

Crash throws spotlight on FAA rule

Unnecessary conversation not allowed during taxi, takeoff, landing

By JEFFREY McMURRAY
THE ASSOCIATED PRESS

WASHINGTON

The crash of a commuter jet that took off from the wrong runway in Lexington, Ky., last summer has thrown a spotlight on the FAA's sterile cockpit rule, a commonly violated and difficult-to-enforce prohibition against extraneous conversation between the pilots.

The pilots of the Comair flight in Lexington were heard talking about their dogs, their kids and job opportunities just before the plane went down in flames after struggling to get airborne from a runway that was too short. The crash killed 49 of the 50 people aboard in the nation's deadliest aviation disaster in five years.

Comair acknowledged that pilots Jeffrey Clay and James Polehinke violated sterile cockpit procedures after federal investigators released a transcript Wednesday of their conversation.

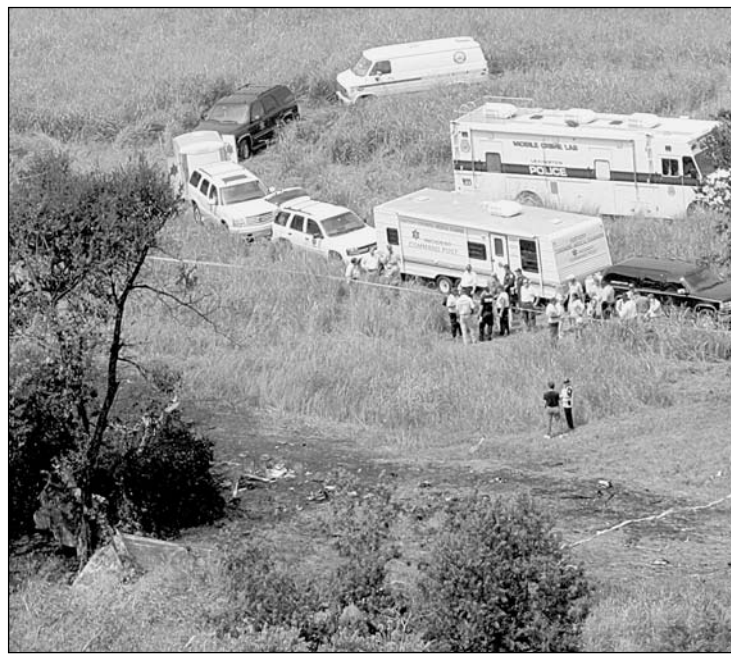
Investigators have not said what role, if any, the cockpit chatter played in the Aug. 27 crash. But several other air disasters have been blamed, at least in part, on instances in which pilots were too busy talking things other than flying.

Among them:

- A 2004 crash in Kirksville, Mo., that killed 13 of 15 people aboard a commuter airliner was blamed on the crew's nonstop joking and expletive-laden banter in the cockpit.

- In 1988, a Delta Air Lines jet crashed 22 seconds after takeoff from Dallas-Forth Worth International Airport after the crew failed to set the wing flaps properly. Fourteen people were killed. In the minutes before takeoff, the crew members criticized Marilyn Quayle's looks, said of Jesse Jackson, "You know, it's scary that someone like him could get as far as he did," and joked that a crash would one day make their cockpit conversation public.

The Federal Aviation Administration adopted the sterile cockpit rule in 1981. It was prompted in part by a 1974 crash in Charlotte, N.C., that killed 71 people; the



AP PHOTO

The tail of Comair Flight 5191 lies among trees at left after the plane crashed in a field during take off at the Blue Grass Airport in Lexington, Ky., on Aug. 27. Airline officials said the pilots violated Comair's general cockpit procedures.

pilots were talking about politics while making their landing approach in bad weather. The rule prohibits extraneous conversation during taxi, takeoff and landing and operations below 10,000 feet.

Aviation insiders say the rule is often disobeyed.

"You can't really expect human beings to be robots," said Bill Waldo, a professor of safety science at Embry-Riddle Aeronautical University. "A little bit of non-pertinent conversation, I'd say it happens quite frequently."

