

**OPENING STATEMENT OF
HONORABLE JAMES L. OBERSTAR
BEFORE THE HOUSE AVIATION SUBCOMMITTEE
AIRLINE DELAYS AND CONSUMER SERVICE
SEPTEMBER 26, 2007**

I want to thank Chairman Costello and Ranking Member Petri for calling today's hearing on *Airline Delays and Consumer Service* to receive testimony from the Federal Aviation Administration (FAA), the Department of Transportation Inspector General (DOT IG), Department of Transportation (DOT), airlines, airports, and consumer representatives.

Mr. Chairman, the first seven months of 2007 accounted for the worst delays on record with almost 28 percent – a total of 1.21 million flights – were delayed, cancelled or diverted. Air travel complaints at the DOT Office for Aviation Enforcement and Proceedings have increased by 65 percent compared with same period in 2006.

Chairman Rangel hit the nail on the head last week on the House floor– there is a palpable sense of “outrage” out there in the public about airline delays and consumer issues. The public needs an accounting of what precisely this Administration did for five years to prepare for this summer. Paradoxically, while delays are up, system-wide total airport operations – an indicator of FAA workload - have actually decreased by 11 percent since 2000.

As the FAA financing debate heated up this summer, airlines pointed the finger at general aviation for causing delays. However, some of the testimony that we will hear today suggest that operational and technological trends within the airline itself industry are a much bigger factor.

The decrease in overall airport operations is largely driven by a decrease in general aviation operations. At the same time, airline operations appear to be more highly concentrated at some of the nation's largest and busiest airports.

Today we will hear testimony from MITRE that, since 2004, scheduled airline operations at John F. Kennedy have increased 44 percent. Additional analysis from MITRE reveals that operations at 7 large hub airports that account for 72 percent of delays increased 10 percent since the summer of 2000, while operations at 38 other airports decreased.

The FAA must be more proactive in its examination of airline scheduling practices and, where necessary, it must step in, to prevent delays. Two weeks ago, outgoing FAA Administrator Blakey stated that “. . .airlines need to take a step back on the scheduling practices that are at times out of line with reality. . .”, and last week the FAA requested summer 2008 scheduling information from airlines at JFK and Newark. I applaud these recent developments, but they should have taken place far sooner.

Further, in trying to sell its extremely controversial financing proposal, for which there is no consensus, I believe that this Administration has oversold its Next Generation Air Transportation System (NextGen) plan to the American public. I agree that we must modernize our air traffic control system, and I support the NextGen effort. But NextGen is

a long-term solution, and core NextGen technologies will not yield benefits for several more years, and Americans will not tolerate the current delay situation for several more years.

Airlines have also chosen to replace lower and slower flying turboprops with small regional jets. The number of regional jets has increased by over 200 percent since 2000, from 570 in 2000 to 1,746 in 2006. Because regional jets fly closer to or at the same altitudes and use the same runways as larger commercial jets, they put more demand on the system than turboprops.

Today we will also hear from the DOT IG on their report entitled *Actions to Improve Customer Service and Minimize Long, On-Board Delays* released yesterday.

In 1999, this Committee considered implementing a passengers' bill of rights. Instead, we received a commitment from the airlines that they would implement internal quality assurance and performance measurement systems for consumer protection.

In 2001, the DOT IG reported that the ATA needed not only to announce an "Airline Customer Service Commitment", but to actually implement the commitment. And in April 2007, the DOT IG testified before this Subcommittee that most of the air carriers still had not implemented these commitments. The IG's recommendations once again included implementing the "Airline Customer Service Commitment," ensuring that airlines self-audit customer service needs; disclosure of chronically delayed flights; improving DOT's Office of General Counsel's oversight of consumer protection laws; and developing emergency contingency plans for airports and airlines.

Unfortunately, the airlines' failure to adequately implement the IG's recommendations has forced Congress to step in and legislate specific customer service provisions that the air carriers and airports must uphold. H.R. 2881, the FAA Reauthorization Act of 2007, includes many requirements similar to the IG's recommendations including:

- Mandating that air carriers and airports submit emergency contingency plans detailing how they will deplane passengers following excessive delays and giving DOT the authority to assess a civil penalty against an air carrier or airport that fails to adhere to an approved contingency plan;
- Requiring FAA to convene schedule reduction meetings if aircraft operations exceed hourly rates and are likely to significantly adversely affect national or regional airspace;
- Establishing an Advisory Committee for Aviation Consumer Protection at DOT; and
- Several studies providing oversight of customer protections.

I encourage DOT to continue to perform proper oversight on these important issues, and I applaud Secretary Peters for requesting the IG report and look forward to working with her to implement these additional recommendations.