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AIR TRANSPORTATION—CUSTOMER PROBLEMS AND SOLUTIONS

HEARING

BEFORE THE

SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

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AIR TRANSPORTATION—CUSTOMER PROBLEMS AND SOLUTIONS

TUESDAY, JULY 31, 2001

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., in room 2154, Rayburn House Office Building, Hon. Doug Ose (chairman of the subcommittee) presiding.

Present: Representatives Ose, Otter, Duncan, Tierney, Mink, and Kucinich.

Staff present: Dan Skopec, staff director; Barbara Kahlow, deputy staff director; Jonathan Tolman, professional staff member; Regina McAllister, clerk; Elizabeth Mundinger, minority counsel; and Earley Green, minority assistant clerk.

Mr. OSE. Good afternoon. I call this meeting to order of the Energy Policy, Natural Resources and Regulatory Affairs Subcommittee. Good afternoon. The way we are going to proceed, I'm going to make an opening statement and then Mr. Duncan is going to make an opening statement. I forewarn you we are on the verge of having a vote on a rule on the House floor. We are monitoring that. When we get to that, we'll recess to go over and vote and then come back.

The summer is a busy travel time. Many Americans travel by air. Unfortunately, too many have experienced frustration with air travel, particularly delays. Some have also experienced a variety of other problems, such as not receiving information about the lowest available airfare, being bumped from an overbooked flight, having the airlines lose their baggage, having insufficient overhead bin space for their carry-ons, and suffering in cramped leg room. Today's hearing will examine possible solutions to remedy at least some of these problems.

In 1978, Congress changed the economic regulation of the airline industry in the Airline Deregulation Act. Since then, fares have fallen, more cities have more air service, and fatalities in the air have decreased. However, the bad news is that there are still big problems, especially as it relates to delays. In 2000, one in four flights were late, diverted or canceled. The question is, what can be done now to prevent that from reoccurring. The June 25, 2001 edition of Fortune magazine included an article entitled, "Air Travel—How to Fix the Air-Traffic Mess, Deregulation Isn't the Prob-

lem. It's the Answer." Today's witnesses will be asked if regulatory streamlining is an answer.

The Department of Transportation is responsible for addressing consumer airline problems. Last month in response to consumer frustration and possible new legislation, the Air Transport Association, representing 14 major airlines, voluntarily committed to improve customer service, such as notifying passengers of known delays, cancellations and diversions and lowest available air fares. I look forward to a status report on that today.

Even if customer service improves, there is a growing gap between the demand for air transportation and capacity to meet that demand. Some believe that air transportation problems can be best addressed by increased airport capacity—greater use of underutilized airports, new runways, new airports and conversion of some military airfields to civilian use—and, second, air traffic control modernization. Denver's airport is the only new major hub airport in the last 25 years. Also, while passenger ridership increased more than 40 percent during the last 10 years, only six runways were added at the 31 large hub primary airports. Another 18 runways are planned to be opened in the next 10 years at the 31 hub airports.

In 2000, Congress required DOT to study Federal environmental requirements related to air improvement projects. In May 2001, DOT's Federal Aviation Administration issued the required report. FAA found that the 31 hub airports account for 70 percent of U.S. air passengers and the top 25 of these airports account for 86 percent of all severe air traffic delays. FAA estimated an average 10-year planning cycle for new commercial runways; that is, from time of active planning to the start of construction. From first planning to actual completion takes even longer. In many cases the process took 15 to 20 years. Some took more than 20 years. One major airport has a runway that has been on the drawing board for 30 years. These delays are the result of a review and approval process that is complicated, conflicting, duplicative and ill-defined.

This lengthy process is due to the fact that there are approximately 40 Federal laws, Executive orders and regulations governing runway and airport construction. Principal among these is the National Environmental Policy Act. Besides Transportation's FAA, there are numerous Federal agencies involved in these processes.

In addition to the Federal agencies and requirements, there are State and local agencies and processes, some of which are duplicative of the Federal process. The most far reaching State review is the California Environmental Quality Act. Substantial airport development projects in California require a State environmental impact report in addition to a Federal environmental impact statement under NEPA.

The principal air transportation agencies and organizations do not want to change existing environmental laws but support a better coordinated review process. The key to shortened time lines for new runways and airports may be simultaneous versus sequential processes and set time limits, both at the Federal level and at the State or local level. Today's hearing will explore the timetable for that regulatory streamlining.

In addition, there is an outdated air traffic control system. FAA's computer software dates to the 1960's. Right now we use the functional equivalent of single lane highways in the sky. If spacing were reduced via reduced vertical separation minima or RVSM, more planes could be accommodated. The standards we are using today were set 50 years ago. Satellite based technology, primarily GPS technology, would enable planes to fly closer together, essentially converting what is a single lane highway into a 12-lane highway. FAA will provide a status report on that today.

I look forward to the testimony of our witnesses on how air transportation can be approved. I recognize the gentleman from Tennessee for the purpose of an opening statement.

[The prepared statement of Hon. Doug Ose follows:]

Chairman Doug Ose
Opening Statement
Air Transportation - Customer Problems and Solutions
July 31, 2001

The summer is a busy travel time. Many Americans travel by air. Unfortunately, too many have experienced frustration with air travel, especially delays. Some have also experienced a variety of other problems, such as not receiving information about the lowest available airfare, being bumped from an over-booked flight, having the airlines lose their baggage, having insufficient overhead bin space for their carry-ons, and suffering in cramped leg room. Today's hearing will examine possible solutions to remedy at least some of these problems.

In 1978, Congress changed the economic regulation of the airline industry in the Airline Deregulation Act. Since then, fares have fallen, more cities have more air service, and fatalities in the air have decreased. However, the bad news is that there are still big problems, especially delays. In 2000, one in four flights were late, diverted or canceled. The question is what can be done now. The June 25, 2001 edition of Fortune magazine included an article entitled, "Air Travel - How to Fix the Air-Traffic Mess - Deregulation Isn't the Problem. It's the Answer." Today's witnesses will be asked if regulatory streamlining is an answer.

The Department of Transportation (DOT) is responsible for addressing consumer airline problems. The Department receives complaints from the public, verifies industry compliance with the Department's aviation consumer protection requirements, provides guidance, and makes information available to the public. DOT publishes monthly statistics on flight delays, mishandled baggage, oversales, and consumer complaints. Last month, in response to consumer frustration and possible new legislation, the Air Transport Association (ATA), representing 14 major airlines, voluntarily committed to improve customer service, such as notifying passengers of known delays, cancellations and diversions and lowest available airfares. I look forward to a status report today.

Even if customer service improves, there is a growing gap between the demand for air transportation and capacity to meet that demand. Some believe that air transportation problems can be best addressed by (1) increased airport capacity - greater use of under-utilized airports, new runways, new airports, and conversion of some military airfields to civilian use - and (2) air traffic control modernization. Denver's airport is the only new major hub airport in the past 25 years. Also, while passenger ridership increased more than 40 percent, during the last ten years, only six runways were added at the 31 large "hub" primary airports. Another 18 runways are planned to be opened in the next 10 years at the 31 hub airports.

In 2000, Congress required DOT to study Federal environmental requirements related to air improvement projects. In May 2001, DOT's Federal Aviation Administration (FAA) issued the required report. FAA found that the 31 hub airports account for 70 percent of U.S. air passengers and the top 25 of these airports account for 86 percent of all severe air traffic delays (see Chart 1). FAA estimated an average 10-year planning cycle for new commercial runways - from time of active planning to the start of construction. From first planning to actual completion takes

even longer (see Chart 2). In many cases, the process took 15-20 years; some took more than 20 years. One major airport has a runway that has been on the drawing board for 30 years. These delays are the result of a review and approval process that is complicated, conflicting, duplicative and ill-defined. The Director of Phoenix's Sky Harbor Airport, whose completed new runway process took the longest time in the last ten years, and the American Association of Airport Executives (AAAE) will testify today.

This lengthy process is due to the fact that there are approximately 40 Federal laws, executive orders, and regulations governing runway and airport construction (see Chart 3). Principal among these is the National Environmental Policy Act (NEPA). Others include the Uniform Relocation Assistance and Real Property Acquisition Policies Act, Clean Air Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, and an Executive Order on Protection of Wetlands. Besides Transportation's FAA, there are numerous Federal agencies involved in these processes, including: Commerce's National Marine Fisheries Service, Defense's Army Corps of Engineers, Interior's Fish and Wildlife Service, Transportation's Federal Highway Administration, the Council on Environmental Quality, the Environmental Protection Agency, the Advisory Council on Historic Preservation, and more. Federal requirements are currently specified in hundreds of pages of laws, regulations, and nonregulatory guidance documents.

In addition to Federal agencies and requirements, there are State and local agencies and processes, some of which are duplicative of Federal processes. The most far-reaching State review is the California Environmental Quality Act. Substantial airport development projects in California require a State Environmental Impact Report (EIR) in addition to a Federal Environmental Impact Statement (EIS) under NEPA. FAA found that the longest EIS time line for new runways approved in the last five years was for San Jose, California. In this case, the local airport authority decided to separate the State EIR from the Federal EIS, resulting in sequential processes. The National Association of State Aviation Officials (NASAO) will testify today.

Besides requirements and processes, resistance to new runways and airports is often intense. Local environmental groups and anti-growth citizens can slow the process. Their battle cry can include NIMBY (Not In My Back Yard) or BANANA (Build Absolutely Nothing Anywhere Near Anything) arguments, demands and lawsuits.

The principal air transportation agencies and organizations do not want to change existing environmental laws but support a better coordinated review process. The key to shortened time lines for new runways and airports may be simultaneous versus sequential processes and set time limits - both at the Federal level and at the State/local level. Today's hearing will explore the timetable for regulatory streamlining.

In addition, there is an outdated Air Traffic Control system. FAA's computer software dates to the 1960s. Right now we use the functional equivalent of single lane highways in the sky. If spacing were reduced (via reduced vertical separation minima or RVSM), more planes could be

accommodated. The standards were set 50 years ago. Satellite-based technology - global positioning system technology - would enable planes to fly closer together, essentially into a 12-lane highway. FAA will provide a status report today.

I look forward to the testimony of our witnesses on how air transportation can be improved. Our witnesses include: Donna McLean, DOT Assistant Secretary for the Office of Budget and Programs & Chief Financial Officer; Jane Garvey, DOT/FAA Administrator; Ed Merlis, Senior Vice President, Legislative & International Affairs, ATA; Todd Hauptli, Senior Vice President, Legislative Affairs, AAAE; Henry Ogrodzinski, President & CEO, NASAO; David Krietor, Aviation Director, Phoenix Sky Harbor Airport; and Sue Sandahl, Council Member At-Large, Richfield, Minnesota.

Chart 1

31 HUB AIRPORTS RANKED BY NUMBER OF DELAYS: 2000

♦Top 25 airports account for 86% of all delays

AIRPORT	TOTAL DELAYS
New York - LaGuardia	61,120
Chicago - O'Hare	57,545
Newark	37,132
Atlanta Hartsfield	28,229
San Francisco	24,478
Boston Logan	24,120
Philadelphia	21,521
Dallas - Ft. Worth	20,638
Los Angeles	17,141
Phoenix - Sky Harbor	14,024
New York - JFK	13,930
Houston - George Bush	13,785
Detroit - Metro	9,780
Washington - Dulles	9,339
St. Louis - Lambert	8,837
Cincinnati	7,360
Minneapolis - St. Paul	6,658
Miami International	5,849
Seattle - Tacoma	4,653
Las Vegas - McCarren	4,178
Charlotte - Douglas	2,748
Washington - Reagan National	2,727
Orlando International	2,297
Baltimore - Washington	2,181
Pittsburgh	1,695
Denver	1,177
Ft. Lauderdale - Hollywood	1,027
Salt Lake City	720
San Diego	520
Tampa	435
Honolulu	8

Source: FAA's Airport Capacity Benchmark Report 2001

Prepared for Congressman Doug Ose

Chart 2a

6 Runways Completed at Hub Airports: 1990-2000

AIRPORT	YEAR PLANNING STARTED	COMPLETION DATE	NUMBER OF YEARS
Phoenix - Sky Harbor	1972	2000	28
Las Vegas - McCarren	1979	1991	12
Philadelphia	1989	1999	10
Dallas - Ft. Worth	1986	1996	10
Salt Lake City	1988	1995	7
Detroit - Metro	1986	1993	7

Prepared for Congressman Doug Ose

Chart 2b

18 Proposed Runways at Hub Airports

AIRPORT	YEAR PLANNING STARTED	EXPECTED COMPLETION DATE	NUMBER OF YEARS
Boston Logan	1973	2005	32
Dallas - Ft. Worth	1986	2011	25
Baltimore - Washington	1987	2010	23
Washington - Dulles	1985	2008	23
Houston - George Bush	1983	2004	21
St. Louis - Lambert	1987	2006	19
Seattle - Tacoma	1989	2006	17
Detroit - Metro	1986	2001	15
Minneapolis - St. Paul	1989	2003	14
Orlando International	1989	2003	14
Cincinnati	1992	2005	13
Los Angeles	1994	2007	13
Miami International	1991	2003	12
San Francisco	1997	2008	11
Atlanta Hartsfield	1995	2005	10
Tampa	2000	2010	10
Charlotte-Douglas	1995	2004	9
Denver	1996	2003	7

Prepared for Congressman Doug Ose

Chart 3

FEDERAL ENVIRONMENTAL LAWS AND EXECUTIVE ORDERS

FEDERAL LAWS:

American Indian Religious Freedom Act
Anadromous Fish Conservation Act
Archeological and Historic Preservation Act
Archeological Resources Protection Act
49 U.S.C. 47101 et seq., formerly Airport and Airway Improvement Act
Clean Air Act
Clean Water Act
Coastal Barrier Resources Act
Coastal Zone Management Act
Comprehensive Environmental Response, Compensation, and Liability Act
Department of Transportation Act, Section 4(f)
Endangered Species Act, Section 7
Farmland Protection Policy Act
Fish and Wildlife Conservation Act
Fish and Wildlife Coordination Act
Land and Water Conservation Fund, Section 6(f)
Marine Mammal Protection Act
National Environmental Policy Act
National Historic Preservation Act
Native American Graves Protection and Repatriation Act
Pollution Prevention Act
Resource Conservation and Recovery Act
Rivers and Harbors Act
Safe Drinking Water Act
Sikes Act Amendments
Toxic Substances Control Act
Uniform Relocation Assistance and Real Property Acquisition Policies Act
Wild and Scenic Rivers Act

EXECUTIVE ORDERS:

11593, *"Protection and Enhancement of the Cultural Environment"*
11990, *"Protection of Wetlands"*
11998, *"Floodplain Management"*
12088, *"Federal Compliance with Pollution Control Standards"*
12372, *"Intergovernmental Review of Federal Programs"*
12898, *"Federal Actions to Address Environmental Justice in Minority and Low-Income Populations"*
13007, *"Indian Sacred Sites"*
13045, *"Protection of Children from Environmental Health and Safety Risks"*
13084, *"Consultation & Coordination with Indian Tribal Governments"*
13112, *"Invasive Species"*
13186, *"Responsibilities of Federal Agencies to Protect Migratory Birds"*

Source: FAA's Report to Congress on Environmental Review of Airport Improvement Projects May 2001

Prepared for Congressman Doug Ose

Mr. DUNCAN. Mr. Chairman, thank you very much. As you know, I just added this committee to the committees on which I serve and I've had a couple of meetings of the full committee, but this is my first meeting of this subcommittee and it's a little ironic I suppose to look down and see a group of old friends here to testify and, as you know, I've spent the past 6 years chairing the House Aviation Subcommittee, and I still serve on that subcommittee, and during my tenure as chairman of the Aviation Subcommittee, we held many hearings on customer problems and what we can do to improve our air traffic control system and all of the problems that you've just done such a fine job of summarizing in your statement. Your statement has hit the nail on the head on many of these issues.

I first want to welcome Administrator Garvey, who I think has done an outstanding job as Administrator of the FAA, and also I see Donna McLean down there and I testified at her confirmation hearing. She used to work for me at the subcommittee and did an outstanding job, and I could say, I should say nice things about all the people here to testify, but I won't take up all of that time. Let me——

Mr. OSE. We do have the time, Mr. Duncan.

Mr. DUNCAN. Let me just say that the main legislation that we passed as chairman was the AIR–21 legislation, and that I think most of us in this room believe will lead to many improvements in these problems if it has time to take effect.

In the year 2000, there were almost 700 million air travelers, and to have all of those hundreds of millions of passengers arrive safely and almost all of them very close to being on time, and have even more bags arrive, I think the job that the airlines and the FAA do is miraculous. On the other hand, the airline industry and aviation is probably the most high profile industry in this country today. It's just a fact of life that, if people have 100 good flights and 1 bad flight, the flight they tell everyone about is the bad flight that they have.

The demands are out there that all of us have to work to meet in some way. The demands are out there to always constantly be trying to improve service and cut down on delays and do everything we can to make the whole system better.

I do understand that the Air Transport Association has reported that the airlines as a group have spent $3 billion in recent months to address customer service-related problems over these last few years, and the customer complaints are way down, but almost half of what they were just a year ago. But we do have to try to do even better.

The American Association of Airport Executives, Todd Hauptli is here to represent them today. Todd's another long time friend. They've estimated that, if we construct 50 miles of new runway, our capacity problems would be greatly, greatly reduced. And that, I think, is the key. I'm told that almost 70 percent of all delays are weather-related and so we can't do a lot about that. So we have to work with that other 30 percent that hopefully we can do something about. But as you pointed out, Mr. Chairman, the problem is how long it takes or one of the main problems is how long it takes to get some of this new capacity into operation.

I remember one hearing we had in which they said that the main runway at the Atlanta airport took 15 years from the time it was conceived until it was completed. And yet, only 33 of those days were spent on actual construction. They were 24-hour days, so around the clock construction, so perhaps you could say 99 days. But still out of a 15-year period, that's ridiculous.

In AIR–21 we had a provision that would require the FAA to study the environmental requirements related to the planning and approval of airport projects, such as runways. That study was released this past May and reported that the average time from the start of planning of a runway until the start of construction is around 10 years, with the environmental impact study occupying the biggest part, or that's the biggest single thing taking up this time.

In 1987, Memphis decided to address congestion problems and start construction of a new runway. It took the airport 16 years from the beginning of that process until the runway was finally opened. That is simply too long. It's something that we have to improve, and it's, I think, the biggest single area of where we can improve and speed things up.

The top 31 cities that have the most congestion have built only seven runways in recent years, and those same 31 cities, I'm told, have built 47 athletic stadiums just since 1990. So they obviously have given higher priority to that than they have to something as important as aviation and our entire aviation system.

So, I'm very pleased that you're holding this hearing today. I look forward to the testimony of the witnesses. There are many things we can do and should do, and I think all of these people down front are trying hard to solve as many of these problems as we can, and hopefully we can help them in that process.

Thank you very much.

Mr. OSE. I thank the gentleman. Procedurally, if other Members come and they have opening statements, we are going to provide an opportunity to submit them written to the record.

We are going to move ahead here on the testimony of the witnesses. I want to welcome our witnesses today. Joining us, and we are going to go left to right here, we have Ms. Donna McLean, who is the Assistant Secretary for the Office of Budget and Programs and the Chief Financial Officer for the Department of Transportation. Next is Ms. Jane Garvey, who is the Administrator of the Federal Aviation Administration, Department of Transportation. Seated next to Ms. Garvey is Ed Merlis, who is the senior vice president of legislative and international affairs for the Air Transport Association of America, Inc. Directly in the middle is Todd Hauptli, the senior vice president, legislative affairs for the American Association of Airport Executives. Next to Mr. Hauptli is Henry Ogrodzinski, who is the president and chief executive officer of the National Association of State Aviation Officials. Next is Mr. David Krietor, who is the aviation director for Phoenix Sky Harbor Airport. And our final witness is Sue Sandahl, a council member for the Richfield City Council in Minnesota.

At this committee, we swear in our witnesses so if you'd all rise.

[Witnesses sworn.]

Mr. OSE. Let the record show the witnesses answered in the affirmative.

Ladies and gentlemen, we've had your testimony for a couple of days. I know I've read it. I'm sure Mr. Duncan has, as has Mr. Tierney. We are going to give you each 5 minutes to summarize. I have a quick gavel, given the number of witnesses we have today, so, Ms. McLean, you're first for 5 minutes.

STATEMENTS OF DONNA McLEAN, ASSISTANT SECRETARY FOR THE OFFICE OF BUDGET AND PROGRAMS AND CHIEF FINANCIAL OFFICER, DEPARTMENT OF TRANSPORTATION; JANE GARVEY, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION; ED MERLIS, SENIOR VICE PRESIDENT, LEGISLATIVE AND INTERNATIONAL AFFAIRS, AIR TRANSPORT ASSOCIATION OF AMERICA, INC.; TODD HAUPTLI, SENIOR VICE PRESIDENT, LEGISLATIVE AFFAIRS, AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES; HENRY OGRODZINSKI, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL ASSOCIATION OF STATE AVIATION OFFICIALS; DAVID KRIETOR, AVIATION DIRECTOR, PHOENIX SKY HARBOR AIRPORT; AND SUE SANDAHL, COUNCIL MEMBER AT-LARGE, RICHFIELD CITY COUNCIL, MINNESOTA

Ms. MCLEAN. Thank you, Mr. Chairman, Congressman Tierney, and members of the subcommittee. I'm pleased to appear before you today along with Administrator Garvey on behalf of Secretary Mineta to discuss air transportation, customer problems and solutions. I want to clarify that the request was for our Chief Counsel, who is still being considered by the Senate. So, as the CFO, I'm pinch hitting today.

As I will shortly discuss, flight problems, including delays, cancellations or missed connections, is the No. 1 consumer complaint category and has been for years. In 2000, more than 700 million passengers flew on U.S. airlines, a 50 percent increase in just 9 years. In addition, the Federal Aviation Administration expects that the numbers of passengers flying on U.S. airlines will hit 1 billion by the year 2010. This dramatic growth has strained our existing aviation infrastructure nearly to breaking point in some parts of the country. It is the goal of DOT and FAA, working together with Congress and the industry, to add capacity to the national air transportation system, while ensuring that the individual consumer is protected.

While the FAA is responsible for aviation safety and air traffic efficiency, the Office of the Secretary of Transportation is responsible for the economic aspects of the aviation industry. In addition, the Office of the Secretary publishes DOT's monthly Air Travel Consumer Report. The report provides consumers useful airline information in the areas of consumer complaint levels, flight delays, mishandled baggage rates and airline oversales, or commonly referred to as denied boarding.

As shown in this report, most consumer complaints we receive fall into three categories, the most common being flight problems, followed by customer service and then baggage. Although the number of complaints have changed over the past several years, the

ranking of the top three complaint categories has remained the same. Total complaints received nearly quadrupled from 1995, where we received 6,000 complaints, to the year 2000 where we received 23,000 complaints.

Customer complaints often increase when flights are delayed. In the year 2000, only 7 percent of flights arrived on time, which was the lowest percentage in the past 6 years. I want to note that in the first half of 2001, this year, the Department has received 9,800 complaints. Although it's too early to draw conclusions, it appears that complaint rates are dropping slightly.

We are committed to working with all interested parties, Congress, consumers and industry, to reduce the number of flight delays that result in a high level of frustration by the traveling public. As an example of that commitment, the Enforcement Office at DOT has recently emphasized two customer protection areas: deceptive advertising and civil rights compliance. In the area of airline advertising and Internet sales, the Enforcement Office has conducted a number of investigations and taken other steps to ensure that transportation consumers are not deceived and that they are provided accurate and comparable information to make educated travel purchase decisions.

In the past 3 years, the Enforcement Office has investigated over 100 cases of alleged discrimination based on race, ethnicity, national origin and religion. In addition, DOT is currently completing its review of several thousand complaints alleging violations of the Air Carrier Access Act in connection with inadequate wheelchair service. These complaints and requirements contained in AIR–21 have imposed a substantial new workload on the Enforcement Office.

Taking the lead from the Department's Inspector General's report on airline customer service commitments, which found that resources carrying out the Department's aviation consumer protection responsibilities are seriously inadequate, President Bush's budget for 2002 seeks additional resources for aviation consumer protection functions. In particular, we are seeking an additional $2.6 million in funding, which includes 18 positions and 11 FTEs, which translate into 11 FTEs for the Enforcement Office.

Before closing, I must point out that we may be beginning to see a trend toward improved airline customer service. For example, airline customer complaints filed with the Department for the first 6 months of this year are down about 20 percent from the levels experienced over the same period last year. In addition, mishandled baggage rates have improved in the first 6 months of calendar year 2001, compared to the same period last year.

Likewise, airline on-time performance appeared to be improving in the first half of this year. The carriers reported 77 percent of their flights were on time this year as compared to the same period last year, where the rate was 74 percent. We are convinced, as is the IG, that if the problem of flight delays is solved, we would see further declines in many of the complaint categories.

We are also taking steps to improve customer protection requirements in areas covered by the airline customer service commitments. We have already doubled airline minimum baggage liability limits and begun work on developing a rulemaking to examine,

among other things, increasing the maximum amounts of denied boarding compensation. Notwithstanding recent indications of improvement, we are all aware that there is much still to be done to protect the interests of air travelers.

I assure you that we will continue to devote our best efforts in that regard.

Thank you, Mr. Chairman.

[The prepared statement of Ms. McLean follows:]

STATEMENT OF DONNA R. McLEAN
ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS
BEFORE THE SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS
COMMITTEE ON GOVERNMENT REFORM
JULY 31, 2001

Chairman Ose, Congressman Tierney, and Members of the Subcommittee, I am pleased to appear before you today, along with Administrator Garvey, on behalf of the Secretary of Transportation, to discuss "Air Transportation--Customer Problems and Solutions."

As I will shortly discuss, Flight Problems (including delays, cancellations or missed connections) is the number one consumer complaint category, and has been for years. In 2000, more than 700 million passengers flew on U.S. airlines, a 50 percent increase in just nine years. In addition, the Federal Aviation Administration (FAA) expects that the number of passengers flying on U.S. airlines will hit one billion by the year 2010. This dramatic growth has strained our existing aviation infrastructure nearly to the breaking point in some parts of the country. It is the goal of DOT and FAA, working together with Congress and the industry, to add capacity to the national air transportation system, while ensuring that the individual consumer is protected.

While the FAA is responsible for aviation safety and air traffic efficiency, the Office of the Secretary of Transportation (OST) is responsible for the economic aspects of the aviation industry. One facet of OST's responsibility is aviation consumer protection, provided through the Department's Office of Aviation Enforcement and Proceedings (Enforcement Office). OST also has an oversight and coordination role with respect to

transportation infrastructure grant programs within the Department. In this role it becomes involved to some extent in the environmental review process used in the FAA's airport grant program.

In addition to its enforcement and compliance activities, the Enforcement Office publishes DOT's monthly *Air Travel Consumer Report* (Report). The Report provides consumers useful airline comparative information in the areas of consumer complaint levels, flight delays, mishandled baggage rates, and airline oversales (*i.e.*, denied boardings). By reviewing the Report, and other helpful publications that the office disseminates and posts on its very popular website (www.dot.gov/airconsumer), consumers can better inform themselves to make the best air travel purchase decisions.

An examination of Reports over the last several years reveals problem areas and trends in consumer complaints. Total complaints received nearly quadrupled from 6,026 in 1995 to 23,381 in 2000. Note, however, that in the first half of 2001, the Department has received only 9,811 complaints. Although it is too early to draw firm conclusions, we are gratified that complaint rates appear to be dropping.

More than 70 percent of the consumer complaints we received during the first half of this year fall into three categories -- the worst being Flight Problems (36.1 percent), followed by Customer Service (19 percent), and then Baggage (16.3 percent). Although the numbers of complaints have changed over the past several years, the rankings of the top three complaint categories have remained the same.

