

September 23, 2021

**Comment of FlyersRights.org to the House Aviation Subcommittee on the Increased
Number of Airline Incidents**

The recent increase in violent incidents in air travel is a serious issue in need of solutions. The subcommittee hearing would benefit from hearing the passenger perspective. FlyersRights.org submitted a rulemaking petition to the Department of Transportation in August 2020 to mandate mask wearing in air travel and has been the leading organization advocating for Covid mitigation measures to make air travel safer. FlyersRights.org also published a financial stimulus and covid mitigation policy proposal that, for less than the three combined bailout payments, would have made air travel safer and would have allowed the airlines to more effectively increase service, avoiding the widespread cancellations seen this summer.¹

According to the latest FAA data, mask-related reported incidents account for 73% of all incidents reported by crewmembers in 2021.² At the same time, non-mask related incidents are down, and the FAA has more than doubled the number of its investigations. FlyersRights.org proposes the following solutions to reduce the number of mask-related disturbances on airplanes:

1. Implement the yellow card system where a passenger is given a written warning and the ability to send a written complaint to the pilot or airline as means of de-escalation.
2. Ensure flight attendants themselves comply with and more consistently enforce the mask rules.
3. Allow greater ease of obtaining legitimate health and disability exceptions to the mask rule.
4. Implement greater covid mitigation measures, including social distancing and temperature checks. Social distancing must be enforced not only on the airplane, but at the gate, during the boarding process, and at security checkpoints.
5. Reevaluate the TSA mask mandate extensions with a public notice and comment process.

The airlines have crammed passengers on a smaller number of flights with no social distancing, no middle seat blocking, no capacity limits, no temperature checking, and no covid testing. While some passengers oppose masks for political reasons, others see the lack of other common sense safety precautions taken by the airlines (social distancing, middle seat blocking, temperature checks) and the lack of consistent enforcement on passengers and flight attendants as signs that maybe safety precautions are not needed.

¹ <https://flyersrights.org/news/f/air-travel-social-distancing-and-stimulus-plan>

² https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/

Prosecution for battery is needed when these incidents become violent. However, it would be a severe escalation and a gross infringement on civil liberties to invoke the Patriot Act's felony "interference with flight crew members and flight attendants," intended for hijackers, to threaten a passenger with up to 20 years in prison.³

FlyersRights.org has advocated for a mask rule as well as other health measures to protect passengers and crew members. While most flight attendants enforce the mask rule as best as they can under the circumstances, often flight attendants do not attempt enforcement and themselves violate the mask rule.

Not only will these proposals help curb the increased number of abhorrent passenger incidents, it is vital for the continued health of all passengers and flight crew throughout the pandemic.



Paul Hudson
FlyersRights.org
President
1030 15th St NW #292
Washington, DC 20005
paul@flyersrights.org
800-662-1859 ext. 0

About FlyersRights.org

FlyersRights.org is the largest nonprofit airline passenger organization with over 50,000 members and supporters nationwide. It publishes a weekly online newsletter, operates a toll free hotline for airline passengers, and advocates for their rights and interests. FlyersRights was founded in 2007 after thousands of passengers, including the founder Kate Hanni, were stranded on the tarmac for over nine hours in Austin, Texas.

³ 49 USC § 46504.