

RECENT DEVELOPMENTS IN AVIATION LAW

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I. AIR CARRIER CASES

A. COMAIR LITIGATION - NO PUNITIVE DAMAGES

1. *In re: Air Crash At Lexington, Ky., Aug. 27, 2006*,
No. 5:06-CV-316-KSF, 2011 WL 350469 (E.D. Ky. Feb. 2, 2011)

The families of those killed in the crash of a Comair plane in 2006 failed to provide clear evidence that the airline was grossly negligent and should be held liable for punitive damages based on the conduct of its pilots, a Kentucky federal judge has held.

The Court's ruling overturned a 2008 holding in the same case that the state punitive damages law violates the Kentucky Constitution.

The law, Ky. Rev. Stat. § 411.184, has specific pleading requirements for punitive damages. The families alleged it was unconstitutional because it limited punitive damages in wrongful-death cases.

After reconsidering and overturning the 2008 ruling, Senior U.S. District Judge Karl S. Forester of the Eastern District of Kentucky granted partial summary judgment to Comair on the punitive damages issue.

Flight 5191 was bound for Atlanta in August 2006, when it attempted takeoff from the wrong runway at Blue Grass Airport. The plane could not gain altitude on the shorter runway, hit several obstacles and burst into flames. Of the 50 passengers and crew members on board, only the co-pilot survived.

The majority of plaintiffs reached settlement agreements before their cases went to trial, according to court records. In addition, Comair settled its claims against the federal government for the alleged negligence of the air traffic controller on duty at the time of the crash.

The punitive damages question was one of the last remaining issues in the litigation, according to Judge Forester.

The District Court ultimately ruled on behalf of the plaintiffs that the pilots' conduct caused the fatal crash. During the trial on compensatory damages, a jury returned a \$7.1 million verdict for the plaintiffs.

The trial against Comair on the issue of punitive damages was pending. Comair asked the judge to reconsider its June 2008 ruling that Ky. Rev. Stat. § 411.184 was unconstitutional because it limited punitive damages.

The court concluded that its earlier decision was not a correct interpretation of Kentucky law, adding that Comair was therefore entitled to partial summary judgment on the punitive damages issue.

Judge Forester also determined that the plaintiffs "failed to present clear and convincing evidence of gross negligence on the part of Comair management such that it should be held liable for punitive damages for the conduct of the pilots."

Under Ky. Rev. Stat. § 411.184(3), the plaintiffs had to show that Comair authorized, ratified or should have anticipated the conduct of the pilots on the day of the crash. No such evidence was presented according to the judge.

“To the contrary, the overwhelming evidence is that the Flight 5191 pilots violated Comair training, the procedures in Comair’s manuals, sterile cockpit rules, and the required taxi briefing for the first flight of the day,” Judge Forester found.

There was also no evidence to support the claim that Comair should have anticipated the conduct of the Flight 5191 crew, the judge added, rejecting the plaintiffs’ argument that Comair exhibited a “cavalier attitude toward safety.”

B. IN-FLIGHT MEDICAL EMERGENCY

1. *Siddiq et al. v. Saudi Arabian Airlines Corp.*, No. 6:11-cv-00069-PCF-GJK, *complaint filed* (M.D. Fla. Jan. 18, 2011)

A passenger on Saudi Arabian Airlines who says he had a heart attack during a flight has sued the carrier for refusing to declare an emergency and land at the nearest suitable airport. Plaintiff, Mohammed Saleen Siddiq states he was traveling from Saudi Arabia to the United States when he began to experience chest pain about three hours into the flight while the aircraft was flying over Europe.

According to the complaint filed in the U.S. District Court for the Middle District of Florida, Siddiq began to experience chest pains symptomatic of a heart attack.

The crew and other passengers moved him to the prayer area of the aircraft and made an announcement over the intercom to see if a doctor was on board, the suit alleges.

A passenger who was a physician attempted to treat Siddiq with nitroglycerin tablets from the onboard medical kit, but the plaintiff states the pills were ineffective and possibly expired.

Plaintiff contends the plane was not equipped with a blood pressure cuff or usable oxygen tanks that could have been used to treat him.

The flight captain should have recognized that Siddiq was having a life-threatening emergency and arranged to land at the closest suitable airport, the complaint states.

