

1 FEDERAL AVIATION ADMINISTRATION
2 - - -
3 WASHINGTON, D.C., METROPOLITAN AREA
4 SPECIAL FLIGHT RULES AREA
5 - - -
6 PUBLIC MEETING
7 EVENING SESSION

8
9 Sheraton Columbia Hotel
10 10207 Wincopin Circle
11 Columbia, Maryland
12 Thursday, January 12, 2006

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14 The meeting was convened, pursuant to notice, at
15 6:31 p.m., TONY FAZIO, Moderator, presiding.

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1 PANEL MEMBERS:

2 TONY FAZIO,

3 Director, Office of Rulemaking, FAA (presiding)

4 NANCY KALINOWSKI,

5 Director, System Operations Airspace and

6 Aeronautical Information Management, FAA

7 DOUG GOULD,

8 Manager, Strategic Operations Security, FAA

9 THOMAS SMITH,

10 Manager, Operations Regulatory Analysis Branch, FAA

11 MICHAEL CHASE,

12 Manager, Air Traffic and Airman and Airport

13 Certification Law Branch, FAA

14 MARK RANDOL,

15 Acting Director of Counterterrorism Plans, DHS

16 COL. RANDY MORRIS, Director, Air Component Coordination

17 Element, Homeland Security for First Air Force, DOD

18 ROBIN DOOLEY,

19 Customs and Border Protection, Air, CBP

20 NELSON GARABITO,

21 United States Secret Service

22 MICHAEL MORGAN,

23 Advisor, Office of Security Operations, TSA

24 ALSO PRESENT:

25 NOREEN HANNIGAN, FAA

26

1 P R O C E E D I N G S

2 MR. FAZIO: If everyone will take their seats,
3 we'll

4 get started. We have two and a half hours scheduled for this
5 evening and we'll try to stay to it if we can.

6 Good evening, ladies and gentlemen. My name is
7 Tony

8 Fazio. I'm the Director of Rulemaking at the FAA and I'll be
9 acting as your moderator tonight. On behalf of the FAA and the
10 other federal agencies here, I'd like to welcome you to this
11 public meeting, the purpose of which is to receive comments on
12 the notice of proposed rulemaking titled "Washington, D.C.,
13 Metropolitan Area Special Flight Rules."

14 To begin this evening, I would like to take a few
15 moments to introduce our panel members and then go over the
16 meeting procedures. And we do apologize. We had the panel set
17 up here earlier today, but unfortunately the panel members
18 could
19 not see the screen, so we had to move them over there. That's
20 not intentional, but this is not a very good layout for us. So
21 we apologize.

22 To my left on this side of the table here we have
23 Nancy Kalinowski, Director of Systems Operations Airspace and
24 Aeronautical Information at the FAA; Nelson Garabito, United
25 States Secret Service; Doug Gould, Strategic Operations
26 Security

1 at the FAA; Colonel Randy Morris, Director, Air Component
2 Coordination Element, Homeland Security for the First Air
3 Force;
4 Michael Morgan, Senior Advisor, Office of Security Operations,
5

1 TSA; Mark Randol, Acting Director -- he's on the end; sorry,
2 Mark -- Acting Director of Counterterrorism Plans, Department
3 of
4 Homeland Security; Tom Smith, Manager, Operations Regulatory
5 Analysis Branch; Michael Chase, Manager of our Air Traffic,
6 Airman, and Airport Certification Law Branch at the FAA;
7 lastly,
8 Robin Dooley, Customs and Border Protection, Air Division.

9 I would also like to acknowledge that we have
10 additional federal government officials here tonight from other
11 agencies, such as the FBI and Department of Justice, that are
12 in
13 attendance and will be listening to your comments and
14 suggestions.

15 Again, I will be serving as your program
16 facilitator
17 today.

18 Immediately following the attacks of 9-11, the
19 federal government established an area of restricted airspace
20 to
21 mitigate the threat of an airborne attack against key assets
22 and
23 critical infrastructure in the National Capital Region. At the
24 request of DHS and DOD, on August 4, 2005, the FAA published a
25 notice of proposed rulemaking proposing to codify current
26 flight

1 restrictions for certain aircraft operations in the Washington,
2 D.C., metropolitan area.

3 The FAA is holding this meeting in order to provide
4 the public an opportunity to present comments regarding the
5 NPRM. The panel members are here to listen to the
6 presentations

7 and to ask presenters questions and request additional

8

1 information for clarification if needed.

2 The meeting is being recorded by a court reporter
3 here. A verbatim transcript of this meeting will be available
4 after January 27th and can be ordered directly from the court
5 reporter. Ordering information is available at the
6 registration
7 table. A copy of the transcript of this meeting will be placed
8 in the public docket. Other documents that are available at
9 the
10 registration table are the notice of proposed rulemaking, the
11 agenda for this meeting, and a general information sheet.

12 Please note that there is no admission fee or
13 charge
14 to participate in this meeting. The session is open on a
15 space-available basis to each person who registers. An
16 attendee
17 list will be prepared and placed in the docket. If you have
18 not
19 signed in, please do so at the break.

20 Speakers appearing on the agenda have submitted
21 requests to the FAA according to the procedures outlined in the
22 notice of public meetings published in the Federal Register. I
23 will call on the speakers in the order in which they appear on
24 the agenda. If I call on a speaker and the speaker is not here
25 at that time, I will go to the next scheduled speaker.

1 Periodically I will go back over the agenda to see if the
2 absent
3 speaker has arrived.

4 Each speaker will present his or her information at
5 this podium here. We have a timer and, since this is a late
6 evening, we would ask you to be cognizant of the time schedules
7

1 here. Green means you're fine, yellow means you're within a
2 minute or two of your presentation, and when the red comes on
3 that's basically the end. I will not cut you off unless you go
4 well beyond the red, but please be aware of that for your
5 fellow
6 speakers.

7 For the benefit of the court reporter, before
8 presenting your statement please clearly state your name and
9 indicate if you are representing an association, an
10 organization, or yourself, and please speak clearly into the
11 microphone.

12 You'll notice that the agenda is quite full, so I
13 will be requesting that each speaker stay within their allotted
14 time, as I said. I apologize ahead of time if some of you may
15 not have been provided the amount of time you originally
16 requested. We have attempted to accommodate as many
17 presentations as possible in the scheduled time period. Please
18 know that if it is necessary to interrupt your presentation you
19 are certainly invited to submit further written comments to the
20 docket.

21 If there are additional speakers requesting to make
22 a presentation, please inform the staff at the registration
23 table. We will add your name to the agenda if time permits
24 after we have heard from all the scheduled speakers.

25 Again, please know that we welcome your comments
26 and

1 that if we run out of time at this session we are holding

2

1 another session next Wednesday at the Washington Dulles Airport
2 Marriott. You can sign up to speak at the Dulles meeting or
3 again you may submit your comments in writing.

4 At the end of your presentation, members of the
5 panel may have follow-up questions for speakers. Questions are
6 intended to clarify or focus on particular elements or concepts
7 expressed in the presentation and to offer you a further
8 opportunity to elaborate on those areas. Questions are not
9 intended to be a cross-examination. In the event that
10 questions

11 are asked beyond clarification, I will exercise the prerogative
12 of the chair and interrupt.

13 I would also remind speakers that panel members are
14 here to listen and gather information. Therefore they will not
15 respond to questions posed by speakers or make any attempts to
16 debate the proposals in this forum. Comments, questions, or
17 statements made by the panel members are not intended to be and
18 should not be considered a final position of the member's
19 agency.

20 Last but not least, I would like to remind you that
21 this is a public forum and any security-sensitive information
22 should not be presented.

23 I now would like to call on our first speaker and I
24 unfortunately left my speakers list over at the table there.

25 Do

26 you know who you are? Oh, thank you. Scott Finlayson, if

1 you'll come up.

2

1 I'm sorry, I'm sorry. John Jorges, sorry. Are you
2 here, John?

3 (No response.)

4 MR. FAZIO: All right, we'll go to the next
5 speaker.

6 Ashish Solanki.

7 (Screen.)

8 STATEMENT OF ASHISH SOLANKI, DIRECTOR,
9 OFFICE OF REGIONAL AVIATION ASSISTANCE,
10 MARYLAND AVIATION ADMINISTRATION

11 MR. SOLANKI: Good evening, ladies and gentlemen.
12 My name is Ashish Solanki and I represent Maryland Aviation
13 Administration. I'd like to thank the panel for this
14 opportunity to speak this evening. As the Maryland Aviation
15 Administration, our mission is to support and promote
16 aeronautics statewide in the state of Maryland, and as such we
17 welcome this opportunity. We submitted written comments to the
18 NPRM in October and we'd like to submit these oral comments as
19 well. I believe you should have in your packets a series of
20 slides that we have created to emphasize the economic impacts
21 of
22 our state system.

