Hearing on Buffalo air crash—schedules, conditions, pay: “a recipe for an accident”

David Walsh
14 May 2009

Despite company and media efforts to scapegoat the airplane’s pilots for the February 12 crash of Continental Connection Flight 3407, two days of National Transportation Safety Board (NTSB) hearings into the tragedy have established the essential culpability of Colgan Air and the US airline industry.

Fifty people, including crew members and one man on the ground, died when the twin-engine turboprop Bombardier Dash 8 Q400 plunged to the ground and struck a house in Clarence Center, New York, about five miles from Buffalo Niagara International Airport. Colgan, a regional airline, operated the flight under contract to Continental. The crash was the deadliest transportation accident in the US in over seven years.

Much of the media coverage leading up to the NTSB three-day hearing in Washington focused on errors allegedly made by pilot Marvin Renslow, 47, and first officer (co-pilot) Rebecca Lynn Shaw, 24. Investigators have alleged that when an automatic warning system went off, designed to prevent the aircraft from stalling, Renslow pulled down on the plane’s control column, pushing the nose upward. The airplane then lost control and plummeted to the ground.

Tuesday’s hearing was devoted to Colgan officials, in the words of the *New York Times*, offering testimony “that pointed fingers at their own pilots.” In addition to allegedly responding incorrectly to the warning system, Renslow and Shaw were accused by the company of conversing inappropriately below 10,000 feet and of paying inadequate attention to the flight instruments. In addition, company officials claimed that Renslow had failed to list on a job application two Federal Aviation Administration (FAA) flight certification tests that he had failed.

Colgan’s director of flight standards, John Erwin Barrett, claimed that Renslow and Shaw were “not ready to respond to a stall warning, when it was activated—it kind of took them by surprise.” The airline’s director of operations, Dean Bandavanis, told the hearing that the crew lacked “integrity,” which he interpreted as “doing the right thing when nobody’s watching.” In short, Colgan executives attempted shamefully to heap all the blame on their deceased employees.

The media, initially at least, followed the executives’ lead. The *New York Post* carried the headline: “Blabbing Their Way To Icy Doom.” The *Washington Post* and the *New York Times* were somewhat more restrained, along the same lines: “Panel Finds Pilots Broke Rules Before Fatal Crash” and “Pilots Chatted in Moments Before Buffalo Crash,” respectively. The *Buffalo News* declared categorically: “Experts say pilots’ reaction doomed Flight 3407.”

On the contrary, a serious investigation of the crash and its immediate background, including the startling and revealing facts that emerged at Wednesday’s hearing, would demonstrate that the tragedy was the direct outcome of the current practices of a crisis-ridden, for-profit airline industry.

On May 11, on the eve of the NTSB hearings, the *Wall Street Journal* reported that, in fact, Renslow “had never been properly trained by the company to respond to a warning system designed to prevent the plane from going into a stall, according to people familiar with the investigation. As the speed slowed to a dangerous level, setting off the stall-prevention system, he did the opposite of the proper procedure, which led to the crash, these people said.”

The *Journal* also noted that Renslow “had about 109 hours of experience flying the Q400 as a captain, an unusually limited amount of time by industry standards. He had started flying the craft only two months earlier.”

Furthermore, Colgan’s standard training program “stops short of demonstrating the operation of the stick-pusher [the emergency system that pushes the control down to send the aircraft into a temporary dive so it can regain speed] in flight simulators. *Without such hands-on experience, safety investigators argue, pilots could be surprised and not react properly when the stick-pusher activates during an emergency*. The FAA is required to sign off on all airline training manuals.” (Emphasis added.)

Colgan began flying the Bombardier Q400s in February 2008, but company pilots point out they did not receive a detailed bulletin on how to use some of the aircraft’s safety features until nine months later. Colgan recently removed several of its senior management pilots, known as “check airmen,” responsible for evaluating the performance of crews.

Wednesday’s hearing provided a glimpse into the conditions endured by the current generation of younger pilots and flight crews. Testimony revealed that first officer Shaw earned only $16,254 last year, about $23 an hour, and was obliged to live with her parents in Maple Valley, Washington, and commute to her base of operations in Newark, New Jersey, on the other side of the continent. During her first period working for Colgan as a co-pilot she had a second job working in a coffee shop.

