

STATEMENT OF BARRY L. VALENTINE, ACTING ASSOCIATE ADMINISTRATOR FOR REGULATION AND CERTIFICATION, FEDERAL AVIATION ADMINISTRATION, BEFORE THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, CONCERNING THE FAA'S PROPOSED SPECIAL FLIGHT RULES OVER THE GRAND CANYON. OCTOBER 10 and OCTOBER 11, 1996.

Mr. Chairman and Members of the Subcommittee:

I welcome the opportunity to appear before you today to discuss the FAA's proposed Special Flight Rules over the Grand Canyon. With me today is Mr. Harold W. Becker, Manager, Air Traffic Airspace Planning and Analysis Division.

Let me state at the outset, Mr. Chairman, that the FAA shares the national concern for the preservation of the natural environment. A critical objective in the FAA Strategic Plan is to provide leadership in mitigating the adverse environmental impact of aviation. It is the policy of the FAA, in its management of the navigable airspace over locations in parks and other federally-managed areas with unique noise-sensitive values, to exercise leadership in achieving an appropriate balance between efficiency, technological practicability, and environmental concerns, while maintaining the highest level of safety. This policy envisions joint efforts between the FAA, the Federal agencies managing these locations, and in the case of the Grand Canyon, the Native American tribes, to enhance the compatibility between management of the airspace and management of noise-sensitive lands.

As you know, FAA began dealing with the issue of park overflights in 1986 and, in 1987, we implemented Special Federal Aviation Regulation 50 (SFAR 50). The purpose of SFAR 50 was to increase the safety of operations over the Grand Canyon and to reduce the impact of aviation noise on the Park.

Also in 1987, Congress enacted the National Parks Overflights Act. One of the mandates in that legislation required the National Park Service (NPS) to substantially restore natural quiet within the Grand Canyon. The FAA's role was to ensure that any actions taken did not decrease aviation safety. The legislation resulted in SFAR 50-2, which substantially expanded the aviation safety provisions and noise reduction mechanisms contained in SFAR 50.

Today, SFAR 50-2 is the most extensive aviation park management plan in operation. The SFAR established a Special Flight Rules Area (SFRA) from the surface to 14,499 feet in the area of the Grand Canyon. It prohibited flights below certain altitudes, and it established four flight-free zones. The SFAR also provided special routes for air tour operations and it required that all air tour operators conduct their operations pursuant to Part 135 of the Federal Aviation Regulations. Finally, the SFAR contained certain terrain avoidance and communications requirements for tour flights operating over the Grand Canyon.

SFAR 50-2 continues to provide a safe and efficient airspace environment for air tour operators and it has reduced the impact of aviation noise on the Park. However, much of the gains achieved from the SFAR have been offset by the increase in air tour operations. An NPS analysis shows that in 1987, 43% of the Park met the NPS criterion for substantially restoring natural quiet. However, a subsequent study shows that in 1995, only 31% of the Park met the NPS criterion. The conclusion was that the noise mitigation benefits of SFAR 50-2 had been eroded due to an increase in the number of flights over the Grand Canyon.

In 1993, DOT and DOI formed an interagency working group to develop additional ways to reduce the impact of overflights over national parks. This effort led to a joint Advanced Notice of Proposed Rulemaking (ANPRM) seeking public comment on policy recommendations addressing overflights and noise reduction. Of the 1,975 distinct comments received, 644 comments specifically addressed the Grand Canyon. Of those, 337 commenters opposed and 232 commenters supported further regulation. I would like to note that, although Native American tribal concerns regarding flights over the Grand Canyon were not addressed in the ANPRM, the FAA is committed to resolving these concerns.

After publishing the ANPRM, DOT and DOI held a public meeting to provide all interested parties with an opportunity to comment on improving SFAR 50-2. Sixty-two speakers representing air tour operators, environmentalists, state and local governments,

tourist boards, corporations, Native American tribes, and other individuals attended the meeting. An additional 349 public comments were subsequently received during the comment period.