However, the captain did not come to check on Siddiq until six hours into the flight, when the aircraft was over the ocean, the suit alleges. Siddiq states the captain told him the flight would continue on to Washington Dulles International Airport.

“Failing to make an emergency landing resulted in a significant, unnecessary and unreasonable delay in getting plaintiff the definitive medical treatment needed for his heart attack,” the complaint contends.

Siddiq, a Florida resident, alleges the failure to land the plane caused him to suffer irreversible injuries, including an atrophied heart muscle and blood clot in a major coronary artery that cut off circulation to the lower half of his body for the 10 hours it took to reach Dulles.

The complaint asserts claims under Article 17 of the Montreal Convention for negligence, negligent infliction of emotional distress, breach of contract and loss of consortium.

C. MONTREAL CONVENTION

1. *Tewes et al. v. Gulf Air*,
No. H-10-1685, 2011 WL 649532
(S.D. Tex. Feb. 10, 2011)

Claims brought by two passengers over an airline’s non-performance of a contract of carriage fall outside the provisions of the Montreal Convention, a Texas

federal judge has ruled. U.S. District Judge Gray H. Miller of the Southern District of Texas held the claims brought by Dennis and Somruedi Tewes were not preempted and remanded their suit to state court.

The plaintiffs bought tickets from defendant Gulf Air in June 2008, for travel in business class the following month from Bahrain to the United Arab Emirates. According to court records, Gulf Air ended up canceling the flight and arranged for the plaintiffs to take another flight the same day.

However, the plaintiffs were seated in coach for the flight because no business class seats were available. The airline told the couple they could use their business-class tickets at a later date, the opinion states.

The plaintiffs assert they attempted to use the tickets but Gulf Stream refused to accept them. The defendant offered to refund the plaintiffs \$192. for the difference in the price between the coach and business-class tickets, but the couple said the amount was insufficient.

Plaintiffs filed a breach of contract suit in Texas state court over Gulf Air's refusal to honor their agreement to let them use their business-class tickets on a future flight.

The airline removed the action to federal court, arguing that the plaintiffs' claims were governed by the Montreal Convention governing international air transportation.

The plaintiffs countered that their claim is for non-performance of a contract of carriage and is not covered by the Montreal Convention. The District Court later denied their subsequent remand motion without analysis.

Gulf Air then asked the court to dismiss the suit, arguing that the state law claims must arise under the Montreal Convention and that the court lacked subject matter jurisdiction.

The plaintiffs again argued that their claim was for breach of contract and asked the District Court to reconsider its earlier ruling on remand.

Judge Miller noted that the Fifth U.S. Circuit Court of Appeals had not addressed the specific issue, but that several federal courts have remanded cases on the basis that claims for complete non-performance are not covered by the Montreal Convention's terms.

"This is a situation ... where plaintiffs are not asserting a claim for delay that is covered under the Convention, but are, instead, alleging complete non-performance of a contract for carriage," the judge determined.

Such a claim falls outside the Montreal Convention's provisions, the judge ruled, remanding the case.

D. TERRORIST ATTACK 9/11

1. *In re September 11 Litigation*, No. 21 MC 101;
Cantor Fitzgerald & Co. et al. v. American Airlines Inc. et al.,
No. 04 Civ. 7318, 2011 WL 149518 (S.D.N.Y. Jan. 19, 2011)

Financial services firm Cantor Fitzgerald & Co. cannot recover for lost revenue from hundreds of its employees that were killed during the Sept. 11, 2001, terrorist attacks, a New York federal judge has ruled.

U.S. District Judge Alvin K. Hellerstein of the Southern District of New York limited the amount of damages Cantor Fitzgerald could recover in its lawsuit against

American Airlines Inc. and parent company AMR Corp. should the investment firm ultimately prevail in its case against the defendants.

Cantor Fitzgerald contends that the defendants were negligent on September 11 by failing to prevent terrorists from boarding and hijacking American Airlines Flight 11.

The plane crashed into Tower One of the World Trade Center, where Cantor Fitzgerald employed about 1,000 people. More than 650 of the company's employees died in the attacks.

In its lawsuit, Cantor Fitzgerald seeks to recover for harm to its identity as a leading financial services firm; destruction of its office, property, technological infrastructure and business records; and business interruption.

The company originally estimated its losses at more than \$223 million, of which it seeks about \$127 million for business interruption.

