



FlyersRights.org

Prepared Testimony of
Kate Hanni¹
Executive Director and Spokesperson
on

AVIATION CONSUMER ISSUES

Before the
Subcommittee on Aviation
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, D.C.

May 20, 2009

Mr. Chairman and Ranking Member Petri:

On behalf of FlyersRights.org, I thank you for inviting me to appear at this hearing dealing with your Committee's continuing interest in aviation consumer issues.

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**Strengthening Passenger Right Provisions
in H.R. 915
FAA Reauthorization Act of 2009**

Mr. Chairman, on behalf of our members² and the flying public, we applaud the Airline Passengers' Rights provisions you have included in H.R. 915, FAA Reauthorization Act. The legislation requires airlines and airports to prepare contingency plans to provide for essential passenger needs when airline aircraft are kept on airport tarmacs for an extended period of time. These include providing food, water, working toilets, tolerable cabin temperature and access to medical care, and an option to deplane the aircraft after a certain amount of time IF the pilot determines that deplaning can be done safely.

We also recognize the improvements that you have made compared to last Congress' legislation that unfortunately was not acted upon by the Senate. For example, requiring that tickets and boarding passes include information so passengers can contact both DOT and airline consumer affairs staffs will make it easier for all parties to improve airline service.

We were also pleased that you added a provision that airports that are used by foreign carriers or domestic carriers operating international flights must have contingency plans in place for dealing with stranded aircraft. Too many times in the last year, U.S. citizens returning from vacations or foreign visitors have been stranded on airport tarmacs for several hours.

For example; our FlyersRights.org Hotline (1-877-FLYERS6) received a call from a passenger that was on board Flight 510 on April 10th, who reported they had sat on the tarmac at the Columbia, S.C., Airport for almost six hours with no food, no water, and the restrooms had stopped working. According to the caller, "My two-year-old hadn't eaten from the time we boarded the plane at 2:00 p.m. until nearly midnight. ...One woman went into shock and an ambulance had to be called."

The attached article from the Wall Street Journal provides more details about this recent multi-hour stranding, documenting how the airline's lack of internal coordination contributed substantially to the passengers' suffering. We hope that H.R. 915 implicitly or explicitly requires airlines to have contingency plans in place for international operations as well and that DOT Secretary LaHood instructs his staff to look into the recent multi-hour strandings on international flights to see if there are lessons that Federal agencies -- DOT, and the Department of Homeland Security's Customs and Border Protection (CPB) and Transportation Security Administration (TSA) can learn from these stressful passenger situations.

² FlyersRights.org is the new organizational name for the Coalition for an Airline Passengers Bill of Rights. Our section 501(c) (4) tax-exempt consumer group has grown to 25,000 air traveler advocates. After airline passengers bill of rights legislation is enacted -- hopefully this year, we will still have a continuing agenda of safety, health and regulatory issues of continuing importance to airline passengers.

No Real Progress Since Your Last Hearing on Aviation Consumer Rights

We (and others) were highly disappointed at the meager results in the DOT Task Force Report on tarmac delays³ (see attached New York Times editorial) and at a DOT-proposed regulation⁴ of passenger protections -- that won't protect passengers.

You will likely hear from the major scheduled airlines that "We're now doing a better job reducing or handling long tarmac delays." ...And with DOT's issuance of the industry Task Force Report and with DOT's working to finalize a draft regulation, there's no need for Federal passenger rights provisions to be included in your FAA Reauthorization Act legislation."

"Let us handle it," they say again, using the same arguments they advanced in convincing Congress in 1999 to stop working on passenger rights legislation and accepting instead voluntary Airline Customer Service Commitments.⁵ However, the DOT's Inspector General testified here in 2001 and 2006 that airline efforts slacked off after the threat of legislation abated, and after the 9/11 terrorist tragedy.⁶ ... And those Commitments or Customer Service Plans aren't even enforceable.⁷

³ DOT Task Force, "Development of Contingency Plans for Lengthy Airline On-Board Delays" (November 12, 2008).

