

FAA REAUTHORIZATION: NAVIGATING THE COMPREHENSIVE PASSENGER EXPERIENCE

(118-6)

HEARING
BEFORE THE
SUBCOMMITTEE ON
AVIATION
OF THE
COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

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MARCH 20, 2023

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Aviation
FROM: Staff, Subcommittee on Aviation
RE: Subcommittee Hearing on “*FAA Reauthorization: Navigating the Comprehensive Passenger Experience*”

I. PURPOSE

The Subcommittee on Aviation will meet on Thursday, March 23, 2023, at 10:00 a.m. ET in 2167 of the Rayburn House Office Building for a hearing titled, “*FAA Reauthorization: Navigating the Comprehensive Passenger Experience*.” The hearing will provide a comprehensive assessment of the airline passenger experience—analyzing the air transportation system, from the time a passenger arrives at the departure airport to the time the passenger departs from the destination airport. This hearing is in advance of Congress acting to reauthorize the Federal Aviation Administration’s (FAA’s) statutory authorities, which expire on October 1, 2023. The Subcommittee will receive testimony from witnesses representing Airlines for America (A4A), the National Air Traffic Controllers Association (NATCA), Airports Council International–North America (ACI–NA), and Paralyzed Veterans of America (PVA).

II. BACKGROUND

For most commercial airline passengers, the air transportation journey often begins at the curb or parking lot of the departure airport and ends at the same point at the destination airport. During that timeframe, a passenger’s unique experience is affected by myriad factors and entities including, but not limited to, airlines, airports, airport contractors and vendors, and air traffic management system and operations.

The COVID–19 pandemic caused major difficulties for the entire United States aviation sector. From January 2020 to April 2020, airline revenue passenger miles fell by 96 percent.¹ Furthermore, passenger enplanements at commercial service airports declined by over 50 percent from 2019 to 2020.² As a result, in January 2021, full-time equivalent staffing at U.S. scheduled passenger airlines was at its lowest

¹*Air Passenger Revenue Miles*, Federal Reserve Bank of St. Louis, available at <https://fred.stlouisfed.org/series/AIRRPMTSID11>.

²*Passenger Boarding (Enplanement) and All-Cargo Data for U.S. Airports—Previous Years: Enplanements at All Commercial Service Airports (by Rank) CY2020*, FAA, available at https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/previous_years#2020

level for the month of January since 2015.³ The FAA similarly reduced the planned air traffic controller hiring goals for 2021 from 910 to 500 to account for the historic drop in air traffic volume.⁴

As COVID-19 restrictions began to lift, air carriers experienced a greater than anticipated increase in demand for air travel, leading to capacity and staffing constraints, posing significant operational challenges.⁵ In 2022, more than 850 million people travelled on scheduled air carriers, an increase of more than 50 percent from 2020.⁶ Consequently, from June to August of 2022, more than 2.5 percent of scheduled air carrier flights were cancelled and over 22.5 percent were delayed by 15 minutes or more.⁷ Additionally, staffing shortages at air traffic control facilities, severe weather, and pandemic-driven changes in air traffic further contributed to the numerous delays and cancellations across the country.⁸ In response to the post-pandemic surge in demand, airlines and the FAA took action to address hiring needs. United States scheduled passenger airline employment levels in December of 2022 were up 4.3 percent from the same month in 2019.⁹ Additionally, the FAA increased its air traffic controller hiring target to 1,020 for 2022.¹⁰

Title IV of the FAA Reauthorization Act of 2018 (P.L. 115-254) included more than 40 provisions related to improving the airline passenger experience.¹¹ These provisions include the establishment of a consumer complaints hotline, improved access to aviation consumer protection information online, the creation of an Airline Passengers with Disabilities Bill of Rights, and improvements to the consumer complaint process, among other things.¹² Additionally, the bill required a review of causes of airline cancellations, delays, and involuntary changes to passenger itineraries; established an Aviation Consumer Advocate; and reauthorized the Aviation Consumer Protection Advisory Committee.¹³

III. AIRPORTS

Each year, millions of passengers pass through our Nation's airports. The current National Plan of Integrated Airport Systems (NPIAS) identifies 3,287 commercial service and general aviation airports which are significant to national air transportation and thus eligible to receive Federal grants under the Airport Improvement Program (AIP).¹⁴ It also estimates the amount of funding needed to complete infrastructure development projects needed to bring these airports up to current design standards or add capacity at congested airports.¹⁵ The current NPIAS estimates there was \$62.4 billion in AIP-eligible projects between 2017 and 2021.¹⁶ The NPIAS also estimates that 11 airports are expected to be runway capacity constrained by 2026, increasing to 14 by 2031, and an additional 16 airports at risk of significant congestion by 2031.¹⁷

³Press Release. BUREAU OF TRANSP. STATISTICS, *Mid-January 2021 U.S. Passenger Airline Employment Up Nearly 19,000 FTEs from Mid-December*, (Mar. 17, 2021), available at <https://www.bts.gov/newsroom/mid-january-2021-us-passenger-airline-employment-nearly-19000-ftes-mid-december>.

⁴FAA, *The Air Traffic Controller Workforce Plan 2022-2031* (2022), available at <https://www.faa.gov/sites/faa.gov/files/2022-06/2022-afn-cwp.pdf>. [hereinafter *ATC Workforce Plan*]

⁵Michael B. Baker, *Airlines Prepare for Operational Challenges as Demand Rebounds*, *Business Travel News*, (Aug. 4, 2021), available at <https://www.businesstravelnews.com/Transportation/Air/Airlines-Prepare-for-Operational-Challenges-as-Demand-Rebounds>.

⁶*Passengers, All Carriers—All Airports*, BUREAU OF TRANSP. STATISTICS, U.S. DEP'T OF TRANSP., available at https://www.transtats.bts.gov/Data_Elements.aspx?Data=1. [hereinafter *BTS All Carriers*].

⁷Zach Wichter, *45,000+ flights were cancelled this summer. Here's what flyers can expect this winter*, USA TODAY, (Nov. 13, 2022), available at <https://www.usatoday.com/story/travel/airline-news/2022/11/13/flight-cancellations-summer-2022-airline-improvements/10668152002/>.

⁸Taylor Rains, *Flight cancellations are spiking in part because this air traffic control center in Florida is severely understaffed, airline group says*, BUSINESS INSIDER, (June 24, 2022), available at <https://www.businessinsider.com/air-traffic-control-staffing-shortage-causing-flight-cancellations-alpa-2022-6>. [hereinafter *Business Insider*].

⁹BTS All Carriers, *supra* note 6.

¹⁰*ATC Workforce Plan*, *supra* note 4.

¹¹*FAA Reauthorization Act of 2018*, Pub. L. No. 115-254, 132 Stat. 3186.

¹²*Id.*

¹³*Id.*

¹⁴NAT'L PLAN OF INTEGRATED AIRPORT SYSTEMS (NPIAS) 2023-2027, FAA (Sept. 30, 2022), available at <https://www.faa.gov/sites/faa.gov/files/npias-2023-2027-narrative.pdf>. [hereinafter *NPIAS*].

¹⁵*National Plan on Integrated Airport Systems (NPIAS)*, FAA, available at https://www.faa.gov/airports/planning_capacity/npias.

¹⁶NPIAS, *supra* note 14.

¹⁷*Id.*

Airports included in the NPIAS are distinguished by two categories: primary and nonprimary.¹⁸ There are 383 airports in the NPIAS classified as primary airports—supporting scheduled commercial air service at a certain volume—and 2,904 nonprimary airports—supporting low-level commercial service and general aviation operations.¹⁹

AIRPORT REVENUE

To finance daily operations, airports generate and rely on both aeronautical and non-aeronautical revenue.²⁰ The primary sources of aeronautical, or airside, revenue are various fees paid by airlines and other airport users for the lease of terminal space, landing fees, and use of other airport facilities, such as jet bridges. Non-aeronautical, or landside, revenue sources include airport terminal concessions, parking, rental car operations, and rental fees.

AIRPORT CAPITAL

To finance capital needs, airports use a combination of Federal grants, Federally-authorized local airport charges, state and local grants, and airport revenues. The primary Federal grant funding for airport development and planning is the AIP. AIP funds are primarily used for improvements related to enhancing airport safety, capacity, and security, and mitigating environmental concerns. Airport sponsors can also use AIP funds, in most cases, on airfield capital improvements or repairs and, in some specific situations, for terminals and hangars.²¹ The AIP is currently authorized at its FY2012 level of \$3.35 billion.²² Prior to 2012, the last major increase to AIP authorization amounts occurred in FY2001, increasing from \$2.475 billion to \$3.2 billion.²³

Because the AIP does not cover all airport capital needs, Congress has authorized airports to collect a fee from passengers called the passenger facility charge (PFC). A PFC is approved by the Federal government, collected by the airlines, and paid directly to the airport without going through the Federal Treasury. The PFC is intended to supplement, not replace, AIP funds. Airports can use PFCs to build critical infrastructure projects at their facilities.²⁴ However, unlike AIP funds, airports can use PFC revenue for gates, airline ticket areas, and debt service on bonds that airports issue to finance airport infrastructure projects.²⁵ In 2021, the FAA estimated that airports collected approximately \$2.5 billion from PFCs.²⁶ Airports may impose a maximum \$4.50 PFC on enplaning passengers, up to a maximum of \$18 on a roundtrip ticket.²⁷ The PFC is not indexed to the cost of inflation, and Congress has not increased the cap on the PFC since 2000.²⁸

IV. AIR TRAFFIC CONTROL (ATC)

One of the least visible, but most impactful, functions of the FAA is the operation of the air traffic control (ATC) system. The FAA provides ATC services in the United States airspace and vast areas of international airspace over the Gulf of Mexico, Atlantic Ocean, and Pacific Ocean. FAA's Air Traffic Organization (ATO) is responsible for managing the air traffic system and its operations, consisting of more than 14,000 air traffic controllers, 21 Air Route Traffic Control Centers, 147 Terminal Radar Approach Control facilities, and 520 airport traffic control towers.²⁹

The 5,300,000 square miles of United States domestic airspace makes it the largest and most complex airspace in the world.³⁰ Air traffic controllers provide air traffic services to 45,000 daily flights on average and assist roughly 5,400 aircraft at

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Financing Airport Improvements*, CONG. RESEARCH SERV., (R43327) (Updated Mar. 15, 2019) available at <https://crsreports.congress.gov/product/pdf/R/R43327/18>.

²¹ *Overview: What is AIP & What is Eligible?*, FAA, available at <https://www.faa.gov/airports/aip/overview>.

²² 49 U.S.C. § 48103.

²³ Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, Pub. L. No. 106–181, 114 Stat. 61. [hereinafter *21st Century*].

²⁴ 14 C.F.R. § 158 (2023).

²⁵ *Id.*

²⁶ *Key Passenger Facility Charge Statistics*, FAA, available at <https://www.faa.gov/sites/faa.gov/files/stats.pdf>.

²⁷ 49 U.S.C. § 40117(e)(2).

²⁸ *21st Century*, *supra* note 23.

²⁹ *Air Traffic by The Numbers*, FAA, available at https://www.faa.gov/air_traffic/the_numbers.

³⁰ *Air Traffic*, FAA, available at https://www.faa.gov/air_traffic.

one time during peak operational hours.³¹ A reliable and efficient air traffic control system is vital to the aviation industry and provides necessary navigation services to ensure passengers arrive at their destinations safely and on time. Any disruption to the ATC system could mean widespread flight delays, passengers sitting in an aircraft at the gate or on the tarmac, or aircraft forced to hold or slowdown en route to their destination.

AIR TRAFFIC CONTROLLER STAFFING

The FAA's mission is to provide the safest and most efficient aerospace system in the world.³² To this goal, the FAA uses dynamic staffing to align air traffic controller resources with demand.³³ At the onset of the COVID-19 pandemic, decreased demand for air travel led to the elimination or reduction of activities at ATC facilities.³⁴ For example, ATO's controller hiring goals for 2021 were reduced to account for decreased air travel demand.³⁵ Additionally, ATO shuttered its training academy due to the pandemic.³⁶ Consequently, as demand for air travel increased post-pandemic, ATO struggled with staffing shortages at critical facilities, causing airline cancellations and delays.³⁷ With air travel demand forecasted to surpass pre-pandemic levels by 2024, scrutiny on controller staffing efforts is needed.³⁸

In the 2022 Air Traffic Controller Workforce Plan, the FAA nearly doubled its hiring goals compared to 2021 to match the increase in air travel demand.³⁹ However, the process of hiring and adequately training an air traffic controller is a lengthy process, often taking over a year to complete.⁴⁰ Furthermore, controller staffing has not kept up with attrition, as the FAA presently has 1,000 less controllers than it did ten years ago.⁴¹ This has led to staffing shortages at various vital Air Route Traffic Control Centers.⁴²

Finally, while the FAA is seeking to increase staffing numbers in ATC centers, its Air Traffic Control Workforce Plan counts newly hired and untrained air traffic controllers in its overall workforce numbers.⁴³ This gives the appearance that a facility is within its staffing range when, in fact, the facility would be below its staffing range if such trainees—who have never been certified and cannot perform the requisite duties—are excluded.⁴⁴ This creates uncertainty and confusion in the overall air traffic controller workforce, decreases the FAA's awareness of such issues, and weakens the FAA's ability to meet operational needs.

NOTICE TO AIR MISSIONS (NOTAM)

A NOTAM is a notice to pilots, flight crews, and other personnel essential to flight operations regarding abnormalities or status updates in the National Airspace System (NAS).⁴⁵ The NOTAM system is vital to users of the NAS, as it delivers information necessary for safe flight operations.⁴⁶ For instance, a NOTAM may alert pilots and flight crews of a closed runway, temporary airspace restrictions, or inoperable navigation aids. On January 11, 2023, the FAA issued the first nationwide ground stop of all aircraft since September 11, 2001, due to an outage of the NOTAM system caused by an unintentionally deleted database file in the system.⁴⁷ This 90-minute outage caused thousands of commercial airline delays and cancella-

³¹ *Id.*

³² *Mission*, FAA, available at <https://www.faa.gov/about/mission>.

³³ *ATC Workforce Plan*, *supra* note 4.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Eric Katz, *FAA-Caused Flight Delays in New York Preview Potential 'Crisis' in Coming Years*, GOV'T EXEC., (Aug. 16, 2022), available at <https://www.govexec.com/workforce/2022/08/faa-caused-flight-delays-new-york-preview-potential-crisis-coming-years/375914/>.

³⁷ *Id.*

³⁸ FAA, *FAA AEROSPACE FORECAST FISCAL YEARS 2022-2024 (2022)*, available at https://www.faa.gov/sites/faa.gov/files/2022-06/FY2022_42_FAA_Aerospace_Forecast.pdf.

³⁹ *ATC Workforce Plan*, *supra* note 4.

⁴⁰ *Air Traffic Controllers, How to Become an Air Traffic Controller*, BUREAU OF LABOR STATISTICS, available at <https://www.bls.gov/ooh/transportation-and-material-moving/air-traffic-controllers.htm#tab-4>.

⁴¹ *FAA Must Report Air Traffic Controller Staffing Accurately in Controller Workforce Plan*, TRANSP. TRADES DEPT (Nov. 10, 2022), available at <https://ttd.org/policy/faa-must-report-air-traffic-controller-staffing-accurately-in-controller-workforce-plan/>.

⁴² *Business Insider*, *supra* note 8.

⁴³ *ATC Workforce Plan*, *supra* note 4.

⁴⁴ *Id.*

⁴⁵ *What is a NOTAM?*, FAA, available at <https://www.faa.gov/about/initiatives/notam/what-is-a-notam>.

⁴⁶ *NOTAM Modernization*, FAA, available at <https://www.faa.gov/about/initiatives/notam>.

⁴⁷ Press Release, FAA, *FAA NOTAM Statement* (Jan. 19, 2023), available at <https://www.faa.gov/newsroom/faa-notam-statement>.

tions around the country, with several major airlines reporting 40 percent or more delays and cancellations of scheduled flights.⁴⁸

On January 13, 2023, Chairman Sam Graves and Ranking Member Rick Larsen, along with 120 other Members of Congress, wrote to Department of Transportation (DOT) Secretary Pete Buttigieg seeking answers on the NOTAM outage.⁴⁹ The letter noted FAA's awareness of the persistent problems facing the NOTAM system and expressed concern with FAA's apparent issues managing the agency's ATC legacy systems.⁵⁰

On January 25, 2023, the House passed H.R. 346, the NOTAM Improvement Act of 2023, by a vote of 424–4. This legislation directed the FAA to establish a task force—composed of representatives from airlines, airports, aviation safety experts, and aviation labor unions, among others—to review the existing NOTAM system and make recommendations to improve the presentation of information and the system's resiliency and cybersecurity.⁵¹

The underlying issues which led to the temporary failure of the NOTAM system are indicative of an aging technology system that requires constant maintenance and replacement. It consists of thousands of pieces of hardware and software which have been built up over decades of operations. The FAA has struggled to keep up with the maintenance of these technology systems, resulting in poor performance and disruptions.⁵²

NEXT GENERATION AIR TRANSPORTATION SYSTEM (NEXTGEN)

In the early 2000s, Congress began directing the FAA to undertake a series of initiatives, known as “NextGen,” to revamp the Nation's ATC system in order to meet anticipated growth in air traffic.⁵³ The goal of NextGen is to transition the system from reliance on ground-based navigation and surveillance systems to a satellite-based system to increase the efficiency, capacity, and flexibility of our airspace. Specifically, NextGen initiatives are expected to reduce the required separation between aircraft, result in more efficient routes, and decrease congestion. Together, these initiatives are intended to provide a better experience for the travelling public.⁵⁴ Presently, NextGen efforts include specific programs to realize these benefits, including Automatic Dependent Surveillance-Broadcast (ADS-B), System-Wide Information Management (SWIM), and Data Communications (Data Comm).

The goal at the inception of NextGen was to transform the NAS by 2025.⁵⁵ However, NextGen programs have been vulnerable to delays and cost-overruns.⁵⁶ According to a November 2016 GAO report, six NextGen activities with completion dates in 2025 have been delayed to 2030.⁵⁷ Although anticipated costs for NextGen programs have fallen back in line with original estimates, challenges remain for the FAA's continued implementation, including the uncertainty of future funding, aircraft owners' equipage capabilities to fully utilize NextGen improvements, the instability of FAA' leadership and cybersecurity issues.⁵⁸

⁴⁸David Shephardson, Rajesh Kumar Singh & Abhijith Ganapavaram, *Airlines hope for return to normal Thursday after FAA outage snarls U.S. travel*, REUTERS, (Jan. 11, 2023), available at <https://www.reuters.com/business/aerospace-defense/us-faa-says-flight-personnel-alert-system-not-processing-updates-after-outage-2023-01-11/>.

⁴⁹Letter from Sam Graves, Chairman, and Rick Larsen, Ranking Member, H. Comm. on Transp. and Infrastructure to Secretary Pete Buttigieg (Jan. 13, 2023), available at https://transportation.house.gov/uploadedfiles/2023-01-13_-_letter_to_dot_on_notam_system_outage_final.pdf.

⁵⁰*Id.*

⁵¹NOTAM Improvement Act of 2023, H.R. 346, 118th Cong. (2023).

⁵²Niraj Chokshi and Mark Walker, *F.A.A. Outage Highlights Fragility of the Aviation System*, N.Y. TIMES, (Jan. 11, 2023), available at <https://www.nytimes.com/2023/01/11/business/faa-flight-delays-outage.html>.

⁵³*Next Generation Air Transport System (NextGen)*, FAA, available at <https://www.faa.gov/nextgen>.

⁵⁴FAA, *THE ECONOMIC IMPACT OF CIVIL AVIATION ON THE U.S. ECONOMY (Nov. 2016)* available at https://www.faa.gov/air_traffic/publications/media/2016-economic-impact-report_FINAL.pdf.

⁵⁵*Id.*

⁵⁶U.S. GOV'T ACCOUNTABILITY OFF., GAO-17-241R, *NEXT GENERATION AIR TRANSP. SYSTEM: INFORMATION ON EXPENDITURES, SCHEDULE, AND COST ESTIMATES, FISCAL YEARS 2004–2030* (2016).

⁵⁷*Id.*

⁵⁸U.S. GOV'T ACCOUNTABILITY OFF., GAO-17-450, *AIR TRAFFIC CONTROL MODERNIZATION: PROGRESS AND CHALLENGES IN IMPLEMENTING NEXTGEN* (2017).

EN ROUTE AUTOMATION MODERNIZATION (ERAM)

The ERAM program is foundational to the FAA’s NextGen initiative.⁵⁹ Focused on modernizing computer systems to improve flight tracking and management, ERAM provides real-time air traffic management and information-sharing for pilots, allowing better flight planning.⁶⁰ For controllers, ERAM enables them to handle air traffic more accurately and efficiently and increase the amount of flights which can be tracked.⁶¹ However, since its completion, ERAM has experienced numerous outages, causing thousands of flight delays and cancellations.⁶² Most recently on January 2, 2023, an issue with the ERAM system at Miami Air Route Traffic Control Center caused hundreds of delays at Florida airports for several hours.⁶³

V. AIR CARRIERS

The air transportation industry includes major airlines, regional airlines, all-cargo airlines, and charter operators that serve the widely varying needs of American consumers and businesses. In 1978, the Airline Deregulation Act of 1978 was signed into law.⁶⁴ The Airline Deregulation Act of 1978 made fundamental changes to the Federal Government’s oversight and regulation of the airline industry. Prior to 1978, the Federal Government was authorized to closely regulate air carriers and control, among other things, routes, rates, and service.⁶⁵ Since enactment of the Airline Deregulation Act of 1978, fares fell dramatically in real terms.⁶⁶

In 1992, the United States entered its first “Open Skies” agreement which eliminated most governmental limits on international services. Since that time, the United States has entered Open Skies agreements with over 100 countries around the world.⁶⁷ Major United States passenger airlines often partner with other airlines to complement their services. Domestically, they partner with regional airlines operating smaller aircraft to fly routes or during times-of-day that cannot be economically served with other, larger aircraft. Internationally, airlines also form alliances with foreign airlines to mutually expand the reach of their global networks.

DOT CONSUMER PROTECTION

The DOT is responsible for executing and enforcing airline consumer laws established by Congress, as well as developing regulations based on its existing statutory authority.⁶⁸ The DOT’s Office of Aviation Consumer Protection is the primary entity tasked with monitoring and enforcing violations of aviation consumer protection and civil rights, reviewing and responding to aviation consumer complaints, and establishing aviation consumer protection and civil rights regulations.⁶⁹ For instance, the office is responsible for the implementation and enforcement of regulations prohibiting discrimination against passengers with disabilities.⁷⁰ The office’s primary responsibilities include investigating disability-related complaints against airlines and promoting awareness of passenger rights through public education, among other efforts.⁷¹

⁵⁹ *En route Automation Modernization (ERAM)*, FAA, available at https://www.faa.gov/air_traffic/technology/eram.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² U.S. DOT OFF. OF INSPECTOR GEN., REPORT NO. AV2019004, FAA HAS TAKEN STEPS TO ADDRESS ERAM OUTAGES, BUT SOME VULNERABILITIES REMAIN (2018).

⁶³ *Hours-long flight delays at Florida airports caused by FAA air traffic control issue*, CBS MIAMI, (Jan. 2, 2023), available at <https://www.cbsnews.com/miami/news/faa-slows-air-traffic-into-florida-due-to-computer-issue/>.

⁶⁴ *Airline Deregulation Act of 1978*, Pub. L. No. 95–1779, 92 Stat. 1705.

⁶⁵ *Airline Deregulation Act of 1978: Preemption of State Consumer Protection Laws*, CONG. RESEARCH SERV. (LSB10925) (Mar. 1, 2023) available at <https://crsreports.congress.gov/product/pdf/LSB/LSB10925>.

⁶⁶ Derek Thompson, *How Airline Ticket Prices Fell 50 Percent in 30 Years (and Why Nobody Noticed)*, THE ATLANTIC. (Feb. 23, 2013), available at <https://www.theatlantic.com/business/archive/2013/02/how-airline-ticket-prices-fell-50-in-30-years-and-why-nobody-noticed/273506/>.

⁶⁷ *Open Skies Agreements Currently Being Applied*, U.S. DOT, available at <https://www.transportation.gov/policy/aviation-policy/open-skies-agreements-being-applied>.

⁶⁸ *Airline Passenger Rights: The Federal Role in Aviation Consumer Protection*, CONG. RESEARCH SERV. (R43078) (Updated Aug. 17, 2016). [hereinafter CRS: *Federal Role*].

⁶⁹ *About Us, Office of Aviation Consumer Protection*, U.S. DOT, available at <https://www.transportation.gov/airconsumer/about-us>.

⁷⁰ U.S. GOV’T ACCOUNTABILITY OFF., GAO–21–354, PASSENGERS WITH DISABILITIES: AIRPORT ACCESSIBILITY BARRIERS AND PRACTICES AND DOT’S OVERSIGHT OF AIRLINES’ DISABILITY-RELATED TRAINING (Apr. 2021).

⁷¹ *Id.* at 18.

The Airline Deregulation Act of 1978 eliminated Federal control over several airline business practices—chief among them pricing and domestic route selection.⁷² However, the Secretary of Transportation has statutory authority to investigate and decide whether an air carrier is engaged in an “unfair or deceptive practice.”⁷³ The interpretation of “unfair and deceptive” can significantly affect the scope of DOT’s enforcement authority as such terms are not defined in statute.⁷⁴ In December of 2020, the DOT issued a final rule codifying its interpretation of “unfair” and “deceptive” to provide certainty in the Department’s aviation consumer protection rule-making and enforcement actions.⁷⁵ In response to Executive Order 14036, the DOT published a guidance document to provide further interpretation of “unfair” and “deceptive” in August of 2022.⁷⁶

AIR CARRIER CONSUMER COMPLAINTS

As air travel has increased post-pandemic, so have air travel consumer complaints. Passengers filed 5,379 consumer complaints for United States scheduled air carriers in October 2022.⁷⁷ This represents a 370 percent increase from pre-pandemic levels in October 2019.⁷⁸ Consumer complaints are classified in various categories. These categories include reservations, ticketing, boarding, fares, refunds, baggage, customer service, disability, discrimination, and flight problems such as cancellations and delays.⁷⁹ In November 2022, the DOT received a total of 166 disability-related complaints, down from 206 in October 2022, but significantly up from 66 received pre-pandemic in November 2019.⁸⁰

DELAYS AND CANCELLATIONS

The on-time arrival rate for U.S. scheduled air carriers from January to November 2022 was 77.4 percent.⁸¹ This is down from the 79 percent rate for pre-pandemic 2019.⁸² Delays and cancellations are classified in different categories based on cause. For example, in November 2022, 6.79 percent of flights were delayed due to circumstances within the airline’s control. On the contrary, 5.12 percent of delays were due to NAS delays, which include non-extreme weather conditions, airport operations, heavy traffic volume or air traffic control.⁸³ Other categories of cancellations and delays include extreme weather delays, late arriving aircraft delays, and security delays.⁸⁴

⁷² CRS: *Federal Role*, *supra* note 68.

⁷³ 49 U.S.C. § 41712.

⁷⁴ CRS: *Federal Role*, *supra* note 68.

⁷⁵ 14 C.F.R. § 399 (2020).

⁷⁶ Exec. Order No. 14036, 86 Fed. Reg. 36987, (Jul. 9, 2021), *available at* <https://www.federalregister.gov/documents/2021/07/14/2021-15069/promoting-competition-in-the-american-economy>; *see also* Guidance Regarding Interpretation of Unfair and Deceptive Practices, 87 Fed. Reg. 52,677 (Aug. 29, 2022) (to be codified at 14 C.F.R. pt. 399).

⁷⁷ U.S. DOT, OFF. OF AVIATION CONSUMER PROTECTION, AIR TRAVEL CONSUMER REP. (Dec. 2022), *available at* <https://www.transportation.gov/sites/dot.gov/files/2023-01/December%202022%20ATCR.pdf>.

⁷⁸ Press Release, BUREAU OF TRANSP. STATISTICS, *Air Travel Consumer Report: October Consumer Complaints Down 12% from September, Yet Remain Three Times Higher Than Pre-Pandemic Levels* (Jan. 10, 2023), *available at* <https://www.bts.gov/newsroom/air-travel-consumer-report-october-consumer-complaints-down-12-september-yet-remain-three>.

⁷⁹ U.S. DOT, OFF. OF AVIATION CONSUMER PROTECTION, AIR TRAVEL CONSUMER REP. (Jan. 2023), *available at* <https://www.transportation.gov/sites/dot.gov/files/2023-02/January%202023%20ATCR.pdf> [*hereinafter* BTS, Jan. 2023].

⁸⁰ U.S. DOT, AIR TRAVEL CONSUMER REPORT: NOVEMBER CONSUMER COMPLAINTS INCREASE FROM OCTOBER, (Feb. 2022), *available at* <https://www.transportation.gov/briefing-room/air-travel-consumer-report-november-consumer-complaints-increase-october>

⁸¹ Press Release, BUREAU OF TRANSP. STATISTICS, *Air Travel Consumer Report: November Consumer Complaints Increase from October* (Feb. 7, 2023), *available at* <https://www.bts.gov/newsroom/air-travel-consumer-report-november-consumer-complaints-increase-october>.

⁸² U.S. DOT, OFF. OF AVIATION CONSUMER PROTECTION, AIR TRAVEL CONSUMER REP. (Feb. 2020), *available at* <https://www.transportation.gov/sites/dot.gov/files/2020-02/February%202020%20ATCR.pdf>.

⁸³ BTS, Jan. 2023, *supra* note 79.

⁸⁴ *Id.*

VI. WITNESSES

- Ms. Sharon Pinkerton, Senior Vice President, Legislative and Regulatory Policy, Airlines for America
- Mr. Kevin Doliolle, Director of Aviation, Louis Armstrong New Orleans International Airport, *on behalf of the* Airports Council International–North America
- Mr. Rich Santa, President, National Air Traffic Controllers Association
- Mr. Lee Page, Senior Associate Advocacy Director, Paralyzed Veterans of America

FAA REAUTHORIZATION: NAVIGATING THE COMPREHENSIVE PASSENGER EXPERIENCE

THURSDAY, MARCH 23, 2023

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AVIATION,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:03 a.m. in room 2167 Rayburn House Office Building, Hon. Garret Graves (Chairman of the subcommittee) presiding.

Mr. GRAVES OF LOUISIANA. The Subcommittee on Aviation will come to order.

I ask unanimous consent that the chairman may be authorized to declare a recess at any time for today's hearing.

Without objection, so ordered.

I also ask unanimous consent that Members not on the subcommittee be permitted to sit with the subcommittee at today's hearing and ask questions.

Without objection, so ordered.

As a reminder, if Members wish to insert a document in the record, please also email it to DocumentsTI@mail.house.gov.

I now recognize myself for the purposes of an opening statement for 5 minutes.

OPENING STATEMENT OF HON. GARRET GRAVES OF LOUISIANA, CHAIRMAN, SUBCOMMITTEE ON AVIATION

Mr. GRAVES OF LOUISIANA. First, I want to thank our witnesses for being here today.

The aviation industry has experienced extraordinary volatility over the last few years. To put things in perspective, air passenger revenue-miles dropped 96 percent from January 2020 until April of 2020. The FAA, recognizing the incredible changes in the aviation sector, actually cut by half their goals for controller hiring in 2021. But just as quickly as the pandemic caused a massive drop in aviation travel, we similarly saw a surge in aviation travel and airline travel after the pandemic began to wane.

Even before the pandemic happened, I often spoke to families, including my own, that I think saw air travel as a tense experience, thinking about packing up the kids, thinking about driving to the airport, parking, trying to get your luggage over to the airport, trying to check in your bags, getting through security with kids, and the entire experience from one curb to the other curb, dealing with the crowds, the changes in the hours or the flight times and services.

I remember being in the Atlanta airport in one of the busiest concourses, and there literally were two retailers that were open. It is absolutely amazing. Delayed bags, the list goes on and on. And this doesn't even come close to the challenging situations that passengers with disabilities experience when going through air travel.

All we know when we find out that there are problems is that usually you get some alert on your phone, or there is a notice on the screen that pops up and says things are delayed, and you don't have any idea why that happened. Was there a dog on the runway? Is there air traffic congestion? Is there once again a NOTAM system that went down? Are there equipment issues? We don't have any idea. All we know is that there are delays, and that experience causes extraordinary pressure, frustration, and anxiety.

Now, look, you look back over the past several years, and you look at what airlines have done with technology. I have got an app for the airlines that I fly on. I can figure out exactly where my seat is. I can change my seat. I can figure out what gate I am going to. If there is a gate change, I can pull up a map and figure out how to get to the other gate. The convenience of that technology has been extraordinary. But that really is one of the few technological advances that has really improved the convenience of that overall experience.

And so, what we want to talk about at this hearing today as we approach the FAA reauthorization bill this year: How can we look from curb to curb at every single one of those stovepipe systems that we go through? Whether it is security, whether it is the airport, whether it is parking, whether it is baggage claim, whether it is air traffic control, how can we thematically improve the convenience, improve that overall experience for air travelers? That is really what we want to focus on today—I will say it again—from curb to curb.

We saw over the last several months where we had major disruptions in air travel. And again, the NOTAM system went down, the Notice to Air Missions, a system that most people probably didn't even know existed. In other instances, we may have something going on with weather. Again, you may have air traffic control issues, and we don't know why. We have got to improve the technology, and we have got to improve the transparency behind that so travelers better understand, can better predict what is actually going to happen in their air travel experience.

Now, in the last FAA bill, Congress included over 40 provisions trying to improve and address the consumer experience, everything from review of causes of airline delays, addressing involuntary schedule changes, establishing an airline consumer advocate, and improving the consumer complaint process. There were also 12 provisions, many of which I know were advocated for by my friend here, to support passengers with disabilities.

And as a result of some of those changes, and as a result of data collection, we actually had a 370-percent increase in consumer complaints between October 22 from the same month of 2019, a 370-percent increase.

Look, airlines are a deregulated industry, and consumers have choice. I think it is our job to help to preserve the choice that consumers have, ensuring that passengers can choose between the var-

ious airlines, the various airports, the various options. We have an obligation, I think, to ensure that the Government's role in this—the PreCheck, the TSA, going through security, and the air traffic control experience—advances in technology and conveniences just as much as every other sector. Otherwise, that one weak link in the chain is going to cause an adverse experience in air travel.

So, I will say it again. I want to thank you all for being here. I look forward to hearing from your individual perspectives about what we can do to improve this overall experience for passengers as we craft the next FAA reauthorization bill.

[Mr. Graves of Louisiana's prepared statement follows:]

**Prepared Statement of Hon. Garret Graves of Louisiana, Chairman,
Subcommittee on Aviation**

I want to thank our witnesses for being here today.

The aviation industry has experienced extraordinary volatility over the last few years. To put things in perspective, air passenger revenue miles dropped 96 percent between January 2020 and April of 2020. Meanwhile, the FAA, recognizing the incredible changes in the aviation sector, cut their hiring benchmark for air traffic controllers by half.

And just as quickly as the pandemic caused that massive drop in air travel, we saw a surge in demand as the pandemic began to wane last summer.

But even before the pandemic happened, I often spoke to families—including my own—that saw air travel as a tense experience: Packing up the kids; driving to the airport; parking; moving your luggage over to the airport; checking your bags; getting the whole family together through security in one piece, and then hoping you have enough time to grab a cup of coffee before your flight. It's the entire experience from the curb of your home airport to the other curb of your destination and dealing with the crowds, unpredictable service hours, security lines, and sometimes fluid flight times. This doesn't even come close to the challenging situations that passengers with disabilities experience when going through air travel.

We usually just find out about problems when we get an alert on our phones. There's a notice on the screen that pops up and says, "delayed." But you don't have any idea why that happened. Was there a dog on the runway? Is there too much air traffic congestion? Are there equipment issues? A huge storm? The passenger doesn't have any idea. All we know is that we aren't getting to our destination on time, and that experience causes extraordinary pressure, frustration, and anxiety.

If you look back over the past several years, you can see what airlines have done with technology. I've got an app for the airlines that I fly on—I can figure out exactly where my seat is, I can change my seat, I can figure out what gate I'm going to. If there's a gate change, I can pull up a map and figure out how to get to the other gate. The convenience of that technology has been extraordinary.

But that is one of the few technological advances that has really improved the convenience of that overall experience for passengers.

And so, what we want to talk about at this hearing today as we approach the FAA reauthorization bill this year is—how can we look at this experience from curb to curb?

Every single one of those stove pipe systems that we go through—whether it's security, the airport, parking, the baggage claim, or air traffic control—how can we thematically improve the convenience or improve that overall experience for air travelers?

We have seen remarkable disruptions in the National Airspace over the past few months. For example, when the NOTAM system went down—a system that most people probably didn't even know existed. We have also seen major weather systems disruptions as well as delays associated with the fact that there weren't enough air traffic controllers to safely shepherd the expected number of flights through the NAS.

We've got to improve the technology, and we've got to improve the transparency behind that, so travelers better understand and predict what's actually going to happen in their air travel experience.

In the last FAA bill, Congress included over 40 provisions to improve and address the consumer experience—everything from a review of causes of airline delays, ad-

...dressing involuntary schedule changes, establishing an Airline Consumer Advocate, and improving the consumer complaint process. And an additional 12 provisions to support passengers with disabilities.

Look, airlines are a deregulated industry and consumers have choice. It's our job to help to preserve the choice that consumers have and ensure that passengers can choose between the various airlines, airports, and options.

We have an obligation to ensure that the government's role in this—pre-check, TSA, security, and air traffic control experience—advances in technology and conveniences just as much as every other sector. Otherwise, that one weak link in the chain is going to cause an adverse experience in air travel.

I want to thank you all for being here. I look forward to hearing your individual perspectives about what we can do to improve this overall experience for passengers as we craft the next FAA reauthorization bill.

Mr. GRAVES OF LOUISIANA. Thank you, and I yield 5 minutes to the ranking member of the subcommittee, Mr. Cohen.

**OPENING STATEMENT OF HON. STEVE COHEN OF TENNESSEE,
RANKING MEMBER, SUBCOMMITTEE ON AVIATION**

Mr. COHEN. Thank you, Mr. Chair. I appreciate your opening remarks, which encompass much of what we need to do, and are also in my opening remarks.

This is our third hearing on the FAA reauthorization. I appreciate the subcommittee's attention and prioritization of the passenger experience.

As Mr. Graves mentioned, the 2018 FAA reauthorization included more than 40 provisions to improve the airline passenger experience. We established a consumer complaints hotline; created an Airline Passengers with Disabilities Bill of Rights; and required the review of airline cancellations, delays, and involuntary changes to passenger itineraries.

We also included my bill that I have been working on for a long time, the SEAT Act, which required the FAA to establish minimum dimensions for passenger seats on airplanes for safety. And the FAA never got around to doing it. They did get around to doing it, but after about 2 years, and they didn't have a proper study or sample.

So, it is very disappointing, as a person whose life has been spent in Government and thinking Government can make a difference, and a good difference in people's lives, and particularly consumers, to see the FAA just neglect to do what they are instructed to do by law, and that was to carry out this study. And it should have been a study with a sample that was reflective of the flying public, which it wasn't. There were no young kids, there were no people over 65, there were no people with disabilities, nobody with a dog, nobody with a bad day, anything. It was just terrible.

But we need to see to it the FAA follows what they are supposed to be doing, and follow up on that. I'm afraid that we will continue to see airline seats shrink. Not everybody is like JetBlue and increases the size of their seats, and they do a good job with that, I believe.

While the 2018 law made incremental progress that will be made resoundingly clear today, there is much more work to be done to enhance the passenger experience, particularly those with disabilities. On the increase, Mr. Graves said, it was like 300 percent in complaints for people with disabilities. And we can't forget Mr. Langevin, who was a star on this issue and brought it to our atten-

tion on more occasions than not. People with disabilities fly, and they should have the same rights as anybody else and be treated properly.

