Phil Boyer
President

November 14, 2007

Honorable Mary Peters
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: NYC Aviation Rulemaking Committee

Dear Secretary Peters:

The Aircraft Owners and Pilots Association (AOPA), representing more than 414,000 pilots across the country is pleased to be a participant in the aviation rulemaking committee (ARC), established to reduce congestion in New York City (NYC). Your leadership is critical as the Department evaluates the various recommendations being developed by this committee to meet the early December 2007 deadline established by President Bush. AOPA wants to assist you in this effort and has developed the attached "New York Congestion White Paper."

It is crucial that the Department address the primary issues of airline scheduling and the physical limitation of an airport to handle a given amount of traffic, airline decisions to operate smaller aircraft, and airline promotion of travel during peak hours without setting the expectation of delays.

I want to emphasize that non-commercial general aviation operations are not the cause of congestion in New York. The Federal Aviation Administration's (FAA) operational data shows that since 2001, non-commercial operations at the New York Tracon (N90) are down by more than 15 percent, and the total number of non commercial operations at Teterboro, New Jersey (TEB) are down by more than 40 percent. The FAA data also reveals that non-commercial operations are less than three percent of New York's LaGuardia and Kennedy airports and Newark, New Jersey's airport. These facts must be considered as the solutions are developed.

Ultimately, the Department must identify a set of solutions that tackles the real problems without adversely affecting those that do not contribute to the problem, the AOPA membership. We propose a list of short and long term recommendations for inclusion in the ARC deliberations and the Department's subsequent action plan.

We believe it is important that the DOT and FAA have access to a list of balanced solutions that enables you to reach an informed decision and achieves the desired outcome to address the delay problems in the New York area.

Sincerely,

Phil Boyer

In October 2007 the Department of Transportation established an Aviation Rulemaking Committee (ARC) for the New York City area, designed to explore market-based mechanisms and other options for addressing airspace congestion and flight delays in the New York area. The Aircraft Owners and Pilots Association (AOPA) has developed this white paper for the Department's consideration as they deliberate on the NYC delay issue.

The Issue: Congestion at the New York City Airports

Fact #1: General Aviation Operations are not Contributing to the Airline Delay Problem

- The majority of delays are related to weather, and the remainder of delays are airline induced or air traffic control delays.

- Nationwide, general aviation aircraft operations have declined by 17 percent since 2000. (Rep. Jerry F. Costello, September 26, 2007.)

- According to FAA statistics, air carrier operations have grown in the New York area by 15 percent since 2001 while general aviation activity has decreased 9 percent

- General aviation (non-commercial) traffic at the three NYC airports continues to be less than 3 percent of the total operations.

- General aviation operations at Teterboro Airport, the NYC's largest reliever airport, were the same in Fiscal Year (FY) 2006 and 2007. Over the past five years, traffic levels at the Teterboro Airport are down.

- General aviation flights to satellite airports are nearly always segregated from airline flows to the three NYC airports. Air traffic controllers report that operations at reliever airports are segregated from the air traffic flows to the three NYC airports most of the time, meaning that general aviation does not affect airline operations.

- NATCA Eastern Regional Vice President Phil Barbarello verified these facts on October 4, 2007, (Aviation Daily) when he said it's not true that business jets are causing delays in the New York area because they have "separate arrival fixes and separate airspace when they enter the New York Terminal Radar Control (TRACON) area, and they don't impede air carriers." He added, "In fact Bizjet arrivals are often restricted to accommodate airline arrivals at Newark."

- General aviation operations accommodate airline demand. When weather permits, general aviation aircraft are encouraged to depart Teterboro airport

under visual flight rules (VFR), using the Dalton Departure, and transition to instrument flight rules (IFR) when outside of the New York area.

Fact #2: Airline Schedules and Aircraft Sizes Generate Flight Delays and Passenger Travel Problems.

- At certain times of the day, the airline's arrival/departure schedules exceed runway benchmark capacities at LaGuardia (LGA), John F. Kennedy (JFK), and Newark (EWR) airports.

- Since 2004, JFK's scheduled operations have increased 44 percent. (Agham Sinha, MITRE, September 26, 2007.)

- JFK had the worst on-time rate in July 2007, with only 57 percent of flights arriving on schedule. (Boston Globe, September 5, 2007)

- According to former FAA Administrator Marion Blakey, the airlines are operating flights with smaller aircraft, which affects passenger travel.
  "Similarly, as airlines work to control costs per emplanement, they are using increasing numbers of small aircraft."