⁴ DOT Notice of Proposed Rule Making, "Enhancing Airline Passenger Protections" (December 8, 2008)

⁵ DOT OIG Report Number AV-2001-020, "Final Report on Airline Customer Service Commitment" (February 12, 2001) at p. 1: "Congress, the Department of Transportation (DOT), and the Air Transport Association (ATA) agreed that the air carriers should have an opportunity to improve their customer service without legislation. To demonstrate the Airlines' ongoing dedication to improving air travel, ATA and its member Airlines executed the Airline Customer Service Commitment (the Commitment), on June 17, 1999. Each airline agreed to prepare a Customer Service Plan (Plan) implementing the 12 provisions of the commitment. The Airlines committed to:

- Offer the lowest fare available
- Notify customers of known delays, cancellations, and diversions
- On-time baggage delivery
- Support an increase in the baggage liability limit
- Allow reservations to be held or canceled
- Provide prompt ticket refunds
- Properly accommodate disabled and special needs passengers
- Meet customers' essential needs during long on-aircraft delays
- Handle "bumped" passengers with fairness and consistency
- Disclose travel itinerary, cancellation policies, frequent flyer rules, and aircraft configuration
- Ensure good customer service from code-share partners
- Be more responsive to customer complaints."

⁶ DOT OIG Report AV-2007-012, "Follow-up Review: Performance of U.S. Airlines in Implementing Selected Provisions of the Airline Customer Service Commitment" (November 12, 2006), at p. 4: "The ATA airlines committed to notify customers and the airport and on board an affected aircraft in a timely manner of the best available information regarding delays, cancellations, and diversions. However, just as we found in our prior review, the information being provided about delays and cancellations in boarding areas was not timely or adequate during our tests." (Emphasis added)

⁷ American Airlines, Customer Service Plan (website as of 2-1-09): "The Customer Service Plan does not create contractual or legal rights."

-- Task Force Exercise Was Disappointing to Passengers

We had asked the Task Force to establish minimum standards for passenger health and safety issues and for a maximum period for tarmac strandings. Instead, the airlines on the Task Force accepted no standards, with everything still being left to their unregulated discretion. ...And with no penalties for negligence.

During the Task Force meetings we also asked the FAA to allow ATC personnel to delay the “pushback” of airline flights from their gates if a long tarmac delay on the taxiway was inevitable. (We had reports from airline staff that airlines often move their planes away from their gates knowing that long tarmac delays are inevitable so they can load other scheduled planes from those same gates. Airport taxiways then often become aircraft parking lots.)

We cited a Joint Economic Committee Staff Report⁸ that concluded that 20% of all flight delays occur during taxiing to the runway, involving excess fuel burn as well as time costs for airlines and passengers measured in the billions of dollars annually.

FAA, a Task Force member, was totally unhelpful, citing existing policy that the airlines alone determine when to push back their aircraft from gates onto the tarmac, no matter how long the taxiway backup will be. FAA only regulates aluminum tubes, we were told; we should contact the DOT Secretary’s office which alone has consumer protection jurisdiction for the passengers stuck for hours in those tubes on the tarmac.

-- DOT’s Proposed “Passenger Protections” Regulation Has No Standards

Similarly, in DOT’s current draft of its weak, toothless “Enhancing Airline Passenger Protections” regulation, the airlines are asked to create their own contingency plans for long tarmac delays – with no DOT review for adequacy, no minimum standards, and no practical way for passengers to enforce whatever the carriers propose to offer.

The airline comments in the DOT rulemaking process make clear that they don’t want any government body or individual passenger to be able to enforce any standards of airline behavior during long tarmac delays:

- **NOT THE STATES:** The airlines litigated the State of New York’s recent attempt to establish minimum standards for air passenger health and welfare, imposing fines for violations. Ruling: only the Federal Government may regulate the airlines in this preempted area.
- **NOT FEDERAL DOT STAFF:** The airlines know that the Federal DOT staff won’t enforce airline violations for individual passengers but merely collects passenger complaints and ships them off to the airlines “for appropriate action” without follow-up. However, the DOT Office of Consumer Affairs has been very responsive to a number of individual cases sent to them by FlyersRights.org.

