dangerous weather, weight and balance calculations, maintenance constraints, and most importantly, the best interests of the passengers and crew.

Let me try to give you one example from my years running the Operations Control function at American, as best I can recall it. When we began service from Boston to London in the 1990s, the pilots for this trip were based in New York City (although many of them actually lived in New England.) One summer day the Captain and First Officer arrived at Boston's Logan Airport on time, but the Flight Officer was stuck in New York weather on a flight awaiting take off from La Guardia for quite a while. After a couple of hours, it was apparent that the Boston to London flight would be delayed, awaiting his arrival. But had his flight returned to the gate after, say, three hours to allow passengers to disembark, it is highly probable that the additional delay leaving New York would have resulted in the cancellation of the Boston to London flight, as well as the return flight from London the next day, due to crew duty time limits. Since each of these flights had more than 200 passengers on board, and the flights were full the next few days, this would have severely inconvenienced hundreds of customers, an impact

that would have far exceeded the discomfort imposed from the extra hour awaiting takeoff.

While I cannot speak for every person or every airline – or even any airline anymore – I can tell you that the operations control decisions at American Airlines are made with full and serious consideration of the ramifications to their customers. Even the very unfortunate events and decisions of December 29, 2006 were made with the intention of trying our best to serve the interests of our passengers by getting as many as possible to the places they wanted to go, knowing that nearly every seat was booked for days to come and every additional flight cancelled would mean more than a hundred more customers on the ever-growing standby lists.

So, do what you will to encourage all airlines to more-fully recognize the impact of very-long taxi delays on their passengers – as you have already heard, much progress has been made, but mis-judgments still occasionally continue. But I urge you to make any limits reasonably long to minimize the number of additional cancellations this will cause, and give the airlines' licensed professionals – Captains and Dispatchers, who know the rules, and are in the best position to assess the ramifications – flexibility to over-ride those limits where they need to. The public will be better served.

Thank you very much.

Dr. Amy Cohn Testimony

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9/22/09 "Passenger Bill of Rights" Stakeholders Meeting
Washington, D.C.

Good morning. Thank you for the opportunity to speak today. My name is Amy Cohn. I am an Associate Professor of Industrial and Operations Engineering at the University of Michigan in Ann Arbor. I have a degree in Applied Mathematics from Harvard University and a PhD in Operations Research from the Massachusetts Institute of Technology. I have worked in the transportation field for eighteen years. For the past thirteen years, the majority of my research has focused specifically on passenger aviation.

I am also a frequent flier. I travel extensively, not only on business, but also with my two small children. And so I have both a professional and a personal interest in this bill.

From both standpoints, it is clear to me that the current situation has grown intolerable. Without question, many passengers experience extreme discomfort and inconvenience as a result of lengthy tarmac delays. These delays also have a high cost to the airline industry, due to overtime crew pay, excess fuel burn, and so on – costs which are ultimately passed on to passengers. And finally, lengthy queues of aircraft idling while awaiting take-off have a tremendous negative impact on our environment.

I am therefore all in favor of improving this deplorable situation. Unfortunately, however, I do not believe that the proposed "three-hour rule" will be successful in doing so, and I also believe that by focusing all of our energy and attention on this rule, we miss the opportunity to make true and meaningful change.

The U.S. aviation system is tremendously complex, and as in any complex system, even small changes can have wide-spread impact. Therefore, thorough analysis is essential to ensure intended and desirable outcomes, to identify unintended negative side effects, and to determine the optimal trade-off between the two.

So let us look more carefully at the three hour rule and whom it will benefit. It will not benefit passengers experiencing delays of less than three hours, although such delays are far more commonplace and still often very uncomfortable. In contrast, the number of flights incurring more than a three-hour delay is quite small (as I understand it, on the order of one hundredth of one percent of domestic flights). But more importantly, many of these flights would not be impacted by the ruling. For example, during a thunderstorm, it is not safe for ground crews to be on the tarmac to guide a plane to the gate, and during a major snow storm there may be no gate to go to. So the number of

flights actually returning to the gate as a result of the proposed three hour rule will be even smaller than this one hundredth of one percent.

This is in no way intended to diminish the significance of the experience of those passengers who are on these lengthy delayed flights, no matter how limited they may be in number. But it is important to recognize that not all of these passengers will actually benefit. Only some of the passengers on these flights will actually have the option to disembark and wait for a future flight. And these passengers will then have to compete with other delayed passengers to get seats on already-near-capacity future flights in the hours or even days after the disruption has cleared.

But there will also be passengers on these delayed flights who don't have the option to delay their trip (for example, someone traveling for a funeral or a critical business meeting). For these passengers, after the return to the gate, their aircraft will go to the end of the line to start the lengthy wait all over again, and these passengers will actually experience a far greater delay as a result of the three-hour rule.

So I don't believe that the three hour rule will actually change things very much at all, given the few number of affected flights. And when it does, although it will help some passengers, it will also certainly harm others.

What concerns me about this rule, then, is that it focuses our attention solely on the symptoms rather than the cause of the problem. We need to step back and ask, Why are there such substantial tarmac delays in the first place? And what can we do to reduce these delays, rather than focusing on what to do once they have occurred?

That said, I am quite optimistic that improvements – substantial improvements – can be made to reduce delays, to improve passenger experiences, to reduce costs, and to help the environment. There are many promising options to be considered. For example, are there better ways to control aircraft take-off queues than the current first-come first-serve policy? How can communications, within airlines, across airlines, and between airlines and government agencies, be improved to avoid so many of the mishaps that have recently occurred? Could we reconfigure our airports to provide a safe means for passengers to de-plane during periods of extreme congestion? And, most importantly, how can we reduce this congestion in the first place?

Questions such as these are not easy to answer, and quick sound bites will not improve passengers' experiences. Any change to the aviation system will have wide-spread impacts, impacts that must be carefully evaluated and studied to be sure that our actions do not have unintended negative consequences. But I firmly believe that if we take all of the strong emotions and momentum that have swelled around this issue, and channel them into just as powerful analysis and hard work, we can bring about change that truly will benefit the flying public.

Thank you for the opportunity to address the Committee.

George Doughty Testimony

It is a pleasure for me to be with you today to discuss the issues of passenger rights and extended tarmac delays.

The Lehigh-Northampton Airport Authority operates Lehigh Valley International Airport (ABE) which serves the greater Lehigh Valley Region with a catchment area population of about 2.5 million people. We are a relatively small facility with 14 gates serving just over one million passengers per year at our peak before such things as extreme fuel prices and the current recession.

Because of its location, 50 miles north of Philadelphia and 80 miles west of Newark, ABE serves as an alternate for flights destined for PHL and the New York area airports. Continental uses ABE for diversions so frequently that their flight crews simply call us the Allentown gas station.

As that name implies most of the operations are simply fuel and go with the aircraft on the ground for less than 45 minutes. In certain weather conditions especially during the summer thunderstorm season, aircraft can be delayed much longer and several aircraft can be parked at hard stands and more remote locations. Fortunately, this is a rare event.

We are, however, committed to assuring that passengers on these flights have the opportunity to deplane. We also want to provide the opportunity for passengers to terminate their aviation experience and pick a ground option to their final destination. Some frequent Continental travelers are on their blackberries as soon as the aircraft touches down to book their rental car.

Most of the time these turn out to be about as routine as an irregular operation can be, but they can become more complicated and protracted. On July 29th an unusual thunderstorm pattern developed just south of Newark causing storms to form and then move northeast over the New York region. We began seeing diversions in the early afternoon, and by about 4:00 p.m. we had fifteen diverted aircraft on the ground ranging in size from a fifty seat regional jet to a 757. LGA and JFK were less affected and those aircraft were released within a couple hours and departed. EWR flights were not so fortunate. FAA projected the end of the ground stops, but new storms appeared and they were not lifted until evening.

As the day progressed we realized that we had aircraft parked at remote location for nearly three hours. They had been put in a queue for departure in anticipation of a lifting of the ground stop. That did not happen. We made gates available for these

aircraft and passengers were deplaned. Passengers re-boarded about an hour later and flights continued to EWR by mid-evening.

This incident caused some changes to be made to our diversion plan which included improved communication, additional ground equipment and changes in procedures. Our objective in these situations is to assure passenger needs are met and to give passengers an opportunity to deplane if they have been delayed by more than three hours.

This is consistent with a broad policy of the Authority to provide the best customer service experience possible. Regardless of the policy of any airline, we will not permit an extended delay of more than three hours without the opportunity to deplane if we can prevent it. Our community would simply not tolerate anything less. This may be another way of saying we do not want to be the lead story in CNN.

While participating as a member of the Tarmac Delay Task Force, I inquired of several veteran airline and airport operations people if they could recall a serious Tarmac Delay prior to the DTW event in 1999. None could recall any.

When I raised that issue with members of the Task Force the reaction was "Oh yes we had them but the press just did not make a big deal about it."

I think the reality is that we did not have them, or if we did, there were very few and they certainly did not happen on a large scale. The principle reasons for this are probably smaller planes and the higher load factors of today. When airlines could be profitable with load factors in the high sixties it was no doubt easier to cancel flights and reroute passengers on other flights than it is today.

When storms or other weather events occurred, flights were cancelled and passengers were accommodated on other flights later that day or the next day. It made economic sense to do that rather than risk stranding an aircraft at a diversion airport. During the 80's in Denver this was a common practice. We may have had passengers stranded in the terminal or hotels, but never on aircraft. United was a master at this process. The fact that they had a bunch of DC-10's in the domestic system did not hurt either. Unless it was Thanksgiving eve or the weekend before Christmas it was a simple task of cancelling a 737 and accommodating nearly everyone on the DC-10 scheduled to leave an hour later.

If aviation continues its race to the bottom, those options will never be available to the carriers again. Today's legacy carriers will look much more like Ryan Air than the United Air Lines of the 1980's. Since economic reregulation is unlikely, regulation of passenger services will be necessary if we are going to prevent these events in the future.

The economic and operational incentives are quite high for the airlines to do everything possible to complete the flight regardless of how long it may take. Other options are more costly and can result in lost revenue. In the past competition among carriers to provide good in flight service, comfortable seats, a clean modern cabin, breathable air, and reasonable delays kept standards high. It seems with reduced capacity and everyone now providing just pretzels and 3 oz. of soda, that competitive pressure is no longer there. Passengers now know that their flight will not be a memorable experience and will likely be just tolerable. They just hope it will not be awful.

As passengers, we are subjected to all manner of rules and regulations. We must be seated before pushback, we cannot get up while the cart is in the aisle, we must use the lavatory in the back, keep our carryon under the seat, never touch an electronic device during take-off and landing, and above all, we cannot stand near the flight deck door. With all of these rules for us one would think there would be rules relating to our comfort and well-being. There are almost none. No requirements for the number of operating lavatories, amount of potable water or "hydration items", seat width or seat pitch standards, or even cleanliness of the cabin.

It may now be time to strike a better balance.

James M. Crites Testimony

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Good morning, and thank you for inviting me to participate in this important hearing. I am Jim Crites, Executive Vice President of Operations for the Dallas/Fort Worth International Airport. I am here today to provide testimony regarding airport contingency planning pertaining to lengthy airline on-board ground delays.

I'd like to begin by saying that safe flight is accomplished through close industry-wide partnership, whereby effective planning, execution, and after-action refinement of best practices are accomplished through continuous communication, collaboration and coordination across all service providers. Contingency planning is no different. In fact, given the increased demand for a rapid effective response, there is an even greater need and sense of urgency behind these close knit partnerships well beyond normal operations.

Whether an emergency is caused by significant adverse weather, or concern regarding a highly contagious disease, there is a recognized need to have all requisite service providers actively partnering to address flight operations and passengers' needs. In reality, it has largely been left to the airlines and Federal Aviation Administration (FAA) to address all of the issues that arise, but in fact we have learned that there are critical services that can only be provided by the other aviation stakeholders such as airports, the Transportation Security Administration (TSA), Customs and Border Protection (CBP), concessionaires and local commercial ground transportation service providers.

The good news is that the entire industry has reached agreement regarding this as demonstrated by the development of the Contingency Planning Guidelines Document by the Department of Transportation (DOT) National Task Force To Develop Model Contingency Plans To Deal With Lengthy Airline On-Board Ground Delays (Task Force).

The plan calls for all stakeholders to pre-plan for such events by sharing their existing operational and contingency plans, so as to identify the gaps in providing needed services. It then calls for them to refine and integrate their existing plans to address these gaps. The plan then identifies the need for all service providers to formulate the means for effectively communicating with one another before, during, and after an event to affect what has become known as shared situational awareness. This ensures that all parties are aware of what is occurring, thus enabling them to provide mutual support as

needed. Finally, the plan calls for all service providers to share the lessons learned at the conclusion of an incident so as to ensure ongoing response plan effectiveness and continuous improvement.

The core of this plan is it's calling for airports and their associated concessionaires and ground transportation service providers to stay open for business, and for TSA and CBP to have staff available to process passengers as the situation warrants. Throughout an event, it calls for shared communication between the airlines and airports to provide for the ground handling and deplaning of passengers so as to avoid the types of unacceptable situations that have been experienced by passengers stranded on aircraft due to weather or system disruptions.

Diverted flights are specifically called out for special attention in this plan. What it calls for is a refinement to the existing FAA and airline decision-making model when having to divert a flight to an alternate airport. It calls for avoiding the diversion of an international arriving flight to an airport lacking CBP resources. It also identifies the need for the selected diversion airport team to be available and open for business to properly receive and process these flights. This includes, as was mentioned earlier, the ability to gate or properly ground handle the aircraft, deplane passengers, provide concessions support, and TSA passenger screening as required.

DFW, its tenant airlines, CBP, FAA, and TSA partners and those airports who serve as diversion airports to DFW have held a series of workshops to implement this process. Through this process we have been able to successfully partner with one another to identify and to provide effective service to those flights requiring special attention so as to head off extended tarmac delay. The point here is that regardless of whether a specific time is identified for deplaning flights is established or not, the industry needs to have a means of providing effective service to affected flights. I believe that the process identified during the DOT Task Force provides that means.

DOT last year issued a Notice of Proposed Rulemaking (NPRM) for enhancing passenger protections by requiring airline contingency plans. While a final rule has not yet been issued, I believe that it is important that airline plans include a requirement to coordinate their plans with all airports at which they provide scheduled or charter service. Only through such coordination and partnership can plans be developed that address the issues that arise during irregular operations and tarmac delays.

In summary, the process identified during the DOT Task Force for planning, execution and after-action refinement of contingency plans works. The challenge is to ensure continuous communication, collaboration and coordination across all service providers to address not only irregular operations but the wide variety of critical situations that airports experience.

Thank you for the opportunity to participate in this hearing. I look forward to responding to your questions.

Kate Hanni Testimony

Kate Hanni, Executive Director, FlyersRights.org

Mr. Chairman and members of the Committee, good morning. Thank you for your efforts here today. The problem of extended tarmac delays is a national problem, and one that has gone unresolved for 10 years.

It is clearly considered an important problem as well as evidenced by passengers so fed up with airline stonewalling that they found it necessary to conduct their own hearing in Congress;

- evidenced by your willingness to manage this hearing today to ensure impartiality;
- evidenced by the motivation of our earlier speakers who traveled great distances to share their passion with us today; and
- evidenced by national media outlets that flew in their top aviation reporters to cover this hearing.

The problem we are here to discuss today is **not** one of root causes underlying irregular operations and extended ground delays. If that were the case, we would have invited God herself to testify. Instead, at issue is **how airlines respond** to these irregular operations, period, full stop.

While there have been some efforts expended toward intellectually honesty, especially among my fellow panelists here today, the debate of the past few years has been unfortunately riddled with half-truths.

I would like to share with you eight misleading statements I often encounter.

#1 A 3-hour rule would reduce safety margins.

Mr. Chairman, this is a Mortin's Fork if ever there were one! No one is advocating deplaning passengers during a winter lighting storm down ice covered stairs past jet engines that would take their lives. Are you kidding me! Moreover, most delay events involve aircraft not parked on active runways. And surly airlines are not suggesting a captain would ever violate his professional passenger-safety obligations.

Airlines ought to be focused on reviving the piloting profession so that we encourage an industry of Captain Sullenbergers with the training, experience and intellectual capacity necessary to manage sophisticated navigation and communications technologies in increasingly complex operating environments.

#2 A 3-hour rule would cause cancellations throughout the system.

The proposal on the table is not to cancel the flights but to give passengers the option to deplane, by a variety of safe methods; the flight can continue on when departure is possible. If flights are cancelled, it will have been because they required cancellation anyway due to crew duty time or little prospect of taking off within a workable window.

Practices like JetBlue's, of pre cancelling select flights in advance of major weather systems, is proof that a little discipline in the planning process can force a better solution for all stakeholders.

Once a 3-hour rule is in place, airline schedulers will be able adjust processes and procedures on a macro-systems basis, and moreover, with FAA redoing flight duty times, now is an opportune time to be proactive.

#3 A 3-hour rule will cause massive problems for NYC-area airports.

The NYC airport situation represents an abject failure of government and industry policy, period. At JFK, for example, 126 aircraft are scheduled for a time period that allows 81. Aircraft push back and sit. 56% more flights are scheduled than can be physically handled. The entire country should not be held hostage by NYC.

A 3-hour rule will provide the discipline for airlines to right-size their schedules at NYC.

#4 A 3-hour rule would drive airline costs up at a bad time for the industry.

This, of course, is an outrageous statement. This is not a convenience issue for passengers, it's a critical health and safety issue. As Bob Crandall said earlier, there may be incremental costs, but they will be manageable. And as Jim Crites just testified, new efficiencies lead to cost savings and better outcomes for all parties.

With travel and capacity down considerably, now is an opportune time to re-engineer airline scheduling and operational practices and processes.

#5 A 3-hour rule would drive higher prices for passengers.

This is one of the SILLIER arguments, and is without merit. Passengers are paying for delays with their physical and mental health, missed vacations, funerals and lost productivity. Passengers should not be asked to trade their health and welfare for lower fares. I think Link Christin would concur. We deregulated the airline industry but never had the debate about priorities and outcomes. Do we really want unthinkable congestion and delays, or a \$79 fare that puts our children on regional jets flown by fatigued pilots?

#6 A one-size-fits-all-solution is unworkable.

To characterize the 3-hour passenger rights proposal with the false premise that we are trying to solve for extraordinary exceptions is disingenuous. We are not trying to solve, for example, 100% of 613 or so 3-hour plus delays for the first 6 months of 2009. Airlines will figure out what changes need to be made to operations and scheduling to make this work.

As evidence, major airlines with complex route structures serving all manner of different airports in varied operational environments have developed hour-specific protocols. Their analyses must have shown that one-size will fit the vast majority of irregular operations.

#7. Airline surveys have shown that in a delay scenario, most passengers want to continue.

This is the MOTHER of Mortin's Forks; we only want passengers to be given the option to disembark at three hour intervals. Those who elect to continue on can do so. Airline surveys indicating 90% of passengers want to continue have never been seen by anyone on the planet as far as we know. So they lack any credibility whatsoever.

The fundamental human instinctive reaction when in these stranding situations is that an airline should not have 100% discretion over your movement, your freedom, for such a prolonged period of time.

#8 A 3-hour rule will create a lot of work for a statistically insignificant problem.

Annually some 200K to 300K passengers experience 3 plus hour delays. Moreover, it's not statistically insignificant for the daughter whose 80-year old mother, who recently recovered from surgery, is sitting in a metal tube in September on hot Houston concrete. What's more, if this problem is so statistically insignificant, then solving it should not cause the **sky-will-fall** calamities characterized by airline pronouncements.

I want to reemphasize, this is a health and safety issue first and foremost, and especially for the elderly, young and those with underlying health issues.

Mr. Chairman and members of the Committee, I look forward to your questions.

Kevin Mitchell

Mr. Mitchell is a graduate of Saint Joseph's University in Philadelphia where he received a Bachelor's Degree in International Relations. He was Vice President for Human Resources and Services at CIGNA Corporation for 12 years before founding the Business Travel Contractors Corporation (BTCC) in 1994 as a corporate buying group to advance fundamental reforms to the airline industry distribution system. In 1996, the Business Travel Coalition (BTC) was formed to represent the interests of corporate buyers of business travel services. As BTC chairman, Mitchell writes and speaks on airline competition, travel distribution issues and aviation system security; he frequently testifies before Congress. Mitchell was recognized by Business Travel News as one of the 25 most influential industry executives for 1994, 1996, 1997 and 2008.

Robert L. Crandall

Described by The Wall Street Journal as "the man who changed the way the world flies," Mr. Crandall was Chairman of the Board and Chief Executive Officer of American Airlines.

He spearheaded modernization of the SABRE computer reservations system; created Super Saver discounts for advance-purchase tickets; originated AAdvantage, the industry's first frequent flyer program; and in 1983, launched the expansion program that more than tripled American's size and transformed it into one of the world's leading international airlines with revenues of more than \$20 billion.

John Herron

John Herron, 47, is a representative of the Teamsters Airline Division, and represents pilots from nine different air carriers. As a pilot, he has accrued 6,000 flight hours and is a type-rated B-767 pilot with domestic and international experience. He has ten years experience as a pilot in airline operations and experience representing pilots in labor matters.

John Herron has seven years experience as a Naval Aviator as a carrier qualified tactical pilot that includes combat experience and 300 arrested carrier landings. He received his bachelor's degree from the U.S. Naval Academy and a law degree from Temple University.

Jerome Greer Chandler

A leading aviation journalist and best-selling author, Mr. Chandler began his career as a broadcast specialist in the Army. Following stints as anchor and News Director at radio stations in Anniston and San Antonio, Mr. Chandler went on to a career with magazines and websites including Air Transport World, ASTA, Aviation Maintenance, biztravel-dot-com, Business Travel Executive, Cheapflights-dot-com, OAG/Frequent Flyer, TravelAge

and Aviation Week Group's Overhaul and Maintenance, where he currently serves as contributing editor.

In 20 years as a journalist, he's written more than 2,500 articles for some of America's best-known publications, from Newsweek and Time to Penthouse.

In 1986, he wrote the best-selling "Fire & Rain," which was later adapted into the movie for the USA Network and garnered the highest ratings in history for a made-for-cable film.

Mr. Chandler holds a Bachelor of Science degree with Honors from the University of Texas at Austin and a Masters in Public Administration from Jacksonville State, where he serves today as Assistant Professor of Communication.

The Honorable Barbara Boxer, USS

Senator Boxer was elected to the Senate from California in 1992, after serving for 10 years in the House of Representatives. In her most recent re-election campaign in 2004, she garnered 6.9 million votes, the highest total for any Senate candidate in American history.

A national leader on crime reduction, environmental protection, public education, health care, pension protection and protecting women's right to choose, Senator Boxer authored legislation protecting commercial airliners against attacks by shoulder-fired missiles, and she wrote the law allowing airline pilots with special training to carry guns in the cockpit. She also authored the law that ensures that air marshals would be on board high-risk flights.

In July, she joined in a bipartisan effort with her Republican colleague, Senator Olympia Snowe of Maine, to secure unanimous Commerce Committee approval of an FAA Reauthorization bill that includes a pro-consumer Airline Passengers' Bill of Rights.

