

Testimony of Congressman Christopher Shays
“Congestion Management in the New York Airspace”
Subcommittee on Aviation
House Committee on Transportation and Infrastructure
June 18, 2007

Chairman Costello, Ranking Member Petri and the Aviation Subcommittee, I appreciate the Subcommittee’s willingness to discuss congestion mitigation strategies for the northeast and look forward to a meaningful discussion about the benefits, drawbacks and unintended consequences redesigning the airspace will have on air travel, congestion, the environment and quality of life on the ground.

First, let me say I understand the Federal Aviation Administration’s (FAA) desire to improve efficiency at LaGuardia, Kennedy, Teterboro, Newark and Philadelphia. Many business travelers are frustrated by the long delays at these airports.

Airline passenger volume continues to increase and the percentage of flights delayed 15 minutes or more in 2007 is close to surpassing the record set in 2000. Statistically, there was a significant increase in congestion and delay throughout the national aviation system in 2007. The situation has been especially noticeable at certain key airports, like JFK. Seventy-five percent of chronically delayed flights nationwide arrive and depart from New York airports.

The Bureau of Transportation Statistics reported between 1995 and 2008, the number of airline operations increased from 1,785,000 flights to 2,389,000 flights, or 25 percent. During that same time period, the percentage of on-time arrivals dropped from 78 percent to 72 percent, while the percentage of late arrivals increased from 15 percent to 21 percent.

With that being said, I am concerned the FAA and DOT are apparently implementing two strategies for congestion mitigation irrespective of one another. The first is the proposed air space redesign, and the second is the imposition of flight caps at the nation’s busiest airports. Furthermore, the FAA’s continued refusal to consider the impact market-based changes will have on the need to redesign the airspace is troubling.

Under the Integrated Airspace Alternative, the FAA’s preferred airspace redesign plan, significant airplane traffic would be routed over parts of Fairfield County at the expense of the region’s quality of life. Redding, Ridgefield, Weston, Wilton, New Canaan, Darien and Stamford would experience significant air traffic overhead because the redesign would shift the approach for flights to LaGuardia from the north.

The FAA has failed to provide any noise mitigation to our region, despite the wide swath of land over the Fourth Congressional District that will be adversely affected by planes flying at altitudes as low as 4,000 feet in the southern part of the district.

The FAA is also continuing to implement its redesign despite DOT's auction proposal that could alleviate the need to redesign the airspace altogether.

Inadequate noise mitigation strategies

The FAA is not required to present noise mitigation strategies even though there is significant impact on the region. Because there is no mandate for the FAA to consider quality of life, redirecting air traffic over previously unaffected areas is given the same weight in the agency's decision-making process as keeping traffic over areas that already have air traffic.

Even more concerning, no attempt has been made to utilize unpopulated, or less populated, tracts of land, industrial or commercial zones, major highway systems or large bodies of waters for mitigating noise impact, or to set minimum altitudes.

If the FAA had to consider the quality of life impacts of the Integrated Airspace Alternative, it would have never concluded this airspace redesign was the appropriate first attempt at relieving air traffic congestion.

It is unreasonable to design airspace without regard to impacts on the ground. For this reason, the FAA should adopt a "no action" alternative at this time until other congestion mitigation strategies, such as the auction proposal or moving peak flights to off-peak hours, have been thoroughly examined and disqualified.

Government Accountability Office (GAO) Study

On September 20, 2007, Congressmen Rodney Frelinghuysen, Scott Garrett, and Elliot Engel and I offered an amendment to H.R. 2881, the FAA Reauthorization Act, requiring the GAO to assess the strengths and weaknesses of the FAA's environmental impact study, the costs and impacts of redesign, and whether the FAA followed due process in creating their proposal. It would be interesting to learn, for instance, if the GAO believes that what the FAA is proposing to do at LaGuardia and Newark would eliminate the need for a redesign.

I am hopeful this study, which is expected to be released on August 1 of this year, will reveal options as effective as redesigning the airspace to mitigate congestion that will not result in any new residents being affected by air-noise.

Other Congestion mitigation strategies

It seems to me there are other solutions that should be considered before implementing such a radical alternative that negatively affects so many thousands of residents throughout the Northeast.

