

STATEMENT OF FRANKLIN K. WILLIS
DEPUTY ASSISTANT SECRETARY FOR
POLICY AND INTERNATIONAL AFFAIRS
U. S. DEPARTMENT OF TRANSPORTATION
BEFORE THE
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT
CONCERNING THE AIRPORT ACCESS TASK FORCE REPORT

MAY 17, 1983

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE:

I WELCOME THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO DISCUSS THE REPORT AND RECOMMENDATIONS OF THE AIRPORT ACCESS TASK FORCE. WITH ME TODAY ARE GREGORY WOLFE OF THE GENERAL COUNSEL'S OFFICE, RICK YATES OF THE OFFICE OF POLICY AND INTERNATIONAL AFFAIRS, AND LEONARD CERUZZI OF FAA CHIEF COUNSEL'S OFFICE.

THE PROBLEM OF AIRPORT ACCESS IS NOT A NEW ONE. AT MANY OF OUR NATION'S MAJOR AIRPORTS, CONGESTION AND DELAY, AND THE RESULTANT ACCESS PROBLEMS HAVE BEEN, FOR MANY YEARS, A SOURCE OF ADDED COSTS TO THE AIRLINE INDUSTRY AND AN INCONVENIENCE TO THE PUBLIC THEY SERVE. IN FACT, "STACKING" OF AIRCRAFT AT A NUMBER OF LARGE AIRPORTS IN THE LATE 1960'S WAS A MAJOR CONTRIBUTOR TO THE PASSAGE OF THE AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970. THE CONGRESS RECOGNIZED, EVEN AT THAT EARLY DATE, THAT AIRPORT ACCESS WAS A POTENTIAL LIMIT TO AVIATION GROWTH.

THE AIRPORT AND AIRWAY DEVELOPMENT ACT, AS YOU KNOW, CREATED THE TRUST FUND, WHICH HAS BEEN A MAJOR SOURCE OF FUNDS FOR THE DEVELOPMENT AND CONSTRUCTION OF AIRPORT AND AIRWAY SYSTEM IMPROVEMENTS IN THE UNITED STATES. SINCE 1960, INVESTMENT IN THE NATION'S AIRPORTS HAS TOTALED OVER 25 BILLION IN CONSTANT 1982 DOLLARS, A THIRD OF WHICH (ABOUT \$9 BILLION) HAS BEEN FEDERAL TRANSFERS FROM THE TRUST FUND. AND, WHILE THIS ACT, AND ITS FOLLOW-ON LEGISLATION, THE AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982, HAVE RESULTED IN SIGNIFICANT INVESTMENT IN AIRPORTS, THE PROBLEM OF AIRPORT ACCESS REMAINS. CLEARLY, LARGE INVESTMENTS ALONE ARE NOT THE ANSWER TO THE ACCESS PROBLEM.

WE AT THE DEPARTMENT WERE PLEASED THAT THE CONGRESS, IN RECOGNITION OF ACCESS PROBLEMS, GAVE THOSE OF US IN GOVERNMENT AND INDUSTRY AN OPPORTUNITY TO SIT AT THE SAME TABLE TO DISCUSS THEM. AFTER MUCH HARD WORK AND A LOT OF DEBATE WITHIN THE TASK FORCE, WE WERE SUPPORTIVE OF MOST OF THE RECOMMENDATIONS FORWARDED BY THE TASK FORCE TO THE CONGRESS. I WOULD LIKE AT THIS TIME TO DISCUSS BRIEFLY THE DEPARTMENT'S VIEWS ON SOME OF THESE RECOMMENDATIONS.

NOISE, ENVIRONMENTAL, AND AIRSPACE CONSTRAINTS

THE FIRST SECTION OF THE REPORT ADDRESSES NOISE, ENVIRONMENTAL, AND AIRSPACE CONSTRAINTS. CLEARLY, THESE TYPES OF USE RESTRICTIONS CAN LIMIT CAPACITY. FOR THIS AND OTHER REASONS, A MAJORITY OF THE TASK FORCE FAVORED CONGRESS' EXPLORING FEDERAL PRE-EMPTION OF AVIATION NOISE AS A STEP TOWARDS RESOLVING USE RESTRICTION ISSUES. WE AT THE DEPARTMENT, HOWEVER, ARE TROUBLED BY THIS PROPOSED SOLUTION. IT HAS BEEN OUR BELIEF

THAT THE POLICY THAT HAS EXISTED OVER THE YEARS--WHERE THERE IS A SHARED LOCAL-INDUSTRY-FEDERAL RESPONSIBILITY FOR THE CONTROL OF NOISE--SHOULD CONTINUE.

