



By Michael R. Grüniger, Markus Kohler
and Capt. Giancarlo Buono

WHEN THE PASSENGER FLIES THE AIRPLANE

SUMMER IS UPON us in the northern hemisphere, and the days are hot and long. For many, this is also a time for vacation and recreation, so let's take another sip, place the frosted Caipirinha (assuming not to be on duty) glass on the side table, sit back and ponder some of those questions that seem to lack answers.

One thing that has always amazed us is seeing passengers on scheduled or business flights who do not keep their seatbelts fastened while seated. We all want to arrive safely at our destination and expect our crew, operator and the entire complex system that provides the transportation service to do everything possible to maximize the probability of a safe arrival. Yet, when it comes to the most basic things we can do ourselves as passengers, we choose not to.

A brief search of aviation safety databases reveals numerous events where passengers were injured on an aircraft, mostly because of an unexpected



upset of the aircraft due to turbulence. Turbulence is the leading cause of in-flight injuries. And it is the most preventable when one simply keeps their seatbelt fastened – as boring as that may sound.

Clear air turbulence is an insidious threat, because in spite of advanced weather detection systems, it is not easily predictable and usually not recognized in time to illuminate the “fasten seatbelt” sign. It may be a rare

DISCIPLINE
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event, but can occur during all phases of flight and at any altitude. From 1981 through 1997 there were 342 reports of turbulence affecting major air carriers. Three passengers died, two of whom were not wearing their seatbelt while the sign was on. Out of the 80 who suffered serious injuries, 73 were also not wearing their seatbelts.

The regulator does not mandate that passengers keep their seatbelt fastened while seated. EU-OPS 1.325 states that the commander shall ensure that before take-off and landing, during taxiing, and whenever a deemed necessary in the interest of safety, each passenger is seated with the seatbelt fastened. Just what constitutes "in the interest of safety" is left open, but the regulator requires that the operator define in the Operations Manual (Operating Procedures 8.3.11) during which phases of flight seatbelts must be used. It's a trade off between convenience and safety.

More Serious Matters

The issue of convenience raises another issue: To what extent are customers, either on commercial or, maybe even more so, corporate flights, free to choose and exercise their will on the conduct of a flight? This question becomes even more complex when the passenger is a person of authority with a direct influence on the position and career of the crew.

A very recent case on point, which is still under investigation, is the Polish president's Tupolev 154 crash in Smolensk on the 10th of April 2010. The crew was repeatedly warned about the weather conditions that caused another plane to divert, and which had deteriorated even more. Still, the pilot in command proceeded with the approach. According to sources citing unreleased transcripts, the cockpit door was open and, during the approach, there were two passengers present near or on the flight deck.

Recent press reports also refer to the translation of the CVR on the accident plane. At 8:16, shortly before the airplane crashed, the captain supposedly said that "if I don't land, he'll kill me". The newspaper *Gazeta Wyborcza* continues, reminding us that in 2008, when the accident captain was still a

co-pilot, the presidential aircraft was supposed to land in Azerbaijan. During the flight the pilot was asked by the president's staff to change the flight plan and land in Tbilisi instead, which was in an active war zone. The pilot refused in the interest of safety and was even visited in the cockpit by Kaczynski himself, who tried to convince him to change his mind. In the wake of this deviation, some members of the Polish parliament belonging to the president's party took legal action against the pilot and denounced him in a parliamentary interpellation as "coward". As safety professionals, we certainly want to refrain from giving too much weight to unconfirmed and unofficial sources to draw conclusions about air safety events, but there appear to be some consistent indications that the pressure on the captain not to divert and to attempt to land was huge.

This is a drastic example, but there may be parallels to the world of commercial and corporate aviation. Paying commercial passengers, and probably to a larger extent corporate passengers, believe they have a right to exercise operational influence and control over the conduct of a flight.

What if the corporate passenger imposes on the flight department very short-notice flight requests that allow only marginal time for proper flight preparation, or shows up at the airport with excess baggage that exceeds the aircraft's maximum takeoff weight? It's a fine line between being legal and safe, and facing the wreath of a dissatisfied customer.

Today, the issue is even more prevailing. Since the collapse of the major State owned carriers in the US and Europe, commercial priorities have taken precedence over operational decisions. Flight crews are less empowered to make decisions and are usually held accountable for their decision. There are documented examples of how this pressure can contribute to a condition of continually decreasing safety margin. In the case of Ryanair's EI-DAV incident on September 7th, 2005 (see ANSV report), a combination of emotional-psychological pressure and economic circumstances led to a complete deterioration of operational capability of the crew. A China Airlines A340 erroneously took off from Anchorage from

a taxiway and left imprints from the main undercarriage on a snow berm at the end of the taxiway. Rather than returning for an investigation for possible structural damage, the crew continued on the long flight to Taipei.

To open the scope even further, external influence on operational control has increased the level of crew fatigue, which is the main contributory factor in a number of accidents. If the owner of a corporate jet or a VIP customer is not keeping his seatbelt fastened, this is a minor problem compared to the pressure he could put on the crew to reach a particular destination or to fly back after no rest.

So Who Flies the Plane?

Obviously, the pilot in command is ultimately responsible for the safe conduct of the flight. However, the regulatory system recognizes that it is as much an organizational issue to set up the necessary framework of managerial support so that a commander can freely make any required decision in the best interest of safety without psychological pressure for example for fear of punitive actions. This is reflected in the EU-OPS 1.195 requirement, which states that *an operator shall exercise operational control over any flight operated under the terms of his AOC*. Therefore, it is also the responsibility of the Accountable Manager to set and enforce a framework where flight directors are able to support the flight crew in exercising their duty to make decisions in the best interest of the aircraft.

After all, the answer is clear. It is they who are flying the aircraft, not the passengers.



Michael R. Grüninger is the Managing Director of Great Circle Services (GCS) Aviation Safety Advisors. GCS assists in the whole range of planning and management issues, offering customized solutions to strengthen the position of a business in the aviation market. Its services include training and auditing (IS-BAO and other standards), consultancy, manual development and process engineering. He can be reached at michael.grueninger@gcs-safety.com or +41-79 442 44 89. His column, Safety Sense appears regularly in BART International.