Some of the problems are maybe staffing, and there are problems with the air traffic controllers with staffing, I think. There are problems with the airlines with staffing, because a lot of people during the pandemic decided, "I am sick of this job, I am tired of it, and I am going to have a better life," and they just quit their jobs. So, we have got some people out.

Mr. Collins has got a good bill, I think. I haven't studied it in detail, but at first blush it looked good, and the first blush was good enough for me to cosponsor it. And it will give people more opportunity to use moneys that have been put away in accounts to further their educational opportunities, but allow them to go into trades like the airline industry. And that will help us, if we get these people trained and an opportunity to go to work in these industries, which is most important. So, thank you, Mr. Collins. That is a good bill.

I also worked with Tammy Duckworth, chair of the Senate Subcommittee on Aviation Safety, Operations, and Innovation, on multiple bills to prioritize accountability and accessibility for aviation consumers, and empower passengers to use mobility aids such as manual or powered wheelchairs.

With the rebound in demand, we are seeing increased cancellations and delays by airlines. I was on a flight to Phoenix on Thursday, and we sat on the tarmac in Memphis for about 20 minutes, and the pilot told us he was doing paperwork. And then, after he got started up, he said, "Well, we have completed our maintenance work." I don't know what was going on, but it didn't make much sense.

We had the highest cancellation rate in a decade in 2022, and the on-time arrival rate decreased by 77 percent. Consumers whose flights are canceled or delayed should not be forced to jump through hoops to claim their rightful cash refund, and that is why I am working with Senators Markey and Blumenthal on Cash Refunds for Flight Cancellations Act to restore fairness and accountability to Americans' air travel experience.

We are also being outpaced by increasing infrastructure needs at our airports. We have made progress, but we need to help our airports have the moneys they need to have the type of airports we deserve in the 21st century. We had, in its first 2 years, a program that we passed through the Bipartisan Infrastructure Law, the Airport Terminal Program, that awarded almost \$2 billion to airports across the country. That bipartisan bill was so important to many airports, and Memphis International Airport got \$14 million, which is much appreciated and much needed.

There is more work to be done. We hope to be able to continue to meet infrastructure and passenger expectations and needs. And with that, I look forward to hearing from our esteemed witnesses and welcome the opportunity to work with these people.

[Mr. Cohen's prepared statement follows:]

**Prepared Statement of Hon. Steve Cohen of Tennessee, Ranking Member,
Subcommittee on Aviation**

As we kick off our third FAA reauthorization hearing, I appreciate the Subcommittee's attention and prioritization of the passenger experience.

The 2018 FAA reauthorization law included more than 40 provisions to improve the airline passenger experience.

We established a consumer complaints hotline, created an Airline Passengers with Disabilities Bill of Rights, and required the review of airline cancellations, delays and involuntary changes to passenger itineraries.

We also included my bill, the SEAT Act, which required the FAA to establish minimum dimensions for passenger seats on airplanes to protect the safety of the flying public.

To date, the FAA has still not promulgated its final rule, and I remain concerned that we will continue to see airline seats shrink to all passengers' detriment.

While the 2018 FAA law made some incremental progress, I believe it will be made resoundingly clear today that there is much more work to be done to enhance the passenger experience, particularly for those with disabilities.

Approximately 27 million passengers with disabilities travel by air, and yet more than three decades after the Americans with Disabilities Act and the Air Carrier Access Act were signed into law, air travel continues to be riddled with unnecessary obstacles, challenges, and discrimination.

From untrained staff at the ticket counter, to lost or damaged mobility aids, such as powered wheelchairs, to passenger injuries, disability-related complaints during air travel are on the rise.

According to a 2022 Government Accountability Office (GAO) report, the DOT received 1,394 disability-related complaints in 2021, which was a more than 157 percent increase from the 541 complaints received in 2020.

We must do more to improve the air travel experience of passengers with disabilities.

That is why I am working with Senator Tammy Duckworth, Chair of the Senate Aviation Subcommittee, on multiple bills to prioritize accountability and accessibility for aviation consumers, and empower passengers who use mobility aids such as manual or powered wheelchairs.

Additionally, with a rebound in passenger demand, we're seeing increased cancellations and delays by airlines.

In 2022, we experienced the highest cancellation rate in a decade, while the on-time arrival rate decreased to 77 percent.

There is absolutely no reason why consumers whose flights are canceled or significantly delayed should be forced to jump through hoops to claim their rightful cash refund.

That is why I am working with Senators Ed Markey and Richard Blumenthal on our Cash Refunds for Flight Cancellations Act to restore fairness and accountability to Americans' air travel experiences.

Finally, we're also being outpaced by increasing infrastructure needs at our airports.

We've made progress on our infrastructure needs through the new Airport Terminal Program, which was created by the Bipartisan Infrastructure Law.

In its first two years, this program has awarded almost \$2 billion to airports across the country, including \$14 million to the Memphis International Airport to modernize its ticketing and baggage areas.

As we'll hear today, though, there is much more work to be done to continue to modernize our infrastructure and meet passengers' expectations.

I look forward to hearing from our esteemed witnesses and welcome the opportunity to work together on these important issues.

Mr. COHEN. And Ms. Pinkerton, I really welcome seeing you. I have known the Pinkertons chased Jesse and Frank James for years and years, and I have never had a Pinkerton before me. So, on behalf of Jesse and Frank, welcome.

Mr. GRAVES OF LOUISIANA. I now recognize the ranking member of the full committee, Mr. Larsen, for 5 minutes.

OPENING STATEMENT OF HON. RICK LARSEN OF WASHINGTON, RANKING MEMBER, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LARSEN OF WASHINGTON. Thank you, Chair Graves, for calling today's FAA reauthorization hearing on navigating the comprehensive passenger experience.

Today, we are going to discuss ways to improve that experience. This includes preventing future flight disruptions, investing in the airport infrastructure needed to accommodate the ever-growing demand for air travel, and ensuring we strengthen policies designed to support all passengers, including those with disabilities, to ensure they have a dignified and safe travel experience.

Just 3 years ago, the COVID-19 pandemic hit the globe, causing air travel to plummet and massive disruptions throughout the global aviation industry. According to TSA, U.S. passenger screening levels fell as much as 90 percent in 2020 compared to similar periods in 2019, the sharpest aviation decline in history.

Fortunately, the demand for air travel rebounded much stronger than anyone could have expected. In 2022, more than 850 million people traveled on scheduled air carriers, an increase of more than 50 percent from 2020. And we celebrate that return to air travel.

And yet that dramatic and unanticipated rebound created its own set of issues. Many commercial airlines were ill-prepared for the sudden spike in demand, which created staffing and operational challenges that led to more than 2.5 percent of scheduled flights canceled, with at least another 22.5 percent delayed by at least 15 minutes between June and August of 2022.

The shutdown of the FAA Training Academy for air traffic controllers during the pandemic also led to the staffing challenges, further contributing to some of the widespread disruptions seen in recent years.

Additionally, the recent NOTAM outage this January and the unprecedented number of Southwest Airlines cancellations last December show how other factors such as insufficient planning, outdated technologies, and severe weather can make our national airspace vulnerable to widespread disruptions. That is why, in the wake of the cancellations last December, I, along with 25 of my Democratic colleagues on this committee, sent a letter to the DOT urging more action to protect consumers against future disruptions and to ensure each affected consumer is made whole. Stranded passengers should not have to decide between paying potentially exorbitant fees to rebook another flight or missing valuable time with family and friends.

Furthermore, in the aftermath of the NOTAM outage, I joined Chair Graves and 120 of our colleagues in sending a letter to the DOT demanding answers as to why the NOTAM system failed, and urging the FAA to take immediate action to ensure the stability of that system.

To enhance the passenger experience, we must address the root causes of these mass disruptions to help prevent them from occurring, and ensure passengers are made whole when they do. But we can't optimize that experience without addressing the infrastructure needs to accommodate them. The FAA's current forecast predicts passenger traffic will increase roughly 2 percent per year over

the next 20 years. In the Puget Sound region, the number of airline passengers is expected to grow from 24 million in 2018 to as high as 55.5 million in the next 25 years.

The Bipartisan Infrastructure Law provided \$25 billion for airport infrastructure, a historic investment that allows airports to modernize and expand terminals, reduce congestion, and address the anticipated rise in passengers. Yet there is more to be done. To enhance the passenger experience, we have to invest in our airport infrastructure. So, I look forward to hearing from Mr. Kevin Dolliole, director of aviation for the Louis Armstrong New Orleans International Airport, about how Congress can best enable airports to meet their growing passenger needs.

And as we consider how to bolster the passenger experience in the upcoming bill, we must ensure that we consider all passengers, including those with disabilities. The latest U.S. census estimates 42.6 million Americans have a disability, with many having mobility issues. Last November, this subcommittee held a hearing to better understand this committee's air travel experience, including challenges with boarding the aircraft, inaccessible lavatories, and damaged wheelchairs and mobility aids.

To enhance the passenger experience, we have to ensure that air travel is accessible, safe, and dignified for all passengers. I look forward to hearing from our good friend, Mr. Lee Page with the Paralyzed Veterans of America, the PVA, about these issues and how Congress can work with stakeholders to help fill the gaps in aviation accessibility.

And Mr. Page, thanks again for coming to educate us in front of this committee.

In the upcoming FAA reauthorization, this committee has to examine all aspects of the passenger experience, from ensuring consumers are fully protected against flight disruptions, to improving the transparency of fees and other airline policies, to expanding airport capacity to accommodate the growth of future travelers.

My thanks again to today's witnesses. I look forward to identifying ways that we can help.

[Mr. Larsen of Washington's prepared statement follows:]

**Prepared Statement of Hon. Rick Larsen of Washington, Ranking Member,
Committee on Transportation and Infrastructure**

Thank you, Chairman Graves, for calling today's FAA Reauthorization hearing on "Navigating the Comprehensive Passenger Experience."

Today, we're here to discuss ways to improve the passenger experience.

This includes preventing future flight disruptions, investing in the airport infrastructure needed to accommodate the ever-growing demand for air travel and ensuring we strengthen policies designed to support all passengers, including those with disabilities, have a safe a dignified travel experience.

Just three years ago, the COVID-19 pandemic hit the globe, causing air travel to plummet and massive disruptions throughout the U.S. aviation industry.

According to the Transportation Security Administration, U.S. passenger screening levels fell as much as 90 percent in 2020 compared to similar periods in 2019. This was by far the sharpest traffic decline in aviation history.

Fortunately, the demand for air travel rebounded much stronger than anyone could have anticipated.

In 2022, more than 850 million people traveled on scheduled air carriers, an increase of more than 50 percent from 2020.

While we celebrate the return to air travel, the dramatic and unanticipated rebound created its own set of problems.

Many commercial airlines were ill-prepared for the sudden spike in demand, which created staffing and operational challenges that led to more than 2.5 percent of scheduled flights canceled with at least another 22.5 percent delayed by at least 15 minutes between June and August of 2022.

The shutdown of FAA's training academy for air traffic controllers during the pandemic also led to staffing challenges, further contributing to some of the widespread disruptions seen in recent years.

Additionally, the recent Notice to Air Mission (NOTAM) outage this January and the unprecedented number of Southwest Airlines cancellations last December, show how other factors, such as insufficient planning, outdated technologies and severe weather, can make our national airspace system vulnerable to widespread disruptions.

That is why in the wake of the Southwest cancellations last December, I, along with 25 of my Democratic colleagues on this committee, sent a letter to the Department of Transportation (DOT) urging more action to protect consumers against future disruptions and ensure each affected consumer is made whole.

Stranded passengers should never have to decide between paying potentially exorbitant fees to rebook another flight or missing valuable time with family and friends.

Furthermore, in the aftermath of the NOTAM outage, I joined Chairman Graves and 120 of our colleagues in sending a letter to the DOT demanding answers as to why the NOTAM system failed and urging the FAA to take immediate action to ensure the stability of the NOTAM system.

To enhance the passenger experience, we must address the root causes of these mass disruptions to help prevent them from occurring and ensure passengers are made whole when they do.

But we can't optimize the passenger experience without addressing the infrastructure needed to accommodate them.

The FAA's current forecast predicts passenger traffic will increase roughly 2 percent year over the next 20 years.

In the Puget Sound region, the number of airline passengers is expected to grow from 24 million in 2018 to as high as 55.6 million by 2050.

The Bipartisan Infrastructure Law provided \$25 billion for airport infrastructure, a historic investment that will allow airports to modernize and expand their terminals, reduce congestion and address the anticipated rise in passengers. Yet, more still needs to be done.

To enhance the passenger experience, we must address the root causes of these mass disruptions to help prevent them from occurring and ensure passengers are made whole when they do.

I look forward to hearing from Mr. Kevin Dolliole, Director of Aviation for the Louis Armstrong New Orleans International Airport, about how Congress can best enable airports to meet growing passenger needs.

As we consider how to bolster the passenger experience in the upcoming FAA reauthorization bill, we must ensure we consider all passengers, including those with disabilities.

The latest U.S. Census estimates 42.6 million Americans have a disability, with many having mobility issues.

Last November, this Subcommittee held a hearing to better understand this community's air travel experience, including challenges with boarding the aircraft, inaccessible lavatories, and damaged wheelchairs and mobility aids.

To enhance the passenger experience, we must ensure air travel is accessible, safe and dignified for all passengers.

I look forward to hearing from Mr. Lee Page with the Paralyzed Veterans of America (PVA) about these issues and how Congress can work with stakeholders to help fill in the gaps in aviation accessibility.

In the upcoming FAA reauthorization, this committee must examine *all* aspects of the passenger experience, from ensuring consumers are fully protected against flight disruptions, to improving the transparency of fees and other airline policies, to expanding airport capacity to accommodate the growth of future travelers.

My thanks again to today's witnesses. I look forward to identifying ways Congress can ensure all passengers have a safe, comfortable and dignified travel experience.

Mr. LARSEN OF WASHINGTON. And I yield back.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Larsen. I recognize Ranking Member Cohen.

Mr. COHEN. Thank you, Mr. Chair. I would like to welcome our witnesses and thank them for being here today.

We have got a lighting system in front of you for our witnesses. There are three lights, there is red, green, and yellow. And when it is green, obviously, it means go. That means you are on for 5 minutes. Yellow means you used probably 4 minutes and 30 seconds, so, you need to be winding up. And red means you are finished, cut it off, get the hook.

I ask unanimous consent that witnesses' full statements be included in the record.

Without objection, so ordered.

Mr. GRAVES OF LOUISIANA. As your written testimony has been made part of the record, the subcommittee asks that you limit your oral remarks to 5 minutes.

With that, Ms. Pinkerton, you are recognized for 5 minutes.

TESTIMONY OF SHARON PINKERTON, SENIOR VICE PRESIDENT, LEGISLATIVE AND REGULATORY POLICY, AIRLINES FOR AMERICA; KEVIN DOLLIOLLE, DIRECTOR OF AVIATION, LOUIS ARMSTRONG NEW ORLEANS INTERNATIONAL AIRPORT, ON BEHALF OF AIRPORTS COUNCIL INTERNATIONAL-NORTH AMERICA; RICH SANTA, PRESIDENT, NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION, AFL-CIO; AND LEE PAGE, SENIOR ASSOCIATE ADVOCACY DIRECTOR, PARALYZED VETERANS OF AMERICA

TESTIMONY OF SHARON PINKERTON, SENIOR VICE PRESIDENT, LEGISLATIVE AND REGULATORY POLICY, AIRLINES FOR AMERICA

Ms. PINKERTON. Thanks very much for the opportunity to be here today.

I want you to know airlines are doing everything in their control to constantly improve every aspect of the customer experience, starting from when customers search for and book their tickets, and continuing until they have safely reached their destinations on time.

Airlines compete aggressively to attract repeat customers. You all know—

Mr. LARSEN OF WASHINGTON [interrupting]. I am sorry, Mr. Chair, could you ask her to pull that microphone, like, right in your—yes.

Ms. PINKERTON. Commercial aviation is emerging from the most difficult 2 years in our history. It is hard to believe that air travel dropped 96 percent in the spring of 2020. Yet despite these challenges, nobody could have predicted the U.S. aviation system has remained safe, reliable, and resilient, although we are constantly working to improve, and have taken note of the recent warning signs that have put a spotlight on what our system needs to remain the gold standard of aviation safety.

There are really two things that I think we need to do to improve the customer experience: one, it is about our people; and two, it is about technology.

Airlines learned that, in a post-COVID world, we need more employees to operate our smaller schedule. Simply, it takes more peo-

ple to operate fewer flights. This is due to workforce issues across all industries that I am sure you will hear from our other colleagues about. To address this, passenger carriers have expeditiously hired a record number of people, 100,000 people in the last 2 years, and we now have the largest workforce that we have had in 20 years.

However, we know a larger percent of our workforce has less on-the-job experience today than the pre-pandemic workforce. So, to address that, we put a strong focus on training and proficiency, and we think it is paying off.

One of A4A's top priorities for the FAA reauthorization bill is improving workforce development and diversity by strengthening the workforce grants that you all created in the 2018 bill, as well as legislation creating a Federal loan program for pilots and mechanics. Additionally, we strongly support NATCA's request for addressing the controller shortage that has simply gone on for too long. FAA must update their staffing model, and hire and train accordingly.

Turning to technology, it is another ingredient for a safe, reliable, and resilient system. Despite losing \$49 billion in 2020 and 2021, U.S. carriers have invested a record \$26 billion in capital expenditures. This includes new planes, ground equipment, and technology. Of that expenditure, \$6.2 billion in 2022 was spent on passenger experience, giving our frontline employees tools, and our own operational systems.

It is also critical that FAA modernize its technology, as well. Most Americans are fully aware of the NOTAM outage that caused the first ground stop since 9/11, and there were also issues in January with the Miami ERAM system, one of our busiest airspaces in the country. The FAA's facilities and equipment budget that funds technology has been stagnant since 2009. It hasn't kept pace with inflation. The FAA needs both stable and sufficient funding.

There are several multibillion-dollar projects that are long overdue and haven't produced the promised results.

I can talk more in detail about the fact that we are still using paper strips instead of electronic strips. We need to automate traffic flow, both on the surface environment and in the en route environment, and we also need a program that is called En Route DataComm. It is what controllers and pilots use to talk to each other. We need to move from a voice system that is subject to mistakes, and move to an electronic text system that is going to be safer and more efficient.

We have additional recommendations for the FAA bill, including ensuring that the FAA remains the single safety regulator for the National Airspace System, and we also want to work with the committee to continue the work that you have done to incentivize sustainable aviation fuel.

In closing, carriers remain vigilant in pursuing our goals of improving safety, reliability, resilience, and a good passenger experience, all while keeping airfares lower than before the pandemic. In fact, airfares are 55 percent lower in real terms than before the industry was deregulated more than four decades ago. At that time, flying was just for the wealthy and privileged. Today, more than 90 percent of Americans have flown, and more than 50 percent of

Americans have flown before their 16th birthday. The one sure way to bring back the bad old days of out-of-reach airfares and limited service is to turn back the clock and re-regulate carrier fares and service.

We look forward to working with you on an FAA bill that creates an environment for a healthy aviation system. Thank you.

[Ms. Pinkerton's prepared statement follows:]

**Prepared Statement of Sharon Pinkerton, Senior Vice President,
Legislative and Regulatory Policy, Airlines for America**

Airlines for America (A4A) appreciates the opportunity to testify and bring a broader context to the passenger experience, air traffic control (ATC) modernization and provide our Federal Aviation Administration (FAA) reauthorization recommendations. We value the Committee's continued interest and focus on our industry and these important issues. We are thankful for the many members of this Committee who have dedicated significant time and resources toward understanding the nuances and logistical challenges our interconnected aviation system faces every day in order to craft effective policies tailored to benefit safety, the traveling public, cargo shippers and the men and women who work in our industry. Airlines are doing everything in their control to build upon and improve every aspect of the customer experience, and we value the Committee's appropriate focus on doing the same to update and improve the public sector factors which fall under the government's control.

Safety First. At the outset, I would like to take a moment to discuss aviation safety. I want the Committee to be assured that safety is the bedrock framework from which our industry operates, and safety is and will always remain our North Star. While the data shows that our aviation system is safe, and by far the safest mode of transportation including walking, the recent incidents we have seen in the system are reminders that we cannot ever be complacent. A4A member airlines welcome discussion and focus on safety and we all know we must remain vigilant. Our safety systems have many layers and many redundancies but there is no ceiling on improvement.

We also know that the COVID pandemic changed our industry. Given the hiring airlines have done in the last few years, we know that a greater percentage of our employees now are less experienced than pre-pandemic. Our job is not just to keep up with change, but to stay two steps ahead. That is why our carriers have taken steps, well before last week's Safety Summit, to ensure that we are focused on training, proficiency requirements and mentoring as tools to ensure our workforce is well prepared.

Conversely, the federal government must also address the air traffic controller shortage and ensure that safety technologies are fielded in the right places. The pace of change will only accelerate. We must recognize that new entrants and new technologies and the risks associated with those must be part of our constant evaluation of our safety environment and culture.

DEREGULATION AND ROBUST COMPETITION CONTINUES TO BENEFIT CONSUMERS

Prior to the pandemic, we were experiencing what many have called the "Golden Age" of air travel. U.S. airlines were flying a record 2.5 million passengers and more than 58,000 tons of cargo each day. Those record numbers were in large part because of two main factors: affordability and accessibility. Accounting for inflation, and including ancillary services, average domestic ticket prices fell 15 percent from 2014–2019, 22 percent from 2000–2019 and 44 percent from 1979–2019—the 40-year period following the Airline Deregulation Act of 1978. Those lower fares made commercial air travel accessible to nearly all Americans. Air travel was opening doors, connecting loved ones and generating opportunity across all walks of life and economic circumstances, demonstrating that air travel is not just for the affluent anymore.

While the financial repercussions of the pandemic will be felt for years, the value proposition to consumers for air travel is still strong: it is affordable and accessible to more consumers than ever, and airlines are reinvesting record sums to continuously improve the product. U.S. airlines strive to provide the highest levels of customer service, and commercial air travel in the U.S. is safer and more environ-

mentally friendly than ever before thanks in large part to the competition and innovation unleashed by multiple decades of deregulated air service.

Airline Fares. In 2021, domestic air travel (including ancillary fees) was 55 percent less expensive than it was in 1979. In 2022, inflation-adjusted fares averaged 6.8 percent below 2019. U.S. airlines have maintained this level of affordability while facing significantly higher costs.

Competition. In November 2021, Compass Lexecon released a report¹ entitled ‘The U.S. Airline Industry: Myths vs. Facts’ which concluded that competition in the U.S. airline industry remains dynamic and robust, to the benefit of consumers, communities, the U.S. economy and airline employees. The report also summarizes that:

- Today’s airline industry offers consumers more choices among and between carriers competing with different business models than ever before.
- The lack of entry barriers and more comprehensive networks made possible by mergers has resulted in the average number of competitors per domestic city pair *increasing* from 3.33 to 3.44 over the past two decades.
- Lower cost carriers have entered hundreds of new routes and now carry nearly half of all domestic passengers; nearly nine of ten domestic passengers have lower cost carrier options for their travel.
- Lower cost carriers (including new entrants) are growing several times faster than the U.S. global network carriers and have hundreds of additional aircraft on order to support future growth.
- Mergers between the large network carriers have enabled them to regain their financial footing and restore their growth, including to small communities that depend on their large hub and spoke networks.

The facts and data show that passengers greatly benefit from this vigorous airline competition, which creates greater choice and service options. Congress recognized the benefits to consumers when they acted on a bipartisan, bicameral basis to deregulate the airline industry in 1978.

2022/2023 SYSTEMWIDE OPERATIONAL ACCOUNTABILITY

There is no doubt that 2022 was one of the most difficult operational years in history. However, air carriers took responsibility and quickly took actions to address issues within their control. Airlines take customer service commitments very seriously and, as a baseline, it is important to note that airlines have absolutely no incentive to delay or cancel flights and only do so when circumstances dictate. While the details of any specific given delay or cancellation are contingent on the unique operating variables that led to it, a wide array of challenges may contribute to the decision. Variables can certainly include circumstances within the airline’s control, such as maintenance/crew issues or IT failures, and air carriers routinely take full responsibility and are accountable for those events both through Department of Transportation (DOT) rules and enforcement actions and through the court of public opinion.

In fact, there are innate disincentives for air carriers to incur operational disruptions. I can assure you that no airline takes these events lightly and ever wants them to happen. But when they do, there is certainly no lack of accountability.

Conversely, we hope there can also be accountability and broader context applied to other factors and variables that lead to delays or cancellations. While U.S. airlines are doing everything possible to make improvements to operational factors within their control, there are many factors beyond their control—including extreme weather, air traffic control (ATC) staffing or systems issues, airport power outages, National Air Space (NAS) volume, increased commercial space launches and military and law enforcement activity. One can also question where the incentives and disincentives lie for ATC and NAS accountability, and this is an area on which we would encourage the Committee to focus its attention and oversight. As an industry, we are committed to addressing issues on our end; the government, which is a critical component of our transportation chain, should focus on its end and take accountability for failings as well.

Analysis of 2022 data provides a good example for how a broader review can provide context to what is actually happening across the aviation system. Last year, 62 percent of flight cancellations in the system were caused by weather (53 percent), the NAS (8 percent) and security (0.6 percent) collectively, as our nation experienced unprecedented and often nationwide weather events, ATC staffing shortages amid rising volume from commercial and general aviation as well as an increase in commercial space launches.

¹ <https://www.compasslexecon.com/wp-content/uploads/2021/11/The-U.S.-Airline-Industry-Myths-versus-Facts-November-17-2021.pdf>

Further, at the onset of 2022, the country experienced several significant winter storms and air carriers dealt with the unpredictable staffing/absenteeism challenges caused by the Omicron variant. Moving into the Memorial Day holiday and the summer months, the system experienced significant thunderstorm activity, carrier staffing challenges and numerous ATC facility and system challenges, including staffing issues that resulted in ground delay programs and ground stops, along with several runway closures.

As we transitioned to the fall, the system had to deal with the impacts of Hurricane Ian in September and Hurricane Nicole in November, among others, and in the final week of December the country was hit with a bomb cyclone. Despite all these events, preliminary data show that U.S. airlines completed more than 97 percent of flights at U.S. airports in 2022—meaning that fewer than 3 percent of flights were canceled, all for safety reasons.

In January 2023, despite two major FAA system outages and several winter storms, airlines canceled just 2 percent of flights, better than January 2018, 2019 and 2022.

Despite these many challenges, airlines remain committed to using every tool at their disposal to provide a safe and smooth experience to the traveling public, and our industry will do all it can to maintain and continually improve operational reliability.

STATE OF THE INDUSTRY

Jobs & Staffing. U.S. airlines have had an acute focus on staffing and have been working diligently and continually to address operational challenges within their control by hiring additional staff and adjusting schedules to improve reliability. As 2022 progressed, carriers proactively reduced their scheduled departures from their initial levels by about 15 percent to improve operational reliability.

At the same time, like many other industries across the economy, airlines also quickly had to adjust to new employment realities and modify pre-pandemic staffing models. For example, in the second half of 2022, carriers continued to observe higher-than-pre-pandemic rates of absenteeism, and several carriers have indicated that they now require 5–10 percent more staff to operate the same amount of pre-pandemic capacity. These factors led to aggressive hiring tactics that have resulted in U.S. passenger airlines adding 50,000 employees over the course of 2022 and 4,400 more this past January.

In fact, as of January, U.S. passenger airlines had their highest employment level since October 2001 and were adding jobs at a rate more than twice that of the U.S. economy.

Carriers have also been focused on securing a pipeline of employees across the industry to accommodate future demand for air travel and have invested heavily in new programs, including apprenticeships, pilot academies and partnerships with universities. These pathways offer tremendous opportunities, and airlines are proud to offer high-quality, career track jobs that are well-paying and provide solid benefits. For example, in 2021, per the latest data point available from the Bureau of Economic Analysis, air transportation employees earned wages 37 percent higher than the average private sector employee.

Debt. Even with all the public and private actions taken over the course of the pandemic, U.S. carriers amassed a significant amount of debt, which ended 2022 just shy of \$150 billion in 2022. This debt comes with heavy cash outlays for interest. In fact, net interest expense tripled from 2019 to 2021 and will remain elevated through 2023. For 2022, 10 publicly traded U.S. airlines posted just \$2.4 billion collectively in pre-tax earnings—a modest 1.2 percent pre-tax profit margin. Notably, that comes on the heels of \$49 billion in pre-tax losses recorded in 2020 and 2021 combined.

Costs. In 2022, U.S. airline unit costs, including interest expense, were 29 percent higher than in 2019. This includes the higher costs in the price of jet fuel, which averaged 83 percent more in 2022 than in 2019. Through March 16, jet fuel prices were running 71 percent higher than in 2019.

Record Reinvestment. U.S. passenger airlines are reinvesting record sums in their products to continually improve the customer experience, enhance operational reliability, increase efficiency and reduce emissions. In addition to aircraft, facilities and ground equipment investments, this includes a wide range of customer-facing technology initiatives that make it easier for travelers to shop for tickets and other services; check in for their journeys and navigate airports; check or track bags; to modify their itineraries; redeem vouchers or loyalty points; and to stay apprised in real-time of changes to their flights during irregular operations. Capital expenditures reached an all-time high \$21.8 billion in 2022 and are poised to reach \$25 bil-

lion in 2023. And A4A passenger airlines spent \$6.5 billion on information technology last year.

This has also been matched by record capital investments by U.S. airports, supported predominantly by rents, landing fees, parking fees, concessions, ticket taxes, fuel taxes, cargo waybill taxes and other revenues generated from airport customers. These investments reached an all-time high \$21.6 billion in 2021, the latest year for which data is available from FAA. That included \$12.7 billion for construction and renovation of airport terminals. With \$20 billion in new airport federal grants funds available through FY2030 under the Infrastructure Investment and Jobs Act, airport funding and development has reached historic levels and will continue to be robust for the foreseeable future.

FEDERAL RESPONSIBILITY, ACCOUNTABILITY AND REAUTHORIZATION

As this Committee begins debate on the reauthorization of the FAA, we would encourage the Committee to take serious stock and review of the broader context and situational awareness we should all be attuned to going into this reauthorization. The last FAA reauthorization was passed in 2018. However, in the interim there has certainly been no lack of legislative activity which has included the Aircraft Certification, Safety, and Accountability Act and the Infrastructure Investment and Jobs Act, both containing significant policy and funding requirements—all of which have piled onto the FAA's workload and responsibilities.

The U.S. airline industry is in the early years of a long road to full economic recovery; we also have an aviation safety regulator that is well behind schedule on existing mandates and that is struggling to just maintain a legacy ATC system, let alone operationalizing NextGen priorities. We would encourage Congress to fundamentally think about what needs to be done to structurally prepare the FAA for what is to come. Both from a resource and organizational perspective, is the FAA ready and capable of meeting existing demands along with the considerable challenges of the future like integration of new entrants into the ATC system? We think the answer to that question is clearly 'no'. While not a criticism of the dedicated individuals and leaders at the Agency, the FAA is on the precipice of being overwhelmed, if they are not already. Policymakers should keep this in mind as the legislative process moves forward.

Recommendations: With that context and foundation in mind, we are hopeful you will also consider proposals, among others, that address the following priorities:

- *Ensure Air Traffic Controller Staffing Model Updates Hiring Goals and Provide Funding*

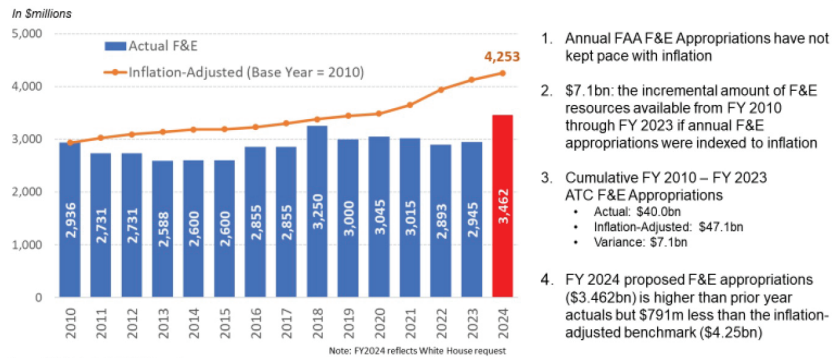
The FAA and the National Air Traffic Controllers Association (NATCA) are working through a collaborative resource workgroup (CRWG) to improve the process for determining air traffic controller staffing targets by evaluating staffing needs on a facility-by-facility basis as well as improving the algorithm that determines the staffing target based on a variety of factors such as traffic demand and changing workforce. That work has been completed and although it is not publicly available, we believe this report should serve as the basis for increased funding and staffing to ensure the National Airspace System (NAS) is adequately staffed so that fewer passengers' itineraries are delayed or disrupted due to inadequate air traffic facility staffing levels.

- *Increase Funding for FAA's Capital Programs*

A4A supports additional funding for the FAA's capital programs—particularly the Facilities and Equipment (F&E) account—through higher authorization levels and appropriations that match those levels. F&E has been stagnant for the last 14 years and resources have not kept up with inflation, much less the needs of the NAS.

Moreover, the FAA's investment landscape over the past two decades has become increasingly tilted away from F&E investments and toward AIP grants. Since FY 2000, AIP funding has outpaced F&E investments by \$14.9 billion, even though airports have other funding sources. This has created a challenge in maintaining the facilities, systems, and equipment that supports all users of the nation's airspace and the ability to be the gold standard for global aviation. This historical underinvestment has led to a requirement gap of tens of billions of dollars over the next decade. Since 96 percent of the Airport and Airway Trust Fund (AATF) revenues are contributed by airlines and their customers, it is reasonable to expect additional resources from the AATF to be invested in an aging facilities and equipment infrastructure, which enhances safety and efficiency for all users.

Annual FAA F&E Appropriations: FY 2010 to FY 2024
Actuals vs Indexed Values (2010 base adjusted annually for CPI)



Source: FAA Budget In Brief, AAA Economics



airlines.org

- Hold the FAA Accountable for Achieving Consumer/Operational Benefits**
 NextGen Benefit-Focused Metric Task Force—As the FAA restarts its air traffic control modernization efforts emerging out of Covid related restrictions, we want to ensure the NextGen program finally achieves its intended purpose, namely greater energy efficiency and emissions reductions. Getting passengers and packages to their destination safely, efficiently and as quickly as possible is a top priority for our carriers and crucial to the U.S. economy.
- Operationalize NextGen**
 Our goal is to implement and integrate NextGen/ATC Modernization capabilities, aircraft equipage and people to achieve the intended purpose and produce measurable benefits for passengers and stakeholders. This includes throughput, efficiency, sustainability, fuel savings, emissions reductions, reduced miles flown and noise reductions in specific locations and time frames. Our top priorities to achieve this goal and improve customer service are:

 - Flow Management/Flight Planning Tool—Replace the FAA’s outdated Traffic Flow Management System (TFMS) with a modernized national planning tool (Flow Data Management System or FDMS) by 2025. FDMS provides the FAA with the necessary capabilities in concert with operator flight planning automation enhancements to provide the basis for expanded capabilities for and improved use of automation by aircraft operators that are extremely limited by the current TFMS.

TFMS provides tools for users to develop, coordinate, issue, and manage Traffic Management Initiatives that balance flight demand and NAS capacity. However, those tools have reached end of life and are exhibiting accuracy and latency issues, as well as shortfalls in reliability, maintainability, and availability (RMA). The FDMS will provide a standards-based microservices architecture before the full implementation, and the final system will address operational needs such as improved means of flight plan revisions that address weather and traffic congestion, ultimately benefitting passengers and other stakeholders.
 - Airport Surface Management—Implement (Terminal Flight Data Manager) electronic flight strips and aircraft operational metering at agreed upon locations and time frames to finish 49 sites by 2027.
 - Ensure the NOTAMs program is resilient, has redundancies and is modernized before 2030.

Additionally, leverage investments by industry in aircraft-based equipage capabilities and flight planning management. Specifically:

 - Navigation—Increase utilization of Performance Based Navigation (PBN) and implement PBN at additional designated airports sites recommended by industry. This includes the 48 site specific proposals made by the industry to the FAA under the NextGen Advisory Committee in the *Performance Based*

*Navigation (PBN) Clarification Ad Hoc Team, NAC Task 19–4 Report*² to achieve desired PBN outcomes in the implementation of the FAA’s PBN NAS NAV Strategy. The FAA should continue the implementation of Established on Required Navigation Performance (EoR) Procedures and development of Multiple Airport Route Separation (MARS). The Agency should also continue making use of Converging Runway Display Aid (CRDA) as a metering tool to facilitate PBN implementation.

- Communication—Complete initial EnRoute DataComm and implement full data services by 2024.
- Surveillance—We support leveraging carrier investment in ADS–B Out and ADS–B In aircraft equipage to provide operational benefits and enhance trajectory-based operations capabilities to improve airspace efficiencies and reduce delay in the NAS. The FAA has shown benefits from reduced spacing in Center airspace and should complete implementation of this efficiency and capacity capability using ADS–B at all locations by 2025. Closing surveillance gaps in the Caribbean will also enhance safety and improve operational capabilities, expanding use of ADS–B surveillance should also be matured to implement reduced spacing at airports and in the Northeast Corridor as the Agency outlined in its report to Congress, as required by Section 505 of the FAA Reauthorization Act of 2018 (P.L. 115–254).
- Satellite Communication (SATCOM)—We recommend requiring the FAA to utilize equipage for ATC communications in remote areas without VHF radio capability to improve system performance and efficiency benefits. Reduction of procedural separation should be developed for implementation in Oceanic WTRS and Gulf of Mexico Airspace through SATCOM.
- *Ensure FAA Continues to Operate Normally During any Government Shutdown*
Congress should ensure the FAA’s operations are protected during any government shutdown by allowing the FAA to continue to draw from the Airport and Airway Trust Fund (AATF) during any funding lapse to pay controllers and other operational needs so that travelers and shippers of goods are not grounded during a shutdown. Again, 96 percent of the AATF revenues are contributed by commercial passengers and airlines, it is reasonable that those revenues that have already been collected and are sitting in the AATF can be utilized when government shutdown events occur.
- *Apply Current Funding Mechanisms to New Entrants*
Given the rapid growth and importance of advanced air mobility and commercial space new entrants, as new entrants increasingly divert FAA staff attention away from moving passengers efficiently across the country. Therefore, we recommend applying passenger taxes and the waybill tax to these stakeholders to ensure that everyone who utilizes the system also contributes to the AATF.
- *Ensure and Reaffirm that the FAA is the Sole Regulator of Safety and Operations*
We recommend inclusion of language that codifies and reaffirms the FAA’s singular authority over operations in the NAS. The scope should include all civil operators in the NAS, to avoid a patchwork of regulatory regimes that would make it impossible to operate in a system designed to connect the country and the world.

A federal standard for operational and safety requirements ensures that all civil operators, including new entrants and drones, comply with equivalent safety standards and that state and local requirements cannot create a competitive advantage or disadvantage, or negatively impact safety, operations and ultimately customer experience.

Additional Priorities. While a broader and more extensive version of our priorities is attached for your consideration, beyond ATC-centric recommendations, we are also supportive of:

- *Sustainable Aviation Fuel (SAF).* Incentivizing the production and use of SAF through existing grant and research and development (R&D) programs. These include the FAA’s Fueling Aviation’s Sustainable Transition (FAST)—SAF grant program, the Continuous Lower Energy Emissions and Noise (CLEEN) program and the FAA’s Center of Excellence for Alternative Jet Fuels and Environment (ASCENT).

