



How Bureaucrats Solve Problems

As if the indignities, gross inconvenience and downright danger of commercial aviation weren't enough, your flight now stands as much as a 15 percent greater chance of cancellation. That's thanks to a rule from the federal Secretary of Transportation, Ray LaHood, taking effect today. As usual, his excuse was "fixing" a problem government created in the first place. Even more usually, his solution only exacerbates the problem as the notorious unintended consequences afflict passengers—but not Ray LaHood.

You may remember the rash of stories a few years ago about passengers stranded on grounded planes for hours — a whopping 10½ hours in one case. [Federal regulations on design](#) render aircraft about as comfortable as torture chambers; their [cramped aisles](#) and seats constructed to suit [bureaucratic bombast](#) rather than human hindquarters torment us during flights of normal duration, let alone those that stretch interminably due to the weather or other delays. Add to the mess [broken, overflowing toilets and no food or drink](#) for the sort of misery that entrepreneurs never willingly inflict on customers.

So why did the airlines [repeatedly](#) imprison passengers in such horrific conditions? Because of bungling bureaucrats and their extensive, execrable management of the industry.

The Federal Aviation Administration (FAA) owns "the authority to regulate and oversee all aspects of [civil aviation](#) in the United States," as the agency itself admits in its "[Risk Management Handbook](#)." And when it says "[all, it means exactly that](#)," including such details as when an aircraft may push back from its gate (Southwest Airlines used to taxi to the runway while passengers were still situating themselves and their luggage. Though not a single injury ever occurred, and though this habit endowed Southwest with an enviable on-time performance, bureaucrats ended it in 1986 when they decreed that every passenger must be seated before pilots put the plane in motion. By 1994, that was costing Southwest [at least \\$150 million annually](#)). Indeed, [the Feds' supervision is so extensive](#), so complex and minute, that airlines are nationalized to all intents and purposes.

So [a multitude of regulations](#) and considerations about how to best juggle them bedevil any pilot waiting for take-off. Aggravating that is outdated and incompetent air-traffic control, staffed by the





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FAA's federal employees.

Government has bossed airborne vehicles like a sky-high traffic cop since aviation's inception. The Feds codified this control in 1926 with the Air Commerce Act, though at that point, they did little more than dispense insultingly obvious advice (pilots should allow enough clearance between them and the next guy before taking off) and wave flags to signal departing planes. By 1936, they declared themselves in charge of controlling pilots once they were aloft, too. And in 1941, Congress stole money from taxpayers so that the Civil Aeronautics Administration (CAA) could operate air-traffic control towers. Legislation created the FAA in 1958 by consolidating the CAA with a couple of other agencies that also pestered pilots.

Like all bureaucracies, the FAA is [ossified and hidebound](#), [resisting innovation](#) in favor of covering its sorry butt and enforcing its silliness. Its air-traffic control has long arrogated all responsibility for deciding when aircraft may depart and [where they may fly](#). Any congestion clogging this system, any delays, are the FAA's fault.

"Oh, come on," you say, "what about the weather? That postpones more flights than anything the government does." And you're right: weather affects aviation profoundly - but our rulers only compound its challenges. State and municipal governments own commercial airports, so their locations and expansion are political rather than practical issues. No wonder they're often the wrong size, with wealthy, politically powerful areas boasting spacious airports that host only a few daily departures versus impossibly crowded ones elsewhere. And so, when a snowstorm blasted New York's Kennedy International in February 2007, JetBlue's full planes hunkered down on their ramps, partly because "[each of the airlines](#)' [sic] 21 gates was occupied with a plane that couldn't be moved because of icy conditions, JetBlue CEO David Neeleman told *USA TODAY*. 'We had no place for those planes (on the ramp) to go,' Neeleman said. 'The airport was gridlocked.'"

Then, too, when deciding whether to keep a loaded flight ready to roll or return it to the gate, airlines balance government's strictures with such competing considerations as their own profitability and passengers' comfort. For example, Delta Air Lines said that it "[also weighs if pilots](#) are in danger of violating federal rules barring them from working more than 16 straight hours."

Ergo, anyone truly trying to save passengers from captivity aboard a plane would abolish the FAA. Not Ray LaHood. This current bureaucrat and former politician thinks the answer for too much regulation is more of it. Specifically, he will penalize airlines confining passengers to planes for longer than three hours. The penalties are ruinous, as much as \$27,500 per passenger detained. Which naturally means airlines will cancel flights that might otherwise depart rather than risk forfeiting, say, \$8.25 million for a jet carrying 300 people. Of course, that fortune disappears into government's yawning maw rather than the pockets of passengers who endured that still-very-long-but-acceptable-to-a-bureaucrat purgatory.

What expertise makes Ray LaHood's decree of three hours more valid than yours of 2.5 or mine of no more than 30 minutes? None. He is neither a doctor capable of judging the effects of stress on passengers nor a professional in aviation. Indeed, he knows nothing of aviation other than how to tax and tyrannize it, having spent [14 years](#) as Illinois' "[moderate Republican](#)" [sic for "socialist"] representative in Congress.

Nonetheless, Ray has unilaterally decided for you and your airline that it's better when "[passengers](#) [can rent a car](#) and drive to wherever they need to go, or they can rebook their flight, or they can go to



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a motel,' LaHood said... 'None of that can happen while they're sitting cooped up on an airplane.'"

It's beyond a bureaucrat's ken that all passengers aren't the same. One size doesn't fit everyone: the mother of a hungry toddler may very well need to escape an idling plane — right now, mind you, not in 3 hours — while the retiree recovering from cataract surgery who can't afford a hotel may prefer to outlast the storm onboard.

The free market would accommodate each. Airlines liberated from the FAA would seek to satisfy customers, not regulators. Their executives constantly reckon with the weather and the delays it causes; absent regulations, they would minimize the impact on their patrons rather than imprisoning them for 2 hours and 59 minutes before abruptly canceling their flights — and if they didn't, they'd be out of business. Indeed, they'd vie with one another to coddle customers: perhaps Mama's Best Airline would charter buses to drive folks home while Dependable Air would advertise, "Enjoy A Meal Onboard On Us — and Reach Your Destination Regardless of the Snow. Plenty of Blankets and Pillows, Too. You'll Be Comfortable as We Wait Out the Storm: We Guarantee It, or Your Money Back!"

But all the State offers are rules to remedy previous rules that will in turn spawn more rules. In fact, variations of the current one have been in the works [since 1999](#); "[in 2008, ... carriers](#) said such a rule might cause delays" — presumably even worse ones — "to cascade through the air-traffic network. 'All of the issues that were brought up in the long study of this still remain,' said Roger Cohen, president of the Regional Airline Association in Washington. 'This may be as passenger unfriendly as any rule I've ever seen.'"

What else would we expect from Leviathan?

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