

## Crash of Flight 5191

*The following is an editorial that appeared on Aug. 29 in the Louisville Courier-Journal. The Lane Report extends its sympathies to the families of all the victims of the crash of Flight 5191, trusting that the process of understanding what went wrong and why will bring healing and improve the safety of air travel.*

**A**MERICANS have been told repeatedly that commercial aviation is the safest form of transportation.

That is of no solace to the passengers and crew of Comair Flight 5191 or to their families and friends, of course, and it does not mitigate the horror of the fiery crash that took 49 lives in a field near Lexington's Blue Grass Airport.

The assertion is nonetheless true. Sunday's tragedy was the first fatal accident in the United States involving a commercial passenger jet since November 2001.

At the same time, Americans have also

been assured by the airline companies and by government regulators that, despite the financial difficulties and labor troubles that roil the airlines, there is no scrimping on finances and no inattention when it comes to safety.

The official investigation into Flight 5191 is an opportunity to test that claim.

Certainly, no one should jump to conclusions. While it seems clear that the Comair crew attempted to take off from the wrong runway, there is still much to learn about why such an error occurred and why aviation's meticulous system of checks and communications didn't pinpoint the mistake in time to prevent the crash.

But a major accident is an appropriate occasion also to take a broader look at airline practices and government regulations.

Several airlines, including Comair's parent company, Delta Air Lines, have filed for bankruptcy, and several airlines, including Comair, are battling their unions over

employee concessions that the airlines are demanding as a part of their financial restructuring.

The inquiry should determine whether there are safety implications to the fiscal woes, labor strife and employee give-backs.

The investigation should also examine airline policies and federal rules that address training and licensing, adequate rest for crews, and staffing and workloads in control towers. Questions on these issues have already arisen regarding the crash of Flight 5191.

Moreover, so much attention in the wake of the 9/11 attacks is now focused on pre-flight security, it would be useful to determine whether scrutiny has been deflected from flight procedures and traffic control.

In the end, the Lexington crash may turn out to have been the result of unique factors, providing no greater lesson.

Either way, however, it would be good to know for sure.

## The New Keeneland Racetrack

### Excerpts from the President's Message

**T**HIS summer at Keeneland was all about construction and our track renovation project. Much has happened since the last fan departed the grounds following the spring meeting.

First, the racetrack has been completely remodeled. Believe it or not, in some areas the racetrack has been relocated as much as 25 feet. The biggest change has been made to the turns. Both turns now will be perfect arcs. This safer layout will allow for even more competitive athletic performances. The track has been



Nick Nicholson  
President and CEO

widened, a change that will be well received by horsemen.

Second, we've incorporated a totally new approach to track drainage, using a vertical system as opposed to horizontal drainage. A sophisticated system of drainage fields has been laid underneath the track. It already has been tested by several Central Kentucky summer storms and works well. The vertical system will dramatically enhance the safety of riders and horses for racing in the afternoon and training in the morning.

A Polytrack surface will complete our new track. It consists of a wax-coated combination of sand, various fibers, and rubber. All of this adds up to what we think will be a marvelous surface for top-quality, safe Thoroughbred racing.

The new racetrack is the centerpiece of our renovation, but there are other major improvements as well.

A new toteboard will enhance the racing experience for fans. It is a modern Daktronics ProStar 23mm LED display. The board has been placed in a signature Keeneland limestone structure, designed by Morio Kow.

A new fence in front of the grandstand, combining beauti-

ful limestone and wrought iron, will grace the stretch. And, of course, landscaping has been a central part of the plan. The improvements illustrate what is at the heart of our renovation project – the safety of the horse and human and a desire to protect the beauty of Keeneland.

Other elements not readily apparent but nonetheless important include:

A new irrigation system for the turf course and new Polytrack racing surface.

New cabling that will allow for improved electrical connections, broadcast network hookups, high-definition television and new technology, enabling us to follow each horse through computer chips.

All of this (and more) began after the spring meet and must be ready for opening day, Friday, Oct. 6. So, you can imagine how hectic this summer has been.

## 'Wal-Mart Law' Overtaken in Maryland

Excerpts from an article published by The Heartland Institute

ON July 19, a federal district court ruled Maryland's "Fair Share Health Care Fund Act" – more popularly known as the "Wal-Mart law" – cannot be imple-

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mented because it violates a 32-year-old federal law.

