

Friendlier Skies for Musicians

by Susan Elliott

Singer/songwriter Dave Carroll's song and YouTube video "United Breaks Guitars" have racked up more than 20 million views. They describe the fate of his Taylor acoustic guitar at the hands of baggage handlers.

We've all heard the frightening stories about trouble bringing musical instruments on airline flights. Now uniform federal regulations governing air travel with musical instruments are finally in place.



Faced with inconsistent airline policy, Time for Three violinist Zachary De Pue gave an impromptu concert on the tarmac when airline personnel told him he needed to check his 250-year-old violin on a flight—and then let him carry it in the cabin on a following flight.

When Dave Carroll posted his now-famous "United Breaks Guitars" on YouTube in July 2009, it generated half a million views within three days. By mid-August of 2009, it was at five million views; by early September of 2013 it had reached 13.3 million. By now, the number is well over 20 million, the song—he wrote two more versions of it—has travelled to the top of the charts, and Carroll's book, *United Breaks Guitars, the Power of One Voice in the Age of Social Media*, has made him a celebrity on the speaker circuit.

The singer/songwriter's tale of woe, describing the fate of his Taylor acoustic guitar in the hands of United's baggage handlers on a flight from Chicago to Omaha, is but one of many horror stories from musicians traveling by air—certainly it's among the few with such a happy ending. More recent ones include the broken neck of Wu Man's \$50,000 pipa by a US Airways flight attendant, or, on a lighter note, Time for Three violinist and Indianapolis Symphony Concertmaster Zachary De Pue's impromptu concert on the tarmac when the same airline instructed him to check his 250-year-old violin. He and his instrument were put on a subsequent flight, where he met no resistance at all to carrying his instrument onboard, pointing up another problem: consistency—or lack thereof—of policy from one flight crew to another, not to mention one airline to another.



Wu Man, seen here with the Silk Road Ensemble at UC Davis's Mondavi Center for the Performing Arts, is among the musicians who have faced problems flying with her instrument: the neck of her pipa was broken by a flight attendant. The airline eventually flew her twice to Beijing to consult with the instrument's maker.

This puts livelihoods at risk. ... We urge you to ensure this rule-making is a priority."

Ultimately, the letter had its desired effect. After five months of further prodding on the part of the League, the AFM, the Recording Academy, and other members of the advocacy team, Secretary Foxx and his staff convened a meeting. In addition to the music camp and DOT, attendees included representatives of the Federal Aviation Agency (FAA), Airlines for America (A4A, the airlines trade group), and the AFL-CIO. Jennifer Mondie, a violist with the National Symphony Orchestra and a member of the board of the International Conference of Symphony and Opera Musicians (ICSOM), joined the meeting to provide the direct perspective of traveling musicians—and she played her viola. "The performance by Jennifer provided an essential reminder of what is at stake, and also acted as an effective ice breaker," says Noonan.

"It helped to be able to actually *show* them what we were talking about," says Mondie. "I played two minutes or so of Bach. They were fascinated, and I think it made them much more appreciative, more understanding of why I needed to bring this specific instrument with me. I can't just pick up anything" and make the beautiful sounds they had just heard. "We were trying to make them understand that this is what classical musicians carry onboard and this is why it's important for us to do so." Guitarist David Pomeroy of the Nashville local AFM brought his guitar to a subsequent meeting and performed.

After multiple conversations, and an additional appeal from Rhode Island Senator Jack Reed (D-RI), whose constituents in the band Deer Tick encountered difficulty boarding a flight with guitars, the DOT issued the long-awaited rules on January 5, 2015, and provided airlines 60 days to prepare to be in compliance.

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Rules and Regulations

Essentially there are now three ways to transport a musical instrument on an airplane. The DOT designates them as follows: small musical instruments as carry-on baggage; large musical instruments as

carry-on baggage; and large musical instruments as checked baggage. Each follows the same regulations that govern any luggage of similar size. Thus, if you want to put your violin/viola/flute/whatever in the overhead bin or under the seat, it essentially becomes your second piece of carry-on luggage; if it fits, and if there's room (board early, even if you have to pay extra), airline personnel are instructed (more on that later) to let you have the space, even if it takes up that of two roller-board suitcases.

"There is a wide array of variables that might make travel with instruments in cabin challenging, even under the new rules," says Noonan. "Given different airplane sizes and seating configurations, the dimensions of the space available can vary greatly. We are working closely with the airlines to see how musicians might learn more about the dimensions of various aircraft before traveling. What the new rules ensure is that if space is available, musical instruments may not be indiscriminately banned from coming on board."

