

The following is the text of a statement delivered on behalf of AOPA by Victor J. Kayne, Vice President - Policy and Technical Planning Oct. 3, 1968, at a public hearing conducted by the Federal Aviation Administration on Proposed Rule Making in regard to high density airports:

I am Victor J. Kayne, Vice President, Policy and Technical Planning, Aircraft Owners and Pilots Association. AOPA is an association which serves some 147,000 members who own and fly aircraft for business, personal and pleasure purposes. These are people who use their airplanes for the same reasons that people use their automobiles. We are concerned about better air transportation for everybody. These hearings are being held in the public interest. Probably more than any other group to appear, AOPA represents a cross section of the public. Because they are air-oriented, our members also constitute a large segment of the passengers who fly on the commercial airlines.

Introduction

AOPA is opposed to the proposals set forth in Notice 68-20 in that:

1. The measures proposed are entirely unnecessary to solve the delay and inconvenience that is found at certain hours at a very few airports.

2. They are contrary to the intent of the Congress as set forth in Sections 103, 104, 305, 306, 308 and 601 of the Federal Aviation Act of 1958. The concept of the proposals is one of restriction instead of "promotion, encouragement and development of civil aeronautics," which is the charge laid upon the Administrator in the Act. Further, the proposals cannot be implemented without abridging the provisions of Section 104 of the Act, which provides: "There is hereby recognized and declared to exist in behalf of any citizen of the United States a public right of freedom of transit through the navigable airspace of the United States."

3. They would institute discriminatory practices and procedures against general aviation and would grant priority in the use of airspace and airports to air carriers and scheduled air taxi operations. To be sure, Section 307 grants the Administrator broad authority to assign the use of the navigable airspace and promulgate air traffic rules for safety and efficiency. But this provision must be read in light of other provisions which strongly suggest non-discriminatory treatment for general aviation. For example, Section 306 charges the Administrator with giving "full consideration to the requirements of national defense, and of commercial and general aviation, and to the public right of freedom of transit through the navigable airspace."

4. The proposal contains unreasonable requirements that would effectively exclude many general aviation aircraft from operating into and out of the airports in question, even though they have been able to do so safely and expeditiously under the existing rules for many years.

5. The proposals are negative and restrictive.

6. The FAA and the Department of Transportation have assumed prerogatives for determining what portion of the public may use public facilities. No such authority has been granted to them by the Congress.

Comments on the Proposal

Justification

Notice 68-20 proposes to establish severe precedent-setting restrictions at five airports initially, with five additional candidate locations named and promise of others to come. The entire proposal is justified only by the

AOPA's Statement On High Density Traffic Airports

vague statement that "delays of varying magnitude are encountered at many terminal areas." Nothing definite is said as to the nature, extent or cause of the delays, yet these delays are the excuse being used to propose drastic changes in the historic usage of airports and airspace to the severe detriment of private and business aircraft operators.

Delays

Mr. D. D. Thomas, the Acting Administrator of the FAA, made a speech in New York on Aug. 20, 1968, in which he said that two thirds of the aircraft using the three major New York City airports were delayed on July 19, 1968, for periods up to three hours. He also noted that there was considerable thunderstorm activity in the area. He compared this with Aug. 9, wherein no departing flight was delayed longer than 30 minutes and no arrival more than 15 minutes. He also indicated that the average number of minutes of delay per air carrier operation on a nationwide basis, due to either airport congestion or airways congestion, has increased in the last four years from about one minute to one and a half minutes. We can no more expect elimination of delay at airports than expect elimination of delay at traffic signals, bridges and tunnels. What is necessary is to minimize delays on all air travelers by maintaining maximum flexibility so as to achieve the best possible use of these public facilities. Under the FAA proposal, severe restrictions or inconveniences would be placed on traffic at these airports on all days, including those when normally no undue delays would have been suffered by any user, excepting perhaps those who choose to schedule multiple operations at precisely the same time. The latter, of course, is done with the knowledge that it creates delays and signifies a willingness on the part of the operator to accept those delays caused by his own scheduling.