Complaints concerning Flight Problems increased from 1,813 in 1996 to 2,552 in 1998. In 1999, those complaints jumped to 7,129 and jumped again in 2000 to 9,235. In the first half of 2001, 3,537 flight problem complaints were received. Flight delay data in the Report present a basis for calendar year 2000 complaints. In 2000, only 72.6 percent of flights arrived on time, the lowest percentage in the past six years.

Customer Service complaints increased from 1,161 in 1996 to 1,960 in 1998. Such complaints more than doubled, to 4,175, in 1999 and increased again in 2000 to 4,535. Figures for the first six months of 2001 show 1,862 complaints received. Customer Service often becomes an issue when flights are delayed or passengers need to be rescheduled.

The third most prevalent type of complaint, Baggage, increased from 1,165 in 1996 to 1,432 in 1998. As with the other complaint categories mentioned above, Baggage complaints jumped in 1998 to 2,913 and increased again in 2000 to 3,468. Baggage complaints total 1,599 for the first half of this year. As with customer service problems, baggage problems often result from flight problems, such as missed connections.

We realize that the number of flight delay complaints in particular, is evidence of consumers' high level of frustration with air transportation and is reflected in the overall complaint rate. We are committed to work with all interested parties--Congress, consumers, and industry--to reduce the number of flight delays and the complaints that result.

As I mentioned previously, within the Department, the Enforcement Office, which includes the Aviation Consumer Protection Division (ACPD), is responsible for aviation economic compliance and enforcement activities, including those associated with consumer protection, civil rights, and unfair competition. ACPD staff meet regularly with airline officials to discuss consumer complaint trends and to resolve compliance problems that arise.

The Enforcement Office has recently emphasized two consumer protection areas: deceptive advertising and civil rights compliance. Other consumer protection requirements enforced include those relating to unfair and deceptive practices by air carriers and travel agents, public charter rules, rules restricting ticket sales, denied boarding compensation rules, refund requirements, and consumer notice requirements.

In the area of airline advertising and internet sales, the Enforcement Office has conducted a number of investigations and taken other steps to ensure that transportation consumers are not deceived and that they are provided accurate and comparable information to make travel purchase decisions. For example, at the Enforcement Office's request, one major internet travel agency changed its sales procedures to ensure that customers were apprised of the total price they were paying for a ticket before incurring a credit card debit for the purchase, so that they were not surprised by hidden charges when they received their credit card bills.

In the past three years, the Enforcement Office has investigated over 100 cases of alleged discrimination based on race, ethnicity, national origin, and religion. In addition, it is currently completing its review of about 500 complaints it has received

from air travelers with disabilities, as well as several thousand complaints received by air carriers, alleging violations of the Air Carrier Access Act in connection with inadequate wheelchair service. The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21) requires that the Department develop and implement an Air Carrier Access Act technical assistance and consumer information program and that the Department investigate each Air Carrier Access Act complaint that it receives. This has imposed a substantial new workload on the Enforcement Office.

On February 12, 2001, the Department's Inspector General (IG) completed his review of the major airlines' compliance with their voluntary customer service commitments. In his report, the IG outlined the service problems currently being faced by U.S. air travelers and the progress air carriers have made in alleviating those problems. The report found that improvements in airlines' customer service commitments are often overshadowed by widespread flight delays and cancellations.

Another finding of the IG report was that the Department of Transportation's resources for carrying out its aviation consumer protection responsibilities are seriously inadequate. Recognizing this need, President Bush's budget for FY 2002 seeks additional resources for our aviation consumer protection functions. In particular, we are seeking an additional $2.6 million in funding, which includes 18 positions and 11 FTEs for the office.

If we receive the additional resources, we will begin to eliminate the substantial backlog of Air Carrier Access Act complaints we are investigating under AIR-21 and we will implement the already-developed Air Carrier Access Act technical assistance and

consumer information program mandated by that statute. We will be able to undertake more proactive consumer protection compliance and enforcement activities, in areas such as Frequent Flyer programs and airline advertising. In addition, our consumer protection staff will frequently visit air carriers' facilities to ensure their overall compliance with our consumer protection requirements.

Before closing, I must point out that we may be beginning to see a trend toward improved airline customer service. For example, airline consumer complaints filed with the Department for the first six months of this year are down about 20% from the levels experienced over the same period last year. In addition, airline mishandled baggage rates have improved in the first six months of CY 2001 (4.67/1,000 passengers) compared to the same period in CY 2000 (5.08/1,000 passengers). Likewise, airline on-time performance appears to be improving in the first half of this year where the reporting carriers registered a 77.4 percent on-time performance, as compared to the same period in CY 2000, where the rate was 73.6 percent. We are convinced, as is the IG, that if the problem of flight delays is solved, we would also see even further declines in many complaint categories.

We are also taking steps to improve consumer protection requirements in areas covered by the airlines' customer service commitments. We have already doubled our airline minimum baggage liability limits and begun work developing a rulemaking to examine, among other things, increasing the maximum amounts of denied boarding compensation.

Notwithstanding recent indications of improvement, we are all aware that there is much still to be done to protect the interests of air travelers. I can assure you that we will continue to devote our best efforts in that regard.

That concludes my prepared remarks, Mr. Chairman. I will be glad to answer any questions at this time.

Mr. OSE. Thank you, Ms. McLean. Just for everybody's sake, on the table there's a little light there. It's got green, yellow and red lights. Green is you're in the first 4 minutes. Yellow is you're in your last minute and red is the trap-door is about to open. OK? So thank you, Ms. McLean. Ms. Garvey for 5 minutes.

Ms. GARVEY. Thank you very much, Mr. Chairman, Congressman Tierney, Mr. Duncan. It's a real honor and a pleasure to appear before this committee for the first time along with my colleagues at the table, many of whom I've worked with for a number of years.

Our national air space system is extremely complex, as you suggested in your opening statement. We manage 50 percent of the world's aviation traffic. We've seen a doubling of passengers in the last decade. It is highly interconnected and highly interdependent, and it relies on each sector to operate both safely and efficiently. Delays in any one of our busiest airports have a rippling effect throughout the entire aviation system. For example, on one single day in December, delays at LaGuardia caused delays at 73 other airports by the end of the day.

All sectors of the industry, as you indicated in your comments, airlines, airports and the government, share a responsibility for action. There is some good news this summer. With a great deal of cooperation from the airlines and certainly a tremendous amount of help from mother nature, we've had 4 consecutive months of decreases in air traffic delays compared to the same 4 months last year. On average, when we look at the last 4 months, we've seen about a 10 percent decrease in delays. And our preliminary numbers for July show this continued decline in delays as well. So, the trends are heading in the right direction.

We've approached this issue with some short-term initiatives or tactical initiatives and with longer term strategies. I want to very briefly touch on both approaches.

First, let me say that I think we've had an unprecedented level of cooperation between the FAA, the airlines, the pilots, and the controllers in managing the system. Every day just after 5 a.m., from the FAA Command Center planning begins and that planning continues every 2 hours throughout the day. It's real-time decision-making, real-time collaboration.

Last fall, in preparation for this summer's travel time, we conducted a joint evaluation with the airlines. We looked at what worked and what didn't for last summer and we came up with a series of recommendations. I'm pleased to say we've implemented all of those recommendations. One of the most important recommendations was joint training that we conducted with the airlines. During the winter months and the spring months of this past year we trained thousands of controllers, supervisors, airline dispatchers and pilots, and I think that's really made a difference.

We also focused with the airlines on the most challenging airspace for us. It's going to be no surprise to anyone here but it is the airspace between Chicago, Boston, and Washington. That's the congested triangle. We've identified 21 initiatives to relieve those choke points. Those initiatives really are focused very much on gaining efficiency in the existing air space.

We've changed air traffic procedures. We've established new sectors, and we've created new routes. We've completed work on about

14 of those initiatives and have plans under way to complete the rest. We are beginning to see some results from that. For example, in the New York-New Jersey Metropolitan Area, we are seeing that westbound and northbound traffic out of those three busy New York airports are experiencing much fewer delays.

In addition, we have what I would call unprecedented cooperation with NAV Canada. They join our teleconferences each day and they've also opened up their airspace to accommodate our flights on the busy East Coast. In the medium term, we certainly aspire to achieve greater efficiency through expanding capacity on the ground. I think, as Congressman Duncan noted, in some ways our greatest challenges involve expanding the runways and expanding that ground side capacity.

We recently, last March, issued a report on the capacity benchmarks of the 31 busiest airports in the country. We looked at these airports in a couple of ways. What's the capacity there now? What's the demand there now? What does the future hold? We determined the number of flights that those very busy airports can accommodate safely, both in good weather and in bad. I think the benchmark report has been a very, very useful tool for airlines, for the FAA and for airports to find the right set of solutions that we can focus on for our busy airports. We think it's being used effectively by the airports.

Runways certainly are our greatest challenge.

Mr. Chairman, you mentioned the streamlining report that we issued with a great deal of guidance and support from the Secretary and his staff. We issued that in May. We are very busy implementing a number of those initiatives and focusing obviously on the ones that we can do administratively. We are getting an enormous amount of support from the Secretary on this effort. I want to just pick up on something that both you and Congressman Duncan made in your comments, and that is that when you look, this issue is complex. It is not an easy issue to solve. But I'm absolutely confident that working together we can find the right solution. Thank you for allowing me to be here.

[The prepared statement of Ms. Garvey follows:]

STATEMENT OF THE HONORABLE JANE F. GARVEY, ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, BEFORE THE HOUSE COMMITTEE ON GOVERNMENT REFORM, SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS, ON SOLUTIONS TO AIRLINE CUSTOMER PROBLEMS, JULY 31, 2001.

Chairman Ose, Congressman Tierney, Members of the Subcommittee:

It is a pleasure to appear before you today to discuss the topic of possible solutions to the problems of airline customers. The frustration of airline passengers has received a great deal of attention in recent years. As some of America's most frequent fliers, Members of Congress has been especially interested in customer service issues. While the Federal Aviation Administration (FAA) has not been directly involved in the efforts to improve airline service, we recognize that airline delays and the inconvenience they cause are a cause of passenger frustration. Throughout the past two years FAA has made a concerted effort to improve the efficiency of the air traffic system, while at the same time, maintaining the highest standards of safety. That safety is, and should remain, of paramount importance is clearly supported by every member of the aviation community. I am very pleased to share with you the role we at the FAA are taking to lead the effort to provide a safe and reliable air traffic system.

Delays have significant financial, scheduling, service, and competition consequences for airlines and result in understandable frustration for their passengers. The issue of delays is very complex. There are many conditions that can cause delays: bad weather, inoperable runways, airport capacity limitations, aircraft equipment problems, airline

maintenance and flight crew problems, and air traffic equipment outages. Given the hub and spoke nature of airline service in the United States, delays at one critical airport can quickly proliferate throughout the entire aviation system, causing delays and ground holds across significant portions of the country. Because of the varied causes for delays, we know that they will never be totally eliminated. Nevertheless, it is the job of the FAA, the airlines, and airports to strive to minimize delays to the greatest extent possible, without compromising safety.

Our Spring/Summer plan is a collaborative effort developed by industry, labor, and government. The plan maximizes the use of available airspace, improves communications between the FAA and aviation system users, and expands the use of new technology. Learning from our experience last year, we have trained over 3,000 controllers, supervisors, and airline dispatchers in this collaborative approach. In addition, I am happy to report that Nav Canada now participates in our conference calls with the airlines and has worked to develop routes that will accommodate approximately 400 additional flights per day. This, in addition to access to additional military airspace off the east coast, has assisted us in achieving greater air traffic efficiencies this spring and is expected to continue through the rest of this summer. Although the severe weather season is far from over, our collaborative approach of doing business is displaying positive results. To date, we are performing better than last year. For example, in the last three months (April, May and June), delays were down by 11 percent and ground stop delay minutes – the amount of time a flight is delayed on the ground before it takes off - were reduced by 44 percent, compared to the same three months last year.

However, as Secretary Mineta has said, a central challenge facing the Department is managing the gap between demand for transportation and the capacity of our infrastructure. He was speaking about all modes of transportation, but for us in aviation, the challenge is particularly compelling. Last year, the U.S. airlines reported about 700 million enplanements. That's a 50 percent jump in passenger demand in less than a decade. Our forecasters project that it will grow to 1 billion by 2010. How this gap between demand and capacity is managed is very complex and cannot be solved by government alone, but the FAA is committed to lead this effort. Our *Airport Capacity Benchmark Report* (*Report*) provides valuable data that we hope will be used to assist the FAA, airports, airlines, and other system users in making informed decisions and investments that can ultimately help better manage the ever-increasing demand for capacity, while at the same time minimize delays. It tells what the capacity of each airport is in good weather and also in reduced weather conditions.

While the *Report* provides us with valuable data upon which important decisions can be made, we have other, tactical and strategic measures underway to improve efficiency of the air traffic control system. In addition to the Spring/Summer 2001 plan, for example, we have identified seven choke points centered in the congested airspace in the "triangle" of Boston, Chicago, and Washington, D.C. We are implementing 21 action items to address these choke points. Fourteen of these initiatives have been completed and continue to be measured for effectiveness. For example, departures going west out of New York airports have experienced 22% fewer unplanned departure stops. (An

unplanned departure stop occurs when the departure radar controller directs the towers to stop all departures due to weather, workload and/or complexity issues.) We have also reduced congestion for flights flowing north out of New York airports, thus reducing unplanned departure stops by 11%.

Four additional action items are mid-term initiatives with expected completion dates between now and December of this year. Three more are long-term actions requiring either phased in implementation, future funding, equipment, or international agreements. Our goal is to complete these remaining items by the summer of 2002.

On April 30, 2001, we opened three new sectors at Cleveland Center, the most congested Air Route Traffic Control Center in the nation. We are working to establish a total of 15 new sectors by the end of the year, eight of which have been opened, to ease congestion and speed traffic flows in the Great Lakes corridor and into New York. Four more new sectors will be opened by June 2002, two of which are the New York oceanic sectors. New routes have been developed throughout the "triangle" to improve the traffic flows. The Air Traffic Control System Command Center, in consultation with users, tactically restricts certain flights through this area to improve sector capacity. As a result, we can accommodate more flights and, overall, aircraft fly more efficiently. We have identified a total of 19 new sectors, which will make significant differences in traffic flows for flights in Boston, Chicago, Washington, D.C., and New York, as well as other northeast airports by the Summer of 2002. These initiatives are part of an overall plan for FAA to address operational efficiency at major airports.

The FAA is also working to determine where our operating, capital, and research investments should be best distributed to meet our strategic goals, including those pertaining to system efficiency. A better understanding of how these three resources enable us to achieve goals will help us make more effective decisions for the near and long term. To that end, we developed our far-reaching 10-year National Airspace System Operational Evolution Plan (NAS OEP). The plan calls for changes in how aircraft operate to better match available capacity to meet demand; a redesign of the airspace to accommodate increased efficiency while maintaining safety; deployment of new technology to increase flexibility; construction of new runways; and new procedures to improve management of delays.

This is a fundamental change in the manner in which we conduct business. The NAS OEP is about commitment, accountability, and deliverability. While we at the FAA are making certain commitments, the NAS OEP will require our partners, particularly the airlines, to make significant investments in avionics equipment and pilot training for this effort in expanding system capacity. That is why we have worked so diligently in getting industry support for the NAS OEP. After holding two industry days and reviewing public comments we received, the final NAS OEP was issued on June 6th.

More strategically, we are redesigning our nation's airspace and air traffic control automation. The National Airspace Redesign initiative will be completed in 2006. We expect tangible benefits within the next four years in the New York and mid-Atlantic

areas. The most congested and complicated airspace is east of the Mississippi River. Because this airspace poses the most challenges, it is the initial focus of our redesign and short-term initiatives (*i.e.,* Choke Points). Our goal is to establish comprehensive processes and procedures to ensure adaptable and flexible airspace that meet future demands.

There can be no conversation about meeting future demands without discussing the need for new runways. Although new runways are not an option for some airports, the *Capacity Benchmark* report indicated that at those airports where new runways are planned, the increases in capacity that are projected are far greater than at those airports where technological and procedural improvements alone account for capacity growth.

Given that new runway construction provides the most significant potential for capacity enhancement, Congress and others in the aviation community questioned why it takes so long, ten years on average, for a new runway to be built. FAA environmental review takes approximately 3 ¼ years, on the average, or about one-third of the ten-year time span. In requiring DOT to compile a report on environmental reviews, Congress clearly felt a responsibility to determine whether the existing process to build new runways could be responsibly modified in order to provide more runway capacity sooner.

Before I outline our efforts, I would like to acknowledge that, like the issue of delays, the issues affecting the length of time it takes to build a new runway are varied and complex. Even under the best circumstances, it is a lengthy process. *Non*-environmental planning

factors include: assessment of the capability of current facilities; review and refinement of aviation demand forecasts; evaluation of options to accommodate forecast demand and their physical, operational, and financial parameters; safety factors; airspace review; terminal and ground access issues; detailed design and engineering reports; development costs and financing plans. Some of this *non*-environmental planning work is going on during the FAA's environmental review. Consequently, the environmental process cannot be cleanly segregated from the overall planning process, and it should not be assumed that new runway time lines would be one-third shorter absent environmental review.

As I am sure my airport colleagues will attest, achieving the necessary degree of local consensus to build a new runway is probably the most challenging task in getting a runway project underway. The underlying environmental impediment to airport expansion is not the environmental review process, it is the opposition, on environmental grounds, to airport expansion. It is based on real environmental concerns and has an increasingly broad-based constituency. While communities are often concerned about air and water quality, by far the greatest concern expressed is that there will be more aircraft noise. As we focus on environmental streamlining, we also need to maintain a strong focus on continuing to reduce the environmental impacts of aviation and on local communities' quality-of-life concerns that constrain airport capacity.

The National Environmental Policy Act of 1969 (NEPA) requires Federal agencies to consider the environmental effects of their actions and prepare an environmental

evaluation. The evaluation necessary for all major Federal actions that significantly impact the human environment is known as an environmental impact statement (EIS). The President's Council on Environmental Quality (CEQ) has adopted regulations to implement NEPA with which FAA complies. However, NEPA is only one of approximately 40 Federal laws, executive orders, and regulations that protect the environment. While FAA and CEQ policy is to strive for a coordinated process, the individual requirements of these laws have not been harmonized with NEPA's requirements. In addition, some states have additional requirements that may or may not be consistent with Federal law. Multiple Federal and State agencies are charged with administering different environmental laws, and it is a real challenge to coordinate environmental reviews among so many different agencies.

FAA approvals of airport layout plans and of funds for new runways with significant environmental impacts trigger the requirement to prepare an EIS. Preparation of the EIS serves a twofold purpose. It informs Federal agency decision makers. It also discloses the environmental impacts of proposed Federal actions to the public. EIS requirements recognize that public input is integral to the process. Understandably, public input adds time to the process. Not surprisingly, most new runway projects at large airports are highly controversial projects. Local airport proprietors and the FAA have historically held more hearings and public meetings than the minimum requirements, in response to intense public interest. I believe the FAA's extraordinary record of prevailing when its environmental review is challenged in court is in part attributable to the extra time taken

to provide the public full access to the process and to respond to substantive environmental issues.

One challenge that expedited environmental review faces is having dedicated staffing and other resources to see a project through, beginning to end. For complex and controversial EISs, there is a trade-off between resources and time lines. An "EIS team" approach, where a number of experts are dedicated to a specific project, can result in the preparation of a more timely EIS, but it is very labor intensive and has been used selectively as there are a variety of competing demands upon staff resources. FAA and the airport community have been working to expedite environmental review by exploring options such as reimbursable agreements.

In January, I approved several initiatives to enhance and streamline FAA's environmental review. They include addressing resource, process, product, and coordination problems. I would like to briefly explain these initiatives.

First let's talk about resources. The FAA will establish an EIS team for each new EIS required for a major runway project at a large hub primary airport. The large hub primary airports are where 86 percent of all severe air traffic delays occur. This is where we can get the best return for investing more FAA environmental staff resources. We are reallocating more positions within our current budget to environmental specialist positions. In addition, working with the airport community, FAA has learned that some airports are interested in reimbursing the FAA for additional FAA environmental

specialists and attorneys to be dedicated to expediting their EIS. A prototype reimbursable agreement has been developed to allow FAA to provide an airport with greater services for which the airport is willing to pay. Another way we will maximize resources is to more fully utilize airport proprietor and EIS consultant resources for work not required to be performed by Federal employees.

Process and product initiatives involve the environmental procedures we apply to airport projects and the form and content of environmental documents. Process and product initiatives will benefit all airport projects, not only the highest-priority runway projects. Along these lines, we are expanding our list of projects that are categorically excluded from any environmental documentation and process because they have no potential to produce significant impacts. Most categorical exclusions are approved so quickly by FAA that airports are not even aware of FAA's environmental review. We are in the final stages of our discussions with CEQ on an expanded list of categorical exclusions, and expect to obtain their approval in August.

More importantly, we are proposing to get back to basics and reform our EIS documents and processes to take full advantage of the streamlining opportunities embedded in the CEQ regulations. This includes reducing the size of EISs, focusing analyses on significant impacts instead of extensive analyses of everything, writing EISs in plain language, reducing technical detail, and setting time limits. We have consulted CEQ and the Environmental Protection Agency (EPA) for their support in this endeavor, and they have offered cooperation in assisting us in streamlining our process. We will also apply

the same streamlining principles to our Environmental Assessment/Finding of No Significant Impact documents.

Better inter-agency coordination is also essential to more efficient environmental review. Secretary Mineta and I want to impress upon our counterparts at other agencies and departments the importance of their support for environmental streamlining and the role that improved agency coordination can play in reducing environmental delays. We are also working with state officials to recommend ways in which Federal and individual state requirements can be more effectively and efficiently combined and coordinated. In March, the National Association of State Aviation Officials (NASAO) and the FAA agreed to jointly review critical problems and delays in Federal and State interfaces on a State-by-State basis and to work on solutions. We signed a Memorandum of Understanding in April to formalize this effort, which will be completed by March 2002. We have just completed a survey of critical environmental interfaces in each State. We will be analyzing the survey results in August and, in September, we will select the areas that FAA and NASAO will jointly seek to improve.

Finally, the FAA has compiled a guide to the best practices for EIS management and preparation, which is available on our web site. The guide includes the best approaches to technical analyses, procedures, and coordination required by each of the responsible parties – the FAA, the airport proprietor, and the EIS consultant.

The FAA believes that implementation of these initiatives will show real, measurable progress in streamlining environmental reviews. Other ideas have been raised and discussed by aviation and environmental interests, as well as within FAA. Some of them are linked to FAA's initiatives, and others are independent. Some would require focused legislation and others more sweeping structural changes to Federal and State environmental practices. Working with the airport community, state governments, and other Federal agencies, we will continue to explore further options to improve the efficiency of the environmental process while maintaining the integrity of important environmental protections.

In conclusion, I would like to say that the entire FAA, from my air traffic management team, to my modernization team, to our airport folks, recognizes our dual responsibilities of safety and efficiency when it comes to reducing aviation delays. I am fortunate to have a highly dedicated workforce --our controllers, our technicians, and our regional and headquarters staff – and we are all working aggressively and cooperatively with airlines and airports to meet these challenges.

Mr. Chairman, I will be happy to answer your questions at this time.

Mr. OSE. Thank you Ms. Garvey.

What is the pleasure of the committee: to take another witness or go vote and come back. It's two votes, one on the rule and then a subsequent 5-minute vote so you want to take another witness and then go vote. Mr. Merlis for 5 minutes.

Mr. MERLIS. Thank you, Mr. Chairman and members of the subcommittee. I appreciate the opportunity to appear before you to discuss our shared concerns about the problems facing air transportation.

Simply stated, our aviation system's three components of capacity—airlines, air traffic control and airports—are out of sync and, as a result, we unfortunately have too many delays each and every day. While safety is and will always remain our paramount goal, these delays undermine faith in our air transportation system, inconvenience our passengers and shippers and cause untold discomfort and substantial cost to our customers, our employees and our economy.

How did we get to this state of affairs? Well, simply stated, each component of the system is controlled by very different forces. The airlines, the airports and the air traffic control system each have different masters, and my written statement goes into some detail about what drives each one of those. Suffice it to say the airlines, the FAA and the airports have undertaken aggressive programs to address the infrastructure shortfall, both individually and collaboratively.

I've attached to my statement a copy of a letter to President Bush from a broad cross-section of industry and labor which provides an outline of the necessary action plan. This plan was put together last week at an aviation summit at which Administrator Garvey very graciously participated. I further enumerate in my written statement, some actions taken unilaterally by the airlines and collaboratively with the FAA in order to deal with the delay and customer service problems.

So, what in the long run can we do? There are several ways in which Congress can provide major assistance to enhancing the expansion of our national aviation system. First, we believe it's imperative to identify our aviation infrastructure shortfall as the major national crisis that it is. Congress should move quickly to define through an appropriate legislative finding the national purpose behind airport development projects at our most significant airports. Congress needs to make it clear that certain key airport projects are to be given the highest priority in order to foster the maintenance of safe and efficient interstate air commerce.

Second, from a procedural standpoint the much talked about idea of environmental streamlining must become a reality. Consolidation, coordination and expediting of Federal and State environmental reviews, including Federal preemption, is necessary and the elimination of counterproductive and often mischievous alternatives analysis requirements would all serve to make environmental review more functional and less dysfunctional. Too often today's system invites small vocal and legally facile groups to manipulate the process to halt growth despite the needs and desires of the larger community. Environmental streamlining, of course, would take us only so far in expediting airport infrastructure de-

ployment. Even more must be done. So let me offer some conceptual approaches that might upon further exploration offer some other solution.

Congress might wish to consider a mechanism sharing some of the characteristics of the military Base Realignment and Closure Commission to engage in a review in a national priority setting for specific key airport infrastructure projects. Federal transportation funding, not simply airport funding, might be utilized to incentivize communities with priority airport infrastructure needs to meet their interstate commerce responsibilities. Similarly, if necessary, disincentives might be applied as well in those localities that seek the benefits of air transportation, but not the shared responsibility. And, recognizing that in the broader community there is often significant support for better airport infrastructure that is drowned out by a vocal minority, steps might be taken to identify that support and appropriately factor it into the decisionmaking.

Mr. Chairman, this national issue cannot be relegated exclusively to local decisionmaking. The Congress needs to step in and establish a set of rules and requirements together with rewards and incentives that foster expansion of the system upon which our country has become so dependent. Failure to undertake such a national approach on the capacity issue will render the air transportation system gridlocked, resulting in severe adverse economic consequences over the next decade or longer.

Thank you very much for the opportunity to present the statement.

[The prepared statement of Mr. Merlis follows:]

Statement of Edward A. Merlis, Senior Vice President
Air Transport Association of America
Before the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs
Committee on Government Reform
House of Representatives Hearing on
Air Transportation: Problems and Solutions
July 31, 2001

Good afternoon, Mr. Chairman and members of the subcommittee. I am Edward Merlis, Senior Vice President of the Air Transport Association of America (ATA).[1] ATA members move approximately 95% of the passengers and cargo transported on U.S. flag air carriers.

I appreciate the opportunity to appear before you today to discuss our shared concerns with the problems facing air transportation today. In addition to voluntary initiatives and cooperative industry action to address this issue, we believe there are a number of bold steps that can and should be taken by the Congress.

Simply stated, our aviation system's three components of capacity – airlines, air traffic control, and airports -- are out of synch. As a result, we face the prospect of intolerable delays each and every day. While safety is and will always remain our paramount goal, these delays undermine faith in our air transportation system, inconvenience our passengers and shippers, and cause untold discomfort and substantial costs to our customers, our employees, and our economy.

