

# AIRLINE DELAYS AND CONSUMER SERVICE

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(110-73)

HEARING  
BEFORE THE  
SUBCOMMITTEE ON  
AVIATION  
OF THE  
COMMITTEE ON  
TRANSPORTATION AND  
INFRASTRUCTURE  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED TENTH CONGRESS  
FIRST SESSION

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**U.S. House of Representatives**  
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**Washington, DC 20515**

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September 25, 2007

**SUMMARY OF SUBJECT MATTER**

**TO:** Members of the Subcommittee on Aviation  
**FROM:** Subcommittee on Aviation Staff  
**SUBJECT:** Hearing on Airline Delays and Consumer Service

**PURPOSE OF HEARING**

The Subcommittee will meet on Wednesday, September 26, 2007, at 2:00 p.m. in room 2167 of the Rayburn House Office Building to receive testimony regarding airline delays and consumer service.

**Background**

The first half of 2007 has been the worst for airline delays since the Department of Transportation (DOT) Bureau of Transportation Statistics (BTS) started keeping comprehensive statistics 13 years ago: through July, only 72.2 percent of flights were on time<sup>1</sup>, and 6.4 percent of flights arrived more than 1 hour late. Long, on-board tarmac delays have increased by almost 49 percent from 2006 and delays of 5 hours or more have increased 200 percent. According to the Federal Aviation Administration (FAA), delays are up 20 percent since last year, and traffic is up at some busy airports by as much as 50 percent.

The BTS tracks the on-time performance of domestic flights operated by large air carriers (these include 19 U.S. air carriers that have at least 1 percent of total domestic scheduled-service passenger revenues). The airlines report the causes of delays to BTS in five broad categories: air carrier; extreme weather; national aviation system (NAS); late-arriving aircraft; and security.

- Air carrier: The delay or cancellation was within the airline's control (e.g. maintenance, crew problems, aircraft cleaning, baggage loading, fueling, etc.). In 2007, 28 percent of delays and cancellations were assigned to the air carrier.

<sup>1</sup> A flight is counted as "on time" if it operated less than 15 minutes later than the scheduled time shown in the carriers' computerized reservations systems.

- Extreme weather: Momentous weather circumstances (actual or forecasted) that, in the judgment of the carrier, delays or prevents the operation of a flight (e.g. tornado, blizzard, hurricane, etc.). 6 percent of the delays and cancellations in 2007 were attributed to extreme weather.
- NAS: Includes a broad set of circumstances — non-extreme weather, airport operations, heavy traffic volume, air traffic control, etc. This category accounted for 28 percent of delays and cancellations.
- Late-arriving aircraft: An earlier flight using the same aircraft arrived late, causing the current flight to depart late. This category accounted for 38 percent of delays and cancellations this year.
- Security: Cancellations or delays caused by evacuation of any part of an airport, re-boarding of aircraft because of security breach, inoperative screening equipment and/or long lines in excess of 29 minutes at screening areas. Less than one percent of delays and cancellations are caused by security.

## I. Industry Trends

As BTS data indicate, weather, particularly during summer months, is a significant factor causing delays. Weather is a factor in three of the categories above and, in total, accounted for 41 percent of delays and cancellations this year. Unlike winter weather conditions and snowstorms that take time to develop and move slowly, one bad summer storm can stretch hundreds of miles wide, grounding flights and sending chain reaction delays throughout the aviation system. Yet, while weather is a major source of delays, there is some evidence to suggest that industry operational, technological and economic trends are also a factor.

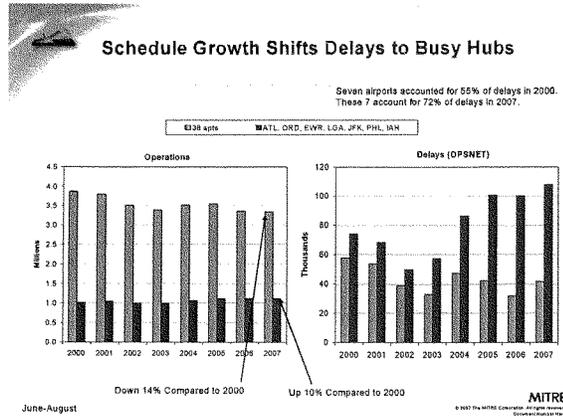
While delays have increased, system-wide total airport operations have actually decreased by about 11 percent since 2000. The decline in total operations has been driven largely by a decline in general aviation (GA) operations: since 2000, system-wide commercial airport operations have remained relatively flat and system-wide GA operations have decreased by about 17 percent.

However, while commercial operations remained flat, they have also become more highly concentrated in certain areas, and greatly increased at some of the nation's largest and busiest airports. For example, according to the Federal Aviation Administration (FAA), commercial operations at New York's John F. Kennedy International (JFK) airport have increased 27 percent from 2000, and 44 percent from 2004. Areas that have the largest challenges meeting current demand with available capacity are the New York City metropolitan area (including Newark (EWR), Chicago O' Hare (ORD), and Fort Lauderdale (FLL)). At the same time, in the first six months of this year, on-time arrival performance has improved slightly from last year at Oakland, San Francisco, San Diego, Atlanta, Las Vegas and Houston; all other major airports' on-time arrival is worse.

While the number of operations is decreasing and becoming more consolidated at some airports, commercial enplanements and demand for air travel is continuing to grow steadily. Airlines have responded to passengers' demand to fly and have scheduled flights to accommodate the increase in demand, particularly in the most desirable markets. In June 2007, BTS data show record load factors for domestic flights at 86.4 percent and for the combined domestic-international system

at 85.8 percent. The implications of these increased load factors means more crowded planes and a decreased margin for error in case of cancellations or missed connections.

Analysis by MITRE-CAASD (“MITRE”)<sup>2</sup> reveals the increasing concentration of operations at busy hub airports and their potential impact on delays. MITRE’s analysis shows that in the



summer of 2000, of the 45 major airports reported on by DOT/FAA, just 7, Atlanta (ATL), ORD, Philadelphia (PHL), EWR, LaGuardia (LGA), Houston (IAH), and JFK, accounted for 55 percent of all major airport delays recorded under the FAA’s Operational Network (OPSNET) system of measuring delays. Today, these 7 airports account for 72 percent of the total delays. Since 2000, operations at those airports increased by nearly 10 percent while operations at the other 38

airports decreased by nearly 14 percent. While delays at these 7 airports increased 39 percent overall, delays decreased a combined 27 percent at the other 38.

In addition, some industry analysts have speculated that the proliferation of smaller 50 to 90 seat regional jets may also have an impact on delays. The number of regional jets has increased by over 200 percent since 2000, from 570 in 2000 to 1,746 in 2006. In many instances, airlines have replaced slower, lower-flying turboprops with regional jets. Because regional jets fly closer to, or at the same altitudes and use the same runways, as larger commercial jets, they put more demand on the system than turboprops. To the extent regional jets are a straightforward additive to the commercial airline fleet (versus replacing turboprops), they enable airlines to offer more frequent service that their customers prefer (e.g. 5 flights a day from A to B in a regional jet versus 3 flights from A to B in a 737 to carry the same number of passengers). The overall average size of aircraft in the airline fleet has declined since 2000, largely a result of regional jets entering the fleet.

## II. Scheduling

As a result of this summer’s delays, airlines’ on-time performance and scheduling practices will likely come under increasing scrutiny. The FAA has indicated its intentions to more closely

<sup>2</sup> MITRE is a non-profit organization, and the Center for Advanced Aviation System Development (CAASD) was established in 1990 within MITRE. MITRE-CAASD is sponsored by the FAA as a Federally Funded Research and Development Center (FFRDC). An FFRDC meets certain special long-term research or development needs that cannot be met as effectively by existing in-house or contractor resources.

examine scheduling practices, particularly in the New York metropolitan area. During a September 11, 2007, speech, outgoing FAA Administrator Marion Blakey stated:<sup>3</sup>

To be clear, the airlines need to take a step back on the scheduling practices that are at times out of line with reality. . . . And if the airlines don't address this voluntarily, don't be surprised when the government steps in. Drawing down the schedule at Chicago was not my happiest hour, but it could come to that on the East Coast as well.

On September 19, 2007, the FAA issued notice to airlines asking for advance schedule information for JFK and EWR for Summer 2008, citing increasing operations and deteriorating on-time performance at those airports. The FAA's notice states that "The FAA intends to work with carriers to review operations [at JFK and EWR], particularly during the morning hours of 7 a.m. to 10 a.m. and afternoon and evening hours from 2 p.m. to 10 p.m. local time."

In 2000, the DOT Inspector General (DOT IG) released a report entitled an *Audit of Air Carrier Flight Delays and Cancellations*, where it recommended that airlines make scheduling changes taking into account the benchmarks established for the top 30 airports, and data related to chronically delayed and canceled flights. The report warns that if these steps are not taken by airlines, the options are congestion pricing or administrative allocations of capacity, such as slot lotteries or scheduling committees under antitrust supervision.<sup>4</sup>

#### a. Capacity Benchmarks

After U.S. airports experienced significant delays in the summer of 2000, the FAA set about developing a framework for better understanding what arrival and departure rates can physically be accommodated by airports to help evaluate airline scheduling practices, and to assist in policy and planning decisions. At the time, the DOT IG, in particular, urged that "A set of capacity benchmarks is essential in understanding the impact of air carrier scheduling practices and what relief can realistically be provided by new technology, revised air traffic control procedures, new runways, and related airport infrastructure."<sup>5</sup>

In April 2001, the FAA published the *Airport Capacity Benchmark Report 2001*. An updated report was published in September 2004. Since then, the planning and analysis process has evolved to include other measures and computer simulations of airport delays, this report is entitled the *Future Airport Capacity Task (FACT)*. For the *FACT 2* report, published in May 2007, the 2004 benchmark capacities for 35 airports were updated as needed, and similar capacity measures for 21 additional airports were generated.

Capacity benchmarks are defined as the maximum number of flights that an airport can routinely handle in an hour. They are, however, only estimates that attempt to quantify complex airport runway capacity issues that vary widely with weather conditions, controller efficiencies, runway configurations, and a mix of aircraft types, and have been described by the FAA as a simple

<sup>3</sup> *Change*, a speech by FAA Administrator Marion C. Blakey at the Aeroclub of Washington, D.C., September 11, 2007.

<sup>4</sup> *Audit of Air Carrier Flight Delays and Cancellations*, U.S. Department of Transportation Inspector General, CR-2000-112, July 25, 2000.

<sup>5</sup> Statement of Inspector General Kenneth M. Mead, Before the Committee on Appropriations, Subcommittee on Transportation and Related Agencies, March 16, 2001.

indicator – a starting point for a diagnosis. Looking forward, policymakers will likely continue to look for some standardized measure of airport capacity, whether benchmarks or other measures, to evaluate airline scheduling vis-à-vis the limitations of technology, procedures, and infrastructure to achieve a delicate balance between reducing delays while maximizing airport capacity.

**b. Delay Reduction Actions**

Section 41722 of U.S. Code Title 49 gives the Secretary of Transportation the authority to request that air carriers meet with the Administrator of the FAA to discuss flight reductions at severely congested airports to reduce over scheduling and flight delays during peak hours of operation if the FAA Administrator thinks it is necessary or the Secretary “determines it will meet a serious transportation need or achieve an important public benefit.” The meeting is chaired by the Administrator, open to scheduled air carriers and limited to the discussion of airports and time periods determined by the Administrator. The Administrator establishes flight reduction targets for the meeting and notifies the air carriers of those targets 48 hours in advance. The Administrator is required to make a transcript of the meeting available to the public within three days of the meeting.

The FAA has used this legal authority only once to hold scheduling meetings, which resulted in administrative caps at ORD. In 2003, delays in Chicago created a rippling effect that resulted in missed flights and delays across the country, due to the presence of two major carriers using ORD as their hub and the geographic location of the airport near the center of the country. ORD experienced a passenger rebound – returning to its pre-September 11<sup>th</sup> levels in late 2003 with over 30 million enplaned passengers and 928,000 operations. In November of 2003, ORD ranked last among the 31 largest airports in on-time arrival performance (57.26 percent) and departure performance (66.94 percent).

As a result, in 2004, DOT and FAA held scheduling meetings with American and United, which accounted for 86 percent of the operations at ORD, and asked them to voluntarily reduce their flight schedules by 7.5 percent through October 2005. However, despite these voluntary reductions, other air carriers continued to schedule operations into ORD during peak hours. The DOT and FAA then convened a voluntary, airline scheduling conference to pursue delay reductions at ORD. Following this scheduling conference, the DOT and FAA announced a temporary cap on ORD’s flights during peak hours at 88 scheduled and 4 non-scheduled arrivals per hour, between the hours of 7:00 a.m. and 8:59 p.m. In 2006, the FAA extended the cap to October 31, 2008. The FAA reviews every six months the level and length of delays and other operating conditions to determine if the airport can accommodate more arrivals. If additional capacity becomes available, the FAA proposes a method to assign the additional capacity scheduled to air carriers interested in initiating or expanding service at ORD. Since these caps were put into place, delays fell by 20 percent at ORD, according to the FAA.

**III. Infrastructure: Runways, Air Traffic Control and Airspace**

**a. Runways**

The FAA states that new runways and runway extensions provide the most significant capacity increases. The majority of air traffic delays can be traced to inadequate throughput, and the construction of new runways and runway extensions are the most effective method of increasing throughput. Since fiscal year (FY) 2000, 13 new runways have opened at the FAA’s 35 critical

Operational Evolution Partnership (OEP) airports providing the airports with the potential to accommodate 1.6 million more annual operations and decrease average delay per operation at these airports by about 5 minutes.

Looking forward, 8 OEP Airports have airfield projects (3 new runways, 2 airfield reconfigurations, 1 runway extension, 1 end around taxiway, 1 one centerfield taxiway) under construction. These projects will be commissioned through 2012 providing these airports with the potential to accommodate about 400,000 more annual operations and significantly reducing runway crossings. Ten other projects at OEP airports (3 airfield reconfigurations, 3 runway extensions, and 4 new runways) are in the planning or environmental review stage.

While new runways provide significant capacity benefits, on average the process of building a runway takes approximately ten years from start to finish. The process includes 4 major steps: planning (a 1 to 2 year process), environmental review (a 3.5 year average for an Environmental Impact Statement (EIS) on a major runway), financing, which can be done relatively quickly, and then the construction itself, the time for which can vary greatly depending on the complexity of the project. In addition, in many instances, runways will not provide full capacity benefits unless the airspace above the runway is reconfigured.

**b. Air Traffic Control (ATC)**

Congress created the Joint Planning and Development Office (JPDO) in Vision 100 – the Century of Aviation Reauthorization Act (P.L. 108-176), and tasked it with developing a Next Generation Air Transportation System (NextGen) that will handle the anticipated tripling of passengers, operations, and cargo by 2025. The NextGen plan developed by the JPDO will provide new technologies and capabilities, including: satellite-based surveillance; enhanced automation of air traffic controller functions; digital datalink communications; networked communications, and an integrated weather system.

Yet, while the Administration embarks on a major new modernization program, in recent years it has requested that its facilities and equipment (F&E) account – the primary vehicle for modernizing the NAS – be funded well below congressionally authorized levels for the program. In 2003, the FAA requested and received from Congress an authorization of approximately \$3 billion per year for its F&E program. For the past three years, the Administration has requested and received roughly \$2.5 billion per year for F&E.<sup>6</sup> As a result, some ATC modernization initiatives were cancellation and deferred, including a few NextGen capabilities.<sup>7</sup>

In addition, many core NextGen technologies that the FAA is now beginning to implement will not be fully functioning within the NAS for several more years. For example, in August 2007, the FAA awarded the contract for its satellite-based Automatic Dependence Surveillance – Broadcast (ADS-B) surveillance system. According to FAA officials, full ADS-B ground-based

<sup>6</sup> In fact, the FAA's total estimated requirement for F&E funding in its most recent three year reauthorization proposal, the *Next Generation Air Transportation System Financing Reform Act of 2007*, is approximately \$380 million less than what the FAA requested for the first three years of its last reauthorization proposal, the *Centennial of Flight Aviation Authorization*.

<sup>7</sup> For example, the Next Generation Communication (NEXCOM), designed to transition analog air-to-ground transmissions to digital; Controller Pilot Datalink Communications (CPDLC), which would allow digital email-type capability between controllers and pilots. Digital communications capability will be revived as part on NextGen.

infrastructure deployment will not be completed until the 2013 timeframe. Moreover, the total benefits of ADS-B will not be realized until aircraft equip over the next decade or so.

In recent years, the FAA has moved forward with technologies and procedures that improve efficiency, increase capacity and reduce congestion in the system. For example, the FAA is expanding the use of procedures like Area Navigation (RNAV) and Required Navigation Performance (RNP). RNAV operations remove the requirement for a direct link between aircraft navigation and a ground-based navigational aid, thereby allowing aircraft better access and permitting flexibility of point-to-point operations. By using more precise routes for take-offs and landings, RNAV enables reductions in fuel burn and emissions and increases in capacity. The FAA is expanding the implementation of RNAV procedures to additional airports. The FAA has authorized 128 RNAV procedures at 38 airports for FY 2005 and FY 2006, and plans to publish at least 50 additional procedures in FY 2007.

RNP is RNAV with the addition of an onboard monitoring and alerting function. This onboard capability enhances the pilot's situational awareness providing greater access to airports in challenging terrain. RNP takes advantage of an airplane's onboard navigation capability to fly a more precise flight path into an airport. It increases access during marginal weather, thereby reducing diversions to alternate airports. RNP reduces the overall noise footprint and aggregate emissions. The FAA has authorized a total of 40 RNP procedures at 18 airports. The FAA plans to publish at least 25 RNP approach procedures in FY 2007.

In 2005, the FAA implemented Domestic Reduced Vertical Separation Minima (DRVSM). DRVSM has increased capacity in the en route airspace by doubling the number of usable altitudes between 29,000 and 41,000 feet. The procedure permits controllers to reduce minimum vertical separation at altitudes between 29,000 and 41,000 feet from 2,000 feet to 1,000 feet for properly equipped aircraft.

**c. Airspace Redesign**

The FAA's airspace redesign efforts will play a critical, near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing and ultimately saving money for airlines and airspace users in fuel costs. The critical importance of airspace redesign efforts is underscored by their inclusion in FAA's strategic plans, *Flight Plan 2008-2012* and *Operational Evolution Partnership (OEP)*.

Recently, two large airspace redesign projects were completed, the Florida Airspace Optimization (FAO), and the Midwest Airspace Enhancement (MASE) that encompasses nine Air Traffic Control Centers (ARTCCs). On September 5, 2007, the FAA signed the Record of Decision on its preferred alternative for the New York/New Jersey/Philadelphia (NY/NJ/PHL) Airspace Redesign project. According to the FAA, delay benefits for the NY/NJ/PHL Airspace Redesign project are estimated to reach 20 percent by the year 2011 compared to the amount of delays the air traffic system would have without the changes. Yet, despite progress on airspace redesign efforts, recent funding cuts have led to delays and deferrals of some critical airspace redesign efforts.

#### **IV. Consumer Protection**

Record numbers of people are flying. In 2006, 740 million passengers flew in the United States and the FAA predicts this figure will reach one billion by 2015. Flight arrival delays have increased with the growing traffic. Over the last several years, as delays have increased, there have been calls for increased airline consumer service oversight following highly publicized events where passengers have been stranded on aircraft for hours.

Thunderstorms on December 29, 2006, severely impacted American Airlines operations at the Dallas Fort Worth International Airport, diverting many flights and shutting down the airport for nine hours. Of the 121 diverted flights that day, 67 aircraft with over 4,100 passengers were delayed on the tarmac for more than three hours, several for more than eight. These flights were delayed on the tarmac because forecasts predicted a weather break that would have allowed the airlines to safely launch their flights. Despite the forecasts, no such break materialized.

On February 14, 2007, an ice storm crippled JetBlue's operation at JFK and LGA airports and led to nine planes stuck for over five hours on the tarmac, with one of those planes delayed for ten hours. Similar to the December 2006 event, the imprecise weather forecasts played a large role in the erroneous decision to launch flights. Weather forecasters predicted rain at the airports, which would have allowed the safe take-off of the flights. Contrary to forecasts, though, the airports suffered through an ice storm.

Soon after the February 14, 2007, incident, Secretary of Transportation Mary Peters asked the DOT IG to review these two recent cases and examine the airlines' customer service commitments, contracts of carriage and policies dealing with extended ground delays aboard aircraft and to provide an assessment on why the American and JetBlue situations happened. Secretary Peters also requested recommendations for what airlines, airports and the federal government can do to prevent such situations in the future. This report is slated to be released on Tuesday, September 25, 2007.

#### **Enforcement of Consumer Issues**

The DOT Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (OAEP) is responsible for enforcing air travel consumer protection requirements, protecting against unfair and deceptive practices, and unfair methods of competition in air transportation. The OAEP, with a staff of 30, is the prosecuting office for aviation consumer enforcement cases and has the authority to enter into settlements or "consent orders" relating to those cases. Their enforcement work is comprised of roughly 40 percent on disability and civil rights complaints, 30 percent on economic authority and economic licensing issues, and thirty percent on consumer protection, such as truth in fare advertising (or chronically delayed flights). Current law directs OAEP to investigate every civil rights and disability claim, while other investigative actions are left to the Secretary's discretion. When violations occur, OAEP often pursues enforcement action, which can range from warning letters to a hearing with an administrative law judge. Serious enforcement cases are virtually always settled by a formal consent order, which reflects a resolution between OAEP and an entity, that is signed by the Deputy General Counsel. Typically, such an order includes a finding of violations, a cease-and-desist condition, and a judgment of civil penalties.

The Aviation Consumer Protection Division (ACPD) within the OAEP, with a staff of 13, receives consumer complaints, investigates them and compiles the DOT monthly reports. The monthly Air Travel Consumer Report summarizes data filed by the carriers on flight delays, mishandled baggage, and denied boardings, and also lists by carrier the number of complaints registered with DOT on matters such as baggage, refunds, and flight irregularities.

According to OAEP, DOT received 8,321 air travel complaints in 2006, which were reviewed by the ACPD. In the first 7 months of 2007, air travel complaints rose 65 percent compared with the same period in 2006. According to the DOT IG, in 2003, the OAEP had 10 more people and 2,300 fewer complaints to handle, and from 2003 to 2005, travel funding for compliance and enforcement purposes declined from \$51,000 to \$3,500.

#### **V. Bills Introduced**

During the 106<sup>th</sup> and 107<sup>th</sup> Congresses, many bills were introduced to strengthen airline consumer protections and decrease delays. The most consistent themes included: access to low fares; the right to deplane; lost and damaged baggage; bumping and overbooking; delays and cancellations; DOT enforcement provisions; federal preemption of state consumer law; partial ticket use; and travel agent provisions and antitrust immunity to allow airlines to discuss ways to reduce delays.

In the 110<sup>th</sup> Congress, bills have been introduced in the House and Senate that would address tarmac delays, conditions on aircraft, and make passengers aware of their rights. The recently-passed H.R. 2881, the FAA Reauthorization Act of 2007, includes:

- Provisions to mandate that air carriers and airports submit emergency contingency plans and detail in their plans how they will allow passengers to deplane following excessive delays. DOT can assess a civil penalty against an air carrier or airport that fails to adhere to an approved contingency plan.
- Requirement for schedule reduction meetings to be held by the FAA if aircraft operations of air carriers exceed hourly maximum arrival and departure rates and are likely to have a significant adverse effect on the national or regional airspace system. If there is no agreement to reduce schedules, then the FAA shall use its administrative power in this area.
- Establishment of an Advisory Committee for Aviation Consumer Protection at DOT.
- DOT IG review of air carrier flight delays, cancellations, and associated causes.
- Requirement that DOT issue denied boarding compensation final regulations within one year, with such rates appropriately adjusted.

**WITNESSES**

**PANEL I**

**The Honorable Robert A. Sturgell**  
Acting Administrator  
Federal Aviation Administration

**Mr. D.J. Gribbin**  
General Counsel  
U.S. Department of Transportation

Accompanied by  
**Mr. Samuel Podberesky**  
Assistant General Counsel for Aviation Enforcement & Proceedings  
U.S. Department of Transportation

**The Honorable Calvin L. Scovel, III**  
Inspector General  
U.S. Department of Transportation

**Dr. Agam N. Sinha**  
Senior Vice President and General Manager  
Center for Advanced Aviation System Development  
MITRE

**PANEL II**

**Mr. Patrick Forrey**  
President  
National Air Traffic Controllers Association

**Mr. Jim May**  
President and CEO  
Air Transport Association

**Mr. Steve Brown**  
Senior Vice President for Operations  
National Business Aviation Association

**Mr. Roger Cohen**  
President  
Regional Airline Association

**Mr. Gregory Principato**  
President  
Airports Council International North America

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**Mrs. Kate Hanni**  
Executive Director  
Coalition for Airline Passengers' Bill of Rights

**Mr. Kevin Mitchell**  
Chairman  
Business Travel Coalition



## AIRLINE DELAYS AND CONSUMER SERVICE

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Wednesday, September 26, 2007

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
SUBCOMMITTEE ON AVIATION,  
*Washington, DC.*

The Subcommittee met, pursuant to call, at 2:40 p.m., in Room 2367, Rayburn House Office Building, Hon. Jerry F. Costello [Chairman of the Subcommittee] Presiding.

Mr. COSTELLO. The Subcommittee will come to order. The Chair will ask all Members, staff and everyone to turn all electronic devices to off or vibrate. The Subcommittee is meeting today to hear testimony on airline delays and consumer issues. Before we begin, I would ask unanimous consent to allow our new Member of our Committee, Ms. Laura Richardson from California, to participate in the Subcommittee hearing today. Without objection, so ordered. I will give an opening statement, and we will recognize the Ranking Member, who I just passed on the floor a minute ago, and he is on his way over here. But I will begin with my opening statement. I will recognize Mr. Petri for an opening statement, and then we'll begin with our first panel. I welcome our witnesses here today and everyone here today to this Subcommittee hearing on airline delays and consumer issues.

The first half of 2007 has been the worst for airline delays since the Bureau of Transportation Statistics started keeping comprehensive statistics 13 years ago. Through July, almost one in every four flights were delayed. Long, on-board tarmac delays have increased by almost 49 percent from 2006 and delays of five hours or more have increased 200 percent. The delays and the increasing number of consumer complaints that passengers experienced this summer are unacceptable.

Today's hearing is the second in a series of hearings that this Subcommittee will hold. We will hold at least one hearing every quarter, every 3 months to determine what the airlines and the FAA are doing to address this problem. The public needs to know what this administration has done and what it plans to do in the near term to address delays and consumer complaints. No doubt, the reasons for delays are many, and clearly weather, particularly summer storms, are a major factor. But there is also evidence to suggest that operational, technological and economic trends and choices within the airline industry are factors.

Oddly enough, while delays have increased, systemwide total airport operations have actually decreased by about 11 percent since the year 2000. The decline in total operations has been driven

largely by a 17 percent decline in general aviation operations, contrary to what the airlines would have us believe. However, while commercial operations remain flat, they have also become more highly concentrated in certain areas, increasing in some of the Nation's largest and busiest airports. For example, according to the FAA, operations at New York's JFK airport have increased 27 percent from 2000 and 44 percent from 2004.

Today we will hear additional analysis from MITRE, that operations at seven large hub airports that account for 72 percent of the delays have increased 10 percent since the summer of 2000, while operations at 38 other airports have decreased. Two weeks ago, the former FAA administrator, Marion Blakey, acknowledged that airline scheduling was a problem when she stated, and I quote, "the airlines need to take a step back on the scheduling practices that are at times out of line with reality...And if the airlines won't address this voluntarily, don't be surprised when the government steps in."

Last week I was pleased that the FAA notified the airlines that it wanted advance schedule information on JFK and Newark for the summer of 2008 because of increasing operations and deteriorating on-time performances at those airports. But the question is, why didn't the FAA take action on this long ago, as to requesting scheduling information, when they acknowledge that overscheduling was a serious problem and many acknowledge that, including the FAA? The FAA in fact predicted that the summer of 2007 was going to be the worst on record. Administrator Blakely stated in May of 2007 that 2006 was, "a record year for delays with more than 490,000 flights that didn't make it on time. The truth is 2007 isn't looking any better."

The fact is that, in February, this administration put forward a very controversial financing proposal for which there was absolutely no agreement or consensus. The FAA's plan generated intense opposition from both sides of the aisle in Congress and within the industry. Its only real support came from the airlines. Throughout the summer months, the FAA failed in its responsibility to hold airlines responsible for what we are now being told are, "scheduling practices that are at times out of line with reality."

Looking forward, Congress, the FAA and the industry must take a hard look at airline scheduling practices. Where overscheduling is resulting in serious delays, the government must step in and take action. We should also have a frank discussion about what near-term relief realistically can be provided by new technology.

For the last year, this administration has aggressively promoted the Next Generation Air Transportation system plan to justify its financing proposal. While everyone agrees that we must modernize our air traffic control system and supports NextGen, I caution the administration not to continue to build false expectations by holding the Next Generation system out as a solution for delays in the near future. NextGen is a long-term solution. We will not see full benefits from core NextGen technologies like automatic dependent surveillance broadcast for several years.

The traveling public should not be given the false impression that NextGen will be here soon or will address problems in the short term. And the public should not be expected to wait several

years for results. The airlines and the FAA must take action to address the problem now. I think it is important to point out, over the last 4 years, this administration has underfunded the FAA's capital account, the primary vehicle for modernizing the National Airspace System, roughly \$2 billion below the congressional authorized level. As a result, a number of ATC modernization initiatives were cancelled and deferred, including some NextGen capabilities. There has been definitely a serious disconnect between the administration's rhetoric and reality. HR 2881, the FAA Reauthorization Act of 2007, provides about \$1 billion more for FAA's capital account than the FAA said it would need for the next 4 years. This additional funding will help accelerate Next Generation related activities.

Finally, the DOT IG, who will be testifying on our first panel here this afternoon, released a report yesterday. The IG's report has many important recommendations stemming from its investigation into an American Airlines incident in December of 2006 and a JetBlue incident in February of 2007. I am interested in hearing more from the Inspector General on his report. While I believe DOT is making a good faith effort in dealing with consumer issues, it is not moving fast enough. For this reason, I am pleased that HR 2881, the FAA Reauthorization Act of 2007, which passed the House last Thursday, addressed many of the IG's recommendations. We have a serious problem with congestion and delays in our aviation system which in turn affects passengers and the quality of air carrier service. We must look at all options for reducing delays and improving the aviation experience. With that, I want to again welcome our witnesses today. I look forward to hearing the testimony of both this panel and the second panel.

Before I recognize Mr. Petri, the Ranking Member of the Subcommittee, for his opening statement, I ask unanimous consent to allow 2 weeks for all Members to revise and extend their remarks and to permit the submission of additional statements and materials by Members and witnesses. Without objection, so ordered. With that, the Chair now recognizes Mr. Petri for his opening statement.

Mr. PETRI. Thank you very much, Mr. Chairman.

Well, as expected, it was a long, hot summer. We had a record number of passengers and a record number of flight delays in the United States. This year has been a particularly difficult one for air travelers. It was not all doom and gloom. If you flew out of Oakland, San Francisco, San Diego, Atlanta, Las Vegas or Houston, you enjoyed an improved on-time performance rate from 2006. Unfortunately, every other major airport suffered worse on-time performance rates this year.

According to the Bureau of Transportation Statistics, through July 2007, 27.8 percent of flights were delayed. Most of these delays were out of control. In fact—out of our control. In fact, so far this year, weather has accounted for 41 percent of the delays and cancellations. While we can't control the weather, we can develop and put in place improved technology, approaches and processes to better deal with severe weather events.

As we discussed during the Subcommittee hearing in April, high profile incidents in New York and Dallas and others since then

have also brought attention to long flight delays on the tarmac and how airline passengers are treated during these delays. These incidents, while extremely rare, raise important concerns about how the industry and the FAA can safely and efficiently operate our National Airspace System.

The first responsibility of government and industry clearly is the safety of the passenger. Because most of these causes of long delays, such as weather, are out of human control, it is important to consider the steps that the industry has and can take to mitigate the effect of delays on their customers. Over the last 8 years or so, the Department of Transportation's Office of the Inspector General has been active in investigating and evaluating major delay events. As a result of these efforts, the airline industry has voluntarily adopted recommendations made by the Inspector General, however in varying degrees of effectiveness.

Additionally, shortly after the February ice storm incident in New York, Secretary Peters asked the office of the Inspector General to review and evaluate the most recent major delays and report its findings. That report was issued yesterday, and I look forward to hearing from the Inspector General about both the findings and recommendations included in the report. The FAA reauthorization bill passed by the House does include various airline consumer rights provisions, and I look forward to working with my colleagues in both the house and in the Senate to address the issues as we move toward conferencing the bill.

At the end of the day, major delay events painfully demonstrate the ever more critical need to modernize the Nation's Air Traffic Control System. The unfortunate reality is that long tarmac delays are really just a tip of the iceberg. With the anticipated growth in operations over the next 10 to 15 years, these type of delays will not be limited to days where there is severe weather. They might become the norm rather than the anomaly. Therefore, I believe Congress must focus its attention on ensuring the transformation of the Air Traffic Control System. I thank all the witnesses for the effort that went into their testimony and for appearing here before the Subcommittee today to share your concerns and your points of view. And with that, I yield back the balance of my time.

Mr. COSTELLO. The Chair thanks the gentleman.

And at this time, I would recognize the Ranking Member of the Full Committee and then we'll come to our first panel.

Ranking Member of the Full Committee, Mr. Mica.

Mr. MICA. Thank you. Thank you, Mr. Costello. And I appreciate your holding this hearing. I Chaired the Subcommittee for some 6 years, and we faced some of the same issues that we continue to face with delays. And it is our responsibility to make certain that people that are trapped on some of these flights and in fact, I am not sure, can I request this study? The Secretary did. But I know we requested reports back, and I have also asked FAA to come up with some sort of a standard for taking care of passengers who do get stranded for an inordinate period of time. That is part of our responsibility.

Let me just make a couple of quick points. We have heard the Ranking Member mention—we have heard that weather accounts for 41 percent of the delays. And then I have seen in some of the

air traffic control holds that are placed, about 78 percent of those are due to weather. So weather plays an important part in causing these delays. And we don't want a situation like, I guess, a crash in Thailand during a storm. We want to make certain that every caution is taken to deal with weather, which can have a devastating and tragic effect. And we have an incredible record of safety with the measures that we put in place.

Sometimes folks are delayed in our system, but we pay close attention to one of the primary causes of aviation catastrophes. We do have—we have identified some of the problems. Some of the problem is Congress and also the administration in acting. Even with NGATS, the Next Generation airspace, the highest, best technical equipment, aircraft still can only be spaced so closely. You can only land so many planes per hour. And most of the schedules that are developed today in our high congestion airports and hubs are absolutely maxed out during maxed times, and stretching some of that out might be part of the answer. We have given some relief for DOT to act as an arbiter. In some areas, it has worked well. In Chicago and—so again, Congress and DOT have the responsibility to deal with overscheduling.

Let me just say a couple of commonsense things that we can do. Another one is, I sat on a plane not too long ago for 2 hours in Orlando due to thunderstorms and a storm coming over. And you learn something new, Mr. Costello, in this business every day, even with all the information we have. I saw workers looking out the plane. And the ramp workers were all working, but the plane that I was on—it happened to be US Air—was not being serviced. And we sat there and sat there. Then I saw other planes being loaded, and we sat there.

And I said, well, is this some sort of a work rule for folks to check in on? I thought maybe this was some labor negotiated thing that they don't work during this. I found out that is not the case, that every airline has their own policy. And that is something else, a commonsense approach that we could take. Now, what was instituted I am told is because some ramp workers were killed that work for a particular airline, each has put in their own rules. But because of liability, in fact, we have concerns, and they should be addressed. We don't want anyone in danger. But the lack of some standardization in this or some backup protection for those who move forward, keeps planes on the ground and further exacerbates the situation.

And finally, I was surprised to learn that the Chairman of the Committee has asked for a holdup on the airspace redesign in the greater New York area that we have been working on for 10 years. A redesign can result in 20 percent better on time, particularly with weather. We have waited 10 years, and now we find that that is being, in fact, delayed again for an additional look-see at this GAO report. So there are just some sensible commonsense approaches I think that we can take to speed up this process and stop the delays. Thank you.

Mr. COSTELLO. I thank the Ranking Member for his comments.

And at this time, I will introduce our witnesses today on the first panel. We welcome all of you: Mr. Robert Sturgell, Bobby Sturgell, who is here, who has been here many times before, he is the acting

administrator, one of many hats that he has worn over the past few years for the FAA; Mr. D.J. Gribbin, who is the general counsel for the U.S. Department of Transportation; the Honorable Calvin Scovel, who is the Inspector General of the U.S. Department of Transportation; Dr. Agam Sinha, who is the senior vice president and general manager for the Center of Advanced Aviation System Development, MITRE. And I understand that you are here to answer any questions, Mr. Samuel Podberesky, who is the assistant general counsel for aviation enforcement. How did I do there on your name?

Mr. MR. PODBERESKY. Close.

**TESTIMONY OF THE HONORABLE ROBERT A. STURGELL, ACTING ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION; MR. D.J. GRIBBIN, GENERAL COUNSEL, U.S. DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY MR. SAMUEL PODBERESKY, ASSISTANT GENERAL COUNSEL FOR AVIATION ENFORCEMENT & PROCEEDINGS; THE HONORABLE CALVIN L. SCOVEL, III, INSPECTOR GENERAL, U.S. DEPARTMENT OF TRANSPORTATION; AND AGAM N. SINHA, SENIOR VICE PRESIDENT AND GENERAL MANAGER, CENTER FOR ADVANCED AVIATION SYSTEM DEVELOPMENT, MITRE**

Mr. COSTELLO. Close? Okay. Well, the Chair would now recognize the Honorable Robert Sturgell, the acting administrator under the 5-minute rule. We would ask—inform all witnesses that your entire testimony will be submitted for the record. We would ask you to summarize it so we can have plenty of time for Members to ask questions.

Mr. Sturgell.

Mr. STURGELL. Good afternoon. And thank you, Chairman Costello, for the privilege of addressing you, Mr. Petri, and other Members of the Subcommittee, regarding delays and how they affect the consumer.

I can understand the frustration of the flying public, having experienced delays this summer myself. But first and foremost, the National Airspace System is as safe as it has ever been. Over the past 20 years, general aviation accidents have dropped by one-third and commercial aviation itself is in the golden age of safety. Inefficiencies, delays in particular, is another matter. More people are flying more than ever and more smaller planes are carrying them.

Compounding this, the FAA's current system of taxes and fees provides little incentive to use the airspace efficiently. Aviation today is a deregulated system where the government does not create or control airline schedules. The passenger wants choices, and choices fill up schedules. Competition created by deregulation has also resulted in lower ticket prices for the traveling public. But when passengers arrive at the airport and see that a dozen flights are supposed to leave all at the same time, they know it is not going to happen.

Commercial traffic has returned in different ways after 9/11. Delays are up 20 percent since last year and almost 30 percent since the summer of 2000. We have seen dramatic increases in traffic in several major markets. High performance business jet traffic has grown rapidly as well, up 43 percent between 2000 and 2006.

The system is busy. And regrettably, the bad news here is that delays will likely only get worse. Take-offs and landings will grow by 1.4 million per year through 2020. And JFK alone, as the Chairman pointed out, had a 44 percent increase in activity since 2004. In the summer of 2000, the big delays came from seven big airports: Kennedy, La Guardia, Newark, Philadelphia and then Atlanta, Chicago and Houston. These seven airports at the time accounted for 55 percent of the delays. Since 2000, operations of these airports have grown an additional 10 percent, and they now account for 72 percent of delays systemwide.

With respect to delays, our policy is always to try to grow capacity and improve efficiency, to reduce delays through pavement procedures and technology first. And we do that before interfering in the market. And I want to emphasize that we do not endorse deregulation. We will do, however, what is appropriate to make the system operate safely and efficiently. So, we are taking this issue head on.

For example, airspace delays have become a bigger and bigger problem in the New York area. And, as you know and pointed out, we just issued a direct record of decision, a culmination of more than a decade's worth of work for airspace redesign in that area. It will reduce delays by 20 percent, and it is also environmentally friendly, cutting CO-2 emissions by 430,000 pounds per year. We have got a dozen short-term operational initiatives underway in New York since the beginning of the year.

I am pleased to say we are installing the ASDE-X system at JFK by July of 2008. That is a full year ahead of the planned deployment. And that is going to help us improve safety and surface traffic management at that airport. Complementing the airspace redesign is the runway work at Philadelphia. A new runway in 1999 and a current extension project underway now is going to cut delays again by another 3 million minutes per year. I think everyone knows last May we opened a new runway in Atlanta, the world's busiest airport. The runway commissioning coincided with airspace redesign that resulted in a 30 percent increase in capacity. We have a redesign of the airspace effort underway in Houston. And of course, you know we have imposed temporary short-term caps at Chicago's O'Hare, which we plan to lift as they bring on additional capacity.

As we move to the Next Generation, satellite based system, we are also changing navigation procedures in Atlanta and around the country to increase efficiency and reduce delays. Nationally, we have implemented 180 area navigation (RNAV) procedures for arrivals and departures with 42 more by the end of the year. It has enabled us to add another 10 arrivals per day at Hartsfield, Atlanta. That is a big increase, a savings of \$34 million in time and fuel.

The third way to address delays and increase efficiency is with technology. The problems we see in New York and other parts of the system are a reflection of the limitation of today's system of air traffic control. They will only get worse with time. So, in the longer term, alleviating delays does require the technological transformation that will come with NextGen, and it is happening now with things like these RNAV and RNP procedures.

The larger issue, how it gets paid for, is still in the balance. With our authorization set to expire shortly, the forward momentum is in jeopardy, and that is a short-term issue. In the longer term, I think the failure to link our revenue with the operating cost may likely put our major capital programs at risk and perhaps slow down the implementation. And I am hopeful that we can continue to work together in the reauthorization process to address these concerns. Thank you.

Mr. COSTELLO. Thank you.

The Chair now recognizes Mr. Gribbin.

Mr. GRIBBIN. Thank you, Mr. Chairman. Actually the department had a joint statement which actually Mr. Sturgell delivered.

Mr. COSTELLO. Very good.

The Chair now recognizes Mr. Scovel for his testimony.

Mr. SCOVEL. Chairman Costello, Ranking Member Petri, Members of the Subcommittee, I appreciate the opportunity to testify this afternoon. This hearing is both timely and important given the record-breaking flight delays, cancellations and on-board tarmac delays that air travelers have experienced this year. Based on the first 7 months of the year, nearly 28 percent of flights were delayed, cancelled or diverted with airlines' on-time performance at the lowest percentage, 72 percent, recorded in the last 10 years.

Not only are there more delays, but also longer delay periods. Of those flights arriving late, passengers experienced a record-breaking average flight arrival delay of nearly 1 hour. More than 54,000 flights affecting nearly 3.7 million passengers experienced taxi-in and taxi-out times of 1 to 5 hours or more compared to 45,000 flights for all of peak year 2000. Reduced capacity and increased demand have led to higher load factors; 71.1 percent in 2000 to 79.7 percent in 2007. With more seats filled, airlines have fewer options to accommodate passengers from cancelled flights.

As you know, Secretary Peters has serious concerns about the airlines' treatment of passengers during extended ground delays and requested that we examine incidents in which passengers were stranded on aircraft for extended periods of time. We issued our report yesterday, which includes a series of recommendations that the Department, airlines and airports can take to improve airline customer service.

Today I would like to discuss four key points that would help to improve airline customer service and minimize long, on-board delays. First, the airlines should detail their policies and plans to minimize long, on-board delays and off-load passengers within certain periods of times and adhere to such policies.

The American Airlines and JetBlue events of December 29, 2006, and February 14, 2007, respectively, underscored the importance of improving customer service for passengers who are stranded on board aircraft for extended periods of time. On those dates, thousands of passengers experienced long, on-board delays and, in some cases, for over 9 hours. Although severe weather was the primary cause of the delays, it was not the only reason those passengers suffered the experience that they did. Neither airline had system-wide procedures in place to mitigate long, on-board delays and off-load passengers within a certain period of time. In fact, prior to the American Airlines and JetBlue incidents, only a few airlines had

established time limits on the duration of tarmac delays. Since these incidents, eight airlines have now set a time limit for delays before deplaning passengers, but five still have not.

Second, airport operators should become more involved in contingency planning for extraordinary flight disruptions. Our examination of 13 airports' contingency plans found that only two airports have a process for monitoring and mitigating long, on-board delays. This involves contacting the airline after an aircraft has remained for 2 hours on the tarmac to request a plan of action. All airports intervene only upon an airline's request primarily because they do not have authority to interfere with a carrier's operations during long, on-board delays. In our opinion, airport operators need to be become more involved in contingency planning for extraordinary flight disruptions.

Third, there are best practices and ongoing initiatives that, if properly executed, should help to mitigate long, on-board delays in the short term. During our audit, we found several practices that airlines and airports are taking to mitigate the effects of these occurrences. Among others, these include setting the maximum amount of time that passengers will remain on board aircraft before deplaning. Also, keeping gate space available for off-loading passengers in times of irregular operations. FAA has also taken action to minimize delays through initiatives such as the Airspace Flow Program. This initiative gives FAA and the airlines the capability to maximize the overall use of the NAS while minimizing delays and congestion. These efforts do not create additional capacity but rather limit the negative effects of bad weather.

Fourth, DOT, FAA, airlines and airports should complete actions immediately to improve airline customer service and minimize long, on-board delays. DOT should take a more active role in overseeing customer service issues involving long, on-board delays, and there are actions that the Department, the airlines, airports and FAA can undertake immediately.

Specifically, first, all airlines should specify the efforts that will be made to get passengers off aircraft that are delayed for long periods and incorporate these policies in their contracts of carriage and post them on their Internet sites.

Second, airlines should establish specific targets for reducing chronically delayed or cancelled flights and disclose on-time flight performance.

Third, large- and medium-hub airport operators should establish a process for monitoring and mitigating long, on-board delays that involves contacting the airline to request a plan of action after an aircraft has remained on the tarmac for 2 hours.

Four, DOT should investigate incidents involving long, on-board delays and oversee the airlines' policies for dealing with them.

And five, the airlines, airports and FAA should establish a task force to develop and coordinate contingency plans to deal with lengthy delays.

Mr. Chairman, this concludes my statement. I would be glad to answer any questions that you or other Members of the Subcommittee may have.

Mr. COSTELLO. The Chair thanks the gentleman and recognizes Dr. Sinha.

Mr. SINHA. Thank you, Mr. Chairman. Good afternoon, Chairman Costello, Ranking Member Petri, Congressman Mica and Members of the Subcommittee. Thank you for inviting me to participate in today's hearings on the airline delays and consumer issues.

Today airlines are transporting more passengers than at any time in history but operating fewer flights than in 2000. Yet delays in the system are at an all-time high, up 11 percent as compared to 2000. This raises the natural question, if operations are down across the NAS, why are delays up? The answer to this question is location specific. Operations are not down everywhere, nor are delays up everywhere.

I think it was mentioned earlier that, in the summer of 2000, of the 45 airports, seven airports, Atlanta, Chicago O'Hare, Philadelphia, Newark, La Guardia, Houston and Kennedy, accounted for 55 percent of the delays. Today they account for 72 percent of the delays. If you look at the operations at the 45 airports, operations have decreased by 8 percent while at these seven airports they have increased by 10 percent. The biggest bottle necks this summer have been at the three major New York/New Jersey airports as well as the surrounding airspace. I think again it was mentioned earlier, Kennedy's scheduled operations have increased by 44 percent. At JFK, more efficient procedures have been put in place to make better use of multiple runway operations thereby increasing the overall traffic at the airport. If not for these procedural improvements, delays would have been much worse.

Many improvements have been made in the system since 2000, which provide significant capacity increases and user benefits but have not kept pace with the demand at key locations. Looking to the future, the FAA's report on capacity needs in the National Airspace Systems takes a systematic look at current and projected demand and capacity across all airports and metropolitan areas. The results show that if all planned improvements are implemented by 2015, six airports and four metro areas will still have insufficient capacity to meet projected demand. By 2025, the situation is worse—even with planned improvements, there are projected to be 14 airports and eight metro areas that will have capacity constraints.

Looking at potential solutions, NextGen will provide better navigation, surveillance and information sharing and decision making than today. Together these capabilities will allow the separations between aircraft to be reduced safely. This will allow more aircraft to land and depart per hour, reducing delays at the majority of the busiest 35 airports in the U.S, including Atlanta, Kennedy and Newark. Better surveillance and more automation in the cockpit can reduce the dependencies between operations on different runways. More precise navigation will help to reduce the dependencies between operations at different airports in busy metropolitan areas such as JFK and La Guardia. NextGen does allow more uses of existing runways at more than half of the top 35 airports and might create new opportunities for construction of additional runways at existing airports because of reduced separation requirements between runways.

More efficient use of the airspace would also facilitate greater use of secondary airports in the major metropolitan areas that might address a lot of the metropolitan area constraints that are identified in the FAA report. Better weather data together with cockpit display of traffic information will reduce traffic disruption due to poor weather conditions, leading to what are termed equivalent visual operations in the NextGen concept. We know for example that today in visual conditions we do not have as much of a problem as we do in the instrument conditions. So this will allow us to operate more like visual conditions most of the time.

Movement on the airport surface will be improved through ASDE-X, ADS-B and cockpit display of traffic information. Around two-thirds of the top 35 airports are likely to benefit from improved surface traffic management in terms of improved safety and reduced fuel consumptions. Further analysis of the potential benefit of these and other NextGen capabilities at the Nation's airports is underway. As a step towards NextGen, a number of technologies and procedures have been demonstrated to be technically and operationally feasible in both enroute airspace and in busy terminal areas. These, called performance-based ATM or PATM capabilities, are currently being incorporated into FAA's operational evolution partnership for implementation. Human in the loop validation conducted over the past 2 years have shown that these concepts are feasible and provide significant benefits in the controller's capability to safely handle the expected increase in traffic probably up to 2016 and beyond.

In summary, the answer to the question of why operations are down and delays are up, is that traffic levels have increased at the already congested hubs which have little spare capacity and have decreased at other locations which have more spare capacity. Local and regional solutions will continue to be needed to address capacity problems as they emerge; however, a systemwide approach to solving the Nation's capacity needs is imperative.

Finally, successful implementation of all the planned improvements at the airports and in the airspace through enhanced automation and procedures for both ground systems and avionics are critical in meeting the demand in the near term and for 2025 and beyond. This will require full participation from all stakeholders, the FAA, the customers and the manufacturers. Mr. Chairman, this concludes my testimony. I would be happy to answer any questions the Committee may have.

Mr. COSTELLO. Thank you, Doctor. Let me ask—I will begin with asking a few questions. First, before I do, I think we all agree that NextGen is needed. Is there any disagreement on the panel? I think we all agree that NextGen is several years away and provides no relief or no help in the shortterm. Would we agree with that? Everyone on the panel? Mr. Sturgell.

Mr. STURGELL. Mr. Chairman, I would say that there are pieces of what will be, you know, the endgame of NextGen that are already being implemented. I mean, the move to a satellite-based navigation system, RNAV procedures, area navigation and RNP procedures are all about satellite-based navigation and taking advantage of what is in the airplane. So I think there are some things

that are being implemented now that are not necessarily several years down the road.

Mr. COSTELLO. And I understand that. But for clarification for those who are here and those who may be listening, give us an example of what is happening now. ADS-B, whatever it may be, that will provide relief in the short term. We have gone through the worst summer of delays we have experienced since BTS has been keeping statistics. We are about to get the summer behind us, but we are going to move into the holiday season now. So my question—what I am trying to establish, number one, is we all agree that the technology needs to be updated and changed. We all agree that NextGen needs to happen. That is the reason why, in the House bill that we passed, we provide over 1 billion more than the administration requested over a 4-year period to accelerate NextGen. But we are talking about short-term solutions here, addressing the problem at hand, and you know, I don't want to build false expectations out there with the traveling public that, hey, the FAA is going to go out and buy something that is on a shelf someplace, implement it and it is going to help us by September—the end of September or when we get into the holiday season, Thanksgiving and Christmas. Isn't it a fact that what we are doing with NextGen will not provide relief between now and the end of the year?

Mr. STURGELL. Probably not to the level we would like, given the delays and particularly for the New York area. I mean, we do have RNP procedures in New York in those 3 airports. We are implementing more of those during the coming year, and I do think that they are very important. At Atlanta, we are getting 10 to 11 more arrivals per hour, more departures per hour, and in Dallas, depending on the configuration. That is a huge capacity increase at some of these airports.

Mr. COSTELLO. There is no question that there is relief coming in the long term, but that does not help the people who will be traveling over the holiday season. What I am trying to communicate to them and get everyone to understand is, what are we doing short term, and then what are we doing long term? We understand what the long-term benefits are of NextGen, and we understand that there are steps in between from where we are today and when we complete NextGen. And those—all of those steps are progress in the right direction. But I would ask Mr. Scovel the same question. Do you see anything that the FAA is doing in moving toward NextGen that will provide short-term relief to the delays in the congestion that we have short-term, meaning between now and between the end of the holiday, December 31st of this year?

Mr. SCOVEL. Thank you, Mr. Chairman. I think Mr. Sturgell was correct when he cites RNAV and RNP as very short-term initiatives that are in place in specific locations that can help the delay problem in those locations. I think when you mention the need to set realistic expectations, you are absolutely correct. And I think it is also important to note that those expectations need to be framed in terms of systemwide improvements. While local geographic improvements can certainly be obtained. Systemwide improvements are what is—makes long-term NextGen most important, certainly

to the Congress, to the Department and to the traveling public. A moment ago, sir, you mentioned ADS-B; it is probably a good case in point. It is common knowledge that FAA recently let a contract for \$1.8 billion for ADS-B. The infrastructure will be put in place between now and 2013. At that point, users will equip their aircraft with the technology that is required to take advantage of that, and they have until 2020 to make that change, and it will be at the cost of billions of dollars for the airlines. So it is a huge investment.

Even when we get to 2020, only a part of the full capacity enhancements of ADS-B will be available because, at that point, it is ADS-B Out rather than ADS-B In. I am not a technician, but I can explain in layman's terms what those mean. But the bottom-line is, that even in 2020, not all of the full capabilities of ADS-B will be realized.

Mr. COSTELLO. Dr. Sinha, let me ask you. You say in your written testimony—and I quote—scheduled demand at Kennedy has increased rapidly since June of 2006 as Delta and JetBlue have developed their hub operations. Would you please elaborate on that and talk precisely about what Delta and JetBlue have done at JFK in the last few years?

Mr. SINHA. I think what we have been seeing when we look at the data is, it is not so much over the long run, but it is, like, starting from maybe early part of 2006 through 2007. JetBlue had operations, something in the order of 265, 247, 262, in that range daily. But now, today, if you look at this July, August, September, it is 358, 364, 336. That is a significant increase in the daily operations.

If you look at Delta, they were going through some restructuring of the routes in the January through May or June of 2006, and their operations were in the range of 180 to 190 operations per day. Today they are at 368, 372, 373, 349. That is what we mean by what has happened in terms of them increasing their operations. Now, how much of it is free-market competition? You can judge for yourself.

Mr. COSTELLO. And it is called competition, right? Okay. Mr. Sturgell, and again, this will be my last question. I have other Members, and then I will come back.

Mr. Sturgell, I applauded the administrator for her comments concerning scheduling. It is a concern that I have had for some time. We have looked at scheduling. We have sat down with some of your people in the FAA, some of the air traffic controllers. And there is no question in my mind that there is evidence that scheduling during peak periods at certain airports, JFK being one, that there are more flights scheduled at certain time periods than the system can possibly handle. So I was pleased when the administrator acknowledged that. I only wish that we would have focused on that back in January or February so we could have done something about the travel season this summer as opposed to concentrating on next summer. However, I am pleased that that action is being taken, and I am pleased with your decision or whoever made the decision to tell the airlines that you want to see the schedules in advance beginning in March of 2008. So in reading the notice that went out to the airlines, it is pretty specific. And it seems to me that you believe the FAA believes that there are

scheduling problems at JFK specifically that has caused delays. Is that a correct assumption?

Mr. STURGELL. Yeah. We are looking very closely at the scheduling in the New York major airports as you mentioned. There are some hours that are above the peak hours in those airports.

Mr. COSTELLO. But the answer is yes. You have looked, there is evidence in your opinion that there are some scheduling problems, and that is obviously why you have taken this action?

Mr. STURGELL. We have asked for the schedules, we have. You know, it has obviously been a problem. Again, there are some parts of the schedule that are above what we believe that airport can handle. But in addition to the schedules, there is a whole range of things we have been looking at, you know, since the beginning of the year. And I know we have talked about some of the operational things. We've met with the airlines and the Port Authority, since about February of this year, and we have been working to implement to help bring relief to that area. And scheduling, of course, is one of, you know, the many things we are looking at very, very closely.

Mr. COSTELLO. The last question now before I turn it over to the Ranking Member, is that—and I will come back to ask a few more questions when we are finished with Members asking questions. At this point, can you give any assurance to the traveling public that nonweather-related delays, nonweather-related—you have no control over weather delays, that the FAA, that you are taking measures to reduce delays during the holiday season and the short-term.

Mr. STURGELL. We are taking measures to address those delays and specifically for the New York area. Some of the early things we can do in the airspace redesign is what are called fanned departures off of the runways at the airports up there, specifically Philadelphia, Newark and then there is a new procedure for right turn out of JFK when departing to the northwest. The benefit is probably one to three an hour, in terms of operations that you can add to the system, and it doesn't sound like much, but it will be an impact if we can move forward with that.

Mr. COSTELLO. I thank you, and I will come back shortly. The Chair now recognizes the Ranking Member of the Subcommittee, Mr. Petri.

Mr. PETRI. Thank you very much, Mr. Chairman.

I see that the Chairman of the Full Committee, Mr. Oberstar, is here and may want to participate, and I know that the senior Republican of the Committee, Mr. Mica, has several questions, and I would yield my time to him.

Mr. MICA. Okay. I think everyone agrees NGATS is not going to be instituted or any parts of it really to deal with the delays. So we have got two issues here: We have got the problem of the delays, and then we have got the problem of dealing with people who are held captive on planes for extended periods of time. I have got a copy of my letter, April 19th, Mr. Sturgell, to the Secretary. The second paragraph: I respectfully request FAA develop a policy to determine acceptable procedures for extraordinary flight delays, particularly when health, life, safety of passengers are at risk.

Now, the Secretary sent me back a reply in May and said that she was waiting on the IG's report, which was expected later this

summer. Now we get it in the fall today here. IG, you have recommended that the Secretary should define what constitutes an extended period of time. Do we have that, Mr. Sturgell?

Mr. STURGELL. Mr. Mica—

Mr. MICA. You just got the report.

Mr. STURGELL. Right. Just got the report and on behalf of the Secretary, I do want to publicly thank the Inspector General for the report. She did ask for that report to be developed. She has also had a senior task group working on these issues.

Mr. MICA. This is April 19th. This is the 23rd. To get this thing rolling to make certain the people are protected on a plane, when can I find out when she is going to have that, a week, a month, a year? I mean, just something for the record. You don't know? Okay. Because we can't deal with the issue of taking care of passengers who are stranded. And the other thing it says, the Secretary should direct the Office of Aviation Enforcement and Proceedings to ensure airlines comply with their public policies governing long—so we are asking the airlines to develop that, and then you enforce it. But I am not sure that is what I asked for. I asked for FAA to come up with some standard. I mean, it is nice to have the airlines and then use them as the fall guy all the time.

I asked for FAA to come up with something, and that is what I think we need. Our responsibility is life, health, safety. Okay. We have identified there are seven airports that account for 70 some percent of the delays, right? JFK, Newark, La Guardia, all in the same area. O'Hare, we are doing a massive redesign of the runways. That will help some. I know Philadelphia we have done an extension. Is Atlanta down? We just finished that runway. Is Atlanta one of the ones down? Did anyone find that? It isn't down? We just added that runway capacity.

Mr. SINHA. It is Houston—Houston is the other one.

Mr. MICA. But I am getting to—

Mr. SINHA. Atlanta is on the list.

Mr. MICA. It is on the list. Okay. My point is, some places we can add capacity; some we are adding it, and some we've added it. So that should help a little bit. With weather, it is still tough because you can only land so many planes. My point here is JFK, Newark, La Guardia probably result in the bulk of the delays. Wouldn't that be the case? I mean, those three in that airspace. Now, the last point I made when I came to make my little opening statement was that the airspace redesign can result, I was told, in a 20 percent expansion of our capacity and capability to handle aircraft and would lessen delays by about that percent. Is that agreed, Mr.—I see a yes. Is that yes? No?

Mr. SCOVEL. Ballpark, yes, sir.

Mr. MICA. Okay. So again, some of this isn't rocket science. But the airspace redesign which we have been waiting on 10 years—we had an overwhelming vote in Congress. We had Republicans and Democrats. We all said, go forward with that northeast quarter, and that would help us. Now, I am told the GAO report might have to be interspersed here according to what the Chairman has asked for, and I don't know that to even be the case, which would further delay that. Is that the case? Is there any impediment that

you know, Mr. Sturgell, that will stop us from doing the New York airspace redesign?

Mr. STURGELL. We have not received anything formally asking us to stop the—

Mr. MICA. So that can go forward and that—if that goes forward on an expedited basis, then we could expect, Mr. Scovel, some improvement in delays?

Mr. SCOVEL. There certainly would be improvement, Mr. Mica.

Mr. COSTELLO. I would ask the gentleman to yield. I think everyone expects that the airspace redesign as proposed by the FAA for the New York airspace, that it will end up in court, that there will be litigation. So, I mean, I don't think there is any question. I have been out to Philadelphia, and I have attended a town meeting, and there is no question that everyone expects that a lawsuit will be filed. So, from the standpoint of expediting it, there are those of us who would like to see that happen. But I think, realistically, we are in for some litigation, which is going to take some time to reach a court decision.

Mr. MICA. Again, I have been to hearings and meetings in Connecticut and the northeast and Philadelphia and New Jersey, and it goes on and on. My point here is, I don't want anything to stand—I mean, this isn't rocket science. We can tell where the planes are being delayed. They just testified to it. If we can move them in the northeast quarter. If we have to put something that puts—that jams that threw. We just had an overwhelming vote in Congress. But we need to get that airspace redesign—it is not like redesigning a highway since 1980. And those are our airways, and we can't move planes through. That is in the optimum condition. So stop blaming the airlines and let us take the responsibility for government not putting in place—stop blaming air traffic controllers who do their job. We have the ability to move this forward and we should. Thank you. Yield back.

Mr. COSTELLO. The Chair would note that Mr. Petri has exceeded his time by 1 minute. The Chair now recognizes the gentleman from Oregon, Mr. DeFazio.

Mr. DEFazio. Thank you, Mr. Chairman. Mr. Sturgell, in your testimony on Page 9, you say we encourage our friends in the airline industry to re-assess their scheduling with an eye towards relieving some strain on the system. You have asked for them to start providing schedules in March. What are you going to do with those schedules?

Mr. STURGELL. Mr. DeFazio, along those lines, the airlines, we have worked with them at location-specific airports as well as broadly. And, I would point out a couple of successes of voluntary efforts in that regard.

Mr. DEFazio. How many failures do we have? We have lengthy testimony from the air traffic controllers documenting a large number of airports where we have scheduled more aircraft to take off during a given number of hours than could possibly take off on the best day in history, let alone any insignificant limitation due to weather.

Mr. STURGELL. In the examples of places like Dallas, Fort Worth and Atlanta, the airlines voluntarily de—

Mr. DEFAZIO. Right. When you have passengers all across America, who are being given phony schedules as Mr. May says in his testimony, people like frequent departures so the airlines schedule them. In the case of Eugene, Oregon, where I live, United schedules a lot of departures. And as soon as San Francisco gets limited, which it is 30 percent of the time, they just cancel or delay all those flights. Yeah, theoretically, we are going to leave. If you are a business traveler, you know it is a joke to have a ticket on United to San Francisco because they are just going to bump your flight and bring in the long-range flights. They are overscheduling the airport, you know, given the normal conditions at San Francisco. That is repeated at other airports throughout the system. So there may be a few voluntary success stories on the part of the industry, but you are a regulatory and a safety agency.

So, my question is, what are you going to do with the schedule—when they give you schedules in March that show they have scheduled more departures at a number of airports than can take off during a given number of consecutive hours on the best day in history, what are you going to do about it? What are you going to do at that point? That is the question.

Mr. STURGELL. Well, addressing scheduling is one of many things—

Mr. DEFAZIO. I know. I am just trying to deal with one real simple factor. We are scheduling more planes to take off and land than can physically take off and land. We are allowing this to go forward. We are saying the market will control it. The market doesn't control it because the airlines aren't going to give up their slots because their passengers might go on someone else that gives them a fake schedule. The passengers aren't informed that you are booking a flight for an hour that is overbooked. There will be some planes delayed during that hour. What are you going to do when you get the schedules that they will propose for next summer if they don't voluntarily adhere to the minimum or the maximum number of flights on an hourly basis? What actions do you intend to take as a safety and regulatory agency with those reports?

Mr. STURGELL. Mr. DeFazio, we will always ensure the safety of the system. But, you know, it is airport, it is airline specific. If there are things we can do to address that schedule through procedures or new runways that are coming in—

Mr. DEFAZIO. I am just saying in March when they give you the schedules for next summer, and we can't build the new runways by next summer, we are not going to change the system dramatically by next summer, when we have done everything we can do to tweak it, when you know that they have booked more flights during given hours to take off than can take off during the best day in history at certain airports, what are we going to do about that? How are we going to get back to a number that is just realistic in terms of the best day in history, let alone the inevitable problems that might result? What are we going to do at that point? I am just asking about a little part of the problem but one that is very frustrating to travelers and is repeated time and time again. What are you going to do when they give you numbers that show they have scheduled more flights than can take off, are you going to somehow

say, no, we have got to cut this back to the theoretical capacity of the airport and somehow get there?

Mr. STURGELL. I will use Chicago O'Hare as an example. We worked with those airlines there, the two major carriers voluntarily, voluntarily, and achieved a reduction.

Mr. DEFAZIO. So your plan is, in March, when you find overscheduling at seven or ten or twelve airports around the country, you will bring in all the airlines for voluntary meetings to talk about voluntarily changing the schedules. I mean, I just had a very disturbing meeting with the head of the San Francisco airport yesterday. He said they are heading towards dramatic problems 30 percent of the time. As the airport director, there is nothing he can do about it, and he is hoping someone, somewhere in the system will do something. So I am asking you, is there—at that point, if they won't voluntarily do something, what can we do? Could we impose a congestion tax? Could we at least inform consumers that those hours are overbooked, and their flights are likely to be delayed if we are going to have market forces prevail?

Mr. STURGELL. Market forces in terms of congestion, management and pricing, we would like to have that option. And, it is one of the options we proposed in our reauthorization proposal.

Mr. DEFAZIO. I am talking about hours that are overbooked. If we said this hour is overbooked, if a commercial airline wants to book that hour, are they going to pay a special fee because it is overbooked.

