



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

The Inspector General

Office of Inspector General  
Washington, DC 20590

January 29, 2008

The Honorable John L. Mica  
Ranking Member  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Thomas Petri  
Ranking Member  
Subcommittee on Aviation  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressmen Mica and Petri:

This is in response to your September 2007 request that we examine the treatment of Marines and soldiers at Oakland International Airport. Your request was prompted by an incident that occurred on September 27, 2007, in which Marines and soldiers traveling on a military charter flight (Flight 1777), en route from Iraq to their home base in Hawaii, were not allowed into the passenger terminal at the airport. Instead, they had to deplane to a remote area of the airfield without access to the terminal area. The enclosed briefing, which we provided to you on January 23, 2008, details the results of our review.

It was your understanding that airport security was not an issue and that the airport's decision to park Flight 1777 at a remote area of the airfield may have been related to the payment or non-payment of airport fees. You requested that we review this matter and determine whether the treatment of the Marines and soldiers violated any Federal laws and regulations.

To address your concern, we met with or interviewed airport officials as well as others involved with Flight 1777 to obtain data. These included officials from the Department of Defense, the United States Marine Corps, the Department of Homeland Security's Customs and Border Protection and Transportation Security Administration, the Federal Aviation Administration, North American Airlines (military charter operator), and Hilltop Aviation (ground handler of Flight 1777 at Oakland).

In summary, we found that a number of factors led the airport to park Flight 1777 away from the terminal area. Further details of our findings are provided below:

- We found that airport security was one of the reasons why airport officials decided to park Flight 1777 at an approved safety area (designated as Tango 1) used for servicing and re-provisioning military charter aircraft; the payment or non-payment of airport fees played no role in this decision.
- We found no violations of Federal laws or regulations regarding the airport's decision to park Flight 1777 away from the terminal, particularly Federal Aviation Administration safety regulations on parking aircraft for servicing and re-provisioning and allowing military personnel to deplane.
- Based on our review results, we determined that the decision to park Flight 1777 at Tango 1, rather than a gate near the terminal as requested by Hilltop Aviation, was primarily due to the airport's concern that Hilltop Aviation could not provide an adequate level of escort and control at the gate to:
  - Ensure the safety of 204 military personnel in or around an area surrounded by active vehicle roadways and an active aircraft taxiway. On a previous military charter flight, the airport spotted military personnel roaming near the roadway.
  - Prevent a security breach. In the past, military personnel gained access to the airport Operations Control Center, and the airport was concerned about this for security reasons.
  - Process boarding passes for 204 military passengers within a 2-hour period to ensure an on-time departure. Military personnel who deplaned through Gate 18 to the public side of the airport would require boarding passes to go through TSA screening and re-board the aircraft. According to contracting staff, an on-time departure is the first priority of the contract with the airline.

- Despite this concern, however, we also found that other factors, such as security, were involved in the airport's decision to park Flight 1777 at Tango 1. These factors, which exacerbated the situation, included the following:
  - Absence of a coordinated policy between the Department of Defense and the Department of Homeland Security on whether (a) security screening of Members of the Armed Forces at military bases is sufficient to meet the Transportation Security Administration's standards and procedures at commercial service airports and (b) military personnel subject to this screening can directly enter the sterile area of a commercial service airport without further screening.
  - Miscommunication about the proper storage and safeguarding of weapons carried on board military charter aircraft during the stop-over at the airport. Hilltop Aviation could not confirm that weapons on Flight 1777 would be secured and safeguarded in accordance with Department of Defense regulations and that the Marines and soldiers would leave their weapons on board.
  - Lack of communication on accommodating requests by Marines and soldiers for services outside the scope of contract terms between the Department of Defense and North American Airlines. The contract did not require that military personnel have access to the airport terminal; it only required that military personnel be allowed to deplane and stretch their legs on stops lasting over 1 hour.

Based on the results of our review, we think it would be prudent and beneficial to establish a task force of representatives from the airlines, airports, and the Departments of Defense, Homeland Security, and Transportation to develop and implement a uniform process for handling members of the Armed Forces on all military charter flights at U.S. commercial service airports.

If I can answer any questions or be of further service, please contact me at (202) 366-1959 or Theodore Alves, Deputy Inspector General, at (202) 366-1992.

Sincerely,



Calvin L. Scovel III  
Inspector General

Enclosure



# Review of the North American Airlines Flight 1777 Incident at Oakland International Airport

DOT Office of Inspector General  
Congressional Briefing to Congressmen Mica and Petri  
January 23, 2008

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## Congressional Request

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- ❑ Congressmen John Mica and Thomas Petri requested the DOT Office of Inspector General to investigate whether an incident that occurred on September 27, 2007, at Oakland International Airport violated Federal laws and regulations (see slide 15 for audit scope and methodology).
  
