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# United States Senate

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August 21, 2007

The Honorable Mary E. Peters  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Ave, SE  
Washington, DC 20590

The Honorable Marion C. Blakey  
Administrator  
Federal Aviation Administration  
800 Independence Ave, SW  
Washington, DC 20591

Dear Secretary Peters and Administrator Blakey:

I am writing in response to the formation of a new FAA task force to address flight delays in the New Jersey/New York area. This task force (following closely behind the formation of a similar task force by the Port Authority of New York/New Jersey) is a welcome, although overdue, development. I share my constituents' frustrations about the number of delayed flights at Newark Liberty International Airport. In June, only 54% of the flights arriving at the airport were on time. This is simply unacceptable. Solutions must be found as soon as possible.

I understand that the FAA is anxious to reduce delays by investing in an upgrade of air traffic control equipment, and I am wholeheartedly supportive of this effort. Further, I know the FAA believes its proposed airspace redesign will also ease delays. I am opposed to the airspace redesign, as currently devised, because it does not adequately address our citizens' air noise concerns. Regardless, neither of these solutions will have any impact on delays for months or even years. What we need now is for the FAA and the DOT to show leadership and devise ways to mitigate this problem immediately.

As part of its review, the FAA congestion task force should examine whether temporary limits on operations should be placed on all of the region's airports. Currently, the FAA limits La Guardia Airport to 75 take-offs or landings per hour. I understand that the FAA and the DOT have been actively assessing current operations at JFK Airport and that one airline has even asked the FAA to reestablish operating limits at JFK. All three international airports, as well as Teterboro Airport, share the same overcrowded airspace that shuttles over 100 million passengers a year. These operations are clearly at the breaking point and market forces alone will not alleviate the problem. The FAA task force should immediately take steps to assess whether caps are needed at these airports. Failing that, the FAA should at the very least convene schedule reduction meetings immediately with all relevant operators in the region.

The congestion taskforce also needs to reexamine whether these increased delays can be managed by giving more priority to larger planes, particularly during periods of extreme congestion. Corporate jets are increasingly being used to travel in and out of the region and commercial airlines are increasingly using smaller regional aircraft that only seat 37 to 50 people. The FAA taskforce should study whether sensible rules on aircraft size need to be implemented in this saturated airspace. Last year the FAA proposed minimum average sizes for the planes that fly into and out of La Guardia, but this plan faced stiff opposition. This opposition was due in part to fears that smaller airports might lose access to the region, and I certainly understand those concerns. But many of these flights are coming from or going to major international airports that can accommodate much larger planes. The Port Authority of New York/New Jersey has suggested writing aircraft size requirements into gate leases. The specifics will have to be worked out, but the task force should examine whether to impose some form of regulation maximizing the number of seats per flight in our crowded air space, particularly during periods of heavy congestion and on routes that can accommodate larger aircraft.

Lastly, I would like to know if the increased number of international flights coming into the region may be causing more domestic flight delays. My staff was informed that when flying in from overseas, international flights often lack the fuel to circle for long periods of time. This means that during times when the airports are delayed, it is the shorter-route domestic flights that must circle and wait for an opening while the international flights land. Is there a noticeable difference in delays for incoming domestic or international flights into the New Jersey/New York region? Are there steps that can be taken to address this? Please provide my staff with flight delay information for international flights coming into Newark Liberty International Airport, JFK Airport, and La Guardia Airport. Please also provide flight delay information for flights from the West Coast, Hawaii, and Alaska.

The broader problem that must be solved is that we have a severely overburdened aviation network. Market forces alone will not fix these problems. Further, technological solutions will take too long to implement and will only be able to increase capacity to a certain extent. For immediate relief and for long term planning, it is incumbent on the FAA congestion taskforce to determine as soon as possible what sensible regulations can be implemented to ease delays, cancellations and other disruptions in the near-term at our region's major airports.

I thank you for your attention to this matter and eagerly await your reply.

Sincerely,

A handwritten signature in black ink, reading "Robert Menendez". The signature is fluid and cursive, with a large, stylized initial "R".

ROBERT MENENDEZ  
United States Senator