How did we get to this state of affairs? Simply stated, each component of our commercial aviation system is controlled by very different forces. Yet, at the end of the day, all of the components must work together harmoniously if we are to have a smoothly functioning aviation system. Unfortunately, while we have known what the demands on the system would be for well over a decade – the FAA in 1991 projected 678 million passengers for 2000 – some of these components are simply not up to the task.

Let me take just a moment to describe briefly where the breakdown is occurring before going into more detail on each component.

Airlines: By any measure -- available seat miles, enplaned passengers, aircraft departures, number of aircraft etc. -- airlines are making available more to the traveling and shipping public. Concurrently, the traveling and shipping public is using our services more. In the past ten years we have made 25% more seat miles available, on 23% more flights. The airlines are currently committing in excess of $ 20 billion per year to adding new capacity. They know that public demand keeps growning and yes they know that planes are crowded – as our 71% load factor confirms – but they are on pace to meet the needs of our nation's economy.

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[1] ATA member airlines include: Airborne Express, Alaska Airlines, Aloha Airlines, America West Airlines, American Airlines, American Trans Air, Atlas Air, Continental Airlines, Delta Air Lines, DHL Airways, Emery Worldwide, Evergreen International Airlines, FedEx, Hawaiian Airlines, Midwest Express Airlines, Northwest Airlines, Polar Air Cargo, Southwest Airlines, United Airlines, United Parcel Service Airlines, and US Airways. Associate members include: Aeromexico, Air Canada, KLM Royal Dutch Airlines, and Mexicana.

The airlines' contribution to the delay problem of course derives from more frequent service to communities large and small. The acquisition of regional jets has somewhat exacerbated the delay situation. These highly desirable aircraft are faster and more comfortable than piston and turbo props and can fly longer distances, with greater payloads than the planes they are replacing. However, since they fly in airspace used by larger jets, they add to congestion.

Air Traffic Control: The second component of the capacity equation is the air traffic control system. Various committees of Congress have explored the problems inherent in developing, acquiring, deploying and staffing an air traffic control system capable of meeting the public's demand for air transportation. Appended to this statement is an ATA prepared top ten list of most important ATC-related programs that we believe must be implemented over a five-year period and which would result in real national aviation system capacity improvements.

Airports: Airports are the third component of the capacity problem. Twelve major airports account for 51% of all delays. Since 1974, when Dallas Fort Worth International Airport opened, only four new airports have opened. Between 1995 and 2000, only eight new runways have opened, and of the top 100 airports, there are only 14 new runways planned to be operational through December 2005. Clearly, we need to break the logjam that is holding back new airport facilities.

What can be done about this?

Airlines, the FAA, and airports have undertaken aggressive programs to address the infrastructure shortfall both individually and collaboratively. I have attached to my statement a copy of a letter to President Bush from a broad cross section of industry and labor which provides a broad outline of the necessary action plan. With that letter in mind, I would now like to go into a bit more detail regarding some of the specific problems we confront – and what is being done or needs to be done to effect change.

AIRLINE-SPECIFIC ACTIONS

Every air carrier routinely examines its scheduling to meet customer demand and to mitigate delays. For example, last summer American Airlines identified the cascading effect of O'Hare-related flight delays attributable to aircraft utilization patterns. As you know, an aircraft departing from a city generally travels through a number of other cities in the airline's system before returning to the originating city. Depending on the aircraft, routing, and mission, this may take several days or even weeks. Unfortunately, that same practice can exacerbate delays in cities unrelated to the initial departure point on a day with adverse weather. In order to minimize these consequences, American has isolated, to the maximum extent practicable, aircraft used for service at O'Hare. As a result, delays arising from O'Hare will have less of a cascading effect on other cities in its system.

Similar aircraft isolation initiatives to reduce the domino effect of the initial delay have been undertaken by Delta, United, and US Airways among others.

Another action carriers are taking concerns smoothing out scheduling peaks. During the course of the day, particularly at a hub, an air carrier bunches flights in order to maximize connectivity among city pairs. Examining these schedule peaks has resulted in a number of important decisions that hold promise. For example:

- Continental has engaged in a similar de-peaking exercise that has already borne fruit. During the first quarter of 2001, delays at Newark International Airport, one of the nation's most delay-plagued airports, decreased by 20% from the previous year. And in the second quarter, Continental's overall on time performance was 82.6%, a 5.6% percentage point improvement over the same period last year.

- Similarly, American has smoothed out its peaks at Dallas-Ft. Worth International Airport.

- Delta has taken a significant delay mitigation step by increasing the number of connecting complexes or "banks" at Atlanta Hartsfield International Airport from 10 to 12 while reducing the maximum number of flights in any bank from 90 to 75. By spreading these flights over a greater portion of the day, delays arising from peaks are being significantly reduced.

- United has taken major steps at San Francisco International Airport through a schedule refinement process by upgauging and removing 245 flights per week from its schedule. That has resulted in SFO going from being the most delay plagued airport, with 38.9% of its flights delayed 15 minutes or more in the first half of 2000, to 28.8 % being delayed in the first half of 2001. While there is obviously still room for improvement, United's San Francisco initiative appears to have resulted the most significant percentage decline in delays among the leading airports.

Another action designed to reduce delays has to do with choosing airports. While it is essential for an airline to ascertain where its customers want to fly, in certain circumstances there is a measure of passenger flexibility. For example, many are familiar with Southwest's practice of using alternatives to the main airport in a particular city. Southwest has done this by using Midway instead of O'Hare, Islip instead of the three New York-Newark airports, Ft. Lauderdale instead of Miami, and Providence, RI and Manchester, NH instead of Boston Logan. Similar efforts of this type include Northwest's increasing service levels at Manchester, NH and Portland, ME and Southwest's recent elimination of all service at San Francisco International Airport in order to increase schedule reliability. In addition to passenger flexibility, however, airlines can only use alternative airports if the infrastructure is available and the cost is not excessive

One other limitation on expansion of this practice is a set of long-standing, grandfathered airport use restrictions that continue to frustrate carrier utilization of uncongested existing facilities close to existing congested facilities. Thus, carriers seeking to expand to Westchester County Airport in lieu of the congested New York-Newark airports, or Long Beach and John Wayne Airport in lieu of Los Angeles International Airport, or San Jose instead of San Francisco, find that there are local limitations on the use of these airports unrelated to capacity.

Efforts to lessen these restrictions may bear fruit in our efforts to expand airport capacity in the national system.

AIR TRAFFIC CONTROL

There are a number of collaborative efforts between the FAA and the airline industry to address the capacity of the air traffic control system to accommodate the demands placed upon it. First, I would like to address a short-term venture that has grown out of the necessity created by the spiraling increase in delays during the past few years.

The overwhelming problem facing the industry in recent years has been the impact of adverse weather. With little slack in the system, adverse weather now accounts for more than 70% of delays. This is particularly frustrating to our customers. You look out the window at the originating airport; you look at the weather report for the destination airport, and find it is perfect in both locales. But somewhere en route, perhaps at the airport where the plane originated a few hours ago, or en route from that airport to the airport where you are waiting or between the airport where you are waiting and your destination, en route weather has reduced throughput volume.

Since the summer of 1999, ATA and FAA have been searching for mechanisms to handle near term capacity shortages that arise on days with particularly adverse weather conditions. As a result of evaluations of the spring/summer 2000 plan, a number of modifications were made to the spring/summer 2001 program, whose operations commenced April 1st.

In preparation for that initiative, approximately 3,100 airline and FAA employees went through a joint airline - FAA training process and have now been trained in the goals and methods of the program, the requirements for communications, and the decision making process. Each morning, the air carriers conduct a separate industry-only weather briefing conference call to see if agreement can be reached as to the impact of the daily weather forecast. Subsequently, every two hours during the day, joint conference calls are held between the air carriers' operations centers, FAA's command center, and FAA's field facilities to provide additional information concerning changes in weather, to agree on the plan of operation, to determine how the program for the day is working, and to identify modifications that need to be made.

The program has been in effect for three months now, and I think it is safe to say that it is working better than it did last year. Delays are down 10% over the same period last year. While relatively good weather this summer has helped, this program is working due to the commitment to it by the FAA, the air traffic controllers, and our carriers. More air carriers are participating and more air carrier employees are involved.

This cooperation and collaboration is not unusual. There is a long history of industry – FAA cooperation in developing and expediting technological advances in the air traffic management, navigation and aircraft operations arenas that we seek to foster.

FAA is also engaged in a variety of other initiatives to increase capacity without reducing safety. For example, FAA's deployment of the display spacing program in the New York area, a

program that automatically produces rerouting of flight plans in the event of severe weather has made a real difference in delays in the New York airspace. This, coupled with increased use of airspace over the Atlantic Ocean, freed up by the release of some previously restricted military air space, is being used with greater frequency during the severe weather season this year and is providing important benefits.

SCHEDULE COORDINATION

Until the longer-term capacity mismatch is solved through expansion of our aviation infrastructure, one initiative Congress can undertake is to enact H.R. 1407. This legislation would permit air carriers to meet and discuss their schedules in order to reduce flight delays. While
relief for the bulk of delays will only be achieved through substantial infrastructure improvements, and we need to concentrate our attention and resources on creating new airport and airways capacity, H.R. 1407 offers the prospect of some modest short term opportunities. Furthermore, if the bill is amended to provide day-of-delay authority for carriers to consult on cancellations, we feel that the bill will go even further in addressing thorny customer service problems exacerbated by inclement weather.

CUSTOMER SERVICE

As I mentioned, the FAA reports that in excess of 70% of delays are attributable to weather. Unfortunately, the data also shows that as weather problems increase, customer complaints increase. And that's understandable. An hour delay in boarding a one-hour flight that stretches to 2.5 hours becomes a bad experience.

While committed first and foremost to ensuring the safety of our system, our next most important consideration must be to improve the customer experience. In 1999 the fourteen ATA passenger carriers implemented a voluntary program to improve customer service. Initial findings indicate that the program has been successful, but we are committed to doing more. The DOT Inspector General performed an exhaustive audit of the program and in February graded the industry with As and Bs on 9 of the 12 commitments agreed to in June 1999. On the three remaining commitments, there were relatively wide variances among carriers, but the carriers at the low end of his evaluation know where they stand and have undertaken to remedy the deficiencies.

The DOT data bears out the improved customer service environment. With delays down 10% in the past four months, we note that customer complaints are down 23 percent compared to the same period last year. We are making real progress, yet we know we can do better. This spring the carriers agreed to undertake 17 additional customer service improvements ranging from establishing a telephone number for mishandled baggage to making on-time performance statistics accessible to customers on carrier websites or by providing a link from their websites to the Bureau of Transportation Statistics, or by providing an 800 number on their websites. Many of these additional commitments have already been incorporated into carrier customer service programs and the entire array will be implemented for all ATA members by October 1st.

Let me be candid. During the 1990s, the collective industry did not provide sufficient focus on customer service. Record financial losses, incredibly intense competition to reduce costs and labor difficulties all took a toll. This situation was magnified not only by the enormous growth in passengers, up to 665 million in 2000, but also by the lack of proper investment in expanding airport capacity and modernizing our air traffic control system. Thus, the shortcomings in customer service "infrastructure" matched, in some respects, the shortcomings in physical infrastructure. In so far as the carriers' investment in customer service is concerned, however, that is in the past. Since the advent of our Customer First program, ATA member carriers have spent in excess of $ 3 billion in order to improve the customer experience.

Our members intend to continue these investments, even though the first half of 2001 has proven to be a financial bloodbath. We will continue to improve the flying experience for our customers. Our carriers are investing millions of dollars to improve the flight information flow to customers at airport gate locations across the country, much of which requires enormous investment of financial and human resources.

EXPEDITED COORDINATED ENVIRONMENTAL REVIEW

We think it is also time for the Congress to consider addressing the local airport capacity conundrum as a national issue. Long ago Congress decided that air transportation was a national, interstate commerce issue and precluded localities from regulating rates, routes and conditions of service. Today, aviation is an essential feature of our national economy, providing more than $ 900 billion of our gross national product and generating more that 10 million jobs.[2] Yet capacity decisions, even for locales that are lynchpins in this national system, are relegated primarily to local decision making. If the railroads and highway system had been limited in their development to a patchwork of local decisions, we still would be using conestoga wagons.

What is to be done? There are several ways in which the Congress can provide major assistance to enhancing the expansion of our national aviation system.

First, we believe it is imperative to identify our aviation infrastructure shortfall as the major national crisis that it is. Congress should move quickly to define, through an appropriate legislative finding, the national purpose behind airport development projects at our most significant airports. Congress needs to make it clear that certain key airport projects are to be given the highest priority in order to foster the maintenance of safe and efficient interstate air commerce.

Second, from a procedural standpoint, the much-talked about idea of environmental streamlining must be made a reality. Consolidation of federal and state environmental reviews, insistence upon coordination between state and federal agencies with review authority including federal preemption as necessary and the elimination of counterproductive and often mischievous alternatives analysis requirements, would all serve to make environmental review more functional and less dysfunctional. Too often, today's system invites small, vocal and legally

[2] Wilbur Smith Associates, "The Economic Impacts of Civil Aviation" 2000.

facile groups to manipulate the process to halt growth despite the needs and desires of the larger community.

Let me be clear, this is not an argument to ride roughshod over legitimate environmental concerns. We want the facts to be known and we want the necessary, meaningful and feasible, analyses done. We believe, however, that the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, the National Historic Preservation Act and their multiple other federal and state counterparts – and the hundreds of reviews they entail – would be well tempered with the identification of key airport capacity projects as national priorities.

Environmental streamlining, of course, would take us only so far in expediting airport infrastructure deployment. Done correctly, it might trim some time off that required for the development of new airport facilities. Recognizing, however, that it can take ten to fifteen years or more to develop a new runway, it is clear that more must be done.

This third element of the solution to our airport infrastructure crisis offers the greatest challenge. We can declare our national priorities; we can make our environmental laws more coherent and functional; but how do we develop the political will to make the right decisions for growth in the face of media savvy, articulate opposition from a vocal but often very small minority?

Here I can offer only some conceptual approaches that might, upon further exploration, offer part of the solution.

- Congress might wish to consider a mechanism sharing some of the characteristics of the Military Base Realignment and Closure (BRAC) Commission to engage in a review and national priority setting for specific, key airport infrastructure projects.

- Federal transportation funding, not simply airport funding, might be utilized to incentivize communities with priority airport infrastructure needs to meet their interstate commerce responsibilities. Similarly, if necessary, disincentives might be applied as well in those localities that seek the benefits of air transportation but not the responsibilities.

- Recognizing that, in the broader community, there is often significant support for better airport infrastructure that is drowned out by a vocal minority, steps might be taken to identify that support and appropriately factor it into decision-making.

Mr. Chairman, this national issue can no longer be relegated to exclusive local decision making. The Congress needs to step in and establish a set of rules and requirements, together with rewards and incentives that foster expansion of this system upon which our country has become so dependent. Failure to undertake such a national approach to the capacity issue will render the air transportation system gridlocked resulting in severe and adverse economic consequences.

CONCLUSION

In the long run, the safe and efficient operation of our aviation system is a collaboration of many partners. Where that collaboration operates with common understanding and respect, it holds the greatest promise for long-term success in air traffic control enhancements. We must expand and enhance our infrastructure if we wish to accommodate the growing demand for air travel on U.S. airlines forecast by FAA to reach one billion passengers annually by 2012.

Thank you for the opportunity to present this statement. We look forward to responding to the subcommittee's questions and to working with you on your efforts to reduce delays through airport and air traffic control capacity expansion.

Air Transport Association

ATA News

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For Immediate Release
Contact: Michael Wascom
202-626-4172

Airlines Announce "Top Ten" Air Traffic Control Priorities

Immediate Actions Designed to Reduce Delays

WASHINGTON, Mar. 15 – The Air Transport Association (ATA) today released their top ten list of essential Air Traffic Control (ATC) programs to be implemented immediately to reduce delays and improve the air traffic control system. In 2000, delays increased 20 percent above 1999 and 47 percent above 1998 – making the summer of 2000 the worst in aviation history.

"The ten priorities we are proposing today can be implemented over a five-year period and will result in real national aviation system capacity improvements," said ATA President and CEO Carol Hallett. "The time to act is now and the airline industry and the government need to ensure that proper steps are taken immediately to avoid further deterioration of the system."

ATA's top ten priorities are:

1. **En Route Software and Hardware (HOST Computer) Upgrades**: The HOST Computer is the "central nervous system" for the En Route Air Traffic Control System, but it operates on antiquated software. The software upgrades included in this program would bring the system to current standards and provide the capability to automatically assign routes around flow-constrained airspace, such as areas affected by severe weather or congestion.

2. **Airspace Redesign**: This badly-needed redesign project will help relieve the daily airspace saturation that causes ground delay programs and restrictive increased spacing between aircraft in the en route environment. By optimizing air traffic control center and sector boundaries and revising arrival and departure routes at complex terminals, aircraft can be routed through the system more efficiently.

3. **Choke Point Initiatives**: Over the past year, the Federal Aviation Administration (FAA) and industry have identified 21 initiatives designed to help relieve seven choke point areas which create congestion and delays in the National Airspace System (NAS), primarily in the Midwest corridor east of Chicago and several sectors handling traffic in/out of the New York terminal area – the most congested airspace in the world. The choke point initiatives are focused on resolving conflicts between full and equitable access to the NAS without violating FAA regulatory requirements or degrading safety.

4. **Domestic Reduced Vertical Separation Minimums (RVSM)**: Perhaps the biggest problem in the ATC system today is the lack of en route airspace capacity due to outdated separation standards and requirements. Updating these standards by reducing the vertical separation above 29,000 feet, from 2000 feet to 1000 feet, will allow FAA to make more efficient use of our nation's airspace.

5. **Aircraft Vortex Spacing System (AVOSS) at major terminals**: This research and development program may permit an increase in runway capacity at some 30 airports by allowing less than standard wake turbulence separation on final approach in those instances when the system determines increased spacing is not required.

6. **Controller-Pilot Data Link Communication (CPDLC)**: This program will speed the modernization of voice and data communications technology between controllers and pilots and allow for more automated information transmission between the ground and cockpit, especially in the oceanic environment.

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7. **Free Flight Phase I and II Implementation:** The Free Flight initiatives consist of a series of programs designed to improve National Airspace System operations by providing more user-preferred routings while maintaining existing or greater safety levels. These programs include efforts such as **Collaborative Decision-Making (CDM)**, to improve communications and planning between the FAA and the users of the Air Traffic Control System; **User Request Evaluation Tool**, a conflict probing tool to facilitate optimum routings; the **Center/TRACON Automation System,** a sequencing and spacing tool to aid in more efficient terminal operations; and the **Surface Movement Advisor**, to expedite ground operations at airports.

8. **Safe Flight 21 Initiatives:** This government/industry partnership is designed to validate the Free Flight concepts in a real-world operating environment. There are nine major elements in the program, utilizing **Automatic Dependent Surveillance-Broadcast (ADS-B)** (a satellite-based surveillance tool) and/or **Traffic Information Service-Broadcast (TIS-B)**. The results of the Safe Flight 21 evaluations will be used to develop programs that will lead to reduced separation standards, fewer runway incursions, and improved real-time weather reports to the cockpit.

9. **Full-Scale Global Positioning Satellites (GPS) Satellite Navigation Implementation:** Completion of the GPS network, including the Local Area Augmentation (LAAS) and Wide Area Augmentation Systems (WAAS), will provide more accurate and reliable navigational capabilities, create an environment to facilitate reduced separation standards, and increase the availability of user-preferred routings. In addition, FAA must complete standards development for new Required Navigation Performance/Area Navigation (RNP/RNAV) procedures that will support reduced separation standards between aircraft and between aircraft and obstacles. These systems should be developed and implemented so that they are fully compatible with similar systems elsewhere in the world, for example the European Galileo (GNSS) system.

10. **Staffing**: In order to fully implement these and other initiatives, FAA will need to hire and train 75 certification experts to aid in the acceptance of new avionics needed to use the new satellite systems and ADS-B. Also, 1,050 new air traffic controllers must be hired beginning in FY 2001 to cover attrition and expand the number of sectors.

"It is essential to the future of the airline industry and the traveling public that the steps ATA has outlined are implemented," said Hallett. "Not until the government is able to fully utilize the technology that is currently available and increase staffing can we begin to move forward in providing the quality of service that the public demands and deserves."

The Air Transport Association of America, Inc. is the trade association for leading U.S. airlines. ATA members transport over 95 percent of all the passenger and cargo traffic in the United States.

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Air Transport Association

ATA News

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For Immediate Release
Contact: Michael Wascom
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Nation's Airlines Announce Airport Priorities

Measures Designed to Increase Capacity, Alleviate Delays and Gridlock

WASHINGTON, Mar. 21 – The Air Transport Association (ATA) announced several airport improvement initiatives today, designed to increase capacity and alleviate congestion at our nation's major airports. Coupled with their "Top Ten" Air Traffic Control priorities announced last week, ATA hopes these "concrete" steps will significantly reduce delays, increase capacity and improve the efficiency of the national air transportation system.

"Although the success of airline deregulation in 1978 has brought tremendous economic benefits to the traveling public, current consumer demand for air travel is overwhelming the capacity of the system to effectively deliver efficient air service," remarked ATA President and Chief Executive Officer Carol Hallett. "Real national aviation system capacity improvements can be achieved if runway construction is elevated to a top national priority. Capacity management will enable us to provide what the American people want—safe, fast, frequent, efficient air transportation at fair prices," concluded Hallett.

This list is presented alphabetically and is not prioritized in any fashion.

Atlanta Hartsfield (ATL) – A new 9,000 foot runway 10/28 can be in service by May 2005 and will provide capacity benefits of fifty percent – from 180 operations per hour to 270 per hour.

Boston Logan (BOS) – Although plans are mostly complete, construction is not expected to begin before 2002 on a new unidirectional 5,000 foot commuter runway at a cost of $33 million that will alleviate delays at Boston Logan by as much as 60 percent during certain operational conditions. MASSPORT and the airline industry are trying to overcome local political opposition that has prevented this runway from moving forward.

Chicago O'Hare (ORD) – A new 7,500 foot runway 9/27, discussed then shelved in 1994, would create the ability for "triple approaches" at O'Hare and could be completed in the 2008 timeframe if planning re-starts today and construction begins in 2005-06. The estimated cost is $2 billion given the need to relocate other runways, taxiways and support facilities.

Cincinnati (CVG) – A third, fully independent, 8,000 foot north-south runway, with an estimated price tag of $220 million, will improve capacity at Cincinnati by as much as 50-70 percent by providing triple parallel approaches and could open by December 2005.

Dallas-Fort Worth (DFW) – A 9,760 foot eighth runway at DFW, at an estimated cost of $350 million, would allow for four approach streams and raise the annual capacity to 1.2 million operations and come into service in 2006.

Greensboro (GSO) – Capacity at Greensboro could be increased by as much as 60 percent with the construction of new runway 5L/23R, estimated to cost $126 million, in late 2005 or early 2006.

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Los Angeles (LAX) – Airfield delays are becoming more common at LAX, especially as traffic continues to grow without any appreciable increases in airfield capacity. The City of Los Angeles is currently developing a master plan, and its preferred alternative includes marginal airfield improvements, such as additional taxiways to improve airfield circulation and an extension to one of the primary takeoff runways. However, because of political, environmental and community pressures, the preferred alternative does not include the addition of any new runways. There is also strong sentiment in the region that planning should focus on improvements to other airports in Southern California instead of LAX.

New York LaGuardia (LGA) and Kennedy (JFK) – While there are no planned new runway projects at LaGuardia Airport, there are technology improvements (see the ATA Top Ten List, Mar. 15, 2001) that would improve -- but not resolve -- the shortage of capacity at LaGuardia. Additionally, we understand that Port Authority of New York/New Jersey planners are beginning to explore potential new runway capacity at JFK. While we encourage this planning effort, there are no proposals that can be evaluated as of this writing.

Philadelphia (PHL) – Airfield delays are a serious impediment to future air traffic growth at Philadelphia and the problem will be exacerbated with the completion of two terminal expansion projects in the next two years. The City has retained outside engineering and planning firms to study alternatives to: (1) provide more runway capacity, with the goal of accommodating dual independent jet operations; and (2) improve the constrained system of taxiways, with the goal of accommodating two-way traffic in many areas. The City has not yet identified a preferred alternative.

San Francisco (SFO) – Airport planners are in the preliminary engineering and environmental planning phases, including the modeling of capacity benefits of the various options for reconfiguring runways. Even without unnecessary delay, any redesigned runway(s) would not come into service until after 2008 at estimated costs of $2.5 to $10 billion.

Seattle-Tacoma (SEA) – A new 8,500 foot third runway, expected to begin service in 2006 at a cost of $773 million, will increase the capacity of Sea-Tac by 12 to 18 arrivals per hour in poor weather.

St. Louis Lambert (STL) – When completed in 2006 at a cost of $1.1 billion, new runway 12R/30L will increase the hourly capacity of St. Louis Lambert by 43 to 51 percent.

Washington Dulles (IAD) – New runway 1L/19R is targeted for completion in December 2011 at an estimated cost of $183 million and will reduce delays by approximately 33 percent. New runway 12L/30R, targeted for completion in January 2006, carries an estimated price tag of $216 million and will reduce delays by an estimated 50 percent.

Former Military Bases – The airline industry supports having the Federal Aviation Administration (FAA) take a lead role in bringing together the various supporters and opponents of former military bases (for example, El Toro, Moffitt and Homestead) to determine what might be done to advance the conversion of these facilities into practical commercial aviation facilities.

The Air Transport Association of America, Inc. is the trade association for leading U.S. airlines. ATA members transport over 95 percent of all the passenger and cargo traffic in the United States.

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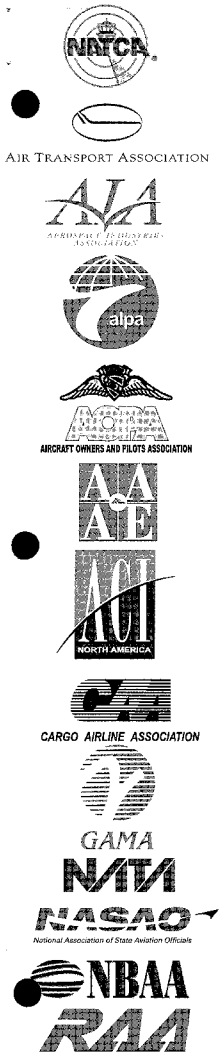

July 26, 2001

The President
The White House
Washington, DC 20500

Dear Mr. President:

Thirty-two years ago, the United States landed the first astronauts on the moon. Because of the focused efforts and cooperation put forth by various groups, this tremendous feat took only eight years from President Kennedy's historic pledge to Neil Armstrong's giant leap. In contrast, today's bureaucracy and regulatory red tape can delay more modest, yet crucial runway construction projects at airports for up to 15 years. The resulting lack of adequate airport capacity creates lengthy delays for air travelers and system users resulting in negative impacts to the economy.

Mr. President, the world's most accessible and efficient aviation system faces an infrastructure crisis unless we act now. Given government forecasts that estimate one billion passenger enplanements by 2010, and a project review process that results in lengthy delays in upgrading airport infrastructure to meet that demand, the aviation system will slide into gridlock in the next decade if measures to increase and speed capacity improvements do not receive immediate attention and support from the Bush Administration, Congress, and the entire aviation community.

The aviation community is as multifaceted as the dilemma we are confronting, but we have always shared a common goal -- to safely meet the evolving and ever-increasing demand for air transportation. Today, this community reached a consensus on the actions needed to achieve that goal. Representatives from each major facet of the aviation community met to determine the most effective means to resolve this airport capacity crisis before its devastating economic implications come to bear on the nation's economy. We concluded that a three-part strategy focusing on concrete actions to address capacity and infrastructure, ATC modernization and investment, and long-term funding is an appropriate course of action.