Mr. Chairman, I have provided this overview in an effort to give others an idea of the complexity and difficulty of this task. During the August 1995 public meeting in Flagstaff, you stated that we are dealing with compelling interests that have vastly different agendas. You are right. The task of building consensus on regulating park overflights is not an easy one. However, after much hard work, we believe that we have a reasoned and balanced proposal that begins to address the difficult issue of park overflights.

The Notice of Proposed Rulemaking (NPRM), published in July, incorporates comments from the joint DOT/DOI ANPRM and NPS recommendations. Comments from the public meetings held in August 1995, recommendations from the interagency working group, and the FAA's assessment of safety and noise issues have also been factored into the proposal. The proposal contains several elements that I will briefly discuss.

First, the proposal would expand the Special Flight Rules Area (SFRA) created under SFAR 50-2 and increase the altitude of the SFRA ceiling from 14,499 to 17,999 feet. All persons operating aircraft in this airspace must comply with the special rules that apply to the SFRA. The expanded SFRA would continue to exclude the Grand Canyon

National Airport Class D Airspace Area so aircraft could continue to take off and land at the airport. In addition, the SFRA boundary would still provide for unrestricted access to the airport on the Hualapai Reservation, located south of the Canyon rim in the west Canyon area.

Second, the NPRM proposes to increase the number and size of the flight-free zones. The proposal would create the Sanup flight-free zone in the western portion of the Park and the Marble Canyon flight-free zone in the northeast portion of the Park. In addition to the two new flight-free zones, the proposal would reconfigure and expand the flight-free zones currently existing under SFAR 50-2. The overall result of these changes would increase the amount of parkland covered by flight-free zones from 45 to 87 percent.

Flight corridors, which are the routes used by pilots flying over the Park, would have to be modified to accommodate the increase in flight-free areas. Currently there are five flight corridors that allow air traffic access through the Park. Under the NPRM, two new flight corridors would be established in one of the proposed flight-free zones, one corridor would be closed, and other corridors would be modified.

The two changes just discussed--the expanded flight-free zones and the modified flight flight corridors--would help reduce the amount of aircraft noise experienced in the Park.

However, additional measures will be necessary if NPS is to achieve the legislatively-mandated requirement to substantially restore the natural quiet of the Park.

The NPS defines "substantial restoration of natural quiet" to mean that 50% or more of the Park must be free from aircraft noise for 75 to 100 percent of the day. The airspace changes I just discussed would restore natural quiet to 38% of the Park. However, this percentage is based on the 1995 level of Park operations. Therefore, to maintain the 38% restoration of natural quiet achieved by the proposal, and to ultimately achieve 50% restoration of natural quiet, more needs to be done. Therefore, additional options are set forth in the proposal.

One option would establish fixed flight-free periods for air tour operations. For example, during the summer season (May 1 through September 30) no air tour operations would be allowed to take place between 6 p.m. and 8 a.m. daily, and during the winter season (October 1 through April 30), no air tour operations would be allowed to take place between 5 p.m. and 9 a.m. daily. Although FAA is proposing a fixed flight-free period, other options, such as variable flight-free periods are possible, and comments are welcome.

Another option discussed in the proposal is a temporary moratorium on increasing the number of air tour operations during 1997 and 1998. Under the proposal, each operator would be limited to the number of monthly operations it conducted between the months

of August 1, 1995 through July 31, 1996. The restriction would apply to all air tour operators for the two-year period. The fundamental purpose of the moratorium would be to assure that the noise mitigation benefits of the proposal are not eroded during this period due to increased air tour operations. Again, other approaches, such as a cap on the number of air tour aircraft or air tour operators are possible, and we welcome comments.

Each of the proposals that I have discussed would have some costs associated with them. The costs of expanding the SFRA and raising the ceiling are not significant, and mainly involve revising and publishing new aeronautical charts.

