

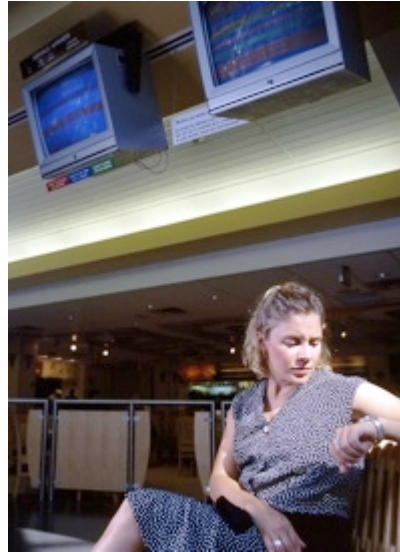


Written by [Steven J. DuBord](#) on August 13, 2009

## Regulations Trap Airline Passengers

The 47 passengers aboard Continental Express Flight 2816 flying from Houston to Minneapolis expected their flight to last about two-and-one-half hours. But severe weather and an equally severe enforcement of federal regulations caused their flight to take about 12 hours, including a six-hour stretch trapped in the plane as it sat 50 yards from the terminal.

Flight 2816 left Houston at 9:23 p.m. on August 7. It was scheduled to arrive in Minneapolis by midnight, but bad weather forced it to land in Rochester. At first, it seemed as if the flight would resume when the storm let up, but by 2:00 a.m. the storm had instead picked up, and passengers were still in the plane.



By this time the situation was getting very uncomfortable. The one toilet had overflowed, babies were crying, dirty diapers were accumulating, and no food or drink had been provided since the snacks that had been dispensed early in the flight. Sleep was virtually impossible aboard the relatively small 50-passenger plane. "It was almost a surreal quality that kind of developed during the night," passenger Link Christin said. "It felt like you were trapped in a cave underground."

Finally, at 6:00 a.m., the passengers were allowed to enter the terminal, where the restrooms and vending machines that could have made the long wait more bearable were readily available. What changed at 6:00 a.m.? Security screeners were back on the job and could now screen the passengers before re-boarding. It took another two-and-one-half hours before that boarding was allowed to take place, and the flight finally arrived in Minneapolis at 9:15 a.m., almost 12 hours after it began.

Continental Airlines did apologize to the passengers, saying their ordeal was "completely unacceptable" and offering refunds and vouchers for future flights. Continental referred all questions about the situation to ExpressJet Airlines, the regional carrier responsible for Flight 2816. On August 10, [AP reported](#) the carrier's reason for putting their passengers through such misery: "Kristy Nicholas, a spokeswoman for ExpressJet Airlines, said passengers couldn't go to the Rochester terminal to wait out the storms because they would have needed to redo their security screening and screeners had gone home."

ExpressJet Airlines must have misunderstood Transportation Security Administration regulations. The TSA issued a [response](#) to the incident on their website:

Airlines, not TSA, make the decision on whether or not to deplane passengers if there is a delay or diversion. TSA does not prohibit airlines deplaning passengers and re-boarding without screening as long as they don't exit past the checkpoint and leave the secure area, regardless of whether or not TSA officers are conducting screening operations.



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In addition, TSA has the ability to recall security officers and resume screening passengers after hours at the request of an airline or airport.

According to an August 12 [FOX News story](#), the incident has caught the attention of Transportation Secretary Ray LaHood. "While we don't yet have all the facts, this incident as reported is very troubling," LaHood said. FOX noted that "Transportation Department and Federal Aviation Administration lawyers are combing through aviation and consumer regulations looking for possible violations."

The unfortunate situation may breathe new life into legislation designed to create a so-called passenger bill of rights. Just such a bill recently passed the Senate Commerce Committee's aviation operations subcommittee chaired by Senator Byron Dorgan (D-N.D.) and is waiting to be considered by the full Senate. "There needs to be some common sense used in these cases," Dorgan declared, "and it seems to me these folks have a right to complain very seriously about what happened."

It is a shame that common sense is not more common, and that these passengers were treated like convicts aboard a prisoner transfer flight. Then again, the regulations that have already been issued by the TSA, with all their complexity and strictness, are part of the problem. However well-intentioned a passenger bill of rights may be, it boils down to government once again purporting to fix its regulations with more regulations, all the while increasing the size and scope of the federal government.

Better to cast some blame on the TSA and to address its demand to virtually strip search every passenger before boarding. The answer to federal regulations that go too far is not to enact more federal regulations, but to pull back the ones that put Uncle Sam's hands where they don't belong.



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