Several years later the company amended its damages estimate to nearly \$1 billion, the majority of which was attributed to the interruption in business due to the attacks.

American and AMR asked Judge Hellerstein for partial summary judgment, arguing the claims were excessive and contravened New York law because they concern damages from revenues the company might have realized if its employees were not killed in the attacks.

The judge agreed and granted the defendants' request. "Cantor Fitzgerald's damage claim is substantially inflated by the losses caused by the deaths of its employees and must be restated to eliminate damages thus caused," according to the Judge.

The judge noted that claimed damages associated with the death of an individual are considered wrongful-death causes of action. Cantor Fitzgerald cannot bring such a suit, the Judge ruled.

“No one can deny the emotional and financial hurt suffered by Cantor Fitzgerald and the families of its officers and employees,” Judge Hellerstein held. “But, as a matter of law, Cantor Fitzgerald’s claims for damages ... may not include claims for lost profits resulting from the deaths of, and injuries to, its officers and employees on September 11.”

Judge Hellerstein noted the destruction of Tower One eliminated the plaintiff’s leasehold to the top floors of the building and its property. As a result, Cantor Fitzgerald is entitled to claim damages naturally resulting from that damage.

These damages, include property loss and lost profits “naturally and probably” flowing from the injury to its property, the Judge ruled.

“But Cantor Fitzgerald cannot bootstrap this entitlement into a wholesale claim of business interruption damages not matching the corresponding duty of the alleged tortfeasor,” he wrote.

The duty of American Airlines and AMR does not permit Cantor Fitzgerald to claim lost profits arising from the deaths of its officers and employees, Judge Hellerstein ruled, adding that employers cannot rely on master/servant liability to assert an interest in their employees.

II. GOVERNMENT LITIGATION

A. AIR TRAFFIC CONTROL

1. *Younger et al. v. United States,*

The negligence of air traffic controllers in providing outdated weather information led to the fatal crash of a medical helicopter more than two years ago, according to the mother of a young crash victim.

Stephanie Younger sued the federal government in the U.S. District Court for the District of Maryland in the wake of the accident that killed her 17-year-old daughter Ashley in September 2008.

Ashley was injured in a traffic accident in Waldorf, Maryland, and was being transported with another patient via a medevac helicopter to a hospital in nearby Prince George's County, the complaint alleges.

Deteriorating weather conditions caused the 1989 Aerospatiale helicopter to be diverted to Andrews Air Force Base, where an ambulance was waiting.

However, Younger argues, the weather information provided to the pilot from air traffic controllers, who are Federal Aviation Administration employees, was old and inaccurate.

The information provided by the controllers suggested that "visibility was much greater than that which actually existed" at Andrews Air Force base, the suit states.

The aircraft crashed into the terrain at the base, killing four of the five occupants on board.

In her wrongful-death and survival action, Younger alleges the controllers failed to provide accurate weather conditions to the pilot.

Air traffic controllers were unresponsive and inattentive during the helicopter's approach to the base, plaintiff added.

The National Transportation Safety Board investigated the accident and determined a combination of factors, including outdated weather information from the air traffic controllers, as well as pilot inexperience caused the crash, Younger asserts.

2. *Matic v. Federal Aviation Administration et al.*, No. 1:11-cv-00108-ACK-BMK, *complaint filed* (D. Haw. Feb. 18, 2011)

A flight instructor has filed a negligence action against the U.S. Government after her aircraft was damaged and nearly overturned by a sudden jet-engine blast from a Federal Express plane at the Honolulu International Airport.

In a complaint filed in the U.S. District Court for the District of Hawaii, Jelica Matic claims Federal Aviation Administration air traffic controllers should have known that FedEx was operating its jets in an unsafe manner on the runway.

The plaintiff states she was operating a Cessna 172 SP N-5329L and providing flight instructions to a student at the airport in July, 2008, when the accident occurred.

The jet blast from the MD-11 FedEx aircraft lifted her plane into the air, spun it around on its landing gear and nearly overturned it, the suit alleges.

The aircraft was “significantly damaged” in the incident, and Matic was injured, according to the complaint.

Matic states she was operating her aircraft in compliance with the Federal Aviation Administration regulations and had been maintaining radio contact with air traffic controllers at the time of the incident.

She points to what she says are FedEx’s operational practices of directing jet blasts across a taxiway frequently used by general aviation aircraft.

