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United States Senate

WASHINGTON, DC 20510-3004

November 7, 2007

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Honorable Robert A. Sturgell
Deputy and Acting Administrator
Federal Aviation Administration
800 Independence Ave, SW
Washington, DC 20591

Dear Secretary Sturgell:

I am deeply concerned about a recent news report suggesting airlines may be intentionally flying with low fuel levels in order to save money. The FAA must immediately investigate and rectify this potentially dangerous situation. Passenger safety cannot be compromised whether oil is selling at \$90 a barrel or \$500 a barrel.

Last night, WABC News reported that at Newark Liberty International, over a six month period earlier this year, 73 flights were forced to land running on only the minimum amount of fuel allowed. This compares to just five flights over a similar period in 2005. In addition, 10 planes had to land immediately under emergency conditions in Newark in 2007 or risk actually running out of fuel. We cannot continue to risk catastrophe and allow this increase of minimum fuel situations to continue.

As you know, domestic operators are generally required to fuel aircraft to be able to fly to its intended destination, and in addition fly to the most distant alternate airport to which dispatched, and thereafter, to fly for an additional 45 minutes.

For years these rules have allowed airlines to operate safely. But recent events suggest one of two things. Either the airlines are not following the fueling rules, or increased delays at Newark Liberty International Airport have made these rules inadequate for today's congested skies. Therefore I ask the FAA to do the following:

- Immediately investigate this situation and issue interim fueling rules to ensure there is a greater margin for error. The consequences of a mistake are too great to risk not acting at once.
- After the interim fueling rules are in place, I request the FAA do a more in depth examination of airlines' fueling practices to determine whether any rule violations have occurred. If they have, I expect the FAA to act swiftly to punish those responsible.
- I also ask the FAA to examine its fueling regulations and enforcement to determine if a permanent change is required given the increased delays at our nation's airports.

- Lastly, I ask that the FAA report its findings on this matter to Congress as quickly as possible.

Thank you in advance for your prompt action on this potentially dangerous situation. Passenger safety must be our first priority.

Sincerely,


ROBERT MENENDEZ
United States Senator