Scott Nason

A freelance consultant specializing in transportation and hospitality, Mr. Nason has nearly 35 years' experience in aviation management and analysis, including 29 years in management at American Airlines, where he served as Vice President with responsibility for Operations Planning and Performance, Information Technology and Revenue Management. He holds undergraduate degrees in Economics and History from the University of California and a Masters of Science in Transportation Systems Analysis from MIT.

Amy Ellen Mainville Cohn

Amy Cohn is author of “Still Stuck on the Tarmac,” and “Why the Passenger Bill of Rights is Wrong.”

She is Assistant Professor in the Department of Industrial and Operations Engineering at the University of Michigan and previously was at MIT, where she was Research Assistant to Professor Cynthia Barnhart in the fields of network design problems in service parts logistics, integrated airline planning problems and robust fleet assignment.

She holds a Ph.D. in Operations Research from MIT, where her dissertation was on Composite Variable Modeling for Large-Scale Problems in Transportation and Logistics. She also holds an AB in Applied Mathematics from Harvard, graduating magna cum laude.

George F. Doughty

A licensed pilot himself, Mr. Doughty is Executive Director of the Lehigh-Northampton Airport Authority, Mr. Doughty is responsible for the overall management of the Lehigh Valley International Airport in Allentown, Pennsylvania, including operations, long-term planning and facility development.

Previously, he was Director of Aviation in Denver, where he was responsible for the management of Stapleton International Airport and directed the planning, design, financing and initial construction of the Denver International Airport.

He also served as Director of Airports for the City of Cleveland and held various management positions at Baltimore Washington International Airport and in Cedar Rapids and Jacksonville.

He earned his Bachelor of Science in Engineering at West Virginia University and did graduate study both in Public Administration at the University of Pittsburgh and in Business Administration at Cleveland State and John Carroll University.

James M. Crites

Since 1995, Mr. Crites has been on staff at Dallas/Fort Worth International Airport, where he currently serves as Executive Vice President for the Operations Division, overseeing Development and Engineering, Operations, Asset Management, Public Safety, Energy and Transportation Management, Environmental Affairs and Planning.

Previously, he held several key management positions at American Airlines, including serving as Managing Director for Airport Services and Financial Planning.

Mr. Crites holds a Bachelor of Science in Business Administration from the University of Illinois and earned a Masters in Operations Research at the Naval Postgraduate School in Monterey, California.

He Chairs the Transportation Research Board Aviation Group and serves on the Airports Council International – North America Technical and Operations Committee.

Kate Hanni

Kate Hanni began her involvement in airline reform when, in December of 2006, she and her family were stranded on the tarmac of Austin Airport onboard an American Airlines jet for nearly 10 hours without food, water, or even working toilets.

The organization she formed in response to that incident, FlyersRights.org, is now the largest non-profit consumer organization representing airline passengers, and Kate herself has conducted more than 800 interviews and appearances.

Before becoming a nationally-known consumer advocate, Ms. Hanni was a licensed Realtor in Napa, California, and she is also a licensed stock broker and musician who plays 12 different instruments.

PRESS STATEMENT

For Immediate Release

Airline Passengers Conduct Their Own Hearing in Congress ***Momentum Accelerated Behind Initial 3-Hour Deplanement Standard***

Senator Boxer and Representative Thompson Champion Passenger Rights

September 22, 2009, Washington, DC – FlyersRights.org and Business Travel Coalition (BTC) today conducted a Passenger Rights Stakeholder Hearing before a packed hearing room of airline passengers, travel professionals, Congressional staff and media in the Rayburn House Office Building. Experts, both for and against legislation to address a growing extended-tarmac-delay problem, were sharply questioned by [aviation journalists and travel industry professionals](#). The clear outcome from the hearing is that legislation is urgently required to address a growing passenger health and safety problem that airlines are apparently unable or unwilling to fix themselves.

The hearing was sponsored by the Honorary Chairwomen Senator Barbara Boxer (D-CA) and Representative Mike Thompson (D-CA) who have championed a 3-hour national standard for providing passengers the option of deplaning, should a captain decide it is safe to do so. Their bills, S.213 and HR 674, were strongly endorsed by airline passengers, FlyersRights.org, BTC, other travel groups at the hearing.

PassengerRights.org Executive Director Kate Hanni [testified](#), “The airline industry has been the voice of “NO” for too long. The system is broken and passengers have been paying a dear price with their health, lost productivity and missed family events. This hearing shone a bright light on the fallacious arguments put forward by those airlines that seek to continue stonewalling against reforms that will benefit passengers and all airline industry stakeholders.”

“There is now a clear expectation that Congress will move to enact legislation to create a national standard beginning with the requirement that airlines provide passengers an option to deplane after 3 hours. Airlines will likely have several months to adjust operations before the law is effective,” stated BTC Chairman Kevin Mitchell. “BTC further encourages Congress to phase-in a 2-hour standard 1 year after the initial 3-hour rule becomes effective. Congress should likewise make mandatory the U.S. Department of Transportation Tarmac Delay Task Force recommendations,” added Mitchell. (BTC recently issued a [report on passenger rights legislation](#).)

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3-Hour Airline Deplaning Rule to Drive Significant Benefits for all Stakeholders

Could Help Solve the NYC Congestion Conundrum

CONTACT BTC || Kevin Mitchell | 610-341-1850 | mitchell@BusinessTravelCoalition.com

I. INTRODUCTION

Business Travel Coalition (BTC) has recently concluded due diligence, including a month-long survey of business travel industry professionals, to determine if it should support passenger rights legislation contained within S.1451, the FAA Air Transportation Modernization and Safety Improvement Act. BTC endorses this language introduced by Senators Barbara Boxer (D-CA) and Olympia Snowe (R-ME). In particular BTC unequivocally supports the provision that would provide passengers with an option to disembark after three hours of delay, should a captain decide it is reasonable and safe to do so.

Since 1999, BTC has testified four times in Congress in opposition to passenger rights legislation. In lieu of Congressional intervention in the marketplace, anathema to businesses whose interests BTC represents, BTC called for the voluntary airline Customer Service Plans that was announced in September 1999. In testimony in March of that year, however, as well as in follow-on testimony throughout the years, BTC cautioned that if the airlines do not fix service and extended ground delay problems, someone will eventually endeavor to do so for them.

From BTC's [1999 testimony](#): *"Like other industries that have faced the ominous threat of government intervention, airlines should view this legislation as a major warning and move decisively to address Congressional concerns. The industry needs to take immediate steps to head off this and further Congressional action, which will surely follow, if the industry's problems are not corrected in the near term."*

II. BTC SURVEY

As part of its due diligence, BTC conducted an online survey of travel industry professionals and business travelers and follow-up in-person and phone interviews between July 26 and August 31, 2009.

- The survey was distributed to 7,000 randomly selected participants from BTC's electronic community of 35,000.
- Some 674 persons completed the BTC survey including:
 - 198 corporate travel managers,
 - 123 travel management company executives,
 - 25 airline staff,
 - 187 business travelers, and
 - 141 "other," which includes travel professionals from hotel, credit card, consultancy, technology, rental car, payment systems, limo and destination management companies as well as representatives from academia, state and federal government, labor and industry associations.

- Underscoring the concern of global travel departments looking after their nationals traveling through the U.S. aviation system, survey participants represented the following 12 countries: U.S., Canada, Belgium, South Africa, UK, United Arab Emirates, Germany, Thailand, Sweden, Finland and Italy.

Key Survey Results (Summary results, with survey participant comments, can be found at Addendum 1; complete and filtered quantitative results by participant segment can be found at Addendum 2.)

- 91% of survey respondents indicated addressing extended tarmac delays should be a priority for airlines to address.
- 85% of those surveyed conceptually support passenger-rights legislation.
- 82% of survey participants support proposed Senate legislation that would allow passengers to disembark after 3 hours of on aircraft delay, should a captain decide it is reasonable and safe to do so.
- 85% think U.S. airlines have not done enough in the past 10 years – allowing for all their cost constraints – to improve customer service levels.
- 77% say airline customer service – broadly defined – has not improved at all in the past 10 years.
- 80% believe airlines have not made a compelling case against passenger rights legislation.
- 64% indicate they believe that airlines will not endeavor to voluntarily improve customer service levels to an acceptable degree.
- 55% think airlines will not, via an industry-wide commitment, codify passenger-rights commitments and obligations in contracts of carriage.
- 85% stated Business Travel Coalition should weigh in on the efficacy of passenger rights legislation, and support it.

III. ANALYSIS

A. Uneven Progress

After 10 years of Congressional pressure on airlines as well as highly unfavorable press reports of nightmarish delays and conditions for passengers, the response by the airline industry has been uneven, as confirmed in U.S. DOT Inspector General reports to Congress. While some airlines have taken limited positive steps on behalf of their customers, at the industry-level airlines appear either unwilling or unable to fix this extended ground delay problem.

B. Market Failure

Based upon BTC survey and interview results it is clear that the vast majority of travel industry professionals and organizations, including BTC, has now concluded in this case, i.e. more than 10 years after the infamous Detroit Metro snowstorm debacle, that there is an evident market failure that can only be addressed by government intervention. Congressional legislation appears to be the preferred option over proposed U.S. Department of Transportation (DOT) rules in light of airlines' history of legally challenging DOT regulations they are not in support of.

C. Nature of Problem

To focus the debate on root causes, such as bad weather or antiquated ATC technology, is to avoid discussing the real problem which is how airlines respond to irregular operations, which they often cause by over scheduling. Likewise, to blame mishaps on the poor judgment of individual airline employees, as was done in the Rochester, MN case, is to miss the larger, structural leadership failure at the individual airline and industry levels. If airline CEOs were as focused and committed, for example, as they were after 9/11 in securing from Congress, in just days, \$5 billion in direct payments and \$10 billion in federal loan guarantees, the problem would have been solved many years ago.

D. Scope of Problem

According to DOT, 613 flights experienced extended tarmac delays of 3 hours or more during the first 6 months of 2009. Members of Congress, the U.S. DOT Inspector General, consumer groups and travel industry organizations are not seeking a one-size-fits-all solution. These stakeholders understand that it is not desirable or possible to solve for 100% of extended-tarmac-delay problems, and that no two airports or irregular operations are the same. The fact that some airlines, operating in many airports under various conditions, have instituted hour-specific passenger-deplaning guidelines indicates they have become analytically comfortable with a protocol wherein one size fits most extended ground delay problems. That's all that passengers want codified in law so that there are consequences and incentives for improvement in outcomes for incidents like Rochester, MN or NYC.

E. Unintended Consequences

To say there would be unintended consequences from a Congressional law is stating the obvious. There are always benefits and drawbacks from any public policy decision, some anticipated, and some not. The question is whether the problem is worth solving at a governmental level, and on balance, if the solution would likely generate public policy benefits sufficient to effectively solve the problem. Currently, the airline industry policy of denying there is problem is generating its own set of serious unintended consequences, including negative impacts on the health and welfare of passengers, lost productivity for business travelers and diminished airline brand quality.

It seems that no matter where in the world passenger rights standards are proposed, opponents drag out the dire but fatigued "unintended consequences" warning. For example, a spokesman for the *Air Transport Association* recently told the *San Francisco*

Chronicle, "I promise you that if a three-hour rule goes into effect, we'll be having this conversation again and talking about the unintended consequences..." And in Europe, the *International Air Transport Association* and the *European Low Fares Airline Association* claimed that the now-implemented EU passenger rights regulations would limit consumer choice.

The sky, it turns out, did not fall in Europe. An EU-based travel management company CEO interviewed by BTC stated, "The EU regulations on flight cancellations and delays were expected to increase costs without much benefit to passengers. However, it seems not to have had that result. My experience is that vague reasons for cancellations have disappeared, and that the airlines will re-route and provide overnight accommodations when technical reasons prohibit them from flying. Compensation for cancellations is paid without argument."

F. Statistical Insignificance

Airline industry spokespersons characterize the aforementioned 613 flight delays of 3 or more hours as statistically insignificant even though some 100,000 passengers were impacted. The argument that extended ground delays are statistically insignificant is lost on the daughter who had her eighty-five year old father parked in a hot metal tube for five hours in August; this is first and foremost a health and safety issue.

The deadly February 12 crash near Buffalo, NY was also statistically insignificant, but we rightfully investigated, held hearings and will no doubt tirelessly endeavor to learn important lessons and improve upon crash statistics. Passengers and their advocates expect a high level of determination should also be brought to bear on the growing problem of extended ground delays.

This is first and foremost a health and safety issue. We spend hundreds of millions of dollars endeavoring to incrementally improve upon aircraft accident statistics. Why should passengers accept less with respect to the 613 reported incidents during the first six months of 2009 in which passengers spent greater than three hours on grounded planes?

G. Solution

As one former major airline CEO recently told BTC, "Beyond 3 hours, the airlines need to fix the problem, and if they are forced to do so, they will." Implied in this statement is that if airlines are given sufficient time before implementation of passenger rights legislation, e.g., 6 months, they will likely identify the key operational barriers and work to emplace policies and processes to overcome them before implementation. What's more, according to DOT's 116-page impact analysis of proposed passenger protections (Sept. 2008), airlines stand to benefit from new efficiencies generated by the process-redesign required to solve for the extended ground delay problem. A 3-hour single standard needs to be legislated that will generate benefits for all stakeholders.

IV. SINGLE-STANDARD BENEFITS

A. Passengers

Each year approximately 100,000 passengers, many of whom are infants, elderly or suffering ailments, are confined in unhealthy conditions aboard excessively delayed aircraft. A single standard would provide an important safeguard for the health and welfare of passengers.

B. Corporations

Large organizations that fund business travel activities would benefit from increased business traveler productivity as airlines respond to a single standard with new, more efficient processes and fewer extended onboard delays.

C. Airports

Excessive ground delays and customer service meltdowns result in bad publicity and a failure of an airport authority's core mission to facilitate passengers throughout the aviation system. A single 3-hour standard, with attendant financial penalties, would force airlines to address this problem.

D. Workers

Flight crews aboard excessively delayed aircraft would benefit by avoiding suffering through the same unhealthy conditions as passengers (probably more often) as well as the additional mental stress caused by having to often deal with upset customers in an operating environment without bright-line go, no-go parameters.

E. Airlines

Over the past few years, the airlines, as a collective brand, have damaged their image, weakened the customer value proposition, and no doubt, consequently decreased their pricing power. A single 3-hour standard will help them help themselves.

Helping Solve the NYC Congestion Conundrum

While the 3 NYC airports and the Philadelphia airport can typically amount to some 12% of the Operational Evolution Partnership (OEP) 35 operations, they can cause more than 45% of the delays and 48% of the delay minutes throughout the National Airspace System (NAS) resulting in material financial, lost-productivity and environmental costs for all stakeholders.

The delays are chiefly caused by the over scheduling of flights where the demand exceeds capacity at critical times of the day, using many regional jets (70 passengers and below) instead of fewer larger jets, and an increase in non-air carrier operations, such as private jets.

Solutions for the over-scheduling problem at NYC have either been **(1)** politically unpalatable, such as slot auctions, **(2)** impossible to develop and implement because of antitrust laws, or **(3)** competitively unfeasible because airline “A” would not unilaterally reduce its schedule only to have airline “B” fill in and increase its market share, and in some cases raise airport-costs for airline “A.”

With a rule in excess of 3 hours (preferred by airlines) they could likely ignore the consequences of potential fines in order to maintain market shares at NYC, and elsewhere. Importantly though, according to industry experts, a 3-hour rule could only be workable for NYC airports if airlines drew down their schedules to better match the capacity limitations of the airports. If they did not, political pressure and horrendously bad publicity from so many delays would be a weekly event with attendant calls for further government action. Airlines would have very strong unilateral incentives to right-size their NYC operations during the many months before such legislation were to become effective.

Reduced NYC airline flight schedules may not cost airlines lost revenues, especially if a single flight can replace several small regional jets. Additionally, an improved pricing environment from reduced capacity would be an offset as would significant operational benefits from more efficient system-wide operations across the U.S. Moreover, with airline industry capacity and operations declining now would be an opportune time to test this hypothesis before demand returns in full force.

V. CONCLUSION

A 3-hour deplaning option for passengers should represent the maximum Congress should consider when the Senate and House conference on this legislation. 3 hours is too long for most persons to tolerate sitting in a sealed metal tube; but it is likely within the margin of safety. Anything greater than 3 hours is risky.

A passenger’s chance of fatal blood clots increases at 4 hours on the tarmac (UN WHO WRIGHT report 2007). These events are usually accompanied by some amount of dehydration and lack of available, potable hydration. An EPA water report in 2008 stated that 17% of all airplane water tested had true coliform in it and recommended that elderly passengers, children or anyone whose underlying health condition is compromised (which DOT says is 20% of all passengers) not drink the water. A 3-hour maximum with a 30-minute extension provides passengers with the best possible scenario for avoiding exposure to these risks.

In addition:

- 1 in 7 Americans are diagnosed diabetics, with 3.89 per hundred classified as undiagnosed diabetics. Being deprived of glucose or medications beyond 3 hours is life threatening for many with diabetes.
- 30% of all Americans have some degree of claustrophobia, which would be mitigated by having the knowledge that they won't be "trapped" indefinitely.

- Elderly, disabled persons, children and anyone with compromised health will have the assurance they will be able to get their needs met in 3.5 hours.

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Addendum 1 (Summary results, with survey participant comments.)

<p>1. Have U.S. airlines done enough in the past 10 years – allowing for all their cost constraints – to improve customer service levels?</p> <p>Representative Comments</p> <p>“Most airlines have tried to improve communication pertaining to airport operations (delays, cancellations, stand-by status, etc.)”</p> <p>“Airlines are in a challenging position in this economic climate. The real challenge is ensuring consistency which is difficult when human beings are involved in the process. I believe efforts are being made to do the right things but the focus is on profitability (as it should be) which may sometimes seem in direct conflict with customer service.”</p> <p>“The airlines are not solely to blame. In fact the federal government (FAA) should shoulder the majority of blame for not maintaining the infrastructure under which the airlines must operate, e.g., antiquated ATC computers, slot control, etc.”</p> <p>“Time and again I receive complaints especially from my international travelers on the indifference of those who are supposed to take care of them.”</p>	<p>Yes No Unsure</p>	<p>4.3% 84.9% 10.8%</p>
<p>2. Specifically, should addressing extended tarmac delays be a priority for airlines to address?</p> <p>Representative Comments</p> <p>“Safety should be the main priority, however making passengers sit on a plane on a tarmac for several hours is also something that needs to be addressed and could be considered a safety issue if passengers miss medications or cannot use the restrooms, etc.”</p> <p>“This should be a priority; however, I believe it’s a shared responsibility and that the proper infrastructure must exist in order for them to do it properly. Services must be available and it cannot be cost prohibitive when customer related issues need to be addressed.”</p> <p>“But how? It’s in the airlines best interest to keep delayed passengers on the tarmac. How could they orchestrate bringing planes back to the gates without creating more mayhem when other passengers are waiting to enplane. Deplaning on the tarmac? Please, let’s be serious. Foul weather is beyond the carrier’s control, but I agree it is outrageous to keep them on the</p>	<p>Yes No Unsure</p>	<p>90.8% 8.2% 1.0%</p>

tarmac for more than 3 hours.”		
3. Has airline customer service – broadly defined – improved in the past 10 years?	Not at all Somewhat Very much	77.0% 21.9% 1.1%
<u>Representative Comments</u>		
<p>“OK, so who is smoking something here? The airlines have pulled back their service and the result has been universally less satisfactory among the peer group [industries] and decidedly against universal measurements.”</p> <p>“Despite some bright spots, it is more cattle car, less caring, e.g., don't ask for volunteers on overbooking, just don't board the non-seat assigned. On-time was getting bad and worse until recession. There have been no efforts to get to realistic schedules.”</p> <p>“Unless we have a free market economic environment, it will be difficult for airlines to justify investment in customer service. The business case for improved service is weakened by the forced route/network structure, which encourages airlines to invest heavily in schedule and network, leaving little remaining to invest in soft items like service training and staffing.”</p> <p>“Customer service has evaporated as the airlines add fees and cut capacity. Most of my travelers dread to fly these days.”</p> <p>“I believe it has kept up with the pace of customer service improvements in other industries to the best of its ability.”</p> <p>“We are paying more and receiving less service. Food for purchase, paying for checked baggage, self registering at kiosks for flights yet still need an agent to tag the bag....confusion all around.”</p> <p>“There have been some improvements (I would point to some cabin amenity improvements, industry wide baggage handling and on-time performance) as well as non-in-flight improvements like electronic check-in and other services, but on a broad basis, this has barely kept the industry neutral.”</p> <p>“Prices have gone down enormously. Accordingly it is difficult to maintain service levels where they were 10 years ago.”</p>		
4. Have airlines made a compelling case against passenger rights legislation?	Yes No Unsure	4.8% 80.0% 15.2%
<u>Representative Comments</u>		

<p>“No. Their arguments are full of the usual doublespeak and cross talk. The airlines provide a basic transportation service. The customer is entitled to a fair return from his side of the contract.”</p> <p>“They promised to fix it and failed repeatedly.”</p> <p>“All other travel services have defined customer rights - so should airlines.”</p> <p>“Airlines have convincingly articulated the unintended consequences of such legislation, which in all likelihood would lead to further travel disruptions.”</p> <p>“They have made some efforts, but nothing compelling other than their economic inconvenience.”</p> <p>“Unfortunately, their lobbyists in Washington have done their job well.”</p> <p>“There are persuasive arguments against codifying this. However, the pending legislation provides loopholes that the airlines could use to justify further delays, so I'm not sure why they're opposing it.”</p>		
<p>5. Do you conceptually support passenger rights legislation?</p> <p><u>Representative Comments</u></p> <p>“The airlines have universally failed to self-police. Therefore, they must be forced to adopt rights. The EU rules are comprehensive and most airlines (who fly to Europe which is the majority of U.S. carriers) are now in compliance.”</p> <p>“This is long overdue.”</p> <p>“Yes. I don't fly as much as I used to because of the lack of customer rights and customer service on airlines.”</p> <p>“Not at all. In a free market economy, consumers should be able to send the message to carriers whose treatment of them is less than caring.”</p> <p>“I support passenger rights...absolutely. And they should be in effect. Just not certain it should come from a legislative mandate. Would prefer for Congress to not be involved.”</p> <p>“Airlines should have been taking better care of their customers. The drive for legislation is due to the lack of focus and commitment by the airlines to improve their service levels.”</p>	<p>Yes No Unsure</p>	<p>84.9% 8.6% 6.5%</p>

<p>"I hate that the airlines have not found a way to police this themselves."</p>		
<p>6. Do you support proposed Senate legislation that would allow passengers to disembark after 3 hours on the tarmac, should a captain decide it is reasonable and safe to do so?</p>	<p>Yes No Unsure</p>	<p>82.2% 11.1% 6.7%</p>
<p><u>Representative Comments</u></p>		
<p>"There is another part of this. The airline must not board an aircraft if they know ahead of time that there is a significant delay possible just to get the passengers off the terminal gate. Too often the airlines do this to subdue the passengers."</p>		
<p>"I think that 3 hours is too long."</p>		
<p>"Someone has to think of the passengers, their health, anxiety level, ability to make other plans, etc."</p>		
<p>"3 hours is a long time to keep passengers in their seats without them going anywhere. What about those with small children and those with medical problems. While on the tarmac, there is no assistance for those people."</p>		
<p>"This is the wrong answer. Legislation should provide that an airplane will not leave the gate if there is an anticipated delay of over an hour. We know which airports are affected the most and additional reserve gates should be provided."</p>		
<p>"Since the airlines are not willing to make a "reasonable" decision, I feel the government is the last resort. I would prefer to see the airlines offer a solution."</p>		
<p>"I would go further and force the captain to either arrange safe transportation back to the gate or return the aircraft to the gate."</p>		
<p>"Frankly, I think it should be two hours maximum. That is my threshold for being confined on an airplane going nowhere."</p>		
<p>It shouldn't need to be a piece of legislation... its common sense... but if it has to be a bill, so be it."</p>		
<p>"Three hours is a long time especially on a regional jet. I would suggest two hours."</p>		
<p>"Absolutely. And three hours is even excessive!"</p>		
<p>"Yes I support Senate legislation and no, I don't necessarily</p>		

<p>believe the captain should make that decision. The captain has ultimate responsibility for the safety of passengers and aircraft but trapping passengers against their will in a highly confined airplane cabin without adequate food or water for an extended period of time is unacceptable.”</p> <p>“I think it should be less [time] I do not feel anyone should have to sit in a plane for three hours.”</p> <p>“3 hours is still unacceptable. If the tarmac delay is 1-2 hours, passengers should be allowed to disembark. In this day and age with the level of technology we possess, that anyone should have to sit in a crowded plane for more than an hour or two is unjustifiable.”</p> <p>“I think 3 hours is too long. It should be no longer than 2 hours.”</p>		
<p>7. Do you believe that airlines will endeavor to voluntarily improve customer service levels, to an acceptable degree?</p> <p><u>Representative Comments</u></p> <p>“Dream on.”</p> <p>“No, they have had plenty of time to do so and have not.”</p> <p>“Only to extent that competition forces them to. But this is doubtful given the fact that passengers have almost always chosen to spend less and get less rather than pay more and get more. As much as passengers whine about service, they are not willing to pay for it, and therefore, it’s unlikely any rational airline would dedicate any efforts towards it.”</p> <p>“Airlines will only give lip service to real customer service unless they are forced to address major issues.”</p> <p>“We need to set an industry standard that they need to follow.”</p> <p>“Culture is far too toxic. SWA's culture supports it. International carriers that are still subsidized enough by their governments to not underpay/abuse their personnel will retain high service.”</p> <p>“If they have no other choice than by mandated legislation...that is the only thing that will get their attention.”</p> <p>“Only when they reduce capacity enough to drive profits and/or the economy bounces back robustly. As long as the carriers chase market share instead of profits, customer service will take a back seat. The consumer gets a cheap ticket but little else.”</p>	<p>Yes No Unsure</p>	<p>17.4% 64.1% 18.5%</p>

“Certain airlines already deliver a customer service level that exceeds those anticipated in the legislation. However, the majority of airlines have repeatedly demonstrated that they are not customer focused and will not improve on a voluntary basis.”