First, capacity is more than runways. Capacity can be affected by the ATC system as well as the levels of funding committed to various projects. Americans rely on air travel; therefore, we must build the necessary infrastructure to support the economic needs of the United States and to maintain the quality of life the public has come to expect. Aviation delays are caused, in part, by inadequate runway, taxiway, and gate space at our nation's busiest airports.

Help for congestion and the mismatch between passenger demands and airport capacity is available in capacity enhancement plans put together by many of our nation's busiest airports. Given that the top 25 airports represent 90 percent of the delays in the system, measures to expedite these projects promise to offer the single greatest benefit to travelers and system performance. These top 25 airports are also supported by a robust system of secondary and reliever airports. Many of these "reliever" facilities are under threat of closure, and need protections for better land use laws.

The Bush Administration and Congress should ensure that the environmental review process identifies real concerns, but is not used as a tool to unreasonably delay new runways and other vital capacity enhancements. Also, the Federal Aviation Administration and the Department of Transportation should become more vocal in their advocacy of new runway capacity where it is most needed.

Second, but just as importantly, we must accelerate efforts to modernize air traffic control equipment and methods while maintaining our absolute commitment to safety. Significant improvements have been made in the past several years, but more needs to be done. As the FAA's air traffic control systems continue to be modernized, congestion will be relieved and delays will become less frequent, but this effort must be expedited to meet ever-growing demand.

Modernization programs that increase capacity and reduce delays should be given high priority over a five-year timetable, including the full-scale implementation of Global Positioning System (GPS) Satellite Navigation, En Route Software and Hardware (HOST Computer) Upgrades, Airspace Redesign, Choke Point Initiatives that continue access by all system users, Wake Turbulence Detection at major airports, Controller-Pilot Data Link Communication, other Free Flight Phase I and II technologies, continued development and deployment of Safe Flight 21 Initiatives, such as ADS-B, and proper staffing of air traffic controllers.

These technology initiatives hold the promise of significantly increasing safety, as well as capacity. For example, many of these technologies can be used to address the very real problem of runway safety and situational awareness.

Finally, maintaining consistent, long-term federal investment in the aviation system is critical. The continuation of AIR-21 funding levels is imperative. This funding, the vast majority of which derives directly from aviation system users, is what supports the addition of airport infrastructure and air traffic modernization. In addition to AIR-21, adequate funding of the NASA aeronautics programs must be assured. This will ensure on-going technological innovation and capacity building in the areas of noise and emissions reductions and evolution of the air traffic system. We must continue the momentum gained through AIR-21, and extend the use of present aviation taxes to produce predictable funding levels over the long term. This is key to getting the necessary corrective steps accomplished. Guaranteed funding levels for aviation capital programs should be continued and increased to meet our system's ever-growing needs.

We respectfully urge the Bush Administration to make aviation capacity enhancements a top national priority, by working with the aviation community to ensure that America's air transport system has the airport capacity, modern air traffic management technology and procedures, and long-term investment necessary to foster the maintenance of safe and efficient air transportation system.

Sincerely,

John S. Carr
President
NATCA

Carol B. Hallett
President and CEO
ATA

John W. Douglass
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Deborah C. McElroy
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RAA

Mr. OSE. Thank you, Mr. Merlis. For the benefit of the other Members here we've got 6 minutes and 15 seconds. We're going to go ahead and recess. We are going to go over and vote. Again it's two votes, so we've got this one plus another 5-minute and then we'll be back and we'll start with Mr. Hauptli.

[Recess.]

Mr. DUNCAN [presiding]. OK. Well, they've asked me to start this hearing. Oh, excuse me. That wasn't very long.

Mr. OSE [presiding]. Mr. Hauptli for 5 minutes.

Mr. HAUPTLI. Mr. Chairman. Thank you very much, Mr. Duncan and other Members as they come in. What I'd like to do is obviously submit my written testimony in its entirety.

Mr. OSE. Excuse me, Mr. Hauptli. Close that door back there, please. Thank you.

Mr. HAUPTLI. I will just make a couple of points and, with luck, yield back a little of my 5 minutes.

Over the past decade we have experienced tremendous growth in aviation—200 million additional passengers in the system in the past decade. We have not kept growth with the infrastructure investment that we need to. AIR–21 gives us an important step in that direction, but it still is not enough. We still have an infrastructure investment gap in this country.

Over the next decade, 350 million additional passengers are expected in the system. That's like taking the entire population of the United States and adding that onto an already crowded, already delayed system. We need to build more and we need to begin building today to meet that growing demand. It currently takes 10 to 15 years, as you've identified, Mr. Chairman, in your opening statement, to go through the local and Federal review and approval process to build runways. We don't have 15 and 20 years to build in the system. We need to start today.

As others have noted, we had one in four flights delayed last year, 163 million passengers affected, and the bottom line is that consumer complaints are going to continue unless we deal with building additional capacity in the system. Beyond just our own desire to get from point A to point B without having to be delayed, there's a real economic impact. I mean, in a country as broad, with the geography that we have in the United States, you need a highly developed, highly efficient air transportation system to move not only people, but also products quickly and efficiently from point A to point B. In Germany and Japan you can rely on the rail system. They have the geography that will allow that. But in the United States you need an air transportation system to make sure we stay competitive, both domestically and internationally.

So we need to speed up the review and approval process. We need to expedite that process, but do it in a way that is not violative of existing environmental safeguards. Jane Garvey of the FAA, and Secretary Mineta of the Department of Transportation, have done a terrific job of identifying those areas where they can, under existing rules and existing authority, try and expedite the process. We believe there needs to be legislative solutions as well to try and expedite the review and approval process.

The airport community has submitted something we call EASE, the Expedited Airport System Enhancement Act. There are eight

components of it, which are included in my testimony. I'd be happy to answer questions about any of that. But we believe that those measures, along with some of the measures that other folks in this committee and other committees have identified as possible solutions need to be explored. We need to get on with that. We don't have time to wait 3 or 4 years. We need to begin that process today.

With that, I'll close, Mr. Chairman.

[The prepared statement of Mr. Hauptli follows:]

Statement of

Todd Hauptli

Senior Vice President,

Legislative Affairs,

American Association of Airport Executives/

Airports Council International-North America

Before the

Subcommittee on Energy Policy, Natural Resources

and Regulatory Affairs

Committee on Government Reform

U.S. House of Representatives

July 31, 2001

Chairman Ose, Ranking Member Tierney, and Members of the House Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, thank you for inviting me to participate in today's hearing entitled, "Air Transportation: Customer Problems and Proposed Solutions." I am testifying today on behalf of the American Association of Airport Executives (AAAE) and Airports Council International-North America (ACI-NA). On behalf of members from both associations, I appreciate this opportunity to discuss the regulatory hurdles associated with increasing airport capacity and reducing customer complaints caused by airline delays.

Between 1990 and 2000, the number of passengers using our aviation system increased by over 200 million. Despite the dramatic increase in passengers, the construction of new runways hasn't been keeping pace with increased demand. To help put this shortfall in context, the Dallas/Fort Worth (DFW) International Airport is planning to open its eighth runway in 2007 to help accommodate 68 million passengers. By comparison, only six new runways were added to large hub airports throughout the country in the past decade to accommodate 200 million passengers. In other words, we added two less runways than what DFW will use to accommodate approximately one-third as many passengers. To handle the projected increase, we need to add the equivalent of ten DFW airports.

The fact is many of the nation's busiest airports simply don't have the capacity to accommodate today's traffic let alone the crush of activity projected for the immediate future. In its 1998 Aviation Capacity Enhancement Plan, the Federal Aviation Administration (FAA) cited twenty-seven airports that are seriously congested, experiencing more than 20,000 hours of delay annually. FAA forecasts indicate that unless we make significant airport capacity investments, the number of seriously congested airports will grow to 31 by 2007.

Like the number of passengers, flight delays and cancellations are also on the rise. Flight delays increased 58 percent between 1995 and 1999, and flight cancellations increased 68 percent during the same five-year period. As all of you know, the year 2000 was even worse. The Department of Transportation (DOT) reported that one in four flights were delayed, cancelled or diverted last year affecting approximately 163 million passengers.

Unfortunately, delays and cancellations are expected to rise as the number of passengers using the aviation system skyrockets from approximately 694 million passengers today to more than one billion by the end of the decade.

As the number of delays and cancellations rise, so do customer complaints. According to a DOT Air Travel Consumer Report, customer complaints increased 14 percent last year. The report indicated that flight delays and cancellations caused 40 percent of customer complaints. Under pressure from Congress, the airlines agreed to implement voluntary plans to improve customer service. But offering the lowest fare available and being more responsive to customer complaints is not going to reduce flight delays and cancellations. The bottom line is consumer complaints will continue to pile up until we add capacity to our air transportation system.

If airports lack the capacity to meet increased demand, the solution seems clear: build more runways. Two miles of runways at the top twenty-five delay prone airports would eliminate most of the delay in the system. Fifty miles of runways would increase airport capacity, reduce airline delays and reduce the major cause of customer complaints.

A number of additional runway are now planned, but the process for approving runway construction projects routinely gets bogged down in a seemingly endless maze of overlapping and duplicative reviews. The process is so time consuming that runway projects routinely take ten years from start to finish, and some take even longer. To look

at it another way, it took the United States eight years to put a man on the moon, yet it takes 10 - 15 years or more to build a new runway.

Although no one questions the wisdom or need for strong environmental stewardship, it is clear that the current system unnecessarily delays many critical projects for the sake of process rather than environmental benefit. As the General Accounting Office pointed out last year, overlapping federal and state environmental requirements can delay airport projects "without necessarily providing commensurate environmental benefits." The problem is also becoming more evident throughout the aviation industry. This year, several airline CEOs and a number of other groups have voiced support for expediting the process to approve new runways.

From the standpoint of water and air quality, noise, and other environmental concerns, it matters little whether the process of moving the project forward takes weeks, months, years, or decades. What is critical is identifying the appropriate environmental safeguards early and building them in as the project progresses. Airports have proven effective in accomplishing that goal, and we are proud of the airport communities' efforts to protect the environment.

Typically, the current environmental review process for major capacity enhancing projects begins with the incorporation of the project into an airport master plan, which is subject to FAA review and approval. Master plans almost always include preparation of initial environmental review, including key analysis of project purpose, the need for the project, and potential alternatives to the project. Master plan documents are part of the

record for environmental review and provide much of the data the FAA and other agencies require for that review.

Beyond the airport master plan, the National Environmental Policy Act of 1969 (NEPA) creates the procedural framework for review of environmental impacts and for compliance with applicable federal, state, and local laws. NEPA procedures apply to "federal actions" that "significantly affect the quality of the human environment." Many critical capacity projects such as new runway construction typically meet that definition and as such are required to follow NEPA guidelines. In addition, several states have "NEPA-like" requirements that must be followed.

The NEPA process for airports is managed by the FAA as the lead agency coordinating activities with other federal and state agencies as well as with the public. Other agencies or individuals involved with the NEPA process include, but are not limited to, the Environmental Protection Agency, the Department of Interior, the Bureau of Land Management, and the Fish and Wildlife Service. Other agencies include the Army Corps of Engineers, the Advisory Council on Historic Preservation, the Department of Agriculture, the state historical preservation office, and state air and water pollution control agencies.

These agencies administer a diverse set of laws, which typically are addressed as part of the NEPA process or parallel to it: The National Historic Preservation Act; The Farmland Protection Policy Act; the Department of Transportation Act; the Clean Water Act; the

Clean Air Act; the Endangered Species Act; the Airport and Airway Improvement Act; the Comprehensive Environmental Response, Compensation and Liability Act; and the Resource Conservation and Recovery Act, among others. In addition, issues of Environmental Justice must be addressed.

Building on the initial environmental review contained in the master plan, FAA and the airport work with the appropriate agencies under NEPA and other statutes to develop an environmental analysis (EA) or a more detailed environmental impact statement (EIS) when necessary. This documentation must adequately define the purpose and need for the project, identify project alternatives, and discuss the affected environment, including nearby land uses, population characteristics, future plans for the area and existing environmental conditions. The FAA manages the EA/EIS process.

The EA/EIS must also discuss the environmental consequences in twenty defined impact categories. They are: noise; compatible land use; social impacts; induced socioeconomic impacts; air quality; water quality; publicly-owned land of a public park, recreational area or wildlife and waterfowl refuge or land of an historic site; historic resources; biotic communities; endangered species; wetlands; floodplains; coastal zone management; coastal barriers; wild and scenic rivers; farmland; energy supply; light emissions; solid waste impact; and construction impacts.

Finally, the EA/EIS must address conflicts with other governmental objectives, policies, laws and plans; adverse environmental consequences which cannot be avoided;

irreversible and irretrievable commitments of resources, and mitigation of adverse environmental impacts. When this lengthy process is finally navigated the FAA issues a Record of Decision (ROD), and construction is allowed to proceed. In many cases, however, the ROD spurs legal challenges that can further delay the project.

At a hearing before the House Transportation and Infrastructure Subcommittee on Aviation earlier this year, Virginia Buckingham, the Executive Director and CEO of the Massachusetts Port Authority (Massport), called for deadlines on the FAA and other agencies under NEPA to issue a ROD once a final EIS has been filed. The lack of firm deadlines is just one of the reasons why the construction of a new runway has been delayed at Boston's Logan International Airport.

For those of you who may not be familiar with Logan, DOT consistently ranks it as one of the top-ten most delayed airports in the country. In an effort to accommodate a dramatic increase in passengers and alleviate airline delays, the Massachusetts Port Authority (Massport) is proposing to build a new 5,000-foot runway. According to Massport, a new runway at Logan would reduce and delays in good weather by 45-55 percent and overall delays by 30 percent.

A new runway at Logan would remove the airport from DOT's list of top-ten most delayed airports. But, as Ranking Member Tierney knows, people in Massachusetts have been debating a proposal to build an additional runway at Logan International Airport for thirty years. With so many players and so many considerations, it is not difficult to

imagine why the review process at Logan and other airports around the country takes so long to complete. Mr. Chairman, I have a diagram of the environmental review process that illustrates the 44-step environmental review process for airport construction projects. I ask that it be submitted for the record.

Mr. Chairman, ACI-NA and AAAE have developed the Expedited Airport System Enhancement (EASE) initiative to improve the review and approval process for projects that would enhance capacity and reduce delays at the nation's busiest airports. We have worked with numerous environmental, airport planning, and development professionals, key Federal Aviation Administration staff, as well as environmental and aviation law experts. Our goal is to expedite the time it takes federal and state regulators and environmental agencies to review and approve critical airport projects without diminishing the quality of the review or altering the underlying environmental statutes that govern them.

The EASE initiative we have developed would give priority to critical airport capacity projects within the scope of existing environmental laws and better integrate application of those laws into the process for reviewing such projects. I can't stress enough that under our proposal project acceleration does not come at the expense of environmental progress. Completing airport capacity projects in a reasonable amount of time saves money, improves airline service and does nothing to harm the environment. Simply put, funding and completing runway projects is the single most effective measure to improve system reliability.

Our EASE proposal would be limited to critical national airport capacity projects at a small number of specifically designated airports where delays have serious impacts on the national air transportation system. According to the FAA, the ten airports that experienced the most delays last year accounted for almost 72 percent of the delays in the entire system. Just twenty airports accounted for 92 percent of the delays. Because commercial air service in the United States is based on a network system, changes at only a handful of the busiest airports in the country would significantly reduce delays and cancellations at airports throughout the entire country.

The first provision in our proposal pertains to the so-called off-airport alternatives analysis. Under current law, the FAA and other agencies must conduct a preliminary study early in the process to determine whether reasonable off-airport alternatives exist to airport capacity projects. The off-airport alternatives analysis consumes precious time, money, and effort even when in many cases it is clear from the beginning that there is no reasonable off-airport alternative to a runway project to add the needed capacity at a particular facility.

We would argue that at the busiest airports, there is no reasonable off-airport alternative to a new runway that will reduce airline delays and solve the nation's airport capacity problems. Therefore, we are proposing that the off-airport alternatives analysis be eliminated at a small number of airports where delays have serious impacts on the national air transportation system.

This provision would affect only the consideration of off-airport alternatives. Under our proposal, a qualified airport and the FAA would still carefully consider on-airport alternatives during the environmental assessment phase of the review process. Eliminating the off-airport alternative analysis would not guarantee that an airport capacity project would be built. To the contrary, people from nearby communities may convince an airport and the FAA not to build a new runway during the EA and EIS phases of the review process. This is not an effort to bypass NEPA. Rather it is an effort to get to the starting line sooner in the NEPA process so we can begin the debate about whether to build or not build an airport capacity project at the nation's busiest airports.

Our proposal would also provide the FAA with more tools to review critical airport capacity projects. The fact is the FAA often lacks the resources to expedite the review of airport construction projects. We recommend that airports should be allowed to provide funds to the FAA to hire additional, project-specific staff and/or consultants to supervise and implement reviews of critical airport capacity projects.

Under the proposal in our EASE initiative, additional staff would work exclusively under FAA's supervision and would have no obligation to the airport. Because additional staff would only be used temporarily for the most difficult and critical projects, they would not increase FAA's permanent headcount.

When it released its Environmental Review of Airport Improvement Projects in May, the FAA recommended eliminating the so-called governor's certificate. We strongly support that proposal and have included it in our own EASE initiative. Under current law, the Secretary of Transportation may approve an application for an airport runway project only if the governor of that state where the project is located certifies that there is "reasonable assurance" that the project will comply with applicable air and water quality standards.

The governor's certificate was required as part of the Airport and Airway Improvement Act when it was amended in 1982. While it may have made sense to require the governor to certify that an airport construction project in his or her state complies with applicable air and water quality standards, the requirement duplicates compliance and conformity rules that were later established in the Clean Air Act and amendments to the Clean Water Act.

We are also proposing to expand the use categorical exclusions. NEPA allows for specific categories of projects that historically pose no significant impact to the environment. Certain activities that have proven to continually fall under established pollution thresholds can then be automatically approved allowing more resources to be spent on review of significant project elements. This timesaving tool is successfully utilized by most federal agencies in their project environmental reviews.

The FAA typically categorically excludes airport projects like apron and terminal expansions that lie within the existing footprint of airport operations. We support FAA staff assertions that there are several project elements that could be added to the current categorical exclusion list that would expedite project approvals, based on historical categorical approvals, while minimizing environmental impacts.

Some of delay attributed to the federal government when it reviews airport capacity projects occurs at agencies other than the FAA. Therefore, we are calling for the creation of an Airspace System Capacity Enhancement Council or Czar that would report directly to the President and coordinate federal agencies as they review airport capacity enhancement projects. This council or official would insure that federal agencies conduct environmental reviews of Critical National Airport Capacity Projects on a "highest priority" basis.

As many of you know, much of the delay in reviewing airport capacity project is not caused by the FAA or other federal agencies but rather by state and local entities. In an effort to offset any potential negative impact that a critical airport capacity project could have on the communities served by the airport, we are proposing that local airport funds should be used to help reach community-based mitigation agreements. Agreements with public agencies allow for effective regional planning and development around major airports while ensuring coordinated land use and natural resource conservation. Additional mitigation capabilities may require a legislative change to existing rules on revenue diversion and Passenger Facility Charge eligibility.

Similarly, we think states should better recognize airports and revise their State Implementation Plans (SIPs). The Clean Air Act prohibits the FAA from approving an airport project if it interferes with SIPs. But many state plans contain unrealistically low airport emissions budgets. Our EASE initiative requires states to have SIPs that incorporate realistic airport growth projects. This removes another source of delay for critical airport capacity projects.

Although the causes of airline delays are complex, it is clear that adding runway capacity remains a key challenge. In light of the current volume of travel and the projected growth within the next decade, we cannot afford to allow critical capacity enhancing projects such as runway construction at major airports to become mired in an unending process that produces no measurable environmental benefit.

Enactment of a few common-sense procedural changes can make a difference in ensuring that critical projects currently under consideration move forward responsibly and with appropriate environmental sensitivity. Success in this regard will produce profound results throughout the aviation system.

Bringing additional runways on-line in time to meet the billion passengers that the system will face by the end of the decade is critical not only for aviation but also for our whole economy. Expedited runway construction combined with ongoing efforts to modernize

the tools to manage air traffic control can go a long way toward reducing airline delays and the accompanying frustration, inconvenience and lost time and productivity.

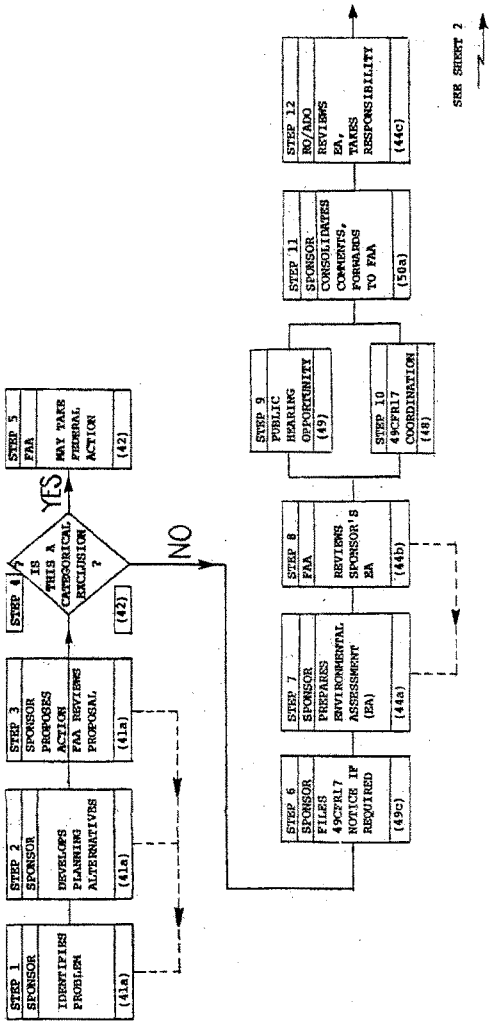
Chairman Ose, Ranking Member Tierney, and Members of the House Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, thank you for inviting me to participate in today's hearing. All of us at ACI-NA and AAAE look forward to working with you during the 107th Congress as you examine the regulatory hurdles associated with increasing airport capacity and reducing customer complaints caused by airline delays.

FAA Order 5050.4A
Dated 1985
Applicable As Of March 15, 2001

FLOW DIAGRAM OF ENVIRONMENTAL PROCESS

SHEET 1 OF 3

(Applicable paragraphs in parenthesis)



FLOW DIAGRAM OF ENVIRONMENTAL PROCESS

SHEET 2 OF 3

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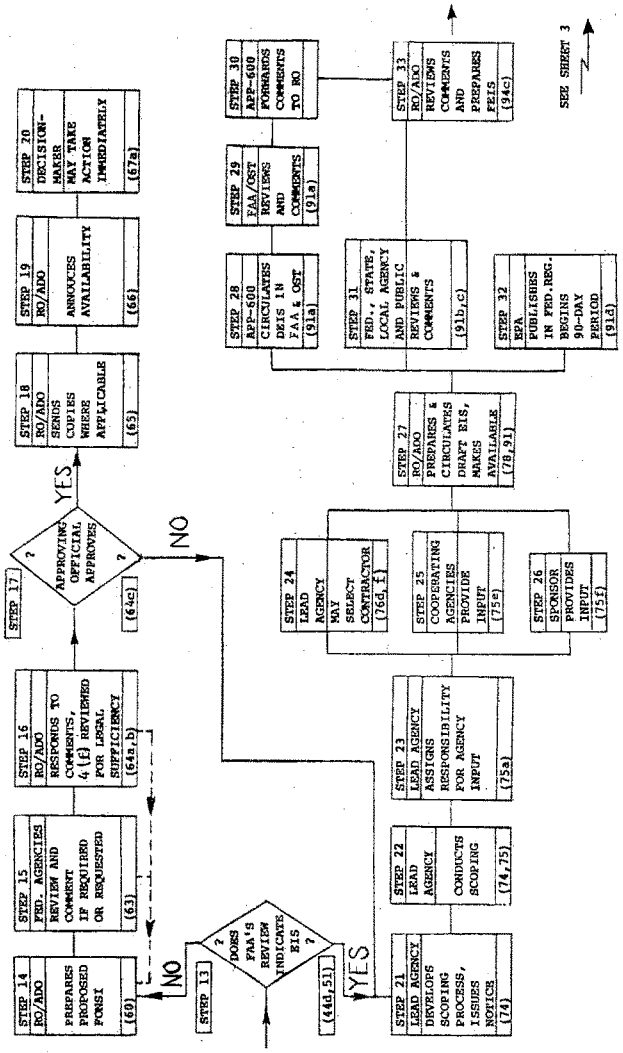

FLOW DIAGRAM OF ENVIRONMENTAL PROCESS

SHEET 3 OF 3

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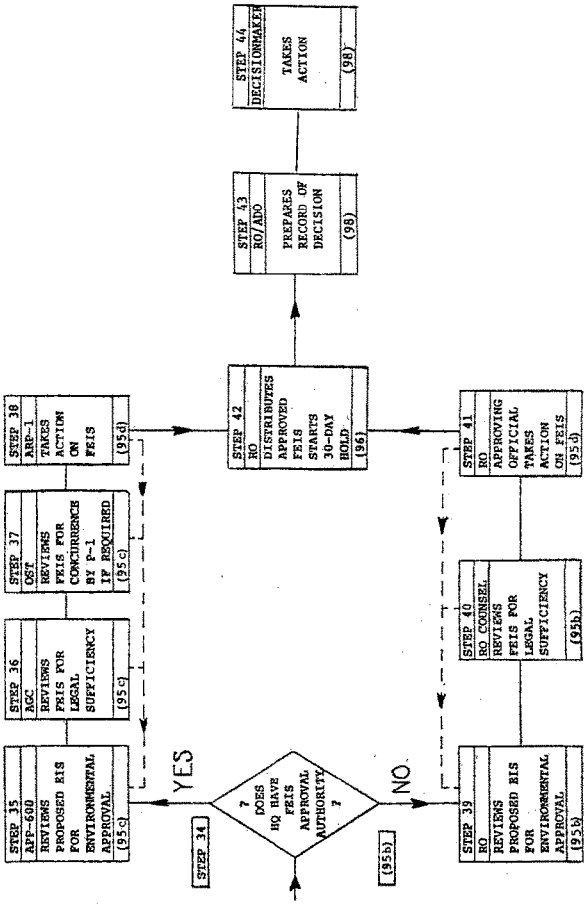

Mr. OSE. Thank you, Mr. Hauptli. That kind of timeframe, you might be invited back some day.

Mr. Ogrodzinski for 5 minutes.

Mr. OGRODZINSKI. Thank you, Mr. Chairman. Mr. Tierney, Mr. Otter, Mr. Duncan. It is a privilege to be here today representing the Association of State Aviation Officials. As you know, we represent the men and woman in State government who serve the public interest in all 50 States, Guam and Puerto Rico. The States develop statewide aviation system plans, airport capital investments plans, and together they invest about a half a billion dollars each year in airport infrastructure, operations and development.

I'm joining you today to bring you some good news about some of the things that are happening in the industry. As you know, the States themselves also operate airports. They operate all of the airports in Hawaii and Alaska, as well as some other giants of the industry like Baltimore-Washington International. Congress in 1996 made the State Aviation Block Grant Program permanent and today nine States are fully responsible for directly administering Federal airport improvement programs.

Under AIR–21 legislation passed last year, these provisions include accepting a 10th State into the program. The airport approval process is streamlined under the State Block Grant Program and expedited. Paperwork requirements have been reduced, duplication has been eliminated, and FAA has been able to shift resources that would have otherwise applied to these airports to other high priority tasks.