WE CAN WELL UNDERSTAND THAT THE INDUSTRY WOULD PREFER TO HAVE THE FEDERAL GOVERNMENT BE ULTIMATELY RESPONSIBLE FOR LAND USE AND ACCEPT SOME DEGREE OF NOISE LIABILITY. NEVERTHELESS, WHILE WE ARE ANXIOUS TO WORK WITH THE INDUSTRY IN HELPING TO RESOLVE ITS PROBLEMS, WE THINK NOISE PROBLEMS ARE BEST WORKED OUT ON A CASE-BY-CASE BASIS BY THE AIRPORTS, AIRLINES, AND THE LOCAL COMMUNITY. IF THESE PARTIES ARE UNABLE TO WORK OUT THEIR PROBLEMS, IT IS QUESTIONABLE WHETHER THE FEDERAL GOVERNMENT CAN.

AND, WHILE SOME LOCAL USE RESTRICTIONS COULD BE COSTLY TO AIRLINES, THERE IS ANOTHER SIDE TO THAT EQUATION. COMMUNITIES HAVE WHAT THEY BELIEVE ARE BONA FIDE REASONS FOR PROPOSING RESTRICTIONS. FOR EXAMPLE, CURFEWS AND OTHER USE RESTRICTIONS SHOULD NOT BE SEEN AS IRRATIONAL LOCAL COMMUNITY ATTEMPTS TO INCREASE CARRIER COSTS. THEY ARE RESTRICTIONS IMPOSED BECAUSE MEMBERS OF THAT COMMUNITY HAVE A PROBLEM WHICH COSTS THAT COMMUNITY BOTH TANGIBLY, THROUGH LOWERED PROPERTY VALUES AND INTANGIBLY, THROUGH DEGRADATION OF THE QUALITY OF LIFE.

ON THE OTHER HAND, COMMUNITIES MUST ALSO RECOGNIZE THAT THE INDUSTRY HAS MADE SUBSTANTIAL INVESTMENT IN NEW GENERATION, QUIETER AIRCRAFT. THE INDUSTRY'S EFFORTS IN ACQUIRING THIS EQUIPMENT WILL BRING ABOUT A SUBSTANTIAL REDUCTION IN AIRPORT NOISE AT MANY OF THE NATION'S LARGEST AIRPORTS. FURTHERMORE, AIRPORTS ATTRACT JOBS, INDUSTRY, AND OTHER COMMERCE TO A COMMUNITY. THUS, USE RESTRICTIONS NOT ONLY IMPOSE ADDED

COSTS TO THE INDUSTRY, THEY CAN ALSO COST THE COMMUNITY SOME OF THE BUSINESS ACTIVITY THAT ITS AIRPORT ATTRACTS.

THERE IS, OF COURSE, IN EXISTENCE A LEGAL PROHIBITION AGAINST AIRPORT USE RESTRICTIONS THAT CREATE AN UNDUE BURDEN ON INTERSTATE COMMERCE OR THAT UNJUSTLY DISCRIMINATE AMONG DIFFERENT CATEGORIES OF AIRPORT USERS. THIS PROVIDES THE DEPARTMENT AND AFFECTED PARTIES WITH THE ABILITY TO AFFECT LOCAL AIRPORT POLICIES IF THOSE POLICIES IMPINGE ON FEDERAL INTERESTS. WHAT IS IMPORTANT TO NOTE HERE IS THAT CIRCUMSTANCES AT AIRPORTS DIFFER GREATLY AND ARE LIKELY TO CONTINUE TO DIFFER IN THE FUTURE. THUS, IT BECOMES DIFFICULT TO ADDRESS INDIVIDUAL AIRPORT PROBLEMS ON A PURELY NATIONAL SCALE. THE AIRPORTS AND THEIR USERS MAY BE IN A BETTER POSITION THAN THOSE OF US IN WASHINGTON TO WEIGH THE COMPETING CONSIDERATIONS AND DETERMINE THE MOST EFFICIENT MEANS OF RESOLVING THE CONFLICTS WHICH ARE PRESENT. NONETHELESS, WE MUST ALSO RECOGNIZE THAT THERE IS A LEGITIMATE FEDERAL ROLE IN THESE MATTERS AND MUST BE PREPARED TO EXERCISE OUR RESPONSIBILITIES WHEN REQUIRED.