² https://www.faa.gov/about/office_org/headquarters_offices/ang/nac/media/Updated_PBN_Clarification_Final_Report_for_NAC_Distro-Nov_2020.pdf

- *Workforce.* Incentivizing aviation careers through the expansion of both the scope and value of existing programs. The commercial aviation workforce must grow to meet future demand and prevent a lack of workers from negatively impacting passengers and their travel experience. Our primary goal is to increase the grant funds from \$10 million to \$50 million annually for the FAA’s nascent pilot and technician education program and broaden the grant purposes beyond primary, junior and high school curriculum and teacher development.

DO NO HARM—CONGRESS SHOULD NOT PUNISH PASSENGERS BY REGULATING
AIRLINES

Additionally, we respectfully request that policymakers restrain from adopting punitive policies such as tax or fee increases or onerous rules and regulations that will otherwise hamper our industry, employees and customers. The cloud of the pandemic should not be used for convenient legislative opportunism to reregulate or re-fashion what was a highly competitive and burgeoning well-paid job creator prior to the pandemic. We should be moving forward, not backward to the early 1970s. As noted, the facts and data show that passengers greatly benefit from vigorous airline competition, which creates greater choice and service options. Congress recognized the benefits to consumers when they acted on a bipartisan, bicameral basis to deregulate the airline industry in 1978. At the same time, Congress also recognized that DOT needed to be a principled regulator and granted DOT broad regulatory authority and charged the Department to regulate with three complimentary considerations, which remain part of DOT’s mission today:

- Prevent unfair, deceptive, predatory or anticompetitive practices;
- Place “maximum reliance” on competitive market forces and on actual and potential competition; and
- Maintain an air transportation system that relies on actual and potential competition to provide efficiency, innovation and low prices, and to determine the variety, quality, and price of air transportation services.

We acknowledge and support the need for a principled regulator, and our industry does not oppose all regulations. Rather, we firmly believe that regulation of airline services or practices should only be promulgated in response to proven market failures or when DOT has evidence of the need for government intervention in the marketplace to prevent actual consumer harm. We believe the same complimentary considerations should be exercised by Congress.

However, despite DOT’s robust regulatory framework and the broad authority in this area, over the course of the pandemic our industry has needed to remain nimble and vigilant to many well-intended, but sometimes unnecessary, misguided and/or untimely, legislative and regulatory proposals. Some examples, among many others, are:

- *Refunds.* Some in Congress and the DOT, through a Notice of Proposed Rule-making (NPRM), have proposed significant changes to DOT’s airline refund requirements even though U.S. passenger airlines have been and remain keenly responsive to customers’ refund interests. We support many of provisions in DOT’s proposal, such as getting to a single definition of what constitutes a significant delay, but also have recommendations on how to ensure that some of these provisions are clear and do not have unintended consequences. Today, A4A member carriers abide by—and frequently exceed—all DOT regulations regarding these consumer protections, and there is no evidence of a market failure or unfair or deceptive practices in this area. In addition to other forms of compensation, the 11 largest U.S. passenger airlines issued more than \$32 billion in customer refunds, or \$900 million per month, between January 2020 and December 2022. This includes \$11.2 billion in 2022 alone, exceeding 2019 by almost 50 percent. The \$32 billion in refunds issued by these carriers equates to 65 percent of their \$49.6 billion in Payroll Support Program (PSP) receipts. It is also worth noting that in the first 11 months of 2022, DOT received less than one (0.86) complaint about refunds for every 100,000 U.S. airline passengers flown—a 90 percent improvement from the 2020 peak and airlines are working hard to reduce that number further in 2023. Additional regulation is simply not necessary.
- *Ancillary Fees.* The DOT has issued an NPRM which proposes to reregulate the disclosure and distribution of airline ancillary services and fees. A4A supports consumer protection regulation that advances the DOT’s central obligation under airline deregulation to place maximum reliance on competitive market forces. Regulations that empower consumers to make intelligent choices in a competitive marketplace are consistent with airline deregulation. However, reg-

ulations that would stifle innovation and interfere with a thriving marketplace, such as those proposed in the NPRM, are fundamentally inconsistent with airline deregulation and will ultimately harm consumers. Competition—not government regulation—is the most reliable and efficient means to ensure air carriers deliver high-quality service, choice and value to their customers.

- *Family Seating.* In July 2016 a 15-month FAA authorization extension was passed that included a provision directing DOT to review, and if appropriate, establish a policy for all air carriers to establish policies that enable a child 13 or under to be seated adjacent to a family member to the maximum extent practicable. Per the directive from Congress, DOT then reviewed air carrier policies and found that no DOT directive on family seating was necessary because DOT found that, for the periods June 2016–May 2017 and July 2017–June 2019 fewer than 0.5 percent of complaints received by DOT against U.S. airlines involved family seating and no single airline received a majority of the complaints.

DOT subsequently published data on family seating complaints and total complaints received by DOT against U.S. and foreign airlines for January 2020 through October 2022. In that 34-month period, DOT complaints concerning family seating were just 0.3 percent of complaints received.

DOT also established a family seating website, which provides advice to passengers traveling with a family, a link to every carrier’s family seating policy, and a link to file a complaint. Despite significant work already done in this area and minuscule complaint data, the DOT has now submitted proposed legislation to Congress that would mandate that U.S. and foreign airlines guarantee that young children are seated adjacent to at least one accompanying adult at no additional cost.

To be clear, no A4A member airline charges a family seating fee. We do not believe that there is a reason to further regulate family seating and we are certainly not aware of any data to justify such micromanagement of a process where airlines, our employees and our customers work successfully to address any rare and unique situations that may arise. There are a multitude of variables like time of booking, check-in, and number of family members that a blanket regulation just cannot address. Customer service is best left in the hands of dedicated and experienced airline employees, not the government.

Similarly, some in Congress have proposed instituting government-controlled pricing, establishing a private right of action and dictating private sector contracts. These proposals would completely unravel the positive policy benefits that consumers have reaped via deregulation of the airline industry; would decrease competition; and would inevitably lead to higher ticket prices and reduced services to small and rural communities.

Stakeholders also have a number of effective and existing forums to transparently discuss and debate consumer protection issues. For instance, at Congress’s direction, the DOT re-established the Aviation Consumer Protection Advisory Committee (ACPAC) in 2018 to advise the DOT Secretary in carrying out the DOT’s activities related to aviation consumer protection. The ACPAC, with representatives of key stakeholders (airlines, airports, state and local governments and consumer protection groups), evaluates existing consumer protection programs, recommends improvements to such programs and recommends new protection programs, if needed.

Additionally, airlines and other stakeholders also work closely with the disability community and the DOT to proactively address accessibility issues. Similar to the ACPAC, the DOT established an Air Carrier Access Act Advisory Committee (ACAA Advisory Committee) in 2019 and includes committee members with expertise in accessibility, airline accessibility practices and aircraft design. We support Congressional reauthorization of this invaluable committee.

A4A passenger members are dedicated to improving air travel for passengers with disabilities. Most recently, our members announced a renewed commitment to improve accessibility and support for the DOT’s Passengers with Disabilities Bill of Rights. This commitment was established after hearing from passengers with disabilities and their advocacy organizations about accessibility concerns, including those raised during A4A’s passenger accessibility summit.

As part of the commitment, our members have committed to taking distinct actions to improve air travel accessibility. Each member will have a passenger accessibility advisory group that includes the disability community to more acutely help airlines incorporate accessibility into their policies and operations. Mobility aid handling is also a focus area of improvement, including the transfer of passengers between their mobility aids and seats. Additionally, accessibility services training will be improved for all frontline employees and carriers will educate all their employees

about passengers with disabilities. Finally, our members also continue to support the study and development of more accessibility features on aircraft that will broaden air travel opportunities for passengers with disabilities. While some improvements will take time, our members are committed to making progress and taking action to implement these commitments.

The ACPAC and ACAA Advisory Committees are valuable tools and provide a transparent and public forum for consideration of data and evidence concerning consumer protection issues. These Committees should be used as alternatives to rigid and proscriptive regulatory mandates.

CONCLUSION

We are thankful for the opportunity to testify, and we look forward to working closely with the Committee over the coming months on many of these issues. From our perspective, the simple goals of the upcoming FAA reauthorization effort should be long-term stability, predictability and a Congressional understanding of ‘do no harm,’ all components of an aviation policy that will serve the FAA, industry and consumers well, especially at this moment in time. Reforming inefficient government processes, retiring outdated technology and demanding public sector accountability while providing for the global gold-standard of safety will help to drive domestic economic growth, promote job creation and—most importantly—improve the travel experience for the millions of Americans who fly or ship cargo every day.

ATTACHMENT

2023 PRIORITIES: FAA REAUTHORIZATION

On behalf of its member airlines, Airlines for America appreciates the opportunity to share its top priorities for the pending FAA Reauthorization bill. Coupled with preventing harmful re-regulatory efforts that would drive up costs, reduce choice and limit access for consumers, enacting the proposals below will provide meaningful real-world benefits to passengers and shippers.

Reforming inefficient government processes, retiring outdated technology and demanding public sector accountability while providing for the global gold-standard of safety will help to drive domestic economic growth, promote job creation and—most importantly—improve the travel experience for the millions of Americans who fly every day. These policies will accomplish those goals and we appreciate your consideration of them as you develop this legislation.

FAA FUNDING AND REFORM ISSUES

Ensure Controller Staffing Model Updates Hiring Goals and Provide Funding

The FAA and NATCA were directed by Appropriators to working through the collaborative resource workgroup (CRWG) to improve the process for determining controller staffing targets by evaluating staffing needs on a facility-by-facility basis as well as improving the algorithm that determines the staffing target based on a variety of factors. That work, including MITRE’s review, has been completed and although it is not publicly available, we believe this report should serve as the basis for increased funding and staffing to ensure the National Airspace System (NAS) is adequately staffed *so that fewer passengers’ itineraries are delayed or disrupted.*

Ensure FAA Continues to Operate Normally During any Government Shutdown

Congress should ensure the FAA’s operations are protected during any government shutdown by allowing the FAA to continue to draw from the Airport and Airways Trust Fund (AATF) during any funding lapse to pay controllers and other operational needs *so that travelers and shippers of goods are not grounded during a shutdown.* Reps. DeFazio and Larsen introduced legislation along these lines in the prior Congress. We support this legislation being added to the FAA Reauthorization bill.

Increased Funding for FAA’s Capital Programs

We support additional funding for the FAA’s capital programs—particularly the Facilities and Equipment (F&E) account—through higher authorization levels and appropriations that match those levels. F&E has been stagnant for the last 14 years and resources haven’t kept up with inflation, much less the needs of the NAS.

Moreover, the FAA’s investment landscape over the past two decades has become increasingly tilted away from F&E investments and toward AIP grants. Since FY 2000, AIP funding has outpaced F&E investments by \$14.9 billion, even though airports have other funding sources. This has created a challenge in maintaining the

facilities, systems, and equipment that supports all users of the nation's airspace. This historical underinvestment has led to a requirement gap of tens of billions of dollars over the next decade. Since 96% of the AATF revenues are contributed by commercial passengers and airlines, it is reasonable that additional resources from the Trust Fund be invested in an aging facilities and equipment infrastructure which enhances safety and efficiency for all users.

Apply Current Funding Mechanisms to New Entrants

Given the rapid growth and importance of advanced air mobility and commercial space new entrants, *as new entrants increasingly divert FAA staff attention away from moving passengers efficiently across the country*, we recommend applying passenger taxes and the waybill tax to these stakeholders to ensure that everyone who utilizes the system also contributes to the AATF.

Hold the FAA Accountable for Achieving Consumer/Operational Benefits

NextGen Benefit-Focused Metric Task Force—As the FAA restarts its air traffic control modernization efforts emerging out of Covid related restrictions, we want to ensure the NextGen program finally achieves its intended purpose, namely greater energy efficiency and emissions reductions. *Getting passengers and packages to their destination safely, efficiently and as quickly as possible is a top priority for our carriers.*

Agreement is needed on the most effective metrics that will hold the FAA accountable for its performance in delivering operational benefits to users and reducing emissions. At a minimum, these metrics should track NAS throughput and savings in track miles and emissions on an average per flight basis. To develop these benefit-focused metrics we recommend directing the FAA to establish a NextGen Operational Benefit-Focused Metrics Task Force to provide recommendations on the most meaningful and effective metrics for holding the FAA publicly accountable for improved NAS efficiency and emission reductions. The Task Force should include the FAA, air carriers, air traffic controllers, and other subject matter experts. The Secretary should report the Task Force's progress and recommendations to Congress within 270 days of enactment of this act.

ENSURE THAT THE FAA IS THE SOLE REGULATOR OF SAFETY AND OPERATIONS FOR THE NATIONAL AIR SPACE (NAS)

We recommend inclusion of language that codifies the FAA's singular authority over operations in the NAS. The attached language is drafted to be broad in scope to include all civil operators in the NAS, to avoid a patchwork of regulatory regimes that would make it impossible to operate in a system designed to connect the country and the world.

A federal standard for operational and safety requirements ensures that all civil operators, including new entrants and drones, comply with equivalent safety standards and that state and local requirements cannot create a competitive advantage or disadvantage, or negatively impact safety and operations.

IMPROVE AIR TRAFFIC MANAGEMENT TO ADDRESS CONSUMER AND ENVIRONMENTAL ISSUES

Operationalize NextGen

Our goal is to implement and integrate NextGen/ATC Modernization capabilities, aircraft equipment and people to achieve the intended purpose and produce measurable benefits for passengers and stakeholders. This includes throughput, efficiency, sustainability, fuel savings, emissions reductions, reduced miles flown and noise reductions in specific locations and time frames.

Our top priorities to achieve this goal and improve customer service are:

- Flow Management/Flight Planning Tool—Replace the FAA's outdated Traffic Flow Management System (TFMS) with a modernized national planning tool (Flow Data Management System or FDMS) by 2025. FDMS provides the FAA with the necessary capabilities in concert with operator flight planning automation enhancements to provide the basis for expanded capabilities for and improved use of automation by aircraft operators that are extremely limited by the current TFMS.
- TFMS provides tools for users to develop, coordinate, issue, and manage Traffic Management Initiatives that balance flight demand and NAS capacity. However, those tools have reached end of life and are exhibiting accuracy and latency issues, as well as shortfalls in reliability, maintainability, and availability (RMA). The FDMS will provide a standards-based microservices architecture before the full implementation, and the final system will address operational

needs such as improved means of flight plan revisions that address weather and traffic congestion, ultimately benefitting passengers and other stakeholders.

- Airport Surface Management—Implement (Terminal Flight Data Manager) electronic flight strips and at identified sites, aircraft operational metering at agreed upon locations and time frames to finish 46 sites by 2027.
- Ensure the NOTAMs program is resilient, has redundancies and is modernized before 2030.

Leverage investments by industry in aircraft-based equipage capabilities and flight planning management.

- Navigation—increase utilization of Performance Based Navigation (PBN) and implement at additional designated airports sites recommended by industry. This includes the 48 site specific proposals made by the industry to the FAA under the NextGen Advisory Committee in the *Performance Based Navigation (PBN) Clarification Ad Hoc Team, NAC Task 19-4 Report* to achieve desired PBN outcomes in the implementation of the FAA’s PBN NAS NAV Strategy. The FAA should continue the implementation of Established on Required Navigation Performance (EoR) Procedures and development of Multiple Airport Route Separation (MARS). The Agency should continue making use of Converging Runway Display Aid (CRDA) as a metering tool to facilitate PBN implementation.
- Communication—complete initial EnRoute DataComm and implement full data services by 2024.
- Surveillance—We support leveraging carrier investment in ADS-B Out and ADS-B In aircraft equipage to provide operational benefits and enhance trajectory-based operations capabilities to improve airspace efficiencies and reduce delay in the NAS. The FAA has shown benefits from reduced spacing in Center airspace and should complete implementation of this efficiency and capacity capability using ADS-B at all locations by 2025. Expanded use of ADS-B surveillance should also be matured to implement reduced spacing at airports and in the Northeast Corridor as the Agency outlined in its report to Congress, as required by Section 505 of the FAA Reauthorization Act of 2018 (P.L. 115–254).
- Satellite Communication (SATCOM)—We recommend requiring the FAA to utilize equipage for ATC communications in remote areas without VHF radio capability to improve system performance and efficiency benefits. Reduction of procedural separation should be developed for implementation in Oceanic WTRS and Gulf of Mexico Airspace through SATCOM.

INCENTIVIZE PRODUCTION AND USE OF SUSTAINABLE AVIATION FUEL

For jurisdictional reasons, our key SAF priority for the Committees working on FAA Reauthorization is to secure additional targeted funding to support SAF Production under existing grant and research and development (R&D) programs. However, given the importance of improving the SAF tax credit, we are including that in our request on this topic understanding that the appropriate vehicle for addressing tax credits would be “extenders” legislation addressing all needed extensions of a broad set of tax credits.

Increase and target SAF Grants

- The FAA’s Fueling Aviation’s Sustainable Transition (FAST)—SAF grant program created in the Inflation Reduction Act (IRA) supports projects “relating to the production, transportation, blending, or storage of SAF”: We recommend increasing the current \$244.53 million by \$300 million.
- Increase SAF-Specific Research and Development. We support increased funding for the Continuous Lower Energy Emissions and Noise (CLEEN) program and the FAA’s Center of Excellence for Alternative Jet Fuels and Environment (ASCENT). In the market today, SAF is three to five-times more expensive than conventional jet fuel and there is currently no incentive for fuel suppliers to produce SAF over ground-based alternative fuels. To address key scientific and technical challenges that inhibit the development, wide scale production, and use of economically viable SAF we recommend increased funding to accelerate efforts to scale up SAF supply, at an order of magnitude necessary to make it economically viable. We strongly support prioritizing research to enable an increase of the SAF blending limit beyond the current 50 percent with a goal of reaching 100 percent SAF in the near term.

Exempt SAF from jet fuel excise tax on the SAF portion of the blend.

- Currently, the SAF BTC Treasury guidance says that the full blend will be taxable at 4.1 cents.

Improve the value of the SAF BTC.

- The IRA tax credits have established a crucial initial footing for meeting the ambitious goal set by industry and the Biden Administration of having 3 billion gallons of SAF available by 2030. Going forward, two policy measures are critical to building on this progress. First, the tax credits need to be extended beyond the current five years (2023–24 by the SAF–BTC, 2025–2027 by the CFPC). To build SAF production capacity sufficient to meet our mutual goals will require tens of billions of dollars of private investment. To unlock this capital, investors require further assurance they will be able to realize a reasonable rate of return. To accomplish this, we recommend Congress apply an approach similar to that used to support investment for Carbon Capture and Sequestration (CCS) to SAF production facilities, allowing the “clock” on the credit to start ticking when a facility is placed into service.

Specifically, we ask that:

1. Congress ensure that the total duration for the SAF tax credits (the SAF–BTC and CFPC combined) will be available to SAF producers for 10 years from the date a facility is placed in service. At a minimum, we ask that the tax credits be extended to cover at least a 10-year duration.
2. Ideally, the value of the tax credits would also be increased and the producers would have the flexibility to choose between the two credits in order to maximize SAF availability and supply.
3. Critically, in the event that the Credit for Biodiesel and Renewable Diesel (26 USC § 40A) is extended, the SAF BTC should be co-extended with it.
4. If implementing guidance does not explicitly include the GREET model, we ask that clarifying legislation incorporate it as an approved domestic certification model.

IMPLEMENT INCENTIVES FOR IMPROVING AVIATION WORKFORCE DEVELOPMENT AND DIVERSITY

Building on work that began in the previous Congress, we are seeking to expand both the scope and value of the current limitations of the aviation workforce development grant programs. *The commercial aviation workforce must grow to meet future demand and prevent a lack of workers from negatively impacting passengers and their travel experience.*

Our primary goal is to increase the grant money from \$10 million to \$50 million annually for the FAA’s nascent pilot and technician education program and broaden the grant purposes beyond primary, junior and high school curriculum and teacher development.

We will propose that pilot and technician grants fall into one of the following categories:

- Projects that establish scholarships or apprenticeships for individuals pursuing employment as a pilot or maintenance technician;
- Projects that support outreach about careers in the aviation industry to primary, secondary, and post-secondary school students; OR communities under-represented in the industry;
- Projects that support educational opportunities related to aviation pilot and maintenance jobs in economically disadvantaged geographic areas;
- Projects that support transition to careers in aviation, including for members of the Armed Forces; or
- Projects that otherwise enhance aviation technical education or the aviation industry workforce.

In addition, we support enacting legislation to provide federal student loans for both pilot education and training focused specifically on addressing the financial barrier to entry for this critical career.

Mr. GRAVES OF LOUISIANA. Thank you, Ms. Pinkerton.

Ranking Member Cohen, we represent two traditional commercial airports, New Orleans Airport and Baton Rouge Airport. And it is kind of like having your two kids. And so, we were tasked with having to figure out which one to testify, and you got to choose between your two favorite kids, right?

I want to thank Mike Edwards and the folks from Baton Rouge Metropolitan Airport for being here, and Kevin Dolliole from New

Orleans. We courageously asked the Airports Council International–North America to choose for us.

[Laughter.]

Mr. GRAVES OF LOUISIANA. And Mr. Dolliole, representing New Orleans International Airport, I want to thank you very much for being here, and I absolutely love your new facility. It is beautiful, and I hope everybody has a chance to visit. Mr. Dolliole, you are recognized for 5 minutes.

**TESTIMONY OF KEVIN DOLLIOLE, DIRECTOR OF AVIATION,
LOUIS ARMSTRONG NEW ORLEANS INTERNATIONAL AIR-
PORT, ON BEHALF OF AIRPORTS COUNCIL INTERNATIONAL-
NORTH AMERICA**

Mr. DOLLIOLE. Thank you, and thank you for making me the choice.

[Laughter.]

Mr. DOLLIOLE. But good morning, and thank you, Chairman Graves, Ranking Member Larsen, and Ranking Member Cohen for having me and providing the opportunity to share commercial airport perspective in today's important conversation about the passenger experience.

Again, my name is Kevin Dolliole. I am the director of aviation at the Louis Armstrong New Orleans International Airport. And I am also here today in my capacity as vice chair for Airports Council International–North America, or ACI–NA.

Airports across the U.S. approach the overall passenger experience with the same determination we approach our shared mission of ensuring the safety and security of the traveling public and airport workers. We strive to provide every single passenger who travels through our terminals with an easy, accessible, convenient, and enjoyable experience. U.S. airports would love to achieve the type of passenger accommodations we see at airports around the globe, but we have significant work to do.

Just this morning, ACI–NA released its biannual infrastructure needs study that shows overall airport infrastructure needs in the next 5 years: \$151 billion, or about \$30 billion annually.

Airports around the country are suffering from a lack of adequate infrastructure funding. And unfortunately, despite our best efforts as an industry, our facilities show that lack of investment. Even with these all-time-high infrastructure needs, the airport industry is committed to a comprehensive approach to enhancing the passenger experience, and FAA reauthorization would be an excellent opportunity to narrow the funding gaps to make this a reality.

The Louis Armstrong New Orleans International Airport is the largest commercial service airport within a 350-mile radius. And nearly 85 percent of the people traveling by air in Louisiana use our airport. In 2019, we opened a new terminal after years of planning and piecing together the finances to make it happen. Airports are the front doors to our communities. Our new terminal has drastically improved the first thing visitors see when they arrive in New Orleans. It is a 972,000-square-foot terminal featuring 3 concourses, 35 gates, 2 new parking garages, a surface parking lot next to the terminal, and a remote economy garage with shuttle service.

The terminal was built with the passenger experience in mind, and contains many of the features the modern passenger expects that we just weren't able to provide in our former terminal, such as electrical outlets available at 50 percent of the seats and gate hold areas; fast, free Wi-Fi; water bottle refilling stations post-security; mother's rooms; a pet relief area post-security; three curbside check-in locations with easy access to the short-term garage; an efficient in-line baggage screening system; and a consolidated checkpoint. Passengers also get to feel the spirit of New Orleans through our award-winning concessions program, which features a host of local restaurants and shops.

The new MSY terminal was but one of New Orleans Airport's many infrastructure needs. We were able to fund it by issuing debt and utilizing a combination of other available sources, leaving us with less flexibility to fund future projects. As we look forward to the future growth of the New Orleans region, a modernized airport infrastructure funding pipeline will allow us to better position ourselves to meet the increasing demand for even more connectivity at MSY.

A passenger rail line connecting the cities of New Orleans and Baton Rouge is currently under development, and a key component of this new service is a stop at the New Orleans Airport. Our next significant project is to develop an intermodal station, and a roadway, and, ultimately, an automated people mover, which will provide the last-mile connection from the new rail stop on the south side of airport property to the existing passenger terminal on the north side of our property. This multimodal project will provide improved connectivity for passengers, employees, and residents, among other economic and environmental benefits, and is a critical element to the next phase of MSY expansion for the entire gulf coast region.

Thank you for having me here today, and I look forward to your questions.

[Mr. Dolliole's prepared statement follows:]

Prepared Statement of Kevin Dolliole, Director of Aviation, Louis Armstrong New Orleans International Airport, on behalf of Airports Council International-North America

Good morning. I am Kevin Dolliole, Director of Aviation at the Louis Armstrong New Orleans International Airport. Thank you, Chairman Sam Graves, Chairman Garret Graves, Ranking Member Larsen, and Ranking Member Cohen for having me here today and providing me the opportunity to share the commercial airports' perspective in today's important conversation about the passenger experience. I am also here today in my capacity as Vice Chair of Airports Council International-North America (ACI-NA), the trade association for U.S. airports.

Airports across the United States approach the overall passenger experience we deliver to our passengers with the same determination we approach our central mission of ensuring the safety and security of the traveling public and airport workers. We strive to provide every single passenger who travels through our terminals with an easy, accessible, convenient, stress-free, and enjoyable experience.

Airports often think of themselves as the front door of our communities. When MSY opened our new terminal in 2019, we made sure the new building reflected our community. The sense of place you will find in our terminal perfectly represents everything the world loves about New Orleans. While our passengers know they have arrived in New Orleans when they enter our terminal from their jet bridge, they do not know all of the behind-the-scenes operations that are required to provide them with a seamless experience.

From the time a passenger arrives at the curb of an airport through their return back home, airports are committed to working collaboratively with their partners—including airlines, government, concessionaires, rental car companies, and other service providers—to set high customer experience standards and processes.

IMPROVING THE PASSENGER EXPERIENCE

Even during the depths of the pandemic, when our terminals were nearly empty, airports continued to increase efforts to promote the health and safety of the traveling public and airport workers. Every airport took important steps during that time to enhance the passenger experience and provide a higher level of comfort to our customers. Now in our recovery as an industry, airports are continuing our work as more and more Americans return to the skies.

So much has changed over the last three years. To achieve the highest level of passenger satisfaction, airports are stepping up efforts to improve data collection and analysis to better understand passenger needs as we look to invest in future improvements. Passengers are now rightly demanding more choices when inside our terminals. As such, airports have worked closely with their tenants, especially concessions partners, to expand options and hours. Airports also are working with their airlines to improve price and service competition.

Every two years, ACI-NA conducts a survey of its members to understand new trends in delivering a positive passenger experience. In its first survey since the pandemic, ACI-NA has noted the widespread adoption of new passenger amenities and changes to how airports approach customer experience management. Using lessons learned from the pandemic, a greater number of airports are ensuring the customer experience is integrated into all decision making processes and enhancing collaboration with their stakeholders, business partners, and surrounding communities. Some of the new passenger amenities include:

- Plan-Ahead Conveniences: online parking reservation systems, security screening reservations, co-working spaces
- Accessibility: sensory rooms and quiet rooms, autonomous wheelchairs, vision impaired wayfinding, lactation rooms
- Technology: electrical charging stations, contactless mobile food ordering, autonomous delivery robots, restroom stall occupancy sensors

Airports are working to improve facilities for all passengers, including those with disabilities. Thanks to terminal funding made available through the Airport Terminal Program (ATP) in the Bipartisan Infrastructure Law (BIL), airports have been able to start projects that help with accessibility and ADA compliance. Of the \$1 billion granted for fiscal year 2022 through ATP, roughly two-thirds of the terminal projects accounting for more than \$600 million in federal funding include components that enhance accessibility and ADA compliance.

For fiscal years 2022 and 2023, airports submitted nearly \$25 billion worth of ATP projects requests for only \$1 billion in available funding each year. While the recent investment in the ATP is welcome and needed, the funding gap for terminal projects highlights the need for additional federal assistance to keep up with travel demands, including travelers with accessibility needs.

We are making progress, but some immense challenges remain. For example, airports and their partners have not been immune to the complex workforce issues impacting so many other industries across our economy. While airports are massive employers in their communities, airports are at a disadvantage in attracting and retaining the skilled workers needed to make an airport function, such as with transportation to-and-from work and with security badging requirements. Airports are working closely with their partners to make airport jobs more desirable.

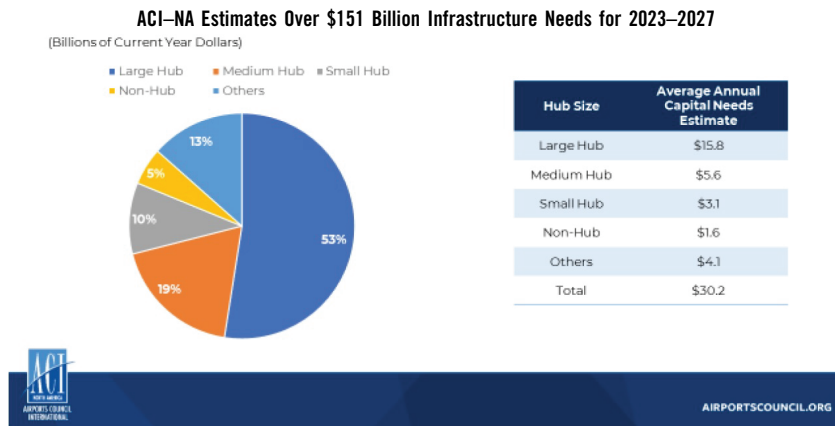
When and where appropriate, airports also are looking to technology to enhance the passenger experience. The rapid innovation and passenger comfort of new technologies and processes has been an unforeseen benefit of our pandemic experience. Airports are working with airlines, concessionaires, government partners, and service providers to deploy new technologies to further alleviate friction points and provide a seamless experience for passengers. From food delivery robots to more efficient monitoring of facility usage to enhanced security screening and safety technologies, we are making investments to provide passengers with the best possible experience in their return to the skies. Airports need to keep up with customer demands. Airport customers expect airports to fully embark on the digitalization of airport processes and in receiving stellar customer experience. Meeting passenger needs requires significant upgrade of existing aging infrastructure.

AIRPORT INFRASTRUCTURE INVESTMENT HELPS MEET PASSENGER EXPECTATIONS

Much of the work being done across the industry to improve the passenger experience requires airports to make significant investments to update their physical infrastructure, particularly as many seek to personalize the experience based on regional and local influences. The commitment to the passenger experience requires monetary investment, but unfortunately airports remain constrained in long-term infrastructure funding opportunities as Airport Improvement Program (AIP) grants and federal cap on the Passenger Facility Charge (PFC) local user fee both have remained stagnant for two decades.

Year after year airport infrastructure needs continue to increase. As a result, available airport infrastructure funds do not meet today’s demands. Despite the five-year influx of BIL funding, which ends in fiscal year 2026, unmet infrastructure needs far surpass current funding levels. The 2019 ACI-NA Infrastructure Needs Survey found that U.S. airports had \$128 billion in infrastructure needs over a five-year period. The updated 2023 version of that report, coming out today, shows the need has increased to \$151 billion over a five-year period, or about \$30 billion annually.

Virtually all airports, irrespective of their size and geographical location, are in need of capital to maintain and expand their infrastructure to accommodate the immediate and future demands, enhance the efficiency of their processes, and increase service quality and customer experience. More information about the needs based on hub sized can be found in the chart below:



- Large hub airports, with 69.4 percent of all enplanements, account for \$15.8 billion per annum (53 percent);
- Medium hub airports, with 16.9 percent of all enplanements, account for \$5.6 billion per annum (19 percent);
- Small hub airports, with 4 percent of all enplanements, account for \$3.1 billion per annum (10 percent), and;
- Non-hub airports, with 3 percent of all enplanements, account for \$1.6 billion per annum (5 percent).

The amount of money airports receive from the AIP and PFC combined is just under \$6.5 billion annually. BIL funds, which will run out in 3 years, add \$3.86 billion annually. Remaining airport revenue after operating expenses is just \$2.66 billion annually. After adding up AIP, PFC, BIL, and airport revenue totals, there is just under \$13 billion in available funds for infrastructure annually, one-third of which will not be available in a few years when BIL money stops. These numbers are a far cry from the \$30 billion in annual airport infrastructure needs—numbers which are sure to grow in the coming years. We have seen that demand just on BIL funding alone with more than 650 applications totaling \$14 billion for the first \$1 billion in terminal upgrades provided under BIL and nearly \$10 billion for the second round of airport terminal funding.

Airports want passengers to have a positive experience when traveling, but it is challenging to provide such an experience when airports have insufficient funding to build, maintain, and adapt their facilities. Currently, curbside congestion and long Transportation Security Administration (TSA) check point wait times frustrate

aviation passengers, and rightfully so. Given the age of U.S. airports, it is no wonder that checkpoint inefficiencies are a common theme throughout our nation's airports. TSA came into being 22 years ago, well after construction of most commercial service airports in the United States, and the agency suffers from inefficient checkpoints in many locations because the terminals were not built to accommodate modern checkpoints in the first place. Additional funding can enable airports to expand the infrastructure around current checkpoints needs to maximize space and make them more efficient.

After passengers make it through security to their gates, there often are not enough seats or comfortable waiting areas available, particularly in close proximity to charging stations, which is a big deal to most travelers today. U.S. terminals are simply outdated and maxed out. According to the Federal Aviation Administration (FAA), it is projected that passenger traffic will increase to 153% of 2019 traffic levels by 2040. Current airport infrastructure cannot accommodate such growth and airports do not have the funds on hand to make these necessary changes especially in the time it takes to plan, build, and complete such projects.

Since most U.S. airports do not have the capital on hand to fund critical infrastructure projects, they must go to the bond market to finance them. However, borrowing money comes with a high price tag and the growing debt airports are incurring as a result is not sustainable. Most airports already have some level of debt they must continually service to maintain their superb credit ratings and some have already reached their borrowing capacity due to infrastructure project costs. Airports in the U.S. have a record outstanding debt of approximately \$137 billion, which results in an annual debt service obligation of approximately \$8 billion. This is on top of the \$151 infrastructure needs U.S. airports have over a five-year period.

FAA REAUTHORIZATION PROVIDES AN OPPORTUNITY TO IMPROVE

Airports are so focused on improving the passenger experience that our industry's FAA reauthorization priorities that we submitted to Congress actually has it in the title—Modernize America's Airports: Investing in the Passenger Experience. We break our requests into three main categories: investing in facilities, relieving regulatory burdens, and preparing for new opportunities. Airport operators, in collaboration with our trade associations ACI-NA and AAAE, recommend Congress implement the following *policy priorities* in the upcoming FAA reauthorization bill related to infrastructure improvement.



**INVEST IN
FACILITIES**



**RELIEVE
REGULATORY
BURDENS**



**PREPARE FOR NEW
OPPORTUNITIES**

REFORM THE AIRPORT IMPROVEMENT PROGRAM

As our top priority, airports urge Congress to increase funding and expand project eligibility to terminal projects for AIP, which has remained stagnant at \$3.35 billion for almost two decades. Increasing annual AIP funding will help airports meet growing infrastructure needs as validated by the FAA in its most recent National Plan of Integrated Airport Systems (NPIAS) report—needs that are exacerbated by the program's reduced purchasing power and significant construction-cost inflation in recent years. Airports construction costs have jumped by 40 percent since 2012, outpacing inflation, which jumped 27 percent over the same period and significantly accentuated construction costs. Tensions on the supply chains, increases in construction material costs, and increases in U.S. labor costs all contribute to the added cost of airport projects. In this inflationary context, airports' traditional sources of funding keep being eroded, drastically limiting their ability to finance their most basic infrastructure needs and deliver on airport projects.

We also propose loosening the federal restrictions on AIP eligibility, adjusting funding formulas for both commercial service and general aviation airports, expediting the release of AIP grants to airports, and recalibrating the program to meet

with present and future needs of both commercial service and general aviation airports. We outline improvements to the passenger experience through AIP with a four-pronged approach:

- *Use Existing Funds:* Passengers contribute to the Airport and Airway Trust Fund (AATF) that funds AIP. As air service continues to rebound after the depths of the pandemic, more of the user fees from this trust fund should go toward helping to improve the passenger experience at airports across the country.
- *Promote Competition and Save Passenger Money:* Expanding AIP eligibility to terminals can promote much needed competition in the airline industry. New investments in airports are valuable tools in helping local communities attract new carriers and accommodate new routes or expanded service from existing carriers, which lowers airfares for passengers across routes, across the country.
- *Investment in Communities:* The total economic outputs of U.S. commercial service airports now exceeds \$1.4 trillion, supporting more than 11.5 million jobs with a payroll of more than \$428 billion and accounting for more than seven percent of U.S. GDP. Modernizing airport infrastructure funding ensures our nation's airports have the resources they need to remain competitive and thriving hubs of economic opportunity.
- *Wide-Ranging Industry Support:* A broad and diverse coalition of industry groups and businesses support modernizing AIP. ACI-NA's *Beyond the Runway* coalition, which is made up of more than 100 organization and trade groups, has come together to support AIP thanks to the jobs and dollars AIP brings to their industries.

MODERNIZE THE PASSENGER FACILITY CHARGE PROGRAM

Airports continue to urge Congress to adjust the outdated federal cap on PFCs, which was last raised more than 20 years ago. PFCs are local user fees that must be approved locally, imposed locally, and used locally for specific projects approved by the FAA, in consultation with the airlines and local communities. Adjusting the federal cap on local PFCs would help reduce that financial pressure and give airports the option of using more local funds for their infrastructure needs.

In addition to a long overdue adjustment to the federal PFC cap, Congress should undertake reforms to the PFC program, such as eliminating the loophole that prevents airports from collecting user fees from non-revenue passengers; directing the FAA to fully implement a streamlined implementation process for airports of all sizes, as called for in Section 121 of the last FAA bill; and expanding project eligibility to include any lawful capital cost at an airport.

LOUIS ARMSTRONG NEW ORLEANS INTERNATIONAL AIRPORT AND THE PASSENGER EXPERIENCE

The Louis Armstrong New Orleans International Airport (MSY) is the largest commercial service airport within a 350-mile radius, and nearly 85 percent of people traveling by air in Louisiana use our airport. Before the pandemic, MSY saw record-breaking passenger totals for 5 years in a row, peaking at 13.6 million passengers in 2019. With air service back on the rise again, forecasts show that we may exceed pre-pandemic passenger numbers by 2024.

Just five months before the pandemic began, MSY cut the ribbon on a new, \$1.1 billion replacement terminal to better meet the needs of the traveling public now and into the future. The original terminal building was constructed in 1959; it was 60 years old by the time it was replaced. In addition to the challenges that arise from maintaining an aging building, airport security requirements and aviation industry best practices have changed drastically over those six decades. The concourses in the former terminal had been built and reconstructed at various times over the previous 40 years, but the airport struggled to keep up with increased demand and a positive passenger experience as it aged.

When we moved all airport operations to the new facility on the opposite side of our runways, this significant infrastructure investment drastically improved the first thing visitors see when they arrive in New Orleans. The new MSY terminal is approximately 972,000-square-feet featuring three concourses, 35 gates, two new parking garages, a surface parking lot next to the terminal, and a remote economy garage with shuttle service.