“If they wanted to, they would have done so by now.”

“If there's customer demand for better service, and willingness of the passengers to pay for the extra service, they will.”

8. Do you believe that airlines, via an industry-wide commitment, will codify passenger rights commitments and obligations in contracts of carriage?

Yes	13.6%
No	55.4%
Unsure	31.0%

Representative Comments

“This is never a possibility even remotely. The only possibility is that airlines will use this as a tactic to delay the eventual adoption of passenger rights.”

“They claimed they were doing this years ago and it never happened.”

“Only if the government forces them to.”

“Only as a last ditch attempt to avoid legislation which ensures such rights.”

“No, but they should be forced to.”

“Only in response to legislation.”

“It is not appropriate to mandate certain treatment of guests under the same obligations as fare regulations. The hospitality industry does not apply the same standard; neither should the airline industry.”

“Again, not until they have no choice. They were supposed to do this years ago...and they still tell lies at the gate about delays, reasons for them, and real expectations.”

“Only if they are forced to by the government. If this happens they should go all the way and re-regulate the industry, at least on price. Consumers can't have it both ways. You want \$49 tickets, you get pilots and training like the recent unfortunate tragedy in Buffalo.”

“At the stage, Congress needs to step in and protect passengers. The airlines have had sufficient time to correct this problem.”

<p>However, they have failed.”</p>		
<p>9. If you think passenger rights legislation is a bad idea, what are your objections?</p> <p><u>Representative Comments</u></p> <p>“It is a definite that such a law will create unintended consequences that more than outweigh any benefits. If airlines don't provide reasonable service, or deal with customer complaints, then fly someone else. Do we need a law compelling restaurants to seat you at your reservation time? Or for doctors to see you within 15 minutes of your appointment? There are real reasons why airlines sometimes encounter very long taxi delays, not because they are stupid or malicious or don't wish to shorten them, but generally because of bad weather and ATC constraints.”</p> <p>“Too many factors involved. The captain in conjunction with the airlines' management will know the entire justifications to decide whether to continue standing by on the tarmac or return to a gate and allow the passengers to disembark. The government is in no position to monitor the same situation.”</p> <p>“I don't like government involvement...rather see the marketplace fix it.”</p> <p>“I think it is better for the airlines to be self-policing than get the government involved. If, however the airline industry can't or won't do it, then the government may need to step in. The problem with the government getting involved is that it becomes another instance of "too many chiefs and not enough Indians.”</p> <p>“Too subjective. Airlines can't control all of the issues. It will take a concerted collaborative effort between the airlines and DOT. More rules is not the answer. These rules could create lawsuits that would unnecessarily burden the carriers.”</p> <p>“Airlines for the most part do not drive delays -- antiquated ATC and weather cause delays. Logistically, it is impossible always to get out of line and back to a gate. A mandatory three-hour rule is a punitive effort and not a constructive one and it will force more delays of customers and more cancellations.”</p> <p>“My only real objection is that it should not be from an action of the federal government. I don't think they need to legislate rights for airline passengers or for any industry unless safety is involved. Less government...”</p> <p>“I do think it is a bad idea, but at this time, I don't see any other</p>		

<p>option for travelers.”</p> <p>“Government should not intervene in private enterprise. The airline industry should regulate itself to a higher standard; I do not want any Congress intervening with business. Beginning of the end...”</p> <p>“Generally, I think the government should stay out of everything, but this issue may be the exception as it seems to continue, even with the press it has gotten.”</p> <p>“I do not think it is a bad idea, I just think it will take a very long time for airlines to agree, as this would cause them to rethink and redefine the way they run their business. Sitting on tarmacs for extended periods of time can cause stress and health related issues to passengers; I am sure the airlines do not want that liability.”</p> <p>“I think any legislation is a bad idea, but the airlines have proven again and again they will not clean up their own back yard!”</p>		
<p>10. Do you believe Business Travel Coalition should weigh in on the efficacy of such legislation?</p> <p><u>Representative Comments</u></p> <p>“As a pressure group the BTC must support its constituents in the right thing.”</p> <p>“But with careful amendments.”</p> <p>“At this point, we have no other choice.”</p> <p>“Yes I do believe that BTC should weigh in, but after you get the results and then do your normal in-depth analysis to make the best decision for the industry and consumers.”</p> <p>“Business Travel Coalition should act responsibly in lessening the role of government and pushing for more action on the part of the consumer to choose customer-friendly carriers.”</p> <p>“Kevin, I think you ought to do what you think is in the best interests of the industry overall. I don't think passenger rights legislation will solve the problems, I think it will add to them.”</p> <p>“I think BTC should do anything they can to urge, assist and monitor the airlines in providing their own unified passenger rights documents.”</p>	<p>Yes, object Yes, support No</p>	<p>11.2% 84.9% 3.9%</p>

“BTC should present the balanced pros and cons and show that they have thought about it.”

“The passenger rights issue is just a small part of the systemic problems facing the industry....but we must start somewhere to restore dignity and economic sense to the airline industry.”

“But make certain the legislation is done correctly.”

“BTC continues to do an outstanding job in focusing on important issues. Passenger rights legislation needs action and acceptance.”

“Yes, we should absolutely weigh in -- but whether to object or support depends on what / how the legislation is written & implemented.”

“BTC should give objective advice.”

“Yes, but take a sensible approach. In the recent MN case, why would they keep people overnight on the plane if they knew that takeoff was not imminent?”

“Support with reasonable time limits on the tarmac...and do everything you can to ensure a sane outcome that protects passengers from the worst aberrations for which an airline is responsible, while minimizing additional costs for the beleaguered airline industry. Personally I think the legislation should be confined to the rights of passengers when an irregular operation occurs, be it caused by weather, mechanical problems, or whatever. Above all, though, it is imperative that unintended consequences of such legislation are prevented, e.g., safety is not compromised by an airline doing something unsafe when it shouldn't in order to mitigate its liability under the legislation.”

Addendum 2 (Complete and filtered quantitative results by participant segment.)

# of Participants	➡	674	198	123	25	187	141
% By Segment	➡	100%	29.4%	18.2%	3.7%	27.8%	20.9%
Questions Asked ↓		All	Corp. Travel Buyers	TMC Execs	Airline Staff	Travelers	Others (e.g., hotel execs)
Have U.S. airlines done enough in the past 10 years – allowing for all their cost constraints – to improve customer service levels?	Yes	4.3%	3.6%	0.0%	14.3%	5.8%	5.3%
	No	84.9%	80.0%	97.1%	57.1%	84.6%	86.8%
	Unsure	10.8%	16.4%	2.9%	28.6%	9.6%	7.9%
Specifically, should addressing extended tarmac delays be a priority for airlines to address?	Yes	90.8%	89.1%	91.2%	85.7%	94.1%	89.2%
	No	8.2%	9.1%	8.8%	14.3%	5.9%	8.1%
	Unsure	1.0%	1.8%	0.0%	0.0%	0.0%	2.7%
Has airline customer service – broadly defined – improved in the past 10 years?	Not at all	77.0%	69.8%	79.4%	57.1%	82.7%	81.1%
	Somewhat	21.9%	30.2%	20.6%	28.6%	17.3%	16.2%
	Very much	1.1%	0.0%	0.0%	14.3%	0.0%	2.7%
Have airlines made a compelling case against passenger rights legislation?	Yes	4.8%	0.0%	3.0%	14.3%	5.8%	10.3%
	No	80.0%	80.0%	81.8%	71.4%	80.8%	79.5%
	Unsure	15.2%	20.0%	15.2%	14.3%	13.4%	10.2%
Do you conceptually support passenger rights	Yes	84.9%	92.7%	85.3%	42.9%	88.7%	76.3%
	No	8.6%	0.0%	8.8%	42.9%	7.5%	15.8%
	Unsure	6.5%	7.3%	5.9%	14.2%	3.8%	7.9%

legislation?									
Do you support proposed Senate legislation that would allow passengers to disembark after 3 hours on the tarmac, should a captain decide it is reasonable and safe to do so?	Yes	82.2%	90.6%	79.4%	71.4%	80.4%	77.2%		
	No	11.1%	3.8%	14.7%	0.0%	13.7%	17.1%		
	Unsure	6.7%	5.6%	5.9%	28.6%	5.9%	5.7%		
Do you believe that airlines will endeavor to voluntarily improve customer service levels, to an acceptable degree?	Yes	17.4%	14.5%	21.2%	42.9%	11.8%	21.1%		
	No	64.1%	60.0%	72.7%	57.1%	68.6%	57.9%		
	Unsure	18.5%	25.5%	6.1%	0.0%	19.6%	21.0%		
Do you believe that airlines, via an industry-wide commitment, will codify passenger rights commitments and obligations in contracts of carriage?	Yes	13.6%	9.2%	12.1%	71.4%	13.7%	10.5%		
	No	55.4%	50.9%	66.7%	28.6%	56.9%	55.3%		
	Unsure	31.0%	40.9%	21.2%	0.0%	29.4%	34.2%		
Do you believe Business Travel Coalition should weigh in on the efficacy of such legislation?	Yes, object	11.2%	3.9%	18.7%	33.3%	7.7%	16.2%		
	Yes, support	84.8%	94.1%	81.3%	50.0%	88.5%	75.7%		
	No	4.0%	2.0%	0.0%	16.7%	3.8%	8.1%		

**Consumer Federation of America
Consumers Union
FlyersRights.org
National Consumers League
Public Citizen
U.S. PIRG**

15 September 2009

**Support Strong Airline Passenger Rights,
Add Boxer-Snowe to Transportation Approps.**

Dear Senator,

In light of a summer of news reports that hours-long airline tarmac delays continue despite numerous airline industry promises, following several years of near-record airline delays, we are writing to express our support for the need to immediately move forward with a Transportation Appropriations bill that includes the Boxer-Snowe Airline Passenger Bill of Rights language that was passed by the Senate Commerce Committee as part of the FAA Reauthorization bill. It is critical that the Congress take immediate steps to provide passenger rights and improve safety for all airline passengers.

Too many passengers have been forced to endure near-record level delays, strandings, cancellations, and plunging airline customer service. While passengers have always feared being stranded on the tarmac without water or sanitary facilities, the problem has been exacerbated by reports of carriers neglecting to engage in essential maintenance and safety inspections. This year, the Airline Passengers Bill of Rights introduced by Senators Boxer and Snowe has been included in the FAA Reauthorization bill in its entirety.

The Boxer-Snowe Airline Passengers Bill of Rights would:

Require airlines to provide passengers with food, potable water, comfortable cabin temperature and ventilation, and adequate restrooms while a plane is delayed on the ground.

Require airlines to offer passengers the option of safely deplaning once they have sat on the ground for three hours after the plane door has closed. This option would be provided every three hours the plane continues to sit on the ground.

Make airports and airlines develop contingency plans for delayed flights to be reviewed and approved by DOT. The bill also allows the DOT to fine air carriers and airports that do not submit or fail to comply with contingency plans.

Direct the Department of Transportation (DOT) to create a consumer complaint hotline so that passengers can alert the agency about delays.

15 September 2009 Page 2 of 2

Dear Senator,

Support Strong Airline Passenger Rights, Add Boxer-Snowe to Transportation Approps.

The bill provides two exceptions to the three-hour option: the pilot may decide not to allow passengers to deplane if he or she believes their safety or security would be at risk due to weather or other emergencies. Additionally, the pilot may delay deplaning up to 30 minutes beyond the three-hour period if he or she reasonably believes the flight will depart within 30 minutes.

We all know that great strides have been taken towards an FAA Reauthorization bill and we applaud Congress for its hard work. But the timing of that bill is uncertain. But now, the job of providing passenger rights must be finished. We call upon the Senate to support adding Airline Passenger Rights language to Transportation Appropriations to help ensure the safety of passengers both on the ground and in the air.

Sincerely,

Kate Hanni
President
FlyersRights.org

Travis Plunkett
Legislative Director
Consumer Federation of America

Ellen Bloom
Director of the Washington Office and Federal Policy
Consumers Union

Sally Greenberg
Executive Director
National Consumers League

David Arkush
Director, Congress Watch
Public Citizen

Edmund Mierzwinski
Consumer Program Director
U.S. PIRG

Hearing Headlines Analysis

USATODAY

Fliers on delayed planes get more support

Los Angeles Times

Support is growing for a fliers' bill of rights

Santa Rosa Press Democrat

Senate must protect the flying public from airline captivity

The Wall Street Journal

Freeing Fliers Imprisoned on the Tarmac

Aviation Daily

Crandall Boosts Passenger Rights Proposals

Kiplinger

Congress Likely to Pass Tough Passengers' Rights Bill

Passport Magazine

Passenger Bill of Rights Gaining Steam

Smarter Travel

Get Me Off This Plane, Now!

Exclaim.ca

Dave Carroll Takes His "United Breaks Guitars" Crusade to Washington

Albert Lea Tribune

Airlines need passenger measure

Geneva Lunch

Passenger bill of rights gains altitude

Business Travel News

Airlines Receptive To Time Limit On Tarmac Delays

Travel Agent Magazine

Passenger Rights Advocates Gain Momentum

Ethiopian Review

Congress to end long flight delays

Associated Press

3-Hour Limit for Tarmac Delays Gains Steam

The Wall Street Journal

Sen. Barbara Boxer: Airline Passenger Bill of Rights Is Coming

Los Angeles Times

Limits are sought on long tarmac waits

Bloomberg

Former American Airlines CEO endorses limits on tarmac delays

The Philadelphia Inquirer

Angry passengers press for bill of rights

MinnPost.com

Minnesota runway incidents helping to fuel Passenger Bill of Rights

Honolulu Advertiser

Former airline CEO backs tarmac delay bill

Post-Bulletin

Give passengers the right to exit plane during delay

Chicago Tribune

Tarmac-delay law gains momentum

MyFoxDC.com

Passenger Bill of Rights Gains Support

Austin American-Statesman

Cap on tarmac waits might get off ground

Post-Bulletin

Give passengers the right to exit plane during delay

Star Tribune

Nightmare flight bolsters passenger-rights bill

The Seattle Times

Pass bill to set tarmac-bound fliers free after three hours

9/28/09

The Philadelphia Inquirer

Winging It: Now's the time for law to prevent air passengers from being held captive

By Tom Belden

WASHINGTON - Now's a good time for us to listen to people like George Doughty on the subject of the rights of airline passengers imprisoned for hours by long flight delays.

Doughty, executive director of the Lehigh-Northampton Airport Authority in Allentown, was among the witnesses last week at an informal hearing staged by the Business Travel Coalition and FlyersRights.org on Capitol Hill that focused on how much federal regulation airlines should face on this difficult issue.

Because of the lousy track record some airlines have on long delays, support for legislation to make the industry behave better is as great as any I've seen in years on an aviation topic.

The airlines vigorously oppose legislation now pending in Congress that would require them to let passengers get off a flight after three hours of delay. Such a rule, the airlines contend, could endanger passengers' safety and would lead to even more flight delays, cancellations, and unhappy travelers.

But the airlines' arguments suffered a body blow last month when passengers on a Continental Express jet were held captive for six hours overnight at the Rochester, Minn., airport. The flight had been diverted to Rochester by bad weather at its destination, Minneapolis.

Doughty was one of a dozen speakers at the hearing, including a retired chairman of American Airlines, who to varying degrees said much the same thing:

The airlines have had a decade to fix this problem since they managed to forestall similar legislation in 1999. Incidents like the Rochester stranding show that they haven't fixed it. And now Congress should fix it for them.

Doughty has a strong interest in getting guidance on handling long delays because of his airport's proximity to Philadelphia International and Newark Liberty, making it an alternative when bad weather prevents flights from landing at either of the two hubs.

Indeed, Doughty said, "Continental Airlines calls us the Allentown gas station," because so many of its flights bound for Newark have been diverted to his airport.

In an effort to "not be the lead story on CNN" because of its poor handling of a long flight delay, Doughty said, Lehigh Valley is trying to do its part.

The airport has retrofitted a retired school bus that could be used to unload a plane if a gate isn't available. The airport also has a lift-truck, the type used to hoist catering supplies up to a plane, which could be used to get wheelchair-bound passengers off a stranded flight.

(Incidentally, Philadelphia airport has a fleet of high-level buses that can be used to unload passengers from planes if no gates are available.)

But Doughty's closing comment seemed to me to capture what this debate is really about. He said that given how many rules passengers have to follow - take off your shoes, empty your pockets, turn off your phone, sit in your seat when we tell you to - that it's about time airlines were required to provide customers basic creature comforts at times of stress.

The proposed legislation would require airlines to have adequate water, food, fresh air, and working toilets on board during long delays. The bill would give the captain of an airplane the option of continuing to wait for two 30-minute increments beyond three hours if he or she thinks a takeoff is imminent, or if it is unsafe to try to let people off if an airport gate isn't available.

The U.S. Bureau of Transportation Statistics has reported that in the first seven months of this year, 777 departing or arriving flights have experienced tarmac delays of three hours or more.

To the airlines, that is a tiny number, representing less than one in every 4,900 flights, and it shows a hard-and-fast rule isn't needed.

But that misses the point. The problem is the way some carriers have responded during a few excruciatingly long delays, such as the one the Continental Express flight had in Minnesota, and others that didn't get the same heavy media coverage.

Senior airline officials have apologized since the Rochester incident, vowed that it wouldn't happen again, and said they have put policies in place to involve senior managers more quickly to resolve long-delay situations.

Well, good for them if they're serious about doing better. But I hope more of them also listen to what one of their industry's more esteemed leaders from the past, former American chief executive officer Robert L. Crandall, had to say at last week's hearing.

Crandall did a thorough job of outlining the airlines' thinking about the challenge of complying with a three-hour rule for keeping passengers on a plane. He suggested that Congress consider making the rule four hours for a year or so, to see how it works, and then go to three hours in 2011.

But Crandall said every organization involved in the air-transport business - airlines, airports, the Federal Aviation Administration, the Transportation Security Administration, Customs and Border Control, and possibly others - should be involved in planning for long delays.

"I don't know of anyone who thinks being trapped for five or six hours is a good thing," he said. "But I think the industry is foolish to resist a commonsense approach It's a complicated problem and a bunch of sensible people need to get together to resolve it."

9/27/09

The Denver Post

Editorial

Airline passengers need a bill of rights

After years of empty promises by the airlines, Congress should mandate rules looking out for passengers stuck on runways.

In July, 149 airline flights sat on tarmacs — with passengers in their seats — for more than three hours each.

Twenty-nine of those flights were delayed four hours or more. The longest wait, according to U.S. Department of Transportation data: 392 minutes. That's more than six hours.

Since January 2007, more than 200,000 domestic passengers have been stuck on more than 3,000 planes for three hours or more, according to a USA Today analysis of DOT data.

For a decade, airlines have promised to voluntarily improve the way they handle such problems, but they also claim that lengthy waits are rare. In the absence of real change, we're glad Congress is considering an airline passenger bill of rights that would give consumers some recourse for interminable waits in uncomfortable, stuffy planes.

A Senate bill co-sponsored by Sen. Barbara Boxer, D-Calif., would force airlines to allow passengers to deplane after three hours of sitting. The legislation allows captains to waive the requirement if takeoff is expected within 30 minutes.

The bill also says carriers must provide food and water, adequate restroom facilities and ventilation, comfortable cabin temperatures, and necessary medical treatment to those passengers stranded on flights.

These are reasonable demands of airlines, many of which already have such poor reputations for customer service.

The House passed a similar bill, but that version would allow individual airlines to determine when passengers could deplane after a lengthy stop. We urge Congress to stand behind consumers, and not water down rules in the final version of the bill, which is attached to legislation reauthorizing the Federal Aviation Administration.

Strong lobbying by the Air Transport Association, the group that represents the airlines, has deterred previous attempts at legislation. The group says tight rules could prove costly to travelers and delays could be even longer.