The costs associated with the increased flight-free zones and the required route reconfiguration are more substantial. Air tour routes affected by the increased flight-free zones accounted for \$10.7 million of the air tour industry's total revenue of \$115.9 million in 1995. However, the only way the rule could generate a \$10.7 million cost would be if air tour operators impacted by the change ceased to conduct all tours affected by the change. It is more likely that air tour operators will adapt their air tour routes to the new airspace configurations. Making this assumption, FAA estimates that the proposed changes to the flight-free zones and flight corridors will cost air tour operators approximately \$1.2 million in average annual revenue loss over the next 10 years.

The proposed fixed flight-free periods and the temporary moratorium would result in the most significant costs. Fixed flight-free periods would reduce the time available to offer

tours. During the peak summer season air tour operators are operating at virtually full capacity. Therefore, it is likely that some reduction in operations will occur during the summer season if the fixed flight-free periods are adopted. Using 1995 revenues as a base, FAA estimates that during the summer season air tour operators could lose approximately \$5.3 million annually; that is 5.7% of the \$115.9 million total air tour operating revenue generated in 1995. Unlike the summer season, air tour operators do not operate at full capacity during the winter. FAA therefore estimates that approximately 5,160 tours would be displaced during the winter season under the NPRM. However, air traffic compression and increased noise levels may not permit the rescheduling of all of those flights. FAA is seeking comments from tour operators to determine the feasibility of this aspect of the proposal.

Precise calculation of the actual cost of the two-year moratorium is not possible at this time. We do know that it might limit new entrants into the market and could increase costs to users. Adverse effects would be limited to some extent because of the limited duration of the cap. Again, FAA is seeking comments to better determine the cost of this proposal.

Although curfews and caps are controversial, we could not assess or maintain the advances we achieve in noise reduction if the number of operations were to continuously increase. Once we adopt a proposal, we must pause long enough to evaluate our progress

and to determine how we can maintain a healthy air tour industry while reducing noise levels.

The FAA recently conducted a series of public meetings on the proposed changes. Commenters raised several safety issues. General aviation pilots and air tour operators are concerned that the safety achieved by SFAR 50-2 will be significantly reduced. Operators contend that they will have to conduct their operations in less time and in less airspace. For example, they believe that curfews would increase congestion at Park entry points when all operators try to enter or exit the Park at the same time. In addition, they are concerned that the higher altitude requirements, increased flight-free zones, and one-way traffic corridors will compress single engine airplanes, helicopters, and high performance light twin engine airplanes into the same airspace.

The FAA is concerned about aviation safety first and foremost, and recognizes that several safety concerns must be addressed. All feasible options are being evaluated, and we are confident that we will be able to sufficiently address the issues raised by the commenters.

Although the NPRM represents some very significant steps forward, many will not be satisfied with our attempt to balance the competing interests. One way to resolve these inherent tensions is the development and use of quieter aircraft. The NPS report to Congress identified the quietest aircraft currently operating in the Park. As an incentive

for air tour operators to purchase such aircraft, the proposed moratorium contains a provision that would give preference to operators of quieter aircraft. If the proposed cap is implemented, each air tour operator would have a monthly allocation of operations. If an operator intended to reduce operations so that it did not use its monthly allocation, new or existing operators could apply for the unused allocation and a preference would be given to the operator who utilized the quietest aircraft.

Recognizing that quiet technology aircraft would allow industry growth while providing for substantial restoration of natural quiet, FAA and NPS will work to develop a comprehensive noise mitigation plan to provide a long-term solution for Canyon overflights. The plan will identify the best available aircraft technology, provide appropriate incentives for investing in quiet aircraft, and provide appropriate treatment for air tour operators that have already made such investments.

Again, I want to restate FAA's commitment to seek the appropriate balance between efficiency, technological practicability, environmental, and Native American tribal concerns, while maintaining the highest level of aviation safety. It is a difficult task, but we are committed to successfully completing it.

That concludes my formal statement, Mr. Chairman. I would be please to answer any questions you may have.