STATEMENT OF JOSEPH DEL BALZO, DIRECTOR, EASTERN REGION, FEDERAL AVIATION ADMINISTRATION, BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, CONCERNING AIRSPACE IN THE NORTHERN NEW JERSEY AREA. MARCH 3, 1986.

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to appear before the Subcommittee today to discuss with you various issues concerning aviation in Northern New Jersey.

The Northern New Jersey area is an important one from an aviation perspective. There are substantial amounts of air travel within this area, and a significant number of airport facilities to serve travellers. In view of the aviation activity in this region, we have devoted substantial resources toward assuring that the air traffic is accommodated safely and efficiently, both in terms of airport improvements and in refinements to our air traffic control system and procedures. In fact, we have some of the most sophisticated equipment and navigational aids servicing this area. There are 11 Visual Omni Ranges, 5 Instrument Landing Systems, 1 Radar System, 3 Radar Brite Displays, a Low Level Wind Shear Alert System as well as the latest technology in approach and runway lighting systems. In addition, the Newark Airport is scheduled to receive one of the first Microwave Landing Systems in the United States. This state of the art equipment will permit us greater flexibility in avoiding congested areas on our approach paths into that airport.

The FAA has worked with the Port Authority of New York and New Jersey as well as local communities in developing departure and arrival routes that traverse over the least populated areas. Working closely with these entities, the FAA developed and implemented the Meadow Visual Approach into the Newark Airport. Recognizing the noise sensitivity concerns of the communities surrounding these airports, the FAA is continually looking into ways of modifying arrival and departure routes to reduce the noise impact while ensuring safety. We have also provided more than $3 million in noise abatement assistance to the Northern New Jersey airports. A good portion of these funds has gone into the soundproofing of schools in the vicinity of Newark Airport.

I believe this hearing today presents us a unique opportunity to inform the public of the numerous actions we have taken to promote a safe and efficient air transportation system in this area, and I welcome that opportunity.

I would like to take a few moments now to briefly address the topics which the Subcommittee has indicated are of interest to it at today's hearing.

AIR TRAFFIC SITUATION IN NORTHERN NEW JERSEY

There are a variety of air traffic control facilities in Northern New Jersey operated by the FAA. The general responsibility for

controlling Instrument Flight Rules (IFR) air traffic and for selected Visual Flight Rules (VFR) air traffic is delegated to the New York Terminal Radar Approach Control (TRACON) facility located in Westbury, New York. This TRACON is responsible for controlling traffic within the JFK, LaGuardia, and Newark Terminal Control Areas.

The Newark Sector at the New York TRACON controls traffic generally at 10,000 feet and below, with a 6.5 mile segment at 2,000 feet and below reapportioned to Newark Tower for conducting limited radar approach control operations.

Morristown, Essex County, and Teterboro Towers all lie below the airspace of the Newark Terminal Control Area. They control VFR traffic within their designated airport traffic areas and control zones below 3,000 feet. They also are responsible for sequencing IFR traffic with this traffic to provide for an orderly flow to and from these airports.

The Tower at Newark International similarly controls VFR traffic as well as IFR traffic operating within the Terminal Control Area environment in airspace delegated to Newark Tower by the New York TRACON.

I would add that flow control procedures are in effect daily in this area to regulate the safe, orderly, and efficient flow of air

traffic. Through the use of flow control, we seek to avoid airspace congestion of IFR traffic.

As I noted earlier, this is an active aviation environment in which there are a number of important airports. I would like to take a moment to highlight for you some information concerning FAA operations on these airports.

At Morristown Airport, there is an FAA Level II VFR Tower. The FAA designates five levels of terminal facilities, with Level I being the lowest level activity terminal and Level V the highest. Our tower at Morristown is staffed with one manager, one supervisor, and 11 air traffic controller specialists. The average experience level of our controllers ranges from 2-4 years, which is common at our lower level towers where controllers reach the journeyman level in relatively short periods of time and frequently seek assignments at higher level facilities. The airport serves aircraft ranging from single engine piston aircraft through multi-engine corporate jet aircraft and helicopters. There are no air carrier operations at Morristown. In calendar year 1985, there were 167,669 aircraft operations, of which 8,684 were instrument operations. Three runways are instrument equipped; one with Instrument Landing System (ILS) and two with Nondirectional Radio Beacons (NDB's).

At Essex County Airport, we also have a Level II VFR Tower. It is staffed with a manager, two supervisors, and 14 air traffic

controllers. The average experience level of the controllers ranges from two to four years. The airport serves single engine piston aircraft through medium twin turbo-prop aircraft, helicopters, and occasional corporate jet aircraft. There are no air carrier operations. In 1985, there were 247,094 operations at the airport, 7,157 of which were instrument operations. One runway is served by an NDB, and there is an NDB-A approach serving all runways.

Teterboro Airport is served by an FAA Level II VFR Tower, which is operated 24 hours each day. The facility is staffed by a manager, two supervisors, 11 air traffic controllers, and two flight data clerks. The average experience level of the controllers is about three years. The airport serves single engine piston aircraft through large corporate jet aircraft and helicopters. Again, there are no air carrier operations at this airport. Last year, there were 268,357 aircraft operations at the airport, of which 95,949 were instrument operations. One runway is equipped with an ILS and an NDB, while another is equipped with an NDB-B and VOR and a VOR/DME-A.