Mr. STURGELL. Well, we are certainly interested in congestion pricing. And we would willingly work with the Congress as our bills go forward.

Mr. DEFAZIO. I am still not clear. I am over my time, but it is still not clear. So, in March, just to wrap it up, when you see that a number of airports are overbooked for departures and arrivals, you are going to call in the airlines that operate at those airports and ask them to voluntarily get it down to at least the theoretical capacity of the airport.

Mr. STURGELL. Again, going back to O'Hare, we got voluntarily reductions. In the end, they were not enough. We did a short-term scheduling reduction while we had capacity improvements coming on line. If we can get new runways built, if we can get procedures changed and operational improvements, that should be the goal.

Mr. DEFAZIO. Right. We have long-term goals, but I am just saying—I am just talking about a very small part of the problem. I recognize all those other concerns. Thank you. Thank you, Mr. Chairman.

Mr. COSTELLO. I thank the gentleman. Let me just make note, Mr. Sturgell, that the airlines in 1999 said that they would voluntarily implement what we know today is a passenger bill of rights. It didn't happen. It is one of the reasons why we have—we were here today, one of the reasons we put a section in the FAA reauthorization dealing with those issues. I think this is a simple question that Mr. DeFazio is asking, and the question is simply this: If the airlines do with scheduling like they did with the passenger bill of rights on a voluntary basis and they do not scale back their operations when there is evidence at JFK or any other hub in the Nation, will the FAA take action? I know that you are going to

meet with them. I know that you are going to talk about scheduling. I know that you are going to encourage them to take a look at scheduling and pull back when they schedule too many flights. But the question is, if they do not voluntarily act, will the FAA step in and act and force them to, as you did in Chicago, as you did in La Guardia, as you did at Reagan National Airport?

Mr. STURGELL. It is one of the options that is available to us.

Mr. COSTELLO. I know it is one of the options, but that is not the question.

Mr. COSTELLO. That is when people are cynical about government. Of course, it is one of the options. There are a lot of other options, but it is a simple question. I understand you are Acting Administrator, and we are not here to beat you up. I mean it is pretty simple.

If they do not act, are you going to?

Mr. STURGELL. Well, we have used that authority, as you pointed out, in Chicago. So it is an option, you know, and we have used that authority, the authority we got in the last bill.

Mr. COSTELLO. So that is a "maybe"?

Mr. STURGELL. At this time, like I said, there are ongoing things we are working to implement both from the FAA perspective and with the airlines at these, you know, congested airports, specifically in New York.

Mr. COSTELLO. You probably just answered the question that some people have when they say, "Why does the government step in and mandate an agency to do something?" it is because the answer in this case, for instance, is, well, maybe we will; maybe we will not. I mean it is in the interest of the traveling public that we, in fact, take action, and if you are not willing to take it at the FAA, then we have to legislate it. With that—

Mr. OBERSTAR. Mr. Chairman, would you yield?

Mr. COSTELLO. I would be happy to yield to the Chairman of the Full Committee, Mr. Oberstar.

Mr. OBERSTAR. I was following up on your question, Mr. Sturgell, and it at least goes to the heart of one of the issues of this very complex nexus, and the greatest risk we face is oversimplifying the delay issue and saying, "Oh, it is here. Oh, it is there. Oh, it is something else."

If it were rocket science, as Mr. Mica was suggesting, it would be easier, frankly. Rocket science obeys specific laws of physics, which, when put in place, get our spacecraft up in the air and bring them down within fractions of a second. This is not rocket science. It is far more complicated, but the question that, I think, Mr. Costello was posing is do you have authority under existing law to order reductions in schedules if those schedules exceed the capacity and if the excess is having regional or national effect. If the answer to the question is you do and you use that authority at Chicago's O'Hare, can it also be extended to the New York region as well?

Mr. STURGELL. So we do have that authority, as you pointed out, and it is available wherever we see that kind of problem.

Mr. Chairman, as you pointed out, it is complicated. It is not easy. The system, itself—you know, you have many times eloquently talked about how complex our national airspace system is. When we talk about scheduling 1 hour of peak overscheduling,

when there is a recovery period after that, it does not really make a case for moving in and capping an airport. So we see those situations at various airports around the country. There are only very few airports where it is a problem the entire day where there is no recovery. You know, some of the things—I keep hedging a little bit. It is an option. We are looking at it. It is definitely all of that. You know, there is also an impact when you do that, and it is that there could, perhaps, be a tendency to lose service to small communities, which I know is very important. It takes away any incentive to improve capacity in either that particular airport or in the region. Folks get happy with the status quo, and with the economic engine that the aviation industry is and with the benefits to the traveling public, I just think, you know, it is a tough situation, and we have to consider thoroughly all of what is available to us before making those kinds of—

Mr. OBERSTAR. If the Chairman and the other Members will indulge me further, to say, "oh, well, it is not an airline problem" or "oh, it is not an air traffic controller problem, but it is an FAA problem," that does a disservice to everybody. We are all in this together. It is a three-legged stool; it is airport capacity; it is air traffic control technology, and it is airline scheduling.

Now, in the southern California TRACON, you have 2.4 million operations a year. That is 50 percent more than the entire Paris regional in all of northern France, Belgium and the Netherlands combined. The New York TRACON and the southern California TRACON handle more air operations than all of Europe combined. The New York TRACON handles operations for 45 airports, four of which are within 10 miles of each other, one of which has two runways, 10,000 feet roughly at EWR Newark, and has a 900-foot separation.

So the least bit of inclement weather means you are down to one runway, a little more weather and that one runway is down to 5-mile spacing. It is not simple. You understand that. That is why you have this East Coast plan. Whatever you shift in one area has an effect and a consequence on another. I get impatient with those who want to oversimplify and thereby denigrate the participants in this issue.

At JFK, you have capacity in the morning because it is an afternoon arrival-dependent airport with internationals coming in. If there are delays at La Guardia, the effect spreads across the entire United States and the entire rest of the East Coast. Continental at Newark will not give up a single slot until—it may have 55 percent of the operations there, but they will not give up a single slot until another airline says, "We will do the same."

We met this issue at DFW when 5 or 6 years ago there was a hearing in this Committee, and I think it was Mr. Duncan who was Chairing the hearing at the time, and they had 57 departures all scheduled at 7:00 a.m. Now, they have three air traffic control towers at DFW, and they cannot release 57 aircraft at 7:00 a.m. We know that. Now, it is the one authority the FAA has to bring those carriers together and to work on filling in the valleys, the slow times of the day, spreading it out so that all of the carriers accept some of that burden and lowering the peaks so that you have more dependable arrival and departure patterns instead of airlines

scheduling flights at 7:00 a.m. that do not take off until a quarter to 8:00 and asking the passengers to buy into the lie.

Now, the nexus of this issue is evening out the flow, and you have a study underway. GAO has a review. The IG has a review underway. All we need is for all of you to accelerate work on those studies and to get them done as quickly as possible, review, have public understanding of and input into, and then move ahead with implementation.

Thank you, Mr. Chairman and colleagues. I appreciate the indulgence.

Mr. COSTELLO. The Chair thanks the Chairman of the Full Committee and recognizes Mr. Petri at this time.

Mr. PETRI. Thank you. I just have a couple of questions.

One, I do not know, Mr. Sturgell or Mr. Scovel, if I can put this into context, but in preparing for this, we indicated that some 41 percent of the delays in the system, roughly, are due to weather conditions.

Do you have an idea of what percentage of the delays overall are probably due to scheduling inspired congestion because of over-scheduling? How big a problem is this particular phenomenon of all of the airlines wanting to have a flight when the public wants to travel, obviously?

Mr. STURGELL. Yes. I do not have that information today, Mr. Petri. It is obviously something we will try and put together for the Committee. Again, you know, it depends whether there are slower periods after peak volumes, how long the delay is and how lengthy the delay is, you know, and I certainly appreciate the frustration that has gone on with these chronic delays, and it is something that the Department's enforcement folks have been pursuing for a couple of months now. I just want to put up one thing on the weather side that you mentioned, though.

These are weather trends that specifically go to New York, and I think, as you look at the graph, the trend in weather from last year to this year has gotten a little worse broadly across the NAS. We have had problems in particular areas. Dallas-Fort Worth, for example, has had some severe thunderstorms in the summer months as have a few other pockets around the country, but the trend line for New York, as you can see, has been very, very severe from 2006 to 2007. You know, while the BTS statistics from the Department show 40 some percent, our OPSNET delays, which are really focused on the air traffic system performance, show weather delays running at about 70 percent.

So, when Chairman Oberstar talks about things like how close the runways are together and what happens when the weather comes down, yes, it has an impact on the capacity and on the efficiency at the airport. Again, going back to RNP and some other things we are trying to do with systems like Precision Runway Monitor, we are trying to move to have VMC arrival rates during, you know, IMC conditions. That is the direction the agency is moving in terms of throughput through the system, and certainly, the NextGen weather programs will help us along that line. Specifically for this summer and for New York in particular, it has been very tough.

Mr. PETRI. The general aviation community has said that—they indicate that there has been a decrease in the number of general aviation flights between 2000 and today, and yet, the agency says that the general aviation community continues to be a contributing factor to delays and congestion now. Could you explain that?

Mr. STURGELL. You know, this is where you need to thoroughly look at the data and what types of data you are looking at. The business jet community is definitely growing very substantially. Overall, though, general aviation operations—piston and everybody else—is down some 17 percent from where it was several years ago. You know, it is really from the aircraft on the general aviation side, the high-performance flyers, that get up into the system, that take up space where we have the commercial aircraft flying as well, and then you look at particular airports and particular regions. The New York TRACON handles well over 100 airports. It has got a fair amount of general aviation traffic as a TRACON. Now, at the individual airport at La Guardia, for example, we hold six unscheduled slots, you know. So it is not a lot, but it is six, you know, and in a place like La Guardia, it matters. So it depends on how you dissect the data to reach the various conclusions and statements.

Mr. PETRI. Just finally, earlier, Mr. Forrey, from NATCA indicated that one contributor to—he thought there were clear links between controller understaffing and delays in the system. Could you comment on that?

Mr. STURGELL. Well, I think we have our workforce plan that we have been working off of for several years now. I am very confident we are going to hit the number again at the end of the month here with 14,807 controllers, and we are going to see that, by a fair amount, is the way things are shaping up this week. That is a net gain of 200 controllers over last year. So, I think the system is staffing well.

Again, Jerry, if you have got—we have got a chart that shows operations per controller. You know, if you look at all of the broad measures, overtime is running about 1.6 percent; the time-on position is running about 5 hours and 1 minute, a little bit less on the en route side, a little bit higher on the terminal side for operations per controller. If you go back to 1999 and 2000, we are still, today, handling less operations per controller than we were in 1999 and 2000.

So, I think the broad measures all show that we are staffed and that we are staffed adequately. There are only so many positions for a specific facility that you need to staff, and again, we are working off of our workforce plan. You know, do we have some facilities where it is a bigger issue and a focus for it? Sure, but overall, I think we are where we need to be in terms of staffing with the controller workforce.

Mr. COSTELLO. The Chair thanks the gentleman, and recognizes now the gentleman from Tennessee, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chairman.

Yesterday, in Memphis, there was an unfortunate incident where the air traffic control facility went down for about 2-1/2 hours. The reportage that I have read about the problem was that it was a Bell South, or now AT&T, problem and that our air traffic control

folk in that part of the country did an admirable job, a commendable job, in fact, in maintaining safety, which could have been jeopardized.

Does this incident, Mr. Administrator, indicate to you that there is a need for more backup systems or more security? This was not a security problem, but do we have security at the telephone facilities that, if they were struck, could destroy our capacity to have an air transportation system?

Mr. STURGELL. It was a very significant outage for us, as you pointed out. You know, we are still investigating, but at this point it is a Bell South-AT&T problem, and of course we will be, you know, discussing this with them, as we have been since it occurred, to figure out what the problem was and whether our system should be routed differently at this location and at other places to ensure more redundancy or better reliability.

I would point out that, overall, system outages only account for about 1.1 percent of delays, and you know, we are running well over 99 percent in terms of our availability for NAS equipment, but as you pointed out, you know, there were several hundred delays, and we had about 200 aircraft, I think, in that airspace at the time. The controllers did a tremendous job. We do not see any, at this point, safety issues in terms of separation losses. We are continuing the analysis. We are also looking at things about what kind of additional things we should be providing the workforce at facilities, you know, like cell phones, just like we did when we looked at the weather radio issue.

Mr. COHEN. Do you have anything to do—are you the person or is it your office that negotiates with the air traffic controllers for their contract?

Mr. STURGELL. Are you talking about the contract towers or are you talking about the FAA employee towers?

Mr. COHEN. Either.

Mr. STURGELL. Either one? Yes, we have departments within the organization that handle negotiating those salaries and those programs.

Mr. COHEN. Doesn't this situation yesterday where human, really, heroism to some extent but ingenuity probably saved us from having an accident in the skies indicate how important it is to have experienced air traffic controllers and to have a labor mechanism that provides for the retention of the experienced and skilled people who we depended on yesterday to save us from a tragedy?

Mr. STURGELL. Again, our controllers did a great job in handling that event yesterday, no question about it.

Mr. COHEN. And I hope our administrators do a great job in appreciating them and in negotiating with them and in seeing that they stay on the job.

Mr. STURGELL. Fair enough.

Mr. COHEN. Thank you, sir.

Let me ask you this about regional jets. There has been some issue and a lot of studies recently about regional jets being a cause of some of our delays. We have got more smaller planes and all of them flying with less passengers and taking up the same amount of space and the same amount of time for the air traffic controllers.

What is your opinion about regional jets and the problems they are causing the American flying public?

Mr. STURGELL. Well, again, the regional jet industry has really taken off, and I think—

Mr. COHEN. No pun intended, right?

Mr. STURGELL. Yes, exactly. I think, overall, it is the result of, you know, the operators responding to passenger needs and wants, and it has proved to be a great business tool and a great thing for the traveling public.

With respect to how it impacts the system, I mean, I think, largely these planes have been replacing smaller turboprops, and that does a couple of things. Specifically, the turboprops generally flew below what would be the typical high-altitude environment for your commercial operators. The RJs have the capability to do that. So, to some extent, they are up there adding to the higher altitude level traffic.

Mr. COHEN. We are running out of time.

As they are adding to the traffic, they are causing part of the delays, right? So they are not necessarily conveniencing the public. Are they not a part of the delay problem? Let us say, if we had fewer planes, fewer scheduled flights and more people per plane, wouldn't we have the likelihood of less delays?

Mr. STURGELL. I think, obviously, with fewer planes, there would probably be fewer delays overall. Again, it depends on where those planes are going and whether they are all going at the same time or at different times, that kind of thing.

The other problems it presents to us is that, at some runways in the system, we had shorter runways where turboprops could land. RJs tend to take up larger landing distances, so there is, you know, the impact that they need longer runways and might not be able to use these off-load runways that the turboprops used to use.

Mr. COHEN. Thank you, sir.

Mr. COSTELLO. The Chair thanks the gentleman, and recognizes the gentleman from North Carolina, Mr. Hayes.

Mr. HAYES. Thank you, Mr. Chairman.

I am not sure where to begin after listening. My first suggestion would be all of the different people who are blaming each other for all of the problems come to the table again very shortly with a list of suggestions of how "they" the airline, "they" the FAA, "they" the controllers could improve the system from their point of view.

It is frustrating for us and for the people at home to listen to what is being said here. The FAA can shut down. They can control. They can do all kinds of things. If there is a golf tournament or a national Republican-Democrat convention you take over, but I am not sure that is what we want to do, and I understand your frustration in trying to answer that. Let us put that aside for a minute.

If the Chairman would agree, I would sure like to have, as soon as possible, those of you involved come back and say, "Well, here is what we can do." The airlines are overscheduled like crazy. They do not have enough equipment to absorb a system delay when weather hits in one spot, and people who are inconvenienced and put at risk are sick and tired of that, and for the airlines to blame general aviation and other bogus straw men is just terrible. It just does not help the discussion.

I want to switch a minute, Mr. Chairman, to the Next Generation Air Traffic Control, ADS-B. As I have spent a lot of time looking into that from my perspective as a pilot, there is a tremendous, a tremendous benefit waiting to be utilized by all sectors of aviation. It is not expensive, but we have not done a decent job of selling it to the public.

Now, Mr. Scovel, you pointed out some very pertinent facts. I will disagree with the one you said that it will not cost the airlines billions of dollars to equip; it will cost thousands of dollars to equip, but everybody using the system needs to be encouraged to take advantage, and the FAA has done a fabulous job in Alaska, putting a system in place, developing it and using it. We need to really get on the ball and move down the track with that, but the public will not be confused. That is not going to eliminate the congestion problem.

RVSM—we like to throw acronyms around—that has doubled the airspace above 29,000 feet. Again, there is only so much we can do. I would love to see the Northeast corridor and other congested area develop new plans, but we have reached the point of diminishing returns. Dan is a pilot. He is looking at me, shaking his head, and he is right. There are so many things we can do and not do with SIDS and stars. You know, our NAB has come and gone. I just wish that we would move forward and let people know what is available to us and what is realistic.

We can stop the delay problem by slowing down the overinsertion of airplanes into the system. Mr. Cohen mentioned regional jets. That has been a boon to hub and spoke operations, but those are the, quote, "business jets" that are punching the extra holes in the sky.

Mr. Chairman, I am having trouble developing a question in all of this, but again, I would hope the people who are here who have the answers, from their perspective, if they would clean up their own little place of business and come back and say, "well, we can do this" and somebody else says, "well, we can do that," then we could begin to see some significant progress.

Dr. Sinha, you have studied the thing from one end to the other. What does MITRE think about how we can develop a more cooperative attitude, a cooperative, collaborative whatever, to get the problem moving and the public seeing that we are not only talking about it but doing something about it?

Mr. SINHA. Well, the kind of collaboration that we are talking about really boils down to people problems. So, I mean, the way you framed it, sir, you know, by what does each party bring to the table; most of the times we end up in a situation that I will bring something to the table if my competitor does it, too.

The question is how do you get past that knot that says that it has got to be a joint action by a number of people.

In fact, theoretically, there has been lots of work done in game theory which relates to things like this when one set of people are playing games versus the other, and I do not think all of the great minds who have worked on that have really found an answer. So that is the best answer I can give you.

Mr. HAYES. Back to the airlines, the FAA does not have any compensation right now that I know of, but again, I would sure encour-

age everybody here on this Committee that the Chairman and others are anxious to give a better product and to maintain the highest level of safety.

So thank you, Mr. Chairman, for allowing me to, I guess, expend, but hopefully it will be helpful.

Mr. COSTELLO. I thank the gentleman.

The Chair now recognizes the gentleman from Boston, Mr. Capuano.

Mr. CAPUANO. Thank you, Mr. Chairman.

Mr. Hayes, you may think you vented. Watch this.

Mr. Sturgell, you say you have the power. Tell me why you will not just do it.

Mr. STURGELL. Because there are other things we are working on that will help alleviate the problem.

Mr. CAPUANO. Well, that really, really helps me while I am sitting there waiting for plane that is stuck at La Guardia. You talk about recovery time. What about my recovery time and that of the hundreds of thousands of Americans who waste hour upon hour sitting in an airport waiting for a plane that never comes?

Now, I should not complain, because the airline I fly just fixed the whole problem. They now list the flight to Boston as an hour and 20 minutes instead of 65 minutes. I do not think Boston has moved further away from Washington than it was last week, but at least they are telling the truth a little bit more, a little bit more.

I have got to tell you, Mr. Sturgell, that I understand you are Acting Director, and to some degree, I am sorry to take it out on you but you are the guy today. It is more directed to the FAA than to you, personally, and whoever comes into your place, whoever it is, I hope they are listening. You are embarrassing all of us here. Your agency's failure to act is an embarrassment. It is hurting the American business—the American economy, the American business flyers—and your failure to act and to study the issue has no reasoning to me.

Why can't you take something and try it in one airport? Go to La Guardia and say, "You do one thing." Go to Atlanta and say, "You do one thing." If the airlines do not help you—look, competition is competition. You might have missed it, but the free market is not working on this issue. You are a regulatory agency as well, and if the free market does not work, it is your responsibility, your obligation as far as I see it, to take some action. To tell me to wait for 15 years or to tell me that we have an overbooking of 20 flights an hour and you want to deal with one to three, that is not an answer, and if you think that America is not angry, travel with me. I would love to have you sitting next to me on the plane, so when people come up to me and say, "Congressman, why aren't you doing anything?" I can say, "Hey, he is the guy. Talk to him." Explain it to them that you are studying the issue. It is not an answer. It is an excuse to kick the can down the street.

Now, I am not asking you to have an exact answer on every issue. I know it is complicated. There is nothing simple in this world that I am aware of, but to fail to try to do anything is an abrogation of your responsibilities and your duties. I do not mean to pick out you individually, but you are the FAA today. I am speaking to the entire FAA. If you try something and it does not

work, stop it and try something new or if you try something and the airlines come back and say, "Hey, we have a better idea," fine. Stop what you are doing and try that. Every flying member of this public knows that what you are doing now is not working, and I am a little embarrassed that Congress has not forced you to do it, but apparently the term "regulation" is like a swear word here in Washington. We cannot say that. I am perfectly happy to let the free market work, but when it does not work, we have an obligation to step in, and I have got to tell you that when I am sitting here talking about recovery time, recovery time means nothing to the individual who is sitting in an airport terminal or, worse, on an airplane.

I have got to tell you, Mr. Sturgell, that I do not really have a question except to beg you and your cohorts at the FAA and your successor, whoever the permanent Director is going to be, the Administrator, to please do something, anything. Try it. If it does not work, stop it and try something else, and if you do not have any ideas on what to do to try, ask any number of airport directors. Ask any number of people at any airport, and you will come up with a few. If we can help you, we are happy to.

You said you have the authority. We know you have the authority. The FAA reauthorization bill also has provisions in there to allow you to implement different study programs and procedures—not just study papers—around this country, and I cannot encourage you any more strongly than I just did to do something. Quit fiddling while America sits, please.

Mr. Chairman, I yield back the time that I no longer have, I guess.

Mr. COSTELLO. The Chair thanks the gentleman, and recognizes the former Chair.

Do you want to go to Mr. Coble?

The gentleman, Mr. Coble, is recognized for 5 minutes.

Mr. COBLE. Thank you, Mr. Chairman.

It is good to have you gentlemen with us.

I saw a constituent of mine, Mr. Chairman and gentlemen, about 4 or 5 weeks ago at an airport, and he said to me "My least favorite activity used to be going to my dentist." He said, "I would rather go to my dentist than go to an airport." Then he went on—and I am not piling on you guys, but he went on to say that—he said, "I would exclusively travel by bus or train if it were not for the time consumed."

This distresses me because I think my constituent voices a common complaint shared by thousands. It distresses me because the airline industry has served America admirably and, I think, still serves us admirably. Plagued with problems, yes, problems perhaps for which the airlines are at fault in some cases. We are at war against terrorism. That, obviously, is another problem, but let me ask you all this:

If you believe that we in the Congress should consider legislation beyond the scope of passenger rights included in the recently passed House aviation reauthorization, think about that. Give us safeguards that we may implement to ensure that we can continue to have a vibrant aviation sector, because if we do not continue to have a vibrant aviation sector we are vulnerable. We are fragile.

We will look forward to going to see dentists. That is a sad state. I do not mean to diminish the dentist profession—I do not mean to do that at all—but we are at the borderline, I think, Mr. Chairman.

Let me ask you this, Mr. Sturgell, and I will repeat that it is good to have you all with us. I know you feel like you have targets on your chest, but I think there is no ill will intended. I have heard that there is a proposal to develop accelerated lines for frequent flyers; that is to say, people who fly nine or 10 times a month as opposed to nine or 10 times a year. Send them to this lane where they can move along, and delays, of course, would be at least diminished. What is the story on that or the status on that, Mr. Sturgell?

Mr. STURGELL. Mr. Coble, I think you are referring to the security lines while going through an airport.

Mr. COBLE. Yes.

Mr. STURGELL. That falls within the jurisdiction of the Transportation Security Administration. I do believe there are those types of lines, but I cannot say for certain.

Mr. COBLE. I would like to know. Can you tell us in more detail about that subsequently?

Mr. STURGELL. We will follow up with the Committee on that answer, sir.

[Information follows:]

Insert for the record at page 71:

The Transportation Security Administration (TSA) facilitated the private industry in developing the Registered Traveler (RT) program for travelers who volunteer to submit the biographic and biometric information necessary for TSA to conduct a security threat assessment (STA) and confirm that they do not pose or are not suspected of posing a threat to transportation or national security. Travelers who receive an "approved" STA result will be positively identified at the airport through biometric technology and may take advantage of the expedited screening process available exclusively through the RT program. The RT program is led by the private sector.

For further information about the RT program, please visit the TSA's website at [http://www.tsa.gov/what\\_we\\_do/rt/rt-faqs.shtm](http://www.tsa.gov/what_we_do/rt/rt-faqs.shtm) or by calling the TSA's Office of Legislative Affairs at 571.227.2717.

Mr. COBLE. All right.

Mr. Chairman, I repeat that I am not blaming anybody. Well, somebody has to be to blame for some of it. Part of it is because of the era in which we live, and we are stuck with that for the moment, but I appreciate you all being here.

Mr. Chairman, I yield back the balance of my time.

Mr. COSTELLO. The Chair thanks the gentleman, and now recognizes the former Chairman of the Subcommittee, the gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN. Well, thank you, Mr. Chairman.

Let me say this. Each of us has about 700,000 bosses, or 700,000 constituents, always putting pressure on us to do more and to do better, and then one of our jobs is to put more pressure on the FAA and on the airlines to do more and to do better in response to our constituents. So that is sort of where we are, but having said that, I think we also should owe an obligation to be fair and to tell people that we do have the best aviation system in the world, the best airlines in the world. Our system and our airlines are the envy of the world. Now, does that mean they should not do more and do better? They should, but I mentioned here before that it is human nature that, if somebody has 100 flights and they have one or two bad ones or they have one or two cancellations or one or two delays, those are the ones they talk about. They forget very quickly about their good, safe flights, and safety has gone way up in recent years. So we need to say some of those things.

Then I am told also that 40 or 41 percent of the delays are directly attributable to weather, and when you add in the ones that are indirectly attributable to weather in the national aviation system, it goes to over 70 percent. So you have got that situation, but there are things that we can and should be doing.

For instance, if I heard Inspector General Scovel right, he said, I think, eight airlines had come up with ground delay plans, and five had not or had implemented those plans.

Is that correct?

Mr. SCOVEL. That is correct, sir. Eight have implemented plans for establishing a time period for meeting passengers' essential needs. Eight have also set a time period for deplaning passengers after a long, on-board delay.

Mr. DUNCAN. All right.

Then Administrator Sturgell, maybe it would be good for you to do something as simple as call up those other five airlines and ask them why they have not done the same thing as those eight airlines, and I wish you would do that.

Now, let me say this about the air traffic control system. I believe I heard you say that we have a little over 14,000 air traffic controllers, but did you say that they are handling, on average, fewer operations than they were in 1999 and 2000?

Mr. STURGELL. 14,807 is what we expect to end this fiscal year with or more than that. Across the system, operations per controller are less than they were in 1999 and in 2000. Now, at specific airports, is it different where there has been a tremendous amount of growth? It is probably the case. I do not have those specific airports or numbers with me, but just nationally, that is where we are with the system.

Mr. DUNCAN. All right. Let me say this.

You know, a one-size-fits-all situation usually is not the best solution to any problem, and I was very interested when I heard the figures, which I have heard similar figures many times before—that you said 72 percent of the delays are concentrated in seven airports; is that correct? Somebody said that.

Mr. STURGELL. That is correct. Those same seven airports in 2000—in the summer of 2000, they were 55 percent of the delays. Now they are 72 percent of the delays. That includes places like Houston and Atlanta, though we have added runways, and we have seen big improvements there.

Mr. DUNCAN. Right.

Mr. STURGELL. The focus has been on the New York area this summer.

Mr. DUNCAN. I think somebody said or I read in one of the testimonies that it is almost impossible to build a new airport, and it is extremely difficult to add on even new runways, but we need to concentrate on those airports where the problems are the worst, and then, with all due respect to my friend from the other end of Tennessee, we sure do not want to restrict these regional jets or you are going to cut down the service, the direct service, that cities like Knoxville and Greensboro and many other cities would have to New York and to Washington and to all of these other places. So the regional jets, I will just say, have been a real blessing to areas like mine.

So there are a lot of things that we can do and are doing. In fact, we have spent, I think, an average of \$2.5 billion over the last 3 years on improving the system, the ADS-B technology and the NextGen system. Now, in Chairman Costello's bill, I am told we have got \$13 billion over the next 3 years that we have authorized for the NextGen system, so there are going to be great improvements.

Finally, I will just say this because my time has run out. While we still need to do a lot more, is the air traffic control system, Administrator Sturgell, better than it was last year? If you know, approximately how many people at the FAA are working to improve the air traffic control system right now in addition to the 14,000 air traffic controllers?

Mr. STURGELL. Well, the mission of the entire agency is to, you know, maintain the safest and most efficient air transportation system in the world. Everybody at the agency is focused on delivering on that mission, and I am sorry that folks have the impression that the FAA has not been doing anything, I mean, you know, if we have not made that clear. Since 2000, we put 13 new runways on line, 1.6 million operations, including at Boston, which has been a huge delay reduction airport. Next year, we are going to have three more locations with new runways. In the last 2 years, I think we have had five. We have been working—you know, since the high-density rule came off in January of 2007, we have been working with the airlines and the stakeholders in the New York area on a dozen or so operational activities to help that area specifically—RNAV, RNP, DRVSM, time-based metering. There is a whole list of things that we have been doing that, I think, have made this system better than it was last year and, certainly, several years

ago, and it is going to continue to get better, especially if we can, you know, accelerate the implementation of some of the technologies we know that are out there.

Mr. COSTELLO. I thank the gentleman.

Mr. Sturgell, let me ask a couple of questions. I will get them in here. The folks on our side of the aisle have asked their questions.

You make a good point. There have been improvements. There have been a number of runways built, a number of extensions and improvements, and you know, that is one of the reasons why when we did our extension on Monday of this week that we made certain to extend contract authority for the AIP program for the next 90 days as well.

The question, really, now is what are we going to say to the American people for the next several months, from now through the holiday season to the end of the year, and that is what I would like you to focus on right now.

What, if anything, will the FAA be doing—I will give you the opportunity on the record to say so now—to try and reduce delays and congestion between now and the peak of the holiday season until the end of the year?

Mr. STURGELL. Well, with respect to just a couple of things here: interacting with the stakeholders who are involved and specifically folks in the New York area where there has been a tremendous amount this summer. We have had and the Secretary has established a working group with ongoing initiatives and discussions with the carriers about things we can do in a whole number of areas, including consumer rights. Again, you know, I understand, you know, how these long delays impact people. You know, I use the system both as a passenger and as a pilot. It is not a good situation to be in, but we are working with them. I saw today that Delta announced that they were going to shift some of their afternoon activities into a later third bank at JFK, so we will be doing analysis to see how that helps that airport. Again, that is done voluntarily.

Some of the other things we are going to be working on are the airspace redesign, putting in the fanned departures that we will, hopefully, be implementing in a matter of months. We are looking at our own performance in terms of throughput at the respective airports and what we can do there. Simultaneous approaches at 31 at Kennedy are in use now as well as we have started using three runways there, you know, as that operation has built up. There are additional approaches at Newark and additional RNP and RNAV procedures. All of these things, you know, are ongoing, and we expect many of them to be implemented before the winter schedule, but our focus is really on the summer and, you know, bringing in ASDE-X there a year early so that we can have that full system there by July. In addition to that, what we are going to have 2 months before then, by May, as part of that ASDE-X system is a surface traffic management capability.

You know, this goes back to “this whole thing is complicated.” One of the complications is the surface, not just the movement areas, which we are responsible for, but the nonmovement areas, which largely the carriers and the airport operators are responsible for, and we intend to give them data that will allow them to manage those operations better, and it should help us as well.

Mr. COSTELLO. I thank you.

Mr. Scovel, would you like to comment as to what can be done in the short-term? You have heard Mr. Sturgell talk about what the FAA intends to do and can do in the short-term to address delays and congestion for the holiday season. I would like to ask you specifically:

Are there any other suggested items that you would recommend that the FAA do during this period to reduce congestion and delays for the holiday season?

Mr. SCOVEL. Thank you, Mr. Chairman. We have a number of ideas that we would refer to the FAA and also to the Committee.

The first would be to revisit capacity benchmarks. Right now, capacity benchmarks are calculated at hour intervals. We think it would be more helpful if those were recalculated at 15-minute intervals to provide greater visibility to peaks in scheduling. That way, the FAA and airlines, perhaps, if they deem it necessary, can address depeaking through voluntary means or otherwise.

Next, shift to a near-term focus at the New York airports. We have heard the FAA talk about their concerns about next summer. Our analysis is that everyone's concerns over what happened this past summer will continue on through the winter and, as you pointed out, the busy holiday season. We recommend that the airlines and the FAA shift their focus specifically to the high-density area around New York, the three airports with the most delays, shift their focus to that.

Third, expand FAA's Airspace Flow Program. It has been expanded from 7 to 18 locations. We recommend that the FAA examine other locations on an urgent basis where this critical program may prove beneficial.

Next, we urge the airlines—as they promised to do in 2001 but lost focus in the aftermath of 9/11, we urge the airlines to establish specific targets for reducing chronically delayed or canceled flights. In the month of June, my staff provided for me a list of flights, chronically delayed flights, in the month of June. There were seven flights that were late 100 percent of the time in the month of June. To update that for July, there were no 100 percent delayed flights, but all 15 flights on our list had been delayed at least 93 percent of the time. That is unsatisfactory, and the airlines can address that.

We also have recommended to the airlines—and they have resisted this recommendation—that they disclose on-time flight performance. We think sunshine is a great thing for consumers to make intelligent decisions regarding their ticketing needs. If flight performance, on-time performance, is available at airlines' Web sites, that would serve consumers well.

We have also recommended to the airlines that they, without request by the consumer, disclose to a caller the on-time performance of specific flights that the consumer is inquiring about when he or she is making reservations.

The Department should reconvene the task force, that was first instituted in 2001, to examine chronically delayed flights and other consumer problems but which again lost focus in the aftermath of 9/11.

Finally, sir, we would recommend that large- and medium-hub airport operators implement processes for monitoring lengthy delays. In my opening statement, I mentioned that 2 of the 13 airports that we examined had instituted a process to track or monitor planes out on the tarmac. At the 2-hour mark, those airport operators are prepared to call the carriers and say, "What is happening with your plane? How may we assist?" We recommend that other airports adopt that process as well.

Mr. COSTELLO. I thank you, Mr. Scovel, and let me point out that, as to many of the recommendations that you just made and other recommendations in your report yesterday, I am pleased to tell you, as you well know, that we have put in H.R. 2881, that passed the House last Thursday, the consumer protection provision of the bill. Included in that is transparency as far as the airlines are concerned. We would require them to post on their Web sites on a monthly basis those flights that have been canceled/delayed so that the American people and the people who fly have the ability to go online and determine which airlines/which flights were delayed, canceled and so on.

With that, the Chair now recognizes the gentleman from Arkansas, Mr. Boozman.

Mr. BOOZMAN. Thank you, Mr. Chairman.

Again, we appreciate you all being here and helping us out with this.

I think one of the things is that we who sit here are frequent travelers, you know, and are on the airlines every week, and I think, you know, part of the reason that we have such concern is that we have seen a fairly dramatic change in the last few years, and the airlines have been so good; the whole system has been so good. We really do need to nip this in the bud before it gets like—we do not want it to get like driving in to Washington, you know, in the morning or in so many of our cities. Like I say, this has been the standard that has worked so well.

What you can do for us, you know, and what I try and do and what so many Congresspeople try and do is use the power of the office for good, to bring people together, and so I think it is really important that you do show the leadership and use the power of the agency to get people to the table. You have got the clout, some ability now, you know, to hammer folks and to use that clout, and if you need more clout, then I think we will be glad to give you that within reason.

I would like for you to talk a little bit about these. You know, I have had constituents who have sat on the Tarmac for 8 hours and things like that. To me, there is just no reason in the world, you know, that that kind of stuff can be tolerated. Can you talk a little bit about that and how you can prevent that or should it be prevented or—again, just kind of tell me a little bit about your thoughts regarding those horror stories that we hear about the 8-hour delays and the Port-a-Pottys being full and the whole bit.

Mr. STURGELL. Well, just kind of operationally first and then on the consumer side, Mr. Boozman, I will just say a couple of things.

One is the whole understanding of what is going on on the surface in terms of how airports are configured to flow traffic onto a runway and off of a runway but also out of a terminal where there

are throats, where there are bottlenecks, where there are folks pushed back and who cannot move because other planes are in the way, that kind of thing.

So one of the things that, you know, we and the industry need to do better on is on the surface management side in terms of traffic flows, and I think folks—like I said, we are going to get something into JFK before the summer of next year. Folks like Continental and, I believe, Northwest have installed these kinds of systems for themselves as well.

I also think severe weather does play a factor in terms of lengthy delays and taxi-outs at times. Certainly, the ice storm, which had been forecasted differently last year with the JetBlue incident, was a contributing factor.

Mr. BOOZMAN. I guess what I am saying, though, is:

Is there ever an excuse for keeping somebody on a plane for 6 or 8 hours? I mean that, to me, makes no sense at all.

Mr. STURGELL. Well, I know the airlines have recognized that it is a problem, and some have voluntarily adopted programs now, and I think the air transportation—

Mr. BOOZMAN. But do you all recognize it as a problem?

Mr. STURGELL. I will let D.J. address some of that.

Mr. GRIBBIN. Thank you. I am not here because the Administrator needs counsel. I am here because the General Counsel's Office at DOT actually houses the Office of Aviation Enforcement and Proceedings, which is responsible for consumer protection.

So we have done a number of things. Most recently in May, we sent a letter to 20 carriers, in essence saying that we are going to consider chronic delays—the instances were mentioned before—where you have a flight that is late 100 percent of the time as an unfair practice. We will penalize them if, for more than two quarters, they continue to have flights like that, because what we are looking for is twofold. One is we want transparency for consumers when they are purchasing a ticket, so they understand that this flight is likely to be delayed. Secondly, we want them to have redress if something does go wrong at the end of the day.

That said, our real focus, from a customer standpoint, is congestion relief. At the end of the day, most of the frustration—as somebody who commuted for a year and a half from here to La Guardia, I can attest to the fact that my flights were hardly ever on time, and there was no way for me to predict when they would be on time. So what we are trying to do is to put together a system that will allow us and will allow the industry to more reliably operate airlines. A big piece of that is potentially congestion pricing, and again, as you know, the administration's bill had that as a component, and that has been stripped out on the House side. I think that is one short-term remedy that we could definitely use that, unfortunately, looks like is not going to be available to us.

Mr. BOOZMAN. Thank you very much.

Thank you, Mr. Chairman.

Mr. COSTELLO. I thank the gentleman.

The Chair now recognizes the distinguished Chairman of the Full Committee, Mr. Oberstar.

Mr. OBERSTAR. Thank you, Mr. Costello, for the splendid work you have done all throughout this hearing. I regret having to be

in and out with other Committee business that we have been attending to and also with my own congressional district business.

This is a vexing issue, and it is going to take everyone's best efforts. I come back to the image I created earlier, the three-legged stool. The FAA, the airports and the airlines all have to be working together. No one entity can resolve this issue alone.

The East Coast redesign that the FAA has set forth that is now under review by GAO is an important step in the right direction, but this is such a complex airspace. Again, there is nothing like it anywhere else in the world, especially on the East Coast. Now, if you add up the nine TRACONs on the East Coast, they total 9.5 million operations for last year. That is 10 percent of all air operations in the United States, of all TRACON operations in the United States. Those are more operations than all of Europe combined, more than three times as much as all of Europe combined. The nexus of it, the core of it, is the New York TRACON's handling 45 airports, four of which are within 10 miles of each other and are among the busiest in the world. I could say they are the busiest in the United States. It is the same as saying they are the busiest in the world. This is the busiest airspace.

In untangling that complexity with the layers of problems, the arrival rate has to be predominant. You have got to get aircraft on the ground. Also, managing the noise impact on communities near airports.

Whatever you do in the redesign is going to have an adverse effect on somebody else because there is no free space in which to move things around. The only area where you have capacity, blatant capacity in that New York region, is Atlantic City near the FAA Research Involvement Testing Center. The FAA just recently approved a grant to extend the runway to build out an existing runway to, I think, 12,000 feet and to add a taxiway.

Now, if you manage the ground service into Atlantic City, which is very doable—New Jersey has a superb surface transportation system, and a high reliance of 10 percent of all transportation is by transit in the State of New Jersey—you can redirect flow into Atlantic City and reduce pressure on Newark, even on Philadelphia. There will probably not be much of an effect, though. There might be some, conceivably, on La Guardia.

It is going to take the FAA's paying heed to Mr. Scovel's recommendations, which I thought were very pertinent, and bringing the airlines into a regular discussion, using the existing authority, and scheduling reduction meetings.

Mr. OBERSTAR. The Secretary of Transportation may request that air carriers meet with the administrator of the Federal Aviation Administration to discuss flight reductions at severely congested airports to reduce overscheduling and flight delays. And the airlines have got to be part of that. They can't sit on the sidelines and say, oh, there isn't sufficient capacity in the air traffic control system, we need Next Generation. That is 15 years off. They have got to be a part of the solution. And they are sitting back saying we are not going to move until everybody moves. The way to make everybody move is for the FAA to exercise that authority. Now, tell me, Mr. Sturgell, what steps are the FAA taking to implement that authority?

Mr. STURGELL. Well, we have been—you know, in addition to that, we have been working with the industry as you are talking about on all these operational improvements, on all of the issues in general, discussions about consumer issues, discussions about their schedules as Chairman Costello pointed out. We did ask recently for international schedules. So it is one of the things, you know, among the many things we need to be doing that we are looking at the very closely.

Mr. OBERSTAR. But you are willing to use that authority to bring the carriers together to rationalize their schedules, to fill in the peaks and the valleys.

Mr. STURGELL. We have worked with airlines in the past, both voluntarily and at the example of Chicago, you know, voluntary scheduling meeting followed by an order to make the kind of changes to keep the system safe and efficient.

Mr. OBERSTAR. If I recall rightly, there was a time when the Congress gave brief exemption from the antitrust authority to the FAA—the DOT and the FAA to convene airlines together to redo schedules. But I don't think that extensive authority is needed because of this provision that I just read from the existing law that we enacted a few years ago.

Mr. GRIBBIN. Mr. Chairman, I will answer that. Currently, we are not able to grant antitrust immunity. We don't have—

Mr. OBERSTAR. You don't have that authority.

Mr. GRIBBIN. The way we proceeded in Chicago, was we had a group meeting and then we had one-on-one negotiations with each airline so the airlines would hear what each other was saying. That said, I think we need to be careful in throwing out a scheduling committee as a solution. It is somewhat akin to saying that, you know, cars with license plates that end in zero can't drive on Monday and one can't drive on Tuesday and three can't drive on Wednesday. That will reduce congestion, but it is really not going to improve kind of the quality of life for Americans.

So part of our main mission is to grow capacity so that as additional people want to travel, they are able to travel and to do that in a way that they are able to travel that is—if not congestion free, at least somewhat reliable. So I think that is why we are hesitant to jump on a scheduling committee as the ultimate solution to the problem. Because it will reduce congestion, but it will significantly hamper economic growth.

Mr. OBERSTAR. And when you say that image you created, several years ago I was in Phoenix, Arizona for a meeting, a national meeting on infrastructure capacity and water and sewer and sewage treatment plants. And just taking the temperature of the local community of the Phoenix area, I turned on the TV for the morning news. And there was an announcement, if your license plate ends in 7, this is your voluntary no-drive day.

Mr. GRIBBIN. Right. Imagine if it was a mandatory no-drive day. And that is essentially what the scheduling committee would give us.

Mr. OBERSTAR. As an interim solution, you do have to use that authority, to bring the carriers together to modulate their operations. Well, where are you going to add runway capacity at Newark, in the Passaic River? That is the only place you can build an-

other runway out there. Where are you going to add more runways at La Guardia? There is no capacity. There is capacity at JFK in the morning hours because you have an arrival—an afternoon arrival rate for international flights.

Mr. GRIBBIN. You—

Mr. OBERSTAR. You can't quite conveniently shift La Guardia service to JFK.

Mr. GRIBBIN. You are dead on. You are severely limited especially in New York at capacity now. One of the things that we have found historically, however, when we impose caps, is that incumbent airlines are hesitant to allow improvements to the system that will expand capacity to allow new entrants in. And so you do have kind of a perverse set of incentives once you impose caps for those that are already at that facility to resist expansion. That is why I think as Acting Administrator Sturgell said earlier, the FAA's primary goal is to expand capacity, expand capacity, expand capacity, try to meet consumer demand. If you can't do that, use technology to also expand capacity. Then only if we can't do that should we look at more regulatory means like scheduling.

Mr. OBERSTAR. That is all true, and I understand and I posited that at the outset. But if you had NextGen in hand today, operating at Newark and you had a storm come in, you have got two runways, 900-foot separation, you cannot have simultaneous operations under those circumstances. You are down to one runway. And what is the arrival and departure rate at Newark?

Mr. GRIBBIN. I will let Mr. Sturgell answer that. We are not talking about necessarily inclement weather issues. What we are really looking—

Mr. OBERSTAR. That is when the system really breaks down, though.

Mr. GRIBBIN. Exactly. But currently it is not functioning even particularly well when you have clear sky delays, especially in the New York area. So what we are trying to do is figure out if you have a limited capacity, you have limited sort of supply, what is the most efficient way to allocate that out so that you don't create perverse incentives for gamesmanship to block out competition due to a variety of other things.

Mr. OBERSTAR. That is where the Department comes in to moderate those forces.

Mr. GRIBBIN. Right. And what we had asked for in our bill actually was the ability to congestion price, which we think would allow for—

Mr. OBERSTAR. I don't know that pricing is necessary, but if you get people around a table—if you have morning peaks, mid day peaks and afternoon or evening peaks and then you have valleys in between, you have unused—you have available capacity and airlines could price, they could provide premiums to travelers who have flexible travel schedules to use the 9:00 to 11:00 period for example or the 1:00 to 3:00 period and provide incentives. Unless you bring them into the room together, Jim May's operation isn't going to do that.

Mr. GRIBBIN. They have absolutely. The way we have currently configured our system, the airlines are incentivized to put as many flights as possible into New York, and they have done exactly that.

Which again, if you can price it, you change those incentives and you get the people who value it most or the people who are able to move the most people take advantage of that time slot. I mean, you really have two options—three options. One is let delays continue. The second is sort of having an administrative solution and the third is pricing, where you are allocating scarce resources. History has shown us short of the administrative solution, because of data delays and other things, is always less efficient than a pricing model.

Mr. OBERSTAR. Have you tried a congestion pricing model anywhere?

Mr. GRIBBIN. In fact, La Guardia had a congestion pricing model in the 1960s and it worked very well.

Mr. OBERSTAR. They had one in the 1960s and then they just got rolled over by the influx of air travel. So the departure and arrival rate at La Guardia is still at 80 an hour?

Mr. STURGELL. It depends on whether it is VMC or IMC, Mr. Chairman. The benchmarks have gone from 61 to 92 or so, I think it is. And that is total operations per hour. But, you know, you were talking earlier about Atlantic City. The Port Authority is doing a regional study and, of course, we are hoping that Stewart will be a viable fourth airport in that region. A similar study is going on in San Francisco and we think down the road southern California with LAX will need a similar look as well. But, we are looking at all reliever airports in that area to see what improvements we can do to help encourage people to off-load to other airports.

Mr. OBERSTAR. Hasn't the introduction of regional jets substituting the Saabs and older generation turbo prop aircraft further complicated the airspace? That is you have RJs carrying half the capacity of a 737 or a 320 or sometimes even less, but using the same altitudes, same airspace, same arrival and same arrival speeds or departure speeds, whereas the Saabs carry roughly, say, a capacity of—maybe a little bit less, flying at lower altitudes, slower speeds and can fit in. That is further—I note that in 2000, we had 570 RJs and last year that doubled to 1,746 RJs in the system. Isn't that creating additional strains on the air traffic control system?

Mr. STURGELL. Well, certainly a different type—again—as you said, it is complicated. There are different types of airplanes. And the more there are different types of airplanes in the system makes the system more complicated and difficult in general. And you are correct to point out that, you know, turbo props generally flew below the higher altitude structures that commercial airlines typically fly and that the RJs are largely capable of flying at those higher altitudes and will do so when it is fuel efficient to them.

On the other hand, there are a lot of benefits with these new planes. It is a new generation of aircraft. There are additional capabilities in them. It is a different level of comfort and service for the passenger. So there are goods in others for all of these things. And, again, it goes back to: it is very complicated and it will require everybody working together to get this resolved.

Mr. OBERSTAR. So we have the GAO reviewing the airspace redesign. I hope they can accelerate their review. We need to move that

along faster so that it can be subject to the public commentary and then get on. What do you anticipate on two levels? In reduction of delays and increase in capacity at La Guardia, JFK, Newark, Teterborough from the redesign?

Mr. STURGELL. Well, our focus at this point is the summer of 2008. And we hope to have some things addressed and in place, you know, by early next summer, to help avoid the situation that we had today. Obviously, if we move forward with airspace redesign and a few of these other operational improvements we are looking at, we may be able to help out in the winter season this year.

Mr. OBERSTAR. Can you put a percentage of reduction of delay and percentage of increase in operations? I won't hold it to you. I won't say Mr. Sturgell, you told us this. Let's say your best guess today is this much.

Mr. STURGELL. Well, I would be doing an injustice to everyone by guessing.

Mr. OBERSTAR. The number 20 percent has been floated around and attributed to the FAA. Is that a ballpark here?

Mr. STURGELL. If we are talking about the airspace redesign, full implementation we will reduce delays by 20 percent over the levels we expect in 2011. So we do expect to see substantial benefit out of that. And I think there are short-term benefits to the airspace redesign for Newark departures, La Guardia, and less so at Kennedy. But—

Mr. OBERSTAR. And that is an improved flow? Is that departure flow or is that arrival flow or is it both?

Mr. STURGELL. Departure flow, fanned departures, yes, sir.

Mr. OBERSTAR. What about the redistribution of noise as a result of the redesign? Will there be new populations that—or existing populations that receive noise that receive a higher impact of noise?

Mr. STURGELL. So, you know, I understand this is a tough issue for everybody and certainly noise going forward for aviation is a tough issue in general. There will be a redistribution of some noise. But, the net overall benefit is a decrease in noise for nearly 600,000 persons. So it is a substantial benefit and we did put in a lot of mitigations to achieve those benefits from an alternative—you know, if we were focused solely on, you know, all about the operation and not worried about people and the impact on your constituents and the American public, you know, we would not have achieved those types of reductions.

Mr. OBERSTAR. It is essentially a zero sum game, is it not?

Mr. STURGELL. It is a benefit in this case.

Mr. OBERSTAR. There is no place where there is no noise impact now that—where there are no people living who will not be impacted by noise.

Mr. STURGELL. Yeah. There will be new people with noise impacts. A lot of the people with noise impacts today will be relieved and the net benefit overall is nearly a 600,000 reduction in noise.

Mr. OBERSTAR. In some cases it is—I will stop on a measure of relief for you. And that is in some cases, it is perception. In 1990, we had just concluded action in Committee and on the House floor on the Noise Reduction Act, moving to stage three, the new stage

three requirement and the bill passed the House. And our Committee received an irate call from a homeowner in the New York area saying, well, it hasn't benefited us a single bit, it hasn't done a thing. I am getting all this noise from a DC-10 and I can see it, I can see that aircraft coming right overhead. And our Committee staff person that took the irate call said, ma'am, you may be able to see that aircraft; but if you can see it from where you are, you can't hear the noise. That noise is coming from someplace else.

It is a tough problem. I just come back to the point, the airlines have to be engaged. They have to be willing to move flights around. They have to be willing to make—offer incentives to air travelers to travel at maybe less attractive hours of the day and to work hand in hand with the Congress and the FAA—and the DOT needs to use the authority that exists in law and to accept those—and implement the recommendations of MITRE and of the inspector general and work with us. We will work with you to help make this move better than it does today. Thank you, Mr. Chairman.

Mr. COSTELLO. I thank Chairman Oberstar. I have a few other questions I will submit to you in writing and ask you to reply. Before we dismiss the first panel, though. I would like to make some comments to follow up on Chairman Oberstar's comments to you. One is that—there is no question that the FAA has the authority to sit down with the airlines now and to address the scheduling issue and as you indicated, Mr. Sturgell, you intend to do that.

The bill that we have passed through the House requires the FAA to do that. We require the FAA to sit down with the airlines, where there is evidence that, in fact, overscheduling as resulted in delays. So that is a major change and we think that it is a necessary change. Also in congestion pricing, we accepted an amendment on the floor that will require a study on that issue.

So that issue is addressed in the bill. And last, I can't help but making note of the fact that when you look at the percentage of delays at Newark this year versus the percentage of delays at O'Hare International Airport when the FAA came in and capped flights at O'Hare, the delays are higher at Newark today than they were at O'Hare when the FAA stepped in and capped O'Hare. So I just make that point for the record. And, Mr. Scovel, I would ask you and your agency, if you would, to prepare a report for this Subcommittee.

As I mentioned earlier, this is a second—the second in a series of hearings. I think one of the responsibilities that we have is to make certain that both the FAA, the airlines and all of the stakeholders here that we are all doing our job and that there is aggressive oversight and I said it in our last hearing to the airlines in particular and to others that if you think we are going away, we are not. This will not be just one hearing and we are going to walk away from this, that there will be additional hearings. This is the second.

There will be another hearing on this matter in approximately—at least one in the next 90 days. And by that time I would hope, Mr. Scovel, that your agency could prepare a report for the Subcommittee prior to the hearing, so that in the next 90 days, that would take a look at this summer what we are discussing right

now, the congestion, the delays and the problems that we have experienced. And we will get you this request in writing.

But we would like you to take a look at the delays this summer in comparison to delays since the year 2000 not only delay, but cancellations, including chronically delayed flight, as well as airline scheduling and provide to the Subcommittee hopefully in the next 90 days prior to our next hearing.

So we will get that information to you, the specific request in writing. We thank all of you for about being here today to testify before the Subcommittee. And we will not only beholding another hearing in about 90 day, but we will be in constant contact with your office and in particular, Mr. Sturgell and with Mr. Scovel as well. Again, we thank you for your testimony and we would dismiss the first panel at this time. Thank you. As our first panel is leaving, let me begin the introductions of our second panel and ask our witnesses to come forward and take their seats at the table.

Mr. Patrick Forrey, the President of the National Air Traffic Controllers Association; Mr. Jim May, the President and the CEO of the Air Transport Association; Mr. Steve Brown, who is the senior vice president for operations, National Business Aviation Association; Mr. Roger Cohen, the President of the Regional Airline Association, Mr. Gregory Principato, who is President of the Airport's Council International North America; Ms. Kate Hanni, the executive director and spokesperson for the Coalition for an Airline Passengers' Bill of Rights; and Mr. Kevin Mitchell, who is the Chairman of the Business Travel Coalition.

**TESTIMONIES OF PATRICK FORREY, PRESIDENT, NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION; JIM MAY, PRESIDENT AND CEO, AIR TRANSPORT ASSOCIATION; STEVE BROWN, SENIOR VICE PRESIDENT FOR OPERATIONS, NATIONAL BUSINESS AVIATION ASSOCIATION; ROGER COHEN, PRESIDENT, REGIONAL AIRLINE ASSOCIATION; GREGORY PRINCIPATO, PRESIDENT, AIRPORTS COUNCIL INTERNATIONAL NORTH AMERICA; KATE HANNI, EXECUTIVE DIRECTOR, COALITION FOR AN AIRLINE PASSENGERS' BILL OF RIGHTS; AND KEVIN MITCHELL, CHAIRMAN, BUSINESS TRAVEL COALITION**

Mr. COSTELLO. So we ask that you all take your seats and we will recognize you as soon as you are seated and prepared to testify. I would note for the second panel for our witnesses that we have—your entire statement will be entered into the record and we will ask you to summarize your statement so that we can get to the questions. You heard the testimony in the first panel. If any of you want to provide an answer or question or make a point on the record concerning the testimony that you have heard from the first panel, please feel free to do so. And at this time, I would recognize Mr. Forrey under the five-minute rule.

Let me ask, if I can, if all of you would pull the microphone a little bit closer to you. We should have asked that of the last panel. It would be helpful to us.

Mr. FORREY. Is that better? Does that work? Chairman Costello, Ranking Member Petri and Members of the Subcommittee, I want to thank you for inviting me to testify. I do so on behalf of the

19,000 aviation safety professionals that I represent at NATCA. Also I would like to express my thanks to allow us the ability to address the critical issue of the aviation delays in the system. I cannot start this testimony without mentioning a fact that the Memphis air route traffic control center went into the ATC zero yesterday, which means controllers lost all communication with aircraft for three hours. Controllers had to clear all commercial flights over an eight-state area until the problem was fixed. We have never had an outage involving this much airspace for this long a period of time.

One communication line brought the system down affecting over a thousand flights and thousands of passengers. The experienced veteran controllers rose to the challenge using their personal cell phones to separate traffic and ensure safety. Inexplicably, the FAA banned cell phones, but controllers do what they have to do to make sure they get the job done in a crisis and in unsafe events to prevent disaster. As we start today's discussion about delays, I must point out that if we continue to strip away at the safety redundancy of the ATC system, occurrences such as this will continue to occur and next time we might not be so lucky. Aside from the millions of airline travelers who experienced the pain and frustration of this summer's record level of flight delays firsthand, no one had a better view of the congested runways, taxiways, gate ramps and airways than the Nation's air traffic controllers. These controllers work record amounts of hours of overtime in high-stressed, understaffed work environments with the guiding principle of moving the system along as efficiently as possible while keeping safety above all as our highest priority.

The fact is most delays are caused by weather and airline scheduling practices. Air traffic control staffing has also become a major factor as facility staffing levels across the country plummet. It is not uncommon to see flight restrictions due to a shortage of air traffic controllers. Capacity in the national airspace system is intricately related to runway availability and adequate air traffic control staffing. While modernizing enhancements and airspace procedures such as required navigation performance and domestic reduced vertical separation minimum will result in more available airspace, the gains made will be limited by the inadequate air traffic control staffing and infrastructure on the ground.

The simple truth is that the efficiency gains made in airspace can only have a major positive impact on delays once ground capacity is addressed. Runways and taxiways are an absolute necessity to increase system capacity. Currently runways are under construction at only three major airports, Charlotte, North Carolina, Seattle, Washington and Washington, Dulles. The best evidence that supports our position that the current delay problem must have a ground based component are the results of the new runway at Atlanta Hartsfield Jackson International Airport. Atlanta's new runway opened May 27, 2006.

A comparison of operations and delays was run from May 27th to September 30th of 2006 against the same time period in 2005. In that period, Atlanta had an increase of almost 3,100 operations, yet they had nearly 14,000 fewer delays in 2006. Meanwhile, understaffing of air traffic control facilities will continue to exacer-

bate the inefficiencies of the current system. As the NTSB warned earlier, this year we cannot continue to push our air controller workforce beyond its limits. Controller fatigue rates are increasing at a frightening level as air traffic continues to grow. To me, the impact controller staffing has on delays is clear. There are 1,100 fewer certified controllers currently watching the skies than on 9/11, when 5,200 aircraft were landed safely in 90 minutes.

At the same time, delays have increased over 150 percent with nearly identical traffic operations. Moreover, three experienced controllers are leaving every day, and an additional 70 percent of the current work force will retire in the next 5 years. Efforts are going to have to be made to stabilize and control the workforce. And a large segment of the U.S. Economy is increasingly dependent upon air travel to keep moving.

The simple fact is that when demand exceeds capacity, delays will occur. Airline scheduling practices are unrealistic and favor marketing demand but they fail to consider capacity. Airline schedules are set to optimal conditions. And even at that, demand often exceeds capacity. If the weather conditions, runway availability, runway configuration, flight paths or other restrictions exist, delays are inevitable for flight schedules based on optimal conditions.

Also when airline operations are disrupted at major airports, there is a ripple effect of delays across the country since aircraft and flight crews will be in the wrong place at the wrong time. It is our position that responsible scheduling of flights within airport capacity limits will go a long way towards alleviating delays. Former Administrator Blakely agreed with our position when she recently admitted, "the airlines need to take a step back on scheduling practices that are at times out of line with reality."

To that point, NACTA looked at a one-day schedule earlier this month for New York's La Guardia airport. Under optimal configurations of runways and under perfect weather, they will be able to depart 10 aircraft per quarter hour for a total of 40 operations departures per hour. The following is a breakdown by 15 minute blocks of the effects of the airlines scheduling practices for that day.

Between 2:15 p.m. and 2:29 p.m., 17 aircraft are proposed for departure. Remembering under optimal conditions, only 10 aircraft will be able to depart in the 15-minute block. So therefore, seven aircraft will be delayed to the next quarter hour creating an immediate backlog. Between 2:30 and 2:44, another 10 aircraft are proposed for departure. Seven aircraft remain in the backlog. Between 2:45 and 2:59, 11 aircraft are proposed for departure. One aircraft will be delayed and added to the quarter, totaling eight back logged.

Between 3:00 and 3:14, 13 aircraft are proposed for departure. Three additional aircrafts are added to the back log, totaling 11 in the backlog. 3:15 to 3:29, seven aircraft are proposed for departure. Three aircraft can be departed from the backlog. Eight aircraft remain in the backlog. Between 4:00 and 4:15 p.m., 14 aircraft are proposed for departure. Four aircraft are added to the backlog. Eight are again in the backlog. Between 4:15 and 4:29, 10 aircraft are proposed for departure. Eight remain in the backlog. Between

4:30 and 4:44, eight aircraft are proposed for departure, two aircraft can depart from the backlog, six aircraft remain in the backlog. Between 4:45 and 4:59, seven aircraft are proposed for departure. Three aircraft can depart from the backlog, three aircraft remain in the backlog.

Between 5:00 and 5:14, another 12 aircraft are proposed for departure, two additional aircraft are added to the backlog, totaling five aircraft in the backlog. Between 5:15 and 5:29, four aircraft are proposed for departure. All five aircraft can now depart from the backlog and for the first time since 2:00 that afternoon, the backlog is empty. The controllers will not recover the time for nearly 3 hours and neither do the passengers on the delayed aircraft.

Mr. Chairman, thank you for the opportunity to testify before you today. I am available for any questions you or any Member of the Committee might have.

Mr. COSTELLO. The Chair thanks Mr. Forrey for your testimony and recognizes Mr. May.

Mr. MAY. Thank you, Mr. Chairman, I'll truncate my remarks in the interest of time. You invited us to comment on increasing flight delays and customer service improvements. As you have already indicated, the two are inextricably linked. Today more people are traveling to more places on more flights than ever before. 760 million passengers will fly in 2007, 100 million more than the year 2000. And why? Because air travel is convenient, relatively inexpensive, remarkably safe and demand is expected to keep growing, particularly in the New York area where metropolitan airports are major international gateways serving 32 more international airports and almost 19,000 more daily passengers this year than in 2000.

So I would note for you when you attack scheduling, there is a scheduling issue, but we are serving far more destinations and flying far more people and that has to be taken into account. We are a service industry and our goal is to assure that every journey is pleasant and safe and although every day 20,000 domestic flights and a million-plus passengers arrive at their destinations on time, we understand that increasing flight delays are a big problem and we are committed to finding solutions.

Delays cost our passengers and us billions of dollars annually. And unfortunately, when flights are delayed, our service to passengers doesn't meet expectations, their expectations or ours. That is unacceptable. We know we must do better. There is another reality and that is that this outdated, inefficient air traffic control system, increasing flight delays and demand on responsive customer service do in fact go hand in hand. So we have got to address the air traffic control system and make it modern to enable planes to fly more efficiently. And I think everybody at this panel would agree with that. I won't spend a great deal of time. The point here is that nobody likes 72 percent delay rates or efficiency rates and it doesn't work to our advantage or to your advantage. While NextGen may be the ultimate solution and here I distinguish between short-term and long-term as you have in your prior discussions, we think—and I think the FAA occurs, that there are a number of steps that can be taken near-term to improve operational efficiencies and increase use of available capacity.

And this is on top of any scheduling discussions that we are more than happy to have the DOT under the right circumstances. I would also point out that there is not sufficient antitrust protection there at the current time, and that having discussions about New York are vastly different than discussions in ORD if we can get into that if you choose. As we requested in early August, the Department of Transportation should accelerate implementation of New York airspace it has been discussed today. We think there are elements that can be put into place, very near-term, you can see those departure routes on the screen on the left side of the screen there, I think Pat would verify there is something on the order of 12 departure routes right now. We would like to take it to 17.

I think that would make a big difference, increase the number of low altitude arrival and departure routes out of the major metropolitan airports. We think that will help with capacity. Increase the number of planes handled at airports by using existing runways and procedures more efficiently. Our experts tell us that there is opportunity for more intersecting operations, better coordinate access to restricted airspace. There is some fairly significant military space that is just off of New York that we can't fly through. But if the FAA can work it out with the military to provide lanes and operations, especially in bad weather, it would have a big impact on the operations.

Let me turn to customer service. And we know that we have got to improve. We have read the IG report. I told the Inspector General Scovel this morning that I thought it was a good report. We have sent a letter today to the Department of Transportation asking to sit down at the secretary's earliest convenience to discuss the IG report. I would point out to this Committee, we are the ones who originally, alongside this Committee, asked that that report be completed. Our carriers have aggressively pursued some of the suggestions that are in there already. Got more than nine carriers that have time limits that they have set. They are looking at their long delay procedures. They are restocking water and food in strategic locations and I think there is just a lot we can do, much better than we have in the past. As I said, we have worked with the Inspector General's office and we look forward to doing that in the future.

I would note that we have a meeting with the Secretary of Transportation tomorrow afternoon on the subject of New York congestion and on customer service, and I think that will be the first step. So we are not letting any grass grow under our feet in terms of responding to this issue. Mr. Chairman, this industry has been down this road before. I understand that without fundamental change in our air traffic management system, the incidents are going to get worse. That is what drove us to the demand for NextGen raising. We are moving 760 million passengers a year today we are going to move a billion passengers a year probably within the next 5 years and we have to have change to be able to accommodate that. New York is a microcosm of what is going to occur around the country. Thank you.

Mr. COSTELLO. The Chair thanks you, Mr. May, and recognizes Mr. Brown.

Mr. BROWN. Thank you, Mr. Chairman, and Member Petri. Thank you for inviting us to appear before the Committee. It is a privilege to be with you today. I am Steve Brown. I serve as senior vice president of operations for the National Business Aviation Association. We represent companies across the country that use general aviation aircraft to make their business models work. The vast majority of these companies are small to medium-sized businesses that use a single aircraft for their transportation needs. Prior to joining NBAA, I served as the associate administrator for air traffic services at the FAA where I managed the operation of the Nation's air traffic control system.