The new regulations do not require every airline to adopt policies that allow passengers to buy an extra seat for a large instrument, such as a cello, but do require those that have such policies to follow through on them once a seat is purchased, so long as all safety requirements are met. Airlines that allow the purchase of a seat for a musical instrument cannot charge more for that seat than the cost of a ticket for a person—and if it is properly encased, weighs no more than 165 pounds, is strapped in adequately, and isn't blocking seatbelt signs, exits, or views thereof, it *should* be fine. The DOT encourages airlines that don't yet allow purchasing a seat for an instrument to adopt new policies allowing musicians to do so. To quote from the prelude to the regulations, since "FAA safety regulations do not mandate that a carrier must allow in their carry-on baggage programs the stowage of a large carry-on item on a passenger seat, we do not require in this final rule that those carriers whose programs do not provide such stowage amend their programs to allow it... We do, however, encourage these carriers to consider modifying their programs to allow the stowage of large musical instruments at passenger seats, provided that all safety requirements are met."

Category three—cases in which a large musical instrument must be checked—is



League of American Orchestras Vice President for Advocacy Heather Noonan worked closely with arts groups, government agencies, and policy makers to get uniform federal regulations concerning air travel with musical instruments in place.



National Symphony Orchestra violist and ICSOM board member Jennifer Mondie provided a musician's perspective in meetings with policy makers about regulations covering air travel with instruments.



"We are relying on musicians for good information about whether the airlines are complying or not," says DOT General Counsel Katie Thomson. "If they're not, we encourage them to make a complaint to us."

"We were trying to make [policy makers] understand that this is what classical musicians carry onboard and this is why it's important for us to do so," says Jennifer Mondie, a violist with the National Symphony Orchestra and board member of ICSOM.

What's Next?

The new regulations were made public on January 5, 2015. "So the next question is, now what?," says Noonan. "The airlines had 60 days from that final ruling being published to implementa-

tion. That means they need to update their policies. The FAA-approved carry-on and checked-baggage policies for each airline need to be updated to be consistent with the new regulations. And they're expected to train personnel on how to implement their new policy for musical instruments."

The DOT states that airlines should ensure training is in place for:

- Baggage and gate operations managers
- Counter and gate agents
- First-line supervisors of these agents
- Baggage acceptance clerks and handlers
- Flight attendants

All the same, travelers should be well informed and prepared for flying with instruments; clear communication with the airline before flying is important. "The League and its partners are working closely with the major airlines to get a full understanding of how they will implement the new policies, and have crafted detailed tips to help musicians plan to travel with their instrument," says Noonan. "Properly packing instruments for travel, asking air-

Help is on the way. Thanks to the combined efforts of the League of American Orchestras, the American Federation of Musicians, Chamber Music America, the Recording Academy, Performing Arts Alliance, and other arts organizations, the U.S. Department of Transportation (DOT) has issued very specific regulations for U.S. air carriers dictating how musical instruments are to be handled. They went into effect on March 6.

The law, part of the 2012 FAA Modernization and Reform Act (P.L. 112-95), has

Now Boarding

Find regularly updated information about air travel with musical instruments under Aviation Policy in the Advocacy & Government section of americanorchestras.org. In addition to other useful resources, you'll find practical tips for traveling by air with instruments, links to airline policies, and information from the Department of Transportation, including the new regulations and underlying law.

In addition to registering complaints with airlines, musicians can contact the Department of Transportation concerning air travel complaints at <http://www.dot.gov/airconsumer/air-travel-complaint-comment-form>.

lines in advance about any space restrictions of the particular aircraft being flown, boarding flights early, and communicating with flights personnel at every step can smooth the way for successful travel."

Musicians can expect that it will take time for airlines to completely implement the new rules. "It will be very helpful for airlines to more clearly explain how their policies support travel with musical in-

struments," says Noonan. "But if airline personnel don't implement those policies consistently, then musicians are still left in a terribly risky situation. Musicians should experience far better circumstances for travel, but may continue to experience challenges as the airlines adapt. It is very important for musicians to report any problems directly to the airline and to the DOT to ensure forward momentum on policy im-

provements."

What if a musician encounters resistance from an airline about bringing a small- to medium-sized instrument onboard? "If a musician runs into a problem, he or she can file a complaint with the airline, as has always been the case," says Noonan. "The musician should also file a complaint with the DOT. The swiftest response to a case will come by dealing directly with the airline. Filing a complaint to DOT adds the issue to the tracking system DOT uses to monitor where the patterns of problems are happening, so that the agency can take action when needed."

The DOT confirms that it is ready and willing to do just that. "We are relying on musicians for good information about whether the airlines are complying or not," says DOT General Counsel Katie Thomson. "If they're not, we encourage them to make a complaint to us so we can follow up. We'll be doing spot checks as well."

