



U.S. Senate Committee on Commerce, Science, and Transportation

Senator John D. (Jay) Rockefeller IV, Chairman

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FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

Floor Statement: As Prepared for Delivery – Senator John D. (Jay) Rockefeller IV, Chairman

WASHINGTON, D.C. — Mr. President, our air transportation system is at a crossroads. For decades the Federal Aviation Administration (FAA) has done an excellent job of operating the world's most complex airspace system.

This system has served us well. Not only is it the safest airspace system in the world, it is a critical component of the nation's economy.

I cannot understate the importance of a vibrant and strong aviation system. It is fundamental to our nation's long-term economic growth – from the largest cities to the smallest communities in my home state of West Virginia – because it connects our citizen's and our businesses with the global economy.

Rural and small town America must continue to be adequately linked to the nation's air transportation network if our people and businesses are to compete economically with larger urban areas in this country and around the world.

All of our futures are tied to a modern aviation system.

Challenges Facing Our Aviation System

Increasingly, however, our air transportation system – and the FAA – is strained beyond its capacity. Our skies and airports have become plagued with congestion and delay on a regular basis.

Over the past decade we have seen passengers delayed for hours on runways. During peak times, such as the holidays, the system is often paralyzed. Disruptions at just one key airport – JFK, Chicago, or Los Angeles – can quickly cascade throughout the entire system.

When the weather is clear and our nation's aviation infrastructure operates perfectly, most travelers get to their destinations on time. But even under the best of conditions, many of them do not.

With airline capacity cuts these delays can easily extend to days for passengers that cannot find flights with any empty seats. Our constituents are frustrated about flying and rightly so.

When our economy recovers, and I believe this growth has slowly begun, congestion and delay will only get worse. The FAA predicts that commercial air travel will increase by nearly 50 percent over the next decade – from our current level of about 700 million passenger a year to 1 billion annually.

The possibility of a meltdown of the Air Traffic Control (ATC) system may become a reality, and this will put passenger safety at unnecessary risk.

These are not the only troubling signs. While aviation has an excellent safety record, the FAA's and the industry's focus on safety and vigilance in maintaining it as the highest priority have come into question.

The grounding of thousands of aircraft throughout the system in 2008 raised questions about the quality of airline maintenance practices and the FAA's ability to provide sufficient oversight of air carriers.

The tragic accident of Flight 3407 has exposed problems with pilot training, flight crew fatigue, and the ability of the industry to assure the traveling public that there is one level of safety throughout the entire system.

For all these reasons I stand here and encourage my colleagues – in as strong a fashion as I can – to move forward and pass the S. 1451, the FAA Air Transportation Modernization and Safety Improvement Act.

The Failure of Recent Efforts

I want to spend a few minutes discussing how and why we have made so little progress in addressing the issues facing our nation's aviation system.

I have worked diligently as the Chairman of the Aviation Subcommittee, and now as the Chairman of the Commerce Committee, to support our aviation system and address its challenges – inadequate funding for the FAA, a chronically unprofitable commercial aviation industry, and minimal investment in aerospace research.

Time and time again, however, my efforts have been undercut.

In 1999 and 2000 the aviation system was experiencing the worst congestion and delay in its history. There was a growing recognition that fundamental change was needed.

Nevertheless, I worked with Senator Lott to author Vision-100, the 2003 FAA reauthorization bill. This bill laid the foundation to build a modern, digital, satellite-based ATC system. We created the Joint Planning and Development Office (JPDO) and authorized a significant increase in the FAA's capital budget to meet their ATC modernization needs. An increase based upon the Administration's own budget request.

But, instead of investing in the system in 2004, 2005, and 2006, the Bush Administration proposed dramatic cuts in the FAA's Facility and Equipment (F&E) account – the account that funds ATC modernization. The urgency of 2000 waned as air traffic fell after 9/11.

Unfortunately Congress complied with this. During this time \$600 million less was appropriated than the Vision-100 authorized for the FAA's capital accounts. This shortfall left us with the status quo when we should have been moving forward aggressively on modernization.