Earlier in my career, I was employed as a commercial pilot and taught courses on the faculty at Texas A&M University. This varied background has provided me with many of the insights outlined today about our aviation system. Mr. Chairman, as you know and as Members of the Subcommittee know, for the past several months, the general aviation community has endured erroneous allegations from some of the Nation's airlines. They have attempted to blame record delays and increasing congestion on our community. I can tell you from my years of experience and current flying activity that those assertions are untrue, especially when you look at the facts.

For instance, at the nation's 10 busiest airports, general aviation accounts for less than 4 percent of all aircraft operations. When it comes to the busy New York area, because we receive so much attention today, our operations have actually gone down in recent years, and I expect they will in the future. These numbers are so low because our Members typically avoid the major airline hubs and instead fly primarily into areas where there are no capacity constraints and into general aviation reliever airports in the suburbs of metropolitan areas.

On the rare occasions when our operations do go into the major hubs, we frequently do so using different approaches and different runways as is the case with Boston's Logan Airport. What that means is even in the small number of cases when we are in areas with major airline congestion, we are not contributing to it significantly. Clearly a fair question is, if general aviation isn't causing delay, what is? Let me again reference New York's airspace.

Based on my years of managing that airspace, I can tell you that when there are capacity issues in the air, it is usually because of the problems being caused by hub operations on the ground at those few congested airports where traffic is more and more concentrated every year.

For example, JFK, which has been spoken about many times today, has enough capacity normally for 44 departures in the early morning hours, but the airlines regularly schedule about 57. When they do that, the gates become full, the scheduled carriers ultimately fill the taxiways and the runways with what we in the industry refer to as conga lines. There is nowhere to put additional aircraft on the ground, and therefore, arriving aircraft back up in the air waiting for landing clearance. It is natural then that when we look at the data on delays, the Department of Transportation information shows that the commercial airline scheduling practices are the second leading cause of delay, exceeded only by adverse

weather. It is also worth noting that a few successful airlines are using schedules that create smooth demand on the air traffic control system and they avoid the destructive practice of over-scheduling and causing peaks that stimulate delays.

During my years with Administrator Blakely at FAA, we initiated the airline scheduling discussions that ultimately resulted in significant delay reductions at Chicago's O'Hare Airport. Clearly, general aviation is not the problem when it comes to these airline delay issues at congested hubs, and no authoritative source has ever concluded otherwise. However, we are committed to expanding system capacity because when capacity becomes constrained, general aviation is usually the first segment to be pushed out of those areas. For example, our industry has embraced technologies to help increase the capacity of the aviation system. Just over 2 years ago, our operators equipped their aircraft at their own significant expense with RVSM, reduced vertical separation technology. That term basically describes the technology as we have heard today that doubles the in route airspace available to high altitude aircraft. The majority of these routes created by the capacity increase are used by the airlines every day, saving them hundreds of millions of dollars in fuel and flight time.

Our industry also leads the way in supporting stakeholder efforts to lay the groundwork for a modernized system. We have stakeholders on every one of these Committees working with the FAA. And I personally co-chair with my ATA counterpart, the current aviation regulatory committee. It is focused on a promising technology referred to today as ADS-B or automatic dependence surveillance. This technology that we are mutually committed to is widely viewed as the cornerstone of modernization and will offer significant improvement in the future.

Mr. Chairman, we have demonstrated a commitment to strengthening the system as has this Subcommittee by passing the legislation that you referred to in your opening remarks. The FAA Reauthorization Act of 2007 uses a proven funding mechanism, fuel taxes to raise the needed funds for system and transformation without resorting to foreign style user fees or providing tax breaks for other segments as the critical need for modernization and more capacity arises. This legislation substantially increases the fuel taxes that general aviation will pay, support system modernization.

In conclusion, I would just like to reiterate one central point and that is the airline delays at congested hubs are basically a self-inflicted wound that is a byproduct of their business practices in those congested areas. My many years of managing the system and flying in it have made this reality clear. Data from DOT indicates this is also the case. And people with a real understanding of how the system works and airline economics know that it is true. Anyone who tries to convince the public or Members of this Subcommittee otherwise, is just simply not representing the complete picture or the essential facts. Thank you, and I look forward to any questions you may have.

Mr. COSTELLO. We thank you, Mr. Brown. The Chair now recognizes Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chair and Members. My name is Roger Cohen. On behalf of RAA's 43 member airlines, there are

more than 300 associate member suppliers. Thank you for inviting us here today since it provides us an opportunity to dispel the notion, this growing urban legend that regional jets have somehow caused the travel delays this past summer. Instead of demonizing RJs, historians will likely look back at the regional jet as the transformational jet of this generation.

Just as the 707 brought comfortable, fast and affordable transcontinental and transAtlantic service to millions of Americans 50 years ago, the RJ has delivered those same benefits to small and medium-sized communities across this country, communities whose alternatives used to be a handful of flights on slower, less comfortable planes or no flights at all. Given America's reliance on regional airlines, it is understandable how this urban legend has taken on a life of its own. Today, regional airlines carry close to one out of every four passengers in this country. We are about one half of the scheduled flights and we serve more than 600 communities across the country.

Most notably, I point to the map. In 442 of those communities, 70 percent of the United States regional airlines provide the only scheduled airline service.

Mr. Chairman, all this is in our brand new annual report. And after the Committee meeting, if—we would love to give you the first copy off the press. This came out today. So we will do that after the hearing. We have mapped in here airline service for each State. For example, in your home State of Illinois, 23 percent of the passengers flew last year on a regional airline and regional jets and turbo props represented about 46 percent of the lots.

Six Illinois airports are served exclusively by regionals and Peoria is just shy of that at 93 percent. Even at Chicago's O'Hare airport, one of the world's busiest and it was one of the world's busiest before the regional jet was even on the drawing board, regional airplanes represent half of the flights. But where are those flights going?

Of the 1,041 daily flights at O'Hare, less than 5 percent of those aircraft are flying to what FAA designates are the countries other big 35 hub airports, which includes close-in places like Detroit and Cleveland and Minneapolis and St. Louis. The remaining 95 percent fly to small and medium-sized communities whose only service into O'Hare may be on regional aircraft and that is Appleton to Birmingham, Cedar Rapids, both Springfield, Wausau, you name it.

Well, what about the Big Apple? Because if urban legends—well, if they can make it there, they can make it anywhere. Let me go back here to JFK. At JFK, regional aircraft today comprise about half of the daily schedule. But during the evening rush hour, that 6 to 8 p.m. Time frame when getting to the airport from midtown Manhattan is probably going to take longer than the actual flight, aircraft of less than 70 seats represent only 25 percent of the departures.

So there are fewer RJs during JFK's busiest period than there are at other times of the day. Let us take a look at La Guardia. This chart may be hard to see. But some suggest that solving La Guardia's historical delay problems would be solved by squeezing out or even banishing RJs. They have proposed a scheme forcing

airlines to upgauge the planes serving La Guardia. But at a capacity constrained, slot-controlled airport like La Guardia, discriminating against regional aircraft could jeopardize service to countless communities, communities as large as Jacksonville, Knoxville, Columbus, Dayton, Louisville, Savannah and dozens more.

Mr. Chairman, regional airlines and regional aircraft didn't cause this summer's travel delays. In fact, while the number of passengers flying on regionals grew last year by about 2 1/2 percent, the number of regional flights actually declined by 3 percent. The total hours flown by regional airlines also fell last year. So regionals reduced their usage of the ATC and airport system year over year. Most notably—and I think this is very important—this upgauging of the regional fleet has been occurring without any forced schemes or any other kind of machinations. In the post 9/11 period, the average seating capacity of the regional fleet has grown by about a third, from 35 seats per aircraft to about 50 seats today.

In closing and on behalf of our member airlines, who have been at the foundation of the industry's post 9/11 recovery, we pledge to work with you, this Committee, the FAA and all parties to fix the system for the Nation's travellers, even if it means one delay at a time. Thank you again for this opportunity.

Mr. COSTELLO. We thank you, Mr. Cohen.

Mr. COSTELLO. And the Chair now recognizes Mr. Principato.

Mr. PRINCIPATO. Thank you, Chairman Costello, Ranking Member Petri, thank you for allowing Airports Council International the opportunity to testify at this hearing. My name is Greg Principato and I am president of ACI North America. Our member airports inplane more than 95 percent of the domestic and virtually all of the international passenger and cargo traffic in North America. About 400 aviation-related businesses are also members of ACI North America. We want to begin by applauding the Committee for its tireless work on HR 2881. We especially commend you for providing airports the financial tools necessary to build critical safety, security and capacity projects, including new runways, taxiways and terminals to meet growing passenger needs by increasing the ceiling on the passenger facility charge user fee to \$7. By doing so, airports can meet the growing passenger demand by planning now to invest in modern, secure, comfortable and environmentally compliant facilities for air travelers.

We are also grateful to the Committee for including the departure queue management pilot program. When implemented, this pilot program will have the added benefit of greatly reducing the amount of fuel burned and emissions produced by taxiing or idling aircraft on the airfield. Airports are greatly affected by extended delays and extraordinary flight disruptions. The vast majority of airports have contingency plans to assist airlines when such assistance is requested. This is an important point. Airports do not have and are not seeking the regulatory authority to interfere with an airline's operations during an extended ground delay.

However, we do agree that airport operators should work more closely with air carriers in enhancing contingency plans, including offering assistance after an aircraft has been on the tarmac for an agreed upon period of time. The Port Authority of New York and

New Jersey is a good example. Anticipating that there may be unusual situations where an airline may face an imbalance between the number of terminal gates and number of flights, a policy was implemented several years ago at the Port Authority's airports to mitigate the passenger impact.

This policy urges all carriers to notify airport operation staff to determine if an alternate plan can be developed to allow passengers to safely disembark at another location. In addition to the Port Authority, Atlanta's Hartsfield Jackson Airport and others across the country are working with the airlines in implementing similar contingency plans to successfully combat irregular operations. Just last week, and I think this is an important event, more than 40 industry representatives from 13 airports and six major airlines gathered at the Dallas/Fort Worth airport, at DFW's instigation by the way, to facilitate better planning to collectively respond to significant service disruptions affecting passengers.

The single most important conclusion from that meeting was the need for airports and airlines to use the same techniques that have long been successfully employed to respond to emergencies, snowstorms and runway construction disruptions. ACI North America also believes it is important to provide passengers comprehensive information upon which to make their air travel decisions and to reasonably compensate them for travel disruptions. DOT regulations should be expanded to require all airlines that code share with a major international airline to report delay and mishandled baggage information.

Given the fact that regional code sharing airlines now provide nearly 50 percent of daily departures, this change is long overdue. Additionally, DOT must more effectively measure how delays affect passengers. ACI North America agrees with the aviation consumer organizations that the current reports do not provide complete data. Lacking statistics on the impact of air—on air travelers of flight cancellations and diversions.

Given the fact that airlines are operating at historically high load factors, it can take many hours or even days for passengers to be reaccommodated. DOT data does not adequately capture the impact of these rebooking problems which result in significant passenger delay and inconvenience. Involuntary denied boarding compensation should also been increased as we advocated in comments filed with DOT. We applaud the House for enacting legislation requiring the final regulations be promulgated within one year. We know that expanded capacity in modernizing the air traffic control system will address many of the delays experienced by passengers.

Since 2004, six new runways at some of the busiest U.S. airports have opened, funded in part with PFCs including Atlanta and Los Angeles. Additionally, five important runway projects are projected to be completed by 2010, including the Chicago O'Hare modernization project.

However, it is important to keep in mind that airport congestion management programs should be—should also be considered as part of the solution, in those limited circumstances, where additional airport capacity is not an available alternative, or the capacity will not be available for several years. It is in the best interest of passengers that airport proprietors be permitted to work with

airline partners to manage capacity in ways that encourage more efficient use of airport infrastructure, maintain a safe environment and operational balance and respond to community complaints about delays. We thank you for this opportunity to testify and look forward to working with you to solve these problems. Thank you.

Mr. COSTELLO. Thank you, Mr. Principato.

Mr. COSTELLO. The Chair now recognizes Ms. Hanni.

Ms. HANNI. Mr. Chairman, Mr. Petri and Members of the Subcommittee, I am Kate Hanni and I appreciate the opportunity to testify on behalf of the now 20,500 members of the coalition for an airline passenger's bill of rights on these timely and important topics. In addition, I would like to take a special moment to thank those Members who sent staffers to attend our strand-in last week on the Capitol Mall. Most importantly, the coalition is most grateful for the many passenger rights provisions that were included in the manager's amendment, HR 2881, FAA reauthorization.

We look forward to working with you to support the retention of these provisions in the House/Senate conference. Need to cover passengers in 30- to 60-seat aircraft. We hope you can fill one gap when you conference with the Senate. Under H.R. 2881 as passed in the House, there is no protection for passengers flying in aircraft with fewer than 60 seats. That leaves approximately 25 percent of all flights without protection or 167 million airline passengers last year. And 5,000 of the 16,000-plus diverted flights last year are ignored by the House passed language. Some of your communities aren't served at all by larger aircraft, so without a language change in conference, your communities and passengers won't get the protection of the airline contingency programs that you voted for last week.

Ms. HANNI. Delays for reasons under control of the airlines. We appreciate the Subcommittee's attention to this issue of delayed airline flights given the recent painful experiences of passengers during the summer months. We have included in an attachment of just a few of the hundreds of incidences experienced by our members. There are two elements of the airline delay equation that are often mentioned by the passengers who contact our Web site, and each is under the complete control of the airlines.

First, the airlines who schedule more departures or arrivals than an airport can handle in a given period of time under the best of weather conditions are simply deceiving their passengers. They are collectively promising for marketing reasons a service that they cannot provide. The coalition wholeheartedly endorses the provision for mandatory reductions of airline schedules that was added to H.R. 2881 by the Committee leadership, and we will urge the Senate to adopt this approach in its legislation. However, individual airlines should bear responsibility for their own acts of deceptive behavior toward their passengers. An airline that continues to schedule a flight that is chronically canceled or delayed is deceiving its passengers and should be penalized and forced to correct the situation. We will urge the Senate at the House-Senate conference to amend existing law to make individual airlines eliminate these deceptive acts.

Secondly, the airline sets flight schedules and airport staffing levels under the assumption that nothing will go wrong, which I

heard talked about a lot earlier. When flights are delayed or canceled, the airlines simply do not have enough staff on duty to make alternative flight arrangements for the hundreds of passengers standing in lines or who are getting busy signals when they call the airlines' reservation numbers.

The missing report from the DOT Inspector General. This is where I am going to divert—I am going to make a flight diversion from my notes. I received the IG report last night as I arrived in D.C. I spent most of the night reading it and writing some notes to comment. We had only a few hours to review the IG's report. Our initial thoughts are these.

The report relies on the myth that American, JetBlue and others have developed policies for delays and have successfully adhered to those policies. Not true. In June and July, there were three JetBlue and a handful of AA violations. At the time of the preparation of this report, there was clear knowledge on the part of the Inspector General about a mass stranding on April 24th where there were 13 jets that were all over Texas that were American Airlines jets, and I am glad to hear that you are going to have more hearings on what happened over the summer that clarifies that there will be more detail put into the IG's report, but it was of grave concern to me last night that it was not mentioned in the report and that, apparently, the report sounded like American Airlines had taken care of this problem in their new policy.

One of the things that we are very concerned about is the wiggle words in their contracts of carriage or in their rule, of which they first came out with a 4-hour rule, which, on April 24th, became an internal operational guideline that would not benefit consumers, and it was not until they realized they had to talk about what had happened and that there were jets stranded on the Tarmac that they admitted that it was not anything that would benefit consumers, that it was an internal operational guideline only meant to notify the pilots that there was a plane out on the Tarmac for 4 hours. Now they are calling it a "policy." So I am not really sure whether it is a rule, an internal operational guideline or a policy or what any of those three terms actually mean when it comes to their language.

The IG report relies on a small slice of time, December 29th through March, in regard to the airlines' performance, which I am grateful again that you will be reviewing in 90 days. If you are studying airline delays, study them over the holidays and during the summer. The IG appears to be recommending that the airlines police themselves again. That does not work. Fool me once, dot, dot, dot.

We think the reasonable conclusion to make as a result of this IG's report is that there is clearly a need for legislation. It is amazing to me to listen to a group of very bright, educated individuals avoid that question. I am stunned, just as a normal human being coming into this as recently as December 29th, to listen to a group of people not being able to answer the questions that were presented earlier. Depending upon a self-serving contract of carriage with wiggle words like "reasonable" and "as appropriate" are not specific, enforceable contracts, and this is acknowledged by the DOT. I know and the DOT knows that the rule adopted after De-

ember 29th by American Airlines quickly became an internal operational guideline only to notify pilots of the 4 hours on the ground. Now it is a policy. Their words hold no water. Their words are meaningless.

Deregulation was not intended to give carte blanche to the airlines to do whatever they pleased. It was intended to provide increased competition and more choices for air travelers, not to let airlines violate the basic human rights of their passengers. So it is time for Congress to set minimum industry standards and for the DOT to monitor and to enforce the performance of those standards. However, the DOT has not done an adequate job of implementing consumer protection regarding these issues.

In addition, the DOT must correct the collection of invalid statistics for Tarmac delays soon. Even where Tarmac delay data are reported, reports from our members show a glaring difference between the data reported and the actual passenger experience.

Finally, it is imperative that the Committee take note that the DOT acknowledges that the customer service plans submitted by the airlines are not enforceable. We urge this Committee to provide oversight to ensure that the final plans are in compliance with your legislative intent and that they are enforceable.

Again—and these are my thank you's—I would like to thank Chairman Oberstar and especially Chairman Costello.

Mr. COSTELLO. Thank you, Ms. Hanni.

The Chair now recognizes Mr. Mitchell.

Mr. MITCHELL. Thank you.

Mr. Chair and Members of the Committee, thank you for inviting the Business Travel Coalition to testify. My testimony today is also on behalf of the 400,000 members of the International Airline Passengers Association, IAPA.

It is promising that the intention of this hearing is to move beyond service meltdowns such as the JetBlue debacle this winter and expand the analysis to customer service much more broadly defined to include long and unpredictable airport security lines, cramped planes and the unreliability of the system vis-a-vis delays and cancellations. The statistics about delays, cancellations and service failures are well-known, so I will not repeat them.

We also hear about the projection of passenger growth from today's more than 700 million to 1 billion passengers by 2015 and how there is a crisis looming. The reality in the U.S. commercial aviation system is, today, that there is already a crisis, and we are heading for a political and an economic nightmare in the years ahead.

Conventional wisdom is that we will need to prepare now for these 1 billion passengers, but in just a short 24 months, we will be near 800 million passengers, rendering 2007 and its many problems a mere historical footnote. The aviation system for business travelers will simply be unreliable; traveler productivity will plummet, and commercial activity will be reduced.

The public policy concern is that, on the one hand, if we choose ill-conceived remedies in the short-term, we will do harm to consumers ultimately and waste precious time laboring under "feel good" measures that do not address systemic problems. On the other hand, doing nothing is not an option given what is fast ap-

proaching. Bad weather and the FAA are no doubt part of the problem as are ordinary citizens who, for example, will likely file lawsuits to block a more efficient airspace redesign in the New York area.

However, it is BTC's view that airlines, as an industry, and as the prime movers with respect to fundamental change are not energized and motivated to provide the level of leadership required to seriously move the dial in sufficient time.

The airline industry is more than capable of united leadership and singleness of purpose as when, for example, it secured \$5 billion from Congress in 2001 as partial compensation for the 9/11 attacks on our Nation. BTC supported that legislation. Stories in the press at the time told of a galvanized and united airline industry lobby, indeed, unprecedented but in the face of an unparalleled crisis, and that is what is required now in this growing crisis, but we are not seeing it.

Our recommendation is that Congress should consider Reverse-Sunset legislation that would provide a very strong inducement for airlines to develop and implement solutions to immediately address its portion of the current crisis. BTC recommends that the National Academies of Sciences, Transportation Research Board be directed by Congress to produce two deliverables.

First, Congress should request a set of well-vetted recommendations regarding solutions to systemic aviation system problems. For example, immunized DOT-moderated airline schedule-reduction conferences for major airport hubs, airport congestion pricing alternatives, operational meltdowns, and customer service recovery metrics and plans are all areas requiring exploration and decisions.

Second, the TRB would be tasked with defining and stress testing criteria to determine if there is a true market failure with respect to the reliability and customer service levels of the commercial air transportation system. The failure could be caused by a lack of national aviation capacity in all of its forms and causes or by a lack of aviation industry action to address customer service problems broadly defined. Criteria might include auditable airline customer service recovery plans or metrics such as the DOT-tracked on-time arrivals, mishandled baggage, involuntarily bumpings, and customer complaints. Such metrics have been legitimized by the airlines like Continental, who has used them to reward employee performance. Representative DeFazio's consumer hotline idea needs to be implemented.

After considering the ideas and strategies developed by TRB, Congress would pass under this concept a Reverse-Sunset legislation, embracing some or all of TRB's recommendations. If at a point in the future it were determined that the airline industry had failed to deliver on its commitments, there would not be more hearings to determine if there is a problem. Rather, the already passed Reversed-Sunset legislation would become the new requirements for the airline industry. The DOT Inspector General would be charged with monitoring the industry vis-a-vis this legislation, and would report to Congress on a routine basis.

The benefits of the strategic approach would be three—avoiding punitive, ill-conceived fixes in the near term that would ultimately harm the consumer, encouraging the airline industry to put energy

and leadership behind a campaign to introduce sustainable, fundamental reforms to the industry, and developing a TRB-led strategy with useful ideas that the airline industry could consider implementing voluntarily.

When I testified in 1999 before this Committee on this very subject, BTC believed then that the airlines could and should solve their own problems. BTC still believes that this is the case today. The difference today is that we are now out of time, and the airlines need some old-fashioned motivation to take this situation seriously and solve their own problems. BTC believes airlines have an historic choice to make—provide real leadership today or face regulation tomorrow.

Thank you very much.

Mr. COSTELLO. We thank you, Mr. Mitchell.

Mr. Forrey, in your testimony, you indicate that O'Hare and the three airports in the New York area as well as Philadelphia International are the most overscheduled airports in the country, and I wonder if you might explain the consequences of airlines overscheduling.

Mr. FORREY. Well, the consequence initially is going to be delays. You just cannot utilize more runways than what you have available. If you put too many airplanes on there, they are going to be pushed back. It creates congestion on the airport taxiways and the ramp-up areas. It could create confusion. It even could come to a point where some of the flight plan data that you have in the system times out. Then you have additional work that the controllers now have to do to put that information back into the system to make sure that it is consistent.

It also adds to mistakes. If you have all of your runways jammed up with airplanes and delays are going on, particularly if you have places where there is low staffing, people get tired, and they make mistakes, and sometimes you get someone who knows, and sometimes you get someone in front of the other, the point being that people make mistakes, and with the more opportunity you create to do that, that is what is going to happen. Unfortunately, as these scheduling practices continue, the opportunity for a mistake or for an accident to occur increases. So those are the initial consequences.

Mr. COSTELLO. You were here for the earlier panel, and I think you heard the testimony indicating, I think from Mr. Sturgell, that the FAA says that the system was adequately staffed and the productivity of controllers was down since 1999. I believe those to be his words. The system is adequately staffed, but productivity is down from 1999. I wonder if you would like to comment.

Mr. FORREY. That reminds me of the old adage "liars figure and figures lie."

Currently, there are 14,807 controllers, according to the FAA, 200 of whom are still at the academy in Oklahoma City, and 3,000-plus are trainees who are not certified to work airplanes. So, looking back to 1999, there were about 12,700 controllers certified to work airplanes. Today, there are only 11,400. So, if you look at the statistics and you want to use the facts, the average operation, I think, in 1999 was 11.3. Today, it is 12.7. So, actually, we are

working with more productivity today than we were back in 1999, but you know, that is what figures do.

The same thing with the statistics on the New York airspace. I mean we have been working with the agency, or were up to 2 years ago, to develop that whole plan with New York, and like Chairman Oberstar said earlier, it is very complicated because you just cannot increase a bunch of fanned departures out of New York without affecting all of the other inbound traffic and all of the other over-flight traffic coming from the west, the east, the north, and the south.

So I am not quite sure where they are getting the statistics on the 20 percent increase on operational performance or productivity or the increase in reduction and delays. It may be possible, but I do not think you implement just a piece of the plan without the other parts involved. That is a very intricate thing. That goes from Chicago to Boston, all the way down to Miami—that whole airspace redesign—for which, basically, the agency told us 2 years ago they are not interested in our opinions anymore, and we are no longer participating. So I think there is a lot more to the story there than one would throw statistics out about.

Mr. COSTELLO. I thank you.

Mr. May, you indicated that the airlines are a service industry and that the airlines are committed to finding solutions to the problems. We have heard testimony, and you have heard comments by myself and by others up here that, you know, these are complicated issues. There are weather delays, nonweather delays, and there are some things that the FAA can do that, in my judgment, they are not doing and some things that the airlines can do regarding scheduling that they are failing to do and will not do unless they are forced to do it, but that is how I see it.

You did make the statement, if I got this correctly, that there is a lot the airlines can do to prevent delays in the holiday season, the coming season, and I wonder. As I asked the first panel, I would ask you because that is what people want to know immediately, the flying public today. They want to know what can be done and what can be expected between now and Thanksgiving and Christmas and the holiday season.

Specifically, what are the airlines doing to try and prevent delays during the holiday season?

Mr. MAY. I do not know that we have timed it, Mr. Chairman, specifically to the holiday season, but we have said, short-term, Delta Airlines announced today that they have revamped their schedule significantly at JFK. They have eliminated a certain number of departures an hour; they are moving a lot of their flights to a new morning bank for international travel, and they are right-sizing changing their fleet mix to do more to cabin service than single cabin service as they have in the past. If I remember the numbers off the top of my head, some 63 percent of their operations going forward after these changes are complete will be that.

I think we have indicated to you that we think it would be appropriate for the Secretary to pull all of the parties together and to sit down. We are having an initial meeting tomorrow—as I indicated, no grass under the feet—with the Secretary and with the FAA to specifically discuss some of the issues of New York air-

space. I think the dynamic here—those are just two examples. We have said we will be happy to sit down and address scheduling, but I think you have acknowledged already—and certainly, Chairman Oberstar has acknowledged already—some of the real problems with scheduling. You get one carrier to take down the schedule, and somebody else, as a new entrant, comes in and picks up on it. So what is the advantage to volunteering to do that? You get capacity constraints put on LGA, La Guardia, and there are two immediate exceptions—one for new entrants and the other for small markets. You know, if you are going to have constraints apply—and it sounds to us like a lot of people are heading in that direction—then you have to do it fairly across the whole NAS and for all of those people who are moving through there.

You have talked about the fact there are 40-plus airports feeding the New York TRACON. I think that is absolutely correct. It is one of the most complex and difficult jobs in the world, let alone the United States, to manage traffic coming through there with the en route and that which is originating and landing in that area. There are some 15 airports that have that sort of OMB status, all different sizes of aircraft, all sorts of different destinations. I think there are probably opportunities for the airlines, for Mr. Forrey on my right and for others to sit down and discuss ways we can try and optimize all that mix of traffic and see whether or not we cannot get something done.

We talked about finding ways to open up that military restricted space that is sitting off of New York. I think that provides some options. The military does not like to give it up, but I have never known anybody more powerful than Chairman Oberstar. If there is somebody who is ready to take on the military, it is bound to be him.

So I think we all recognize a need to get this done, but what we have not acknowledged is this is not just a scheduling issue. You know, we are moving 19,000-plus people a day more out of New York, itself. We are running at 85 percent loads—load factor—in our operations. We are right-sizing the size of the fleet. We have to take into account that there is far greater demand than there has been in the past. It is not going to stop, and there will be consequences of caps, limitations, congestion pricing, all of these ideas that are being floated around there, and there are going to be a whole lot of people in New York who do not have the choices they would like to have to fly to those 32 brand new international destinations that they have been able to fly to since the year 2000.

Mr. COSTELLO. You know, I have other Members who want to ask questions, so I am limited here.

Mr. MAY. We are happy to come in and have these conversations with you off line as well.

Mr. COSTELLO. Let me say that it is interesting, and I think it is worth noting that, one, the Administrator on her way out on the very last day and in her last speech addressed the issue of over-scheduling and that if the airlines do not do something about it that the government needs to—or that the government will, and that is very true. We have had conversations with her about scheduling in the past.

Secondly, Delta, I think, did the right thing today. They looked at their scheduling. They are trying to move in the right direction to try and reduce the congestion and delays, and you indicated here today that, on behalf of the airlines, you are willing to work, and you have a meeting tomorrow with the Secretary, and you are willing to do what is necessary, but I have to tell you that there was not a whole lot of action in that regard before we started our hearings earlier this year.

Mr. MAY. I do not think there was a whole lot of action before we had the really unfortunate incidents in Austin and in New York.

Mr. COSTELLO. I would disagree with you, and I would tell you that, if you go back and look at the record, it was the Administrator—Administrator Blakey and many others—saying, "Boy, we had a terrible year last summer, and this summer is not going to be any better," and that was in February of this year, but the airlines did not come in and say, "Hey, let us sit down, and let us try and address this problem." The Administrator at the FAA did not reach out to the airlines and say, "Hey, we have to do something about this," and now we find ourselves where we are, and the FAA is saying and the airlines are saying, "Gosh, we have got to get together and work this out."

My point is that when we provide aggressive oversight, people act and they come together and try and solve problems. When the Congress does not act and we leave it up to others to act, a lot of times self-interests prevail and nothing gets done, and that is the point that I am making.

At this time, I would recognize my friend and Ranking Member, Mr. Petri.

Mr. PETRI. Thank you very much, Mr. Chairman. I will just ask a few questions.

First of all, to Mr. Forrey, the FAA has just completed, I guess, a major redesign of the New York and nearby airspace which they are hoping will, among other things, reduce delays by about 20 percent.

Have you or your organization had a chance to look at that? Do you have any opinion on their redesign or whether the prospects are as rosy as they forecast?

Mr. FORREY. Mr. Petri, thanks for the question.

Like I said earlier when I answered the earlier question, we had been working collaboratively with the agency from 1999 up till about 2005. It not only developed the New York airspace but addressed how that interrelates to the traffic from Chicago, the traffic from Atlanta, the traffic down to Miami, the traffic up to Boston, to Washington, everywhere because you just cannot change one thing in New York and expect everything else to work fine.

I am not quite sure what—we have not been briefed by the agency on their new airspace redesign or what they are going to do in New York. We have seen some of the pictures and plans from the GAO because they came to us and asked us about the same thing that you are asking right now. Some of what they are doing is pretty much identical. The environmental impact study that we had worked towards up to 2005 is, essentially, what the agency is going to run with as far as what kind of airspace changes they are going

to make. However, we do not know that they are implementing any other piece to it, and you just cannot implement one piece and expect it to give you the results that you think it is going to give you.

I do not know whether to say it is a complete failure. I do not know whether to say it is going to work. I think some of the elements of what they are doing have very little impact like the fanning of departures to the south. I think that is kind of a no-brainer in the New York area, but as far as how you increase departures out of that airspace and you do not impact other arrivals coming in and other overflights, I do not see that being addressed in this plan. It may be, but they have not briefed my organization on it. So that is probably the best answer I can give you on that.

Mr. PETRI. Mr. May, I do not know if you can really answer this or not, and Mr. Oberstar said that, you know, it is a very complicated system, and there are a lot of factors going into it.

Is it, would you say, fundamentally that delays are caused by—well, obviously, we have weather and things like that which are going to always be a factor, but are they problems specific to particular airports or to particular carriers? That is to say, once in a while, I suppose a carrier can lose control of its operations, and they have from time to time, and teams have to come in and straighten it out. So I suppose sometimes it is one way, and sometimes it is another.

Looked at longer term from the point of view of the Nation, what do you think we can do to try to minimize, as far as humanly possible, these sorts of delays?

Mr. MAY. Mr. Petri, I have said it before, and I will say it again. I think there is no single solution to the problem any more than there is a single cause to the problem.

At the end of the day, we have extraordinary growth and demand. In New York City alone—I said it earlier—we are doing, you know, significantly more international destinations as well as domestic destinations. We are putting more flights on. There is real growth there, and it is not just a matter of overscheduling, and I would acknowledge there have been examples of overscheduling in New York, but it is overall demand in the system that is increasing. I think you have to take that into account.

I think you have to take the need for the next generation system long-term. I think short-term we need to have a collaborative effort with Pat's organization, the FAA, DOT and our guys and others to address some short-term solutions to the particular demands of that airspace. As I said, it is probably the single most complicated airspace in the world when you look at all of the different airports that are feeding it, both from an en route system on an OMB basis.

So I do not know any better way to do it than what was suggested earlier in this hearing, which is to have all of the effective parties come in and sit down and try and work out a suite of solutions that are important, because at the end of the day, if we use artificial caps or some other kind of economic mechanism, your colleagues from New York are going to come to you, and they are going to say, "Wait a minute. Why is it that you guys are restraining those of us in New York, this great economic engine, from flying where we want to go and how we want to get there?" that is

what we are enabling right now. We just have to do it in a more efficient and productive way.

Mr. PETRI. Thank you.

Mr. COSTELLO. The Chair thanks the Ranking Member and now recognizes the gentleman from Oregon, Mr. DeFazio.

Mr. DEFAZIO. Thanks, Mr. Chairman.

Mr. Forrey, I think you were here when the Acting Administrator and I were engaging in a dialogue about overscheduling, and I was particularly impressed on how well you quantified it in your testimony. I just want to go back to one point where he seemed to disagree with you and with me, which is—you know, I said he seemed to imply that this is a very transitory problem. It is only a couple of hours, so what is the difference? You know, he said this gets cleaned out, but I mean, I think, as you pointed out, this can under optimal conditions cascade 3 or even 4 hours out in terms of delays, and obviously, with less than optimal conditions, it is going to be a mess. Is that a fair—

Mr. FORREY. I think your characterization of it is spot on.

Mr. DEFAZIO. Okay. I just happened to have been in a meeting with the manager of the San Francisco Airport yesterday where there is a growing problem. He has one major airline, United, bringing in about the same number of people it used to bring in on twice as many planes. Do you find that some of the congestion we are dealing with—I think we are talking about the number of RJs doubling, and regional transport folks are proud of that, but the problem is that a lot of that is supplanting what used to be mainline routes with larger planes. You just have a little—maybe you have more frequency to try and bring in the same number of people, but isn't that causing also—

Mr. FORREY. I think it is—you know, I do not want to throw the regional jets under the bus, but you are getting fewer people coming in on an airplane. So, obviously, if you are going to bring the same number of people in on—

Mr. DEFAZIO. Except for weight turbulence, it is absorbing the same amount of space as a larger plane, correct?

Mr. FORREY. Absolutely. When we used to have the props come in, you could off-load those on other runways, on shorter runways and everything. Now the RJs are just another jet. I mean it is. Now, if you have a heavy aircraft or even a large aircraft in front of an RJ, you need more space. You cannot use the 3 miles or even the 2-1/2 where you can do that at some airports, but that is the same thing with any large aircraft, heavy or anything else that you have. The RJs, sure, it is going to create those kinds of issues at those airports. If you schedule it properly—I will go back to that—and spread it out throughout the day when you are not trying to jam everyone in there at the same time, it is probably less of an impact.

Mr. DEFAZIO. Right.

Now, Mr. Mitchell, when you were talking about business travelers, I kind of liked what you said. Bill Lipinski and I for years were talking about the "R" word. You said real leadership today or reregulation tomorrow. Bill and I were predicting that a number of years ago and used to applaud the industry, and then a few years ago when they were in big economic trouble, they said, "Well,

maybe that is not a bad idea." I think they are now back to where the free market is going to solve their problems here now that they have all gone bankrupt and have basically divested themselves of pensions and of other obligations, and you know, they are operating so efficiently. So I would like to put to you:

What is the most important thing to a business traveler? Mr. May says business passengers demand frequent service. Now, is it frequent service on a schedule? Is that more important than, say, "Gee, I really wanted to fly at 8:47, but you know, there is a plane at 9:30, and there is one at 8:00 that are actually going to go, but the one at 8:47 is going to be scheduled at a time when it will not go because we are overscheduled"? Would realistic scheduling that is predictable be more important to business travelers?

Like I say, in my job, it is the most important thing. I have got a very tight schedule. I have got to get where I am going or I miss a meeting or I miss boats or I miss doing things in the district. I assume that most business travelers feel that same pressure.

Do you think they are demanding that planes be overbooked during a time period so they can just choose an exact moment they want, but in all likelihood it is going to be delayed? Do they like that?

Mr. MITCHELL. Well, underlying what, I think, Mr. May was referring to in terms of business travelers demanding frequency is the fact that it is the old "S" curve thing in the airline industry where the competitor with the great number of frequencies reaps the disproportionate amount of the revenue and the profits. It is just an economic reality.

Frequency is very important to business travelers, particularly in many of the large hub markets. However, what is paramount, only second to safety, is the reliability of the system, and that is what is at risk here. That is what is breaking down further every day. When we were leading into the year 2000 when we had a comparable situation where you could not rely on the system to get out to a meeting and back in the same day or simply to make a 9:00 o'clock meeting sometime somewhere, you would go in the night before, and that is the kind of behavior that is back now. People are going out and are spending more time away from their families, incurring hotel bills and other expenses. So that is the critical thing at this point in time. It is the reliability of the system.

Mr. DEFAZIO. You know, there are some services that provide some discreet information on delays, but they are nowhere near complete on a flight-by-flight basis.

Would that be something useful for the government to require of the airlines that they make available an up-to-date percentage of on-time performance for every flight they offer?

Mr. MITCHELL. Yes. I mean it goes without saying that a consumer who has got complete and accurate information is going to make better choices and will actually drive the market, and I would say that there is yet another opportunity that may even be larger than that, and that is to show statistically, in some kind of graphic way, the relative efficiency of these various hubs so that, if you show that O'Hare is far less efficient from a business traveler's standpoint than a competing hub, perhaps the traveler will

then go through the other hub, and that is going to get the attention of the two hub carriers at O'Hare very, very quickly.

Mr. DEFAZIO. Okay.

Mr. MITCHELL. There is no reason that DOT could not produce that information.

Mr. DEFAZIO. So we are back to Adam Smith here, basically, that if we are going to run this with market forces in a competitive, free market system of capitalism, the consumers need perfect information or all information, better information?

Mr. MITCHELL. They need better information, and there has to be a recognition that some markets work well and some markets do not work well, and I leave that up to the economists to say where this one is, but in a market that does not work particularly well, the premium is even greater on information to the consumer.

Mr. DEFAZIO. Great. Thank you.

Thank you, Mr. Chairman. Thank you for indulging my overtime.

Mr. COSTELLO. I thank the gentleman.

The Chair now recognizes the distinguished Chairman of the Full Committee, Chairman Oberstar.

Mr. OBERSTAR. Thank you again, Mr. Chairman and Mr. Petri, for your patience in working through a long afternoon of an extensive list of witnesses and hearings and very important information.

Mr. Principato, the airports are one of that three-legged stool that I talked about in addressing successfully the issue of capacity in our system.

In the aftermath of September 11, airports put on hold a large number of AIP projects, capacity enhancement initiatives, in order to put the money into security. Some \$3.2 billion to \$3.5 billion in runway capacity projects was put on hold and the money shifted to security needs. None of that has been reimbursed to—I use that word loosely—has been repatriated to airports as I, at the time, suggested out of the DOD appropriation or out of the Homeland Security Department appropriation. None of that. You have had to issue PFCs. You have had to scale back on projects and still try to recapture some of that capacity. So, even if we gave you all the money in the world right now, you could not build all of that additional capacity this year or next year. It takes years to build, doesn't it?

Mr. PRINCIPATO. It does. It takes a long time. One of the best quotes on that is probably from Gina Marie Lindsey when she ran the Seattle airport. Maybe it was before this Committee she was testifying, and she said it took the Egyptians less time to build the pyramids at Giza than it is taking her to build her runway in Seattle. It takes an awful long time. You are right. It is not going to happen in just a year or two, but we want to begin now to try to catch up. You are right. We put a lot of projects on hold. We want to catch up.

The new runway in Atlanta was referenced earlier by the earlier panel. Thirty more arrivals per hour, I think is the figure, and it is not only service to more communities but is certainly a more efficient use of that airfield, and then the round taxiway there, again, is a more efficient use of the airfield.

Mr. OBERSTAR. A footnote to your comment about Seattle is that I am not quite sure about the time it took to build the pyramids

in Egypt, but I do know this, that from the time the planning began for the crosswind runway at Seattle, the 8,700-foot runway, until the time actual work began on the runway, Hong Kong built two 12,500-foot runways in the ocean at a depth of 600 meters and a terminal to accommodate 90 million passengers a year and had aircraft operating and a 23-mile connector rail, truck and passenger vehicle to downtown Hong Kong before Seattle got its runway out there. That is why we included permit streamlining in the 2003 aviation bill.

Mr. PRINCIPATO. I appreciate that very much.

Mr. OBERSTAR. But there are limitations. You cannot add runway capacity at Newark—we had this discussion with the previous panel—unless you build it in the Passaic River. It is not a very good option.

There is no ability to add capacity, runway capacity, at La Guardia, is there, or at JFK for that matter—

Mr. PRINCIPATO. That is right.

Mr. OBERSTAR. —or a Teterboro?

Mr. PRINCIPATO. Right.

Mr. OBERSTAR. You do have capacity at Stewart, and you have some potential capacity at Atlantic City. That is going to take airlines routing traffic into Atlantic City. It is going to take ground capacity to serve Atlantic City. It can be done and it should be done and it needs to be done, and we will create the additional capacity.

Now, Mr. Mitchell, from the years when your organization went from the National Passenger Traffic Coalition to the National Business Travelers Association, you supported the passenger facility charge in the anticipation that it would add to capacity, but roughly 23 percent of PFCs have gone into air side capacity over the 16 years that it has been in operation. We have put increased pressure on airports. The existing bill passed the House to invest more funds.

What opportunities do you see for airport air side capacity to provide relief to the congestion problem?

Mr. MITCHELL. I think you may be confusing two different organizations. We have never commented on PFCs or—

Mr. OBERSTAR. I am sorry. I thought you had. I thought you had.

Mr. MITCHELL. No. I think that might be another group, so I would defer to the other experts on the panel.

Mr. OBERSTAR. I will answer the question myself.

We expect the airports to do that, Mr. Principato.

Mr. PRINCIPATO. If I could just say, we have heard you loud and clear on that point, and have talked to you, of course, many times this year.

I think the other thing that is important to know is that the terminal projects, of course, are more expensive than runway projects for a variety of reasons, and there are actually more air side projects being funded with PFCs that are ongoing right now than terminal projects because the terminal projects cost so much more that the dollar figures are out of balance, and as to the air side projects that are planned into the future for PFCs that are on the books now and that are approved, there are far more air side projects than terminal projects.

The industry is hearing you loud and clear on that, but I do want to make sure that it is said that, because terminal projects are so much more expensive than air side projects, the dollar figures are out of balance with the number of projects that are going on.

Mr. OBERSTAR. Well, following up, Mr. Mitchell, on Mr. DeFazio's question to you about when business travelers want to travel and, Mr. May, your members and their scheduling flights, if you got together and if the airlines provided some incentives to business travelers to use less attractive periods of the day with a financial incentive attached to it, that would provide some incentive, wouldn't it, Mr. Mitchell?

Mr. MITCHELL. It certainly would, and it might help on the margins. It is already sort of in the airline pricing today. If a flight is at 3:00 o'clock—and traditionally, it has 50 percent load factors—there are natural incentives to be very, very price competitive on that flight.

I think that the reality is that we are going to have to do something to level off demand. The options are, you know, slot controls, auctions and congestion pricing, perhaps changing from weight-based landing fees to passenger fees. These are all extraordinarily complex economic concepts that you can debate on either side. Both sides of an issue, you know, can win on any given day. I just think we need some real expertise, neutral expertise, to wade through this.

Mr. OBERSTAR. We have that expertise right here at this table.

Mr. May, who bears the cost burden of congestion pricing?

Mr. MAY. I think, ultimately, the passenger will bear the burden of—

Mr. OBERSTAR. But up front it is the airline?

Mr. MAY. Up front it will be, but you know, congestion pricing, as I understand it, Mr. Chairman, is little more than an economic transference of wealth from one party to another, and it is not necessarily going to affect consumer behavior. If a businessman needs to fly at 5:00 o'clock in the evening to London out of JFK to make an important meeting, then all that congestion pricing is going to do is to put a premium on that ticket.

As to the other suggestion that we look for ways, we say with great affection to you, Mr. Chairman, we are trying to raise our prices, not lower our prices for our tickets.

Mr. OBERSTAR. Well, you are doing a very good job of that. That is for sure.

Mr. MAY. I wish we were doing a much better job.

Mr. OBERSTAR. And it is not moving the travel along.

Now, you know, because you have been through this situation—and I have cited several times—that you cannot have 57 flights all depart DFW at 7:00 a.m. Air traffic controllers cannot move that many aircraft departing at 7:00 a.m.

Mr. MAY. Mr. Forrey has been reminding me of that ever since we have been sitting here, Mr. Chairman.

Mr. OBERSTAR. Yes.

Mr. MAY. We have committed to sit down and to discuss scheduling but I would point out, in JFK's instance in particular, there are about 80 airlines that are flying in and out of JFK.

Mr. OBERSTAR. That is right.

Mr. MAY. There is a huge demand coming on international because of the U.S.-EU agreements, and that is going to complicate our life significantly, and if we put artificial restrictions on flying in and out of there, the places that are going to suffer the most are the smaller communities and the underserved communities right now. So we just need to make sure we understand what the consequence is of all of these discussions.

Mr. OBERSTAR. Well, as I discussed earlier—and you heard the discussion with Mr. Sturgell—the FAA has the authority to convene airlines and to work out scheduling.

Mr. MAY. They do not, Mr. Chairman, have the antitrust—

Mr. OBERSTAR. But you do not need an antitrust exemption to do these things.

Mr. MAY. Yes, sir. I would very respectfully—

Mr. OBERSTAR. Now, I think in the short-term you can reach accommodations, and we do not need to add—we did for a very brief period of time provide antitrust exemption, but it can be done in a way that is less cumbersome and that raises less concern about the outcome than to have antitrust exemption, and you can come together to discuss scheduling and to avoid that problem of the airlines that say, “Well, you are asking me, but you are not asking the others to make a sacrifice.” I cannot blame an airline like—I do not know where I have that specific language—but that says we do not want to—here we are.

The delay reduction actions: “the Secretary of Transportation may request air carriers meet with the Administrator of the FAA to discuss flight reductions at severely congested airports to reduce overscheduling and flight delays during hours of peak operations.”

Mr. MAY. Correct.

My only point, Mr. Chairman, is that when they did O’Hare, for example—Chairman Costello is particularly familiar with this, as are you—there was a reason they had to use shuttle discussion, and that was because they did not have the antitrust authority to put both American and United in the room at the same time, and there is an airport where two very dominant carriers were in the operation. At JFK, you do not have that same dynamic, and there are lots and lots of different parties, some of them foreign flag.

All I am pointing out is not an interest or a willingness to sit down and come up with an answer to the challenge, but it is a far more difficult legal environment than it was at O’Hare.

Mr. OBERSTAR. Well, tomorrow, apparently, the President is going to convene a meeting with the Secretary of Transportation and with the FAA and will discuss the congestion problem and the air traffic delays, and he may have some observations.

Is there anything more that we could have done in the bill that we passed in the House to address delays?

Mr. MAY. Specific to delays, I do not know, because I think what we are talking about is shorter term issues between now and this Christmas. I think those are administrative and operational kinds of challenges that we need to take on, and I think it is going to take a fully cooperative effort between the FAA, the controllers, airlines, reports, and others to address that.

Mr. OBERSTAR. Right. Maybe the President has a rabbit in his hat that he is going to pull out, and the rabbit is going to be implementing NextGen in the next 6 months.

Mr. MAY. I would suspect, Mr. Chairman, that we are going to hear an announcement on caps for both JFK and Newark, and as I said earlier, when you have artificial constraints of that sort—

Mr. OBERSTAR. That is going to have an economic consequence in raising costs and in reducing opportunities for travel.

Mr. MAY. That is exactly right, sir.

Mr. OBERSTAR. Well, thank you, Mr. Chairman.

I thank each member of the panel.

Ms. Hanni, thank you for the work that you have done on behalf of your coalition. You have really inspired Members of Congress to respond, and you have made it possible for us to include improvements in this legislation for air travelers during periods of delays.

Ms. Hanni. Thank you.

Mr. COSTELLO. I thank Chairman Oberstar, and I thank our witnesses today.

I just wonder, Mr. Forrey. Are you invited to the meeting tomorrow with the President and the Secretary?

Mr. FORREY. What meeting? No.

Mr. COSTELLO. As I said earlier, we were pleased with the announcement by Delta that they are looking at their scheduling at JFK and will reduce the number of flights. I think that is a step in the right direction. I think the Administrator's observation was the right observation, and I think the Acting Administrator's decision and announcement the other day that they are going to sit down with the airlines and try and take a look at scheduling to address the problem—I think all of those things are a step in the right direction, and we look forward to hearing from the President tomorrow, and we hope that it involves a cooperative agreement between some of our airlines reducing flights in congested areas and taking action that is necessary to address this problem. We thank you.

Let me say to Ms. Hanni, as Chairman Oberstar said, we not only thank you but your members for your active involvement, and I would tell you that we are only halfway through the process, and I would encourage you to spend time over on the other side of the Capitol, in the other body, to inspire them and to make certain that they take a look at H.R. 2881. If they do, we think that if those provisions are contained in a final legislation signed by the President that it will go a long way to helping passengers in the future.

With that, we again thank all of our witnesses for being here today. The Subcommittee stands adjourned.

[Whereupon, at 6:35 p.m., the Subcommittee was adjourned.]

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Washington, DC 20515

September 26, 2007

Rep. Bruce Braley  
Statement for the Record

Subcommittee on Aviation Hearing: *Airline Delays and Consumer Service*



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Thank you Mr. Chairman, and thank you for holding this hearing to take a closer look at airline delays and consumer service. This is an important issue, and one that affects the economic well-being of many small communities. It is also an issue on which I have a good deal of personal experience.

The American aviation system is unique in its complexity and unique in its safety. In fact, it is the safest aviation system in the world. I commend the workers and leaders in this industry, as I know they face many day-to-day challenges to keep the system moving and to keep passengers happy. It

is a tough job to deal with thousands of passengers, modern technology, and interdependent flights all at the same time, and not easy to keep it all moving forward with ease.

While it is no easy task to maintain prompt and efficient consumer service in the airline industry, it is also not an impossible task, and prompt and efficient consumer service should be a fundamental goal within the industry.

Unfortunately, recent trends have not been in the direction of this laudable goal, and airline delays and ineffectual consumer service are becoming a regular occurrence. This concerns me, not only from the perspective of a consumer, but also as the Representative of many rural communities whose businesses depend greatly on air service.

Airline delays are directly related to decreased productivity for many businesses, and decreased accessibility to rural areas. In addition, as airline delays have increased,

commercial air operations have become more highly concentrated in urban areas. This concentration has only served to further gridlock air traffic at many of the nation's largest and busiest airports, and the ripple effects are felt throughout the rest of the country. The solution to air traffic delays is not greater concentration, but is in fact greater accessibility to more areas. Through programs to encourage air service to rural areas, and encourage the flow of people and business into those areas, we should be able to ease some of the congestion at the biggest airports.

This concentration of air service is affecting the everyday lives of my constituents, and the economies of Iowa communities. Air service to rural areas is critical to disaster relief, medical care, traffic mitigation, search and rescue efforts, agricultural business, tourism, and the personal lives of rural residents. Time is money, and airline delays and air service concentration practices are costing all of us.

Of course, there are many variables that must be considered to reduce airline delays, including scheduling practices, aircraft capacity, airport infrastructure, air traffic control facilities, prioritization of timeliness in airline business models, and more. I hope that this hearing will shed some light on possible ways to decrease airline delays and increase the services afforded to airline consumers. Mr. Chairman, I thank you again for holding this hearing on this issue that directly affects so many of our constituents, and I yield back the balance of my time.

**OPENING STATEMENT OF REP. STEVE COHEN**

**Transportation and Infrastructure Subcommittee on Highways and Transit**  
**"Hearing on Airline Delays and Consumer Service"**

September 26, 2007

I am pleased to be here today to receive testimony from the acting administrator of the Federal Aviation Administration and others as we examine delays in the airline industry.

The first half of 2007 has been the worst for airline delays since the Department of Transportation (DOT) Bureau of Transportation Statistics started keeping comprehensive statistics 13 years ago. Only 72.2 percent of flights were on time and 6.4 percent of flights arrived more than one hour late.

Just yesterday, a communications failure stranded numerous travelers at Memphis International Airport. Beginning about 11:30 a.m., a communications failure at the Memphis Air Route Traffic Control Center shut down all inbound and outbound flights at the airport while redirecting numerous other flights away from Memphis airspace. Although communications were restored and flights began taking off from the Memphis airport again just after 2 p.m., high-altitude flights through the region, including parts of Alabama, Mississippi, Arkansas, Missouri, Indiana, Kentucky as well as West Tennessee, were temporarily discontinued while the equipment was being fixed. These situations often leave a great financial burden for the airlines.

The Memphis Air Traffic Controllers are to be commended on their outstanding performance during this crisis. Nonetheless, this incident highlights the need to improve conditions for our Air Traffic Control facilities nationwide.

The Federal Aviation Administration Reauthorization Act of 2007 includes language to renovate our existing Air Traffic Control facilities as well as instruct the DOT Inspector General to review air carrier flight delays, cancellations and associated causes. It is exceedingly important that these provisions be enacted into law. I look forward to hearing from our witnesses today on how we can further improve the quality of service for our nation's airline passengers.

STATEMENT OF  
THE HONORABLE JERRY F. COSTELLO  
SUBCOMMITTEE ON AVIATION  
HEARING ON  
AIRLINE DELAYS AND CONSUMER ISSUES  
SEPTEMBER 26, 2007

- I want to welcome everyone to this Subcommittee hearing on *Airline Delays and Consumer Issues*.
  
- The first half of 2007 has been the worst for airline delays since the Bureau of Transportation Statistics (BTS) started keeping comprehensive statistics 13 years ago: through July, almost one in four flights were delayed. Long, on-board tarmac delays have increased by almost 49 percent from 2006 and delays of 5 hours or more have increased 200 percent.
  
- The delays and the increasing number of consumer complaints that passengers experienced this summer are unacceptable. Today's hearing is the second in a series of

hearings that this Subcommittee will hold at least once every three months to determine what the airlines and the FAA are doing to address the problem.

- The public needs to know what this Administration has done and what it plans to do to in the near-term to address delays and consumer complaints.
  
- No doubt, the reasons for delays are many and clearly weather, particularly summer storms, are a major factor. But there is also evidence to suggest that operational, technological and economic trends and choices within the airline industry are factors.
  
- Oddly enough, while delays have increased, system-wide total airport operations have actually decreased by about 11

percent since 2000. The decline in total operations has been driven largely by a 17 percent decline in general aviation (GA) operations – contrary to what the airlines would have us believe.

- However, while commercial operations remained flat, they have also become more highly concentrated in certain areas, increasing at some of the nation’s largest and busiest airports.
  
- For example, according to the FAA, operations at New York’s John F. Kennedy International (JFK) airport have increased 27 percent from 2000, and 44 percent from 2004.
  
- Today, we will hear additional analysis from MITRE that operations at 7 large hub airports that account for 72 percent

of delays have increased 10 percent since the summer of 2000, while operations at 38 other airports have decreased.

- Two weeks ago, former FAA Administrator Marion Blakey acknowledged that airline scheduling was a problem when she stated that “the airlines need to take a step back on the scheduling practices that are at times out of line with reality... And if the airlines don’t address this voluntarily, don’t be surprised when the government steps in.”
  
- Last week, I was pleased to see that the FAA notified the airlines that it wanted advanced schedule information for JFK and Newark for Summer 2008, because of increasing operations and deteriorating on-time performance at those airports.

- But why did it take the FAA this long to request scheduling information and acknowledge that overscheduling is a serious issue when people, including the FAA, were predicting that the Summer of 2007 was going to be the worst on record? Administrator Blakey even stated in a May 2007 that 2006 “was a record year for delays, with more than 490,000 flights that didn’t make it on time. Truth is, 2007, isn’t looking any better.”
  
- The fact is that in February, this Administration put forward an extremely controversial financing proposal for which there was absolutely no consensus. The FAA’s plan generated intense opposition from both sides of the aisle in Congress, and within the industry its only real support came from the airlines. Throughout the summer months the FAA completely failed in its responsibility to hold airlines

responsible for what we are now being told are “scheduling practices that are at times out of line with reality. . .” It is time for Congress to engage on this issue and to ensure that this does not happen again.

- Looking forward, Congress, the FAA and the industry must take a hard look at airline scheduling practices. Where overscheduling is resulting in serious delays, the government must step in and take action.
  
- We should also have a frank discussion about what near-term relief can realistically be provided by new technology. For the last year, this Administration has aggressively promoted its Next Generation Air Transportation System (NextGen) plan to justify its financing proposal. In doing so, I believe that the Administration has oversold its efforts.

- While I agree that we must modernize our Air Traffic Control (ATC) system and I support NextGen, I would also caution this Administration not to build false expectations by holding the NextGen system out as a solution for delays in the near future.
  
- NextGen is a long-term solution. We will not see full benefits from core NextGen technologies, like Automatic Dependant Surveillance – Broadcast (ADS-B), for several years.
  
- The traveling public should not be given the false impression that NextGen will be here soon or will address problems in the short-term. And it should not be expected to wait several

years for results. The airlines and the FAA must take action to address the problem now.

- I also want to point out that over the last four years, this Administration has under funded the FAA's capital account - primary vehicle for modernizing the national airspace system - roughly \$2 billion below the congressionally authorized levels. As a result, a number of ATC modernization initiatives were cancelled and deferred, including some NextGen capabilities. So there has definitely been a serious disconnect between the Administration's rhetoric and reality.
  
- HR 2881, the *FAA Reauthorization Act of 2007*, provides about \$1 billion more for FAA's capital account than the FAA said that it would need for the next four years. This additional funding will help accelerate NextGen-related activities.

- Finally, the DOT IG report, released yesterday, has many important recommendations stemming from its investigation into an American Airlines incident in December 2006 and a JetBlue incident in February 2007. I am interested in hearing more from Inspector General Scovel on his report; however, I want to point out that recommendations can only do so much without being implemented.
  
- Though I believe DOT is making a good faith effort in dealing with these consumer issues, it is not moving fast enough. For this reason, I am pleased that in H.R. 2881, the FAA Reauthorization Act of 2007, which passed the House last week, we address many of the IG's recommendations.

- We have a serious problem with congestion and delays in our aviation system which, in turn, affects passengers and the quality of air carrier service. We must look at all options for reducing delays and improving the aviation experience.
  
- With that, I want to again welcome our witnesses today and I look forward to their testimony.
  
- **Before I recognize Mr. Petri for his opening statement, I ask unanimous consent to allow 2 weeks for all Members to revise and extend their remarks and to permit the submission of additional statements and materials by Members and witnesses. Without objection, so ordered.**

*Please Submit for the record for Mr. Graves.  
Revised*

**Aviation Hearing**

**To: Sam Graves**  
**Cc: Tom Brown, Paul Sass**  
**From: Melissa Burt**  
**Date: September 26, 2007**

**Hearing on Airline Delays and Consumer Service**

Background:

People are complaining about record delays. Airlines have cut service, cut personnel, reduced plane size, and increased the number of flights. This, combined w/ an increase in private planes, has resulted in record number of planes in the air. Airlines blame weather and an increase in GA traffic. The FAA believes that the airlines cause a significant amount of the problems by overscheduling at busy airports during popular times. That is why the FAA administrator Blakey has warned airlines that if they don't "clean up their act" and "take responsibility", that the FAA would come in and force them to cut flights and better organize schedules. This was done in Chicago by the ICAO organization and now there are efforts to force Newark/NY to do the same thing.

STATEMENT:

FIRST, I WANT TO THANK THE CHAIRMAN AND RANKING MEMBER FOR HOLDING TODAY'S HEARING. AND I WANT TO THANK THE WITNESSES FOR COMING TODAY AND TESTIFYING BEFORE US. THIS IS A VERY IMPORTANT ISSUE.

THE LEVEL OF DELAYS HAS RISEN EXPONENTIALLY AND IT IS SIMPLY UNACCEPTABLE THAT SO MANY FLIGHTS ARE SIGNIFICANTLY DELAYED. ACCORDING TO THE FAA, DELAYS HAVE RISEN 20% IN THE LAST YEAR ALONE AND THE FIRST HALF OF THIS YEAR, DELAYS HAVE BEEN THE WORST SINCE THE DOT BEGAN KEEPING STATISTICS. AND WHILE I DO BELIEVE THAT SOME DELAYS ARE INEVITABLE, I ALSO

BELIEVE THAT THERE HAS TO BE A BETTER WAY TO HANDLE THESE PROBLEMS.

I BELIEVE THAT AT SOME AIRPORTS WE'RE SIMPLY BURSTING AT THE SEAMS -- THERE ARE TOO MANY FLIGHTS WITH TOO FEW SLOTS. AT SOME OF THESE AIRPORTS, THE SYSTEM CAN BARELY HANDLE THE NUMBER OF FLIGHTS SCHEDULED TO BE GOING IN AND OUT -- AND ANY MINOR WEATHER DISRUPTION THROWS THE WHOLE SYSTEM OFF. THIS CREATES A RIPPLE EFFECT THAT HAS A NEGATIVE IMPACT ON THE WHOLE COUNTRY -- CREATING DELAY AFTER DELAY. AS A MATTER OF FACT, TODAY THE 7 BUSIEST AIRPORTS ACCOUNT FOR 72% OF ALL DELAYS. THAT'S RIGHT, 72 PERCENT. AND WHEN YOU HAVE A DELAY IN CHICAGO OR NEW YORK -- YOU CAN BET THAT FLIGHTS FROM AS FAR AWAY AS CALIFORNIA WILL BE IMPACTED.

ALSO, I SIMPLY DON'T BELIEVE THAT ALL THE BLAME CAN BE PLACED ON THE RECENT INCREASE IN GENERAL AVIATION PLANES. IT IS TRUE THAT THERE ARE NOW MORE GA PLANES THAN IN THE PAST, HOWEVER, IT IS ALSO TRUE THAT GENERAL AVIATION TRAFFIC HAS ACTUALLY \*DECLINED\* BY 7% SINCE 2000 -- NOT INCREASED. ADDITIONALLY, MOST GENERAL AVIATION AIRCRAFT ARE NOT USING THE TRULY CONGESTED AIRPORTS -- IN PLACES LIKE CHICAGO THEY USE

*Add to the top 10 busiest airports, small planes only account for 4% of traffic.*

DEDICATED AIRPORTS AND RUNWAYS THAT ARE SEPARATE FROM THE COMMERCIAL FLIGHTS.

IN THE LONG TERM, I HOPE THAT NEW TECHNOLOGIES WILL HELP PILOTS AND PLANES FLY AROUND WEATHER PROBLEMS AND INCREASE THE NUMBER OF PLANES AN AIRPORT CAN HANDLE. BUT, IN THE MEAN TIME, PEOPLE ARE STUCK ON THE TARMAC AND IN THE AIRPORTS AND THEY'RE MAD. WE HAVE TO ADDRESS THIS PROBLEM. THAT IS WHY I'M LOOKING FORWARD TO HEARING TODAY'S WITNESSES TO FIND OUT HOW WE CAN REDUCE DELAYS – SOON.

Statement of the Honorable Doris O. Matsui  
House T&I Aviation Subcommittee Hearing: Airline Delays and Consumer Service  
Wednesday, September 26, 2007

*Doris O. Matsui*

**Mr. Chairman, thank you for calling this hearing today. Flight delays are an urgent issue that must be resolved quickly. I am encouraged that the Committee is examining this problem.**

**Let me first congratulate you, Mr. Chairman, on passing the FAA Reauthorization Act last week. That bill will go a long way toward improving how Americans fly.**

**Nevertheless, it is hard to find a silver lining when we look at recent statistics on flight delays. Most of us know them by heart.**

**Worst year ever for delays and cancellations. Passengers left on airplanes for hours at a time. Aircraft stuck on the tarmac without moving an inch. Congress will not stand for this, Mr. Chairman.**

**But if there is a silver lining in all this, it is that we have a clear way forward. The Inspector General has laid out an aggressive agenda for airlines, airports, and the FAA to pursue in order to fix this problem.**

Cooperation and collaboration are critical to this effort. All aspects of our air transportation system must work together to identify ways forward ... and to create solutions.

Our constituents demand—and deserve—nothing else.

In my hometown of Sacramento, we have recognized this. And we are increasing our capacity as a result.

Sacramento International Airport is already investing in infrastructure. These improvements will dramatically improve travel into and out of our city.

Expanding our aprons and taxiways will allow us to take advantage of the runway capacity that our airport already enjoys. It will help our aviation system serve passengers better.

Expansion plans like these are a win-win for the flying public, Mr. Chairman. There will be fewer flight delays as a result. The flow of commerce will be smoothed.

Flying to and from Sacramento will be a more pleasant and efficient experience.

**Increasing capacity is not the only way to reduce delays, Mr. Chairman. But it is the first step.**

**Millions more Americans are expected to fly in coming years. Our airways and our airports must have the capacity, the technology, and the flexibility to serve them.**

**I thank today's witnesses for their testimony. Mr. Chairman, I thank you for your leadership and your commitment to this issue. I yield back the balance of my time.**



Statement of Rep. Harry Mitchell  
House Transportation and Infrastructure Committee  
Subcommittee on Aviation  
9/26/07

**--Thank you Mr. Chairman.**

**--To anyone who's flown recently, it will  
hardly come as a shock to learn that airline  
delays have gone from bad to worse.**

**--According to the Bureau of Transportation  
Statistics, the first half of 2007 was the worst  
for airline delays since they started keeping  
comprehensive statistics. Nearly 28 percent  
of flights were delayed.**

--And it's not just the number of delayed flights that's breaking records, it's the duration of flight delays as well. Average flight arrivals are now up to 57 minutes.