Delays and congestion at major airports are symbolic of competitive airline scheduling and operational practices. Despite this, a number of the restrictive provisions of the proposal are aimed at general aviation. Yet, we find that there are many general aviation airports in the country with more traffic than some of these so-called major airports listed for restrictive measures and that there are no significant delays at these general aviation airports. Spokesmen for the FAA and the Department of Transportation have said in other forums with regard to user charges that general aviation aircraft take up as much runway and approach time as the airline jets. If general aviation was indeed a delaying factor and really tied up the runways as long as the airlines, then the high volume of general aviation operations at locations like Opa-locka and Van Nuys would not be possible without insufferable delays—which are not occurring.

A candid admission by an airline spokesman

that airline scheduling was the cause of this summer's delay in the New York area was reported in the Aviation Daily of September 18, 1968, wherein Mr. R. A. Ryan, director of scheduling for Northeast Airlines, is quoted as saying that the airlines have dropped nearly 60 flights a day from the New York schedules since Labor Day and that this has reduced delays to an average of 10 to 20 minutes. He is further reported as saying that the New York air traffic congestion crisis has ended as far as Northeast Airlines is concerned.

High Density Traffic Airports

The proposal would designate certain airports as high density traffic airports and names 10 possible candidates, with an indication that restrictive measures could be applied at many others as delays increase. No definition or criterion is mentioned as to what may constitute a high density airport. It could be any of the many large hubs, as defined by the FAA, or it could be any location having scheduled airline traffic. It is a well-advertised fact that congestion and delay result at some locations, like Washington National, simply because of inadequate passenger terminal facilities. Thus, if the airlines choose to schedule several jumbo jets into any location simultaneously at some time in the future, and created undue congestion of the passenger terminal with resulting delays to scheduled operations, this could result in restrictions being placed on general aviation because of the delays to the airlines. This may sound far-fetched, but it is completely within the realm of possibility under the ground rules—or lack of criteria—under which this proposal is made.

It is inconceivable how the present list of so-called high density airports was selected. The FAA Air Traffic Activity Report for Fiscal year 1968 shows the five prime airports mentioned in this proposal include airports which are as low as 45th on the list of busiest airports. There are 19 airports busier in handling air traffic than LaGuardia. Twenty-two airports are busier than Washington National. Forty-four airports are busier than Washington National. Forty-four airports are busier than Newark. Airports which now handle more traffic than Kennedy are Van Nuys, Calif. and Fort Lauderdale, Fla. Phoenix, Santa Ana, Calif. and Denver are busier than LaGuardia. Islip, Long Island, Concord, California and Bedford, Mass. are all handling more air traffic than Newark. None of these airports are considered high-density. None of them experience serious traffic delays. Why, then are the five airports singled out for restrictions? Is it not because these are the places where the airlines schedule flights at peak times and operate partially filled airplanes?

Reservations and ATC Workload

The proposal would require all traffic operat-

ing into or out of the designated high density traffic airports to first make a reservation and to also be on a flight plan. While the details of this arrangement are not spelled out in the proposal, it does appear that the reservation must be obtained first through the usual ATC landline communications channels and then a flight plan must be filed. Even if these two operations are combined into one, it is crystal clear that the reservation system is going to impose a great workload involving manpower and communications on the already overloaded air traffic control system. While the proposal on the one hand would require general aviation to file flight plans and request reservations for slots—the latter, we presume, through the FAA communications network—the preamble also states that the FAA already has planned to curtail VFR flight plan services and reduce the hours of operation of flight service stations. Since these services would be necessary to enable the general aviation pilot to request a reservation and to file a flight plan, this is a clear indication that the FAA intends to make it as difficult as possible for this class of user to even be able to make his needs known. The airlines would automatically obtain reservations by the mere act of filing their schedules with the FAA.

