

Congress of the United States
House of Representatives

Washington, DC 20515-0529

HENRY A. WAXMAN
29TH DISTRICT, CALIFORNIA

November 28, 2001

Administrator Jane F. Garvey
Administrator
Federal Aviation Administration
800 Independence Ave. SW
Washington, D.C. 20591

Dear Administrator Garvey,

I am writing to express my concern about proposed rule FAA-2001-10047, which could have devastating consequences for my constituents living in the neighborhoods surrounding Santa Monica Airport (SMO). I am alarmed that this rule would compromise safety at the airport and dramatically increase flight traffic by large business jets, without any safety evaluations, community hearings, or an environmental review.

As you know, the Santa Monica Airport has a unique layout. The one 5,000 foot runway was built decades ago with no runway safety area. Approximately 75% of the airport is surrounded by residences, with some homes located as close as 250 feet from the runway. Both ends of the runway are lined with houses, buffered only by abrupt hill slopes and public streets.

There has been growing concern in the community regarding safety conditions at the airport, particularly with regard to the increasing number of large business jets using the facility. Implementation of FAA-2001-10047 would exacerbate these problems by permitting both fractionally owned and charter jets to conduct operations with up to 85% of the runway space.

I strongly oppose any expansion of the airport's operational runway length. The change would allow even more large business jets to use the airport and heighten the safety concerns raised by a November 13, 2001 airplane crash at SMO (*Los Angeles Times* story enclosed), which killed the two passengers aboard. Although the crash narrowly spared neighboring homes, the danger of a similar incident involving a larger jet continues to pose a grave threat. As you know, last year I asked the FAA to consider creating a 1000 foot runway safety area in accordance with the national standard. I reiterate that request in light of the recent crash and the increased jet traffic SMO has already experienced without the implementation of FAA-2001-10047.

I am also concerned that the rule would create a loophole for fractional ownership operators to exploit SMO for commercial usage, and accelerate the unregulated shift of

November 21, 2001

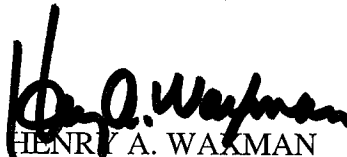
commercial passengers to fractional share operations without any study or safeguards mandated by the federal government. Neither the limited airport tarmac and servicing facilities, nor the community neighborhoods can withstand the frequency, capacity, or scale of such operations.

I am deeply disappointed that the FAA did not conduct a National Environmental Policy Act (NEPA) assessment of this rule. Over the past years, I have received numerous complaints from residents about noise, vibrations, fumes, and black soot, all of which would become much worse with the resulting increase in airport traffic. I therefore ask that a thorough environmental and community review of the impact on SMO be completed before FAA-2001-10047 is considered for implementation at the airport. I believe there is strong evidence that urban airports like SMO require special consideration when such rules are formulated.

Thank you for your consideration of my concerns. I appreciate the opportunity to continue working with you to make sure that SMO operations are safe, secure, and environmentally sustainable for the airport and the surrounding community. I look forward to your response.

With kind regards, I am

Sincerely,


HENRY A. WAXMAN
Member of Congress

HAW:zg



U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, D.C. 20591

JAN 28 2002

The Honorable Henry A. Waxman
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Waxman:

Thank you for your letter dated November 28, 2001, sharing your concerns about the potential impact that one provision of our proposed rule to regulate fractional aircraft ownership (DOT docket number FAA-2001-10047) may have on some of your constituents who live near Santa Monica Airport (SMO). You expressed concern that the proposal to permit aircraft to use 85 percent of the runway space for landing may allow more aircraft access to SMO. The proposed rule could thus indirectly raise safety, noise, and pollution issues. You asked for an environmental and community review of the rule.

Like you, we are aware of the benefits, and sensitive to the burdens, of aviation to the communities it serves. The proposed rule on fractional ownership is intended to provide a much needed regulatory structure for a growing section of the aviation industry. It is primarily a safety rule, intended to make our national air transportation system safer and more efficient. However, as you have pointed out, rules that improve aviation safety on a national level can sometimes indirectly affect local communities in ways that are not only related to safety.

The current "60 percent rule" is an example of a rule that no longer serves the safety function for which it was intended. It prohibits an air carrier from flying an airplane to a destination airport unless the airplane is capable of a full stop landing at the airport within 60 percent of the effective length of the runway. There is no similar requirement for general aviation operators.

The 60% rule reflects our understanding of airplane landing performance that existed during the 1930s and 1940s. Since the 1940s, there have been significant advances in the accuracy of aircraft performance data and substantial technological improvements in aircraft stopping-system engineering and design. Consequently, the Fractional Ownership Aviation Rulemaking Committee recommended changing the landing distance limitations from 60 percent to 85 percent. We invited comments on this recommendation and will consider the information that you have provided as we prepare the final rule for publication.

We also considered whether an environmental assessment under the National Environmental Policy Act (NEPA) would be required. We determined that this rulemaking action qualifies for a categorical exclusion as a rulemaking that does not have the potential for significant impacts. However, we specifically solicited comments on potential environmental impacts. We will include your comment in the docket on the proposed rule. We will consider your comments and concern that the proposed rule would dramatically increase flight traffic by large business jets at Santa Monica Airport and will determine whether this issue should be revisited before we publish the final rule.

The proposed rule is intended to make our national air transportation system safer. When the rule is implemented, we will be in a better position to understand how it may impact communities near airports such as SMO. We can then determine any further regulatory action that may be appropriate to minimize the impact on the community that is served by SMO.

You also raise the issue of runway safety areas (RSA) at SMO. Runway safety area dimensional standards have increased over the years, subsequent to the construction of SMO. The present RSA design standard for SMO is 150 feet wide, extending 300 feet beyond each runway end. The existing RSA extends less than 100 feet beyond each end. It has been difficult for a number of existing airports to expand to conform to the revised standards, due to physical and economic constraints. The Federal Aviation Administration does not have the authority to require a change in runway length or the acquisition of additional real property to achieve current runway safety area standards at airports. FAA recommends attainment of standards, advises airports on the benefits of various

safety enhancements, and in many cases responds to federal funding requests to achieve this objective.

The runway safety area is considered a safety area enhancement that is beneficial if something abnormal occurs during the takeoff or landing. However, an airport with a safety area that does not meet current FAA design standards is not inherently unsafe. Prior to conducting an aircraft operation on a runway, a pilot is responsible for determining that the runway length and width is sufficient for safe aircraft operations. The presence or absence of a runway safety area is not part of this determination.

If I can be of further assistance, please contact me or Mr. Quentin L. Burgess, Acting Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

Sincerely,


Jane F. Garvey
Administrator