



Written by [Steven J. DuBord](#) on December 23, 2009

Airlines Face Hefty Fine for Delays

Transportation Secretary Ray LaHood announced on December 21 that beginning this spring the federal government is going to impose hefty fines on airlines that keep passengers stranded on the tarmac without food, water, or letting them get off the plane. LaHood called this “President Obama’s Passenger Bill of Rights.”

Under the new rule, airlines that do not offer food and water after a two-hour wait or the opportunity to disembark after a three-hour delay could be hit with penalties of \$27,500 per passenger. The Obama administration adopted this strict approach in response to several incidents in recent years when passengers were kept cooped up in their planes for an extremely long time. If federal regulators had not reacted to the highly publicized events, Congress would have likely taken action itself.



Relatively few flights in the past few years have been stranded on the ground for more than three hours — only about one out of 6,200 flights, or a total of around 1,500 per year. Still, this has greatly inconvenienced more than 100,000 passengers each year and generated a lot of public ill will toward the offending airlines.

Representatives of airlines predicted a different set of complications would arise as the airlines attempt to give flight schedules more breathing room. Kevin Mitchell, chairman of the Business Travel Coalition, said the penalty would be so costly to airlines they would need to “re-engineer to fix the problem.” For example, schedules might have to be adjusted or other steps taken. “This is awfully serious business,” he noted.

The Air Transport Association, the trade group for the major carriers, sees the regulation itself leading to delays and canceled flights. A spokesman for the group, David Castelveter, described possible scenarios.

If passengers wish to disembark after a long delay on the tarmac, the plane would need to surrender its place in the waiting line for takeoff, taxi back to the gate, and wait for baggage handlers to remove the luggage. At the current time of year, the plane may then have to be de-iced all over again.

As the time to do all this dragged on, there would be a much greater chance that the plane’s flight crew would be unable to continue working the flight due to limitations on their hours. “There will be more cancellations than there are today,” Castelveter declared.

Passenger advocates, on the other hand, were delighted that airlines would need to give more thought to the comfort of travelers. Kate Hanni, the founder of FlyersRights.org, dubbed the measure “a



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Christmas miracle.” Hanni started FlyersRights.org after she and her family were trapped for nine hours on a plane diverted from Dallas to Austin, so she does know the misery of delays firsthand.

The new rule will go into effect in four months, and will only apply to domestic flights. Flights would have to arrive back at the gate within three hours, not after waiting on the tarmac for three hours, so things may get complicated for planes that are farther away from the terminal and facing a longer time to taxi back.

LaHood said that airlines would not be penalized if a plane’s return to the terminal would pose a safety problem or disrupt airport operations. He also stated that some airlines not used to carrying food and water would need to consider changing their policies: “They’re going to have to have peanuts, pretzels on their regional jets; they’re going to have to start stocking up.”



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