



U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, D.C. 20591

JAN 29 2008

The Honorable Robert Menendez
United States Senate
Washington, DC 20510

Dear Senator Menendez:

Thank you for taking the time to meet with me last month to discuss your concerns about aviation issues and the Federal Aviation Administration. I wanted to follow up with you on some of the issues we discussed.

Hourly Limits at John F. Kennedy and Newark Liberty International Airports

As you know, Secretary Peters met with the President on September 27, 2007, to discuss the serious congestion problems in the New York airspace and steps we can take under existing law. After that meeting, she announced we would convene meetings of the airlines, airports, and travel officials to "hammer out" concrete solutions, to be in place by this summer's traveling season.

The New York Aviation Rulemaking Committee (ARC) was developed in late September and concluded on December 10, 2007. The New York ARC had five working groups that evaluated various congestion mitigation approaches, including operational improvements, market-based solutions, and administrative measures. The final report of the New York ARC outlines the benefits and potential drawbacks of the solutions that were discussed. The final New York ARC Report can be obtained on the Department of Transportation Web site at <http://www.dot.gov/affairs/FinalARCReport.pdf>.

On December 19, 2007, the Secretary announced several new actions designed to reduce congestion in the New York area starting this summer. These actions include hourly caps on operations at John F. Kennedy International Airport, hourly limits at Newark Liberty International Airport, and regional capacity improvements.

On January 15, the FAA issued an order that establishes scheduling limits for flights at JFK beginning in spring 2008. The order incorporates the results of the scheduling reduction discussions held with air carriers over the past several months. When we met in December, you expressed your support for extending caps on operations at Newark as well. The FAA intends to issue a proposed order that would establish similar limits for Newark. This order will address

concerns there might otherwise be significant flight increases at Newark, in part, as a result of flight restrictions at JFK and LaGuardia Airports. Similar limits will be proposed for unscheduled operations at Kennedy and Newark.

New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign

You asked us to delay implementation of the airspace redesign until a related Government Accountability Office (GAO) report is out. I am sensitive to your concerns and wanted to share with you the following.

The GAO report is assessing the adequacy of the FAA's process in preparing the Final Environmental Impact Statement as well as all project components. FAA is working closely with the GAO and supplying the answers to any questions. We have been told to expect the report in late summer. We will review the report carefully and evaluate any findings and recommendations.

As we discussed, the FAA issued its Record of Decision on September 5, 2007, which directs the FAA to proceed with implementation of the airspace redesign in four stages. We estimate the four stages of implementation for the selected project will take about five years. The project's four stages are key steps in improving the efficiency and reliability of the airspace while maintaining system safety. As part of stage one of implementation, the FAA incorporated departure dispersal headings at Philadelphia International Airport and Newark on December 19, 2007. These procedures are being used on a more limited basis than indicated in the mitigation document because other components of the design must be implemented before full use of all the headings. Beyond the limited use of the dispersal headings, we are primarily in a detailed planning process. I do not expect further changes until fall 2008. Thus, there will be no further operational changes before the release of the GAO report.

Congress has appropriated \$53 million in funding for this project, and we want to work closely with Congress on its implementation. Mr. Steve Kelley, Manager, Airspace Redesign, briefed your staff on January 23 on the current status of the airspace redesign implementation.

Minimum Fuel Declarations

You expressed concern about an increase in operations where pilots declared a minimum fuel advisory. Our Aviation Safety organization is still researching the data on airline operations at Newark. In addition, we are working to develop a means of tracking this information to make it easier to analyze and develop trends. We will keep you apprised on this effort.

Newark Facility Staffing

Enclosed please find information on the staffing at Newark and how the staffing is distributed for each shift.

In our conversation and in a letter to Secretary Peters, you also mentioned controller retirements contributing to an increase in delays and your concerns about the holiday season. First, we want

to assure you that we monitor controller staffing daily in all of our facilities, adjusting our hiring as needed to account for all losses, including retirements. In spite of the increase in controller retirements, the majority of our facilities currently fall within the authorized staffing range. Last year, we increased our controller workforce by 256, and in Fiscal Year 2008 we expect to again increase the controller workforce. It is also important to note that a great majority of the controllers we are hiring are experienced military controllers or graduates of collegiate air traffic control programs.

I am sorry you feel we are not treating our controllers with respect. As an aviation professional, I have the utmost respect for the controllers and the work they do day in and day out. The new contract, which has been in place for nearly 18 months, preserved the salaries and benefits of the existing workforce and continues to provide one of the highest paid jobs in the Federal Government. We recently began providing per diem benefits and expect to approve a child-care subsidy to our newly hired controllers attending training at our Oklahoma City Academy.

