



# AIR TRAVEL

## WITH INSTRUMENTS

# Are we there yet?

BY Ellen Goldensohn

**THE GOOD NEWS:** *Recent federal rule-making should mean an end to arbitrary and capricious treatment of musicians who wish to carry an instrument aboard a plane.*

**THE BAD NEWS:** *It may take a while for the good news to trickle down to all the gatekeepers.*

**F**ifty-four-year-old multi-instrumentalist Steve Wilson is a veteran bandleader and sideman who travels by air regularly.

Yet, he says, the possibility of being thwarted from boarding an aircraft with his saxophones (and/or flute or clarinet) remains the most stressful aspect of any trip. “It’s on my mind from the moment I leave home. And I can never exhale until I am in the cabin.”

To avoid hassles at the gate, Wilson has adopted a number of strategies—including advance online seat selection, obtaining “elite status” with several airlines, and maintaining a calm demeanor. But sometimes he runs into trouble anyway. In 2013, on the way to a gig in Portland, Oregon, he was barred by the purser from boarding unless he checked his saxophone case in the cargo hold. This, even though the flight attendant was sure she could find space for it. (“I have a streamlined case that fits on every plane, including puddle-jumpers,” Wilson says.) Rather than risk damage or loss of his instrument, Wilson chose to book a different flight.

Problems may crop up in the cabin, too. As when a flight attendant asked Wilson to remove his instrument case from the overhead bin to make room for another passenger’s roll-aboard suitcase.

That wouldn’t be permissible now, according to the newly published rule clarifying Section 403 of the FAA Modernization and Reform Act of 2012. Among other things, the rule states that if an instrument fits in the overhead compartment, or under the seat, it must—like any other carry-on item—be accepted into the cabin and stowed without extra charge, on a first-come, first-served basis.

The new law does not address such issues as being stopped because your instrument is suspected of containing endangered materials (such as ivory or tortoise shell); and it does not deal with issues of fragility, the need for careful handling by the baggage crew, or dispute resolution. But it should make a difference in musicians’ lives nonetheless.

But—wait a minute—didn’t musicians always have the right to carry a small instru-

ment on board? And couldn’t a musician always buy a seat ticket for an oversize instrument?

Theoretically, yes. In practice, not necessarily. Luis Casal, a violinist/violist with Paramount Chamber Players, used to travel with a case designed for both instruments that fit “just fine” in the overhead compartment of all but the smallest planes. But because of repeated problems at the gate (plus the knowledge that his own brother’s cello had been crushed in an airplane’s cargo hold), he has simply stopped traveling with the double case within the U.S. (International carriers, he reports, are more accepting.)

As nearly every touring instrumentalist and artist manager knows, arbitrary decisions by front-line airline employees are not the only obstacle; each airline usually has its own, idiosyncratic baggage guidelines. Heather Noonan, the League of American Orchestras’ vice president for advocacy, sums up: “The overarching issue and main challenge has been the lack of predictability, not only from airline to airline, but also within the same



For travel tips, and the full text of the new law and rule, go to [www.chamber-music.org/extras](http://www.chamber-music.org/extras)

## “WE LEARNED NEW THINGS ABOUT THE AIRLINES AND THEY LEARNED THAT WE ARE A UNIQUE GROUP OF BUSINESS PEOPLE. WE HAVE CONTRACTS TO FULFILL—AND IF WE HAVE A PROBLEM WITH TRAVEL, WE CANNOT DO OUR JOB.”

airline. Even musicians who always fly with the same carrier—and who make every effort to comply with the rules—may arrive at the airport only to be denied the right to bring their instrument aboard.”

Musicians’ persistent advocacy for a consistent and sensible policy dates back more than ten years, when—after 9/11—heightened airline security and the newly created Transportation Security Administration imposed limits on the number, kind, and size of items that could be taken into an aircraft’s cabin. Later in the decade, when many carriers began charging extra fees for checked bags, competition for free space in the cabin’s overhead bin became fierce—and musicians’ need for a reasonable carry-on policy acquired even more urgency.

Relief seemed at hand in February 2012, when President Obama signed the FAA Modernization and Reform Act, Section 403 of which addressed baggage policy for musical instruments. But fully two years later, the official deadline for the Department of Transportation (DOT) to publish an administrative rule—required to implement Section 403—came and went. At that point, a 14-organization coalition—including the American Federation of Musicians, the League of American Orchestras, The Recording Academy, and Chamber Music America—pressed the White House to jump-start the rule-making process. When that didn’t work, a group of legislators on Capitol Hill—led by Sen. Lamar Alexander and Rep. Jim Cooper of Tennessee—backed the coalition’s request for an immediate meeting with DOT Secretary Anthony Foxx.

