

In JetBlue's wake, a push for fliers' rights

Demand for federal action takes off as the airline deals with delays.

By Martin Zimmerman, Alana Semuels and Molly Selvin, Times Staff Writers
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JetBlue Airways, seeking to repair the damage done when its flight schedule was virtually paralyzed for nearly a week, today unveiled a passenger "bill of rights" that promises to pay customers for flight delays and cancellations that are its fault.

Under the plan, passengers whose planes land on time but are delayed 30 minutes because there are no available gates would receive a \$25 voucher. Passengers on departing flights that are delayed 2 to 4 hours would receive a \$50 voucher. If the delay extends beyond four hours, passengers would receive a voucher for a one-way ticket. Delays caused by poor weather or by other events outside the company's control would not be covered.

"I want to assure you as the CEO of this company that the events that transpired last week and the way that they transpired will never happen again," company founder David Neeleman said in a videotaped statement posted on the airline's website. The travails of the nation's eighth-largest carrier, however, might not be enough on their own to prompt federal action on behalf of air travelers. JetBlue's troubles come as the airline industry struggles through a winter of discontent punctuated by airport shutdowns, massive flight cancellations and tales of passengers trapped for hours aboard parked aircraft.

The events have mostly been weather-related -- a blizzard in Denver, a thunderstorm over Dallas-Fort Worth, an ice storm in New York. But industry experts say the airlines' response to natural events has been inadequate, making the case for an air travelers' "bill of rights."

"This could very well have reached the point where the federal government needs to set some standards," said Scott Hamilton, an airline industry consultant. Tim Winship, who runs an air travelers' website called FrequentFlier.com, said that JetBlue's initiative might in part be a bid to head off tougher measures.

"They may very well be aware that the danger of what they've done here would trigger Congress to actually move on this," Winship said. "They're saying, 'We're going to do our own passenger bill of rights.' It may be a way of forestalling a move by Congress doing that from the federal level."

Kate Hanni of Napa, a leader in the push to give more consumer rights to airline passengers, said the JetBlue episode had created a political tail wind for her efforts.

Before JetBlue's problems began on Valentine's Day, Hanni's loosely organized group had collected 3,500 electronic signatures on its website supporting legislation (www.strandedpassengers.blogspot.com). Six days later, the count was up to 11,000.

"This incident has definitely helped the cause," said Hanni, who is flying to Washington this week to meet with elected officials and consumer groups. "This thing is growing exponentially."

Hanni began her crusade late last year after being stuck for eight hours on a parked American Airlines

flight in Austin, Texas.

"We just don't trust them anymore, and that's why we have to have legislation," she said. "That's why we're taking it into our own hands."

Sen. Barbara Boxer (D-Calif.) has cosponsored a bill that in most cases would limit to three hours the amount of time passengers can be kept waiting on parked airplanes.

Rep. Mike Thompson (D-St. Helena) has said he favors similar legislation in the House and has received support from members of both parties on what is sure to be a politically popular issue.

The industry is wary of mandatory restrictions, saying they would rob airlines of the flexibility they need to deal with changing weather conditions.

JetBlue's problems began when an ice storm blanketed the Northeast on Wednesday. Rather than follow the example of other airlines and cancel flights in advance, JetBlue tried to get passengers to their destinations.

The strategy backfired. The weather didn't clear, stranding much of JetBlue's fleet at its hub -- John F. Kennedy International Airport in New York -- and triggering a chain reaction of cancellations and flight diversions that angered passengers.

"I've never been treated so badly by an airline in my life. Never," said Kimberly Lindsey, a 22-year-old model who was scheduled to fly home to Southern California from JFK on Wednesday. "Nobody knew what was going on. They were completely clueless."

She didn't arrive at Long Beach Airport until Saturday -- without luggage -- and she returned to the airport Monday to learn that her bags were still en route.

Alison Eshelman, a spokeswoman for the New York-based carrier, acknowledged that the company made mistakes.

"In retrospect, we should have canceled flights on Wednesday," she said. "We let our customers down and we let our crew members down."