Reservations and utility of aircraft

The aircraft operator who operates on a demand basis and obtains maximum utility from his aircraft because it takes him where he needs to go when he needs to go there, will find it all but impossible to obtain any reasonable degree of use of his aircraft at these high density airports because of the uncertainty of obtaining a reservation under the proposed ground rules. The proposed restrictions would have a significant impact on both the operator and on the economy of the community that he serves.

The reservation system would eliminate the use of the subject airports as alternates on IFR flight plans, which could be a safety consideration. These airports regularly are used as alternates by air carriers as well as general aviation.

Aircraft speed requirement

The proposal would require an aircraft on an IFR flight plan to be capable of maintaining an airspeed of not less than 150 knots. This proposal oddly contrasts with the existing speed limit of 156 knots for reciprocating engine aircraft in airport traffic areas (200 knots for turbine-powered aircraft). This leaves a spread of only six knots in airport traffic areas between the minimum speed capability in the proposal and the maximum speed limit for piston aircraft. It also automatically excludes what has been estimated from 70 percent to as high as 90 percent of the general aviation fleet from being eligible to operate into these airports IFR. This provision is unnecessary, unduly restrictive and discriminatory against general aviation.

Radar transponder requirement

There are few knowledgeable people in this business who would deny the advantages of a radar transponder under most conditions. However, these very same people are well aware of the difficulties encountered with trying to use transponders close-in to a major terminal with the resultant clutter on the controllers radar scope. It seems that the favorite expression of the controller when you are in the terminal area is "Squawk Standby." It is in this area, close to the terminal area radar, that primary returns on the radar scope are best.

Many general aviation airplanes are now transponder equipped but the bulk of them are not. Yet every airline airplane expected to operate at these airports already has a transponder. This again, can be viewed as another

attempt to force individuals to buy tickets for public transportation instead of using their own airplanes.

Two pilots required

This is like the previous requirements in that both civil and military aircraft have been operating into major airports under IFR with only one pilot in complete safety and without delaying anyone. This proposed requirement also is unnecessary, unduly restrictive and discriminatory since the airlines always have two pilots but general aviation usually does not. The proposal is capricious since it does not even specify the qualifications that would be required of the second pilot.

Allocation of so-called capacity: Discrimination by another name

The proposal would establish a theoretical capacity for each of the airports under consideration and then arbitrarily divide this capacity between various classes of users. It is in this exercise that the discrimination that is more or less concealed in the other provisions comes right out into the open. The proposal to allocate most of the capacity to the scheduled airlines (in fact, all of it during certain hours at Kennedy) has been "justified" by Mr. Boyd as being proper because he feels that the Government has the greatest responsibility toward mass transportation. Yet, no power granted by the Congress to the FAA or the DOT even hints at handing over public facilities to air transportation companies organized for a profit. To the contrary, Section 308 of the Federal Aviation Act of 1958 states "There shall be no exclusive right for the use of any landing area or air navigation facility upon which Federal funds have been expended." The contention of the FAA that permitting a few operations per hour during certain hours "accommodates all classes of users" is a subterfuge and an insult to the intelligence of the public and the Congress. Further, Section 601 of the Act states "The Administrator . . . shall not deem himself required to give preference to either air transportation or other air commerce in the administration and enforcement of this title."

The priority for reserved landing or takeoff slots would go first to the airlines, next to scheduled air taxi, and then to a classification designated as "other." Much is said about the generosity of the proposal to general aviation with reference to the "other" category, but nothing is said about the fact that the "other" category includes not only private and business aircraft, but also non-scheduled air taxi operations, non-scheduled supplemental and charter carriers with 707's, DC-8's and the like, airline ferry, test and training flights, military, and even FAA's own considerable fleet, which is as large as some airline fleets. The chances of a private or business pilot to get a reserved slot against all this competition are very slim indeed.