23 In August of 2005, the state of Maryland proceeded
24 forward with an economic study looking at all of our public use
25 airports. This was a recurring economic impact study with one

1 extra component that we added in there, which was to look at
2 and
3 compare the impact of the ADIZ with airports inside the ADIZ as
4

1 well as perimeter airports. We measured 14 public use airports
2 within the ADIZ excluding BWI and then 13 perimeter airports
3 outside of the ADIZ in the state of Maryland.

4 (Screen.)

5 These preliminary numbers that you see in these
6 slides illustrate what we have been talking about and what many
7 folks have been writing about, many folks have been speaking to
8 you about, from a quantitative perspective. These quantitative
9 numbers show that the airports inside the ADIZ have experienced
10 an economic loss and oftentimes many have been unable to
11 rebound

12 as much compared to airports outside of the ADIZ.

13 (Screen.)

14 If I may direct your attention to slides 8 and 9,
15 the report you will see the numbers that our study has
16 concluded. Total jobs, personal income, business revenue, as
17 well as local purchases were the measurements that we applied.

18 In an effort to keep this presentation brief, I'm
19 going to jump forward and direct your attention to the last
20 slide, slide number 14, the conclusion.

21 (Screen.)

22 The study looked at from a methodology perspective
23 what has the impact of the internal ADIZ airports been compared
24 to the external perimeter airports. Conclusion one is that in
25 all measurements -- total jobs, personal income, business
26 revenue, as well as local purchases -- the airports inside the

27

1 ADIZ have had a slower recovery and-or growth.

2 The second conclusion is that the ADIZ airports
3 have
4 experienced a decline in total jobs, business revenue, and
5 local
6 purchases over the same period.

7 These are the two main points that we wanted to
8 share with you along with our comments earlier. The emphasis
9 here is the impact that the NPRM has asked for in terms of
10 economic impacts for the airports and for the system as a
11 whole.

12 In the spirit of keeping presentations brief, I'll open it up
13 for the panel.

14 MR. FAZIO: Thank you for your comments.

15 Any questions from the panel?

16 (No response.)

17 MR. FAZIO: There are none. Thank you.

18 (Applause.)

19 Can I ask Robert Powell, please.

20 STATEMENT OF ROBERT POWELL, VICE PRESIDENT,

21 MARYLAND AIRPORT MANAGERS ASSOCIATION

22 MR. POWELL: Good evening, ladies and gentlemen,
23 fellow aviators, members of the panel. My name is Robert
24 Powell. I'm Vice President of the Maryland Airport Managers
25 Association. Frankly, I don't know why we're all here. Some
26 20,000 comments to the NAE and we're here tonight, taking time

1 out of our lives to do this.

2 As the Vice President of Maryland's Airport

3 Managers

4

1 Association, a group representing the interests of Maryland's
2 34
3 public use airports, some 1988 aircraft owner-operators, and
4 the
5 thousands of pilots, airport users, and supporters, as well as
6 the trades and professionals associated with Maryland's airport
7 industry, I'm here to say no to making the ADIZ permanent as it
8 now stands.

9 The Maryland aviation industry currently
10 contributes
11 some \$523,493,000 in business revenue and \$50,452,000 in state
12 and local taxes to the fiscal vitality of Maryland and
13 surrounding areas and represents some 6,763 jobs, not including
14 BWI. That economic impact was and continues to be skewed
15 post-9-11, primarily due to the negative effects of an ADIZ and
16 an FRZ in and around the Baltimore-Washington metro area.

17 Pre-9-11, general aviation airports represented
18 some
19 \$697,126,000 in 2001 dollars of annual economic impact to the
20 surrounding Baltimore-Washington metro areas. These airports
21 have sustained over \$173,633,000 in business losses and some
22 are
23 operating at levels as low as 30 percent of pre-9-11 periods.
24 The temporary enactment, generally considered unprecedented in
25 un-Congressionally declared war times, is still with us. Many

1 of the 6,000 pilots within the ADIZ and now 1371 aircraft
2 owners
3 have essentially lost much and in some cases all of the use of
4 their aircraft and at least 277 have chosen to relocate rather
5 than dealing with the risks and challenges of the ADIZ.

6 A number of airport-based aviation-related and

7

1 dependent businesses have been hard hit, some moving outside
2 the
3 ADIZ. Some have failed. Others struggle to operate at reduced
4 levels while fixed costs rise or go on as before.

5 Though seeming like a reasonable response by those
6 non-aviation faceless entities charged with various levels of
7 security, the establishment of these harsh, severe, knee-jerk
8 restrictions has not and continues to do absolutely nothing to
9 aid in the actual protection it was contrived for. It cannot,
10 nor will it, stop a determined terrorist, neither airliner nor
11 Piper Cub, and it has only netted hundreds of poorly informed,
12 lost, misdirected, weather-avoiding pilots, recreational as
13 well

14 as professional, and principally noted by elevated numbers of
15 law enforcement, security, and military types setting off
16 alarms
17 and chaos within the ATC system designed to safely separate
18 participating aircraft, not to play bullying policeman to all
19 comers.

20 That being said, with which I think there is
21 virtually no disagreement from the more than 19,000 nay
22 responses to this folly, in addition to the attendees of these
23 meetings or, if quizzed, the vast larger number of some 600,000
24 pilots in other parts of the country, we, Maryland airports
25 most
26 wounded by this still misdirected temporary order, however, do

1 recognize the reality of this situation that, even in light of
2 this unprecedented more than 19,000 nay responses in
3 opposition,
4 some sort of reaction is likely to occur.
5

1 Now, more than four years after this tragic event
2 that general aviation and corporate aviation had nothing to do
3 with, we are still being punished for huge lapses in government
4 security, as noted in the 9-11 commission's report. Our
5 airports originally suffered business losses of from 15 to 30
6 percent in outlying areas to 100 percent for a period of time
7 in
8 the FRZ, and even now, four years later, our airports still
9 feel
10 the sting of the effects of the ADIZ, with airports in outer
11 areas negatively impacted by still 15 to 30 percent losses.
12 The
13 closer one looks to the center, the greater the loss,
14 particularly when adjusted to pre-9-11 projected growth rates,
15 with 25 to 50 percent losses common. No growth or even
16 flatness
17 in our industry relative to surrounding industries is the same
18 as a loss.

19 While businesses have failed, closed, or relocated
20 out of the ADIZ, a Sunday joy ride is no longer a pleasant
21 recreational outing, but may result in facing a machine
22 gun-toting, black-clad, jump-booted, faceless aggressor, to be
23 followed by being hauled off and interrogated, just by straying
24 over an Eastern Shore boundary line on the way to a Sunday
25 morning brunch.

26 This multitude of faceless security entities,

1 through a spineless FAA puppet as a mouthpiece, how proposes to
2 make an unworkable situation permanent. The multitude of
3 faceless security entities now rejuvenated under and with the
4

1 additional faceless, ever-changing Homeland Security and TSA as
2 an umbrella, all still refuse or at best resist offerings of
3 help from the various aviation organizations that do -- that do
4 -- understand the business of aviation, as well as the
5 importance of enhancing security within our industry.

6 Though some small concessions, progress and
7 compromise have occurred, the idea of making the ADIZ-FRZ
8 permanent as it now stands is not workable, is intolerable,
9 unjust, and unacceptable.

10 We, the owners and operators of the Maryland
11 airports most affected by this transgression, therefore are
12 resolute in the following: First, we, the Maryland Airport
13 Managers Association, recognizing that some form of enhanced
14 security and vigilance will occur, must be part of that
15 process.

16 Any efforts to continue to single out our industry without
17 equally applying the same measure of punitive action to other
18 surface and water-based transportation activity will be met
19 with
20 whatever legal resolution is necessary or warranted.

21 Second, the Maryland airport operators call on
22 these
23 faceless security entities to work with the numerous recognized
24 aviation organizations and the Maryland Airport Managers
25 Association to arrive at a realistic, workable, flexible
26 security enhancement response specific to the perceived threat

1 to the Washington metro area. This would include adjusting the
2 size of the now-ADIZ back to the dimensions of the class B
3

1 airspace and maintaining the previous prohibited areas with
2 realistic ingress-egress corridors and procedures to allow
3 users
4 reasonable access to underlying airports.

5 Third, the further implementation and expansion and
6 inclusion of enhanced aviation awareness security training in
7 all aviation training programs, relicensing, and flight
8 reviews.

9 Additionally, stop the punitive punishment policy of first-
10 time
11 non-intentional airspace violations, to be replaced by the
12 industry-borne pay for remedial training remedies. This matter
13 should not be overwhelming the FAA nor should it be chasing
14 recreational pilots out of our already challenged industry.

15 Additionally, we strongly oppose the proposed
16 federal criminal status of airspace restrictions.

17 We are summing up. We as the airport operators and
18 flight training facilities accept the responsibility of
19 verifying identity and training progress of students,
20 monitoring
21 the identity, background, and flight plans of aircraft renters,
22 and to be vigilant about following TSA, FAA, and
23 industry-approved training and security at our airports.