Ironically, about a quarter of the delays in July were caused by factors under airline control, including maintenance issues or crew problems. About another 25 percent of the delays were caused by non-extreme weather, air traffic control or airport operations.

We would have preferred for airlines to clean up this mess on their own. But like many businesses that dominate an industry, the airlines have for too long used superficial remedies and high-paid lobbyists to shun responsibilities. Such power does not entitle carriers to hold passengers hostage.

Perhaps more vocal consumer advocates, the opinions of former airline officials, or more likely, the backing by business travel organizations will finally push Congress and the airline industry to give passengers what they deserve and what they've been promised for years.

9/26/09

Santa Rosa Press Democrat

Editorial

Passenger rights

Senate must protect the flying public from airline captivity

When a former airline CEO concedes that passengers shouldn't be kept captive on the tarmac indefinitely, sweltering while enduring outhouse odors, well, that's progress.

Everyone has heard the horror stories. The most recent include 136 people stranded for six hours last month at John F. Kennedy International in New York. Two weeks earlier, 47 people were stuck overnight in Rochester, Minn.

"I think the airline industry should have led the way in responding to this problem rather than having resisted it," Robert Crandall, who headed American Airlines, said at a Capitol Hill hearing last week.

He was there to endorse a bill co-sponsored by Sen. Barbara Boxer, D-Calif., that would require airlines to provide food and water to passengers stuck on the tarmac and, in most circumstances, allow them to disembark after three hours. Crandall urged Boxer to make it four hours, but she sensibly refused.

Frequent fliers, among them Kate Hanni of Napa, who helped form FlyersRights.org, have been pressing Congress to pass a passengers-rights bill since 2007. Until now, they've faced unified opposition from the airlines, which say there would be more inconvenience if passengers were allowed to disembark.

According to an Associated Press report, the Air Transport Association, the lobbying arm of the airline industry, skipped Tuesday's hearing. Perhaps their plane was stuck.

..

The House already approved legislation affording basic rights to airline passengers. It's high time for the Senate to do the same.

9/26/09

The Seattle Times

Editorial

Pass bill to set tarmac-bound fliers free after three hours

YOU'VE heard the horror stories: Airplanes stuffed full of passengers sit on tarmacs for six, seven, even 10 hours — while passengers overheat, toilets overflow, and some people become seriously ill.

Congress need not dither long on legislation giving passengers assurance they will be treated better. The legislation, which every member of Congress should support, says passengers must be allowed to disembark if a plane is stuck longer than three hours. Not only is it inhumane to leave people trapped in deplorable conditions, it is physically harmful.

A 2007 World Health Organization study says the risk of developing such things as pulmonary embolism doubles after four hours of seated immobility.

Increased passenger rights, sponsored by Sens. Barbara Boxer and Olympia Snowe, Democrat and Republican, should be part of final Federal Aviation Administration reauthorization legislation this year or passed as a stand-alone bill.

The legislative mechanism is not the point. What matters is swift recognition the flying public deserves better treatment

Airlines also should be required to provide food, water, adequate restrooms, proper ventilation and access to medications as planes await takeoff. After three hours, passengers should be able to return to the terminal and move around. A reasonable exception says passengers need not disembark if the pilot believes he will take off in the next half-hour or if it is hazardous to deplane.

A spokesman for the Air Transport Association, which represents large airlines, worries children who fly alone might be stranded in a strange airport. Possibly, but the airlines can implement clear procedures to assure children traveling alone are not left in airports to fend for themselves

Congress knows this bill is popular. The best bet is to include passenger rights in an extension of FAA reauthorization legislation, which means it would become law quickly.

Airlines have left too many passengers on the tarmac for too many hours. Green-light this legislation and give the flying public the comfort of knowing their basic needs will be respected.

9/25/09

Parade

Help for Stranded Passengers

This summer, 51 people headed to Minneapolis from Houston were trapped for nine hours aboard a commuter plane with little food and water, overused toilets, and crying babies. If it seems like these incidents keep happening, it's because they do—in June alone, more than 250 flights were grounded for more than three hours. Over the years, such delays have prompted repeated attempts to enact a “passengers’ bill of rights” that would require airlines to provide essential services and allow people to get off the plane when flights are delayed for three hours or more.

After several incidents in 2007, New York State enacted its own law requiring airlines to provide food, water, fresh air, and adequate restrooms aboard aircraft stuck on runways. But the law was struck down months later when a court ruled that only the federal government can regulate airlines. Now, that may finally happen: The Federal Aviation Administration reauthorization bill, slated for a vote this fall, includes a passengers’ bill of rights.

“Congress has a responsibility to the American people to ensure there is some level of accountability, some minimum standard, in place,” says Sen. Olympia Snowe (R., Maine), who co-sponsored the legislation. But the airline industry and some passenger groups say that requiring aircraft to return to terminals after three hours reduces flexibility and could actually aggravate matters. “Usually, when a plane comes back to the gate, the flight gets cancelled, which is worse for passengers. A bill of rights sounds good, but it won’t do a lot of good,” says David Stempler, president of the Air Travelers Association.

— *J. Scott Orr*

9/25/09

The Huffington Post

Tarmac Delays

Congress heard a litany of horror stories this week from passengers' rights groups, who were in Washington to push for new requirements for airlines. California Senator Barbara Boxer said that there is support among lawmakers for legislation that would require airlines to allow passengers to disembark after three hours on the tarmac. The proposed measure would also oblige airlines to keep food and water on hand for excessively long delays. Some airline executives warned that the three-hour limit could result in a barrage of canceled flights, but the consumer protections appear set to become law.

Reflecting on this debate, we've collected five of the most nightmarish examples of tarmac delays to date. Passengers tell tales of hours spent cramped in airplane seats, in some cases without food or water or, for the least fortunate, a properly functioning toilet. Live in vicarious discomfort, or, if you've been unlucky enough to experience such a delay yourself, send us your story.

9/24/09

The Wall Street Journal

THE MIDDLE SEAT

SEPTEMBER 24, 2009, 5:32 P.M. ET

Freeing Fliers Imprisoned on the Tarmac

By SCOTT MCCARTNEY



Listen up, airlines: You need to fix the problem of leaving people stranded on miserable, smelly airplanes with little food, water or patience—and you can. Lots of your peers say so.

Despite repeated high-profile meltdowns, the U.S. air transportation system, including airlines, airports and government, hasn't moved to solve this problem. Ten years ago, planeloads of Northwest Airlines passengers were stranded up to eight and a half hours in a Detroit snowstorm. Last month, a planeload of [Continental Airlines](#) customers was stranded overnight aboard a regional jet in Minnesota; the toilet broke at 3 a.m.

An American Airlines jet sat for nine hours in Austin, Texas, in 2006. [JetBlue Airways](#) left customers marooned for 10 hours or more in a 2007 ice storm.

Through July this year, 777 flights were stuck sitting for three hours or more, according to the Bureau of Transportation statistics.

On Tuesday, a diverse group of aviation professionals gathered in Washington to debate solutions, including urging Congress to force airlines to give passengers the option of leaving a plane after three hours of runway jail. In conversations outside the staged event, these engineers, former airline executives, airport managers and pilots' union leaders offered common-sense solutions.

Among these: Have buses and covered mobile staircases ready to remove passengers, and designate parking areas for unloading when gates aren't available. Allow planes to take a number, just like people waiting to buy concert tickets, so that planes can drop passengers back at gates without losing their spot in the takeoff queue. And why not offer a hotline to the airline CEO, who could break logjams.

"I just don't think this is all that tough to solve," says George Doughty, a veteran airport manager at large and small airports who served on a government task force on delays last year.

Aviation experts say the problem of stranded passengers has intensified in part because airlines, under financial pressure, are relying on greater numbers of smaller planes, which they can pack with more people. They try harder to avoid cancellations because it is more difficult to re-book passengers. And layoffs and buyouts have sapped many airports and operations centers of veteran employees and enough workers to shepherd planes in and out of gates.

Mr. Doughty's current airport in Allentown, Pa., frequently gets flights diverted from Newark, N.J., and Philadelphia. The airport bought a used school bus and a separate wheelchair lift so that passengers who want to get off after a long delay can do so. Total cost: less than \$100,000.

Dallas-Fort Worth International Airport has taken similar steps on a bigger scale. The airport purchased a covered staircase and buses to take people from parked aircraft to terminals, plus a catering truck that rises up to airplane doors to unload people in wheelchairs who can't go down stairs, according to James Crites, DFW's executive vice president of operations.

Indeed, some experts say airports should set up an area where long-delayed flights could taxi up to and unload passengers who want to abandon the trip or wait for another flight, then continue on with the rest of the passengers, much as they do for de-icing in winter. In Europe and much of the rest of the world, remote parking and busing operations are common. But not in the U.S.

Laser-Guided Solutions

Dallas-Fort Worth went a step further than busing, spending \$750,000 to equip two unused gates to be available just for airlines to quickly unload passengers who want off flights. And with American Airlines, its major tenant, the airport equipped gates with laser-driven systems called Safedock that let pilots drive airplanes up to gates without workers on the ground directing them. When lightning forces ground workers indoors, planes can still pull up to gates, saving airlines money and passengers time.

But waiting for voluntary fixes hasn't worked. Several aviation veterans say they have come to believe, sometimes reluctantly, that Congress should limit how long people can be held on airplanes without a chance to get off a plane. Such a limit would force

carriers, airports and the Federal Aviation Administration to come up with real solutions, they say.

"Airlines should have led the way in laying out a program," says Robert Crandall, former chairman and chief executive of AMR Corp. and American.

To be sure, some airlines have taken steps to try to mitigate very long delays. After its Austin delays, American added systems that alert operations managers to flights that have been sitting for two hours, and instructed staff to try to get people off planes after four hours. Continental runs vans to retrieve passengers who want off of long-delayed airplanes. JetBlue issued its own customer promises after its Valentine's Day fiasco in New York. But there has been no comprehensive industry effort to fix the problem. Even the government task-force report last year that recommended each airline and airport develop contingency plans has sparked little action.

Legislation making its way through Congress would require airlines to offer passengers the opportunity to get off a plane every three hours that it sits. That would happen only if the captain thought it safe to de-board. Thirty-minute extensions would be possible if the captain reasonably believed the plane would take off within that time.

"You task airlines to come up with solutions, and they will come up with solutions," says David Bourne, a Boeing 747 captain and director of the airline division at the International Brotherhood of Teamsters, which represents workers at more than 20 U.S. passenger carriers.

The Air Transport Association, the lobbying group for airlines, says a three-hour limit would have the unintended consequence of forcing airlines to cancel more flights, leaving people stranded in cities for perhaps several days until they can get a seat on another flight.

Canceling Flights

Mr. Crandall suggests starting at a four-hour limit and dropping the threshold to three hours in 2011. That would give airlines a chance to adjust to new rules without creating massive cancellations and disruption. "It's really pretty simple," Mr. Crandall says. "We don't need to trap people on airplanes for six and seven hours."

One key change to help the situation, Mr. Crandall and others say, is that the FAA should let a plane return to a gate without losing its place in line for takeoff. Right now, takeoff priority is a first-come, first-serve process. Leaving the queue can put a plane last in line, leading to additional delay for passengers who wanted to stay on board and

increasing the chance that pilots will run out of time in their work day under federal duty limits. Avoiding conga lines of airplanes would also save fuel and curb emissions.

Another step experts advocate: Imposing tougher schedule restrictions on New York airports to reduce congestion.

Amy Cohn, an assistant professor of engineering at the University of Michigan, who has studied the airline industry for 18 years, cautions that a three-hour limit itself won't affect lots of flights because there will always be lots of exceptions. In thunderstorms, for example, the rule wouldn't help at most airports because ground workers have to go indoors and it may not be safe to unload passengers. And in snowstorms, gates or remote stairs and buses may not be available.

Ms. Cohn would rather see the industry reduce the congestion that escalates delays in the first place and improve communications so airlines can provide each other greater assistance when needed. She also recommends that airports be reconfigured so they have ways to safely unload planes in any weather conditions. Different plans should be developed to handle flights delayed trying to take off, flights delayed getting to a gate after landing and flights diverted to another airport by bad weather, she says.

And as a last resort, some aviation officials say: A hotline for workers—or even customers—to alert an airline CEO to a massive mess. If low-level employees aren't solving the problem, maybe the boss needs to know.

9/24/09

Passport Magazine

Passenger Bill of Rights Gaining Steam



Nothing is worse than landing at your destination and being told that the plane is waiting for a gate. As you watch the clock, your grand plans for the day seem to become unrealistic and all you want is to get home or to hotel room. This year, passengers who were re-routed to Rochester, Minnesota spent six hours overnight on the tarmac, with no food, water, or a bathroom. As you can imagine, they are still pissed.

In an unofficial Capital Hill hearing yesterday, these passengers, along with countless others, were able to air their grievances. Their goal is to create legislation to protect passengers. The Airline Passenger Bill of Rights, would, along with other things, prevent another Rochester incident from occurring. The legislation would put a limit on the amount of time passengers must wait in a plane, after the allotted time, can leave. The cap they decided on was three hours, which still seems grueling. The bill is supported by Sen. Barbara Boxer of California as well as former CEO of American Airlines Robert Crandall. [\[CNN\]](#)

9/24/09

Smarter Travel

Get Me Off This Plane, Now!

Posted on September 24, 2009 at 1:23 pm ET by [Tim Winship](#)

Could meaningful [passenger rights legislation](#) finally be at hand?

It depends on the meaning of "meaningful." But at the very least, a bill requiring airlines to return to the gate and allow passengers to deplane after a flight has been stuck on the tarmac for three hours is gaining momentum, both from advocacy groups and in Congress.

Even the [Business Travel Coalition](#), which normally supports the interests of airlines over those of the traveling public, has come around to acknowledge the necessity of consumer protection in this area. It's worth noting that organization's testimony before Congress from 1999, when the passenger rights movement first surfaced:

"Like other industries that have faced the ominous threat of government intervention, airlines should view this legislation as a major warning and move decisively to address Congressional concerns. The industry needs to take immediate steps to head off this and further Congressional action, which will surely follow, if the industry's problems are not corrected in the near term."

Naturally, the airlines and their lobbyists are fighting tooth and nail to derail the legislation. But their protestations ring increasingly hollow. Addressing the pending legislation, a spokesperson for the industry's trade group, the [Air Transport Association](#), invoked the following bugaboo: "I think of the unaccompanied child who will be stranded in a strange city because a few people want to get off the plane." And the puppies ... what about the poor puppies?

No matter what they claim, the airlines' concerns have nothing to do with children flying the unfriendly skies.

First and foremost, the airlines are fretting the profit effect of the legislation. They would inevitably lose some revenue as affected passengers choose to rebook on other carriers. And there would be extra costs associated with reaccommodating delayed passengers, getting aircraft back into rotation, and so on.

So at the end of the day, doing the right thing for their customers would indeed have a very slight negative effect on profitability. In most industries, that would be accepted as a cost of doing business.

More generally, the airlines are panicked at the prospect of the government looking over their shoulders and holding them to standards that they consider onerous.

What's next, they worry? Laws forcing them to fully disclose ticket prices, including the rat's nest of fees they've foisted on travelers? Full transparency in their loyalty

marketing, including the odds of finding an award seat when redeeming frequent flyer miles? Minimum leg room requirements?

Ten years ago, when passenger rights legislation was first considered, the airlines managed to convince Congress that they should be given a chance to address their shortcomings without additional government oversight.

What we got was a slew of "Customer Care" statements posted to the airlines' websites. As little as those documents promised, what the airlines delivered was even less.

Even their supporters admit that the airlines have failed to meet the lowest expectations that the public rightly has of the commercial air transport system. The time has come to set standards and hold the airlines to them, starting with rules governing tarmac delays.

The airlines are right to worry that this is only the beginning. While the current legislation is a step in the right direction, it's just the first step toward meaningful passenger rights.

That's my opinion—what's yours? Is this a good move? And what else should be included in a truly meaningful passenger bill of rights?

9/24/09

Exclaim.ca

Dave Carroll Takes His "United Breaks Guitars" Crusade to Washington

9/24/2009 By Jason Schreurs

That "United Breaks Guitars" guy, [Dave Carroll](#), is at it again. This time he's taken his anti-airlines ranting straight to Capital Hill in Washington, DC.

As we [told you](#) last month, the jilted Halifax musician refused to let United Airlines off the hook after they broke his guitar. Carroll recently released the song "United Breaks Guitars: Song 2" and is planning a third instalment to be released sometime this fall. The first part of the anti-United trilogy became a viral video sensation, getting over 5.5 million hits on YouTube.

But it wasn't enough for Carroll to give up his fight against the airline giant, so now he recently spoke at a Washington hearing on airline passenger rights on Tuesday (September 22), explaining all about how he saw United Airlines baggage workers chucking and breaking his guitar last year when he was flying out of Halifax with his band, Sons of Maxwell.

Carroll's speech at the hearing was meant to draw attention to passengers that have special baggage needs. "This is the chance for many victims to speak," Kate Hanni, executive director of [FlyersRights.org](#), told the [CBC](#).

Hanni's group is rallying for special attention for passengers with fragile baggage, such as Carroll's \$3,500 guitar, which was smashed. The organization is also in support of U.S. legislation that would allow passengers to deplane after three hours of extended delay.

After the hearing, Carroll told the [ChronicleHerald.ca](#), "They loved it... Everyone in the room had a nice big smile on their face and it was a real light moment after such a long time listening to speeches."

He also said that he hasn't minded all the recent public attention in the least.

"I was reluctant to do it. I was just sort of airing my frustrations at the start of it, my personal story," Carroll said. "But within the first week it became clear to me that I wasn't the only one who was having these problems, but I was one of the few that was able to do something about it. And so I was kind of thrust on a platform of consumer advocate on behalf of people who don't have a voice, for whatever reason, and I am actually happy to do it."

"This has worked out really well for me ,in terms of my career, but there are still lots of people that have these horror stories."

9/24/09

Albert Lea Tribune

Editorial

Airlines need passenger measure

Published Thursday, September 24, 2009

Six hours on an airplane sitting on a tarmac with no access to food, water or restrooms is tantamount to false imprisonment.

What happened in Rochester last month and other ghastly descriptions of being trapped in an airplane for hare-brained scheduling reasons are good reasons to favor a Passenger Bill of Rights, presently being considered by Congress.

Such a measure would aid in the prevention of having an airport with a tarnished reputation as a result of the actions of the airlines that serve it or because of poor weather far away.

It simply is scary to be more or less jailed on an airplane. A Bill of Rights would require food, water and restroom access, and it would mandate that people be allowed to deplane at least once every three hours.

Any business person knows customer service is key. While most airports seem to realize the importance of customer service, it seems many airlines have forgotten that. Sometimes they treat people more like cargo.

No wonder they need legislation to correct the situation. In fact, embracing a Passenger Bill of Rights would seem to be smart move for the on-time airlines that don't want their industry's reputation to be trashed by the behavior of the troubled ones.

In the long run, we hope no passengers ever have the same problem flying out of the Rochester airport ever again.

9/24/09

Geneva Lunch

Passenger bill of rights gains altitude

Passengers who suffer at the hands of airlines in the USA are being heard in Washington DC. A group representing more than 300 corporate representatives of airline passengers and politicians backing the proposed US Senate Passenger Bill of Rights met in Minnesota Wednesday 23 September to show their support for the bill, which would put a three-hour limit on the time US domestic passengers could be left on a runway before being allowed to disembark. The House also has a bill pending, but it does not set a time limit.

Two recent incidents in Minnesota have made the region, home to Northwest Airlines and a major US hub, particularly sensitive to the issue. In one, a plane spent the night on the tarmac in Rochester, Minnesota in August with 47 passengers on board and no food, no drink and no toilet facilities. Soon after, a small airline's plane sat on the Minneapolis-St Paul runway for six hours. Passengers have complained for years that airlines ignore them. Airlines have fought legislation for at least 10 years, arguing that only a small fraction of planes spend more than three hours on the runway. Former American Airlines chairman Robert Crandall weighed in on the issue, lending his support to the proposed legislation. Minnesota Post, Philadelphia Enquirer, Wall Street Journal

Ed. note: the Mpls-St Paul Airport 17 September launched Facebook and Twitter pages as a new passenger service.

9/23/09

Cheapflights.com

Airline Passenger Rights Groups: Tarmac Delays a Potential Health Risk to Passengers

Passenger rights advocates piled into Washington on Tuesday to advocate for a proposal that would require airlines to let passengers off a plane if it were delayed more than three hours on the tarmac.

Speaking to lawmakers, the groups said enforcing a limit was not just a matter of convenience to the flyer, but that sitting in a plane for that prolonged period of time was a potential health risk. The passenger rights groups cited a 2007 World Health Organization study, which found that the risk for developing conditions such as a pulmonary embolism doubled after four hours of immobility in a seat.

Flyers have at least one member of Congress on their side. Sen. Barbara Boxer (D-Calif.) said [airlines](#) will soon be forced to provide food and water during long flight delays. Currently, there isn't a federal law that mandates airlines provide basic services to passengers during tarmac delays.

The requirements, similar to those in a provision already approved in the House, is contained in a reauthorization bill for the Federal Aviation Administration now before the Senate.

The legislation - which has been approved by the House - is now before the Senate and only makes an exception when the pilot believes that the plane will take off within 30 minutes, or that letting passengers leave the plane would be dangerous.

This year alone saw an unfortunate number of airline delays, but the Air Transport Association (which argues against this bill) says such mishaps are a very small percentage of the flights.

David Castelveter, a spokesman for the ATA, said the proposed law could have unintended consequences.

"I think of the unaccompanied child who will be stranded in a strange city because a few people want to get off the plane," Castelveter said.

Airlines are also reluctant about the legislation because they fear it will result in thousands of passengers canceling flights each year. In an effort to bridge the gap, Robert Crandall, former chief executive of American Airlines, proposed starting at four hours and moving to three in 2011.

We're eager to see how it all shapes out, but until then, here's hoping no one will ever be [stranded in a plane](#) for 12 hours, again...

9/23/09

CompareCarRentals.com

Airline passenger rights reform gains momentum

By Jen Davies

An airline passenger bill of rights has just a come a few steps closer to becoming law. At a hearing in Washington those who support the implementation of a law that says passengers must be allowed to get off aircraft that have been delayed on the tarmac for more than three hours have now cited health reasons and gained the support of a major airline figurehead.

The passenger rights advocates told lawmakers that staying in an aircraft seat for any length of time can dramatically increase the chances of a passenger developing problems with their blood circulation. They cited a World Health Organization study that proved that just four hours confined to a seat doubled the chance of someone developing problems like pulmonary embolism.

The airline industry is vigorously defending itself against the implementation of a passenger's rights law and says that although delays of more than three hours do sometimes occur on aircraft the frequency of such occurrences is tiny.

Those fighting for the bill can now add the tentative support of ex American Airlines boss Robert Crandall. He said at the meeting that he would suggest a slow phasing in of any changes to avoid a massive jump in cancellations. His suggestion was to start with a law that said all passengers would be allowed off an aircraft after four hours of delay moving it up to three hours in 2011. He claimed that it was possible for new rules to be implemented without compromising economics or safety. His voice will be a huge help to campaigners as he used to be a leader in the very industry that is opposed to change.

