

TURNING OVER ATC TO A PRIVATE BOARD WILL HARM GENERAL AVIATION

Supporters of air traffic control (ATC) privatization on Capitol Hill are contacting local GA groups and incorrectly saying that we are “protected” under H.R. 2997. This couldn’t be farther from the truth, as ATC privatization will hand over the system to a private board outside of congressional control.

Our community will no longer have a voice in Congress to protect access to airports and airspace. We must stand strong in opposing H.R. 2997.

- Under a privatized ATC system, **Congress will not be able to protect GA access**, and these are a few ways our access could be reduced:
 - ➔ The private corporation could restrict GA access to airports, especially those with airline service or located in congested airspace.
 - ➔ The private corporation could close towers or reduce their hours of operation.
 - ➔ The private corporation could create approach/departure procedures that favor commercial airlines and restrict GA access.
- When these access restrictions occur, **contacting your member of Congress will not help**. Only a 13-member private board and the Secretary of Transportation will be able to make decisions on access to airports and airspace.
- **Only the safety impact of access restriction decisions is considered by the Board**, the economic or operational costs of these decisions are not considered.
- **The private Board will be dominated by the airlines and their employees**, hub airports and the air traffic controller union, GA only has two seats on the board.
 - ➔ There are two at-large seats on the board, however after the private corporation takes over, the board itself would be able to select these members.
- The GA industry has worked hard to build up strong representation in Congress which has given us a powerful voice in ATC issues. **This will end if ATC privatization occurs**, our only recourse will be to go before an airline dominated private board.
- Members of Congress are elected to represent their constituents and not leadership in Washington, DC ➔ Make it clear that GA does not support H.R. 2997.

ANALYSIS OF SO-CALLED GA PROTECTIONS IN H.R. 2997

During calls and meetings with members of Congress that support H.R. 2997, specific sections of the bill are cited to highlight the “protections” provided to general aviation (GA). After carefully reviewing H.R. 2997, NBAA believes the protections provided are inadequate, and that our access to airports/airspace will be restricted.

The following summary points to specific sections of H.R. 2997, and provides an analysis about what the bill really says regarding so-called GA protections.

SUPPORTERS OF H.R. 2997:

Under the bill, GA has two board seats which means airline interests will not dominate the board.

WHAT THE BILL SAYS:

Section 90306 does provide two board seats for GA (on a 13-member board), but allocation of other seats is problematic:

- 1 director from a major commercial airline
 - 1 director from a major cargo airline
 - 1 director from a regional airline
 - 1 director from the airline pilot union
 - 1 director from the air traffic controller union
 - 1 director from a commercial service airport
 - 2 directors selected by other directors (at-large seats)
- ➔ 8 of the board seats (61%) controlled by airline-related interests

SUPPORTERS OF H.R. 2997:

The two at-large board seats must be elected by a “super majority” of the board meaning they cannot be dominated by airline interests.

WHAT THE BILL SAYS:

Section 90306(c)(1)(D) only requires the supermajority before the ATC corporation takes control of the system. After the transition to a private ATC corporation occurs, section 90306(c)(2)(D) allows the board to select the at-large seats based on its yet to be created bylaws.

SUPPORTERS OF H.R. 2997:

Any changes to ATC procedures must be in accordance with law and approved by FAA before implementation.

WHAT THE BILL SAYS:

Section 90501(c) allows the Secretary of Transportation to modify traffic management procedures/airspace classifications so long as they are “in the public interest” and do not “materially reduce access to a public use airport.”

The Secretary can unilaterally act on these requested changes without any Congressional review.

SUPPORTERS OF H.R. 2997:

The new ATC corporation will be prohibited from restricting GA access to airports/airspace in any way.

WHAT THE BILL SAYS:

Section 90705(a) creates a bureaucratic process where a “designated officer” decides if a proposal from the corporation to modify an ATC procedure, eliminate a service or close a facility will result in a “material reduction in access” for a certain type of airspace/airport user.

Section 90706(1) defines material reduction as only something that diminishes safety, and does not consider economic/operational impacts of the change.

Section 90705(a)(4) discusses efforts to mitigate the access restriction, but again mitigation efforts are only focused on addressing a reduction in safety.

SUPPORTERS OF H.R. 2997:

Any access restrictions are subject to strict governmental review and oversight.

WHAT THE BILL SAYS:

Section 90705(a) only identifies the Secretary of Transportation and a designated official as being involved in the review process – there is no provision for Congressional review. Section 90705(b) allows for 60 days of public comment, but these comments aren’t required to be considered.

For legal challenges to proposals that modify air traffic procedures/airspace classifications under section 90501(d), court can only overturn an approved change if the Secretary made “a clear error or an abuse of discretion.”

For legal challenges to close facilities/restrict access under section 90705(g) the court is only required to apply additional scrutiny to airport/access reduction requests that are denied.

SUPPORTERS OF H.R. 2997:

The bill provides increased levels of Airport Improvement Program (AIP) funding.

WHAT THE BILL SAYS:

Section 101 authorizes additional funds for AIP, but the bill provides no detail on where these new funds will come from. From 2020-2023, air transportation taxes will be reduced as the ATC corporation begins collecting user fees from airlines. This will deplete the FAA trust fund and it is unclear how the increased levels of AIP will be funded after 2020.