24 Fourth, payment of recently appropriated funds to
25 these suffering business losses and displacements as a result
26 of

1 the ADIZ.

2 Fifth, an expanded workable policy of engaging in
3 realistic dialogue to return the FRZ airports to some sense of
4 level of normalcy; failing that, a realistic airport

5

1 compensation and-or relocation plan taking into account
2 long-term growth, profit projections, and loss of jobs.

3 Finally, an agreement by the multiple faceless
4 security entities to agree to a plan flexible and dynamic to
5 accommodate changing terms, times, and conditions, as proposed
6 by the participating recognized aviation organizations and
7 ultimately approved by the FAA. A plan envisioned solely by
8 faceless security entities and military types, bully-pulpitted
9 through the FAA, is not an acceptable alternative. To an
10 extreme, one might comment the alternative of relocating the
11 Washington bureaucracy to a safe, secure location is just as
12 reasonable as a permanent ADIZ.

13 (Applause.)

14 No wall, no airspace restriction, 24-hour AWACS
15 plane, constant patrol by aircraft, shutdown orders, or any
16 other ridiculous non-aviation contrivance is workable and is
17 meaningless to a determined terrorist. The idea of shooting
18 down an aircraft, large or small, over the busy streets and
19 suburbs of Washington or Baltimore is ludicrous, as with the
20 evacuation of thousands of government workers into the streets
21 with the Cessna 150, had it been carrying biological or
22 chemical
23 weapons, they would have been more vulnerable.

24 The aviation industry, particularly Maryland's,
25 should not and will not be the ultimate scapegoat for the
26 failings of others -- federal foreign policy faux pas, security
27

1 breaches of government travel and immigration policy, or
2 failures of the multitudes of faceless security entities to
3 share and act on security information. We do, however, welcome
4 the opportunity to participate in realistic and workable
5 security enhancement plans that we believe can ultimately be
6 reasonable and acceptable to all parties, as making the present
7 ADIZ permanent affords no enhanced security and destroys a
8 viable and important industry as well as causing economic
9 hardship and degrading the quality of life for thousands of
10 people.

11 Thank you.

12 (Applause.)

13 MR. FAZIO: Any comments or questions?

14 (No response.)

15 MR. FAZIO: I'll ask now, has John Jorge shown?

16 (No response.)

17 MR. FAZIO: No. Okay, then we'll go to Lee Schick,
18 please.

19 STATEMENT OF LEE SCHICK,

20 MANAGER, COLLEGE PARK AIRPORT

21 MR. SCHICK: Good evening. My name is Lee Schick.

22 I am currently manager of the College Park Airport, one of the
23 three public use facilities located within the Washington FRZ,
24 part of the Washington ADIZ structure. As airport manager,

25 I've

1 had the somber opportunity on a daily basis to witness

2 firsthand

3

1 the operational chaos and economic devastation caused, not by
2 the events of 9-11, but by our government's response to 9-11.

3 Since our national security apparatus was so
4 ill-prepared for the events of 9-11, it's understandable why
5 they initially responded with such wide, sweeping restrictions
6 and an overabundance of caution. We supported those initial
7 efforts, conceived almost instantaneously, on the fly, even
8 though they contained the governmental penchant for
9 overreaction

10 and exacerbating the situation.

11 While our government grappled with such issues as
12 who's in charge, privately owned assets were effectively
13 seized,

14 regional general aviation came to a standstill, and College
15 Park

16 Airport suffered its worst operating environment since it was
17 founded by the Wright brothers in 1909. As the weeks of
18 airport

19 closure turned into months, federal attempts at securing our
20 local airspace took on the attributes of so many other federal
21 initiatives. The goal was laudable, the underlying policy
22 initially appeared reasonable, but the execution turned into an
23 operational train wreck.

24 College Park Airport was now faced with unique and
25 perplexing new problems. Examples come to mind. A strange new
26 color-coded national security posture, no longer in vogue, but

1 then changing on an almost regular basis, sometimes involving
2 new procedures, sometimes not, even a hybrid between condition
3 yellow and orange, and we called it "orange lite."
4

1 An occasion whereby the federal government closed
2 College Park Airport for a multi-day period, electing not to
3 file appropriate NOTAM's or otherwise inform the pilots of such
4 action -- this during the no-nonsense zero-tolerance posture
5 for
6 minor infractions.

7 Constant delays in getting through to flight
8 service
9 and ATC to file the required flight plans, effectively making
10 ground transportation a faster alternative. A complex and
11 convoluted process for pilots to be screened and approved to
12 operate in the FRZ, with extraneous provisions effectively
13 discouraging pilot participation.

14 An unacceptable level of lost flight plans,
15 requiring pilots who were in full compliance with all
16 procedures
17 to make unscheduled landings to sort out the problem.

18 The compromise of flight safety by prohibiting
19 closed-pattern flight operations for proficiency by pilots
20 already cleared and already vetted to fly within the FRZ.

21 During this period, the government has consistently
22 maintained that things are in fact working quite well. Federal
23 agencies have a passion for crafting press releases that put a
24 positive spin on their alleged accomplishments. One favorite
25 mantra is their dedication to always working hand in hand with

1 the various stakeholders within the aviation community to
2 arrive
3 at equitable and effective regulations.

4 In the case of College Park Airport, this
5 dedication
6

1 to stakeholder involvement appears to be operative only as long
2 as the microphones are turned on and the cameras are rolling,
3 for in four years and four months we have yet to have the first
4 federal security representative contact College Park Airport to
5 ask: How is it going? How could we make it better?

6 Since we've never been asked, let me take this
7 opportunity to tell you. Since the implementation of the
8 current airspace restrictions, flight activity at College Park
9 Airport has been reduced by 92 percent. The tenant base
10 population has been reduced by 60 percent. Fuel sales down 40
11 percent. Two thriving private sector businesses shuttered
12 their
13 doors. One flying club relocated, one flying club simply
14 disbanded.

15 Countless hours of productivity lost by the patrons
16 because of flight departure delays, complex flight routings,
17 lost flight plans, etcetera.

18 Washington's only general aviation facility with
19 Metrorail access has had its potential patron base reduced from
20 several hundred thousand pilots to less than 300.

21 In spite of all these dismal observations, TSA
22 likes
23 to take the posture that College Park Airport is open with
24 certain restrictions. Ladies and gentlemen, I would submit
25 that
26 College Park Airport is not open with certain restrictions.

1 Effectively, we are closed with certain exceptions. I'm
2 reminded of the old medical axiom: The operation was a total
3

1 and unqualified success; unfortunately, the patient died.

2 Since who's in charge is still an issue within the
3 federal government, my contacts over the past several years

4 have

5 been many and varied: Transportation Security Administration,
6 Department of Homeland Security, United States Secret Service,
7 Immigration and Customs Enforcement, Department of

8 Transportation, Federal Aviation Administration, Department of
9 Defense, Maryland Joint Terrorism Task Force, etcetera, each

10 one

11 saying: Call me first.

12 In each and every single case, I have found those
13 security representatives to be dedicated, well-intentioned,
14 cooperative, and professional in the execution of their duties.
15 They have a daunting task. They can be assured of my full
16 cooperation whenever the need arises.

17 Having said that, you also need to know that when
18 lumped together into federal security organizations and
19 bureaucracies, I consider much of their efforts to be
20 operationally dysfunctional, based on intellectually dishonest
21 assumptions, and occasionally delivered with a degree of
22 institutional arrogance that rivals my local Department of

23 Motor

24 Vehicles.

25 In my opinion, the administration of Washington
26 airspace restrictions has been fraught with an unreasonable

1 number of anomalies, ranging from simple and well-intentioned
2 mistakes to sometimes outright buffoonery.
3

1 I have included the foregoing comments in hopes
2 that
3 you might better understand why I now find it so incredulous,
4 so
5 incredulous, that after four-plus years my government's answer
6 to Washington airspace issues for the future is more of the
7 same, with the addition of the "Go To Jail" card thrown in by
8 criminalization. Over four years to seriously review and
9 analyze Washington airspace security and my government proposes
10 little more than a regulatory tightening of the screws. What a
11 wasted opportunity.

12 When asked if I believe an FRZ is necessary, my
13 answer is always an unequivocal and unambiguous yes. In light
14 of world events, Washington airspace is simply too valuable and
15 vulnerable to allow for unknown flight operations by unknown
16 pilots with unknown aircraft and unknown capabilities. To the
17 extent that an FRZ is effective and efficient, the need for an
18 ADIZ is greatly reduced, if not eliminated.

19 Make no mistake, the current hardships being
20 experienced by thousands of pilots is not the result of an FRZ
21 concept. It is the result of disjointed execution and
22 unnecessary complexity.

23 While I don't possess the expertise to solve these
24 problems, I can at least offer a few observations. First and
25 foremost, I insist upon a fair and balanced equitable
26 application of federal law. I am entitled to nothing less.