--But perhaps most disturbing is the rapid growth we're witnessing in on-board tarmac delays. According to the Department of Transportation's Inspector General, in the first 7 months of 2007, "More than 54,000 flights affecting nearly 3.7 million passengers

**experienced taxi-in and taxi-out times of 1 to 5 hours or more. This is an increase of nearly 42 percent as compared to the same period in 2006.”**

**--Delays like these are not just a matter of inconvenience. When passengers unexpectedly find themselves without access to food, water or medicine, it is a matter of safety.**

**--The status quo is simply unacceptable. The flying public deserves better.**

**--Yesterday, the Inspector General issued a report which contains a series of recommendations to improve our air transportation system, and I urge everyone here to consider these recommendations carefully.**

**--I look forward to hearing from today's witnesses about how we can make the kind of improvements our system so sorely needs.**

**--I yield back.**

OPENING STATEMENT OF  
HONORABLE JAMES L. OBERSTAR  
BEFORE THE HOUSE AVIATION SUBCOMMITTEE  
AIRLINE DELAYS AND CONSUMER SERVICE  
SEPTEMBER 26, 2007

- I want to thank Chairman Costello and Ranking Member Petri for calling today's hearing on *Airline Delays and Consumer Service* to receive testimony from the Federal Aviation Administration (FAA), the Department of Transportation Inspector General (DOT IG), Department of Transportation (DOT), airlines, airports, and consumer representatives.
- Mr. Chairman, the first seven months of 2007 accounted for the worst delays on record with almost 28 percent – a total of 1.21 million flights – were delayed, cancelled or diverted. Air travel complaints at the DOT Office for Aviation Enforcement and Proceedings have increased by 65 percent compared with same period in 2006.
- Chairman Rangel hit the nail on the head last week on the House floor-- there is a palpable sense of “outrage” out there in the public about airline delays and consumer issues. The public needs an accounting of what precisely this Administration did for five years to prepare for this summer. Paradoxically, while delays are up, system-wide total airport operations – an indicator of FAA workload - have actually decreased by 11 percent since 2000.
- As the FAA financing debate heated up this summer, airlines pointed the finger at general aviation for causing delays. However, some of the testimony that we will hear today suggest that operational and technological trends within the airline itself industry are a much bigger factor.
- The decrease in overall airport operations is largely driven by a decrease in general aviation operations. At the same time, airline operations appear to be more highly concentrated at some of the nation's largest and busiest airports.
- Today we will hear testimony from MITRE that, since 2004, scheduled airline operations at John F. Kennedy have increased 44 percent. Additional analysis from MITRE reveals that operations at 7 large hub airports that account for 72 percent of delays increased 10 percent since the summer of 2000, while operations at 38 other airports decreased.

- The FAA must be more proactive in its examination of airline scheduling practices and, where necessary, it must step in, to prevent delays. Two weeks ago, outgoing FAA Administrator Blakey stated that “. . .airlines need to take a step back on the scheduling practices that are at times out of line with reality. . .”, and last week the FAA requested summer 2008 scheduling information from airlines at JFK and Newark. I applaud these recent developments, but they should have taken place far sooner.
- Further, in trying to sell its extremely controversial financing proposal, for which there is no consensus, I believe that this Administration has oversold its Next Generation Air Transportation System (NextGen) plan to the American public. I agree that we must modernize our air traffic control system, and I support the NextGen effort. But NextGen is a long-term solution, and core NextGen technologies will not yield benefits for several more years, and Americans will not tolerate the current delay situation for several more years.
- Airlines have also chosen to replace lower and slower flying turboprops with small regional jets. The number of regional jets has increased by over 200 percent since 2000, from 570 in 2000 to 1,746 in 2006. Because regional jets fly closer to or at the same altitudes and use the same runways as larger commercial jets, they put more demand on the system than turboprops.
- Today we will also hear from the DOT IG on their report entitled *Actions to Improve Customer Service and Minimize Long, On-Board Delays* released yesterday.
- In 1999, this Committee considered implementing a passengers’ bill of rights. Instead, we received a commitment from the airlines that they would implement internal quality assurance and performance measurement systems for consumer protection.
- In 2001, the DOT IG reported that the ATA needed not only to announce an “Airline Customer Service Commitment”, but to actually implement the commitment. And in April 2007, the DOT IG testified before this Subcommittee that most of the air carriers still had not implemented these commitments. The IG’s recommendations once again included implementing the “Airline Customer Service Commitment,” ensuring that airlines self-audit customer service needs; disclosure of chronically delayed flights; improving DOT’s Office of General Counsel’s oversight of consumer protection laws; and developing emergency contingency plans for airports and airlines.

- Unfortunately, the airlines' failure to adequately implement the IG's recommendations has forced Congress to step in and legislate specific customer service provisions that the air carriers and airports must uphold. H.R. 2881, the FAA Reauthorization Act of 2007, includes many requirements similar to the IG's recommendations including:
  - Mandating that air carriers and airports submit emergency contingency plans detailing how they will deplane passengers following excessive delays and giving DOT the authority to assess a civil penalty against an air carrier or airport that fails to adhere to an approved contingency plan;
  - Requiring FAA to convene schedule reduction meetings if aircraft operations exceed hourly rates and are likely to significantly adversely affect national or regional airspace;
  - Establishing an Advisory Committee for Aviation Consumer Protection at DOT; and
  - Several studies providing oversight of customer protections.
  
- I encourage DOT to continue to perform proper oversight on these important issues, and I applaud Secretary Peters for requesting the IG report and look forward to working with her to implement these additional recommendations.
  
- Thank you again Chairman Costello for your leadership on this issue. I want to thank the witnesses for sharing their testimony with us today.

NICK J. RAHALL II  
3rd DISTRICT, WEST VIRGINIA  
  
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**Congress of the United States**  
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The Honorable James Oberstar, Chairman  
House Committee on Transportation and Infrastructure  
U.S. House of Representatives  
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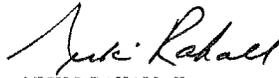
Dear Mr. Chairman:

I ask that the following statement from Pamela Foley of Scottsdale, Arizona be included in the official record for the hearing entitled, Airline Delays and Consumer Issues which took place on September 26, 2007.

If I may be of assistance to you further in this matter, please do not hesitate to contact me.

With warm regard, I am

Sincerely,

  
NICK J. RAHALL, II  
Member of Congress

NJR/elv

STATEMENT OF PAMELA FOLEY

**SUBMITTED TO THE AVIATION SUBCOMMITTEE FOR ITS  
CONSIDERATION IN ITS HEARING ON SEPTEMBER 26<sup>TH</sup>, 2007  
REGARDING THE MATTER OF "AIRLINE DELAYS AND CONSUMER  
ISSUES".**

My name Pamela A. Foley. I live in Scottsdale, AZ. In June 2007, I purchased a round trip coach fare airline ticket from American Airlines for transportation by American from Phoenix, AZ to Huntsville, AL and return through Dallas, TX in both directions. I have spoken to the airlines customer relations office and I wrote to that office complaining about the airline's wretched and inconsiderate treatment of me at the terminal in Dallas on July 25<sup>th</sup> and 26<sup>th</sup>. The details follow:

The first leg of the trip from Phoenix to Huntsville was American's flight #1538 to DFW and flight #3397 from DFW to Huntsville on July 25<sup>th</sup>. The published connection for flight #3397 at DFW was only 40 minutes. I was very concerned about that tight connection at DFW and spoke to the agent at the gate in Phoenix about it before boarding flight #1538. After showing the agent my disability card she initially ordered a wheelchair for me at DFW, but then said to take the tram from Terminal A to Terminal B; telling me it would be quicker to make the connection with flight #3397 that way.

I boarded flight #1538 at Phoenix. The flight was at least 20 minutes late leaving Phoenix and by the time we arrived at gate A-16 at DFW there was less than 28 minutes to get to gate B-9 for flight #3397. I took the tram, as the agent in Phoenix recommended, and reached gate B-9 well before flight time; but was denied boarding! The agent at gate B-9 said the flight was over-booked and my seat had been assigned to someone else! The agent at gate B-9 made no effort to assist me in finding another seat on flight #3397 or seat on any other airline to get to Huntsville. The gate agent repeatedly stated that I was late! Wrong! I was not late! American Airlines was late getting me to DFW on time to catch the connecting flight. The discussion and her criticism of me went on for several minutes. Flight #3397 was still on the ground and the doors open! But the agent would not listen to me trying to explain my disability and the fact that my incoming flight was late in arriving! I was told to take American's flight #3735 the next morning at 9:30 a.m. The agent told me to take the shuttle to Motel 6. Again I tried to explain to her my handicap and at that point even showed her my disability card. She ignored that and then proceeded to board a man who was on my inbound flight from Phoenix. At this point I felt penalized for being handicapped. She then told me to talk to another agent.

Eventually a different agent at gate B-9 issued me a voucher for the shuttle to the Motel 6 and a boarding pass for American's flight #3735 scheduled for departure to Huntsville at 9:30 a.m. the next morning.

I was given no voucher for meals. I noted also that some of the passengers were

being put up at the Hyatt right on the DFW grounds, while I was sent to Motel 6.

After a sleepless night I arrived at DFW at 7:00 a.m. to catch the 9:30 a.m. flight that I was scheduled on, only to be told, after three gate changes, it was cancelled!! I was then told to catch flight # 1530 as a standby passenger leaving at 1:30 p.m. I was given a priority #1 on the standby list for #1530. At the gate for Huntsville, I heard my name called and went up to the agent and there was another passenger there and I overheard the agent say to him "oh you just made it". She then told me there was no more room on that flight and she put me on the 4:15 p.m. flight #3529 to Huntsville. I wonder where AAL's enforcement of it's 15 minutes deadline was on this fellow? Finally, I boarded #3529 at 4:10 pm and I finally arrived in Huntsville, AL long after 6:30 pm on July 26<sup>th</sup>!!

American Airlines effectively kept me hostage for more than 20 hours without any consideration for my having been unjustly denied boarding on flight #3397 the night before, as well as flights #3735 and #1530 on July 26<sup>th</sup>; giving me NO meal vouchers, or even a voucher for the Motel 6!. With the exception of a supervisor named Cindy AAL showed a total lack of interest in boarding me on American's - or any other carriers - flights to the destination on my prepaid ticket.

In my talks with American's customer relations staff, and in my August 5<sup>th</sup> letter, I commented that if American had any interest at all in showing any measure of customer assistance, American should send me a first class round trip ticket good for any cities it serves in the United States; plus reimbursing me for my out of pocket expenses at DFW while I was being continuously denied ability to use the ticket I bought for my trip to Huntsville.

American's response to my request for some measure of reimbursement/ compensation for all the mistreatment from American was a \$100 certificate good on any future purchase of an American Airlines ticket. That strikes me as grossly inadequate for all the trouble American Airlines put me through at Dallas on July 25<sup>th</sup> and July 26<sup>th</sup>, 2007.

Respectfully submitted,

Pamela a. Foley  
5010 E. Villa Rita Dr  
Scottsdale, AZ 85254  
602-482-3416



October 3, 2007

**Statement of Steve Brown  
Senior Vice President, Operations**

**National Business Aviation Association**

**Airline Delays And Consumer Issues**

**Committee on Transportation and Infrastructure**

**Subcommittee on Aviation**

**U.S. House of Representatives**

**September 26, 2007**

Chairman Costello, Ranking Member Petri and members of the Subcommittee, good afternoon. It is a privilege to be with you today.

My name is Steve Brown. I serve as Senior Vice President for Operations at the National Business Aviation Association. Our association represents businesses across the country that use general aviation aircraft to make their business model work. The vast majority of these companies are small to mid-size businesses using a single airplane.

One element of my responsibilities at NBAA is management of the General Aviation Desk at the Air Traffic Control Command Center for the Federal Aviation Administration in Herndon, Virginia. This is the facility that coordinates all of the Instrument Flight Rules, or "IFR" flights in the United States.

Prior to joining NBAA, I served as the Associate Administrator for Air Traffic Services at the FAA, where I managed the operation of the nation's ATC system.

Earlier in my career I was employed as a commercial pilot and taught aviation courses on the faculty at Texas A&M University.

This varied background has provided me with many of the insights I will outline today about how the nation's aviation system functions.

Mr. Chairman, as you and the other members of this Subcommittee know, for the past several months, the general aviation community – specifically, business aviation – has endured numerous erroneous allegations from the nation's big airlines. They have attempted to blame record delays and increasing congestion on our community.

I can tell you from my years of experience and current flying activity that such assertions are untrue, especially when you look at the facts.

For instance, at the nation's 10-busiest airports, general aviation accounts for less than four percent of all aircraft operations. When it comes to the busy New York area, which receives so much attention today, our operations have actually gone *down* in recent years.

For the first six months of 2007, FAA statistics show that general aviation accounted for only about two percent of all operations at La Guardia, Newark, and JFK airports – *combined*.

These numbers are so low because our members typically avoid the big airline hubs and instead fly primarily into areas where there are no capacity constraints.

On the rare occasions when our operators *do* go into the airline hubs, we frequently do so using different approaches and runways, as is the case with Boston's Logan Airport. What that means is that, even in the small number of cases when we're in areas with a lot of airline congestion, we're not contributing to it.

Clearly a fair question is, if general aviation isn't causing delays what is? Let me again reference New York's airspace. Based on my years managing the airspace, I can tell you that when there are capacity issues in the air, it's usually because of the problems being caused by airline hub operations on the ground at congested airports.

For example, JFK has enough capacity normally for 44 departures between 8 and 9 a.m., but the airlines regularly schedule 57 departures. When they do that, the gates become full. The scheduled carriers then fill the taxiways and runways with what we in the industry call "conga lines." There's nowhere to put additional airplanes on the ground, so the arriving aircraft obviously start backing up in the air, waiting for landing clearance.

It's natural then, that when it comes to delays, Department of Transportation data show that the commercial airlines' scheduling practices are the second-leading cause of delays, exceeded only by adverse weather.

It is also worth noting that a few successful airlines are using schedules that create smooth demand on the air traffic control system and avoiding the destructive practice of over-scheduling and causing "peaks" that stimulate delays.

Former FAA Administrator Marion Blakey recently told an industry gathering that airline schedules are "out of line with reality," and that "if the carriers aren't ready to address the situation, they shouldn't be surprised if the government steps in."

During my years with Administrator Blakey at FAA, we initiated the airline scheduling discussions that ultimately resulted in significant delay reductions at Chicago's O'Hare Airport.

The president of the National Air Traffic Controllers Association has also said repeatedly that: "Severe weather accounts for over 70 percent of delays, which are exacerbated by the hub-and-spoke operation. The rest is either airline staffing woes, air traffic controller staffing shortages or the airlines' own operations."

Clearly, general aviation is not the problem when it comes to airline delays, and no authoritative source has ever concluded otherwise. However, we are committed to expanding system capacity because when capacity becomes constrained, general aviation is usually the first segment to be pushed out.

For example, our industry has embraced technologies that help increase the capacity of the aviation system. Just over two years ago, our operators equipped their aircraft – at their own significant cost – with cockpit technology allowing for "Reduced Vertical

Separation Minimums,” or “RVSM.” That long-winded term basically describes technology that doubles the number of high altitude routes available in the airspace system. The majority of these new routes created by the capacity increases are used by the airlines every day and are saving them millions of dollars in fuel and flight time.

Our industry also leads the way in supporting stakeholder efforts to lay the groundwork for a modernized aviation system. NBAA has representatives on every stakeholder committee addressing this issue, and I personally co-chair with my ATA airline counterpart the Aviation Regulatory Committee that is focused on a promising technology called Automatic Dependant Surveillance Broadcast, or “ADS-B.” This technology is widely viewed as the cornerstone for aviation system modernization.

While the business aviation community embraces new technologies and stakeholder initiatives focused on expanding system capacity, we also support legislation aimed at system modernization.

Mr. Chairman, this subcommittee has demonstrated a commitment to strengthening the nation's aviation system by approving an effective legislative proposal to modernize the system.

In addition, the “FAA Reauthorization Act of 2007” uses a proven funding mechanism, fuel taxes, to raise needed funds for system transformation without resorting to foreign-style user fees or providing tax breaks for other industry segments as the critical need for modernization and more capacity arises. The legislation substantially increases the fuel taxes general aviation will pay to support system modernization.

Mr. Chairman, the business aviation community clearly has a record of supporting technologies, initiatives and legislation for modernizing the aviation system.

But I want to make sure the members of this committee don't lose sight of one central point. And that is, airline delays are basically a self-inflicted wound that is a by-product of their business practices at major hub airports.

My many years of managing, teaching and flying in the aviation system have made this reality clear. Data in monthly reports on delays from the federal government tells us that this is the case. And, people with a real understanding of how the system works and how airlines operate know this is the case.

Anyone who tries to convince the public or members of Congress and this subcommittee that the situation is otherwise is simply not representing the complete picture, or the essential facts.

Thank you, and I look forward to any questions you may have.

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Registered Airline Association  
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# U.S. House of Representatives Subcommittee on Aviation

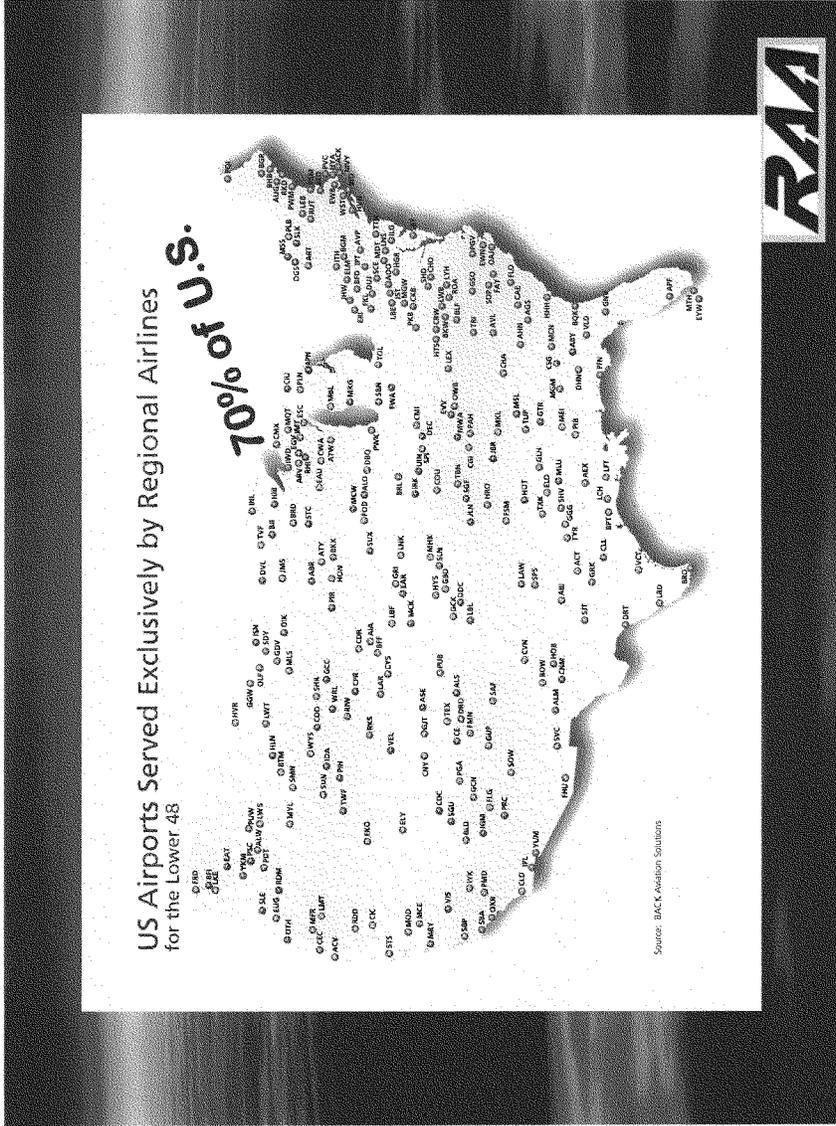
## Hearing on Airline Delays & Consumer Issues September 26, 2007

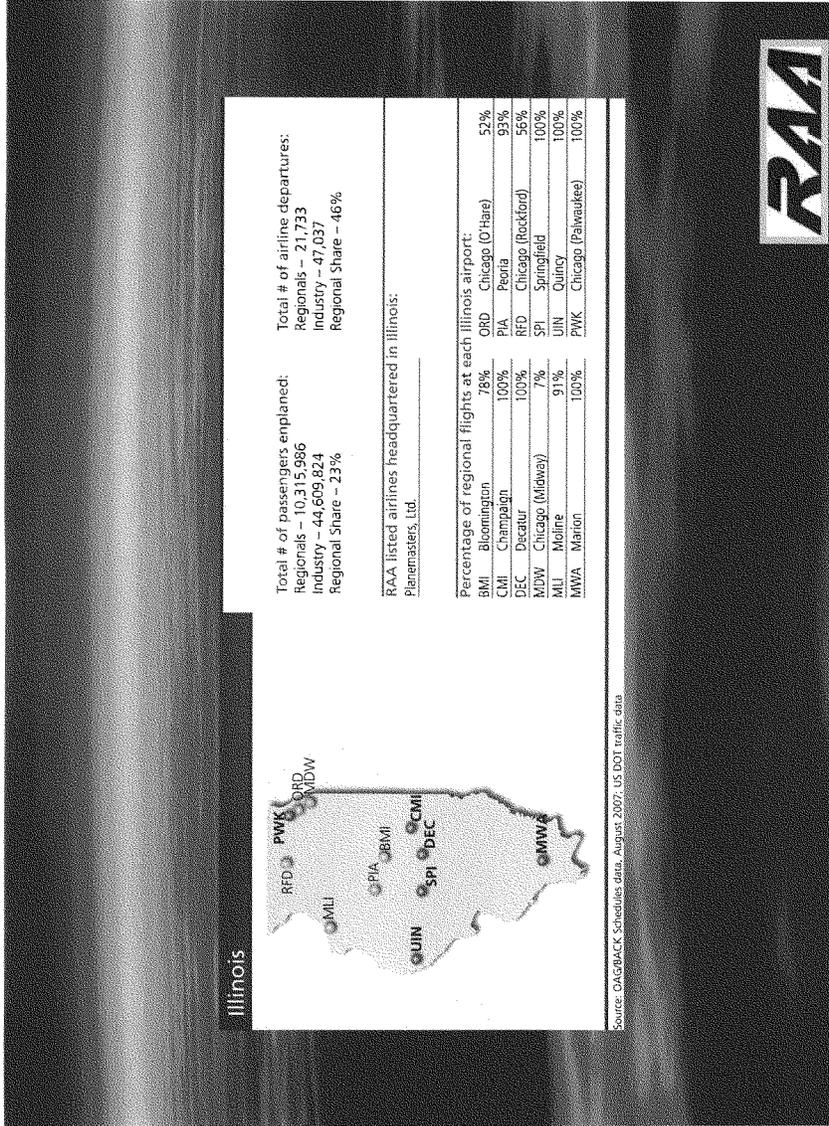
Testimony of Roger Conner  
President, Registered Airline Association

## Regional Airlines Today

- 154 million U.S. passengers
  - Nearly one in every *four*
- Almost 14,000 daily flights
  - 50% of total U.S. airline schedule
- 2400 regional passenger aircraft
  - 1700 jets, 700 turboprop & piston
  - 40% of U.S. scheduled passenger fleet

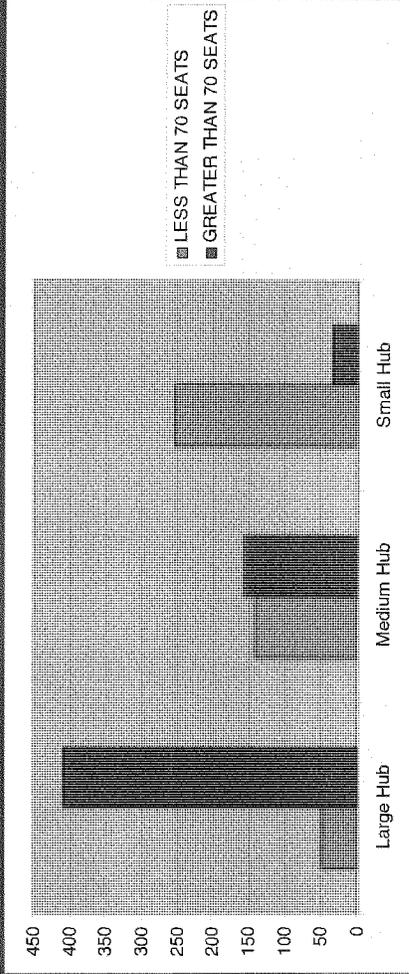






# Regional jets not flying between

Major Hubs  
Daily ORD flights by size of destination

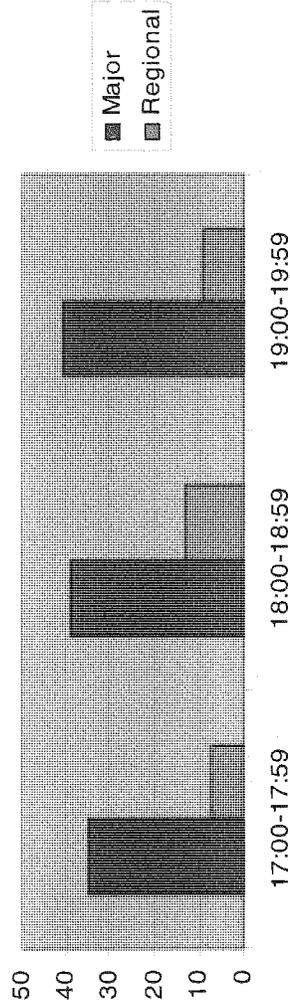


# JFK flights during rush hour

Regional airlines are not 'clogging' the airport

Number of flight departures between 5pm and 8pm

Sep. 21, 2007





## Industry Traffic Statistics

	2002	2003	2004	2005	2006
Passenger carriers operating	91	73	75	75	71
Passengers enplaned (millions)	98.4	109.54	130.11	150.19	153.93
Revenue passenger miles (RPMs billions)	32.77	42.80	55.46	67.76	70.80
Available seat miles (ASMs billions)	52.59	64.86	81.07	95.53	94.79
Average load factor (percent)	62.31	65.99	68.41	70.93	74.69
Departures (millions)	4.41	4.49	4.87	5.13	4.98
US airports with scheduled service	707	684	693	684	688
Average trip length (miles)	333	390.72	426.26	451.17	459.95
Average seating capacity (seats)	35	46	48	51	51
Fleet flying hours (thousands)	5,248	5,940.33	6,595.54	7,332.99	7,133.07

Source: OAG/BACK Schedules, FLEET, US DOT data YE 2006





**REGIONAL AIRLINE ASSOCIATION**

2025 M Street, NW  
Suite 800  
Washington, DC 20036

**Regional Airline Access to Airports and the Air Transportation System**

Report to Accompany Congressional Testimony

September 26, 2007

Air traffic control modernization and airport expansion are critically important for the future of small and medium-sized community air service and for competition between airlines. The debate over access to increasingly constrained airspace and the urge to place blame on a single industry sector risks losing sight of a more important question: How can America's Air Traffic Control system expand in a way that keeps pace with passenger demand?

***The Regional Airline Success Story***

Regional airlines are committed to setting and achieving the highest standards as we provide safe, cost-effective, and on-time service to our passengers. As a result, regional airlines are one of the great success stories of the U.S. aviation industry. Regional aircraft represent about 40 percent of the nation's commercial airline fleet and regional airlines operate nearly one-half of scheduled U.S. departures. More than 153 million passengers – nearly one out of four U.S. passengers – traveled on a regional airline flight last year.

Like any successful business, regional airlines offer different product lines in order to effectively, competitively, and profitably serve a variety of diverse markets. Regional aircraft generally carry fewer than 100 passengers and are typically operated in markets between 300 and 1600 miles apart. Service to such a wide variety of communities requires the prudent utilization of every single aircraft in the regional airline fleet. In particular, regional airlines must be able to deploy aircraft that are sized appropriately for service to small and medium-sized communities. Many smaller communities simply cannot support air service with larger aircraft. In fact, 21 percent of domestic passengers travel in markets that produce fewer than 50 passengers per day. (Source: *Eclat Consulting*) Of the 674 airports currently receiving scheduled airline service, regional airlines provide the *only* scheduled air service at 442 communities. That translates to a full 70 percent of all U.S. commercial airports with scheduled air service (figure 1).

Regional jets, in particular, have become very popular with passengers because they provide many of the same amenities found on larger aircraft, including flight attendant service, comfortable cabins, and fast turbojet operations. In fact, there's not a single "middle seat" anywhere in the regional airline fleet. Regional jets have also become popular with airlines because they can be deployed for multiple short and medium flight segments in a single day with fewer crew and ground support staff and with lower fuel costs. Unfortunately, regional jets have also become a popular scapegoat in the wake of recent airport and ATC congestion and delay.

***Regional Airline Hub Presence Builds Competition and Access to Air Travel***

Typically, regional airlines provide service between communities large and small as part of a network of collaborative marketing partnerships with one or more major airlines called code-sharing. By definition, code-sharing is a commercial agreement between two airlines where an airline may put its two-letter identification code on the flights of another airline as they appear in computerized reservation systems and in the *Official Airline Guide*. To passengers traveling to and from small and medium-sized communities, code-sharing means access to nationwide air

travel networks. As major airlines deploy regional aircraft, which can be right-sized to match passenger demand, travelers from all over America gain access to the nation's air transportation network through major airline hubs.

Because of these code-sharing partnerships, the health and financial well-being of regional airlines is inextricably linked to that of their major airline partners. Conversely, the service provided by regional airlines is critical for the operational and financial success of the major airlines. Through code-sharing relationships with regional partners, major airlines can deploy appropriately-sized aircraft to precisely match supply to demand in a given market. Regional airlines may also be deployed in order to preserve a major airline's market presence in the event of an economic downturn or to provide new competition in markets too small to support large-aircraft competition by two or more airlines. Regional airlines help to absorb risks associated with developing new markets by offering service with nimble, cost-effective aircraft, and regional aircraft are deployed in order to offer service to communities that *cannot economically sustain service by larger mainline aircraft*. Code-sharing partnerships are cost-efficient and convenient because they allow airlines to tailor aircraft size precisely to a variety of diverse markets, offering greater frequency and lower capacity on shorter routes and providing critical hub access for "spoke" communities.

In turn, regional airlines feed passengers to the hubs, providing major airlines with access to traffic from airports the major airlines cannot service economically while contributing to higher load factors and allowing major airlines to offer competitive fares on mainline flights across the network. The connecting nature of this partnership means regional airlines account for a significant presence at our nation's hub airports as well as at the spokes (figure 2). Consequently, significant disruption of regional airline hub access could disconnect as many as 70 percent of the nation's airports from the national air transportation system. Under such a scenario, not only would passengers traveling to and from those communities suffer, mainline carriers would experience fewer flow passengers, decreased market presence at spoke cities, and diminished ability to compete at hub airports.

While regional airlines have played a key role in helping major airlines sustain and develop hubs; regional aircraft are also deployed by airlines eager to compete at an incumbent carrier's hub, allowing airlines to provide additional fare and flight choices to passengers. Regional airline access to hub airports is therefore necessary to connect small community passengers to the hub and spoke system and to foster healthy fare and service competition for passengers at communities large and small, providing lower fares and expanded service options across the nation.

***The Air Traffic Control System is at Capacity and Many Airports are Congested***

Because regional airlines play such a critical role in the health of the air transportation industry, the regional airline presence within the air traffic system has grown dramatically in recent years. Over the past decade, RJ frequencies in particular have increased substantially, with 1700 regional jets now in service in the United States. Considering this growth, some industry stakeholders have sought to blame current and anticipated congestion and delays on regional

airlines or regional aircraft. As a result, some policymakers have advocated the artificial manipulation of demand for air travel—rather than keeping pace with it—as an appropriate solution to the current capacity constraints. Unfortunately, this solution is one that ultimately fails the traveling public. In fact, regional airlines are just one part of a larger system with a very big problem. That problem is not the influx of regional jets but rather a failure to ensure our airports and Air Traffic Control (ATC) system keep pace with user demand.

Because the current ATC system was designed to provide only specific “highways in the sky,” the network of airways through which aircraft are routed has become increasingly congested. The result of this capacity crunch can be seen across the nation as passengers and the airlines transporting them grow increasingly weary of costly system delays. Severe weather confined to one airport can impact traffic flow at multiple airports as a result of out-dated ATC response procedures. The solution to this problem, however, is not limiting access for small community passengers.

Together with our passengers, commercial airlines fund 92 percent of the airport and airways trust fund and contribute billions to the aviation system every year through taxes, airport leases, landing fees, and passenger facility charges. Moreover, passengers in communities large and small shoulder the same tax burden. No passenger should be denied access to the system he or she has helped to fund because of a failure to modernize and expand the ATC system beyond “highways” to enable flights to operate safely throughout the sky. Proposals to limit regional aircraft at hub airports are discriminatory towards passengers who rely upon these aircraft for competitive access to the system. Instead, the U.S. Air Traffic Control System must receive the resources and oversight necessary to expand and modernize. We must move forward on the transition to a satellite-based, air navigation system referred to as “NextGen,” which is better suited to meet long term passenger demand. In the interim, the pursuit of additional incremental capacity must remain a top priority.

Along with regional airlines’ tremendous growth and success comes a role to play in building an airport and airways infrastructure that meets the needs of all users. We therefore pledge to continue working with our government partners as they seek to fairly allocate the resources necessary to fund this transition.

#### ***Regional Airlines are Part of a Growing Aviation Industry***

While an outdated ATC system represents one part of today’s congestion and delay problem, airport capacity constraints represent another. In the wake of frustrated passengers and increasing airline delays, some critics have pointed to the presence of regional aircraft at busy hubs as the root of the problem. Proponents of demand management have prescribed a “quick fix” for airport congestion by advocating the replacement of multiple flights on smaller aircraft with fewer flights on larger aircraft. Under this same logic, advocates of demand management suggest the RJ—long seen as a desirable presence at spoke airports—should be barred from or operationally limited at hub airports.

Unfortunately, these proposals not only disenfranchise small community passengers, they are rooted in a fundamentally flawed logic that incorrectly blames regional jets for congestion at

busy airports. In reality, regional airlines are just one sector of a larger, growing industry. Large narrowbody aircraft (150-199 seats) are leading worldwide commercially-scheduled seat growth (figure 3) and, in the congested New York City area, narrowbody departures outnumber RJ departures by nearly 30 percent (figure 4). Neither regional jets nor mainline aircraft are to blame for airline efforts to meet consumer demand. Both aircraft types are appropriately sized to enable passengers to travel where they want to go and when they want to go. Overall industry growth represents the health of an increasingly strong and vibrant airline industry. Rather than artificially constraining demand for the system, the focus should be on expanding capacity to meet user needs.

#### ***Regional Airline Growth Trending toward Larger Aircraft Naturally***

While regional airlines themselves have shown remarkable growth over the past decade, this growth has flattened out and is projected to remain slow through 2008 (figure 5). While the number of passengers flying on regional airlines increased by about 2.5 percent from 2005-2006, the number of regional airline flights declined 3 percent over the same period of time (source: RAA 2007 annual report). With some post 9/11 relaxations in major airline scope clauses allowing for right-sized aircraft deployment, regional aircraft seat capacity has naturally trended upward. In other words, while smaller aircraft are still a vital part of service in smaller markets, larger regional aircraft are now being deployed on routes where additional market demand justifies additional seating capacity. In fact, over the past five years, the average seating capacity of the regional airline fleet has grown by over 30 percent.

Delays and congestion are clearly a shared problem. Nonetheless, some stakeholders favor policies that encourage fewer flights with larger aircraft over the flexibility of regional airlines. Some proponents of demand management suggest that fewer flights with larger aircraft would translate to fewer delays and roomier airplanes; however, by reducing regional jets at a capacity-constrained and slot controlled airport like La Guardia, dozens of smaller communities served exclusively by regional jets could lose their only service to New York (figure 6). Moreover, limiting regional jet operations at La Guardia would diminish competition on other routes.

While regional airline presence at the spoke airports is welcomed with open arms, some claim that regional airlines should be deprived of access to major hubs to reduce congestion there. To provide meaningful service to and from spoke cities, however, regional airlines need access to the hubs. This hub feed is critical not only for the spoke cities, but for the system overall, since network carriers depend on these markets for 27 percent of their passengers (source: *Eclat Consulting*).

Clearly, congested airports and an antiquated ATC system create a shared problem. Instead of discriminating against passengers from small and medium-sized communities whose access to the system is largely dependent upon regional airline service, stakeholders, including government stakeholders, must continue to work together to meet the short and long-term airport and airspace capacity goals necessary to accommodate passenger demand.

Addendum: Tables and Charts

Figure 1: 70 percent of U.S. communities receive service exclusively from regional carriers.

US Airports Served Exclusively by Regional Airlines for the Lower 48



Source: BACW Aviation Solutions

**Figure 2:** Regional airline presence at hub airports

Top 15 Airports (by Weekly Nonstop Flights)	Regional Share (Percentage of Total)
1. ATL	38.2
2. ORD	49.0
3. DFW	35.3
4. LAX	32.4
5. DEN	38.6
6. IAH	54.5
7. CLT	59.2
8. PHX	19.7
9. DTW	43.2
10. PHL	53.2
11. JFK	34.5
12. LAS	6.9
13. MSP	39.8
14. EWR	41.3
15. LGA	51.2

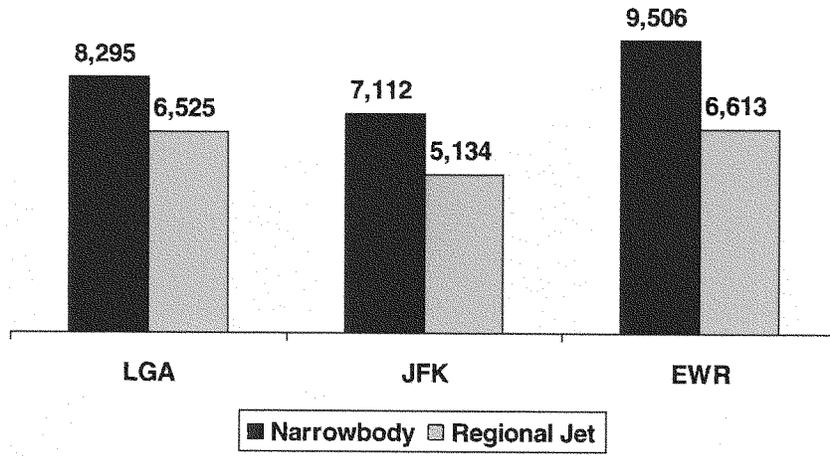
Source: Seabury/APG database via the Velocity Group ©

**Figure 3:** Scheduled Commercial Airline Seat Growth by Segment -- 20 to 600-seat aircraft

Seat Segment	2Q 2006	2Q 2007	Change	1st Half 2006	1st Half 2007	Change
20-99 Seats	113.9	118.0	4%	223.6	231.3	3%
100-149 Seats	294.2	316.2	7%	576.5	612.5	6%
150-199 Seats	229.8	249.2	8%	444.2	484.7	9%
200-600 Seats	170.4	175.7	3%	337.3	346.9	3%
<b>20-600 Seat Totals</b>	<b>808.4</b>	<b>859.2</b>	<b>6%</b>	<b>1,581.6</b>	<b>1,675.5</b>	<b>6%</b>

Source: OAG schedules and Bombardier Analysis

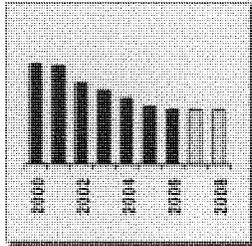
**Figure 4:** Monthly Departures by Equipment Type:



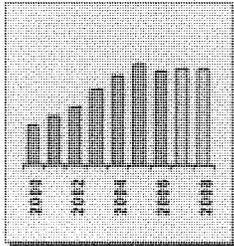
Source: Bombardier analysis of OAG data (May 2007)

**Figure 5:** North American growth will be led by large regional aircraft:

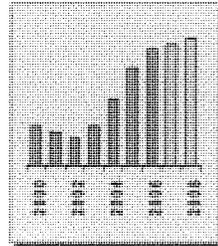
**Total Scheduled Seats**  
20-39 Seat Segment



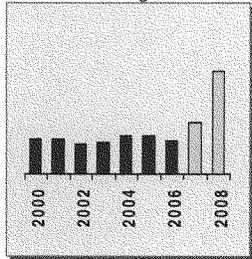
**Total Scheduled Seats**  
40-59 Seat Segment



**Total Scheduled Seats**  
60-79 Seat Segment



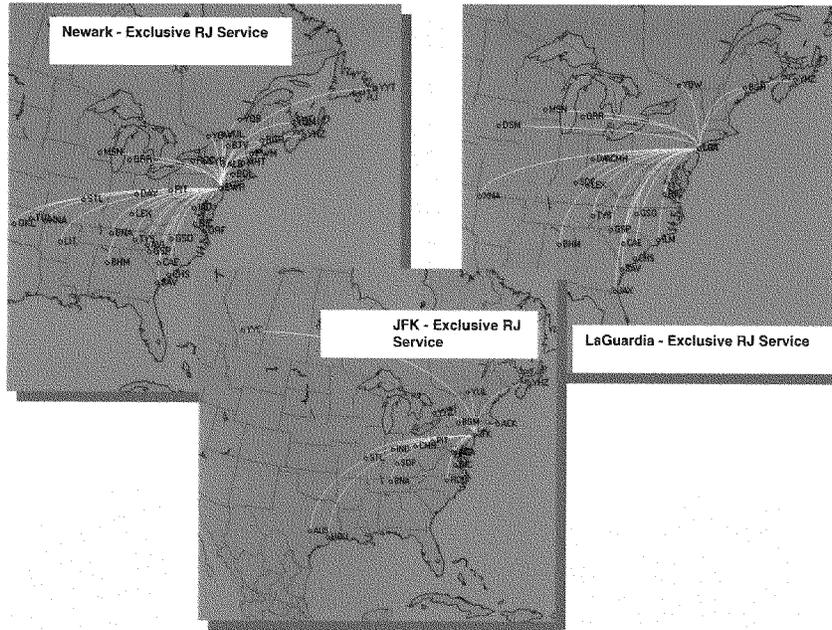
**Total Scheduled Seats**  
80-99 Seat Segment



- 40-59 seat segment affected by Flyi shutdown in 2006
- 60-79 and 80-99 seat segments growing at 28% CAGR combined from 2003

Source: OAG Schedules and Bombardier Analysis

Figure 6: Regional Jets Create Important Links From NYC to Smaller US Cities



Source: Bombardier Analysis of OAG Schedules May 2007

**National Air Traffic Controllers Association**  
AFL-CIO



Testimony of

Patrick Forrey, President,  
National Air Traffic Controllers Association

Before the House Transportation and Infrastructure  
Subcommittee on Aviation  
Wednesday, September 26<sup>th</sup>, 2007

Airline Delays and Consumer Issues

## **INTRODUCTION**

The National Air Traffic Controllers Association (NATCA) is the exclusive representative of over 14,000 air traffic controllers serving the Federal Aviation Administration (FAA), Department of Defense and private sector. In addition, NATCA represents approximately 1,200 FAA engineers, 600 traffic management coordinators, 500 aircraft certification professionals, agency operational support staff, regional personnel from FAA's logistics, budget, finance and computer specialist divisions, and agency occupational health specialists, nurses and medical program specialists. NATCA's mission is to preserve, promote and improve the safety of air travel within the United States, and to serve as an advocate for air traffic controllers and other aviation safety professionals. NATCA has a long history of supporting new aviation technology, modernizing and enhancing our nation's air traffic control system, and working to ensure that we are prepared to meet the growing demand for aviation services.

Aside from the millions of air travelers who experienced the pain and frustration of this summer's record level of flight delays first-hand, nobody had a better view of the congested runways, taxiways, gate ramps and airways than this nation's air traffic controllers. These controllers worked record amounts of hours and overtime in a high stress work environment, where most facilities were understaffed, to try and move the system along as efficiently as possible, while keeping safety above all as our highest priority and guiding principle.

As part of our commitment to serving the flying public and watching out for air travelers' best interests, we have created a web site devoted to helping travelers avoid flight delays and receive advice from the people with the front-row perspective on the National Airspace System – the air traffic controllers. NATCA launched [www.avoiddelays.com](http://www.avoiddelays.com) in 2006 as flight delays began their ascent into record territory. Then this spring, we added some enhancements to improve the site, including the addition of tips from controllers at each of the busiest airports across the country, offering words of wisdom as to the best times to fly, and many other nuggets of useful information about the operation at those airports.

But despite NATCA's best efforts, no amount of assistance has seemed sufficient thus far in 2007. As *The Washington Post* stated in an editorial two weeks ago, "This summer in air travel was terrible." The delays were the worst since the federal government started keeping a running total in 1995.

## **AS NEW YORK GOES, SO GOES THE NATION**

The problems this summer mostly revolved around the highly congested New York airspace, where one-third of all flights pass through daily. Three of the five worst airports for delays -- Newark Liberty International, John F. Kennedy International and La Guardia

-- all serve the New York metropolitan area. As the *Post* reported, "time and again, trouble at those airports means trouble almost everywhere else."

In her final public remarks two weeks ago, former FAA Administrator Marion Blakey cited New York, but she also talked about Chicago's O'Hare International Airport, where in 2004, the FAA forced the airlines to reduce the number of takeoffs and landings between 7 a.m. and 8 p.m. to 88 per hour, down from a high earlier this decade of 130 or more. As a result, according to the *Post*, delays were reduced by 24.5 percent in 2005.

However, NATCA's research shows that O'Hare is still one of the most congested and overscheduled airports in the country and that is having an effect on the increasing delays. O'Hare, the three New York airports and Philadelphia International round out a "Top Five" list of the most overscheduled airports in the country, which NATCA believes is the number one reason for the surge in delays in 2007.

As early as 2000 and 2001, when NATCA made regular appearances before this committee and also before various Senate committees that were working to try and solve the problem of flight delays, we talked directly, and in great detail, about the problem of ground capacity and airline overscheduling, identifying this as a major concern. Below is from our testimony in May 2001:

*"An airport's capacity to handle air traffic is a function of its size, the layout of its runways, the air traffic patterns, both arriving and departing, and the time frame in which a surge of traffic must be dealt with due to airline scheduling. Our system is built to allow for unfettered discretion in adding demand. However, you can not add limitless demand to a finite system. Case in point is what happened at New York's LaGuardia Airport last summer (2000) when airlines filed for 600 slot exemptions within about a week. Market forces failed to limit the number of flights at LaGuardia, so the FAA and the New York/New Jersey Port Authority had to step in.*

*"Delays occur every day at every major U.S. airport. Schedules are made to reduce operating costs and maximize revenue without regard for other airlines, terminal airspace or airport capacity. At 'peak' times, dozens of planes are simultaneously taxiing for take-off or queuing above the airport in a finite amount of terminal airspace. This is where the laws of physics kick in. Given runway capacity, only certain number of flights can depart and arrive within a specified time period. Therefore, scheduling during peak hours contributes to delays at busy airports even in good weather. All scheduled flights will not be able to arrive on time. Responsible scheduling of flights within airport capacity limits will go a long way toward alleviating delays."*

Here we are again, more than six years later, and NATCA's message on this subject has not changed: **Scheduling during peak hours contributes to delays at busy airports even in good weather. All scheduled flights will not be able to arrive on time. Responsible scheduling of flights within airport capacity limits will go a long way toward alleviating delays.**

We were pleased to hear Administrator Blakey echo our position in her farewell speech when she told the Aero Club of Washington, “The airlines need to take a step back on scheduling practices that are at times out of line with reality. ... I predict passengers will continue to be fed up with delays, and that's got to be taken more seriously by our airlines.”

However, these comments were too little, too late, coming at the end of the summer travel season and not before, when controllers knew overscheduling would be the reason for a surge in delays. NATCA agrees with Chairman Costello, who said the administrator waited too long to criticize airlines for overscheduling, and said she should have made her remarks in January "when they might have had some effect on the summer travel season."

NATCA is aware that many pilots share our view that ground capacity, not air capacity, is where the problems lie in our overcrowded system. In a recent article in an aviation magazine, pilot J. Mac McClellan wrote: “The point of this — other than the obvious, that New York is a pain in the butt at rush hour — is that pavement, not airspace, is the fundamental congestion problem. There was plenty of space in the air, but only one airplane could use the runway at a time, and it was being used for landings. If Westchester (N.Y.) had a parallel runway, takeoffs could have been conducted as soon as the landing airplane was down and rolling. Without that extra runway, there was no way capacity could be increased. Pilots were doing an excellent job of spacing themselves on the visual approach, and the airplane ahead was turning off the runway as the next one was nearing the numbers. Only formation landings could have increased capacity, and nobody is ready for that.

“Every pilot knows that it is concrete, not airspace, that puts the final limit on capacity, but to hear the airlines argue for new fees and limits on business aviation, you would think it is the opposite. And the FAA sides with the airlines. The administrator has repeatedly said that without an overhaul of the airspace system, and without implementation of a new automatic dependent surveillance system based on GPS, air travel will become impossible. I, too, favor the precision of an ADS-B airspace system, but I know that it can't solve the real problem, which is lack of runways where we need them.”

**POURED CONCRETE AT ATLANTA IS AN EXAMPLE OF HOW CAPACITY CAN BE INCREASED**

The best evidence that supports NATCA's position that current problems are ground-based is at Atlanta Hartsfield-Jackson International Airport.

Before the new runway was opened last year, the departure rate per hour was 96 in clear weather; what is known as “VFR” (visual flight rules) conditions.

But with the new runway -- making three total for arrivals and departures -- the VFR departure rate increased to 114 aircraft per hour and 104-106 aircraft per hour in less ideal weather conditions. The arrival rate now stands at 126 aircraft per hour in VFR conditions, 112 per hour in less ideal weather conditions and 96-104 in poorer weather conditions, known as "IFR" (instrument flight rules).

Additionally, Atlanta has built a taxiway (Taxiway Victor) that goes around Runway 26L/8R, a designated departure runway, virtually decreasing the possibility of runway incursions by 95 percent according to ATL controllers and ensuring a continuous flow of departures off the north side of the airport. Once again, concrete, when used correctly, can decrease delays off the airport and almost all possibilities of runway incursions and read-back / hear-back errors in communications between pilots and controllers.

### **EXACTLY HOW AIRLINE OVERSCHEDULING IS DRIVING THE SURGE IN FLIGHT DELAYS**

#### **New York-JFK**

At New York-JFK Airport, the optimum arrival configuration for runways 13L/31L means a 56 airport arrival rate (14 aircraft per quarter hour) and a 32 airport departure rate (eight aircraft per quarter hour). One of the optimum departure configurations is runway 22R/31L, which allows for a 52 airport departure rate (13 aircraft per quarter hour) and a 35 airport arrival rate (11 per quarter hour).

On a typical Tuesday in August (Aug. 7, to be exact), there were 57 flights scheduled to take off from JFK between 8 a.m. and 9 a.m. – which is more than top airport capacity, according to the FAA's Operational Evolution Plan guidelines covering capacity benchmarks for the airport in perfect weather conditions. That day, Aug. 7, only 38 of those flights took off. As reported by *USA Today*, "the overload cascaded into the next two hours."

- From 9 a.m. to 9:59 a.m. on Sept. 7, 59 flights are scheduled to depart, which is more than the FAA's listed airport capacity of 32-52 per hour.
  - **A minimum of 7 flights will automatically be delayed.**
- In terms of arrivals, 35 flights are scheduled to arrive in the 30-minute block between 5:15 p.m. and 5:44 p.m. Optimum rate only allows for 28 flights to physically touch down in that time frame.
  - **Another 7 flights will be instantly delayed.**
- In a *USA Today* story focusing on JFK's problems on July 9, it was reported, "Officials at JetBlue, the seven-year-old carrier that has become JFK's leading airline, carrying 11.6 million passengers into and out of the airport, have taken the unusual step of endorsing limits on flights because they say that at peak times, airlines are scheduling more flights than JFK can handle."

- The evidence indicates there is NO impact of general aviation or business jets on the congestion and delay problems at JFK. On April 30, 2007, there were 972 air carrier takeoffs and landings, 289 air taxi (regional jets) and SLX (6) GA aircraft using JFK. On an average day in August: 1019 air carrier takeoffs and landings; 317 air taxi (regional jets); 30 GA

#### Newark

At Newark-Liberty International Airport, on the morning of Sept. 5, controllers arrived at work and discovered that they would instantly need to start issuing delay information to specific flights. The reason? **Between 9-10 a.m., there were 57 flights scheduled to depart the airport. But Newark can only handle 45. That meant 12 flights right off the bat were instantly delayed** before the beautiful sunny morning could even progress any further.

A more detailed look:

- In the three hours from 5-8 p.m., when the airport can accept 46 arrivals per hour for a total of 138, there were 160 scheduled arrivals. Those late arrivals put a heavier burden on the "big" 8 p.m. departure hour when 51 departures were scheduled.
- **Adding in all the late arrivals, there are more than 60 planes needing to depart in that hour when the airport can only support 44-45.**

There are many reasons for delays that are never mentioned:

- Every arrival at EWR must eventually cross the departure runway. That's why the 44 rate, BUT, a few times each hour one of those arrivals fails to clear the runway, extending the wait for the next departure.
- Every so often the first plane lined up at the runway is not ready to go, or has a maintenance issue. That plane must be moved aside, extending the wait for the next departure.
- The acceptance of overflow arrivals to the crosswind runway during periods when they are not necessary. Landing 10 overflows, and 35 main runway arrivals, when we could have landed 45 on the main runway only, is unnecessary, and on a North flow it kills 10-15 departure slots.
- The bottom-line is that once the airport is scheduled beyond its capacity, any operational issue will only worsen delays built into the system by airline overscheduling.

#### Chicago-O'Hare

At Chicago-O'Hare International Airport, for the optimum arrival configuration, the airport uses three runways: 4R, 10 and 9R. The maximum rate for arrivals is 100 per hour (25 per quarter hour). Maximum departure rate is also 100.

But on Sept. 7, for example, there were many 15-minute periods in which both the scheduled number of both arrivals and departures EXCEEDED 25. For example, from noon to 1 p.m. CDT, in what controllers call the "noon balloon," the airlines scheduled 26 arrivals from noon -12:15 p.m., 28 from 12:16 - 12:30 p.m., 21 from 12:31 - 12:45

p.m. and 29 from 12:46 - 1 p.m. **That's a total of 104, which is four more than the airport could handle if EVERYTHING had gone perfectly.**

Also on Sept. 7, the delays were scheduled to mount. And that's before any aircraft touched the runways. **At 8:15 a.m., there were 41 departures scheduled. But the airport can only handle 25** as previously stated. This means there were 16 flights that automatically were delayed due to the laws of concrete and physics. Those 16 flights spilled into the next half hour, which already had 16 flights scheduled, bringing the total for that 15-minute block to 32, which is SEVEN more than the airport could handle and which spilled into the next half hour, where there were 19 flights scheduled.

- At 10 a.m., there were 39 departures scheduled, meaning that if everything went perfectly, 14 flights were late just by sheer volume delays caused by overscheduling.
- At 1 p.m., there were **50 departures scheduled, with another 28 waiting to depart** at 1:15 p.m. and 26 more at 1:30 p.m. Between 1 - 2 p.m. CDT, **the total departures scheduled were 123. The airport can only handle 100.**

#### New York-LaGuardia

At New York-LaGuardia Airport, the optimum configuration for runways 13/22 means a 40-44 airport arrival rate (11-12 per quarter hour) and 40 airport departure rate (10 per quarter hour).

NATCA looked at one day earlier this month and went through the schedule before the traffic started. Under optimum configurations LGA will be able to depart 10 aircraft per hourly quarter, 40 per hour.

- 14:15-14:29L (Local Time) 17 aircraft are proposed for departure, **7 aircraft will be delayed to the next quarter creating a backlog**
- 14:30-14:44L another 10 aircraft are proposed for departure, **7 aircraft remain in the backlog**
- 14:45-14:59L 11 aircraft are proposed for departure, 1 aircraft will be delayed to the next quarter, totaling **8 backlog**
- 15:00-15:14L 13 aircraft are proposed for departure, 3 additional aircraft are added to the backlog, totaling **11 in the backlog**
- 15:15-15:29L 7 aircraft are proposed for departure, 3 aircraft can be departed from the backlog, **8 aircraft remain in the backlog**
- 15:30-15:44L 10 aircraft are proposed for departure, **8 aircraft remain in the backlog**

- 15:45-15:59L 6 aircraft are proposed for departure, 4 aircraft can be departed from the backlog, **4 remain in the backlog**
- 16:00-16:14L 14 aircraft are proposed for departure, 4 aircraft are added to the backlog, **8 are again in the backlog**
- 16:15-16:29L 10 aircraft are proposed for departure, **8 remain in the backlog**
- 16:30-16:44L 8 aircraft are proposed for departure, 2 aircraft can be departed from the backlog, **6 aircraft remain in the backlog**
- 16:45-16:59L 7 aircraft are proposed for departure, 3 aircraft can be departed from the backlog, **3 aircraft remain in the backlog**
- 17:00-17:14L 12 aircraft are proposed for departure, 2 additional aircraft are added to the backlog, totaling **5 aircraft in the backlog**
- 17:15-17:29L 4 aircraft are proposed for departure, all 5 aircraft can be departed from the backlog, **for the first time since the 1415-1429L timeframe, the backlog is empty**

- **The controllers will not recover the time for nearly three hours. Neither do the passengers on the delayed aircraft.**

#### Philadelphia

Finally, at Philadelphia International Airport, the optimum configuration for West operation, runways 27R/26/35, means a 52 airport arrival rate and airport departure rate (13 per quarter hour). For East operation, runways 9L/8/35: 48 airport arrival rate and airport departure rate (12 per quarter hour).

- Under optimum configurations PHL will be able to depart **12-13 aircraft per hourly quarter**, 48-52 per hour. The following breakdown for Sept. 7 demonstrates the cascading effect overscheduling has on delays that effectively deliver scheduled delays:
  - 9:45-9:59L 15 aircraft are proposed for departure, **depending on configuration 2-3 aircraft will be delayed to the next quarter creating a backlog**
  - 10:00-10:14L another 15 aircraft are proposed for departure, again depending on configuration another 2-3 aircraft will be delayed to the next quarter, totaling **4-6 in the backlog**

- 10:15-10:29L 17 aircraft are proposed for departure, again depending on configuration another 4-5 aircraft will be delayed to the next quarter, totaling **8-11 backlog**
- 10:30-10:44L 8 aircraft are proposed for departure, depending on configuration 4-5 additional aircraft can be added from the backlog, **4-6 remain in the backlog**
- 10:45-10:59L 9 aircraft are proposed for departure, depending on configuration 3-4 additional aircraft can be added from the backlog, **1-2 remain in the backlog**
- With only 3 aircraft proposed from 11:00-11:14L, the backlog of traffic is absorbed.

Here's the situation in the afternoon:

- 17:45-17:59L 19 aircraft are proposed for departure, depending on configuration **6-7 aircraft will be delayed to the next quarter creating a backlog**
- 18:00-18:14L an additional 18 aircraft are proposed for departure, again depending on configuration another 5-6 aircraft will be delayed to the next quarter, totaling **11-13 in the backlog**
- 18:15-18:29L an additional 17 aircraft are proposed for departure, again depending on configuration another 4-5 aircraft will be delayed to the next quarter, totaling **15-18 backlog**
- 18:30-18:44L 9 aircraft are proposed for departure, depending on configuration 3-4 additional aircraft can be added from the backlog, **11-15 remain in the backlog**
- 18:45-18:59L 11 aircraft are proposed for departure, depending on configuration 1-2 additional aircraft can be added from the backlog, **9-14 remain in the backlog**
- 19:00-19:14L 10 aircraft are proposed for departure, depending on configuration 2-3 additional aircraft can be added from the backlog, **6-12 remain in the backlog**
- 19:15-19:29L 3 aircraft are proposed for departure, depending on configuration 9-10 additional aircraft can be added from the backlog, **3 remain in the backlog**

- With only 3 aircraft again proposed from 19:30-19:44L, the backlog of traffic is absorbed.
- **The controllers will not recover the time for an hour and a half. Neither do the passengers on the delayed aircraft.**

### **FEWER EYES WATCHING MORE PLANES EQUALS GREATER AND LONGER DELAYS**

Understaffing remains the number one issue for this nation's air traffic controller workforce and this year, we have witnessed its effects on the efficiency of the system and our ability to squeeze as much capacity out of the system as possible. For eight years now, NATCA has warned the FAA and the flying public about a coming wave of retirements and the need to plan proactively to build the next generation of controllers, instead of waiting for veterans to leave to hire their replacements, as the FAA has done, because it takes 2-3 years on average to complete the thorough and arduous training process. History will show that our fears were justified.

In fact, NATCA said the following in our testimony before this committee on May 3, 2001 on the subject of flight delays and the fact that more controllers were needed to avoid a staffing crisis that would worsen any delay problem: "The thousands of controllers hired during the post (1981 PATCO) strike recovery period will reach retirement eligibility in just a short period of time. Retirements will dramatically increase until 2007, when they will peak at 8.4 percent of the workforce. By 2010, cumulative retirements will exceed 50 percent of the workforce. We need to ensure that there are enough qualified and trained air traffic controllers to handle today's increasing workload and to prepare for the coming wave of controller retirements. Mandatory overtime, six-day work weeks and understaffed shifts are what air traffic controllers will be facing if something is not done now to prepare for this crisis. Currently, there are not enough controllers to fill the gap."

All of these things have occurred, including the mandatory overtime, six-day work weeks and understaffed shifts, which permeated the controller work environment this past summer.

The FAA waited until just the past two years to begin hiring our veteran controllers' replacements, three years too late in our view. In fact, in 2004, the year the FAA should have hired more than 1,000 new prospective controllers to be ready to work this summer's record number of planes and passengers, the agency instead hired 13.

As a result, there are now just 11,467 experienced and fully certified air traffic controllers on staff in our 314 facilities as of May 26, 2007, according to FAA figures. That is the lowest number in 11 years, since there were 11,355 on staff at the end of the 1996 fiscal year. It's also 1,113 controllers less than what we had on staff on 9/11, the day our growing and thriving system was ground to a halt by the unspeakable horror of those

terrorist attacks. According to an *Associated Press* story from Sept. 2, the FAA is projecting 800 retirements in the 2007 fiscal year that ends this Sunday. This number has been revised upward not once but twice by the FAA since June 2006, with the reason being that more controllers are leaving the workforce due to the work rules and pay cuts imposed on controllers on Sept. 3, 2006. As of Aug. 1 of this year, there were already 697 retirements according to NATCA's own research. We expect that the final tally of retirements will reach or exceed 800, meaning this country is even less able than ever before to handle the growing number of flights and mitigate the resulting delays.

Nowhere is the relationship between traffic, staffing and delays more apparent than at New York's John F. Kennedy International Airport. In 2001, JFK Air Traffic Control Tower handled an average of 1,000 takeoffs and landings per day. This summer, the airport has set numerous records with the tower handling an average of 1,400 takeoffs and landing per day. This is a 40 percent increase. Over the same six-year span, staffing at the tower has fallen from 37 fully certified controllers down to 28, which has resulted in regular occurrences of combining two positions into one due to staffing shortages. This means fewer eyes watching record high numbers of planes. This is first and foremost a safety concern, but is also one of the secondary factors that has made JFK the poster child for flight delays in 2007, behind overscheduling by air carriers.

As the FAA has stated in the media on numerous occasions and also in its own controller workforce plan, its first priority is safety. Thus, the FAA has made it clear that if it does not have enough staffing, it will worsen the delay crisis by putting more space between planes as an added safety margin. On Aug. 17, FAA Spokesman Ian Gregor was quoted in the North County Times (Calif.) as saying the following: "Safety is always our top priority. In the worst-case scenario, if we did have a bunch of people call in sick (in the case of a tuberculosis outbreak, which is what this story was about), we'd reduce services. We could keep planes further apart. Normally we have them three to five miles apart. We could separate them further and slow down the volume." NATCA believes this is a sad commentary on the predicament the FAA has placed itself in by allowing a staffing crisis to develop and worsen. There should always be enough staffing to overcome its employees' needs to use accrued sick and vacation leave and still be able to keep the system running at full capacity and efficiency. Yet we are now in a situation where the FAA has staffed the system to budget, leaving no flexibility and no room to avoid falling off the razor's edge when staffing prevents them from opening up every available control position in its tower and radar facilities. Nearly every one of the 314 facilities in the country is now below the safe staffing levels agreed to by the FAA and NATCA in 1998.

Understaffing is one of the reasons why delays have worsened at the five airports discussed earlier in this testimony: New York-LaGuardia, New York-JFK, Newark, Philadelphia and Chicago O'Hare. The charts below detail this situation:

(LEGEND: "Authorized" is agreed-upon staffing levels between NATCA and the FAA before last year's FAA imposed work rules; "Funded" is what the FAA has committed to spending to staff; "CPCs" is certified professional controllers on staff; "Trainees" are developmental controllers; "TMCs" are traffic management coordinators; "Staff" are

staff specialists; "Supes" are supervisors; "CPC eligible end of 07" indicates experienced controllers soon to reach retirement eligibility; and "CPC eligible end of 08" indicates experienced controllers who will reach retirement eligibility by the end of next year:

Facility	Authorized	Funded	CPCs	Trainees	TMCs	Staff	Supes	CPC eligible end of 07	CPC eligible end of 08
LA GUARDIA ATCT	36	27	25	4	4	2	4	3	unk

Facility	Authorized	Funded	CPCs	Trainees	TMCs	Staff	Supes	CPC eligible end of 07	CPC eligible end of 08
JOHN F KENNEDY INTL ATCT	37	32	28	1	3	2	5	6	9

Facility	Authorized	Funded	CPCs	Trainees	TMCs	Staff	Supes	CPC eligible end of 07	CPC eligible end of 08
NEWARK INTL ATCT	40	35	29	1	4	2	5	5	7

Facility	Authorized	Funded	CPCs	Trainees	TMCs	Staff	Supes	CPC eligible end of 07	CPC eligible end of 08
PHILADELPHIA INTL ATCT	109	86	63	21	5	4	12	18	20

Facility	Authorized	Funded	CPCs	Trainees	TMCs	Staff	Supes	CPC eligible end of 07	CPC eligible end of 08
CHICAGO O'HARE INTL ATCT	71	71	47	11	5	3	11	11	17

**HOW FEWER CONTROLLERS TRANSLATES INTO MORE SPACE BETWEEN PLANES AND, THUS, MORE DELAYS**

There is a clear link between understaffing and delays. Below are some examples of what has occurred:

- Earlier this month, United Airlines Flight 169 from O'Hare to Minneapolis was intentionally held to an altitude of 22,000 feet due to understaffing in the North Area of the FAA's Chicago Air Route Traffic Control Center in Aurora, Ill. UAL operations called to ask why the aircraft was held down and they were told that it was due to staffing.
- Also earlier this month, an episode of understaffing at Kansas City Center meant that the FAA would be unable to hold inbound traffic from O'Hare due to staffing.

- In a San Francisco television news story this month about the unprecedented number of new controller resignations at Oakland Center in Fremont, Calif., it was reported that the trainees at Oakland Center need to be brought up to speed by the FAA sooner rather than later; otherwise, air travelers will be the ones who suffer. The television station's aviation consultant, Ron Wilson, said, "They're (the controllers) not going to control more planes than they can handle, and the only way to do that is (for the FAA) to lessen the flow into these airports which they will do with San Francisco, which is the main Bay Area airport, and it will result in delays."
- According to controllers at Oakland Center, there is a systemic impact of delays to one airport affecting the traffic flows to other airports. There is a rise in the complexity factor for sectors working holding and through traffic simultaneously without adequate staffing to have two controllers at each position. Additionally, inefficient flow times means airlines miss their departure windows. That causes airborne delays and sequencing problems that further impact the flows of traffic.
- According to controllers at Indianapolis Center, delays are being caused routinely by the following factors: Additional in-trail restrictions on internal departures from major airports, additional in-trail restrictions on adjacent centers/facilities, stopping departures during push times when traffic exceeds capacity and choosing less than optimum cruising altitudes and routes to avoid sectors/areas without adequate staffing.

NATCA has obtained records of flights that have had more space put between them and other flights due to staffing, along with traffic management logs that show staffing as being the reason for the amount of space being increased between flights due to staffing.