- ❑ The incident involved 204 marines and soldiers traveling on North American Airlines (NAA) Flight 1777, en route from Iraq to their home base in Hawaii. These passengers were not allowed into the passenger terminal; instead, they had to deplane at a remote area of the airfield without access to the terminal area.
  
- ❑ The requestors believed that the incident was not an airport security issue but was possibly related to payment or non-payment of fees.



## Timeline of Events: Flight 1777

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### □ Pre-Planning

- September 14: NAA receives request from U. S. Air Force Air Mobility Command (Command) to transport military personnel from Kuwait to their home base in Hawaii.
- September 20: NAA advises its ground handler at the airport, Hilltop Aviation Services (Hilltop), of the scheduled technical stop for Flight 1777 on September 27 and requests that Hilltop arrange to service and re-provision the aircraft (i.e., cabin cleaning, refueling, restocking food and beverages, and servicing lavatory and water).
- September 21: Hilltop advises the airport of Flight 1777's technical stop on September 27 and requests use of Gate 18, which provides access to public side of airport terminal, for servicing and re-provisioning the aircraft.
- September 21: The airport responds that instead of using Gate 18, Flight 1777 would be parked at "Tango 1," a remote site on the airfield without direct access to the airport terminal.
- September 25: Hilltop requests the airport to reconsider use of Gate 18.
- September 26: The airport denies request and instructs Hilltop to use Tango 1 for reasons that are discussed later in this presentation.



## Timeline of Events: Flight 1777 (continued)

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### □ Day(s) of Flight

- September 26: Flight 1777 departs Kuwait International Airport at 2321.<sup>1</sup>
- September 27: Flight 1777 arrives in Leipzig, Germany, at 0400, and military personnel are allowed to enter the sterile area of the terminal.
- September 27: Flight 1777 departs Leipzig, Germany, at 0525 and arrives at John F. Kennedy International Airport (JFK) at 0820. U. S. Customs processes the military personnel. They were taken by bus to the sterile area<sup>2</sup> of Terminal 4, where they remain until departure.
- September 27: Flight 1777 departs JFK at 1020 and arrives at Oakland at 1341. The aircraft is directed to Tango 1 for servicing and provisioning.
- September 27: Upon deplaning at Tango 1, military personnel advise Hilltop of three members' need to access the terminal—two members had arranged to meet family and friends and a third member had arranged to transfer to a commercial flight for emergency leave. Hilltop accommodates these three requests.
- September 27: Flight 1777 departs Oakland at 1655 and arrives at Hawaii at 1912.

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<sup>1</sup> All times are local times.

<sup>2</sup> Sterile areas are those areas of an airport downstream of TSA passenger screening checkpoints.



## Summary of OIG Investigative Results: Flight 1777

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- We found that airport security was one of several factors that led the airport to park Flight 1777 at Tango 1; the payment or non-payment of airport fees played no role in this decision.
- We found no violations of Federal laws or regulations regarding the airport's decision to park Flight 1777 away from the terminal, particularly Federal Aviation Administration safety regulations on parking aircraft for servicing and re-provisioning and allowing military personnel to deplane.
- Based on our review results, we determined that the decision to park Flight 1777 at Tango 1 was primarily due to the airport's concern that Hilltop could not provide an adequate level of escort and control of such a large group of military personnel in or around the terminal area.
- Despite this concern, however, we also found that other factors, such as security, were involved in the airport's decision to park Flight 1777 at Tango 1. These factors, which exacerbated the situation, included the following:
  - Absence of a coordinated policy for security screening between the Department of Defense (DOD) and the Department of Homeland Security (DHS).
  - Miscommunication about the proper storage and safeguarding of weapons carried on board aircraft during the stop-over.
  - Lack of communication on accommodating members' requests for services outside the scope of contract terms between the Command and NAA.