The plaintiff claims the controllers knew that FedEx was “failing to use reasonable care in the operation, maintenance and repair of one of its MD-11 aircraft.”

She adds that the air traffic controllers knew that FedEx had adopted “unreasonably dangerous” operational procedures that did not comply with best practices in the aeronautical industry.

B. TURBULENCE

1. *LeGrande V. United States*,
No. 08-cv-02047, 2011 WL 1206815
(N.D. Ill. Mar. 31, 2011)

An Illinois federal court has dismissed claims by a flight attendant who said injuries she sustained on a flight were caused by the failure of air traffic controllers to warn a pilot of severe turbulence. U.S. District Judge Joan B. Gottschall of the Northern District of Illinois found no evidence that the U.S. government, as the controllers’ employer, breached a duty to the plaintiff.

LeGrande sued the United States under the Federal Tort Claims Act, 28 U.S.C. § 2674, after she was injured in February 2006, while serving as a flight attendant on Southwest Airlines Flight 2745 between Cleveland and Chicago.

Several minutes into the flight, the pilots instructed the flight attendants to take their seats after a light to moderate bump. But within five seconds after the pilots’ announcement, the aircraft experienced severe turbulence. The turbulence caused LeGrande to fall and suffer physical injuries.

In her lawsuit against the federal government, LeGrande argued that the Federal Aviation Administration was negligent in failing to report warnings of severe turbulence to the Flight 2745 pilots.

The government countered that the plaintiff could not satisfy the duty, breach or causation elements for a negligence action, and that it was entitled to summary judgment under the FTCA's discretionary function exception.

The District Court agreed and concluded that LeGrande did not have evidence that the United States breached a duty.

Specifically, Judge Gottschall found the Cleveland Center controllers did not breach the standard of care because "there is no evidence that they knew of, or should have known of, severe turbulence in Flight 2745's path."

While controllers have a legal duty to disseminate certain weather information to pilots, they do not have a duty to disseminate information from "meteorological impact statements," which are "unscheduled flow control and flight operations planning forecasts" for those making planning decisions, according to the court.

"Unlike other weather products ... air traffic controllers do not see MISs, nor is the information from an MIS printed onto a General Information Stop that the controllers broadcast to pilots," the judge held.

LeGrande put forth no evidence that an air traffic controller would have foreseen that failing to disseminate information in an MIS would likely cause harm, the District Court concluded.

III. AVIATION INSURANCE LITIGATION

A. LACK OF TRAINING VOIDS INSURANCE COVERAGE

1. *Trishan Air Inc. et al. v. Federal Insurance Co. et al.*, No. 09-55317, 2011 WL 540532 (9th Cir. Feb. 16, 2011)

An aviation insurance carrier did not act in bad faith when it refused to provide coverage for a plane accident because the aircraft's co-pilot lacked the training specified in the policy, the Ninth U.S. Circuit Court of Appeals has ruled. California law mandates strict compliance with the pilot warranty in the policy, the three-judge panel held.

Trishan Air Inc. had an aviation insurance policy issued by Federal Insurance Co. The company's lawsuit arose from a June 2007 accident in which a Dassault Falcon Jet 900 overran a runway and crashed at Santa Barbara Municipal Airport.

Federal rejected Trishan's claim for coverage as the co-pilot did not have the training required by the policy's pilot warranty, according to the panel's written opinion. The policy included "commercial flight school and simulator training" requirements for co-pilots.

At the time of the accident, the pilot was in charge of the aircraft. Experts testifying for the pilot and co-pilot said the co-pilot had adequate training (45 years and 15,000 hours of flight experience) and that simulator training would not have prevented the accident, the opinion said.

Trishan sued the insurer in the U.S. District Court for the Central District of California for breach of contract and bad faith, and Federal moved for summary judgment.

The District Court granted summary judgment to Federal on the ground that Trishan did not strictly comply with the pilot warranty.

Trishan appealed, arguing it was not obligated to strictly comply with the warranty to receive benefits under the policy. The Ninth Circuit disagreed, finding that California law requires strict compliance with insurance warranties to trigger coverage.

The panel rejected Trishan's position that substantial compliance is sufficient, noting Trishan failed to cite a single case in which a California court approved the lowered standard with regard to pilot warranties.