The new MSY terminal is a stunning combination of modern convenience and regional details. It was built with the passenger experience in mind and contains many of the features the modern passenger expects such as:

- Electrical outlets available at 50 percent of the seats in the gate areas;

- Fast, free Wi-Fi, which was a challenge to deliver in the previous terminal facility due to aging infrastructure;
- Water bottle refilling stations post-security;
- Mothers rooms in each concourse;
- Fully automated restrooms with sanitary seat covers;
- A pet relief area post-security;
- Three curbside check-in locations with easy access to the Short-Term Garage;
- An efficient inline baggage screening system; and
- A single consolidated checkpoint compared to the 3 individual checkpoints retrofitted into the former terminal.

Once passengers are beyond the checkpoint, they now have access to more than 40 different food and retail concessions where they can feel the spirit of New Orleans through our new concessions program with a host of local restaurants and shops. Regional options mixed with national brands that most of the public is familiar with provide us with a well-balanced concessions program that can meet the needs of every traveler.

The new MSY also has improved the parking experience at the new terminal. With more than 8,000 parking spaces—2,000 more than the previous terminal—there is enough room to meet the airport’s parking needs especially as demand increased drastically during the pandemic. In addition to more spaces, real-time data on the airport website and dynamic signage on I-10 will quickly help travelers decide where to park in one of four locations.

Beyond the streamlined travel experience, beautiful architecture and world-class restaurant and shopping options, MSY offers other innovative customer service features:

- The Park MSY Express Economy Garage features convenient shuttle service and *Complimentary Baggage Check-in* allowing outbound passengers to check their luggage from the comfort of their vehicle before parking. This allows passengers to catch the shuttle luggage-free and skip the airline ticket counter.
- The airport’s new parking garages are equipped with *Park Assist*, which gives passengers a visual queue to alert them where one or more spaces are available. The program reduces the time it takes to find a parking spot and helps passengers get to their flight faster.
- An online *Parking Reservation System*, which allows passengers to ensure a space will be available in the parking facility of their choice.
- *Valet Parking*, which is a convenient option for passengers looking to save some extra time.
- The *MSY Guest Pass* program allows guests who are not flying and do not have a boarding pass access restaurants and stores post-security. This adds support for traveling families or additional comfort for those with less experience traveling.

We strongly believe this new airport terminal gives us the best opportunity to compete in the global, 21st-century economy. As a result of these efforts, MSY has been recognized for its customer service and efficient operational practices by numerous industry partners such as:

- Best Large Airport in North America, J.D. Power’s 2021 North America Airport Satisfaction Study;
- Best Airport in North America, (5–15 million passengers), Airports Council International World’s 2021, and 2022 ASQ Program;
- Best Overall Concessions Program, Best Concessions Program Design, and Best Local-Inspired Restaurant for Emeril’s Table (Medium/Small Airports Division), Airport Experience Awards, 2023;
- Best Hygiene Measures in North America, Airports Council International World’s 2020 and 2021 ASQ Program;
- Most Efficient Airport in North America among airports serving 5–15 million passengers per year in 2021, Air Transport Research Society (ATRS); and
- Fastest Airport Pickup, Uber 2022.

These accolades underscore our commitment to the passenger experience and offer proof of what is possible when airports are able to make necessary infrastructure investments. The new MSY terminal was but one of many infrastructure needs. We were able to fund it by issuing debt and utilizing a combination of other available sources—leaving us with less flexibility to fund future projects. As we look forward to the future growth of the New Orleans region, a modernized airport infrastructure funding pipeline will allow us to better position ourselves to meet the increase in demand for even more connectivity at MSY while also prioritizing passenger experience.

A passenger rail line connecting the cities of New Orleans and Baton Rouge is currently under development, and a key component of this new service is a stop at MSY. Our next significant project is an InterCity Rail Connector, which will provide the last mile connection from the new rail stop on the south side of airport property to the existing passenger terminal on the north side. The project includes the development of an intermodal station and an automated people mover (APM) to transport rail users back and forth. The APM also will connect to the south airport campus where economy parking, employee parking, and rental car facilities are located. Additionally, the intermodal station will serve as a transit bus hub that will facilitate affordable mobility for the region, especially for disadvantaged communities near the airport and along the rail corridor.

This project will provide improved connectivity for passengers, employees, and residents among other economic and environmental benefits, and is a critical element to the next phase of MSY expansion. Investing in critical airport infrastructure will provide long-lasting and sustained economic and safety benefits for not only New Orleans area residents, but also the entire Gulf Coast region.

CONCLUSION

Airports across the United States are committed to improving the passenger experience by making travel efficient, maintaining our strong record of safety, and improving the comfort for all travelers. As airports look to adjust to the ever-changing passenger needs, airports need the resources to meet the demands, which is why we have prioritized increasing and reforming AIP in this year's FAA reauthorization legislation. Airports take the responsibility of welcoming travelers to their respective communities incredibly seriously and airport workers take pride in their ability to provide a positive, unique experience. The local approach taken at MSY is just one of the many examples from around the country of what success looks like. MSY invested in a major critical infrastructure project, and many other airports are looking to do the same.

Airports will continue to seek out funding and opportunities to meet the public's needs. Unfortunately, that means airports will continue to face insufficient funding levels and financing options unless appropriate changes are made. Airports are grateful to have weathered the pandemic storm, in part thanks to the congressional assistance, but now there is the ability to create long-term, necessary funding pipelines to invest in the various critical infrastructure airports are responsible for building, maintaining, and improving. Airports have \$151 billion in outstanding infrastructure needs over the next five years and carry \$137 billion in debt, which is a record high. Modernizing airport infrastructure funding ensures our nation's airports have the resources they need to remain competitive and thriving hubs of economic opportunity and meet passenger expectations.

Thank you again for this opportunity to testify.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Dolliole. My metric of success for your airport is if a line is longer at Café Du Monde, famous—

Mr. DOLLIOLE [interposing]. It is.

Mr. GRAVES OF LOUISIANA [continuing]. For their beignets and café au lait, or going through security. And I think Café Du Monde's line has been longer about two-thirds of the year. So, I think that is a good thing.

Mr. DOLLIOLE. I understand it is their best producing location in the city.

Mr. GRAVES OF LOUISIANA. Wow.

Mr. COHEN. Thank you, Mr. Dolliole. I know Mr. Graves is interested in Baton Rouge to New Orleans. I want to see a flight from Memphis to New Orleans. And Ms. Pinkerton ought to be able to take care of that.

Mr. DOLLIOLE. We've got to work on that.

Mr. COHEN. But thank you, sir.

Mr. Santa, you're here to represent the air traffic controllers, and you are recognized for 5 minutes to do so.

**TESTIMONY OF RICH SANTA, PRESIDENT, NATIONAL AIR
TRAFFIC CONTROLLERS ASSOCIATION, AFL-CIO**

Mr. SANTA. Chairman Graves, Ranking Member Cohen, members of the subcommittee, thank you for this opportunity to testify on behalf of the members of the National Air Traffic Controllers Association.

NATCA is the exclusive representative of approximately 20,000 employees, including FAA air traffic controllers and other aviation safety professionals. And we also represent 132 Federal contract towers and several DoD facilities.

I am an air traffic controller, having worked at the New York Terminal Radar Approach Control Facility, and since 2001, the Washington Air Route Traffic Control Center. The National Airspace System moves over 45,000 flights and 2.9 million passengers each and every day across more than 29 million square miles of airspace.

Although it is the safest, most efficient, and most complex system in the world, we are always working to improve efficiency and mitigate the risks. NATCA and the aviation industry share the same primary concerns: funding for air traffic control staffing and training, as well as for equipment and modernization programs.

Staffing and training have been concerns for many years, and despite some progress, they remain challenging. Currently the FAA is near a 30-year low in the number of fully certified controllers. By the end of fiscal year 2022, the FAA had 1,200 fewer certified professional controllers than it had a decade earlier.

Despite meeting its self-imposed hiring goals since 2016, the FAA followed its flawed finance-derived Controller Workforce Plan. That plan, although met for the past 6 years, has resulted in 10 percent fewer certified professional controllers than a decade ago. Recently the FAA announced that it would be raising its hiring target to 1,800 controllers. That is in the fiscal years 2024 to 2026. This represents the maximum throughput at the FAA Training Academy in Oklahoma City.

But hiring trainees short term will not solve this staffing crisis immediately, because it takes 1 to 3 years of on-the-job training after graduating from the academy, and 60 percent of those employees will make it to certified professional controller status, with 40 percent either retiring or being unsuccessful.

Importantly, this past November, Acting Administrator Billy Nolen directed the FAA's Air Traffic Organization to restart the Collaborative Resource Workgroup [CRWG], and partner with NATCA to collaboratively determine the number of CPCs—that is certified professional controllers—at each facility that is needed to meet the operational needs at every ATC facility. This will help reduce delays and increase the passenger experience.

For several months, NATCA and the FAA worked with the MITRE Corporation's Center for Advanced Aviation Development to update the CPC operational staffing targets. The FAA must use these new CRWG numbers in its annual Controller Workforce Plan to provide Congress with a complete and transparent view of the operational workforce needs. For months, the FAA has failed to implement this.

Although we are proud of the collaborative work that has been done, we are deeply concerned that the FAA's Office of Finance and Management, AFN, will seek to undermine these operational targets, as it has done in the past, by calculating fantastical costs over 10-, 15-, even 20-year periods. If so, these calculations should be completely discounted. The 1,800 new trainees in each of the next 3 years are cost neutral, because they are already included in the FAA's budget.

It is going to take a sustained commitment to hiring and training to a local that outpaces controller attrition to meet all of the FAA's operational needs, including integrating new users and new technologies into the NAS.

I would be remiss if I didn't mention that the FAA's facilities and equipment budget has remained flat since 2009. This lack of increase in funding over the past 13 years has forced the agency into a fix-on-fail model. We have experienced that recently. They were required to prioritize mandatory costs of the NAS over sustainments and increases in technology.

Thank you again for this opportunity, and I do look forward to your questions.

[Mr. Santa's prepared statement follows:]

**Prepared Statement of Rich Santa, President, National Air Traffic
Controllers Association, AFL-CIO**

Thank you for the opportunity to testify on behalf of the National Air Traffic Controllers Association, AFL-CIO (NATCA) at today's hearing titled "FAA Reauthorization: Navigating the Comprehensive Passenger Experience."

NATCA is the exclusive representative for nearly 20,000 employees, including the Federal Aviation Administration's (FAA) air traffic controllers, traffic management coordinators and specialists, flight service station air traffic controllers, staff support specialists, engineers and architects, and other aviation safety professionals, as well as Department of Defense (DOD) and Federal Contract Tower (FCT) air traffic controllers.

I. EXECUTIVE SUMMARY

The National Airspace System (NAS) moves over 45,000 flights and 2.9 million passengers every day across more than 29 million square miles of airspace. Although it is the safest, most efficient, and most complex system in the world, we should always strive to improve efficiency and mitigate risk.

Our system continues to be hampered by funding instability. For more than a decade, consistent disruptions to FAA authorization and appropriations have taken a cumulative toll on all aspects of the NAS. Recently, it has become apparent that although FAA has received funding consistent with the recent Administrations' appropriations requests, those requests have failed to keep up with inflation, account for controller staffing attrition, and keep pace with the changing needs of the agency regarding modernization and infrastructure programs.

NATCA believes that funding instability is one of the most serious challenges facing the FAA and the NAS. Without a stable and sufficient funding stream, the FAA will be hard-pressed to maintain capacity, let alone modernize the physical and technological infrastructure of the system while expanding it for new users such as uncrewed aircraft systems, advanced air mobility systems, commercial space launches, and supersonic aircraft.

NATCA's testimony will focus on: the need for stable and sufficient funding authorization to overcome current controller staffing shortages and training challenges; and the effect budgetary shortfalls continue to have on modernization and infrastructure programs.

II. CONTROLLER STAFFING CHALLENGES WILL REQUIRE COMMITMENT TO INCREASED HIRING & COLLABORATIVE TRAINING INITIATIVES

For years, NATCA has been explaining how controller staffing shortages negatively affect all aspects of the NAS. When there are too few fully certified controllers, positions have to be combined, resulting in divided attention between different responsibilities. Most commonly, controller staffing shortages can be mitigated through reducing efficiency—meaning flight delays. Moreover, chronically understaffed facilities also introduce unnecessary safety risks into the system.

Despite meeting its self-imposed air traffic controller hiring goals for much of the past decade¹, the FAA has not kept up with attrition. The NAS remains near a 30-year low in the number of fully certified controllers. By the end of Fiscal Year (FY) 2022, there were 1,200 fewer Certified Professional Controllers (CPCs) employed by the FAA than a decade earlier and 6% of those who remain are eligible to retire.

Recently, the FAA has upwardly adjusted its hiring goal for each of FY 2024–2026 to 1,800 new hires—a positive development. But, hiring more trainees in the short term will not immediately solve this staffing crisis because it takes 1–3 years of on-the-job training for controllers to become fully certified after graduating from the FAA’s training academy in Oklahoma City. Moreover, only about 60% of all controller trainees reach full certification within three years. The other 40% are removed, resign, or remain in training. As a result, this increased hiring goal will take several years to have any effect on CPC totals. All of these factors, coupled with missing its hiring goals from 2012–2015, has resulted in 10% fewer fully certified controllers than a decade ago.

Recognizing controller staffing to be a challenge, this past December, Acting Administrator Billy Nolen directed the FAA’s Air Traffic Organization (ATO) to restart the Collaborative Resource Workgroup (CRWG) and partner with NATCA to collaboratively determine the number of CPCs needed to meet operational, statutory, and contractual requirements, including resources to develop, evaluate, and implement processes and initiatives affecting the NAS. In the weeks that followed, the parties diligently worked with the MITRE Corporation’s Center for Advanced Aviation Development to develop CPC operational staffing targets at each of FAA’s 313 air traffic control facilities. The CRWG completed its work at the end of January and presented its report to the Acting Administrator and NATCA President in mid-February.

Now that the CRWG’s work is complete, the FAA must use the jointly developed CPC targets in its annual Controller Workforce Plan (CWP) to provide Congress with a more complete and transparent view of FAA’s operational workforce needs.

As it is currently constructed, the CWP is flawed because it relies on a “finance driven” staffing model that the FAA uses to develop facility-by-facility “staffing ranges.” That model, developed by FAA’s Office of Finance and Management (AFN) improperly combines CPCs and CPC-ITs (controllers who were fully certified at a previous facility but are “in training” and not yet fully certified at their new facility). The CWP also ignores existing CPC staffing targets that were developed nearly ten years ago, which the reconstituted CRWG report updated based on current needs.

The AFN-developed CWP uses staffing numbers that are inaccurate and misleading because they are based on actual on-board numbers (“headcount”), rather than using the operational CPC staffing targets. These headcount numbers deceptively include developmental stage trainees (who have never been certified at any FAA air traffic control facility and who may not successfully complete training at that facility), as well as CPC-ITs. This methodology does not take into account the functional day-to-day operational needs of each facility when it comes to staffing all operational positions, as well as carrying out other functions that only CPCs can perform such as training developmental controllers and serving as the controller-in-charge (CIC) to provide watch supervision when a supervisor is not available. Furthermore, only CPCs can serve as subject matter experts to develop new air traffic procedures as well as to design, develop, and implement modernization programs. Finally, CPCs are the only employees qualified to fill other positions in the agency, such as traffic management coordinators and specialists, staff support specialists, and front line supervisors and operations managers.

In order to meet the operational needs of the NAS and to enable NAS modernization, the FAA needs to use the updated CRWG’s facility-level CPC staffing targets

¹In 2016–2018, 2020, and 2022 FAA met its original hiring goals, however it reduced its hiring goals by over one-third in 2019 due to the 35-day government shutdown and by 45% in 2021 due to the COVID–19 pandemic, achieving only the reduced goals.

to properly set hiring goals, effectively place trainees, and improve distribution of the operational workforce to address the evolving needs of the NAS.

To help illustrate this issue with a practical example, at the Jacksonville Air Route Traffic Control Center (ZJX), which handles airspace covering parts of Florida, Georgia, Alabama, South Carolina, and North Carolina as well as portions of the Atlantic Ocean and Gulf of Mexico, the current operational CPC staffing target is 275. However, as of March 8, 2023, there were only 206 CPCs assigned to ZJX. In the 2022–31 CWP, the most recent version transmitted to Congress, FAA lists a staffing range of 235–287 controllers but deceptively reported 241 currently on-board (which includes 33 trainees who may or may not ever become fully certified at ZJX). Based on the CWP, it would appear as if ZJX is appropriately staffed at the bottom of its staffing range, when in reality the facility is *short 29 CPCs* compared to its staffing range minimum and nearly 70 CPCs (25%) short of the current, jointly-developed operational staffing target used by the ATO for placement and transfers. This CPC staffing target will be updated upon adoption of the CRWG report.

In 2022, FAA, in collaboration with NATCA and after meeting with other aviation stakeholders about the delays in ZJX's airspace, agreed to increase ZJX's CPC staffing target (from 241 to the current 275), well-beyond what is currently called for in the CWP—further demonstrating its shortcomings. However, relying solely on the CWP would have allowed the FAA to staff ZJX anywhere within its staffing range, even though we know that the staffing at ZJX is insufficient based on recent NAS disruptions in its airspace. These disruptions contributed to delays in Florida throughout 2022 when combined with a variety of other factors such as unprecedented convective weather and airline operational challenges. Staffing ZJX according to the CWP's current staffing range likely will continue to cause disruptions in the NAS.² It also will place a heavy burden on the current CPCs at ZJX, leading to excessive overtime and significant delays in training for developmental controllers, all of which exacerbate this staffing situation.

Another example is Atlanta TRACON (A80), which handles approach and departure radar operations into and out of Atlanta Hartsfield-Jackson Atlanta International Airport (ATL) as well as other regional airports, where currently the operational CPC staffing target is 102. However, there are currently only 69 CPCs assigned to A80. In the 2022–31 CWP, the FAA lists a staffing range of 92–113 controllers but deceptively reported 94 currently on-board (which includes 14 trainees who may or may not ever become fully certified at A80). Based on the CWP, it would appear as if A80 is appropriately staffed at the bottom of its staffing range minimum, when in reality the facility is *short 23 CPCs* compared to its staffing range and nearly 33 CPCs (32%) short of the current, jointly-developed operational staffing target used by the ATO for placement and transfers. This target will be updated upon adoption of the CRWG report.

Chicago O'Hare Tower (ORD) is also an example to illustrate that this problem exists across the NAS and within facilities of various types and locations. ORD's current operational CPC staffing target is 68. However, there are currently only 56 CPCs assigned to ORD. In the 2022–31 CWP, the FAA lists a staffing range of 63–76 controllers but deceptively reported 66 currently on-board (which includes 14 trainees who may or may not ever become fully certified at ORD). Based on the CWP, it would appear as if ORD is appropriately staffed at the bottom of its staffing range, when in reality the facility is *short 7 CPCs* compared to its staffing range minimum and 12 CPCs (18%) short of the current, jointly-developed operational staffing target used by the ATO for placement and transfers. This target will be updated upon adoption of the CRWG report.

Some of FAA's towers and TRACONS that provide services to airports with a higher general aviation presence have significantly increased in air traffic volume over the past decade. Generally speaking, for facilities with increased traffic since 2014, the updated CRWG CPC staffing targets likely will increase.

In addition to increased controller hiring, as well as using the CRWG's updated CPC operational staffing targets, the FAA must be funded sufficiently in order to appropriately and successfully train each of the 1,800 new hires annually, including at the FAA's academy in Oklahoma City and in the classroom, simulator, and on-the-job training instruction once they reach their assigned facilities.

The National Training Initiative (NTI), which began in July 2019 and paused for COVID, was restarted in April 2022. The NTI is a collaborative initiative between FAA and NATCA dedicated to a more efficient training progression for developmental controllers. That said, CPCs train new hires, often taking those controllers

²Although we anticipate AFN to increase its range in the upcoming CWP, at the time of the collaborative review, AFN suggested increasing staffing by only one additional controller.

away from their primary job of separating traffic, complicating an already critical staffing issue at some facilities.

III. NATCA URGES SUPPORT FOR A STABLE & SUFFICIENT FUNDING AUTHORIZATION

Stable and sufficient FAA funding has become increasingly critical to maintaining the safety and efficiency of the NAS. With this upcoming FAA reauthorization bill, Congress has the opportunity to put FAA on the path toward stability and meet the needs of an evolving NAS by providing the agency with the resources that it requires in order to overcome a controller staffing crisis and significant budgetary shortfalls. Overcoming this uncertainty will prevent the NAS from falling behind on safety, efficiency, and capacity.

Traditionally, the FAA has been funded consistent with its budget requests. However, those requests often have failed to keep up with inflation for both the Operations (OPS) and Facilities and Equipment (F&E) budget lines. The FAA's next reauthorization bill must account for current *and* future funding needs to prevent further budget shortfalls that could jeopardize hiring, training, modernization and sustainment of critical equipment and programs, and physical infrastructure.

A robust authorization bill also will help protect the \$5 billion in Air Traffic Control facility repairs and upgrades that Congress provided in the Infrastructure Investment and Jobs Act (IIJA). NATCA believes IIJA funding should remain supplemental, as Congress intended, and should not serve as a replacement for base appropriations.

IV. ROBUST FUNDING AUTHORIZATION CRITICAL FOR MODERNIZATION & INFRASTRUCTURE PROGRAMS

The FAA's Facilities and Equipment (F&E) budget has not kept pace with inflation over the past 14 years. In FY 2009, the F&E budget was \$2.942 billion. It subsequently was lower than that in each fiscal year through 2017, before it peaked at \$3.3 billion in 2018. However, since then it has remained just above or below \$3 billion. Estimating for a modest 2% average annual inflation rate over the last 14 years, the FAA's F&E budget should be over \$3.8 billion based on its 2009 budget.

This loss of spending and buying power for modernization and infrastructure programs has forced FAA into a "fix-on-fail" model by requiring it to prioritize mandatory costs such as subscription services and leases, basic ATC facility sustainment, salaries, travel, and major support contracts, along with NAS system sustainment. This prioritization leaves little to no money for important programs such as ATC facility replacement, the NAS facility sustainment backlog, the NAS system sustainment backlog, NAS system improvements, radar and surveillance sustainment and replacement, and Air Route Traffic Control Center (ARTCC) and Terminal Radar Approach Control facility (TRACON) consolidation, just to name a few.

In order to meet all of the FAA's capital needs, our analysis indicates that the F&E budget would need to be over \$4.5 billion in FY 2023 alone. Even if funding provided by the IIJA theoretically could help fill the funding gaps in FY 2023, that was not IIJA's intended purpose and the FAA would still experience significant budgetary shortfalls.

In the coming years, FAA will face unprecedented technological challenges. The continued development and rapid proliferation of advanced air mobility, drones, and other new entrants could jeopardize NAS safety and efficiency if not integrated properly. NATCA must be involved in all discussions surrounding the safe and efficient integration of these programs.

Moreover, recent events have brought into focus airport surface detection systems, the Federal Notice to Air Missions (NOTAM) system, and controller information display systems.

NATCA believes that the FAA needs to resume modernization efforts related to the implementation and development of technologies that provide air traffic controllers with an early warning system designed to mitigate the risk of aircraft landing on the incorrect surface (i.e., runway, a taxiway, or wrong airport). The FAA must support and fund airport surface detection systems in order to maintain the highest level of safety and ensure the greatest level of redundancy.

For instance, airport surface detection systems such as Airport Surface Detection System Model X (ASDE-X) and Airport Surface Surveillance Capability (ASSC) are currently deployed runway safety enhancement tools that help prevent wrong surface landings. However, ASDE-X and ASSC are fully deployed at only 43 airports, funding for these programs has expired, and currently they are in a sustainment-only posture. Additional funding is needed to expand existing systems and to de-

velop new surface surveillance systems to deploy at airports that currently lack this type of technology.

In addition, Federal Notice to Air Missions (NOTAM) System modernization is an FAA Top 5 safety priority and will require appropriate funding levels in order to sustain and upgrade the system. This issue is underscored by the recent NOTAMS outage on January 11, 2023, which caused widespread flight delays and cancellations throughout the NAS. A subsequent reduction in NOTAMS availability roughly two weeks later further emphasized the need for secure and robust NOTAMS infrastructure.

NATCA also supports improved weather information, beyond precipitation, on a controller’s primary radar display. FAA facilities currently utilize several different systems that are beyond the “end of lifecycle” stage and replacement parts are becoming harder to acquire. Additionally, there have been multiple safety reports of issues related to legacy Information Display Systems (IDS) from FAA’s ATC facilities. It is important that funding for legacy IDS be maintained until Enterprise Information Display Systems (E-IDS) can be deployed in approximately 2025–27. E-IDS will provide a wide variety of information to air traffic controllers such as current weather, airspace delegation, access to approach plates, NOTAMS, SIGMETS, flight route verification, and aircraft information, once deployment is complete.

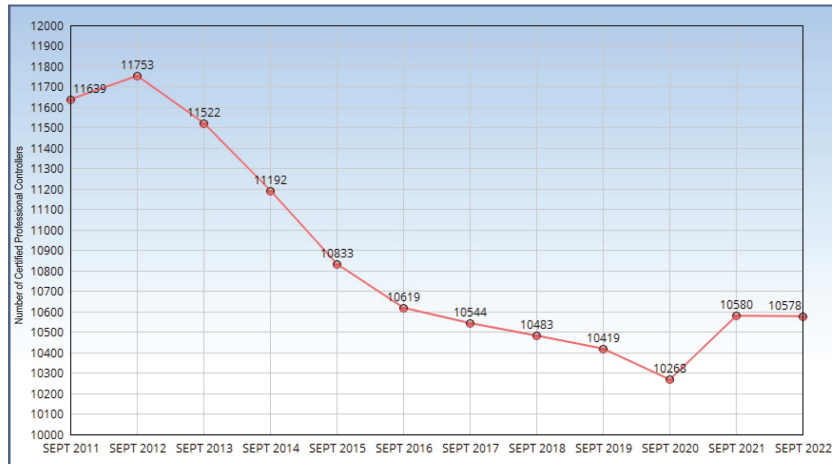
Additional dedicated funding is needed to expand, sustain, and/or upgrade each of these systems and many others, especially in light of the FAA’s “fix-on-fail” system sustainment posture.

As a result, Congress must ensure robust authorized funding levels and plan ahead for expected future budgetary needs—especially for the OPS and F&E budgets—while protecting the \$5 billion authorized for ATC upgrades in the IIJA. As is the case in most fiscal years, the OPS budget also will need to be increased to accommodate increased personnel and other fixed costs that are integral to the safe and efficient operation of the NAS.

V. CONCLUSION

We hope that Congress will see the upcoming FAA Reauthorization bill as an opportunity to enhance the safety and efficiency of the NAS, by improving the FAA’s ability to adequately staff the system with fully certified controllers and train the next generation of controllers who will be hired in the next few years. We further hope that FAA has the authorization and funding to modernize the NAS in order to enhance safety, while at the same time expanding capacity and integrating new users into the system. NATCA looks forward to working with this Subcommittee, the full Transportation and Infrastructure Committee, aviation stakeholders, and the FAA to achieve these goals.

Air Traffic Controller Staffing: 2011–2022



	FISCAL YEAR											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
On-Board	15,236	15,063	14,461	14,059	14,010	14,050	14,009	14,285	14,193	13,830	13,715	13,418
CPC	11,639	11,753	11,522	11,192	10,833	10,619	10,544	10,483	10,419	10,268	10,580	10,578
CPC-IT	965	1,143	1,187	1,200	1,218	1,259	1,205	1,320	1,414	1,309	1,031	943
DEV (Including AG)	2,632	2,167	1,741	1,667	1,959	2,172	2,260	2,482	2,360	2,253	2,104	1,897
AG	676	671	440	665	936	878	883	980	882	873	917	643
Retirement Eligible FAA Planned To	3,064	3,224	3,077	2,982	3,355	2,915	2,410	1,842	1,004	1,143	-1,000	631
Hire	829	981	1,315	1,286	1,772	1,619	1,781	1,701	1,431†	910	910‡	1,020
FAA Actually Hired	824	925	554	1,112	1,345	1,680	1,880	1,786	1,010	920	510	1,026

Source: FAA Finance Staffing Data Snapshot

† FAA reduced its FY 2019 hiring target from 1,431 to 907 following the 35-day government shutdown.

‡ FAA reduced its FY 2021 hiring target from 910 to 500 due to the COVID-19 pandemic and increased its hiring targets for FY 2022-2024.

These data are prior to the Collaborative Resource Workgroup's recommendation to establish new CPC staffing targets for FAA's 313 air traffic control facilities.

CPC: Certified Professional Controller

CPC-IT: Certified Professional Controller in Training (fully certified elsewhere, transferred to a new facility and began training there)

DEV: Developmental (trainee)

AG: Graduate of the FAA Initial Classroom Training Academy in Oklahoma City, newly hired, and started at their first facility as a trainee

Mr. COHEN. Thank you for your testimony.

Mr. Page, you are representing the veterans that have disabilities, Paralyzed Veterans of America, and we recognize you for 5 minutes and appreciate your attendance.

TESTIMONY OF LEE PAGE, SENIOR ASSOCIATE ADVOCACY DIRECTOR, PARALYZED VETERANS OF AMERICA

Mr. PAGE. OK, thank you, Chairman Graves, Ranking Member Cohen, members of the subcommittee. The Paralyzed Veterans of America, PVA, thanks you for holding this important hearing to consider the experience of air travel passengers with disabilities in the development of the next FAA reauthorization.

Nearly 40 years ago, President Reagan signed the Air Carrier Access Act, or ACAA, into law. It requires air carriers to provide disability access accommodations to passengers with disabilities. Despite those protections, the current air travel experience for passengers with disabilities, particularly wheelchair users, is, at best, frustrating and, sometimes worse, unsafe.

Wheelchair users must surrender their customized wheelchair for stowage, either in the cargo or, in case of certain manual chairs, inside the cabin. The passenger must then be assisted in the boarding process by airline staff or, more often, their contractors. Many of these individuals have limited training, or are unable to effectively communicate with passengers and are required to lift, physically lift and transfer individuals with significant disability without sufficient staffing or equipment.

In order to board an aircraft, a wheelchair user must use an aisle chair. An aisle chair is a device designed solely to navigate the narrow aircraft aisle. The chairs are often too small for individuals, have limited padding, cannot be propelled by the user, and are prone to tipping over. Once on an aisle chair, the passenger is then maneuvered backwards onto the aircraft and pulled down the aisle to the passenger seat. Even if the person is not injured in the

transfer process to the aisle chair, being transported down the aisle is another place where a person can receive injury.

In my case specifically, every time I am on an aisle chair, my hips hit every armrest on every seat, all the way back to my designated row. Once there, I then have to rely again on personnel to physically lift me from the aisle chair and, in some instances, over the armrest and into my seat. Because my knees nearly touch the passenger seat in front of me, other passengers seated in my row have to climb over me to get to their seats. This is not an easy task for people who have trouble straddling over me. In all cases, it is an experience not expected by those who have to sit by me, but one I have learned to endure when flying on an airplane.

Upon arrival at their final destination or connecting airport, wheelchair users too often find their assistive devices have been mishandled. Between 2019 and 2022, over 32,000 wheelchairs and scooters were mishandled by airlines. If an airline damages, loses, or delays a passenger's wheelchair, it is a significant and serious problem that endangers the health and limits their mobility and independence.

In the worst cases, it can mean the end of the trip, and an individual has to stay in a hotel bed while they wait for the repair of the wheelchair. It can also mean weeks or months of having to use their own damaged wheelchair or an ill-fitted, loaned wheelchair. Despite a significant focus in the last reauthorization on improving safety and the dignity of passengers with disabilities, the needle has barely moved. In fact, the percentage of wheelchairs and scooters mishandled in 2022 was the same percent as mishandled in 2019.

The problem with commercial air travel is that aircraft do not have accessible features needed to safely accommodate passengers with disabilities. Passengers will continue to be injured and wheelchairs delayed, damaged, or lost until they can travel on the plane using their own personal wheelchair and transfer to a passenger seat or stay safely seated in their own device.

We strongly believe the Air Carrier Access Amendments Act, H.R. 1267, must be included in the next FAA reauthorization to improve the air travel experience of passengers with disabilities. This critical piece of legislation, which is currently supported by 30 veterans, disability, and consumer organizations, would provide safe and dignified air travel for passengers with disabilities by requiring airlines to operate aircraft that meet accessibility standards and improving enforcement of the law.

Specifically, the ACAA would require the Transportation Secretary, working in consultation with the Access Board, to formulate standards to address effective boarding and deplaning for the personal wheelchair, visually accessible announcements, in-flight entertainment, seating accommodations, lavatories, and stowage options to assistive devices. Five years after the standards are finalized, airlines would need to operate aircraft that comply with those standards.

Again, H.R. 1267 would also require the Secretary to refer complaints to the Department of Justice. Referral of cases to DOJ would put commercial air travel in the same position as other pro-

viders of mass transportation. It would recognize that the Air Carrier Access Act is not a customer service standard, but a civil right.

We believe that increased aircraft accessibility and improved enforcement options will lead to a safer travel experience for passengers with disabilities, both now and in the future. PVA members and other people with disabilities have waited long enough for safe access to air travel. The time to act is now. PVA thanks you for this opportunity, and I will be happy to answer some questions.

[Mr. Page's prepared statement follows:]

**Prepared Statement of Lee Page, Senior Associate Advocacy Director,
Paralyzed Veterans of America**

Chairman Graves, Ranking Member Cohen, and members of the Subcommittee, Paralyzed Veterans of America (PVA) thanks you for holding this important hearing to consider the experience of air travel passengers with disabilities in the development of the next FAA Reauthorization. PVA is a congressionally chartered veterans service organization. All of PVA's members are honorably discharged veterans who have incurred a spinal cord injury or disorder. The vast majority of our members use wheelchairs or other assistive devices for mobility and have a vested interest in ensuring that commercial air travel is safe and dignified for all passengers with disabilities.

Nearly 40 years ago, President Ronald Reagan signed the Air Carrier Access Act (ACAA) into law. The ACAA prohibits disability-based discrimination in air travel and requires air carriers to provide accessibility for and accommodations to passengers with disabilities. PVA led the advocacy efforts for passage of the law based on the experiences our members encountered while traveling by air, including being refused passage simply because of their disability. Four years after the passage of the ACAA, Congress passed another PVA-supported bill, the Americans with Disabilities Act (ADA). Although the ADA requires disability access in airports, shuttles, and other forms of mass transportation, it does not apply to commercial air travel.

The ACAA advanced equal opportunity for passengers with disabilities. It required air carriers to provide passengers with disabilities the opportunity to preboard, if additional time or assistance is needed to board the aircraft; timely assistance in boarding and deplaning; proper stowage of assistive devices; and appropriate seating accommodations. After decades of discrimination in air travel, the passage of the ACAA gave hope to passengers with disabilities that their air travel experience would improve.

Despite the ACAA's protections, the current air travel experience for passengers with disabilities, particularly wheelchair users, is, at best, frustrating and, at worse, unsafe. Wheelchair users must surrender their customized wheelchair for stowage either in cargo or, in the case of certain manual wheelchairs, the cabin. The passenger must then be transferred to an aisle chair that allows them to enter the aircraft and traverse the aircraft's aisle, which is very often narrower than the passenger being pushed through it. Aisle chairs are devices designed solely to navigate the narrow aisle. The chairs are often too small for the individual, have limited padding, cannot be propelled by the user, and are prone to tipping. Once on the aisle chair, the passenger is then maneuvered backwards onto the aircraft and pulled down the aisle to the passenger seat. The struggle then begins anew to transfer the passenger from the aisle chair to the seat within the tight confines of the cabin.

Throughout this process, passengers are assisted by airline staff or, more frequently, their contractors. Many of these individuals have limited training, are unable to effectively communicate with passengers, and are required to lift and transfer individuals with significant disabilities without sufficient staffing and other resources. The boarding and deplaning process does not protect the health and safety of passengers with disabilities. Instead, it is unsafe, and regularly results in passengers receiving, at the very least, bumps and bruises and, in other cases, far more significant injuries.

Unlike mass transportation vehicles regulated by the ADA, aircraft have very few, if any, features to facilitate access by passengers with disabilities. There is no guaranteed path of travel to allow a wheelchair user to board the plane, no specially designated area for them to fly while seated in their wheelchair, no wheelchair acces-

sible lavatory on the vast majority of single-aisle aircraft, and limited or no communications accessible to those who are deaf or blind.

The lack of accessibility features has resulted in significant safety issues for passengers with disabilities, particularly wheelchair users. PVA's President, who lives in Florida, was severely injured four years ago when he was dropped while attempting to board an aircraft. He fractured his tail bone as a result of this incident and subsequently developed skin breakdown and a bone infection. As a result of his injuries, he spent several months inpatient at a VA medical center.

PVA's Senior Vice President, who lives in Ohio, limits his air travel following an incident in which, unbeknownst to him, the back of his wheelchair had been broken. While seated in his chair, the back broke off the wheelchair and he fell backwards onto the floor. Thankfully, he was not severely injured because the wheelchair assistant caught him. Following the incident, he says the mere thought of hitting his head has halted his air travel.

PVA's Immediate Past President, who lives in Washington, testified before this Subcommittee in 2019 about a time when he had severely injured his hip and needed to fly for PVA business. As he boarded the plane using an aisle chair, his knee hit nearly every armrest on the way back to his seat. He recalled that each time he hit his knee that the jolt sent pain radiating to his injured hip.

Disability advocates, led by PVA, surveyed air travel passengers with disabilities following the 35th anniversary of the ACAA in October 2021.¹ Over 1,200 individuals responded to the survey, which covered a wide variety of accommodations for passengers with disabilities. The survey's results supported the anecdotal reports that we regularly receive from wheelchair users.

Many respondents reported that even though they traveled by air they were very concerned about encountering physical barriers. The top reason to avoid air travel was concerns about wheelchair damage. Respondents also reported they were fearful that they would not be safely transferred from their wheelchair to the aisle chair and into the passenger seat and vice versa.

When an airline damages, loses, or delays a passenger's wheelchair, it is a significant and serious problem that endangers their health and limits their mobility and independence. In the worst cases, it can mean the end of the trip as the individual is forced to stay in a hotel bed while they wait for the repair of their wheelchair. It can also mean weeks or months of having to use their own damaged wheelchair or an ill-fitting loaned wheelchair. Following her personal wheelchair being severely damaged on a flight, disability advocate Engracia Figueroa was forced to use an ill-fitting wheelchair that resulted in medical complications that led to her untimely death in October 2021, three months after her trip.

Unfortunately, almost 70 percent of survey respondents who travel with a wheelchair or scooter reported having it damaged by the carrier. Furthermore, almost 56 percent said that their wheelchair or scooter has been delayed. Seventeen percent reported having their wheelchair or scooter lost.

The 2018 FAA Reauthorization required the U.S. Department of Transportation (DOT) to implement within 60 days of passage a requirement for large domestic air carriers to submit monthly reports on the number of wheelchairs and scooters they enplane and the number subsequently mishandled (lost, damaged, or delayed). Between 2019 and 2022, over 32,000 wheelchairs and scooters were mishandled by airlines. Each one of these situations represents a person whose life was disrupted or impeded until their device was repaired, located, or replaced.

Over half of survey respondents needed to board and deplane using an aisle chair. Many reported that aisle chairs are difficult or unsafe to use. In fact, 16 percent of respondents reported being dropped and 23 percent reported being injured in the boarding and deplaning process. One passenger said, "the attendants rarely know how to transfer or to strap me in."

The inability to use the restroom during a flight ranked high on the list of reasons survey respondents avoided air travel. In fact, lack of lavatory access, even on a cross country flight, was reason enough for nearly 60 percent of respondents to avoid air travel unless absolutely necessary. The 2018 FAA Reauthorization Act required the U.S. Government Accountability Office (GAO) to study lavatory access on aircraft, including access for passengers with disabilities. GAO found that although

¹Paralyzed Veterans of America, The ACAA Survey: Overview of Survey Results Regarding the Air Travel Experience of Passengers with Disabilities, <https://pva.org/wp-content/uploads/2022/09/2022-ACAA-Survey-Results-FINAL.pdf>.

accessible lavatories are available, “carriers do not often choose to acquire them.”² In 2019, of the top eight domestic air carriers, only 4.5 percent of their single-aisle aircraft had accessible lavatories. Four of these carriers had no accessible lavatories in their fleets.