In one block grant State, Missouri, there are six brand new airports that have been built in the past decade. As we've discussed earlier today, it sometimes take 10 or 12 years to build a single runway. But under the block grant program, Missouri has been able to build six entire airports. Wisconsin, another block grant State, has used some of the very latest technology and GPS approaches and pioneering loss systems because they are a block grant State and were able to put these in position faster than the Federal schedule would allow. Wisconsin also has the world's first aircraft deicing system that does not rely upon glycol or other polluting chemicals, because they were able to accelerate a pilot program under the block grant flexibility.

A State does not need to be a block grant State to be innovative. I'd like to note that the State of Washington recently passed State legislation requiring cities and communities to protect airports from incompatible development. The Washington manager of aviation planning, Theresa Smith, says facing the challenge today will allow for a peaceful coexistence tomorrow. Failure to act will guarantee conflict.

This spring, we at NASAO signed an agreement with FAA Administrator Garvey under which the States and FAA are currently examining how environmental review requirements can be more effectively and efficiently combined and coordinated to streamline the overall process. Our goal is to increase airport capacity and decrease delays by expediting the review process on airport construction. We believe that we can speed up the process without endangering the environment in any way.

We've already begun this process. We have a survey out to the States at the moment. We are working with FAA, and our full report will be issued within a year. We have also pledged to work with FAA on a strong partnership which will help communities understand how important their airports are and protect them from incompatible land use and tall structures which could imperil navigation.

Mr. Chairman, members of the committee, we at NASAO believe that planning, coordination and cooperation are key for both the States and Federal Government to work together to solve many of the challenges we face today.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Ogrodzinski follows:]

NASAO

THE TESTIMONY OF
THE NATIONAL ASSOCIATION OF STATE AVIATION OFFICIALS

By

HENRY M. OGRODZINSKI
NASAO President & CEO

Before
The Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs
of the Committee on Government Reform
U.S. House of Representatives

July 31, 2001

Good afternoon Chairman Ose, Ranking Minority Member Tierney, and members of committee. My name is Henry Ogrodzinski. I have the privilege of representing the National Association of State Aviation Officials (NASAO), which in turn represents the state government aviation agencies in all 50 states, Guam and Puerto Rico.

Founded in 1931, NASAO is one of the most senior aviation organizations in the United States, predating even the Federal Aviation Administration and its predecessor, the Civil Aeronautics Authority. The states themselves established NASAO to ensure uniform safety measures, to standardize airport regulations, and to develop a truly national air transportation system responsive to regional, state and local needs. Unlike some special interest groups which may speak for a single type of aeronautical activity, NASAO represents the men and women in state government who serve the public interest as a whole. These highly skilled professionals are full partners with the federal government in the development and maintenance of the safest and most efficient aviation system in the world.

State aviation agencies organize, promote and fund a wide variety of programs across the nation. All states develop statewide aviation system plans and airport capital investment plans. In some areas of the nation, we see groups of states working together to develop regional systems plans. Together, the states invest about a half billion dollars each year in planning, operations, infrastructure development, maintenance and navigational aids at 5,000 airports across the country.

Most states have also built, own and operate airports. Some states, such as Hawaii and Alaska, operate the vast majority of their airports. Across the nation, the states own and operate roughly five hundred airports ranging from the smallest, yet vitally important,

rural air strips to the true giants of the industry such as Honolulu International and Baltimore-Washington International.

I share this bit of information with you about the states' involvement in aviation in an effort to illustrate the fact that our national air transportation network is much more extensive than simply the top thirty airline hubs...that aviation does not begin and end with the FAA...that individual states are deeply and actively engaged in promoting, protecting and expanding our national aviation system.

I would like to share with you some of our recent success stories. For instance, in 1987 Congress initiated a pilot program using state block grants to provide Airport Improvement Program funds to smaller airports. In 1992, the pilot program was expanded from three states to seven. Congress made the state aviation block grant program permanent in 1996. Today, nine states are fully responsible for directly administering federal Airport Improvement Program funds. The AIR-21 legislation passed last year includes provisions for accepting a tenth state into the program.

Testifying before the House Aviation Subcommittee, Dr. Gerald Dillingham of the General Accounting Office called the program a "success." The GAO report stated that the FAA, the individual airports and the participating states have all benefited from the program. The airport project approval process has been streamlined and expedited. Paperwork requirements have been reduced. Duplication has been eliminated. FAA has been able to shift resources that would have been applied to these airports to other high priority tasks.

In Missouri, one of the block grant states, six brand new airports have been built in the past decade. No, they are not the size of O'Hare, but they are just as important to the citizens and economy of the state and provide them with access to the rest of the world. Think of it, when the common wisdom is that it takes ten years to build a runway, a block grant state builds six entire airports in the same time period.

Wisconsin, another block grant state, was the site of some of the very first GPS (Global Positioning System) approaches and a pioneering LAAS (Local Area Augmentation System) installation. They had the ability, flexibility and innovative financing, under the block grant, to accomplish these feats ahead of the federal schedule. Wisconsin also has the world's first aircraft deicing system that does not rely on glycol or any other polluting chemicals because they were able to accelerate the pilot program under their block grant flexibility.

And a state does not have to be a block grant state to be innovative. In fact, the State of Washington recently received NASAO's "Most Innovative State Award" for an outstanding program, passed by the state legislature, requiring cities and counties to protect airports from incompatible development. Washington Manager of Aviation Planning Theresa Smith says, "Facing the challenge today will allow for a peaceful co-existence tomorrow. Failure to act will guarantee conflict."

I'd also like to take just a moment to familiarize you with some progress that is being made in a couple of critical areas under a joint FAA-NASAO Memorandum Of Understanding. Each year, for the past six years, the states and FAA have jointly tackled a number of mutual areas of concern. This year, we focused on environmental streamlining and airport approach protection. This spring, we signed an agreement with FAA Administrator Garvey under which the states and FAA are examining how the environmental review requirements can be more effectively and efficiently combined and coordinated to streamline the overall process. Our goal is to increase airport capacity and decrease delays by expediting the review process on airport construction projects. We believe we can speed up the process without endangering the environment in any way. We have already begun surveying our members and meeting with the FAA, and our full report will be issued within a year.

We have also pledged to work with FAA in a strong partnership to protect airport approaches from obstructions and other impediments to air navigation. We are working toward a joint process for the review of tall structure and land use proposals near airports, to enhance safety. In addition, under this MOU, FAA will conduct seminars with state aviation officials for airport operators and municipal planners on the subject of compatible land and airspace protection.

Airline deregulation led to the consolidation of traffic at relatively few commercial hubs. Those airports are congested and they do suffer delays and at some of them, surrounded by incompatible land use, there is no room for expansion. But even in our most populous states, there are almost always other airports, which suffer an embarrassment of riches...underutilized capacity.

So, all is not doom and gloom. Together, state and federal governments are moving forward with solutions for many of the challenges we now face.

Mr. OSE. Thank you, Mr. Ogrodzinski. Mr. Krietor for 5 minutes.

Mr. KRIETOR. Thank you, Chairman Ose and members of the committee. I appreciate the invitation to testify today. I think I'm the only member of the panel that came to Washington in July to cool down. So I represent the city of Phoenix Aviation Department, which owns and operates a three-airport system, including Sky Harbor International Airport.

In terms of the Nation's air systems, Sky Harbor is the ninth busiest passenger airport and the fifth busiest measured in flight operations. It's the only airport in the United States that's the largest station for two major airlines: America West and Southwest Airlines. Sky Harbor is a critical element of our region's economic development infrastructure. The airport generates direct employment for over 40,000 people and generates $20 billion a year in annual economic impact for the State of Arizona.

Meeting our region's economic development aspirations is dependent to a great extent on the success of this airport. With the continued growth and demand comes the need to provide necessary infrastructure.

Sky Harbor, some of you may know, is located in the heart of our metropolitan area, and while the location provides unsurpassed convenience, the airport must operate in a complex urban environment. The need for a third runway at Sky Harbor was first identified in the airport's 1970 master plan and so began a 30-year odyssey. In September 1989, a firm decision was made by the Phoenix City Council to proceed with construction of the third runway. The path for the new runway had several inherent challenges. The Salt River is adjacent to the runway site and needed to be channeled. The path of the proposed runway traversed the existing Air National Guard fueling unit located at Sky Harbor. The delivery of an operational runway required 11 years to complete.

The most time consuming phase for the project involved the Federal environmental impact statement process. The EIS process was initiated in May 1990 with a draft EIS being issued in June 1991. The draft EIS initiated a heavy round of public comments principally from one source, the city of Tempe, located directly east of Sky Harbor, which made voluminous comments to the draft EIS. This we believe was clearly a legal strategy to extend or delay the process to gain political leverage. The final EIS was not published until November 1993, and it was not until January 1994 that a record of decision was issued.

The city of Tempe then filed suit, alleging the FAA did not do an adequate job in conducting the EIS. In September 1994, the city of Phoenix stepped in and actually executed an intergovernmental agreement with Tempe regarding noise abatement procedures. The IGA resulted in an amendment to the record of decision in September 1994 and the subsequent dismissal of the lawsuit. In total, the EIS process took about 4½ years to complete, which we believe is about twice as long as it should have taken.

In order to create an environment to allow the airport to grow and expand as part of our IGA with Tempe, the city voluntarily imposed, with the FAA's concurrence, noise mitigation efforts that have constrained capacity at the airport. With the EIS settled, the airport was ready to commence design of the project, with the

added complication of moving the Air National Guard. The new runway was not operational until October 2000. I would say that the third runway opened last October at a cost of $175 million.

Sky Harbor was able to collect $105 million of the cost through passenger facility charges. The remaining costs were paid from airport improvement program grants. The availability of these funds was critical to maintaining a cost effective airport.

Demands for facilities at Sky Harbor is going to continue. We are right now focused on the development of new terminal facilities at the airport, and initial efforts to begin the environmental review for that project already hint at the problems that may face us. FAA guidelines suggest construction or expansion of passenger handling facilities is either categorically excluded or may in certain cases require an environmental assessment. However, in this case the FAA is requiring a full EIS and frankly I can't blame them. Given our past history with litigation and airport improvement projects, they probably have made the right decision in this case. But we now have delayed the start of design on the new terminal complex. We estimate that it's going to add 2 years to the development of these facilities that will allow us to match our land side capacity with our air side capacity.

In conclusion, the city of Phoenix appreciates the attention that Congress and the FAA has placed on addressing obstacles to airport growth. We fully support AAAE and ACI's EASE proposal, look forward to working with them, working with Administrator Garvey and working with the Congress in moving these issues forward.

[The prepared statement of Mr. Krietor follows:]

Statement of David Krietor
Aviation Director, City of Phoenix Aviation Department
Before the Subcommittee on Energy Policy,
Natural Resources and Regulatory Affairs
Committee on Government Reform
U.S. House of Representatives
July 31, 2001

Chairman Ose, Members of the Subcommittee, I appreciate the invitation to testify today on Air Transportation – Customer Problems and Solutions. I represent the City of Phoenix Aviation Department, which owns and operates a three-airport system including Phoenix Sky Harbor International, Deer Valley, and Goodyear Airports. Together these airports handle over one million flight operations per year. Phoenix Sky Harbor is a large-hub airport and serves as the primary commercial airport for the State of Arizona. In terms of the national air system, Sky Harbor is the 9th busiest passenger airport and the 5th busiest measured in flight operations. It is the only airport in the United States that is the largest station for *two* major airlines – America West Airlines and Southwest Airlines.

Phoenix is Experiencing Major Growth

The City of Phoenix and the State of Arizona are experiencing rapid growth. With a growing population comes increased demand for air service. The number of passengers using Sky Harbor has grown to 36 million, an 18% increase since 1996. The Federal Aviation Administration (FAA) is projecting that Sky Harbor will be the 5th busiest passenger airport in the United States by the year 2015.

Sky Harbor is a critical element of our regions economic development infrastructure. Sky Harbor generates direct employment for more than 40,700 people, and generates $20 billion in economic impact. Meeting our regions economic development aspirations are dependent to a great extent on the success of Sky Harbor.

Infrastructure Enhancement Needed to Meet Growing Demand

With the continued growth in demand comes the need to provide necessary infrastructure. Phoenix Sky Harbor is situated in the heart of the Metropolitan area. While its location provides unsurpassed convenience, the Airport must operate in a complex urban environment.

Sky Harbor's Third Runway Construction Project: The need for a 3rd runway at Sky Harbor was first identified in the Airport's 1970 master plan. In September 1989, a decision was made by the City to proceed with construction of the 3rd runway south of the existing south runway. The path for the new runway had several inherent challenges including:

- The Salt River is adjacent to the runway site and would need to be channeled.
- The path of the proposed runway traversed the existing Arizona Air National Guard, 161st Aerial Refueling Wing facilities.

- The new runway intersected the Federal Aviation Administration's (FAA's) surveillance radar site.

The delivery of an operational runway required 11 years to complete. The most time consuming phases for the project involved the Environmental Impact Statement (EIS) process and coordination issues with the Air National Guard for movement of its facilities and infrastructure.

EIS Process: The EIS process was initiated in May 1990, with a draft EIS being issued in June of 1991. The draft EIS initiated a heavy round of public comments. The City of Tempe, located directly east of Sky Harbor, made voluminous comments to the draft. This was clearly a legal strategy to extend and/or delay the process to gain political leverage. In addition, Hohokam Indian cultural items were discovered requiring further archeological study. The final EIS was not published until November 1993, and it was not until January 1994 that a Record of Decision was issued. The City of Tempe then filed suit alleging that the FAA did not do an adequate job in conducting the EIS. In September 1994, the City of Phoenix executed an Intergovernmental Agreement (IGA) with the City of Tempe regarding noise abatement procedures. This IGA resulted in an amendment to the Record of Decision in September 1994 and the subsequent dismissal of the lawsuit. In total, the process required nearly 4½ years to complete.

In order to create an environment to allow the Airport to grow and expand, the City voluntarily imposed noise mitigation measures that have constrained capacity. One of the measures requires eastbound departures (towards the City of Tempe) to fly a 4 DME departure prior to initiating any turns. In essence, this requires aircraft to fly along the Salt River bed until approximately five miles east of the airport. Because aircraft flying this procedure are directed to a "gate", it limits the number of departures. Until the opening of the 3rd runway, this departure procedure reduced airport capacity by over 30%; with the 3rd runway this procedure has an approximate 20% impact on capacity.

Guard Relocation: With the EIS process settled, the Airport was ready to commence design of the project. As noted earlier, the site selected for the runway intersected existing Air National Guard facilities. The City explored options to move the Guard, including its relocation to another airport. However, the Guard's 100-year lease exercised in 1948 made it impossible to relocate them to another aviation facility without their cooperation. Thus, if we desired the site, we needed to relocate the Guard at Sky Harbor and cover all associated costs. Hurdles to accomplishing this relocation were vast with the most noteworthy highlighted below.

- Design and construction of replacement facilities -- The Guard relocation required the design and construction of over 60 separate facilities. The largest of these projects included replacement facilities for headquarters, squadron operations, the fire station, an aircraft maintenance complex, the logistics division facility, the hush house and the vehicle maintenance facility. In addition, the project required a new entrance roadway, apron, and fueling system.

Complicating the design and construction effort were the multiple entities involved in project reviews and approvals. Each project required input from the Arizona Air National Guard and the National Guard Bureau in Washington, D.C. Coordination among these entities slowed the time projected for this phase. Further, the design reviews oftentimes resulted in plan changes exacerbating construction delays.

- Formal land exchange -- Swapping of land parcels required the development of a formal Land Exchange Agreement (LEA) with the Air Force. In October 1996, officials of both the City of Phoenix and the Air Force met in Washington DC to discuss the LEA. The City provided its amendments to the LEA in November 1996. The final LEA was not executed by the Air Force until May 1997. The LEA had a direct impact on the project as contractors who had already been issued a Notice to Proceed were denied access to the base for a 10-week period.

- Relocation funding – The Guard portion of the 3rd runway project was not eligible for Federal Airport Improvement Program (AIP) funds. Phoenix requested approval from the FAA to impose a Passenger Facility Charge (PFC) to fund the relocation costs. The FAA initially denied the request indicating that the Guard portion of the project was not eligible, as it did not meet the parameters of eligibility for AIP funding. After months of legal wrangling, FAA accepted Phoenix's argument that the relocation of the Guard was a necessary cost to accomplishing the 3rd runway and approved the use of a PFC.

Revenue Sources - The 3rd runway opened on October 5, 2000 at a cost of $175 million. Sky Harbor was able to collect $105 million of the costs from a passenger facility charge. The remaining cost was paid from Airport Improvement Program grants. The availability of these funding sources was critical to maintaining a cost effective airport financial structure for our customers.

Airports Need Certainty in the Timing and Approval Processes for Development

With the ever-increasing demand being placed on airports, we can no longer afford a decade or more to achieve operational infrastructure improvements. Although the pavement is now in place to meet airfield capacity demand, the Airport has no additional gates to provide our airlines and encourage competition. The Airport's newest terminal complex, Terminal 4, has only been in place 10 years, but is already reaching full build-out. Terminals 2 and 3 have no opportunity for further expansion and are unable to meet the demands for space by existing airlines or new entrants. With a modest 5% annual compounded growth, Phoenix Sky Harbor International Airport will need to accommodate 45 million passengers by 2005.

Demand for additional terminal facilities will continue for the foreseeable future. The FAA's recently released Aeronautical Forecasts project Sky Harbor International Airport to rise to 5th busiest in the United States for passenger enplanements by 2015. To accommodate this increasing demand, the Department has responded by undertaking a major expansion program to add new facilities and to acquire new properties to the north of the Airport. The Department anticipates that over the next ten years, in excess of $3 billion dollars will be needed to provide critical infrastructure development.

The key project, West Terminal Development, involves major infrastructure improvements including construction of a new West Terminal Complex with the associated apron area and fuel hydrant system, north-south crossover taxiways, and a people mover system.

Initial efforts to begin the environmental reviews required for expansion already hint at the problems that may face us. The FAA guidelines strongly suggest that construction or expansion of passenger handling facilities is either categorically excluded or may, in certain cases, require an environmental assessment. An environmental assessment is a much less cumbersome process that requires less time. Nonetheless, the FAA has insisted on a full-blown EIS. In the Phoenix case, this caution translates into paralysis by analysis in addressing critical capacity improvements that will allow us to match our improved airfield capacity with new gates. This Study is anticipated to take up to two years to complete. Terminal design is on hold until a draft EIS is released. Meanwhile, the clock continues to tick and our ability to provide new gates to assure a competitive airport environment is jeopardized.

The City is also concerned about potential lawsuits to prevent growth and expansion. Sky Harbor, despite operating in a complex urban environment, left unconstrained could be expanded to handle up to 80 million passengers per year. Opponents of airport growth are likely to file lawsuits following release of environmental reports in an effort to stop airport growth. Compromises reached to accomplish the 3rd runway were detrimental to airport capacity. We see the potential for a similar scenario to play out with our new terminal development. We do want to be clear that we do not oppose a reasonable and appropriate level of environmental review of major airport projects. We recognize that airports do impact their immediate neighbors and that a variety of mitigation measures are necessary and appropriate. We are fully committed to being good neighbors while we meet our obligations to the traveling public and aviation industry.

Conclusion

The City of Phoenix appreciates the attention that Congress has placed on addressing obstacles to Airport growth. Airline delays cannot be alleviated without airports being able to provide necessary infrastructure improvements. Airports need to be able to respond more quickly to the demand for airfield and terminal improvements. The environmental and associated legal issues with expansion projects cause confusion and uncertainty for airports. Sky Harbor supports the American Association of Airport Executive's and the Airports Council International – North America's Expedited Airport System Enhancement (EASE) proposal. The proposal measures, if implemented, would alleviate the burden placed on airports and allow more timely response to growth needs. These measures would have significantly reduced the time required for Sky Harbor's third runway project. Phoenix would also ask that Congress pass measures that address terminal and other non-airfield projects to allow a comprehensive solution for critical infrastructure development.

Mr. OSE. Thank you, Mr. Krietor. From the city of Richland, Ms. Sandahl for 5 minutes.

Ms. SANDAHL. Thank you, Mr. Chairman, members of the committee, for the opportunity to appear before you today. My name is Susan Sandahl, and I am a city council member for the city of Richfield, located in Minneapolis, just south of Minneapolis and west of the Minneapolis-St. Paul International Airport. Currently under construction in Minneapolis is a north-south runway, which is only 1,200 feet from the nearest homes in our community, and I've included a map along with my comments.

As you know, the large—the current debate resolves around the aviation industry's call to increase capacity at airports by building more runways as quickly as possible. Many in the aviation industry contend that local communities near airports are obstructing airport capacity by adopting a NIMBY attitude at the expense of our national transportation infrastructure.

We also know, however, that some airport operators provide too little dialog with local communities. Too often I hear from my colleagues around the country that their local airports adopt an arrogant attitude and an unwillingness to include local elected officials in key runway decisions. Predictably, an adversarial relationship quickly develops.

Mr. Chairman, I'd like to tell the committee today that it does not have to be that way. I know firsthand that local communities and airport operators can work together to increase airport capacity. When the airport seeks citizen input, it can be a good neighbor to the surrounding communities impacted by its new runways. I served as a citizen representative on a committee that reviewed the design of the potential new runways at MSP.

The citizen members of the committee were able to point out to the Metropolitan Airport Commission that a proposed runway running due north and south would not be in anyone's interest since it was going to impact development that the city of Bloomington was proposing at the end of the runway. The MAC, alerted to the potential problem, reconfigured the runway and Bloomington went ahead with its development, which is now called the Mall of America. This is a terrific example of how early citizen involvement can help the process and benefit both the airport and the surrounding communities.

As a Richfield City council member, I can also testify to the benefits of working with the airport operator and not against it. The initial north-south runway EIS did not take into account many of the noise impacts that the city of Richfield's experts believed would impact the community due to the nearness of the proposed runway, 1,200 feet from the nearest home. Initially both Richfield and the MAC were engaged in an emotional litigious relationship. The confrontation was expensive to the city and the airport and the potential cost to the airport in years of delay in constructing the runway.

I'm happy to report, however, that, in 1998, the adversarial relationship was changed. Cooler heads at both the city hall and MAC headquarters were able to sit down and draw up a noise mitigation agreement for a runway that both Richfield and the MAC could live with. Under that agreement, the city of Richfield and the MAC

jointly approached the legislature and obtained $5 million to begin buying out the homes affected by the new runway.

Since that time, the community and the MAC have collaborated to produce expanded capacity for the airport, and have achieved many of the city's noise mitigation goals and resolution of land disputes that had been hotly contested. These included the buyout of homes that would become uninhabitable when the runway went into use, working together to secure State and Federal funding for extensive noise mitigation efforts and joint coordination of a highway bridge to build better access to the airport.

Also, we've been able to resolve disputes regarding park and ballfield replacement issues and a land exchange to allow the city to build its city garage. Richfield and the MAC also collaborated to produce a study on low frequency noise, which is the low, wall shaking rumble associated with takeoffs. Little scientific study had been done on this issue and, as a result, the FAA had not yet issued any regulations on how to mitigate it.

This groundbreaking jointly funded study by Richfield and the MAC is the most comprehensive to date and was the focus of a recent Federal interagency meeting last month. Hopefully it will pay off in dividends to airport communities across the United States if the FAA can reach standards that will affect all airports in the future.

In short, working collaboratively and by their joint decision to view each other as partners and not as adversaries, the Airport Commission and the city were able to complete a runway and to begin noise mitigation efforts before completion.

And, just for a point of information, our EIS for our north-south runway took 2 years. Local communities cannot match the tremendous resources of some of our Nation's largest airports. However, when we feel cut out of the planning process for major infrastructure developments that impact our citizens, we will fight to protect them. Airports have it within their power to prevent that. That's why I respectfully ask this committee to urge airport operators to adopt attitudes toward their airport neighbors similar to the attitude that we were able to reach with the Minneapolis Airport Commission.

Airports should dialog with their neighbors, not ignore them. We need to invite local community stakeholders to have a meaningful seat at the table. Airports that have been reluctant to do so thus far may be pleasantly surprised.

I thank the committee for inviting me here today and would be happy to answer any questions. Thank you.

[The prepared statement of Ms. Sandahl follows:]

TESTIMONY OF THE HON. SUZANNE SANDAHL
MAYOR PRO-TEMPORE, CITY OF RICHFIELD, MINNESOTA
BEFORE THE SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS
JULY 31, 2001

My name is Suzanne Sandahl, and I am a City Councilmember and Mayor Pro-Tempore for the City of Richfield, Minnesota. Richfield is a city of 37,000 residents that borders Minneapolis to our north and the Minneapolis-St. Paul International Airport to our east. I have enclosed a map with my written comments for the Committee's review.

I'd like to address the Committee today on the topic of runway construction. As you know, a large part of the flight delay debate revolves around calls in some quarters to increase the capacity of our airports by building more runways as quickly as possible. Many of these same voices contend that local communities located near airports are obstructionists to enhancing airport capacity who adopt a NIMBY attitude at the expense of our national transportation infrastructure. We also know, however, that too often some airport operators provide so little dialogue with these local communities that an unnecessarily adversarial relationship quickly develops.

However, I'd like to speak today about how local communities and airport operators can work together to increase airport capacity, while remaining mindful of the airport's responsibilities as a good neighbor to the surrounding communities that will be impacted by the new air traffic the runway will attract.

The late 1990's saw the City of Richfield and the Metropolitan Airports Commission (MAC), which operates the Airport, locked in litigation over the MAC's plans to construct a new runway that would run the length of our common border The MAC contended that the runway was needed to increase Airport capacity. However, it was obvious that the location of the runway -- only 1200 feet from some of our neighborhoods! -- would have severe noise impacts on Richfield residents. Predictably, and as we see all too often in similar cases around the United States, Richfield and the MAC were engaged in an emotional, litigious relationship.

In 1998 that confrontational relationship changed dramatically. Cool heads at City Hall and MAC Headquarters were able to sit down and draw up a noise mitigation agreement for the runway that both Richfield and the MAC could live with. The agreement would result in an unprecedented level of noise mitigation services for Richfield residents to help them cope with the new runway. It also saved the City and the Airport millions in litigation costs and years in lost productivity. The MAC realized that by working with the City it could build their runway more cheaply and quickly than they could by fighting the City at every turn, as so many airports across the country unfortunately do.

Since that 1998 agreement, Richfield and the MAC have collaborated to produce expanded capacity for the Airport, the achievement of many of the City's noise mitigation goals, and the resolution of areas that had been hotly contended. These

include buying out areas of neighborhoods that will be uninhabitable when the runway is in use, a lease agreement to allow the operation of a City owned golf course on MAC property, working together to secure state and federal funding for extensive noise mitigation efforts, joint planning and coordination of highway planning to allow better access to the airport, resolution of park and ball field replacement issues, land exchanges, and a relocation of City facilities that had been on vacant Airport property.

Richfield and the MAC also collaborated to produce a study on low frequency noise, the low, wall-shaking rumble associated with takeoffs. Little scientific study had been done on this issue, and as a result the Federal Aviation Administration has not issued regulations for how to mitigate it. The groundbreaking joint Richfield-MAC study is the most comprehensive to date, and was the focus of a federal; interagency meeting last month. As a result, the Richfield-MAC agreement could pay dividends for airport communities across the United States by significantly contributing to federal understanding of low frequency noise. For these efforts, the City of Richfield was recently named the National Organization to Insure a Sound Control Environment (NOISE) 2001 Community of the Year.

In conclusion, by working jointly, cooperatively, and collaboratively with the MAC, and by the MAC's decision to view the City and its residents as partners, not adversaries, the City was able to achieve for its residents a level of service and success that a few years ago had been unthinkable.

I thank the Committee for inviting me here today and would be happy to answer any questions you may have at this time.