The FAA has consistently stated the only way it can reduce congestion and travel delays is by redesigning the airspace. However, the case for the redesign is built on the flawed

premise that delays are caused by the design of the airspace. This theory neglects to account for inadequate terminal, runway and gate capacity; insufficient Air Traffic Controller Staffing; weather; and over-scheduling flights. It also fails to account for the impact market-based strategies could have on congestion.

What is particularly frustrating about the FAA's actions is the Department of Transportation's implementation of market-based solutions for congestion relief, while the FAA refuses to consider the impacts of these proposals on airspace congestion. We believe moving flights out of peak travel times and implementing slots and quotas at congested airports would have the same effect as a redesign, and must be considered.

I have to ask the FAA and this committee: is the airspace redesign the best we can do to mitigate airline congestion? In implementing the redesign, is it possible we are overlooking other market-based solutions to airline congestion? I believe the answers to those questions are no and yes, respectively.

The DOT's imposition of flight caps at LaGuardia, Kennedy and Newark as a congestion mitigation strategy presents a unique opportunity to evaluate a congestion mitigation strategy that would not require redesigning the airspace. I believe redesign implementation should be postponed until we can determine whether these caps effectively reduce delays and congestion at three of our busiest airports.

I am interested to assess the effect the temporary cap has on passenger service and airline delays at Newark upon its expiration on October 29, 2008.

The FAA has also implemented an 83 flight-per-hour cap at Kennedy in New York and Newark in New Jersey. Last year, Kennedy handled about 100 flights per hour and Newark about 95 flights per hour at peak times. The caps will remain in place at Newark and Kennedy for two years, which will provide an opportunity to compare flight delays and cancellations.

To generate revenue for additional market-based congestion mitigation strategies, the DOT has proposed an auction system for flights during peak hours whose profits would be placed in the General Aviation Fund and used for mitigation activities like taxiway expansion and Air Traffic Control System (ATCS) upgrades. The auction system will provide incentives for airlines to operate more flights during off peak hours.

For example, if a peak travel time occurs between 7 a.m. and 9 a.m. at LaGuardia, it seems to me we should encourage airlines to schedule flights between 5 a.m. and 10 a.m. to reduce the volume of passengers traveling at once.

Simultaneously, we need to examine the schedules of airlines operating out of overbooked metropolitan airports and adjust their arrival times to account for predictable delays.

For instance, on a Monday morning at LaGuardia, there are regularly more than a dozen commercial flights on the taxiway waiting for clearance to take off. Since the scheduled departure times for these flights are known in advance, I believe it is reasonable require the airlines to provide a more accurate estimated time of arrival.

Finally, I am concerned that increasing capacity in the air will not matter if we don't provide additional terminals and runways to get more planes off the ground. The bottom line is there is a finite number of planes that can safely take off and land in a given period of time.

Growing Opposition

In addition to an inadequate assessment of alternative congestion mitigation strategies, it seems to me the FAA has overlooked the growing opposition of residents on the ground.

A petition circulated throughout Connecticut's Fourth Congressional District has garnered the support of 5,500 residents. The petition stated, "We believe that the true social costs of the FAA's proposal have not been adequately evaluated, particularly the increased noise levels, which will cause irreparable harm to our communities."

Jim Gerlach (PA), Rob Andrews (NJ), Joe Sestak (PA), Scott Garret (NY), John Hall (NY), Eliot Engel (NY), Rodney Frelinghuysen (NJ), Nita Lowey (NY) and I wrote FAA Acting Administrator Robert Sturgell on March 12 urging the FAA to postpone the implementation of the airspace redesign. Concern is mounting from the tri-state area.

Our letter stated, "If the GAO finds significant flaws in this plan or the methodology used to develop it, Congress should have an opportunity to work with the FAA to address these concerns before its implementation its irreversible."

The bottom line for me is the FAA is using a flawed process to reach an even more flawed conclusion. We cannot simply ignore the impacts of air noise on the ground. Subsequent attempts to measure and then mitigate the hugely negative impacts are inevitably inadequate. We should all take a step back here and look at the big picture, and then focus on the less radical alternatives before subjecting millions more to the burden of air noise.

Thank you for your time and consideration of the unintended consequences the redesign of the New York/ New Jersey/Philadelphia Northeast Airspace will have on the ground.