

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION:
QUESTIONS FOR THE RECORD**

**HEARING ON
FAA REAUTHORIZATION: AIR TRAFFIC CONTROL MODERNIZATION AND REFORM
TUESDAY, MAY 19, 2015**

Questions for Mr. Ed Bolen, President and CEO, National Business Aviation Association

From Chairman Thune

Question 1. Mr. Bolen, if Congress were to ensure that funding for general aviation airports remained essentially the same as part of any separation of the air traffic control system from FAA, would that allay any of your concerns about such a change?

Answer. When discussing our nation's aviation infrastructure, NBAA has consistently raised three essential points:

1. First, we must maintain a healthy, consistent and dedicated long-term funding mechanism for airports of all sizes to meet changing demand, aircraft size, and important safety and efficiency improvements.
2. Second, we must ensure our system of airports meets critical national objectives, as outlined in the NPIAS and Executive Order 12893.
3. Third, and finally, we must continue supporting all airports, at the federal level, as part of a single, national aviation-transportation system, and oppose any attempts to impose locally driven restrictions that would impede businesses, economic growth and other priorities in the national interest.

We consider these points critical in discussions about the future of FAA and its airport infrastructure.

Question 2. If Congress ensured that piston aircraft continued to support the aviation system through a user charge on fuels, without per flight user charges, would that allay any of your concerns?

Answer. Since the mid-1990s, users of the nation's airspace system have faced numerous attempts to impose user fees on general aviation operators when established, efficient and effective tax mechanisms are already in place. All general aviation operators are united in our opposition to new user fees and believe Congress alone should be entrusted with the power to set taxes as well as ensure general aviation's access to airports and airspace. General aviation has always contributed to the aviation trust fund through the current dedicated taxes that are easily collected and efficiently administered. For example, the amount of fuel purchased has a strong correlation to aircraft size and the time, distance, and facilities used. In contrast, a user fee

scheme would require the creation of an inefficient new bureaucracy to bill and collect these fees and impose a significant administrative burden on those forced to pay them. In fact, the airlines testified before ICAO that the additional administrative cost of simply processing a user fee invoice was between \$85 and \$125.

The United States air transportation system is like no other in the world. Any system of user fees, even one that excludes some segment of general aviation is unacceptable and ultimately will result in higher costs and less access for all of the general aviation community.

The entire general aviation community believes that fuel taxes are the best mechanism for generating revenues from our segment of the industry. After all, fuel taxes are well established, they closely approximate how much one uses the system, they are easy to pay yet difficult to avoid and they are inexpensive to administer. Supplementing or replacing the existing general aviation taxes with a new system of user fees could discourage the safe practices of pilots and also restrict the growth of the industry in the same manner they have in Europe and other parts of the world that have a user fee system. The skies over the U.S. are a national asset and the general aviation community is committed to ensuring that the future funding of the FAA and subsequent design of the national air transportation system will benefit all Americans. That's why general aviation is united in its support of Congressional oversight of aviation taxes and airport and airspace access. We are also united in our opposition to any proposal to fund our air traffic control system through user fees on any segment of the general aviation community.

Question 3. If Congress does decide to create an independent air navigation service provider, what steps would you want to see taken to ensure general aviation access to the system?

Answer. Our airspace belongs to the American public. It does not belong to any private company, or group of companies. It doesn't belong to any segment of the aviation industry, or even the aviation industry itself. The airspace belongs to the American public, and it should be operated for the public's benefit. We stand by our oral and written testimonies given and submitted to the Committee on May 19, 2015.

Question 4. The recent National Research Council's report details a number of significant issues with respect to NextGen. What is your reaction to the findings in the National Research Council's report? Do you feel FAA has the capacity to address these recommendations?

Answer. A significant issue with the National Research Council's report is that it uses as its baseline the original highly complex and tech-driven concept of NextGen that most industry stakeholders felt was unnecessarily costly and excessive.

It was in response to that original version of NextGen that the RTCA Task Force 5 formed to recommend a redefined NextGen that was smaller, more focused and driven by benefits to users of the system. Chaired by airline CEOs, the NextGen Advisory Committee (NAC) has built upon the Task Force 5 Recommendations and further prioritized existing NextGen programs. While no one is fully satisfied with current pace or cost of NextGen, it is clear that tangible progress is being made. For example, the installation of ADS-B ground stations is complete and ERAM has become operational. The NAC is bringing the industry and FAA together on

implementing those NextGen capabilities that will generate meaningful improvements and instituting metrics that objectively measure their impact.