First-come, first-served, would be junked

The United States air transportation system has always worked on the principle of serving all comers under reasonable rules and without discrimination or priority. The first-come, first-served principle always has been an integral part of the official United States policy at international meetings and has been upheld by government, airline and general aviation people alike. Now, it would be abolished at the stroke of a pen. If this ill-advised proposal is established as policy by the FAA and the DOT within the United States, we can soon expect the same policy abroad with the dangers that all of us have seen and avoided in the past. It is only one small step from the FAA proposal to discrimination in favor of aircraft of national registry versus those of foreign registry. United States registered aircraft could expect to be lumped in the "other" category at foreign

airports, with those of home registry being allocated most of the reserved slots. We hope that the U.S. airlines have pondered this situation because it will surely haunt them overseas if the United States establishes this precedent at home. There is nothing in the present situation of delays at several airports to justify in any way the junking of this American way of life. It is not the answer to delays and congestion.

Proposed allocations would allow increased airline operations

The airlines could schedule more flights into these airports than they did during the last 12 months. For example, O'Hare had 614,140 airline operations in fiscal year 1968. This averages out to 93.5 per hour if all flights are credited to the 18-hour period under consideration in the proposal. This is a conservative way of figuring. Yet, the airlines are permitted 115 per hour in the proposal, meaning that they could operate 378 more flights in each 18-hour day than they did during the last 12 months. The corresponding increases at the other airports would be for Kennedy—144, LaGuardia—234, Newark—162, and Washington National—72.

Thus, in effect, the proposal is granting the airlines even more use of the airports than they now have—while simultaneously limiting access to these public airports by other users.

General Comments

The most good for the most people

Spokesmen for the airlines have tried to justify priorities for the airlines on the basis of "the most good for the most people." This is just another way of saying that "might makes right" and that the majority have the right to preempt the individual rights of the minority. Of course, general aviation is always thrown a bone by mentioning "separate but equal facilities." The Supreme Court laid this concept to rest some time ago. In actuality, general aviation is a major part of the national transportation system, serving more than 10,000 landing places in the country as compared to the limited number of about 550 served by the scheduled airlines. If the FAA would discharge its responsibilities to obtain accurate statistics on general aviation, I think that it would be found that general aviation, in itinerant, local and specialized operations, carries as many people as do the scheduled airlines. We have found nothing in the enabling legislation of the FAA or the DOT which gives them the authority to consider the requirements of mass transportation or commercial profit-making ahead of individual transportation. Both are vital to the national welfare.

Reliever airports

Much has been said about "reliever airports" to attract general aviation pilots away from the major airports when they do not have reason to use them. We have endorsed this idea and think that many communities could do as was done in the Minneapolis area, with suitable satellite airports around the major terminus (and general aviation still can use the major airport). The proponents of restrictions for general aviation at major airports claim that other airports are available. Yet, Teterboro in New York is already busier than Newark. Nine airlines have petitioned the CAB for service to White Plains Airport in Westchester County. These airlines are Allegheny, American, Braniff, Eastern, Frontier, Lake Central, Northwest, Ozark, TWA, and United. Mohawk already serves the airport. Airlines also are moving to Van Nuys and Islip airports. This points up a growing tendency of the airlines to use airports that heretofore were used mainly by general aviation, and then to start complaining of congestion. The so-called reliever airports are actually to relieve airports used by the airlines,

and I think that it is high time that we started talking about reliever airports for the airlines, rather than for general aviation. That is what is needed in Washington, New York and Chicago. In Washington, the solution lies at hand in Dulles and Friendship—all that is needed is some backbone on the part of the FAA and the CAB to force the issue on the airlines. In the New York area, Calverton and McGuire are possibilities for international and transcontinental heavy jets, as is the little-used former Dow Air Force Base, now Bangor International Airport in Bangor, Me.