⁸ Joint Economic Committee Majority Staff, “Your Flight Has Been Delayed Again: Flight Delays Cost Passengers, Airlines and the U.S. Economy Billions” (May 2008)

- **NOT FEDERAL REGULATION:** The airlines are opposed to DOT's requiring them in its pending rulemaking to list their 1999 Commitments and their tarmac stranding policies in their Contracts of Carriage⁹ for fear that some passengers will try to litigate those promises in state courts.

- **THUS, ONLY CONGRESS** can assure minimum protections for passengers.

Tarmac Strandings Continue Unabated

Our members were tremendously disappointed that the Passenger Bill of Rights provisions in your and the Senate's FAA Reauthorization Bills were not enacted during the last Congress. Airline and Federal agency (Customs and Border Protection (CBP), TSA) treatment of stranded airline passengers is not getting any better.

We've attached several articles and accounts of long tarmac strandings that we hope you will consider.

Mr. Chairman, while the statistics being reported by the BTS for 2008 show a decrease in tarmac strandings over 2007, we have reason to believe that these statistics are fundamentally flawed. Despite working with BTS over the past six months to resolve these issues, and in the face of overwhelming evidence to the contrary, BTS believes the data to be "accurate". However, we continue to believe that no reliance should be placed on that data one way or the other. Please find attached a related article by Susan Stellan from the May 19th edition of the New York Times.

Passengers Need Congress to Set a Uniform Deplanement Timeframe

However, we urge you to mandate that airlines offer individual airline passengers an option to deplane after three hours stranded on an airport tarmac PROVIDED the pilot determines that deplaning could be done safely (such as by a bus returning requesting passengers to the terminal).

This provision, included in H.R. 624 as introduced by Congressman Mike Thompson (with 29 cosponsors), is not currently included in H.R. 915. Unfortunately, the reported bill would allow each airline to establish its own guideline on the length of such strandings, so each airline conceivably could pick any timeframe it wishes, and those limits would be consistent with the reported H.R. 915. Worse, nothing would prevent an airline from setting one limit today and changing that limit tomorrow.

⁹ A Contract of Carriage is the document that air carriers use to specify any legal obligations to passengers, and technically is supposed to be enforceable in state courts. Each air carrier must provide a copy of its Contract of Carriage free of charge upon request. NOTE: FlyersRights.org believes that passenger lawsuits on Contract of Carriage provisions are both impractical and unsuccessful: (1) because the cost to a passenger of pursuing litigation is so high; and (2) because that Contract is filled with "wiggly lawyer words": "as appropriate," "if available," and "to the extent reasonable," so that judicial enforcement is unlikely.

The DOT's Inspector General also favors a set time limit. In previous testimony, he said, "We think it is unlikely that passengers' definition of an extended period of time will vary depending upon which airline they are flying. We are still of the view that a consistent policy across the airlines would be helpful to passengers."¹⁰ Mr. Chairman, the public deserves a standard for stranding situations that it can understand.

**Canadian Airlines Have Committed to a "90 Minute Deplanement Option"
Why Can't U.S. Carriers Accept a Similar Standard?**

Recently, in Canada, the three largest airlines in that country have voluntarily set a time limit of 90 minutes after which passengers will be given the opportunity to deplane:

"If the delay exceeds 90 minutes and circumstances permit, Air Canada will offer passengers the option of disembarking from the aircraft until it is time to depart."

-- Canadian Tariff Filing -Effective June 8, 2009

Mr. Chairman, why can't U.S. consumers also enjoy a simple standard like this? Whether it's three hours as in H.R. 624, or ninety minutes as in Canada, passengers deserve a simple and clear standard for carrier responsiveness that they can remember

Last month, a blind, 62 year old, former interpreter for the European Union was dragged off a plane in handcuffs in Philadelphia for simply asking why they were sitting on the tarmac instead of being in the air or in the terminal. Passengers have a right to know they aren't going to be sitting on the tarmac for nine hours, and they need to know *before* they get on the airplane.