Convened by Secretary Foxx some five months later, the meeting brought airline representatives and government officials to the table with the musicians. Says American Federation of Musicians’ legislative-political director Alfonso Pollard: “It allowed us to

connect with the executive level of the airline industry—the people who had the ability to make change.”

And in the ebbing days of 2014, after several back-and-forths among the musicians, the DOT, and representatives of Airlines for America (the advocacy group for the major carriers), the final rule for Section 403 was published. On March 6, 2015, three weeks before this issue of *Chamber Music* went to press, that rule took effect.

What’s really new about the new rule is that its requirements apply equally to all U.S. air carriers. As one of a passenger’s (usually two) free carry-on items, an instrument may *always* be stowed in the cabin if there is room under the seat or overhead; and passengers carrying such instruments may *not* be charged a special, additional fee. And when an instrument has already been stowed in an overhead bin, it may *not* then be removed in favor of—say—two smaller suitcases that could fit in the same space. First come, first served.

Section 403 is not wide-ranging. It focuses mainly on equal stowage opportunity for small, portable instruments. However, requirements specifying the dimensions and weight of large instruments have also been regularized. Size and weight limitations for checked instruments previously varied widely, and airlines could refuse to accept large instruments as checked items. According to the new rule, a large instrument must be permitted as checked as baggage on any airline if the sum of its length, width, and height—measured as the outside linear dimensions of the instrument, including the case—does not exceed 150 inches and if the instrument doesn’t weigh more than 165 pounds. An oversize baggage fee may only be charged if the instrument exceeds these limitations. (Warning: Sometimes these standard measurements can be trumped by other “applicable weight restrictions for the

aircraft”—for instance, if the aircraft is too small to carry such items in the cargo hold.)

Those same size and weight limits apply to large instruments secured in ticketed seats. The DOT “encourages”—but does not require—airlines (if they don’t already) to allow large instruments (if they meet safety requirements) to be stowed in a seat, as long as the passenger is willing to pay for an additional ticket. In other words, says Heather Noonan: “Airlines still have some discretion to see that an instrument is safely stowed and that it does not block any signs—such as seatbelt or no-smoking signs. But more detailed guidelines on large instruments are needed; they [the DOT] didn’t do very much to clarify the existing rules.”

(By the way, in case this has occurred to you, if a passenger does *not* purchase an extra seat for a large instrument, and there’s an empty seat available, airlines need not offer that seat as in-cabin stowage. As of now, only if a seat is purchased and the large instrument meets all other safety requirements, must an airline accommodate it in the cabin.)

What are the chances that knowledge of these new official protections will trickle down to the airlines’ customer service agents and flight crew? If the new rules don’t become common knowledge at ground level, travel for musicians will remain unpredictable and—at times—infuriating. As Steve Wilson puts it, when explaining his ongoing and sometimes futile struggles to comply with airline rules, “Local agents aren’t in the loop. They don’t have a clue.” Luis Casal says, “It always depends on the individual flight attendant.” The DOT itself concedes the problem and addresses it in more formal terms:

*Counter agents, gate agents, and baggage acceptance personnel will need to be informed of the new requirements, and periodic reminders or audits may need to be conducted*



to ensure compliance. . . . Four categories of employees appear to be most likely to require training on compliant musical instrument transportation policies: Baggage and gate operations managers, counter and gate agents, first-line supervisors of these agents, and baggage acceptance clerks and handlers.

Estimated training time, according to the DOT, is one hour per year.

The AFM's Alfonso Pollard is in hopes that the major airlines will soon begin training on the new rule and that the regionals will follow suit. But since musical instruments do not have priority over other carry-on items,

musicians still need to board early. To guarantee there'll be room for your flute, fiddle or saxophone, the FAA advises, "You may want to buy the pre-boarding option offered by many carriers." In other words, if you pay an extra fee, you can board first and grab space in the overhead bin.

As the new practices roll out, there will certainly be bumps in the road. But now, at least, there is recourse when the rule is not followed. Musicians' complaints can be lodged on the DOT website, at [www.dot.gov/air-consumer/air-travel-musical-instruments](http://www.dot.gov/air-consumer/air-travel-musical-instruments). "It is very important to submit a formal complaint to the airlines and with the DOT," says Heather Noonan. "The airlines may

respond more rapidly to a specific case. As the DOT reviews these complaints, if they see a trend or something egregious, they can address the problem with the airline."

The AFM's Alfonso Pollard is guardedly optimistic about the future: "The reality is that we learned new things about the airlines, and they learned about us. They learned that we are a unique group of business people. We have contracts to fulfill—and if we have a problem with travel, we cannot do our job."

*Ellen Goldensohn is the editor of Chamber Music Magazine.*



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