

The End of Hellish Tarmac Delays? Or Increased Airline Ticket Prices?

By Ben Lee, J.D. Candidate 2021 | March 18, 2019

The majority of Americans don't know that they possess a variety of rights while they sit on an airplane, let alone a more robust bundle of rights that they possess at essentially every step of the air travel process. In fact, [92% of Americans](#) have no clue what their rights are or entail. From the time that you begin shopping for airline tickets online to when you hit the tarmac at your destination, your "[Airline Passengers' Bill of Rights](#)" kicks in and provides various protections as you enter sky-space.

Following well-publicized tarmac delays, some of which reached well over [six hours](#), regulators answered the distressed public by implementing federal rules that allot a maximum of three hours on the tarmac for flights landing in the U.S. Violations are punished by monetary fines. During the delay, passengers are entitled to [various necessities](#) such as food, water, functioning toilets, and medical attention, if needed. All of this seems like it's pointing favorably towards consumers, but some industry experts have voiced their skepticism with these regulations.

The very nature of the regulation is a massive carrots-and-sticks situation. The fines that the federal rules impose are not to be taken lightly – they are currently set at up to [\\$27,500 per stranded passenger](#). On a standard commercial Boeing 777 flight, with a capacity of 300, the penalty for a single flight can be enormous.

Robert Isom, US Airways COO, has stated that the airline's defense simply is "[cancelling flights](#)." And this seems like a rational solution on the part of the airlines; as sophisticated players, they will inevitably establish a robust system to calculate their benefits and losses with the potential fines if they figure that simply cancelling a flight will cost them less than potentially violating the new tarmac rules. Vikrant Vaze, assistant professor at Dartmouth's Thayer School of Engineering, found that "[for every minute of tarmac time being saved there is, on average, a three-minute increase in the total passenger delay](#)." He, like others, have begun to discern the potential implications of airlines choosing to cancel flights instead of facing massive fines if they feel like a delay might occur.

On the other hand, these penalties seem to be a common method employed by the legislative and judicial branches in a variety of scenarios to encourage or discourage certain behaviors. At least



in some respects, it is pushing more accountable behavior by airline companies. Delta has expended “[millions to invest in new technologies](#)” to reduce tarmac wait-time variability, investing money towards equipping their tarmac spaces with tools like deicing pads to better combat against issues posed by the weather, which is frequently responsible for these delays.

How these airliners will collectively react to an intervention by the legal system is yet to be seen. It could potentially end up protecting consumers from one of the most upsetting parts of air travel and simply make airliners responsible for the issues that they should have resolved years ago. Or, consumers may have accidentally asked for even more delayed travel time while also having the interim costs of improvement passed along to them.