THE DEPARTMENT HAS DEVELOPED ITS POSITION ON THESE ISSUES OVER A NUMBER OF YEARS. THIS POSITION IS IN LARGE PART SET FORTH IN THE AVIATION NOISE ABATEMENT POLICY ISSUED BY SECRETARY COLEMAN AND ADMINISTRATOR McLUCAS IN 1976. SECRETARY DOLE HAS ASKED FOR ADDITIONAL EXAMINATION. WE INTEND TO LOOK AT LOCAL ORDINANCES AND WHETHER THEY ARE HAVING A SERIOUS IMPACT ON THE NATIONAL AIR TRAFFIC SYSTEM, WHETHER CIRCUMSTANCES WARRANT THAT FURTHER STEPS BE TAKEN BY THE DEPARTMENT, FOR EXAMPLE, WHETHER AN IMPROVED FEDERAL COORDINATING OR ADVISORY ROLE OUGHT TO BE CONSIDERED SO THAT THE NATIONAL IMPACTS OF LOCAL DECISIONMAKING CAN BE FULLY ADDRESSED BY

LOCALITIES EARLY IN THEIR DECISIONMAKING PROCESS. SECRETARY DOLE HAS ALSO ASKED US TO EVALUATE THE UTILITY OF A COMMISSION TO REVIEW THE MATTER IN STILL GREATER DEPTH. AND, AS WE MOVE TOWARDS CONCLUSIONS IN THIS REGARD, WE WILL BE PLEASED TO ADVISE THE COMMITTEE OF OUR THINKING.

TERMINAL SPACE AND GATE CONSTRAINTS

THE SECOND SECTION OF THE TASK FORCE REPORT ADDRESSES TERMINAL SPACE AND GATE CONSTRAINTS. WITH AIRLINE DEREGULATION, THE DEMAND FOR AIRPORT TERMINAL FACILITIES AT MANY AIRPORTS HAS STRAINED THE EXISTING FACILITIES BEYOND CAPACITY. SINCE 1978, WE HAVE FROM TIME TO TIME HEARD FROM CARRIERS THAT HAVE HAD DIFFICULTY IN GAINING ACCESS TO EITHER GATE, COUNTER, OFFICE, OR OTHER SPACE NEEDED FOR OPERATIONS AT A PARTICULAR AIRPORT. WE HAVE NOT FOUND, HOWEVER, ANY CIRCUMSTANCE WHERE SUCH SPACE WAS ULTIMATELY DENIED TO A CARRIER. THAT IS NOT TO SAY, HOWEVER, THAT ACCESS WAS NOT OFTEN DELAYED OR THAT OTHER DIFFICULTIES WERE NOT COMMON-PLACE. THE PROBLEM FOR MANY AIRPORT PROPRIETORS IS THAT THEY OPERATE UNDER LONG-TERM LEASES AND OTHER PROCEDURES AT THEIR AIRPORT THAT EVOLVED UNDER A HIGHLY REGULATED ENVIRONMENT. THEY HAVE LITTLE OR NO AUTHORITY TO REQUIRE SUBLEASING OR TRANSFER OF SPACE THAT IS BEING UNDER-USED. AS DEMAND ON THEIR LIMITED FACILITIES HAS GROWN, THEIR OPTIONS HAVE BECOME EVEN FURTHER LIMITED.