General aviation traffic figures

Statistics have been quoted many times in the recent past with regard to the amount of general aviation traffic at these major hubs. However, what has very carefully been avoided is the fact that much of the general aviation traffic count is made up of air taxi operations, some scheduled and some on demand. Most of it is to serve the airlines and in at least one case, the airline is subsidizing the air taxi operation. At Washington National, for example, there has been a great upsurge in commuter airline operations—with the blessing of the airport manager—despite the supposedly great crisis in congestion and delays. General aviation is being charged with this increase by the airlines.

Alternative Solutions

AOPA sent to the FAA under date of July 23, 1968, a list of 14 short-range and seven long-range recommendations for solving this problem. In addition, there are other measures that can be taken with regard to the troubled locations. We are concerned that the FAA has taken no more than token steps toward a constructive solution. The following is a summarization of alternative solutions, which will be included in our written comments to the docket.

Recommendations

1. Increase capacity of runways by greater use of intersection takeoffs. Many airplanes need only a fraction of the runway length built for large airliners. Takeoffs from runway and taxiway intersections clear the airport area faster.
2. Reduce pressure on the air traffic control system by prohibiting flight under Instrument Flight Rules below 10,000 feet except when visibility conditions require it. There are flight rules now by which most general aviation flies when visibility is good. There is also a speed limit below 10,000 feet. Greater volumes of traffic can be accommodated in safety under these existing rules.
3. Establish climb and descent corridors at major airports. Certain airspace should be set aside at major airports for approaching and departing high speed aircraft.
4. Reduce schedule bunching by the airlines. The airlines serve 525 airports in the 48 contiguous states with about 1,800 airplanes. This is one airport for every three airplanes. The line-ups and delays you see are evidence that the schedules are bunched at peak times resulting both in congestion at a few cities and poor service to many others. Shift international and connecting flights to less congested airports. Many international flights should be moved from the few busy airports to less congested airports. Similarly, airlines should rearrange flights to use less busy airports more for connecting flights where passengers are merely changing from one airplane to another.
5. Reevaluate all noise abatement procedures. At many airports, some runways cannot be used because of procedures to reduce noise levels. These should be studied and changed where practical. General aviation—the quiet side of flying—can use all runways.
6. Increase runway capacity through dual operations by small aircraft. The width and

length of runways at major airports make it safe for two small aircraft to use the runway simultaneously.

7. Close traffic control towers during night hours to make more controllers available during peak periods. Only 318 airports in the U.S. have FAA traffic control towers. Thus, 97% of the airports operate under established rules without any local radio control. By eliminating the late night shift of controllers at most airports, a substantial increase in the number of controllers could be immediately available for busy terminals at peak hours.

8. Reduce controller workload by eliminating certain unnecessary communications. Some radio transmissions now required can be eliminated entirely—others can be replaced—by signs at runway exits.

9. Special VFR should be reinstated. Until several weeks ago, many aircraft conducted flights under Special Visual Flight Rules when visibility did not permit regular visual flight but did not require full instrument operation. This was discontinued by FAA order at 33 airports, throwing an unnecessary load on the IFR air traffic control system. It should be reinstated.

10. Speed up runway availability by establishing more runway exits. Many long runways have exits spaced so far apart that aircraft must remain on the runway longer than necessary until reaching a place to turn off. More exits would clear the runways faster.

11. Use available taxiways for runways. The size of many taxiways is sufficient for takeoff and landing of light aircraft.

12. Increase airport capacity by using more runways. Some existing runways are now being used to capacity because of unrealistic cross-wind restrictions, noise abatement or traffic flow patterns. These should be studied and present restrictions amended or removed where and when they can be done with safety.

13. Revise operations manuals of airlines to remove impractical limitations on pilots. The FAA should examine each manual with a view to eliminating or modifying all such limitations that have a bearing on the flow of traffic and which do not have substantial factual justification as being necessary for safety.

14. Return more control to local controllers. The manuals telling controllers how to handle traffic should be revised. Controllers should once again be permitted to exercise their judgments and skills to vector aircraft of differing performance toward runways on the basis of each airplane's characteristics and the traffic situation at that moment.