9/23/09

Business Travel News

Airlines Receptive To Time Limit On Tarmac Delays

By Jay Boehmer

SEPTEMBER 23, 2009 -- The Air Transport Association, which represents the largest domestic passenger airlines, could be amenable to "a firm time limit on tarmac delays for domestic flights," according to a Transportation Department official.

An e-mail sent last Friday by DOT general counsel Robert Rivkin and placed in the public docket this week cites a meeting with ATA CEO Jim May and general counsel David Berg on Sept. 17, and claims, "They said they had discussed the issue with their membership and might be prepared to agree to a firm time limit on tarmac delays for domestic flights."

Proponents of a passenger bill of rights, including the co-sponsor of a Senate bill, Sen. Barbara Boxer (D-Calif.), yesterday during a hearing held in Washington by the Business Travel Coalition and FlyersRights.org, said such legislation was gaining steam and is poised to become law.

Among the proposed bill's more contentious provisions is one that would require carriers to allow passengers to deplane when an aircraft is stranded on the tarmac for more than three hours.

The Rivkin e-mail does not give any specifics on an airline counterproposal to the three-hour rule, and encouraged the ATA to send any such comments in writing. Still, ATA has been an opponent of the three-hour rule, claiming that such a mandate would create unintended consequences.

ATA president and CEO James C. May in a statement today said, "From the beginning of discussions about a passenger bill of rights, it has been and remains the view of the ATA airlines that a hard-and-fast three-hour deplaning time requirement will cause substantial and unnecessary passenger inconvenience. Those concerns are based on a real-world assessment of our aviation system's operating conditions. At the same time, of course, we are fully aware of the ongoing consideration of these issues by both Congress and the Department of Transportation, and we continue to work to keep decision makers informed of our concerns while exploring possible solutions to the underlying problems."

Former American Airlines CEO Bob Crandall yesterday during the hearing was supportive of a firm time rule, though he suggested that any regulations start at the four-hour mark and allow carriers time to comply with a three-hour rule.

Regarding his conversation with ATA officials last week, Rivkin's e-mail further notes, "I told them that, while we had discussed safety and operational implications of the proposed rule with the FAA, I was always interested in learning about any operational issues they believed a tarmac delay rule might entail, and encouraged them to send any such comments to me in writing. I added that while a final rule would inevitably impose costs and obligations on the airlines, we wanted to ensure that we struck the right balance in protecting consumers. They agreed to consider whether to send me a letter containing their members' views. If I receive any such letter, I will transmit it to you for posting in the docket."

9/23/09

Travel Agent Magazine

Passenger Rights Advocates Gain Momentum

By: George Dooley

FlyersRights.org and the **Business Travel Coalition (BTC)** conducted a **Passenger Rights Stakeholder Hearing** in **Washington, D.C.** yesterday before a packed hearing room of airline passengers, travel professionals, Congressional staff and media in the **Rayburn House Office Building**.

Experts, both for and against legislation to address a growing extended-tarmac-delay problem, were sharply questioned by aviation journalists and travel industry professionals. The BTC said the "clear outcome from the hearing is that legislation is urgently required to address a growing passenger health and safety problem that airlines are apparently unable or unwilling to fix themselves."

The hearing was sponsored by the Honorary Chairwomen Senator **Barbara Boxer** (D-CA) and Representative **Mike Thompson** (D-CA) who have championed a three-hour national standard. The standard will allow passengers the option of deplaning, should a captain decide it is safe to do so. Their bills, S.213 and HR 674, were strongly endorsed by airline passengers, FlyersRights.org, BTC, other travel groups at the hearing.

PassengerRights.org executive director **Kate Hanni** testified, "The airline industry has been the voice of 'no' for too long. The system is broken and passengers have been paying a dear price with their health, lost productivity and missed family events. This hearing shone a bright light on the fallacious arguments put forward by those airlines that seek to continue stonewalling against reforms that will benefit passengers and all airline industry stakeholders."

"There is now a clear expectation that Congress will move to enact legislation to create a national standard beginning with the requirement that airlines provide passengers an option to deplane after three hours," stated BTC Chairman **Kevin Mitchell**. "Airlines will likely have several months to adjust operations before the law is effective. BTC further encourages Congress to phase-in a two-hour standard 1 year after the initial 3-hour rule becomes effective. Congress should likewise make mandatory the U.S. Department of Transportation Tarmac Delay Task Force recommendations."

9/23/09

Aviation Daily

Crandall Boosts Passenger Rights Proposals

Former American Chairman and CEO Robert Crandall on Tuesday joined the call for a federally imposed time limit that would give passengers the option to get off a plane that has been stuck on the tarmac for hours.

Crandall's support was slightly qualified: He called for a four-hour limit initially, transitioning to a three-hour limit on Jan. 1, 2011, to give carriers time to adjust their operations. Customer rights advocates want a three-hour limit right away (with some flexibility for the pilot to extend the time).

Nonetheless, Crandall's support gives additional momentum to a passenger rights proposal that may be closer to passage now than it has been in years.

The Business Travel Coalition recently switched its position in favor of a time limit. So did the National Business Travel Association, which on Monday also issued a "call to action" to its members to contact legislators to push for passage. Also, Airports Council International-North America on Tuesday moved closer to endorsing passenger rights legislation — although it remained somewhat fuzzy on the details.

"Airline passengers should have the right to deplane after an extended amount of delay on a runway, and ACI-NA supports a requirement for airlines to develop such deadlines," said ACI-NA President Greg Principato. "ACI-NA supports airlines working with Congress and the Dept. of Transportation to determine specific deadlines."

He also said airlines "should be held accountable for adhering to the pre-determined deadlines."

But with the airline industry still lobbying against a time limit, it was Crandall's support that generated headlines. In a speech at a mock "hearing" on Capitol Hill organized by the BTC and Flyersrights.org, Crandall declared: "I believe new rules can be implemented without compromising safety, without seriously increasing consumer costs and without adversely impacting long-term carrier economics."

Crandall cautioned that there would be more flight cancellations if airlines were forced to give passengers the option to deplane after a prescribed time. He said American provided him with statistics showing that a three-hour deadline — instead of the carrier's self-imposed four-hour deadline — would have caused the cancellation of 47 additional flights with about 6,000 passengers year-to-date through July.

That's still the crux of the industry's opposition: An Air Transport Association spokesman warned Tuesday that "there will be consequences if this punitive and ill thought-out proposal becomes reality."

Crandall, however, said he believes the consequences could be minimized to an acceptable level with his proposed transition period, which he said would provide time for airlines to adjust procedures and flight schedules, airports to acquire extra equipment to help with deplaning, and airlines, airports, unions and federal agencies to work out solutions.

For example, "airlines — and passengers — will want to see lots of cooperation between airlines and the FAA to find ways to sustain the takeoff priority of flights whenever possible in order to avoid cancellations, preserve crew time and sustain aircraft utilization," he said.

Sens. Barbara Boxer, D-Calif., and Olympia Snowe, R-Maine, sponsored passenger rights legislation that, at their urging, made it into the Senate Commerce Committee's version of the Federal Aviation Administration Reauthorization with a three-hour limit, along with requirements for airlines to provide passengers on extended delays with food, water, usable restrooms and a comfortable cabin temperature. But the House version of the bill does not include a time limit.

At the mock hearing Tuesday, Boxer thanked Crandall for his support but said she is not backing off of her three-hour proposal — in part because it would provide bargaining leverage when the FAA reauthorization bill finally gets approved by both chambers and gets worked out in conference committee.

"I'm going to fight for the three hours, because it's going to get watered down — it always does," she said.

9/23/09

HometownSource.com

Sen. Klobuchar says airline passengers need Bill of Rights

Washington, D.C. – At a Passenger Rights Stakeholder Hearing in Washington, D.C. yesterday (Tuesday, Sept. 22), U.S. Sen. Amy Klobuchar discussed the importance of ensuring airline passengers basic protections and called for Congress to pass the Passenger Bill of Rights.

Klobuchar, a member of the Commerce Committee Aviation subcommittee, is a cosponsor of this legislation. Also joining the event was Link Christin, a Minnesotan who was a passenger of Continental Flight 2816, which was stranded on a tarmac in Rochester for six hours in August.

“No passenger should be forced to remain on a tarmac for six hours without food, in an increasingly uncomfortable cabin atmosphere, and denied the opportunity to deplane and enter the airport,” said Klobuchar. “We must have basic standards in place to protect America's airline passengers -- they deserve no less. I will continue to advocate for the Airline Passenger Bill of Rights so we can ensure that passengers are treated properly.”

Two incidents occurred in August involving flights to Minnesota that highlight the need for a Passenger Bill of Rights. Continental Flight 2816 was en route from Houston Intercontinental Airport to Minneapolis-St. Paul International Airport on the evening of Aug. 7 when it was redirected to Rochester International Airport due to severe weather. Passengers on the flight were then stranded on the tarmac for six hours.

Klobuchar sent letters to the Federal Aviation Administration (FAA), Continental Airlines and ExpressJet asking for a comprehensive review of the incident.

Sun Country Flight 242, which was heading from New York's JFK Airport to Minnesota on August 21st, was stranded on the tarmac for more than five hours. Shortly after Klobuchar spoke with Sun Country CEO Stan Gadek, Sun Country announced that it would limit its flights to 4 hours on the tarmac.

Nationally, 278 planes were delayed on the tarmac for three or more hours this past June according to the FAA.

The Passenger Bill of Rights would require that:

- Airlines provide passengers with food, potable water, comfortable cabin temperature and ventilation, and adequate restrooms during a delay.
- Airlines return to the gate once they have sat on the ground for three hours after the plane door has closed.

- Airports and airlines develop contingency plans for delayed flights to be federally reviewed and approved.
- The U.S. Transportation Department creates a consumer complaint hotline that passengers can call to alert the agency about delays.

The Passenger Bill of Rights was included in the FAA Reauthorization bill, which passed out of the Senate Commerce Committee in July.

9/23/09

MinnPost.com

Minnesota runway incidents helping to fuel Passenger Bill of Rights

By Cynthia Dizikes

WASHINGTON, D.C. -- First, there was Continental Flight 2816, which sat overnight at the Rochester, Minn., airport with 47 people on board, and no food, water or bathroom availability.

Then, there was Sun Country Flight 242, which sat for nearly six hours on the Minneapolis-St. Paul International Airport tarmac.

The now-infamous incidents last month — just weeks apart — are adding fuel to the congressional push to limit how long airlines can keep planes stuck on the runway without offering passengers the option to deplane.

“We care a lot about this,” said Minnesota Sen. Amy Klobuchar during a gathering Tuesday on the issue. “We have airlines located in Minnesota, we have [people] who work in the industry, we have passengers, and we want to make sure that the business is strong and that people feel good about getting on an airline. And the way you do that is by passing the Passenger Bill of Rights.”

The Passenger Bill of Rights, which is currently included in the Federal Aviation Administration reauthorization bill in the Senate, would put a three-hour time limit on planes stuck on airport runways.

After three hours, passengers would be given the option to de-board, if the captain decided that it was reasonable and safe to do so. The measure waives the requirement if the captain expects to take off within 30 minutes after the three-hour threshold.

The legislation would also require airlines to provide food, water and usable bathrooms to passengers stranded on flights.

The House has passed similar legislation but has chosen not to include the three-hour limit. Details will be worked out in conference committee.

The airlines have been fighting customer-service legislation for more than 10 years but have been losing ground recently as delayed flights, like the two in Minnesota, have received greater attention.

Although a very small percentage of flights are actually stuck on runways for more than three hours, more than 200,000 domestic passengers have been stuck for more than three hours since January 2007, according to the Department of Transportation.

On Tuesday, the Business Travel Coalition, which represents about 300 corporate travel departments and has long-opposed passenger rights legislation, backed the Senate measure.

“[In 1999] the Business Travel Coalition cautioned that if the airlines do not fix service and extended ground delay problems, someone will eventually endeavor to do so for them,” said Chairman of the Coalition Kevin Mitchell in a written statement on Tuesday.

“...There is an evident market failure that can only be addressed by government intervention.”

Robert L. Crandall, the former chairman and chief executive officer of American Airlines, agreed.

Crandall, however, suggested that the legislation initially stipulate a four-hour limit to allow the industry a transition period to adjust to the change in order to minimize a potential increase in cancellations.

“One of the factors complicating this whole matter is the fact that at those airports where lengthy taxi/hold times are the norm, three hours would allow very little “extra” time before a return-to-gate decision would have to be made,” he said.

Crandall pointed to New York’s JFK airport, where afternoon taxi-out times approach 50 minutes.

“A three-hour maximum would allow only an hour of holding time before launching plans

to return to the gate,” Crandall said. “And that decision process would have to take place almost every day, not just during extreme events.”

The Senate measure would also require the Department of Transportation to review and approve airline customer-service plans. The Department of Transportation could impose fines if airlines fail to follow their plans.

On Tuesday, Klobuchar was confident that the measure would ultimately pass.

“There is widespread support,” Klobuchar said. “Much more bipartisan than a lot of things we do.”

Attaching the Passenger bill of Rights to the reauthorization bill, which provides funding for the entire airline industry, also enhances the possibility that the measure will pass.

Simply put, airlines want the reauthorization bill to pass, said Klobuchar. “So, it makes it an easier pill to swallow.”

9/23/09

Honolulu Advertiser

Former airline CEO backs tarmac delay bill

WASHINGTON — A former CEO of American Airlines yesterday backed imposition of a three-hour time limit on how long airlines can strand passengers on airport tarmacs, but he also warned of unintended consequences. Robert Crandall parted company from his former industry colleagues and joined passengers rights advocates as they took their case to Congress. The legislation is pending in the Senate.

9/03/09

Post-Bulletin

Editorial

Give passengers the right to exit plane during delay

U.S. Sen. Amy Klobuchar and Rep. Tim Walz agree that something needs to be done to protect the rights of airline passengers.

They're in good company, of course. Since Aug. 8, when 47 passengers of a Continental Airlines flight spent six uncomfortable hours on the tarmac at Rochester International Airport, nearly everyone not directly associated with the airline industry has been clamoring for a "Passengers' Bill of Rights." So, when Congress returns from its August recess, it appears almost inevitable that some form of legislation will be sent to President Obama's desk.

Walz and Klobuchar, however, don't agree on what form that legislation should take.

Minnesota's senior senator has some familiarity with this issue. Klobuchar is a member of the Senate Commerce Committee, which in mid-July -- several weeks before the Rochester incident -- approved a proposal that would require airlines to give passengers the option of deplaning after a three-hour tarmac delay. Pilots could override that rule for up to 30 minutes if takeoff is imminent.

Walz, on the other hand, supports a House-backed proposal that was ushered through the Transportation Committee by Rep. Jim Oberstar, who represents Minnesota's 8th District. The House bill would require airlines to provide food, water and working restrooms to passengers who are stuck on the tarmac, and would give passengers the right to deplane after "excessive delays."

Who would decide what constitutes an "excessive delay?" The airlines -- which is why we side with Klobuchar and the Senate.

Why don't we trust the air travel industry to regulate itself? It's quite simple, really. For the past 10 years, the airlines have vehemently opposed any attempt to set federal rules for tarmac delays. Logically, it would appear that the best way for them to win the argument would be to reduce or eliminate the problem. Keep passengers off planes if long delays are likely. If mechanical problems or unexpected weather issues crop up, return passengers to the terminal.

But in June, 278 planes spent three or more hours stranded on tarmacs across the country, according to the Bureau of Transportation Statistics. A toothless, unenforceable law would do little to bring that figure down, and it might end up making things worse.

Once Obama signed it, the debate in Congress about passengers' rights would end -- case closed, problem solved.

Then we'd hear about a profit-minded airline that decided four hours, maybe five, isn't too long for passengers to sit in line for takeoff.

It's time for the government to draw a clear line in the sand. After all, air travel is difficult enough under the best of circumstances. You surrender personal freedoms merely to get through security, and once you're on the plane, you're essentially trapped until you reach your destination.

We don't think it's too much to ask that after three hours on the tarmac, you should have the right to go back to the terminal, stretch your legs, buy a new magazine and use a restroom that's bigger than a broom closet.

9/23/09

Los Angeles Times

Limits are sought on long tarmac waits

Airline passenger rights groups tell lawmakers about the potential health risks. Sen. Barbara Boxer expects a three-hour rule to become law.

By Joe Markman

Reporting from Washington

Passenger rights advocates pressed lawmakers Tuesday to pass a proposal that would require airlines to let travelers off a plane if it were delayed more than three hours on the tarmac.

Speaking at a packed hearing in Washington, they said that long delays were not just an inconvenience but a potential health risk, citing a 2007 World Health Organization study that found that the risk for developing conditions such as a pulmonary embolism doubled after four hours of immobility in a seat.

Sen. Barbara Boxer (D-Calif.) told the crowd that the three-hour time limit and requirements that airlines provide basic services like food and water during long flight delays would soon become law because of increasing support in Congress and among consumer and business groups.

The requirements, similar to those in a provision already approved in the House, is contained in a reauthorization bill for the Federal Aviation Administration now before the Senate.

The legislation makes an exception for occasions when the pilot believes that the plane will take off in the next half-hour or that it might be hazardous to leave the plane.

Though such mishaps occur on hundreds of flights a year, the airline industry says they represent a minuscule percentage of flights.

David Castelveter, a spokesman for the Air Transport Assn., which represents the nation's biggest airlines, said the proposed law could have unintended consequences.

"I think of the unaccompanied child who will be stranded in a strange city because a few people want to get off the plane," Castelveter said.

Various reports over the years of passengers being denied or asked to pay for food and water were rare "missteps," he said.

Robert Crandall, former chief executive of American Airlines, said that instituting a three-hour limit would result in a deluge of passengers canceling flights.

Citing American Airlines statistics, Crandall said that without a proper phase-in, the time limit would result in more than 6,000 passengers in a six-month period being forced to create alternative plans.

Crandall, who said he supported the legislation overall, proposed starting at four hours and moving to three in 2011.

Boxer and fellow Democratic Sen. Amy Klobuchar of Minnesota threatened to filibuster any amendment that would strike out the consumer protections from the FAA legislation.

"We would talk as long as every passenger was left sitting on their flights," Klobuchar said.

9/22/09

Bloomberg

Former American Airlines CEO endorses limits on tarmac delays

BY JOHN HUGHES

Former American Airlines CEO Robert Crandall called for federal rules that would require carriers to let passengers off jets stuck on airport tarmacs.

Crandall said the government should initially require that passengers be allowed off after four hours and narrow the standard to three hours in 2011. Giving airlines time to transition would avoid "very bad consequences" such as a jump in cancellations, he said.

"New rules can be implemented without compromising safety, without seriously increasing consumer costs and without impacting long-term carrier economics," Crandall said in a speech Tuesday in Washington to two groups advocating the change.

His backing is a victory for advocates of a "passenger bill of rights" because Crandall has been a leader in an industry that has opposed the legislation. Crandall spent 13 years as CEO at American, where he helped the carrier establish the hub-and-spoke system of collecting passengers at large airports from smaller cities.

FlyersRights.org, an airline passengers group from Napa, Calif., and the Business Travel Coalition, a Radnor, Pa.-based organization of corporate travel managers, sponsored the Capitol Hill conference to spur momentum for congressional passage of a three-hour rule.

The rule was included in a \$34.6 billion Senate plan to fund the Federal Aviation Administration for two years. The Senate Commerce, Science and Transportation Committee approved the legislation July 21; it is still pending before a separate Senate panel.

Sen. Barbara Boxer, D-Calif., who sponsored the three-hour plan, told the groups that she will try "every which way" to pass her bill, even by trying to amend it to a temporary extension of an FAA funding law.

"It will happen," she said.

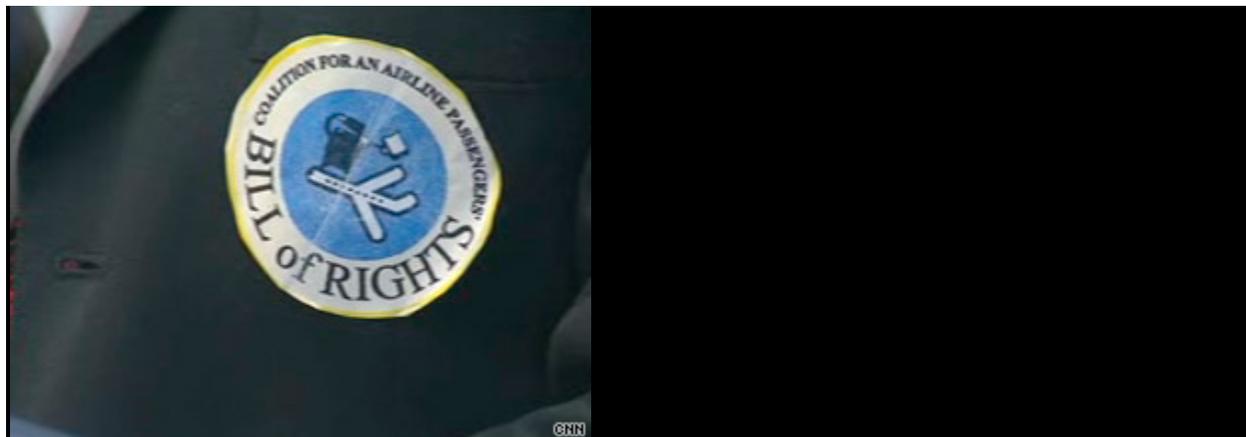
Atlanta-based Delta Air Lines, Fort Worth-based American Airlines and other carriers have been fighting a three-hour limit for several years. Tarmac delays have been in the national spotlight since flights waited for as long as 10 1/2 hours in late 2006 and early 2007.

9/22/09

CNN

Air travelers, others speak out on passenger bill of rights

WASHINGTON (CNN) -- Airline passengers who were trapped on tarmacs "like sardines in a can" had their opportunity to air their grievances Tuesday at an unofficial Capitol Hill hearing that shared some of the characteristics of those flights.



The hearing was sponsored by advocates of the Airline Passenger Bill of Rights.

The hearing was overbooked: The room had more participants than seats.

The take-off was slightly delayed: The hearings started five minutes late.

And, appropriately, it lasted more than three hours, the maximum time passenger advocates say people should be confined on the ground.

The hearing was sponsored by advocates of the Airline Passenger Bill of Rights, which would require airlines to give passengers the option of leaving a plane after it has sat on the ground for three hours. The proposal, which lacked adequate support in 2007 and 2008, has gained steam this year because of several highly publicized incidents, including a nearly six-hour overnight wait involving a regional jet in Rochester, Minnesota.

"We were not offered food. We were not offered water," said Link Christin, one of 47 passengers on the Rochester plane. "The toilet broke at about 3 o'clock in the morning, and it was impossible to sleep. Either Baby One cried, or Baby Two cried, or my foot got stepped on by somebody going to the bathroom."

"People have asked me, 'Why didn't you do something?' " he said.