THE TASK FORCE TOOK AN EXHAUSTIVE LOOK AT AIRPORT LEASE ARRANGEMENTS, THE MAJORITY-IN-INTEREST PROVISIONS OF LEASES, THE NEGOTIATING COMMITTEES, AND THE OTHER ARRANGEMENTS THAT HAVE BECOME COMMON PRACTICE AT AIRPORTS. THE TASK FORCE RECOMMENDED THAT AIRPORTS SHOULD MAINTAIN A CERTAIN AMOUNT OF FLEXIBLE OR JOINT USE SPACE. IN ADDITION, AIRPORTS SHOULD PLACE GREATER

EMPHASIS ON PREFERRED USE RATHER THAN EXCLUSIVE USE SPACE. IF SUCH PRACTICES ARE ADOPTED BY AIRPORT PROPRIETORS, THERE IS MUCH LESS LIKELIHOOD THAT CHARGES OF DISCRIMINATION OR UNFAIR PRACTICES WILL BE LEVIED AGAINST THEM. WE ALSO NOTE AND AGREE WHOLEHEARTEDLY WITH THE TASK FORCE RECOMMENDATION THAT ADDITIONAL FEDERAL LAWS, RULES, OR REGULATIONS SHOULD NOT BE SOUGHT IN THIS AREA.

WE BELIEVE THAT THE ADOPTION OF THESE RECOMMENDATIONS WILL ALLEVIATE TERMINAL AND GATE ACCESS PROBLEMS AND WILL, OVER THE LONG TERM, BE IN THE AIRPORTS' BEST INTERESTS. CLEARLY, INDIVIDUAL AIRPORT CIRCUMSTANCES VARY TREMENDOUSLY AND WILL CONTINUE TO DO SO. ONCE AGAIN, WE BELIEVE THE AIRPORT AND ITS USERS CAN BEST JUDGE THE PROPER COURSE TO FOLLOW. WE DO NOT BELIEVE IT IS THE PLACE OF THE FEDERAL GOVERNMENT TO REQUIRE THE RENEGOTIATION OF AIRPORT USE AGREEMENTS OR TO DEMAND THAT CERTAIN PRACTICES OR OTHER AIRPORT/USER ARRANGEMENTS BE DISCONTINUED.

GROUNDSTIDE CONGESTION

THE FINAL SECTION OF THE TASK FORCE REPORT ADDRESSES GROUNDSTIDE CONGESTION. IN RECENT YEARS, AIRPORT PROPRIETORS HAVE BECOME INCREASINGLY AWARE THAT INADEQUATE ACCESS TO THEIR AIRPORTS, BEYOND THEIR AIRPORT BOUNDARIES, IS A PROBLEM THAT COULD LIMIT THEIR AIRPORT'S GROWTH POTENTIAL. IN MOST CASES, THE AIRPORT AUTHORITIES LACK DIRECT RESPONSIBILITY FOR PLANNING, BUILDING, AND OPERATING HIGHWAY AND TRANSIT SYSTEMS THAT FALL OUTSIDE THE BOUNDARIES OF THEIR AIRPORTS. THE TASK FORCE IDENTIFIED THIS SPLIT IN RESPONSIBILITY FOR AND JURISDICTION OVER AIRPORT AND REGIONAL TRANSPORTATION PLANNING ACTIVITIES AS A MAJOR GROUNDSTIDE ACCESS PROBLEM.

FOR A NUMBER OF YEARS, THE DEPARTMENT HAS BEEN CONCERNED THAT, SINCE THE AUTOMOBILE HAS BEEN AND SHALL CONTINUE TO BE THE PRIMARY MODE OF TRAVEL FOR PASSENGERS TO AIRPORTS, AS AIR TRAFFIC INCREASES, THERE WILL BE CONTINUED INCREASES IN AIRPORT GROUND SIDE CONGESTION. WE THEREFORE CONCUR IN THE TASK FORCE RECOMMENDATION THAT BETTER COORDINATION BETWEEN AIRPORT AND REGIONAL TRANSPORTATION PLANNING MUST TAKE PLACE.