## Airport's Concern About Level of Escort and Control of Military Personnel In or Around Terminal Area

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- ❑ The Command, NAA, airport, and Hilltop all considered Flight 1777 to be on a "technical stop." A technical stop is an operational stop, usually not in excess of 2 hours, to service and re-provision the aircraft in order to get the military personnel to their final destination as soon as possible.
- ❑ In the past, the airport's general practice was to park military charters on technical stops at Tango 1, thereby allowing military personnel to deplane while the aircraft is serviced and re-provisioned.
- ❑ Tango 1 is an approved safety area used not only for servicing and re-provisioning military charters but also for flights diverted to the airport because of weather, other reasons, or refueling needs.
- ❑ Hilltop requested that Flight 1777 park at Gate 18 but agreed to use Tango 1 if the airport was concerned about the large number of personnel on Flight 1777.
- ❑ The airport was concerned that a ground handler could not provide an adequate level of escort and control to:
  - Ensure the safety of 204 military personnel in or around the Gate 18 area. Gate 18 is an area surrounded by active airport vehicle roadways and an active aircraft taxiway. On a previous charter flight, airport staff saw military personnel roaming near roadways.
  - Prevent a security breach. In the past, military personnel had gained access to the airport Operations Control Center, and the airport was concerned about this for security reasons.
  - Process boarding passes for 204 military passengers within a 2-hour period to ensure an on-time departure. Military personnel who deplaned through Gate 18 to the public side of the airport would require boarding passes to go through TSA screening and re-board the aircraft. According to contracting staff, an on-time departure is the first priority of the contract with the airline.



## Absence of a Coordinated Policy Between DOD and DHS for Security Screening of Armed Forces Members on Military Charter Flights

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- Public Law 108-176 (Vision 100), Section 606, stipulates that the “...Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, shall establish security procedures relating to the operation of aircraft when employed to provide charter transportation to members of the armed forces....” to or from a commercial service airport.
- We found no evidence of such security procedures among DOD, DHS, and the Department of Transportation (DOT), resulting in divergent views and practices about whether:
  - Security screening at military bases is sufficient to meet Transportation Security Administration (TSA) standards and procedures at commercial service airports within the United States.
  - Military personnel subject to this screening can directly enter the sterile area of a commercial service airport without further screening.



## Absence of a Coordinated Policy Between DOD and DHS for Security Screening of Armed Forces Members on Military Charter Flights (continued)

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- We also found that the contract between the Command and NAA is silent about whether screening at airports, bases, and terminals where there is a military presence satisfies TSA requirements. The contract contains two provisions that relate to security screening of military personnel on charter flights:
  - One provision requires NAA to satisfy the screening requirements of the TSA Security Program at en route and operational stops where the military does not have a presence.
  - The other provision states that the military will be responsible for security screening at airports, bases, and terminals where there is a military presence.



## Absence of a Coordinated Policy Between DOD and DHS for Security Screening of Armed Forces Members on Military Charter Flights (continued)

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- The lack of a coordinated policy between DOD and DHS for screening military personnel unfortunately resulted in members of the Armed Forces being treated differently at the two commercial service airports involved in our review.

For example:

- At JFK, TSA officials told us that they accept screening at a military point of origin, such as Kuwait, as comparable to TSA screening. They allowed military personnel on Flight 1777 to be escorted directly into the sterile area of Terminal 4 without further screening.
- At Oakland, the airport did not request TSA approval to allow members to access the sterile area of the terminal, because the airport and Hilltop could not determine that the military personnel would be screened to TSA standards prior to arrival.
- We also spoke with an official at TSA Headquarters who stated he agreed with the airport's decision not to allow the military personnel into the sterile area of the terminal because the airport could not confirm whether prior screening had occurred "in accordance with TSA standards and protocols."



## Miscommunication About Proper Storage and Safeguarding of Weapons Carried On Board Aircraft

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- The contract between the Command and NAA did not specify how weapons would be secured on board the flight. Instead, the entire Defense Transportation Regulations, DOD 4500-9R, were inserted in the contract by reference only. The regulations state that weapons can be:
  - Carried either in the baggage or the passenger compartment with the responsible Commanding Officer making the final decision.
  - Carried in the passenger compartment but the Commanding Officer must designate a guard for equipment remaining with the aircraft during technical stops.
- According to Command officials we spoke with, airport officials should have been notified by NAA that weapons on board Flight 1777 would be secured and safeguarded in accordance with DOD regulations.
- Hilltop, working on behalf of NAA, could not confirm that military personnel would leave their weapons on board, which contributed to the airport's decision to park the aircraft at Tango 1.