I look forward to further discussions with you to find solutions to the crowded New York airspace and airports. The real solution is to expand capacity to accommodate demand. This response requires more than near-term operational improvements. To address capacity in the medium to long term, we need to move forward now to implement the Next Generation Air Transportation System. To this end, I urge Congress to pass FAA reauthorization as soon as possible.

If I can be of further help, please contact me or Ms. Megan Rosia, Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

Sincerely,



Robert A. Sturgell
Acting Administrator

Enclosure

Newark Liberty International (EWR) Airport Traffic Control Tower Staffing

Newark Tower currently is staffed with 38 controllers (28 fully Certified Professional Controllers (CPC) and 10 Developmentals or partially certified controllers)

Controller Facility Staffing numbers	Range 30-36	
CPC	28	
Veterans Recruitment Appointment (VRA)	4	1 certified through Flight Data/Clearance Delivery 2 certified through Ground Control
Developmentals	6	4 certified through Flight Data/Clearance Delivery
Total	38	

Newark Tower assigned staffing is generally:

- Day shift (7 a.m.–3 p.m.) 9 controllers
- Evening shift (3 p.m.–11 p.m.) 9-10 controllers
- Mid-shift (11 p.m.–7 a.m.) 2 controllers

Controllers include: CPCs, Certified Professional Controllers-in-Training (CPC-IT), Developmentals, and Air Traffic Assistants (ATA). Scheduled start times for the day and evening shifts vary to account for position overlap.

This staffing allows for training, weather events, and normal shift operations. The assigned shift staffing often exceeds the numbers listed above. Decisions are made to address sick leave calls, reduced planned training, overtime, etc.

As of January 15, 2008, the following is additional staffing information:

Normal Day Shift Staffing Schedule

- 1 Front-Line Manager (FLM)
- 1 Traffic Management Coordinator (TMC)
- 9-10 CPCs, CPC-ITs, Developmentals, and ATAs

Normal Evening Shift Staffing Schedule

- 1 FLM
- 1 TMC
- 9-10 CPCs, CPC-ITs, Developmentals, and ATAs

Peak traffic shifts are Tuesday, Wednesday, and Thursday.

Staffing Definitions

Certified Professional Controller (CPC): An air traffic control specialist in the Air Traffic Organization who is or has been facility/area certified in the terminal/en route air traffic control option and who is currently engaged exclusively in the separation and control of live air traffic in terminal/en route facilities. Once facility/area certified in the terminal/en route option, a controller retains his/her status as a CPC as long as he/she remains in or returns to an operational position in the terminal/en route air traffic control option.

Certified Professional Controller in-training (CPC-IT): A certified professional controller (CPC) who transfers to a new facility/area and who is in the process of certifying at the new facility/area.

Developmental Air Traffic Controller (Dev): An air traffic control specialist in training at a field facility who has never been facility certified in the terminal/en route option in an air traffic control facility in the Air Traffic Organization and therefore has not attained the certified professional controller (CPC) level. As developmentals gain experience and training, they typically become certified on specific positions and are qualified to work traffic in those positions as they are working toward full certification.

Traffic Management Coordinator/Specialist (TMC/S): An air traffic control specialist who is assigned to the traffic management unit in an air traffic facility or at the David J. Hurley Air Traffic Control System Command Center in Herndon, Virginia.

Veterans' Recruitment Appointment (formerly Veterans' Readjustment Appointment) (VRA): The VRA is a special authority by which agencies may, if they wish, appoint an eligible veteran without competition. The candidate does not have to be on a list of eligible candidates but must meet the basic qualification requirements for the position. The VRA is a convenient method of appointment for both the Agency and the veteran. However, use of the authority is entirely discretionary and no one is entitled to a VRA appointment.

Flight Data (FD): The flight data function pertains to those activities associated with the maintenance and dissemination of automatic terminal information service (ATIS) messages and ATIS status; processing weather information, miscellaneous flight data, field condition reports, arrival and departure flight information, and communicating and coordinating air traffic information.

Clearance Delivery (CD): The clearance delivery function is concerned with those activities related to the processing of flight plan and emergency information, issuing clearances and instructions, and disseminating air traffic information.

Ground Control (GC): The ground control function pertains to the control of ground movement of aircraft to and from the runways and ground-based vehicles such as airport grounds maintenance vehicles, tugs, fuel trucks, and automobiles; communicating and coordinating air traffic information; maintaining awareness of operation; and processing emergency information.

Front Line Manager (FLM): Provides first-level supervision to subordinate employees and manages the activities of one operating unit, project, or program area. Front Line Managers report to Middle or Senior Managers.

Air Traffic Assistant (ATA): Grade series 2154 employees who assist air traffic control specialists. After the air traffic controller strike in 1981, a large number of ATAs that were hired were former pilots that were furloughed due to cutbacks in the airline industry.