

**Statement of the  
National Air Transportation Association**

**before the  
Committee on Commerce, Science and Transportation  
Subcommittee on Aviation Operations, Safety and Security  
United States Senate**

**Hearing on  
Aviation Safety: The Hudson River Midair Collision and Safety of  
Air Operations in Congested Airspace**

**September 15, 2009**

**253 Russell Senate Office Building  
Washington, DC**

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Chairman Dorgan, Ranking Member DeMint and Members of the Subcommittee:

Thank you for this opportunity to appear before you today to discuss the Hudson River midair collision and safety of air operations in congested airspace.

My name is James K. Coyne, and I am president of the National Air Transportation Association (NATA). NATA, the voice of aviation business, is the public policy group representing the interests of aviation businesses before the Congress, federal agencies and state governments. NATA's over 2,000 member companies own, operate and service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

I am also a member of the Flight Safety Foundation's Board of Governors. The Flight Safety Foundation was founded 60 years ago to address the problem of how to solve safety issues. The founding members believed that the industry needed a neutral ground where competitors could work together to share information, ideas, and best practices for safety. Today, the Flight Safety Foundation's membership is over 1,100 and crosses into all segments of the aviation industry. The Flight Safety Foundation brings unions and management, regulators and operators, and rival manufacturers to the table to work together to find solutions. The foundation occupies a unique position among the many organizations that strive to improve flight safety standards and practices throughout the world. Effectiveness in bridging cultural and political differences in the common cause of safety has earned the foundation worldwide respect.

In addition, I am the president of the Air Charter Safety Foundation, an initiative that I will discuss in more detail later.

I also appear today as an active pilot with instrument and multi-engine ratings and more than 30 years of experience flying who is acutely aware of many of the ongoing issues with uncontrolled airspace corridors.

While the tragic collision of two small aircraft over the Hudson River was devastating, it is important to note that these occurrences are extremely rare. NATA remains concerned with the intense scrutiny being placed on the airspace in which general aviation aircraft operate in the New York City area. NATA would like to make the following points regarding the Hudson River accident and Class B airspace.

### **Hudson River “Corridor” and Class B Airspace:**

John F. Kennedy International Airport (JFK), Newark Liberty International Airport (EWR), and LaGuardia Airport (LGA) are designated as Class B airspace by the Federal Aviation Administration (FAA). Class B airspace is intended to provide positive control of flight operations near the nation’s busiest airports and to separate aircraft operating under visual flight rules (VFR) from aircraft operating in the airport terminal area. Seventy-eight percent of all general aviation flights operate under VFR, without radar control, which makes pilots ultimately responsible for seeing and avoiding other aircraft. Flight under VFR is only permissible when there is sufficient visibility and clearance from clouds.

Pilots may not enter Class B airspace without explicit permission from air traffic control (ATC). Although general aviation VFR flights may request entry to the Class B airspace, such requests are often denied by ATC for various reasons, forcing most VFR traffic in the New York area into the same compact airspace known as the “Class B exclusion airspace.”

The FAA estimated that 200 aircraft fly through the Hudson River Class B exclusion area each day. In addition, the Hudson River Class B exclusion area and associated transition procedures have been in use for more than 30 years, and the safety record for operations in the area has been good, according to the National Transportation Safety Board (NTSB). The NTSB has no record of previous collisions between aircraft operating in the Hudson River Class B exclusion area.

### **NTSB and FAA Recommendations on Hudson River Corridor:**

The National Transportation Safety Board has already issued recommendations to the FAA for modifications to how aircraft are operated and managed by ATC in the areas. NATA agrees with the recommendations of the NTSB to revise ATC procedures and the manner in which general aviation traffic is managed in the Hudson River Class B exclusion area.

In addition, the FAA has announced preliminary information on regulatory changes to the airspace that generally coincide with the NTSB recommendations. After reviewing the information made public by the FAA, NATA supports the agency’s plan to enhance safety for the NY/NJ airspace in so much as the plan will include restructuring the airspace, establishing pilot operating rules, creating new entry points into the Hudson River airspace from Teterboro, standardizing New York area charts and developing new training for pilots, air traffic controllers and businesses that operate helicopters and aircraft in the area. One of the most significant changes would be dividing the airspace into altitude corridors that separate aircraft flying over the river from those operating to and from local helicopter or seaplane bases.