By late 2006, it was clear that air travel was returning to pre-9/11 levels. Gridlock returned to the skies and we had wasted an opportunity to move ahead of the curve.

Today we find ourselves in a similar situation. The recession has prevented widespread delay. We must not let this temporary reprieve keep us from taking action to address these concerns again.

Our economy has begun to slowly turn around, and I am confident that demand for air travel will soon begin to grow. If we do not act quickly our system will simply not have the capacity to cope with the growth in demand.

Modernization

I believe that everyone in aviation recognizes the need to modernize our national air transportation system in order to meet the growth in passenger traffic. In addition to creating much more capacity, a new satellite-based ATC system will allow airplanes to move more efficiently by taking more direct routes. These improvements will save our economy billions of dollars annually.

Greater operational efficiency will also create substantial environmental benefits. Drastic reductions in fuel consumption mean not only that we will achieve lower carbon emissions, but also lower noise emissions – almost every community near an airport will benefit greatly from this effort.

Most importantly, the Next Generation Air Transportation System (NextGen) will dramatically improve the safety of our air transportation system by providing pilots and air traffic controllers with better situational awareness – they will be able to see other aircraft and detailed weather maps in real time.

President Obama clearly recognizes the value of investing in our air transportation system and this is reflected in his fiscal year (FY) 2011 budget request. The Administration has proposed spending a total of \$1.1 billion in FY 2011 on NextGen programs, which is more than a 30 percent increase from the fiscal year 2010 budget.

These efforts, however, are only the first steps of a long journey. Modernizing the ATC system will require a sustained focus and substantial resources. S. 1451 takes concrete steps to make sure the FAA accelerates key NextGen programs and that the agency implements modernization efforts in an effective and efficient manner in the long run.

Let me discuss a few of these key measures in S. 1451 that address modernization.

To improve accountability S. 1451 establishes an Air Traffic Modernization Board and designates a Chief NextGen Officer to provide specific oversight of the FAA's modernization activities.

The bill also establishes specific deadlines for the implementation of key NextGen programs. Area Navigation (RNAV) and Required Navigation Performance (RNP) procedures must be developed at the nation's largest 30 airports by 2014.

All aircraft are required to be equipped with Automatic Dependent Surveillance Broadcast (ADS-B) "Out" by 2015 and with ADS-B "In" by 2018.

Implementing these NextGen programs will require a substantial investment, and I'd like to take a minute to thank my colleagues for the efforts they have made to make certain this happens.

The FAA estimates NextGen will cost the agency \$20 billion through 2025, and the airlines another \$20 billion in aircraft equipage.

I have worked with Senators Inouye and Baucus to reach a deal that I believe moves us in the right direction. S. 1451 will create a new sub-account with the Aviation Trust Fund to fund FAA's modernization efforts. This modernization sub-account will dedicate \$400 million annually to NextGen efforts.

I appreciate the hard work of my colleagues to in developing this provision.

Safety

Now I'd like to spend some time talking about the highest priority in aviation – safety. Statistically, the U.S. has the safest air transportation system in the world. But, statistics do not always tell the whole story.

It's been a little more than a year since the tragic crash of Flight 3407 in Buffalo, New York, took the lives of 50 people.

It is clear from the National Transportation Safety Board (NTSB) investigation that we need to take serious steps to improve pilot training, address flight crew fatigue, and reform air carrier employment practices.

I commend Senator Dorgan for the work he has done to promote safety in the aftermath of this accident. The Committee's work has prompted the FAA to initiate a number of activities to improve aviation safety. The agency has been able to get many air carriers to make voluntary commitments to implement important safety measures, and the agency has committed to issue new regulations on flight and duty time limitations in the coming months.

Despite this progress our work remains far from complete. These voluntary commitments simply do not achieve the level of safety we expect, nor do they guarantee one level of safety is achieved throughout the industry.

We must also make certain that the FAA remains as vigilant on other safety priorities – the oversight of airline operations and maintenance, reducing runway incursions, and air traffic controller staffing issues.