The Maryland law would have required companies with 10,000 or more employees to spend at least 8 percent of their payroll on health benefits or pay into a state Medicaid fund the difference between 8 percent and the percentage actually spent on health benefits. Wal-Mart is the only private-sector employer statewide with that many employees that did not meet the 8 percent threshold.

In finding the law violated the federal Employee Retirement Income Security Act (ERISA) of 1974, U.S. District Judge J. Frederick Motz ruled the Fair Share law sought not to generate revenue

for the state, but to force employers to provide a specific level of health care coverage for their employees, an area under the purview of ERISA.

In his decision, Motz found the Fair Share law "violates ERISA's fundamental purpose of permitting multi-state employers to maintain nationwide health and welfare plans, providing uniform nationwide benefits and permitting uniform national administration."

The Fair Share Health Care Fund Act was widely perceived as a significant test case because it served as a catalyst for similar bills in more than 30 other states this year. The laws were lobbied for or received support from the AFL-CIO and other labor unions. According to the National Retail Federation, 23 such bills have already been defeated by legislators, and none has been passed into law. A similar measure, however, was adopted in August by the City Council of Chicago. At press time, Mayor Richard M. Daley was considering a veto of the ordinance.

## Power Up on Energy Solutions

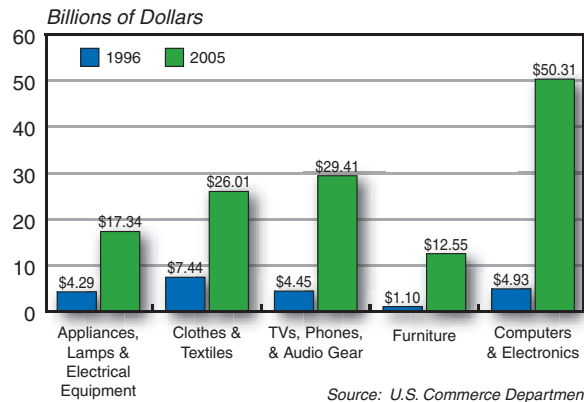
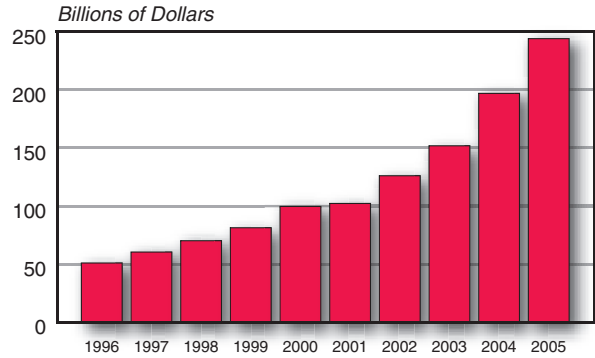
SEPTEMBER'S *Scientific American* magazine is a special issue entitled "Energy's Future Beyond Carbon."

This publication touches on a number of energy issues – many of which may impact in the immediate and near future of businesses, government entities and individual citizens in Kentucky.

A visit to [www.sciam.com](http://www.sciam.com) will provide an energizing and empowering informative read.



## Total U.S. Imports from China



## Rating the Boss

Reprinted from The Kentucky Gazette

“GET some Capitol Hill staffers together and you get the scoop on which bosses are nasty and which are nice, which senator has a sharp mind and which House member relies too much on staff,” *Washingtonian* magazine reported in this month's edition.

In its annual Best and Worst of Congress edition, Kentucky's U.S. Sen. Mitch McConnell made the top three list – yes, three – in two categories.

### Best Leader

- Harry Reid, D-Nev.
- Mitch McConnell, R-Ky**
- Dick Durbin, D-Ill.

### Workhorse

- Ted Kennedy, D-Mass.
- Arlen Specter, R-Pa.
- Tie: **Mitch McConnell, R-Ky.**, Carl Levin, D-Mich.



Sen. Mitch McConnell

Kentucky's junior Sen. Jim Bunning didn't make any of the "top" lists. Every election year, *Washingtonian* surveys top aides on both sides of the aisle to get their "up-close and personal, and anonymous, views." This year, 1,700 staffers returned ballots. The magazine donates \$1 to charity for every ballot returned.