NTSB investigator Roger Cox asked Colgan's Vice President for Administration Mary Finnigan whether the company expected Shaw "to reside in the New York metro area" on such a meager income. Finnigan replied, "We do not dictate where our employees want to live." She suggested Colgan salaries are "industry standard." First officers at Colgan, working full-time, begin at $21,000 and pilots at between $40,000 and $53,000, far below the major airlines.

The night before the crash, Shaw left Seattle around 8 pm and flew to Memphis in the cockpit of a FedEx jet. According to the *Times*, "She rested in a crew lounge there, and then made her way to Newark in another FedEx plane." An NTSB member, Deborah Herman, explained Wednesday that Shaw had told a FedEx pilot that there was a "couch with my name on it" in the Colgan pilot's lounge in Newark.

It is against company regulations for pilots to sleep there, but NTSB chairman Mark Rosenker suggested that paying new pilots $16,000 a year and allowing them to commute to work constituted "winking and nodding" at safety policy.

Board member Kathryn Higgins told the hearing, "When you put together the commuting patterns, the pay levels, the fact that your crew rooms aren't supposed to be used, are being used, I think it's a recipe for an accident."

When Finnigan commented piously that it was the pilots' responsibility "to commute and be fit for duty," Higgins responded, "Fatigue is a huge factor ... While her duty may have started at one time, her commuting time added to that." Noting that Shaw would not have properly slept for 36 hours, Higgins added, "It sounds pretty horrible to me." Shaw was also sick, and the cockpit microphone on Flight 3407 recorded her continual sneezing.

Finnigan's testimony Wednesday was met by audible groans and protests from family members of the victims of the Flight 3407 crash.

The BBC asked Tuesday in a headline "How safe are US regional airlines?" and reported on the situation of a regional pilot, Alex Lapointe, 24 years old, who has worked three years for an airline that also pays a starting salary of around $20,000. Some of Lapointe's friends, the BBC notes, "are saddled with more than $100,000 in student loans and he says many of them have taken second jobs."

Their schedules are having an impact on safety. Lapointe explained: "They don't have enough time to enjoy their days off and they're constantly working—they're doing the grind 24/7. When it's the fourth leg on a heavy flying day and the first officer's flying and the captain's working the radios and there's a hundred things going on, you're going to want both people in the cockpit well rested."

The FAA has sent 16 letters of investigation probing "whether Colgan was over-scheduling pilots between November 2008 and March 2009," reports the *Washington Post*.

Regional airlines have flourished within the US airline industry precisely because of their low wages and cost-cutting mentality. The number of passengers on such carriers has grown some 40 percent since 2003, and "although traffic for all carriers fell in 2008, regional planes still make up half of all flights and carry 23 percent of passengers," according to the Regional Airline Association (*New York Times*, May 6, 2009). Also in 2008, regional airline flights flew 23 percent farther on average than they did in 2003. Seventy-four of the nation's 640 airports are only served by regional airlines.

The economic slump means ever greater pressure on the various carriers to reduce costs. The FAA predicted March 31 that the number of travelers boarding US airplanes would plunge 7.8 percent in 2009. Major airlines are expected to see an 8.8 percent drop in passenger levels, and the regionals will see business decline by 4.5 percent, "taking them back to volumes they had four or five years ago," according to CNNMoney.com.

The major airlines are aggressively attempting to exit or restructure contracts to their benefit. Delta, for example, has reduced the amount of time its regional "partners" do, "in some cases with fairly short notice and a schedule that may be variable from month to month." SkyWest Executive Vice President Brad Rich told the Regional Airline Association publication, *Regional Horizons*, "It's turned out to be more of a 'vendor' than a 'partnership' relationship." The company has challenged Delta's actions in court.

In its forecast for 2009, published in *Regional Horizons*, Colgan Air officials noted that "The current economic climate, with passenger traffic declining, is putting pressure on pricing. The industry must somehow reverse the losses of 2008 so that they will be able to secure future financing in a tight credit environment." The airline identified as a top priority in 2009, continuing "to explore ways to lower our cost structure to improve Colgan's profitability."