Asked about how and when action might be taken against an offending airline, Thomson says, "We look for a pattern and practice of violations. If we determine an airline has one, then we pursue an enforcement action and can seek both penalties and corrective action from the airline. Generally that is subject to negotiation."

Nevertheless, Thomson points out, "Airlines have no requirement to reimburse a musician for a damaged musical instrument."

However, in some cases, they have done so. Most airlines spell out in their contracts of carriage the limitations of their liability for damaged, destroyed, or lost items. US Airways not only covered the cost of a new pipa, it also paid for Wu Man to fly roundtrip to Beijing twice to consult with the instrument's maker—fortunately the same one who had crafted the original. In an article previewing her first concert with the new instrument, *The New York Times* described it as "a beauty to look at.... It is also a beauty to hear in Ms. Wu's hands." 

SUSAN ELLIOTT writes frequently on the arts and is the editor of *MusicalAmerica.com*.

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NEW Yamaha Timpani

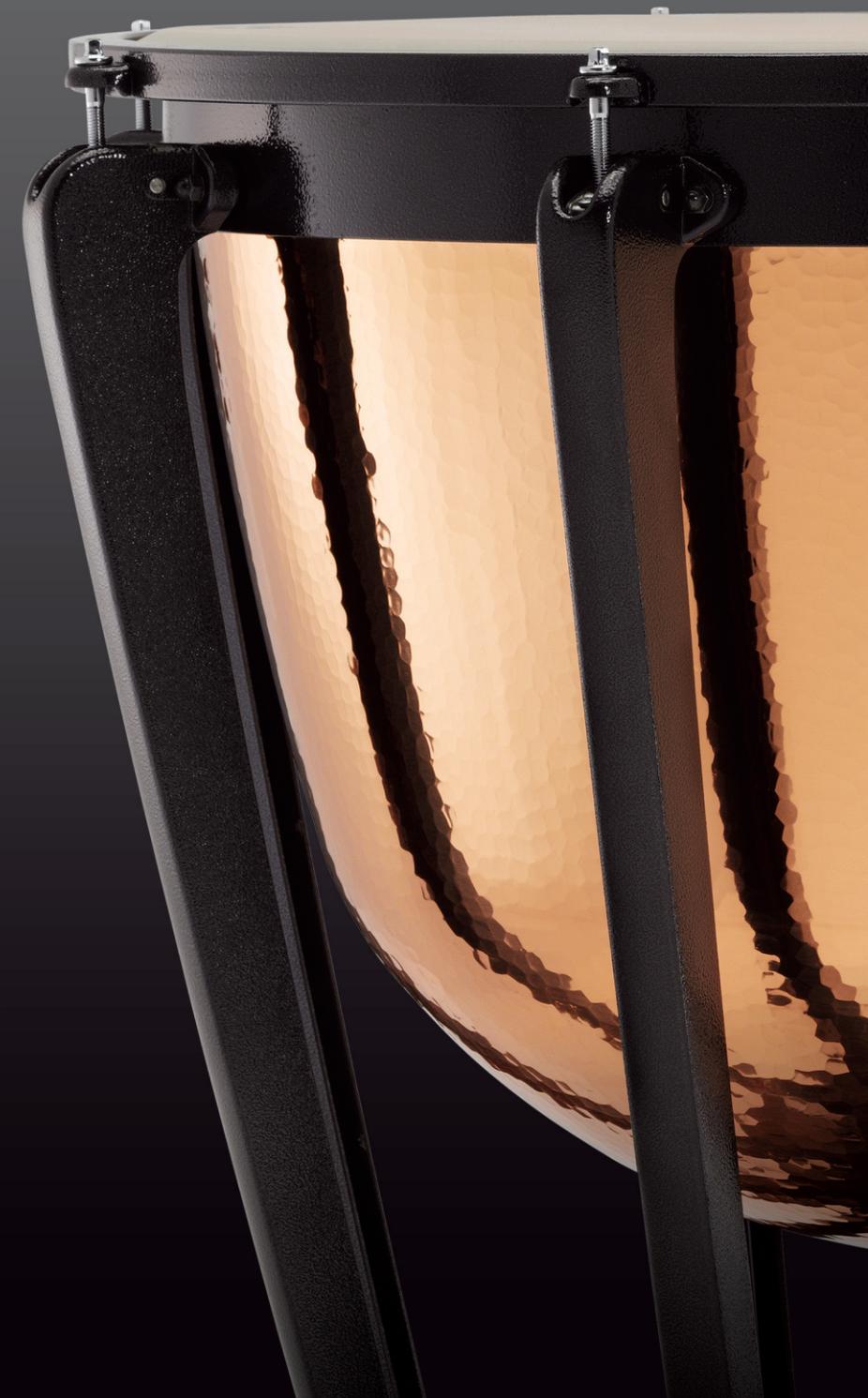
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