As you know, the airlines are out in force, lobbying the House of Representatives against any deplaning option, maintaining that "no one size fits all circumstances," the stranding problem is "too small to justify a legislative solution," and "any deplaning option results in flights that are returned to the terminal and cancelled." They blame the air traffic control system and weather as the root of all this evil.

¹⁰ DOT OIG's Status Report on Actions Underway To Address Flight Delays and Improve Airline Customer Service (April 9, 2008, at p. 23 of Attachment).

Tarmac Delays Often Occur as an Airline's Choice

Well, Mr. Chairman, everyone likes to blame the weather, and we agree that the air traffic control system needs updating. But FlyersRights.org and passengers disagree strongly that these are the only causes for strandings and delays.

- We are simply asking Congress to set a time ceiling¹¹ on strandings where deplanement is a safe and sensible solution. Airlines can set a lower ceiling if they chose. In fact, 81% of some 4000 respondents to a recent National Public Radio survey of passenger views on elements for an "Airline Passengers Bill of Rights" favored a two-hour limit on strandings. (This was the most highly ranked option of all respondents.) A copy of the full NPR survey results is attached.
- Weather doesn't back a plane away from a gate and sit for hours on the tarmac. That's an airline operational decision. As a former Delta CEO put it in a letter to Senator Barbara Boxer in a letter in 2007, "It's just operationally expedient."
- Patrick Forrey, President of the National Air Traffic Controllers Association, said earlier this month at a Senate hearing on this topic, "I get upset when [the Air Transport Association's] Mr. May states that the problem with delays in New York are because of the Air Traffic Control System ... You can't land 50 airplanes when the runways will only handle 40, and you can't depart 60 airplanes when the runways will only handle 45 in an hour and that's what the airlines continue to do, it doesn't matter if it's sunny or a tornado is moving through, it's a matter of physics."
- At the same hearing, Captain John Prater, President of the Air Line Pilots Association International said, "When you block up intentionally an airport to prevent other people from coming in, when you intentionally put smaller planes in the system to create more frequency because that's what everybody wants, you are going to clog up the airspace. They could use larger airplanes and serve more people without quite as many delays. Airlines are trying to protect their hub fortress mentality to prevent competition."

So enough with the excuses from the airlines. Airline passengers need action, not excuses.

¹¹ Again, there would be no deplaning option unless the pilot determined it was safe to do so. H.R. 624 would even allow an extra 30 minutes if the pilot believed the flight would depart soon. Individual passengers would have the option to deplane, and other passengers could stay on the aircraft. We anticipate that airports will buy buses (eligible with Federal airport grants) so that planes won't have to move out of line on the taxiway for deplaning some passengers. DOT data (still under-reported by airlines) document that more U.S. passengers are stranded for 3 or more hours annually than the number of passengers who benefit from the current DOT regulation against airlines' overselling flights and setting payments for involuntary bumping. So the problem is substantial. In sum, uncontrolled long strandings are important enough to justify Congress' establishing minimum Federal standards.

RECOMMENDATIONS

In summary, Mr. Chairman, here's what Flyers Rights.org would like you to obtain for passengers in an enacted FAA Reauthorization Act this year:

1. The Passengers Bill of Rights provisions in H.R. 915, improved with a maximum strandings time limit standard. That standard won't always be able to be met (e.g., it's always the pilot's call whether deplanement can occur safely) but airlines must be required to offer maximum passenger relief in that specified timeframe.
2. Whether that's a 90 minutes (Canada) or 3 hours (Rep. Thompson's H.R. 624) standard, passengers need to have Congress provide them with a simple, straight forward answer as to when their "right to ask for deplanement" occurs. Congress won't be helping passengers if you only offer: "It all depends; each airline decides and they each have different views." As noted, the DOT Inspector General favors a single strandings time limit.
3. H.R. 915 should implicitly or explicitly require airlines to have contingency plans in place for international operations landing at domestic airports. Airport contingency plans alone are not enough.