## Lack of Communication About Accommodating Members' Requests for Services Outside Scope of Contract Terms Between the Command and the Airline

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- ❑ The contract between the Command and NAA required only servicing and re-provisioning of the aircraft during its "technical stop" at the airport.
- ❑ The contract did not require that military personnel have access to the airport terminal; it only required that military personnel be allowed to deplane and stretch their legs on stops lasting over 1 hour.
- ❑ The contract also did not include any specific instructions for accommodating military members, such as meeting family and friends during technical stops.
- ❑ The contract requirement for servicing and re-provisioning the aircraft only became the basis for information conveyed by NAA to Hilltop. NAA, through Hilltop, assumed full responsibility for passengers who deplane during a technical stop.
- ❑ The Commanding Officer and Hilltop learned, only after Flight 1777 parked at Tango 1, that a few military personnel wanted to meet family and friends.



## Lack of Communication About Accommodating Members' Requests for Services Outside Scope of Contract Terms Between the Command and the Airline (Continued)

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- ❑ In fact, the Commanding Officer said that had he known about passengers' desire to meet with family he would have instructed his members that "meet and greet" occur at the Hawaii home base and would not have allowed his members to leave the sterile area at prior stops. This means that the following would be required for meet and greet to occur:
  - The airport would have to be notified in advance.
  - The airline would need to provide special boarding passes for the family and friends in order to clear TSA security screening and gain access to the sterile area to meet with military personnel.
- ❑ Nevertheless, Hilltop was able to accommodate these members by escorting them to the terminal via company vehicle.
- ❑ Airport officials told us that had they known prior to arrival of Flight 1777 that some passengers had arranged to meet family and friends, they would have accommodated the request by arranging a proper meet and greet location in advance.



## Actions Taken and Needed

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- Various steps are in progress to prevent incidents like Flight 1777.
  - On November 1, 2007, John J. Young, Jr., Acting Under Secretary of Defense for Acquisition, Technology and Logistics, wrote to Congressman Mica about the Oakland incident. Mr. Young stated that his office is working with the United States Transportation Command to develop procedures to prevent a recurrence of this type of incident.
  - The airport has updated its Operations Procedures for Military Charter Flights to include prioritizing use of a parking ramp adjacent the terminal for deplaning members into the non-sterile area of the terminal. The airport is also working with TSA to see whether it is allowable for members to re-board the aircraft from the non-sterile side of the terminal rather than having the members go through TSA passenger screening checkpoints.
- Based on the results of our review, we think it would be prudent and beneficial to establish a task force of representatives from the airlines, airports, DOD, DHS, and DOT to develop and implement a uniform process for handling members of the Armed Forces on all DOD chartered flights at U.S. commercial service airports.



## Actions Taken and Needed (continued)

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- At a minimum, the task force should develop a set of uniform policies and procedures for the following:
  - Certifying military personnel to conduct screening according to TSA's security screening standards and protocols.
  - Meeting or exceeding TSA's security standards at point-of-origin airports or bases where the military will conduct the screening.
  - Notifying all appropriate stakeholders in advance that TSA screening standards have been met at point-of-origin airports or bases where the military does the screening so that military personnel can directly access the sterile areas of the airport terminals at stop-over airports en route. If TSA standards were not met, then the charter carrier should arrange to meet such standards at domestic stop-over commercial service airports.
  - Notifying all appropriate stakeholders in advance the method used for properly storing and safeguarding of weapons on board aircraft at stop-over airports.
  - Accommodating military members' request for services that are outside the scope of the contract terms between DOD and the charter carrier, notifying the appropriate stakeholders in advance at stop-over airports that meet and greet arrangements are required, or notifying members in advance that meet and greet will not be allowed during en-route stop-overs.



## Audit Scope and Methodology

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- We conducted audit work for this request between October 1 and December 7, 2007. To obtain data during this review, we met with or interviewed officials representing:
  - U.S. Department of Defense Transportation Command
  - U.S. Air Force Air Mobility Command, Contracting Division
  - U. S. Marine Corps
  - North American Airlines (Operator of Flight 1777)
  - Port Authority of Oakland (Owner/Operator of Oakland International Airport)
  - Hilltop Aviation Services (Ground Handler of Flight 1777 at Oakland)
  - Transportation Security Administration (Headquarters, Oakland International Airport and John F. Kennedy International Airport)
  - U.S. Customs and Border Protection
  - Federal Aviation Administration (Oakland Air Traffic Control Tower and San Francisco Airports District Office).
- We reviewed:
  - Department of Defense policies and procedures for transporting military personnel and equipment on charter flights, including security screening procedures, procedures for weapons storage on aircraft, and procedures for accommodating of military personnel during en-route stop-overs.
  - Contract terms and conditions for operating Flight 1777.
  - Oakland International Airport's policies and procedures for handling military charter flights.
  - Federal Aviation Administration regulations relating to aviation safety and grants and TSA regulations relating to aviation security.