After years of delay, nearly 40 years after the ACAA became law, DOT appears to be in the final stages of publishing a rule requiring larger single-aisle aircraft to have an accessible lavatory. Finally, passengers with mobility impairments and those who need the assistance of a caregiver would be able to enter a lavatory using an onboard wheelchair with an assistant and close the door. Nearly seven years ago, advocates and the airlines agreed to a rather lengthy timeline, at the urging of the carriers, that would require aircraft ordered 18 years or delivered 20 years after the date of the final rule to have an accessible lavatory. Since air carriers have been on notice for over six years that this requirement was coming, we believe that as a matter of equity DOT should shorten the implementation timeline by the number of years this rule has been delayed. Unfortunately, even in a best-case scenario, it will still be decades until the requirement is fully implemented.

In the last year, we have continued to hear reports of insufficient staffing to perform lifts of passengers during the boarding and deplaning process, misplaced wheelchairs that result in injury, broken wheelchairs, humiliation due to the lack of bathroom access, and even threats to contact law enforcement when passengers refused to deplane before their wheelchair was returned to them. An August 2022 New York Times article, “Embarrassing, Uncomfortable and Risky: What Flying Is Like for Passengers Who Use Wheelchairs,”³ documented the difficulties PVA’s President experiences when he travels by air.

There are very few options for passengers who do not receive proper disability-related assistance. Passengers often share their frustration on social media and may file a complaint with the airline and/or DOT. The Department can issue cease and desist orders and levy civil penalties for ACAA violations; however, the largest financial penalty in recent years was in 2016 for \$2 million.⁴ That fine, much of which was credited to the carrier, was an anomaly.

In 2019, the most recent year for which statistics are available, passengers filed nearly 42,500 disability-related complaints directly with over 185 foreign and domestic airlines, which was an increase of nearly 15 percent over 2018. That same year, passengers filed approximately 900 disability-related complaints directly with DOT. In 2021, passengers filed nearly 1,400 DOT complaints. The number of DOT complaints filed in 2022 has not yet been released.

Despite a significant focus in the last FAA Reauthorization on improving the safety and dignity of passengers with disabilities, the needle has barely moved. In fact, the percentage of wheelchairs and scooters mishandled in 2022 was the same percent as those mishandled in 2019, the first full year for which airlines were required to report such numbers.⁵ The safety of passengers with disabilities is at stake and Congress must act to bring their air travel experience into the 21st century.

The problem with commercial air travel continues to be that aircraft have very few accessibility features to accommodate passengers with disabilities. Passengers will continue to be injured and wheelchairs delayed, damaged, or lost until travelers can travel onto the plane using their personal wheelchair and transfer to a passenger seat or stay safely seated in their devices. Commercial air travel has been given a pass for far too long under the guise that requiring access will require the loss of too much revenue without any regard for the price wheelchair users must pay with their bodies during air travel. People with disabilities will not be able to effectively compete for jobs, vacation with their families, or seek needed medical care until safe and dignified air travel is guaranteed for all passengers with disabilities.

We strongly believe that the Air Carrier Access Amendments Act (ACAAA) (H.R. 1267) must be included in the next FAA Reauthorization Act to improve the air travel experience of passengers with disabilities. This critically important legislation, which is currently supported by 30 veterans, disability, and consumer organi-

² U.S. Gov’t Accountability Off., GAO–20–258, Aviation Consumer Protection, Few U.S. Aircraft Have Lavatories Designed to Accommodate Passengers with Reduced Mobility 14 (2020), <https://www.gao.gov/products/gao-20-258>.

³ Amanda Morris, *Embarrassing, Uncomfortable and Risky: What Flying Is Like for Passengers Who Use Wheelchairs*, N.Y. Times, Aug. 8, 2022, https://pva.org/wp-content/uploads/2022/08/ NYT_Embarrassing.-Uncomfortable-and-Risky_08.08.2022.pdf.

⁴ U.S. Department of Transportation, United Airlines, Inc. Order 2016–1–3, <https://www.transportation.gov/airconsumer/eo-2016-1-3>.

⁵ Press Release, U.S. Department of Transportation, Air Travel Consumer Report: December 2022, Full Year 2022 Numbers, Mar. 16, 2023, <https://content.govdelivery.com/accounts/USDOT/bulletins/34f2450>.

zations, would provide safe and dignified air travel for passengers with disabilities by requiring airlines to operate aircraft that meet accessibility standards and improving enforcement of the law.

Accessibility standards for larger aircraft used in commercial air travel are needed to provide a safe and dignified air travel experience for wheelchair users. The ACAA would require the DOT Secretary through direct consultation with the U.S. Access Board to formulate standards to address effective boarding and deplaning, visually accessible announcements, in-flight entertainment, seating accommodations, lavatories, and stowage options for assistive devices. Five years after the standards are finalized, airlines would need to operate aircraft that comply with them.

Standards related to boarding and deplaning would require “ensuring that there is a route accessible for individuals to board and deplane the aircraft from their personal assistive devices, including wheelchairs.” We believe this provision would allow a wheelchair user to board in their own wheelchair and roll to a designated passenger seat, most likely at the front of the aircraft, and transfer to the seat. On a majority of larger aircraft, the passenger boarding door is already wide enough to allow a wheelchair to enter the cabin. The chosen layout of the cabin hinders movement. Requiring a proper path of travel would allow wheelchair users to avoid using an aisle chair for boarding and deplaning. The standards would also include in-cabin wheelchair restraints, if deemed technologically feasible.

The 2018 FAA Reauthorization Act required the U.S. Access Board to conduct a study of the feasibility of in-cabin wheelchair restraint systems. The Access Board carried out that requirement through the National Academy of Sciences’ Transportation Research Board (TRB).⁶ The TRB study was unable to “identify any issues . . . that seem likely to present design and engineering challenges so formidable that they call into question the technical feasibility of an in-cabin wheelchair securement system and the value of exploring the concept further.” The study acknowledged that further assessment was needed, “particularly to understand how secured personal wheelchairs are likely to perform relative to FAA’s security criteria in restraining and protecting occupants during a survivable airplane crash or emergency landing,” and called on DOT and FAA to undertake research on these issues. It also called on the Access Board to assess the demand from people with disabilities to fly while seated in their wheelchairs to inform the number of aircraft that would need to be modified to provide meaningful access, assuming remaining feasibility questions are satisfied.

We call on Congress to include language in the next FAA Reauthorization directing appropriate agencies and administrations on completion of the next milestones, including the economic and financial feasibility of airlines implementing in-cabin wheelchair restraint systems, and providing funding necessary to accomplish them. We would also support inclusion of tax credits or other incentives to facilitate expedited adoption by air carriers.

In terms of wheelchair stowage, the standards would require “adequate in-cabin stowage of assistive devices.” We believe that this would allow more types of manual wheelchairs to be stowed in the cabin for those who wish to fly while seated in a passenger seat. The standards would further require the option for “proper stowage of assistive devices in the cargo and ensure that cargo doors and the cargo holds allow such devices to be enplaned and stowed upright.” This change is needed to ensure that when wheelchairs are stowed in cargo they can be done so in a way that is safe for airline workers and protects the wheelchair from damage.

Although the 2018 FAA Reauthorization Act allowed DOT to assess triple the amount of the allowable fine for wheelchair damage or injury to a passenger with a disability, the Department has yet to assess any fines under this provision. The previously cited complaint data shows that the lack of fines levied is not due to a decrease in wheelchair damage or passenger complaints. The ACAA would strengthen enforcement of the law by requiring DOT to levy civil penalties for mishandled wheelchairs, physical harm to a passenger with a disability, lack of proper aisle chair assistance, improperly denied boarding for a passenger with a disability, inappropriately denied access for a service animal, and gross negligence.

The ACAA would also require the DOT Secretary to refer complaints to the Department of Justice (DOJ) when there is reasonable cause to believe that violations of the law are a pattern or practice or if it “raises an issue of general public importance.” Referral of cases to DOJ will put commercial air travel in the same position as other providers of mass transportation. It would also recognize that the ACAA

⁶Transportation Research Board, Technical Feasibility of a Wheelchair Securement Concept for Airline Travel: A Preliminary Assessment, <https://www.access-board.gov/files/research/trb-final-report-sept2021.pdf>.

is not a customer service standard but a civil right. The Attorney General would then be able to pursue a civil action on behalf of a passenger.

The legislation would also formally establish a private right of action to institute additional remedies, without removing DOT's role in the administrative process. Prior to the 2001 Supreme Court case, *Alexander v. Sandoval*,⁷ the Fifth, Eighth, and Ninth Federal Circuit Courts recognized a private right of action under the ACAA. In *Tallarico v. Trans World Airlines, Inc.*,⁸ a minor with cerebral palsy was not permitted to fly unaccompanied. The plaintiff alleged the airline violated the ACAA by denying her the right to fly because of her physical conditions. The court supported the jury's award of emotional distress damages, in the amount of \$80,000, but did not analyze whether punitive damages could be recovered.⁹ In *Tunison v. Cont'l Airlines Corp.*,¹⁰ the deaf and blind plaintiff was not allowed to fly alone. The court found that the airline violated the ACAA, but awarded no damages. After *Sandoval*, the Second, Fifth, Ninth, Tenth, Eleventh, and D.C. Circuit Courts have subsequently ruled that there is no private right of action under the ACAA.¹¹ Federal preemption further hinders access to potential remedies by limiting applicability of state law.

Restoring a private right of action would allow more remedies for passengers who suffer ACAA violations. It would also allow for injunctive relief to foster policy changes that would allow passengers and airlines to partner together to make changes that would benefit all people with disabilities. In calling for Congress to pass the ACAA, an editorial from the Las Vegas Sun noted the support major airlines received from taxpayers during the COVID pandemic and said, "If the American people are expected to help bail out the airline industry, the airline industry should do everything in its power to serve all Americans."¹²

We believe that increased aircraft accessibility, and improved enforcement options will lead to safer travel experiences for passengers with disabilities. PVA members and others with disabilities have waited long enough for safe access to air travel. We know how to improve the experience of passengers with disabilities. We simply need to do it.

Until wheelchair users are able to board and deplane aircraft using their personal wheelchairs and have the option to access an aircraft wheelchair space or have their wheelchair safely stowed either in the cabin or cargo, air carriers must improve training and provide job aid materials for workers. In February 2022, PVA submitted a formal request for rulemaking to DOT about the assistance provided to passengers who use aisle chairs, information airlines are required to collect related to incidents in boarding and deplaning, and how airlines assist passengers when a wheelchair or scooter is mishandled. PVA called on the Department to require air carriers to have specific personnel who are highly trained in transfer techniques and the use of boarding and deplaning devices. The training provided to these assistants must be "hands on" and assistants must receive an annual certification of their skills, including their ability to follow directions from passengers about how to effectively and safely assist them. Furthermore, the assistants must be given properly maintained equipment that meets standards that address not only the needs of the airline, but also the needs of the passenger and the assistants.

In addition, DOT must require airlines to provide ramp personnel with the proper equipment to safely enplane and deplane assistive devices. The Department must also establish a timeline for airlines to replace or repair a wheelchair or other assistive device or provide compensation for a device's damage, as well as requiring air carriers to provide adequate interim accommodations. DOT must also clarify that the ACAA requires air carriers to return all wheelchairs and other assistive devices in the condition in which they were surrendered by the passenger.

DOT has indicated that a proposed rule will be published later this year. We ask Congress to include a provision in the FAA Reauthorization requiring the Department to complete this rulemaking within one year of the Reauthorization's enact-

⁷ 532 U.S. 275.

⁸ 881 F.2d 566 (8th Cir. 1989).

⁹ *Id.* at 571, 572.

¹⁰ 162 F.3d 1187 (D.C. Cir. 1998).

¹¹ *Lopez v. Jet Blue Airways*, 662 F.3d 593 (2d Cir. 2011); *Stokes v. Southwest Airlines*, 887 F.3d 199 (5th Cir. 2018); *Segalman v. Southwest Airlines Company*, 895 F.3d 1219 (9th Cir. 2018); *Boswell v. Skywest Airlines, Inc.*, 361 F.3d 1263 (10th Cir. 2004); *Fox v. Am. Airlines, Inc.*, No. CIV.A. 02-2069 RMU, 2003 WL 21854800 (D.D.C. Aug. 5, 2003), *aff'd*, 389 F.3d 1291 (D.C. Cir. 2004), and *aff'd*, 389 F.3d 1291 (D.C. Cir. 2004); and *Love v. Delta Airlines*, 310 F.3d 1347 (11th Cir. 2002).

¹² Editorial, *Support the Spirit of the ADA While Protecting Businesses from Abuse*, Las Vegas Sun, Mar. 10, 2023, <https://lasvegassun.com/news/2023/mar/10/support-the-spirit-of-the-ada-while-protecting-bus/>.

ment. We also believe that the next FAA Reauthorization should require DOT to provide greater analysis and aggregation of the wheelchair and scooter data received from airlines, including separating incidents related to manual wheelchairs, power wheelchairs, and scooters, to look for trends, as well as develop solutions to address areas of specific concern focused on attacking the root cause of mishandled assistive devices.

Passengers with disabilities also need improved access to appropriate seating accommodations. The ACAA requires airlines to accommodate passengers with disabilities only in the class of service purchased. Thus, a passenger who purchases an economy ticket is not required to be accommodated in premium economy even if seating in that section would better accommodate the passenger.

The next FAA Reauthorization should require airlines to provide a passenger with a disability and at least one companion with a needed seating accommodation, even if in another class of service, as long as no more than one passenger will be displaced in that class of service. We believe that passengers with disabilities should not be required to pay higher ticket prices simply because they wish to limit their time on an aisle chair and the bruises and abrasions they may receive being transported to their seat further back in the plane. Air carriers must also clearly alert passengers with disabilities about the availability of seating accommodation options.

Furthermore, airlines should be required to accommodate wheelchair users on another aircraft, including that of another airline, if the passenger's wheelchair will not fit on the aircraft designated for the passenger's flight. Wheelchair users should not be forced to pay a higher ticket price if the only aircraft type that will accommodate their assistive device is used on a more expensive flight. They should also not be required to fly on an airline that is more expensive solely because that airline uses an aircraft that will accommodate the passenger's wheelchair. Passengers with disabilities should be able to benefit from competition and low fares like other Americans.

Finally, we support reauthorization of the ACAA Advisory Committee, which was first authorized in the 2018 FAA Reauthorization. The Committee, which included airline and airport representatives; wheelchair manufacturers; and veterans, disability, and service animal organizations reviewed DOT's draft of the Passengers with Disabilities Bill of Rights and considered recommendations related to ticketing practices and seating accommodations, stowage of assistive devices, and assistance at airports and on aircraft and related training. Although the Committee's final report consisted primarily of recommendations concerning the need for further study of the issues or adoption of best practices, we believe the Committee should continue and hope it will be a greater force for change in the future.

Addressing air travel problems is not only the right thing to do, it is also a smart business decision. Over 75 percent of respondents from the earlier referenced survey said that if the air travel experience of passengers with disabilities improved they would fly at least a few times a year. Fifteen percent said they would fly monthly.

PVA thanks you for this opportunity to express our views. I would be happy to answer any questions.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Page.

Thank you all for your testimony. We will now turn to questions for the panel. We first recognize the gentleman from Arkansas, the chair of the Highways and Transit Subcommittee, Mr. Crawford, for 5 minutes.

Mr. CRAWFORD. Thank you, Mr. Chairman, and I have had the opportunity to visit New Orleans recently, so, I can attest to the veracity of the chairman's comments.

It is a spectacular airport, Mr. Dolliole, and I appreciate you being here today to share some of your insights. And I understand, based off of the recent survey from Airports Council International-North America, that U.S. airports have \$151 billion worth of infrastructure needs over the next 5 years. Aside from additional funding, how would it be beneficial for airports to have more flexibility on Airport Improvement Program funds at their airports?

Mr. DOLLIOLE. I think I picked up the full question. Besides an increase of funding, how can airports with more flexibility invest more in landside needs, terminals, and so forth?

Of course, our ask is for more funding. But at the same time, we are also asking for consideration of more flexibility in how AIP funds are used. So, at least that. If there is not more funding, give us the ability to use AIP funds for more landside-type projects, as well, more terminal projects, and that would assist in improving the situation in a lot of terminals around the country.

But at the same time, the funding gap is so wide that you would only be shifting—you would give us—we would have a greater ability to invest in terminals, but at the same time, we have airfield needs that the AIP program is geared to take care of, that to shift from one place to the other, it is not a whole lot of shifting you can do, lest you hit a point where you are starting to impact critical project needs on the airfield.

So, the real answer is additional funding in the programs. But minus that, at least the flexibility to use the AIP funds in a broader way.

Mr. CRAWFORD. Gotcha. I appreciate that.

Ms. Pinkerton, in your written testimony, you described a few NextGen programs that could improve safety and the travel experience for consumers. I wonder if you could explain a little bit more about these programs, and what progress is being made with regard to operationalizing those programs, what that means for consumers on the airlines.

Ms. PINKERTON. Yes, I am happy to go into a little bit more detail. But overall, as this committee is very, very aware, the FAA's record on implementing NextGen programs is lacking. There are IG reports and GAO reports replete with examples of programs that are over budget and not on time.

The programs that we have identified that we think are important for both safety and the customer experience start with the terminal environment. So, the airport environment—I talked a little bit about this. In this day and age, we are still—air traffic controllers are using paper strips instead of electronic strips. And it is not just paper versus electronic, it is the information that is behind the electronic strips, and how that information gets used to create a more efficient environment in the airport environment.

So, what we are trying to get toward is using that electronic flight strip information, merging it with other information so that we have a model that tells planes, “Now is the time to start your engine, now is the time to push back, and now is the time to taxi out so that you can be in a certain line to take off.” It might sound like a small thing, but when you add just 15 seconds or 30 seconds or 1 minute of efficiency, it adds up in the entire system.

Mr. CRAWFORD. Well, one of the things you hear when you are on the airplane, the pilot will come on the intercom and say, “We are going to finish up some paperwork, and then we are going to push back.” And I always thought that that was just sort of a figure of speech. But it sounds like it is really not, that we are really finishing up actual paperwork.

Ms. PINKERTON. Oftentimes that is the case, whether it is a maintenance issue or whatever type of paperwork, you are right, that is the case. But I think it can be better managed.

And I also want to go on to the other program that I mentioned, DataComm, which is—and again, Mr. Santa is here, so I, of course,

will defer to his expertise. But this is the program that allows air traffic controllers to text instead of using voice instructions. What does that do? Number one, it stops mistakes from happening. People misspeak or they mishear. It allows controllers to text several planes at a time, "Avoid this convective weather," et cetera.

So, again, we have talked about data communications for over a decade. And I will give the FAA credit, I thought they did a pretty good job in getting those out into the airport environment, but it is not in the en route environment right now, and it needs to be.

And then last but not least, when I was talking to the staff yesterday about a national planning tool, the reaction was, we don't have that. Well, it is kind of like the NOTAM system. We have a version of a national planning tool for our air traffic, but it is decades old, again, and it is outdated.

So, we need one large program—it is called the flight data management system, and we have been told that this is going to be delayed because of budget concerns—where the command center, the people who evaluate the Nation's air traffic control system, can see everything that is going on in the system at once, all of the traffic management initiatives, all of the ground delay programs, and can use that information—

Mr. CRAWFORD [interrupting]. Ms. Pinkerton, I hate to cut you off, and they have been very insightful comments, but my time has expired, so, I have to yield back.

Mr. GRAVES OF LOUISIANA. The gentleman yields back. I recognize the ranking member of the subcommittee, Mr. Cohen, for 5 minutes.

Mr. COHEN. Thank you, Mr. Chair.

Do you need to go?

[Pause.]

Mr. COHEN. I yield to Mrs. Peltola.

Mrs. PELTOLA. Thank you, Ranking Member Cohen.

Mr. COHEN. But do it quick.

Mrs. PELTOLA. OK.

[Laughter.]

Mrs. PELTOLA. My question is for Mr. Page.

When I traveled here from Alaska just a couple of days ago, I ran into some folks from Alaska. And one of the people in the party had suffered a traumatic brain injury. And she brought to my attention that she has needs that are not necessarily accounted for at the airport.

And I think across the State and across the Nation, I think this is a reality for a lot of folks who have traumatic brain injury. They may not have parking, or they may not have access to a disability seat because of the nature of their injury not being as obvious. Maybe help with finding quiet spaces, or not-as-bright spaces. And I just wondered if you could speak to traumatic brain injury and the work that you are doing for disabled folks on that front. Thank you.

Mr. PAGE. Well, thank you for that question. I am not sure—this woman, obviously, has a disability, and it was great that you had the conversation with her.

If she needs access in the airport, there are a lot of different accommodations that the airport can provide because they are re-

quired to be accessible by the ADA, the Americans with Disabilities Act.

If she is on the airplane, that has requirements under the Air Carrier Access Act, which, as you said—I don't know, does she use an assistive device like a wheelchair, or a scooter, or anything like that?

So, whatever her needs are, she needs to express them to a person to ask for that reasonable accommodation, I would say.

Mrs. PELTOLA. Thank you, Mr. Chairman. I yield back. Thank you.

Mr. GRAVES OF LOUISIANA. If you want to go ahead and finish your 5 minutes, we will cycle them back in.

Mrs. PELTOLA. No, no, no. I am good. Thank you. I wanted to keep my promise. It will be quick. Thank you.

Mr. COHEN. OK, I will be quick.

Mr. Page, you told us about your experience of getting on a plane and how difficult it is. And when you got in your seat, your knees bumped up, et cetera. We had a bill we passed, the SEAT Act, to have the airlines study getting folks off the airplane within 90 seconds, which is the rule they are supposed to abide by. And they didn't have any people with disabilities in their test. Could that possibly be an appropriate test?

And the reality is, if you are on that airplane, are you basically given up for dead? Because how would you ever get off that airplane?

Mr. PAGE. Well, truthfully, they are supposed to give me a conversation when I get on the plane about how to evacuate a person with a disability. I have only had that evacuation conversation maybe two or three times in the days that I have been flying.

You are exactly right. I am not the 90-second person to get off the plane. The only way I can get on the plane is with the aisle chair. I am 6 feet, over 200 pounds, and all my muscles have atrophied due to spinal cord injury. So, the only way for me to get off in a dignified way would be via an assistive device.

Mr. COHEN. You have got more experience than any of us here about ADA and the needs for ADA. You go to a ball game, they have got seats for you, good seats behind homeplate and where you have got leg room. Same thing in a concert hall. Is there any place that is as bad as airplanes for people with disabilities?

Mr. PAGE. Well, for ADA compliance, yes, you are right. That is title III, public accommodations. You have got the ballpark. You have also got transportation compliance under the ADA for all mass transit, like Greyhound, city buses, the subway, Amtrak.

Currently, right now, the airlines are governed under a different law, the Air Carrier Access Act, which passed 4 years before the ADA. So, that is why I am advocating for a standard of access for a path of travel to get on the plane in a wheelchair. That way I would avoid the aisle chair, which is a lot of times where myself and people with disabilities encounter injury, because you have to transfer on the slope of the jetway.

As I mentioned, this aisle chair is a pretty precarious device. It is tippy. And then the persons that have assisted me in the past, they are used to pushing, truthfully, little old ladies from point A to point B, and then they stand up and walk on the plane. I am

a person—as I said, I am 6 feet, 200 pounds, and deadweight. So——

Mr. COHEN [interrupting]. Thank you, thank you, sir.

Ms. Pinkerton, let me ask you my final question. You heard Mr. Page's testimony. What can you tell us the airlines can or will do to help people like him, who are veterans, who are injured, and have difficulty getting out?

They are dead if you don't do something about it. What can you do to make airplanes more—the seat sizes larger, the pitch better, the width better to improve the passenger experience, but also the safety?

Ms. PINKERTON. Two parts to my answer. One, I want the committee to know we are committed to doing a better job in making sure that folks with disabilities are able to travel safely and comfortably. Our CEOs very recently in the last couple of months publicly announced that they were recommitting to improving wheelchair damage issues. They are creating advisory boards at each of their companies, and inviting the disability community to be on those advisory boards, and they committed to frontline training of their employees. I think those three actions are critical and demonstrate our commitment.

With respect to the seat size, frankly, Congressman, for the A4A carriers, our seats are actually getting bigger. They are not getting smaller. We are putting in bigger seats in the premium economy. Our smallest seats, which are on our regional planes—unfortunately, 50-seat planes are going away, which is not good for small community service. But as a result of those two trends, essentially, I would say for our carriers, seats are actually getting bigger.

Mr. COHEN. Thank you very much. I would just suggest—I took a flight to Atlanta recently, and I was between two people who I guess you could call husky. You ought to find a way to just have one person in a row that is a husky.

I will yield back.

Mr. GRAVES OF LOUISIANA. The gentleman from Kentucky, Mr. Massie, is recognized for 5 minutes.

Mr. MASSIE. Thank you, Mr. Chairman.

Mr. Dolliole—over here—Mr. Dolliole, my colleague, Mr. Crawford, asked you about flexibility in the Airport Improvement Program, which are Federal dollars that come back to the airports. And you lamented the fact that there was a shortage in revenue, that flexibility would help in that program, but you still needed more funds. Can you talk about the other sources of revenue that airports have and how that plays into it?

Particularly—my followup question is going to be about the passenger facility charge.

Mr. DOLLIOLÉ. Good, OK. The airports have different funding sources to use for capital projects: of course, the PFC program; the AIP grant program; and airport funds that remain and are usable after all expenses are taken care of are pretty much the bigger pots. And right now, we have the temporary BIL program that will run for another 3 years.

Now, you heard the stats earlier that there is \$30 billion a year in need in airport infrastructure development. Those funds combined, over airports—the AIP program, PFCs, airport revenues—

equate to about \$13 billion a year. So, there is still a big gap. So, something has to give, or something has to be done to start closing that gap.

The PFC program—when it was stood up in 1990 at \$3, and 10 years later it was about up to \$4.50—has lost value over time with inflation. So, it doesn't buy you the same thing it did then. Bumping the PFC would be a very significant help, and it would be airports self-generating the funds from local users of airports and airport facilities.

So, it is a big gap. And again, the flexibility would help. But really, we need to bump the programs and provide more funding.

Mr. MASSIE. Sometimes when Congress wants to raise taxes, we call it a user fee as a euphemism. But the passenger facility charge never goes into our coffers here at the Federal Government.

Mr. DOLLIOLE. Right.

Mr. MASSIE. It truly is a user fee, because it goes from the user to the airport. Can you talk about how you use those fees responsibly and what you would do if we did increase the cap for the first time in many years, allowing you to collect your own revenue?

Mr. DOLLIOLE. With the big infrastructure needs, a lot of it in terminals and landside. What the PFC program does is gives you the flexibility to use those funds in those areas, as opposed to everything on the airfield. The AIP program is more geared to airfield improvement.

So, as PFC revenues increase, airports have a better ability to improve terminals, improve the airfield, as well. We can use those funds on the airfield. They can provide matches to grants that we receive in picking up that gap. And the more we can do with grants and with the PFC program, it is less we have to do with debt and less costs that flow down to the air carriers that fly in and out of our facilities.

So, we are always, as airport operators, we are consistently looking for ways to fund our needs. And I can tell you, I have been a CEO in three airports. The needs were different in each. And we adapt to the needs. New Orleans, the new terminal was essential. In St. Louis, we went through a significant upgrade of the existing facilities, and that was sufficient there. In San Antonio, a new terminal and concourse was needed to replace a World War II facility. So, it is different needs everywhere.

None of us are out building monuments to our greatness. It is just the essential needs in those communities. And the PFC program has gone a long way in helping us develop those facilities, but it is losing value with inflation.

Mr. MASSIE. I am sorry I don't have much time, Mr. Santa, but I had a question for you. And hopefully, the chairman will indulge me and allow you to answer it if I go over time.

We have seen recent reports, and I don't know if they are true, or apocryphal, or if these are things that happened in the past and we just didn't pay attention. But we have seen recent reports of—I don't know how you characterize them, but I will call them near-misses when planes are taking off and landing and get closer than we are comfortable with at airports. I have seen those in social media. I don't know if it is more than normal.

Can you let the public know, is there an increased number of those incidents? And if so, what do you think the cause is?

Mr. SANTA. Well, some of the recent events that have been in the news, they are troubling for us. It is an increased amount of risk that we are unwilling to accept right now. But they really are inspired and invoked, unfortunately, by lack of staffing. When you control more traffic with less operational positions, you introduce risk into the system.

Now, the NTSB is investigating those. We partner with them. We are part of the investigation to ensure that we learn from those events, and we don't repeat those. But ultimately, working more traffic, 6-day workweeks, and 10-hour days introduces risks to the system.

Mr. MASSIE. Thank you, Mr. Chairman. I yield back.

Mr. GRAVES OF LOUISIANA. The ranking member of the full committee, Mr. Larsen, is recognized for 5 minutes.

Mr. LARSEN OF WASHINGTON. Yes. Thank you. Thank you, Mr. Chair. Just to answer Representative Massie's question, I would like to enter for the record the Safety Alert for Operators from the U.S. DOT, which was the readout from the Aviation Summit, which partially answers the Member's question. So, without objection?

OK, without a chair ...

Mr. GRAVES OF LOUISIANA. Without objection.
[The information follows:]

Safety Alert for Operators No. 23002, March 22, 2023, Distributed by Flight Standards Service, Federal Aviation Administration, Submitted for the Record by Hon. Rick Larsen



U.S. Department
of Transportation
Federal Aviation
Administration

http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo

SAFO

Safety Alert for Operators

SAFO 23002
DATE: 03/22/23

Flight Standards Service
Washington, DC

A SAFO contains important safety information and may include recommended action. Besides the specific action recommended in a SAFO, an alternative action may be as effective in addressing the safety issue named in the SAFO. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Subject: Aviation Safety Call to Action.

Purpose: This SAFO informs the aviation community that several highly visible and notable recent events demonstrate the need for continued vigilance and attention to mitigation of safety risks. This SAFO applies to all aircraft operations conducted under Title 14 of the Code of Federal Regulations (14 CFR) Parts 91, 91 subpart K (Part 91K), 121, 125, 129, and 135.

Background: In recent months, a number of notable and high visibility events have occurred in the National Airspace System (NAS). While the overall numbers do not reflect an increase in incidents and occurrences, the potential severity of these

events is concerning. Six serious runway incursions have occurred since January 2023, including an incident at John F. Kennedy International Airport in New York City involving a taxiing aircraft narrowly avoiding a departing aircraft and a landing aircraft coming within 100 feet of a departing aircraft at Austin-Bergstrom International Airport in Texas.

In February 2023, the acting Administrator of the Federal Aviation Administration (FAA) issued a Call to Action comprised of a series of events and initiatives to ensure focus and attention on risks to the aviation system. Senior leaders from the FAA, other government agencies, commercial and general aviation operators, labor partners and others attended a Safety Summit on March 15, 2023. Attendees discussed these recent incidents, as well as ways to enhance aviation safety.

Discussion: Safety management requires adapting to continual change. Effective safety management is designed to detect emerging safety issues, assess the level of risk and address those risks through mitigations. Those mitigations may be a change in processes, procedures or training. Operators should evaluate information collected through their safety management processes, identify hazards, increase and improve safety communications with employees and enact mitigations. Safety management systems, policies and procedures must be able to account for a high rate of change.

Recommended Action: Recent events have highlighted several areas of focus. Directors of Operations, Chief Pilots, Directors of Training, Check Airmen, Directors of Safety, Program Managers, Pilots and Operators should review the following items and consider taking additional steps to ensure operations are conducted at the highest level of safety, including changes to procedures or training, if appropriate.

- Use all available internal communication processes to specifically highlight recent events and existing issues.
- Reinforce adherence to published processes and procedures, including checklists, Air Traffic Control instructions, and internal company procedures.
- Ensure pilots and flight attendants have the same understanding of what “sterile flight deck” means and the risks associated with extraneous communication during this time.
- Explore helpful resources available for all pilots at: FAA Safety Team—FAASafety.gov.
- Encourage crews to diligently follow Crew Resource Management (CRM) procedures and principles to control workload and reduce distractions.
- Encourage personnel to identify and report existing and emerging safety issues through voluntary reporting programs and understand the usefulness of the voluntary reporting system.
- Review information about runway safety here: Runway Safety—Federal Aviation Administration (faa.gov).
- Review the following previously published SAFOs:
 - 17012, High Collision Risk During Runway Crossing;
 - 11004, Runway Incursion Prevention Actions;
 - 08001, Flightcrew techniques and procedures to enhance taxi, pre-takeoff, and after landing safety to reduce the risk of runway incursions.
- Apply Safety Management System principles to analyze safety data and assess risk associated with emerging hazards. Evaluate existing risk mitigations to determine if they are effectively controlling risk, or if additional action is required.

Contact: Questions or comments regarding this SAFO should be directed to the Air Transportation Division at 9-AFS-200-Correspondence@faa.gov or the General Aviation & Commercial Division at 9-AFS-800-Correspondence@faa.gov.

Mr. LARSEN OF WASHINGTON. Thank you very much.

For Mr. Santa, though, what do your members view as the primary issues contributing to these incidents, and what is your top recommendation for addressing them?

Mr. SANTA. Thank you for the question. I am going to go right back to my previous answer.

Staffing is a challenge. Technology increases or capacities are a challenge. Funding is a challenge. We can talk about every one of those individually, but when you are working more traffic, and you are combining sectors, and you are under control of more airspace with more frequency congestion and the lack of tools to accomplish

that, you have less redundancy, less resiliency, less eyes working a specific amount of traffic. It can introduce risk into the system.

We need to increase the amount of certified professional air traffic controllers. And fortunately, we have a solution. It has not been implemented by the FAA at this point. It is a collaborative decision that needs to be introduced to the FAA's Controller Workforce Plan because what has been introduced for the past 10-plus years has resulted in a huge attrition through our 313 facilities to a number of 1,200 less controllers in a workforce that only has 10,500 certified professional controllers right now.

It is a staggering amount, and it results in 6-day workweeks, 10-hour days, reduction of positions that are open.

Mr. LARSEN OF WASHINGTON. Can I ask you, do you have a specific timeline? If this workforce plan was in place, and given attrition and production in the pipeline, how many months, how many years would it take to come to that number that is necessary to deal with the amount of traffic that we have?

Mr. SANTA. If the new collaborative Controller Workforce Plan is implemented, and it is funded, and it is supported in its entirety, we are still going to have a few years of challenges due to the amount of time it takes to certify, 1 to 3 years, and the amount of attrition just in new hires of about 40 percent.

But we can comfortably get better every single day because our training initiatives and our training programs are robust. We are working towards more effective training, quicker, but still energized and still accurate training so that we have the best aviation professionals working safely.

Mr. LARSEN OF WASHINGTON. And briefly, Ms. Pinkerton, A4A is 100 percent supportive of this action, is that correct?

Ms. PINKERTON. Absolutely. We agree, and staffing and technology—on the technology front, not to talk about individual incidents, but in Austin they don't have the surveillance technology that most other airports have. Austin is the fastest growing airport in this country, and it needs to have that surveillance technology.

Mr. LARSEN OF WASHINGTON. Great. Mr. Page, what is the single most—we are trying to think it through, like, this FAA bill we are putting together, so, I am trying to hone in on what is the one thing, right?

So, what is the single most important thing that DOT can do to improve the travel experiences for passengers with disabilities, from your point of view?

Mr. PAGE. Thank you for the question. From our perspective, as I mentioned, basically standards and more enforcement of the Air Carrier Access Act.

As you know, all other modes of transportation in this country are governed by ADA and the Department of Justice. And DOT right now—well, as a—in order to gain better access for people with wheelchairs, you need a path to travel to get on the airplane, and then go to a seat, and make that transfer. That way you would alleviate the problems of the aisle chair. And then you could store the wheelchair under the cabin, or some manual chairs inside the cabin in a closet or, if you are in a power wheelchair—

Mr. LARSEN OF WASHINGTON [interrupting]. Can I stop you there, because I have 20 seconds left. Yesterday you gave me a number.

Can you describe—not describe. What is the cost of, say, the chair you use versus the cost of someone with a higher level of disability versus, like——

Mr. PAGE [interposing]. Yes, yes, yes.

Mr. LARSEN OF WASHINGTON [continuing]. The one at the hospital?

Mr. PAGE. Yes, there is a significant cost. I mean, as you know, to get this type of chair, I get a doctor's prescription. It is about \$4,000 or \$5,000 for my chair. A big power chair can be anywhere between \$25,000, \$30,000, or \$40,000. So, when these things get damaged, damage can be minor, such as ripped upholstery. Especially the big power chairs, if their power drive is damaged, in the case of our members, the VA comes and fixes them. But a lot of the airlines have contractors to do the fixing.

Also, the question is timely fix, and what do we do in the meantime?

Mr. LARSEN OF WASHINGTON. Thank you. I yield back.

Mr. GRAVES OF LOUISIANA. The gentleman yields back. The gentleman from Minnesota is recognized for 5 minutes.

Mr. STAUBER. Thank you, Mr. Chair. I was conferring with my good friend Mr. Massie on some things.

First off, thank you all for being here.

To our air traffic controller, I wouldn't take your job for anything, or your jobs. You are doing 6, 8, 10, 12 things. I come from the law enforcement background, and I know that 911 dispatchers are the first call-takers that keep us all safe and get what we need going. So, I want to thank you for what you and the other professionals have done, like I do always to our 911 dispatchers and communication specialists.

I will also say that we have had some folks here talk about airports. I want to tell you that I am proud of the international airport in my hometown, the Duluth International Airport, and I am also proud of the Minneapolis airport. I think those are two of the finest facilities to fly into. And as you know, Minneapolis is rated the number-one airport in the country.

So, I just want to say that aviation is so critically important to our economy. I really appreciate the comments.

And as I was talking to Mr. Massie, you know, the PFC and the AIP grants—and I spoke to some airport executive directors just yesterday—what I really think that we in Washington, DC, have to understand is those executive directors at the airport, they make the best decisions for their airport. Now, what is needed in Duluth, Minnesota, may not be needed in Sioux Falls, South Dakota, or Butte, Montana, or Dallas, Texas. And so, I come from local government, and I believe in local control. And I trust our local officials to make the best decision for their respective airports.

So, with that being said, my wife and I also are blessed to have a special needs child who has Down syndrome, and it is severe and profound, so, he is at the lowest level of the scale. And to fly with him is a bit tough. And I would say that the question I would ask is—and I appreciate all of the comments—the question I would ask is to Mr. Dolliole: You have mentioned some things, but what have you done for the disability community to make it easier?

And I will just tell you that my child has difficulty in the narrow seats. He has difficulty meeting the connections because his walking is slow. What have you done to facilitate the passenger travel for those with disabilities? Because I think it is extremely important, because when we can do that, we will take our child more places, right? Because the factor of our child having a disability plays into our decision of flying. And so, could you just elaborate on that, please?

Mr. DOLLIOLE. OK. I will give you first just a real quick general on airports overall. In the BIL program, the FAA's ATP component of it, Airport Terminal Program, of the funds that airports have applied for and been awarded through that program, about 60 percent of the projects have accessibility and ADA issues dealt with in their programs.

In New Orleans, we were fortunate in developing a new terminal. Instead of modifying our facilities, we built in things that help accommodate those with disabilities, adjusting the countertop heights, the countertop heights are set. The parking positions on gates at airside is very important, as it drives the slope on your jet bridges and your jet bridge—the slope has to meet certain requirements to effectively accommodate the disabled. Adult-sized changing tables were built into our facility. Unisex and companion care restrooms were built in. Prayer and meditation rooms were part of it. We have comfort dog programs. We have the Hidden Disabilities Sunflower Program, which uses a lanyard to identify travelers with hidden disabilities.