**INSERT FLIGHT STRIPS AND TMU LOGS HERE PLEASE**

**PUTTING MORE PLANES IN THE AIR WITH MODERN TECHNOLOGY  
WON'T SOLVE THE DELAY PROBLEM WITHOUT MORE CONCRETE**

Without more runways, taxiways, ramps and gates -- in a word, pavement -- it won't matter what we do in the airspace to increase capacity to allow more aircraft to use the NAS. While NextGen and new technologies such as ADS-B are exciting, hold enormous potential for the future of our system and have NATCA's full support and pledge of participation, the key to unlocking the gridlock we are seeing in the system lies on the ground, at the airports.

No amount of airspace capacity-enhancing modernization will enable us to overcome the laws of physics and wake turbulence, which dictate the absolute maximum number of aircraft that can use a runway in a given amount of time.

The FAA has tried a large-scale expansion of the airspace just recently and it did nothing to stem the rising tide of delays. In January 2005, Domestic Reduced Vertical Separation Minimum (DRVSM) was instituted nationwide. DRVSM reduced the vertical separation standard between aircraft from 2,000 feet to 1,000 feet for altitudes between 29,000 and 41,000 feet. The point is it effectively doubled the capacity between those altitudes. However, we saw no improvement in delays. Why? Because there is only so much concrete at the airports.

In a press release on Aug. 25, 2005, the FAA promoted DRVSM by saying the following: "A doubling of high-altitude airspace routes between 29,000 feet and 41,000 feet (is) an action that gives pilots and air traffic controllers additional choices by allowing aircraft to fly more direct routes at the most fuel-efficient altitudes. DRVSM saves fuel, which saves the airlines money. In addition, more efficient routes can reduce flight times. DRVSM simultaneously adds airspace routes, increases capacity, and maintains the same high level of safety. DRVSM also makes working today's volume of traffic less complex for air traffic controllers. This reduces the potential for error and provides more options for controllers to help aircraft avoid turbulence and bad weather. In the summer of 2003, the FAA estimated that DRVSM would save airlines and other aircraft operators \$5.3 billion over 10 years, a conservative estimate considering the increase in jet fuel since 2003. The FAA estimated the cost of implementing DRVSM was about \$869 million, primarily to airlines due to re-equipping older aircraft. The first-year savings are estimated to be about \$393 million."

While controllers may have been able to help aircraft avoid turbulence and bad weather, we are certain that DRVSM did nothing to mitigate flight delays, as evidenced by the record surge the past two years.

Air traffic controllers support modernization and we hope the next FAA administrator will heed calls by the GAO, this Congress and others to work with controllers to build the system of tomorrow. But we must not get carried away. A modernized air traffic control system is a decade away and it will not solve delays, address the ground capacity problem at our busiest airports or keep the airlines from overscheduling these airports. NextGen won't stop bad weather or bring planes closer than they already are while about to land or take off. We could increase the amount of planes we have in the air right now with current technology but we don't have anywhere to put them on the ground. NextGen won't solve that.

Additionally, without a strong, motivated, well-staffed controller workforce, all the high tech equipment in the world counts for little. We can't wait until the next generation or beyond. People are the most important part of the air traffic infrastructure and, because of decisions by this generation of FAA leaders, we don't have enough of them controlling aircraft to support today's traffic demands, let alone tomorrow's.

**HOW FAA ACTIONS IN ALASKA AND AT COMMAND CENTER HAVE WORSENEDED DELAYS. POSITIVE IMPACT OF ADS-B**

The FAA has made great strides in the last 20 years to get maximum performance out of our existing National Airspace System. Recently, on many occasions, FAA officials have touted "adaptive compression" as a computer program that will save millions of minutes in delays. When the FAA talked about adaptive compression and its debut last March, one would think this is a new idea and program that was just rolled out, and that whenever this program is running, the FAA is reducing delays. But this is a misrepresentation of the facts.

The compression program has been around for years. Specialists at the FAA's Command Center in Herndon, Va., have been compressing programs and since that advent of the Flight Schedule Monitor (FSM) and have been saving the flying public millions of minutes in delays on a yearly basis. Adaptive compression is nothing but an automated version of one of the many tools that have been available for years.

In NATCA's view, adaptive compression is not a smart technology. It will blindly change a delay issued to an aircraft if there is a slot available. There are many times that an airport or area of airspace has too many aircraft projected in the timeframe into which the adaptive compression is moving the flight. When the programs are compressed manually, a specialist is taking into consideration factors such as severe weather, program over delivery, excess airborne holding trying to get into the airport, etc. When adaptive compression pushes too many flights into a time frame and overloads an airport or airspace, the program has to be revised and the delays then increase.

The FAA has also failed to mention that adaptive compression was initially implemented with a glitch that actually would move an aircraft departure release time prior to the flight's original scheduled time of departure. For example, if a flight were scheduled to depart at noon, the adaptive compression might give a time of 11:30 a.m. Because of the requirement for an aircraft to depart within five minutes of the controlled time of release, it resulted in a huge increase in workload on the controllers, because the controller would have to get a new time issued to release the aircraft. Sometimes, up to 10 percent of the flights that were involved in a ground delay program or airspace flow program would receive erroneous times.

In order for the adaptive compression program to run, there has to be a ground delay or airspace flow program already in place. In other words, the **FAA has delayed** the aircraft going through an area of contained airspace (thunderstorms en route) or airport (fog, low ceiling or visibility), sometimes delaying the aircraft up to three hours on average. Adaptive compression only **reduces** the length of the delay that has already been imposed on a flight that has received a sometimes-lengthy delay in the first place.

While the FAA says it has seen a 21 percent reduction in delays from what would have occurred if this tool weren't used, this is not new. The FAA has been utilizing the compression feature on the FSM ground delay program for years. If one were to go back and calculate the savings associated with the compression when utilizing JAVA FSM, one would find a similar if not greater percentage in savings in delays.

Also at the Command Center, on June 18, 2006, the FAA dissolved its SVRWX (severe weather) area that was staffed by 21 employees represented by NATCA until Dec. 31, 2005, then with 18 from Jan. 1, 2006 to June 17, 2006. It was replaced by the National System Strategy Team (NSST), an area staffed by first line supervisors. Supervisors in name only, they all average one employee to supervise, yet received a four percent average pay raise to perform the functions that were done by employees. Controllers believe this effort has failed miserably. Anytime there is an impact to capacity in the system, whether it's at an airport or en route/terminal sector, there are going to be delays. At the Command Center, controllers try to minimize those delays, in short, by getting all parties together and working the issue. In the summertime, the impact to capacity is often thunderstorms, and severe weather re-routes are required.

In short, the FAA's actions at the Command Center have worsened delays. The agency has discarded human experience for technology and its effort to enhance efficiency and increase productivity has cost the taxpayer, airlines and flying public money.

### **CONCLUSION**

America's air traffic controllers have a front-row seat to the flight delay crisis in the National Airspace System. This summer we witnessed from towers, centers and approach control facilities the highest level of flight delays in recorded history. With passenger levels expected to continue to increase, we can only anticipate the delays to continue to grow if not addressed quickly and comprehensively.

Despite years of warnings from NATCA and other industry groups, the FAA failed to properly plan for the expected rise in flight levels. In 2001, NATCA cautioned that scheduling at peak hours at busy airports, even in good weather, would contribute to increased delays. Those fears have come to fruition as more passengers have been stuck on runways and stranded at airports this year than any other on record. Instead of addressing the issue of over-scheduling and adding more runways capacity, the Agency has instead hung its hat on a technological solution that, under the best-case scenario, is a minimum of 13 years from implementation.

While equipment modernization will aid in mitigating air traffic congestion, it is by no means a cure-all for the aviation delay dilemma. Air traffic controllers support modernization efforts, and we hope the next FAA Administrator will heed calls by the GAO, this Congress and others to work with controllers to build the system of tomorrow. But a modernized air traffic control system is over a decade away and it alone will not solve delays.

In the long-term, ground capacity restrictions at our busiest airports are going to continue to be a leading cause of congestion. New runway capacity must be added at our busiest airports to coincide and compliment the airway capacity expansions that are expected to

be provided by NextGen. The amount of airspace in the sky is irrelevant if we have no place to land the planes on the ground.

In the near-term, we must ensure that as we plan for NextGen we do not lose sight of the NowGen. The chronic over-scheduling by airlines at the nation's busiest airports will intensify the runways capacity limitations. Steps can be put into place to ensure that the busiest facilities are not overwhelmed, causing bottlenecks that ripple throughout the system.

Meanwhile, understaffing of air traffic control facilities will continue to exacerbate the inefficiencies of the current system. As the NTSB warned earlier this year, we cannot continue to push our controller workforce beyond its limits. Controller fatigue rates are increasing at frighteningly high levels as air traffic continues to grow at unsustainable rates.

The U.S. National Airspace System is the safest and most efficient in the world, but as evidenced by this hearing, it may soon lose that distinction. Eleven-hundred fewer certified controllers currently watch the skies than on 9/11, when 5,200 aircraft were landed safely in 90 minutes. An additional 70 percent of the current workforce is soon facing retirement. Efforts are going to have to be made to stabilize our controller workforce and allow the segment of the U.S. economy that is increasingly dependent upon air travel to keep moving.

NATCA is taking a proactive role in trying to help the flying public avoid delays to the greatest extent possible. We have launched a public information campaign which includes our website, [www.avoiddelays.com](http://www.avoiddelays.com). We encourage Members of this Committee and the flying public to visit the site and to provide their input.

We appreciate the opportunity to appear before the Committee to provide our input on the aviation congestion crisis. We also welcome opportunities to work with the FAA in a collaborative manner to help fulfill the promises of NextGen and to address the delay problems of the NowGen.



**Coalition for an Airline Passengers  
Bill of Rights**

Testimony of

Kate Hanni  
Executive Director and Spokesperson  
**COALITION FOR AN AIRLINE PASSENGERS BILL OF RIGHTS**

on

**AIRLINE DELAYS AND CONSUMER ISSUES**

Before the  
Subcommittee on Aviation  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, D.C.

September 26, 2007

Mr. Chairman, Members of the Subcommittee:

I am Kate Hanni and I appreciate the opportunity to testify on behalf of the 20,000 Coalition members for an Airline Passenger's Bill of Rights on these timely and important topics. In addition, I'd like to thank those Members who sent staffers to attend our "Strand-In" on the Mall last week. Most importantly, the Coalition is most grateful for the many Passenger Rights provisions that were included in the Manager's Amendment to H.R. 2881, FAA Reauthorization, or were accepted during floor action last Thursday.<sup>1</sup> We look forward to working with you to support the retention of these provisions in the House-Senate Conference.

**Need to Cover Passengers in 30-60 Seat Aircraft**

We hope you can fill one gap in last week's legislation when you conference with the Senate. Under HR 2881 as passed the House, there's no protection for passengers flying in airline aircraft with fewer than 60 seats. ... And that ignores about 25% of all passenger flights in the U.S. Fully 167 million airline passengers last year traveled on aircraft with 30-60 seats that are not protected by this legislation. Approximately 5000 of the 16,000 plus diverted flights that occurred last year, according to our estimates, are eliminated by the House-passed language.

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<sup>1</sup>

Members of the Subcommittee, some of your communities aren't served at all by larger aircraft so, without a language change in conference, your communities and passengers won't get the protection of the airline contingency programs that you voted for last week.

### Airline Delays

#### ■ Delays for Reasons Under Control of Airlines

We appreciate the Subcommittee's attention to the issue of delayed airline flights, given the recent, painful experiences of passengers during the summer months. We have included in an attachment just a few of the hundreds of incidents experienced by our members.

There are two elements of the airline delay equation that are often mentioned by the passengers who contact our website, and each is under the complete control of the airlines themselves. First, the airlines who schedule more departures (or arrivals) at hub airports than those runways can handle in a given period of time and under the best of weather conditions (Visual Flight Rules) are simply *deceiving* their passengers. They're collectively promising – for marketing reasons – a service that they all logically cannot provide.

This overscheduling situation was first quantified in FAA's [Airport Capacity Benchmark Report \(2001\)](#), and was recently re-emphasized by the departing FAA Administrator in her farewell address. The Coalition wholeheartedly endorses the provision for mandatory reductions of airline schedules that was added to HR 2881 by the Committee leadership and we will urge the Senate to adopt this approach in its legislation. This provision requires joint action by all the airlines.

However, individual airlines should also bear responsibility for their own individual acts of deceptive behavior toward their passengers. An airline that continues to schedule a flight that is chronically cancelled or chronically delayed is deceiving its passengers and should be penalized and forced to correct the situation. We will urge the Senate and the House-Senate Conference to amend existing law to make individual airlines eliminate these deceptive acts.<sup>2</sup>

Lastly, the airlines set flight schedules and airport staffing levels on the assumption that nothing will go wrong. When flights are delayed (for whatever cause) or cancelled, as happened so often this past summer, the airlines of today simply don't have enough staff

<sup>2</sup> The Coalition recommends that 49 U.S.C. 41712, Unfair and deceptive practices and unfair methods of competition, by amending by adding a new subsection:

"(c) Chronically Cancelled and Chronically Delayed Flights. -- It shall be an unfair or deceptive practice under subsection (a) for any air carrier or foreign air carrier to continue to operate flights that have been determined by the Secretary of Transportation to be chronically cancelled flights or chronically delayed flights. In proceedings under this subsection, the Secretary may consider evidence that the carrier has since taken or has agreed to take steps that would eliminate the deceptive practice."

on duty to make alternative flight arrangements for the hundreds of passengers standing in lines or who are getting busy signals when they call the airline reservations number.

### **Consumer Issues**

#### **The Missing Report from the DOT Inspector General**

Mr. Chairman, our Coalition members were extremely disappointed that the long-overdue DOT Inspector General's report on Airline Customer Service Issues was not released last week or earlier so that your Subcommittee and the full House could have reviewed his findings to determine whether H.R. 2881's passenger bill of right provisions needed to be further strengthened before last week's House floor action. That's a lost opportunity for all of us, including all airline passengers.

At this writing that report is still not public, although policy officials at the Department of Transportation and the airlines have been briefed on its results. We respectfully request the opportunity to file comments on the IG's report after we have had a full opportunity to review it. We hope the Senate will modify its S. 1300 on the Senate floor if the IG's report makes a convincing case for further legislation.

Our Coalition has been further disadvantaged. Both the Inspector General and the airlines have denied us the opportunity to review the customer service plans submitted by the individual airlines to the IG. Imagine, the Inspector General ruled that whether the submitted airline plans promised to deplane stranded passengers after four hours, or five hours, or nine hours, or not at all was the airline's "proprietary business information" and denying access to the Coalition "protects the commercial or financial interests of companies from the competitive disadvantages that could result from disclosure."

Mr. Chairman, only the enactment of a comprehensive Passenger Bill of Rights, as envisioned under both the House and Senate bills, will give passengers access to the essential information they need to make informed choices about the possible "downside" of today's air travel.

We understand that there are no easy solutions to the complex commercial aviation problems that exist in the United States today. However, deregulation wasn't intended to give Carte Blanc to the airlines to do whatever they pleased. It was intended to provide increased competition and more choices for air travelers, not to let airlines violate the basic human rights of their passengers. So it is time for Congress to set minimum industry standards and for the DOT to monitor and enforce performance to those standards.

However, DOT hasn't done an adequate job of implementing the consumer protection laws it already has. It took 20 years for the DOT to update overbooking rules. And we also need DOT to take effective action for consumers because Federal Courts unfortunately have decided that Federal regulations on aviation consumer issues are preemptive. This means that most times consumers can't get courts to enforce passenger rights. If DOT won't do this, then Congress should overrule the Federal Courts and restore passenger rights to have access to courts for relief.

#### **Unenforceable Customer Service Plans**

It is imperative that the committee takes note that the DOT acknowledges that the customer plans submitted by the airlines are not enforceable. We urge this committee to provide the necessary oversight to ensure that the final plans are in compliance with your legislation and that they are enforceable.

**Summary:**

If I may summarize:

- Mandate that jets with 30 to 60 seats are included in statistics and Contingency plans so that most travelers are protected instead of only 3/4 of them.
- Chronically delayed and chronically cancelled flights should be declared a deceptive business practice . Airlines should be penalized and forced to correct the situation.
- Mandate that the DOT be responsible for making the CSP's enforceable and that the CSP language is not a unilateral contract benefiting the airlines.
- Mandate that DOT has an equal number of Consumer Advocates as they do Airline and Airport Representatives on the Committee to oversee the airlines so that any decisions are fair and unbiased.

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Again I would like to thank Chairman Oberstar and Chairman Costello. Also thanks to my congressman Mike Thompson for taking the lead on this important legislation and to Chairman Rangel for his incredibly courageous leadership. And finally thanks to Congressman John Hall for being the first person to RSVP to our "Strand In", and for sitting in the MOCK-I airplane and subjecting himself to the horrid conditions that all stranded passengers endure. I know it has taken a great deal of courage for all of you to pass the first Airline Passengers' Bill of Rights in history.

**Attachment 1****Incidents Since April**

I'd like to share just a few of the dismal tarmac delays that have occurred since our last meeting here on April 20th.

- April 24<sup>th</sup> - 13 American Airline jets stuck on tarmacs for 4 hours or more in Texas. Eighty-one year old Virginia Head, a pancreatic cancer survivor and her diabetic husband on American Airlines flight 556 were held on the tarmac for over eight hours on a in Midland Texas. Shortly thereafter, American stated that their 4-hour tarmac policy was really just a guideline.
- May 8<sup>th</sup>, Miami, American Airlines diverts a jet to Palm Beach, setting passengers on the tarmac for 8 hours, 3 ambulances later they take off for their destination.

And what about the extended tarmac delays for scores of stranded international flights lately?

- 17000 passengers stranded on the tarmac for several hours at LAX last month.
- Flight 1669 at BWI last month – where when passengers were finally allowed off the plane after 12 hours on the plane for a four hour flight they passengers were guarded by attack dogs in the terminal.
- Air France flight 050 that sat on the tarmac at O'Hare for seven hours

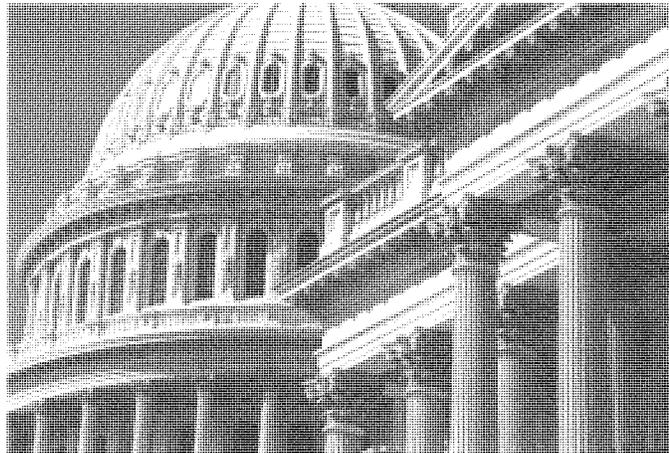
On June 13<sup>th</sup> CAPBOR released a report card at a press conference, and announced a toll-free hotline, all handled by myself and our volunteers. We had 900 calls in the first three hours from angry travelers who had been stranded on either diverted or cancelled flights. Since then we've received a steady stream of calls, on average 70 calls a day. We also receive hundreds of e-mails through our website, and our membership has grown by over four thousand since April – all a symptom of increasingly poor airline customer service.

Meanwhile, the ATA continues to play fast and loose with the facts, and are still being quoted in articles about only 36 flights were delayed on the tarmac last year for five hours or more. Yet every day we collect reports from our members that don't match up with the data being reported to the BTS by the airlines. For example:

- June 10, 2007 – Delta Flight 149 – passengers sat at the gate and on the tarmac for six hours – BTS record shows 4 hours and 55 minutes, just five minutes under the magic 5 hour threshold.
- June 26<sup>th</sup> 2007 – AA Flight 740 sat on the tarmac for six hours. The BTS record for this flight shows a taxi-out time of 16 minutes.

Unfortunately, because the BTS records are not accurate, it takes us about ½ hour per flight to investigate each one using other means. We urge the DOT to audit BTS submissions periodically based on public input. We would be happy to supply information about future incidents as input to this process.

*Airline Delays and Consumer Issues*



Statement of James C. May  
President and CEO  
Air Transport Association of America, Inc. (ATA)  
before the  
Subcommittee on Aviation  
of the  
House Committee on Transportation and Infrastructure

September 26, 2007



AIR TRANSPORT ASSOCIATION

## INTRODUCTION

It is safe to say that the U.S. airline industry is in a recovery period from the extreme downturn experienced between 2001 and 2005, when the industry sustained over \$35 billion in net losses. In 2006 the industry earned \$3 billion net profit, and we project a \$5 billion net profit for 2007. Airline employment is on the rise, as is capital spending, which is good news for airlines and their shareholders, employees and the many local economies that depend on a healthy airline industry to drive commercial activity, jobs and tourism.

The industry also is achieving new levels of efficiency. In 2006, U.S. airlines carried 12 percent more passengers and 23 percent more cargo than in 2000, but did so using 3.5 percent less fuel. And between 1975 and 2006, the number of people in the U.S. exposed to significant noise fell 94 percent. From a fare standpoint, consumers continue to benefit from deregulation. From 2000 to 2006, average domestic yield – a reflection of airline fares – fell 10.8 percent, compared to a 17.1 percent increase in the Consumer Price Index and a staggering 118.7 percent increase in the average price of fuel.

We stated previously that on-time performance is a crucial factor in determining whether an airline fails or succeeds because it is closely linked to customer satisfaction.<sup>1</sup> The Department of Transportation (DOT) Inspector General (IG) also has reiterated this fundamental point. Consequently, customer satisfaction is one of the key motivations our member airlines have to complete flights as scheduled. A complementary motivation is to maintain operational efficiency and integrity. In addition to disgruntled passengers, failing to complete flights on time leads to increased operating and labor costs, system disruption and cancellations. For these reasons, we are very concerned about the delay situation that developed this summer, particularly in the heavily traveled northeast corridor, and we and our members are working hard with the Federal Aviation Administration (FAA), affected airports and other stakeholders to find and implement long-lasting solutions. We believe airspace and airport capacity can be enhanced in the near-term through a variety of operational measures to meet capacity demands.

As discussed below, airline flights are the end product of a dynamic system made up of the services provided by airlines, air traffic control (ATC) and airports. The operations of these three key players are interdependent and together affect the timeliness of airline flights. Any discussion of delay causes and solutions must consider the role of all three system participants as well as the critical “X factor,” weather. The complexity of this system cannot be overstated. On a typical day, U.S. airlines operate 31,000 flights<sup>2</sup> using more than 7,600 aircraft flying to hundreds of airports across the country and in more than 70 countries. Overall, this past summer FAA ATC centers handled some 45,000 Instrument Flight Rule (IFR) departures a day, including business jet, charter, air taxi, commercial passenger and cargo, military and general aviation operations. The skies are busy and the mix of airplanes that must be handled by ATC adds further complexity.

<sup>1</sup> Statement of James C. May before the House Aviation Subcommittee Concerning Aviation Customer Issues, April 20, 2007.

<sup>2</sup> In 2006, U.S. airlines carried over two million passengers and 55,000 tons of cargo per day.

A delay solution that focuses on just one participant necessarily will ignore the problems of the other two that contribute to delays and, while perhaps offering short-term relief, not solve the real problem. Congress should resist calls to force airlines to reduce flights or impose economic measures to curb passenger demand simply because such measures offer an expedient, temporary fix. Doing so would ignore serious problems that limit airspace capacity and efficiency, reduce operational productivity in terminal areas, and that cause available airport capacity to go unused, all of which contribute to delays. Furthermore, economic measures to curb demand would have very real adverse impacts on consumers, small communities and the economy. For these reasons, before economic measures are considered, efforts to reduce delays should focus on near-term measures to better utilize available airspace and airport capacity, and to expand capacity over the long term, to meet passenger demand.

The long onboard delays that occurred late last year and earlier this year were unacceptable and clearly mistakes were made. These events revealed gaps in airline planning and decision-making procedures. Since then, our members have made changes to their contingency plans and operating procedures to address these problems. In addition, the DOT IG has reviewed specific delay events, as well as carrier contingency plans, internal policies and procedures for dealing with long onboard delays. We look forward to the IG's recommendations and the additional guidance his report will provide.

Finally, safety cannot be overlooked or taken for granted. Airlines will always place the safety of their passengers and crew members first. The same is true for air traffic controllers and airport operators.

## DELAYS

### *Delays Have Multiple Causes*

Airlines operate complex systems in a dynamic environment that, to a large extent, they do not control. Airlines rely on both the Federal Aviation Administration (FAA) Air Traffic Organization to provide air traffic control (ATC) services, and airports to provide landing and terminal services. The ATC system, upon which airlines rely heavily, is particularly complex. There are several types of ATC facilities. These include the ATC towers, Terminal Radar Approach Control (TRACON) facilities, Air Route Traffic Control Centers, also known as en route centers, Flight Service Stations, and the Air Traffic Control System Command Center.

Tower personnel control airborne aircraft and ground movements of aircraft and vehicles transiting to and from runways, taxiways, ramps, and during takeoffs and landings. TRACONs control aircraft in a 30-50 mile radius from the airport and from the surface up to 11,000 feet. TRACONs typically handle more than one airport including both air carrier and general aviation. For example, the New York TRACON handles 15 airports and all of the traffic approaching and departing from the entire New York-metro area. The en route centers issue clearances and instructions for airborne aircraft and provide services to aircraft at many small airports without ATC towers. Their job is to keep track of aircraft while they are en route or during the high-altitude cruise phase of their flights.

A key facility, the Air Traffic Control System Command Center, oversees the total National Airspace System (NAS). One of the command center's priorities is to anticipate situations that will create bottlenecks or other constraints in the system, and then to respond with a management plan for air traffic transiting constrained airspace. For example, if bad weather develops or a runway is closed for repairs, the command center will manage the number of flight operations into and out of the affected area or airport.

Finally, aircraft separation standards vary according to circumstances. When aircraft are cruising at high speeds in en route airspace, the standard is five miles of horizontal radar separation or 1,000 feet of vertical separation. When aircraft are moving at much slower speeds as they depart or approach the airport terminal area, the standard is three miles of horizontal radar separation.

The Department of Transportation has recognized the complexity of airline flights and the closely linked nature of flight operations to the delivery of ATC and airport services. DOT's monthly *Air Travel Consumer Report* breaks down causes of delays into five categories: air carrier, extreme weather, NAS, security and late arriving aircraft. Furthermore, the NAS category is defined as follows: "delays and cancellations attributable to the national aviation system refer to a broad set of conditions – non-extreme weather conditions, airport operations, heavy traffic volume, air traffic control, etc." This broad definition of the NAS category underscores the interconnected and dynamic nature of the air transportation system and the difficulty associated with determining delay causes.

Weather also has been recognized as perhaps the single most significant factor causing delays. It is the X factor because of its unpredictability. Together, extreme weather and the NAS accounted for approximately 56 percent of all delays in the first half of 2007.<sup>3</sup>

One way to conceptualize the issue is to approach it as a matter of supply and demand. Delays occur when demand – flight operations – exceeds the supply of airspace and/or airport capacity.<sup>4</sup> Because the system is dynamic and interconnected, with all of the various supply and demand components affecting each other and the final on-time outcome, all of the system components and attributes must be considered when addressing questions about delay causes and solutions.

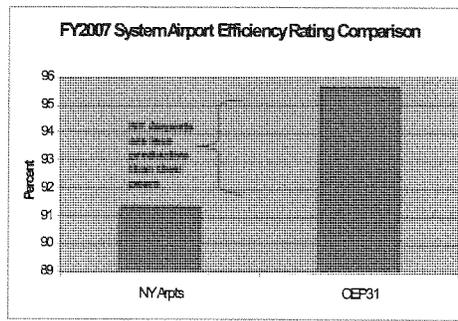
On the supply (capacity) side, several factors contribute to the current delay picture:

- **The ATC system is inadequate.** As this Committee well knows, we are relying on 1950s technology to operate the world's most complex and active aviation system. It is remarkably safe, but it is not efficient. Our ground-based radar system must be replaced by a modern, satellite-based system that will allow more planes in the system with even greater safety and operational efficiency.

<sup>3</sup> Bureau of Transportation Statistics.

<sup>4</sup> From a purely economic efficiency standpoint, a modest level of delay means that the system is operating at or near full capacity and that scarce resources are not being wasted. It would be economically inefficient, for example, to operate at a level that eliminates the possibility of weather-related delays because the cost to do so – limiting flights to the level that could operate in bad weather conditions – would be too high for airlines and their customers.

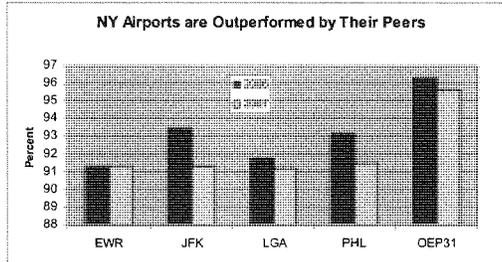
- **ATC productivity has declined.** This factor has received little attention, but it is a key driver of delays in the New York area. FAA data demonstrate that the System Airport Efficiency Rate (SAER) – which measures how well airports handle the number of aircraft operations they say they can accommodate – declined measurably for the three New York area airports in 2007 compared to 2006. This is a very troubling statistic that warrants scrutiny and explanation. Understanding the reasons for this drop in productivity may lead to immediate capacity improvements.



*Note: OEP airports are commercial U.S. airports with significant activity. These airports serve major metropolitan areas and also serve as hubs for airline operations. More than 70 percent of passengers move through these airports. The OEP has been expanded from 31 to 35 airports. Delays at the OEP 35 airports have a ripple effect to other locations.*

Looking at the three primary commercial New York City airports and Philadelphia, JFK, in particular, is down just over 4 percentage points. For the OEP 31 airports, this productivity measure declined only 1 percent in 2007 compared to 2006.

### System Airport Efficiency Rating Through August



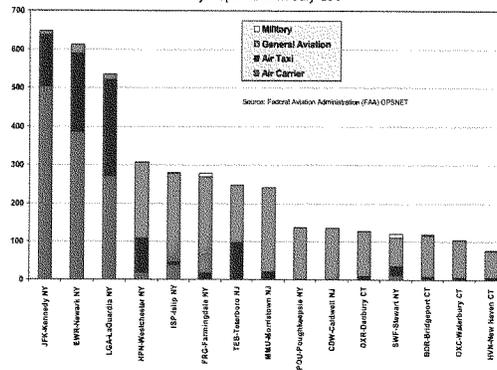
- Outdated airspace designs.** In many regions, the airspace designs in place also are outdated. This is particularly true for the New York, New Jersey, Philadelphia airspace sector. For reasons that escape understanding, it took FAA more than ten years to develop a new airspace design for this sector. Once fully implemented, the redesigned is projected to reduce delays in the New York/Philadelphia region by 20 percent – assuming it survives legal challenges and political opposition, notwithstanding the fact 600,000 fewer people will be impacted by noise from aircraft operations.
- Airport capacity is underutilized.** At some airports around the country, informal runway-use restrictions have been established to mitigate noise impacts from airport operations. Once established, they are extremely difficult to dislodge even though they are informal arrangements between airports and communities. A good example is Fort Lauderdale International Airport (FLL), where jet traffic was almost entirely restricted to just one of three available runways for many years. When delays at FLL became problematic in 2005, local communities vigorously opposed efforts by the FAA and the airport to use the available capacity to relieve congestion and delays. In other cases, airport capacity goes untapped because of resistance to a variety of operating procedures, **such as converging runway operations, simultaneous parallel operations, land and hold short operations, simultaneous departure runway use and other commonly used procedures in place at airports around the country.** At JFK, all of these factors are present – runway utilization is limited and capacity-enhancing operational measures have not been fully employed. Consequently, the available airport capacity is underutilized.

- **Airport development is difficult at best.** Constructing new airports and expanding existing airports is difficult at best, even where clearly needed. It is highly unlikely, for example that any of the three New York City area airports can be expanded, notwithstanding the obvious demand for commercial airline and business/private aviation services in the region. Environmental, political and community opposition to airport development abounds, as reflected by the vocal opposition to the NY/NJ/PHL airspace redesign plan.

On the demand side, the volume of all air traffic – both commercial and private – affects on-time performance of scheduled airlines, as does the complexity of the traffic mix and competitive scheduling by airlines. These factors are best illustrated by looking at the New York City region.

- **The NYC area has diverse and complex traffic.** In July of this year, the New York TRACON handled on average just under 4,000 daily departures from 15 airports.<sup>5</sup> That traffic included scheduled airline flights (passenger and cargo), charter airline and air taxi flights, general aviation flights and military flights. This volume and mix of traffic, which affects scheduled airline operations in several ways (although the impact is difficult to quantify) is illustrated in the chart below broken down by airport.

**Activity in the New York TRACON is Diverse**  
Daily Departures in July 2007

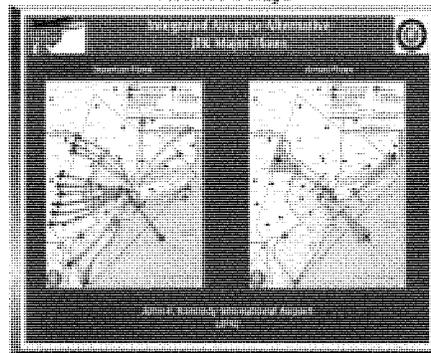


Because New York TRACON traffic is heavy and complex, scheduled airlines must adhere to very limited approach and departure routes that constrain their access to the

<sup>5</sup> See illustration at p. 19.

three major commercial airports, as the FAA's airspace redesign effort has made clear, because of the need to separate traffic. Consequently, finding a gap in the overhead traffic for a departing commercial aircraft can be difficult. Controllers also must handle aircraft of differing capabilities, speeds and sizes, and monitor those aircraft in the TRACON airspace that aren't being directly controlled. Transiting traffic also must be controlled and/or monitored. All of these factors affect controller decision-making on spacing which, in turn, affects the arrival and departure of scheduled airlines.

#### Airspace Redesign Will Improve Traffic Flow and Reduce Delays

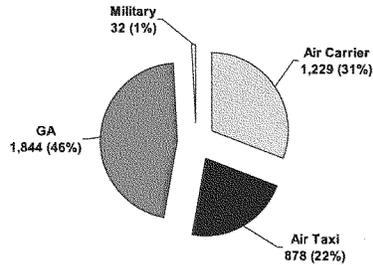


- **Commercial operations account for only 53 percent of NY total activity.** As the chart that follows shows, demand for airspace in the New York TRACON is not dominated by scheduled airlines. According to FAA data for July 2007, air carrier and air taxi (primarily regional airline) operations combined accounted for just 53 percent of the New York City activity.

This data underscores the point that the all traffic in the ATC system is impacting air carrier schedule integrity.

**Commercial\* Ops are ~53 percent of NYC-Area  
TOTAL Activity**

3,983 Daily Departures (incl. 2,107 Commercial) in July 2007



Source: Federal Aviation Administration (FAA) OPSNET

\* Air Carrier + Air Taxi

- Airline scheduling is competitive and responsive to customer demand.** Airline deregulation was intended to unleash competition to drive a variety of services and unshackle fares from bureaucratic control. It is an understatement to say that these goals have been realized. Adjusted for inflation, fares are roughly half of what they were in 1978, while the cost of cars, drugs, stamps, college tuition and gas have surged. This boon for consumers is a direct result of fierce competition between airlines. It should surprise no one that at an airport like JFK, which is not dominated by one or two airlines and is located in the most important U.S. O & D destination for business travel as well as leisure travel, airline scheduling is both responsive to passenger preferences and competitive. Surveys reveal that passengers, particularly business passengers, demand frequent service. For this reason, at the three largest New York airports, as throughout their systems, airlines schedule flights accordingly. If a flight can be operated to drive corporate profitability, one airline will not lightly cede that potential to another airline. It is the traveling public who has benefited from this competition.

In this context, the role of right-sizing aircraft to meet demand and eliminate money-losing operations in the industry's recent recovery from the prolonged downturn sparked by 9/11, SARS and sustained high fuel prices, cannot be overlooked. Planes are flying at high load factors, as this chart for JFK illustrates.

**JFK Flights are Full**

<u>Market</u>	<u>Flights/Day</u>	<u>Avg. Load Factor</u>
Los Angeles (LAX)	23	81.6
Boston (BOS)	22	74.6
San Francisco (SFO)	19	79.3
Buffalo (BUF)	15	78.8
Orlando (MCO)	14	82.5
Raleigh/Durham (RDU)	14	68.6
Fort Lauderdale (FLL)	13	80.8
Washington-Dulles (IAD)	13	67.9
San Juan (SJU)	12	80.2
Chicago O'Hare (ORD)	12	72.5
Las Vegas (LAS)	12	86.8

**Load Factors on JFK Spokes With 10 or More Flights/Day**  
 Data based on January-May 2007 Load Factors and Jul-07 Schedule

Source: T101 and APG/Del schedules

Moreover, many communities enjoy scheduled service on modern jet aircraft to key commercial centers because of the integration of regional jets into the commercial fleet. Just a few years ago, regional jets were heralded for the improved service they would bring to communities dissatisfied with limited service on turbo-prop aircraft. Without these aircraft, many communities would still be underserved because they cannot support mainline operations. Airlines have added service from New York to a number of smaller communities, as well as larger ones, since 2000.

**Competition has Increased Service to Small Communities**

Airports Added (20)

Akron/Canton, OH  
 Asheville, NC  
 Bridgeport, CT  
 Burbank, CA  
 Des Moines, IA  
 Lexington, KY  
 Little Rock, AR  
 Long Beach, CA  
 Madison, WI  
 Newport News, VA  
 NW Arkansas, AR  
 Oakland, CA  
 Oklahoma City, OK  
 Ontario, CA  
 Ponca, PR  
 Roanoke, VA  
 Sacramento, CA  
 St. Petersburg, FL  
 Tulsa, OK  
 Wilmington, NC

Airports Dropped (8)

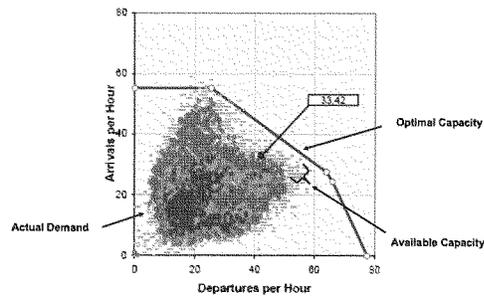
Atlantic City, NJ  
 Detroit City, MI  
 Elmira, NY  
 Harrisburg, PA  
 Melbourne, FL  
 Plattsburgh, NY  
 Poughkeepsie, NY  
 Worcester, MA

**Airlines Have Added 20 Domestic NYC\* Spokes Since 2000**  
 Adds and Drops from Jul-00 to Jul-07

\* EWR/JFK/LGA/NHP/ISP/OWF

- According to FAA, JFK is nearing capacity. FAA data illustrates that scheduling at JFK does not exceed the airport's stated capacity. FAA has determined the safe capacity of each airport and published that information in the Airport Capacity Benchmark Report. From that starting point, on a daily basis (and sometime more frequently) the FAA determines the optimal aircraft acceptance rate, taking into account various factors like runway configuration, terminal airspace influence and weather conditions. As the chart below clearly shows, JFK is nearing, but has not reached, its published capacity. While scheduled operations clearly have increased significantly at JFK, capacity remains available.

**JFK is Nearing its Capacity**

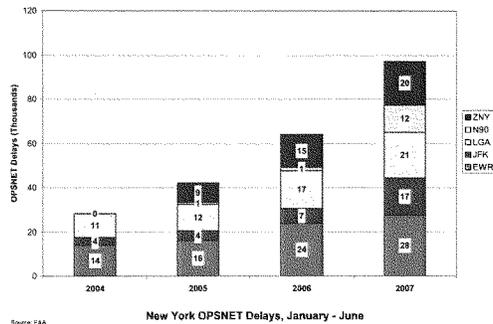


Airport Capacity Benchmark Report 2004

*What is Causing the Increase in Delays At JFK and in the NY Area?*

No one factor can be said to have caused the increase in delays experienced in 2007. FAA OPSNET data shows that delays have increased at the New York TRACON (abbreviated N90) and En Route Center (abbreviated ZNY) as well as at the three commercial airports, as the chart that follows demonstrates.

### NY TRACON and Center Delays are Up Significantly



The easy response to delays is to say that scheduled airline operations are the cause, but that response overlooks the many other factors discussed above, especially the capacity supply factors. ATA and its members are particularly concerned about the inability of the FAA to deliver services at published levels.

In sum, multiple factors are at play in the New York region, all of which affect air carrier on-time performance. In particular, ATC productivity at the three primary air carrier airports, and very likely other airports in the New York TRACON, is not meeting expectations. Why this is the case must be understood and measures implemented to correct it should be a priority. Limiting operations through demand management measures will only mask the problems that otherwise could be resolved to enhance capacity.

#### *The Solution: Relentlessly Eliminate Capacity Limitations*

Given the complex and intertwined nature of the factors influencing on-time performance in the Northeast, and recognizing that additional airspace and ground capacity is available, the right solution is to realize that untapped airspace and airport capacity. The FAA, working with all stakeholders – scheduled airlines, business aviation, controllers, airports and air taxis – must be relentless in identifying unused capacity and then implementing measures and procedures that will safely expand capacity. All such measures should be implemented before considering economic measures to dampen demand and thereby distort the marketplace for air transportation services.

In our view, the most important step that FAA can take to initiate this process and achieve success is to appoint a single individual – a “czar” – to be responsible for this initiative. This person must be singularly tasked and be given the authority to make necessary changes to FAA policies and procedures to drive untapped capacity to the surface where it can be used. Our members are committed to participate in such a process with other stakeholders and to provide the necessary resources to be a catalyst for change.

To this end, ATA and its members have provided several recommendations to DOT and FAA to consider, and have suggested a number of issues that should be explored, all of which could lead to reducing delays by increasing airspace and airport capacity. In addition, ATA and its members participate on a variety of industry working groups and task forces looking at operational measures that could be implemented to reduce delays. Some of the ideas ATA has recommended for JFK and the Northeast include:

- Accelerate implementation of the NY/NJ Airspace Redesign Project
- Address the drop in throughput, which may call for a review of final-approach spacing standards and practices
- Utilize multiple runways, including converging runway operations where appropriate
- Assign scheduled operations a higher priority than other system users
- Improve surface management (traffic flows between runways and gates)
- Expand use of RNAV procedures
- Eliminate miles-in-trail departure restrictions to airports greater than 500 miles away
- Expanded use of low-altitude arrival and departure routes (capping and tunneling)
- Realign/relocate arrival, departure and overflight routes to avoid conflicts that drive inefficient routings
- Create new routes where practical
- Install Omni Directional Airport Lighting on selected runways to aid arrivals in hazy conditions

We do not claim to know all of the measures and procedures that could be implemented to reduce delays, but we believe these measures warrant immediate and serious consideration.

*Economic Measures to Stifle Demand Will Harm Consumers and the Economy*

Some have called for economic measures to be superimposed on air carriers to raise the cost of flying to the New York area, thereby arbitrarily stifling passenger (and shipping) demand. Demand management measures, such as congestion fees, will harm consumers and the local New York economy and not solve the underlying challenge of expanding capacity to meet demand.

The most obvious problem is that this kind of market intrusion by the government would lead to significantly higher fares for consumers and force airlines to concentrate service on their most profitable markets and feeder service for international flights. Small communities with limited service to New York City, the largest commercial and business center in the United States, will be hardest hit because profits on those routes are thin, at best.

Economic measures also will penalize New York City area passengers, shippers and small businesses, in particular. Commercial air service is a key driver of the economy in the New York City area, and the growth in air travel that New York City has enjoyed since July 2000 has benefited the local economy.

#### NYC\* Has Enjoyed Growth in Air Travel Via More Service

	Jul-00	Jul-07	Change
Airlines	80	84	+ 4
Airline Flights per Day**	1,766	1,888	+ 122
Airports Served – Domestic	95	107	+ 12
Airports Served – International	95	127	+ 32
Countries Served (incl. USA)	64	72	+ 8
	<u>2000</u>	<u>2006</u>	<u>Change</u>
Local Passengers per Day**	90,533	104,673	+ 14,139
Total Passengers per Day**	124,130	143,072	+ 18,942

\* EWK, JFK, LGA, MTP, NYS, PWS, QOW

\*\* Outbound only

According to a study conducted by the Port Authority of New York and New Jersey, the regional airport system in New York accounted for nearly 279,000 jobs, \$13.1 billion in wages and \$37.1 billion in sales or economic activity in 2004. Investment by the Port Authority and its partners at the airports between 2000 and 2004 generated 14,500 jobs, \$724 million in wages and \$2.4 billion in sales or economic activity.<sup>6</sup> If growth is curtailed, the service industries that depend on business travelers and tourism – hotels, taxis, restaurants and entertainment – will suffer directly. Making air transportation significantly more expensive will have an adverse ripple effect on the entire regional economy.

Perhaps more importantly, economic measures to stifle demand will not lead to a solution of the underlying problem – the need for additional airspace and airport capacity to meet the growing demand for air transportation services in the New York City region. Where, as here, the fundamental problem is inadequate airspace and airport capacity, the primary role of economic measures should be to create incentives to increase supply, not depress demand. However, more than enough capital is available to the Port Authority of New York and New Jersey, and other airport sponsors, for infrastructure development, and Congress will fund (at least in the first instance) the development and implementation of the FAA's Next Generation (NextGen) ATC system. Ultimately, NextGen costs will be borne by system users. Economic measures, if

<sup>6</sup> *The Economic Impact of the Aviation Industry on the New York-New Jersey Metropolitan Region*, Port Authority of New York and New Jersey (October 2005).

imposed, will merely result in a windfall for the entity imposing such measures at the expense of consumers and the local economy. Indeed, restricting demand promotes economically inefficiency and ultimately will impose tremendous social costs that exceed the costs imposed by delays.

#### CUSTOMER SERVICE

##### *Good Customer Service is in Each Airline's Self Interest*

Customer service is one of the market forces over which airlines compete. This is particularly true today, when air travel has become commoditized because of consumer expectations for low fares and pricing transparency allowed by the Internet. Consequently, customer service is one important way for airlines to differentiate themselves and their services. This kind of competition is precisely what Congress envisioned when it deregulated the airline industry. Airlines understand and embrace this paradigm.

As we have noted previously, good customer service and on-time performance ensure repeat business, and that is the goal for all airlines because it leads to commercial success. On the other hand, poor service drives customers away and, ultimately, leads to failure. No airline is in business to fail.

It should surprise no one, however, that in delivering a service as complex and decentralized as passenger air transportation, service consistency will vary over time. Indeed, the inherently cyclical nature of commercial aviation virtually guarantees that customer service will be subject to swings as the industry goes through up cycles and down cycles and carriers necessarily attempt to balance investment in equipment, staffing levels, new products, markets and service levels with the dynamics of changing passenger demand, price competition, security and safety needs, and a variety of regulatory burdens. Nothing illustrates this situation better than carrier self-help efforts following the drop-off in traffic following 9/11. Airplanes were parked, employment levels were slashed, and investment in equipment and infrastructure was deferred, all while maintaining the highest level of safety. Some contend that airlines cut back staffing too far and failed to bring back employees fast enough and that this has contributed to the customer service situation experienced today. Undoubtedly there is some truth to that observation, but there is no magic formula for these kinds of decisions, and only the only real way to know if staffing decisions are good or bad is how they look in hindsight.

Carriers recognize that increased staffing levels will improve customer service and have begun hiring. As the DOT Bureau of Transportation Statistics (BTS) reported recently,<sup>7</sup> U.S. scheduled passenger airlines employed 2.6 percent more workers in July 2007 than in July 2006, the sixth consecutive year-over-year increase in full-time equivalent employee (FTE) levels for the scheduled passenger carriers. BTS also reported that network airlines, a group that includes most of the industry's largest passenger carriers, reported more FTEs than the prior year for the third consecutive month after having reduced FTEs continuously since 9/11. As the airline industry's recovery continues, conditions will support increased hiring and that, in turn, will benefit

<sup>7</sup> September 18, 2007

consumers. On the other hand, carriers can be expected to move cautiously to maintain control over their costs.

At the end of the day, however, passengers are most concerned about delays and cancellations. Thus, the key to improved customer service ultimately lies with a modernized air traffic control system that can handle the volume of traffic the flying and shipping public demands.

*Carriers Have Taken Action*

Since the long onboard delay events of last winter and early spring, carriers have taken action to be better prepared to deal with long onboard delays and meet the essential needs of their customers. For example, internal policies and procedures for monitoring delays and ensuring that a timely decision is made to offer passengers a chance to deplane have been revised and updated; some carriers have announced firm time frames when passengers will be offered an opportunity to deplane and others have precise internal policies to drive timely decisions; plans to ensure water and other provisions will be supplied if needed have been reviewed and updated; airport coordination plans and strategies have been reviewed and revised as appropriate; customer contact procedures and strategies have been updated, particularly with respect to early decisions to cancel flights; staffing plans have been reviewed and revised to better assist passengers at airports impacted by delays and cancellations; and systems have been implemented to better manage flight diversions to avoid overloading secondary airports. These examples illustrate the types of adjustments carriers have made to better respond to events that cause long onboard delays.

Additionally, carriers have done a number of things in recent years to make the reservation and airport experience as easy and smooth as possible. Airlines have spent millions of dollars on computer systems, reservations and check-in systems, online systems and employee training – all to make it easier for passengers to purchase tickets, print boarding passes and obtain special services. They do this not only to differentiate themselves from their competitors, but also because making it easier for passengers to access their flights and services drives customer satisfaction and drives operational efficiency for the airline. This, in turn, drives down costs and frees up resources for growth, capital spending and further product enhancements.

Online check-in is a good example. Many airlines have deployed this service, which allows passengers to print their boarding passes at home or work and to bypass traditional airport passenger processing. This benefits passengers and airlines alike, reducing the passenger's time at the airport, easing crowded airport lobbies, and allowing gate agents and customer service representatives to focus on passengers who need personal assistance.

Airlines also have begun introducing Spanish-language check-in kiosks, and many airlines are adding check-in kiosks throughout their systems as e-ticketing becomes more prevalent. New terminals are being constructed, such as those at JFK for both American and JetBlue, and aircraft interiors are being refurbished with new seats and entertainment systems.

ATA member airlines also have instituted a variety of other measures and systems to improve customer service, such as automated voice and Internet messaging about delays and schedule

changes, automated re-booking systems when forecasts lead airlines to proactively cancel flights in advance of extreme weather conditions, and re-booking hotlines.

These examples should make it clear that airlines recognize the importance of continuing to improve service for their customers.

*Carriers Propose Improved Information about the Impact of Delays*

One issue identified in the hearings held in April of this year was that the data collected and reported by BTS does not capture tarmac delays if a flight returns to a gate and is cancelled or rescheduled. It also became apparent that delay data associated with diversions is not captured. In response to a notice and public meeting on this issue, ATA proposed that BTS revise its data collection form to capture the total delay time passengers experience when a flight returns to the gate. ATA also is preparing a proposal for BTS to capture total delay time associated with diverted flights. ATA and its members look forward to working collaboratively with BTS to close this data gap.

*The Inspector General Report on Long Onboard Delays*

The DOT Inspector General is in the process of finalizing a report to DOT Secretary Peters concerning the December 2006 and February 2007 long onboard delay events experienced by American and JetBlue passengers specifically, and carrier plans to deal with long onboard delays generally. Although not issued at the time this statement is being submitted, we expect it to be issued by the time of the hearing.

Among other things, we expect the IG report to clarify that American met its commitment to meet its customers' essential needs, contrary to numerous reports and assertions to the contrary. We expect the IG to make a similar finding with respect to JetBlue, although JetBlue was not a signatory to the Commitment since it joined ATA after the Commitment was established.

We also expect the IG to make recommendations with respect to how airlines handle long onboard delays. ATA looks forward to the report and will work with its members to review the recommendations and the guidance they offer.

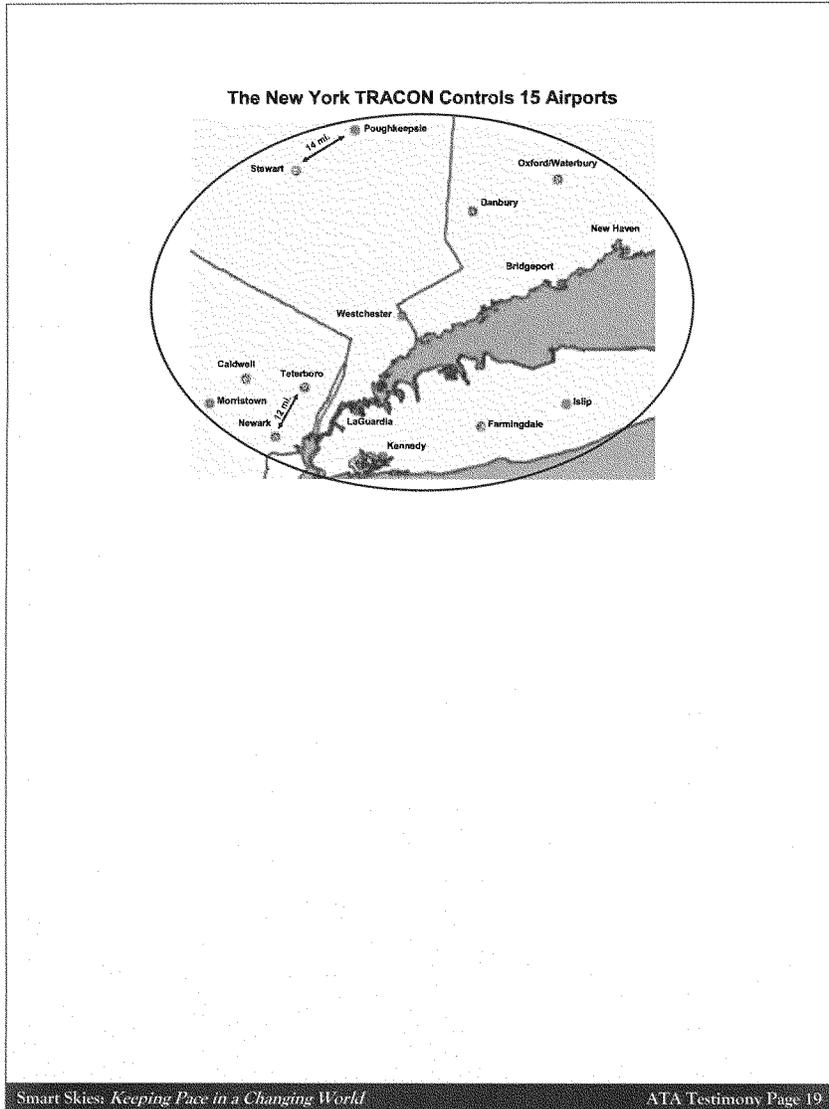
Among the expected recommendations is that airlines should set firm time limits on delay durations before deplaning passengers. As we testified in April, imposing an arbitrary time frame to deplane passengers will have numerous unintended consequences that are likely to increase cancellations and cause even greater delays for passengers trying to reach their final destinations. Furthermore, there are many practical and safety reasons why such a requirement makes little sense.

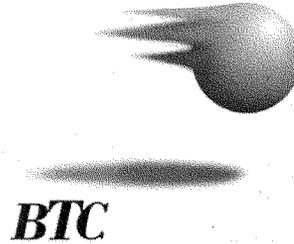
For these reasons, our members believe a more flexible approach makes more sense. Thus, some of our members have identified specific time frames in their customer commitments, while others have established internal policies and procedures to ensure that delayed flights are monitored and timely decisions are made to hold or cancel a flight.

#### CONCLUSION

The single most important measure for reducing delays and the high level of passenger frustration delays cause is to increase airspace capacity as quickly as possible, particularly at the New York City area airports. Delays result from multiple causes in a very complex, interconnected system of air traffic control, airlines and airports. Forcing airlines to reduce schedules directly or by imposing so-called demand management measures will not solve the underlying infrastructure problem that drives delays. Congress should resist calls to force airlines to reduce flights or impose economic measures to curb passenger demand simply because this approach is expedient. Stifling demand will have serious adverse consequences for consumers, the local New York City economy and numerous small communities that would see service reduced or eliminated.

As with any other service industry, airlines recognize that good customer service is critical to commercial success. Airline success at delivering consistently good customer service has been impacted by an ATC system that is incapable of handling reasonable and expected growth by all aviation sectors, not just commercial airlines. Airline customer service also has been impacted by the process of right-sizing staffing as the industry recovers from the very deep downturn that occurred after 9/11. Employment growth to meet customer needs is being assisted by the industry's improving financial health and stability. ATA member airlines remain committed to improving customer service and operating the safest airlines in the world.





**Testimony of Kevin P. Mitchell**  
**Chairman, Business Travel Coalition**  
**Before the House Committee on Transportation and**  
**Infrastructure Subcommittee on Aviation**  
**Regarding Airline Delays and Consumer Issues**

**September 26, 2007**

Kevin P. Mitchell  
Business Travel Coalition  
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Mr. Chairman and Members of the Committee, thank you for inviting the Business Travel Coalition (BTC) to testify before this Committee again and to today provide our views on the subject of airline delays and consumer issues. Formed in 1994, BTC has consistently advocated on behalf of business travelers the need for improved airline service and has provided the Congress and U.S. Department of Transportation specific suggestions on how to ensure such improved service in the marketplace. Today, I am here to advocate Congressional intervention, which is anathema to most businesses BTC represents.

It is promising that the intention of this hearing is to move beyond service meltdowns such as the JetBlue debacle this winter and expand the analysis to customer service much more broadly defined to include:

- long and unpredictable airport security lines,
- cramped planes,
- the unreliability of the system vis-à-vis delays and cancellations,
- the NIMBY lobby,
- failed Federal Aviation Administration modernization initiatives,
- the lack of true airline industry leadership on this issue,
- Congressional inaction,
- and much more.

These issues are all interrelated in terms of cause, effect and possible remedies. There are many parties that share blame for the current state of aviation industry affairs.

The statistics about delays, cancellations and service failures are well known, so I will not repeat them. We also hear about the projection of passenger growth from today's 700 million to 1 billion by 2015 and how there is a crisis looming. The reality is the U.S. commercial aviation system is today already in crisis and heading for political and economic catastrophe.

Conventional wisdom is that we need to prepare now for these 1 billion passengers. But in just a short 24 months we will be near 800 million passengers rendering 2007 and its many problems a mere historical footnote; perhaps even being referred to as the good old days. The catastrophe-scenario is essentially bearing down upon us. We are likely to move from the equivalent of electrical brownouts today to aviation system blackouts by 2009/2010. "No wiggle room" in the system will soon be replaced with starting each morning in a deep Katrina-like operational hole.

The aviation system for business travelers will simply be unreliable; traveler productivity will plummet; and commercial activity will be reduced. Leisure travelers will be beside themselves as their vacation plans are ruined. Regrettably, the U.S. will have lost its role

as the world's leader in commercial aviation, a critically important industry sector. And this is well before we reach 900 million or 1 billion passengers, and of course an even greater number later in the next decade.

The public policy concern is that, on the one hand, if we choose ill-conceived election cycle, super-charged customer service remedies in the immediate term, we will do harm to consumers ultimately and waste precious time laboring under feel-good measures that do not address systemic problems. On the other hand, doing nothing is not an option given what is ahead. We do not yet appreciate true aviation system gridlock and all its societal and economic impacts.

The weather and the FAA are no doubt part of the problem as are ordinary citizens who, for example, have filed lawsuits to block a more efficient airspace redesign in the New York City area. Likewise, there is inadequate appreciation for the burdens of the airline industry and its employees during the past seven years that have impacted customer service, again broadly defined. Airlines have had to battle new security costs, rapid low-cost carrier market penetration, SARS, wars in Afghanistan and Iraq, bankruptcies, labor strife and record jet fuel prices.

However, it is BTC's view that airlines as an industry--and as the prime movers with respect to fundamental change--are not energized and motivated to provide the level of leadership required to seriously move-the-dial, in sufficient time, on this pending national catastrophe. Many are weary of hearing the FAA and weather blamed with little sense of airlines' own accountability and responsibility in this area. The airline industry is more than capable of united leadership and singleness-of-purpose as when, for example, it secured \$5 billion from Congress in 2001 as partial compensation for the 9-11 terrorist attacks on our nation. BTC supported that legislation. Stories in the press at the time told of an unprecedented galvanized and unified airline industry lobby. That's what is required now, but we are not seeing it.

Status quo for the airlines means two things, in BTC's view. First, on the positive side for airlines, as we reach 800 million passengers, business travel ticket prices, and airline profits, will likely reach intoxicating highs. Second, on the negative side, the airlines are inviting serious government intervention into the marketplace that they will not find acceptable, but will have little political capital left at the time to forestall.

#### **BTC Recommendation - Reverse-Sunset Legislation**

Respectfully, this Committee should consider Reverse-Sunset legislation that provides a very strong inducement for airlines to provide and implement solutions to immediately address its portion of the current crisis and looming catastrophe. (A concept first introduced by *USATODAY* columnist and consumer advocate Bill McGee on March 1, 2007.)

BTC recommends that the *National Academies of Sciences, Transportation Research Board* (TRB) be directed by Congress to produce two deliverables.

First, Congress should request a set of well-vetted recommendations regarding solutions to systemic aviation system problems. For example, immunized DOT-moderated airline schedule-reduction conferences for major airport hubs, airport congestion pricing alternatives, operational meltdowns and customer service recovery metrics and plans are all areas requiring exploration.

Second, the TRB would be tasked with defining and stress-testing criteria to determine if there is a true market failure with respect to the reliability and customer service levels of the commercial air transportation system. The failure could be caused by a lack of national aviation capacity—in all its many forms and causes—or by lack of aviation industry action to address customer service problems broadly defined.

Criteria might include auditable airline customer service recover plans or metrics such as U.S. DOT-tracked on-time arrivals, mishandled baggage, involuntary bumpings and consumer complaints. Such metrics have been legitimized by airlines like Continental who have used them to reward employee performance.

After considering the ideas and strategies developed by TRB, Congress would pass Reverse-Sunset legislation embracing some or all of TRB's recommendations. If at a point in the future it is determined the airline industry has failed to deliver on its commitments, there would not be hearings to determine if there is a problem. Rather, the already-passed Reverse-Sunset legislation would become the new requirements for the airline industry.

The DOT Inspector General would be charged with monitoring the industry vis-à-vis this Reverse-Sunset legislation would report to Congress on a routine basis.

The benefits of this strategic approach include:

1. Avoiding punitive, ill-conceived fixes in the near-term that will only ultimately harm the consumer and distract Congress, FAA and the airline industry from working on a comprehensive and integrated package of quality solutions.
2. Encouraging the airline industry to put energy and leadership behind a campaign to introduce sustainable, fundamental reforms to the industry before the nation seriously reconsiders re-regulating portions of the industry.
3. Developing a TRB-led strategy with useful ideas that the airline industry could consider implementing voluntarily.

One of the deep frustrations of those passengers who have been stranded many hours on a flight is their inability to take legal action if they feel that they have been harmed because of federal preemption. Another frustration for some is the lack of states' rights in national aviation matters. On the one hand federal preemption prevents different customer service regulations for hundreds of jurisdictions around the country which would be inefficient and unworkable. On the other hand, this lack of consumer power is why a relatively small number of customer service meltdowns can serve as a proxy for and amplify so many other customer service problems.

As the American Society of Travel Agents points out: "The airlines use public air space and public facilities to profit from the transportation of millions of people who have no alternative but to use their services. These circumstances compel the airlines to accept a public trust and responsibility to comply with minimum standards of courtesy, comfort, convenience and service."

BTC believes the airlines have a historic choice to make: provide real leadership now, or face regulation.

Thank you for the opportunity to address you today.



**Testimony of Greg Principato  
President, Airports Council International-North America**

**before the**

**House Transportation and Infrastructure Committee  
Subcommittee on Aviation  
*Airline Delays and Consumer Issues***

**September 26, 2007**

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Chairman Costello, Ranking Member Petri, members and staff of the House Transportation and Infrastructure Subcommittee on Aviation, thank you for allowing Airports Council International-North America (ACI-NA) the opportunity to participate in this important hearing on airline delays and consumer issues. My name is Greg Principato and I serve as President of ACI-NA. ACI-NA member airports enplane more than 95 percent of the domestic and virtually all the international airline passenger and cargo traffic in North America. Nearly 400 aviation related business are also members of ACI-NA.

ACI-NA applauds the Committee for its tireless work on H.R. 2881, the “Federal Aviation Administration Reauthorization Act of 2007.” H.R. 2881 will serve as the catalyst to reducing airline delays and passenger inconvenience by modernizing the U.S. air traffic and airport system. We especially commend the Committee for providing airports the financial tools necessary to build critical safety, security and capacity projects, including new runways, taxiways and terminals to meet growing airline passenger needs by increasing the ceiling on the Passenger Facility Charge user fee to \$7.00. By doing so, airports can meet the growing passenger demand by planning *now* to invest in modern, secure, comfortable and environmentally compliant facilities for air travelers.

We also are grateful to the Subcommittee for including the “Departure Queue Management Pilot Program” advocated by ACI-NA in H.R. 2881. While FAA has effective Traffic Flow Management programs in place that allow aircraft being delayed to

avoid extensive airborne holding that wastes fuel and produces air pollutants, there is no comparable program for aircraft on the airfield. Each year hundreds of thousands of aircraft are given clearance to taxi, only to spend time idling in long queues or penalty boxes while awaiting their place at the head of the runway. In fact, June 2007 was the worst month in 10 years for taxi-out times, the time between an aircraft leaving the gate and actually taking off. DOT statistics indicate that 462 flights waited for more than three hours to take off. While July 2007 was slightly better, with 276 flights not taking off for more than three hours, something clearly needs to be done. The departure queue management provision, allowing FAA to establish a pilot program at up to five airports, will assist in the development of additional traffic management tools, methodologies, and procedures that will allow controllers to manage the flow of taxiing aircraft on the ground, so as to avoid excessive queues. When implemented, this pilot program will have the added benefit of greatly reducing the amount of fuel burned and emissions produced by taxiing or idling aircraft on the airfield.

**Impact of Delays on Airports:** Demand for air travel is growing and airline delays are rising at an alarming rate. According to the Department of Transportation (DOT), the airline industry's on-time performance in the first six months of 2007 was the worst since DOT began gathering comparable data in 1995. Moreover, according to the Bureau of Transportation Statistics latest numbers, in July over thirty percent of all commercial airline flights arrived late. Unfortunately, many industry experts are predicting delays to only increase.

Airports are greatly affected by extended delays and extraordinary flight disruptions. While the vast majority of airports have contingency plans in place to work with airlines in assisting passengers when weather or other factors cause irregular operations, 2007 has proved to be a challenging year.

**Airport Efforts to Reduce the Frequency and Severity of Delays:** Airports, in cooperation with the airlines, are being pro-active with creating and implementing contingency plans to reduce the frequency and severity of delays. As was discussed by the Department of Transportation Inspector General, the vast majority of airports have contingency plans to assist airlines when such assistance is requested. This is an important point – airports do not have and are not seeking the regulatory authority to interfere with an airline’s operations during an extended ground delay. However, we do agree that airport operators should work more closely with air carriers in enhancing contingency plans, including offering assistance after an aircraft has been on the tarmac for an agreed-upon period of time. Many airports are already scheduling meetings with their airline partners and the provision in H.R. 2881 requiring the development of “emergency contingency plans” by air carriers and *large and medium hub airports* will further enhance these communications.