- This is reflected in key facts from the DOT Inspector General Calvin L. Scovell III:

  o *The number of scheduled flights (capacity) decreased from 5.5 million in 2000 to 5.0 million in 2007, a drop of 9 percent. Scheduled seats also declined by over 9 percent between 2000 and 2007, from 510 million to 462 million.*

  o *Even though the number of flights and seats declined, passenger enplanements went up over 12 percent, from 312 million passengers in 2000 to 350 million passengers in 2007.*

Fact #3: Non-Commercial Traffic in the NYC Area is Declining

In FY 2007 the commercial aviation operations were higher than FY 2001, while general aviation operations were lower in FY 2007 than FY 2001. The FAA data below shows these and other facts.

2001 Traffic Levels

ATC Facility	Total 2001	Commercial 2001	Non-Commercial 2001	Percent GA of Total
N90	2,070,713	1,438,358	661,743	32.0%
JFK	340,459	331,808	8,156	02.3%
LGA	404,206	393,205	10,798	02.7%
EWR	462,202	445,582	16,437	03.5%
TEB	267,794	54,460	202,538	76%

2007 Traffic Levels

ATC Facility	Total 2007	Commercial 2007	Non-Commercial 2007	Percent GA of Total
N90	2,095,818	1,521,770	562,673	28.0%
JFK	453,258	359,771	7,245	01.6%
LGA	401,410	390,349	10,700	02.7%
EWR	444,973	429,357	15,453	03.4%
TEB	202,193	77,131	124,765	61.7%

Fact #4: The Capacity Issues in New York are Limited by Runways

- Airports have not expanded capacity. No new runways have been built for years.
- The airspace used by turbojets was nearly doubled in 2004 when the FAA implemented Domestic Reduced Vertical Separation Minimums (D-RVSM) nationwide.

Both Immediate and Longer Term Solutions are Available to Address Delays at the NYC Airports:

1. *Align schedules with capacity benchmarks.* The Federal Aviation Administration (FAA) has issued "Capacity Benchmarks" for each of the nation's busiest airports. These benchmarks lay out how many flights can physically and safely arrive at and depart from a particular airport at a given period of time and at peak travel hours. The benchmarks then compare the airport's capacity limit to how many flights the airlines have, in fact, scheduled for arrival and departure during that time period. FAA data shows that airline-scheduling practices at the three NYC area airports significantly exceed these capacity limits, with the result being that the number of flights scheduled to depart cannot possibly depart when scheduled and as advertised. The airlines should be required to align schedules with the capacity benchmarks. Establishing the correct benchmark is critical.

2. *Implement operational changes to air traffic procedures that improve the flow of traffic in the NYC area.* Task the RTCA Airspace Working Group (that includes experts from the airlines, FAA and the general aviation community) to focus on developing and quickly implementing these improvements.

3. *Provide Truth in Scheduling.* Inform all passengers flying to or from NYC that the flight they may choose to buy a seat on will experience regular and frequent delays due to the airline's choice of aircraft size and schedule.

4. *Provide Truth in Reservations.* Before allowing passengers to make a reservation during peak hours, make sure that passengers are aware of other lower peak travel options, and that there are airports in the New York City metropolitan area that may be better options for their travel.

5. *Evaluate Air Traffic Control facilities to ensure they are adequately staffed with trained controllers.* It appears there may be open positions at the New York Air Route Air Traffic Control Center (ZNY ARTCC), the NYC TRACON (N90) and the JFK Air Traffic Control Tower (ATCT). According to the National Air Traffic Controllers Association (NATCA):

    o ZNY ARTCC: There are 370 positions authorized with 304 on board (234 certified professional controller and 70 trainees);
    o N90: There are 270 positions authorized with 200 onboard (178 certified professional controllers and 22 trainees); and
    o JFK ATCT: There are 37 positions authorized with 32 on board (24 certified professional controllers and 8 trainees)

6. *Encourage airlines to use more of the airports in the NYC metro area.*

7. *Identify options for more runways at existing airports.*

8. *Airlines operating to and from the three NYC airports should be required to equip with RNP and ADS-B "IN."* The airlines indicate these systems can increase capacity and efficiency. The technologies promise to improve the number of hourly operations per runway.