### **Modernization**

As previously stated, the Hudson River Class B exclusion area and associated transition procedures have been in use for more than 30 years, and according to the NTSB, the safety record for operations in the area have been good. However, with air traffic reaching record levels in both the commercial airline and general aviation sector, NATA believes that modernizing the nation’s air traffic control system is essential to keeping this vital

transportation sector of our economy strong. In doing so, it is important to accelerate the implementation of technologies such as Automatic Dependent Surveillance-Broadcast (ADS-B) and ensure those technologies availability to general aviation operators during the upgrade to the Next Generation Air Traffic Control system.

ADS-B is the advanced surveillance technology that combines a satellite positioning service, aircraft avionics, and ground infrastructure to enable more accurate transmission of information between aircraft and Air Traffic Control (ATC). ADS-B uses information from a position service, e.g. Global Positioning System (GPS), to broadcast the aircraft's location, thereby making this information more timely and accurate than the information provided by the conventional radar system. ADS-B can also provide the platform for aircraft to receive various types of information, including ADS-B transmissions from other similarly equipped aircraft or vehicles. ADS-B is automatic because no external interrogation is required, but is "dependent" because it relies on onboard position sources and onboard broadcast transmission systems to provide surveillance information to ATC and ultimately to other users.

While the FAA claims that VFR is the best approach for such airspace as the Hudson River Corridor, every general aviation operator should have the ability to purchase and receive radar positioning via satellite. 21<sup>st</sup> century technology that is available in the U.S. should be made readily available for general aviation aircraft.

Although the FAA supports modernizing its aging ground-based radar infrastructure with satellite-based navigation on board aircraft, the agency isn't leading the charge to move forward with electronic mediums that general aviation aircraft can access before a complete overhaul of the National Airspace System (NAS) is complete.

Congress should also work with the FAA to make Teterboro Airport (TEB) a priority in several technological improvements the agency is implementing at airports throughout the country. For example, the implementation of a new type of approach system, known as R-NAV, would allow aircraft a more direct approach into the airport, avoiding lengthy circling above the highly populated surrounding.

### **Teterboro Airport Flight Crew Briefing**

Because one of the aircraft involved in this accident departed from TEB, the safety of the airport has come under investigation. NTSB records show that over the last several years nearly every event investigated was related to incursions.

Recognizing this concerning trend, in 2008 TEB became the first in the nation to implement a new airport-specific flight crew training program, produced by NATA's Safety 1st program. Funded by a grant from the FAA, the NATA Safety 1st Teterboro Airport Flight Crew Briefing is a customized online training tool that gives pilots and other flight crew members flying into and out of TEB access to critical safety information about the airport, including its location, layout, operations, regulations, and safety and security procedures. With superb clarity and graphics, the Safety 1st briefing presents pilots views of specific hot spots, scenarios for common pilot errors, aircraft lighting

configurations, take-off procedures, and other information that is critical to safe aircraft operations at the airport.

Since its implementation in June 2008, the Teterboro Airport Flight Crew Briefing Web site has had more than 220,000 visitors. More importantly, there have been no runway incursions at TEB in 2009, which we believe can be partially attributed to the briefing. As a result of the success of the Teterboro Briefing, NATA is developing a similar tool for Newark Liberty International Airport that will be available by the end of this year. This project is being funded by the Port Authority of New York and New Jersey.

### **Air Charter Safety Foundation**

I also have the privilege of serving as president of the Air Charter Safety Foundation. The Air Charter Safety Foundation (ACSF) is a non-profit organization dedicated to enhancing the safety and security of air charter and shared aircraft ownership programs in the United States and worldwide. Through research, collaboration and education, the ACSF advances charter industry standards and best practices, promulgates safety, security and service benchmarks, and promotes the universal acceptance of safety management systems. The ACSF also provides accurate and objective information about air charter providers as one of the most important and versatile public transportation resources. Membership in the ACSF primarily includes Part 135 certificate holders, with the balance to include OEMs, brokers, insurers, customers, airports, and safety professionals. Since inception of the organization in June 2007, the ACSF has already made great strides in improving the safety of operations.