Passenger criticism is unusual for JetBlue, which is widely regarded as popular with its customers for its low fares and its egalitarian practice of offering a single class of service. It ranked above most of its peers in the federal government's most recent survey of industry performance in such areas as baggage handling, flight cancellations and "bumped" travelers.

JetBlue, which locally serves airports in Burbank and Ontario as well as Long Beach, said it expected to operate its full schedule today after canceling 139 of its 600 flights Monday.

Executives at JetBlue declined to discuss the reasons for the breakdown in detail in advance of a news conference by Neeleman today. Neeleman told the New York Times that the airline's communications system failed to keep flight crews and customers informed of cancellations and that many of the airline's employees weren't trained to handle the crisis.

After first failing to cancel the Wednesday flights, JetBlue tried to get back on track by canceling 217 of the 562 flights scheduled for Thursday in an attempt to "reset" its operations, according to a company statement. The carrier also arranged a few charter flights linking JFK with Las Vegas and Orlando, Fla., among other destinations.

But because of a runway closure at JFK, the airline had difficulty resuming its full schedule. It canceled 150 of the 570 flights scheduled for Friday.

On Friday, the airline decided to cancel all of its flights from 11 airports -- 23% of its schedule -- on Saturday, Sunday and Monday in another effort to reposition aircraft and crew members.

The airline said some passengers were stuck on grounded planes for as long as six hours during the crunch, although news reports said some waits lasted 10 hours or more.

Many airlines experienced delays after the storm, but JetBlue's were especially prominent because the airline is the largest carrier at JFK, industry consultant Bob Ditchey said. Airlines are in a Catch-22 in these types of situations because people expect them to perform in even the worst weather, he said.

Adding to JetBlue's woes: The storm hit in the days leading up to the three-day Presidents Day weekend, an especially busy time because of the long weekend and school holidays. The airline estimates that 14,000 passengers were affected each day.

JetBlue's troubles mark the third time in two months that the airline industry has been rocked by well-publicized disruptions caused by bad weather.

In the days before Christmas, more than 3,000 incoming flights were canceled or diverted over two days after a blizzard shut down Denver International Airport. And on Dec. 29, a wave of thunderstorms that hit the Dallas-Fort Worth area forced American Airlines to divert 121 flights to other airports, where some passengers such as Hanni sat on parked planes for eight hours or more.

Although the problems have all been weather-related, experts say that cost cutting by the airlines to stem the massive losses they sustained in the years after the 9/11 terrorist attacks is at least partly to blame.

Commercial carriers are making fewer domestic flights and are filling a higher percentage of seats on those they do fly. As a result, it is harder to re-book passengers when large numbers of flights are canceled.

The changes helped the industry turn a profit last year after five years of losses. But the recent incidents, as well as worsening performance in several customer service areas, have some saying that the time for government regulation may have arrived.

Industry lobbyists say they'll withhold judgment on congressional proposals for a consumer protection bill. But they clearly are concerned.

"I don't know that these isolated incidents are such to justify mandatory measures," said David Castelveter, a spokesman for the Air Transport Assn. "Airline personnel must continue to play the deciding role on whether [an airplane] stays or goes. You cannot take the decision away from the people who are on site."

Calls for an airline consumer bill were also heard in 1999 after passengers were stranded aboard a Northwest Airlines flight on the ground in Detroit for several hours during a blizzard. No legislation came about after the airlines promised to improve customer service.

"If the airlines aren't able to clean up their own house voluntarily," industry consultant Hamilton said, "it may be time to impose standards upon them."

In JetBlue's case, however, some industry observers said the airline acted appropriately by

acknowledging its mistakes.

JetBlue CEO Neeleman "acknowledged his culpability, he explained how he screwed up and what he's going to do to improve things," said Peter Sealey, a marketing professor at Claremont Graduate University.

The company's apology stands out compared with the silence or bumbled excuses from other airlines that have experienced similar problems, said Tom Parsons, CEO of BestFares.com. The airline's offers of refunds and free flights exceeded the compensation many people should have expected, he said.

Still, the episode has made JetBlue fodder for TV comics. Last week David Letterman ticked off the "Top Ten JetBlue Excuses."

No. 9: "It could have been worse.... No, wait, it couldn't."

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