And our volunteer workforce has—

Mr. STAUBER [interrupting]. And I think that—I just have a short amount of time. I really appreciate that.

Mr. DOLLIOLE. OK.

Mr. STAUBER. The idea that you recognize where children and people have disabilities is extremely important. Those of us who are blessed need that assistance from you. So, I would say continue to keep it up. And I just appreciate the list that you gave us.

And Mr. Massie and I will continue our conversation in a moment, and I yield back, Mr. Chair.

Mr. GRAVES OF LOUISIANA. The gentleman from Georgia, Mr. Johnson, is recognized for 5 minutes.

Mr. JOHNSON OF GEORGIA. Thank you, Mr. Chairman, and I commend the chair for such a wonderful and diverse panel that we have today. And I thank the witnesses for your testimony.

Aviation plays a central role in our national economy, from expanding our industries to connecting people to their loved ones. And our disabled citizens and people in America are no different than the nonphysically disabled, and they deserve to be able to connect with their loved ones and participate in our economy just as everyone else.

It pains me to hear the experience of Mr. Page in having to go through a torturous journey in order to get to his seat on an airplane, and to be about the business that he is about, which is the senior associate director of advocacy, Paralyzed Veterans of America.

I mean, so many of our citizens who have given to our country through their service to our military, and they, for whatever rea-

son, end up disabled, they deserve to be able to participate in seeing their families and in attending funerals, business conferences, going on vacation. It should be something that those veterans who have given so much to us, they should be able to enjoy.

And not just veterans, but just everyday disabled people. They are intelligent. They are college graduates, like Mr. Page. They have jobs that contribute to the welfare of us all. They make a contribution, and we have to find a way to make it easier for them to travel on airlines. I appreciate what the airlines have done, what the airports have done, and what the employees do to support our disabled. But we must do more.

Mr. Page, thank you for your service to the country. Airline employees and contractors are responsible for properly handling cargo, which, for passengers with disabilities, includes mobility aids such as wheelchairs. However, too often we see that this equipment isn't being handled with the appropriate care required under Federal law. For example, last year we saw many Paralympians arriving at Atlanta Hartsfield-Jackson Airport to compete in the July 4th annual AJC Peachtree Road Race. Another one is coming up this year, annual affair. Numerous passengers reported damages to their wheelchairs and, for some, their chairs never even arrived.

Can you speak to gaps in training among airline workers on the stowage and handling of specialty mobility aids that impact passengers with disabilities?

Mr. PAGE. Well, thank you for the question. Yes. One of the big things—like, a lot of our members have gotten tired of having their wheelchairs damaged, and so, they drive to their destinations across the country.

The below-the-wing personnel that assist in putting wheelchairs into the cargo hold, what would be needed is, when people get on the airplane, they take everything out of their wheelchair that they can possibly take into the aircraft, so it doesn't get damaged or lost in the cargo bin.

The real deal is a lot of mobility devices that are larger or power-driven, depending on the aircraft, may have to be put on their side going up the conveyor belt, which is not necessarily the way it is designed. And that is because the cargo door opening might not be large enough to accommodate the wheelchair going into it.

So, personnel have to adjust the assistive device to put it into the cargo hold in order to get the door closed. Once it is in the cargo hold, then hopefully they put it upright in its seated position. Other times it is surrounded by other baggage, or other issues that may be near or on top of the assistive device. But that is, in general, the way wheelchairs are loaded into the cargo, from the experience that I have known.

Mr. JOHNSON OF GEORGIA. Should there be better training?

Mr. PAGE. We would hope—that is a good idea. I am not sure how the training for those employees is right now.

Mr. JOHNSON OF GEORGIA. Thank you, and I yield back.

Mrs. CHAVEZ-DEREMER [presiding]. The Chair recognizes the gentleman from South Dakota, Congressman Johnson.

Mr. JOHNSON OF SOUTH DAKOTA. Thank you, Madam Chair. One of the things that makes America so great is our national commitment to infrastructure. I think we understand that interstate com-

merce means that we have these networks that bind us together. So, we have got Interstate Highway System and universal service and rural electrification. And of course, the Nation's air network is also one of these things that binds us together. And we know that the larger a network is, the more value it adds to everybody on the network.

And so, that makes me think about my very rural State, where in 80,000 square miles we only have two non-EAS airports. And so, the three EAS airports are incredibly important to that passenger experience.

I know we think the passenger experience starts when people walk into the terminal, or maybe when they park at the terminal. But the reality is that, if not for the EAS program, there would be South Dakotans who would have a 400-mile round trip before they got to the airport.

And so, Ms. Pinkerton, talk to me a little bit about the EAS impact on the rural passenger experience.

Ms. PINKERTON. Absolutely. The EAS program is a critical part of that network that you talk about. Airlines are committed to ensuring that we continue to operate a network that serves small communities.

I will say there are a lot of challenges on small community service right now, whether it is a healthy EAS program or the pilot supply issues that are impacting small community service in particular that need to be addressed. But as airlines, we want everyone to fly, and those rural communities are a critical part of that robust network.

Mr. JOHNSON OF SOUTH DAKOTA. And of course, you and I are both talking in code, but EAS means Essential Air Service. I should have said that. And of course, it is a longstanding program.

As Congress looks to the future, ma'am, how should we approach EAS?

Ms. PINKERTON. That is a tough one. We haven't necessarily taken a detailed position on the Essential Air Service program. I can tell you some of our carriers are active participants, some are not.

But I think, from our perspective, obviously, there are moneys that are used from overflight fees right now that help fund that program. And I think the program needs to be evaluated to make sure it makes sense and is rational. From our perspective, I would say the most important policy issue that we are struggling with when it comes to small community and medium community service is the pilot supply program.

Mr. JOHNSON OF SOUTH DAKOTA. You mentioned in your oral testimony that the 50-seat airplanes are moving out of service. And that particularly impacts rural communities, you said. Talk to me about what is going on there.

Ms. PINKERTON. Well, essentially, I am sad to say that several of our network carriers have identified the fact that, with the regional flying, they are simply not able to hire enough pilots. And if you don't have the pilots to fly, what you do instead is use larger planes so that you are flying maybe the same amount of people, but you are only flying once a day with a larger plane.

So, that has been a discussion with us in the pilot community. We have increased the wages now of regional pilots to try and address some of those issues. But I think there is still an issue with how expensive it is to become a commercial pilot. I mean, you not only have a 4-year or 2-year education, but then you have the training to get your 1,500 hours, and that takes a lot of money.

And that is why I was very appreciative of those who have supported the student loan bill to help pilots and mechanics bear that cost.

Mr. JOHNSON OF SOUTH DAKOTA. And so, it isn't a problem with the fleet, the planes themselves. It really just comes down to the human power.

Ms. PINKERTON. The human problem, and the economics of the service, yes.

Mr. JOHNSON OF SOUTH DAKOTA. Yes. All right. Thanks very much.

Madam Chair, I would yield back.

Mrs. CHAVEZ-DEREMER. Thank you. The Chair recognizes Ms. Davids from Kansas for 5 minutes.

Ms. DAVIDS OF KANSAS. Thank you, and thank you to Chairman Graves and Ranking Member Cohen for holding this hearing today.

The FAA reauthorization is going to mean that 2023 is a critical year for this subcommittee. And we absolutely have an opportunity to shape the discussion about what the future of our national airspace looks like. And we obviously want to make sure that we remain the gold standard of safety for all airspace around the world.

I mean, we have got some work to do. I can point to just in the last 6 months, we have seen the full-scale failure of the NOTAM system, a handful of incursions, and some near-misses on airport runways. And although these obviously represent a challenge, we still have the safest airspace in the world. And that reputation, I believe, is critical to inspire confidence amongst all of the people who fly every single day for work or pleasure or fun work. Just kidding.

In the course of this reauthorization, though, we are going to have the responsibility of helping our domestic air carriers ensure that their customers are getting where they need to go. And that needs to be both safe and affordable and timely.

I have been hearing from some of my constituents about frustrations revolving around ancillary fees that they might be encountering while they are traveling, whether it is baggage fees, the refund process, fees for families sitting together. And I know that the U.S. Department of Transportation has implemented the Airline Customer Service Dashboard to help give consumers a quick-glance view of the progress that is being made by airlines in getting this work done.

With only three domestic carriers guaranteeing adjacent seats for children under 13 and an accompanying adult at no additional cost, I think it would be helpful to understand the inflationary pressures, whether it is rising costs of fuel, how that sort of thing impacts businesses in ways that maybe a lot of folks don't understand. But I do think that we can't just expect all of the costs to be passed along in the form of fees.

And so, I am curious, Ms. Pinkerton, if you could just give the committee a bit of a level-set on the ancillary fees, on maybe what your member airlines are doing to simplify the fee structure to make it easier for consumers to understand, and then maybe what the work with DOT is looking like to ensure that the consumers understand the fees and have as enjoyable an experience as possible.

Ms. PINKERTON. I am happy to, because it is in our interest to have our passengers have a good experience because we want repeat customers. I will take a couple of the themes that you mentioned.

With respect to family seating, though—and by the way, I applaud the Department’s dashboard, because we are all for transparency. It is great. The problem, though, is, in particular on the family sitting together, they have a very prescriptive approach. For example, they chose the age 14. Well, there are carriers who are doing everything they want, but they chose age 13 or 12. And I think the problem with a kind of a one-size-fits-all with respect to some of these issues is that it commoditizes air travel in a way that actually hurts competition.

And I can assure you that having robust competition is the best way to ensure that customers get the best product at the best price. And deregulation has shown that. Airfares in real terms are 55 percent below what they were. We serve more communities now than we ever have. You have more competitors per origin and destination today than you have ever had.

And frankly, again, to take it back to family seating, you mentioned a family seating fee. None of our carriers charge a family seating fee. That was a great talking point. I understand that. But our carriers have great policies. They are on the DOT’s website. They are on their website. We have a website. So, we are very transparent about them. But I am afraid that having this fee, which some carriers did have, not A4A carriers, is being conflated with basic economy, which is simply—again, it is part of competition.

You have got ultra-low-cost carriers, you have got low-cost carriers, and then you have got some network carriers. You have got Southwest that doesn’t charge bag or seating fees. You have got the network carriers that, if you are part of their loyalty program, you don’t pay a fee. The beauty and diversity of our system is that there are choices.

Ms. DAVIDS OF KANSAS. Yes. Thank you so much, and I will look forward to continuing the conversation as we go through the reauthorization process.

Ms. PINKERTON. Absolutely, happy to.

Ms. DAVIDS OF KANSAS. I yield back.

Mrs. CHAVEZ-DEREMER. Thank you. The Chair recognizes Chairman Graves for 5 minutes.

Mr. GRAVES OF LOUISIANA. Thank you, Madam Chair. Madam Chair, I was just out in the hallway, and I feel sorry for all those people that accidentally got in the TikTok hearing line that thought they were coming here. Awful.

[Laughter.]

Mr. GRAVES OF LOUISIANA. In any case, Mr. Dolliole, thanks again for being here. You and I have spent a lot of time talking about that curb-to-curb experience and discussed how you have a number of different stovepipe entities, whether it is a parking lot concessionaire, it is the retailer at the airport, it is the TSA or others that are running different components. You are the airport, and you have to deal with all these different entities. Can you just briefly describe how you work with these different entities to think through that passenger experience?

Mr. DOLLIOLE. I will give you an example of a curb-to-curb or curb-to-aircraft door type of service we offer.

I mentioned in my opening that we have a remote parking garage with shuttle service. In that garage, as we were planning to move to the north terminal—that garage is on the south side of the airfield. With shuttle buses, if you are—if you have baggage you are going to check on a flight, it can be a bit of a hassle lugging luggage up the stairs of a shuttle bus, onto the bus, and then off on the other end. You allow a little more time to arrive at the airport, take the shuttle, check in at the airline ticket counter, and then proceed to the checkpoint.

We have worked with our parking operator and a baggage handling service that is certified by the FAA and TSA to handle luggage for air carriers and set up a curbside check-in program inside that garage, so you can pull up in your vehicle, check your bags, get your boarding pass, then park and load the shuttle bus bag-free and hassle-free. When you get around to the north terminal, you go directly to the security checkpoint. You are already checked in, and nothing further to do in the terminal but go through security and off to your gate. So, that is one service.

Then we had the touchless pay with concessionaires through the pandemic. We worked very closely with our concessionaires in the spooling down of their operations, providing plenty of information to them, and working with them hand in hand to spool down in a very organized way, and then continued providing information as this traffic was slowly coming back to a very organized and well thought-up ramping back up as traffic was coming back.

So, we were able, in working in partnership with our concessionaires, to provide a good level of service for the traveling public throughout that period without putting undue burden on our concessionaires.

Mr. GRAVES OF LOUISIANA. Thank you. And I know you also offer valet parking at your airport, as well.

Mr. DOLLIOLE. Yes, valet parking.

Mr. GRAVES OF LOUISIANA. And based on your testimony and answers, it sounds like Ms. Burns prepared you well for this hearing today.

Mr. DOLLIOLE. OK.

Mr. GRAVES OF LOUISIANA. Ms. Pinkerton, we talked earlier. And look, I am a huge fan of the apps. It is amazing, the convenience, all of the information right there, from where my bags are going to be at baggage claim, gate changes, everything that happens. Can you talk a little bit about your experience with the other entities and how you work together?

And look, I want to be really candid. Air traffic control seems to be the kind of black box—and Mr. Santa, I want to be clear. I am not talking about the controllers. I am talking about the technology. We are operating an antiquated situation compared to some of the other aspects of this experience.

Ms. Pinkerton?

Ms. PINKERTON. Yes, absolutely. As I mentioned, air carriers have invested \$26 billion in planes and \$6 billion in 2022 in technology for apps, giving our employees technologies that enable people to make connections instead of miss their connections. We have invested in our own operational systems. We are transferring a lot of on-campus systems to the cloud.

And these are conversations, I think—unfortunately, we have great conversations with airports and work very closely together to make sure we have the finest facilities. But you are absolutely right. On the air traffic control side, I think that what we were talking about, the facilities and equipment funding—and again, since 2009 it has been flat. That is one thing.

But accountability is another issue. So, there has been a lot of money spent, and not much progress has been made, frankly. And I think that it is going to require continued oversight of the FAA.

It is not just the three programs I talked about, or even NOTAMs. NOTAMs are the tip of the iceberg in this system, I can assure you. The system in Miami, the ERAM system, Rich can talk about—STAR is another program.

So, the number-one frustration for passengers is delays and cancellations—

Mr. GRAVES OF LOUISIANA [interposing]. Yes.

Ms. PINKERTON [continuing]. Most of which, frankly, are caused by severe weather.

Mr. GRAVES OF LOUISIANA. I am out of time.

Ms. PINKERTON. OK.

Mr. GRAVES OF LOUISIANA. I want to thank you.

Look, Mr. Santa, I am really curious, and I am going to submit some questions for the record for you. I am just curious about—is it the acquisition system, is it the technology that is being used?

And I apologize, I don't have time right now. I am going to have to submit questions for the record. But I really am curious about your perspective on this, and how we ultimately improve technology all across that entire experience. So, I apologize, I am out of time, but thank you for being here.

And Madam Chair, I yield back.

[Pause.]

Mr. GRAVES OF LOUISIANA [presiding]. It looks like I am the chair. I recognize the gentleman from Illinois, Mr. García.

Mr. GARCÍA OF ILLINOIS. Thank you, Mr. Chairman. And of course, thanks to all the witnesses for enriching the conversation as we move forward with FAA reauthorization.

One of my main priorities for aviation amongst workforce and safety is consumer protections. And do you know what doesn't protect consumers? Greed, corporate greed. Airline mergers continue to cause market concentration and promote monopolistic practices in the industry. The corporate greed is further exacerbated when

executives and shareholders pad their pockets with stock buybacks. It ultimately impacts the customer experience.

Ms. Pinkerton, I want to ask you several questions. Brief replies would be much appreciated. What are your thoughts on airline CEOs jacking up the price of seat selections and baggage fees to again pad the pockets of their shareholders?

Ms. PINKERTON. Congressman, respectfully, airfares are as low as they have ever been. They are 55 percent lower than they were when we deregulated.

So, there are carriers that charge fees. There are carriers that don't. But all of that, when you look at fares and fees together, people are paying less in real terms than they ever have before, and that is why they are flocking to fly. That is why demand is so strong.

Mr. GARCÍA OF ILLINOIS. And I fly Southwest, so, I get that point. But others do charge.

And now that the Payroll Support Program has expired, what is your perspective on airline CEOs racking up in profits on stock buybacks, while cutting jobs or lowering wages? Is that fair?

Ms. PINKERTON. Actually, airline employees, their average wage is 37 percent higher than the average American job. We have good jobs, good-paying jobs.

There has been a lot of conversation. The stock buyback restrictions were part of PSP. We fully complied with that. I do want you to know in the past we—so, we looked at our revenues coming in: 59 percent go to our people, 20 percent get reinvested in our product, 13 percent go to pay debt, and 8 percent go to stock buybacks and dividends. So, that is a pretty good priority, if you ask me.

Mr. GARCÍA OF ILLINOIS. But now the program has expired, as you point out. We have got to make sure that corporations are investing in workers, product safety, supply chains, and not continuing to buy back their own stock.

We have got to adjust the skyrocketing cost of airline tickets by preventing price gouging and unfair practices when they occur by corporate airlines. We must lower prices and invest in our workforce, not continue to buy stock back. And that is why I introduced the Reward Work Act to protect our airline consumers.

Mr. Page, how important is it to have a stable, experienced service workforce to support travelers?

And how will establishing strong wage and benefit standards for service workers at our Nation's airports help make the airports safer and more accessible for passengers who utilize wheelchair assistance?

Mr. PAGE. Thank you for the question. Yes, I think that is a very good and fair question, especially since, as I mentioned, one of the functions to get me on and off the airplane is the access with the aisle chair. A lot of times, depending on the airport, depending on the airline, airline employees will do that function. Sometimes it is contracted out to airport employees or others. I don't know who they are specifically, but they will wear different vests or badges or jackets.

But the reality is, a higher paying job might induce better service.

Mr. GARCÍA OF ILLINOIS. Thank you.

Mr. Chairman, I would like to enter into the record the Center for American Progress report entitled, “Airport Service Workers Deserve Good Jobs.”

The report shows the unacceptable conditions for many working people and travelers are happening while airlines receive \$13 billion in our public resources every year.

If there is no objection.

Mr. COLLINS [presiding]. Without objection.

[The information follows:]

Introduction and Summary of Report, “Airport Service Workers Deserve Good Jobs,” by Karla Walter and Aurelia Glass, Center for American Progress, March 2023, Submitted for the Record by Hon. Jesús G. “Chuy” Garcia

[The introduction and summary of the report appear below. The report is available in its entirety online at <https://www.americanprogress.org/article/airport-service-workers-deserve-good-jobs/>.]

AIRPORT SERVICE WORKERS DESERVE GOOD JOBS

by Karla Walter and Aurelia Glass

Center for American Progress, March 2023

<https://www.americanprogress.org/article/airport-service-workers-deserve-good-jobs/>

INTRODUCTION AND SUMMARY

Airport service workers—including cleaners, wheelchair agents, baggage handlers, ticketing agents, caterers, concessions workers, passenger service agents, and lounge workers—are at a breaking point. Although they have provided essential services throughout the pandemic and are supporting the safe return to normalized travel, these workers are typically paid substandard wages and receive few benefits. Now, airport workers across the United States are calling on Congress to require major airports—which receive billions of dollars in federal support every year—to ensure that passenger air travel employers provide good jobs with the family-sustaining compensation necessary to maintain their health and well-being.¹ Doing so would improve the lives of these essential workers; boost equity in a federally supported sector; and support safe and efficient airport services across the country.

U.S. airport workers face many of the same challenges plaguing Americans across the economy, such as growing inequality, occupational segregation, and inadequate compensation. However, for airport service workers, these problems are compounded by subsidized industry employers—including airlines, airports, and contractors—that have drastically cut wages and benefits in recent decades.²

Today, median wages for many airport service workers, including cleaners, wheelchair agents, ticketing and check-in agents, and baggage handlers, fall below the private sector median of \$20.40 per hour. For example, according to 2015–2019

¹Passenger air travel employers include airports and passenger airlines, as well as firms with contracts and leases to provide onsite services and concessions. U.S. Government Accountability Office, “Airport Infrastructure: Information on Funding and Financing for Planned Projects” (Washington: 2020), available at <https://www.gao.gov/assets/gao-20-298.pdf>; Rebecca Kanable, “Airport Workers Say Federal Funding Should Come with Wage and Benefit Assurances, Some in Congress Agree,” *Aviation Pros*, October 7, 2021, available at <https://www.aviationpros.com/airports/article/21241507/airport-workers-say-federal-funding-should-come-with-wage-and-benefit-assurances>; Michael Sainato, “Airport workers ramp up pressure for a living wage and union rights,” *The Guardian*, April 8, 2022, available at <https://www.theguardian.com/us-news/2022/apr/08/airport-workers-union-wages-conditions>; Good Jobs for Good Airports Act of 2022, S. 4419, 117th Cong., 2nd sess. (June 16, 2022), available at <https://www.congress.gov/bill/117th-congress/senate-bill/4419>.

²Miranda Dietz, Peter Hall, and Ken Jacobs, “Course Correction: Reversing Wage Erosion to Restore Good Jobs at American Airports” (Berkeley, CA: UC Berkeley Center for Labor Research and Education, 2013), available at <https://laborcenter.berkeley.edu/pdf/2013/restore-good-jobs-american-airports.pdf>; Brian Callaci, “Fissuring in Flight: Consolidation and Outsourcing in the US Domestic Airline Industry, 1997–2018” (Washington: Communications Workers of America, 2020), available at <https://cwa-union.org/sites/default/files/20200108-fissuring-in-flight.pdf>.

American Community Survey data, the median earnings for aircraft cleaners are just \$13.99 per hour.³ Much of the workforce does not receive employer-provided health coverage, and for those that do, the insurance is often unaffordable.

Moreover, these low wages have a disproportionate impact on people of color, who are highly represented in airport service occupations. The majority of workers in several service occupations are Black or Hispanic—or both—compared with 28.7 percent across the private sector workforce.⁴

This report supports the case for raising standards for these workers by:

- Providing new analysis on low pay and occupational segregation in the national aviation industry
- Explaining how the federal government provides billions of dollars in funding for airports every year
- Detailing state and local efforts to raise standards for essential airport service workers
- Surveying existing evidence that raising standards for airport workers will improve their lives and result in good value for the public

Low industry wages and inadequate benefits do not harm only workers. Coupled with the tight labor market and high turnover, airline and airport employers are failing to maintain a well-qualified workforce, thereby harming the American public as well. Labor instability and inexperience in the industry are reducing airport safety and security and leading to travel slowdowns.⁵

Airport and airline service workers are relied on to be part of the response to emergencies such as extreme weather, active shooter situations, and terrorist attacks.⁶ And although air industry employers have received billions of dollars in pandemic assistance to cover payroll costs, in recent months many passengers have missed flights and been left without critical assistance due to the failure of airlines to retain enough wheelchair attendants.⁷

A better way forward is possible. For nearly a century, federal policymakers have enacted standards to ensure that recipients of government spending pay fair wages, provide benefits, and support equitable access for workers from all walks of life.⁸ In 2021, President Joe Biden increased the contractor minimum wage to \$15 per hour—indexed to inflation, this rate rose to \$16.20 in 2023—strengthened job security for contracted service workers, and called on all government agencies to review their procurement practices to support equity for all workers performing government services.⁹

³This analysis covers workers who reported working 50 to 52 weeks the preceding year within survey waves from 2015 to 2019. For more details, see Methodology.

⁴A majority of baggage handlers, passenger attendants, and aircraft cleaners analyzed in this sample identified as either Black or African American or Hispanic or Latino, or both, based on the authors' calculations using data from Steven Ruggles and others, "Integrated Public Use Microdata Series, Version 12.0, U.S. Census Data for Social, Economic, and Health Research, 2015–2019 American Community Survey: 5-year estimates" (Minneapolis: Minnesota Population Center, 2022), available at <https://doi.org/10.18128/D010.V12.0>.

⁵Ian Duncan, "TSA asks office staff for help, offers bonuses and mandates overtime to keep airport checkpoints moving," *The Washington Post*, June 9, 2021, available at <https://www.washingtonpost.com/transportation/2021/06/09/tsa-checkpoints-summer-travel/>; Robert Silk, "Groundworker shortage a problem for airlines," *Travel Weekly*, September 4, 2021, available at <https://www.travelweekly.com/Robert-Silk/Groundworker-shortage-a-problem-for-airlines>.

⁶California Assembly Select Committee on Local Emergency Preparedness, "Active Shooter Emergency Response: Lessons Learned from the LAX Shooting" (Sacramento, CA: 2014), available at <https://www.assembly.ca.gov/sites/assembly.ca.gov/files/Active%20Shooter%20LAX.pdf>.

⁷See, for example, Nate Morabito, "3 women abandoned by airline wheelchair workers at CLT Airport," WCNC Charlotte, June 9, 2022, available at <https://www.wcnc.com/article/news/investigations/airline-wheelchair-workers-abandoned-3-women-at-charlotte-airport/275-012eba4d-8a3e-4d07-9a2f-30ed81ac5257>.

⁸Karla Walter, "Ensuring Government Spending Creates Decent Jobs for Workers" (Washington: Center for American Progress Action Fund, 2018), available at <https://www.americanprogressaction.org/article/ensuring-government-spending-creates-decent-jobs-workers/>.

⁹The White House, "Executive Order on Increasing the Minimum Wage for Federal Contractors," April 27, 2021, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/04/27/executive-order-on-increasing-the-minimum-wage-for-federal-contractors/>; The White House, "Executive Order on Nondisplacement of Qualified Workers Under Service Contracts," November 18, 2021, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/11/18/executive-order-on-nondisplacement-of-qualified-workers-under-service-contracts/>; The White House, "Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," January 20, 2021, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

However, the patchwork of protections for workers whose jobs are funded through government support is uneven. While workers in jobs funded through the federal contracting system enjoy numerous protections, these policies do not apply to service jobs performed on properties receiving federal grants, loans, loan guarantees, and other federally enabled spending programs. As a result, federal law leaves airport service workers unprotected. For example, the Center for American Progress' analysis found that the majority of workers employed nationwide as aircraft cleaners, as well as more than one-third of baggage handlers and ticketing agents, earn hourly wages below the 2023 contractor minimum wage.

In the absence of federal action, cities and states are fighting to raise standards for airport workers. For example, wheelchair attendants and baggage handlers at New York's John F. Kennedy Airport are paid a minimum of \$18.00 per hour and receive benefits.¹⁰ And in March 2022, the City Council of Atlanta helped airport cleaners at Hartsfield-Jackson Atlanta International Airport win a more than decadelong fight for wage increases.¹¹

Yet in other jurisdictions across the United States, the lack of consistency across federally subsidized airports harms workers. Major hubs, such as Charlotte Douglas International Airport in Charlotte, North Carolina, have no airport-specific pay standards for most airport service workers.¹² Even across jurisdictions that have enacted airport worker standards, minimum pay standards vary considerably, and most communities have not taken action to require provision of health care and other essential benefits.

In summer 2022, Sen. Edward Markey (D-MA) and Rep. Chuy García (D-IL) introduced the Good Jobs for Good Airports Act to establish pay, benefits, and labor standards for airport service workers—including cleaners, wheelchair agents, baggage handlers, concessionaires, and security personnel.¹³

Strong, federally mandated floors would help uphold equity and fair standards across the country; ensure that the government stands by its commitment to not subsidize poverty wages; and increase safety and efficiency across the national aviation system by supporting a well-qualified workforce.

Mr. GARCÍA OF ILLINOIS. Thank you, and I yield back.

Mr. COLLINS. The Chair recognizes Mr. Gooden from Texas for 5 minutes.

Mr. GOODEN OF TEXAS. Thank you, Mr. Chair. I thank all the members of the panel. I also want to thank my friends at Airlines for America.

I actually don't have any complaints about the passenger experience. I appreciate the fact that we have so many—well, don't thumbs up just yet. I have appreciation for the options that the American public has. If I want to fly an airline that doesn't charge for bags, then I perhaps don't pick a certain airline. If I want a no-frills experience, there are options out there. And I believe in the concept of just not choosing to fly a particular airline if I am not happy with the services they do or don't provide.

There are two issues I do have a problem with, though, and these are things within the control. I also want to go back to some of the irregular operations.

¹⁰Port Authority of New York and New Jersey, "Amended Rules for Implementation of Minimum Wage Policy for Non-Trade Labor Service Contracts—LaGuardia Airport, John F. Kennedy International Airport and Newark Liberty International Airport," October 15, 2018, available at <https://www.panynj.gov/content/dam/airports/index/amended-wage-rules.pdf>.

¹¹Steve Gehlbach, "Atlanta airport cleaners to get raises after 13-year battle over minimum wage," WSB-TV, March 31, 2022, available at <https://www.wsbtv.com/news/local/atlanta-airport-cleaners-get-raises-after-13-year-battle-over-minimum-wage/H3JXWOSIVRHFXXKH634YGKKKQZQ/>.

¹²See, for example, *South Charlotte Weekly*, "Charlotte airport workers protest for better wages and benefits," December 9, 2022, available at https://www.thecharlotte-weekly.com/southcltweekly/charlotte-airport-workers-protest-for-better-wages-and-benefits/article_dd10b17c-77be-11ed-994f-73faa5292fb3.html.

¹³Good Jobs for Good Airports Act of 2022; Sen. Edward Markey, "Senator Markey and Rep. García Introduce Legislation To Boost Pay, Benefits For Nation's Airport Workers," Press release, June 16, 2022, available at <https://www.markey.senate.gov/news/press-releases/senator-markey-and-rep-garca-introduce-legislation-to-boost-pay-benefits-for-nations-airport-workers>.

I feel for the American traveler that only flies once a year and has a bad experience, because I do believe those are one-off experiences. I fly every week, and for the most part it is good. Every once in a while it is bad, and usually it is out of the control of the airline. And I wish the average American citizen understood that. If they are not a frequent traveler, they don't.

But I wish the airlines would calm down with the credit card ad pitches during the flight. Passengers are captive audience members, and my constituents that I have heard from, myself included, are tired of being forced to endure an advertisement every time they get on the plane. And in fact, some of those are misleading, because every time I fly I am told about a special offer that is available only today. And in the last year, I think I have probably heard 50 or so special offers that are available only today. So, I hope you will take that back.

Ms. PINKERTON. Yes, sir.

Mr. GOODEN OF TEXAS. Another issue that is very near and dear to me is the ongoing border crisis, and many of our carriers here are playing a large role in the transport and spread of illegal immigrants inside the country. In fact, miles are being donated back to airlines who transport illegal immigrants in exchange for shuttling illegal immigrants across the Nation.

In November 2021, I raised concerns regarding the transport of illegal immigrants across the country by major U.S. airlines, including Southwest. Southwest responded to my concerns regarding their involvement with a rather lengthy, seemingly unresponsive letter. While they did not deny any of my allegations, they repeatedly asked me to discuss my concerns with Southwest before raising them. They also categorically stated that any concerns regarding the enforcement of immigration laws should be raised with the DHS or TSA instead.

There have also been reports of minors traveling alone and being misplaced at airports. While we have been made aware of such cases due to the quick response shown by their families, there are possibly far more cases of unaccompanied children crossing the border illegally and at risk of being exploited or trafficked. But airlines like Southwest want no part in verifying these passengers.

Major U.S. carriers like Delta came out opposing President Trump's zero tolerance policy in 2020. And I would ask Airlines for America, why don't these airlines transporting illegal immigrants and unaccompanied children at risk of being trafficked remain silent now?

Ms. PINKERTON. Congressman, I am not steeped in that particular issue, I apologize. But I am happy to get our subject matter experts and get back to you.

Mr. GOODEN OF TEXAS. Thank you. I will answer it for you, though, and the answer is they are making money off of this, and they are also concerned about being underwhelmingly woke, and I think that is disappointing. I wish airlines would stick to flying passengers, get away from credit cards, and follow the laws, and not assist in the border crisis. It is disappointing, and I hope airlines will work with me on that.

I also—Mr. Dolliole—forgive me if I have mispronounced your name—I appreciate you joining us today.

Last year, I was informed by the TSA that illegal immigrants without proper documentation were using arrest warrants as alternate forms of ID when presenting before airport security. This is not opinion; this is fact. Passengers without any identification use the arrest warrant that they were given at the border to get through security.

We have also learned that in some of the less secure parts of the airports around baggage claim areas, they are easily accessible from the arrivals area, and baggage verification never happens, as we all know, be it from baggage—whether there is baggage threat or any kind of reckless activity.

Do you think there are any measures that you, as an airport administrator, would suggest we enact to protect our passengers at the airport?

Mr. DOLLIOLE. I picked up every other word, I am sorry.

Mr. GOODEN OF TEXAS. What specific measures, if you had any suggestions to improve passenger security at the airport, would you advocate for?

Mr. DOLLIOLE. Well, we do have many security measures in place, including LEO presence at our airports in key locations. The entirety of our facilities are monitored through our access control system. There are secure doors that keep people out of areas where they could do harm. And security is really very extensive in airports. There are many layers in security, not all that you see.

But we do a really good job of keeping our facilities secure, and it is an ongoing and fluid area of the operation. As you find issues or potential vulnerabilities in your facility, you take steps to close those gaps, as well.

Mr. GOODEN OF TEXAS. Thank you. And you have got a very fine airport down in New Orleans. Congratulations.

Mr. DOLLIOLE. Thank you.

Mr. GOODEN OF TEXAS. Thank you. I yield back.

Mr. DOLLIOLE. Thank you.

Mr. COLLINS. The Chair recognizes Mr. Payne from New Jersey for 5 minutes.

Mr. PAYNE. Thank you, Mr. Chairman, and I would like to ask our witnesses about accommodations for passengers with hearing loss who may not be able to hear announcements on board aircraft or in a busy airport.

Ms. Pinkerton, passengers with cochlear implants often find it difficult to hear in-flight announcements, including potential delays or changes to flight status, due to the loud background noise from engines. What steps do airlines take to ensure all passengers are able to hear these announcements?

Ms. PINKERTON. Thank you for the question. We have supported, since 2016, changes to the in-flight entertainment that is on the seatback that would allow you to read those instructions. I think Mr. Page can back me up here, where we agreed to that in 2016, and we are still waiting for DOT to act.

Mr. PAYNE. OK, thank you.

Now, Mr. Dolliole, passengers with hearing loss have reported similar concerns for announcements in the terminal. These can include boarding announcements, flight delays, gate changes, and announcements asking passengers to come to the ticket counter.

Putting this information on electronic screens at the gate greatly aids travelers with hearing loss. Can you please share with us what airports do to accommodate these passengers and what improvements you can make?

Mr. DOLLIOLE. You touched it. The best way is the visual prompts or visual messaging on the FIDS monitors throughout the terminals. So, as announcements are being made, or critical announcements, it also scrolls on monitors for the hearing impaired to pick up what is being said.

Mr. PAYNE. OK, I thank you. And it is sometimes a community that gets lost in these types of areas. So, I appreciate everything you can do in order to make the experience for the hearing impaired as pleasurable and easy as possible.

So, with that, I will yield back.

Mr. COLLINS. The Chair recognizes Mr. Kean for 5 minutes.

Mr. KEAN OF NEW JERSEY. Thank you, Mr. Chairman. And thank you to all of our witnesses who are here today.

We are holding these hearings to focus on improving the passenger experience for airline passengers. That said, this committee is laser-focused on exploring new ways to make airline travel easier, quicker, and more efficient. This committee should strive to make the airline passenger experience, from the time they arrive first in the departure airport to when they leave the destination airport, as convenient and as enjoyable as possible. We can do this by deploying and prioritizing innovative technology for our airlines and those who work to keep our skies safe.

By modernizing the NOTAM system, the FAA can avoid instances like the system outage on January 11th of this year. But we must not forget that safety is our first priority. As Ms. Pinkerton states in her written testimony, safety is and should be the bedrock of the industry.

So, Ms. Pinkerton, what factors are within the airline's control when it comes to making sure that you can operate your schedules, and what factors can airlines not control, and what are you doing to control reliability and improve the reliability on those factors within your control?

Ms. PINKERTON. Yes. So, the factors that are not within our control that cause most of the disruption in the system are weather. So, for 2022, weather was responsible for 53 percent of the cancellations, and the NAS was responsible for 10 percent of the issues. Those aren't within our control.

What is within our control is about 37 percent then, or 38 percent of the issues. And a lot of that comes, frankly, from our crew timing out.

As you might have heard in my opening statement, we have really done incredible work in the last 2 years. We have hired 100,000 people. So, we are at an all-time high in terms of our employees, because we have learned you need to have more employees now to fly a smaller schedule. We are still flying 10 percent less than we flew in 2019. So, getting people is within our control, and then making sure they are trained and proficient on their job is the next thing that we can do.

Again, safety is our top priority, and we have identified ensuring our folks are trained and proficient as being one of the most important things that we can do.

But again, most of the systems issues are not within our control.

Mr. KEAN OF NEW JERSEY. And when it comes to FAA reauthorization, what should the committee be addressing in the legislation to ensure that DOT is transparent and accountable when it comes to cancellations or delays that are not caused by airlines?

Ms. PINKERTON. Well, I do think it is important for DOT to look at Mr. Santa's proposal on staffing, because, as I said, we are essentially overstaffed right now, and they are understaffed. And so, I think they need to take that seriously and address it.

You may have seen yesterday there was some acknowledgment of the staffing issue in New York. The Department announced that they are going to provide slot relief, which we commend, highly commend the Department for doing that, slot relief in the New York area. But we have to be honest with ourselves. Why is that happening? It is happening, as they said in their order, because there are staffing issues. And so, I think that is probably the number-one thing the Department can do.

Mr. KEAN OF NEW JERSEY. Yes, I would say in the New Jersey area, coming from the Seventh Congressional District in New Jersey.

Mr. Santa, do you have any update on when the Collaborative Resource Working Group, led by the NATCA and FAA, will have its final report that can be shared with the public on ATC staffing targets?

Mr. SANTA. Yes, thank you. The report was finalized through the collaborative process on January 31st of this year, and it has been submitted to Acting Administrator Billy Nolen. And as of right now, it has not been implemented. It is important to get it into this Controller Workforce Plan. I know that deadline is coming. And as Ms. Pinkerton said, we are working with 8-year-old stagnant numbers.

Talking about Austin specifically, they have an 8-year-old staffing guideline number.

Mr. KEAN OF NEW JERSEY. So, again, what can we do to help with that?

Mr. SANTA. We need that CRWG number that was collaboratively derived to be introduced and utilized in the Controller Workforce Plan that the FAA owns and it presents to Congress so that it is transparent, so everybody knows the health of every one of our 313 facilities.

Mr. KEAN OF NEW JERSEY. Thank you.

Mr. SANTA. Thank you.

Mr. KEAN OF NEW JERSEY. Thank you, Mr. Chairman.

Dr. VAN DREW [presiding]. Next we have Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman, and I thank all of the witnesses here today.

Mr. Page, I want to just specifically thank you, not just for your work on behalf of veterans, but all folks who have mobility challenges. My father-in-law is one of those people. So, the challenges that we face in flying and accommodating people with mobility challenges directly impacts how often he gets to see his grandkids.

So, this is something I care deeply about, and I appreciate your advocacy. And know that you have someone on this committee who is going to work hard at that issue.

