



February 3, 2014

Michael P. Huerta
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Re: Meeting Regarding Proposed Rulemaking
Musical Instruments, P.L. 112-95

Dear Administrator Huerta:

A coalition of undersigned organizations is working with Members of Congress who support immediate promulgation of final administrative rules for musical instruments as carry-on baggage in connection with exiting Public Law 112-95. We respectfully request a meeting with you any time before February 14th to discuss this matter and strongly encourage the Department of Transportation to act before the February 14th deadline.

On February 14, 2012 President Barack Obama signed H.R.658, The FAA Modernization and Reform Act of 2012 recognized as Public Law 112-95. Section 403 Subchapter I of Chapter 417 was amended adding new language to § 41724, *Musical instruments*. This new provision permits passengers to stow a musical instrument in the aircraft passenger compartment in a closet or baggage/cargo stowage compartment without charge if the instrument can be stowed in accordance with the requirement for carriage of carry-on baggage or cargo set forth by FAA and there is space for such stowage on the aircraft. The law also includes language that allows larger instruments to be stowed in a passenger seat if the passenger is willing to pay for an additional ticket.

February 14, 2014 is the two year anniversary date H.R. 658 was signed into law. To date neither a new rule nor a proposed rule is in place. As a result, passenger rights under this law continue to be abused.

Recent press stories about the seizure-confiscation at JFK Airport of precious flute reeds went viral on the internet. This, along with another recent story concerning the destruction of a New York musician's extremely unique 13-course lute by Delta airlines are indicative of the dangers professional musicians face when it comes to the protection of the tools of their trade. More directly to the point of P.L. 112-95, on January 17, 2014 Edward Bach attempted to board a US passenger carrier in Winnipeg, Canada in route to Chicago O'Hare. After passing through Canadian customs and security Dr. Bach, an American citizen from McLeansville, NC was stopped prior to boarding the cabin and told that he could not carry his instrument aboard the aircraft. Despite the fact that Professor Bach had travelled incident free for years with the same custom instrument case, had a Zone 2 boarding pass, was seated in the rear of a partially filled aircraft and further, that his instrument case designed specifically for in-cabin stowage clearly fit inside the prescribed carry-on luggage sizer, he was forced on the spot to check his soft trumpet case in cargo below the aircraft. During that moment of distress, Dr. Bach reached for help. He contacted the leadership of the American Federation of Musicians and was provided the text of the law to ensure that his instruments would be stowed onboard. Even with this documentation, his trumpets were not returned for on board stowage on the Winnipeg-Chicago leg. Fortunately, he had no additional incidents during his trip.

The problem continues throughout the system as if the law does not exist. The incident above clearly underscores the need for uniform regulations. A new rule, supported by airline staff advisories and training will help eliminate capricious, "on the spot" decisions made by airport and airline crew members. Because airplane crews have the final say, the intent of the law precludes them from denying access when space is available. In the case of Edward Bach, it appears space was not an issue.

Each year, thousands of musicians travel on US air carriers with valuable musical instruments. If instruments are damaged in transit, musicians are prevented from fulfilling professional obligations upon arrival. The intent of the new law and the rule is to guarantee safety, establish a uniform policy among carriers and airline employees that would eliminate congestive actions and guarantee placement of precious instruments in a safe location inside the cabin.

It is vital the adoption of final administrative rules in connection with Public Law 112-95 be accomplished without further delay. We look forward to your response.

Sincerely yours,

Raymond M. Hair, Jr.,
International President
American Federation of Musicians
Of the United States and Canada

Cary Sherman, Esq., President
The Recording Industry Association of
America

Pat Collins, President
SESAC

Michael Huppe, President
Sound Exchange

Daryl P. Friedman, Chief Advocacy and
Industry Relations Officer
The Recording Academy

Ted Kalo, Executive Director
Music FIRST Coalition

Josh LaBelle, Board Chair
Association of Performing Arts Presenters

Paul Almeida, President
The Department for Professional
Employees, AFL-CIO

Matthew D. Loeb, President
The International Alliance of Theatrical
Stage Employees, Moving Picture
Technicians, Artists and Allied Crafts of the
United States

Jesse Rosen, President and CEO
League of American Orchestras

Robert L. Lynch, President & CEO,
Americans for the Arts

Margaret M. Lioi, Chief Executive Officer
Chamber Music America

Betsy King Militello, Executive Director
National Alliance for Musical Theatre

John Neuchterlein, President and CEO
American Composers Forum

Mario Garcia Durham, President
Association of Performing Arts Presenters

Marc A. Scorca, President and CEO
OPERA America

Keryl McCord, Managing Director
Alternate Roots

Amy Fitterer, Executive Director
Dance/USA

Teresa Eyring, Executive Director
Theatre Communications Group

Adam Huttler, Executive Director
Fractured Atlas

Maria Lopez De Leon, Executive Director
National Association of Latino Arts and
Cultures (NALAC)

Mark Valdez, Executive Director
Network of Ensemble Theaters

Ann Meier Baker, President and CEO
Chorus America

John R. Beck, President
Jeff Hartsough, Executive Director
Percussive Arts Society

Ed Harsh, President and CEO
New Music USA

Cristine Davis, General Manager
Performing Arts Alliance



February 3, 2014

The Honorable Anthony Foxx
Secretary
United State Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Meeting Regarding Proposed Rulemaking
Musical Instruments, P.L. 112-95

Dear Secretary Foxx:

A coalition of undersigned organizations is working with Members of Congress who support immediate promulgation of final administrative rules for musical instruments as carry-on baggage in connection with exiting Public Law 112-95. We respectfully request a meeting with you any time before February 14th to discuss this matter and strongly encourage the Department of Transportation to act before the February 14th deadline.