Here are the actions that DOT Secretary LaHood could take now – without any new statutory authority or new regulations -- to get some benefit for passengers as a result of the publication last November of the Task Force Report on tarmac delays:

1. Ask now for a written report from each of the major U.S. airlines and major U.S. airports (not their trade associations) as to whether they've developed contingency plans based on the recommendations in the Task Force Report. Our sense – and noting the obvious absence of contingency planning at the airports where recent multi-hour standings have occurred – is that nothing is happening out there. The Task Force Report is just sitting on shelves in airline corporate offices and in Airport Directors' offices.
2. Direct his staff to review the recent strandings of international flights at U.S. airports to assure that other Federal agencies -- Customs and Border Protection (CPB) and the Transportation Security Administration -- are working out arrangements for humane passenger handling at diverted airports as they promised in the Task Force Report. Airlines and airports can't solve those problems on their own and DOT is in the best position to get more implementation from these other Federal agencies.

Again, thank you for the opportunity to testify. I'd be pleased to answer your questions.

Kate Hanni
Founder and Spokesperson
FlyersRights.org

Attachments

May 19, 2009

Passengers' Advocates See Progress

By SUSAN STELLIN

After a nearly a decade of failed efforts to win rights for airline passengers, advocates may finally score some modest gains.

Congress is considering three initiatives: requiring the airlines to provide passengers stuck on grounded aircraft with food, water, functioning restrooms and medical treatment (and possibly the option to get off the plane after three hours); establishing a consumer complaints hot line and publishing the phone number on boarding passes; and requiring airlines to disclose a flight's on-time record at the point of purchase.

Since the proposals are either part of the Federal Aviation Administration appropriation bills moving through Congress or are expected to be offered as amendments to that legislation, they have a better shot at success this time around, proponents say. A vote in the House is expected sometime this week.

The thorniest issue is whether Congress will impose a time limit on keeping passengers on planes stuck on the tarmac.

The carriers strongly oppose that prospect, arguing that the logistics involved would make it difficult to give people the option of getting off. Yet [four Canadian airlines recently agreed](#) to let passengers disembark if a ground delay exceeds 90 minutes — if it is safe and practical to do so.

“This is subject to the aircraft commander's discretion,” said George Petsikas, president of the National Airlines Council of Canada. “But clearly, we understand that when things get long on board we have to look after our passengers' well-being and comfort.”

Mr. Petsikas acknowledged that the airlines agreed to the new rules, which begin on June 9, partly as a response to a more aggressive proposal before Parliament that would require carriers to pay passengers compensation for delays.

While such financial penalties are not under consideration in Congress, the idea is supported by the National Business Travel Association.

“We think the [F.A.A.](#) should take a look at whether refunds could be appropriate for a multitude of reasons, including delays,” said Stewart Verdery, the group's government relations consultant.

Mr. Verdery said the travel association deferred to the discretion of the airlines on how to handle long onboard delays, as did the Airports Council International-North America.

“From the airport’s perspective, we support the airlines making that decision,” said Deborah McElroy, an executive vice president with airports council. But she said that airports typically did have the resources to help get passengers off aircraft, even when a gate was not available, using buses or stairs or an alternate location like a hangar.

“If the decision is made to deplane passengers, we have plans in place to make that happen,” Ms. McElroy said.

One issue that has clouded the debate over how to handle extended tarmac delays is determining how often these situations occur.

For years, the Department of Transportation primarily tracked flights that experienced long taxi-out times from the gate to the runway. Using this criteria, about 7,150 flights spent two hours or more on the tarmac before taking off in 2008, and 1,231 spent three hours or more awaiting take-off.

Beginning last October, the Transportation Department also started tracking data about additional flights that spent a long time on the ground: flights that were diverted to an alternate airport, planes that left the gate and returned multiple times, flights that were delayed after landing or flights that were delayed and then canceled. (International flights and flights on many smaller regional carriers are still not counted.)

The new parameters have added about 25 flights a month to total delays of three hours or more, but a group of passenger rights advocates questions whether the Transportation Department is getting accurate data from the airlines.

According to [Kate Hanni, executive director of FlyersRights.org](#), which has been pushing for better accounting, a dozen airlines filed data with the department suggesting that they always gave passengers the option of getting off a plane when a flight was diverted to an unscheduled airport — a virtual impossibility since records showed many of those flights spent less than half an hour on the ground.