1 Under 49 U.S.C. 40103, the FAA Administrator has broad
2 authority

3

1 to regulate the safe and efficient use of our airspace.
2 Specifically included is the mandate to, quote, "establish
3 security provisions that will encourage and allow maximum use
4 of
5 the navigable airspace by civil aircraft consistent with
6 national security." The attention to detail for security has
7 been ongoing. The attention to maximizing the use is
8 conspicuous by its absence. To the FAA
9 decisionmakers, I implore you to stop abdicating your
10 responsibility to work to provide a balanced approach to
11 aviation consistent with national security.

12 For the United States Secret Service, I say this:
13 Your mission has been made exceedingly difficult in these
14 uncertain times and I can empathize with your need to take a
15 myopic approach to accomplish your goals. But nowhere is it
16 written that the wholesale trampling of citizen freedoms should
17 be a tool of the trade. When it comes time for your input
18 regarding Washington airspace provisions, it is unfair to
19 borrow
20 a page from our government's anti-drug campaign and just say
21 no.

22 You have an obligation to our citizenry to apply
23 sound and proven principles of risk management and analyze the
24 issues in terms of possibility, probability, and consequence.

25 To the Transportation Security Administration, I
26 would say: Please stop reorganizing every several months and

1 get on with your job. Many of your procedures regarding the

2 FRZ

3 airports are inconsistent, outdated, counterproductive,

4

1 contributing to unnecessary confusion, and actually a
2 compromise
3 of safety. Simple technology is available to make life
4 in
5 the FRZ more tolerable. Explore those
6 possibilities.

7 To date, over 19,000 pilots and citizens have
8 submitted responses to the NPRM. Today and next week, you'll
9 be
10 hearing from hundreds more. While each submission will be
11 unique in its content, most of them will be in agreement
12 regarding one central core issue: More of the same is
13 unacceptable. You still have an opportunity to start with a
14 clean sheet of paper --

15 (Applause.)

16 -- and craft policies and procedures that will
17 maximize the safe, efficient, and secure use of Washington
18 airspace. I ask that you do so. Loyal American pilots and
19 aircraft owners are entitled to a government response that
20 includes by the people and for the people.

21 As has always been the case, College Park Airport
22 stands ready to assist you in whatever way we can to provide
23 for
24 a secure and efficient utilization of our local airspace.
25 Thank
26 you.

1 (Applause.)

2 MR. FAZIO: No questions. Thank you, sir.

3 John Luke, please.

4 STATEMENT OF JOHN LUKE,

5 MONTGOMERY COUNTY AIRPORT

6

1 MR. LUKE: I want to thank the panel for allowing
2 me
3 to present specific details of how the ADIZ has had a dramatic
4 negative effect on local pilots, aviation-related businesses,
5 and overall operations at the Montgomery County Airport in
6 Gaithersburg, Maryland.

7 Our airport is located approximately 18 miles
8 northwest from Reagan National Airport and was designated as a
9 reliever airport for National Airport in 1964. GAI has
10 received
11 federal grant money for capital projects and improvements in
12 excess of \$21 million since 1970.

13 I'm the airport manager of what used to be the
14 second busiest airport in the state of Maryland. Montgomery
15 County Airpark had 140,000 annual operations prior to the
16 implementation of the ADIZ in February of '03. We currently
17 record fewer than 96,000 operations per year. Prior to the
18 implementation of the ADIZ, the airpark employed the equivalent
19 of 160 individuals. We currently employ 88, a decrease of 72
20 jobs lost, equating to \$2.5 million in lost wages. In
21 addition,
22 the airpark has given up \$3.6 million in lost revenue and 2.7
23 has been lost in annual local spending. These numbers continue
24 to deteriorate as we speak.

25 We presently have 212 permanently based aircraft at

1 GAI. Prior to the ADIZ we had approximately 300 aircraft.
2 This
3 number also continues to go down. The Part 135 operator
4 formerly based at the airpark left in 2003 and has not been
5

1 replaced. The radio shop at the airpark since the 1980s closed
2 its doors in 2004 and has not been replaced. The designated
3 FAA
4 flight examiner based at Montgomery County Airpark averaged 180
5 tests per year before ADIZ. Since ADIZ he averages less than
6 100. The restaurant, a fixture at the airpark since 1969, has
7 seen its business decrease by 42 percent since the ADIZ came
8 into being.

9 I now want to give some excerpts of some real-life,
10 real-time examples of individual pilots' experiences and
11 related
12 consequences caused by the ADIZ while flying to or from my
13 airport. Three instructors for Montgomery Aviation, the
14 locally
15 based flight school, have lost or will lose their airman's
16 certificates and their jobs, directly caused by penalties
17 brought out by minor ADIZ infractions.

18 In one case, June the 8th, 2005, a CFII senior
19 flight instructor and his student called ATC to obtain a proper
20 transponder code, dialed it in and departed the runway to
21 practice touch and goes. On the third lap around the pattern,
22 he was contacted by unicom, who stated that ATC had called to
23 report that they were not receiving hits from his transponder.
24 The instructor immediately contacted ATC, who asked the pilot
25 to

1 recycle. He did and the practice continued, but he was asked
2 to
3 call ATC when back on the ground.

4 When he made the call, he was accused of departing
5 with the transponder off. To make a long story short, this
6

1 situation of he said, he said has resulted in a senior flight
2 instructor being issued three separate violations, all of which
3 will be appealed if necessary to the NTSB. If the violations
4 are upheld, the instructor's ticket will be pulled and he vows
5 never to fly in the ADIZ again.

6 In the spring of 2005, a Piper Seneca from Ottawa,
7 Canada, was forced to land by an F-16 after lightning had
8 knocked out the aircraft's radio system. The four passengers,
9 two of whom spoke no English, were met and interrogated by over
10 16 law enforcement officers from four different agencies for no
11 less than six hours in a small office. The aircraft and its
12 passengers were returning from a convention in New Orleans and
13 were stopping in Gaithersburg for fuel. Needless to say, this
14 frightening experience will dictate that a return trip to
15 Gaithersburg will not ever happen.

16 In June of 2005, a student pilot returning to
17 Montgomery County Airpark on only his second solo cross-country
18 flight entered into the ADIZ before dialing in his transponder
19 code. He realized his mistake two miles inside the ADIZ,
20 called
21 ATC to let them know he was dialing -- he was late dialing in
22 the code. He was asked to call ATC when he landed and
23 consequently his student license was suspended for 30 days.
24 This individual has not returned to flying, stating, quote, he
25 was "fed up with the overkill that the present system
26 provides."

1 In September 17th, 2005, two pilots based at

2

1 Gaithersburg were returning from the northwest and were forced
2 to circle in the vicinity of Sugarloaf Mountain for 20 minutes
3 while awaiting a transponder code from ATC. At least five
4 other
5 aircraft were circling in the same approximate area, awaiting
6 their respective codes for reentry into the ADIZ. The
7 potential
8 for mid-air collision is extreme.

9 This situation has also been illustrated in an
10 excerpt from an already-submitted comment from a locally based
11 flying club member, quote: "I was returning to Montgomery
12 County Airpark following a training flight north of the ADIZ on
13 a weekend afternoon. As is typical, we were one of many
14 aircraft orbiting just south of Frederick while attempting to
15 raise ATC and regain entry into the ADIZ. Our aircraft was
16 equipped with a traffic advisory system which was uttering an
17 unending stream of 'traffic, traffic, traffic, traffic'
18 warnings. My head was swiveling as I frantically attempted to
19 verify and visually acquire the ten aircraft that were all in
20 close proximity to our position, all waiting to gain entry into
21 the ADIZ. Note that two aircraft separated by a mile and
22 flying
23 at a typical holding speed of 100 miles per hour are less than
24 one minute from a potential mid-air collision."

25 Hopefully, this common example alone will show that
26 the ADIZ puts pilots and their passengers at great risk. It's

1 not a matter of if a mid-air will occur; it's a matter of when.

2 We need to stop this madness.

3

1 Thank you.

2 (Applause.)

3 MR. FAZIO: Michael Wassel.

4 STATEMENT OF MICHAEL WASSEL,
5 MANAGER, TIPTON AIRPORT

6 MR. WASSEL: Good evening, I'm Michael Wassel. I
7 am

8 the manager of Tipton Airport, which is a small general
9 aviation

10 airport located approximately ten miles east of here. We are a
11 former military airport and we have been converted to a general
12 aviation airport. We've been operating now for approximately
13 six years. We're currently home to 115 personal, business, and
14 government aircraft.

15 I would like to address some specific impacts of
16 the

17 ADIZ on Tipton. But, given that some of our panel members do
18 not have an aviation background, I feel that some context is in
19 order. It is well recognized that in the current global
20 marketplace that for a state and a country to compete they must
21 have a strong, viable aviation system. In Maryland alone,
22 according to a 2001 economic impact statement, BWI generated
23 \$3.8 billion in business sales and accounted for \$283 million
24 in

25 tax revenues, specific to airport tax revenues.

