

Senator Maria Cantwell

Opening Statement and Q&A for Aviation Subcommittee Hearing on Airline Travel

May 4, 2017

Sen. Cantwell: Thank you Chairman Blunt and before I start I want to enter into the record this letter from the Paralyzed Veterans of America on the challenges they face as disabled passengers when they fly. Thank you Chairman Blunt for convening this hearing, and thank you to the witnesses for being here on short notice to discuss the many important topics that are being raised today.

It would be safe to say that all of us were deeply disturbed by the images of Dr. Dao, bloodied and dazed, being dragged down the aisle of a plane last month in Chicago. For a passenger who presented no threat to the safety or security of a flight to be treated that way is completely unnecessary and unacceptable. United has acknowledged as much, and we owe it to the travelling public to make sure that this doesn't happen again.

The United incident in Chicago has not been the only airline-related incident to gain attention recently, and we need to look at the policies and procedures across the entire industry to address and improve the entire experience for the flying public.

You need to ask yourselves as providers – are you prioritizing your shareholder's profits over the basic needs of your consumers. The airline industry as a whole needs to explore sensible ways to fix the traveling experience for passengers. As our commercial air system continues to grow, airports are more congested and travelers have fewer options. The flying public understands, because they see it every time they fly, that seats are fuller and becoming smaller by the way. Tempers are flaring.

And if you run into trouble—if your flight is cancelled or you miss a connection—you're out of luck. Airplanes are flying full, and in many cases seats simply aren't available to accommodate displaced passengers. Capacity in many cases is rising slowly, if at all, as competition has disappeared, even those 83% of seats being filled.

In the Washington, SeaTac International Airport has been one of the fastest growing airports, with three consecutive years and passengers have been feeling that squeeze as well.

We've had hearings here about how we're addressing that from a TSA and a homeland security perspective

As a result of the industry's growth in passengers, too many of our airports face long lines at security, and they are facing crowded terminals and gateways.

So we need to do our part to make sure that the flying experience of the public is also focused on the needs of the flying public. We need to find improvements at our airports that will allow room for competition. And I believe we need to make sure our airports have access to our customers

I do appreciate the steps that United and their partners in the industries are taking to improve passenger experience. And as airlines have brought in record profits, they've made some investments back into their product.

But the fact that we're here today to hear about is that across the industry we need to continue to make more steps towards that passenger experience. I know that when my former colleague, Senator Boxxer was here, we talked about that passenger bill of rights, just making sure that when passengers were delayed on runways or held on a flight for an extraordinary amount of time that they just got basic needs taken care of, like access to water or food and making sure they had a clear understanding. I think it may be time for a new passengers' bill of rights to make sure that we're focusing on the consumer experience, making sure that consumers aren't left, that we are doing things that are appropriate and necessary to make sure that they are protected in these incidents. So thank you Mr. Chairman for having this hearing.

Sen. Cantwell: Thank you, Mr. Chairman. I've been listening to the testimony across the board and I just want you to know that no one has fought harder during the time that Wall Street prices drove up, quadrupling and costing us. So we were there, we participated in those press conferences and what it was doing to the industry. I was also there when, one or two years ago, we put an FAA bill together and we didn't give flight attendants the same rest time as pilots. We should correct that time and make sure there is even parity. So I understand the larger challenges to the airline industry, but it is still no excuse for dehumanizing the aspects of passenger travel and just making them part of someone's business plan. And we have to come back and look at the stress that has been caused on the system as we have deregulated and put this in this game of monopoly but not giving the passengers a fair end of the stick. So I do want to get to you, Ms. Greenberg ,about what you think is in the passengers' bill of rights because I have my own ideas about what should be in the passenger bill of rights. But Mr. Kirby, I just wanted to make sure I understood you correctly. Are you saying that Mr. Dao's flight was not an overbooked flight?

Mr. Kirby: No mam. His flight was overbooked by one but we had a customer compensated and removed from the flight before boarding. The situation with Mr. Dao was not caused by overbooking it was caused by putting 4 crew members on the airplane after the flight was already boarded. Policies that we've changed and can never happen again.

Sen. Cantwell: And what do you consider that, putting four crew member on a flight?

Mr. Kirby: Wel in this case, it was just wrong.

Sen. Cantwell: Well I think it's your definition of overbooking that is wrong and so you're parsing words here, which does not give me the faith that you fully understand the situation. By that I mean the airlines are treating people as an algorithm, they're part of a computer-based

system where if you want to kick someone off a flight, you go to the person, as is Mr. Dao's case, without a frequent flier number, paid the lowest fare, checked in at the last boarding time. So basically you're picking by algorithms who you want to kick off of a flight. And to now say that overbooking, here at this hearing this morning, does not include your crew members. You have to compensate for the traveling of your crew members, but you can't then get an exemption on 'oh, well that's not overbooking.' So I'm really befuddled by the fact that you're parsing this this morning in a way that makes me think that this is what's going to end up in a passenger bill of rights. We're going to tell you how you can or can't operate to protect consumers and the travelling public. We are not going to turn them into an algorithm of the cheapest person's ticket is going to now get booted off because you're going to continue to communicate this way.

Mr. Kirby: Ma'am I'm sorry if I'm not communicating well. We do use the word overbooking to be very specific: where the airline is selling more seats than there are on the airplane.

Sen. Cantwell: Then you should compensate in a travel plan where your crew is part of that and stop using them as an addition to the overbooking. You need to compensate for them before. If you want us to legislate that, we will. Because we're not going to run into the same situation.

Mr. Kirby: Yes ma'am we do do that. In this case, their previous flight got canceled. That's why they were being booked at the last minute. When we normally travel crews, we book them and take a seat out of inventory for them.

Sen. Cantwell: So Ms. Greenberg, you mentioned this. What do you think we should do about this issue as it relates to the fact that I think they still want a little bit of room here on changes to flights and schedules and getting crew to a certain location. What do you think about that?

Ms. Greenberg: Well I think the issue of overbooking these days is really a thing of the past— it outta be— because every passenger who pays has paid upfront for their ticket. There should be no instances when you've paid for ticket, you're sitting in your seat and you're taken off the flight. We don't understand why that needs to happen because in the old days airlines were out of pocket because people would make reservations on 5 different flights and wouldn't show up for perhaps 4 of them. But now, the airlines have that money in the bank and so we think that they outta be accommodating the fact that all those seats are paid for and I don't understand we continue to have this problem with overbooking and why airlines continue to overbook and are pocketing those profits, sometimes twice over.

Sen. Cantwell: What do think, any of the panelists, who should be making these decisions in the context of now we're hearing from the airlines that now they're no longer going to do this, that they're going to compensate people in a range of fees, but my question is who's going to decide that? And who's going to make these decisions along the way. I just feel like the airlines are

basically leaving too much of this to interpretation at the gate level and we need to build a culture and a culture within the airlines so we're going to have management here responsible for these kinds of decisions and actions instead of pushing it down, either to the flight attendants or the gate people to enforce.

Ms. Greenberg: One of the things we mentioned in our testimony is that we would like to see a European Union Style system where you're guaranteed a certain level of compensation for a flight that's canceled, for a flight that's delayed, depending on how long the flight is delayed and the distance that you're going. European consumers have far more robust consumer protections than we do in the United States and we don't understand why that should be.