Pivoting to some of the challenges that we face in a dense community like the Eighth Congressional District, in 2017 the Bureau of Transportation Statistics conducted a study that tracked roads, airports, and other transportation to arrive at a noise metric for each area of the Nation. New Jersey, including several towns in my district, was found to be one of the loudest areas on the east coast. While Newark Airport has proposed changes in recent years to mitigate noise pollution, flight routes are a contributing factor to the noise pollution my constituents suffer from every day.

Ms. Pinkerton, can you explain to the committee how airlines work with air traffic control to encourage flight routes that take into account noise pollution?

Ms. PINKERTON. Absolutely. First of all, I do want to acknowledge the fact that noise is an issue that is important to us. We spend a lot of time working on it. And we have invested in quieter planes. Planes are much quieter today, 50 percent more quiet than they were just 10 years ago.

We are working very closely with the Federal Aviation Administration when new procedures are implemented. Usually a community group is stood up to look at those changes and talk through them. So, it is a collaborative effort. It is not an easy one, because there is noise associated with different traffic patterns. Sometimes a different traffic pattern will actually create less noise. But because it is new to a certain community, that raises concerns.

So, we need to work through all of that, and I think we are.

Mr. MENENDEZ. Yes, as you continue to consider different factors, just know that these densely populated urban areas who already are subject to so much noise pollution, it is really a challenge. So, anything that we can do to alleviate that for those particular communities would be appreciated by me and folks from similar districts like Congressman Payne.

I will stay with you, Ms. Pinkerton. For delayed flights that originate in Europe, are American air carriers currently providing compensation to those passengers, per EU flight compensation regulation 261?

Ms. PINKERTON. No. Actually, I think the EU 261 has been a disaster. A lot of money has been spent, but it is not money that is spent to fix the problem.

Mr. MENENDEZ. But is the compensation going to passengers?

Ms. PINKERTON. It is. It is not going to fix the problem, which is the—Single Sky is what they call their modernization effort in Europe. And that is what we need to do. We need to invest that money in technologies that are going to solve the problem at its root cause, so that we don't have irregular operations that disrupt passengers.

Mr. MENENDEZ. I would say a part of it is a recognition that flight cancellations, disruptions do impact passengers who are consumers within the industry. Is that correct?

Ms. PINKERTON. I am sorry, sir. I didn't—I—

Mr. MENENDEZ [interrupting]. That flight cancellations and disruptions impact passengers who are consumers within the industry.

Ms. PINKERTON. Absolutely. And when we cancel a flight because of something that is within our control, or even significantly delay that flight, we do compensate passengers.

Mr. MENENDEZ. Sure. And I would just say that, in thinking forward—you talk significantly about competition. I do think, if airlines could come up with a model that really protects consumers, understand the challenges they face, and continue to work on that so the consumer feels like the airlines are engaging in meeting that challenge, I think it would be extremely helpful.

Ms. PINKERTON. Absolutely. We believe, whether it is the safety issue or the customer experience issue, our work with the disabled community, that more can be done, and we are committed to doing that.

Mr. MENENDEZ. Well, I appreciate it, and you know that you have partners here who want to create—

Ms. PINKERTON [interposing]. Yes.

Mr. MENENDEZ [continuing]. A great system for all passengers across this country, no matter where they are originating or where they are landing. And hopefully, we can do that work together. So, thank you so much.

Ms. PINKERTON. Absolutely.

Mr. MENENDEZ. I yield the remainder of my time.

Dr. VAN DREW. Mr. Bean.

Mr. BEAN OF FLORIDA. Thank you very much, Mr. Chairman, and good morning, T&I Committee, our panelists, we are glad to have you here. I am going to talk about some of my biggest fears, our top three.

The first is clowns. There is nothing that we can do about that today.

[Laughter.]

Mr. BEAN OF FLORIDA. But the second, number two, is turbulence, turbulence on an airplane. And it can be very unnerving. I think we have all experienced that. There are stories of some very harsh turbulence that has caused injuries. Mr. Santa, is there anything we can do? Is there anything that you can direct a plane to fly in a different direction, or higher, or lower to avoid turbulence? Is that something we can do?

Mr. SANTA. Thank you for the question. It is. First of all, when we talk about turbulence, we take it very seriously, even though we are sitting in the seat controlling the traffic. But it is very taxing to the workforce, the reports and the interrogations of the pilots to find the smoothest rides, and then present those to subsequent air flights through there, it is important to us.

We know the challenges, and we have seen some of the occurrences recently. And that really brings me right back to the question: the more work you have with combined sectors, and the more work you have without the extra eyes and the redundancies and the people sitting next to you to take your reports and to pass them on to the next aircraft, it hurts us when we don't have the bodies to do that.

Mr. BEAN OF FLORIDA. Very good. No, thank you very much.

Number two on the list is getting trapped on a plane on a runway that is just parked there. I know it has gotten so much better. But Ms. Pinkerton, does that still happen? Is that still a thing, where planes can sit? What are the limitations of sitting on a plane that is not ready to go, but they don't want to bring them back to the terminal to let them disembark, does that still happen?

Ms. PINKERTON. Congress did pass the rule to prevent long tarmac delays. So, if a plane is on the tarmac for an excess of 3 hours for domestic, 4 hours for international, that is a violation, and—

Mr. BEAN OF FLORIDA [interrupting]. Is that too long, though? Even that, doesn't 3 hours sound like a—

Ms. PINKERTON [interrupting]. It rarely happens. We—

Mr. BEAN OF FLORIDA [interrupting]. But when it does—

Ms. PINKERTON [interrupting]. Remember, there are 45,000 flights a day, 2½ million people. It rarely happens. But one time happening is too much; I completely agree with you.

Interestingly, talking back to this control and not control issue: I fly every week, like you do. And I was on a flight last week. We got onto the tarmac, and in Florida they created a metering program for us taking off. It was a central Florida issue. And so, all of a sudden, we were on the runway because of a central Florida ground delay program, essentially. So, not our fault necessarily.

But what do we want the pilot to do? Do we want him to stay there and take off, or do we want him to go back and—interestingly, at about 2½ hours the way through, just to show you how complicated this is, the pilot says, "I am going back." Do you know why we went back at 2½ hours, even though I would have rather stayed for another 30 minutes, because we waited 2½ hours? Because the pilots timed out.

And those types of—

Mr. BEAN OF FLORIDA [interrupting]. So, hold on a second. We have got challenges. And I want to get—

Ms. PINKERTON [interposing]. Yes.

Mr. BEAN OF FLORIDA [continuing]. My last question in before we go. And lots of things—you have given lots of full testimony to read, so, thank you.

But I want to get to everybody, and we are entering the lightning round, where I have got 1 minute and 20 seconds left. So, under 10 seconds each, what is the one thing—and I am going last, so, you have already answered a lot of questions, but what is one thing that this committee needs to know about air travel that possibly we could change?

Mr. Page, one thing. Bigger seats?

Mr. PAGE. One thing? Yes, better access for people with disabilities.

Mr. BEAN OF FLORIDA. Ten-four. And thank you for your coming in and letting us know that.

Rich Santa, what say you?

Mr. SANTA. It is safe, but we can do better with efficiencies in the passenger experiences, getting people to make their connections and to start their vacations on time. And we can do that with better staffing and better technology.

Mr. BEAN OF FLORIDA. Very good. The near-misses, we are going to—just with staffing we will correct those? Is it just me, or is it the press saying there are more near-misses than there have been before? Should we be worried about the near—I am worried about the near-misses. That is on my list, as well. But what say you to the near-misses?

Mr. SANTA. We are all worried and concerned about the recent events, and we evaluate those, and we put precautions, and we fix those challenges on a day-to-day basis. Huge, robust safety—

Mr. BEAN OF FLORIDA [interrupting]. Ten-four, thank you.

Mr. Kevin, what do we need to know?

Mr. DOLLIOLE. More support to help airports meet their very critical infrastructure needs.

Mr. BEAN OF FLORIDA. Very good. And Ms. Sharon, last for you.

Ms. PINKERTON. The system is safe. There are incidents. We are addressing those incidents. But aviation is safer than any other mode of transportation.

But what we need to do is we need to solve our people problem, and we need to do better implementing technology.

Mr. BEAN OF FLORIDA. Thank you very much.

I yield my time. Thank you, Mr. Chairman.

Dr. VAN DREW. Thank you, Mr. Bean. And next we have Ms. Titus.

Ms. TITUS. Thank you very much, Mr. Chairman.

If you are concerned about turbulence, you ought to be concerned about climate change, because everybody tells me that is going to be making it worse. I see heads nodding.

I want to kind of talk about the disability issue, and I appreciate you being here, Mr. Page. And it was really gratifying for me to hear both the chairman and the ranking member and a number of members of this committee say we need to do better to serve our disabled passengers, and I certainly agree with that. I think of Judy Heumann, who just passed away, and her championship of this issue, and also Mr. Langevin, who had a couple of bills last session that I am honored to carry for him now at this time.

We have introduced some amendments to the Air Carrier Access bill that was passed in the 1980s, thanks to the ranking member. And also we are going to be introducing the WHEELChairs on Airplanes Act with Mr. Stanton. And so, I welcome anybody to sign on who is so concerned about this issue.

You know, we hear all kinds of things. If it is nonaccessible lavatories, it is equipment that gets harmed, it is difficult to get on and off, can't find a place to sit, going through security, all of these are things that we can address with this legislation.

Since I introduced it—and again, I thank Mr. Langevin—I know what is in there. But Mr. Page, could you talk about how important it would be to pass that bill, and some of the specifics of it that you see making a big difference?

Mr. PAGE. Sure. Thank you, Ms. Titus. Thank you for the question.

Yes, I think that bill is pretty important, H.R. 1267. There are two main big issues which I have already talked about, which is better access for persons with disabilities to get into the plane, a path of travel, meaning it would require the Secretary of Transpor-

tation, in consultation with the Access Board, to write standards of access.

That would allow a wheelchair to roll onto the plane, go to a designated seat. Then I could transfer. Then my chair would either be put underneath the plane in the cargo hold, or in some cases, in a closet, if it was there. It would also allow a power wheelchair to roll on and go to a designated spot and tie down, much like—

Ms. TITUS [interrupting]. We do that on buses. Why can't we do that on—

Mr. PAGE [interrupting]. Pardon me?

Ms. TITUS. You do that on buses.

Mr. PAGE. Yes. I was going to say much like all other modes of transportation currently.

The other big aspect of that legislation you are talking about is the referral to the Department of Justice for more enforcement. Currently, the Air Carrier Access Act—the Department of Transportation levies fines for violations. And the last significant fine was in 2016, I think, for \$2 million, but in the last reauthorization, we gave the authority to the Department to issue fines for bodily harm or wheelchair damage and tripled those fines. And they have done nothing since then.

Ms. TITUS. Yes, a lot of complaints are submitted, and nothing really gets done about that that we hear about.

How about the problem with the batteries? I know Mr. Langevin was taken off of a flight, even though he had proof that his ion battery met the standards. Could you address that as an issue?

Mr. PAGE. Well, yes. Unfortunately, yes, it is disheartening that the airlines didn't allow him on. I think FAA has said that those types of batteries can fly. I am not sure what the mix-up was that day, but what needs to happen is that, in those instances, airlines need to go by what the FAA says.

Ms. TITUS. Yes, so, the airline had a standard that was different from what the FAA said was acceptable. And he had the proof of that with him, and they still wouldn't let him fly.

Mr. PAGE. I think the problem is a lot of times it is arbitrary when you get to the gate. It is what somebody on that flight knows, and what somebody on another flight knows or not.

Ms. TITUS. So, we just need to make that clear directive, so, it is a standard across all the flights and all the airline companies. Well, thank you.

Anybody else want to comment on any of this?

Ms. PINKERTON. Well, I just wanted to say that I do agree that there is a need for clarification of the standard. Right now, the way the standard is written—and it is actually PHMSA that says that you may take a battery up to X size. And so, as a result of that, carriers do have discretion, and I think that is where the confusion comes in.

But I think PHMSA, DOT, and the FAA need to sit down and come up with a standard that people can understand. Some people will—for example, some carriers, if they are operating over the Pacific Ocean, they are going to be reluctant, and they are going to use their discretion to say, “No, we are not going to take three of that size lithium battery on the plane at this time.” That may be understandable, but it needs to be codified.

Ms. TITUS. Thank you.

Thank you, Mr. Chairman. I yield back.

Dr. VAN DREW. Thank you, Ms. Titus. I will yield such time to myself.

First of all, I want to thank Mr. Page. I want to thank him for his service in the past, and I want to thank him for his service now.

We appreciate you; I want you to know that.

Secondly, I think, with anything, there has to be a little humor. So, just—this is—I fly out of Philadelphia when I do very often—once in a while, Atlantic City, believe it or not, but—and I was really pleasantly surprised.

So, I was flying from Phoenix to Philadelphia. Philadelphia looks better, it looks nicer. It was shinier, cleaner, some new stores, everything was great. The best part of it was—and this is really true, it never, ever happened to me before, but some of you fly, I guess, probably more than I do, I fly a few times a year—he had such good tailwinds, the pilot did, that we got there 1 hour and 5 minutes early. I mean, even he thought that was quite exceptional. So, that was wonderful.

So, I am walking around with my chief of staff saying, boy, everything—things really—and they are, some things really are getting better. But as you would have it—and it is a Philadelphia tradition—baggage retrieval. I went to get the baggage. The whole thing broke down. So, the hour and 5 minutes we made up, we used up waiting for the baggage. And it just kind of struck me as funny. As much as you move forward, sometimes every couple steps forward, you might take a step backward. But whatever use that has, I don't know. To me, believe it or not, I was in a good mood that day. So, it was kind of humorous, because we did get our baggage. So, that was good.

As you all know, we are in a pivotal time in aviation. Technologies are changing in the airspace, and our legacy systems are really in dire need of modernization, a great deal of them, and we all agree on that. It is important that Congress get this FAA reauthorization to ensure that the United States of America leads the world in aviation in the 21st century. And we've got to get it right.

I direct my question to Mr. Rich Santa. They were leaving you alone for a while, so, I figured I would pick on you, president of the National Air Traffic Controllers Association. And the FAA has claimed that the NextGen program is operating. It has expressed a desire to evolve NextGen into something more appropriate for the challenges of today. And I feel that, as well. I think that is a good point.

There is also a strong desire among stakeholders to improve the FAA's integration of advanced aviation systems, as well as improve this agency's modernization of legacy infrastructure.

What role—and this is the question for you—what role should the NextGen organization play in addressing the challenges of the new entrant integration and modernization of infrastructure?

Mr. SANTA. Thank you for the question. It all acts together, right? The funding for FAA reauth needs to be stable and predictable so that we continue the programs that make sense, and we can replace the programs that are outdated.

Many, many of our radar systems, our separation systems, everything that we work is past its useful life, and we are on a fix-on-fail, due to the lack of funding. When we talk about NOTAMs, when we talk about the radar issues, when we talk about STARS or ERAM, they are all either needing replacement or already slated for replacement. But everything has been paused. Everything has been pushed to the right, due to the lack of stable and predictable funding.

We have been stagnant since 2009 with our F&E. FAA's report says that we need about \$6 billion to do that, and we are still getting \$3 billion to do what we need. So, FAA reauth needs to address that so that we can modernize the system, we can handle the new entrants, we can reduce delays.

Ms. Pinkerton talks about the 10 percent that is allocated to the NAS. We can do better than that if we are adequately funded and adequately staffed.

Dr. VAN DREW. And I think that is a good point. And I think the modernization is very much needed. I mean, it is hard to really accomplish the hopes and the dreams that we have, quite frankly, if you are using old tools. So, I appreciate that, and I know that is going to be a subject of discussion I have put forward. I would hope that maybe, if you get a chance, you would take a look at it, an FAA plan of my own, and I would appreciate that. We spent literally years working on this, and I would be interested to see what you thought of it.

With that, I am going to ask Ms. Scholten to speak.

Ms. SCHOLTEN. Thank you so much, Mr. Chairman, and thank you to all of our witnesses for coming before the committee and helping us understand the state of the passenger experience in air travel today—perhaps not as exciting as the TikTok hearings that are happening out in the hall at present, but certainly of import to Americans across the country.

I represent Michigan's Third Congressional District, which has a long history of participation on this committee. Congressman Vern Ehlers was a senior member for almost 20 years. My district stretches from the city of Grand Rapids, Michigan's second biggest city, home to Gerald R. Ford International Airport, to the lake shore.

Grand Rapids is one of the fastest growing airports in the country. It reached pre-pandemic levels of air travel almost 97 percent before almost any other airport in the country. Undergoing currently a major terminal overhaul, this is an effort to relieve some of the constraints that they have been experiencing, reaching these levels so quickly.

This question is for Mr. Dolliole.

Mr. Dolliole, much is made of the passenger experience, as we have been talking about today. But as you know, in your testimony, passengers also spend hours at the airport itself prior to boarding. The terminal experience can vary widely from airport to airport. As a mom who has to travel with children, and has traveled with very young children, I can personally attest to some of the difficulties that can be experienced.

Can you speak to the importance of a modern and efficient airport enhancing that passenger experience and, in particular, developing a smooth curbside drop-off and pick-up experience?

Mr. DOLLIOLE. Let me say first you have a very fine airport.

Ms. SCHOLTEN. Thank you.

Mr. DOLLIOLE. And they are being very proactive in going through the program they are now to make improvements and get ahead of the curve, if you will.

Ms. SCHOLTEN. That is right.

Mr. DOLLIOLE. That is an issue facing airports around the country, as I spoke to earlier. Many of our facilities are older and in need of improvements, in need of growing capacity to meet growing demand in the facilities. And as you go through making improvements in airport facilities, you also plan in, build in improvements to services offered to the traveling public because the traveling public does spend a good bit of time in your airport.

So, there are many different ways to accomplish that through your concessions program, through services such as the parking operation I described a little earlier today, to parking reservation systems, to security reservation systems, to reserve a spot to go through the checkpoint at certain times, and to ensuring, as airports are able to construct or add capacity, improve their facilities.

Because airports are older, and most were developed before TNCs came on the scene, the congestion at curbside in airports has worsened over time. But as we are able to go in and make improvements, we can make those type corrections too, to ensure that truly from curb to aircraft you are having a good experience.

So, there are many different ways. It really takes the funding needed, but the funding is pulled from sources that really don't impact the budget, overall.

Ms. SCHOLTEN. Thank you. And specifically thinking about family travel or group travel—family travel with young children—can you talk a little bit more about anything specifically that is being done to accommodate those parents traveling through airports across the country?

Mr. DOLLIOLE. Well, a couple of things I mentioned earlier as I was going through accommodations made in the airport for disabled travelers also is a benefit for families: the unisex or family restroom facilities; if you are traveling with a pet, we have a pet relief facility beyond the checkpoint, so, it is on the secure side of the facility; the mix in your concessions program; you have to give consideration to young travelers, as well; you will see activity centers in some airports around the country; and airlines are making accommodations to ensure families are seated together as they board aircraft, and so forth.

So, I think all of the stakeholders work to help make the experience for family travel better, as well.

Ms. SCHOLTEN. Thank you so much. We are very proud of our airport and the expansion that we are doing there.

So, I yield back the rest of my time. Thank you.

Mr. DOLLIOLE. I was a consultant for 10 years in the industry. They were a client at one time. They were one of my favorite clients.

Ms. SCHOLTEN. Oh, fantastic. You will have to come visit us. Thank you.

Dr. VAN DREW. Thank you, thank you. I noticed you guys didn't say anything about Philadelphia.

[Laughter.]

Dr. VAN DREW. I recognize Mr. Collins for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chair.

I am new here. I am in the trucking business. I have been in the trucking business for 30 years, so, I am in the same business you are in. It is just that you all go a little bit faster than we do. I would like to just ask questions and just pop some answers real quick.

Ms. Pinkerton, sometimes my dispatchers and people take my freight, will just take freight, take freight, take freight, even though I have got trucks parked on the side with no drivers. Is that a case? Are you all allowing people just to book flights and add flights with planes that are just sitting with no pilots?

Ms. PINKERTON. I am sorry. Could you repeat the question for me? I want to make sure I understand.

Mr. COLLINS. Are people booking flights that you know you don't have capacity to handle?

Ms. PINKERTON. Oh, no. In fact, we are flying 10 percent less than we flew before. We are overstaffed, as I said. We hired 100,000 people. We have got more people on board now than we have ever had before. We have the capacity. The system doesn't have the capacity, we don't have enough air traffic controllers, and we don't have the right technology.

Mr. COLLINS. And you don't have enough pilots?

Ms. PINKERTON. And we don't have enough pilots for the small community service, correct.

Mr. COLLINS. And that was what Congressman Cohen was speaking about, what we are working on with the 529 savings plan.

So, a lot of my questions were answered in a way. But Mr. Santa, I want to kind of go straight over to the FAA, because I think it is a back office problem, myself. What was the average age of an air traffic controller before the pandemic?

Mr. SANTA. First of all, I want to say Philadelphia is one of my favorite airports.

[Laughter.]

Mr. SANTA. I don't know that I know the average age. I can certainly get that to you.

Mr. COLLINS. OK. And they shut down the training schools during the pandemic.

Mr. SANTA. That is correct.

Mr. COLLINS. And nobody aged during that time.

Mr. SANTA. That is incorrect.

Mr. COLLINS. Is there an age limit on hiring at the FAA?

Mr. SANTA. There is. It is generally 31 years old to be hired. And then we have to retire at 56, due to the efficiencies of our profession.

Mr. COLLINS. Is that something that needs to be looked at?

Mr. SANTA. No, it is very accurate. It is very sincere. We are highly professional individuals working a very difficult and stressful job.

Mr. COLLINS. All right. Technology improvement. I heard Ms. Pinkerton say if we got rid of the little cards, it may save 15 seconds, just say. So, you do 45,000 flights a day. That is 112 hours in 1 day that you save. It adds up quick.

What else do we need to look at, technology-wise?

Mr. SANTA. Well, the first thing we need to look at is our legacy systems for replacement, upgrade, and modernization. And then we need to look at tools that are going to help us be more efficient. That always takes funding and staffing to accomplish. So, that is sort of the second stage.

The first stage—because when you partially fund a program, by the time it is implemented, it is either outdated or it is no longer useful to the community. So, we need to solve the staffing and funding issue first, and we will appropriately be able to handle the increase of air traffic and the new entrants.

Mr. COLLINS. All right. I think that leads into my next question: How many people at the FAA are still working from home?

Mr. SANTA. I represent mostly air traffic controllers and safety professionals. And I would say a very small fraction of those still work from home. And it is because that is where they are most utilized.

Mr. COLLINS. I am not speaking about the air traffic controllers. I am speaking about the FAA, so—

Mr. SANTA [interrupting]. Once again, I can get that answer for you. The people that NATCA—the members at NATCA represent—

Mr. COLLINS [interrupting]. It is one-third.

Mr. SANTA. What is that?

Mr. COLLINS. It is one-third.

I don't know how to pronounce your name, I am—

Mr. DOLLIOLE. Dolliole.

Mr. COLLINS. Dolliole? Passenger facility charges. Are they divided between the two airports, departure and arrival? How does that work, the \$4.50?

Mr. DOLLIOLE. It is the originating airport.

Mr. COLLINS. It is always the originating? OK. So, it is not divided out among all airports, or any type of—OK. All right.

And then lastly, Ms. Pinkerton, do the airlines oppose raising that fee?

Ms. PINKERTON. Yes. And the reason is whether you call it a tax or a fee doesn't matter. You are raising the cost of flying for the public.

And what I will say is look around. New Orleans just built a big, beautiful terminal. Look at New York: LaGuardia, JFK. Newark is now coming on board. Ten years ago, the airports might have had a reason and a need, but there is a difference between wants and needs.

Mr. COLLINS. All right.

Ms. PINKERTON. And a PFC increase is not needed.

Mr. COLLINS. All right. One last question. I can't go without asking this.

Mr. Santa, changing NOTAM from Notice to Airmen to Notice to Air Missions, did it improve technology or safety?

Mr. SANTA. No.

Mr. COLLINS. Thank you.
I yield back, Mr. Chairman.

Dr. VAN DREW. Thank you. I recognize Mr. Carbajal for 5 minutes.

Mr. CARBAJAL. Thank you, Mr. Chairman, and thank you to all the witnesses for being here today.

Mr. Dolliole, I represent the central coast of California. Many people call it paradise, as I do, which is home to Santa Barbara, Santa Maria, and San Luis Obispo Airports, which are the finest and my favorite airports that I have. And I know San Luis Obispo Airport is a member of your organization.

One of your recommendations to this committee is that we increase the authorized levels of the Airport Improvement Program to \$4 billion annually.

Additionally, I understand that you are recommending improvements to this program. Can you elaborate on how your recommendations would be beneficial to airports like the ones in my district, and will this improve passenger experiences at the airport?

Mr. DOLLIOLE. It will certainly improve passenger experiences at—

Mr. CARBAJAL [interrupting]. Are they some of your favorite airports? Let's start with—

Mr. DOLLIOLE [interrupting]. Some of—yes, some of my favorite airports. But it will definitely improve the passenger experience at airports around the country.

As I noted earlier, what we are looking for in the bump in AIP funding is to assist where inflation is eating into the value we get out of these programs to support critical infrastructure projects at airports. So, bumping the fee would help offset that.

Putting flexibility into the AIP program to allow airports to use more landside with the AIP program would assist in developing terminals, developing landside facilities, and again, go to improving the passenger experience.

The PFC program was another recommendation we made to move it up. And the PFC program at \$4.50 today is a far cry less than all the ancillary fees that airlines charge their passengers. And if we are concerned with increasing the cost to customers, the ancillary fees do a lot more to increasing the cost to customers than a PFC fee does.

The PFC program was stood up in 1990 as a way to promote competition and to afford airports the ability to have a funding source not controlled by the air carriers to give them the ability to build infrastructure, to allow for more competition to come in. That is the primary purpose of the PFC. It was bumped 10 years later to \$4.50, and today we are sitting on a PFC fee that, due to inflation, gets you a lot less than it did back when it came into play.

So, I would give you that.

Mr. CARBAJAL. Thank you.

Ms. Pinkerton, I know, reading your priorities, that we share similar goals of achieving a net-zero carbon emissions by 2050. Can you explain the importance of a sustainable aviation fuel, SAF, to achieving that goal?

Ms. PINKERTON. I will. But first I just have to say—

Mr. CARBAJAL [interrupting]. No, this is my time.

Ms. PINKERTON. All right. sustainable aviation fuel. Absolutely. You have seen our commitments. We are putting our money where our mouth is. We are investing in technologies. We are very appreciative that Congress passed the blender's tax credit. I think that is going to help us meet our mutual goals, because the Federal Government also has a goal of producing 3 billion gallons of sustainable aviation fuel by 2030.

So, we are committed, and we hope that the committee continues on with the grant program that you have created for more production facilities.

Mr. CARBAJAL. Thank you, Ms. Pinkerton, just a followup question. Look, what can we do to ensure airline and Government reach these ambitious goals, particularly getting 3 billion gallons of SAF?

Ms. PINKERTON. Well, I think that SAF is the most important near-term thing that we can do. So, again, I think the BTC was a good step in the right direction. We are going to need to extend that so that there is certainty for investors, and we are going to need to continue those grant programs into production facilities. We don't have very many going right now, and we have got a long way to go to meet our 3 billion gallon goal. And so, we appreciate the partnership with Congress.

Mr. CARBAJAL. Thank you, Ms. Pinkerton. I will let you and Mr. Doliolo fight out PFC charges versus ancillary fees by the airlines. So, that could be at another forum.

With that, Mr. Chairman, I yield back.

Dr. VAN DREW. Thank you, Mr. Carbajal.

Mr. DeSaulnier we will recognize for 5 minutes.

Mr. DESAULNIER. Thank you, Mr. Chairman. I want to thank you all for being here.

I think the most important thing for the system, we can all agree, is customer confidence in the system. And that goes to an area of interest I have been involved with since the near-miss at San Francisco and the Air Canada when we came within 59 feet of having the largest air disaster in the history of this country. So, with full acknowledgment that we have had a wonderful historical record, but these near-misses and the NOTAMs are, to me, warning signs that we should be very, very alert to not overreact, but the convergence, it seems to me in my involvement in this, is between the financial model and your members.

It has been a long time since Carl Icahn, but I was just reading about hedge funds going out of the aviation field more to the production of the products. But the financial pressure for your members were—in a financial model where investors can go to a lot of places. So, you have a lot of legitimate pressures is what I am saying. But then all of this thing, and the partnership we have had between the FAA regulators and the private sector has worked for years. But there is different pressure now, particularly coming out of COVID.

So, starting, Mr. Santa, when I have talked to your members with you, and particularly at SFO, having been in the tower there multiple times now, one of the challenges is—and similar for your staff, although you pay better on a national level—is where your members live. So, what I hear from your employees and from your members is it is very expensive to live in New York, or Boston, or

DC, Chicago, Dallas, or San Francisco. So, is the differential enough to attract and retain?

And combined with the fact that we have to do a lot more training for your members because of technology, and because of the pressure to make it work right, and the whole issue of human factors, could—

Mr. SANTA [interrupting]. Yes, some of our facilities are very difficult to staff. We do have subsidies that help support that.

Mr. DESAULNIER. But are they sufficient? Because the feedback I get is they are not.

Mr. SANTA. In many cases they are not for some of our very difficult-to-staff facilities. But that is why it is so important to find enough candidates that are from the location, and you hire locally, or you get—you have to overstaff to get the homers and the people that want to stay there for life.

We do have a very solid transfer program. So, if you go and you certify in Oakland Center, there is an opportunity to leave after a period of time. But there are facilities that are understaffed precisely from what you say. They are very difficult to live there due to the cost of living.

Mr. DESAULNIER. So, speaking to the other question, the larger question about this partnership that we have that has been remarkable for years in this country between your members of the private sector and we, as Government regulators, and all of the other divergent entities, this ability to invest in technology to make it more efficient, but particularly to invest in human factors and to let your investors know they are going to get a reasonable rate of return, while we still maintain that confidence in the system.

So, Mr. Stauber and I have passed a bill just to create some pressure on FAA—maybe that is not the right word—to look at NOTAMs and continue to look at NOTAMs more successfully. We know page 8 of a 50-page document for the Air Canada pilots was a stupid thing to say, “By the way, the runway is closed for construction, don’t land on the taxiway,” which they almost did, three full—so, the money—so, that bill.

Then we, in the Safe Landings Act—although I got a lot of that in the last reauthorization, we are going to be very active in getting more of it, and continuous training. You have got turnover in your pilots and a lot of your employees. How do you feel—given the financial pressures you are under, how do you feel that we, over-seeing FAA and you, stay on top of that?

So, human factors, we are training new people, people who don’t have the military aviation experience in the cockpit. How do we make sure we are on top of that, along with the new technology?

So, three stools are the financial model, technology, and how we train people consistently, and attract and retain them.

Ms. PINKERTON. Well, as I said in my opening statement, we have identified people and training as our top priority, and I think carriers have done a good job.

Obviously, a record amount of people, 100,000 people in 2 years, were the biggest we have ever been. But we did that acknowledging that these folks were going to have less experience, so, we put in special training programs, special proficiency requirements, because we absolutely acknowledge the human factors are critical,

and safety is our top priority. We won't be in existence if we are not running a safe industry. And that is our top priority, period, full stop.

And the technology, as I mentioned, the FAA has a lot of technologies, as well. In particular, their surveillance technology on runways is something that they stopped implementing. And we have just got to get that back out there.

And of course, the staffing for controllers is—I completely support NATCA's position here and want to see this shortage come to an end.

Mr. DESAULNIER. Thank you.

Thank you, Mr. Chairman.

Dr. VAN DREW. Thank you. I will recognize Mr. Molinaro for 5 minutes.

Mr. MOLINARO. Thank you, Mr. Chairman.

Yes, way over here. Thank you for your testimony today. So, I like the phrase that aviation remains the most regulated deregulated industry in America. And I think it is important to acknowledge the deregulation from the 1970s has resulted, obviously, in great advancements in the industry, and it has seen drastic reduction in costs, which is useful.

Obviously, when we talk about passenger experience—and I know this was touched on briefly—the one thing most people complain and know firsthand about are, obviously, length of delays, number of delays, and how that plays into the consumer experience.

So, Ms. Pinkerton, you mentioned already in testimony to the Senate Commerce Committee—and then I believe it has already come up to some degree—that there needs to be additional accountability by the DOT when it comes to operation issues on their end as it relates to delays. Could you just expand on that, briefly?

Ms. PINKERTON. Sure. I think, specific to cancellations and delays, is the staffing shortage issue. I mean, DOT yesterday issued an order which we completely applaud and support, but they acknowledged that the reason they are having to limit flights in New York is because of a staffing issue.

So, I think we need to be transparent about staffing shortages. We had issues in Jacksonville. We have got issues in Vegas. Rich can do a better job of telling you where all of the issues are, but we need the Department to be transparent about that, and transparent about what the fix is, this collaborative working program that has been put together by NATCA, MITRE, and the FAA.

Mr. MOLINARO. Can we drill down just a little bit more on the question of transparency? Not just the lack of staffing, but the truth is, overall, consumers, passengers would be better off knowing truly at every stage of a delay, of a problem with their own experience, knowing who is responsible for fixing—not necessarily who we are going to blame, but where in the system is this particular challenge.

Can you just expand a little bit? And I am happy to let someone else jump in, although I do have one more question I want to get an answer to on the question of—let's talk about enhancing that transparency.

Ms. PINKERTON. Yes. I mean, the Department does publish certain statistics about causes of delays and cancellations. But it is—I will be frank, it is—

Mr. MOLINARO. Please.

Ms. PINKERTON. It is complicated. And we can all do a better job communicating about what the causes are, and be more transparent about that.

Mr. MOLINARO. Go ahead, sir.

Mr. SANTA. It just—on the transparency issue, right now the current model of reporting staffing, it is budget-driven, it puts us at 103 percent staff. That is just, frankly, not accurate. We are much closer to 75 to 80 percent staff throughout our facilities. And to know that as an industry, and to know that as Congress, and to know that as a user, it is valuable, it is a valuable benchmark.

Mr. MOLINARO. I appreciate that. And I think that is critically important. And we have to be at least accurate with the information that we are providing.

Can I also—I want to talk a little bit about—as it relates to workforce. And one of the solutions that was created in the last FAA reauthorization is the Workforce Development Grants. Again, we know them as section 625 grants. It is a priority for me. I spent a lot of time as a county official over the last 12 years focused on building that pipeline using, in fact, these very dollars to build that pipeline for mechanics, pilots, in partnership with a local community college.

Talk briefly about the benefit of the program and how sound that investment is. And I would also dare say what the right level of funding is for an issue of that nature.

Ms. PINKERTON. Well, first of all, thank you for your leadership. It was the first item that I mentioned in terms of our recommendations—

Mr. MOLINARO [interposing]. Right.

Ms. PINKERTON [continuing]. For the FAA bill. So, we are very appreciative.

I am sure you are aware a \$10 million program had a \$120 million demand on it. So, it is a wildly popular program. It is oversubscribed. And I think it is going to be critical to the success of our industry in meeting all of these goals: safety, efficiency, and whether or not we can provide service, the kind of service that we want to provide to a variety of communities.

Mr. MOLINARO. Fair enough. I appreciate that.

Mr. Chairman, I am not going to ask the question. I am just going to say, as it relates to accessibility issues, there is a good platform that I hope we continue to focus on: the Air Carrier Access Act Advisory Committee and the Airline Passengers with Disabilities Bill of Rights. Talk about that offline. Thank you very much.

Dr. VAN DREW. Thank you, Mr. Molinaro. I will now recognize Mr. Burchett—I am sorry, Mr. Stanton—for 5 minutes. I am ahead of myself, sorry.

Mr. STANTON. Thank you very much, Mr. Chairman, and thank you all for all the witnesses for being here. Today is a very important hearing.

As someone who flies twice a week to get to and from Washington from my home in Phoenix, I can say unequivocally investments in our airports are key to improving the passenger experience from the moment they arrive at the airport until they reach their final destination.

Last year, 44 million people flew through Sky Harbor Airport in Arizona. To meet current and future air travel demands, Sky Harbor has aggressively invested in new concourses and gates and more efficient taxiways. It has even added a people mover system called the Sky Train to provide a seamless connection from the airport to ground transportation and the region's light rail system. These investments improve the experience for passengers, and they also create good-paying jobs.

But these investments are not inexpensive, and it takes both local and Federal resources to make them a reality. The Airport Improvement Program and the influx of Federal resources provided under the Bipartisan Infrastructure Law have helped jumpstart many important projects at our airports, including a new taxiway at Sky Harbor to improve efficiency.

But let's be honest. We all know the needs still far outpace available resources. At Sky Harbor, revenue from the passenger facility charge has been an essential tool to help the airport modernize itself. However, the purchasing power of the PFC has eroded more than 40 percent since it was last adjusted more than two decades ago.

Mr. DOLLIOLÉ, in your testimony, you note the current airport survey shows that over the next 5 years, our airports have \$151 billion in infrastructure needs, but that current infrastructure dollars, even when factoring in the investments under the Bipartisan Infrastructure Law, are woefully insufficient to meet those needs.

Can you talk about what changes could be made to the PFC to help meet the growing infrastructure needs at our Nation's airports?

Mr. DOLLIOLÉ. Well, the PFC program I spoke earlier to, part of the beauty of PFCs is the flexibility in using them. So, you can do more with PFCs than, say, you could do with AIP dollars, which are more geared to airfield improvements. So, first thing.

The second is, as you collect PFCs, you can use them in one of two ways. You can use them on a PAYGO basis, as pay as you collect PFCs, or you can leverage PFCs through bond issuances, and pay the debt service for PFCs. It would get a lot more out of the PFC dollars that come in. And airports and airport leaders do that, we are maximizing what we can get out of the program. But the truth of the matter is, its value has eroded, as you point out.

What it would take is either moving the cap to the \$7.58 range, and maybe index it for inflation so that it adjusts going forward, or eliminate the cap on PFCs. And it gives airports a—which is a very valuable tool, that tool that now is producing what it was intended to produce when the program was stood up. The increase would help mitigate the impacts of inflation over time. And if it is indexed to inflation, it would keep the fee current to current costs.

Mr. STANTON. I appreciate that very much.

Mr. Page, thank you for your steadfast advocacy to improve airline travel for those with disabilities. While progress has been

made since the passage of the American Disabilities Act and the Air Carrier Access Act, we still have a long way to go to eliminate barriers and make air travel more equitable for those with disabilities.

One of the PVA's priorities for the next FAA reauthorization bill is to reauthorize the Air Carrier Access Act Advisory Committee. In your opinion, what specific issues should the ACAA Advisory Committee address if, and hopefully when, reauthorized?

Mr. PAGE. Well, thank you for the question, sir. Well, one of the big issues I think that we have got left hanging out there—I am not sure if the committee can address it or not—but is more physical access on an airplane for persons with disabilities and better seating accommodations that meet their needs.

And then also, better stowage in the belly of the airplane, and then have those wheelchairs and assistive devices returned in the manner that they are given to the airlines.

Mr. STANTON. Thank you very much for that answer. And my time is up, so, I yield back.

Thank you, Chairman.

Dr. VAN DREW. Thank you. Next I recognize Ms. Norton for 5 minutes.

Ms. NORTON. Thank you, Mr. Chairman.

Mr. Page, first I want to thank you for being here today. There are approximately 3.3 million wheelchair users in the United States, over half of whom are over the age of 65. Could you speak more in depth about ways airplanes could be designed to accommodate wheelchair users during the boarding process and in flight for access to bathrooms?

Mr. PAGE. Thank you for the question. When it comes to getting on and off an airplane for a person with a disability, I think more training might be needed.

Ms. NORTON. More what?

Mr. PAGE. More training might be needed. Specifically, if you look at myself, I am a person with permanent disability. I have been in a wheelchair over 40 years. I have spinal cord injury. A lot of the attendants, the push attendants right now, are used to pushing a person to the edge, and then that person getting up and walking in on their own, maybe. When it comes to persons with physical disabilities, more training in reference to getting on, because we have to be physically lifted into the seats.