AS FOR OUR PART AT THE DEPARTMENT, WE SHALL CONTINUE TO ENCOURAGE THAT PLANNING GRANT FUNDS DISTRIBUTED BY THE SEVERAL MODAL ADMINISTRATIONS WITHIN THE DEPARTMENT BE COORDINATED AND THAT, WHEN APPROPRIATE, CONSIDERATION BE GIVEN TO AIRPORT GROUND ACCESS PROBLEMS. HERE AGAIN, HOWEVER, WE BELIEVE IT IS MORE APPROPRIATE THAT STATE AND LOCAL AUTHORITIES BE GIVEN THE PRIMARY RESPONSIBILITY FOR IDENTIFYING PROBLEMS OR CONFLICTS IN PROPOSED FEDERAL FINANCIAL ASSISTANCE. CLEARLY, BETTER COORDINATION IS IN THE BEST INTEREST OF THE COMMUNITIES THAT ARE INVOLVED AND THEY ARE IN A BETTER POSITION TO ASSESS AND EVALUATE LOCAL REQUIREMENTS. THEREFORE, EMPHASIS SHOULD BE PLACED ON REGIONAL AND OTHER LOCAL PLANNING AUTHORITIES FOR ENSURING THAT ADEQUATE CONSIDERATION OF ALL LOCAL TRANSPORTATION REQUIREMENTS BE MADE, INCLUDING AIRPORT ACCESS.

FEDERAL INSPECTION SERVICES (FIS)

ANOTHER MATTER CONSIDERED IN THIS SECTION OF THE REPORT IS THE FEDERAL INSPECTION SERVICES (FIS). THE TASK FORCE RECOMMENDS THAT THE FIS'S BE REQUIRED TO MODERNIZE AND SIMPLIFY THEIR PROCEDURES AND THAT SOME TYPE OF CONSOLIDATION OF THESE SERVICES BE GIVEN CONSIDERATION BY CONGRESS.

FOR SOME TIME, THE FACILITATION OF PASSENGERS AND CARGO THROUGH OUR INTERNATIONAL GATEWAY AIRPORTS HAS BEEN OF CONSIDERABLE CONCERN TO THE DEPARTMENT. THE EXPEDITIOUS MOVEMENT OF PEOPLE AND GOODS THROUGH OUR AIRPORT TERMINAL FACILITIES IS EXTREMELY IMPORTANT TO INTERNATIONAL COMMERCE. THEREFORE, THE DEPARTMENT FULLY ENDORSES THE TASK FORCE RECOMMENDATION THAT THE FIS'S MODERNIZE AND SIMPLIFY THEIR SERVICES, AS LONG AS IMPLEMENTATION WOULD AVOID ANY SIGNIFICANT DEGRADATION IN PROTECTION SERVICES. WE DO NOT BELIEVE THAT IT IS APPROPRIATE AT THIS TIME TO SUGGEST THAT FIS STAFFING IS INADEQUATE. ONLY AFTER THE INSPECTION PROCESS HAS BEEN STREAMLINED CAN AN ASSESSMENT BE MADE AS TO THE ADEQUACY OF FIS STAFFING.

IN CLOSING, I WANT TO EMPHASIZE THE DESIRE ON THE PART OF THE DEPARTMENT TO WORK WITH THE INDUSTRY TO SOLVE THE PROBLEMS OF AIRPORT ACCESS. WE HAVE NO INTENTION OF ALLOWING THE WORK OF THE AIRPORT ACCESS TASK FORCE TO SIT ON A SHELF. CONSISTENT WITH OUR STATED POLICIES, WE INTEND TO IMPLEMENT THE RECOMMENDATIONS OF THE REPORT AND WHERE THERE IS AN OPPORTUNITY TO "JAWBONE," CAJOLE, OR OTHERWISE AFFECT THE PRACTICES OF THE INDUSTRY THAT WILL IMPROVE ACCESS, WE INTEND TO DO SO. WE ARE ALSO TAKING A VERY CLOSE LOOK AT WHETHER THERE ARE ANY OTHER ACTIONS THAT THE DEPARTMENT MIGHT UNDERTAKE TO FURTHER OUR COMMON GOAL OF ALLEVIATING THE ACCESS PROBLEM. FINALLY, WE ARE, OF COURSE, ALSO ANXIOUS TO WORK WITH THE CONGRESS AND THIS COMMITTEE TO PROVIDE WHATEVER ASSISTANCE WE CAN TO ENSURE THAT THE PROBLEM OF AIRPORT ACCESS DOES NOT UNDULY CONSTRAIN THE GROWTH OF AVIATION.