The Port Authority of New York and New Jersey (PANYNJ) is a good example of an airport that has been proactive in this area. Anticipating that there may be unusual situations where an airline may face an imbalance between the number of terminal gates and the number of flights, including severe weather circumstances, a policy was

implemented several years ago at the Port Authority's airports (Newark Liberty, New York LaGuardia and New York Kennedy) to mitigate the passenger impact. Entitled the *Port Authority Passenger Recovery in Cooperation with the Airlines (PAPRICA)*, the Port Authority has pledged to locate alternate airport locations to safely off-load airport passengers in the event that ground delays strand passengers on planes for more than two hours. This policy urges all carriers to notify airport operations staff to determine if an alternate plan can be developed to allow passengers to safely disembark at another location. The location could be another carrier's gate, a remote hardstand, a cargo building ramp or other aeronautical site from which passengers can be transported to the terminal intended for arrival or departure.

In addition to PAPRICA, airports across the country are working with the airlines in implementing similar contingency plans to successfully combat irregular operations. Just last week, more than 40 industry representatives from thirteen airports and six major airlines gathered at Dallas/Fort Worth International Airport (DFW) to facilitate better planning to collectively respond to significant service disruptions affecting passengers. The session also provided an opportunity for airport and airline staff to identify passenger needs and share best practices across the industry to minimize passenger discomfort during irregular operations. One airport discussed its detailed plans for deplaning passengers using airside portable stairways it had purchased to utilize during a disruptive event. Accommodating unaccompanied minors, providing sleeping mats, diapers, infant formula, pharmaceuticals, medical assistance and developing unified passenger communications plans were also covered. The single most important conclusion,

however, was the need for airports and airlines to employ the same techniques that have long been successfully used to plan for emergencies, snow storms and construction disruptions.

**Require All Code-Sharing Airlines To Report On-Time Performance and Mishandled Baggage Data:** ACI-NA also believes it is important to provide passengers comprehensive information upon which to make their air travel decisions and to reasonably compensate them for travel disruptions. We believe that DOT regulations should be expanded to all airlines that code share with a major or national airline to report delay and mishandled baggage information to the Bureau of Transportation Statistics. As of January 2007, only 19 airlines were required to submit such data on a monthly basis, based on the current regulation for airlines with revenues exceeding one percent of the industry's total domestic scheduled-service passenger revenues to file. Given the fact that regional code-sharing airlines now provide nearly 50 percent of daily departures, enplane one-quarter of industry traffic and exclusively serve 70 percent of U.S. airports, this change is long overdue.

**More Effectively Measure How Delays Affect Passengers:** DOT now collects data on the number and length of flight delays, but not the impact on passengers. ACI-NA agrees with the aviation consumer organizations that the current reports do not provide complete data, lacking statistics on the impact on air travelers of flight cancellations and diversions. Earlier this year, DOT stated that it does not compile data on cancellations, which in June 2007 totaled one in 20 flights. Further, DOT data indicated that U.S.

airlines are operating at some of the highest load factors in the history of the industry, making it more difficult for a bumped passenger to be accommodated on a later flight. According to the most recent Bureau of Transportation (BTS) statistics, record load factors were reached in June for combined domestic and international system flights and for domestic flights. The June load factor for domestic flights was 86.4 percent, exceeding the previous high of 84.9 percent in July 2006. Given the fact that airlines are operating at historically high load factors, it can take many hours or even days for passengers to be re-accommodated. DOT data does not capture the impact of these rebooking problems which result in significant passenger delay and inconvenience.

**Modify Involuntary Bumping Compensation:** ACI-NA strongly believes that involuntary denied boarding compensation should be increased. In recent comments filed with the Department of Transportation (DOT), ACI-NA supported revision of Part 250 compensation available to passengers who are involuntary denied boarding. While we understand that ticket prices have fluctuated over the last twenty-nine years since the current compensation (\$200/\$400 limit) amounts were established, inflation has significantly reduced the current value of compensation formulas. Additionally, the number of passenger complaints filed with the DOT has increased, along with the number of delayed and cancelled flights. ACI-NA recognizes the tension between passengers' needs for reliable air transportation and the financial benefit to both air carriers and consumers from the airline industry's practice to overbook. However, given the fact that both airfares and load factors are at historic highs, the maximum limits on compensation for denied boarding should be increased. ACI-NA applauds the House for enacting a

provision requiring that final regulations be promulgated within one year, with such rates appropriately adjusted.

**Airport Congestion Management Programs Are A Part of the Solution:** ACI-NA has long been on record stating that expanding physical airport capacity should be the first priority when responding to airport congestion. Airports want to accommodate new domestic and international flights, as these provide additional price and service competition for their communities. Airports, with assistance from the FAA, should be justifiably proud of their accomplishments. Since 2004 six new runways at some of the busiest U.S. airports have opened: Atlanta, Boston, Minneapolis-St. Paul, Cincinnati-Northern Kentucky, Los Angeles, and St. Louis. Additionally, according to the FAA Fact II study released in June, important runway projects are projected to be completed by 2010 at Charlotte, Chicago O'Hare, Los Angeles, Philadelphia, Seattle and Washington Dulles.

ACI-NA has also advocated the use of new technologies and procedures to relieve existing problems of congestion and delay and to provide additional capacity. FAA has recently announced that some of the computer programs put into place to better manage air traffic- including adaptive compression which debuted in mid-March and increased airspace flow programs- are working. Adaptive compression, which continually scans for airport "slots" where capacity is not being used, helped reduce delays by more than 863,000 minutes between April and July 2007, according to FAA. Additionally, airspace flow programs, traditionally used to manage delays in severe weather, have been

expanded in response to increased congestion and flight delays. This, along with airspace redesign, will assist in more efficiently moving airline flights through congested airspace.

In those instances where additional airport capacity is not an available alternative, or the capacity will not be available for several years, it is in the best interest of passengers that airport proprietors be permitted to manage their own capacity in ways that encourage more efficient use of airport infrastructure, maintain a safe environment and operational balance and respond to community complaints about delays. Airport proprietors are in the best position to know which type of congestion management program will work best for their air travelers.

DOT and FAA have an open rulemaking on this issue. More than four years ago, ACI-NA filed comments in response to the “Notice of Market-Based Actions To Relieve Airport Congestion and Delay.” The comments called on DOT to use the post-2001 lull in traffic to make progress on fashioning a federal policy in anticipation of the looming increase in traffic. Unfortunately, a coherent federal policy has not yet been issued. However, various forms of congestion management have been implemented over time, airport by airport, and in response to local conditions and federal law. Clearly there is no “one size fits all” program for congestion management; however, federal policy must allow airports the regulatory and legal flexibility necessary to put passengers first to help manage delays by implementing local initiatives to resolve congestion. Solutions can be effectively implemented to promote competition and protect service to small communities; benefiting passengers, airlines and airports.

**Summary:** In closing, ACI-NA and its member airports thank you for the opportunity to share our views on this important matter. Addressing this important issue is critical for the future of the aviation industry. In a recently published survey of business travelers, TripAdvisor found that 53 percent of those surveyed are most annoyed by flight delays and cancellations, with 22 percent indicating their intention to take fewer trips. Increasing consumer confidence that the aviation system can work efficiently without extended delays and passenger inconvenience is important for both airports and airlines. We look forward to working with you to address these vital passenger service issues.

**Before the Committee on Transportation and Infrastructure  
Subcommittee on Aviation  
United States House of Representatives**

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**Actions Needed To  
Improve Airline  
Customer Service and  
Minimize Long, On-Board  
Delays**

**Statement of  
The Honorable Calvin L. Scovel III  
Inspector General  
U.S. Department of Transportation**



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Mr. Chairman and Members of the Subcommittee:

We are pleased to be here today to discuss airline customer service issues and the actions needed from the Department of Transportation (DOT), Federal Aviation Administration (FAA), airlines, and airports to minimize long, on-board delays. This hearing is both timely and important given the record-breaking flight delays, cancellations, diversions, and on-board tarmac delays that air travelers have already experienced this year. Based on the first 7 months of the year:

- Nearly 28 percent of flights were delayed, cancelled, or diverted—with airlines' on-time performance at the lowest percentage (72 percent) recorded in the last 10 years.
- Not only are there more delays, but also longer delay periods. Of those flights arriving late, passengers experienced a record-breaking average flight arrival delay of 57 minutes, up nearly 3 minutes from 2006.
- More than 54,000 flights affecting nearly 3.7 million passengers experienced taxi-in and taxi-out times of 1 to 5 hours or more. This is an increase of nearly 42 percent as compared to the same period in 2006.

As you know, Secretary Peters has expressed serious concerns about the airlines' treatment of passengers during extended ground delays. Earlier this year, she requested that we examine the specific incidents involving American Airlines (American) and JetBlue Airways (JetBlue), during which passengers were stranded on board aircraft for extended periods of time, and the Air Transport Association's<sup>1</sup> member-airlines'<sup>2</sup> contingency plans for dealing with long, on-board delays. She also requested that we highlight industry best practices that can help to mitigate these situations and provide recommendations on what actions should be taken to prevent a recurrence of such events. We issued our report yesterday,<sup>3</sup> which included a series of recommendations the Department can take to improve airline customer service.

Today, I would like to discuss four key points on actions that would help to improve airline customer service and minimize long, on-board delays. These points are based on the results of our recent review as well as our previous airline customer service reviews.

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<sup>1</sup> The Air Transport Association is the trade association for America's largest air carriers. Its members transport over 90 percent of all the passenger and cargo traffic in the United States.

<sup>2</sup> Alaska Airlines, Aloha Airlines, American Airlines, ATA Airlines, Continental Airlines, Delta Air Lines, Hawaiian Airlines, JetBlue Airways, Midwest Airlines, Northwest Airlines, Southwest Airlines, United Airlines, and US Airways. During our review, ATA Airlines terminated its membership in ATA.

<sup>3</sup> OIG Report Number AV-2007-077 "Actions Needed To Minimize Long, On-Board Delays," September 25, 2007. OIG reports and testimonies are available on our website: [www.oig.dot.gov](http://www.oig.dot.gov).

- **The airlines should specify in detail their policies and plans to minimize long, on-board delays and off-load passengers within certain periods of time and adhere to such policies.** The American and JetBlue events of December 29, 2006, and February 14, 2007, respectively, underscored the importance of improving customer service for passengers who are stranded on board aircraft for extended periods of time. On those dates, thousands of passengers experienced long, on-board delays, in some cases for over 9 hours, with little more than a snack and beverage for the entire time. However, the events were neither isolated incidents nor limited to American and JetBlue; these delays occurred throughout the system and at many airlines.

Although severe weather was the primary cause of the delays, it was not the only factor—neither airline had a system-wide policy and procedure in place to mitigate long, on-board delays and off-load passengers within a certain period of time. In fact, prior to the American and JetBlue incidents, only a few airlines reviewed had an established time limit on the duration of tarmac delays, as we reported in our 2001 review.<sup>4</sup> Since these incidents, eight airlines have now set a time limit on delay durations before deplaning passengers but five still have not.

We still maintain that all airlines' customer service plans should specify in detail the efforts that will be made to get passengers off aircraft that are delayed for long periods, either before departure or after arrival. Airlines should also incorporate these policies in their contracts of carriage and post them on their Internet sites. To ensure adherence to the policies, airlines must resume efforts to self-audit their customer service plans. We recommended most of these actions in our 2001 report, and the airlines agreed and stated plans to implement them.

- **Airports' operators should become more involved in contingency planning for extraordinary flight disruptions.** Our examination of 13 airports'<sup>5</sup> contingency plans found that only 2 airports have a process for monitoring and mitigating long, on-board delays. This involves contacting the airline to request a plan of action after an aircraft has remained for 2 hours on the tarmac. We also found that all airports intervene only upon an airline's request primarily because they do not have the authority to interfere with a carrier's operations during long, on-board delays.

In our opinion, airport operators need to become more involved in contingency planning for extraordinary flight disruptions, including long, on-board delays during extreme weather or any other disruptive event. Airports are public

<sup>4</sup> OIG Report Number AV-2001-020, "Final Report on Airline Customer Service Commitment," February 12, 2001.

<sup>5</sup> Austin-Bergstrom International, Chicago O'Hare International, Dallas/Fort Worth International, Dallas Love Field, General Mitchell International, George H. Bush Intercontinental, Hartsfield-Jackson Atlanta International, Honolulu International, Indianapolis International, John F. Kennedy International, Minneapolis-St. Paul International, Phoenix Sky Harbor International, and Seattle-Tacoma International.

agencies heavily supported by public funding and should ensure that passengers' essential needs are met and prevent long, on-board delays to the extent possible. As recipients of Federal funds for airport improvement projects, airports have an obligation to increase airport efficiency, decrease delays, and transport passengers in the most efficient manner.

Therefore, large- and medium-hub<sup>6</sup> airport operators should establish a process for monitoring and mitigating long, on-board delays that involves contacting the airline to request a plan of action after an aircraft has remained for 2 hours on the tarmac. Absent any airline policy, the airport operators should work with airlines to establish policies for deplaning passengers and ensure that these policies are adhered to.

• **There are best practices and ongoing initiatives that, if properly executed, should help to mitigate long, on-board delays in the immediate term.** Secretary Peters asked that we highlight some of the best practices we found that could help in dealing with long, on-board delays. During our review of selected airlines and airports, we found several practices that airlines and airports are taking to mitigate the effects of these occurrences. These include:

- setting the maximum amount of time that passengers will remain on-board aircraft before deplaning.
- “intelligent cancelling”—cancelling flights most likely to be affected by the weather event without being too optimistic or pessimistic. Pre-cancelling flights before the passengers leave home keeps them away from the airport, thus reducing congestion.
- keeping gate space available for off-loading passengers in times of irregular operations.

The best practices we identified during our review are not all inclusive, and the airlines or airports should consider incorporating them into their ongoing operations, especially the best practice of setting the maximum amount of time that passengers will remain on-board aircraft before deplaning.

However, in our opinion, a more comprehensive plan of action is needed to prevent and mitigate long, on-board delays and should involve collaboration among airlines, airports, FAA, and DOT. Therefore, a national task force of representatives from each of these groups should be established to develop and coordinate contingency plans to deal with lengthy delays. Although the airlines

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<sup>6</sup> FAA defines (1) large hubs as those airports that each account for at least 1 percent of the total U.S. passenger enplanements and (2) medium hubs as those airports that each account for between .025 percent and 1 percent of the total passenger enplanements. Large-hub airports (30 in total) account for 69 percent of all passenger enplanements, while medium-hub airports (37 in total) account for 20 percent of all enplanements.

formed a task force in response to our 2001 report recommendations, the effort never materialized as priorities shifted after September 11, 2001. Now is the time to reconvene the task force.

Also, after our review began, some airports moved forward with other initiatives meant to assist the airlines in dealing with long, on-board delays. For example, the Port Authority of New York and New Jersey set up a task force to find ways to reduce flight delays at the region's three main airports: John F. Kennedy (JFK), LaGuardia, and Newark Liberty International Airports. The task force is addressing two main areas—technical issues and customer service. In the technical area, the Port Authority and FAA are working on procedural improvements, such as more efficient use of the runways at JFK. In the customer service area, the focus is on identifying best methods for getting passengers off aircraft and enhancements for reducing the amount of time passengers are kept on aircraft.

FAA is also taking action to minimize delays; the Agency expanded an existing initiative this summer to other parts of the National Airspace System to reduce the amount of time that flights sit on tarmacs waiting to depart. This initiative, known as the Airspace Flow Program, gives FAA and the airlines the capability to maximize the overall use of the National Airspace System while minimizing delays and congestion. These efforts, which are managed by FAA's Command Center, do not create additional capacity but limit the negative effects of bad weather.

- **DOT, FAA, airlines, and airports should complete actions immediately on outstanding recommendations—some dating back to 2001—to improve airline customer service and minimize long, on-board delays.** Given the events of this past winter, DOT should take a more active role in overseeing customer service issues involving long, on-board delays, and there are actions that the Department, the airlines, airports, and FAA can undertake immediately to do so. Many of the actions are not new and date back to recommendations in 2001 on airline customer service, which were directed at delay and cancellation problems. To improve the accountability, enforcement, and protection afforded to air travelers we recommend, among other things, that:

- DOT conduct incident investigations involving long, on-board delays;
- DOT oversee the airlines' policies for dealing with long, on-board delays;
- airlines define what constitutes an "extended period of time" for meeting passengers' essential needs and set time limits for delay durations;
- airlines establish specific targets for reducing chronically delayed or cancelled flights;

- airlines disclose on-time flight performance;
- airlines resume efforts to self-audit their customer service plans; and
- large- and medium-hub airport operators establish and implement processes for monitoring lengthy delays.

Mr. Chairman, in addition to the steps I have just outlined, it is imperative that FAA keeps its short-term capacity measures on track. This is particularly important given that the development and implementation of the Next Generation Air Transportation System is a long-term undertaking. Key short-term initiatives include new airfield runway projects at six airports (including projects at Washington Dulles and Chicago O'Hare), new routes and procedures that can reduce flight times, and airspace redesign efforts. History shows that airspace changes are vital for realizing benefits from new runway projects and can enhance the flow of air travel even without new airport infrastructure.

Before I discuss these key points in detail, I would like to briefly describe why airline customer service is again a central issue and highlight a few statistics showing how air travelers are affected by delays and cancellations.

#### ***Airlines Agreed To Execute a Voluntary Airline Customer Service Commitment***

As this subcommittee is aware, accommodating passengers during long, on-board delays is a major customer service challenge that airlines face. However, this is not a new problem for the airlines. Airline customer service first took center stage in January 1999, when hundreds of passengers remained in planes on snowbound Detroit runways for up to 8 and a half hours. After those events, both the House and Senate considered whether to enact a "passenger bill of rights."

Following congressional hearings on these issues, ATA member airlines agreed to execute a voluntary Airline Customer Service Commitment<sup>7</sup> to demonstrate their dedication to improving air travel (see figure 1). The Commitment

**Figure 1. Provisions of the Airline Customer Service Commitment**

- Offer the lowest fare available.
- Notify customers of known delays, cancellations, and diversions.
- Deliver baggage on time.
- Support an increase in the baggage liability limit.
- Allow reservations to be held or cancelled.
- Provide prompt ticket refunds.
- Properly accommodate disabled and special-needs passengers.
- Meet customers' essential needs during long, on-aircraft delays.
- Handle "bumped" passengers with fairness and consistency.
- Disclose travel itinerary, cancellation policies, frequent flyer rules, and aircraft configuration.
- Ensure good customer service from code-share partners.
- Be more responsive to customer complaints.

Source: Airline Customer Service Commitment, June 1999

<sup>7</sup> ATA signed the Commitment on behalf of the then 14 ATA member airlines (Alaska Airlines, Aloha Airlines, American Airlines, American Trans Air, America West Airlines, Continental Airlines, Delta Air Lines, Hawaiian Airlines, Midwest Express Airlines, Northwest Airlines, Southwest Airlines, Trans World Airlines, United Airlines, and US Airways).

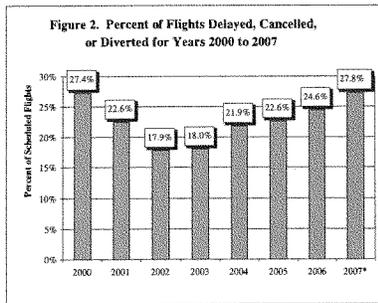
provisions include meeting passengers' essential needs during long, on-board delays.

Because aviation delays and cancellations continued to worsen, eventually reaching their peak during the summer of 2000, Congress directed our office to evaluate the effectiveness of the Commitment and the customer service plans of individual ATA airlines. We issued our final report in February 2001. Overall, we found that the ATA airlines were making progress toward meeting the Commitment, which has benefited air travelers in a number of important areas, such as offering the lowest fare available, holding reservations, and responding in a timely manner to complaints. However, these areas are not directly related to flight delays or cancellations—which the Commitment did not directly address—and these areas are still the underlying causes of deep-seated customer dissatisfaction.

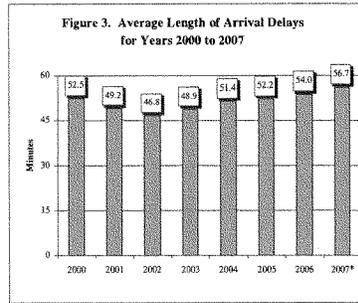
**Rising Flight Delays Are Leading to More Long, On-Board Delays**

A review of vital statistics shows the impact that flight delays and cancellations had on air travelers during 2006 and the first 7 months of 2007, compared to peak-year 2000. The 2006 travel period was not only the busiest<sup>8</sup> since 2000, it also reached near-record 2000 levels for flight delays and cancellations. Domestic-wide for 2006, nearly 25 percent of flights were delayed, cancelled, or diverted, the highest percentage since the year 2000, when it hit 27 percent. Based on the first 7 months of 2007, airlines' on-time performance was at the lowest percentage (72 percent) recorded in the last 10 years; nearly 28 percent of flights were delayed, cancelled, or diverted compared to nearly 24 percent during the same period in 2006.

Figure 2 illustrates the changes in percent of flights delayed, cancelled, or diverted from 2000 to 2007.



\*January through July  
Source: BTS data



\*January through July  
Source: BTS data

<sup>8</sup> As measured by scheduled departures.

Not only are there more delays, but also longer delay durations. Domestic-wide for 2006, for those domestic flights delayed, passengers experienced an average flight arrival delay of 54 minutes. Figure 3 illustrates the average flight arrival times from 2000 to 2007. Based on the first 7 months of data, it is clear 2007 could be even worse. For flights that arrived late, passengers experienced an average flight delay of nearly 57 minutes, up nearly 3 minutes from FY 2006.

These rising flight delays are leading to more on-board tarmac delays. Based on the first 7 months of 2007, over 54,000 scheduled flights—affecting nearly 3.7 million passengers—experienced taxi-in and taxi-out times of 1 to 5 hours or more. This is an increase of nearly 42 percent (from 38,076 to 54,029) as compared to the same period in 2006 (see table).

**Table. Number of Flights With Long, On-Board Tarmac Delays of 1 to 5+ Hours January Through July of 2006 and 2007**

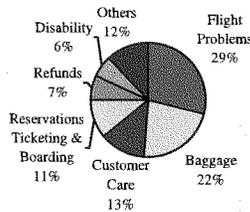
Time Period	2006	2007	% Change
1-2 Hrs.	33,438	47,558	42.23
2-3 Hrs.	3,781	5,213	37.87
3-4 Hrs.	710	1,025	44.37
4-5 Hrs.	120	189	57.50
5 or > Hrs.	27	44	62.96
<b>Total:</b>	<b>38,076</b>	<b>54,029</b>	<b>41.90</b>

Source: BTS data

**Rising Flight Delays Are Also Leading to More Air Traveler Complaints**

Against this backdrop of increasing delays and cancellations, consumer complaints are also rising. DOT's Air Travel Consumer Reports disclosed that, for the first 7 months of 2007, complaints involving U.S. airlines increased nearly 65 percent (3,947 to 6,504) over complaints during the same period in 2006, with complaints relating to flight problems (delays, cancellations, and missed connections) more than doubling (1,096 to 2,468) for the same period. Complaints involving U.S. airlines in 2007 have already exceeded 2006 complaint totals, including complaints about flight problems.

**Figure 4. Air Travel Consumer Complaints, 2006**



Source: DOT's Air Travel Consumer Reports for 2006

Over the last several years, DOT ranked flight problems as the number one air traveler complaint, with baggage complaints and customer care<sup>9</sup> ranked as number two and number three, respectively. As shown in figure 4, flight problems accounted for more than one-quarter of all complaints the Department received in 2006. So far, this year is becoming a near record-breaking year percentage-wise for flight problem complaints, with those accounting for nearly 38 percent of all complaints the Department received in the first 7 months of 2007.

***Passengers' Flight Experiences Are Further Complicated by Capacity and Demand Matters***

Air travelers' dissatisfaction with flight problems, especially cancellations, is further compounded by reduced capacity and increased demand, which leads to fuller flights. Domestic-wide, the first 6 months of 2007 (the most recent data available) compared to the same period in peak-year 2000 show that:

- 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.
- 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.
- Reduced capacity and increased demand led to fuller flights. For 2007, average load factors increased from 71.1 percent in 2000 to 79.7 percent in 2007, with an unprecedented 86.1 percent in June.
- *Reduced capacity and higher load factors can also result in increased passenger inconvenience and dissatisfaction with customer service. With more seats filled, air carriers have fewer options to accommodate passengers from cancelled flights.*

The extent to which delays and cancellations will continue to impact passengers in 2007 depends on several key factors, including weather conditions, the impact of the economy on air traffic demand, and existing capacity management at already congested airports.

I would now like to turn to my key points on actions needed to improve airline customer service and minimize long, on-board delays.

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<sup>9</sup> Complaints such as poor employee attitude, refusal to provide assistance, unsatisfactory seating, and unsatisfactory food service are categorized as customer care complaints.

### **The Airlines Must Specify in Detail Their Policies and Plans To Minimize Long, On-Board Delays and Off-Load Passengers Within Certain Periods of Time and Adhere to Such Policies**

The airlines continue to face challenges in mitigating extraordinary flight disruptions such as long, on-board delays during extreme weather. Based on Bureau of Transportation Statistics (BTS) data, 659,988 flights were delayed in 2006 *due to poor weather conditions* (9.2 percent of all commercial flights). Based on the first 7 months of 2007, the number of flights delayed *due to poor weather conditions* increased by nearly 18 percent for the same period in 2006 and is on pace to exceed 2006 totals.

The severity of the on-board delays last winter drew national attention, and the events that received the most attention—the American and JetBlue incidents—underscored the importance of improving customer service for passengers who are stranded on board aircraft for extended periods of time.

On December 29, 2006, American's operations at Dallas-Fort Worth International Airport (DFW) were severely affected by unprecedented weather leading to 654 flight cancellations, 124 diversions, and 44 long on-board delays exceeding 4 hours. The diversions to Austin-Bergstrom International Airport generated substantial interest because some of the lengthiest on-board delays occurred at that airport—in one case for over 9 hours. JetBlue's JFK operations also suffered on February 14, 2007, when severe weather hit the northeastern United States, leading to 355 cancellations; 6 diversions; and 26 long, on-board delays exceeding 4 hours.

We also found that other airlines experienced flight disruptions on those two dates; some were able to minimize the time passengers spent on-board aircraft while others experienced similar on-board delays. For example, Delta Airlines had more flights delayed at JFK than JetBlue on February 14, 2007, with a total of 54 flights delayed more than 1 hour versus 43 for JetBlue.

#### ***Lack of a System-Wide Policy Contributed to American's and JetBlue's Long, On-Board Delays***

While weather was the primary contributor to the extraordinary flight disruptions, it was not the only factor in passengers being stranded on board aircraft for extended periods of time. We found that neither airline had a system-wide policy or procedure in place to mitigate long, on-board delays and off-load passengers within a certain period of time. American also did not control the number of diverted flights to some airports, which overwhelmed its operations at Austin.

JetBlue was committed to its long-standing practice of not cancelling flights. As a result, its personnel at JFK airport became overwhelmed with the sheer number of

arriving and departing aircraft on the ground at the same time, with no gates available for deplaning passengers on arriving flights.

After the December 29 event, American instituted a new policy designed to prevent on-board delays from exceeding 4 hours and implemented an airborne diversion distribution plan aimed at spreading out its diversions to more airports to prevent overloading any given airport. American has also implemented decision assistance technology designed to “automatically track and monitor delayed and diverted flights and assist in creating a centralized approach for the prioritizing the handling of such flights.”

JetBlue also set a time limit for any long, on-board delay away from a gate—a 5-hour maximum—and established procedures to monitor delayed flights. Also, just a week after the February 14 incident, JetBlue published its own customer bill of rights. JetBlue plans to offer compensation in the form of vouchers for flight disruptions, such as cancellations.

#### ***Contingency Planning for Extreme Weather Is Not a New Concern for Airlines***

Contingency planning for extreme weather is not a new concern for airlines, as evidenced by the June 1999 Commitment provision, which states that:

- The airlines will make every reasonable effort to provide food, water, restroom facilities, and access to medical treatment for passengers aboard an aircraft that is on the ground for an extended period of time without access to the terminal, as consistent with passenger and employee safety and security concerns.
- Each carrier will prepare contingency plans to address such circumstances and will work with carriers and the airport to share facilities and make gates available in an emergency.

However, as we noted in our 2001 report, the airlines had not clearly and consistently defined terms in the Commitment provision such as “an extended period of time.” We also noted that only a few airlines’ contingency plans specify in any detail the efforts that will be made to get passengers off the aircraft when delayed for extended periods, either before departure or after arrival. Our opinion was then, as it is now, that this should be a top-priority area for the airlines when implementing their contingency plans, especially with the record-breaking on-board delays we have already seen in 2007—particularly those exceeding 4 hours.

We recommended that the airlines:

- clarify, in their customer service plans, what is meant by an “extended period of time” and “emergency,” so that passengers will know what they can expect during extended on-aircraft delays.
- ensure that comprehensive customer service contingency plans specify the efforts that will be made to get passengers off the aircraft when delayed for extended periods, either before departure or after arrival.

In response to our 2001 report recommendations, the airlines agreed to:

- clarify the terminology used in their customer service plans for extended delays.
- establish a task force to coordinate and develop contingency plans with local airports and FAA to deal with lengthy delays.

While a task force was formed, the effort never materialized as priorities shifted after September 11, 2001. Our testimony before this subcommittee in April 2007<sup>10</sup> recommended that the task force be reconvened, and, to date, there has been no action to do so.

***Airline Contingency Plans Are Still Not Adequate To Handle Long, On-Board Delays***

Our recent review examined the actions taken by each airline to clarify terms relating to customers’ essential needs during long, on-board delays and found the following:

- Five of the 13 airlines still had not clearly and consistently defined terms in the Commitment provision, such as “an extended period of time” for meeting customers’ essential needs during long, on-board delays.
- Of the eight airlines that have defined “an extended period of time,” the trigger thresholds for meeting passengers’ essential needs vary from 1 to 3 hours. We think it is unlikely that passengers’ definition of an extended period of time will vary depending upon which airline they are flying. A consistent policy across the airlines would be helpful to passengers.

Also, 8 of the 13 airlines have now set a time limit on delay durations before deplaning passengers but 5 still have not.

Given the extended ground delays that stranded passengers on board aircraft this past winter, all airlines should specify in detail the efforts that will be made to get

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<sup>10</sup> OIG Testimony Number CC-2007-046, “Actions Needed To Improve Airline Customer Service,” April 20, 2007.

passengers off the aircraft when delayed for extended periods, either before departure or after arrival.

### ***Airlines Must Resume Efforts To Self-Audit Their Customer Service Plans***

In our 2001 report, we recommended, and the ATA airlines agreed, that the airlines establish quality assurance and performance measurement systems and conduct internal audits to measure compliance with the Commitment provisions and customer service plans.

In June 2001, we confirmed that 12 of the 14 ATA airlines that were signatories to the Commitment had established and implemented their quality assurance and performance measurement systems. In our 2006 review,<sup>11</sup> however, we found that the quality assurance and performance measurement systems were being implemented at just five of the ATA airlines. The other ATA airlines had either discontinued their systems after September 11, 2001, or combined them with operations or financial performance reviews where the Commitment provisions were overshadowed by those issues.

The key to the success of the airlines' new policies designed to prevent long, on-board delays is for each airline to (1) have a credible tracking system for compliance with its new policy and with all other Commitment provisions and (2) implement its customer service plan, reinforcing it with performance goals and measures.

These systems and audit procedures will also help DOT to more efficiently review the airlines' compliance with the Commitment provisions and ensure that airlines comply with their policies governing long, on-board delays, especially in the event that health and safety hazards arise from such delays.

### **Airport Operators Must Become More Involved in Contingency Planning for Extraordinary Flight Disruptions**

In addition to examining airline contingency plans for mitigating long, on-board delays as requested, we also examined contingency plans from selected major airports nationwide. We requested contingency plans from 13 airports (including 12 hub airports). We received plans or responses from the 13 airports and found the following:

- Only two airports have a process for monitoring and mitigating long, on-board delays that involves contacting the airline to request a plan of action after an aircraft has remained on the tarmac for 2 hours.

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<sup>11</sup> OIG Report Number AV-2007-012, "Follow-Up Review: Performance of U.S. Airlines in Implementing Selected Provisions of the Airline Customer Service Commitment," November 21, 2006.

- Airports intervene only upon an airline's request primarily because they do not have the authority to interfere with a carrier's operations during long, on-board delays.
- Most plans address assisting airlines, when assistance is requested, during long, on-board delays. This includes providing gates for deplaning passengers or, when a gate is not available; deplaning passengers using mobile air stairs; loading passengers onto buses; and returning to the terminal.

Based on discussions with airport, airline, and FAA personnel, it appears that in the recent incidents that stranded passengers for extraordinarily long periods, there was not a coordinated effort by the airlines, airport operators, and FAA to deal with such events.

In our opinion, airport operators need to become more involved in contingency planning for extraordinary flight disruptions, including long, on-board delays during extreme weather or any other disruptive event. Airports are public agencies heavily supported by public funding and should ensure that passengers' essential needs are met and prevent long, on-board delays to the extent possible. As recipients of Federal funds for airport improvement projects, airports have an obligation to increase airport efficiency, decrease delays, and transport passengers in the most efficient manner.

Also, air travelers can still choose which connecting airport to fly through to get to their final destinations or take direct flights to avoid chronically delayed airports all together. If certain airports continue to maintain a reputation for long flight and tarmac delays, passengers may simply choose other airports whenever possible.

In our view, large- and medium-hub airport operators should establish and implement a process for monitoring and mitigating long, on-board delays that involves contacting the airline to request a plan of action after an aircraft has remained for 2 hours on the tarmac. Absent any airline policy, the airport operators should work with airlines to establish policies for deplaning passengers and ensure that these policies are adhered to.

### **There Are Best Practices and Ongoing Initiatives That, if Properly Executed, Should Help in Mitigating Long, On-Board Delays in the Immediate Term**

Secretary Peters asked that we highlight some of the best practices we found that could help in dealing with long, on-board delays. During our review of selected airlines and airports, we found several practices by some airlines and airports to mitigate the effects of these occurrences. Also, after our review began, some airports moved forward with other initiatives meant to assist the airlines in dealing with long, on-board delays. In addition, ATA announced on February 22, 2007, a new initiative

for dealing with such situations. FAA also expanded an existing initiative this summer to other parts of the National Airspace System to reduce the amount of time that flights sit on tarmacs waiting to depart. We have included these actions along with best practices identified during our review to provide an overall picture of the actions being taken across the industry that relate to the Secretary's concerns.

While it is too soon to evaluate the effectiveness of these ongoing initiatives, they all have merit and, if properly executed, should help in mitigating long, on-board delays in the immediate term.

### ***Airlines' and Airports' Best Practices and Ongoing Initiatives***

**Best Practices:** The best practices we identified during our review are not all inclusive, and the airlines or airports should consider incorporating them into their ongoing operations, especially the best practice of setting the maximum amount of time that passengers will remain on-board aircraft before deplaning. However, in our opinion, a more comprehensive national plan of action is needed to prevent and mitigate long, on-board delays, which should involve collaboration and coordination among the airlines, airports, FAA, and DOT. These practices include the following:

- Setting the maximum amount of time that passengers will remain on-board aircraft before deplaning them. For example, an airline at one airport it services has a 1-hour policy that was executed effectively during the December 29, 2006, incidents. On that day, the airline had a record 11 diversions into 1 airport with the longest on-board delay lasting about 90 minutes.
- “Intelligent cancelling”—cancelling flights most likely to be affected by the weather event without being too optimistic or pessimistic. Pre-cancelling flights before the passengers leave home keeps them away from the airport, thus reducing passenger congestion at the airlines' check-in counters and gate areas. There are trade-offs when implementing this practice—passengers avoid experiencing long, on-board delays, but they need to be re-accommodated on later flights, preferably that same day. However, reduced capacity and higher load factors can result in increased passenger inconvenience and dissatisfaction with customer service. With more seats filled, air carriers have fewer options to accommodate passengers from cancelled flights.
- Keeping gate space available for off-loading passengers in times of irregular operations. This could be done by the airport authority or the carriers. The gate would be available for arrival aircraft and used solely for deplaning passengers.
- Implementing programs that provide volunteers from throughout the airline's system that are flown or driven to the destination needing assistance. These volunteers (i.e., customer service agents) act as additional help during irregular operations. The goal of the agents would be to separate and service passengers

needing to be rebooked from those passengers arriving at the airport already ticketed for on-time flights or non-cancelled, operating flights.

- Implementing flexible staffing arrangements and periodic duty rotations to meet the challenges during irregular operations. For example, certain non-customer service employees have been cross-trained to assist in re-booking passengers whose flights have been cancelled.
- Holding teleconferences before a known weather event (e.g., winter storm, hurricane, tropical depression, etc.) with possibly affected airports' general managers. In addition to asking for recommendations from the general managers, they discuss the status of snow removal equipment, liquid de-icing amounts and availability, staffing, and possible scheduled operation (aircraft and passenger) reductions. Similar meetings are already held between FAA and airlines.
- Using the Aircraft Communication Addressing and Reporting System (equipped on most commercial aircraft) to send a message to the airlines' Operations Control Center notifying it that the aircraft has been away from gate for more than 3 hours without departing.
- Constantly monitoring aircraft on the tarmac; in cases of aircraft remaining for more than 2 hours, airport staff will contact the appropriate airline manager to coordinate the aircraft's return to a gate. If necessary, airport staff will assist in deplaning an aircraft and will provide an escort, buses, and mobile stairs. Finally, staff will ensure that airport services (e.g., concessions, security, and ground transportation) remain open during an irregular operation.

**Airports' Ongoing Initiatives To Address Long, On-Board Delays:** During our review, two major airport operators put forth initiatives to address long, on-board delays. The Port Authority of New York and New Jersey set up a task force to find ways to reduce flight delays at the region's three main airports. The Port Authority, which operates JFK, LaGuardia, and Newark Liberty International Airports; leads the group. The task force includes airline executives and Federal, state, and city government officials.

The task force convened its first meeting July 18, 2007, with 42 airline executives and Federal, state, and city government officials attending, including then FAA Administrator Blakey. The task force met a second time on September 18, and another meeting is scheduled for November 2007; conference calls are planned to occur periodically. The task force plans to issue a report by the end of 2007.

The task force is addressing two main areas—technical issues and customer service. In the technical area, the Port Authority and FAA are working on procedural improvements, such as more efficient use of the runways at JFK. Also, work is being

delegated to the airlines that are looking into ways the airports could be changed to reduce flight delays. In the customer service area, the focus is on identifying best methods for getting passengers off aircraft and enhancements for reducing the amount of time they are kept on aircraft.

Hartsfield-Jackson Atlanta International Airport is moving forward with a plan to cut gate delays for arriving passengers by busing people from planes directly to concourses when airline gates are full. The city of Atlanta, which operates the airport, approved a \$2.5 million proposal for 4 new buses that can transport about 80 passengers and their carry-on luggage. The plan also includes sets of mobile stairways that allow passengers to leave planes and another vehicle to help disabled passengers. Airlines requesting the service will reimburse the city for the use of the buses.

It is encouraging to see that some airport operators are becoming more involved in mitigating long, on-board delays. However, as passenger traffic continues to grow, airports will need to become more proactive in dealing with long, on-board delays, especially those airports with limited airfield or gate capacity. Airports will also need to proactively deal with in-terminal delays when multiple flights are cancelled and passengers are stranded in the gate areas where terminal capacity could be limited.

#### ***ATA Initiative To Address Long, On-Board Delays***

On February 22, 2007, ATA announced an initiative for dealing with long, on-board delays and proposed the following course of action:

- Each airline will continue to review and update its policies to ensure the safety, security, and comfort of customers.
- Each airline will work with FAA to allow long-delayed flights to return to terminals in order to off-load passengers who choose to disembark without losing that flight's position in the departure sequence.
- ATA will ask the Department to review airline and airport emergency contingency plans to ensure that the plans effectively address weather emergencies in a coordinated manner and provide passengers with essential needs (i.e., food, water, lavatory facilities, and medical services).
- ATA will ask the Department to promptly convene a meeting of air carrier, airport, and FAA representatives to discuss procedures to better respond to weather emergencies that result in lengthy flight delays.

While we understand the current pressures that ATA and its member airlines face in maintaining profitability, we are concerned that the actions proposed merely shift responsibility from ATA to the Department. We agree that the Department must be

an active partner, but ATA's proposed course of action is not significantly different than what the airlines agreed to do in response to our 2001 recommendations, such as "to establish a task force to coordinate and develop contingency plans with local airports and FAA to deal with lengthy delays."

### ***FAA's Expanded Program To Reduce Flight Delays***

In preparing for this summer's peak season, FAA expanded an air traffic program that reduces flight delays. The Airspace Flow Program, as it is known, gives airlines the option of either accepting delays for flights scheduled to fly through storms or flying longer routes to safely maneuver around them.

The Agency successfully launched the program last year at seven locations in the Northeast. According to FAA, on bad weather days at major airports in the region, delays fell by 9 percent compared to the year before. Cost savings for the airlines and the flying public from the program were estimated to be \$100 million annually. The number of Airspace Flow Program locations—chosen for their combination of heavy traffic and frequent bad weather—was expanded from 7 to 18. The additional locations will ease delays for passengers flying through the southern and midwestern United States and for those on transcontinental flights.

Before last year, severe storms often forced FAA to ground flights at affected airports. This "penalized" flights whose scheduled paths would have taken them around the storm had they not been grounded with the flights directly affected by the storms. This program allows FAA to manage traffic fairly and efficiently by identifying only those flights scheduled to fly through storms and giving them estimated departure times. Airspace Flow Programs will also be used in conditions not related to weather, such as severe congestion near major cities.

### **DOT, FAA, Airlines, and Airports Should Complete Actions on Outstanding Recommendations To Improve Airline Customer Service and Minimize Long, On-Board Delays**

Given the events of this past winter, DOT should take a more active role in overseeing customer service issues, and there are actions that it, the airlines, and airports can undertake immediately to do so. Many of the actions are not new and date back to recommendations in our 2001 report, which were directed at delay and cancellation problems—key drivers of customer dissatisfaction with airlines. These recommendations are listed below.

- **Conduct incident investigations involving long, on-board delays.** Based on the results of our review, the Department's Office of General Counsel—in collaboration with FAA, airlines, and airports—should review incidents involving long, on-board ground delays and their causes; identify trends and patterns of such

events; and implement workable solutions for mitigating extraordinary flight disruptions.

- **Oversee the airlines' policies for dealing with long, on-board delays.** The Office of Aviation Enforcement and Proceedings should ensure that airlines comply with their policies governing long, on-board delays, especially in the event that health and safety hazards arise from such delays, and advise Congress if the airlines retreat from the Commitment provisions or dilute the language in the current contracts of carriage.
- **Implement the necessary changes in the airlines' on-time performance reporting to capture all long, on-board delays.** Delay statistics (see statistics in the table on page 7) do not accurately portray the magnitude of long, on-board delays because (1) if a flight taxis out, sits for hours, and then taxis back in and is cancelled, the delay is not recorded; and (2) if a flight is diverted to an airport other than the destination airport and sits on the tarmac for an extended period of time, the flight is not recorded in delay statistics.

Carriers are not required to report gate departure times when a flight is later cancelled. So, there is no record of how long a flight remains at the gate or sits on the tarmac before it is cancelled. This is true for flights with lengthy delays at the originating airport that are later cancelled. This was the case with some JetBlue flights at JFK on February 14, 2007, and at airports where flights were diverted and then cancelled, such as some of the American flights diverted to Austin on December 29, 2006.

BTS is looking into whether changes are needed in how the airlines record long, on-board delays. BTS should make this a priority and implement the necessary changes in the airlines' on-time performance reporting requirements to capture all events resulting in long, on-board delays, such as flight diversions and cancellations.

- **Clarify terms in airlines' contingency plans.** Those airlines who have not already done so must: (1) define what constitutes an "extended period of time" for meeting passengers' essential needs; (2) set a time limit on delay durations before deplaning passengers; and (3) incorporate such policies in their contracts of carriage and post them on their Internet sites.
- **Establish specific targets for reducing chronically delayed or cancelled flights.** In 2001, we recommended that the airlines establish in the Commitment and in their Customer Service Plans targets for reducing the number of flights that have been chronically delayed (i.e., 30 minutes or longer) or cancelled 40 percent or more of the time.

In response to our recommendation, the airlines stated they were “willing to accept the challenge of reducing chronically delayed or cancelled flights, for factors we can control, in order to relieve unneeded and unwanted passenger frustration.” However, there were no actions identified on how or when the airlines would go about establishing targets for reducing the number of flights that have been chronically delayed.

- **Disclose on-time flight performance.** We recommended in our 2001 report that the airlines disclose to customers at the time of booking and without being asked the prior month’s on-time performance rate for those flights that have been delayed (i.e., 30 minutes or longer) or cancelled 40 percent or more of the time. Currently, the airlines are required to disclose on-time performance only upon request from the customer.

The ATA airlines disagreed with this recommendation and, as an alternative, agreed to make on-time performance data accessible to customers on the airlines’ Internet sites, on a link to the BTS Internet site, or through toll-free telephone reservation systems.

However, we found in 2006 that only 5 of the 16 airlines we reviewed made on-time performance data available on their Internet sites. Given the ease of availability of this information to the airlines, we continue to recommend that the airlines post on-time flight performance information on their Internet sites and make it available through their telephone reservation systems without being prompted.

- **Resume efforts to self-audit customer service plans.** Also, in our 2001 report, we recommended, and the ATA airlines agreed, that the airlines establish quality assurance and performance measurement systems and conduct internal audits to measure compliance with the Commitment provisions and customer service plans.

These systems and audit procedures will also help DOT to more efficiently review the airlines’ compliance with the Commitment provisions and ensure that airlines comply with their policies governing long, on-board delays, especially in the event that health and safety hazards arise from such delays.

- **Reconvene the task force.** In response to our 2001 report recommendations, the airlines agreed to establish a task force of representatives from airlines, airports, and FAA to develop and coordinate contingency plans to deal with lengthy delays, such as working with carriers and the airports to share facilities and make gates available in an emergency. Although the airlines formed a task force, the effort never materialized as priorities shifted after September 11, 2001. Now is the time

for airlines to reconvene the task force and develop and coordinate contingency plans with local airports and FAA to deal with lengthy delays.

- **Implement processes for monitoring lengthy delays.** Large- and medium-hub airport operators should establish and implement a process for monitoring and mitigating long, on-board delays that involves contacting the airline to request a plan of action after an aircraft has remained on the tarmac for 2 hours. As part of the plan, the airport operators need to work with the airlines to ensure that the airlines' deplaning policies are adhered to. Absent any airline policy, the airport operators should work with airlines to establish policies for deplaning passengers and ensure that these policies are adhered to.

The busy holiday travel season will soon be upon us, and the extent to which delays; including long, on-board delays and cancellations; will affect passengers in the remainder of 2007 and beyond will depend upon how DOT, FAA, airlines, and airports coordinate their efforts to avoid a repeat of the events of this past winter and current 2007 events.

That concludes my statement. I would be glad to answer any questions that you or other Members of the subcommittee might have.

# **ACTIONS NEEDED TO MINIMIZE LONG, ON-BOARD FLIGHT DELAYS**

*Office of the Secretary of Transportation*

*Report Number: AV-2007-077*

*Date Issued: September 25, 2007*



U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation  
Office of Inspector General

# Memorandum

Subject: **ACTION:** Actions Needed To Minimize Long, On-Board Flight Delays  
Office of the Secretary of Transportation  
Report Number AV-2007-077

Date: September 25, 2007

From: Calvin L. Scovel III *C. L. Scovel III*  
Inspector General

Reply to  
Attn. of: JA-1

To: Secretary of Transportation

Thousands of passengers suffered long, on-board aircraft delays triggered by severe weather last winter, causing serious concerns about the airlines' contingency planning for such situations.

- On December 29, 2006, the Dallas-Fort Worth area experienced unseasonably severe weather that generated massive lightning storms and a tornado warning; this caused the airport to shut down operations several times over an 8-hour period. American Airlines (American) diverted over 100 flights, and many passengers on those flights were stranded on board aircraft on the tarmac for as long as 9 hours. The number of diversions on this date was second only to the number reached on September 11, 2001.
- On February 14, 2007, snow and ice blanketed the northeastern United States. JetBlue Airways (JetBlue) stranded hundreds of passengers aboard its aircraft on the tarmac at John F. Kennedy International Airport (JFK) for as long as 10 and a half hours. At 1 point during that day, JetBlue had 52 aircraft on the ground with only 21 available gates. JetBlue has publicly admitted shortcomings in its systems that were in place at the time for handling such situations.

This report presents the results of the review you requested in response to these incidents. Our audit objectives—based on your February 26, 2007, memorandum—were to: (1) look into the specific incidents involving American and JetBlue, during which passengers were stranded on board aircraft for extended

periods of time; (2) examine the Air Transport Association's (ATA)<sup>1</sup> member airlines'<sup>2</sup> customer service plans, contracts of carriage,<sup>3</sup> and internal policies dealing with long, on-board delays; (3) highlight best practices that could help deal with these situations; and (4) provide recommendations on what airlines, airports, and the Government can do to prevent recurrence of such events.

Other incidents in 2006 and 2007 highlight airline customer service issues and the need for coordinated contingency planning to prevent long, on-board delays:

- On December 20, 2006, severe blizzards closed Denver's airport, causing several flights to divert to other airports. United Airlines diverted two flights to Cheyenne, Wyoming. The following morning, United's flight crew and attendants boarded the aircraft and departed, leaving all 110 passengers behind to take care of themselves.
- On March 16, 2007, an ice storm hit the Northeast, causing numerous delays and cancellations and forcing passengers to endure long, on-board flight delays. In fact, several Office of Inspector General staff were flying that day and observed first-hand a 9-hour, on-board delay.
- On July 29, 2007, because of severe weather, a Continental Airlines flight from Caracas, Venezuela, to Newark, New Jersey, was diverted to Baltimore-Washington International Airport, where passengers were stranded on the tarmac for over 4 hours. Because this was an international flight, Federal law prohibited Continental from allowing passengers off the plane; however, Continental could have provided for customers' essential needs during this ordeal.
- On August 9, 2007, severe, east-bound weather stranded hundreds of US Airways passengers on board aircraft at Philadelphia International Airport, some for up to 6 hours.
- On August 11, 2007, at Los Angeles International Airport, more than 17,000 in-bound passengers on 73 international flights were stranded on board aircraft or in the terminal holding area for 10 hours because U.S. Customs authorities were unable to screen them due to a computer outage. We note that in incidents involving international flights, airlines and airports have little, if

<sup>1</sup> The Air Transport Association is the trade association for America's largest air carriers. Its members transport over 90 percent of all the passenger and cargo traffic in the United States.

<sup>2</sup> The 13 ATA member airlines included in our review were: Alaska Airlines, Aloha Airlines, American Airlines, ATA Airlines, Continental Airlines, Delta Air Lines, Hawaiian Airlines, JetBlue Airways, Midwest Airlines, Northwest Airlines, Southwest Airlines, United Airlines, and US Airways. During our review, ATA Airlines terminated its membership in ATA.

<sup>3</sup> A contract of carriage is the document air carriers use to specify legal obligations to passengers. Each air carrier must provide a copy of its contract of carriage free of charge upon request. The contract of carriage is also available for public inspection at airports and ticket offices.

any, control over the amount of time passengers are inconvenienced because passenger screening and processing is outside of their control.

We conducted this review between March 2007 and September 2007, in accordance with generally accepted Government Auditing Standards as prescribed by the Comptroller General of the United States. To conduct our analysis, we requested a range of data from selected airlines related to weather, operations, and customer service. Exhibits A through D provide details on: (A) our objectives, scope and methodology, and related audits; (B) selected airlines' terms and conditions for handling long, on-board delays; (C) selected airports' policies for assisting in long, on-board delays; and (D) stakeholders visited or contacted.

## BACKGROUND

Accommodating passengers during long, on-board delays is a major customer service challenge that airlines face. However, this is not a new problem for the airlines. Airline customer service first took center stage in January 1999, when hundreds of passengers remained in planes on snowbound Detroit runways for up to 8 and a half hours. After those events, both the House and Senate considered whether to enact a "passenger bill of rights."

Following hearings after the January 1999 incident, Congress, the Department of Transportation (DOT), and ATA agreed that the air carriers should have an opportunity to improve their customer service without legislation. To demonstrate the airlines' ongoing dedication to improving air travel, ATA and its member airlines executed the Airline Customer Service Commitment (the Commitment),<sup>4</sup> on June 17, 1999. Each ATA airline agreed to prepare a customer service plan implementing the 12 provisions of the Commitment (see figure 1); including a provision to meet customers' essential needs during long, on-aircraft delays; and prepare contingency plans to address such circumstances.

**Figure 1. Provisions of the Airline Customer Service Commitment**

- Offer the lowest fare available.
- Notify customers of known delays, cancellations, and diversions.
- Deliver baggage on time.
- Support an increase in the baggage liability limit.
- Allow reservations to be held or cancelled.
- Provide prompt ticket refunds.
- Properly accommodate disabled and special-needs passengers.
- Meet customers' essential needs during long, on-aircraft delays.
- Handle "bumped" passengers with fairness and consistency.
- Disclose travel itinerary, cancellation policies, frequent flyer rules, and aircraft configuration.
- Ensure good customer service from code-share partners.
- Be more responsive to customer complaints.

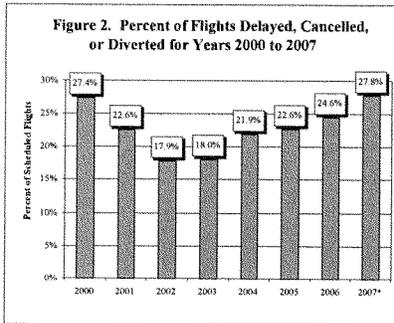
Source: Airline Customer Service Commitment, June 1999

<sup>4</sup> ATA signed the Commitment on behalf of the then 14 ATA member airlines (Alaska Airlines, Aloha Airlines, American Airlines, American Trans Air, America West Airlines, Continental Airlines, Delta Air Lines, Hawaiian Airlines, Midwest Express Airlines, Northwest Airlines, Southwest Airlines, Trans World Airlines, United Airlines, and US Airways). JetBlue was not an airline or a member of ATA when ATA made its commitments.

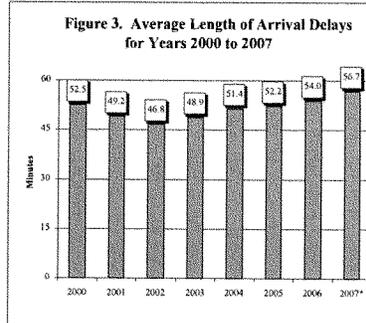
Because aviation delays and cancellations continued to worsen, eventually reaching their peak during the summer of 2000, Congress directed our office to evaluate the effectiveness of the Commitment and the customer service plans of individual ATA airlines. We issued our final report<sup>5</sup> in February 2001. Although the ATA airlines made progress toward meeting the Commitment, we found that the Commitment did not directly address the underlying causes of deep-seated customer dissatisfaction—flight delays and cancellations. This is still the case today with record-breaking flight delays and cancellations leading to more long, on-board delays.

**Rising Flight Delays Are Leading to More Long, On-Board Delays**

Based on the first 7 months of the year, it is clear that 2007 may be the busiest<sup>6</sup> travel period since the peak of 2000 and may surpass the 2000 record levels for flight delays, cancellations, and diversions. So far in 2007, nearly 28 percent of flights were delayed, cancelled, or diverted compared to about 24 percent during the same period in 2006. In 2006, nearly 25 percent of domestic flights were delayed, cancelled, or diverted, the highest percentage since peak year 2000, when it hit 27 percent. Figure 2 illustrates the changes in percentage of domestic flights delayed, cancelled, or diverted from 2000 to 2007.



\* January through July  
Source: BTS data



\* January through July  
Source: BTS data

Not only are there more delays, but also longer delay durations. Of domestic flights arriving late in 2006, the average delay was a record-breaking 54 minutes. Figure 3 illustrates the changes in the average length of flight delays from 2000 to 2007. Based on the first 7 months of data, it is clear that 2007 could be even

<sup>5</sup> OIG Report Number AV-2001-020, "Final Report on Airline Customer Service Commitment," February 12, 2001.

<sup>6</sup> OIG reports and testimonies are available on our website: [www.oig.dot.gov](http://www.oig.dot.gov).

<sup>6</sup> As measured by scheduled departures.

worse. For flights that arrived late, passengers experienced an average flight delay of nearly 57 minutes, up nearly 3 minutes from 2006.

These rising flight delays are leading to more on-board tarmac delays. Based on the first 7 months of 2007, over 54,000 scheduled flights—affecting nearly 3.7 million passengers—experienced taxi-in and taxi-out times of 1 to 5 hours or more (see table 1). This is an increase of nearly 42 percent (from 38,076 to 54,029) as compared to the same period in 2006.

**Table 1. Number of Flights With Long, On-Board Tarmac Delays of 1 to 5+ Hours January Through July of 2006 and 2007**

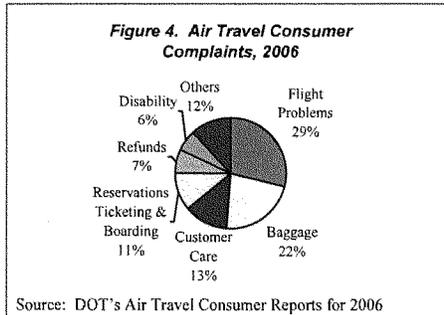
Time Period	2006	2007	% Change
1-2 Hrs.	33,438	47,558	42.23
2-3 Hrs.	3,781	5,213	37.87
3-4 Hrs.	710	1,025	44.37
4-5 Hrs.	120	189	57.50
5 or > Hrs.	27	44	62.96
<b>Total:</b>	<b>38,076</b>	<b>54,029</b>	<b>41.90</b>

Source: BTS data

**Rising Flight Delays Are Also Leading to More Air Traveler Complaints**

DOT’s Air Travel Consumer Reports disclosed that, for the first 7 months of 2007, complaints against U.S. airlines increased nearly 65 percent (3,947 to 6,504) over complaints during the same period in 2006, with complaints relating to flight problems (delays, cancellations, and missed connections) more than doubling (1,096 to 2,468) for the same period. Complaints in 2007 have already exceeded full-year 2006 complaint totals, including complaints about flight problems.

Over the last several years, flight problems have ranked as the number one air traveler complaint to DOT, with baggage complaints and customer care<sup>7</sup> ranked as number two and number three, respectively. As shown in figure 4, flight problems accounted for more than one-quarter of all complaints the Department received in 2006. So far, this year is



<sup>7</sup> Complaints such as poor employee attitude, refusal to provide assistance, unsatisfactory seating, and unsatisfactory food service are categorized as customer care complaints.

becoming a near record-breaking year percentage-wise for flight problem complaints, with those accounting for nearly 38 percent of all complaints the Department received in the first 7 months of 2007.

### **Passengers' Flight Experiences Are Further Complicated by Capacity and Demand Matters**

Air travelers' dissatisfaction with flight problems, especially cancellations, is further compounded by reduced capacity and increased demand, which leads to fuller flights. Domestic-wide, the first 6 months of 2007 (the most recent data available) compared to the same period in peak-year 2000 show that:

- 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.
- 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.
- Reduced capacity and increased demand led to fuller flights. For 2007, average load factors increased from 71.1 percent in 2000 to 79.7 percent in 2007, with an unprecedented 86.1 percent in June.
- *Reduced capacity and higher load factors can also result in increased passenger inconvenience and dissatisfaction with customer service. With more seats filled, air carriers have fewer options to accommodate passengers from cancelled flights.*

The extent to which delays and cancellations will continue to impact passengers in 2007 depends on several key factors, including weather conditions, the impact of the economy on air travel demand, and capacity management at already congested airports.

### **EXECUTIVE OVERVIEW**

Flight delays and cancellations continue as a major source of customer dissatisfaction. The severity of the on-board delays last winter drew national attention and demonstrated that airlines, airports, the Federal Aviation Administration (FAA), and DOT must work together to reduce long, on-board delays and minimize the impact on passengers when these delays occur. The winter events that received the most attention concerned two carriers: American and JetBlue. On December 29, 2006, American's operations at Dallas-Fort Worth

International Airport (DFW) were severely affected by unprecedented weather leading to 654 flight cancellations, 124 diversions, and 44 long on-board delays exceeding 4 hours. The diversions to Austin-Bergstrom International Airport generated substantial interest because some of the lengthiest on-board delays occurred there—in one case, for over 9 hours. JetBlue’s JFK operations also suffered on February 14, 2007, when severe weather hit the northeastern United States, leading to 355 cancellations, 6 diversions; and 26 long, on-board delays exceeding 4 hours.

While weather was the primary contributor to the extraordinary flight disruptions it was not the only factor in passengers being stranded on board aircraft for long periods of time. We found that neither airline had a system-wide policy or procedure in place to mitigate long, on-board delays and off-load passengers within a certain period of time. American also did not control the number of diverted flights to some airports, which overwhelmed its operations at Austin.

JetBlue was committed to its long-standing practice of not cancelling flights. As a result, its personnel at JFK airport became overwhelmed with the sheer number of arriving and departing aircraft on the ground at the same time, with no gates available for deplaning passengers on arriving flights.

We also found that other airlines experienced flight disruptions on those two dates; some were able to minimize the time passengers spent on-board aircraft while others experienced similar on-board delays. For example, Delta Airlines had more flights delayed at JFK than JetBlue on February 14, 2007, with a total of 54 flights being delayed more than 1 hour versus 43 for JetBlue.

We examined 13 airlines’ customer service plans, including customer service commitments, contracts of carriage, policies, and contingency plans dealing with extended ground delays aboard aircraft. In addition, we reviewed 13 selected airports’<sup>8</sup> contingency plans. We found that both airline and airport contingency plans are limited in addressing long, on-board delays. In fact, we found that there has been little improvement from what we reported in 2001—that only a few airlines’ contingency plans specified in any detail the efforts planned to get passengers off the aircraft when delayed for extended periods and that airlines had not clearly and consistently defined terms in the 1999 Commitment provision (such as what constitutes an “extended period of time” for meeting passengers essential needs or a “long, on-board delay” before deplaning passengers).

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<sup>8</sup> Austin-Bergstrom International, Chicago O’Hare International, Dallas/Fort Worth International, Dallas Love Field, General Mitchell International, George Bush Intercontinental, Hartsfield-Jackson Atlanta International, Honolulu International, Indianapolis International, John F. Kennedy International, Minneapolis-St. Paul International, Phoenix Sky Harbor International, and Seattle-Tacoma International.

Our examination of the 13 airports, including 12 major hub airports, (see exhibit C) found that only 2 airports have a process for monitoring and mitigating long, on-board delays that involves contacting the airline to request a plan of action after an aircraft has remained for 2 hours on the tarmac. We also found that airports intervene only upon an airline's request primarily because they do not have the authority to interfere with a carrier's operations during long, on-board delays.

Airport operators must collaborate with airlines to establish a policy for how long passengers can be kept aboard aircraft while on the ground during extraordinary flight disruptions.

As requested, we also identified best practices and initiatives that could help deal with long on-board delays. For example, some airlines and airports keep gate space open for off-loading passengers in times of irregular operations. Some also constantly monitor aircraft on the tarmac so when an aircraft remains for more than a certain period of time (typically 2 hours), the airline manager can coordinate the aircraft's return to a gate. Also, two major airport operators—the Port Authority of New York and New Jersey and Hartsfield-Jackson Atlanta International Airport—are looking into procedural improvements, such as more efficient use of the runways at JFK, and customer service improvements, such as best methods for getting passengers off aircraft and reducing the amount of time they are kept on aircraft. These practices are good steps, but, in our opinion, a more comprehensive plan of action is needed to mitigate long, on-board delays and should involve collaboration among airlines, airports, FAA, and DOT.

We still maintain that all airlines' customer service plans should specify in detail the efforts that will be made to get passengers off aircraft that are delayed for long periods, either before departure or after arrival. Airlines should also incorporate these policies in their contracts of carriage and post them on their Internet sites. To ensure adherence to the policies, airlines must resume efforts to self-audit their customer service plans. We recommended most of these actions in our 2001 report, and the airlines agreed and stated plans to implement them. We realize that setting a time limit on delay durations will have to be tailored to individual airlines and airports and will heavily depend on the situation. Airlines and airports need to work together to determine the various situations that can occur and devise plans for handling those occurrences.

The airlines also agreed to establish a task force of representatives from airlines, airports, and FAA to develop and coordinate contingency plans to deal with lengthy delays. Although the task force was formed, the effort never materialized as priorities shifted after September 11, 2001. In our testimony before the House

Subcommittee on Aviation in April 2007,<sup>9</sup> we recommended that the task force be reconvened, and, to date, there still has been no action to do so. Now is the time for airlines to reconvene a national task force and develop and coordinate contingency plans with local airports and FAA to deal with lengthy delays.

In addition, DOT should take a more active role in overseeing customer service issues to ensure that airlines comply with their policies governing long, on-board delays, especially in the event that health and safety hazards arise from such delays, and advise Congress if the airlines retreat from the commitment provisions or dilute the language in the current contracts of carriage.

### **SUMMARY OF RECOMMENDATIONS**

Our recommendations focus on actions that could help the Department, airlines, and airports improve customer service for air travelers; these include:

- Defining what constitutes an “extended period of time” for meeting passengers’ essential needs and setting limits for delay durations.
- Establishing specific targets for reducing chronically delayed or cancelled flights.
- Disclosing on-time flight performance.
- Requiring airports to establish a process for monitoring lengthy, on-board delays.
- Establishing a national task force of airlines, airports, and FAA to develop and coordinate contingency plans to deal with lengthy delays.
- Conducting incident investigations involving long, on-board ground delays.
- Directing the Office of Aviation Enforcement and Proceedings to ensure that airlines comply with their public policies governing long, on-board delays.

A complete list of our recommendations can be found on pages 22 and 23.

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<sup>9</sup> OIG Testimony Number CC-2007-046, “Actions Needed To Improve Airline Customer Service,” April 20, 2007.

**DEPARTMENT, AIRLINE, AND AIRPORT COMMENTS**

We provided American Airlines, JetBlue Airways, and Airports Council International-North America with various sections of our report related to their airline or organization and included their comments as appropriate. On September 19, 2007, we met with Air Transport Association and airline representatives to discuss our report. We provided the Office of the Secretary's General Counsel and the Assistant Secretary for Aviation and International Affairs Offices with our draft report. On September 20, 2007, we met with staff from General Counsel's Office of Aviation Enforcement and Proceedings and received their verbal comments. Their comments were incorporated into this report as appropriate.