Mr. OSE. I want to thank the witnesses for their testimony. We are going to go to questions now. I'll go first.

Ms. McLean, the airline industry adopted or made some voluntary commitments last month to improve customer service. What is the Department's view of those commitments?

Ms. MCLEAN. I think we think it's a very positive sign that ATA and their member airlines are willing to step up again with the concerns of consumers and Congress, that additional steps need to be taken and they've taken those. So we are very encouraged by that.

Mr. OSE. One of the things we debate up here is whether or not there is a need for an airline passenger's bill of rights. Given the industry's steps to date, does DOT see a need for such legislation at this time?

Ms. MCLEAN. Well, at this time the administration does not have a position on those bills. Typically, what we do is provide a position if the bills go to floor action, and I believe we'd be taking, you know, following the tradition there and taking a position then. Again, we are pleased that ATA is coming up with additional customer service commitments.

In addition, as I said in my testimony, we are very hopeful that the number of complaints are declining, even though slightly. So we are hoping we are seeing a trend.

Again the focus by Congress, by all these players at the table, we are hoping is resulting in a very positive start to a positive end.

Mr. OSE. One of the issues that I heard all across the table was this idea of streamlining the process by which airport runways are approved. And, if I understand the phrasing of this, it would result in the collocation of rules that govern such runway construction. Has the Department taken any position or considered issuing a single government-wide common rule that would have been signed by all the lead agencies that have the 40-odd bites of this apple, governing new airport or runway construction?

Ms. MCLEAN. Well, let me just say that environmental streamlining is a top priority for Secretary Mineta, and I think Administrator Garvey and I are here to display that commitment. As far as immediate actions taken by the Department to make environmental streamlining happen, we are working with the administration, within the administration with the other interested departments and agencies to make sure that not only is it a priority of Secretary Mineta, but also a priority for the administration.

So we would like to take smaller administrative steps to get the immediate benefits right now. We are looking though in the long term using what—more of a common rule approach, which is what you're referring to. We have been exploring that, but we don't have a position at this time. But I'll be happy to work with you and your staff as we continue to explore that as an option.

Mr. OSE. Well, I do want to examine this a little bit more closely within my first 5 minutes here. If the Department or the Secretary is willing to take the immediate steps, if you will, on the common rule, the question I have is what are those intermediate steps that the Department or the Secretary is willing to take now and when are they going to be taken?

Ms. MCLEAN. Well, I think that I don't want to commit the Secretary to exact specifics, but let me say that it is his intention to talk to the Department of the Interior, to the EPA, to the Army Corps of Engineers, to work with CEQ within the White House to make sure that this is a top priority and not just for the Department of Transportation, because, if it's just our priority, it's not going to work. We need to coordinate and to make sure that it's the priority of these other agencies and/or pieces of this administration as well. So that means working with them in a fashion where they can—we can all agree on specific steps to take to get ourselves in a more environmental streamlining activity.

So the administration is showing that environmental streamlining is a top priority.

Mr. OSE. Do you have a time line on which the administration is going to be——

Ms. MCLEAN. I can get back to you on that.

Mr. OSE. I would appreciate that.

Ms. MCLEAN. Absolutely.

[The information referred to follows:]

As you know, the Council on Environmental Quality (CEQ) has regulations implementing the National Environmental Policy Act (NEPA) that apply to all Federal agencies and set a policy that environmental review under the many environmental statutes should be coordinated to the maximum extent possible. Thus, a "common rule" already exists. The Department's streamlining activities have focused on cooperating with othe agencies to better carry out the CEQ policy.

In May 2001, representatives of the Department's Office of Policy, Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) met with staff from the CEQ to discuss how we could build upon efforts under way to better integrate compliance with requirements of various environmental laws and regulations with the NEPA process. The CEQ understands the importance c streamlining efforts and plans a government-wide effort to strengthen the NEPA process. The Department will cooperate in that effort.

Also in May 2001, the Secretary transmitted a report to Congress on the Environmental Review of Airport Improvement Projects. This report concluded that the goal of reducing environmental delays requires tackling resource, process, product, and interagency coordination problems that cumulatively can make a difference. The report outlined administrative initiatives such as establishing expert teams to expedite environmental reviews for critical airport capacity projects, allocating more resources to environmental reviews, maximizing the use of consultant resources, expanding the list of projects with minimal impacts that do not need detailec environmental review, issuing guidance to streamline reviews, better interagency coordination and cooperation, and a guide to best practices. These actions are being implemented.

Similarly, the FHWA and the FTA have made progress implementing the streamlining provisions of the Transportation Equity Act for the 21st Century. These agencies have worked with their Federal and State partners to identify flexible solutions and more effective ways to complete the process and manage conflicts. From these efforts, the FHWA and the FTA have developed performance measures, conducted research to evaluate why projects are delayed and how they might implement them more effectively, and supported best practices and pilot projects that lead to even better outcomes.

A Departmental team is developing recommendations for the Department's senior leadership, to further build upon the FAA's environmental streamlining initiatives identified in the May 2001 Report to Congress and the FHWA's and the FTA's environmental streamlining activities.

Mr. OSE. I don't know how much you travel, but I travel every week and it would be nice to have some of this stuff simplified.

The other issue is we talked about the enforcement actions, the complaints that we had to the Department from customers. How many enforcement actions has DOT pursued based on these complaints?

Ms. MCLEAN. Well, to date this year, we've taken 11 enforcement actions and three—well, we call them enforcement orders, and three enforcement orders are in the final stages of completion. The total penalties are a little over $200,000. But, I want to stress that the Enforcement Office within the Office of Secretary, which has this responsibility, is compliance oriented, not penalty oriented. So, what we try to do when there are complaints is try to immediately contact the airlines. If there are, let's say for instance, deceptive practices in advertising, we try to immediately contact the airlines and if they're willing to take action, then, you know, we give them a warning, then we consider the issue closed until further notice comes in against that particular airline for similar activities.

So our goal is to have the best information to the customer as possible. And, if that means taking care of a lot of these complaints administratively and quickly, then we believe we are meeting our goals, which is serving the public and making sure the customer has the best information possible.

Mr. OSE. My time is up. Mr. Tierney for 6 minutes.

Mr. TIERNEY. Thank you. I was just inquiring as to how many rounds we are going to go. Mr. Ose asked me how many I would like to go and I said one.

I understand that runways are one part of the approach that people are taking on congestion. But I think, Ms. Sandahl, you made the point very clearly, there's always going to be opposition, legitimately, in a lot of instances with noise and with water or air pollution issues. And I think you made the point. That's what we have these public processes for, and we are ostensibly in this to make things better for the public.

Ms. Garvey, Mr. Hauptli recommends streamlining the review process by eliminating the need to look at off-airport alternatives. In fact, I think he came to the prior conclusion, and I think I'm quoting from his written testimony, "at the busiest airports, there's no reasonable off-airport alternative to a new runway that will reduce airline delays."

Now that concerns me because I happen to think quite differently than that. I think regional plans, effective region-wide transportation plans that utilize excess capacity and other regional airports, would be one way to look. I think that high speed rail would be another direction to look, which I think we have grossly ignored, probably to our detriment.

What are your feelings, Ms. Administrator, with regard to that comment that off-airport alternatives should be ignored?

Ms. GARVEY. Let me answer that in a couple of ways. First of all, we actually worked very closely with AAAE and ACI on the Expedited Airport System Enhancement [EASE] proposal that Mr. Hauptli referred to, and think they deserve a lot of credit. There are a lot of excellent suggestions that we are, in fact, implementing, and I think really get at the spirit of it.

On that particular suggestion, I guess we might have a slightly different view. We think looking at other alternatives is part of the process. I think the question that AAAE and ACI have raised, which is also legitimate is, whether it is appropriate sometimes to do it through the EIS or can you do that simultaneously? And those are fair questions.

In some cases, I think it is absolutely essential that it is part of an EASE process and others you may be able to do it concurrently but not part of that process. I think from our perspective, what we want to do is not close any options. Runways are great answers. But in, as you suggested, in some cases, it might be high speed rail. And, in some cases it might be emphasizing other airports. So we think we have to keep all of those options.

Mr. TIERNEY. It struck me, Mr. Krietor, when you mentioned $175 million for funding your new runway. All we have spent on high-speed rail projects for next year is going to be $25 million for the whole country. $175 million for your single runway. I think that indicates to me we aren't looking for alternative solutions perhaps as we ought to.

Ms. McLean, has this administration looked into whether or not additional Federal funding for high-speed rail could result in increased ridership? And, that would free up some of the congestion at our metropolitan airports?

Ms. MCLEAN. That is definitely a good question. We have a situation in Aviation and Highways where we have guaranteed funds as a result of Air–21 and T21. And so those programs have trust funds. As a result, they are funded pretty much at the full authorized level.

So I think, unfortunately, we don't have that type of situation for high-speed rail, which makes funding a little more competitive for that mode, because it's not guaranteed funding like the aviation and highways.

We certainly understand that high-speed rail is something to be looked at. Passenger rail service is a focus that we will be focusing in on probably the next several months when we talk in general about the future of AMTRAK.

Mr. TIERNEY. I would hope—this administration has been one-hand clapping in terms of what you hear on policy, on alternatives to just building more runways and having more airport capacity and dealing with the congestion there. I am always struck—and I think there was an op ed piece in one of the newspapers over the weekend—I think the Washington Post—that talked about some of the disparities between what we spend on airports and highways even, and what we spend on rail.

Last year, we spent $33 billion on highways. Last year we spent $13 billion in aviation. And, last year we spent $521 million on AMTRAK. You know, when you consider that one out of every three flights is for 350 miles or less, particularly out of places like San Francisco where 50 percent of the flights go less than 350 miles and out of Chicago's O'Hare where 40 percent of the flights go less than 350 miles. They are both considering controversial new runways to reduce congestion. Why aren't we considering high-speed rail? I think it is sort of a crazy situation.

I understand they don't have a streamline bit of funding. But I think if we really want to be imaginative and this administration and the President wanted to get with it, they could really start looking at better expenditures, better use of our funds and better transportation policy that would include high-speed rail. You know, it just begs for it.

The whole high-speed rail project would require about $1½ billion a year over the next 20 years. That doesn't seem like an unreasonable investment if it's going to have a serious positive impact on congestion.

Mr. Krietor, I see you nodding your head. I assume that, as favorably disposed toward airports as you may be, that you think there is some common sense to that?

Mr. KRIETOR. I think that the impact of rail varies dramatically from metropolitan area to metropolitan area. In our environment in Phoenix, we're in a metropolitan area that has grown by a million people in the last 10 years. So there is huge demands on air service. And, we are in a relatively isolated environment, so the ability to grow your airport to assist with the community's economic development aspirations are critical. We don't even have AMTRAK service in Phoenix, AZ, the sixth largest city in the United States.

Mr. OSE. Thank you, Mr. Tierney. I want to go back to Ms. McLean here. Congressman Tierney is right. I do have a lot of questions, so we're going to have a few rounds here. You mentioned that three enforcement orders and final stages of resolution. When will those be completed?

Ms. MCLEAN. In the next several months. I can get you a specific date for the record.

Mr. OSE. Several months. Does that mean maximum of 6, 3?

Ms. MCLEAN. A couple, it sounds like. Should be finished within the next few weeks. And the other one, we can get back to you on.

Mr. OSE. How long is it taking—when we get a complaint, how long is it taking generally, either the mean or the median, to resolve that complaint?

Ms. MCLEAN. May I submit that for the record, because I don't have it with me today? Thank you.

[The information referred to follows:]

Two of the settlements, both reflected in consent enforcement orders, have now been made public. One order was issued on August 2, 2001, against Northwest Airlines and concerned deceptive fare advertising and the other was issued on August 7, 2001, against Frontier Airlines and it dealt with deceptive on-time performance ads. The third order against an air taxi operator that conducted unauthorized scheduled operations will, by agreement, be issued together with the order finding that air taxi fit to conduct scheduled operations as a commuter air carrier. The air taxi's application for commuter authority is being reviewed and updated and the best estimate possible is that processing will take another 2-3 months.

All complaints received by the Department's Aviation Consumer Protection Division (ACPD) are acknowledged, reviewed for evidence of regulatory violations, categorized, provided to the carrier involved, and entered into a computer database. The database is then used by ACPD in preparing its widely disseminated monthly Air Travel Consumer Report, which, in part, ranks the larger airlines on their complaint totals. This information is useful for consumers making air travel purchase decisions. On average this complaint review process takes about one-half hour per complaint; more than 20,000 complaints were handled this way during 2000 without additional staff work. In addition, at the Department's request, larger airlines send customer service personnel to ACPD on a monthly basis to review and discuss the complaints filed with the Department that month and the compliance and customer service problems they may reflect. It should be noted that the Department does not further investigate or resolve the bulk of the complaints received due to resource constraints and the nature of the complaints themselves. In this regard, the vast majority of the complaints received concern matters that clearly do not involve violations of any requirement we enforce. Examples include complaints about lack of meal service, bad food, dirty airplanes, rude personnel, late flights, high prices, non-refundability of non-refundable tickets, lost baggage, and long check in lines.

Other complaints that may involve real time violations of our requirements are, however, resolved expeditiously. For example, if we receive a telephone complaint from an individual describing an immediate

problem, such as an airline improperly prohibiting a qualified disabled passenger from boarding his or her flight, we will call appropriate airline personnel to ensure that the situation is quickly corrected and that airline policies and procedures are modified if necessary. Some such complaints may be handled to conclusion with a telephone call or two over a period of 30 minutes. Others involve more protracted discussions and telephone calls that may involve hours of work before conclusion of the matter.

Some written complaints and consumer-related inquiries also require more specialized consideration and/or investigation. For example, the Department received over 1,350 Congressional inquiries and referrals in 2000 and, for each of these, the airline or other transportation company involved was requested to reply directly to the Congressional office, with a copy to the Department. Each reply is reviewed to ensure it is responsive and for consistency with Department consumer protection regulations. Follow-up action is taken with the airline or other transportation company, the consumer, and the Congressional office, as appropriate. An average of 2 to 3 hours of staff time is spent on each such complaint and several weeks may pass before the complaint can be resolved.

Disability complaints are required by statute (Section 707 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21) (Public Law 106-181; 114 Stat. 61; April 5, 2000)) to be individually investigated and are much more labor-intensive. The complaint is reviewed by a senior transportation analyst who prepares and sends a preliminary investigation letter to the airline involved and an acknowledgment to the consumer. The airline's response is reviewed for consistency with Department regulations and the Air Carrier Access Act, in consultation with an attorney, if necessary, by a senior transportation analyst who also obtains further information from either party, as appropriate. In instances involving isolated, less egregious violations, the case may be closed with a warning letter to the carrier and a closing letter to the complainant. This process involves on average 5-10 hours of staff time, which is expended over several months for each complaint's resolution.

In instances in which an egregious violation or pattern or practice of non-compliance is apparent, the matter is referred to an enforcement attorney. The attorney prepares a detailed enforcement investigation letter that is sent to the airline, asking it to provide information on similar complaints filed with the carrier and other pertinent information, such as internal airline files on the incident and training records. A letter is also sent

to the consumer to advise him or her of the planned enforcement action and of the possible need to provide further information or testify. The investigation letter and information request to the airline may produce boxes of similar complaints that must, along with the explanation and evidence provided by the airline, be reviewed for consistency with the Department's regulations. If the situation warrants, a consent cease and desist order, including assessed civil penalties, is drafted and sent to the airline with an offer to settle the case. Settlement negotiations are usually protracted and time intensive. If a settlement can be reached, a final consent order reflecting the negotiated agreement is prepared and sent to the airline for approval. This process may take up to an additional 500 hours of staff time, which includes both investigation and legal staff time.

If no settlement is achieved, the case must be litigated in an on-the-record, evidentiary hearing before a Department administrative law judge. That proceeding would likely involve a complaint, discovery, depositions, procedural motions, and numerous witnesses, and could easily take two or more years to complete. The law judge's decision may be appealed to the Secretary or his designate, and the final Department decision may be appealed to the U.S. Court of Appeals. Many hundreds if not thousands of additional hours of staff time can be expended in each such case.

In addition, while not specifically required by statute, the Aviation Enforcement Office is treating all discrimination complaints regarding alleged civil rights violations similarly. Approximately 75-100 non-disability-related civil rights complaints are received yearly. In comparison, the office received 676 disability-related complaints in Calendar Year 2000.

Mr. OSE. Ms. Garvey, you made the statement that NEPA is only 1 of approximately 40 laws, Executive orders, and regulations protecting the environment. And that these individual requirements have not been very well harmonized with NEPA's requirements for airport construction or runway construction.

My question is whether or not you support the concept or the idea of co-locating all applicable Federal or agency rules governing the construction of airports or airport runways?

Ms. GARVEY. I think that's a very, very interesting concept. At Secretary Mineta's suggestion, we have taken a first crack at that. We have both an FAA order and an airport handbook that pull together all of the things we need to do and that we know are necessary and essential for an airport to do to see a project through to completion.

But I think that's really only the beginning. I think the idea that you've suggested about a kind of a co-location, sort of a one-stop shopping of at least for a place for people to understand what all the rules are, what all the issues are, I think could be very helpful.

As Ms. McLean mentioned, the Secretary has certainly reiterated his commitment to working at the highest levels to get cooperation from other Federal agencies.

I think another organization with whom there is great potential for harmonization is the Council on Environmental Quality [CEQ]. There is a new chairman of that council. I know that we certainly have worked closely with the staff at CEQ in the past. But your point about harmonization is critical.

Mr. OSE. You talked about an agency or a legal rule there in your remarks just now. Is that something under development? Is it something that's actually been published for comment? What is the status of that?

Ms. GARVEY. We have an FAA order and we have an airport handbook that's used by our airport office.

Mr. OSE. What do you mean by that?

Ms. GARVEY. It's actually guidance. That guidance is in place right now, but we are updating it. I'm quite sure that the work that we've done is just about complete, but I'll get back to you with a specific date of completion. If I'm wrong on that, I will correct that for the record.

[The information referred to follows:]

FAA Order 1050.1E been through public review and is scheduled to be issued in final form in the spring of 2002. The Airport Environmental Handbook revision will be issued in two parts. The part dealing with environmental impacts (e.g., noise, air quality and water resources) is scheduled to be available for public review in February 2002 and finalized in June 2002. The part covering policy and procedures is scheduled to be available for public review in September 2002 and finalized in December 2002.

Mr. OSE. If I understand correctly, guidance is not something that is binding.

Ms. GARVEY. I'm sorry. Let me be a little bit clearer on that. I'm talking about sort of the list of all the regulations that people have to follow. That's really what is included in our order.

Mr. OSE. And, that's been——

Ms. GARVEY. We have something like that, but what I'm suggesting is that is really only a first step. I think what I'm hearing this committee suggest is something that may be broader than that and

may include some of the other rules and regulations that are out there that might be pulled together into one document, if you will.

Mr. OSE. Well, to whom has this legal order been sent?

Ms. GARVEY. It's something that is used by our attorneys, by our regional offices, and is often shared with a project sponsor and airport that might be interested.

Mr. OSE. Is it in the public domain?

Ms. GARVEY. Yes, it is, sir. Yes, it is, Mr. Chairman.

Mr. OSE. So if I understand, your response is that FAA supports the idea of co-locating these rules?

Ms. GARVEY. That's correct, Mr. Chairman. And, we would like to work with the committee as has been indicated by the Secretary's office.

Mr. OSE. I'm not going to be able to get my second question here completed. So Mr. Tierney is yielding his 5 minutes.

Mr. TIERNEY. Not all of it.

Mr. OSE. Now is the FAA also considering a government-wide common rule, much like the uniform relocation assistance rule that DOT provided that would be co-signed by each of the various lead agencies that are involved in new airports or airport construction—airport runway construction? Is DOT or is FAA considering supporting that or do they have a position or are they in opposition to it?

Ms. GARVEY. Well, I think that there is a difference between the Uniform Relocation Assistance Act that I think is important, and our proposal because we would be dealing with so many different statutes. You might have to change many of those statutes.

We've talked with your staff a little bit about this and want to pursue this a little bit more. We think that the first step is co-location, that is, bringing all the rules together. We think the second step, a possible uniform rule, might be more challenging, if you will, and one we would like to explore a little bit more in detail. There are a lot of environmental rules, as you've suggested, and a lot of statutes. Whether it's necessary to go through a statutory change, I think is still an unanswered question at this point. I think the first point, as you've suggested and your staff has suggested, is really co-location and harmonization; making sure everyone understands the steps and perhaps putting some time lines to some of those steps is important as well.

Mr. OSE. I always like to come back to time lines, so I appreciate you mentioning that. In terms of the co-location, you've got something that's in—that's presently in guidance form, if you will. And we're talking about perhaps making it a rule or formalizing it through the Administrative Procedures Act or otherwise. In terms of the common rule—the common rule I'm talking about here that would follow onto that co-location, has any work been done in making that final or moving that toward the final process?

Ms. GARVEY. It has not, Mr. Chairman. And, as we indicated a little bit earlier in both Ms. McLean's testimony and mine, we've really been focused on what we can do within the administrative authorities that we have. And, also, I think the FAA has a real concern about NEPA and a real commitment to not wanting to challenge that in any way, because of its longstanding history and importance, as the committee has suggested.

Mr. OSE. Do you have the administrative authority to finalize a co-location rule as opposed to——

Ms. GARVEY. I'm not sure. I see the staff is nodding yes, but I would like to go back and talk to our folks about that. And again, what our first threshold question is really to pull the rules together and to make sure that part is clear—co-location as you've said.

Mr. OSE. Do you have the administrative authority to make a common rule here?

Ms. GARVEY. I would suspect that we do. I would like to go back and check with our legal staff on that. But I would suspect that we would have that authority. Again, we would want to work with the Secretary's office on that.

[The information referred to follows:]

The FAA does not have the authority to co-locate all applicable Federal agency rules governing new airport and airport runway construction.

Mr. OSE. How long do you think we need to—when we send you the letter asking you this question, how long do you think we need to give you to provide the answer?

Ms. GARVEY. Well, I'm sure, Mr. Chairman, we can get an answer back pretty quickly. We'll make sure people start looking at that today. We won't wait for the letter.

Mr. OSE. And, you also talked about the issue of State process versus local process versus Federal process, where sometimes it's sequential as opposed to concurrent. How do you reconcile that? I mean, that's a particular issue in California, and perhaps I think it's San Jose right now, which has this ongoing struggle between a Federal environmental impact statement versus the city's or the State's CEQA compliance? How do we basically break this log jam?

Ms. GARVEY. In some cases—for example, San Francisco, which is enormously complex, they are conducting environmental work for their runway. Their talk about filling in the Bay is very, very challenging. We are working very closely with them. They are doing simultaneous State and Federal analyses.

I think the work that we are doing with NASAO that was mentioned earlier in testimony is going to be extraordinarily helpful. We actually have a contract and memorandum of understanding with NASAO—these are the folks that have to deal with it all the time—to take a look at the State laws and to identify places where we can eliminate duplication, do some things simultaneously, use a process that might be more preferable to another, and make sure that processes are not contradicting each other or are not in conflict.

By September of this year, we are going to have identified some very specific areas that we're going to work on together. So I'm looking forward to that. We'd very be happy to get back to the committee with the initial findings of this group. We signed that contract, I think, in about April of this past spring.

Mr. OSE. Do any of the other witnesses have any input on this issue of simultaneous or concurrent processing versus sequential processing?

Mr. MERLIS. If I may comment, I think that you have to go that way and go to a concurrent review and really, where necessary, preempt some of these State and local stumbling blocks. Let's face it. We've got a national problem. If we're not going to deal with it

from a national perspective, we are going to have this problem for time immemorial. We've got to address the issue from a broad perspective and not a piecemeal perspective, for which some of the things we don't have any answers, but we think it needs to be addressed boldly and a little unorthodox perhaps, ensuring that we comply with the environmental imperative, but at the same time, not tie an albatross around the economy of the United States of America because community A or community B doesn't want to do something.

Mr. OSE. Any others?

Mr. OGRODZINSKI. Mr. Chairman, as the administrator said, we are working very closely together beginning to look at streamlining and doing these environmental review processes simultaneously. We do, at NASAO, believe that's key. We think we should do them simultaneously wherever possible.

Second the word you use, harmonization, I think we need to harmonize the requirements of the different review boards and committees and so on so that we are talking about the same issue and doing those as quickly as possible rather than letting them drag on, and then perhaps even if a firm deadline is set, looking at judicial review afterwards.

Mr. HAUPTLI. Very briefly, Mr. Chairman. I think that's very important. Let me give you one concrete example. SEATAC, Seattle, in 1997, received from the FAA their final environmental impact statement. They are still waiting for their Section 401 and 404 permits. That's 4½ years later. So there's a pretty good example of a situation where if we had been successful in getting a coordinated review with all of these agencies simultaneously providing input and trying to work through the difficult issues there, we wouldn't be waiting around 4½ years later after the FAA has issued its final environmental impact statement.

Mr. OSE. The 404 permits you're referring to are the incidental take permits that follow from the Army Corps of Engineers and Fish and Wildlife?

Mr. OGRODZINSKI. Yes, sir.

Mr. OSE. I am way over my time. Mr. Tierney for 10 or 12 minutes, whichever he'd like.

Mr. TIERNEY. I don't need as much. I don't want people to think it's for a lack of interest. Back in May, we had a hearing substantially on the same issues and I had the benefit of those transcripts, and as would anybody that wants to go to the Web site of the Transportation Committee. If the chairman wishes to put any of the material on record here today, you certainly have my——

Mr. OSE. Without objection.

Mr. TIERNEY. If you want to put on any——

Mr. OSE. You're not objecting, are you?

Mr. TIERNEY. I'm not objecting. The other unrelated question—Ms. Garvey, you're getting quite a workout here today, and I apologize to the others, but there's an issue that at least I think substantially affects what's good for the flying public and that has to do with some unrest about a particular labor issue. And I'm not entirely clear, but it appears to me that there is at issue whether or not the FAA has the authority to implement the contract that some people say has been negotiated. Others say that the OMB has ei-

ther ordered you not to implement it or maybe taking the position that you shouldn't implement it. And I guess the question would be, can you bring us up to date on that issue? What is the FAA's authority and how are we going to resolve that and how are we going to improve relations so that things can move forward there?

Ms. GARVEY. Congressman, just by way of background, I think as the committee knows, we are one of the only agencies in government that has the ability to negotiate with our unions and received that flexibility back in, I believe, 1996. So, we have a handful of contracts that we have been able to negotiate.

It's interesting because this really is a flexibility that one would associate much more with the private sector, but we are obviously still part of Government and still part of an executive branch and our budget still goes through the Department of Transportation and through OMB, and then obviously to Congress.

So we agreed in the very early days of the first contracts we negotiated to, as part of the process, go through the Secretary's office and then go through OMB before we finalized these contracts. We've done that with each one of our contracts during the previous administration, and we are doing it currently with this administration.

OMB has raised some questions and is not moving forward at this point. We're still obviously working with OMB on this. The labor union in question has raised issues and has filed a complaint with the Federal Labor Relations Authority. We are waiting for a hearing on that and certainly hope it can be resolved quickly. We're not just waiting for the hearing, however. We're still very much in discussions with OMB on that issue and certainly agree with you and hope it will get resolved quickly.

Mr. TIERNEY. Now Mr. Merlis, when you were testifying, you indicated something about the need to preempt some of the local controls or reviews. You did say that, I think?

Mr. MERLIS. Yes, I did.

Mr. TIERNEY. My question for Ms. McLean, is this administration advocating a preemption of local control on these issues?

Ms. MCLEAN. That certainly wasn't part of my statement, and that's not the position at this time or, you know, we'll get back to you as soon as it appears as if we're discussing those issues. But at this time, that is not something that we are discussing.