From Senator Ayotte

Question 1. You testified about access to airports and the importance of access for the business aviation community. I agree this is so important. What is it that the business aviation community fears in thinking about air traffic control reform?

Answer. Our airspace belongs to the American public. It does not belong to any private company, or group of companies. It doesn't belong to any segment of the aviation industry, or even the aviation industry itself. The airspace belongs to the American public, and it should be operated for the public's benefit. We stand by our oral and written testimonies given and submitted to the Committee on May 19, 2015.

Question 2. During the hearing, you referred to several other countries who have implemented air traffic control reform similar to proposals being contemplated for the U.S. air traffic control system. You noted that those countries' business aviation communities subsequently experienced long waits on runways before being able to take off. Do you directly attribute this to reform?

Answer. Yes. New prioritization rules came into place after the ATC systems were privatized.

Question 3. What, specifically, caused these delays?

Answer. Each country has an Aeronautical Information Publication (AIP) that spells out all the procedures for operating an aircraft in that country. For example, the AIP for Australia diverges from the standard "first-come, first-served" standard that we use in the United States for handling air traffic. The AIP for Australia lists out various types of operations that have priority and further distinguishes priority for:

- When a significant economic benefit would result for a number of other aircraft by deferring priority for another aircraft.
- When controllers determine that consolidating a group of aircraft will allow for more efficient operations.

There are also specific rules for aircraft operations in "capital city" airports (i.e. Melbourne) that go beyond what is outlined above. Priority in those cities is in the following order:

- Scheduled commercial flights
- Non-scheduled commercial flights
- Military operations
- Aircraft transporting heads of state/government officials
- Medical flights
- GA aircraft

- Military/Civil Training Flights

Aircraft operating to/from Sydney are subject to yet another prioritization structure:

- Scheduled flights into/out of Sydney
- Non-scheduled commercial operations (or heavier aircraft)
- Military
- Aircraft transporting heads of state/government officials
- Medical
- GA aircraft

These priority designations can restrict or cut off access for business aviation to important city centers.

Question 4. Did those countries have vibrant general aviation communities prior to implementation of reform?

Answer. The United States is and has always been the undisputed world leader in all aspects of general aviation. Today, the U.S. general aviation industry generates \$2.19 billion in economic activity and is responsible for over 1.1 million jobs. No other country has ever been comparable to the U.S. in terms of general aviation size and diversity. Nevertheless, it is clear that general aviation has been negatively impacted in countries that have privatized their air traffic system.

Question 5. Are these the access issues the business aviation community fears?

Answer. Changing to a system other than “first come, first serve”, is one of the ways you can reduce access for general aviation. But there are countless other ways through discriminatory and economic policies that could affect our access.

Question 6. Please expand on your concerns about having access to the national airspace, and how you believe moving air traffic control operations outside of the FAA will limit business aviation’s access to the national airspace.

Answer. Since long before NextGen was even a concept, and well before sequestration, various private interests have been pushing Congress to give them control of the public’s airspace, and to get out of their way. These interests have wanted the sweeping authority to determine 1) who gets taxed, and in what amounts, and; 2) who will have access to airports and airspace, and who will get shut out. We believe the power to tax is the power to destroy. Today, that authority appropriately resides with the elected members of Congress. So, too, does the power to ensure non-discriminatory access to airports and airspace. Congress should not abdicate, relegate, delegate or outsource its responsibility in the areas of aviation taxes and fees. Nor should it abdicate or delegate its responsibility to ensure non-discriminatory access to airports and airspace.

Currently the United States has the largest, safest, most efficient, most complex and most diverse air transportation system in the world and we want to keep it that way.

From Senator Fischer

Question 1. I have read the concerns expressed by the general aviation community regarding “commercialization” or “privatization” of the air traffic control (ATC) system. Do you believe there is a way for us to reform this system to ensure safety, efficiency, and innovation, while protecting the concerns of general aviation?

Answer. Our airspace belongs to the American public. It does not belong to any private company, or group of companies. It doesn't belong to any segment of the aviation industry, or even the aviation industry itself. The airspace belongs to the American public, and it should be operated for the public's benefit. We stand by our oral and written testimonies given and submitted to the Committee on May 19, 2015.