"As a practical matter, you're a little bit in shock; you're in survival mode. You're being told every hour that you're going to get off. ... There was always a carrot in front of us that we think is going to get us off the plane. And I suggest to you that that's why 47 people did not mutiny that evening."

The star witness for the passenger advocates was Robert Crandall, former chairman and chief executive of American Airlines, who spoke in support of the three-hour limit.

"We can and we should solve the problem of extraordinarily long tarmac delay by imposing reasonable obligations on the airlines and other agencies that make up our aviation system," Crandall said.

But he added that he favors a looser four-hour limit until 2011 to give the industry time to adjust operating procedures.

Crandall said the industry's resistance to the rule is rooted in its "preoccupation with safety." The industry resists any change "that is not fully understood and has not been thought through in every detail," he said.

He said he believes that the rule can be made without affecting safety.

While saying that lengthy tarmac delays can have significant impacts on individuals, he said the problem is statistically small. In the first seven months of this year, only 776 of 3.8 million flights -- or 0.02 percent -- experienced tarmac delays of more than three hours, he said.

Sen. Barbara Boxer, sponsor of the Airline Passenger Bill of Rights, called her bill "extremely modest," saying many passenger advocates want even tighter time limits.

The rule would give pilots discretion to keep passengers on board longer than three hours for safety reasons, such as lightning storms, or if the pilot believed that the plane would take off shortly.

But two hearing participants testified that a three-hour rule could worsen the situation, increasing the number of canceled flights.

"I don't believe the three-hour rule will actually change things very much at all, given the small number of affected flights," said Amy Cohn, an associate professor at the University of Michigan. "And when it does change things, I think some passengers may be helped, and others may be harmed."

If one passenger insists on being released, Cohn said, the plane would return to the terminal, possibly delaying departure for everyone else on the plane.

Cohn said the focus on extremely lengthy delays is also diverting attention from the more pressing problem of routine delays. If Congress fixed routine delays, it would help alleviate lengthy delays, she said.

Tuesday's hearing was sponsored by FlyersRights.org and the Business Travel Coalition. And though it was held in a House of Representatives office building, it was not an official House hearing. Writers and editors for travel industry publications took the place of members of Congress in questioning the witnesses.

Organizers said the top airline industry organization declined to participate.

9/22/09

Chicago Tribune

Tarmac-delay law gains momentum

Sen. Barbara Boxer says airline passenger bill of rights is on '1-yard line'; opponents warn of potential pitfalls

By Joe Markman

WASHINGTON

Testimony that long tarmac delays are not merely a frustrating inconvenience but a serious health risk, backed by a World Health Organization study, has helped propel toward passage a law requiring airlines to allow passengers to disembark if delays span more than three hours.

The 2007 World Health Organization study cited Tuesday at an unofficial airline passenger's rights hearing shows that the risk for developing conditions such as a pulmonary embolism doubles after four hours of seated immobility.

The time limit, along with a requirement that airlines provide basic services such as food and water, will soon become law, Sen. Barbara Boxer, D-Calif., told a packed hearing room in a House office building. In the wake of another long-delayed plane in Rochester, Minn., in August, there appears to be increasing momentum in Congress and among consumer and business groups for the legislation.

The consumer rights language, similar to a provision approved in the House, is contained in a reauthorization bill for the Federal Aviation Administration before the Senate. The legislation makes an exception for occasions when the pilot believes the plane will take off in the next half-hour or that it might be hazardous for passengers to leave the plane.

David Castelveter, a spokesman for the Air Transport Association, which represents the nation's biggest airlines, said the proposed law could have unintended consequences.

"I think of the unaccompanied child who will be stranded in a strange city because a few people want to get off the plane," Castelveter said.

Castelveter called various reports over the years of passengers being denied or asked to pay for food and water, rare "missteps."

Despite Boxer's optimism, a significant bump in the road for advocates could be the Sept. 30 fiscal year deadline. If the full FAA reauthorization cannot be passed by then, as seems likely, a three-month extension would take its place. The extension, as it stands now, does not include the consumer protections contained in the full bill, which has moved through the House.

Boxer said she is talking to Senate Majority Leader Harry Reid about including the passenger rights requirements in an extension.

"We're on the 1-yard line today," Boxer said. "The leadership knows it is popular so they want to keep it in."

Robert Crandall, former CEO of American Airlines, said that instituting a three-hour limit would result in a deluge of cancellations. Citing American Airlines statistics, Crandall said that without a proper phase-in, the time limit would result in more than 6,000 passengers in a six-month period being forced to create alternative plans. He proposed starting at four hours and moving to three in 2011.

"It is clear that the full ramifications of any policy need be fully and carefully considered," Crandall said. However, he said he supported the legislation overall.

Boxer and fellow Democratic Sen. Amy Klobuchar, whose state includes Rochester International Airport, threatened to filibuster any amendment that would strike out the consumer protections from the FAA bill.

"We would talk as long as every passenger was left sitting on their flights," Klobuchar said.

9/22/09

KAALtv.com

Minnesotans Push for Passenger Bill of Rights

By: Sarah Swistak

(ABC 6 NEWS) -- Senator Amy Klobuchar testified on Capitol Hill Tuesday for the need for a passenger bill of rights.

This comes after several "nightmare flight" situations affecting Minnesota-bound planes.

This was the first time victims were given the chance to speak out, and that's exactly what they did.

As an attorney, Link Christin is used to upholding the laws, not creating them, but that all changed when he got stuck on the tarmac at Rochester International Airport for six hours.

"It literally was like being held hostage. We were not allowed to leave the airplane. I think it's totally unacceptable, and I actually think it's a small miracle that something more serious didn't happen," he said.

"That's why we need this passenger bill of rights," said Senator Amy Klobuchar.

Which is why Senator Klobuchar and Christin were both on Capitol Hill Tuesday morning, to testify in a stakeholder hearing promoting a passenger bill of rights.

"We have thousands of laws that protect us when we're up in the air in these airplanes and take care of our health and safety, and as far as I know, there's not even one law that protects passengers when they are detained in an airplane on the ground," said Christin.

"It's just like common sense has flown out the window, but the windows were shut," said Senator Klobuchar.

The bill of rights would limit the amount of time passengers could be detained on the tarmac, and also set standards for food, water, temperature and available restrooms.

"I think that would be a protection for passengers health-wise and I also think it would be good for their state of mind," said Christin.

But ultimately it's up to the U.S. Senate.

"We would like to get this done as soon as possible," said Senator Klobuchar.

As for Christin, he's just hoping his flight home from Washington doesn't share the same fate as his nightmare flight six weeks ago.

Senator Klobuchar says it is tougher to get legislation passed in the senate, but she is determined to do so.

Nationally, nearly 300 planes sat on the tarmac last June for periods of three hours or longer.

9/22/09

MyFoxDC.com

Passenger Bill of Rights Gains Support

By JOHN HENREHAN/myfoxdc

WASHINGTON, D.C. - In the past, America's airlines could count on some major business organizations to help them fend off a proposed "Passengers' Bill of Rights."

That support, however, appears to be eroding.

The National Business Travel Association and the Business Travel Coalition have switched sides, and now support the establishment of federal rules which would allow passengers trapped for hours on a jetliner stuck at the gate or on an airport taxi-way to get off.

And now, former American Airlines CEO Robert Crandall has joined the cause.

Crandall told a meeting on Capitol Hill he supports a Senate bill that would require airlines to give passengers the opportunity to deplane from a long-delayed jet. The former airline executive suggested modifying the bill, however. The proposed legislation would give the passenger an opt-out opportunity for a jet delayed more than three hours.

Crandall suggested that, for the first year of the law, the trigger be four hours' delay. That, he said, would allow the airlines time to get used to the rule. After one year, Crandall suggested the rule then be reduced to three hours' delay.

A group called FlyersRights helped organize the meeting. It's Executive Director, Kate Hanni, got trapped on a delayed airliner in 2006. She and her family were on the tarmac in Austin for nine hours and 17 minutes.

"It was sickening... the toilets were all overflowing," recalled Hanni. "Women were making diapers out of t-shirts for their babies. They had run out of diapers, run out of formula. No potable water was on the plane for the last six hours. No food. And no help. And no hope."

That's when Hanni became an activist.

The Air Transport Association (ATA) has successfully fended off a Bill of Rights law for ten years. ATA spokeswoman Elizabeth Merida said some airport taxi-ways are not designed to turn around a plane for a return to a gate.

She also pointed out if a passenger demands to get off, and the plane goes back to the gate, that jet loses its priority number in the queue on the taxi-way. That, she said, would delay the remaining passengers.

California Senator Barbara Boxer appears ready to deliver legislation mandating a passenger opportunity to leave a delayed jet. The House has already passed a bill, and Boxer and her allies plan to have the Senate pass stronger legislation.

Differences would be ironed out in a conference meeting later.

9/22/09

Associated Press

3-Hour Limit for Tarmac Delays Gains Steam

Former American Airlines CEO Backs the Measure; Sen. Boxer, Passengers' Rights Groups Push "Bill of Rights" in Congress

(AP) A former CEO of American Airlines on Tuesday backed imposition of a three-hour time limit on how long airlines can strand passengers on airport tarmacs, but he also warned of unintended consequences.

Robert Crandall parted company from his former industry colleagues and joined passengers rights advocates as they took their case to Congress, staging a hearing in a meeting room provided for the event by a House committee.

Crandall said he supports legislation pending in the Senate that would require that passengers be allowed to deplane after a three-hour wait. The bill makes an exception for instances when the pilot believes the plane will take off in the next half-hour or it might be unsafe to leave the plane.

"I think the airline industry should have led the way in responding to this problem rather than having resisted it," Crandall said. "Every responsible airline executive I know thinks these things are an outrage."

However, he said returning passengers to terminals likely will result in more flight cancellations and modest fare increases.

Since flights are increasingly full or nearly full due to airlines' cutbacks in schedules, passengers who opt to deplane may have difficulty finding seats on other planes and may be delayed longer than if they had continued to wait on a runway, Crandall said.

He recommended an initial four-hour time limit to give airlines time to make adjustments before ratcheting down to a three-hour limit in 2011.

Sen. Barbara Boxer, D-Calif., co-sponsor of a "passengers bill of rights" containing the three-hour limit, rejected Crandall's suggestion. There are "a lot of folks behind the scenes who don't want this legislation," Boxer said. "I'm going to fight for the three hours because it will get watered down - it always does."

The Air Transport Association, which represents major airlines, declined invitations to attend the hearing. The association has warned there will be more inconvenience and delay for passengers if a hard time limit is imposed.

Passengers right advocate Kate Hanni called that assertion a "myth." She said advocates only want passengers to be given the option to deplane every three hours, and that doesn't require the plane to return to a gate. She said airport people movers or other equipment could be used to help people leave planes still in takeoff queues.

Hanni, executive director of FlyersRights.org, pointed to the example of Sun Country Flight 242, which sat on the tarmac at Kennedy International Airport in New York for nearly six hours last month before it was allowed to take off for Minneapolis.

Of the 136 passengers aboard the flight, 96 were connecting through Minneapolis and most likely missed their connections and had to spend the night there before they could get other flights to their destinations, Hanni said. Those passengers might have been better off if they'd had an opportunity to get off in New York after it became apparent they would no longer make their connections, she said.

Two weeks earlier severe thunderstorms forced a Continental Express flight from Houston to Minneapolis to land in Rochester, Minn., where 47 passengers were forced to sit in a cramped plane for six hours overnight amid crying babies and a stinking toilet before they were allowed to deplane.

A Transportation Department investigation found that employees of a Delta Air Lines subsidiary - the only workers still at the airport - refused to make a gate available to the plane because the airport was closed and security personnel had gone home.

9/22/09

The Wall Street Journal

Sen. Barbara Boxer: Airline Passenger Bill of Rights Is Coming

Airline meltdowns—such as a regional jet stranded overnight with 47 people on board last month—have made passengers’ rights legislation popular in Congress and likely to pass, even over airline industry objections, Sen. Barbara Boxer said Tuesday.

“Every day they (airlines) prove to us how much we need this legislation,” said Sen. Boxer (D-Calif.), a co-sponsor of a passengers’ rights bill that includes forcing airlines to allow passengers off planes after three hours of sitting, if passengers want.
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AFP/Getty Images

Passengers’ rights legislation would require airlines to allow passengers off of planes after three hours of sitting.

Sen. Boxer’s bill would require airlines to provide food, water and bathrooms to passengers stranded on flights either unable to take off or unable to access a gate for disembarking. It lets pilots decide whether it’s safe to give passengers the opportunity to get off a plane every three hours, and waives the requirement if a captain reasonably expects to take off within 30 minutes after the three-hour threshold is reached. The legislation is now included in the reauthorization bill for the Federal Aviation Administration, enhancing its chances of passage. But the House version of the legislation doesn’t include a three-hour cap, and a conference committee will have to decide on forcing airlines to allow passengers to deplane if they choose.

Airlines have fought customer-service legislation for more than 10 years, thwarting one effort in Congress in 1999 by promising to live up to voluntary customer-service

commitments. Tuesday at a mock “hearing” on Capitol Hill staged by the Business Travel Coalition and FlyersRights.org, Sen. Boxer acknowledged that airline rules could still be “watered down.”

“The leadership knows it’s popular so they want to keep it in the FAA reauthorization bill,” she said. “It will happen.”

The bill would also require the Department of Transportation to review and approve airline customer-service plans, including plans for long delays, and enforce fines if carriers don’t follow their promised plans.

Sen. Boxer drew support Tuesday from former AMR Corp. and American Airlines chairman Robert Crandall, who suggested a phase-in plan setting a four-hour cap until the beginning of 2011, when it would drop to three hours. That would give airlines a chance to revamp operations and schedules to deal with lengthy delays without forcing them to make wholesale cancellations of flights when bad weather hits.

“Most aviation executives I know agree that keeping people involuntarily confined aboard airplanes for extended periods of time is unacceptable,” Mr. Crandall said. “I believe new rules can be implemented without compromising safety, without adversely increasing consumer costs and without adversely impacting long-term carrier economics.”

The retired airline chief added, “we can and should solve the problem of extraordinarily long tarmac delay by imposing reasonable obligations on the airlines and other agencies that make up our aviation system.”

Readers, do you want legislation? Does this cover enough ground, or would you like to see even stricter provisions in place?

9/21/09

The Philadelphia Inquirer

Winging It: Angry passengers press for bill of rights



By Tom Belden

The airlines may be running out of time.

For a couple of years, the industry's lobbying clout in Washington has kept Congress from adopting legislation that would require carriers to do more to ease their customers' pain from long airport tarmac delays.

Delays like the six-hour overnight ordeal endured by 47 passengers on a Continental Express regional jet flight at Rochester, Minn., last month.

Since that widely reported event, support has been building throughout the travel industry for legislation establishing a passenger bill of rights in federal law.

Tomorrow morning, proponents of the legislation will try to keep the momentum for passage going by staging their own version of a congressional hearing, taking testimony on Capitol Hill from supporters and opponents of the legislation.

Organizers of the hearing are the Business Travel Coalition - the Radnor advocacy group for corporate travel managers - and FlyersRights.org, formed by Kate Hanni, one of the victims of a nine-hour tarmac stranding in 2006.

The lineup of witnesses scheduled to appear tomorrow is impressive, and it includes both outspoken proponents of regulation and some who will speak against a legislative solution to the problem.

Among the invited speakers are Sens. Barbara Boxer (D., Calif.) and Olympia Snowe (R., Maine), cosponsors of a passenger-rights bill; retired American Airlines chief executive officer Robert L. Crandall and another former American official; executives from the Lehigh Valley and Dallas/Fort Worth airports; a leader of the American Society of Travel Agents; and a University of Michigan business professor who is against the legislation.

The senators' proposal, which has been approved by the Senate Commerce Committee, would require airlines to provide passengers with adequate food, water, usable restrooms, and necessary medical attention during long delays.

The key provision in the bill, the one the airlines don't like, would require that passengers be allowed to get off the plane after three hours, with a couple of 30-minute extensions if the captain determines there is a good chance the flight will actually depart.

The three-hour rule would also apply to flights stranded on an airport tarmac after landing because there are no available gates, a problem that can arise when thunderstorms keep planes from departing.

The U.S. House has already passed a weaker bill, but the leaders of this movement are opposed to it because it gives airlines too much leeway in deciding how long they keep passengers on planes.

The proponents of tougher regulation say they expect whatever bill is ultimately approved will be part of legislation reauthorizing the Federal Aviation Administration.

The airlines, represented by the Air Transport Association, have managed to fend off the legislative efforts in the past by arguing that hard-and-fast rules will have unintended consequences travelers won't like.

If your departing flight has to return to the terminal in three hours, it will lose its place in line to take off, meaning either the delay will get even longer or the flight will be canceled. With flights more than 80 percent full these days, finding a seat on another one will be tough, making it unpredictable when you'll reach your destination.

Airlines point out that federal safety regulations already prohibit them from doing anything on airport runways or ramps if thunderstorms, accompanied by lightning, are preventing takeoffs or jamming up gates.

What's more, the airlines say, only a tiny fraction of all flights experience ground delays of three hours or more, so what's the big deal?

But what has changed for the airlines since the Continental Express incident is the array of organizations and individual travelers now saying they don't care a whit how rare the problem is.

The National Business Travel Association and the American Society of Travel Agents in the last month have joined the Business Travel Coalition and FlyersRights.org in support of legislation as the only way to make the airlines behave consistently.

A survey conducted by the travel coalition of industry professionals and airline customers found that 82 percent were in favor of setting standards for how passengers should be treated during long delays, coalition chairman Kevin Mitchell said.

In the past, Mitchell agreed with the airlines' argument that setting a time limit on delays would be counterproductive because of the disruption it could cause for flight schedules. He testified against legislation at congressional hearings four times since 1999, when Congress first considered setting time limits.

Tougher rules were under consideration then because of another notorious incident, at the Detroit airport, where a snowstorm stranded thousands of Northwest Airlines passengers overnight.

The airlines persuaded Congress then to back off passing regulations by promising to adhere to voluntary customer-service plans.

Mitchell said that each time he testified, he warned the airlines that travelers and the rest of the travel industry would eventually lose patience if the industry didn't live up to its voluntary commitments.

"I thought the airlines should be given a chance to fix this problem," he said. "But 10 years is a long time of broken promises by the airlines that they would fix it."

Contact Tom Belden at 215-854-2454 or tbelden@phillynews.com.

9/20/09

Tampa Tribune

Hearing will address how long passengers should sit in plane on tarmac

By TED JACKOVICS

After Kate Hanni was stranded inside an airliner for more than eight hours on the ground in 2006, she produced an emergency kit she calls the perfect gift for loved ones planning to travel.

It includes SOS signs for aircraft windows. It's got germicidal tablets to treat airliner restroom water and a list of edible airplane parts for when the peanuts are gone. There are instructions for making a diaper from a T-shirt and warning signs for health issues resulting from a delayed flight.

But don't be misled by Hanni's lighthearted take on the passenger rights issue. The Californian gave up her career in real estate to become a consumer advocate who has taken her cause to Congress.

Congress has been as divided over passengers' rights as it is over health care reform, with a similar conflict between corporate profits and consumer welfare underlying both issues.

But this month, the issue is coming to a head. A passengers' rights stakeholders hearing is set for Tuesday in Washington, and House and Senate proposals are tied to the reauthorization of Federal Aviation Administration due to be renewed by month's end.

Airlines, whose prime lobbyist is the Air Transport Association, say long delays are unacceptable.

But airlines also contend their schedules for utilizing crews and aircraft are so tight in a period when they continue to lose billions of dollars that they cannot afford to let passengers off planes and lose a flight's place in a lineup to take off or land, especially in busy regions such as New York.

Passengers say they have a right to leave an airplane with overflowing, smelly toilets, little food and drink, and a crowd of crying children and anxious adults.

U.S. Sens. Barbara Boxer, D-Calif., and Olympia Snowe, R-Maine, have sponsored a bill that would allow passengers the option of getting off a plane after three hours of onboard delay.

The House version requires airlines to have a plan for letting passengers off the plane after "excessive delays" but does not specify how long that is.

The purpose of Tuesday's hearing is to examine passenger safety problems related to extended ground delays and discuss the two passengers' rights proposals in Congress.

"We expect to put a great deal of pressure on Congress," Hanni said. "The Senate bill is better than I hoped for. Our goal Tuesday is to compel the House to understand, 'Enough is enough.'"

Airlines make decision

The Department of Transportation in November released a report by a 35-member Tarmac Delay Task Force made up of various aviation community members who recommended each airline be permitted to establish its own time limit for deplaning passengers subjected to lengthy delays.

Since the report's release, however, major problems such as one Aug. 7 have drawn additional national attention to tarmac delay problems.

In that incident, 49 Continental Express passengers (two infants) were forced to remain aboard a 50-seat regional jet aircraft with a smelly toilet and pretzels for food for about six hours. The flight had been diverted to Rochester, Minn., rather than Minneapolis to avoid bad weather, but the airline's employees would not let the passengers off the plane because they said TSA security workers had gone home for the night.

Two weeks later, 100 Sun Country passengers were stranded aboard a flight at New York's John F. Kennedy International Airport. After three hours, the flight crew brought out a food cart, and passengers had to pay for their selections.

Departures from Tampa International Airport generally have not encountered major problems once passengers have boarded aircraft, although passengers on nine inbound flights to Tampa this year, through July, have suffered tarmac delays of more than three hours at the departure airport.

"The airlines are responsible, but most airports - Tampa included - have a plan in place that if an aircraft is stranded off of the gate, we will transport the passengers back to the terminal at the request of the airline," Tampa International director Louis Miller said.

That happened after an emergency landing of a Southwest Airlines plane on Sept. 7, he said.

Persistent Problem

The federal Bureau of Transportation Statistics' most recent report, through July, shows that 520 U.S. flights were delayed for more than three hours after passengers boarded

the aircraft and the plane sat on the tarmac. Ten of those incidents stranded passengers on the ground for more than five hours.

What is less frequently highlighted is that an additional 2,985 flights were delayed on the tarmac between two and three hours during the first seven months of this year.

Consumer advocates have challenged the federal statistics, claiming that data airlines report are inaccurate. Hanni claims the report issued this month with July data did not correspond with accounts passengers have raised. She intends to address that issue at the hearing Tuesday.

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Hanni has found support from the flying public and aviation groups. More than 27,000 people have joined her nonprofit group FlyersRights.org.

The Business Travel Coalition, a Radnor, Pa.-based group that represents hundreds of corporate travel departments, did a 180-degree shift in its thinking this summer on passengers' rights, from opposing government standards for 10 years to endorsing the Senate's legislation.

A survey of 678 aviation and travel professionals and business travelers in July and August found that 85 percent supported passengers' rights legislation.

"Three hours is still unacceptable," one consumer commented on the survey. "In this day and age with the level of technology we possess, that anyone should have to sit in a crowded plane for more than an hour or two is unjustifiable."

In addition, businesses were becoming more aware that delays were costing them money, coalition President Kevin Mitchell said in an interview last week.

"The last couple of years the situation has worsened," he said. "The only remaining remedy is a single passengers' rights standard ... that needs to do for passengers what airlines have refused to do."