Mr. TIERNEY. OK. Thank you.

Mr. OSE. Thank you, Mr. Tierney. There's a comment in one of the—and I can't remember whose testimony it is about having final completion dates on records of decision and the like. Was that——

Mr. HAUPTLI. That is mine. I think you're referring to mine, Mr. Chairman.

Mr. OSE. One of the questions that I always have is that having been in the real estate development business, sometimes these things seem endless in terms of you do the EIR or EIS or the EA, and someone questions it and it takes 6 months to do the review.

So you fix the inadequacy and then something else comes up and then you take another 6 months. How do we bring closure to these things, because frankly, we are spending taxpayer resources? I think people would want something material done.

Mr. HAUPTLI. That's a very good question, and one we've struggled with. We have been working with the FAA and with industry to try to come up with some solutions. Frankly, my members like Mr. Krietor and others would take some predictability in the system, even if it was a longer time period than they would like, just to have the predictability. You know, any process that you can measure in decades is a failed process. And I think we can all agree that the process in terms of getting the review and approvals for runway construction has been pretty flawed. We have taken too long.

Mr. OSE. Your statement begs the question, how long should runway construction take? From start to finish, from concept to completion, how long should it take?

Mr. HAUPTLI. That's an easy sounding question with perhaps a more complicated answer. But there's a component on the front end that involves getting approval locally. And Mr. Krietor and others can talk about some of the process you need to go through. But, once you have that local approval, the FAA, frankly, has not been our enemy in this process. They have been helpful. We can get EISs through the FAA in usually 3, sometimes 4 years, something in that time period; longer than we like, but with the resources that they have, they do a very good job trying to move that process quickly.

Part of what we are trying to deal with is what's on your chart that the staff has prepared there, all of these Federal laws and all of these other agencies that I think, as you termed it, Mr. Chairman, took 40 other bites of the apple, in trying to get that coordinated in one sort of package—one bucket, if you will, of review. That's a very complicated process but one that we support, trying to figure out to shave—we believe you can shave 3, 4 and 5 years off of these processes or more without being violative of the environmental laws.

Mr. OSE. So how long should it take to build a runway?

Mr. HAUPTLI. Well, since it's the third time you've asked it——

Mr. OSE. I'm going to keep asking it.

Mr. HAUPTLI. If you could just back up the truck and build it, that process takes anywhere from a year to 2 years. You have to factor in the review and approval process. This ought to be measured in single digits, whether it's 4 years, 5 years, 6 years, 8 years; something in that time period. Intuitively, it shouldn't take 6 or 8 years to pour 2 miles of concrete and put some lights in and all the things you need to do. But frankly, it is going to take multiple years to do it under the best of circumstances.

Mr. OSE. Mr. Tierney wants me to ask you how many years——

Mr. HAUPTLI. It's going to take 4.3 years, Mr. Tierney, on every runway.

Mr. OSE. Yes, Mr. Krietor.

Mr. KRIETOR. If I could help Mr. Hauptli out here. We've just totally reconstructed our north runway complex at Sky Harbor Airport, which was just like building a brand new runway. It didn't involve any EIS. It took approximately 9 to 10 months to complete the actual construction of that project. If you put the design element in front of that, you're probably 1½ to 2 years.

Mr. OSE. You took a runway, concrete in the ground, runway being used, shut the runway down, jackhammered the runway up, put down new rebar, poured the concrete, what have you, took you 24, 26 months?

Mr. KRIETOR. That's correct, Mr. Chairman. It was actually an asphalt runway that we demolished and then totally rebuilt as a concrete runway with new taxiways, etc.

Mr. OSE. Ms. Garvey—and I apologize for going back and forth because I'm going to give each of you a chance. The FAA is doing some EISs on proposals. I'm trying to find out which airports are involved in terms of awaiting FAA action for completion of those EISs and the date on which they were submitted together with the final date, if you will.

Ms. GARVEY. Mr. Chairman, I'd have to get back to you further on the record on that, because if I'm understanding the question, we've got a number of environmental efforts underway throughout the various regions from EAs to full EISs. And perhaps it would help to get back to you, perhaps, broken down by the regions, what—how many we have. We can focus primarily on the EISs and also add the EAs as well.

[The information referred to follows:]

Eighteen new runways have been proposed between now and 2010 at the 31 large hub primary airports. FAA has already environmentally approved ten of these 18 proposed runway projects. The Final EIS on Cincinnati/No. KY was issued October 3, 2001, and the Record of Decision is scheduled to be signed December 18, 2001. The Boston Logan Final EIS will FAA will continue to work on the EIS's for two other major new runway projects, San Francisco International and Los Angeles International. The remaining four runways (Dallas-Ft. Worth, Washington-Dulles, Baltimore-Washington, and Tampa International) of the 18 proposed runway projects and the 31 large hub airports are in an early planning stage and have not been submitted to FAA for environmental review. FAA is prepared to commit EIS teams to these new EIS startups. The attached document, "Major New Runways Proposed by Sponsors of Large Hub Airports Through 2010", provides a quarterly report that tracks the status of these runway projects.

A second attached document, EIS's and High Profile EA's for Airport Development, is a quarterly report that shows the status of all Airports Program EIS's and major EA's around the country.

(*Note*: The status of the aviation industry following the September 11 attack is anticipated to affect airport capacity planning and related environmental work although we are uncertain as to the extent.)

Subject to Quarterly Update DATE: October 11, 2001

Quarterly Report
Major New Runways* Proposed by Sponsors of Large Hub Airports Through 2010

Locid	ST	Airport	New Runway				Sponsor Proposed Schedule 1/		Environmental Status		In	Remarks
			Runway Identifier	Runway Length	Total Est. Cost (Million)	Est. AIP Funding (Million)	Construction to Begin	To Open	EIS Begin	EIS End (ROD)	OEP 2/	(Current Status, Critical Actions by Others, Concerns, etc)
ATL	GA	Atlanta Hartsfield	10/28	9,000	$1,200	$175	2001	2005		2001	Y	**Under construction**-Site prep underway. EIS ROD issued Sept. 2001 for 9,000' rwy
LAX	CA	Los Angeles Int'l	Reconfiguration	TBD	$845	TBD	2005	2007	Y			Sponsor to announce new master plan alternative ~10/11, expected to include some form of airfield reconfiguration but no new RW. Current proposal relocates 6L/24R 350' North (for A-380) & new center TW. DEIS issued 1/01.
DFW	TX	Dallas-Ft. Worth	16/34 West	7,300 - 10,500	$350 -$450	$100	2004	2007	N			Capacity Enhancement Plan currently underway. S. Flow Arrival Runway. Not yet at EIS stage.
SFO	CA	San Francisco Int'l	Reconfiguration	11,500	$3,000 to $5,000	TBD	2005	2010	Y			Based on issuing ROD in 2003 & 7 yrs for construction. Relocate existing Rw(s) for simultaneous IFR.
DEN	CO	Denver Int'l	16R/34L	16,000	$167	$110	2000	2003		2000	Y	**Under construction** - Site Prep underway. F&E will provide Navaids.
DTW	MI	Detroit-Metro	4L/22R	10,000	$197	$122	1999	2001		1998	Y	**Under construction** - Navaid Site prep ongoing.
MIA	FL	Miami Int'l	8/26	8,600	$206	$101	2001	2003		1998	Y	**Under construction** - Site Prep underway
MSP	MN	Minneapolist-St. Paul	17/35	8,000	$563	$100	1999	2004		1998	Y	**Under construction** - Site Prep underway. Navaid funding is an issue. Delay in opening date from 12/03 to 11/04.
IAH	TX	Houston-George Bush	8L/26R	9,000	$260	$193	2001	2003		2000	Y	**Under construction** - Site prep underway ROD issued for 8,500'. Written revaluation for 500' RW increase completed.
STL	MO	Lambert-St. Louis	12R/30L	9,000	$1,100	$141	2001	2006		1998	Y	Construction (temporary road system) began July 2001. Parcels being acquired and buildings being demolished.
MCO	FL	Orlando Int'l	17L/35R	9,000	$203	$74	2000	2003		1990	Y	**Under construction** - Paving scheduled to begin 11/01. F&E funded Rw 17L ILS in 01; unsure of funding for Rwy 35R ILS.
SEA	WA	Seattle-Tacoma Int'l	16W/34W	8,500	$773	$239	1998	2006		1997	Y	**Under construction** - Site Prep underway. Awaiting 404 permit,anticipate receiving late fall 2001. F&E funding Navaids
BOS	MA	Boston Logan	14/32	5,000	$95	$71	2003	2005	Y		Y	Draft EIS issued 3/01. Final EIS projected for end of November 2001. Sponsor reconsidering future investments as a result of increase in security costs and revenue losses.
CVG	KY	Cincinnati/No. KY	17/35	8,000	$233	TBD	2003	2005	Y		Y	Land Acquisition to begin in late 2001. DEIS issued March 2001. Anticipate ROD Dec 2001. AIP funded navaids. Working with AF on installation/maintenance of Navaids
CLT	NC	Charlotte-Douglas	18W/36W	9,000	$187	TBD	2002	2004		2000	Y	Land Acquisition Underway. Construction (relocation of roads) to begin in 2002. USAirways financial situation will be a major consideration in progress of this project.

Locid	ST	Airport	New Runway				Sponsor Proposed Schedule 1/		Environmental Status		In OEP 2/	Remarks
			Runway Identifier	Runway Length	Total Est. Cost ($ Million)	Est. AIP Funding ($ Million)	Construction to Begin	To Open	EIS Begin	EIS End (ROD)		(Current Status, Change/Causes, Critical Actions by Others)
IAD	VA	Washington-Dulles	1/19 West	10,250	$200	TBD	2005	2007	N		Y	Based on Runway Template Action Plan, completion date now Nov 07 and 10,250' runway. Not at EIS Stage.
BWI	MD	Baltimore-Washington	10R/28L	11,000	$600	TBD		2010	N			Capacity Enhancement Plan underway will assist in determining timeframe and runway orientation. Not at EIS Stage.
TPA	FL	Tampa Int'l	17/35	10,160	$150	TBD		2010	N			Not at EIS Stage

TBD = To Be Determined

* This list includes new runways, both to replace existing runways and/or to add to the current airfield configurations. It does not include extensions to existing runways, as at IAH and FLL.

1/ The date proposed by the sponsor is contingent on the issuance of a favorable record of decision by the FAA.

2/ New runways are included in the FAA's Operational Evolution Plan (OEP) when the FAA is reasonably certain of the configuration, project schedule and planned use of the runway.

NOTES:

Opening date is the date that aircraft can begin to operate on the runway. The FAA's goal is for the sponsor's opening date and the commissioning date (fully operational runway) to be the same date.
Total cost includes all development by local government considered essential for operation of the new runway including property acquisition, taxiway, ARFF facilities, and mitigation.

Date updated
9/27/2001

EIS's and High Profile EA's for Airport Development
Specific Accomplishments and Projected Activity
FY01

ROD/FONSI COMPLETED

Airport Name	Type of Project	Date Completed
Atlanta Hartsfield Intl, GA - EIS	Runway extension and associated development	ROD signed 9/27/01
Baltimore Washington Intl, MD - EA	Five-year programmatic EA, terminal expansion, etc.	FONSI/ROD signed 12/28/00
Chicago, IL (O'Hare) - EA	Touhy Ave. storm water detention basin	FONSI issued 8/23/01
Cleveland, OH - EIS	Replacement runway	ROD signed 11/8/00
Homestead, FL - SEIS	Base reuse (FAA Joint Lead Agency)	ROD signed 1/15/01
Houston, TX - George Bush Intl - EIS	New air carrier runway	ROD signed 9/8/00
LaGuardia Intl, NY - EIS	East End Roadway Development	ROD signed 12/21/00
Metropolitan Oakland, CA - EIS	EIS downgraded to EA, - Airport Roadway	FONSI/ROD signed 12/21/00
Southern California Logistics Airport, Victorville, CA - EA	Land acquisition and runway extension	FONSI issued 9/10/01
St. George, UT - EA	Replacement airport (NPS issues)	FONSI/ROD signed 1/30/01

EA/DEIS/FEIS COMPLETED

Airport Name	Type of Project	Date Completed
Atlanta Hartsfield Intl, GA - EIS	Runway extension and associated development	FEIS issued 8/01
Baltimore Washington Intl, MD - EA	Five-year programmatic EA, terminal expansion, etc.	EA issued 12/00
Boston-Logan, MA - EIS	New runway 14/32	SDEIS issued 3/01
Chicago, IL (O'Hare) - EA	Touhy Ave. storm water detention basin	EA issued 8/01
Cincinnati/Covington, KY - EIS	New runway and runway extension	DEIS issued 3/01
Cleveland, OH - EIS	Replacement runway	FEIS issued 7/00
Denver Intl. CO - EIS	Complete construction of the sixth runway	Environmental written reevaluation completed 8/21/00; supplementation not needed.
El Toro, CA - EIS	Base reuse (FAA Joint Lead Agency)	DEIS issued 2/00
Flying Cloud, MN - EIS	Extension of two runways (noise restrictions and NPS issues)	DEIS issued 1/00
Fort Lauderdale, FL - EIS	Major runway extension	DEIS issued 2/01
Greensboro, NC - EIS	New runway and cargo hub	DEIS issued 4/00
Hallis Crossing, UT - EIS	New airport (court ordered supplement)	DSEIS issued 1/01
Homestead, FL - SEIS	Base reuse (FAA Joint Lead Agency)	FSEIS issued 9/00
Houston, TX - George Bush Intl - EIS	New air carrier runway	FEIS issued 7/00
Indianapolis, IN - SEIS	Terminal, I-70 relocation	FEIS issued 6/01
Lafayette Regional Airport, LA - EIS	Runway extension reqd. by highway improvements (FAA cooperating, FHWA lead agency)	DEIS issued 5/01
LaGuardia Intl., NY - EIS	East End Roadway Development	FEIS issued 9/99
Los Angeles Intl, CA - EIS	Airport Expansion	DEIS issued 1/01
Metropolitan Oakland, CA - EIS	EIS downgraded to EA, - Airport Roadway	EA issued 12/00
Southern California Logistics	Land acquisition and runway extension	EA issued 9/01

Airport, Victorville, CA - EA		
South Suburban Airport, Chicago, IL Area - EIS	Land banking for future airport	DEIS issued 8/01
St. George, UT - EA	Replacement airport (NPS issues)	EA issued 1/01
Toledo Express, OH - EIS	New air traffic procedures and second cargo hub	DEIS issued 2/99
Tweed-New Haven, CT - EIS	Runway safety area; taxiway extension	FEIS issued 5/00

EA/EIS IN PROGRESS

Airport Name	**Type of Project**	**Milestones (Projected)**
Akron-Canton, OH - EA	Runway extension	EA - 7/00
Atlantic City Intl., NJ - EIS	Air/landside development; tiered document	DEIS - 12/01 FEIS - 3/02
Anchorage International Airport, AK - EA	New Parallel Taxiway (wetland, air quality, possible 4f impacts)	EA - 3/01
Anoka County-Blaine, MN - EA/EIS	Runway extension. (wetland/bird hazard issues)	EA - 5/01
Boeing Field - EA	Runway safety area project	EA - 3/02
Boston-Logan, MA - EIS	New runway 14/32	FSEIS - 11/01
Chicago, IL (O'Hare) - EA	I-190 access improvements to O'Hare	EA - 1/02
Cincinnati/Covington, KY - EIS	New runway and runway extension	FEIS - 10/01
Dallas Love Field, TX - EIS	New transit station on-airport (cooperating agency with FTA)	DEIS - 10/01
Dayton Intl., OH - EIS	Runway extension; (noise issues related to existing cargo hub)	DEIS - 8/02 FEIS - 2/03
Dulles Intl. Airport, VA - EA	New terminal and other projects	DEA - 11/01
El Toro, CA - EIS	Base reuse (FAA Joint Lead Agency)	FEIS - Cannot estimate at this time
Flying Cloud, MN - EIS	Extension of two runways (noise restrictions and NPS issues)	FEIS - 4/02
Ft. Lauderdale, FL - EIS	Major runway extension	FEIS - 11/02
Gary, IN - EIS	Runway extension	DEIS - 9/02 FEIS - 5/03
Grand Forks, ND - EA	New crosswind runway	EPA - 12/01
Greensboro, NC - EIS	New runway and cargo hub	FEIS - 11/01
Groton-New London, CT - EIS	Runway safety area	DEIS - 1/02
Halls Crossing, UT - EIS	Court Ordered supplement (NPS issues)	FSEIS - 3/02
Indianapolis, IN - EIS	Terminal; I-70 relocation	SEIS - 6/00 EIS re-evaluation 2/01
Ivanpah, NV - EIS	New air carrier airport	DEIS - 1/05
JFK Int'l, NY - EA	Terminals 5&6 Development (Jet Blue)	EA - 12/01
Juneau Intl., AL - EA	Runway safety project - (4[f] and wetland issues)	DEIS - 4/01 FEIS - 10/02
Lafayette Regional Airport, LA - EIS	Runway extension reqd. by highway improvements (FAA cooperating, FHWA lead agency)	FEIS - 1/02
Lexington, KY - EIS	New runway	EIS terminated - 3/01
Los Angeles Intl, CA - EIS	Airport Expansion	FEIS - Cannot estimate at this time

Medora, ND - EIS	New general aviation airport	DEIS - 6/02 FEIS - 9/02
Mesquite, NV - EIS	New air carrier airport	DEIS - 10/03 FEIS - 10/04
New Bedford, MA - EIS	Runway safety area	DEIS-12/01
New Orleans Intl, LA - EIS	New air carrier runway - noise, wetlands, EJ issues	DEIS - 6/02 FEIS - 1/03
Norfolk Intl. Airport, VA - EIS	New Runway (construction into drinking water reservoir)	DEIS - 1/02 FEIS - 3/02
Philadelphia, PA - EA	Major redevelopment	DEA - 6/02
Phoenix Sky Harbor Intl, AZ - EIS	New terminal building	DEIS - 11/02 FEIS - 11/03
Speerfish, SD - EA	New runway (Native American issues)	EA - 7/02
San Diego Int'l - Lindbergh Field, CA - EIS	Master Plan	DEIS - 1/03
San Francisco Intl, CA - EIS	New runway/runway reconfiguration	DEIS - 12/02
Seattle, WA , Seatac- EA	Change in development of north end terminal and auto parking	EA - Cannot estimate at this time
South Suburban Airport, Chicago, IL Area - EIS	Land banking for future airport	FEIS - 3/02
Taos, NM - EIS	New crosswind runway (Native American issues)	DEIS - 2/02 FEIS - 10/02
Toledo Express, OH - EIS	New air traffic procedures/second cargo hub	DEIS - 1/02 FEIS - 8/02
Trenton-Mercer, NJ - EA	New terminal	EA - 10/01
Yeager Airport, WV - EA	Construction of standard safety separation between taxiway and runway. (Possible 4(f) and 6(f) issues-Coonskin Park)	EA - 3/02

LEGEND:
EA - environmental assessment
DEIS - Draft EIS
NPS - National Park Service
SEIS - Supplemental EIS
EIS - environmental impact statement
FEIS - Final EIS

Mr. OSE. I have done actually a little bit of work here on this and that is some of these EAs and what have you—for instance, Tampa or San Francisco—San Francisco, in particular, the EIS was started in July 1999. It's expected to be completed in December 2003, which is 3½ years, 4½ years. I'm just trying to figure out why is it that we can move these things expeditiously in some cases and in others——

Ms. GARVEY. That's absolutely a fair question. For example, Houston, which took about 18 months, didn't take long at all. Most cases have to do with two critical issues. The first involves the complexity of the environmental challenges. San Francisco, for example, is an airport that ranks as one of the most delayed. So we've put together a dedicated team. This team is focused solely on San Francisco, both at the national and at the regional level. In this case, they are proposing to fill in the Bay for the project and that involves a host of agencies.

The second is an issue that Mr. Hauptli referred to earlier, and that is the community opposition. The level of community support has an awful lot to do with how successful a project is. When the mayor of a community is supportive—when the community is involved as was mentioned in the case of Minneapolis/St. Paul, then there's sort of a political will at the local level to really move mountains, in a sense, to get it done.

So, I think the environmental issues combined with some of the community concerns that are often raised at the local level, really, in many cases, determine the time lines to some degree.

Having said all of that, I want to say, as I have said before other committees of the Congress, we are absolutely committed to doing everything we can, whether it's dedicating teams, or following up on the co-location idea you mentioned earlier. We are absolutely committed to doing whatever we can to move the process more expeditiously.

Mr. OSE. One of the questions—I mean, Mr. Tierney and I struggle with all the time is how do we allocate our Federal resources. And one of the challenges we have is we can put it in A, B, C, D and on and on, ad infinitum.

If we have an airport where it is difficult to make something happen and we have other airports that are waiting in the queue, if a locality says, look, we will do something but the net result of which, under an analysis, is a reduction in net capacity, why would we put a ton of more money in that airport, reduce the capacity, compound the problem in the system and not help this other airport over here whose improvements might very well expedite capacity improvements? How do you reconcile that?

Ms. GARVEY. We wrestle with the same question. I do think the benchmark report that we put out this year has been already extraordinarily helpful in that. It really allows us to take a look quite clearly—and some of your charts indicate this as well. What are we seeing? When you look at thousands of airports in this country it's a handful of airports, the hubs, where we see the greatest amount of traffic.

So by focusing our resources at some of those critical hubs, I think we all recognize that we can make a difference.

Mr. OSE. What's our No. 1 challenge, if you will, in our airport infrastructure? I mean, is it San Francisco? Is it L.A.? Is it Sky Harbor? Where should Congress collectively say, all right, let's go in and fix this and then let's go to that, and then let's go to the next one? Do we have a list that basically says if we eliminate the log jams here, here, here and here, we make 40 percent improvement in the capacity. Where's that list?

Ms. GARVEY. That's the list that is included in the benchmarks. The list that's included in the benchmarks does a very good job of identifying the top 31. Of the top 31, there are 8 that we call the pacing airports. You could break it at the top 16 or you could break it at the top 8. We focused on the top eight. And what we did is propose an action plan for each one of those airports that would improve capacity. We said is it technology? Is it procedures? Is it runways? In some cases, it's all of the above.

In the case of Atlanta, which is one of the top eight, a runway there can increase capacity by about 40 percent. That's a pretty good number. We give Atlanta a lot of credit for going forward with a runway. If you look at a place like La Guardia, it is much tougher. They can't put in a runway, so they have to look at other options there.

Mr. OSE. Mr. Tierney taught me something the other day when we were talking about this hearing coming up, and that is, if you quantify how much we invest, say, in the airport capital—how much capital we have in an airport compared to what we are spending on rail, there is a significant disconnect, if you will, just in the raw numbers.

And, speaking of La Guardia, the suggestion has been made that we ought to be finding a way to move people from La Guardia to Kennedy or La Guardia to Newark, or something of that nature, rather than trying to force them through La Guardia.

But, other than a list of the 31 airport hubs ranked by hours of delay, I'm not familiar with any FAA priority list, so to speak, mentioning specific projects, likely payback, if you will, and the like.

Ms. GARVEY. Let me refer you to one other document, which is on our Web site. We have something that's called the NAS Operational Evolution Plan [OEP]. We just completed that recently. We've worked very closely with the airlines and with airports on it. I think what's significant about the OEP is that it addresses exactly what you're talking about. It sets forth commitments over 10 years, but not just for the FAA, but also for the aviation community. It includes runways.

So, if you look at the runways that are planned for the future, you will see some of the runways that we're talking about. I think what's challenging for us as a community, and I mean that for the FAA, the airports, and the airlines, is that some of our toughest airports that have the worst bottlenecks, also are the most complex in terms of solutions. You've talked about La Guardia. We've got a lottery in place there. That's one solution. I don't think it ought to be the permanent solution, but the challenge is determining what it is.

If you look at a place like San Francisco, again, the environmental issue surrounding the challenges of filling in the Bay are

no small feat. They are taking it on, and I give them a lot of credit. The airport director's working very hard on it, but it is tough.

Chicago is another very challenging airport, but I'm very happy to see that both the Governor and the mayor are looking at that issue with us.

Mr. OSE. I want to come back to this. Mr. Tierney, for however much time that he cares.

Mr. TIERNEY. Beating a little bit of a dead horse, but it goes back. None of these studies that you are talking about in terms of ranking these airlines take into consideration what the impact of high-speed rail would be. It barely takes into consideration any regionalization of utilizing capacity that fully isn't utilized. Certainly doesn't take into effect what could be done in a place like San Francisco where 50 percent of the traffic is 350 miles or less. If you put in a high-speed system that dealt with that kind of traffic, I would imagine it would have enormous impact on improvements, environmentally as well as traffic-wise in and out.

The simple fact of the matter is for the last 3 years, fiscal 1999 to fiscal 2001, funding for capital expenditures in the rail industry, $2 billion; funding for capital expenditures in aviation, $13.9 billion, a 7 to 1 ratio. If we look at President Bush's budget request and what the House passed for fiscal year 2002, funding for capital expenditures in the rail industry, $311 million; funding for capital expenditures in aviation, $6.2 billion, 20 times more for aviation capital expenditures than rail capital expenditures.

I understand that airports' peoples' jobs are airports. That's where they are focused and where they are thinking. But, we have to have, particularly with the Department of Transportation and the Secretary, some broader thinking on this, a national thinking of what we are going to do with our infrastructure money that is going to resolve some of these issues and make peoples' lives easier, more comfortable, more efficient and better use of their time as well.

I would hope that would include some look at what high-speed rail could do. Other countries do it. It isn't just all geography. That is simply not true. We haven't had the will to do this. We have incredible people with interest in airports and highways. And, unfortunately, a small but hopefully growing group of people with some interest and recognition on high-speed rail. I would hope that people that are involved in the airport industry would start sharing some of that interest as a part of the solution of some of their problems, which would help get products to market easier as well as people around if we absorb our traffic in different ways and work on that.

I would hope that becomes part of our framework, no matter what industry we are and hope you take that message back to the Secretary, and through him to the President, and maybe have a better idea of how we're spending some of this money. Back to you.

Mr. OSE. Ms. Sandahl, you probably have more experience just from the real world perspective. How do we reconcile these competing interests, if you will? I mean, Richfield had an interest in minimizing the amount of noise from the new runway. Northwest runs a huge operation out of Minneapolis/St. Paul. The country has an interest in that hub operating efficiently. I mean, how do we re-

solve this stuff? San Francisco—I fly in and out of San Francisco regularly. But trust me, they've got a problem. Sacramento, on the other hand, which I fly in and out of regularly also has excess capacity. I mean, how do we resolve this stuff between Federal, State and local interests?

Ms. SANDAHL. Mr. Chairman, one of the things that's being proposed, as I understand it, is a suggestion that maybe local communities could actually deal with the airport mitigation money to allow them to apply it directly as opposed—and apply for the funds as opposed to having to go through the airport operator. That would allow our local communities to feel more in charge of satisfying their residents.

I think Congressman Oberstar is correct in saying that noise is a capacity issue. If you don't have noise complaints, you will substantially reduce the times to do your EISs. Beyond that, I don't have answers to everything either.

Mr. OSE. Why not? You're talking about quantifying the decibels and the CNELs around the airport and the like, am I correct in that, in terms of take-off patterns and the landing patterns?

Ms. SANDAHL. Two different issues. One that Richfield is currently dealing with is low frequency noise. That is the vibration noise caused by the side airport noise and also the airport run-up noise. Those are not recognized by FAA, and there is no medication money for those problems. That is one thing we're looking at and hoping will be addressed.