1 How does this relate to general aviation? Two
2 ways,
3 as I see it. First, general aviation airports are designed to
4 relieve pressure on the commercial airports by providing an
5 affordable alternative for smaller, slower business and
6 personal
7

1 aircraft. This in turn, by taking those aircraft out of the
2 mix
3 of the commercial airports, you're able to put more passengers
4 and more cargo through that airport in a given point in time.

5 Just as importantly, though, I think GA airports
6 affect the future of the viability of the aviation system. In
7 many cases GA airports provide the first contact that many of
8 our young people had with aviation. Those young people go on
9 to

10 become the future pilots of the passenger, cargo, and business
11 aircraft. They also are the future F-16 pilots, the future
12 AWACS pilots, and the future Blackhawk pilots.

13 In addition, though, they also, some of those
14 children, grow up to become aircraft designers, which are
15 helping to keep companies like Boeing competitive in the
16 marketplace. They become the airport architects and engineers
17 who design the new facilities to handle the ever-increasing
18 aircraft and to accommodate the new security requirements. The
19 GA airports also give rise to careers in air traffic
20 management,
21 aviation management, and a host of related fields.

22 I'm not trying to overdramatize the point, but I
23 think a viable general aviation system has an immediate impact
24 on the viability of the aviation industry and definitely an
25 impact on the future of that industry.

26 How does Tipton operate as a general aviation

1 airport? We were created by Anne Arundel County back six and a
2 half years ago. However, we currently do not receive any
3

1 operating subsidiaries. As any other business, if we don't
2 generate the revenues we don't operate and we'd simply go out
3 of
4 business.

5 What are our revenue sources? We rent tie-down
6 spots to aircraft, we sell them fuel, we rent space in our
7 hangars for aviation businesses.

8 So what are the immediate impacts of the ADIZ on
9 that? Immediately when the ADIZ went into effect, I had
10 approximately 5 to 6 percent of my tie-down population either
11 sell their aircraft or relocate outside the ADIZ. Those people
12 that remained, their flying activity went down. In the year in
13 which the ADIZ was instituted, I had a 9 percent decrease in my
14 net fuel profits from the previous year. I use net fuel
15 profits; that's my best indicator of what aircraft operations
16 are actually like at the airport.

17 In the next year, I believe that the pilots,
18 although they didn't like it, they adjusted somewhat to the
19 ADIZ
20 and that would be reflected in a leveling off of both my fuel
21 sales and my tie-down revenues.

22 Now what I believe we're seeing is the impacts of
23 the sustained ADIZ, ADIZ requirements. First off, we continue
24 to experience problems with accessing the TRACON. And I'm not
25 taking a shot at the TRACON folks. I've worked with them on
26 several occasions. I think there are a lot of folks there that

1 are trying to do a good job, but, quite simply, they just don't

2

1 have the resources to manage the system.

2 My president of my airport pilots association was
3 here earlier and gave lots of anecdotal information that would
4 support my belief that I'm seeing an increase in the number of
5 complaints regarding the ADIZ, and they're primarily aimed at
6 fear of operating in the ADIZ environment and uncertainty of
7 what impacts a violation will have on you both in terms of your
8 flying career and possibly legally.

9 I believe this is supported by some of my business
10 numbers. Last year my fuel revenues, net fuel revenues again,
11 were relatively flat compared to the previous year. I
12 experienced a one percent increase in that. For the first six
13 months of this fiscal year, which would be the period from July
14 through this past December, my revenues are off by 12 percent
15 compared to the previous six months.

16 My tie-down revenues are also off for that same
17 period. Other indicators: My large flight school, which
18 accounts for about 20 to 25 percent of my fuel sales, their
19 business is off approximately 30 percent from the pre-ADIZ to
20 the post-ADIZ period. The military flying club I have at my
21 airport, which accounts for about 20 to 25 percent of my sales,
22 they also are experiencing about a 25 percent decrease in
23 activity pre- and post-ADIZ. They indicate that this equates
24 to
25 about 150 lost flying hours per month. They also believe that
26 the ADIZ has added a cost of about \$1,000 to their cost of

27

1 getting somebody a private pilot's license.

2 What's hard to measure is the loss of business that
3 I may not have obtained. If I look at the period again from
4 July through December of '05 and compare to the similar period
5 the year before, my transient parking revenues are down by
6 about

7 half. What I'm not seeing any more are simply the day-
8 trippers,

9 the folks that want to come out and fly for fun and experience
10 and visit Tipton because it's there.

11 On a larger scale, we're trying to work with a
12 company now to build tee hangars, which in essence are garages
13 for single aircraft. We have a severe shortage of tee hangars
14 in this area. We've had a waiting list of about 250 since we
15 opened the airport. The initial project would result in about
16 50 units being constructed at the airport. About half of those
17 would be used by people that are not currently based at Tipton.

18 However, there is a stumbling block and it's
19 directly related to the ADIZ. Both the contractor and
20 ultimately the end users are reluctant to take on the 35 to
21 \$40,000 per unit cost of a tee hangar when they don't know what
22 the potential impacts of the future government restrictions are
23 that may in fact further restrict the airspace and jeopardize
24 their investment.

25 I similarly am having trouble with leasing one of
26 my

1 large hangars, trying to bring in a new business to the
2 airport,
3 which would bring in aircraft sales and increase fuel sales.
4

1 They too are concerned about the fate of their initial
2 investment should the restrictions become even more severe.

3 In summary, I would just like to say that, again,
4 general aviation plays a very important part in the overall
5 aviation system in this country. The current ADIZ restrictions
6 are unworkable and are providing undue hardship to our pilots.
7 That in turn is rippling into the airport businesses. That in
8 turn is affecting the overall profitability of the airport, and
9 taken to its ultimate end it would affect the overall aviation
10 system in this country.

11 Thank you.

12 (Applause.)

13 MR. FAZIO: Jim Douglas, please.

14 STATEMENT OF JIM DOUGLAS,
15 MANAGER, MASSEY AERODROME

16 MR. DOUGLAS: Good evening. My name's Jim Douglas.
17 I'm the manager of the Massey Aerodrome, which is a small
18 grassroots airport on the Eastern Shore outside of the ADIZ.
19 We're at the bottom of the food chain in the aviation world.
20 We're public use, but the kinds of planes that fly there are
21 not
22 even what many consider airplanes -- flying parachutes and hang
23 gliders and ultralights and things like that.

24 100 percent of the aviation activity that goes on
25 there is recreational. Like others, we've seen -- I have the
26 numbers on it that we have a 20 percent reduction in the use of
27

1 people that would use their airplanes and fly. They just
2 simply
3 aren't flying because of the fear of the ADIZ.

4 I wrote a letter in response -- I'm going to read
5 it
6 just to make sure everybody actually hears what it says: "I'm
7 writing to express my opposition to the proposed rulemaking
8 announced under docket" so-and-so -- "in Washington, D.C.,
9 Metropolitan Area Special Flight Rules." In that I say: "In
10 your summary, you state: 'The FAA proposes to codify certain
11 flight restrictions for certain aircraft operations in the
12 Washington, D.C., area. To codify the rules would make common
13 criminals out of otherwise fine upstanding citizens who might
14 stray into the area.

15 "Another issue is labeling the current flight
16 temporary rules as current flight restrictions is misleading at
17 best. These regulations were initiated as a temporary measure.
18 In fact, when implemented Jane Garvey advised a group of
19 airport
20 operators that the restrictions would only last a few months at
21 most. The aviation community, in the spirit of good
22 citizenship, stood by and tacitly agreed with the measures
23 adopted because they were assured they, the restrictions, were
24 both necessary and temporary.

25 "In your summary you state: 'This action is
26 necessary because of ongoing threat of terrorist attacks.'

1 That's a quote. Several paragraphs later, you acknowledge:

2 'Although there is no information suggesting an imminent plan

3 by

4

1 terrorists to use airplanes to attack targets in the Washington
2 Metropolitan Area,'" etcetera, etcetera.

3 "You go on to cite a couple paragraphs later a two
4 and a half year old plot in a foreign country known for its
5 lawlessness and high concentration of terrorists. You try to
6 make the point that such a plot, a failed plot, I might add, is
7 applicable to the Washington, D.C. To take such draconian
8 measures as making these temporary restrictions permanent on
9 such thin information fails the test of logic.

10 "Also in your summary, you state: 'The FAA intends
11 by this action to help the Department of Homeland Security and
12 the Department of Defense protect national assets in the
13 National Capital Region.' If you adopt these restrictions,
14 where does it stop? There are 50 state capitals, the Empire
15 State Building, the Sears Tower, the Space Needle, downtown Los
16 Angeles, Disneyland, Johnson Space Center, the Kennedy Space
17 Center. The list has no end. To start down this road is pure
18 folly and will ruin the aviation industry in this country.