15. Provide short parallel runways on major airports for light aircraft.

16. Provide more airports, adequately equipped. Suitable satellite airports in major terminal areas will relieve the need for some general aviation operations to utilize the larger airports.

17. By-pass taxiways and high-speed turnoffs from runways are needed to expedite traffic movement on the airport surface.

18. Washington National in fiscal year 1968 had only seven percent more traffic than it had in 1960—and both Bolling Air Force Base and Anacostia Naval Air Station were operating across the Potomac at that time. The main difference is in the size and character of the aircraft operated by the airlines. The congestion at this airport is primarily in the ground facilities for handling airline passengers. Washington National was designed and built for propeller aircraft in the days of the DC-3, and when the DC-4 was just being flight tested. No runways have been added since it was opened in 1941—in fact, one has been closed. In the interim, Dulles International was designed for jet airline aircraft and was built at tremendous cost to taxpayers. However, its great capacity remains virtually unused by the airlines. We suggest that serious consideration be given to moving all jet traffic out of Washington National so that it can revert to the type of traffic for which it was designed and

can serve as a close-in commuter and short-haul facility. This also will eliminate much of the noise and pollution complaints that now plague all concerned. Dulles and Baltimore's Friendship airports have adequate capacity to absorb the airline jet traffic.

19. Another consideration for increasing the traffic handling capacity close-in to the Washington area lies in the Anacostia Naval Air Station facilities across the Potomac from National. Oddly enough, when this was first suggested and hearings held by a Congressional Committee, both the Air Transport Association and the FAA opposed use of these facilities by general aviation.

20. While the FAA expresses great concern about congestion at National, they still have made no move to transfer their own fleet of aircraft from National to Dulles. The Coast Guard, also a part of the Department of Transportation, has aircraft based at National and these, too, should be moved out if positive solutions are being sought. If the proposed rules are adopted, both the FAA and Coast Guard aircraft will be competing with general aviation for the so-called "other" slots. We cannot seriously believe that the FAA Administrator, the Secretary of Transportation, or the Commandant of the Coast Guard would be refused permission to land or take off regardless of who else may have established a reservation.

21. The noise abatement procedures in the New York area are holding capacity of Kennedy, as an example, to about one half of its unrestricted traffic handling capability. Easing of noise abatement restrictions should have number one priority in the New York area.

22. Airline reliever airports should be established at Calverton and McGuire.

23. The radar equipment said to be stored at Westchester should be installed.

24. Independent IFR operations should be established for Teterboro.

25. Floyd Bennett should be activated as a general aviation airport.

26. Consolidate airline scheduling so as to eliminate the 10,000 empty seats being flown daily between Chicago and New York by competing airlines. The FAA proposal would give priority to these scheduled, but empty seats, over all other traffic. This same recommendation applies to the Chicago area.

27. Provide instrument approach capability for Meigs Field.

28. Improve flight services in the area by decentralizing the present consolidated function at Joliet.

29. Establish airline reliever airports for O'Hare. Better use of Midway is a start.

Conclusion

The rules proposed in Notice 68-20 are unduly restrictive, unnecessary and discriminatory and we deplore the negative approach of the FAA and the policy makers in the Office of the Secretary of Transportation. A positive and constructive approach to the problem at hand is recommended.

The Aircraft Owners and Pilots Association recommends that Notice of Proposed Rule Making 68-20 be withdrawn and that in lieu thereof, the FAA proceed immediately to evaluate the many constructive measures that have been recommended by all of the aviation community for improvements in airport capacity and traffic handling capability. These and other moves to enhance the flow of traffic throughout the land should be initiated without delay. Many actions are long overdue. Many can be accomplished with little or no expenditure of government funds. The Congress and the public are aware of the need for action and will support constructive and reasonable solutions in the best interest of the country. We feel strongly that the negative approach of 68-20 is not the answer. □