

Airline Liability

In 2018, we've all used airlines to get us anywhere we want to travel. Safer than railroads and faster than automobiles, airplanes cut down our travel time and provide the luxuries and comforts that other means of travel simply cannot. Travel today is not so much unlike it was in the early 1900s when air travel became *the* way to get from one coast to another more quickly than ever before. Aside from the convenience that remains the same, we're still offered food and beverage in-flight, and safety precautions are still announced over the speakers.

There are numerous advances in air travel present day as well, though. Airlines hold their flight staff to extraordinarily high standards, and every mistake is only a click away, uploaded from a cell phone to YouTube where the public's outrage prompts mass hysteria and public apologies from the airline. Years ago, if you twisted your ankle due to unsafe in-flight conditions, no one would know about it. Today, a twisted ankle on a flight can mean liability issues for all to see. Over the years the Federal Aviation Administration has steadily increased the strictness with which they enforce the standard of care expected of the flight crew for airline passengers.

A brief history of flight

According to the history of the Federal Aviation Administration, the "modern age" of air travel technically began all the way back in 1903, when Orville Wright made the world's first powered flight on December 17. He and his brother, Wilbur, built the aircraft themselves. The brothers' flight only lasted twelve seconds, but it launched a worldwide effort to build better, more sustainable flying "machines".

As a result, the turn of the century brought about an array of aviation developments. New planes and new technology were put to use. History tells us that during WWI, the airplane became an effective military tool. Early versions of airmail allowed aviation experts to apply the promise of this technology in other commercial uses.

Common carrier complexities

While airlines make it clear they do not act as an insurer of *passenger* safety, they *do* make themselves wholly responsible for even the smallest act of carelessness from *employees*. As a passenger, however, it's never enough to simply conclude that the airline was at-fault after sustaining an injury onboard an airplane. A victim must quickly retain a Personal Injury attorney to prove the airline acted in a manner that directly caused their client to become injured.

An airline is what's known as a "common carrier". Before we move on, let's define the term for a better understanding of exactly what that means.

Merriam-Webster defines "common carrier" as: *a business or agency that is available to the public for transportation of persons, goods, or messages*

So, a common carrier can be a railroad, bus line, cruise line, or airline. In the context of this article, we'll be discussing airlines as the common carrier in terms of liability.

As a common carrier, an airline must be hyper-aware of every aspect of aviation for which they are responsible. Aspects of aviation that fall under the responsibility of the airline include, but are not limited to: operation, maintenance, loading, boarding, and inspection of the aircraft. This is not an exhaustive list by any means, and there are many other responsibilities an airline must take responsibility for when transporting passengers and staff.

Your in-flight "ABC"s: Accessibility, Bathrooms, Cargo

One example of common carrier responsibility is accessibility. Accessibility can range from safe accommodations for passengers in wheelchairs or with assistive devices, to safe and unobstructed access to restrooms. On especially long flights the latter is something that cannot be ignored. Providing a clear and unobstructed path to in-flight restrooms for both able-bodied and disabled passengers cannot be neglected. It goes without saying that this is true of any flight, for any length of time.

A second example of the responsibility an airline must be accountable for is cargo, and a lot of it! If you've checked your bags correctly and according to airline policies, the airline is responsible for your belongings. Unfortunately, it doesn't always go smoothly. We've all been there: waiting on the tarmac for the flight crew to load the baggage, only to find out that some of our belongings won't be arriving with us and there's nothing we can do about it. This causes quite a headache for passengers who will need to make arrangements to receive their belongings at a later date. It should be noted that it's often necessary for this to happen, and it's for the safety of everyone aboard the aircraft.

The reason for this "inconvenience" is a preventative measure: too much cargo can weigh down the aircraft, making flight impossible or too dangerous. While worrying about whether our luggage will make it to our destination with us (and on time), we must put our safety and the safety of everyone onboard first. It's this this inconvenience that can save a life. If a passenger sustains an injury due to an airplane that finds itself violating FAA regulations (due to exceeding the weight limits in respect to cargo and flight safety), they may be held liable in a court of law for any injuries—or tragic accidents—sustained.

There have been several fatal plane crashes of note that dealt specifically with the issue of an overloaded aircraft. The late R&B superstar Aaliyah tragically lost her life on August

25, 2001. Investigators for the NTSB and the FAA concluded that the singer's death could've been prevented, had the pilot and flight crew had the foreseeability to know that the plane's weight limit would be exceeded by the amount of cargo on board the too-small aircraft.

Safety is everyone's responsibility

When it comes to airplane safety and in turn, liability, the airline ("common carrier") is not the only party that may be held liable in the event of a serious accident such as engine failure or in the worst-case scenario, a plane crash. When tragedies occur, the NTSB, FAA, and other federal agencies must look beyond the obvious. This is something that trained investigators do after every plane accident, because they know that the liability may be found in the smallest details. These details, the ones passengers don't often think about as they board the plane, are the things the federal agencies responsible for airplane safety dedicate their entire careers to.

So, what, exactly, are these details? We'll conclude this article by explaining who and what else may be responsible for airplane-related accidents that can range in severity.

- **The manufacturer:** who built the aircraft? When were those employees last trained and were their certifications up to date? At this level, negligence may be found in a manufacturer who did not hire employees that met FAA standards, but was careless in their background checking policies and/or the certification of those they employed.
- **The aircraft retailer:** the "seller" of the aircraft may be held liable if it's found that they knowingly sold an aircraft with problems or that malfunctioned during the testing phase of production.
- **Aircraft mechanics:** if the mechanic hired to fix a known problem failed to perform their duties to the standard required of them by federal law, they may be found negligent and therefore be held liable for their careless (and possibly reckless) actions.

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