On February 14, 2012 President Barack Obama signed H.R.658, The FAA Modernization and Reform Act of 2012 recognized as Public Law 112-95. Section 403 Subchapter I of Chapter 417 was amended adding new language to § 41724, *Musical instruments*. This new provision permits passengers to stow a musical instrument in the aircraft passenger compartment in a closet or baggage/cargo stowage compartment without charge if the instrument can be stowed in accordance with the requirement for carriage of carry-on baggage or cargo set forth by FAA and there is space for such stowage on the aircraft. The law also includes language that allows larger instruments to be stowed in a passenger seat if the passenger is willing to pay for an additional ticket.

February 14, 2014 is the two year anniversary date H.R. 658 was signed into law. To date neither a new rule nor a proposed rule is in place. As a result, passenger rights under this law continue to be abused.

Recent press stories about the seizure-confiscation at JFK Airport of precious flute reeds went viral on the internet. This, along with another recent story concerning the destruction of a New York musician's extremely unique 13-course lute by Delta airlines are indicative of the dangers professional musicians face when it comes to the protection of the tools of their trade. More directly to the point of P.L. 112-95, on January 17, 2014 Edward Bach attempted to board a US passenger carrier in Winnipeg, Canada in route to Chicago O'Hare. After passing through Canadian customs and security Dr. Bach, an American citizen from McLeansville, NC was stopped prior to boarding the cabin and told that he could not carry his instrument aboard the aircraft. Despite the fact that Professor Bach had travelled incident free for years with the same custom instrument case, had a Zone 2 boarding pass, was seated in the rear of a partially filled aircraft and further, that his instrument case designed specifically for in-cabin stowage clearly fit inside the prescribed carry-on luggage sizer, he was forced on the spot to check his soft trumpet case in cargo below the aircraft. During that moment of distress, Dr. Bach reached for help. He contacted the leadership of the American Federation of Musicians and was provided the text of the law to ensure that his instruments would be stowed onboard. Even with this documentation, his trumpets were not returned for on board stowage on the Winnipeg-Chicago leg. Fortunately, he had no additional incidents during his trip.

The problem continues throughout the system as if the law does not exist. The incident above clearly underscores the need for uniform regulations. A new rule, supported by airline staff advisories and training will help eliminate capricious, "on the spot" decisions made by airport and airline crew members. Because airplane crews have the final say, the intent of the law precludes them from denying access when space is available. In the case of Edward Bach, it appears space was not an issue.

Each year, thousands of musicians travel on US air carriers with valuable musical instruments. If instruments are damaged in transit, musicians are prevented from fulfilling professional obligations upon arrival. The intent of the new law and the rule is to guarantee safety, establish a uniform policy among carriers and airline employees that would eliminate congestive actions and guarantee placement of precious instruments in a safe location inside the cabin.

It is vital the adoption of final administrative rules in connection with Public Law 112-95 be accomplished without further delay. We look forward to your response.

Sincerely yours,

Raymond M. Hair, Jr.,
International President
American Federation of Musicians
Of the United States and Canada

Cary Sherman, Esq, President
The Recording Industry Association of
America

Pat Collins, President
SESAC

Michael Huppe, President
Sound Exchange

Daryl P. Friedman, Chief Advocacy and
Industry Relations Officer
The Recording Academy

Ted Kalo, Executive Director
Music FIRST Coalition

Josh LaBelle, Board Chair
Association of Performing Arts Presenters

Paul Almeida, President
The Department for Professional
Employees, AFL-CIO

Matthew D. Loeb, President
The International Alliance of Theatrical
Stage Employees, Moving Picture
Technicians, Artists and Allied Crafts of the
United States

Jesse Rosen, President and CEO
League of American Orchestras

Robert L. Lynch, President & CEO,
Americans for the Arts

Margaret M. Lioi, Chief Executive Officer
Chamber Music America

Betsy King Militello, Executive Director
National Alliance for Musical Theatre

John Neuchterlein, President and CEO
American Composers Forum

Mario Garcia Durham, President
Association of Performing Arts Presenters

Marc A. Scorca, President and CEO
OPERA America

Keryl McCord, Managing Director
Alternate Roots

Amy Fitterer, Executive Director
Dance/USA

Teresa Eyring, Executive Director
Theatre Communications Group

Adam Huttler, Executive Director
Fractured Atlas

Maria Lopez De Leon, Executive Director
National Association of Latino Arts and
Cultures (NALAC)

Mark Valdez, Executive Director
Network of Ensemble Theaters

Ann Meier Baker, President and CEO
Chorus America

John R. Beck, President
Jeff Hartsough, Executive Director
Percussive Arts Society

Ed Harsh , President and CEO
New Music USA

Cristine Davis, General Manager
Performing Arts Alliance