Ms. NORTON. Thank you, Mr. Page. You mentioned in your testimony that the PVA believes that passengers who utilize assistive devices should not be required to pay higher ticket prices for seats or alternative flights in order to accommodate their assistive devices. What would be a good mechanism to implement this option during payment for passengers with disabilities?

Mr. PAGE. I think that is in reference to class of services. The airlines, back in the day, when I first started flying, you had first class and then you had coach. And I think right now the question is what seating area best accommodates that person, which, a lot of times when I book online my seat, I will see that I am in row 9, and then I go to the gate agent, and when I get there, mysteriously, I am in row 32 now.

Ms. NORTON. And you would rather be in what row?

Mr. PAGE. Where I originally booked online at row 9 or 10, or closer to the front. Because the problem is, the further you go back, especially on the aisle chair, there are more possibilities of becoming injured.

Ms. NORTON. Thank you very much, Mr. Chairman. I yield back.

Dr. VAN DREW. Thank you. I will recognize Mr. Burchett for 5 minutes.

Mr. BURCHETT. Thank you, Mr. Chairman. As always, you are dapperly dressed. If I had your wardrobe, I would burn mine.

Dr. VAN DREW. Thank you. You used up 3 seconds of your time saying that. I will let you go over 3 seconds.

[Laughter.]

Mr. BURCHETT. That is right. Thank you, Mr. Chairman.

Ms. Pinkerton—actually, I am not here to knock you guys. I know some people think you are the devil, and maybe some people think you are not. I am kind of in between on you all. I get a little ticked off when my flights get delayed, like everybody else does. And I have some little smart aleck in skinny jeans get up and try to tell me what is going on, and then I see what was really going on, and I get a little ticked off, but that could be addressed elsewhere. That is management more on the lower levels.

But I feel like the airlines aren't delivering sometimes on their most basic promise, and that is to get our passengers and their luggage from one place to the other. What steps are you all taking to address delays and cancellations within your control?

Specifically—I have seen this happen many times—you are about to take off, and then they—oh, we got an issue, and the issue is, I believe, that the pilots have flown too many hours, and yet they are allowed to be out. And it seems to me some kind of a regulatory situation. And the clients, which are the people flying, are kind of getting abused in this situation. And then they bring in other pilots, and then you are delayed again, and it just seems something else is afoot.

Ms. PINKERTON. Yes, I did experience myself that issue a couple of weeks ago, where the pilots timed out. But I would say our number-one priority is getting you to your destination safely and efficiently and on time, with your luggage. And that particular rule was adopted in law by Congress to ensure that pilots were not working excessive hours, and so, we comply with that. And I do realize that it does inconvenience passengers. I think it is for the safety of the system.

Mr. BURCHETT. OK. Yesterday, Airlines for America published an opinion piece titled, "Policymakers Should Avoid Temptation of Subjecting Airlines to More Regulations." Has the FAA completed the rulemaking on provisions required by the 2018 FAA reauthorization?

Ms. PINKERTON. I think there are many provisions that required rules that have not yet been completed.

Mr. BURCHETT. Have the airlines fully implemented requirements under the 2018 FAA reauthorization?

Ms. PINKERTON. For those rules that have been issued, yes.

Mr. BURCHETT. OK. Just not for the ones—OK. Yes, I guess if you didn't have the ones that weren't issued, it would be a case of mind-reading on your all's part, maybe.

Ms. PINKERTON. Right.

Mr. BURCHETT. What existing regulations should be updated to improve the passenger experience?

Ms. PINKERTON. What existing regulations do I believe improve?

Mr. BURCHETT. Yes, ma'am.

Ms. PINKERTON. Well, again, I think safety is really the FAA's mission. And safety and efficiency of the system, actually, that is codified, safety and efficiency of the system, and I think the passengers' experience, which, the most irritating things are the delays and cancellations. That is what we get the most complaints about.

And there are several technologies that we have talked about today that would make the system more efficient. The NOTAM—we are all familiar with that—stopped the entire air traffic control system for 1½ hours. It hasn't happened since 9/11.

So, there is a long list of modernization programs that would make the journey more efficient.

Mr. BURCHETT. We are seeing a lot of unruly passengers. And of course, everybody is looking for YouTube spots, I guess. And it happens that they attack these flight attendants and staffs. And really, frankly, I think they are dirt bags.

Is there something in place where these folks will be banned for life from flying?

Ms. PINKERTON. Oh, yes—

Mr. BURCHETT [interrupting]. Because they should be, because they risk the safety of everybody, and—

Ms. PINKERTON [interposing]. Right.

Mr. BURCHETT [continuing]. And flying is not a right. In Tennessee, they always say driving is not a right, it is a privilege. Well, flying definitely is a privilege.

Ms. PINKERTON. Correct. And we worked very closely with TSA and the FAA during the pandemic and even today on a zero tolerance policy for that kind of behavior. And so, the FAA brings charges against these unruly passengers. And in addition, carriers take their own measures in terms of banning them from flying that airline again.

Mr. BURCHETT. On the other side of that—well, let's see. I am out, I am out of time. I won't ask any more questions. Thank you all so much.

Dr. VAN DREW. Thank you. I recognize Ms. Hoyle for 5 minutes.

Ms. HOYLE OF OREGON. Thank you very much. I live in the Pacific Northwest, so, I live 3,000 miles away. There are no direct flights from Eugene, Oregon, so, I spend a fair amount of time in airports, on planes, much like my predecessor, Mr. DeFazio. So, thank you very much for showing up here.

And I also am very grateful for all the workers in the airports on airlines, air traffic controllers that work in really high-stress jobs every day with limited resources, and with customers that can be really cranky or aggressive. So, thank you for your work.

My question is for Rich Santa, National Air Traffic Controller Association president.

You spoke earlier in your initial testimony about staffing challenges and how they contribute to airline inefficiencies. And when we ask the FAA about staffing, they say there is enough staffing,

and that the numbers show that everything is fine. But I think you alluded to this: one, we have staffing decisions being made by accountants, as opposed to those who really know about safety and what we need; and also that trainees are counted in the same way that fully trained air traffic controllers are, in terms of that head count.

So, what I would say is, given that the pipeline for new trainees was broken temporarily during COVID, and we have 1,200 fewer fully certified air traffic controllers today than there were 10 years ago, can you expand on what the issue is, how we need to solve it, and what I see as a giant red flag for safety considerations? What do you think we need to do about it?

Mr. SANTA. Thank you so much for the question. And you really identified many of the issues. A budget-driven model reduces our controllers on a yearly basis, because there are no other alternatives other than a safe operation. When you provide a safe operation, budget says there you go, that is what you have.

But when we talk about efficiencies, that is the contrast. You have to close sectors. You don't have redundancies, you don't have resiliency in the system. And certainly, when we talk about some of the delays Ms. Pinkerton talked about, there is technology out there that could help us with weather delays. We could use new weather on the radar scopes to funnel airplanes to where there is not impactful weather or severe weather. But that is the second tier of it.

You need the people, you need the staffing, you need the sectors to be open, and you need to be able to handle the capacity that we are capable of handling safely—always going to prioritize safety, always. But that comes as a result of efficiencies.

And we are talking about the passenger experience, making the connections. That is our part of it. Getting you there to your vacations on time. That is our part of it. We can't effectively do that when we are working too much airspace with not enough people, 6-day workweeks, 10-hour days.

Ms. HOYLE OF OREGON. Thank you. And a followup question: Could you talk more about why? I mean, why we are counting trainees who are not fully certified air traffic controllers in the head count of fully staffed people?

Again, having to fly out of a smaller airport, where we are always on the worst end of the staffing struggles, I am perplexed and also very concerned about that sort of accounting sleight of hand.

Mr. SANTA. It is an accounting sleight of hand. FAA finance, FAA budget. It looks better, right? Adding people who started yesterday, who 3 years from now might be capably comfortable working traffic by themselves, are counted in the staffing numbers.

It is not a transparent report. It is disingenuous to what we actually have. It doesn't allow the users—the airlines, the industry, Congress—to appropriately and accurately reflect what we have in our facilities.

Ms. HOYLE OF OREGON. I know that if there was a difficult situation, I would want someone that was fully trained and certified, and didn't just start yesterday—no fault to that person—handling a situation where so many lives are in danger.

So, thank you very much, and I yield the rest of my time.

Dr. VAN DREW. Thank you. The gentlelady yields back. Are there further questions from any members of the subcommittee who have not been recognized?

Seeing none, that concludes our hearing for today.

I would like to thank each of the witnesses for your very, very learned testimony.

I ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that may be submitted to them in writing.

Without objection, so ordered.

I also ask unanimous consent that the record remain open for 15 days for any additional comments and information submitted by Members or witnesses to be included in the record of today's hearing.

Without objection, so ordered.

The subcommittee now stands adjourned.

[Whereupon, at 1:04 p.m., the subcommittee was adjourned.]

SUBMISSIONS FOR THE RECORD

Letter of March 24, 2023, to Hon. Garret Graves, Chairman, and Hon. Steve Cohen, Ranking Member, Subcommittee on Aviation, from Jack Waldorf, Executive Director, Western Governors' Association, Submitted for the Record by Hon. Garret Graves

MARCH 24, 2023.

The Honorable GARRET GRAVES,
Chairman,
Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives, 2251 Rayburn House Office Building, Washington, DC 20515.

The Honorable STEVE COHEN,
Ranking Member,
Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives, 2164 Rayburn House Office Building, Washington, DC 20515.

DEAR CHAIRMAN GRAVES AND RANKING MEMBER COHEN:

In light of the Subcommittee's March 23, 2023 hearing, FAA Reauthorization: Navigating the Comprehensive Passenger Experience, attached please find Western Governors' Association policy resolutions:

- 2021-07, Transportation Infrastructure in the Western United States; and
- 2020-07, Rural Development.

Air transportation is necessary to fulfill the needs of remote communities in the West. The Essential Air Service (EAS) Program and the Small Community Air Service Development Program (SCASDP) serve a critical role in providing air transportation and connecting rural communities. EAS ensures that these communities can maintain a minimum level of scheduled air service and has led to significant economic gains in rural areas. SCASDP provides grants to help small communities invest in air service and related issues.

These programs help attract more businesses, workers, and visitors to these areas and increase access to important services. Western Governors support the reauthorization of both programs and urge Congress to consider measures to address challenges in rural air connectivity, including funding for infrastructure and service subsidies.

I request that you include this document in the permanent record of the hearing, as it articulates Western Governors' policy positions and recommendations related to this issue.

Thank you for your attention to this matter and your consideration of this request. Please contact me if you have any questions or require further information.

Sincerely,

JACK WALDORF,
Executive Director, Western Governors' Association.

Attachments (2)

ATTACHMENT 1

WESTERN GOVERNORS' ASSOCIATION POLICY RESOLUTION 2021-07

TRANSPORTATION INFRASTRUCTURE IN THE WESTERN UNITED STATES

A. *BACKGROUND*

Surface Transportation

1. The American West encompasses a huge land mass representing 2.4 million square miles or over two-thirds of the entire country. Over 116 million people

- live in these states and they reside in large, densely populated cities, smaller cities and towns and in rural areas.
2. Perhaps more than any other region, terrain and landownership patterns in the West underscore the purpose and vital need for a federal role in surface transportation. Western states are responsible for vast expanses of national highways and interstates that often do not correlate with population centers but serve as critical national freight and transportation routes for the nation.
 3. Western states ports are national assets, moving needed parts and retail goods into the country, while also providing the gateway for our nation's exports. Although they benefit the entire country, the financial burden of developing, expanding and maintaining them to meet the demands of growing trade is almost entirely borne at the state and local level.
 4. The vast stretches of highways and railroad track that connect the West to the nation do not have the population densities seen in the eastern United States.
 5. Raising private funds to carry forward infrastructure projects in the rural West will be extremely challenging. The low traffic volumes in rural states will not support tolls, even if one wanted to impose them. Projects in rural areas are unlikely to generate revenues that will attract investors to finance those projects, even if the revenues are supplemented by tax credits. Some western states have implemented or are developing mileage-based fee programs as an additional tool to enhance funding.

Transportation Infrastructure

6. Jobs, the economy and quality of life in the West depend on high quality transportation infrastructure that efficiently, effectively and safely moves goods and people. Western transportation infrastructure is part of a national network that serves national interests. Among other things, transportation infrastructure in the West: moves agricultural and natural resource products from source to national and world markets; carries goods from western ports on western highways and railroad track to eastern and southern cities; and enables travelers to visit the great National Parks and other destinations in the West.
7. The transportation and transit needs in the West differ significantly from our eastern counterparts. Western states are building new capacity to keep up with growth, including new interstates, new multimodal systems including high-speed passenger rail and light rail transit systems, biking and pedestrian options, and increased capacity on existing infrastructure.
8. The infrastructure in the region is under strain from both increased movement of goods and people and from underinvestment in preservation and repair and new infrastructure needed to keep pace with this growth and change. Positive and productive partnerships between state department of transportation offices and their local U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA) office have enabled innovative advances in infrastructure funding and development.
9. Modernizing and maintaining the West's network of infrastructure relies upon permitting and review processes that require close coordination and consultation among state, federal and tribal governments. State, federal and tribal coordination is necessary to ensure that infrastructure projects are designed, financed, built, operated and maintained in a manner that meets the needs of our economies, environment, public health, safety and security. Early, ongoing, substantial, and meaningful state-federal consultation can provide efficiency, transparency, and predictability for states and tribes, as well as prevent delays, in the federal permitting and environmental review process.
10. State and local governments often have the best available science, data and expertise related to natural resources within their borders. In cases where the states have primary management authority, such as wildlife and water governance, states also possess the most experience in managing those resources and knowledge of state- and locality-specific considerations that should inform infrastructure siting decisions.
11. The National Environmental Policy Act (NEPA), since its enactment in 1970, has required that federal agencies consider how proposed federal actions may affect natural, cultural, economic and social resources for present and future generations of Americans. The process by which NEPA is implemented has been defined over time through regulations and guidance issued by the Council on Environmental Quality (CEQ).
12. On April 27, 2021, FHWA issued a guidance document, State DOTs Leveraging Alternative Uses of the Highway Right-of-Way Guidance. The guidance encourages FHWA division offices to work with state departments of transportation in order to leverage highway rights-of-way (ROWs) for the

siting of renewable energy projects, transmission and distribution assets, broadband infrastructure, and alternative fueling facilities.

Electric Vehicle Infrastructure

13. WGA recently executed the *Electric Vehicles Roadmap Initiative*, its signature policy project for Fiscal Year 2021. The Initiative was principally focused on the planning, siting and coordination of electric vehicle (EV) charging infrastructure in western states and explored a number of federal policy issues that affect the buildout of this infrastructure.
14. Western Governors and states are exhibiting strong leadership on EV infrastructure planning, coordination, and investment. Many western states are actively collaborating with each other via their engagement in the West Coast Electric Highway¹ and Regional Electric Vehicles Plan for the West² (REV West).
15. Western states face a suite of challenges related to planning and siting EV infrastructure, including the unique needs of both underserved and rural communities, vast distances between communities, limited electric grid infrastructure in sparsely populated areas, and a patchwork of federal, state, and private lands ownership boundaries. These factors combine to make EV infrastructure installations more logistically challenging and costly, regardless of whether the infrastructure is funded by public or private sources or a combination of the two.
16. Many western states have engaged with and submitted corridor nominations to the FHWA's Alternative Fuel Corridors Program. The Program assigns "Corridor-Pending" and "Corridor-Ready" designations for interstate, U.S. route, and state highways.
17. In order to meet the "Corridor-Pending" and "Corridor-Ready" metrics, charging or alternative fueling infrastructure must be sited every 100 or 50 miles, respectively, along the proposed corridor. A number of western states have experienced challenges in meeting these defined metrics due to lacking electric infrastructure and suitable charging locations in sparsely populated areas.
18. 23 U.S.C. 111 prohibits Interstate System rest areas built after January 1, 1960, from offering commercial services such as fuel and food on the Interstate System right-of-way. Due to this prohibition, EV charging stations may be sited at Interstate System rest areas, but no fee may be charged for the electricity that is dispensed. This significantly complicates the business case for siting EV charging infrastructure at these rest areas. Western Governors support amending 23 U.S.C. 111 to allow commercial EV charging at all rest areas along the Interstate, but we would note that western states are especially affected by the current prohibition because many rest areas in the West are located far from communities or businesses that could offer suitable locations for EV charging.
19. Western states contain many public federal lands, including areas managed by the Bureau of Land Management, National Park Service and U.S. Forest Service. Many of these federal lands serve as regional tourism attractions and support economic development in rural western communities. Creating and implementing efficient practices for permitting and siting EV infrastructure on federal lands will help support continued tourism and economic opportunities across the West.
20. Private investments in zero-emission vehicle (ZEV) charging and fueling infrastructure can be aided by supportive investment tax credit structures. The current Alternative Fuel Vehicle Refueling Property Investment Tax Credit could be enhanced to improve the business case for private sector investment in ZEV charging and fueling infrastructure.
21. The U.S. Department of Energy's (DOE) Vehicle Technologies Office manages the Clean Cities Coalition (CCC) Program, which has active members across the West. CCCs often serve a crucial role at the local level by leading EV infrastructure planning and implementation projects.
22. The COVID-19 pandemic highlighted disruptions to domestic supply chains across many sectors. On February 24, 2021, President Biden signed an Executive Order on America's Supply Chains (EO 14017). The EO launches a comprehensive review of certain U.S. supply chains and directs federal departments and agencies to identify ways to secure U.S. supply chains against a wide range of risks and vulnerabilities. Two supply chains included in the re-

¹ California, Oregon and Washington are members of the West Coast Electric Highway.

² Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming are members of the REV West.

view are critical minerals, including rare earth elements, and large capacity batteries such as those used in electric vehicle production.

23. Battery EVs require a number of critical minerals in their production, including lithium, nickel and cobalt, among others. Consumption of these critical minerals essential to EV supply chains will rise as more EV batteries are produced. EVs sold in 2019 alone accounted for more than one quarter of the total battery capacity deployed nationwide.³ With increasing demand for EVs, it is projected that demand for these minerals will concurrently increase in coming decades.

Aviation

24. Lack of reliable air service is a significant barrier to fulfilling the needs of rural communities in the West. Air service is essential infrastructure for connecting many remote communities. It is important not only to recreation and emergency services, but to economic, social and cultural needs. In some communities it is the only way to bring doctors or other non-local workers in and out of where they work but may not live.
25. The DOT Essential Air Service (EAS) Program was put into place in 1978 to guarantee that small communities served by certificated air carriers before passage of the Airline Deregulation Act maintained a minimum level of scheduled air service. This is generally accomplished by DOT subsidizing two round trips a day with 30- to 50-seat aircraft, or additional frequencies with aircraft with 9 seats or fewer, usually to a large- or medium-hub airport. The Department currently subsidizes commuter and certificated air carriers to serve communities in Alaska and in the lower 48 contiguous states that otherwise would not receive any scheduled air service.⁴
26. Of the communities that participate in EAS, 63 percent are in the West, illustrating the rurality of these areas and their need for connectivity. EAS has a significant economic effect on rural communities. A 1 percent increase in traffic to an EAS airport results in a 0.12 percent increase in income for the entire community, and an 8 percent increase in traffic results in a 1 percent income increase. Businesses need connectivity to the national and global economy to succeed and rural communities with good air service are more attractive to remote workers.⁵
27. The Small Community Air Service Development Program (SCASDP) is a DOT grant program designed to help small communities address air service and airfare issues. SCASDP's eligibility criteria are broader than EAS and provide a grant applicant the opportunity to self-identify its air service deficiencies and propose an appropriate solution compared to an EAS direct subsidy.⁶ Air service started by the SCASDP often continues without further funding once the grant is over, exemplifying that the service proves itself to be commercially viable beyond its value to the community and the public.⁷

B. GOVERNORS' POLICY STATEMENT

Surface Transportation

1. Western Governors believe there is a strong federal role, in partnership with the states and local governments, for the continued investment in our surface transportation network—particularly on federal routes and in multimodal transportation networks throughout the West that are critical to interstate commerce and a growing economy. These routes and networks traverse hundreds of miles without traffic densities sufficient to either make public-private partnerships feasible or allow state and local governments to raise capital beyond the historic cost share.
2. Western Governors believe the current project decision-making role of state and local governments, with meaningful participation from affected communities, particularly tribes and historically underserved communities, in investment decisions should continue. Western Governors desire additional flexibility to determine how and where to deploy investment in order to maximize the use of scarce resources.
3. Western Governors believe that a viable, long-term funding mechanism is critical to the maintenance and expansion of our surface transportation network

³<https://www.ucsusa.org/sites/default/files/2021-02/ev-battery-recycling-fact-sheet.pdf>

⁴DOT Essential Air Service Program

⁵WGA *Reimagining the Rural West* Initiative Appendix

⁶DOT Small Community Air Service Development Program

⁷WGA *Reimagining the Rural West* Initiative Appendix

- and encourage Congress to work together to identify a workable solution that adequately funds the unique needs of the West.
4. Western Governors believe in enhancing the ability to leverage scarce resources by supplementing traditional base funding by creating and enhancing financing mechanisms and tools that are appropriate for all areas of the United States, including those with low traffic densities where tolling and public private partnerships are not feasible.
 5. Western Governors believe using the historic formula-based approach for the distribution of funds would ensure that both rural and urban states participate in any infrastructure initiative and it would deliver the benefits of an infrastructure initiative to the public promptly.
 6. Western Governors believe the Highway Trust Fund (HTF) and the programs it supports are critically important to success in efforts to maintain and improve America's surface transportation infrastructure. Currently, the HTF will not be able to support even current federal surface transportation program levels and will not meet the needs of the country that will grow as the economy grows. Congress must provide a long-term solution to ensure HTF solvency and provide for increased, sustainable federal transportation investment through the HTF.
 7. Western Governors strongly encourage western states port operators and their labor unions to work together to avoid future work slowdowns by resolving labor issues well before contracts are set to expire. In recent years, protracted disagreement in bargaining between parties has had an adverse effect on the American economy that should not be repeated.
 8. Western Governors believe modern ports infrastructure is essential to strong national and western economy and urge Congress to fully fund the Harbor Maintenance Trust Fund and to reform the Harbor Maintenance Tax to ensure western ports remain competitive. Furthermore, Western Governors believe the federal government must work collaboratively with states, along with ports, local governments and key private sector transportation providers like the railroads, to ensure the necessary public and private investments to move imports and exports efficiently through the intermodal system, as well as community organizers and the Environmental Protection Agency's National Environmental Justice Advisory Council to effectively mitigate environmental and public health impacts to port communities.

Transportation Infrastructure

9. Western Governors believe regulation accompanying federal transportation programs should be evaluated and if necessary, revised to encourage expediting project delivery and streamlining the environmental review process without diminishing environmental standards or safeguards.
10. The federal infrastructure permitting and environmental review process must be transparent, predictable, accessible and consistent for states, project developers, and affected community stakeholders. Federal processes must ensure that agencies set, and adhere to, timelines and schedules for completion of reviews and develop improved metrics for tracking and accountability.
11. Federal programs that increase bottom-up coordination among agencies, state and local governments and that foster collaboration among project proponents and diverse stakeholders, particularly rural communities, underserved communities, and tribes can create efficiency and predictability in the NEPA process, including reducing the risks of delays due to litigation.
12. Western Governors encourage consistency in the implementation of NEPA within and among agencies and across regions. The federal government should identify and eliminate inconsistencies in environmental review and analysis across agencies to make the process more efficient.

Electric Vehicle Infrastructure

13. Western Governors emphasize western states' collaborative efforts to improve the planning and siting of EV charging infrastructure to promote equitable access, particularly along highway corridors, rural areas, underserved communities, or anywhere that users do not have the ability to charge at home. We encourage Congress and the Administration to leverage these state partnerships when designing federal programs and allocating surface transportation and infrastructure funds focused on EV infrastructure. Coordinating with these multi-state groups would help promote targeted investments and partnerships that expand cohesive, regional EV charging networks.
14. Western Governors request that FHWA promote additional flexibility within the Alternative Fuel Corridors program to recognize the unique geographic

and infrastructure conditions in western states. Western Governors and states are eager to work with FHWA to ensure that western states are not adversely affected by federal funding opportunities that are tethered to Alternative Fuel Corridors “Corridor-Pending” and “Corridor-Ready” designations.

15. Western Governors support legislative measures that address prohibitions within 23 U.S.C. 111 that limit the siting of EV charging stations at Interstate System rest areas and the issuance of a fee for the use of that infrastructure.
16. Promoting visitation to federal public lands and state parks is a high priority for Western Governors. Western Governors would welcome the opportunity to work with state and federal land management agencies to address challenges that affect the permitting and siting of EV charging infrastructure on state and federal public lands.
17. Western Governors support legislative efforts that seek to extend and expand the Alternative Fuel Vehicle Refueling Property Investment Tax Credit and improve the business case, especially in rural and underserved areas, for private investment in ZEV charging and refueling infrastructure.
18. Western Governors emphasize the important functions that Clean Cities Coalitions have served in coordinating and implementing ZEV infrastructure projects across the West and encourage Congress to provide funding support for the DOE Vehicle Technologies Office and Clean Cities Coalition Network.
19. Western Governors support strengthening domestic supply chains of critical minerals vital to electric vehicle battery production without compromising environmental and health and safety standards. Governors also support development of emerging tools and technologies that address barriers to mineral supply chain reliability, including technologies that help recycle or reuse existing critical mineral resources for use in electric vehicles and other clean energy technologies.

Aviation

20. Western Governors encourage the executive branch to include full funding for the EAS and SCASDP programs in the President’s annual budget request. Western Governors also support legislative actions to maintain and secure the longevity of these programs.

C. GOVERNORS’ MANAGEMENT DIRECTIVE

1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

This resolution will expire in June 2024. Western Governors enact new policy resolutions and amend existing resolutions on a semiannual basis. Please consult <http://www.westgov.org/resolutions> for the most current copy of a resolution and a list of all current WGA policy resolutions.

ATTACHMENT 2

WESTERN GOVERNORS’ ASSOCIATION
POLICY RESOLUTION 2020–07
RURAL DEVELOPMENT

A. BACKGROUND

1. Vibrant and prosperous rural communities are essential components of western states and the nation. Rural communities in the West grow and supply food, steward natural resources, contribute disproportionately to the armed services, and are critical to state economies.
2. Rural communities in the West are richly diverse and face varying threats and opportunities. They do, however, share common characteristics, such as low population density and distance from urban centers, that create challenges for economic development.
3. Nationally, the rural population is increasing slowly after a period of decline from 2010–2017, although there is great variation in demographic trends at the county level. Many rural western counties are experiencing population growth due to net migration of retirees as well as people seeking quality of life and amenities.

4. Most rural communities have a higher proportion of older residents than urban and suburban communities. Rural communities are preparing for an anticipated wave of retirements, leading to a reduction in skilled workforce and potential closure of local businesses.
5. Western states have many of the highest per-capita veteran populations in the nation. It is estimated that approximately 25 percent of all veterans live in rural areas. These veterans have lower rates of employment compared to veterans living in urban areas and to their non-veteran rural colleagues.
6. Most rural communities have experienced slower economic and job growth than their urban counterparts and have not yet fully recovered from the 2008 recession. Many rural economies rely heavily on a few industries. This makes these communities more sensitive to trends affecting those industries and can make it more difficult to recover from disruptions. Rural communities have also been significantly affected by the COVID-19 public health threat and will suffer distress from any associated economic downturn.
7. Federal programs for rural development are spread across multiple agencies. Some agencies are responsible for rural infrastructure investments while others focus on economic development. The multiplicity of administering entities and the lack of consistency across agencies: renders it difficult for rural stakeholders to navigate federal programs; compounds time and expense needed to apply for funding opportunities; and creates inefficiencies in the distribution of resources.
8. The vast majority of federal loan and grant programs for rural communities are targeted to physical infrastructure. Little funding exists to support development of local capacity, including strengthening community organizations, non-profit entities, and other groups serving rural communities.
9. By offering opportunity, connectivity, and quality of life, rural communities can thrive and prosper while improving economic stability and protecting the rural character and natural resources that draw people to these areas.
10. Small businesses, including farming and ranching, are the foundation of rural economies, generating tax revenue, creating jobs, providing essential goods and services, and contributing to the culture and character of small towns. Building a successful business in a rural community is particularly challenging due to limited access to capital, available workforce and smaller customer bases. Many successful rural businesses operate on thin margins and if they close, are extremely difficult to replace.
11. High-speed internet, commonly referred to as “broadband,”¹ is the critical infrastructure of the 21st century and a modern-day necessity for individuals, businesses, schools and government. Many rural western communities lack the business case for private broadband investment due to the high cost of infrastructure and the low number of customers in potential service areas. This has left many rural businesses and citizens at a competitive disadvantage compared to urban and suburban areas with robust broadband access.
12. Transportation connectivity is critical to strengthening economies and improving quality of life. Air service is particularly important to connect remote western communities to urban hubs. Pilot shortages, infrastructure constraints, and airline consolidation have negatively impacted rural air connectivity. The airline industry has been significantly impacted by COVID-19 and rural service, which is typically the least profitable, has been reduced.

B. GOVERNORS’ POLICY STATEMENT

1. Western Governors believe that strengthening social infrastructure in rural communities is the best strategy to ensure rural quality of life and prosperity. Congress and federal agencies should increase the proportion of rural economic development and infrastructure funding that goes toward capacity-building. Accordingly, Western Governors call for ample and consistent federal funding for institutions, training, and technical assistance. Robust social infrastructure is fundamental to economic and community development and maximizes the impact of state and federal resources.
2. Social infrastructure is especially critical during disasters or crises. The COVID-19 pandemic and associated economic crisis have illustrated the challenge of rapidly deploying resources to the most urgent needs. Western Governors are committed to strengthening the resilience of rural communities by helping to foster local leadership and strengthen networks and connections within and among rural communities across the West.

¹The Federal Communications Commission defines fixed “broadband” as service offering minimum speeds of 25 Megabits per second (Mbps) down and 3 Mbps up.

3. Western Governors believe that many federal programs for rural development and distressed communities include unintended barriers for rural individuals and entities that need assistance most. Western Governors urge federal agencies to work with states to: thoroughly evaluate program requirements; identify barriers for rural applicants; and revise onerous requirements in a manner that recognizes the limited resources and capacity of rural applicants. In particular, Western Governors are concerned by:
 - a. Scoring criteria that relate to numerical size and impact, such as the number of jobs created or the number of people served, which disadvantage small and isolated communities;
 - b. Requirements that applicants partner with other institutions like community colleges or foundations, which may not operate in the rural community seeking assistance;
 - c. Financial match or cash-on-hand requirements that rural organizations cannot meet; and
 - d. Overly complicated or technical applications that deter rural customers from applying.
4. Western Governors also urge federal agencies to use state data for eligibility determinations when requested by states. States often have more up-to-date and granular data for rural communities than federal sources.
5. Western Governors recognize and support efforts at the federal and state level to coordinate the deployment of resources, leverage funding, and create one-stop application processes for rural customers. Western Governors are interested in exploring strategies to expand those models to include more funders and further enhance coordination between agencies and between states and the federal government.
6. Western Governors believe that changes in our economy, labor force, and technological innovations require fundamental changes in economic development strategies. Western Governors promote rural development policies that focus on quality of life and the support of small businesses and entrepreneurs. This will develop rural communities that are attractive places to live and work while protecting their rural character, natural resource-based industries, and natural areas.
7. In the wake of disasters in rural communities, including the COVID–19 pandemic, providing small businesses with the tools and resources to survive disruption and prosper again is critical for economic recovery and social stability. The impacts of COVID–19 mitigation measures have illustrated the urgent need for working capital to stabilize rural businesses and ensure their continued viability during periods of prolonged disruption related to disasters and emergencies. The federal response to declared disasters must include sufficient and accessible business stabilization funds, including grants and long-term, forgivable loans. Congress should also examine how such funds are distributed by the Small Business Administration (SBA), U.S. Department of Agriculture Rural Development (USDA RD), and the Economic Development Administration (EDA) to ensure that adequate systems are in place to handle demand during widespread emergencies.
8. During COVID–19 response, many small lenders could not access federal funds to support their communities because they did not meet program thresholds or were unable to compete against large banks. Small lenders, including community development financial institutions (CDFIs), community banks, and credit unions, are often the only lender serving rural and tribal communities. In the ongoing response to the economic impacts of COVID–19, Western Governors encourage Congress to set aside emergency relief funds for small lenders and consider program requirements that allow those entities to participate through a streamlined process to rapidly distribute resources while maintaining fiscal accountability.
9. Western Governors are eager to work with public universities, community colleges, and the business community to expand opportunities for young people to stay in their rural communities. There is a high demand for skilled workers in rural communities and states should work together on regional solutions that provide the appropriate training and skills for the jobs that are available in rural communities where possible. Western Governors are also committed to increasing employment among veterans and the disabled community in the rural West.
10. Western Governors encourage increased flexibility in the use of federal economic development resources (particularly EDA funds) to facilitate investments in quality of life and amenities in rural communities. Governors believe

that metrics based solely on the absolute number of jobs created do not reflect the important economic benefits of investments in community assets that make rural communities attractive places to live. Nor do they account for the relative impact of job creation in less populated rural communities or areas with high unemployment or poverty rates.

11. Western Governors strongly support improving and increasing broadband connectivity in the rural West through significant federal investments in mapping, deployment, and adoption. The Governors have highlighted substantive policy recommendations in the Western Governors' Association policy resolution addressing broadband connectivity.
12. Western Governors have developed robust policies addressing the challenge of providing services and maintaining infrastructure essential to communities across the vast expanse of the rural West. These policies address broadband access, healthcare, surface transportation and water quality. Western Governors are committed to working with Congress and federal agencies to improve the efficacy of federal and state programs to support critical infrastructure in the rural West.
13. Western Governors recommend further changes in approach to supporting water and wastewater infrastructure in the West:
 - a. Funding for communities not served by water systems is critically needed. Western Governors recommend set-asides to develop innovative solutions for communities and tribes that cannot be served by traditional systems.
 - b. Western Governors are concerned about shortages of certified water system operators and request a coordinated effort to increase training opportunities through the U.S. Department of Agriculture, U.S. Environmental Protection Agency, U.S. Department of Labor and college and university programs that develop these skilled workers to ensure that existing water access in rural communities can be maintained.
14. Western Governors emphasize that air service is a necessity in many rural communities. As the airline industry recovers from the economic impacts of COVID-19, Western Governors urge Congress to consider measures to address challenges in rural air connectivity, including funding for infrastructure and service subsidies.
15. Western Governors support the use of cooperative business models to preserve rural businesses and fill community needs for childcare, homecare, main street businesses, housing, and more. Western Governors recognize the need for substantial technical assistance and education in developing new cooperative businesses and support federal funding of such efforts.
16. Western Governors are concerned by food security challenges in rural communities. Rural grocery store closures jeopardize livability and community health. Western Governors are interested in exploring strategies to ensure rural food security by strengthening local agricultural economies and developing regional approaches to rural food supply chains.
17. Housing remains a critical challenge in rural communities across the West. Western Governors are committed to working together to share best practices and effective solutions for housing preservation and development in the rural West.
18. The Cooperative Extension System, which serves every county in western states, is an important asset for rural development. Western Governors believe that Cooperative Extension can play a more meaningful role in economic development efforts in distressed communities and support continued investment in the system as it responds to the changing needs of rural communities. Western Governors are committed to maximizing the efficacy of Cooperative Extension in their states.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

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APPENDIX

QUESTIONS FROM HON. MARK DESAULNIER TO SHARON PINKERTON, SENIOR VICE PRESIDENT, LEGISLATIVE AND REGULATORY POLICY, AIRLINES FOR AMERICA

Question 1. With airline deregulation, airlines became more invested in making a profit. This seems to have shifted the financial model away from ensuring staff have the tools and knowledge they need to increase efficiency and effectiveness, and operate at the highest levels of safety. How can we work to improve staff knowledge and aviation safety, while also addressing the issues of technology modernization?

ANSWER. Please let me assure you that there has never been any shift away from a robust and improving safety culture within the aviation industry. Safety is the bedrock framework from which our industry operates, and safety is and will always remain our North Star. While the data clearly shows that our aviation system is safe, and by far the safest mode of transportation including walking, we also know we cannot ever be complacent. Our safety systems have many layers and many redundancies but there is clearly no ceiling on improvement.

Airlines consistently invest in safety, through training, technologies, and Safety Management Systems (SMS) to identify, analyze and mitigate risks including technology modernization factors. Airlines work closely with the Federal Aviation Administration (FAA), aircraft and avionics manufacturers to ensure latest technologies are properly incorporated into the aircraft, effectively interface with FAA's Air Traffic Control/Management system and crew members receive the necessary training to address those modifications. For example:

DataComm which is a program to replace many of the verbal commands and information shared between pilots and controllers using certified text messaging requires certification of the aircraft equipment and proper training for pilots, controllers and dispatchers on how to utilize the new technology.

Airline heavily invest in systems to improve safety across all disciplines and recognize that human factors and automation and/or modernization issues need to be incorporated into existing and robust safety systems in order to recognize or predict risk and take actions to address those issues. There is no higher priority within any airline than safety.

Question 2. Nearly 75 percent of civil and military aviation accidents have been attributed to human errors at some level of manufacturing, maintenance, or operations.¹ These changes in technology can impact how people interact with and react to new information, particularly in times of crisis. How can we work to ensure that, with new technology and innovation, we prioritize minimizing the role of human factors and their contribution to aviation safety risk?

ANSWER. The FAA and air carriers utilize several robust safety programs to track trends of aircraft operations in an effort to review and anticipate how new technologies can be safely implemented. Specifically, amongst others, the industry and the FAA work jointly to identify trends as part of the Commercial Aviation Safety Team (CAST) and the Aviation Safety Information Analysis and Sharing (ASIAS) system process. ASIAS provides the FAA and air carriers with a technology architecture capable of advanced analytical capabilities. In fact, this analysis has led the CAST to adopt more than 100 safety enhancements, with the last 22 being based on information derived from the ASIAS data.

For flight crews specifically, human factors and crew resource management principles are constantly trained and reinforced throughout all phases of training;

¹ <https://www.intechopen.com/chapters/83484>

ground school, initial, transition, upgrade, recurrent/continuing qualification, re-qualification, and operating experience. Each time a new system or procedure is introduced it is thoroughly analyzed for its potential human factors and crew resource management impact on the operating crew.

As the FAA has noted these types of analytical tools, along with additional data sources and capabilities will help our robust safety system evolve in response to both expanded access to shared data and to technological innovation.

Question 3. How can we work with airlines to maintain customer confidence in the aviation industry, particularly the technology utilized by aircraft and airport crews, especially given the string of near misses just this year?

ANSWER. As noted in the A4A written testimony, we want the Committee to be assured that safety is the bedrock framework from which our industry operates, and safety is and will always remain our North Star. While the data shows that our aviation system is safe, and by far the safest mode of transportation including walking, the recent incidents we have seen in the system are reminders that we cannot ever be complacent. A4A member airlines welcome discussion and focus on safety and we all know we must remain vigilant. Our safety systems have many layers and many redundancies but there is no ceiling on improvement.

We also know that the COVID pandemic changed our industry. Given the hiring airlines have done in the last few years, we know that a greater percentage of our employees now are less experienced than pre-pandemic. Our job is not just to keep up with change, but to stay two steps ahead. That is why our carriers have taken steps, well before FAA's Safety Summit, to ensure that we are focused on training, proficiency requirements and mentoring as tools to ensure our workforce is well prepared.

We believe customer confidence can also be improved by better management of the air traffic control system. The federal government must also recognize the role they play in the operation of the system and be nimbler to address air traffic controller shortages and ensure that safety improving technologies are fielded in the right places and on a more advanced deployment schedule.

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