Siding with Trishan "would permit an insured to universally assert that only substitute performance, based on the insured's subjective selection, would be necessary to receive coverage," the panel determined.

"This approach nullifies any specific requirement that an insurer has in assuming the covered risk and generates uncertainty on the insurer's part regarding compliance," the opinion stated.

Even if substantial compliance were appropriate, the Ninth Circuit held Trishan still would have fallen short in its claim for benefits because the company did not comply with any of the warranty requirements for co-pilots.

The panel also rejected Trishan's claim that the policy was ambiguous. Citing Federal's reasonable grounds for rejecting coverage, the court dismissed the bad-faith claim.

IV. PRODUCTS LIABILITY

A. DEATH ON THE HIGH SEAS ACT

1. *Helman et al. v. Alcoa Global Fasteners Inc. et al.*, No. 09-56501, 2011 WL 855855 (9th Cir. Mar. 14, 2011)

The Death on the High Seas Act preempts state law claims brought by representatives of three Navy Crewmen killed in a 2007 helicopter crash in the Pacific Ocean, the Ninth Circuit Court of Appeals has ruled.

The appellate panel upheld a lower court's dismissal of a lawsuit brought by Tonya Helman and several others, finding that DOHSA applies to waters located beyond 3 miles of the U.S. coastline.

The panel further held that a 1988 presidential proclamation extending the territorial waters of the United States did not alter the scope of DOHSA, 46 U.S.C. § 761-768.

According to court records, the fatal accident occurred when a helicopter used in training exercises from aboard the USS Bonhomme Richard crashed into the ocean about 9 miles off the coast of Catalina Island, California.

The representatives and estates of the deceased crewmen claimed that defects in the aircraft and its components caused the accident.

The defendants, including Sikorsky Aircraft Corp. and Sikorsky Support Services Inc., removed the action from state court to the U.S. District Court for the Central District of California.

They argued that DOHSA preempts the plaintiffs' claims because the accident occurred more than 3 nautical miles from the shore.

The District Court agreed that DOHSA preempted the plaintiffs' state law and general maritime causes of action for wrongful death. It also found that a 1988 presidential proclamation, which extended the United States' territorial sea from 3 to 12 nautical miles, did not alter the statute's applicability.

The Ninth Circuit upheld the District Court's decision, rejecting the plaintiffs' argument that DOHSA does not apply to the intermediate area between 3 and 12 nautical miles from the U.S. shoreline.

A "plain reading of the statutory text leads to the conclusion that the boundary beyond which DOHSA applies remains at three nautical miles from U.S. shores," the panel held.

The court found no indication that Congress meant the term "high seas" to include "the independent and fluid political concept of U.S. territorial waters."

Congressional amendments to DOHSA in 2000 and 2006 support this conclusion, the panel added. Therefore, DOHSA applies to all waters beyond 3 nautical miles from U.S. shores, the appeals court held.

B. MISREPRESENTATION CLAIM

North v. Precision Airmotive Corp. et al.,
No. 6:08-cv-2020-Orl-31DAB, 2011 WL 679932
(M.D. Fla. Feb. 16, 2011)

The widow of a man who died after his plane crashed in Vermont has not shown that a component maker failed to report failures and design defects to the Federal Aviation Administration, a Florida federal judge has ruled. U.S. District Judge Gregory A. Presnell of the Middle District of Florida granted partial summary judgment to defendant Precision Airmotive Corp., saying plaintiff Margaret North failed to identify any particular FAA report that the company had a duty to file.

Plaintiff also failed to show that her husband, Robert, reviewed such reports or even knew of their existence, the judge noted.

Robert North died in December 2006 when the plane he was piloting crashed near Mt. Snow, Vermont.

Margaret North claimed that the crash was caused by defects in the plane's fuel control system and replacement parts that Precision designed, manufactured and sold. Plaintiff's suit alleged strict product liability, negligence and misrepresentation.

The defendant asked the District Court for summary judgment as to North's misrepresentation and failure-to-warn claims.

Judge Presnell granted the request with respect to the misrepresentation claim, finding that the plaintiff did not show that Precision failed to file any required reports and that she could not show that her husband had a practice of responding in a particular way to such reports.

However, the judge rejected the defendant's argument that federal law preempted the failure-to-warn claims.

The plaintiff's failure to demonstrate any violation of federal standards would not entitle Precision to summary judgment on that issue because state-law-based warning standards would apply to the case, the judge noted.