We also received a memorandum from the Secretary of Transportation on September 24, 2007, which stated that she is fully committed to improving the air travel environment for passengers. The Secretary has directed DOT staff to carefully consider the recommendations in this report, including those for improving the information provided to the public and the manner in which passengers are treated, including compliance by carriers with their own policies. The appendix to this report presents the full text of the Secretary's memorandum.

**ACTION REQUIRED**

In accordance with Department of Transportation Order 8000.1C, within 30 calendar days, please provide us with your formal written comments regarding the specific actions that DOT plans to take to implement our recommendations along with timeframes for completion. We will consider the recommendations unresolved until we receive the requested information.

We appreciate the courtesies and cooperation of Department of Transportation and airlines' and airports' representatives during this audit. If you have any questions concerning this report, please contact me at (202) 366-1959 or Todd Zinser, Deputy Inspector General, at (202) 366-6767.

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cc: Chief of Staff  
Office of General Counsel  
Assistant Secretary for Aviation and International Affairs  
Acting FAA Administrator

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Airlines and airports continue to face challenges in mitigating extraordinary flight disruptions such as long, on-board delays during extreme weather. Based on BTS data, 659,988 flights were delayed in 2006 *due to poor weather conditions* (9.2 percent of all commercial flights). Based on the first 7 months of 2007, the number of flights delayed *due to poor weather conditions* increased by nearly 18 percent for the same period in 2006 and is on pace to exceed 2006 totals.

These delays occurred throughout the system and at many airlines, and, after the severe long on-board delays that occurred last winter, the Secretary asked that we assess airlines' contingency planning for such situations. Overall, we found that: (1) the on-board delays that passengers endured last winter were largely due to airlines' lack of a system-wide policy to minimize such delays; (2) airlines' and airports' customer service contingency plans are still not adequate to handle these occurrences; (3) airlines and airports have best practices and are moving forward with other initiatives to help mitigate these delays; and (4) there are other actions that airlines, airports, FAA, and DOT can undertake immediately to address such situations.

### **Lack of a System-Wide Policy Contributed to American's and JetBlue's Long, On-Board Delays**

While weather was the primary contributor to the extraordinary flight disruptions it was not the only factor in passengers being stranded on board aircraft for long periods of time. We found that American and JetBlue experienced long, on-board delays on December 29, 2006, and February 14, 2007, respectively, because they both lacked a system-wide policy and procedure to minimize long, on-board delays and off-load passengers within a certain period of time. American also did not control the number of diverted flights to some airports, which overwhelmed their operations. In Austin, some passengers experienced delays on the tarmac for over 9 hours under American's "monitor and evaluate" approach. Contrary to some media reports, American did provide food, water, and tolerable restroom facilities on the aircraft delayed in Austin; however, some passengers felt American's efforts were inadequate in that regard.

JetBlue was committed to its long-standing practice of not cancelling flights whenever possible. As a result, its personnel at JFK airport in New York became overwhelmed with the sheer number of arriving and departing aircraft on the ground at the same time, with no gates available for deplaning passengers. Based on weather forecasts for that day, both airlines were optimistic that the severe weather would subside and that the delayed and diverted flights would be able to

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depart, but the break in the weather never materialized. Since the incidents, both airlines have taken actions to facilitate better planning when these incidents occur.

We also found that other airlines experienced flight disruptions on those two dates; some were able to minimize the time passengers spent on-board aircraft while others experienced similar on-board delays.

*Severe Weather in Texas Caused American To Divert an Extraordinary Number of Flights on December 29, Resulting in Thousands of Passengers Experiencing Long Delays on Aircraft*

On December 29, 2006, severe weather that generated massive lightning storms, and a tornado warning in the Dallas-Fort Worth area caused American to cancel, divert, or delay over 1,100 of its 1,600 (69 percent) scheduled flights into DFW, disrupting holiday travel plans for over 13,000 passengers system-wide. American diverted 130 flights; 124 flights were bound for DFW but had to be diverted to 24 nearby airports. The number of diversions on December 29 ranked as the second largest in American's history, the first being September 11, 2001.

Table 2 shows the seven airports that accepted the majority (63 percent) of the DFW diversions on that day. Ultimately, out of the more than 314,000 passengers American carried that day, 4,738 American passengers on 44 diverted flights endured long, on-board delays of over 4 hours.

**Table 2. Seven Airports Accepting Most of American's Diversions**

<b>Airport</b>	<b>Location</b>	<b>No. of Diversions</b>
San Antonio Regional	San Antonio, TX	13
Shreveport Regional	Shreveport, LA	12
Adams Field	Little Rock, AR	11
Will Rogers World	Oklahoma City, OK	11
Austin-Bergstrom International	Austin, TX	11
Tulsa International	Tulsa, OK	10
Midland International	Midland, TX	10
<b>Total</b>		<b>78</b>

Source: OIG

*American's Lack of System-Wide Policy, Diversion Recovery Approach, and Only Partial Adherence to Austin-Bergstrom Local Policy Caused Long, On-Board Delays*

American did not have a system-wide policy to minimize long, on-board delays or an established time and system for deplaning passengers in the event of extraordinary on-board (tarmac) delays. American also did not control the number of diverted flights to some airports, which overwhelmed their operations. We focused our review of the December 29 events on the 11 American flights that

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were diverted to Austin, where some of the lengthiest on-board delays occurred. We found that American did not fully adhere to its local policy to deplane passengers upon request when a delayed or diverted flight is held for more than 2 hours.

Under its “monitor and evaluate” approach, American kept passengers on aircraft, intending for the diverted flights to re-depart and reach their ultimate destinations, but the severe weather conditions on that day prevented some of the diverted flights from doing that. For American, when severe weather hit, the normal practice was to divert aircraft to nearby airports not affected by the severe weather and wait out the storms. American usually diverted aircraft to a nearby airport without a plan to spread out its diversions. This practice heavily weighed down operations at Austin. At two points during that day, American’s pilots on the ground at Austin could not reach the local dispatcher to request a gate assignment and ended up contacting FAA air traffic controller for assistance who was also unsuccessful in contacting the local dispatcher.

American also failed to deplane passengers upon request in Austin when the diverted flights were held for more than 2 hours. On 8 of the 11 diverted flights, 74 of the 979 passengers, most of which had final destinations of Austin or San Antonio, were deplaned in Austin on December 29. However, several passengers we interviewed from two of the eight flights stated that they had requested to deplane but were not accommodated.

Table 3 below shows the number of hours that each flight was on the ground in Austin. Some passengers were stranded on board for 6 hours or longer on 4 of the 11 diverted flights, with the longest on-board delay reaching over 9 hours. For 5 of the 11 diverted flights, with on-board delays of less than 2 and a half hours, American’s “monitor and evaluate” approach paid off with those flights reaching DFW the same day. The other six flights were not as fortunate, with passengers remaining overnight in Austin and arriving at DFW the next day.

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**Table 3. Length of On-Board Delay and Outcome of the 11 Diverted Flights to Austin**

Flight Origin City/Number	Length of On-Board Delay	Flight Outcome
San Francisco, CA Flight #1348	9 hours 16 minutes	Diverted/remained overnight/ arrived DFW next day
Los Angeles, CA Flight #2412	7 hours 14 minutes	Cancelled/rebooked/arrived DFW next day
Oakland, CA Flight #1008	7 hours 6 minutes	Diverted/remained overnight/ arrived DFW next day
Fresno, CA Flight #534	6 hours 8 minutes	Diverted/remained overnight/ arrived DFW next day
Seattle, WA Flight #2302	2 hours 26 minutes	Diverted/arrived DFW same day
Fresno, CA Flight #1372	2 hours 16 minutes	Diverted/remained overnight/ arrived DFW next day
Vancouver, British Columbia Flight #330	2 hours 8 minutes	Diverted/arrived DFW same day
Salt Lake City, UT Flight #1074	2 hours 4 minutes	Diverted/remained overnight/ arrived DFW next day
San Jose, CA Flight #1514	1 hour 39 minutes	Diverted/arrived DFW same day
Orange County, CA Flight #592	1 hour 32 minutes	Diverted/arrived DFW same day
San Diego, CA Flight #1708	1 hour 31 minutes	Diverted/arrived DFW same day

Source: OIG

**At Austin-Bergstrom Airport, Some Passengers Were Dissatisfied With American's Attempts To Meet Their Needs During the Delays.** We interviewed passengers from 2 of the 11 diverted flights—flights 1348 and 534—to obtain passenger feedback on the events of the day at the Austin airport.

Flight 1348 was scheduled to depart San Francisco at 6:05 a.m. Pacific Time, but, due to mechanical problems (the passengers had to change gates and aircraft), the flight did not depart until 7:10 a.m. Pacific Time, with 113 passengers on board.

While en route to DFW, the flight was diverted to Austin because of the severe weather in the Dallas-Fort Worth area. Several passengers with Austin and San Antonio as their final destinations were allowed to deplane and go to the airport terminal via bus. The remaining passengers stayed on board expecting to reach their final destinations or make their connecting flight at DFW.

At 10:05 p.m. Central Time, after sitting on the ground in Austin for 9 hours, with a total on-board time of almost 13 hours, the passengers were finally deplaned and remained overnight in Austin. Although American offered vouchers for hotel accommodations and meals to passengers on flight 1348—36 hotel vouchers and

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11 meal vouchers in total—not all passengers were accommodated. Those passengers may not have been aware that American was offering the vouchers or did not want to wait in line and found overnight accommodations on their own. The flight continued to DFW the following day. Passengers on this flight were later given flight vouchers valued up to \$500 by American.

Passengers on flight 534 from Fresno, California, experienced similar circumstances with a shorter on-board delay of 6 hours in Austin. Although the passengers on both flights confirmed that snacks and beverages were served and the restroom facilities were tolerable, passengers we interviewed felt that American's efforts to meet their essential needs during the delays were insufficient given the length of the delays.

*American Has Since Instituted a System-Wide Policy Designed To Avoid Long, On-Board Delays*

After the December 29 incident, American instituted a new policy designed to prevent on-board delays from exceeding 4 hours and implemented an airborne diversion distribution plan aimed at spreading out its diversions to more airports to prevent overloading any given airport. American has also implemented decision assistance technology designed to “automatically track and monitor delayed and diverted flights and assist in creating a centralized approach for the prioritizing the handling of such flights.”

American was able to demonstrate its new policy and plan during an incident that occurred on February 24, 2007. On that day, American's operations at DFW were significantly affected by severe wind gusts of 37 to 47 knots (about 43 to 55 miles per hour), causing the airport to close for over 5 hours. American diverted 76 flights bound for DFW to 32 airports, with no single airport handling more than 9 diversions. This is in contrast to December 29, 2006, when 124 flights were diverted to 24 airports, with almost a third of them (7 airports) handling 10 or more diversions.

While the February 24 disruption was the 7<sup>th</sup> worst diversion day in American's history, only 1 flight (34 passengers) experienced on-board delays of over 4 hours versus the 44 flights (4,738 passengers) on December 29, 2006, and that was due to an absence of U.S. Customs officials at the diversion airport. According to American, the results of the February 24 experience indicate that its new 4-hour policy and diversion plan worked well to avoid long, on-board delays during extraordinary events.

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*JetBlue Ran Out of Gate Availability on February 14, Stranding Thousands of Passengers on Aircraft for Extended Periods of Time*

On February 14, 2007, a severe ice storm hit the northeastern United States, causing JetBlue to eventually cancel 355 departures and arrivals, incur 6 diversions, and strand passengers on 26 flights for over 4 hours, all at its JFK hub. See table 4 for a breakdown of JetBlue's long, on-board delays at JFK. Ultimately, 31,569 JetBlue passengers were affected by cancellations, delays, or diversions at JFK between February 13 and 20.

**Table 4. Breakdown of JetBlue's Long, On-Board Arrival and Departure Delays at JFK**

Number of On-Board Delays Over 1 hour	43
Number of On-Board Delays Over 4 hours	26
Number of On-Board Delays Over 5 hours	21
Number of Passengers That Endured On-Board Delays Over 4 hours	2,962
Average Time Delay for Arrivals (in minutes)	265
Average Time Delay for Departures (in minutes)	298

Source: OIG

Initial weather forecasts for JFK on February 14 predicted rain in the morning with temperatures slightly higher than 32 degrees; the weather was dramatically worse with freezing rain starting around 8:00 a.m. JetBlue's flights continued to arrive at the airport, although flights could not depart—only 2 of the first 13 scheduled morning flights departed—thereby causing gridlock on the airport tarmac.

By 8:30 a.m., JetBlue ran out of gate space and asked FAA's Air Traffic Control to issue a ground stop<sup>10</sup> on all JetBlue flights headed for JFK. At 11:00 a.m., JetBlue requested that FAA issue a ground stop for all its flights system-wide whether or not they were heading to JFK—an unprecedented request according to FAA. This request was due to JetBlue's operations control center being overwhelmed with the JFK situation.

JetBlue officials stated that they contacted the Port Authority of New York and New Jersey (the Port Authority) at 1:30 p.m., asking for buses to off-load passengers from five aircraft stuck on the tarmac. By 3:00 p.m., the temperature still remained below freezing and airport surfaces were covered with ice. Around 3:30 p.m., the Port Authority finally started to off-load passengers from the five stranded flights.

By nightfall on February 14, JetBlue had 52 aircraft on the ground at JFK, instead of the usual 22, and only 21 gates. JetBlue called other airlines, including foreign

<sup>10</sup> During an FAA ground stop, flights destined to the affected airport are held at their departure point for the duration of the ground stop.

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airlines, to see about available gates, but no gates were available. The airport also unsuccessfully tried to assist JetBlue in finding gates for its flights. Based on our review of the events of that day, it appears that the airlines and airports were trying to help each other; however, the severe weather hampered much movement of aircraft on the airfield.

By the end of the day, JetBlue had cancelled 80 percent of its arrivals and 89 percent of its departures for that day. JetBlue had to cancel another 55 percent of its scheduled arrivals and 50 percent of its departures on February 15. These cancellations were related to both the weather and the fact that JetBlue did not have crew and aircraft available.

*JetBlue's Lack of Policy and Reluctance To Cancel Flights Caused Long, On-Board Delays*

JetBlue did not have a policy to minimize long, on-board delays or an established time and system for deplaning passengers in the event of extraordinary on-board (tarmac) delays. In addition, JetBlue was committed to its long-standing practice of not cancelling flights and had previously never dealt with extremely long, on-board delays. JetBlue was optimistic based on weather forecasts that the weather would break and eventually its flights would be able to depart. However, the break in the weather never materialized on February 14, and JetBlue personnel became overwhelmed with the sheer number of arriving and departing aircraft on the ground at the same time, with no gates available for deplaning passengers on flight arrivals.

Our review of the February 14 events focused on JetBlue flights that experienced the worst tarmac delays at or traveling to JFK. As shown in table 5, 26 flights were on the tarmac for 4 hours or more, with 14 flights exceeding 6 hours. Eight of the flights were arrivals, with the worst on-board delay lasting over 9 hours. The remaining 18 were departing flights, with the worst on-board delay exceeding 10 hours. Eight of the departing flights eventually took off but the other 10 were finally cancelled.

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**Table 5. Length and Outcome of JetBlue's Long, On-Board Delays for Flights at or Traveling to JFK**

Flight Origin City	Length of Delay	Flight Outcome
<b>JFK Arrivals</b>		
Ft. Myers, FL	9+ hours	Deplaned
Nashville, TN	8+ hours	Deplaned
Houston-Hobby, TX	7+ hours	Deplaned
Burbank, CA	Almost 6 hours	Diverted/ arrived JFK same day
Austin, TX	Almost 6 hours	Deplaned
Orlando, FL	5 ¼ hours	Deplaned
Long Beach, CA	5 hours	Diverted/ arrived JFK same day
Oakland, CA	4 ¾ hours	Diverted/ arrived JFK same day
<b>Flight Destination City</b>		
<b>JFK Departures</b>		
Aruba	10 ½ hours	Cancelled
Burbank, CA	9 hours	Cancelled
Cancun, Mexico	Nearly 8 hours	Cancelled
Syracuse, NY	7 ½ hours	Cancelled
Houston-Hobby, TX	7 ¼ hours	Departed
Buffalo, NY	7 ¼ hours	Cancelled
Boston, MA	7 hours	Cancelled
Orlando, FL	Nearly 7 hours	Cancelled
Phoenix, AZ	6 ¾ hours	Cancelled
Burbank, CA	6 ¼ hours	Departed
Ft. Lauderdale, FL	6 ¼ hours	Departed
Tampa, FL	5 ½ hours	Departed
New Orleans, LA	5 ½ hours	Cancelled
Burbank, CA	5 ¼ hours	Departed
Buffalo, NY	5 hours	Departed
Seattle, WA	4 ¾ hours	Departed
Long Beach, CA	4 ½ hours	Cancelled
Phoenix, AZ	4 hours	Departed

Source: OIG

JetBlue did not recover from the effects of February 14 until about 5 days later. While only one runway was open on both February 14 and 15, capacity issues were not a problem because so many of the other air carriers had pre-cancelled their flights. The downstream effect of the February 14 event resulted in JetBlue cancelling 1,204 flights through February 20, or 44 percent of its operations. JetBlue provided passengers with over \$11 million in refunds for this incident.

*JetBlue Has Since Instituted a System-Wide Policy Designed To Avoid Long, On-Board Delays*

After the February 14 event, JetBlue set a 5-hour time limit for deplaning passengers delayed on the ground and established procedures to monitor delayed flights. Since then, JetBlue has demonstrated on at least one occasion that it is not

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going to allow passengers to sit on aircraft for long periods of time during massive cancellations. For example, during the March 16, 2007, ice storm, JetBlue cancelled over 200 flights scheduled to fly in and out of JFK.

Also, just a week after the February 14 incident (February 20), and before our March 2007 review, JetBlue published its own customer bill of rights. JetBlue plans to offer compensation in the form of vouchers for flight disruptions, such as cancellations.

*American and JetBlue Were Not the Only Airlines To Experience Flight Disruptions on December 29, 2006, and February 14, 2007*

Although American and JetBlue received the notoriety of operational breakdowns on December 29, 2006 and February 14, 2007, other carriers also experienced similar disruptions on those dates, and we examined their experiences at the Austin and JFK airports. We found that one airline was able to minimize the time passengers spent on board aircraft while other airlines stranded passengers for extended periods of time.

On December 29, 2006, Southwest Airlines handled a record 11 diversions at Austin, the same as American and nearly twice the number of diversions it has experienced in the past. On that day, 9 of Southwest's 11 diverted flights had on-board delays exceeding 1 hour, with the longest delay lasting about 90 minutes. Southwest's local contingency planning at Austin is to do everything reasonably possible to ensure that passengers do not remain on board aircraft for more than 1 hour. Also, Southwest's staff at Austin is not job-specific and can adjust to shifting local operation pressures during severe weather, such as ramp personnel assisting at the gate and check-in counters. Additionally, local staff will take the initiative to utilize gate space by running a tighter schedule of gate occupancy and will ask other airlines or the airport for needed assistance in making gates available for deplaning passengers.

While JetBlue received the most publicity for stranding its passengers on the tarmac at JFK on February 14, the weather also affected other airlines there—nearly 97 percent of all scheduled flights at JFK were either delayed, cancelled, or diverted, with over 83 percent of those flights cancelled.

Delta had more flights delayed at JFK than JetBlue on February 14, with 15 arriving flights and 39 departing flights delayed over 1 hour. American had 15 arrival delays and 8 departure delays of over 1 hour. However, the average delay length was worse for JetBlue, as shown in table 6.

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**Table 6. Average On-Board Delays on February 14, 2007, at JFK for JetBlue, Delta, and American**

Airline	No. of Flights Delayed > 1 Hour	Average On Board Delay	Longest Delay	No. of Flights with Delays > 3 hours
<b>Arrivals:</b>				
JetBlue	14	4 ½ hours	9 hours	9
Delta	15	2 ½ hours	4 ¼ hours	6
American	15	1 ½ hours	2 ¾ hours	0
<b>Departures:</b>				
JetBlue	29	5 ¾ hours	10 ¼ hours	20
Delta	39	3 ½ hours	7 ¼ hours	19
American	8	1 ½ hours	4 ¼ hours	0

Source: OIG

All of the New York area airports were dramatically affected on February 14, 2007. New York's LaGuardia Airport had 92 percent of its flights either delayed, cancelled, or diverted, and Newark International had 87 percent. While our audit did not examine operations at those airports, it is very likely that passengers on flights operating at these airports experienced long, on-board delays.

#### **Airline and Airport Contingency Plans Are Still Not Adequate To Handle Long, On-Board Delays**

In response to the Secretary's February 2007 request, we examined airlines' customer service commitments, contracts of carriage, policies, and contingency plans dealing with extended ground delays aboard aircraft. We also reviewed airports' contingency plans. We found that both air carriers' and airports' contingency plans are limited in addressing long, on-board delays. Overall, we found that there has been little improvement from what we reported in 2001—that only a few airlines' contingency plans specified in any detail the efforts planned to get passengers off the aircraft when delayed for extended periods and that airlines had not clearly and consistently defined terms in the 1999 Commitment provision.

In 2001, we examined individual airlines' customer service plans in order to evaluate the effectiveness of the Commitment provision, which states that airlines will:

- (1) make every reasonable effort to provide food, water, restroom facilities, and access to medical treatment for passengers aboard an aircraft that is on the ground for an extended period of time without access to the terminal, as consistent with passenger and employee safety and security concerns and
- (2) prepare contingency plans to address such circumstances and will work with carriers and the airport to share facilities and make gates available in an emergency.

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However, as we noted in our 2001 report, the airlines had not clearly and consistently defined terms in the Commitment provision such as “an extended period of time.” We also noted that only a few airlines’ contingency plans specify in any detail the efforts that will be made to get passengers off the aircraft when delayed for extended periods, either before departure or after arrival. We recommended that the airlines:

- clarify, in their customer service plans, what is meant by an “extended period of time” and “emergency,” so that passengers will know what they can expect during extended on-aircraft delays.
- ensure that comprehensive customer service contingency plans specify the efforts that will be made to get passengers off the aircraft when delayed for extended periods, either before departure or after arrival.

In response to our 2001 report recommendations, the airlines agreed to:

- clarify the terminology used in their customer service plans for extended delays.
- establish a task force to coordinate and develop contingency plans with local airports and FAA to deal with lengthy delays.

However, our 2007 review found that airlines still have neither clearly and consistently defined certain terminology in their customer service plans (such as what constitutes an “extended period of time” or a “long, on-board delay”) nor established a viable task force. Our opinion was then, as it is now, that this should be a top-priority area for the airlines when implementing their contingency plans, especially with long, on-board delays on the rise from 2006 to 2007—particularly those exceeding 4 hours.

*Not All Airlines Have Established a Time Limit for On-Board Delays or Clearly and Consistently Defined Certain Terminology*

Few airlines have stated a specific time before efforts will be made to get passengers off the aircraft during long, on-board delays in their customer service commitments, contracts of carriage, policies, and contingency plans that deal with these delays. Prior to the American and JetBlue incidents, only 4 of the 13 airlines reviewed had an established time limit on the duration of tarmac delays (see exhibit B). After these incidents, eight airlines now have a set time limit on delay durations before deplaning passengers but five still do not. Also, seven airlines have not defined either what constitutes an extended period of time for meeting passengers’ essential needs or what constitutes a long, on-board delay before deplaning passengers.

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In addition,

- of the airlines that have defined “an extended period of time,” the trigger thresholds for meeting passengers’ essential needs vary from 1 to 3 hours. We think it is unlikely that passengers’ definition of an extended period of time will vary depending upon which airline they are flying. A consistent policy across the airlines would be helpful to passengers.
- of the airlines that have defined what constitutes a “long, on-board delay,” the trigger thresholds for deplaning passengers vary from 1 to 5 hours.

All airlines need to specify in detail the efforts that will be made to get passengers off the aircraft when delayed for extended periods, either before departure or after arrival. Although the airlines formed a task force, the effort never materialized as priorities shifted after September 11, 2001. Our testimony before the House Subcommittee on Aviation in April 2007 recommended that the task force be reconvened, and, to date, there has been no action to do so.

#### *Airports’ Contingency Plans Addressing Long, On-Board Delays Are Also Limited*

In addition to examining airline contingency plans for mitigating long, on-board delays as requested, we also examined contingency plans from selected major airports nationwide. We requested contingency plans from 13 airports, including 12 hub airports (see exhibit C). We received plans or responses from all 13 airports and found the following:

- Only two airports have a process for monitoring and mitigating long, on-board delays that involves contacting the airline to request a plan of action after an aircraft has remained for 2 hours on the tarmac.
- Airports intervene only upon an airline’s request primarily because they do not have the authority to interfere with a carrier’s operations during long, on-board delays.
- Most plans address assisting airlines, when assistance is requested, during long, on-board delays. This includes providing gates to deplane passengers or, when a gate is not available, deplaning passengers using mobile air stairs, loading them onto buses, and returning to the terminal.

Based on discussions with airline personnel, it appears that in the recent events that stranded passengers for extraordinarily long periods there was not a coordinated effort by the airlines, airport operators, and FAA to deal with such events.

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In our opinion, airport operators need to become more involved in contingency planning for extraordinary flight disruptions, including long, on-board delays during extreme weather or any other disruptive event. Airports are public agencies heavily supported by Federal funding to provide better service to the public. As recipients of Federal funds for airport improvement projects, airports have an obligation to increase airport efficiency, decrease delays, and transport passengers in the most efficient manner.

Also, air travelers can still choose which connecting airport to fly through to get to their final destinations or take direct flights to avoid chronically delayed airports all together. If certain airports continue to maintain a reputation for long flight and tarmac delays, passengers may simply choose other airports whenever possible.

In our view, large- and medium-hub airport<sup>11</sup> operators should establish a process for monitoring and mitigating long, on-board delays that involves contacting the airline to request a plan of action after an aircraft has remained for 2 hours on the tarmac. As part of the plan, the airport operators need to work with the airlines to ensure that the airlines' deplaning policies are adhered to. Absent any airline policy, the airport operators should work with airlines to establish policies for deplaning passengers and ensure that these policies are adhered to.

### **Ongoing Actions for Mitigating Long, On-Board Delays**

Secretary Peters asked that we highlight some of the best practices we found that could help in dealing with long, on-board delays. During our review of selected airlines and airports, we found several practices by some airlines and airports to mitigate the effects of these occurrences. Also, after our review began, some airports moved forward with other initiatives meant to assist the airlines in dealing with long, on-board delays. In addition, ATA announced a new initiative for dealing with such situations. FAA also expanded an existing initiative this summer to other parts of the National Airspace System to reduce the amount of time that flights sit on tarmacs waiting to depart. We have included these actions along with best practices identified during our review to provide an overall picture of the actions being taken across the industry that relate to the Secretary's concerns.

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<sup>11</sup> FAA defines (1) large hubs as those airports that each account for at least 1 percent of the total U.S. passenger enplanements and (2) medium hubs as those airports that each account for between .025 percent and 1 percent of the total passenger enplanements. Large-hub airports (30 in total) account for 69 percent of all passenger enplanements, while medium-hub airports (37 in total) account for 20 percent of all enplanements.

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*Airlines' and Airports' Best Practices and Ongoing Initiatives*

**Best Practices:** The best practices we identified during our review include the following:

- Setting the maximum amount of time that passengers will remain on-board aircraft before deplaning them. An airline at one airport it services has a 1-hour policy that was executed effectively during the December 29 incident. On that day, the airline had a record 11 diversions into 1 airport, with the longest on-board delay lasting about 90 minutes.
- “Intelligent cancelling”—cancelling flights most likely to be affected by the weather event without being too optimistic or pessimistic. Pre-cancelling flights before the passengers leave home keeps them away from the airport, thus reducing congestion. There are trade-offs when implementing this practice—passengers avoid experiencing long, on-board delays, but they need to be re-accommodated on later flights, optimally that same day. However, reduced capacity and higher load factors can result in increased passenger inconvenience and dissatisfaction with customer service. With more seats filled, air carriers have fewer options to accommodate passengers from cancelled flights.
- Keeping gate space available for off-loading passengers in times of irregular operations. This could be done by the airport authority or the carriers. The gate would be available for arriving aircraft and solely for deplaning passengers.
- Implementing programs that provide volunteer employees from throughout the airline’s system that are flown or driven to the destination needing assistance. These volunteers (i.e., customer service agents) act as additional help during irregular operations. The goal of the agents would be to separate and service passengers needing to be rebooked from those passengers arriving at the airport already ticketed for on-time flights or non-cancelled, operating flights.
- Implementing flexible staffing arrangements and periodic duty rotations to meet the challenges during irregular operations. For example, certain non-customer service employees have been cross-trained to assist in re-booking passengers whose flights have been cancelled.
- Holding teleconferences before a known weather event (e.g., winter storm, hurricane, tropical depression, etc.) with potentially affected airports’ general managers. In addition to asking for recommendations from the general managers, they discuss the status of snow removal equipment, liquid de-icing amounts/availability, staffing, and possible scheduled operation (aircraft and

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passenger) reductions. Similar meetings are already held between FAA and airlines.

- Using the Aircraft Communication Addressing and Reporting System (equipped on most commercial aircraft) to send a message to the airline's Operations Control Center notifying the Center that the aircraft has been off the gate for more than 3 hours without departing.
- Constantly monitoring aircraft on the tarmac; in cases of aircraft remaining for more than 2 hours, airport staff will contact the appropriate airline manager to coordinate the aircraft's return to a gate. If necessary, airport staff will assist in deplaning an aircraft and provide an escort, buses, and mobile stairs. Finally, staff will ensure that airport services (e.g., concessions, security, and ground transportation) remain open during an irregular operation.

The best practices we identified during our review are not all-inclusive, and the airlines or airports should consider incorporating them into their ongoing operations, especially the best practice of setting the maximum amount of time that passengers will remain on board aircraft before deplaning.

However, in our opinion, a more comprehensive national plan of action is needed to prevent and mitigate long, on-board delays and should involve collaboration among airlines, airports, FAA, and DOT. Therefore, a national task force of representatives from each of these groups should be established to develop and coordinate contingency plans to deal with lengthy delays. Although the airlines formed a task force in response to our 2001 report recommendations, the effort never materialized as priorities shifted after September 11, 2001. Now is the time to reconvene the task force.

**Airports' Ongoing Initiatives To Address Long, On-Board Delays:** During our review, two major airport operators put forth initiatives to address long, on-board delays. The Port Authority of New York and New Jersey set up a task force to find ways to reduce flight delays at the region's three main airports. The Port Authority, which operates JFK, LaGuardia, and Newark Liberty International Airports, leads the group. The task force includes airline executives and Federal, state, and city government officials.

The task force convened its first meeting July 18, 2007, with 42 airline executives and Federal, state, and city government officials attending, including then FAA Administrator Blakey. The task force met a second time on September 18, and another meeting is scheduled for November 2007; conference calls are planned to occur periodically. The task force plans to issue a report by the end of 2007.

## Findings

The task force is addressing two main areas—technical issues and customer service. In the technical area, the Port Authority and FAA are working on procedural improvements, such as more efficient use of the runways at JFK. Also, work is being delegated to the airlines that are looking into ways that airports could be changed to reduce flight delays. In the customer service area, the focus is on best methods for getting passengers off aircraft and enhancements for reducing the amount of time they are kept on aircraft.

Hartsfield-Jackson Atlanta International Airport is moving forward with a plan to cut gate delays for arriving passengers by busing people from planes directly to concourses when airline gates are full. The city of Atlanta, which operates the airport, approved a \$2.5 million proposal for 4 new buses that can transport about 80 passengers and their carry-on luggage. The plan also includes sets of mobile stairways that allow passengers to leave planes and another vehicle to help disabled passengers. Airlines requesting the service will reimburse the city for the use of the buses.

It is encouraging to see that some airport operators are becoming more involved in mitigating long, on-board delays. However, as passenger traffic continues to grow, airports will need to become more proactive in dealing with long, on-board delays, especially those airports with limited airfield or gate capacity. Airports will also need to proactively deal with in-terminal delays when multiple flights are cancelled and passengers are stranded in the gate areas where terminal capacity could be limited.

#### *ATA Initiative To Address Long, On-Board Delays*

On February 22, 2007, ATA announced an initiative for dealing with long, on-board delays and proposed the following course of action:

- Each airline will continue to review and update its policies to ensure the safety, security, and comfort of customers.
- Each airline will work with FAA to allow long-delayed flights to return to terminals in order to off-load passengers who choose to disembark without losing that flight's position in the departure sequence.
- ATA will ask the Department to review airline and airport emergency contingency plans to ensure that the plans effectively address weather emergencies in a coordinated manner and provide passengers with essential needs (i.e., food, water, lavatory facilities, and medical services).

#### **Findings**

- ATA will ask the Department to promptly convene a meeting of air carrier, airport, and FAA representatives to discuss procedures to better respond to weather emergencies that result in lengthy flight delays.

While we understand the current pressures that ATA and its member airlines face in maintaining profitability, we are concerned that the actions proposed merely shift responsibility from ATA to the Department. We agree that the Department must be an active partner, but ATA's proposed course of action is not significantly different than what the airlines agreed to do in response to our 2001 recommendations, such as "to establish a task force to coordinate and develop contingency plans with local airports and FAA to deal with lengthy delays."

#### *FAA's Expanded Program To Reduce Flight Delays*

FAA is also taking action to minimize delays; the Agency expanded an existing initiative this summer to other parts of the National Airspace System to reduce the amount of time that flights sit on tarmacs waiting to depart. This initiative, known as the Airspace Flow Program, gives FAA and the airlines the capability to maximize the overall use of the National Airspace System while minimizing delays and congestion. These efforts, which are managed by FAA's Command Center, do not create additional capacity but limit the negative effects of bad weather. For instance, it gives airlines the option of either accepting delays for flights scheduled to fly through storms or flying longer routes to safely maneuver around them.

The Agency successfully launched the program last year at seven locations in the Northeast. According to FAA, on bad weather days at major airports in the region, delays fell by 9 percent compared to the year before. Cost savings for the airlines and the flying public from the program were estimated to be \$100 million annually. The number of Airspace Flow Program locations—chosen for their combination of heavy traffic and frequent bad weather—was expanded from 7 to 18. The additional locations will ease delays for passengers flying through the southern and midwestern United States and for those on transcontinental flights.

In the past, severe storms often forced FAA to ground flights at affected airports. This "penalized" flights whose scheduled paths would have taken them around the storm had they not been grounded with the flights directly affected by the storms. The Airspace Flow Program allows FAA to manage traffic fairly and efficiently by identifying only those flights scheduled to fly through storms and giving them estimated departure times. Airspace Flow Programs will also be used in conditions not related to weather, such as severe congestion near major cities.

In another development, the Agency rolled out a new software program that is intended to ensure that airports affected by bad weather receive the maximum

#### **Findings**

number of flights that can safely fly to them. During storms, arrival slots often open up due to delayed or cancelled flights. The new software program, called Adaptive Compression, would automatically fill those slots with the next available flight. The software tool, which was launched in March 2007, is intended to reduce delays, saving time and money for the airlines and passengers.

While it is too soon to evaluate the effectiveness of these ongoing initiatives, they all have merit and, if properly executed, should help in mitigating long, on-board delays in the immediate term.

**DOT, FAA, Airlines, and Airports Should Complete Actions on Outstanding Recommendations To Improve Airline Customer Service and Minimize Long, On-Board Delays**

Given the events of this past winter, DOT should take a more active role in overseeing customer service issues, and there are actions that the Department, the airlines, airports, and FAA can undertake immediately to do so. Many of the actions are not new and date back to recommendations in our 2001 report, which were directed at delay and cancellation problems—key drivers of customer dissatisfaction with airlines. To improve the accountability, enforcement, and protection afforded to air travelers we recommend the following.

*Actions Needed From the Airlines and Airports*

- **Clarify delay terminology and set limits for delay durations before deplaning passengers.** Those airlines who have not already done so must: (1) define what constitutes an extended period of time for meeting passengers' essential needs, (2) set a time limit on long, on-board delay durations before deplaning passengers, and (3) incorporate such policies in their contracts of carriage and post them on their Internet site. We recommended most of these actions in 2001, and the airlines agreed and stated plans to implement them.

We realize that certain procedures may need to be tailored to individual airlines and airports and will heavily depend on the situation (e.g., setting a time limit on delay durations before returning to a gate or, when a gate is not available, deplaning passengers using mobile air stairs, loading them onto buses, and returning to the terminal). There may be situations or conditions that make it difficult to bring passengers back to a gate during long, on-board delays. Some of the main obstacles to this are the physical layouts of the airports. Some airports, by virtue of their design and modern facilities, may be able to safely accommodate aircraft movement. Other airports, because of their layout design (narrow taxiways), may not be able to accommodate aircraft moving about and off-loading passengers safely.

**Findings**

Also, weather factors can limit off-loading options. For example, deplaning passengers onto metal mobile stairs is not feasible during a lightning storm. Likewise, it may not be necessary to deplane passengers at JFK after 2 hours, since typical Friday afternoon delays normally last that long. However, a 2-hour, on-board delay at Austin might require deplaning activities to commence. Airlines and airports need to work together to determine the various situations that can occur and devise plans for handling those occurrences.

**Establish specific targets for reducing chronically delayed or cancelled flights.** In our 2001 report, we recommended that the airlines establish in the Commitment and their Customer Service Plans targets for reducing the number of flights chronically delayed (i.e., 30 minutes or longer) or cancelled 40 percent or more of the time.

In response to our recommendation, the airlines stated they were “willing to accept the challenge of reducing chronically delayed or cancelled flights, for factors we can control, in order to relieve unneeded and unwanted passenger frustration.” However, there were no actions identified on how or when the airlines would go about implementing this challenge. After September 11, 2001, their focus shifted, but the problem has returned and must be resolved.

- **Disclose on-time flight performance.** We recommended in our 2001 report that the airlines disclose to customers at the time of booking, without being asked, the prior month’s on-time performance rate for those flights that have been delayed (i.e., 30 minutes or longer) or cancelled 40 percent or more of the time. Currently, the airlines are required to disclose on-time performance only upon request from the customer.

The ATA airlines disagreed with this recommendation and, as an alternative, agreed to make on-time performance data accessible to customers on the airlines’ Internet sites, on a link to the BTS Internet site, or through toll-free telephone reservation systems.

However, in our 2006 review,<sup>12</sup> only 5 of the 16 airlines we reviewed made on-time performance data available on their Internet sites. Given the ease of availability of this information to the airlines, we continue to believe that airlines should post on-time flight performance information on their Internet sites and make it available through their telephone reservation systems without being prompted.

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<sup>12</sup> OIG Report Number AV-2007-012, “Follow-Up Review: Performance of U.S. Airlines in Implementing Selected Provisions of the Airline Customer Service Commitment,” November 21, 2006.

## Findings

- **Resume efforts to self-audit their customer service plans.** We also recommended in 2001 that the airlines establish quality assurance and performance measurement systems and conduct internal audits to measure compliance with the Commitment provisions and customer service plans. The ATA airlines agreed with the recommendation.

In June 2001, we confirmed that 12 of the 14 ATA airlines that were signatories to the Commitment had established and implemented their quality assurance and performance measurement systems. In our 2006 review, however, we found that the quality assurance and performance measurement systems were being implemented at just five of the ATA airlines. The other ATA airlines had either discontinued their systems after September 11, 2001, or combined them with operations or financial performance reviews where the Commitment provisions were overshadowed by those issues.

The key to the success of the airlines' new policies designed to prevent on-board delays is for each airline to (1) have a credible tracking system for compliance with its new policy and with all other Commitment provisions and (2) implement its customer service plan, reinforcing it with performance goals and measures.

These systems and audit procedures will also help DOT to more efficiently review the airlines' compliance with the Commitment provisions and ensure that airlines comply with their policies governing long, on-board delays, especially in the event that health and safety hazards arise from such delays.

- **Reconvene the task force.** In response to our 2001 report recommendations, the airlines agreed to establish a task force of representatives from airlines, airports, and FAA to develop and coordinate contingency plans to deal with lengthy delays, such as working with carriers and the airports to share facilities and make gates available in an emergency. Although the airlines formed a task force, the effort never materialized because their priorities shifted after September 11, 2001. In our testimony before the House Subcommittee on Aviation in April 2007, we recommended that the task force be reconvened, to date, there still has been no action to do so. Now is the time for airlines to reconvene a national task force and develop and coordinate contingency plans with local airports and FAA to deal with lengthy delays.
- **Implement processes for monitoring lengthy delays.** Large- and medium-hub airport operators should establish a process for monitoring and mitigating long, on-board delays that involves contacting the airline to request a plan of action after an aircraft has remained on the tarmac for 2 hours. As part of the plan, the airport operators need to work with the airlines to ensure

## Findings

that the airlines' deplaning policies are adhered to. Absent any airline policy, the airports should establish their own policies for deplaning passengers.

#### *Actions Needed From DOT*

- **Implement the necessary changes in the airlines' on-time performance reporting to capture all long, on-board delays.** Under 14 Code of Federal Regulations Part 234, "Airline Service Quality Performance Reports," air carriers that account for at least 1 percent of domestic scheduled passenger revenues must submit monthly reports to the BTS that include, among other things, the number of (1) flights that departed and arrived on time by airport; (2) flights delayed, cancelled, and diverted; and (3) flights delayed or cancelled by cause.

However, the delay statistics (see statistics reflected in table 1 on page v) do not accurately portray the magnitude of long, on-board delays because carriers are not required to report a delay if the flight is cancelled or diverted. For example, if a flight taxis out, sits for hours, and then taxis back in and is cancelled, the cancellation is recorded but the delay is not. Therefore, there is no record of how long a flight remained at the gate or sat on the tarmac before it was cancelled. This was the case with some JetBlue flights at JFK on February 14, 2007. Also, if a flight is diverted to an airport other than the destination airport and sits on the tarmac for an extended period of time, the flight is not recorded in delay statistics. This was the case with American's flights that were diverted to Austin on December 29, 2006.

BTS is looking into whether changes are needed in how the airlines record long, on-board delays. BTS should make this a priority and implement the necessary changes in the airlines' on-time performance reporting requirements to capture all events resulting in long, on-board delays, such as flight diversions and cancellations.

- **Conduct incident investigations involving long, on-board delays.** Also, based on the results of this review, the Department's Office of General Counsel—in collaboration with FAA, airlines, and airports—should review incidents involving long, on-board ground delays and their causes; identify trends and patterns of such events; and implement workable solutions for mitigating extraordinary flight disruptions.
- **Oversee the airlines' policies for dealing with long, on-board delays.** The Office of Aviation Enforcement and Proceedings should ensure that airlines comply with their policies governing long, on-board delays, especially in the event that health and safety hazards arise from such delays, and advise

#### **Findings**

Congress if the airlines retreat from the Commitment provisions or dilute the language in the current contracts of carriage.

## **RECOMMENDATIONS**

In order to improve the accountability, enforcement, and the protection afforded to air travelers, we are making the following recommendations to the Secretary of Transportation:

1. Require each certificated and commuter airline that provides domestic scheduled service using any aircraft with more than 30 passenger seats to (a) define what constitutes an extended period of time; (b) set a time limit on delay durations before deplaning passengers; and (c) incorporate such policies in its contract of carriage and post on its Internet site.
2. Require all airlines that report on-time performance to DOT pursuant to 14 CFR Part 234 to establish specific targets for reducing chronically delayed or cancelled flights.
3. Require all airlines that report on-time performance to DOT pursuant to 14 CFR Part 234 to post on-time flight performance information on their Internet sites.
4. Require all airlines that report on-time performance to DOT pursuant to 14 CFR Part 234 to disclose to customers at the time of booking, without being asked, the prior month's on-time performance rate for those flights that have been delayed (i.e., for 30 minutes or longer) or cancelled 40 percent or more of the time.
5. Require each certificated and commuter airline that provides domestic scheduled service using any aircraft with more than 30 passenger seats to self-audit their customer service plans.
6. Require large- and medium-hub airport operators to establish and implement a process for monitoring and mitigating long, on-board delays that involves contacting the airline to request a plan of action after an aircraft has remained for 2 hours on the tarmac.
7. Establish a national task force of airlines, airports, and FAA to coordinate and develop contingency plans to deal with lengthy delays, such as working with carriers and the airport to share facilities and make gates available in an emergency.

## **Recommendations**

8. Require BTS to implement the necessary changes in the airlines' on-time performance reporting requirements to capture all events resulting in long, on-board delays, such as flight diversions.
9. In collaboration with FAA, airlines, and airports, review incidents involving long, on-board ground delays and their causes; identify trends and patterns of such events; and implement workable solutions for mitigating extraordinary flight disruptions.
10. Direct the Office of Aviation Enforcement and Proceedings to ensure that airlines comply with their public policies governing long, on-board delays, especially in the event that health and safety hazards arise from such delays, and advise Congress if the airlines retreat from such policies.

## **Recommendations**

## **EXHIBIT A. OBJECTIVES, SCOPE AND METHODOLOGY, AND RELATED AUDIT COVERAGE**

### **Objectives**

On February 26, 2007, Secretary Peters requested that the Office of Inspector General (OIG) examine the airlines' customer service plans, contracts of carriage, and internal policies dealing with long, on-board delays and the specific incidents involving American Airlines and JetBlue Airways when passengers were stranded on board aircraft for extended periods of time. She also requested that we provide recommendations on what actions should be taken to prevent a recurrence of such events.

Consistent with Secretary Peter's request, we (1) looked into the specific situations involving American and JetBlue, in light of whatever specific commitment these carriers made concerning policies and practices for meeting customers' essential needs during long on-board delays; (2) examined the airlines' customer service commitments, contracts of carriage, and policies dealing with extended ground delays aboard aircraft; and (3) provided recommendations as to what, if anything, the airlines, airports, or the Government, including the Department, might do to prevent a recurrence of such events, highlighting any "best practices" discovered by the industry in dealing with such situations.

### **Scope and Methodology**

We conducted this review between March 2007 and September 2007. The audit was conducted in accordance with Government Auditing Standards prescribed by the Comptroller General of the United States and included such tests as we considered necessary to provide reasonable assurance of detecting abuse or illegal acts. In conducting this review, we relied on computer-generated data from the airlines and did not access the general and application controls for each of the automated systems.

To examine the airlines' customer service commitments, contracts of carriage, and policies dealing with extended ground delays aboard aircraft we obtained the customer service plans and contracts of carriage from the Air Transport Association member airlines. We reviewed these documents in particular for references related to the airlines' handling of long on-board delays and essential needs of the passengers. We also obtained and reviewed 13 airports' policies dealing with extended ground delays from selected Airports Council International-North America member airports. We reviewed these documents in particular for

### **Exhibit A. Objectives, Scope and Methodology, and Related Audit Coverage**

references related to the airports monitoring and assisting in handling long, on-board delays.

To evaluate the specific situations involving American and JetBlue, we visited JetBlue Airways' headquarters in New York (including JFK) and American Airlines' in Texas—specifically, Dallas-Fort Worth International and Austin-Bergstrom Airports. We reviewed information and data from American and JetBlue regarding the events of December 29, 2006, and February 14, 2007. We also received information from other carriers providing service from Dallas-Fort Worth, Austin, and New York airports and met with officials from FAA air traffic control and those three airports.

### **Related Audit and Testimony Coverage**

In the past 7 years, OIG has performed a number of customer service-related audits and testimonies. We issued our most recent update in April 2007.

**Report AV-2000-102, “Interim Report on Airline Customer Service Commitment,” June 27, 2000.** The June 2000 report provided the 6-month progress of the airlines in implementing their customer service plans. The Interim Report provided the preliminary results and observations on the airlines' systems to measure performance against their plans, discussed the airlines' contracts of carriage in relation to their plans, provided observations of the Department's capacity to enforce consumer protection rights, and discussed the importance of customer service in the marketplace.

**Report AV-2001-020, “Final Report on Airline Customer Service Commitment,” February 12, 2001 and Testimony CC-2001-090, “Airline Customer Service Commitment,” on February 13, 2001.** In this final report and testimony, we reported that the airlines were making progress toward meeting their Customer Service Commitment and that the Commitment has been a plus for air travelers. Notwithstanding progress by the airlines toward meeting their Commitment, we found significant shortfalls in reliable and timely communication with passengers by the Airlines about flight delays and cancellations. Further, we found the airlines' Commitment does not directly address the most deep-seated, underlying cause of customer dissatisfaction—flight delays and cancellations, and what the airlines plan to do about them in the areas under their control in the immediate term.

**Testimony CC-2001-217, “Status Report on Airline Customer Service,” June 20, 2001.** In June 2001, the OIG presented testimony before the House Transportation and Infrastructure Committee, Subcommittee on Aviation regarding progress made by 14 airlines in improving customer service since our 2001 report. We reported that most airlines had: (1) incorporated the original

### **Exhibit A. Objectives, Scope and Methodology, and Related Audit Coverage**

Airline Customer Service Commitment into their contracts of carriage, (2) established performance measurement systems, and (3) petitioned the Department to revise regulations for reporting mishandled baggage and compensating passengers involuntarily bumped from a flight. The airlines also formed a task force to develop plans for accommodating passengers delayed overnight, ensuring airport display monitors are accurate, and providing for passengers' needs during long on-board delays. There were several important recommendations that the airlines did not address, such as petitioning the Department to require that each airline with a frequent flyer program make available to the public a more comprehensive reporting of frequent flyer redemption information in its frequent flyer literature and annual reports (e.g., the percentage of successful redemptions and frequent flyer seats made available in the airline's top origin and destination markets).

**Report SC-2005-051, "Review of December 2004 Holiday Air Travel Disruptions," February 28, 2005.** Pursuant to Secretary Mineta's request of December 27, 2004, we issued a report on our review of the travel disruptions experienced over the December holiday travel period by Comair and US Airways. We found that Comair's problems were a function of severe weather at Cincinnati and failure of the computer system it used to schedule its crews. In Cincinnati, Comair's flight cancellations and delays ultimately affected approximately 269,000 passenger itineraries. Additionally, we found that US Airways' problems centered on staffing shortfalls going into the holiday travel period in two critical functions—fleet service employees and flight attendants, particularly at its Philadelphia hub. Plans to offset the staffing shortages through overtime and increasing the required number of hours worked by flight attendants did not work. US Airways cancelled 405 flights during the holiday travel period, affecting more than 46,000 passengers and delayed over 3,900 flights affecting over 518,000 passengers.

**Report AV-2007-012, "Follow-Up Review: Performance of U.S. Airlines in Implementing Selected Provisions of the Airline Customer Service Commitment," November 21, 2006.** In the 2006 follow-up review, we reported that the airlines' customer service plans were still in place to carry out the provisions of the Commitment and that the Commitment provisions were still incorporated in their contracts of carriage, as we recommended in our prior review.

We found that the airlines needed to (1) resume efforts to self-audit their customer service plans; (2) emphasize to their customer service employees the importance of providing timely and adequate flight information; (3) focus on the training for personnel who assist passengers with disabilities; (4) provide straightforward, comprehensive reporting on frequent flyer award redemptions; and (5) improve the handling of bumped passengers.

**Exhibit A. Objectives, Scope and Methodology, and Related Audit Coverage**

We also found that the Department was using its additional resources to oversee and enforce air travel consumer protection requirements with a focus on investigations and enforcement of civil rights issues, including complaints from passengers with disabilities. However, when the Department discovered violations and assesses penalties, it almost always forgave a portion of the penalty if the air carrier agreed to mitigate the conditions and remain in future compliance with the rule for which the penalty was assessed. The Department's follow-up monitoring of compliance with these conditions was limited, and in some cases there was no follow-up monitoring by the Department.

**Testimony CC-2007-042, "Refocusing Efforts To Improve Airline Customer Service," April 11, 2007.** In April 2007, the OIG presented testimony to the Senate Committee on Commerce, Science, and Transportation reporting that the airlines continue to face challenges in mitigating extraordinary flight disruptions, including long, on-board delays during extreme weather. The airlines, FAA, and the Department cannot prevent significant weather events. What they can do, however, is work together to plan for such events and minimize the impact on passengers.

However, there are actions that the airlines, airports, the Department, and FAA could undertake immediately without being prompted by Congress to do so. For example:

- Those airlines that have not already done so should implement quality assurance and performance measurement systems and conduct internal audits of their compliance with the Commitment provisions. The Department should use these systems to more efficiently review the airlines' compliance with those Commitment provisions governed by Federal regulation.
- The Department should revisit its current position on chronic delays and cancellations and take enforcement actions against air carriers that consistently advertise flight schedules that are unrealistic, regardless of the reason.
- The airlines, airports, and FAA should establish a task force to coordinate and develop contingency plans to deal with lengthy delays, such as working with carriers and the airport to share facilities and make gates available in an emergency.
- The Department's Office of General Counsel; in collaboration with FAA, airlines, and airports; should review incidents involving long, on-board ground delays and their causes; identify trends and patterns of such events; and implement workable solutions for mitigating extraordinary flight disruptions.

**Testimony CC-2007-046, "Actions Needed To Improve Airline Customer Service," April 20, 2007.** In April 2007, the OIG presented testimony before the House Transportation and Infrastructure Committee, Subcommittee on Aviation

**Exhibit A. Objectives, Scope and Methodology, and Related Audit Coverage**

reporting that the airlines continue to face challenges in mitigating extraordinary flight disruptions, including long, on-board delays during extreme weather. Similar recommendations were provided to the House committee as were presented to the Senate committee the week before.

**EXHIBIT B. SELECTED AIRLINES' TERMS AND CONDITIONS  
FOR HANDLING LONG, ON-BOARD DELAYS**

<b>Airline</b>	<b>Definition of Extended Period of Time Stated in Customer Service Plans and/or Contracts of Carriage</b>	<b>Time to Deplane Stated in Customer Service Plans and/or Contracts of Carriage and/or Defined by Internal Policies (I)</b>
Alaska	90 Minutes	2 Hours for Arrivals
Aloha	None	None
American	2 Hours	4 Hours (I) (as of 4/10/07)
ATA	1 Hour for Beverages 4 Hours for Catering	None
Continental	2 Hours	4 Hours for Departures (as of 6/15/07)
Delta	None	None
Hawaiian	2 Hours	2 Hours (as of 8/01/01)
JetBlue	None	5 Hours (as of 2/20/07)
Midwest	None	None
Northwest	1 Hour for Arrivals 3 Hours for Departures	1 Hour for Arrivals 3 Hours for Departures
Southwest	2 Hours	2 Hours
United	None	1½ Hours for Arrivals 4 Hours for Departures (as of 9/05/07)
US Airways	2 Hours	None

**Exhibit B. Selected Airlines' Terms and Conditions for Handling Long, On-Board Delays**

**EXHIBIT C. SELECTED AIRPORTS' POLICIES FOR ASSISTING  
IN LONG, ON-BOARD DELAYS**

<b>Airport</b>	<b>Plan to Deplane Passengers</b>	<b>Airport Policy*</b>
Seattle-Tacoma International	Yes	Determine remote parking locations for aircraft to deplane passengers and provide buses if requested.
Dallas/Fort Worth International	Yes	Monitor length of time hold positions of aircraft. If over 2 hours, coordinate aircraft return to gate.
Austin/Bergstrom International	No	Determine parking spots of diverted aircraft.
Indianapolis International	Yes	Provide available gate or remotely deplane passengers to buses upon request.
George Bush Intercontinental	Yes	Provide buses when requested.
Hartsfield-Jackson Atlanta International	Yes	Provide mobile lounges to take passengers to gate when requested by airlines.
Honolulu International	No	Encourage carriers to off-load passengers and offer immediate assistance by, among other things, offering use of available airport facilities.
John F. Kennedy International (New York)	Yes	After 2 hours and upon request, help to find alternate airport locations to safely deplane passengers.
General Mitchell International (Milwaukee)	Yes	Provide buses when requested.
Minneapolis-St. Paul International	Yes	Provide air stairs and buses to deplane passengers when requested.
Dallas Love Field	Yes	Provide emergency services upon request.
Chicago O'Hare International	No	Monitor length of time hold positions of aircraft.
Phoenix Sky Harbor International	Yes	Help with deplanements via jet bridge or remote hardstand and provide buses to transport passengers.

\*The policies listed in the table are not all inclusive; these are highlights from the airports' contingency plans for dealing with long, on-board delays.

**Exhibit C. Selected Airports' Policies for Assisting in Long, On-Board Delays**

**EXHIBIT D. STAKEHOLDERS VISITED OR CONTACTED**

<b>Airlines Visited</b>	<b>Airlines Contacted</b>
American Airlines Headquarters, Ft. Worth, TX DFW International Airport, TX Austin-Bergstrom International, TX JFK International Airport, NY	Alaska Airlines Aloha Airlines American Airlines ATA Airlines Continental Airlines Delta Air Lines Hawaiian Airlines JetBlue Airways Midwest Airlines Northwest Airlines Southwest Airlines United Airlines US Airways
JetBlue Airways Headquarters, Forest Hills, NY JFK International Airport, NY	N/A
Southwest Airlines Dallas-Love Field, TX Austin-Bergstrom International, TX	N/A
United Airlines DFW International Airport, TX JFK International Airport, NY	N/A
Continental Airlines Austin-Bergstrom International, TX	N/A
Delta Airlines JFK International Airport, NY	N/A
<b>Airports Visited</b>	<b>Airports Contacted</b>
Dallas/Fort Worth International City of Austin Aviation Department Austin-Bergstrom International, Austin, TX Port Authority of New York and New Jersey John F. Kennedy International, Jamaica, NY	Chicago O'Hare International Dallas Love Field General Mitchell International (Milwaukee) George Bush Intercontinental (Houston) Hartsfield-Jackson Atlanta International Honolulu International Indianapolis International Minneapolis-St. Paul International Phoenix Sky Harbor International Seattle-Tacoma International
<b>FAA ATC Facilities Visited or Contacted</b>	<b>Trade Associations Contacted</b>
DFW Air Traffic Control Tower, DFW Airport, TX Air Route Traffic Control Center, Fort Worth, TX Austin Air Traffic Control Tower, Austin, TX Air Traffic Systems Operations, Tactical Operations Northeast United States, Jamaica, NY JFK Air Traffic Control Tower, Jamaica, NY	Air Transport Association, Washington D.C. Airports Council International-North America, Washington D.C. Airline Pilots Association, Washington D.C. Association of Flight Attendants, Washington D.C.

**Exhibit D. Stakeholders Visited or Contacted**

**APPENDIX. DEPARTMENT COMMENTS**

THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

September 24, 2007

**MEMORANDUM TO:** Calvin L. Scovel, III

**FROM:** Mary E. Peters *mp*

**SUBJECT:** Response to OIG Recommendations for Minimizing Lengthy, On-Board Flight Delays

I appreciate the hard work of the Office of the Inspector General (OIG) in preparing its report titled "Actions Needed to Minimize Lengthy, On-Board Flight Delays." This report was in response to my February 26, 2007, request that, among other things, you examine carrier policies regarding extended on-ground delays and recommend actions the airlines, airports, or the government (including the Department) can take to prevent incidents in which passengers are stranded on board aircraft for extended periods of time. It goes without saying that lengthy, on-board flight delays are inconvenient to all concerned and can be frustrating and stressful for passengers. I am fully committed to improving the air travel environment for passengers. Toward that end, I have directed DOT staff to carefully consider the recommendations in your report, including those for improving the information provided the public and the manner in which passengers are treated, including compliance by carriers with their own policies.

**Appendix. Department Comments**

**STATEMENT OF DR. AGAM N. SINHA  
BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE, SUBCOMMITTEE ON AVIATION  
HEARING ON AIRLINE DELAYS AND CONSUMER ISSUES**

**September 26, 2007**

**DR. AGAM N. SINHA  
SENIOR VICE PRESIDENT AND GENERAL MANAGER  
THE MITRE CORPORATION  
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**(703) 983-6410**

**STATEMENT OF DR. AGAM N. SINHA  
BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE, SUBCOMMITTEE ON AVIATION  
HEARING ON AIRLINE DELAYS AND CONSUMER ISSUES  
September 26, 2007**

Good morning Chairman Costello and Members of the Subcommittee. Thank you for inviting me to participate in today's hearing on airline delays and consumer issues. My name is Agam Sinha and I am a Senior Vice President at the MITRE Corporation. I am also the General Manager of MITRE's Center for Advanced Aviation System Development (CAASD), which is the FAA's Federally Funded Research and Development Center (FFRDC).

My testimony contains both a retrospective view of trends in the numbers of operations and delays our aviation system has experienced, as well as a prospective view of where future capacity issues are likely to arise. I will outline a number of successfully completed airport, airspace and procedural enhancements as well as decision-support tool deployments that have increased overall system capacity, efficiency and safety. Finally, I will address what I believe are the solutions necessary to support the future economic growth of our aviation industry.

**Introduction**

The initial downturn of the commercial airline sector beginning in late 2000 and the subsequent impact of the terrorist attacks of September 11, 2001 on the broader aviation industry are well understood. All but two of the biggest airlines were forced to restructure through bankruptcy. However, those restructurings appear to be over and the industry has just completed its first full year of profitability since 2001.

Airlines now operate much more productively than before, offering fewer flights at lower fares than in 2000 yet transporting more passengers in 2007 than at any time in history. Domestically, competition is flourishing with not just one but two new low-cost airlines being launched this year (Skybus and Virgin America). Internationally, the implementation of the EU-US aviation agreement in March 2008 is a watershed event that will bring similar lower fares, more flights, and more passengers between our respective countries.

Although too early to tell, other parts of aviation may also drive aviation growth. Very Light Jets, a new and less expensive type of small jet aircraft, are just now beginning to be delivered and the air taxi industry is beginning to experiment with their use. Whether they fuel substantial growth of a new industry segment, or are more suitable for personal ownership, their emergence is driving growth in the General Aviation sector. For example, Eclipse has announced that it has 2,700 orders in hand (as of May 2007), Cessna has successfully launched the Mustang and has 300 orders, Adam Aircraft has 70

orders and will deliver in 2008, while estimates for the Embraer Phenom 100 range from 250-600 (delivering in 2010).

The industry's economic recovery has relied on changes in airline business models such as reducing non-hub flying, eliminating many short-haul flights, and reducing flights at certain airports such as Pittsburgh, Cincinnati, and St. Louis while increasing emphasis on other locations such as Ft. Lauderdale, Denver, and Kennedy. We are now experiencing the culmination of these industry changes in the form of unprecedented system delays. What is not well understood is that since 2000, improvements in the National Airspace System (NAS) have also been made in new runways, new automation, new procedures and airspace redesign. Without these improvements the system would surely be in a greater crisis than we are now facing. However, the increase in system capacity has not kept up with system demand in key locations. This is ultimately the key to answering the question, "If operations are down across the NAS, why are delays up?" The answer to this question is location-specific. Operations are not down everywhere; nor are delays up everywhere.

#### **NAS System Performance 2000-2007**

While many airports and their surrounding airspace have adequate capacity to accommodate increased operations safely and efficiently, other airports and their associated congested airspace and flight corridors have reached their saturation point. The corridors connecting New York, Chicago, and Atlanta and then south to Florida and Texas have become the key bottlenecks in the system and comprise the majority of delays.

In the summer of 2000, of the 45 major airports reported on by DOT/FAA just seven, Atlanta, Chicago O'Hare, Philadelphia, Newark, LaGuardia, Houston, and Kennedy, accounted for 55% of all major airport delays recorded under the FAA's Operational Network (OPSNET) system of measuring delays. Today these seven airports account for 72% of the total delays, as shown in Figure 1. Since 2000, operations at those airports increased by nearly 10% while operations at the other 38 airports decreased by nearly 14%. While delays at these seven airports increased 39% overall, delays decreased a combined 27% at the other 38 airports as shown in Figure 2.

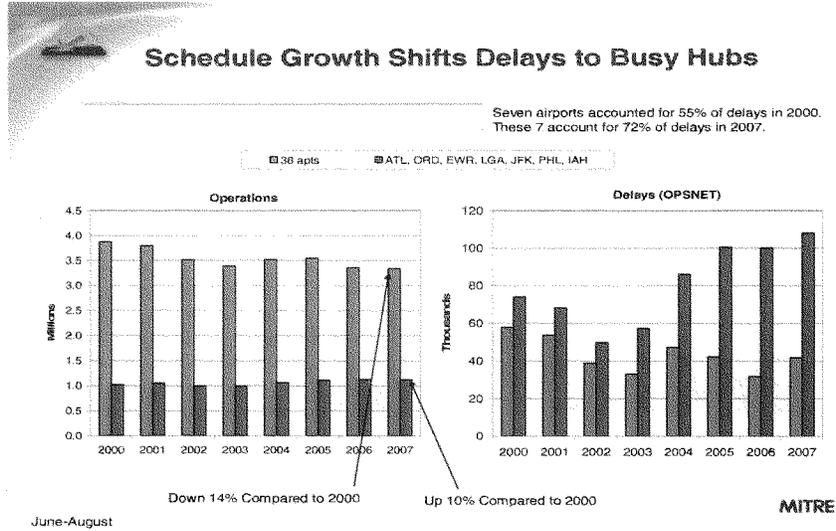


FIGURE 1

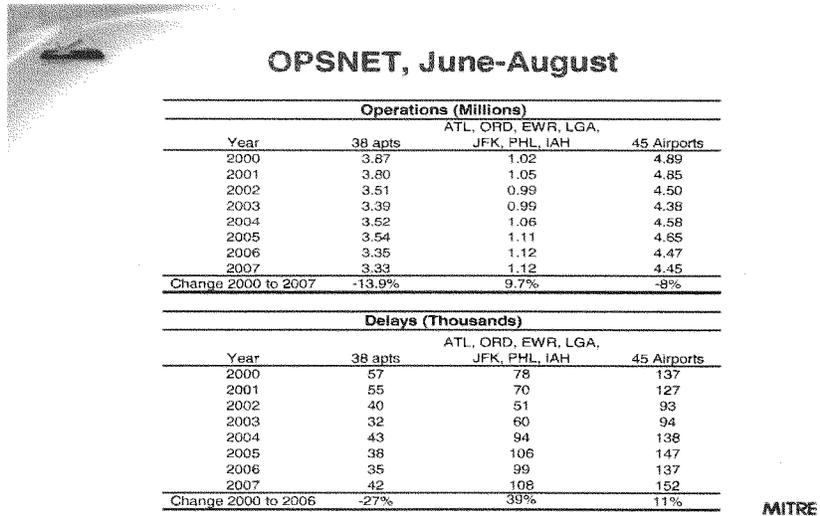


FIGURE 2

The biggest bottlenecks this summer have been at the three major New York/New Jersey airports as well as the surrounding airspace. Scheduled demand at Kennedy has increased rapidly since June 2006 as Jet Blue and Delta Airlines have developed their hub operations. Since 2004, Kennedy's scheduled operations have increased 44%. To accommodate this increased demand, more efficient procedures have been put in place to make better use of multiple runway operations, thereby increasing the overall throughput at the airport. If not for these procedural improvements, delays would have been much worse. Figure 3 shows both the increased scheduled traffic and increased actual traffic at Kennedy.