“All this information comes from the airlines, and unless someone proves that it’s wrong, the D.O.T. reports what they get from the airlines,” Ms. Hanni said. “It calls all of the data into question.”

Dave Smallen, a spokesman for department’s Bureau of Transportation Statistics, said the agency was planning to meet with Ms. Hanni and Mark Mogel, a FlyersRights volunteer and software engineer who has been analyzing the data, to discuss the issues they raised.

David Castelveter, a spokesman for the Air Transport Association, said the airline trade group believed the data “accurately captures the extent and cause of delays,” and continued to oppose rules about deplaning passengers.

“For safety reasons, you can’t commit with absolute authority that you can get somebody off an airplane,” Mr. Castelveter said.

But he said some airlines were already complying with another proposal being considered, which would require carriers to disclose a flight's on-time record at the point of purchase. On [United's](#) Web site, for instance, customers shopping for a ticket can view "flight info" to see a flight's on-time record.

While that requirement is not currently part of the F.A.A. reauthorization bills, Senator [John Thune](#), Republican of South Dakota, introduced a similar measure in 2007 (the Informed Air Traveler Act) and a spokesman said he planned to offer the language as an amendment to the F.A.A. bill.

A provision to establish a consumer complaint hot line, and publish it on boarding passes, is also being considered. While the Transportation Department's Aviation Consumer Protection Division has a number passengers can call to report problems like mishandled luggage, it is not widely publicized.

"It would be a monumental step forward to get any of this legislation passed," Ms. Hanni said.

Even so, these measures do not address many of the frustrations customers experience while flying, or the underlying problem of systemic delays.

"I'm a capitalist," said William McCurry, a consultant based in Princeton, N.J., explaining that he generally supports free-market principles, but joined FlyersRights because of his frustrations with air travel — and the inability to rely on the system to meet clients.

"This organization should not need to exist," Mr. McCurry said. "That's why we have Congress and the F.A.A. But nobody is looking out for passengers."

- WSJ.com
- [THE MIDDLE SEAT](#)
- APRIL 28, 2009

From Paradise to Perdition on the Tarmac

- **By SCOTT MCCARTNEY**

After several high-profile fiascoes two years ago, airlines promised to do more to avoid stranding passengers on planes for hours. But Delta Flight 510 is a stunning reminder that the problem persists.

On Good Friday, April 10, what should have been a three-hour flight became a 13-hour ordeal for passengers heading home from a Caribbean vacation. When thunderstorms prevented Delta Air Lines Inc. Flight 510's scheduled landing in Atlanta, the MD88 diverted to Columbia, S.C., for nine hours. Passengers spent five of those hours on the tarmac without food or water.

Airport officials say bathrooms turned foul, children got antsy and some passengers became extremely agitated. One woman called 911 because she needed food. Parents with small children ran short on essentials like diapers. Eventually the passengers were allowed off and held in part of the terminal, cordoned off with yellow police tape.

"They were kept on the plane for an unduly long period of time," said Chuck Henderson, deputy director of the Columbia Metropolitan Airport, who came back to the airport that night to tend to fliers. "They were hot, tired, sunburned and maybe some were hung over from their vacation. They were p- off."

Adds Lee Sessions, Delta's station manager in Columbia: "It was an ugly event."

Flight 510 could well restart an effort in Congress to impose a "passengers' Bill of Rights" that would limit how long airlines can hold passengers on planes sitting on the tarmac and require carriers to provide food and essential services during long delays.

Knowing when to give up the wait for takeoff and go to a terminal is a tough problem for airlines -- and a major inconvenience for travelers. Sometimes the best option is to wait out storms and congestion, because the plane you're sitting on may be your only chance to reach your destination that day.

As the busy summer travel season approaches, Flight 510 is a reminder that severe weather can quickly turn routine flights into strenuous ordeals, and fliers should be prepared. In the first two months of this year, 105 flights waited three hours or more to take off after leaving the gate, according to the Bureau of Transportation Statistics. More flights gave up and canceled after long waits. Still more ended up diverted from their original destinations and either sat for long

periods, like Flight 510, or waited until the next day to depart, leaving passengers scrambling for airport cots or hotel rooms.