19 " What is left out of the summary is even more
20 alarming. During the time the temporary restrictions have been
21 in place, there have been in excess at this time of 3500
22 incursions into the ADIZ, most of which have proven to be
23 inadvertent. There were no terrorists found. These
24 regulations, if adopted, would make criminals out of all these
25 regular citizens. It would also expose them to criminal

26

1 penalties of \$100,000 or even death at the hands of our
2 government. This is a truly unbelievable situation. It causes
3 one to wonder what type of government employee could even think
4 it's okay to legitimatize the murder of a citizen who may have
5 had the misfortune to get disoriented and inadvertently wander
6 into an area that could cost him his life? Truly
7 unbelievable."

8 I'm not going to read the rest of it because that
9 is
10 in essence the meat of what I say, except I do have a
11 recommendation, and I have a little bit of confidence here.

12 You

13 may have seen a politician or two raise this thing around.

14 This

15 (indicating) is the Constitution, and I'll read Amendment
16 Eight.

17 Amendment Eight of the Constitution says, quote: "Excessive
18 bail shall not be required, nor excessive fines imposed, nor
19 cruel and unusual punishment inflicted." Well, \$100,000 fines
20 and the death penalty is clearly cruel and unusual punishment,
21 and I think therefore --

22 (Applause.)

23 -- and I think therefore this whole rule fails the
24 test of constitutionality and wouldn't stand anyway.

25 But I do have a recommendation. My recommendation

26 I

1 handed in so that there's copies of it available, but I'll read
2 it: "In order to facilitate fewer incursions into the
3 Washington, D.C., area ADIZ, I recommend a long-term approach"
4 -- oh, this comes from an old college professor who gave me an
5 easy way to see your way through a grey area into the black and
6

1 white regions of a decision that needs to be made.

2 The method is easy. It's this: Exaggerate the
3 condition as far as your mind will let you in the directions
4 that are available. In this case, one direction takes you out
5 to putting a flight restriction zone over every Sears Tower,
6 every political capital in the states, the Space Needle,
7 everything else. We'd have a hodge-podge that is unworkable
8 for
9 flying. And you go in the other direction and you exaggerate
10 it
11 all the way back to the utopian time of our class A, B, and C
12 system. It's very workable. So in my mind it's easy: Let's
13 go
14 back.

15 So, with that, I recommend a long-term approach to
16 reestablishing a uniform set of operating rules for United
17 States airspace. This means using the well-established
18 airspace
19 class system for air traffic control. With a uniform system,
20 we
21 would dramatically reduce the need for dealing with special
22 nuance and training required to comply with the special
23 conditions associated with the current temporary ADIZ in
24 Washington.

25 Our goal should be -- look at that -- to work our
26 way back to the standard alphabetic control area system that is

1 so well known all around the country. We could start by
2 restoring the outer layers of the current ADIZ to class B on a
3 trial basis, then study the effects of the inadvertent
4 incursions. As confidence in the system is gained, we could
5

1 restore more inner layers of the class B and eventually have
2 the
3 airspace with rules that are consistent with the rest of the
4 country.

5 If after a period of time it is determined that
6 it's
7 still necessary to have a restricted area in the vicinity of
8 the
9 government buildings, I recommend we make use of the widely
10 understood "prohibited area" in that vicinity, rather than some
11 other terminology, to define the space. These actions should
12 minimize the confusion associated with the special nature of
13 the
14 present temporary ADIZ.

15 Thank you.

16 (Applause.)

17 MR. FAZIO: Can I ask Van Lee to come to the
18 podium,
19 please.

20 STATEMENT OF VAN LEE, LEE AIRPORT

21 MR. LEE: Hi, I'm Van Lee. My family owns and
22 operates Lee Airport. We are about six miles south of
23 Annapolis, Maryland. You have to forgive me tonight. I have
24 inherited my daughter's cold and if I've shaken your hand I
25 apologize tonight. Dick Kuszyk and Bill Dobson are going to
26 speak on my behalf. Thanks.

1 (Screen.)

2 STATEMENT OF BILL DOBSON

3 MR. DOBSON: Thank you, Van.

4 I'm Bill Dobson. I'm a private pilot with about

5 200

6

1 hours a year. I've been flying since May of 2000. I'm a
2 retired colonel in the Air Force and I've spent 31 years doing
3 counterterrorism work. I also am a professional risk assessor
4 right now. But I'm here to speak to you as a private pilot,
5 representing the 108 pilots at Lee Airport.

6 Since September 11th, the activities at Lee have
7 really gone down considerably. This is a privately owned, but
8 public access, airport five or six miles south of the state
9 capital of Maryland. Things like boat shows, boat races,
10 events
11 at the Naval Academy, Lee was a very vibrant airport for
12 transient aircraft. Over 90 percent of that activity has
13 ceased
14 since September of 2001.

15 Do I have the button for the slides or do you have
16 control?

17 STAFF: Just nod and I'll give you the next one.

18 (Screen.)

19 MR. DOBSON: Thank you.

20 What I want to do is, rather than getting into a
21 lot
22 of anecdotes because other pilots from Lee are going to be
23 speaking and may have spoken this afternoon, and they'll be
24 speaking in the future, and Dick's got a couple of suggestions
25 and I'm going to defer to him for the rest of our time. Just
26 anecdotally, though, in the 200 hours that I fly -- and I

1 represent most of the pilots at Lee. 50 percent of our pilots
2 are still active. There are many pilots and many airplanes
3

1 have not launched since September of 2001.

2 Now, that's kind of a travesty, but when you keep
3 in

4 mind that many of these pilots are recreational pilots and
5 they're not doing this commercially, it would be very easy for
6 them to cease flying. It's not costing them their livelihood.

7 However, we have an aircraft mechanic on the air
8 base. We've got fuel sales, we've got airplane sales, we've
9 got

10 a flight school, and we've also got the family ownership of
11 this

12 airport. So a lot of people's livelihoods depend on that
13 airport, even though those of us that are recreational flying
14 decide to cut back on our efforts. Now, I haven't. At 200
15 hours a year, I'm flying about 110 hours on average more than
16 most general aviation pilots in the country.

17 (Screen.)

18 I want to point out a couple things on this slide.

19 Lee Airport is at the left of those two arrows, and that's
20 Chesapeake Bay, of course, and the Bay Bridge is right
21 underneath the arrows. Right now, the biggest problem we've
22 had

23 -- we've all gotten used to the procedures. We file our flight
24 plans. Sometimes they're lost. I'm an instrument-rated pilot,
25 and the biggest problem right now is when I file on instruments
26 those flight plans always get messed up. So I pretty much have

1 to depart in visual conditions and follow the ADIZ rules.

2 The reason they get messed up is because our fine
3 folks at flight service are not equipped to accept IFR flight

4

1 plans over the phone any more because they're so used to most
2 of
3 us filing them by computers.

4 When you come into Lee Airport or leave Lee
5 Airport,

6 under the current rules you have to talk to air traffic
7 control,

8 and those people at Potomac TRACON have been phenomenal. All
9 through all of this, they've been professional. We think that
10 our group with them has been professional as well. One day I
11 spent 20 minutes circling over Easton Airport waiting to get a
12 code to come back in.

13 On numerous occasions we've had transgressions with
14 airplanes where you're talking to ATC and you're ten miles from
15 Lee Airport, and if you go to Kentmorr Island coming across the
16 bay that's ten miles from the airport. Most general aviation
17 airports, you're already talking to the other traffic in the
18 vicinity. This is the same thing that happens at Tipton, the
19 same thing that happens at Gaithersburg and all the other
20 airports in the ADIZ. You're talking to air traffic control,
21 not to each other.

22 Oftentimes, depending on where you're coming in
23 from, you're talking to a different controller. So other
24 pilots

25 in the air can't hear you. On numerous occasions, I've had
26 situations where I've had planes overtake me; we're five miles

1 from the airport, we've switched over to local advisories,
2 we're
3 no longer talking to air traffic control, and we finally
4 realize
5 that there's another plane in the area.
6

1 Five miles out is not early enough to prevent any
2 kind of a mid-air collision.

3 (Screen.)

4 Our suggestion with this particular slide is
5 temporary. We don't believe that egress and ingress rules are
6 going to work, but on a temporary basis we believe that we
7 should be allowed to go straight out through to the
8 intersection
9 with a discrete code and come back in with a discrete code,
10 something simple where we don't have to tie up ATC and stay
11 out
12 of the class bravo.

13 However, the long-term solution is going to require
14 much more thought and risk assessment and risk aversion,

15 With that, I'd like to turn it over to Dick Kuszyk.

16 STATEMENT OF DICK KUSZYK

17 MR. KUSZYK: I'm Dick Kuszyk. I'm the head of the
18 Lee-Annapolis Pilots Association. First of all, I'd like to
19 remind all the ladies and gentlemen at the panel in the back
20 that general aviation pilots are among the most patriotic
21 citizens of our country.

22 (Applause.)

