

U.S. Senator Charles E. Schumer  
Remarks as Prepared  
House Subcommittee on Aviation:  
Congestion Management in the New York Airspace  
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First, I'd like to thank Chairman Costello and the Aviation Subcommittee for holding this hearing today on such an important issue and allowing me to speak.

Anyone who has traveled in the last year has felt the pain and frustration that now defines air travel in the U.S. Delays and cancellations have crippled the entire air traffic system leaving passengers stranded across the country. Time and time again, we've seen the Department of Transportation attempt to address New York's congestion problems using ideological, market based theory, and other untested experiments.

First it was caps, then it was congestion pricing, and now all we're hearing about are auctions. Instead of focusing on real, tested solutions to solve this problem, like upgrading decades old technology and hiring an adequate number of controllers to staff New York's towers, the DOT continues to miss the point. To make matters worse, the FAA's treatment of controllers has led to an unprecedented rash of retirements thus compounding the problem.

The bottom line is that at the current pace and under the current plan, within the next five years the New York City airspace will be in total gridlock. The wave of controller retirements and the FAA's inability and unwillingness to upgrade antiquated technology will simply cause a meltdown in New York and across the country.

Last summer's travel season was hampered by some of the worst delays ever recorded by the FAA – nearly 30% of all flights were delayed or cancelled. We all remember countless reports from travelers who were stranded on the tarmac for hours on end, and whose flights were cancelled, forcing them to miss out on long-awaited summer vacations or important business meetings. In a report issued last month by the Joint Economic Committee, of which I am the Chair, we found that these flight delays cost passengers, airlines, and the U.S. economy over 40 billion dollars. Sadly, this is just the beginning.

To make matters worse, air traffic control towers across the country are dangerously understaffed. When you look at the workforce nationally, most facilities in the country have staff levels that are more than 35% trainees. In December of 2007, developmental trainees comprised 25% of the national controller workforce, up from about 15% in 2004. Given that the trainees cannot staff a controller position without a fully certified controller supervising, these numbers are alarming.

In New York, when you count fully certified controllers only, excluding trainees, the JFK tower is only 60% staffed, having 22 full time controllers when it should have 37. The LaGuardia tower is only 60% staffed, having 22 full time controllers when it should have 36. The Newark tower is only 67% staffed, having 27 full time controllers when it should have 40. The FAA will give you higher staffing numbers, but that's because their numbers are doctored to include trainees who cannot staff a position without supervision.

At the New York Center, which manages traffic entering into the New York airspace, the average training time at New York Center is slightly more than four years, the second highest in the country. However most of the 71 controllers in training have not even started their training. Since September of 2006, this facility has lost 57 fully certified controllers and only seen 18 hired to replace them. Similarly, the New York TRACON, responsible for all arriving and departing traffic, has lost 23 fully certified controllers to retirement and resignation, and only gained one just this month.

Nationally, the culture of fear created by the FAA has led 3,300 controllers to leave the workforce since 2005 with 15,500 more expected between 2008 and 2017. In just six months from October of 2007 through March of 2008 nearly 1,000 controllers left the workforce – half of them to retire. And of the FAA's 1,800 new hires in FY07, only 150 of them have been fully certified. As the recent DOT IG report pointed out, the FAA may be hiring new trainees, but they aren't adequately training them to become fully certified professional controllers. It doesn't help to include trainees in your staff counts when these controllers can't work unless a full time controller is overseeing them.

This wave of retirements we are seeing just sets up a vicious cycle where there will be more overtime needed, then quicker and more retirements as workers get burnt out. In other words, the next wave of retirements will make this one look like nothing. The bottom line is that New York's towers are understaffed, controllers are retiring in droves, and our air traffic controllers continue to operate with equipment that over 50 years old.

If the DOT and FAA don't take steps upgrade the technology, improve capacity at New York's airports and hire, train and retain more full time controllers, then all we can look forward to is even more congestion and problems. The key is enhancing capacity at the airport and fully staffing the control towers.

Now, the DOT plans to auction off takeoff and landing time slots at New York City's three area airports. This will in NO WAY reduce congestion in New York's airspace. Instead, this plan could limit consumer choices and have a dire impact on service to small communities. And I will act quickly to prevent this plan from being implemented.

As travelers, we feel the burden of an airline industry gasping to catch its breath, and the worst possible thing the Administration could do to passengers and the industry in general is to deliver one big punch in the gut by auctioning off slots at New York's airports.

As I've said multiple times before, this is an ideological, untested experiment from those in an Ivory Tower. There is no proof that DOT's auctions plan will do anything to reduce congestion, yet DOT insists that this market-based solution is the only effective proposal. The DOT's misguided plan to sell take-off and landing slots to the highest bidder won't make your plane take off faster, it will just cost New Yorkers more to fly and throw LaGuardia, JFK and Newark into chaos.

Auctions have no proven track record of working. They have never been tried in any U.S. airport, nor have they been tried at any airport in the world. In fact, the entire plan is modeled after London's road congestion pricing plan. I don't know of one expert who believes this plan will work or is beneficial to the consumer. In fact, the Air Transport Association which represents the airlines, the Port Authority of NY and NJ and the Airports Council International, which represents the airports across the country, are ALL opposed to slot auctions. In fact, their plan is unconstitutional and will be challenged in court.

Airports in the New York City area, which are some of the world's busiest, should not be the guinea pigs in DOT's harebrained congestion experiment. When I spoke to Acting Administrator Sturgell, I told him that I would oppose any experiment in the New York area involving auctions, and because he couldn't give me a straight-forward answer as to the FAA's plans, I placed a hold on his nomination which still exists today.

Auctions will also be detrimental to consumer choices. Small communities in New York State and across the country, like Buffalo and Syracuse, will inevitably see a decrease in service when airlines abandon smaller routes in favor of more lucrative long-distance and overseas flights. Under this proposal consumers will most likely see low-cost air service cramped out of the market and additional expenses airlines incur to buy slots will inevitably be passed along to consumers. This is the last thing consumers need.

This auction plan is further flawed by the assumption that all slots are interchangeable. However, we all know that a flight from JFK to London is not interchangeable with a flight from JFK to Buffalo. Long-distance and international flights need to take off and land at certain times of the day, and large planes need specifically-designated large gates and terminals.

The DOT claims that auctions are part of a market-based solution to address congestion, but as you can see auctions will do nothing more than hurt consumers by and make our domestic airlines less competitive.

So, today I have introduced legislation supported by both the airlines and the airports including the Port Authority of New York and New Jersey, which will protect travelers by prohibiting the DOT from implementing auctions in New York City or at any commercial airport in the country. I cannot stress enough how important this legislation is. The DOT insists that auctions are the only viable solution to congestion problems in New York but as you can see, this is no solution at all. My bill protects the proprietary rights of the airports while preserving the airlines ability to offer consumers the best variety of air service they can provide.

Once again, the DOT is putting ideology before efficiency and the almighty dollar before New Yorkers and passengers around the country. It is time to put an end this scheme once and for all.