

About the Commentary: The Commentary addresses selected issues within the Code of Conduct to elaborate on their meaning, provide interpretive guidance, and suggest ways of adopting the Code of Conduct. It is intended primarily for implementers, policy administrators, aviation association management, and pilots who wish to explore the Code in greater depth, and will be updated from time to time. Please send your edits, errata, and comments to <PEB@secureav.com>. Terms of Use are available at <<http://secureav.com/terms.pdf>>.

COMMENTARY TO AMCC II.d - PASSENGERS AND PEOPLE ON THE SURFACE

d. Seek to Prevent Unsafe Conduct by Passengers,

Passengers should be informed of their role in contributing to the safety of flight operations.¹ Many passengers are unaware of their effect on a pilot's ability to effectively manage risks.² Indeed, "passengers are quite ingenious in their ability to harm themselves, so precautions must be equally thorough and ingenious."³ It is desirable to define (or to provide examples of) unsafe conduct and explain its implications. Of course, unsafe passenger conduct must not be tolerated. Among other strategies, address unsafe conduct in a passenger briefing, and require that passengers wear seat belts and shoulder harnesses during all phases of flight operations.⁴

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¹ In addition to a passenger's possible contribution to crew resource management (CRM), unintentional and intentional conduct deserve consideration by passengers. See FAR 91.11 *Prohibition on interference with crewmembers* ("No person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated."); *Interference with Airplane Pilot or Controls as Negligence or Contributory Negligence*, 75 A.L.R. 2d 858 (1961). Cf. ICAO, Chicago Convention on International Civil Aviation, Art. 33, (Dec. 7, 1944), available at < <http://www.iasl.mcgill.ca/airlaw/public/chicago/chicago1944a.pdf> > (unlawful interference); ICAO, Circular 288, *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* (2001), available at < http://www.iau.org/pos_papers/unruly_passengers.pdf >. In the civil aviation context: the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal Convention 1971), available at < http://www.iasl.mcgill.ca/airlaw/public/aviation_security/montreal1971.pdf >, provides: "1. Any person commits an offence if he unlawfully and intentionally: (a) performs an act of violence against a person on board an aircraft in flight if that act is *likely to endanger the safety of that aircraft*; or (b) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or *which is likely to endanger its safety in flight*." (emphasis added). See AMCC IV Security. See also 49 U.S.C. § 46318, *Interference with cabin or flight crew; Air Rage Information Resources*, available at < <http://www.airsafe.com/issues/rage.htm> >.

² See MICHAEL A. REGAN & EVE MITSOPOULOS, UNDERSTANDING PASSENGER INFLUENCES ON DRIVER BEHAVIOUR: IMPLICATIONS FOR ROAD SAFETY AND RECOMMENDATIONS FOR COUNTERMEASURE DEVELOPMENT, Monash Univ. Accident Research Centre - Report #180 (June 2003), available at < <http://www.monash.edu.au/muarc/reports/muarc180.pdf> >.

³ JOHN J. SHEEHAN, BUSINESS AND CORPORATE AVIATION MANAGEMENT 8.14 (McGraw Hill 2003).

⁴ See FAA, *Smart Protection in Small Airplanes*, Pub. AM-400-91/2, available at < http://ntl.bts.gov/card_view.cfm?docid=1146 > (shoulder belts reduce major injuries by 88% and fatalities by 20%); *A Sample Passenger Briefing*, available at < <http://www.secureav.com/briefing.pdf> > (addressing passenger safety during ground operation).

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