23 And we want our national capital secured. The
24 other
25 thing, we're Americans. We're noted for two things. We're
26 noted for our technology and innovation. In the best of all

1 worlds, we would hope that the ADIZ would go away. That may

2 not

3 happen, but we would not like, we at Lee would not like, a

4

1 binary situation where it becomes permanent. What we would
2 suggest, that with our innovation, our technology, and our
3 abilities, is to come together and form plans, maybe half-
4 steps,
5 to eventually eliminate or further reduce the ADIZ.

6 For an example -- and this only applies to Lee
7 because there could be many different examples for every
8 airport
9 within the ADIZ. As Bill said, we could have a discrete
10 transponder code that would let us leave Lee Airport and come
11 back in. Now, currently at Bay State and also at Martin State
12 you have an egress where you can leave. Now, to get that
13 transponder code you would have to go through a security
14 clearance. Not a Secret, but something less than that.

15 So in which case, every time we got in, we put in
16 the transponder code, we could leave and come back, through a
17 maybe 15 or 20-degree range on the compass, 030 to 045. You
18 would know exactly who we were. That's just a simple solution
19 that would alleviate TRACON, would alleviate us calling flight
20 control, one solution.

21 My only comment again -- and I'm being a little bit
22 redundant -- don't make it permanent. Give us some time for
23 us,
24 we Americans, to come up with some innovative and some
25 technological solution to this problem.

26 Thank you.

1 (Applause.)

2 MR. FAZIO: Michael Neboschick, please, would you

3

1 take the podium.

2 STATEMENT OF MICHAEL NEBOSCHICK,

3 NEBOSCHICK PSYCHOLOGICAL SERVICES

4 MR. NEBOSCHICK: Good evening. My name is Michael
5 Neboschick. I'm a resident of Columbia, so this was an easy
6 trip for me. I keep my Cherokee at Tipton. I am a commercial
7 pilot. I am a CFII and I'm also a licensed psychologist. I
8 want to thank you for giving me an opportunity just to share a
9 few things this evening.

10 First of all, I think the air traffic controllers
11 that I've experienced have attempted to do a tremendous job to
12 keep the traffic flowing, and I really do applaud them. I also
13 applaud my fellow pilots, especially the pilots that I see here
14 this evening, some of which I recognize, for persistence. In
15 situations like this, it's very easy just to get angry and then
16 from anger to get to resignation and then to give up.

17 I think as pilot s we're probably as patriotic a
18 group of people as any, and I would imagine we're somewhat
19 analogous to -- I hate to use the word, but almost to the
20 western cowboy. We have a certain degree of autonomy and
21 independence and we like to exercise that. But, being patriots
22 and also realists -- we have to be a realist to fly -- we
23 certainly are all involved with wanting to keep our country
24 safe.

25 Basically what's been happening to the pilots is

26

1 that we were all shocked by 9-11. I mean, it took us all,
2 threw
3 us all for a loop, and we're in the process of coming up with
4 ways of really rebounding. We in the pilot community,
5 especially the general aviation community, we feel for some
6 particular reason -- maybe it has to do with people's innate
7 fear of flying or of objects from the sky falling down on them.
8 We feel as though we've really been singled out. It almost
9 feels like a sense of punishment. It doesn't feel like FAA or
10 TSA is really coming to us and saying: Hey, guys, we've got a
11 problem here; would you guys be willing to work with us
12 because,
13 you know, this is our country and we want to protect our
14 capital?

15 It's like: You know, you pilots, I don't know,
16 you're a bit of a nuisance; what can we do to get rid of you?
17 That's just the way we've been feeling.

18 (Applause.)

19 As a flight instructor, basically I've lost my
20 students. Students don't want to fly in this area any more.
21 Pilots don't want to fly in this area any more. There used to
22 be a time where we all really looked forward to getting in our
23 airplanes and flying. We looked forward to taking our families
24 up and going somewhere really interesting. But I know myself,
25 like many pilots, really when I think about flying nowadays my
26 anxiety level on a one to ten is seven, and it used to be maybe

1 two.

2

1 We start to think about things when we're getting
2 ready to fly, especially if we're taking family with us. Well,
3 basically how long is my wife going to be sitting in the back
4 of
5 the airplane waiting for me to reach Potomac Control on my
6 cell?

7 Okay, if everything goes okay with my flight plan and I get my
8 squawk code and I get my frequency, when I'm leaving am I going
9 to be able to contact somebody? And what's the factors here
10 with me getting off CTAF and talking to ATC, and am I really
11 comfortable with that transition? How long is it going to take
12 for ATC to pick me up? When ATC picks me up, are they going to
13 be cordial or are they going to be angry at me because somehow
14 I
15 interrupted their day?

16 Then basically, in the process of flying out, let's
17 say it's teaching students; students really don't like that
18 process because that's 20 or 30 minutes of teaching that really
19 can't take place. You have to monitor ATC. You really can't
20 address the needs of the student. The student is paying the
21 extra money for leaving the ADIZ and it's really problematic.

22 Then even as a pilot and you're flying out, will I
23 be able to get back in? Will it be the same frequency? then
24 when I'm trying to get back in and calling in, chances are the
25 frequencies have really changed and everybody gets annoyed and
26 then they're somehow blaming you for butting into their

1 particular frequencies. And God forbid if I should lose a
2 transponder. What's going to happen there? Where am I going
3 to
4

1 have to dump my airplane and my family, and how am I going to
2 get back home? Is there going to be any degree of really
3 understanding there?

4 I think we've really lost a lot of enthusiasm. I
5 used to teach ground school for a community college here. We
6 really can't get students together any more for ground school.
7 So we just don't have students that really want to fly in this
8 area. Pilots don't want to fly in this area. Then when you
9 feed our negative fantasies, what are our negative fantasies?
10 Basically, we're going to somehow encroach in an area we're not
11 supposed to be at, some SAM's are going to be aimed our
12 particular way, we're going to somehow get flagged, we're going
13 to get fined some \$50,000 or imprisoned or we're going to lose
14 our certification.

15 So the whole feeling for all of us is really
16 attempts are being made to drive us out of general aviation.
17 For most of us, we'd rather not resign to that. We'd rather
18 work together with you and approach the problem and find
19 suitable solutions.

20 Thank you.

21 (Applause.)

22 MR. FAZIO: Thank you.

23 Has John Jorges shown up?

24 (No response.)

25 MR. FAZIO: He hasn't, okay. This is the point we
26

1 have scheduled a break and I'd like to take a ten-minute break
2 and we'll adjourn at 10 of 8:00, please. Thank you.

3 (Recess from 7:41 p.m. to 7:56 p.m.)

4 MR. FAZIO: Can we get started, please. I
5 understand Scott Finlayson is not with us, so we'll start with
6 Pat Healy.

7 STATEMENT OF PAT HEALY

8 MR. HEALY: Good evening. My name is Pat Healy. I
9 work as a sailing coach at the Naval Academy and I'm also one
10 of
11 the 10,000 pilots that are based under the ADIZ. I fly out of
12 Annapolis, Lee. However, I'm here tonight because I was at the
13 University of Wisconsin in 1970 and that was when four radical
14 students filled a half-ton van full of nitrogen fertilizer and
15 exploded it one summer morning in front of the math and physics
16 building. Because it was early morning, the building was
17 substantially damaged, but there was only one death, a physics
18 research graduate student. The truck bomb was almost exactly
19 the same as the one used in Oklahoma City 25 years later.

20 Although I did not know the graduate student that
21 was killed, I did help my classmates rummage through their
22 desks
23 and their equipment trying to piece together the lost research
24 that had been destroyed in the explosion and then watched for
25 the two extra years that they had to spend in graduate school
26 in

1 order to get their degrees.

2 I am also a little bit embarrassed to admit that I

3

1 am one of the 2 or 2,500 or 3,000 -- I couldn't get a score
2 number on this -- that have been cited for inadvertently
3 violating the special airspace around the National Capital
4 Region. I hope this report of my experience will help convince
5 you that the current proposed rules are not based upon sound
6 reasoning and create an unnecessary and costly burden on the
7 resources of the FAA and Homeland Security.

8 Four summers ago on July 7th, 2002, I was circling
9 over LaPlata, Maryland, looking for signs of damage caused by
10 the tornado that had happened earlier that spring. My wife and
11 I were flying my two-seater, 2,000-pound, tube and fabric
12 airplane, a Balanca Scout, a plane very similar to a Piper Cub.
13 This is a small general aviation plane and it is typical -- and
14 it is typical, without much -- typically, without much of a
15 carrying capacity. With my 130-pound wife and four hours of
16 fuel, a bowling ball can put me over gross.

17 This
18 is okay because I don't bowl and therefore I don't fly to
19 bowling alleys.

20 After circling for a while, I lost my positional
21 awareness and inadvertently flew one and a half miles into what
22 was then the Special Flight Rules Area, now called the Flight
23 Restricted Zone. 20 minutes later, landing at Warrenton,
24 Virginia, I got the dreaded message: Please call air traffic
25 control.