### **Industry Audit Standard**

Earlier this year, the ACSF launched an audit program, the ACSF Industry Audit Standard. The Industry Audit Standard is a revolutionary program built from the ground up by the ACSF to set the standard for the independent evaluation of an air charter operator's and/or shared ownership company's safety and regulatory compliance. The ACSF Industry Audit Standard has been developed with the input and guidance of leading safety auditors, charter operators, shared aircraft ownership companies and charter consumers.

The ACSF Industry Audit Standard is the only audit program that comprehensively evaluates both an operator's Safety Management System (SMS) and its Part 135 regulatory compliance. With the deployment of the ACSF Industry Audit Standard, the charter consumer can be assured that audited and registered operators are compliant with the highest standards of safety and compliance. The ACSF agrees with the NTSB that the adoption of SMS is a key goal to improving safety. It is why the Industry Audit Standard requires operators to adopt, implement and show continuous safety management improvement. Operators and charter consumers are enthusiastic about this independent evaluation. By the end of the year, we will have completed 25 audits, including some of the largest and most active air charter operators in the country.

### **AVSiS**

The ACSF has also released a revolutionary safety event reporting and tracking system known as AVSiS or Aviation Safety Information System. AVSiS is targeted specifically to

the on-demand air charter and shared aircraft ownership program industries. This powerful software program collects detailed safety event data for analysis, response deployment and success measurement, and provides a tool for accounting for the cost savings realized by interventions.

To encourage the wide-spread use of this safety-enhancing tool, the ACSF has made the program available to all Part 135 on-demand operators and Part 91K fractional program managers at no cost. Using AVSiS, or similar tools, to collect safety event information is critical to safety management system development and can also serve as the foundation for an FAA Aviation Safety Action Program (ASAP).

### Safety Symposium

The ACSF also hosts an annual Air Charter Safety Symposium. The symposium focuses on academic and scientific research pertaining to aviation safety. The event brings together the leaders of on-demand and fractional ownership operators to learn about new safety programs and emerging safety concerns.

### Air Charter Data

The ACSF has initiated a new effort to improve the activity and accident data available in order to analyze Part 135 safety more accurately. A program is being established to more closely collect, analyze and report on Part 135 on-demand accidents and incidents. Today, the industry's safety record is summed up by a single, all encompassing analysis. But, the air charter industry comprises a wide-variety of aircraft, with mission profiles that are almost too numerous to name, including helicopter EMS and off-shore work, single-engine piston-powered tour operations, just-in-time cargo carriers, and long-range international passenger-carrying turbojets, just to list a few mission profiles.

This variation presents a unique challenge when attempting to draw safety conclusions. It is incredibly difficult to identify safety issues, provide targeted recommendations and then measure the success of mitigations if you can't determine the safety record for each of the distinct aircraft types or operational categories.

The ACSF is committed to improving data collection and safety analysis for the Part 135 on-demand air charter industry. The ACSF believes that industry and government must work together to develop enhanced data collection tools that will permit the NTSB to develop a far clearer picture of the industry than is available today.

### Conclusion

NATA appreciates the efforts of both the NTSB and the FAA to produce thoughtful and targeted airspace, ATC and operational reforms to enhance the safety margin for operations within the Hudson River Class B exclusion.

Further, we believe that the adoption of new technologies for airspace management will significantly impact safety and efficiency in the national airspace system.

Finally, the efforts of NATA and the Air Charter Safety Foundation to improve upon safety and offer unique training, tracking and system safety programs are possible only because of the significant efforts and commitment to safety of the operating community. We are proud to recognize their work, and our industry looks forward to additional government-industry collaborative programs that can have meaningful impacts on safety.

Thank you for the opportunity to testify, and I will be happy to answer any questions you may have.