Moreover, the rule is not easily enforceable.

Contract rules prohibit the FAA and airline from releasing, or even preserving, the cockpit recordings unless there has been an accident. In fact, if not for the Comair crash, the tape of the chatter would have been erased before anyone ever listened to it.

"Ninety-nine percent of the time the cockpit voice recorder is never listened to," said Faron Collins, a Lexington control tower operator who worked the shift immediately after the crash. "It probably happens more than the FAA would care to talk about."

FAA spokeswoman Laura

Brown said agency enforces the rule with regular ride-along inspections and anonymous incident reports that pilots can file about one another.

Violators may be punished with a letter of correction, a civil penalty, or a suspension or revocation of their pilots' license, Brown said. She had no immediate figures on how often pilots are disciplined for sterile-cockpit violations.

As the Comair pilots went through preflight procedures, Clay talked about his young children having colds and Polehinke, the sole survivor, discussed his four dogs. The two men also talked about pay and working conditions, even as the controller occasionally interrupted to provide instructions.

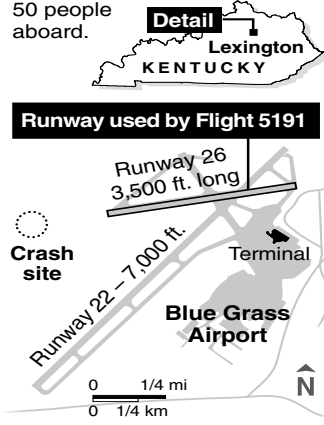
Polehinke has not been stripped of his license. He lost a leg and suffered brain damage and has told relatives he remembers nothing about the accident.

Representatives of the Air Line Pilots Association declined to comment on sterile cockpit rules, citing the National Transportation Safety Board investigation.

Robert Clifford, a lawyer representing several victims' family members from the Kentucky

'Weird' observation made in fatal crash

A transcript of cockpit recordings from Comair Flight 5191 revealed the pilot noted a "weird" lack of runway lights before takeoff. The plane crashed Aug. 27 after a pre-dawn takeoff from a runway too short for the jet, killing all but one of the 50 people aboard.



SOURCE: National Aeronautical Charing Office, Federal Aviation Administration



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Man pleads not guilty in kidnapping

By CHERYL WITTENAUER
THE ASSOCIATED PRESS

UNION, Mo.

The parents of a Missouri teen told Oprah Winfrey in a show airing Thursday that their son hasn't told them directly, but they believe he was sexually abused during the more than four years he was missing.



DEVLIN

"OK, I'm going to go there and ask you, what do you think happened? Do you think he was sexually abused?" Winfrey asked Craig and Pam Akers, parents of 15-year-old Shawn Hornbeck.

Both nodded and said, "Yes." The comments were broadcast

the day pizzeria worker Michael Devlin pleaded not guilty to charges of kidnapping another boy, Ben Ownby, 13, who was found last week in Devlin's apartment with Shawn, who was on the show Thursday with his parents.

Devlin's attorney, Michael Kielty, declined to respond to the claim of sexual abuse, saying he hasn't seen evidence in the case. "The only thing I have is an allegation," he said.

Authorities have said that Devlin confessed to kidnapping Ben, but Kielty would not discuss that.

Pam Akers said she did not know when Winfrey asked if her son was tortured, but her husband, Shawn's stepfather, stressed that something happened to dramatically change the boy.

"I have no doubt that mentally

he's not the same boy he was," he said.

Shawn told Winfrey he always hoped for a reunion with his family.

"I prayed that one day my parents would find me and I'd be united," he said.

Shawn said he was not ready to discuss details of his abduction and the subsequent 51 months he spent living with Devlin.

Winfrey said the boy told her off-camera that he was terrified to contact his parents during the past four years.

The boy's parents told Winfrey they have not asked their son what happened on the advice of child advocacy experts, but are convinced their son did not contact them out of fear for his life, theirs or other members of their family.

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