Other groups have also weighed in. The American Society of Travel Agents in July requested Congress establish a clearly-defined time limit to allow passengers to leave an aircraft, although it originally agreed to the DOT's Tarmac Task Force recommendations last year.

Canada's four major airlines took the initiative this year on a passenger bill that allows stranded travelers to disembark after 90 minutes - when airlines determine that circumstances permit.

In addition, the Canada airlines' contracts of carriage - the extensive fine print all airlines provide to the public - provides meal vouchers for delays exceeding four hours, hotel accommodations and airport transfers for overnight delays of more than eight hours and providing snacks and drinks during delays.

9/17/09

Tulsa World

Rights for fliers gaining in bills

by: D.R. STEWART World Staff Writer

Airline passenger rights legislation may be gaining momentum in Congress despite industry opposition, business and travel organizations say.

Now working its way through Congress as part of the FAA Reauthorization Act of 2009, the passenger rights provisions would establish minimum passenger standards for food, fresh air and water, comfortable cabin temperatures and rest room facilities on delayed or diverted flights.

The Business Travel Coalition, a 15-year-old Radnor, Pa.-based organization advocating greater transparency in transportation issues, last week joined with the California group that founded the passenger rights movement to urge congressional action.

"BTC testified four times since 1999 in opposition to congressional intervention, and opposed the New York State Passenger Bill of Rights that would have led to disparate passenger rights standards in every state," BTC Chairman Kevin Mitchell said. "So-called federal preemption was emplaced long ago to prevent a patchwork of oversight regulations.

"However, airlines can no longer have it both ways; consumers continue to be harmed and are without protections at the state level. As such, the only remaining remedy is a single passenger-rights standard emplaced by a Congress that needs to do for passengers what the airlines have refused to do."

Airline industry spokesmen say legislation could cause more problems than it solves.

"It's very easy for Congress to say, 'Do this,' " said David Castelveter, spokesman for the Air Transport Association, which represents the nation's major airlines. "It's very easy for consumer advocates to opine we should have a law. But nobody wants to recognize there would be unintended consequences.

"If an airplane has to go back to the gate, it's very likely an airline crew will reach their maximum number of (on-duty) hours they are required to fly by law, and so the airline will be forced to cancel that flight."

It is unclear what form the proposed passenger rights legislation may take.

The House version of the bill, H.R. 915, establishes general standards of passenger comfort the airlines must provide during tarmac delays.

The Senate legislation, S. 1451, goes further. It includes an option for passengers to disembark the aircraft after three hours of onboard delay on U.S. flights should the captain decide it is reasonable and safe to leave the plane or return to the gate.

For Terry Tripler, an airline industry consultant in Minneapolis and founder of Tripler & Associates, passenger rights legislation would be a nightmare.

"Your plane has been away from the gate for three hours and you are still on the ground due to weather and ground traffic," Tripler said. "The new legislation would require that if your captain does not believe you will take off within 30 minutes, all passengers must be given the option of getting off the plane.

"Suppose 75 people, including you, want off the plane and a gate is not available. Are you going to blindly get off that plane — not knowing what awaits you in the terminal? In that case, imagine how long it will take to address the possible alternatives for 75 people.

"Suppose by now the plane is ready to take off in 20 minutes? Is everyone going to change his or her minds now and stay on the plane? A recipe for air rage — one passenger against another?"

For business travelers, the six-hour tarmac delay endured by passengers on Continental Express Flight 2816 last month at Rochester International Airport in Minnesota was the tipping point in the rights debate.

The Continental Express flight was headed to Minneapolis from Houston and was diverted to Rochester because of thunderstorms. For six hours, 49 passengers on the 50-seat Embraer ERJ-145 were not permitted to leave the plane while having to endure the wait with no food, few blankets or pillows and a non-working toilet, according to passengers.

Before the Continental flight, business travel groups and travel agency organizations tended to side with the airlines, which oppose legislation aimed at requiring carriers to adhere to fixed passenger comfort standards during tarmac delays.

The American Society of Travel Agents "has reversed their position, and it doesn't surprise me," said Alex Eaton, president of World Travel Service in Tulsa, the state's largest travel agency, 85 percent of whose clients are business travelers. "The airlines have had time to police themselves and put some standards and norms in place, and they haven't. We're certainly not seeing any resolution of it."

Eaton said his business travel clients talk to him regularly on their cell phones about the problems of tarmac delays.

"They're conducting business or calling us (asking), 'What can you see and why are we stuck?' " Eaton said. "But there is not much we can do."

9/12/09

Los Angeles Times

Support is growing for a fliers' bill of rights

Two major business groups join the call for federal legislation to aid airline passengers stranded on the tarmac.

By Hugo Martín

The travails of passengers on a flight stranded overnight on an airport tarmac in Rochester, N.Y., and new data on airline delays are giving fresh ammunition to supporters of an airline passenger bill of rights.

Two major business travel groups, frustrated by ongoing airline delay problems, have joined the call for federal legislation to address snafus like the nightmare that took place in Rochester last month.

The Aug. 8 flight from Houston to Minneapolis-St. Paul, Minn., was diverted to Rochester because of severe weather. But things got ugly when -- due to a combination of bad luck and bad decision-making -- the plane sat on the tarmac for nearly six hours, while the 47 passengers subsisted on pretzels and stale compartment air.

A Transportation Department investigation put most of the blame on a local representative of Mesaba Airlines for refusing to let the captain of the ExpressJet plane discharge the passengers. The Mesaba representative erroneously believed that the passengers could not be allowed in the terminal because no one from the Transportation Security Administration was available to screen passengers.

Earlier this week the Bureau of Transportation Statistics released its latest on-time airline data, showing that 164 flights were delayed for at least three hours in July. The longest delay was a Delta Airlines flight from New York's JFK Airport to Portland, Ore., that was on the tarmac for about 6 1/2 hours before it was canceled.

One version of the passenger bill of rights under consideration by Congress requires airlines to give passengers the option to get off the plane once they have waited on the tarmac more than three hours.

The National Business Travel Assn., which represents more than 4,000 corporate travel managers and other travel professionals, announced last month that it had switched its position and now supported such legislation. The association has previously opposed such a law, saying it was confident the airlines could come up with a solution without the need for federal legislation.

"When we've got travelers stuck on planes sitting on the tarmac overnight, it's clear the problem has spun out of control and legislation is the best solution," association Chairman Kevin Maguire said in a statement.

The Business Travel Coalition, which represents the travel departments of about 300 businesses worldwide, also switched sides this week after releasing the results of an online survey that showed 82% of travel professionals, business travelers and others support legislation to let passengers off a plane that sits on a tarmac for three hours or more.

Kevin Mitchell, chairman of the coalition, had previously testified before Congress against a federal law, saying the airlines should be allowed solve the problem voluntarily. But he said the survey showed that business travelers were fed up with tarmac delays. The Rochester incident, Mitchell said, showed that airlines are not ready or willing to fix the problem.

Kate Hanni, founder of the Coalition for an Airline Passengers' Bill of Rights, a nonprofit airline passenger advocacy group, called the support of the two business groups "a huge victory for airline passenger rights legislation."

Still, most airlines continue to oppose such a law, saying the final decision on whether to return to the terminal or stay on the tarmac should be made by the flight crew and federal aviation officials at the airport.

Elizabeth Merida, a spokeswoman for the Air Transport Assn., which represents the nation's biggest airlines, said that each tarmac delay was the result of unique circumstances and that imposing a federal mandate could make matters worse for passengers.

For example, she said, if a plane is delayed because of bad weather and a federal law forces the pilot to return to the terminal, the plane can lose its spot in the departure lineup, further delaying takeoff. Merida also noted that it was not always possible for a plane to turn around and return to the terminal on a crowded runway.

Still, Merida called the incident in Rochester "unfortunate," adding that major airlines had already adopted voluntary procedures to deal with extensive tarmac delays.

But that doesn't appease Rep. Daniel Lipinski (D-Ill.), a leading passenger rights advocate who is drafting a bill to impose fines on airlines that strand passengers for more than three hours.

Given the threat of fines and growing support for federal legislation, passenger rights advocates say they expect airlines and federal officials to reach an agreement on tarmac delays by the end of the month.

Stay tuned.

9/11/09

Newsweek

Should there be a law against 3-hour tarmac delays?

Posted by: Sean O'Neill

Last month's 9-hour stranding of 47 passengers on a Minnesota airport tarmac caught a lot of attention. Passengers were kept on the ExpressJet plane from about 12:30 a.m. to 6 a.m. says a government report.

A new law that may be passed by the Senate by the end of September would set a maximum time that passengers can be held on the tarmac: Three hours. At which point, the pilot would be obliged—if it was safe and reasonable—to drive the plane back to the gate, where passengers can get off if they chose.

How many travelers have actually been stuck on the tarmac in extreme delays? In the past couple of years, more than 200,000 passengers have been on planes that have been stuck on the tarmac for at least three hours, reports USA Today. That number contrasts with the roughly 1.6 billion people flown during the same timespan.

This summer, three lobbying groups have come out in support of a 3-hour limit: The Business Travel Coalition, the National Business Travel Association, and the American Society of Travel Agents.

But a "3-hour rule" goes against the recommendations of the Tarmac Delay Task Force, a group of aviation experts assembled by the Department of Transportation, who last November declined to set a national time limit. The blue-ribbon panel suggested the airlines voluntarily regulate themselves.

The airlines also oppose a mandatory 3-hour law, saying that it would not improve customer service. For this official view, we spoke with David Castelveter, Vice President Communications, Air Transport Association of America. Some highlights:

A mandatory 3-hour rule will have unintended consequences, namely, more cancellations, more delays, more inconvenience for travelers, and more cost for customers and carriers.

No passenger likes a delayed flight, but what they like even less is not being able to get to their destinations at all. The proposed 3-hour hard limit on ground delays will force airlines to inconvenience planeloads of people to satisfy the demand of a minority of passengers to deplane.

It's very easy for advocates of a passenger bill of rights to say the airlines have been given every opportunity and now we need legislation. But you don't fix a problem by

adding another problem. If you have a couple of kids who are bad on your block, you don't punish all of the kids in the neighborhood. DOT does have oversight and time and again has exercised its authority, which included fines. It should take action as it deems necessary.

9/11/09

Kiplinger

Congress Likely to Pass Tough Passengers' Rights Bill

In an about-face, business travel groups are calling for lawmakers to approve a no-nonsense bill.

By Martha Lynn Craver

September 11, 2009

Congress is all but certain to pass a muscular passengers' bill of rights this fall. The legislation will require airlines to provide passengers with adequate food, water, comfortable cabin temperature and ventilation and adequate restroom facilities anytime a plane is delayed on the tarmac. If the delay lasts three hours, the plane will have to return to the gate and allow passengers to disembark if they wish. Airports, as well as the airlines, will have to develop contingency plans for delayed flights that must be approved by the secretary of transportation. The Department of Transportation could fine carriers and airports that don't comply.

Business travel groups are finally fed up and are joining consumer groups to push for strong action from Congress. In the past, business groups were sympathetic to arguments made by the airlines that a hard-and-fast rule could have unintended consequences, causing additional flight cancellations and even longer travel delays. But their views changed after passengers on a Continental Express regional jet in August were forced to spend seven hours on the tarmac overnight at Rochester International Airport in Minnesota. "The Rochester incident was definitely the catalyst," says Stewart Verdery of the National Business Travel Association.

Business travel groups say that they're seeing too many business travelers lose too much time. Too often they are held up so long that they miss a key meeting and no longer have a reason to make the trip, but still they are not allowed to disembark and go home. "Congress first held hearings on this issue 10 years ago.... Either the airlines cannot, or will not, fix this problem," says Kevin Mitchell, chairman of the Business Travel Coalition.

The combined pressure from these groups will nudge Congress to act. A provision encompassing an airline passenger bill of rights is in both the House and Senate versions of the Federal Aviation Administration reauthorization bill. The House version doesn't set a time for allowing passengers to deplane. That version appeared to have the best chance for passage until the incident in Minnesota. Now the Senate version with the three-hour time limit has the edge.

9/10/09

Management.travel

Passenger Rights Debated

by David Jonas

September 10, 2009 - The National Business Travel Association last month switched its position and now supports federal legislation on airline passenger rights. Two airline CEOs speaking in August at NBTA's convention in San Diego disagreed with the need for such laws, which have been proposed in multiple flavors by the U.S. Department of Transportation and Congress.

The issue has regained a high profile since an Aug. 8 incident during which a Continental Airlines flight operated by ExpressJet Airlines sat on a tarmac for more than five hours (to 6:00 a.m. local time) in Rochester, Minn. DOT cleared the flight's crew of any fault, blaming a representative from Mesaba Airlines--"the only carrier able to assist Continental at the airport"--for incorrectly informing the ExpressJet captain that security procedures had closed the airport to passengers.

"There was a complete lack of common sense here," according to a statement by DOT Secretary Ray LaHood. "It's no wonder the flying public is so angry and frustrated."

Five days after the ExpressJet incident, NBTA issued a press release in which it stated support for passenger rights provisions--reintroduced in January by Senators Barbara Boxer, D-Calif., and Olympia Snowe, R-Maine--now included in the U.S. Senate's proposed Federal Aviation Administration reauthorization bill. The Airline Passengers Bill of Rights would require airlines during lengthy delays to provide food, drinking water, clean restrooms and comfortable cabin conditions; airports to develop federally approved contingency plans for long delays; and DOT to establish a consumer complaint hotline. It also would require "airlines to offer passengers the option of safely deplaning once they have sat on the ground for three hours after the plane door has closed."

NBTA previously described airline customer service as "a market-driven issue," saying that "in general, airlines are in a much better position to ascertain what their customers expect and whether certain practices are worth the cost they entail."

In the Aug. 21 press release, then-NBTA president Kevin Maguire said, "Enough is enough. When we've got travelers stuck on planes sitting on the tarmac overnight, it's clear the problem has spun out of control, and legislation is the best solution."

Airline CEOs Oppose Legislation

Continental Airlines CEO Larry Kellner and Southwest Airlines CEO Gary Kelly both cited safety concerns for their objections to federal passenger rights legislation. Though he accepted responsibility for the Aug. 8 ExpressJet incident and said his airline "clearly has work to do" in supporting flight crews in such scenarios, Kellner insisted that, "unfortunately, if we had legislation, I don't think it would have changed anything in Rochester.

"You have to be very careful with what you legislate," Kellner continued. "In those one-off situations, you don't want the message on safety to be lost. We're not going to put people out on the tarmac when there is lightning. Safety is always the priority. If you need something double checked, then get it double checked. If you don't think it is safe to go, that is your decision."

Kelly shared a similar sentiment. "It happens so infrequently that when that error is made, it is sensationalized," he said. "If there is lightning within a three- to five-mile radius, the ramp closes and you cannot open the door to get people off an airplane. How do you legislate that? Safety has to be the top priority. It is heavily regulated already. I would be concerned about adding other layers of regulation that can't be easily executed and, in some cases, may conflict with safety."

The Three-Hour Rule

According to NBTA, the proposed Senate bill "provides two exceptions to the three-hour option: The pilot may decide not to allow passengers to deplane if he or she believes their safety or security would be at risk due to weather or other emergencies. Additionally, the pilot may delay deplaning up to 30 minutes beyond the three-hour period if he or she reasonably believes the flight will depart within 30 minutes."

The Senate version of passenger protections differs slightly from the U.S. House of Representatives version passed in May. The House bill "would allow the airlines to set their own amount of time" for determining when to return airplanes to gates during lengthy tarmac delays, according to Coalition For An Airline Passengers Bill of Rights (a.k.a. FlyersRights.org) executive director Kate Hanni, speaking Tuesday on a conference call with journalists. Should that version ultimately clear congressional conferencing and become law, FlyersRights "would likely have to oppose," Hanni said. Congress has until Sept. 30 to hammer out a final FAA reauthorization bill or set yet another extension.

Another proposed version of a passenger protections document was proposed by DOT in December 2008. "We are currently evaluating the comments filed in response, and we hope to finalize it later this year," according to FAA deputy assistant administrator Nancy LoBue, speaking during the NBTA convention. "Even with delays down and capacity cuts, events like the ExpressJet incident are still happening and there is concern about that." DOT said its investigation of the ExpressJet incident "will be used to help formulate a final rule that will provide better protection for airline passengers."

Hanni objects to DOT's version because "it doesn't set a clear timeframe, there is no mandate," she said. "But what is even more nefarious about it is they specifically wrote that DOT would not have any approval, oversight or enforcement of the airlines' plans. That does exist in the congressional legislation, in the House and the Senate."

Business Travel Coalition chairman Kevin Mitchell added that "it would be hard for the airlines to sue Congress but relatively easy to sue DOT if they don't agree" with any final rules.

Associations Speak Out

In addition to NBTA and FlyersRights, the American Society of Travel Agents and BTC support the three-hour rule and other passenger protections.

"In the face of continued delays and the evident lack of concrete efforts on the part of the airlines to create a meaningful solution to this problem, it is now ASTA's position that only a congressionally defined standard will compel the airlines to do what they have long-promised they would do in this most basic area of customer service," said ASTA vice president of government affairs Colin Tooze.

"There is an evident market failure that can only be addressed by government intervention," according to Mitchell.

BTC conducted an online survey of 674 travel industry professionals and business travelers between July 26 and Aug. 31. When asked if "airline customer service--broadly defined--improved in the past 10 years," 81 percent answered "not at all." Seventy-six percent indicated they "conceptually support" passenger rights legislation, and 77 percent said they support the rule proposed by the Senate that would allow passengers to disembark after three hours on the tarmac.

Continental a few years ago conducted its own poll of passengers regarding long tarmac delays, according to Kellner. "Close to 90 percent of passengers said, 'No, I didn't like the delay but given the choice between sitting on the tarmac 3.5 hours and then going, or having the flight canceled, I want the flight to go,'" he said.

"A large number of passengers start to lose their ability to cope at the three-hour mark for a variety of reasons," said Hanni, when asked about the Continental poll. "There may be some truth to the argument that some people might want to stay on the aircraft, but I haven't met them."

Mitchell reiterated that the proposal favored by his group and others would give passengers the option to stay onboard or deplane after three hours.

9/10/09

Ethiopian Review

Congress to end long flight delays

Posted by Mehret Tesfaye

The business travel community is siding with Congress on a new law that would address flight delays on the tarmac. The Business Travel Coalition, which represents the travel departments of 300 companies, is announcing today that it supports a new law that would give passengers some elbow room when a plane's stuck on the ground.

If a plane is delayed for three hours or more on the tarmac, according to the bill, airlines would have to let the passengers get off the planes. This would provide welcome relief in among the gloomiest of travel situations. And, it could work to the airlines' favor – though they wouldn't admit it – as it would prevent negative public relations situations due to poor judgment. There have been enough delays to warrant at least the introduction of a bill, so there's obviously a problem.

The Business Travel Coalition made the decision after surveying 649 corporate travel departments, travel agents and business travelers. More than 90 percent of the corporate travel departments and approximately 80 percent of travel agents and business travelers support the proposed rule. The National Business Traveler Association and American Society of Travel Agents have both come out in favor of the bill.

Since January 2007, USA Today reports that in excess of 200,000 passengers have been stranded on more than 3,000 planes for at least three hours after pushing back from or while waiting to approach a gate. There were 278 flights in this situation in June 2009 alone. While this is still a small portion of total passenger traffic, 200,000 people is a statistic that's hard to ignore.

The issue of long tarmac delays was triggered recently by a Continental Express flight that was stuck on the ground in Rochester, Minnesota. The Senate has approved a version of the bill with the three-hour rule, while the House of Representatives has passed a less specific version, requiring that airlines submit a plan to the Department of Transportation for letting passengers off in the case of a long delay.

The Air Transportation Association is against the bill, though it calls long delays "unacceptable" (not exactly a hard position to take). The vice president of the ATA, David Castelveter, claims that airlines have contingency plans to deal with these situations and can handle the situations themselves.

According to USA Today, he says, "We continue to believe that a hard-and-fast mandatory rule for deplaning passengers will have substantial unintended consequences, leading to even more inconvenience for passengers and, ultimately, more flight cancellations." He also explains that airlines have spent more money and invested in new technology to improve the service they provide.

Of course, we see how well that's worked over the past three years for enough people to comprise a small city. I'm not a big fan of Congressional involvement, but it's clear the airlines can't handle this one on their own: they've proved it too often.

9/08/09

USATODAY

Fliers on delayed planes get more support

Congress Pushes Law Allowing Passengers to Disembark Planes Delayed Three Hours on Tarmac

By Gary Stoller, USA TODAY

Airlines are losing another ally in their fight to stop Congress from passing a law that would allow passengers to get off planes delayed at least three hours on airport tarmacs.

The Business Travel Coalition, a group that represents about 300 corporate travel departments, is coming out today in support of such a law after having opposed congressional action.

The coalition's shift comes after it surveyed 649 corporate travel departments, travel agents and business travelers and found that more than 90% of travel departments ¶ and about 80% of travel agents and business travelers ¶ say passengers should have the option to get off flights delayed three hours or longer.

It also follows a similar shift in positions by two other business travel groups ¶ the National Business Travel Association and the American Society of Travel Agents. And it comes as Congress is poised this fall to vote on so-called passenger rights legislation that would force the airlines to give passengers stuck on flights options.

The survey results "reveal a striking change in thinking in the mainstream business community about the need for congressional intervention," says Kevin Mitchell, the coalition's chairman.

"Some of the largest corporations on the planet, for whom government involvement in free markets is anathema, overwhelmingly have concluded that legislation is the best choice after 10 years of shattered promises of self-policing by airlines," he says.

Airlines don't want legislation

Although rare, more than 200,000 domestic passengers have been stuck on more than 3,000 planes for three hours or more waiting to take off or taxi to a gate since January 2007, a USA TODAY analysis of U.S. Transportation Department data has found.

In June, 278 flights waited on the tarmac for at least three hours, the most recent numbers from the department's Bureau of Transportation Statistics show.

The issue has attracted greater attention after an incident last month in which 51 passengers were stuck overnight on a delayed Continental Express flight at the Rochester, Minn., airport. The incident, in which passengers complained of a smelly toilet and not having food or drink, also has drawn greater attention to the legislation.

The House and Senate must decide on final wording of any passenger-rights provisions that now are in a bill to reauthorize and fund the Federal Aviation Administration.

A Senate committee voted in July to require airlines to let people off planes delayed for more than three hours. The House earlier had passed a less specific version that requires each airline to submit to the Department of Transportation a plan to let passengers off.

The Air Transport Association, which represents major U.S. airlines, says long delays "are unacceptable," and it understands why they frustrate passengers. But, the group says, it opposes legislation that would force airlines to return planes to terminals after a set time to let off passengers.

Airlines have established "contingency plans" to deal with long tarmac delays and can handle the problems themselves without government intervention, says David Castelveter, the group's vice president.

"We continue to believe that a hard-and-fast mandatory rule for deplaning passengers will have substantial unintended consequences, leading to even more inconvenience for passengers and, ultimately, more flight cancellations," Castelveter says.