When Plans Change

According to BTS, about one out of every 400 domestic flights gets diverted, and when it does happen, planes sit for about two hours on average. The BTS, which began tracking delays on diverted flights last year and has reported five months of data through February, says 26.8% of diverted domestic flights end up being canceled.

In most cases, bad weather triggers problems, but the inability of the U.S. air-travel system -- airlines and the Federal Aviation Administration -- to cope compounds passenger woes. Some flights get low priority or are seemingly forgotten even as other planes fly on. Rigid limits on crew duty time can leave passengers stranded. Airports that find themselves overwhelmed with lots of jets to refuel and service can compound delays.

All of those factors worked against Flight 510. The MD88 left Providenciales International Airport on Turks and Caicos Islands at about 2 p.m. with 134 passengers and approached the Atlanta area around 5 p.m., just as thunderstorms moved in and slowed landings. Because of a heavy load of luggage, the plane had only enough fuel to circle for 16 minutes, Delta said.

More than 40 Delta flights, including 510, diverted to other airports, but others cruised in on time, according to data from FlightStats.com, showing just how hit-or-miss air-traffic control can be under stress. At the same time Flight 510 wanted to land, Delta 422 from San Juan, P.R., landed one minute early at 5:04 p.m. Delta Flight 536 from Cancun landed in Atlanta at 5:12 p.m., 17 minutes early.

On the ground in Columbia at 5:44 p.m., Flight 510's passengers were kept in the hot cabin for five hours without food while Delta's crew hoped to get clearance for the flight back to Atlanta. The jet was refueled and ready to go at 6:20 p.m., according to Gary Edwards, Delta's director of flight control, and given a takeoff time of 7:01 p.m. But a second wave of thunderstorms hit Atlanta, canceling that plan. A new takeoff time of 7:55 was issued, but the crew ran out of time under federal duty limits at 7:45 p.m.

Midnight Pizzas

As the hours passed, "conditions got bad" on the plane, Mr. Edwards said. "Unfortunately with the complexity of flying, days like this happen."

One passenger called 911 to report an emergency, claiming she was going into diabetic shock. When paramedics arrived, the woman said she was just hungry, airport officials said.

Delta says bathrooms were serviced after 2½ hours on the ground in Columbia -- six hours after the plane left Providenciales. Delta did not order pizzas and sodas for passengers until 11:30

p.m., nearly six hours after landing in Columbia. They were delivered at 12:40 a.m., according to Delta's Mr. Sessions.

It took more than two hours for federal, airport and airline officials to come up with a plan to get passengers off the plane. Because the flight was an international trip, people aboard needed to clear U.S. Customs and Immigration before they could be allowed freely into the terminal.

Passengers were eventually herded into a barren room underneath the airport terminal. Delta's flight crew left and went to the airline's on-site operations office, angering some passengers, who felt abandoned, Mr. Henderson said.

"The crew really sort of vaporized, and that exacerbated the situation," he said. "It would have really helped a lot had the skipper served as the passengers' advocate. Some folks got very unhappy because they felt like Delta wasn't being much help."

Mr. Sessions says he was down in the basement room with passengers, and that's when he learned food needed to be ordered. Delta says its policy is that passengers are the crew's responsibility. "At that point everyone is trying to do the right thing but things could have slipped through the cracks," said spokesman Ed Stewart.

The basement room quickly proved unworkable, and passengers were taken upstairs into the terminal concourse and held in an area cordoned off with yellow crime-scene tape. There they had bathrooms, a restaurant that remained open, seating and outlets for laptops and cellphones, Mr. Henderson said. He personally escorted some passengers down to the plane's baggage compartment to retrieve essentials.

"Most passengers were wonderful. Some were -- particularly moms with children -- upset. And some felt like they were being detained," Mr. Henderson said.

Even More Delays

Delta tried to redirect an MD88 crew to Flight 510 from one of the other flights diverted to Columbia, Mr. Edwards said, but by the time word reached the other crew, they already had clearance to fly to Atlanta. So another crew had to be flown in. Those pilots and flight attendants were put on an Atlantic Southeast Airlines flight from Atlanta to Columbia, which didn't arrive until nearly 1 a.m., more than three hours late.