At Newark International Airport, the FAA has established a Level IV Limited Radar Approach Control Facility which is operated around the clock. Staffing consists of one manager, one assistant manager, five supervisors, 28 air traffic controllers, six air

traffic assistants, and two flight data clerks. The average experience level for the controllers ranges from 3-5 years. The airport serves aircraft ranging from the smallest aircraft to heavy jet air carrier aircraft and helicopters. In calendar year 1985, the airport served 401,538 total aircraft operations, with 440,893 instrument operations. The airport is well equipped with ILS's on three runways, NDB's on two, VOR/DME on two, and RNAV on one.

As it would be exceedingly difficult to describe the air traffic control environment in Northern New Jersey in other than a very general way, I will ask Ed Spring at the end of my prepared statement to provide the Subcommittee with a description of airspace use in this area using charts we have brought with us for that purpose. I believe that description will highlight both the relative complexity of the airspace assignments as well as the careful approach we have given to structuring this airspace in a way that provides for safe and efficient separation of air traffic.

At this point, I would like to indicate that I firmly believe that the air traffic control system in this area, while accommodating a busy and complex aviation environment, is providing a high degree of safety to air travellers. We will continue to make every effort to assure that it continues to do so.

ANTICIPATED AIRPORT DEVELOPMENT

We have worked closely over the years in assisting local airport authorities develop their airports to meet increasing aviation demands in the Northern New Jersey area.

In the last 6 years, including FY-86, the FAA has issued or is considering grants to local sponsors amounting to $63.5 million. A major portion of this Federal grant assistance ($47.5 million or 75%) has been for development at Newark Airport to accommodate a rapid growth of passenger demand at that airport. The remaining $16 million (or 25%) has gone to 5 other airports in the area during that period to assist in providing relief to Newark Airport and to provide for more general aviation access to the Northern New Jersey communities.

The primary development at Newark for which Federal funds have been granted or are being considered for the immediate future involve passenger terminal, roadways, and projects to achieve aircraft noise relief such as soundproofing of schools. The Federal aid for the other airports (Teterboro, Morristown, Essex County, and Linden) includes safety related projects such as runway rehabilitation and grooving, obstruction removal and lighting, and capacity projects such as additional parking aprons and taxiways. In addition, a noise monitoring system has been

added to Teterboro Airport with Federal grant funds and a master plan is underway at the privately owned Lincoln Park Airport with a view toward developing that airport as an additional reliever facility in the Northern New Jersey area.

There are no anticipated projects of which we have been apprised that would either add new airports to the region or otherwise change the mix of aircraft or the airspace environment in the area. Over the long term, however, we expect there to be a continued need to improve airport facilities in this region since our projections are that there will be an estimated 18.3% increase in operations at the Northern New Jersey airports by the end of this century. We will continue to work with local sponsors in the planning and development of their airports to meet both short and long range improvements consistent with local objectives, FAA safety requirements, and environmental compatibility.

GOVERNMENTAL RESPONSIBILITIES FOR LAND USE

Simply stated, the direct authority to control the use of land around airports rests with local government bodies. The Federal Government's involvement in this area is indirect or advisory in nature. Let me elaborate on these points.

The Federal Aviation Act of 1958, as amended, requires that the FAA Administrator prescribe regulations that require persons to

provide adequate public notice of the construction or alteration of a structure where notice will promote safety in air commerce. The FAA has done that through the issuance of Part 77 of the Federal Aviation Regulations, which establish when and how a construction sponsor must notify the agency of the proposed construction or alteration of a structure.

When notice is provided the FAA, we carefully assess the proposal to determine whether its construction would create a hazard to air navigation or otherwise necessitate a change in air traffic control procedures. We do not have authority to direct that the construction not be pursued, but instead work closely with construction sponsors and local governmental bodies to achieve compatibility with the air traffic system.

In some cases, local communities may have zoning ordinances which expressly prohibit the construction of any object which the FAA finds would be a hazard to air navigation. In others, it may be incumbent on the FAA to negotiate with the sponsor to make alterations to the proposal. I would add that these efforts have proven to be effective over the years. Should they prove unsuccessful in a case in which we have concluded that an object would pose a hazard to air navigation, the alternative remaining to us would be to alter flight procedures by special regulation to maintain a safe flight environment. Before instituting such

procedures, however, I would expect that either the local zoning authority would reconsider its position on the issue or the liability insurance carrier of the building sponsor would terminate its coverage.

I have outlined for you briefly our general activities under Part 77 of the FARs. In the case of airport sponsors who accept an airport improvement grant, we have taken two additional steps to reduce the possibility of structures being built around the airport which could compromise operations at the airport. First, we require the sponsor to agree to an assurance to adequately clear and protect the aerial approaches to the airport by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards. Second, the sponsor must agree to an assurance to take appropriate action, including the adoption of zoning laws, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. To assist local communities in adopting appropriate zoning ordinances, we have developed a model zoning ordinance to limit the height of objects around airports which we make available to the public in an advisory circular.

Although the current system is not perfect, it has, on the whole, worked reasonably well. We typically receive the cooperation of

construction proponents and local authorities. We are aware of no reason at this time to seek to alter the current approach. In fact, serious constitutional questions would likely arise about any direct Federal involvement in specifically controlling use of land around airports.

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In closing, Mr. Chairman, I would again like to thank you for your interest in Northern New Jersey aviation activities. I would also like to reemphasize my strongly held view concerning the safety provided air travellers in that airspace. The relative complexity of that airspace, rather than suggesting the existence of safety problems, confirms, in my view, the careful attention we have given to assuring that the airspace is structured to best accommodate traffic in a safe and efficient manner.

That completes my prepared statement, Mr. Chairman. With your permission, I will ask Mr. Ed Spring to provide the Subcommittee with a more detailed description of the airspace utilization in this area. Following Mr. Spring's presentation, we would be pleased to respond to questions you may have.