

110TH CONGRESS
2D SESSION

S. 3165

To develop a plan to share military and special use airspace along the eastern seaboard with commercial air traffic, to provide adequate resources for the FAA New York Integration Office, to establish an Aviation Traveler Task Force, and to design a notification system to alert passengers of potential service disruptions.

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2008

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To develop a plan to share military and special use airspace along the eastern seaboard with commercial air traffic, to provide adequate resources for the FAA New York Integration Office, to establish an Aviation Traveler Task Force, and to design a notification system to alert passengers of potential service disruptions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Summer Travel Delay
5 Prevention Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Flight delays and cancellations hit all time
4 highs at major airports nationwide during the sum-
5 mer of 2007, when—

6 (A) 20 percent more passengers were af-
7 fected by flight delays than were affected dur-
8 ing the previous summer;

9 (B) nearly 621,000 flights were delayed,
10 an increase of 15 percent compared with ap-
11 proximately 539,000 delayed flights in the sum-
12 mer of 2006;

13 (C) such delays lasted an average of 60
14 minutes, a 7 percent increase from the average
15 length of flight delays in the previous summer;

16 (D) flight cancellations increased to
17 48,000, from 37,000 in the summer of 2006,
18 affecting nearly 3,200,000 passengers; and

19 (E) on board tarmac delays lasting at least
20 1 hour increased by 25 percent compared with
21 the summer of 2006, affecting over 2,000,000
22 passengers.

23 (2) The Inspector General of the Department of
24 Transportation—

1 (A) identified the New York area as 1 of
2 3 saturation points across the country that im-
3 pacted delays nationwide;

4 (B) reported that the biggest airspace bot-
5 tlenecks during the summer of 2007 were at the
6 3 major New York area airports and the sur-
7 rounding airspace, accounting for more than $\frac{1}{3}$
8 of the flight delays nationwide; and

9 (C) after analyzing the likelihood of having
10 more or less delays at 5 of the busiest airports
11 based on current traffic and existing systems,
12 determined that the significant increase in the
13 peak travel schedule at LaGuardia Airport in
14 the summer 2008 has the potential to worsen
15 delay conditions.

16 (3) The 3 airports in the New York area, Ken-
17 nedy Airport (JFK), LaGuardia Airport, and New-
18 ark Liberty Airport—

19 (A) are the 3 worst airports across the
20 country in terms of on-time arrivals, with only
21 59 percent of flights arriving on time at JFK
22 and LaGuardia;

23 (B) are anticipated to experience massive
24 delays in the summer of 2008; and

1 (C) have a ripple effect on the national air-
2 space system.

3 (4) Between October 2006 and July 2007 at
4 JFK, average daily operations increased by 23 per-
5 cent and arrival delays of more than 1 hour in-
6 creased by 114 percent, to more than 2,300.

7 (5) The Federal Aviation Administration esti-
8 mates that the number of passengers on commercial
9 aircraft will increase by 36 percent between 2007
10 and 2015, to a total of 1,000,000,000 passenger
11 trips.

12 (6) Next generation air traffic control tech-
13 nology has the ability to significantly improve con-
14 gestion problems, but the Federal Aviation Adminis-
15 tration has repeatedly delayed its implementation,
16 currently estimated to take place in 2025, 11 years
17 later than originally predicted.

18 (7) In addition to technology improvements,
19 proven tools are available to reduce airspace conges-
20 tion and address the massive delays.

21 (8) During the Thanksgiving holidays in 2007,
22 military airspace off the East Coast was opened for
23 commercial use, significantly reducing holiday delays
24 and congestion by creating an additional lane for
25 traffic.

1 (9) Empowering a director to oversee and co-
2 ordinate operations in congested airspace has effec-
3 tively reduced delays in South Florida, where some
4 air carriers improved arrival performance by 44 per-
5 cent and reduced delays lasting more than 90 min-
6 utes by 69 percent.

7 **SEC. 3. PLAN FOR SHARING MILITARY AND SPECIAL USE**
8 **AIRSPACE.**

9 The Administrator of the Federal Aviation Adminis-
10 tration, in consultation with the Secretary of Transpor-
11 tation and the Secretary of Defense, shall develop—

12 (1) a plan to open up special use airspace for
13 additional lanes of air traffic at specific choke points
14 during the summer of 2008; and

15 (2) a permanent plan to share the military air-
16 space off the eastern coast of the United States,
17 which—

18 (A) creates a corridor for commercial
19 flights seeking to avoid inclement weather or
20 excessive air traffic; and

21 (B) provides for immediate reclamation of
22 such airspace by the Department of Defense in
23 the event of a national emergency.

1 **SEC. 4. NEW YORK INTEGRATION OFFICE.**

2 (a) BUDGET AUTHORITY.—The Director of the New
3 York Integration Office of the Federal Aviation Adminis-
4 tration is authorized to transfer any amounts appropriated
5 for the operations of such office to any function that the
6 Director determines to be necessary to carry out any flight
7 delay reduction project involving the airspace in the New
8 York-New Jersey region.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Federal Aviation
11 Administration such sums as may be necessary to carry
12 out the responsibilities of the New York Integration Of-
13 fice, including hiring necessary support staff.

14 **SEC. 5. AVIATION TRAVELER TASK FORCE.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) While aircraft safety should be a top pri-
18 ority for the Federal Aviation Administration and
19 air carriers, compliance with Federal safety regula-
20 tions should not come at the expense of passenger
21 convenience.

22 (2) One of the chief complaints of customers
23 left stranded during April 2008 by massive cancella-
24 tions was the lack of notification about the status of
25 their flights.

1 (3) Commercial air flight cancellations were an-
2 nounced with little advance notice, causing many
3 travelers to discover that their flight was cancelled
4 after they arrived at the airport.

5 (4) Air carriers have also reduced the number
6 of flights on their schedules, which has frustrated
7 consumers' attempts to find replacement flights on
8 other air carriers.

9 (b) ESTABLISHMENT.—The Administrator of the
10 Federal Aviation Administration shall establish an Avia-
11 tion Traveler Task Force, comprised of Federal Aviation
12 Administration employees and representatives of the com-
13 mercial aviation industry.

14 (c) FUNCTIONS.—The Aviation Traveler Task Force
15 shall—

16 (1) clarify interpretations of safety directives
17 issued by the Federal Aviation Administration with
18 which air carriers will soon need to comply;

19 (2) develop contingency plans in the event that
20 additional aircraft—

21 (A) are found to be out of compliance with
22 such safety directives; and

23 (B) need to be grounded;

1 (3) generate ideas for the best way to notify
2 passengers on a massive scale that their flights have
3 been cancelled; and

4 (4) design a notification system to alert pas-
5 sengers of potential service disruptions.

6 (d) INSPECTION PLANS.—The Administrator of the
7 Federal Aviation Administration shall ensure that any
8 standardized plan to perform inspections of commercial
9 aircraft includes a plan to reduce groundings and other
10 consequences resulting from such inspections.

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