C. CHOICE OF LAW

Pease et al. v. Main Turbo Systems et al.,
No. 4:10-CV-00843, 2011 WL 833996
(M.D. Pa. Mar. 11, 2011)

Tennessee law applies to state law claims brought by a pilot seriously injured when his plane crashed in the state after an engine failure, a Pennsylvania federal judge has ruled.

U.S. District Judge Christopher C. Conner of the Middle District of Pennsylvania issued the ruling in the lawsuit brought by David Pease, an Ohio resident seriously injured when the Piper/PA-32R-30TT airplane he was flying crashed near Tazewell, Tennessee in June, 2005.

Claiming the accident was caused by a defective engine, Pease originally sued several companies in Alabama, including Lycoming and Alabama based turbocharger manufacturer Kelly Aerospace, Inc.

Kelly Aerospace was dismissed from the action in 2009, prompting Pease to seek transfer of the suit to Pennsylvania, where Lycoming designed, manufactured and tested the engine at issue.

The defendants moved the District Court for an order stating that Tennessee law applied to Pease's state law claims.

Judge Conner said the doctrine of *lex loci delicti* usually resolves the choice-of-law question in Alabama tort claims. However, the parties disagreed on whether the doctrine was applicable here.

The doctrine requires an Alabama court to determine the rights of an injured party based on the law of the state where the injury occurred, the opinion states.

"Aviation accident claims ... uniquely illustrate the nonsensical effect of a rigid application of the doctrine of *lex loci delicti*," the judge stated.

The parties have no connection with Tennessee other than its location as the site of the crash, Judge Conner noted, adding that this was "simply happenstance."

However, the clear dictates of Alabama law compelled the conclusion that the doctrine was controlling, the Judge held.

Thus, Tennessee law must be applied to Pease's state law claims, the judge concluded.

IV. LEGISLATION

A. HOUSE APPROVES FAA BILL

The House Transportation and Infrastructure Committee passed legislation February 16, to modify some Federal Aviation Administration programs, create jobs, and set policies and procedures for the nation's aviation system.

The committee approved 34-25 HR 658, the FAA Reauthorization and Reform Act of 2011, which allows for funding of nearly \$60 billion over four years.

The bill provides about \$4 billion in savings compared to current funding levels and requires the FAA administrator to identify major cost savings without sacrificing critical safety concerns, according to a committee press release.

The committee said the legislation will create more than 600,000 jobs over the four-year period it covers.

In addition, the bill streamlines the processes of and funds NextGen air traffic control modernization projects, allows for consolidating obsolete FAA facilities, and provides for the expansion of the contract control tower to allow airports to use privately operated towers.

The legislation contains no increases for passenger facility charges, and it allows air traffic controllers and other FAA employees to resolve disputes through binding arbitration, according to the press release.

The last FAA reauthorization occurred in 2003, expired in 2007 and subsequently was extended several times, the committee said.

“The federal government must do more with less, and this bill does just that by requiring the FAA to identify savings in a manner that does not negatively impact aviation safety,” committee chairman John L. Mica, R-Fla., said in a statement.

“Our aviation system is critical to the U.S. economy, and this bill ensures that the nation’s aviation industry remains vital and competitive,” he said.

The measure still must be approved by the Senate and signed by President Obama.

B. BILL FORTIFYING AIRLINE SAFETY, MODERNIZING SYSTEMS PASSES SENATE

The U.S. Senate has passed legislation aimed at improving airline safety, modernizing the country’s aviation system and improving access to air service.

The FAA Air Transportation Modernization and Safety Improvement Act passed February 17, by an 87-8 margin.

The legislation would approve airline inspections, bolster oversight of foreign repair stations, standardize dispatch procedures for helicopter emergency medical service operations and require the Federal Aviation Administration to improve runway safety by providing pilots with traffic information in the cockpit.

The bill would modernize the country’s aviation system by establishing deadlines for adopting NextGen navigation and surveillance technology, among others.

In addition, proponents say the measure would strengthen the federal government’s commitment to small community air service.

“This bill reforms the aviation industry in a way that will help Americans from all walks of life,” West Virginia Democrat Jay Rockefeller IV said in a statement. “The bill

will support thousands of jobs, strengthen airline safety and modernize America's outdated air traffic control system.”