In Columbia, about 30 people opted to clear Customs and stay there because they happened to live in South Carolina or just didn't want to fly to Atlanta in the middle of the night. With the remaining passengers and new pilots, Flight 510 took off from Columbia at 2:45 a.m. and landed at 3:28 a.m.

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April 21, 2009

Welcome To The 'Troubled Skies' Creating A Passengers' Bill Of Rights



WaveBreaker/ via flickr

A study released this month found nearly one-quarter of all flights were late in 2008.

NPR.org, April 10, 2009 · First we asked you for suggestions on what should be on a Passenger's Bill of Rights. We got hundreds of suggestions in the comments section and on Twitter. Then we took the best ones and put them up for a vote. Almost 4,000 votes later, the top ten are filled with demands for courtesy and, surprisingly perhaps, information. Below are the results.

1. **81%** Plane should return to gate if it doesn't take off within two hours.
2. **75%** Right to updated information on delays.
3. **69%** The right to be treated fairly with respect and courtesy.
4. **67%** Right to unlimited free water.
5. **60%** Bumped passengers should get a cash refund on the spot plus rebooking on the next flight.
6. **59%** Right to select any alternative flight in case of delays or cancellations.
7. **57%** Right to updates from the pilot every 30 minutes while waiting.
8. **56%** The right to peacefully question TSA officials' actions and motives.
9. **53%** The right to one change to a ticket without charges.
10. **51%** No extra charges for baggage.

Recent First



Brian Schwarz (bschwarz77) wrote:

I kind of wish we had more rail in America. All this with airplanes is getting old.

Monday, April 20, 2009 7:09:13 PM

[Recommend \(0\)](#)

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Dale Hupp (NKA) wrote:

This bill of rights is greatly needed since airlines won't improve customer service on their own. The publicized industry metrics several days ago do not depict true service levels. On-time arrivals are measured when touchdown occurs, not when the passenger actually gets to the gate. At Wash. Reagan National, U S Airways operates several commuter flights out of one gate. To reach that gate you must travel via shuttle bus which can take up to twenty minutes to arrive plane side. The other meaningless metric is lost bags. You may get your bag but the wait inside the terminal is again twenty minute plus, and now many airlines charge you per bag for this inconvenience.

Sunday, April 19, 2009 3:29:19 PM

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Colleen Gavin (thegav) wrote:

The New York Times

ARTHUR OCHS SULZBERGER JR., *Publisher*

The Tarmac's Madding Crowds

A federal study group — created with fanfare to tackle the wretched ordeal of passengers stranded for hours on idled jetliners — has refused to mandate how long airlines can keep their passengers trapped before taxiing back for relief.

The experts' answer: Suck it up and sit there on America's unfriendly tarmacs for as long as it takes.

The task seemed a no-brainer a year ago when advocates for harried nonfliers estimated three hours would be a reasonable limit before heading back to the gate and civilization. But the so-called tarmac task force set up by the Department of Transportation was stacked with airline and airport executives who treated the definition of a lengthy delay as if it were some conundrum of astrophysics.

Instead, the 36-member task force feebly recommends that airlines try to update passengers every 15 minutes, even if there's nothing new to report and, of course, no end now mandated for their predicament.

As for the grisly tales of parched and frenzied passengers stranded without food or drink, the task force recommends that airlines offer refreshments and entertainment "when practical." Oh yes, and make reasonable efforts to keep restrooms more usable than fetid as stalled planes sit there clueless and unairconditioned.

The department's inspector general had recommended setting a limit for how long passengers can be forced to be sealed off in planes. But the task force's conclusion was that this is a complicated question best left to the different airlines and airports. Or, as one industry member arrogantly maintained: "One size doesn't fit all." Enough already.

Surely the incoming administration will be less captive to industry on this issue — and every other. It certainly doesn't take an expert to realize that it is the passengers who pay to keep the airlines airborne. It's only humane that they be accorded something short of full captivity on the ground.