Just as with modernization, we must make sure the FAA has the tools and resources to accomplish these safety objectives.

I am especially proud of the Safety Title we have developed and included in S. 1451. This Title will:

Address pilot fatigue by mandating the FAA revise flight and duty time limitations based on the latest scientific research.

Ensure one level of safety exists throughout commercial aircraft operations by requiring that all carriers adopt Aviation Safety Action Programs (ASAP), Flight Operational Quality Assurance (FOQA) programs, Line Operations Safety Audit programs (LOSA), and fatigue risk management systems.

Improve the application of Airworthiness Directives (ADs).

The bill also requires enhanced safety oversight of foreign repair stations.

These are critical measures that will help us identify safety issues and prevent problems before they occur – this is the best way to address safety.

Small Community Air Service

The bill addresses another core challenge facing our aviation system – keeping America’s small communities connected to the rest of the world.

The continuing economic crisis has hit the U.S. airline industry hard, and this affects the future of hundreds of rural communities across our country. In their effort to cut costs, air carriers have drastically reduced service to small or isolated communities. They are the first routes to go in tough economic times.

The reduction or elimination of air service has a devastating effect on the economy of a community. Having adequate air service is not just a matter of convenience, but also a matter of economic survival. Without access to reliable air service, no business is willing to locate their operations in these areas of the country no matter how attractive the quality of life. Airports are economic engines that attract critical new development opportunities and jobs.

The federal government needs to provide additional resources and tools for small communities to help themselves attract adequate air service. My legislation does this by building on existing programs and strengthening them.

Authorized funding for the Essential Air Service (EAS) program is increased to \$175 million annually. The bill also extends the Small Community Air Service Development Program. This program has provided dozens of communities with the resources necessary to attract and retain air service.

Consumer Protection

One last element of the bill I would like to discuss are the provisions to strengthen consumer rights for air travelers. The bill strengthens passenger protections by incorporating elements of the Passenger Bill of Rights to deal with the most egregious flight delays and cancellations.

The industry would be required to take some basic steps to improve the passenger experience:

Passengers must be provided with information regarding on-time arrivals and chronically delayed flights when they purchase tickets.

Air carriers are also required to permit passengers to deplane after three hours have elapsed, unless the pilot believes the flight will depart within 30 minutes after the three-hour delay, or if deplaning raises significant safety or security concerns.

These are very reasonable reforms, and they are long overdue. Moreover, given the expected growth in traffic and severity of delays, they have never been more important.

Conclusion

When I began work on this bill I had four simple goals: (1) take steps to address critical safety concerns; (2) establish a roadmap for the implementation of NextGen and accelerate the FAA's key modernization programs; (3) make certain we adequately invest in airport infrastructure; and (4) continue to improve small communities' access to the nation's aviation system.

I believe I have worked in a truly bi-partisan fashion with Senators Dorgan, Hutchison, and DeMint to develop a bill that I think advances these goals and which all of my colleagues can support.

This bill takes the steps needed to advance the system. The FAA must be provided with the tools, the resources, and clear direction and deadlines to make sure the agency provides effective oversight of the aviation industry.

It is also important to remember that this is a jobs bill. Funding for the Airport Improvement Program (AIP) alone is estimated to provide at least 120,000 jobs annually. Moving forward with NextGen will make certain the U.S. continues to be the global leader in aviation, and create additional engineering and manufacturing jobs at home.

I think we all recognize the U.S. must significantly expand the capacity of our nation's air transportation system to make sure that we continue to have the most effective, safe, and secure aviation system in the world.

There are no quick or easy solutions to the problems that plague our aviation industry, and I believe the situation is going to get worse – a whole lot worse – if we do not take action now.

We cannot ignore the aviation system any more. The United States is losing its position as the global leader on aviation. We must move boldly – just as we have with our investments in high-speed rail – or risk losing our leadership in the world.

Given the challenges our nation's aviation system faces, we must act now to pass S. 1451, the FAA Air Transportation Modernization and Safety Improvement Act.