The other issue is just the D and L patterns; where do the airplanes fly over and where the noise impacts on the ground by the people underneath the flight paths? Those clearly are in place and are mitigated to the extent that there's funding available. One of the problems we have run into at Richfield is that we had some of the mitigation funds used to apply for the—under the airplane flight path mitigation on our homes and then discovered that mitigation will not solve our low frequency noise problems. It's a different type of noise, and those will not solve those problems. That's why we are looking at that issue.

Mr. OSE. I want to go back for a minute. I want to ask each of the four gentlemen in the middle their respective positions on the co-location issue and the common rule issue.

So Mr. Merlis, do you support the co-location concept for runway and airport construction?

Mr. MERLIS. Yes. We have to find a way to co-locate that decisionmaking process. I would add, though, that I think the FAA's primary mission is such that they shouldn't be saddled with that responsibility. You get into some difficulties if you create some sort of über agency. But you don't want to have a conflicting mission. I think that by establishing a national policy, whatever that is, including high-speed rail, if that includes high-speed rail and directing the implementation and giving that responsibility somewhere, to take all those statutes and put it together and get these things done with, I think you go a long way toward expediting that piece of the regulatory process. You still have the local problem to deal with, but at least the regulatory process gets addressed.

Mr. OSE. Mr. Hauptli.

Mr. HAUPTLI. Yes.

Mr. OSE. Mr. Ogrodzinski.

Mr. OGRODZINSKI. Yes.

Mr. OSE. Mr. Krietor.

Mr. KRIETOR. Yes, Mr. Chairman. But I would also agree with Administrator Garvey that many of these issues are—the more difficult and complex issues are local issues that do need to be addressed at the local level. We need a Federal process that helps us move through those local issues in a reasonable timeframe.

Mr. OSE. Let's go to the common rule, then, in terms of structuring a common rule governing the Federal bites of the apple, to quote a phrase, do you support that concept?

Mr. MERLIS. Yes, sir. And suggest you also preempt some of the States that might have a disparate perspective on that.

Mr. HAUPTLI. Yes. We agree with that. Again, the FAA's primary mission, of course, is safety. The FAA wants to build these runways, but other Federal agencies have other missions. Building capacity isn't necessarily high on their priority list. So getting them involved in the process and making that clearly identified is something we would find very useful.

Mr. OGRODZINSKI. Thank you, Mr. Chairman. You used the word harmonization. We believe that is part of the co-location that is necessary in a single rule. As Mr. Hauptli said, there are many different rules governing many different aspects of those 40 bites of the apple. If we could harmonize those, that would be extraordinarily important. And, second, in doing this, I want to make sure from the States' point of view that FAA maintains its leadership for aviation in the United States. It would not be, I think, appropriate for some other organization which does not have aviation as its primary objective to organize that objective.

Mr. OSE. Mr. Krietor.

Mr. KRIETOR. Yes, Mr. Chairman.

Mr. OSE. One of you testified that with the addition of 50 runway miles, we could eliminate, I think, 60 percent of the congestion.

Mr. HAUPTLI. That would be me again, Mr. Chairman.

Mr. OSE. Where do we build the 50 miles?

Mr. HAUPTLI. The 50 miles of runway is essentially 2 miles of runway at the top 25 most delayed airports in the country. Our statistics are a little bit different than yours. For the year 2000, our statistics show that at the top 20 airports—the 20 most top delayed airports account for 92 percent of the delay in the system. What makes aviation a little bit different in ways of streamlining—the highway folks will come in and tell you they'd like to streamline their review and approval process. And, they're talking about all projects.

In aviation, we have an identified universe of a couple of dozen airports around the country that are critically important to making sure we reduce delays. Going back to what Administrator Garvey noted in her testimony about one 4-minute delay at Chicago can cause hundreds of delays throughout the system by the end of the day. If we can focus on a small group of delayed airports in the country, we can do things to speed up the review and approval process and reduce delays dramatically throughout the system.

Mr. OSE. I just want to make sure that I understand the collective opinions here. We need to pursue the safety features that come

with improved software. Would you agree with that? We need to improve the baggage handling and tracking systems as a means of reducing consumer complaints. Is there any way to address our obvious challenge of moving a billion people a year without building new runways? Anybody have any—Mr. Merlis says no. I mean if you're silent on this issue——

Mr. HAUPTLI. The airport guy says no. Sorry, Mr. Tierney. You need to build more runways.

Ms. GARVEY. At key airports, that's true. You need to build more runways.

Ms. MCLEAN. I would agree with Ms. Garvey, yes.

Mr. OSE. Mr. Ogrodzinski.

Mr. OGRODZINSKI. Mr. Chairman, we at NASAO certainly have been promoting the development of new airports and new runways for 7 years, but Mr. Tierney said something very interesting and important about the regionalism. You know, there are many airports in and around New York. We don't have to all fly into La Guardia. I think that sort of regionalism has a role to play in reducing delays and cancellations.

Mr. KRIETOR. If I could use one brief example. With our weather and wind conditions in Phoenix, a runway basically handles 20 million passengers. So, when we added the new runway there, we increased our capacity to handle from, say, approximately 40 million up to 60 million passengers. So the runway there essentially gave us the capacity to meet what we know is going to be the region's growth over the next 15 to 20 years. It is a dramatic increase in capacity. And I don't see any other way in our environment that we could have achieved that objective without the runway.

Mr. OSE. Ms. Sandahl, in your Richfield, Minneapolis area, I know that area is growing, maybe not as quickly as Los Angeles or others, but what breadth of discussion occurred in terms of meeting the needs for moving people in and out in the context of your involvement?

Ms. SANDAHL. Mr. Chairman, we did talk and there was public discussion about a fast train between Minneapolis and Chicago. Many of our flights are wing tip to wing tip between Minneapolis and Chicago. So that was one of the things that was talked about. Obviously, there were no dollars and it wasn't done, but that was discussed.

Mr. OSE. I've ridden the train from Minneapolis to Chicago. You're talking about high-speed.

Ms. SANDAHL. They were looking at high-speed. I had an all night train ride and we stopped at every milk run.

Mr. OSE. All right. I'm not sure that I have any other verbal questions, Mr. Tierney. If you care to offer any you might have.

Mr. TIERNEY. None. Let's wrap.

Mr. OSE. I want to thank the witnesses for appearing today. We have a number of questions we're going to follow-up with you individually. We're going to leave the record open for 10 days for Members, questions and the like. You have a statement you want to enter into the record?

Mr. TIERNEY. No, I don't.

Mr. OSE. Other Members who may have a statement, we will allow that in written form.

I want to thank our witnesses again. Today we learned there is much that can be done to try and address our customer problems as they relate to delays. All parties, including the Federal Government, airlines, airports, State officials, local officials are part and parcel of this. And we are working together to a certain degree to help address this capacity problem among others.

Clearly, the testimony was that the co-location or the common rule concept has validity and that some measure of promise is held with the streamlining in some of these environmental regulations. I do stand ready to assist in this effort. I know Mr. Tierney does also. In fact, he's been educating me about northeastern transportation problems. So I look forward to making this happen, and I thank everybody for appearing today.

Mr. TIERNEY. Mr. Chairman, I hope that I remembered to ask that miscellaneous matters be put in the record, particularly that article I referenced.

Mr. OSE. Without objection. Thank you all for coming.

[Whereupon, at 4:15 p.m., the subcommittee was adjourned.]

[The prepared statements of Hon. Dennis J. Kucinich, Hon. C.L. "Butch" Otter, and additional information submitted for the hearing record follow:]

Dennis Kucinich

Hearing on Airport Expansion
GROC Subcommittee on Energy Policy

Having just spent the last several years opposing the expansion of Cleveland Hopkins International Airport, I believe I can offer this subcommittee some important insights.

There is no question that airline traffic and its associated delays are growing. Unfortunately, the FAA and industry response seems to be based heavily on airport expansion. However, expanding airports subjects nearby residents to increased noise and pollution.

My experience with airport expansion has shown me that the FAA and airline industry have little regard for the quality of life of people who live near airports. The rebuttal I hear the most is "Anyone who is bothered by the noise of an airport, should not have moved near one in the first place." That is unacceptable. We cannot treat those we represent with such disregard. Many of my constituents who now live near the airport grew up there. And St. Mary of the Falls, a small church near Cleveland-Hopkins airport, was established 50 years before the Wright brothers first flew. The FAA and airline industry must not ruin local communities to solve another problem.

I objected to the noise and environmental impacts of Cleveland Hopkins Airport expansion and I used every environmental law I could find to make my case. However, the FAA ignored all of the concerns raised and proceeded ahead with airport expansion. Now, the airline industry sits before us with hopes to remove these environmental laws. This will block people from objecting to the destruction of their quality of life and community. Shame on the airline industry. The FAA has already proven itself capable of ignoring local community concerns on behalf of the industry.

Here's my suggestion for the FAA and industry. Instead of inflicting intolerable airplane noise on people, try working with them to make serious noise reductions.

STATEMENT OF CONGRESSMAN BUTCH OTTER (R-ID)

Mr. Chairman, I would like to thank you for holding this important hearing. Every member of this committee, as well as the members of the flying public, knows that our aviation system is in gridlock. Some have argued that we have too many people taking too many flights, and that expensive investments in new transportation methods are necessary. Others maintain that re-regulation of the industry will free up space in our crowded skies. Both of these solutions are doomed to fail. History has shown that more government regulation is not the answer. Spending the taxpayers hard earned tax dollars on a method of transportation not one in a hundred chooses will not improve air travel in this country. Regulating where and when airlines can fly even more than now will not improve air travel.

The worst bottlenecks in our airway system, in fact, are those areas controlled by government action. Runway construction is hampered by an over-zealous interpretation of federal environmental laws. Our federal air traffic control system is burdened by an inability to generate the capitol for new investment and pay the salaries necessary to keep skilled traffic controllers in the system.

As a member of the House Transportation and Infrastructure Committee, as well as this subcommittee, I will work to ease the needless government regulation that is causing gridlock in our skies. I have already introduced legislation, H.R. 2409, that will consolidate Endangered Species Act permitting into a single agency. I look forward to hearing from our witnesses the additional steps we can take to add capacity and efficiency to our airway system.

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Rails to the Rescue

By Robert Kuttner
Wednesday, July 25, 2001; Page A21

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Not long ago, needing to get from Boston to New York for a meeting, I decided to try Amtrak's new Acela express. It was on time, at three hours and 20 minutes. Even so, the office-to-office trip took nearly two hours longer than the air shuttle ordinarily does.

A week later, I had to be in New York again, for a 10:30 meeting. This time, I opted for the 8 a.m. air shuttle. But a brief thunderstorm passed through the New York area, closing La Guardia for less than an hour. That was enough to cause a morning's worth of bottlenecks. At 9:30, with no takeoff time in sight, the pilot kindly let some passengers get off the plane. The rest may still be there.

This is a country whose major airports are on the verge of perpetual gridlock. Our one really successful fast train -- the New York-Washington Metroliner (three hours) -- now has about 40 percent of the intercity air-rail business between those two cities. The Acela cuts that to 2 1/2 hours.

If Amtrak got the New York-Boston run down to 2 1/2 hours, it would basically put the air shuttle out of business. And this is not just a Northeast corridor story.

In Chicago, where a major political battle is underway over a third airport, fully 40 percent of the flights are of distances less than 300 miles. In San Francisco, half the flights are 300 miles or less.

Amtrak has a plan to develop high-speed rail service in the Northwest (Portland, Seattle, Vancouver), the Gulf Coast (Atlanta, Birmingham, Jackson, New Orleans, Houston), the Southeast (Atlanta, Charleston, Charlotte, Richmond, Washington) and the Midwest, with Chicago as the hub of routes serving Cleveland, Detroit, Milwaukee and St. Louis.

Basically, with high-speed rail, it makes no sense to run major-city flights shorter than 300 miles. In Germany, where trains routinely do better than 200 mph, the government plans to phase out domestic air travel in favor of trains.

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If Amtrak replaced shuttle flights between Washington, New York and Boston, it would free about 60 takeoff and landing slots every hour. Bostonians would no longer be fighting about whether to expand Logan Airport. LaGuardia would not be straining at capacity, benching travelers because of minor weather disturbances.

It makes no sense to build more large-city airports. Any sensible country would use rail service between major cities of less then 300 miles. This would take more than enough pressure off airlines.

Amtrak's current on-time record is mediocre, but that's because of crumbling track-beds and ancient electricity grids. What's preventing a modern high-speed rail system is warped budget priorities and the influence of two major lobbies: the highway coalition (autos, oil, truckers and construction companies) and airport interests (aircraft manufacturers and airlines).

A first-class high-speed rail system would cost about $2 billion a year in federally financed capital improvements (modern track, locomotives and passenger coaches) over 20 years. Here's what your tax dollars currently finance: $14 billion in federal funds for airports every year and $33 billion for highways. Amtrak gets only $361 million. If we just diverted $2 billion of the airport money annually to rail service, we would free more than enough airport capacity to cover the diversion.

Or compare the cost of high-speed rail with the cost of President Bush's tax cut. At $1.3 trillion over the next 10 years, the tax cut averages $130 billion a year -- or more than 60 times the cost of building a high-speed rail system.

Needless to say, the Bush administration has no interest in diverting tax-cut dollars to better intercity trains. But progress has been made on other fronts.

Fifty-eight senators have co-sponsored a bill to give Amtrak direct bonding authority. The bill has an unusual name -- the Lott-Daschle bill. Republican Senate leader Trent Lott, not a friend of big government or of bipartisanship, is joining Democratic leader Tom Daschle because even Mississippi needs rail service.

And in Florida last November, as voters were being flummoxed by hanging chads, they also passed a state constitutional amendment mandating expanded intercity rail service.

Amtrak's existing trains could make the New York-Boston run in around two hours if they just had decent track to run on. That will cost public dollars. Amtrak will break even on operations within the next two years, but it can't operate efficiently without capital improvements.

Europe and Japan had trains faster than Amtrak's Acela 30 years ago.

But don't blame Amtrak if trains are slow and planes are gridlocked. Contact your favorite politician.

Robert Kuttner is co-editor of the American Prospect.

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SUBCOMMITTEE ON AVIATION

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC
MAY 24, 2001

TESTIMONY OF DENNIS MCGRANN
EXECUTIVE DIRECTOR, NATIONAL ORGANIZATION FOR A SOUND-CONTROLLED ENVIRONMENT
N.O.I.S.E.

MR. CHAIRMAN, MR. OBERSTAR, AND MEMBERS OF THE COMMITTEE
ON BEHALF OF THE THOUSANDS OF AMERICANS WHO LIVE UNDER THE FLIGHTWAYS OF OUR MAJOR COMMERCIAL AVIATION CORRIDORS AND ARE ASKED TO BEAR THE ENVIRONMENTAL, HGEALTH AND SAFETY CONSEQUENCES ASSOCIATED WITH THEM, I THANK YOU FOR INVITING ME HERE TODAY.

MR. CHAIRMAN, I ALSO COMMEND YOU AND THE COMMITTEE FOR PROVIDING A BALANCED FORUM FOR THE DISCUSSION OF THESE IMPORTANT ISSUES FACING OUR COUNTRY'S INFRASTRUCTURE NEEDS.

MY NAME IS DENNIS MCGRANN, AND I AM THE EXECUTIVE DIRECTOR OF THE NATIONAL ORGANIZATION FOR A SOUND-CONTROLLED ENVIRONMENT, OR N.O.I.S.E. N.O.I.S.E. IS AN AFFILIATE OF THE NATIONAL LEAGUE OF CITIES, AND FOR THIRTY-ONE YEARS HAS BEEN AMERICA'S COMMUNITY VOICE ON AVIATION NOISE ISSUES.

CONTRARY TO WHAT ONE MAY EXPECT, WE DO NOT OPPOSE THE CONSTRUCTION OF NECESSARY NEW RUNWAYS. OUR MEMBERS ARE COMMUNITIES THAT ARE LOCATED NEXT TO AIRPORTS. WE ARE CITIES THAT DEPEND ON OUR AIRPORT NEIGHBORS FOR JOBS, COMMERCE AND OUR ECONOMIC VIABILITY. WE RECOGNIZE THE REALITY OF AVIATION TODAY REQUIRES THAT AIRPORTS INCREASE CAPACITY, AND IN SOME CASES THAT MAY MEAN ADDING RUNWAYS.

I'D LIKE TO COMMEND THE AIRPORTS COUNCIL INTERNATIONAL – NORTH AMERICA (ACI-NA) AND THE AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES (AAAE) FOR THEIR EFFORTS IN ADVANCING THIS DISCUSSION WITH THEIR "EASE" PROPOSAL.

THERE ARE A NUMBER OF RECOMMENDATIONS IN THAT REPORT THAT WOULD GO A LONG WAY TOWARD INCREASING LOCAL SUPPORT FOR AIRPORT IMPROVEMENTS AND COULD HELP EXPEDITE CRITICALLY NEEDED PROJECTS.

SPECIFICALLY, N.O.I.S.E. COMMENDS AND ACI-NA AND THE AAAE FOR RAISING THE ISSUE OF REVENUE DIVERSION, AND THE SUGGESTION THAT LOCAL GOVERNMENTS MIGHT BE ABLE TO RAISE AIRPORT SPECIFIC REVENUE TO MITIGATE THE RELATED NOISE AND ENVIRONMENTAL IMPACTS OF A CRITICALLY NEEDED NEW RUNWAY.

THE EASE PROPOSAL ALSO SUGGESTS ALLOWING AIRPORT OPERATORS GREATER LEEWAY IN DETERMINING THE HOURS OF OPERATION FOR NEW RUNWAYS. IF AIRPORTS

WERE ALLOWED TO FORGE EARLY CONSENSUS WITH LOCALLY ELECTED LEADERS ON THE ISSUES OF NOISE MITIGATION AND POSSIBLE FLIGHT RESTRICTIONS, WE WOULD SEE LESS CONCERN FROM LOCAL CITIZENS ABOUT THE EFFECTS OF A POTENTIAL NEW RUNWAY AND COULD REALIZE CRITICALLY NEEDED INFRASTRUCTURE IMPROVEMENTS MORE QUICKLY.

THAT SAID, WHILE WE COMMEND THE ACI-NA AND THE AAAE FOR MOVING US CLOSER TO A SOLUTION ON THE QUESTION OF HOW TO DECREASE RUNWAY CONSTRUCTION DELAYS, PARTS OF THEIR PROPOSAL RAISE SERIOUS ENVIRONMENTAL, HEALTH AND SAFETY CONCERNS FOR THOSE WHO LIVE NEAR PROPOSED NEW RUNWAYS. TO PUT IT SIMPLY, N.O.I.S.E., AND THE THOUSANDS OF CITIZENS IT REPRESENTS ACROSS THE UNITED STATES CANNOT ACCEPT ANY ABROGATION OF ANY ENVIRONMENTAL LAW, REGULATION OR REVIEW, INCLUDING THE CLEAN AIR ACT, CLEAN WATER ACT, AND THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA).

N.O.I.S.E. OBJECTS TO THE PROPOSAL TO CREATE A "CAPACITY CZAR", WITH THE AUTHORITY — I QUOTE — "TO EXEMPT PROJECTS FROM ENVIRONMENTAL AND OTHER REGULATIONS THAT ARE UNNECESSARILY HINDERING CAPACITY ENHANCEMENT." THESE ENVIRONMENTAL REGULATIONS WERE AUTHORED BY A DEMOCRATICALLY ELECTED CONGRESS TO PROTECT AMERICANS FROM UNANTICIPATED ENVIRONMENTAL IMPACTS AND ENSURE THE HEALTH AND SAFETY OF OUR CITIZENS. N.O.I.S.E. TAKES EXCEPTION TO INVESTING IN A SINGLE, UNELECTED BUREAUCRAT WITH NO RESPONSIBILITY TO LOCAL COMMUNITIES, THE POWER TO WAIVE THESE ENVIRONMENTAL PROTECTIONS WHEN THEY BECOME TOO INCONVENIENT.

SECOND, N.O.I.S.E. CANNOT SUPPORT THE PROPOSED ELIMINATION OF THE "ALTERNATIVES ANALYSIS" UNDER WHICH THE GOVERNMENT MUST DETERMINE WHETHER A REASONABLE ALTERNATIVE TO A NEW RUNWAY EXISTS. IF NO SUCH ALTERNATIVE EXISTS, THERE IS NO REASON THAT SUCH A STUDY COULD NOT BE COMPLETED IN A RELATIVELY SHORT PERIOD OF TIME. HOWEVER, IF THERE IS SOME DISPUTE THAT A COMPARABLE ALTERNATIVE MAY EXIST, LOCAL COMMUNITIES HAVE A RIGHT TO KNOW ALL OF THE OPTIONS AND THEIR POTENTIAL CONSEQUENCES.

THIRD, THE PROPOSAL TO EXCLUDE AIRPORT PROJECT ADDITIONS FROM THE NEPA REVIEW PROCESS RAISES MAJOR CONCERNS. TO REPEAT, N.O.I.S.E. CANNOT ACCEPT ANY ABROGATION OF NEPA OR ANY OTHER ENVIRONMENTAL, HEALTH OR SAFETY STANDARD FOR A PROJECT AS LARGE AND ENVIRONMENTALLY SIGNIFICANT AS THE CONSTRUCTION OF A NEW RUNWAY. THOSE WHO LIVE NEAR AN AIRPORT AND UNDER ITS FLIGHT PATHS DESERVE NOTHING LESS THAN A FULL ASSESSMENT OF THE HEALTH, SAFETY AND ENVIRONMENTAL PROGNOSIS FOR THEIR COMMUNITY AS A RESULT OF MAJOR INFRASTRUCTURE IMPROVEMENTS.

I'D LIKE TO REVISIT THE CONSTRUCTIVE SUGGESTIONS IN THE EASE PROPOSAL, NAMELY THOSE THAT ENCOURAGED CONSULTATION WITH LOCAL GOVERNMENTS ON NOISE MITIGATION FUNDING AND STRATEGIES, AND ENCOURAGED COOPERATION WITH AIRPORT OPERATORS REGARDING FLIGHT AND NOISE LIMITS THAT ENHANCE LOCAL COMMUNITY SUPPORT.

AS A NUMBER OF AIRPORTS AROUND THE COUNTRY SUCH AS SAN FRANCISCO INTERNATIONAL AND MINNEAPOLIS-ST. PAUL HAVE LEARNED, ENGAGING AIRPORT

NEIGHBORS THROUGH THEIR DEMOCRATICALLY ELECTED OFFICIALS TO FORGE A COOPERATIVE, RATHER THAN CONFRONTATIONAL, APPROACH WILL DECREASE THE POSSIBILITY OF LITIGATION AND CONSTRUCTION DELAY.

COLLABORATION MAY INVOLVE SOME CONCESSION ON THE PART OF BOTH AIRPORTS AND THE COMMUNITIES, BUT BY INCLUDING LOCAL STAKEHOLDERS IN KEY DECISIONS ON THE PROJECT, ALL PARTIES WILL HAVE A STAKE IN THE APPROVAL OF THE PLAN THEY COLLABORATED TO PRODUCE. AS THE EASE PROPOSAL NOTES, "IT MAY BE BETTER TO OBTAIN, IN A TIMELY MANNER, A CAPACITY BENEFIT THAT MAY BE LESS THAN A PROJECT'S FULL PHYSICAL CAPACITY, RATHER THAN TO HOLD OUT FOR AN UNRESTRICTED PROJECT THAT MAY BE INORDINATELY DELAYED OR NEVER ACHIEVED."

ONE WAY TO FOSTER THE RELATIONSHIP BETWEEN AIRPORTS AND COMMUNITIES IS TO ALLOW LOCAL GOVERNMENTS TO RECEIVE NOISE MITIGATION FUNDING DIRECTLY. CURRENT REGULATIONS ALLOW ONLY THE AIRPORT OPERATOR TO RECEIVE FUNDING, AND THEY DECIDE HOW TO SPEND IT IN THE COMMUNITY. WOULDN'T IT BE BETTER TO EMPHASIZE THE PRINCIPLE OF "LOCAL CONTROL", AND HAVE ELECTED OFFICIALS WHO ARE ACCOUNTABLE TO THE VOTERS WORKING WITH THE FAA TO MAKE DECISIONS ABOUT WHICH HOUSES OR SCHOOLS TO INSULATE, AND WHICH PROPERTY TO ACQUIRE? WE WOULD RESPECTFULLY ENCOURAGE THE COMMITTEE TO CONSIDER THE POSSIBILITY OF GRANTING THE FAA THE AUTHORITY TO ACCEPT NOISE MITIGATION APPLICATIONS DIRECTLY FROM IMPACTED COMMUNITIES.

IF HISTORY CAN BE A GUIDE, IN 1991 WHEN THIS COMMITTEE WROTE THE INTERMODAL SURFACE TRANSPORTATION EQUITY ACT (ISTEA), IT HAD THE FORESIGHT TO CREATE MPOs, OR METROPOLITAN PLANNING ORGANIZATIONS. THEY IN REQUIRED THAT LOCAL COMMUNITIES HAVE A SEAT AT THE TABLE WHEN DECISIONS ON FEDERAL HIGHWAY PROJECTS ARE MADE.

AT THE TIME, MANY IN THE HIGHWAY INDUSTRY SUGGESTED THAT MPOs WOULD BRING THE PROCESS TO A GRINDING HALT AND CREATE GRIDLOCK FOR THE IMPROVEMENT OF OUR SURFACE TRANSPORTATION SYSTEM.

DESPITE THEIR GLOOMY WARNING OF IMPENDING CHAOS, THE ESTABLISHMENT OF METROPOLITAN PLANNING ORGANIZATIONS BECAME A CROWING ACHIEVEMENT OF ISTEA AND WAS REAUTHORIZED IN TEA-21 SEVERAL YEARS LATER, BECAUSE ONCE ELECTED REPRESENTATIVES FROM LOCAL COMMUNITIES WERE GIVEN A SEAT AT THE TABLE, THEY MADE CONTRIBUTIONS TO HIGHWAY PLANNING ON BEHALF OF THEIR CONSTITUENTS AT THE BEGINNING OF THE PLANNING PROCESS. THIS ALLOWED THE PLANNERS TO ANTICIPATE THE STRONGLY HELD CONCERNS OF LOCAL CITIZENS AND ADDRESS THEM IN THE PLAN BEFORE CONSTRUCTION BEGAN.

N.O.I.S.E. SUGGESTS APPLYING THE SUCCESSFUL MPO MODEL TO AIRPORT CONSTRUCTION. USING AIRPORT PLANNING ORGANIZATIONS TO MAKE LOCAL COMMUNITIES PARTNERS RATHER THAN OBSTACLES WILL PRODUCE A RUNWAY THAT IS COMPLETED IN LESS TIME AND WITH LESS CONTROVERSY THAN THE CURRENT CONFRONTATIONAL APPROACH ALLOWS.

LOCAL COMMUNITIES ARE NOT OBSTRUCTIONISTS, NOR ARE THEY OBSTACLES TO PROGRESS. IN FACT, MOST LOCAL COMMUNITIES AFFECTED BY AVIATION NOISE ALSO

DEPEND ON THEIR AIRPORT NEIGHBORS FOR ECONOMIC VIABILITY. WE RECOGNIZE THE REALITY OF AVIATION TODAY REQUIRES THAT AIRPORTS INCREASE CAPACITY. WE SIMPLY REQUEST THAT THE CITIZENS ASKED TO BEAR THE ENVIRONMENTAL, HEALTH, AND SAFETY CONSEQUENCES ASSOCIATED WITH AVIATION NOISE NOT BE EXCLUDED FROM THE DECISION PROCESS FOR MAJOR RUNWAY EXPANSIONS. WE RESPECTFULLY ASK FOR A SEAT AT THE TABLE AND AN OPPORTUNITY TO CONSTRUCTIVELY CONTRIBUTE TO THE PROCESS.

WITH THAT, I AGAIN THANK THE COMMITTEE FOR INVITING ME HERE TODAY, AND WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.