Airlines have spent a lot of money to improve service, he says, "including the use of new technology, the purchase of the most modern aircraft and facility improvement projects."

But passenger-rights groups ¶ and now business groups ¶ are saying they cannot count on the airlines to solve the delays, and Congress must step in and force the airlines to let passengers off planes.

Congress must set 'clear standard'

Kate Hanni of FlyersRights.org says three should be the maximum number of hours before a passenger is allowed off a plane, but many members of her group wonder if the limit should be one or two hours.

"Why in the USA do we even have to ask for a three-hour limit on the ground in a sealed, hot, sweaty metal tube?" she asks. "We thought this country was founded on freedom ¶ freedom to move, freedom to breathe, freedom to eat and drink and have hygienic toilet facilities."

The Business Travel Coalition, which for years has testified at congressional hearings in support of airlines remedying the tarmac-delay problem on their own, now agrees with FlyersRights.org. The two groups have scheduled a Sept. 22 conference in Washington to discuss the issue.

About 80% of the respondents to the coalition's survey, many of whom handle travel for Fortune 500 firms, said the airlines haven't made a compelling case against the legislation.

It was the Aug. 7 delay in Rochester, in which the passengers were held on the Continental Express jet for 5½ hours, that turned the National Business Travel Association around. The association, which represents about 4,200 corporate travel departments and suppliers, had previously taken the position that the airlines should solve the problem.

In July, the American Society of Travel Agents reversed course and urged Congress to act "in the face of continuing delays and the evident lack of concrete efforts on the part of airlines to create a meaningful solution."

Paul Ruden, the society's senior vice president, was on a Transportation Department task force last year that recommended airlines establish time limits at each airport for letting passengers off planes.

But that hasn't worked, he says, and Congress now needs to set "a clear standard for the airlines to follow."

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9/07/09

UPI

Groups support federal airline bill

A passengers' rights group says it has endorsed legislation in Washington to keep airline passengers from sitting on stranded planes for more than three hours.

The Coalition for an Airline Passengers' Bill of Rights was started by Kate Hanni who sat for more than eight hours on a plane at Austin-Bergstrom International Airport in Texas. The bill, now before the U.S. Senate, gained momentum last month when a Continental Airlines flight was stranded for more than five hours in Rochester, Minn., The Austin (Texas) American-Statesman reported.

From January to June 2009, 613 planes sat on tarmacs for more than three hours, the U.S. Department of Transportation found.

The National Business Travelers Association originally opposed the bill, saying airlines should solve the problem themselves. Now the group is supporting the Senate bill.

Another group, the Business Travel Coalition supports the bill because it is unlikely airlines will fix the problem unless Congress forces them to, its chairman, Kevin Mitchell said.

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9/06/09

Austin American-Statesman

Cap on tarmac waits might get off ground

By Helen Anders

It's been nearly three years since Kate Hanni sat for more than eight hours in an American Airlines MD-80 parked on the tarmac at Austin-Bergstrom International Airport.

She's still fuming.

"Every time I think about that plane, I get anxious and nervous," says Hanni, who lives in California's Napa Valley and was flying from San Francisco to Dallas on Dec. 29, 2006, when her plane and 15 others were diverted to Austin because of storms in Dallas.

That much-publicized experience prompted Hanni to launch the Coalition for an Airline Passengers' Bill of Rights, whose primary objective has been legislation limiting the time travelers can be trapped in a grounded airplane. That effort might be about to bear fruit.

The U.S. Senate is considering a bill that would compel planes to unload passengers after three hours on the tarmac. The legislation gained momentum last month when a Continental Airlines regional flight out of Houston, run by ExpressJet, sat for more than five hours in Rochester, Minn.

U.S. Department of Transportation records show that from January to June of this year, 613 planeloads of passengers waited on the tarmac for more than three hours.

The National Business Travelers Association recently reversed its stance that the airlines should solve the problem themselves and is supporting the Senate bill.

"Enough is enough," the group's president, Kevin Maguire, said at the time.

Kevin Mitchell, chairman of the Business Travel Coalition, said he agrees that it's unlikely the airlines will act unless Congress forces them to.

"I have testified since 1999 four times against congressional intervention, always saying that the airlines should be able to fix this problem and police themselves," Mitchell said. "The airlines are just not responding." Both this group and the National Business Travelers Association carry the clout of representing corporate travel bookers.

The airlines, represented by the Air Transport Association, oppose any law limiting tarmac waits, saying hard-and-fast rules would result in cancellations and massive stranding of passengers in airports.

Some passenger advocates say the Senate bill doesn't go far enough because it includes exceptions to the three-hour rule, which could be bypassed if a pilot thought he or she had a good chance of getting the plane airborne soon or if unloading passengers would jeopardize safety and security — a subjective call that would be made by the pilot or airline.

Others say the bill won't work because it puts mandates only on the airlines. When planes don't unload passengers, airlines often blame airport management, FAA regulations or Transportation Security Administration and customs policies.

"The airlines can't do it alone," says former American Airlines CEO Robert Crandall, who plans to weigh in at a Sept. 22 hearing in Washington on the legislation. "Any solution must involve cooperation among the airlines, airports, the FAA, the TSA and customs." He said he thinks Congress should scrap the legislation and start over.

The Senate bill faces a battle, and not only on the passenger rights front. It is part of massive legislation reauthorizing the Federal Aviation Administration that also addresses such issues as air traffic control modernization, aircraft maintenance and labor negotiations.

But the recent Minnesota stranding has ratcheted up the rhetoric in favor of passage.

"You can't treat people like cattle on a cattle car," Sen. Charles Schumer, D-New York, said.

If the Senate does pass its bill, its wording will have to be reconciled with the House version, which says only that airlines should come up with contingency plans for dealing with tarmac delays. There is no time limit. Both the House and Senate bills would mandate that food, water and adequate restrooms be provided during the delays.

The FAA is operating under a temporary extension of its authorization, and that expires Sept. 30. Congress must either extend that authorization or pass a new bill by that date.

While the legislation is debated, the Department of Transportation is considering enacting its own rule that would require each airline, as part of its contract of carriage (the fine print on the ticket), to set its own limit on tarmac waits. Under the plan, which is still subject to revision, airlines could change those limits as often as they wanted but would face fines up to \$27,500 for each transgression. Airlines would be in charge of tracking their own compliance.

Airlines say putting their plans into the contract of carriage could bring a flood of lawsuits. A decision on the rule is expected sometime this fall.

Even if the rule is enacted, Hanni says it would be meaningless because airlines would be policing themselves.

The push for passenger rights was born during one of the worst winter storms in Texas history. As thunderstorms parked over Dallas-Fort Worth International Airport, Hanni, her husband and their two sons, ages 11 and 21, were aboard one of 16 flights diverted to Austin, 14 of them American.

Most of these planes were back in the air after an hour or two, having found a window of calm air. But four of the American planes stayed parked, one for six hours, two for more than seven hours and one, Hanni's, for eight hours and 23 minutes, according to Austin-Bergstrom records.

Ten passengers whose ultimate destination was Austin were taken off the plane with mobile stairs, but the others were kept aboard in hopes of an imminent departure.

Shortly after 9 p.m., Hanni's flight did go to a gate. Hanni and her family flew to Dallas the next morning and, 57 hours after their journey began, eventually arrived at their destination, Mobile, Ala. By then, Hanni had decided to abandon her job in real estate and go after the airlines. Her nonprofit organization — its Web site is www.flyersrights.org — runs on private donations. She does not take a salary but reimburses herself for her expenses.

The family also filed a class-action suit against American Airlines, claiming false imprisonment. It is still pending in federal court in California. A similar case filed in Arkansas by one of the passengers stuck on another American Airlines plane on Dec. 26, 2006, was dismissed in April after a judge said that although the airline should have acted differently, it broke no laws.

American gave its stranded passengers \$500 vouchers after the 2006 strandings. In last month's Minnesota incident, Continental gave passengers refunds and \$200 vouchers.

Airlines have given various reasons for long waits. Usually, the airlines have said they were hopeful that planes could soon be on their way. Sometimes, there aren't enough gates available at the airport — or at least enough gates owned by the airline whose plane is stranded. Mobile stairs can be used, but FAA rules say ramp workers, who move those stairs, must stay indoors when lightning is near.

In the recent Minnesota case, ExpressJet said passengers couldn't get off because there were no security agents in the airport. TSA spokeswoman Andrea McCauley said it has no problem with airlines unloading passengers, even after security checkpoints are closed, as long as passengers stay within the secured area.

International flights diverted to airports without customs officers can't unload because the passengers re-entering the United States need to go through customs. That, Crandall said, needs to change.

"Let them off the airplane," he said. "This is common sense."

After the December 2006 incident, American Airlines established a policy to allow passengers to get off if a plane sits on the tarmac for more than four hours, assuming it can be done safely. United has a similar four-hour policy. Continental's policy is to let passengers deplane after three hours, and spokeswoman Julie King said partners such as ExpressJet are supposed to abide by it, but "that process broke down" in the Minnesota incident.

Airlines say their surveys show passengers prefer to wait out a delay rather than get off and risk having to compete for space on another flight.

Department of Transportation statistics show that taxi-out times — tarmac delays involving planes headed for the runway — dropped in 2008, to 1,231 strandings of more than three hours from 1,654 in 2007. But 67 of those were for more than five hours, compared with 45 strandings of more than five hours in 2007.

In the first six months of this year, there were 415 taxi-out delays of more than three hours. (Tarmac waits of diverted flights can't be compared with past years, because those figures were not tracked until last October.)

Airlines say that they're trying to cut down on delays but that a legislated trigger for letting passengers off will only strand travelers inside airports.

Hanni says no rule will work without a limit on tarmac delays. If the House version of the FAA bill emerges, she said, "I would have to oppose it."

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Waiting to take off

Tarmac waits for all airlines from 2005 to present for flights that taxied out from the gate and then sat. Diverted planes are not included because they were not tracked until last October.

Year 3+ hours 5+ hours

2005 1,089 27

2006 1,341 37

2007 1,654 45

2008 1,231 67

2009 (to June) 415 10

Source: Bureau of Transportation Statistics

Who kept planes waiting

Tarmac waits of more than three hours for the first six months of 2009. These numbers include taxi-outs, taxi-ins, diversions and planes that waited and then had flights canceled:

Airline 3+ hrs % of flights

All Airlines 613 .021

Comair 44 .055

Delta 100 .046

United 72 .038

JetBlue 38 .038

US Airways 62 .030

American 66 .025

ExpressJet 37 .025

Mesa 27 .023

Northwest 30 .020

American Eagle 40 .018

Pinnacle 18 .013

AirTran 16 .011

Continental 16 .011

Frontier 4 .008

Atlantic Southeast 9 .006

Skywest 14 .005

Southwest 20 .001

Hawaiian 0 0

Alaska 0 0

Source: Bureau of Transportation Statistics

2009 flights diverted to Austin

Month Diversions Waits of 3+ hours

January 7 0

February 2 0

March 36 3

April 36 1

May 33 4

No tarmac delays exceeded 5 hours.

Source: Austin-Bergstrom International Airport records

9/03/09

Post-Bulletin

Editorial

Give passengers the right to exit plane during delay

U.S. Sen. Amy Klobuchar and Rep. Tim Walz agree that something needs to be done to protect the rights of airline passengers.

They're in good company, of course. Since Aug. 8, when 47 passengers of a Continental Airlines flight spent six uncomfortable hours on the tarmac at Rochester International Airport, nearly everyone not directly associated with the airline industry has been clamoring for a "Passengers' Bill of Rights." So, when Congress returns from its August recess, it appears almost inevitable that some form of legislation will be sent to President Obama's desk.

Walz and Klobuchar, however, don't agree on what form that legislation should take.

Minnesota's senior senator has some familiarity with this issue. Klobuchar is a member of the Senate Commerce Committee, which in mid-July -- several weeks before the Rochester incident -- approved a proposal that would require airlines to give passengers the option of deplaning after a three-hour tarmac delay. Pilots could override that rule for up to 30 minutes if takeoff is imminent.

Walz, on the other hand, supports a House-backed proposal that was ushered through the Transportation Committee by Rep. Jim Oberstar, who represents Minnesota's 8th District. The House bill would require airlines to provide food, water and working restrooms to passengers who are stuck on the tarmac, and would give passengers the right to deplane after "excessive delays."

Who would decide what constitutes an "excessive delay?" The airlines -- which is why we side with Klobuchar and the Senate.

Why don't we trust the air travel industry to regulate itself? It's quite simple, really. For the past 10 years, the airlines have vehemently opposed any attempt to set federal rules for tarmac delays. Logically, it would appear that the best way for them to win the argument would be to reduce or eliminate the problem. Keep passengers off planes if long delays are likely. If mechanical problems or unexpected weather issues crop up, return passengers to the terminal.

But in June, 278 planes spent three or more hours stranded on tarmacs across the country, according to the Bureau of Transportation Statistics. A toothless, unenforceable law would do little to bring that figure down, and it might end up making things worse.

Once Obama signed it, the debate in Congress about passengers' rights would end -- case closed, problem solved.

Then we'd hear about a profit-minded airline that decided four hours, maybe five, isn't too long for passengers to sit in line for takeoff.

It's time for the government to draw a clear line in the sand. After all, air travel is difficult enough under the best of circumstances. You surrender personal freedoms merely to get through security, and once you're on the plane, you're essentially trapped until you reach your destination.

We don't think it's too much to ask that after three hours on the tarmac, you should have the right to go back to the terminal, stretch your legs, buy a new magazine and use a restroom that's bigger than a broom closet.

9/03/09

Star Tribune

Nightmare flight bolsters passenger-rights bill

By Star Tribune; By Eric Roper

WASHINGTON — The six hours that 47 passengers spent trapped in the sweaty, cramped fuselage of a motionless plane in Rochester, Minn., earlier this month is reigniting a decade-old debate in Washington over passenger rights.

As Congress gets set to return from its summer recess, that flight has become a cause celebre among those who say airlines cannot police themselves when it comes to accommodating passengers stuck in planes delayed on a tarmac. A similar incident last week in New York on board a flight bound for Minneapolis has amplified growing complaints that airline self-policing has failed.

"We keep hearing from the airlines that they can handle this themselves," said Sen. Amy Klobuchar, D-Minn. "And then we keep having moms with babies on their laps for six hours in the middle of the night."

Klobuchar supports an Airline Passengers Bill of Rights, which would require airlines to guarantee basic amenities: food, water, working toilets and the option to deplane after three hours. The airline industry, which wields major lobbying clout in Congress, has denounced the bill as ill-conceived regulation that would lead to further disruptions.

But the long-simmering dispute over airline passenger rights appears to be reaching a boil. Last month, several anti-regulation groups abruptly switched sides in the debate, saying enough is enough.

"This flight has polarized a lot of these (trade) organizations with us," said Kate Hanni, founder of FlyersRights.org and one of the most vocal passenger rights advocates, referring to the Rochester incident. "It's amazing to have all this support coming forward."

A key Senate committee has approved the passenger rights bill, which could be voted on by the full Senate this fall. A similar bill that would allow the industry to define when people could leave delayed planes passed the House this spring, after Transportation Committee Chairman Jim Oberstar, D-Minn., ushered it through his committee.

Oberstar supports passenger rights legislation but stops short of a three-hour deplaning option, citing concerns that it could trigger other problems.

Incidents like the one in Rochester remain a rarity. In June, only 278 flights nationwide were grounded for more than three hours and such delays account for less than 1 percent of all flights within the United States, according to the Bureau of Transportation Statistics.

But when they occur, prolonged delays can create a storm of public anger.

The demand for a Passengers Bill of Rights dates back to 1999, when a blizzard in Detroit stranded more than 3,000 passengers on several planes for up to eight hours with limited food and water.

The airline industry has been fending off passenger rights legislation ever since, saying it could fix its own problems. In particular, the industry fought against mandating a time when passengers can leave the plane.

"It will mean more flight delays. It will mean more flight cancellations. It will mean stranded passengers, children, pets," said David Castelveter, a spokesman for the Air Transport Association, which represents the country's largest airlines. "And it will add cost to the carriers. That's not a solution to the problem we face today."

Castelveter called the recent incidents in Rochester and New York a "misstep." But proposed legislation, he said, fails to consider the logistics of deplaning passengers from the tarmac.

Proponents of the bill say the self-regulation model has proved ineffective. Even if a concrete deplaning option results in some unforeseen consequences, they say, it could also lead to necessary evolution in the industry.

"I think it's comforting to know there's a limit, and it's also comforting to know that you as a passenger have a right for that limit to be enforced," said Link Christin, a William Mitchell College of Law professor who was aboard the Rochester flight. A subsequent investigation of that incident revealed that there was little basis to hold them on the plane.

"The more I have learned about it ... the more convinced I am than ever that there has to be a level of discretion taken away from the airlines in terms of our protection," Christin said.

Many key legislators support requiring certain amenities during a delay, but disagree on whether the federal government should impose a deadline when passengers can leave the plane.

The House version of the bill does not include the three-hour deplaning option, instead allowing airlines to define "excessive delays" with the approval of the Department of Transportation.

House Transportation committee spokesman Jim Berard said they were concerned about a "one-size-fits-all" approach.

Both bills are attached to Federal Aviation Authority reauthorization legislation, which airlines are generally eager to see passed. If approved, congressional leaders will go into conference to iron out the differences between the two bills — deciding the fate of the deplaning rule.

The House passed passenger rights legislation once before in 2007, but it stalled in the Senate.

Kevin Mitchell, chairman of the Business Travel Coalition, a Pennsylvania-based trade group, said that while his organization remains noncommittal about which bill it supports, the Rochester incident represents a major step toward regulation.

"When we look back, I think we will say that that was a defining moment," Mitchell said.

8/31/09

CNN

Claustrophobia was not a condition Bill Johnson understood.

By Jessica Ravitz

That changed on August 8 when he and his new bride, while returning from their honeymoon, found themselves among the 47 airplane passengers left trapped overnight on a tarmac in Rochester, Minnesota.

As the hours -- going on six of them -- passed, he said the air in the ExpressJet for Continental Airlines cabin grew rank. The two babies on board cried. The toilet filled and stopped flushing. No food was served and the puddle-jumper seats made sleep, for him, impossible. All the while, the airport was visible from the plane.

"I wanted to freak out and kick the windows out," said Johnson, 35, of Minneapolis, Minnesota. "I was just trying to keep my cool."

The much-publicized story of Flight 2816, diverted to Rochester because of bad weather while en route to Minneapolis from Houston, Texas, has brought to the forefront a growing demand to institute passenger rights.

Advocacy groups are fielding calls, gathering momentum and preparing for a September 22 hearing in Washington. One organization recently bought cable television ad time hoping to reach President Obama on his vacation and earn his support, just as a bill to protect fliers from such incidents heads to the Senate floor.

Since the Rochester incident, there have been other tarmac strandings. Passengers on a Sun Country Airlines flight were trapped for about six hours on August 21 while at JFK International Airport in New York. That prompted the airline's CEO to announce last week a four-hour maximum deadline for tarmac sittings, Minnesota's Star Tribune reported.

The first "massive tarmac stranding" to spark outcries and stir up calls for legislation came in January 1999, said Kevin Mitchell, chairman of the Business Travel Coalition. That was when about 3,500 passengers were trapped during a snowstorm for up to 13 hours on Michigan's Detroit Metro Airport tarmacs, he said.

The 2007 Valentine's Day crisis involving JetBlue flights, which included strandings of up to 10 hours at JFK International, in Mitchell's opinion eventually cost the then-CEO his job.

A couple of months before that mess, Kate Hanni was one of the passengers caught up in a December 2006 storm fallout in Texas that left her and her family on an Austin, Texas, tarmac for more than nine hours.

"People miss funerals, weddings, cruise ships, business meetings -- it has an impact on their lives," said Hanni, whose outrage about that air travel experience pushed her to create FlyersRights.org.

"And it's not just a customer service issue," she continued, mentioning overflowing toilets and people with diabetes or other medical conditions. "It's about safety, dignity and well-being."

In late July, the U.S. Senate Commerce Committee passed the Federal Aviation Administration Reauthorization Act, which includes the Airline Passengers Bill of Rights, first written in 2007 by Sens. Barbara Boxer, D-California, and Olympia Snowe, R-Maine. The FAA reauthorization bill will next move to the Senate for consideration.

The part penned by Boxer and Snowe requires airlines, among other things, to offer passengers an option to deplane if the aircraft sits on the ground for three hours -- with a couple exceptions -- and to provide them with food, water, working restrooms, ventilation and comfortable temperatures during such delays. It also asks airports and airlines to set up contingency plans for delays and encourages the U.S. Department of Transportation to fine offenders and set up a hot line for passenger complaints.

Each day, the FlyersRights.org hot line is flooded with calls, Hanni said. In July, the Napa, California, resident said the line averaged 400 calls a day. The callers aren't just frustrated passengers, they're also crew members who don't want to be named but want someone to make noise for them.

Calling attention to the frustrations of flying is what Hanni, 49, is all about. If someone phones while trapped on a tarmac, she'll start ringing the airline and airport managers, demanding help. If the response she gets is insufficient, she threatens and is poised to call media. Since the Rochester incident earlier this month, she said she's been interviewed more than 50 times.

In June, 278 airplanes sat on tarmacs for more than three hours, according to a consumer report released by the DOT. The department's Bureau of Transportation Statistics shows that 42 of the June flights sat on tarmacs for four hours or more.

"One [lengthy tarmac delay] is too many for us, but here are the facts," said David Castelveter, a spokesman for the Air Transport Association of America, which represents the nation's top airlines. Since reporting tarmac delays became required in autumn 2008, he said the numbers have been low. In May there were eight delays of four hours or more, he said, and a DOT report confirmed this.

As for June? "Forty-two flights out of 558,000 is a small number, relatively speaking," Castelveter said. "That's no reason to put in place legislation that will cause more delays, more cancellations and more inconveniences."

As Castelveter warns of possible consequences if the legislation passes -- including cancellations if pilots exceed their strictly regulated hours and cannot be replaced, hotel rooms that will be on passengers' dime if the delay is weather-related -- Hanni continues her fight.

Worried that the Boxer-Snowe bill of rights might get lost in the political shuffle if the FAA Reauthorization Act doesn't pass or gets put off, Hanni flew to Martha's Vineyard recently on a mission to reach President Obama during his vacation there.

She bought air time on local cable for 30-second ads in which she encouraged him to sign into law the Airline Passengers Bill of Rights, a measure he co-sponsored when he was an Illinois senator.

"Imagine what it's like: no food, no water, toilets overflowing," she said into the camera. "Please, sir, urge Congress to pass it. ... Enough is enough."

Not enough is what Continental Airlines has offered Bill Johnson of Minneapolis and his wife. Their tickets for the flight that left them stranded in Rochester were automatically refunded, he said. But he's not interested in the "compensation package" that came for their troubles -- two \$200 vouchers and two American Express gift cards for \$50.

By using those vouchers and gift cards, he said the fine print says he'll waive his rights to pursue this issue further. And after what he experienced, that's not an option.

"How people let us sit like that, it's not acceptable," he said. "I'm not touching that package. They need to do more."