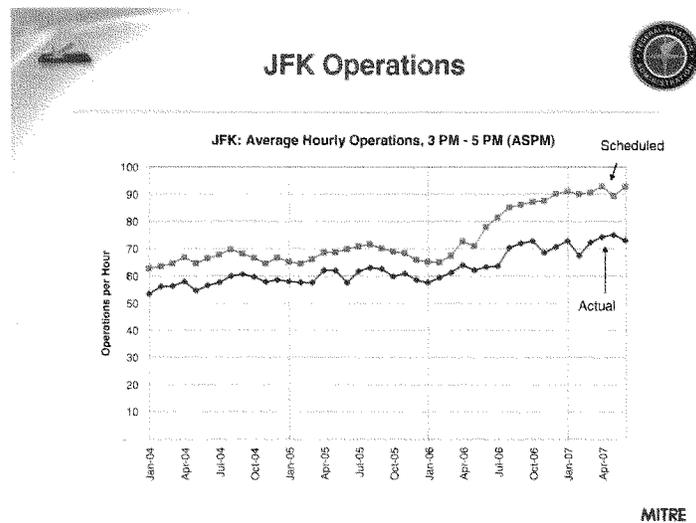


FIGURE 3

As shown in Figure 4, Newark and LaGuardia have experienced a decline in peak throughput. Because they were previously operating close to capacity, that decline has contributed to the significant increase in delays at those airports as shown in Figure 5. The FAA has been assessing all factors that have contributed to decreased throughput, including runway configuration usage, weather conditions, fleet mix changes, and separation requirements in order to address any efficiency improvements while maintaining safety.

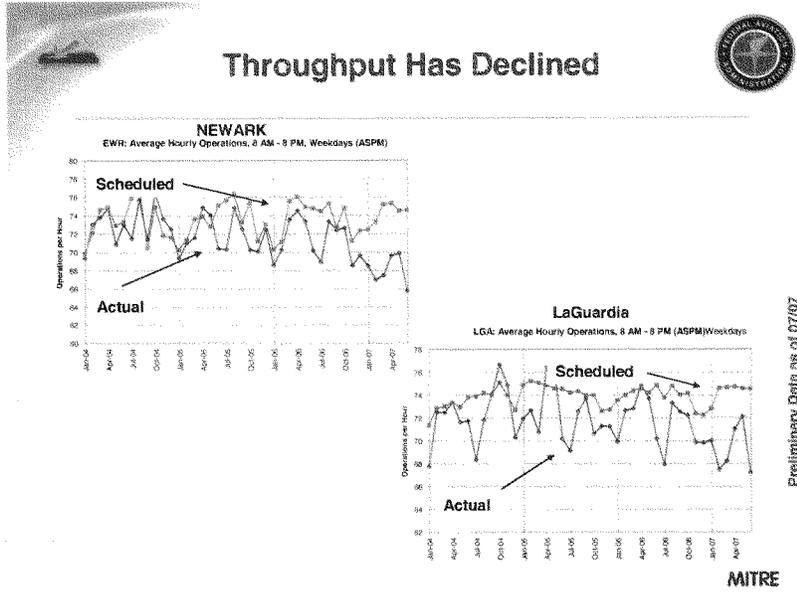


FIGURE 4

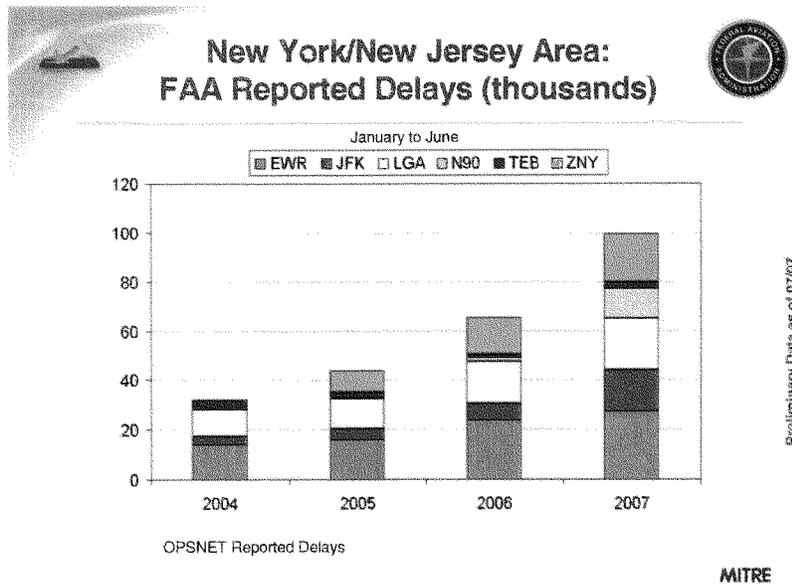
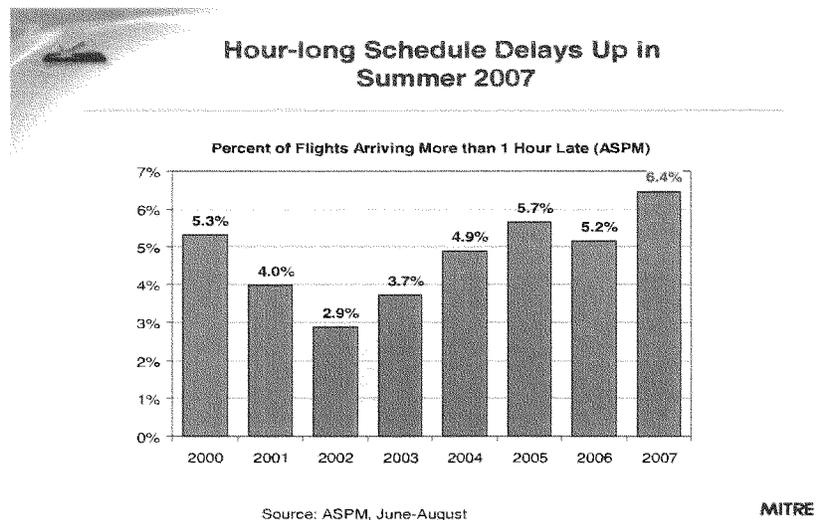


FIGURE 5

The magnitude of delays provides additional insight into the performance of the system. The FAA's OPSNET system records a delay whenever the progress of a flight has been delayed more than 15 minutes by any non-airline cause, such as miles-in-trail restrictions, runway congestion, airborne holding, ground stops, or ground delay programs (GDPs). Because delays greater than one hour are much more disruptive to airlines and passengers, this metric is also tracked. Recent trends for delays greater than one hour, shown in Figure 6, are significant. Hour-long delays at the 45 airports are at their highest level; even compared to 2000—a year in which aviation delays received much public attention.



**FIGURE 6**

### **Improvements Have Been Made**

As mentioned previously, system delays would be worse than they currently are if improvements had not been made at various locations across the NAS. Since 2006, five new runways have opened in Atlanta, Boston, Cincinnati, Minneapolis, St. Louis and new runway construction was begun at Dulles. Excluding Boston, where the new runway was designed to reduce delays rather than increase capacity, these new runways increase the benchmark capacity at the airport by 27-40 percent in good weather, and by 10-63 percent in poor weather. At some airports, the effect has been an increase from having just one landing runway in poor weather to two, or from two to three, greatly increasing the arrival capacity of the airport.

Recently, two large airspace redesign projects were completed. The Florida Airspace Optimization (FAO) implemented redesigned airspace and numerous new routes in a record 7 months in October 2005. This redesign is expected to reap \$20M a year in benefits. Then in 2006 the Midwest Airspace Enhancement (MASE) was completed, encompassing nine Air Traffic Control Centers (ARTCCs) including Chicago, Cincinnati, Indianapolis and Pittsburgh areas, and extending to Philadelphia, New York and Boston on the east coast, then down south as far as Atlanta and Jacksonville. MASE is expected to provide \$7M a year in benefits. Between 2002 and 2007, airspace redesign projects have produced almost \$700M of customer benefits from reduced delays, more efficient routing, and reduced restrictions from better balanced workload.

In the traffic management arena, a number of initiatives have been implemented. The National Playbook is a pre-coordinated set of routings to be used in bad weather. Flow Control Areas (FCA) and Flow Evaluation Area (FEA) tools allow the FAA and users to collaborate on solving congestion problems. More recently, the Airspace Flow Program (AFP) was initiated to address flows into congested enroute airspace, typically during bad weather, similar to Ground Delays Programs. According to FAA, 36 airspace flow programs were implemented on 19 days from June through August of 2006 resulting in a 21 percent reduction in delays from what they would have been without the capability in place. The flexibility of the AFP was expanded this summer, and delay savings are expected to be higher than last year. Another program called adaptive compression identifies airport slots that are made available due to cancelled, delayed or rerouted flights. As a result of this program, the FAA estimates that between April and July 2007, delays were reduced by more than 863,000 minutes, adding up to a potential \$35 million a year in fuel and other operational expense savings to the airlines.

Recently, FAA has developed a set of twelve short-term initiatives that are underway for the NY area to procedurally address current capacity issues. Examples include reducing excessive spacing on final approach, implementing independent parallel instrument approaches at Kennedy, simultaneous visual approaches at Newark, and additional use of jetways for departures out of New York. Finally, the Record of Decision for the New York, New Jersey, Philadelphia airspace redesign was signed in September 2007, paving the way for a more comprehensive solution to the largest airspace bottleneck in the country. The projected benefits of the redesign include a 20% reduction in delay in 2011 and \$250M in user benefits.

The FAA has also deployed controller automation tools to increase safety, efficiency and productivity. The national deployment of the automated conflict probe called URET has been completed. This controller decision support tool provides strategic prediction of aircraft conflicts and helps to efficiently resolve them. Initial MITRE estimates of annual benefits to users in fuel savings is approximately \$250M. Traffic Management Advisory (TMA) has now been implemented nationally at all centers, and is being used daily to provide time-based metering services to the following major airports: Los Angeles, Las Vegas, Houston, Dallas Ft. Worth, Miami/Ft. Lauderdale, Minneapolis, San Francisco, Seattle, Boston, Atlanta, and soon will be used for Chicago O'Hare. Besides providing a significantly smoother flow and improved throughput of traffic to these congested

airports to match their available capacity, studies by the FAA Free Flight Program Office showed that TMA can increase capacity at some of these airports by up to 3 to 5 percent during Instrument Meteorological Conditions (IMC). Other benefits such as reduced holding and shorter arrival flight distances in the TRACON for arrival aircraft have been documented.

Procedure changes to the system have also improved efficiency and flexibility in the system. Domestic Reduced Vertical Separation Minimums (DRVSM) was implemented in 2005, significantly increasing capacity in the en route airspace by doubling the number of usable altitudes between 29,000 and 41,000 feet. FAA estimated that DRVSM would save airlines approximately \$5 billion through 2016. Since 2005, more than 300 RNAV and RNP procedures have been implemented. As an example of the magnitude of benefits expected from these procedures, when fully implemented in Atlanta and Dallas-Ft. Worth RNAV departure routes are estimated to provide a combined total savings of approximately \$50 million annually.

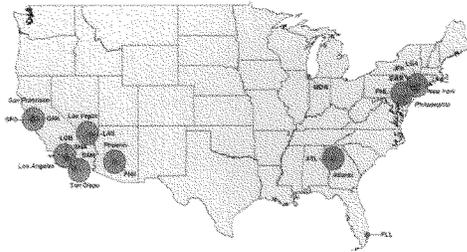
### **Looking to the Future**

In addition to the examples above, there are many other local, regional, and national plans that have been developed to increase system capacity. These plans were taken into account as part of the 2007 update to the FAA's Capacity Needs in the National Airspace System report. The report takes a systematic look at current and projected demand and capacity across our system of airports and also assesses needs by metropolitan areas. The results show that if all planned improvements are implemented by 2015, 6 airports and 4 metro areas will have insufficient capacity to meet projected demand. If the planned improvements are not made, this number increases to 18 airports and 7 metro areas. By 2025, the situation will worsen. With planned improvements, there are projected to be 14 airports and 8 metro areas that will be capacity constrained. Should the planned improvements not materialize, these numbers would increase to 27 airports and 15 metro areas. This is summarized in Figures 7, 8, 9 and 10.



**2025**

**After Planned Improvements**



**14 airports that need additional capacity**

- ATL   • LGB   • SFO
- EWR   • MDW   • SNA
- FLL   • OAK
- JFK   • PHL
- LAS   • PHX
- LGA   • SAN

**8 metro areas that need additional capacity**

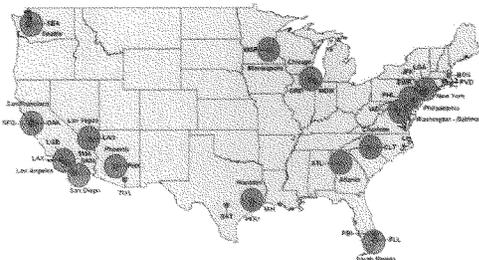
- ⊗ Atlanta
- ⊗ Las Vegas
- ⊗ Los Angeles
- ⊗ New York
- ⊗ Philadelphia
- ⊗ Phoenix
- ⊗ San Diego
- ⊗ San Francisco



**FIGURE 9**

**2025**

**If Planned Improvements Do Not Occur**



**27 airports that need additional capacity**

- ATL   • LAS   • PHL
- BOS   • LAX   • PHX
- CLT   • LGA   • PVD
- EWR   • LGB   • SAN
- FLL   • MDW   • SAT
- HOU   • MSP   • SEA
- IAD   • OAK   • SFO
- IAH   • ORD   • TUS
- JFK   • PBI   • SNA

**15 metro areas that need additional capacity**

- ⊗ ATL   ⊗ NY   ⊗ DC
- ⊗ CLT   ⊗ PHL
- ⊗ ORD   ⊗ PHX
- ⊗ HOU   ⊗ SEA
- ⊗ LAS   ⊗ SAN
- ⊗ LAX   ⊗ SFO
- ⊗ MSP   ⊗ SFLA



**FIGURE 10**

**Potential Solutions**

Now that capacity constraints have been identified out to 2025, what needs to happen to mitigate these shortfalls? Capabilities that are part of NextGen, such as 4-Dimensional Trajectories and Shared Situational Awareness, will help increase airport capacity in ways that we are only starting to analyze today. Further modeling of individual airports and the surrounding airspace is needed to better assess how much capacity will be gained in the future.

In general terms, NextGen will provide better navigation, surveillance, and information sharing and decision making than today. The aircraft will be where it is supposed to be, when it is supposed to be there, more accurately; the controller and ground automation systems will know where the aircraft is more precisely, as well as where the aircraft is going to be; and both the pilot and controller will know more quickly if an aircraft deviates from its plan. Together, these capabilities will allow a reduction in the buffers provided between aircraft while increasing levels of safety.

For example, we expect that the separations between aircraft can be reduced in NextGen, allowing more aircraft to land and depart per hour. Greater precision in planning will enable more efficient handling of aircraft of different sizes and performance. Allowing two aircraft on the runway at the same time could increase the arrival capacity and reduce delays at the majority (up to 90%) of the busiest 35 airports in the U.S., including Atlanta, Kennedy, and Newark.

Better surveillance and more automation in the cockpit can reduce the dependencies between operations on different runways. More precise navigation (using RNAV/RNP routes) will help to reduce the dependencies between operations at different airports in busy metropolitan areas. NextGen would thus allow more usage of existing runways at more than half of the top 35 airports, and might create new opportunities for construction of additional runways at existing airports.

More efficient use of the airspace would also facilitate greater use of secondary airports in major metropolitan areas. Aircraft noise will be reduced and aircraft will be routed over less noise-sensitive areas for minimal noise impact (which would benefit many airports, prime examples being Phoenix and Ft. Lauderdale).

Better weather data, together with cockpit display of traffic information, will reduce traffic disruptions due to poor weather conditions, leading to what are termed “Equivalent Visual Operations” in the NextGen concept. (For example, the capacity at San Francisco today in poor weather is only half the capacity in good weather.) Movement on the airport surface will be improved thanks to accurate surface information through ASDE-X and ADS-B and cockpit displays of traffic information (CDTI), for smoother flows of taxiing aircraft and fewer runway incursions (a problem recently at Los Angeles and other airports). In fact, around two-thirds of the top 35 airports are likely to benefit from improved surface traffic management, in terms of improved safety and reduced fuel

consumption while taxiing. Further analysis of the potential benefit of these and other NextGen capabilities at the nation's airports is underway.

As the FAA evolves the current Air Traffic Management System towards NextGen, we must all be focused on improving controller productivity to handle additional traffic as demand grows, and to provide better service to airspace users. The aviation community must move ahead with incremental implementation of a set of integrated capabilities and an operational concept that is firmly aligned with the NextGen vision and represents an affordable and realistic path. These integrated capabilities, that include improved surveillance, navigation, data communications, and automation for ground and airborne systems, will provide FAA and the aviation community with needed capacity and productivity benefits to handle increased demand. A number of technologies and procedures have been demonstrated to be technically and operationally feasible in both en route airspace and in busy terminal areas. These Performance Based ATM (PATM) capabilities are currently being incorporated into FAA's Operational Evolution Partnership. PATM validation through analyses and Human-in-the-Loop testing conducted over the past two years has shown that these en route and terminal concepts are feasible and provide significant benefits in service provider workload reduction. The amount of time spent on both routine and complex tasks was reduced. The amount of traffic safely and efficiently handled by the controllers was increased significantly (by up to 25%).

#### **Summary**

In summary, the answer to the question of why operations are down and delays are up appears to be that traffic levels have increased at the most popular hubs, which have little spare capacity, and have decreased at less popular hubs, which have more spare capacity. In addition, a significant number of activities to increase airport and airspace capacity have been underway, although they are not keeping pace with evolving aviation industry needs and the shifts in demand in specific locations. Local and regional solutions will continue to be needed to address capacity problems as they emerge, however, a system-wide approach to solving the nation's capacity needs is imperative. Finally, successful implementation of all the planned improvements at airports and in the airspace, as well as enhanced automation and procedures for both ground systems and avionics are critical to ensuring a safe and efficient aviation system both in the near-term and for the future. This will require full participation from FAA, customers, and manufacturers.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions the Committee may have.



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15 October 2007  
F010-L-226

The Honorable Jerry F. Costello  
Chairman, Subcommittee on Aviation  
U.S. House of Representatives  
Committee on Transportation and Infrastructure  
2408 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Costello:

Enclosed is my response to the Questions for the Record for the Subcommittee on Aviation hearing on September 26, 2007, regarding Airline Delays and Consumer Issues.

Please call me at 703-983-6410 if you have any questions regarding this response.

Sincerely,

A handwritten signature in cursive script that reads "Agam Sinha".

Dr. Agam N. Sinha  
Sr. Vice President and General Manager  
Center for Advanced Aviation System  
Development (CAASD)

ANS/cfv

Enclosure

MITRE

**Questions for the Record**  
**Dr. Agam N. Sinha**  
**Sr. Vice President and General Manager**  
**Center for Advanced Aviation System Development**  
**The MITRE Corporation**

September 26, 2007  
 Subcommittee on Aviation  
 Hearing on “Airline Delays and Consumer Issues”

**Question 1:**

**With regard to the quote from Agam Sinha’s written testimony:**

“The industry’s economic recovery has relied on changes in airline business models such as reducing non-hub flying, eliminating many short-haul flights, and reducing flights at certain airports such as Pittsburgh, Cincinnati, and St. Louis while increasing emphasis on other locations such as Ft. Lauderdale, Denver, and Kennedy.”

**Dr. Sinha, in your written statement you mention that the airline industry has changed its economic model by reducing non-hub flying and eliminating long haul flights. Would you explain these two trends and how they might affect delays?**

**Response:**

Since September 11, 2001 the legacy network carriers (that traditionally operate hub and spoke operations) dropped many short haul flights, parked large wide-body aircraft, delegated many of their routes to their regional airline partners, and concentrated their operations on their biggest hubs. Figure 1 demonstrates the impact of these actions on aircraft size at the top ten most delayed airports in 2006. Except for Kennedy (JFK) and Boston (BOS) airports, the number of seats per departure has decreased during that time.

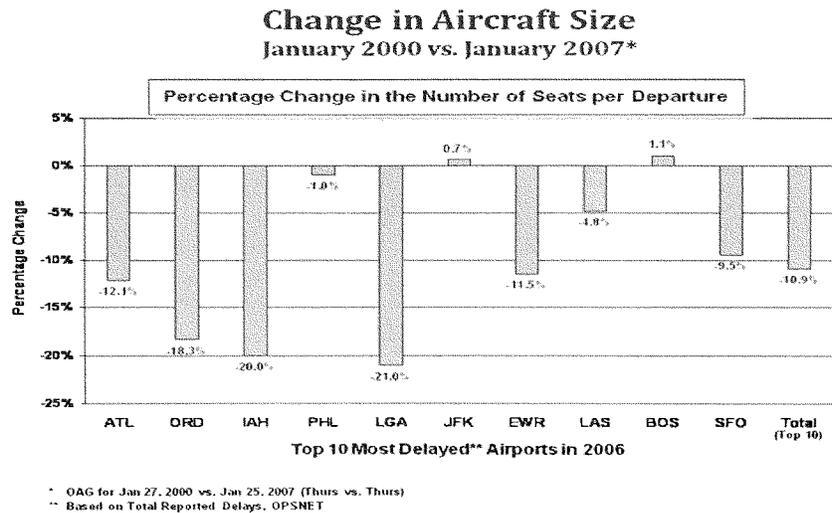


Figure 1: Percentage Change in Aircraft Size at the Top 10 Most Delayed Airports in 2006

Figure 2 shows that while operations at 38 of the top 45 airports in the country have decreased by 14%, operations at 7 of the 45 airports have increased by 10%. Unsurprisingly, these locations tend to be hubs for major network carriers such as Delta, United, American, Continental, and US Airways. Two airports are hubs for low cost carriers Air Tran and JetBlue. Both of these carriers utilize a hub and spoke network structure, in contrast to Southwest's distributed connecting network.

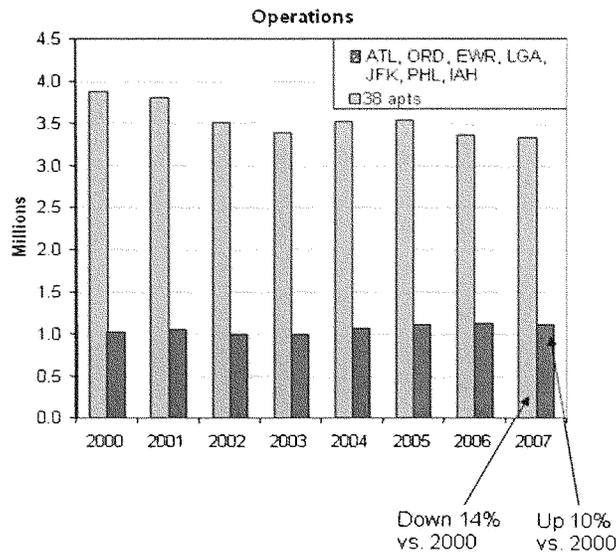
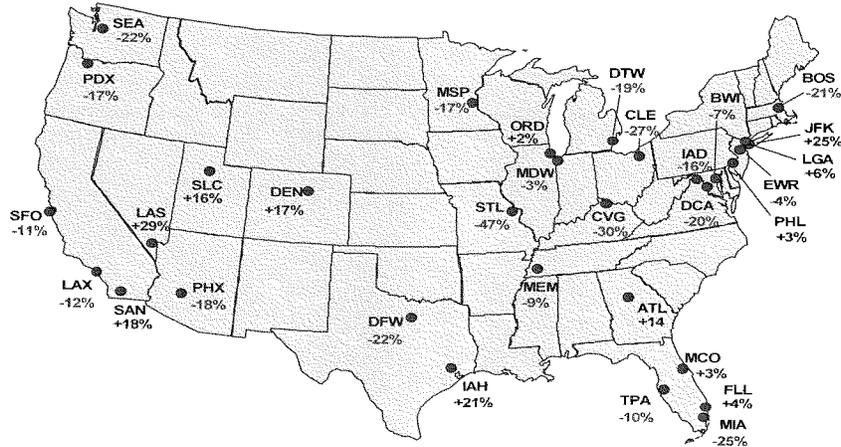


Figure 2: Operations at the Top 45 Airports

Figure 3 depicts changes in operations at major airports for the busiest period, summer, of 2000 versus 2007. The differences in some cases are substantial and follow a general pattern of reduction at lesser hubs while concentrating on a few key hubs (in particular the seven airports). However, a few instances require additional explanation. Some airports show a decrease in operations as a result of retrenchment by competitors. For example, Dallas-Fort Worth, Texas (DFW) shows an overall decrease in operations but this is mostly attributable to Delta Airlines' decision to close DFW as a hub airport, leaving American Airlines as the sole hubbing carrier there. Likewise, Dulles International (IAD), a hub for United Airlines, shows an overall reduction that reflects United's restructuring and its decision to focus on operations at Chicago O'Hare and Denver International. Operations at Cincinnati-Northern Kentucky (CVG), a secondary hub (that is, a connecting complex in a city with a smaller population than many competing hubs) was reduced by Delta airlines while it focused on Atlanta and JFK. St. Louis (STL) operations were reduced substantially by American airlines following its purchase of TWA in favor of focusing operations at DFW, ORD and JFK. Minneapolis (MSP), Detroit (DTW), and Memphis (MEM) while still the focus of hub operations for Northwest airlines, show decreases as a result of its reduction in size during its recent restructuring.

### Change in Operations by Major Airport Summer 2007 vs. Summer 2000



Source: OPSNET, Weekdays Overall Change = -8%

Figure 3: Comparisons of Operations at Major Airports Summer 2007 vs. Summer 2000

In contrast to the reduction in capacity by network carriers as the result of restructuring, the low cost carriers continued to add significant capacity. Figure 4 shows that between 2000 and 2006, network carriers reduced their capacity by 9% while low cost carriers have increased capacity by 82%.

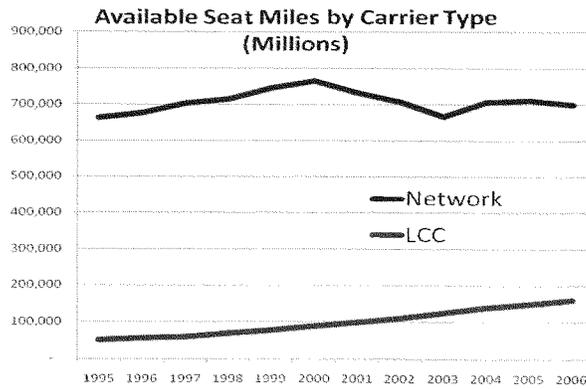


Figure 4: Available Seat Miles by Carrier Type

**Summary**

Network carriers have taken a number of steps in response to the incursion of low cost carriers and the challenges of the terrorist attacks of 9/11. First, they have retrenched at some of the secondary hubs and trimmed non-hub flying. Part of that retrenchment has included outsourcing of many routes to their regional airline partners who also fly mainly at their hub locations. Second, network carriers have reduced or abandoned secondary or more marginal hub locations such as Pittsburgh, Cincinnati, Cleveland, St. Louis. Third, they have reduced both their fleet size and the number of flights they offer. Fourth, they have added international capacity, which is not exposed to competition with low cost carriers.

Meanwhile, low cost carriers have taken full advantage of the restructuring period by increasing their capacity and market share. They have pressed their advantage at large airports such as JFK while increasing service to low yield leisure destinations such as Fort Lauderdale.

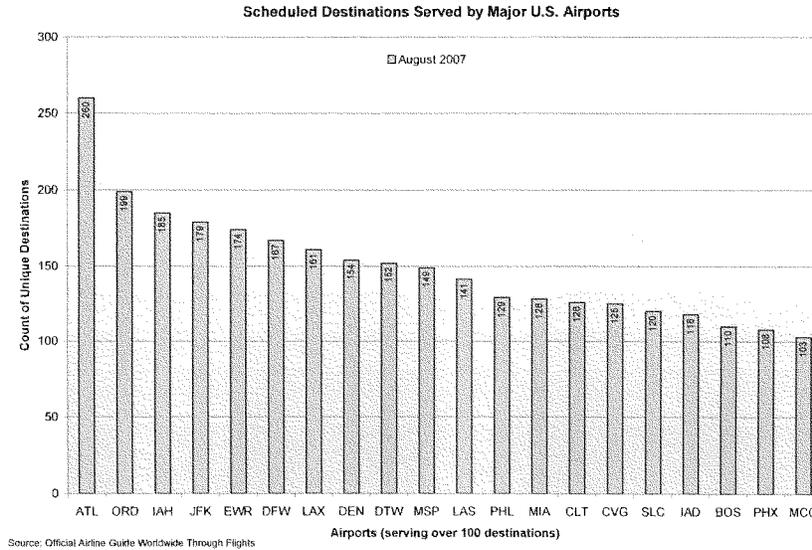
**Question 2:**

**Dr. Sinha, your written testimony seems to indicate that some of the busiest hubs have become busier since 2000, resulting in more delays. Based on your analysis, are there some airports that would seem more important than others in terms of triggering delays throughout the system? If so, would you please explain how specifically delays at these airports would trigger delays system wide?**

**Response:**

The airports that have high levels of demand and are highly utilized (with little spare capacity) typically experience higher levels of delay than other airports in the National Airspace System. The extent to which these highly delayed airports trigger delays system wide will depend on many factors including the connectivity (or network) of the air carriers that serve the airports, the time adjustments that air carriers have incorporated into their schedules to reflect system uncertainties, the cancellation policies of air carriers, and the ability of the air carriers to swap different equipment and crew on highly delayed airframes.

The following Figure 1 illustrates the connectivity of major airports in the NAS as represented by the number of unique destinations served. If there are high departure delays being experienced at an airport, it is very likely that these departure delays will result in corresponding arrival delays at the many destinations being served by the departure airport, depending on the time built into the air carrier’s schedule to address congestion or weather uncertainties.



**Figure 1: Number of Unique Destinations Served by Major U.S. Airports**

Subsequent departures from these destination airports utilizing the same aircraft and/or crew could also be potentially impacted from the delays experienced at the first departure airport. Air carriers employ different strategies for reducing the amount of delay that will be triggered from an initial delayed flight such as canceling flight segments that are highly delayed or swapping different aircraft or crew to serve the subsequent flights originally assigned to the delayed aircraft. The ability of air carriers to swap equipment and crew is very dependent on the resources it has available at each airport location. Several air carriers that operate major connecting hubs also have the ability to limit the amount of delay that is triggered by isolating the delay to only specific flight segments. For example, if a flight departing from Chicago O'Hare to Miami at 8 am typically experiences 30 minutes of departure delay, the air carrier can isolate the impact of delay to only Miami by routing the same aircraft back to Chicago O'Hare, and then back to Miami, so that no other airports except Miami are impacted by the initial departure delay at Chicago O'Hare.

Therefore, delays at specific airports triggering system-wide delays is a function of the connectivity of that airport as well as the airline's capability to manage the delay propagation by either aircraft substitutions or by isolating the origin-destination airports serviced by specific aircraft.

STATEMENT OF ROBERT A. STURGELL, ACTING ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, AND THE HONORABLE D.J. GRIBBIN, GENERAL COUNSEL, U.S. DEPARTMENT OF TRANSPORTATION, BEFORE THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON AVIATION, ON AIRLINE DELAYS AND CONSUMER ISSUES, ON SEPTEMBER 26, 2007.

Chairman Costello, Congressman Petri, Members of the Subcommittee:

Thank you for holding today's hearing on airline delays and consumer issues. We are now coming to the end of the peak summer travel season. We appreciate having the opportunity to assess how our aviation system performed and to describe the Federal Aviation Administration's (FAA) efforts to reduce congestion and delays in our nation's aviation system. Growing congestion and delays in our aviation system are a serious threat to the U.S. economy and our quality of life. Successfully addressing this threat will require us to embrace new solutions and acknowledge that pursuit of *status quo* policies will do little, if anything, to reverse the substantial decline in system performance that we have experienced in recent years.

This is precisely why the Administration has proposed to overhaul the way we pay for and manage our air traffic control system and to allow airports new flexibilities to embrace market-based pricing mechanisms at heavily congested airports. The prices that system users pay to fly in the United States do not currently reflect the true costs of flying. As a result, the current FAA and airport financing structure actually provides an incentive for more congestion. This is clearly not a sustainable approach.

As we frame the problem, we should note that we are living in the safest period in aviation history and we are constantly striving to make it safer still. In the past 10 years, the commercial fatal accident rate has dropped 57%. In the past three years, the United States averaged approximately two fatal accidents per year and 28 deaths per year; while any loss of life is tragic, this statistic is remarkable, given that there are well over 100,000 aircraft operations per day. General aviation accidents are down. Air traffic control errors are occurring at a rate lower than in the previous two years. Safety is and will always be the primary goal of the FAA. Nothing we do to address congestion and delays will ever compromise our safety mandate.

Still, it is no secret that while we are enjoying a record level of safety, we are at a critical point with congestion and delays. This past summer, we saw record delays in flights across the country. From October 2006 to August 2007, delays are up almost 20%, compared with the same time period from 2005-06. Eighteen of our nation's largest airports have returned to their highest pre-9/11 commercial passenger levels. This past summer, we saw 7,936,885 minutes in delays throughout the system. Of that, 44% occurred in the New York/New Jersey/Philadelphia region. Our aviation system is stretched to the limit. While we are addressing the delays issue with new technologies and procedures immediately, the FAA has, as you know, a long-term plan to address congestion and delays – the Next Generation Air Transportation System (or NextGen) will transform the aviation system and how we control air traffic. We must be able to handle the demands of the future for aviation travel – projected to be one billion passengers by 2015.

NextGen is a steady, deliberate, and highly collaborative undertaking, which focuses on leveraging our latest technologies, such as satellite-based navigation, surveillance and network-centric systems. It is designed to be flexible to take advantage of even newer and better technologies as they become available. Ten years ago, no one could have conceived of carrying thousands of songs in your pocket or being able to send emails using a PDA thumbboard. Nevertheless, those technologies are available and they have revolutionized the way many Americans live their lives. We want to make sure that our air transportation system can accommodate innovations without becoming entrenched in technology that is new today but obsolete tomorrow. But NextGen is not a “plug and play” system that can be dropped in place in 2025; we have already begun putting pieces of it in place – pieces that begin to lay the corners of the puzzle that is the solution to our record delays. In our testimony today, we would like to outline some of the near-term and long-term solutions that the FAA and its partners have in store to relieve the pressure of congestion and delays.

Aviation is one of the most complex industries in that world, consisting of an extremely intricate web of infrastructure, technology, and people. No one piece of today's aviation system can stand alone. We are all in this together, and we look forward to continuing our partnerships with the airport, airline, and business/general aviation communities to ensure that their pieces of their parts of the solution come together to help solve the problem as well.

**NextGen Solutions**

While the completion of NextGen is the long-term solution to transforming the air transportation system, the FAA is tackling congestion with many near-term initiatives. With the recent award to ITT of the ADS-B contract, our even more recently announced Airspace Redesign for New York/New Jersey/Philadelphia, several other new ATC procedures, and airport infrastructure projects, the FAA is well on its way to implementing the earliest pieces of NextGen to increase efficiency and reduce delays.

We would like to describe some of the key steps that we have recently taken or will be taking in the next few years to reduce delays:

*NY/NJ/PHL Airspace Redesign:*

The old, inefficient airspace routes and procedures pieced together over the past several decades were overdue to be reconfigured to make them more efficient and less complicated. In addition to more jet routes with increased and better access, the Airspace Redesign includes improved use of available runways, fanned headings for departures and parallel arrivals, and more flexibility to manage delays in severe weather. We project that under the Airspace Redesign, delays will be cut by 200,000 hours annually. This is the single greatest improvement to address congestion we see in the near future for the New York/New Jersey metropolitan area.

We also project that this will save \$248 million annually in operating costs for airlines. Additionally, the increased flexibility during severe weather is projected to save another \$37 million annually. Finally, the environmental advantages include reduced carbon dioxide emissions of a projected 430 million pounds per year, and the residents affected by aviation noise will be reduced by more than 600,000. These are impressive gains.

*Florida Airspace Redesign:*

To emphasize how our redesign efforts save us time and money, our recent Florida Airspace Redesign has proven very successful in addressing delays. In October 2005, the FAA

implemented the Florida Airspace Optimization (FAO), a series of airspace modifications that included:

- New sectors in Washington Center (ZDC) and Miami Center (ZMA) to reduce and redistribute controller workload;
- New overwater routes to increase north-south capacity; and
- New RNAV and conventional Standard Terminal Arrival Routes (STARs) to eliminate complex crosses and merges into Fort Lauderdale Hollywood International Airport (FLL), Miami International Airport (MIA), Palm Beach International Airport (PBI), and other airports in South Florida.

FAA calculates that in its first year, the redesign has reduced delays, reduced reroutes, and reduced foreign fees attributable to reroutes in the amount of \$22.5 million for traffic inbound to South Florida and \$11.7 million for traffic outbound from South Florida. In the Caribbean, a savings of \$400,000 has been realized due to reduced reroutes and international user fees. The benefits of the FAO total almost \$35 million annually.

*RNAV/RNP:*

The FAA is currently expanding the use of procedures like Area Navigation (RNAV) and Required Navigation Performance (RNP), which collectively result in improved safety, access, capacity, predictability, and operational efficiency, as well as reduced environmental impacts. RNAV operations remove the requirement for a direct link between aircraft navigation and a ground-based navigational aid (i.e. flying only from radar beacon to radar beacon), thereby allowing aircraft greater access to better routes and permitting flexibility of point-to-point operations. By using more precise routes for take-offs and landings, RNAV enables reductions in fuel burn and emissions and increases in capacity.

RNP is RNAV with the addition of an onboard monitoring and alerting function. This onboard capability enhances the pilot's situational awareness providing greater access to airports in challenging terrain. RNP takes advantage of an airplane's onboard navigation capability to fly a more precise flight path into an airport. It increases access during marginal

weather, thereby reducing diversions to alternate airports. RNP has the effect of reducing the overall noise footprint and aggregate emissions.

In April 2005, we added 7 new RNAV departure fixes at Atlanta Hartsfield-Jackson International Airport and 16 new RNAV procedures were added this past summer at Dallas-Fort Worth International Airport. These procedures can be implemented quickly and with less coordination between pilot and air traffic control when a normal departure route is temporarily unavailable because of weather or other cause. This saves time for the controllers and pilots, as well as fuel for the airlines that are equipped to use these procedures. We now have well over 100 RNAV procedures in place throughout the NAS, and are planning to roll out more where we can.

*Ground Delay (GDP) and Airspace Flow Programs (AFP):*

These are programs that help FAA traffic managers distribute delays equally among the relevant flights and enables us to safely meter the rate that traffic arrives at an affected airport or flies through the affected area. A GDP, implemented for a particular destination airport, controls flights destined for that airport by adjusting their departure times. AFPs can be thought of as GDPs in the air. Rather than delaying flights headed to a particular airport, an AFP controls flights routed through a specific section of airspace. An AFP will only impact flights through the airspace that is constrained. AFPs also provide a much more evenly distributed solution for customers. Instead of the large airlines absorbing all of the delays caused by severe weather, general aviation aircraft will be constrained by AFPs if their routes happen to take them through affected areas.

*Flight Schedule Monitor, Flight Schedule Analyzer, and Route Management Tool:*

Flight Schedule Monitor (FSM) creates a common situational awareness among all users and service providers in the National Airspace System (NAS). All parties need to be aware of NAS constraints in order to make collaborative air traffic decisions. FSM presents a graphical and timeline presentation of airport/airspace demand and capacity information and helps analyze and manage ground delay program/airspace flow programs so users can react quickly to NAS constraints.

Flight Schedule Analyzer (FSA) is a tool developed to explore the effectiveness of GDPs and to identify problems in the used in the Collaborative Decision Making (CDM) process. It is primarily an analysis tool.

Route Management Tool (RMT) facilitates increased information exchange between air traffic control and the airline user community. RMT is a query tool that allows users to search for, modify, and view centralized route databases and reference tables.

*Traffic Management Advisor:*

The Traffic Management Advisor helps controllers sequence aircraft through en route airspace into major terminals. TMA calculates a specific time for each aircraft to cross a fixed point in the airport landing route that also considers minimum safe distances between aircraft. Appropriate direction to pilots is then provided using that data, allowing arrival streams that take better advantage of available landing slots. The FAA estimates that when Time-Based Metering is used, there are increases in arrival rates of 3 percent or more. TMA is operational at all air route traffic control centers.

*Adaptive Compression:*

This is a computer program that automatically identifies slots that might go unused and moves other flights into those slots. We can minimize unnecessary delays, and with fewer slots going unused, maximize capacity.

*Controller staffing:*

The FAA understands how critical it is to have an adequately staffed and expertly trained air traffic controller workforce. That is why we developed a comprehensive Controller Workforce Plan to address the wave of retirement-eligible controllers over the next ten years. We have taken proactive steps to ensure we have the right people, at the right place and time. To that end, we are expanding our Collegiate Training Initiative, and we have held numerous job fairs, and streamlined security and medical clearance processes. We hired over 1,100

controllers last year, are hiring 1,700 this year, and plan to hire numbers consistent with the Controller Workforce Plan over next 10 years.

With regard to performance, as noted at the outset, safety is always our top priority. We are meeting our targets for both reducing operational errors and runway incursions, which are down year-over-year. Controller "time on position" (the time a controller actually spends controlling air traffic) system-wide is running about 4 hours and 30 minutes for an 8-hour workday. System overtime is at 1.1 percent, which is below previous years, and total operations per controller are roughly the same as 1999 and 2000.

*Airports:*

Since 2000, 13 new runways have opened at the 35 Operational Evolution Partnership (OEP) airports. These 13 new runways encompass more than 20 miles of new runway pavement, and provide the airports with the potential to accommodate 1.6 million more annual operations. This added capacity and decreased average delay per operation at these airports by 5 minutes. In addition, about 6 months ago, an end-around taxiway was commissioned at Atlanta Hartsfield-Jackson International Airport, the busiest airport in the United States. This provides an alternative to having aircraft cross an active runway and will eliminate 612 runway crossings per day.

Currently, eight OEP Airports have airfield projects (3 new runways, 2 airfield reconfigurations, 1 runway extension, 1 end around taxiway, and 1 centerfield taxiway) under construction. These projects will be commissioned by 2010 providing these airports with the potential to accommodate about 400,000 more annual operations, decrease average delay per operation by almost 2 minutes, and significantly reducing runway crossings.

Ten other projects (3 airfield reconfigurations, 3 runway extensions, and 4 new runways) are in the planning or environmental stage at OEP airports through 2017. In addition, seven communities have planning or environmental studies underway to examine how their metropolitan area will accommodate future demand for aviation. Two communities have environmental processes underway for new airports.

Additionally, we have an initiative to direct Airport Improvement Program funds for enhancements at other high activity airports located within congested metropolitan areas that will improve each metropolitan area's ability to accommodate future aviation demand efficiently. We are also continually seeking ways to strengthen our environmental stewardship as we increase capacity at airports, by developing better systems, technologies, and analytical tools to evaluate aircraft noise and emissions.

The Future Airport Capacity Task (FACT) 2, an FAA study which was recently released, considered the impact of growth in air travel through 2025. Demand and operational capacity at 291 airports spanning 223 metropolitan areas across the country was evaluated. Results indicate that by 2025, 14 airports and eight metropolitan areas will require additional capacity, even if planned improvements are built at airports throughout the system. FACT 2 recommends various capacity improvements including: new runways and new commercial service airports; additional studies to focus and determine appropriate regional solutions like the increased use of secondary airports; congestion management; and the continued development and implementation of NextGen. FAA is starting to work with local communities and airports forecast to be capacity-constrained, including metropolitan regions on the east and west coast to develop plans to address the anticipated capacity issues in each of the targeted areas.

These are a few of the steps that we are taking to address congestion and delays. Of course, as we develop and implement these programs and take these measures now to relieve delay in the short-term, we continue to look forward. We cannot just put a Band-Aid® on the system; we have to build on this foundation now.

#### **Consumer Concerns**

We at the Department of Transportation (DO) are not only dedicated to reducing congestion and resultant flight delays, but we are also, of course, committed to improving the treatment afforded air travelers by airlines during flight delays and, in particular lengthy on-ground delays. Clearly, stranding passengers aboard aircraft for several hours simply is not acceptable and something

must be done to minimize such incidents. In this regard, we would like publicly to thank Inspector General Scovel and his staff for the excellent report issued this week. Secretary Peters has directed the staff to carefully and thoroughly review the Inspector General's recommendations as quickly as possible.

While the Inspector General's report is very important to us, we would like to add that we have not been idle while awaiting the results of his investigation of specific lengthy, on-ground delay incidents and the manner in which the industry handles flight irregularities in general. Secretary Peters established a senior staff working group to examine the alternatives available to the DOT to address the consumer protection issue (as well as congestion) and it is well along in its consideration of various alternatives. Thus, we expect to be able to include the Inspector General's recommendations in our on-going deliberations. The Department does have the authority necessary to act on matters involving the treatment of consumers through statutory provisions that prohibit carriers from engaging in unfair and deceptive practices (49 U.S.C. 41712) and require carriers to provide "safe and adequate" service (49 U.S.C. 41702). With respect to deceptive practices, the Office of the Secretary's Aviation Enforcement Office has for a number of months been investigating chronically delayed flights and compliance by airlines with the existing Department requirement that airline reservation agents provide consumers flight delay information upon request. We intend to take whatever action is in the public interest to improve the current situation faced by consumers.

#### **Partnerships in Problem-Solving**

While the FAA and DOT are taking aggressive steps to reduce congestion and delays, we are not in this alone. The airlines and other aircraft operators hold important pieces to the puzzle as well. Specifically, the airlines sometimes schedule their flights in a way that pushes the system to capacity under even the best of conditions. Understandably, these schedules are largely a response to market demand. We encourage our friends in the airline industry to reassess their scheduling with an eye towards relieving some of the strain on the system. The long-term savings in reduced delays and happier consumers are well worth it. Airlines have voluntarily made these changes in the past, such as "de-peak" schedules at Atlanta Hartsfield-Jackson and Dallas-Ft. Worth, and those changes produced smoother operations.

Also worth noting is that general aviation and business aviation use is up. While new users and business models are critical to the growth of the system, the air traffic control system cannot accommodate every new proposed use without a system that matches our costs with the revenues being produced to pay for the system. On a system-wide basis, our cost allocation found that general aviation drives about 16% of the costs of the air traffic control system, while only paying about 3% of the taxes, a situation that is unsustainable given the growth in GA flight time that we expect. We believe that a fairer allocation of costs is necessary to sustain the system and allow it to grow.

#### **Reauthorization**

This brings us to our final point, that Congress plays an enormous role in shaping a solution. The Subcommittee has heard this before, but it bears repeating as we move to the final stages of this year's reauthorization debate: a cost-based funding structure is essential to transforming the aviation system. Numerous bipartisan commissions have recommended cost-based funding for the FAA over the last two decades, and air traffic control providers in every other developed country have cost-based funding. Failure to adopt a cost-based system here is unfair to our air travelers and will hinder the implementation of NextGen, and, for the first time in history, put the United States behind other countries that are moving towards the future of aviation.

We need fresh thinking and fresh approaches, and we need them now. There is little connection between what users pay for services and the costs they generate, and this detachment leads to distorted consumption of air traffic services, and ultimately congestion. This is why the Administration developed a proposal that included provisions for cost based financing, the flexibility to charge congestions fees, and market-based congestion pilots at congested airports like LaGuardia. We know the system is not cost-based from the results of the FAA's most recent study. Using comprehensive cost accounting and activity data, we put together the most detailed and transparent cost allocation ever done by FAA or, we believe, by any other air traffic control provider.

The Administration's proposal was crafted to reform FAA's financing system to better enable modernization and reduce congestion. In its proposal, FAA would charge cost-based fees for terminal and en route airspace. At large congested airports, FAA could vary this terminal fee based on the time of day and day of the week, to reduce delays and congestion. The Administration's proposal also included market-based mechanisms (such as auctions or congestion pricing) to allocate takeoffs and landings. This would be used at airports in which varying the cost-based terminal fee would not be sufficient to reduce congestion.

The Members of this Subcommittee are well aware of the long-term challenges facing the FAA. We appreciate your support of our programs, and the hard work and long hours you have put in towards reauthorizing the FAA's programs. We are at a crossroads in aviation history and the path we choose now will have ramifications for generations of air travelers to come. We are eager to continue working with the Congress on the reauthorization process.

We have taken steps to reduce congestion and delays. However, the system is still stretched to capacity and congestion and delays are still problems, and unless we change our approach now, things will only get worse. We expect that by 2015, the system will be carrying one billion passengers per year. International passenger traffic is expected to grow by 70% in that same timeframe. If we don't make changes to our system, our projections indicate that by 2014, we will see an increase in delays of over 60% than what we have today.

We need NextGen. We believe that we have a fairly strong consensus on that point. We also need the cost-based financing reforms or market-based congestion programs, or we will not have the tools to get there in time to meet the demand. We must seize the opportunity this year to deliver it with a cost-based and fair financing structure.

Mr. Chairman, that concludes our prepared statement. We would be happy to answer any questions that you or the other Members of the Committee may have.



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

October 24, 2007

The Honorable Jerry F. Costello  
Chairman  
Subcommittee on Aviation  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
2251 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Costello:

Thank you for the opportunity for Acting Administrator Robert Sturgell to testify in front of the Subcommittee on airline delays and consumer issues on September 26, 2007. I am writing to clarify for the hearing record some statistics that were included in the written testimony for that hearing.

Specifically, the written submitted testimony cited that air traffic controller "time on position" was approximately 4 hours and 30 minutes per 8 hour workday, and that system overtime was at 1.1 percent. These statistics were accurate when calculated on 12 month rolling average as of February 2007.

However, since the written testimony was submitted, we have recalculated those statistics for the fiscal year 2007. The average controller time on position for FY2007 is 4 hours 48 minutes per 8 hour workday, and average controller overtime is 1.66 percent.

I hope that this information clarifies any seeming inconsistency between the statistics. Please feel free to contact Victoria Wei of my staff at (202) 267-3175 if you have any further questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary U. Walsh".

Mary U. Walsh  
Assistant Chief Counsel for Legislation

cc: Pam Keller  
Jason Brookhyser

September 26, 2007  
Subcommittee on Aviation  
HEARING on  
“Airline Delays and Consumer Issues”

Questions for the Record

To:

**The Honorable Robert A. Sturgell**  
Acting Administrator  
Federal Aviation Administration

**QUESTION:** Mr. Sturgell, you mentioned some specific near-term steps that the FAA is taking in the New York area to enhance capacity and reduce delays. For example, you mentioned “fanned departures,” new RNP procedures and “a new procedure for a right turn out of JFK when departing to the northwest.” Would you please explain in detail each of the following improvements that you plan to make in the coming months, when each improvement will be completed and the expected delay reduction benefits from each improvement?

**RESPONSE:**

The items that were referenced in the House Subcommittee on Aviation hearing on Airline Delays and Consumer Issues on September 26 are the planned initial implementation items for the New York/New Jersey/ Philadelphia Metropolitan Area Airspace Redesign. In the “Implementation of the Selected Project” section of the Record of Decision (ROD) for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the following items are identified as candidates for initial implementation:

“The first stage involves elements of the selected project that do not require large-scale changes to other parts of the system. These items may be implemented without changes to the current airspace structures or operations of neighboring facilities.

- Right turns for departures off Runway 31R at JFK
- Departure dispersal headings at EWR, PHL and LGA
- RNAV overlay procedures for TEB departures and approaches
- RNAV overlay for PHL river visual approach
- Develop an additional parallel airway to Jet Route 80
- A third westbound departure fix for PHL
- RNAV overlay for LGA Localizer Type Directional Aid (LDA) approach to Runway 22
- RNAV fix on the VOR 13L/R and 13L/R visual approaches to JFK”

All of these elements of the selected project are defined in detail in the Final Environmental Impact Study (FEIS), but an operational summary of some of the elements follows. Departure dispersal headings allow aircraft to use multiple headings off the end of the runway instead of following each other directly in a line, using lateral separation of flight paths. The PHL river visual approach is a procedure that follows the river, placing flight tracks over less populated areas. The LGA LDA approach allows aircraft to approach the runway at an angle without losing precision.

An exact implementation timeframe for these items has not been determined and is under consideration. The current Federal Aviation Administration plans are to start implementation within 60 days of the ROD, and to complete implementation of the first two bulleted items (right turns for departures off Runway 31R at JFK, and departure dispersal headings at EWR, PHL and LGA) in late 2007 or early 2008. The exact schedule will depend on activities key to implementation, including procedural development, risk management analysis, and controller training.

When all of the elements of the project are implemented, we expect a 20 percent reduction in flight delays, as compared to doing nothing. Operational benefits were calculated for the whole design, not individual elements, and are fully documented in the FEIS. The FAA ultimately chose the selected project based upon the delay benefits of the entirety of the project's operational elements, not upon the delay benefits of any individual element. No individual element's benefits can be fairly viewed outside of the aggregate, as this does not account for the careful balance of factors required by our environmental review process.



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September 26, 2007

The Honorable James L. Oberstar  
House of Representatives  
Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Oberstar:

We very much appreciate your leadership on aviation issues. We wanted to provide our comments to you on the Aviation Subcommittee's hearing on "Airline Delays and Consumer Issues."

First, I want to address traffic system delays and congestion that continue to increase in multiple markets. These are very important issues that are not only impacting travelers and communities throughout the country, but are also blocking many communities and travelers from obtaining true competitive travel options.

On behalf of our low-fare carriers, we believe that carriers need to take an active role in addressing delays and congestion and we are prepared to do so, however it is also essential that the Department of Transportation and the Federal Aviation Administration not only address these problems, but at the same time ensure that competition is protected and strengthened. Several airports and markets are currently closed to new entry and have been so for several decades. Moreover, fewer people are utilizing these airports because they have been flooded by smaller aircraft. We have waited for approximately ten years for changes to the restrictions that limit flights at major airports such as LaGuardia (LGA), but instead of progress, the status quo has remained. As a result, consumers have paid much more for travel.

Chicago O'Hare International Airport, LGA and Ronald Reagan Washington National Airport (DCA) – airports have been slot controlled for over 30 years - have less low fare service and competition than most other airports in this country. O'Hare is dominated by two large carriers (American Airlines and United Airlines) who have significantly increased flights. Similarly, legacy carriers have flooded LaGuardia with regional jet

service to close the airport to competition.<sup>1</sup> In the FAA's "Notice of Alternative Policy Options for Managing Capacity at LaGuardia Airport and Proposed Extension of the Lottery Allocation," (Docket 2001-9852, June 12, 2001) the FAA noted that in addition to the increase in flights at LGA in 2000:

"...[T]here are other factors that must also be considered which may have contributed to congestion and delay at LGA. For example, in recent years there has been a continuing trend toward using smaller aircraft for the provision of scheduled service at LGA. In fact, over the last six years there has been a significant increase in the use of smaller aircraft serving LGA... While the use of small aircraft has promoted service to small communities, these aircraft may have also contributed to the congestion and delay experienced at LGA while accommodating fewer passengers than larger aircraft. A proper balance between access and airport congestion must be struck if LGA's limited resources are to be used as efficiently as possible."

Delays have a significant effect on smaller carriers who often cannot function and are closed down when flights cannot be operated as scheduled. Dominant carriers with multiple flights in a single market can cancel a few of those flights and then operate the remaining flights on time. A carrier with only a few of departures to a single market does not have that option. Moreover, larger carriers can send passengers over other markets or through codeshare partners to get them to their final destination within a reasonable amount of time. A small carrier often has little choice but to cancel flights. It is time to take steps to lessen the impact of delays on competition.<sup>2</sup>

In addressing delays and congestion, we ask that you emphasize the critical need to promote competition. FAA has repeatedly stated that one of its primary objectives is to promote competition,<sup>3</sup> but it has not taken steps to increase the small percentage of flights

<sup>1</sup> Today about 50% of all LGA operations are with regional jets.

<sup>2</sup> On multiple occasions the ACAA has requested that the FAA put in place a "delay-free" procedure that would allow all carriers to designate 10 arrivals at a congested airport such as LGA. These "delay-free" flights would always be operated without delays (except in the event of unusual weather or operational procedures) and would lessen the impact of those delays on small carriers. It is time for FAA to issue a "delay-free" flight program.

<sup>3</sup> In the FAA's "Notice of Alternative Policy Options for Managing Capacity at LaGuardia Airport and Proposed Extension of the Lottery Allocation," (Docket 2001-9852, June 12, 2001) the FAA noted: "It is DOT's intention to develop a fully array of public policy tools to develop a comprehensive aviation strategy that focuses on ways to reduce delays, improve airport capacity management, enhance competition, and promote the efficiency of the overall aviation system."

operated by low-fare carriers. We have urged FAA/DOT to act on its responsibilities to promote customer choice and competition and to take immediate action to reduce the number of regional jets in operation, improve access to congested airports, and finally free small carriers from the restrictions constraining growth and competition. As envisioned by deregulation<sup>4</sup>, it is time to provide American travelers with travel and fare options.

We also understand the growing concerns about customer service. We agree that it is time for the airlines to enhance customer service. For example, we have suggested to the Department of Transportation that they extend denied boarding compensation to carriers that operate aircraft with 30 to 60 seats since today, aircraft with fewer than 60 seats do not have to provide denied boarding compensation.

We also think it is essential that airlines and airports hold forums to look at all steps that can be taken to provide passengers with information and food when delay problems become significant. It is also important that airlines respond to passengers who raise questions about travel problems and experiences.

At the same time, we also have to emphasize that not all airports are the same and that smaller carriers often do not control their own gates at many airports where they operate. Therefore, while a carrier with dozens of flights and multiple gates may have options to return to a gate, carriers with a smaller number of flights may not have that option. Having said that, our carriers take several steps to ensure that they have food and beverages available if delays become significant. The type of food item carried also varies by carrier. For all of these reasons, we cannot have a "one size" fits all program. We look forward to working with you to develop requirements on these issues.

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<sup>4</sup> Airline Deregulation Act of 1978 49 USC 1301

The Department is charged with facilitating new entry and competition in the airline industry. Under 49 U.S.C. § 40101:

(a)...the Secretary of Transportation shall consider the following matters, among others, as being in the public interest and consistent with public convenience and necessity.

\* \* \*

(7) The prevention of unfair, deceptive, predatory, or anti-competitive practices in air transportation, and the avoidance of

A. unreasonable industry concentration, excessive market domination, and monopoly power; and other conditions;

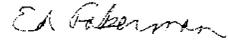
B. that would tend to allow one or more air carriers unreasonably to increase prices, reduce services, or exclude competition in air transportation.

\* \* \*

(9) The encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the variety, quality, and price of air transportation services.

We very much appreciate your leadership on all aviation issues and would be happy to meet with you to further discuss delays, congestion, customer service and competition.

Sincerely,

A handwritten signature in cursive script that reads "Ed Faberman".

Edward P. Faberman  
Executive Director



Continental Airlines recently lost a bag of mine filled with irreplaceable possessions. This bag was a carry-on – not a checked, a carry-on -- bag and was moved without my knowledge or permission from the overhead bin. No one has seen the bag since.

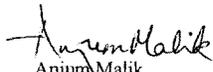
This took place on my way to Rhode Island to attend the graduation ceremonies for members of the Initiative to Educate Afghan Women. The First Lady, Mrs. Bush, was scheduled to be there and so, due to the nature of the events, I had packed some good clothes and jewelry and decided to take everything in one carry-on. A flight attendant helped me place my suitcase in the overhead bin a few rows away from mine as the space above my seat was taken.

After the plane was taxiing on the runway, I was informed that the Continental staff had moved my bag -- supposedly to the lower storage area of the plane. In order to find whose bag it was, the Continental staff had gone into my suitcase and from my purse they got my airline ticket and my name! Yet they did not have enough sense to at least give me my purse or to see if I needed anything (such as my medication) or wanted anything (such as my jewelry) from the bag. Although they knew from my ticket that I had a connecting flight in New Jersey, they still didn't gate check my bag, which would have allowed me to retrieve it upon exiting the plane at Newark to make my connection to Providence. Instead, they told me that they had checked it all the way through to Providence and handed me a handwritten number. Unsurprisingly, the bag vanished, along with my jewelry.

This is the most bizarre action I've ever known an airline to take with respect to a passenger's carry-on luggage, and may well be the most egregious case of airline carelessness you have heard.

Still, it doesn't stop here. Now Continental is claiming no responsibility and have retained Fulbright and Jaworski to fight me. They asked for receipts of all items over \$100 which I told them I did not have, so -- per their request and suggestion -- I supplied them with credit card statements and personal letters from store managers who have records of my purchases. I thought that Continental had agreed to honor this information, but absolutely nothing came of it.

They took entirely unnecessary, unapproved, unilateral action over which I had no control and which directly resulted in the loss of my property. There was nothing I could have done to prevent this, and now they choose to pay exorbitant legal fees rather than compensate me for the loss they caused.

  
Anjum Malik  
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**STATEMENT OF RAYMOND M. FLYNT  
PRESIDENT AND CEO  
TRAVELERS AID INTERNATIONAL**

Submitted to

**THE HOUSE COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE**

**SUBCOMMITTEE ON AVIATION**

**ON AIRLINE DELAYS AND CONSUMER ISSUES**

**SEPTEMBER 26, 2007**

Chairman Costello, Congressman Petri, Members of the Subcommittee:

Thank you for the opportunity to submit a statement for the record regarding the important issue of airline delays and consumer issues.

With its mission to assist people who are in transition—or crisis—and disconnected from their support systems, **Travelers Aid** has provided “*A Helping Hand Along the Way*” to travelers for more than 155 years. In addition to inner-city locations that assist stranded persons, Travelers Aid has a network of programs at twenty-five North American airports. At those airport locations, Travelers Aid, using over sixteen hundred volunteers, assisted more than six and one-quarter million people last year with information, directions, and problem solving during the course of their travels. Travelers Aid is a leader in airport customer service, and the focus of this testimony relates to the traveling consumer and the changes they have endured in recent years.

We recall that today’s headlines regarding air traffic delays first surfaced in the summer of 2001, when the media was filled with stories of an air travel system straining with record numbers of travelers. The need to modernize the nation’s air traffic control system and increase runway capacity (requiring many years of planning) were cited as the long-term fix. Then came September 11, 2001, after which the nation’s airlines were no longer operating at record capacity. Airline survival became the story in the summer of 2002.

After airplanes were used to attack the World Trade Center, many people avoided air travel completely, and there was a steep decline for several years in foreign visitors to the United States. New security requirements at airports, including the guidance for passengers to arrive an hour and a half to two hours before flying (even longer for international travel) have prompted consumers to change their traveling habits as witnessed by the growing number of passengers on Amtrak's northeast corridor. Anecdotal evidence suggests that because of the requirement for earlier arrival at airports, many passengers have opted to drive instead of flying for trips that could be accomplished in four or five hours.

In an effort to remain profitable, airlines have reduced their personnel at airports. Automated check-in kiosks have permitted fewer customer service agents, and reductions in the number of baggage handlers has slowed the process of getting checked luggage to travelers at the end of their trip. (NOTE: When liquids were first banned on flights in August, 2006, this had an impact on the number of people who decided to check baggage rather than surrender liquid items during the TSA security screening.) Our experience during the last six years is that consumers are savvy, and it doesn't take long for them to adapt their behavior to new regulations and procedures.

In 2007, we are seeing record numbers of airline passengers, and the problems observed earlier are with us once again—only this time within an environment that has changed significantly over the past several years. In their groundbreaking book MEGATRENDS, authors Naisbett and Aburdene noted that in an increasingly technological world, hi-

touch would be the antidote to high tech. Travelers Aid's experience with travelers suggests that this is true. As the air travel experience becomes more complicated and more stressful (increased security, new regulations, fewer airline customer service personnel, growing delays, overbooked flights, and lost luggage), more and more travelers are turning to Travelers Aid. With air travel this year expected to top the 737 million passengers handled in 2006, on any given day an airport is like a small city; teeming with people who are traveling out of business necessity, enjoying a vacation, or traveling for a multitude of specific reasons (e.g., funerals, family illness, job searches). Like every city, the population includes those who are anxious or inexperienced about their travels; elderly or people with disabilities; people on medication; and those trying to cope with an unexpected change in their itinerary. Every day, Travelers Aid sees people with travel-related problems:

- Missed a connecting flight and have to reschedule
- Forgot medication or their medication remains in checked luggage
- Need extra assistance finding their way
- Arrive expecting to be picked up, but a flight delay creates a disconnect with their ride
- Need assistance in mailing back a precious item that TSA would ask them to surrender
- Those who arrive at the wrong airport (Yes, it happens! e.g., Dallas when they wanted to go to Dulles)

The Internet has transformed the way people plan their travels, and has also helped keep costs competitive while providing more consumer choices. Not that many years ago a person would normally contact an airline to arrange their trip from, for example, New York to Los Angeles. Now after researching a variety of options on the Internet, a person may reserve airline “A” from New York to Chicago, while scheduling airline “B” from Chicago to Los Angeles. If the first flight is delayed sufficient to cause the person to miss the connecting flight, then the traveler confronts additional challenges of re-booking fees, etc. from the second airline (which has no investment in the earlier leg of the passenger’s trip). This is another example of the type of traveler assisted by Travelers Aid.

Our volunteers are knowledgeable and experienced in common travel problems, and know how to assist frustrated and sometimes angry travelers. Through person-to-person interaction, Travelers Aid provides up-to-date information to help people make decisions, shares our expertise of how other travelers have handled similar situations, and acts as an ombudsman to assist the traveler with airline or airport personnel.

Travelers Aid—once a fixture at rail stations when trains were the most common source for interstate travel—has been a part of the country’s major airports for more than four decades (LAX, SFO, DCA, IAD, JFK, ORD, DTW). Travelers Aid is a critical customer component, and because of our use of volunteers, a cost-effective way to help travelers. With the post 9/11 security measures consuming much more of traveler’s time, many people now refer to the “hassle” of air travel. Add in the growing numbers of delays for flights and/or passenger luggage, and the stress levels are higher than ever at airports. We

at Travelers Aid are there to help reduce the stress of modern travel. In addition to services provided at each of the airports that Travelers Aid serves, we maintain an active network to keep those airport programs connected. Because a passenger's journey encompasses a minimum of two airports—and often a third with connecting flights—a Travelers Aid volunteer at Dallas/Fort Worth Airport, for example, can contact the Travelers Aid program at the destination airport to alert them regarding a passenger who (because of age, infirmity, or other factors) may require the services of Travelers Aid upon their arrival.

As a result of this networking capacity, we believe that we can do much more at airport locations that currently do not have a Travelers Aid presence. As a matter of public policy, airports should be encouraged to incorporate Travelers Aid programs that can assist air passengers by providing up-to-date information, directions, and problem-solving in order to make their journey go a little smoother. The result for the airport is a more pleasant and stress-reduced travel experience.

We are always happy to serve as a resource for the Subcommittee on Aviation regarding issues affecting air passengers.

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Travelers Aid, founded in 1851, is the oldest continuing non-sectarian social services movement in the United States. Travelers Aid International is a nonprofit association whose membership served more than 6.5 million people last year in forty-eight

communities, and at thirty-six transportation centers. Travelers Aid is most visible in transportation centers—the nation’s busiest airports, as well as bus and train stations—where each year millions of people seek information or assistance. Travelers Aid volunteers provide reassurance as well as the information necessary for travelers to make informed decisions. Travelers Aid assists elderly and disabled persons, and anyone who needs extra attention to make their connections. Our services at airports have been particularly beneficial to travelers during the peak demand of the summer of 2007.

Web site: <http://www.travelersaid.org>