26 This started a 2 year, 7 month odyssey through the
27

1 FAA enforcement system. First, the air traffic controllers
2 explained my alleged path into the zone. Both controllers, Mr.
3 Renfrow and Mr. Edwards, and the watch supervisor, Mr. Kiefer,
4 were very polite and seemingly sympathetic. After explaining
5 the incident was being reported, they told me to wait for the
6 investigating officer.

7 That turned to be a little longer than anticipated
8 when the Secret Service agents, Smith and Vilnis, were sent to
9 the wrong airport north of Washington somewhere. But after
10 answering their questions about whether I had ever been in a
11 mental institution or owned a gun, Mr. Vilnis went out to
12 inspect my airplane. Where do you carry -- where do you put
13 the
14 stuff you carry, he asked my wife? We don't carry much stuff,
15 she answered.

16 However, the time spent with ATC and the Secret
17 Service was just the start. The ATC report was approved by the
18 facility manager and five weeks later I received notice that
19 the
20 Washington flight standards aviation safety inspector, Mr.
21 Osborne, that the incident was under investigation. I was told
22 that there were so many violations that, after being reviewed
23 by
24 the technical branch in Washington, investigations were being
25 parceled out to other FAA regional offices.

26 My next letter came from attorney Zachary Bremen at

1 the Eastern Regional Regional Counsel in Jamaica, New York.

2 That's true: "Eastern Region Regional Counsel," Jamaica, New

3

1 York. I asked for an informal meeting in Washington. Two
2 months later, FAA attorney India Pinckney wrote to set up a
3 meeting.

4 By then, I had retained a lawyer, who asked for a
5 copy of the enforcement investigative report. I did not know -

6 -

7 I do not know how many people were involved in gathering that
8 information, but it arrived at the end of Mar which 2003. An
9 informal meeting was held three months later in June, just shy
10 of one year.

11 To speed this up a bit, I hear nothing for the next
12 14 months. Then in August 2004, I received an order for a
13 30-day suspension saying that I had not prepared properly for
14 the flight, I had not obtained the necessary information about
15 the flight, I had entered the SFR area without authorization.

16 We appealed and eventually a hearing before the
17 administrative judge was scheduled for January 2005. My lawyer
18 said I could expect a settlement offer before the meeting. He
19 was right. The day before the meeting, the FAA attorney

20 offered

21 to drop all findings except flying into the Special Flight

22 Rules

23 Area and reduced the suspension to 15 days. Finally, to add to
24 the futility of this exercise, I was allowed to postpone the
25 suspension until the two-week period that I was scheduled to
26 give a coaching clinic in Korea.

1 All in all, between the people that we can
2 identify,
3 there's about 17 total. The ones that we can't identify are
4 too
5

1 numerous to tell. But it took 2 years and 7 months to bring to
2 justice an inadvertent flight one and a half miles into the
3 zone, in a plane that could not legally carry a bowling ball.

4 Compared to the damage and death caused by that van
5 in Wisconsin 35 years ago, something is wrong with this
6 picture.

7 I understand that the latest estimate is that the ADIZ
8 operations cost the FAA \$11 million a year. I know that
9 numbers
10 that big sometimes lose their meaning. I also think that in my
11 case 17 known and many unknown people spent 31 months to get to
12 the point where I served an almost meaningless two-month
13 suspension. Multiply some percentage times the 2,000 or 3,000
14 more violations and the number of person-days wasted just in
15 enforcement on plans that have no appreciable -- on planes that
16 have offered no appreciable security risk should be an
17 embarrassment to any professional manager.

18 (Applause.)

19 A while back, I was coaching at a practice and lost
20 patience with one of my sailors, who I thought was just going
21 through the motions on a drill. "That effort is worthless," I
22 yelled at that kid. "Coach, nothing is absolutely worthless,"
23 a
24 teammate replied. "You can always hold up the experience as a
25 bad example." I pray that you find this model, the ADIZ, a bad

1 example and ask for one that is better balanced and better

2 aimed

3 at more appropriate threats.

4 Thank you very much for your time.

5

1 (Applause.)

2 MR. FAZIO: Mike Henry, please.

3 STATEMENT OF MIKE HENRY,

4 MANAGER, EASTON AIRPORT

5 MR. HENRY: Good evening, I'm Mike Henry, airport

6 manager at Easton, Maryland. Easton Airport is outside the

7 ADIZ. However, we do have some experience with permanent

8 TFR's,

9 specifically Vice President Cheney's residence at Saint

10 Michael's, Maryland. When first approached by the Secret

11 Service, they were talking to me about a ten-mile radius TFR up

12 to 18,000 feet. The discussion was that this would close the

13 airport. They then suggested that perhaps a five-mile radius

14 would work. The impact of that was that, while not closing the

15 airport, it would shut down our ILS and in inclement weather

16 effectively close the airport.

17 As you know, we did end up with a permanent TFR at

18 Saint Michael's with a one-mile radius up to, but not

19 including,

20 1500 feet.

21 I use this example and others, such as Kentmorr and

22 Bay Bridge ingress and egress procedures, to encourage the

23 decisionmakers to consider alternative solutions to the

24 permanent ADIZ. I do want to thank the Secret Service for

25 working with us at Easton. We really appreciate it there.

26 The Congressional Research Service report for

1 Congress dated December 15, 2005, suggests that general

2 aviation

3

1 should not be painted with a broad brush; rather, that you
2 should look at mitigation strategies, evaluate the risks and
3 the
4 potential consequences. This goes for airports as well as
5 aircraft. I'm confident that if this approach is used it will
6 be possible to achieve the desired security objectives with a
7 minimum economic and operational impact to this vital segment
8 of
9 our aviation infrastructure.

10 Thank you.

11 MR. FAZIO: John Eustis.

12 STATEMENT OF JOHN EUSTIS

13 MR. EUSTIS: Good evening. I'm glad to be here

14 with

15 my peers and colleagues in the aviation business. I want to
16 talk, of course, about the Air Defense Identification Zones. I
17 want to talk about the relative risks that's involved.

18 Nobody's

19 ever talked about that. All things are not the same, all shoes
20 do not fit the same size.

21 We're having big problems with the action of the
22 government here. In the old days, when we had a little fuss
23 with the government, why, we'd react with a musket and a sword
24 and throw the tea in the harbor. Well, we don't do that any
25 more. Nowadays we have public forums and written comments, and
26 when push really comes to shove revert to money and media.

1 We've been discussing the purpose of this Air
2 Defense Identification Zone, to limit aircraft. It's based on
3 this terrible destruction we had at the World Trade Center. It
4

1 was pretty bad. These risks go to sensitive areas. They go
2 to
3 buildings, they go to public gatherings. They can be assigned
4 to a number of different places and they can go from the most
5 dangerous to the insignificant. One size does not fit all.
6 These risks from aircraft to these sensitive areas, they're
7 controlled clearly by weight, by speed, by the fuel on board
8 and
9 if you have any explosives on board. I don't want to talk much
10 about the explosives because, one, I don't know about them, and
11 two, no terrorists have ever used that so far. They used
12 explosives in trucks and vans and things.

13 I went through and I evaluated a number of
14 different
15 aircraft to be used as missiles to see what the risk really is
16 of the different ones. I went from the biggest to the
17 smallest,
18 and I figured the kinetic energy of them and I figured the
19 energy from the combustion to fuel. I also put in from the
20 biggest to the smallest, as the smallest airplane I put in the
21 Cessna 172 because that's the one I had some information on.

22 We
23 have some handouts if you want on the results of that.

24 But it follows -- the report will come very
25 clearly.

26 For the biggest sizes, I talk about the 757, the 767, and the

1 737, and for the smallest I talked about a Cessna Skyhawk, just
2 to get it into perspective.

3 It's hard to describe what the results are. You
4 can
5 describe it very accurately in terms of Btu's of kinetic energy
6 and Btu's of combustion energy and you get large, abstract
7

1 numbers which are very difficult to understand. But what you
2 can do is you can compare that to what a Cessna 172 would do,
3 and that's what I've done. I went through and I compared what
4 happened if a 767 hit somewhere and how many Cessna 172's it
5 would take to do the same thing. It comes out to a very big
6 number. It comes out to 600.

7 Now, I'm not saying you're ever going to get 600
8 airplanes in one place at one time to hit at the same time.
9 That's just an illustrative way of saying what it is. But
10 that's what the results are for those big airplanes.

11 Then I turned around and did the same thing for
12 business aircraft. I looked into the biggest one would be a
13 Gulfstream V. I looked into a Citation, a King Air, to see
14 what

15 they would do. They have, in multipliers of a Cessna 172,
16 between 32 and maybe 100 for the biggest G-V. That's the worst
17 results you can have.

18 The possibility certainly exists to fine-tune the
19 regulations we have. We have a regulation that says all the
20 same, any little putt-putt with 40 horsepower is the same as a
21 767 in the ADIZ. Well, not many 767's are going to be

22 flopping

23 around the ADIZ, but functionally they could do that. I think
24 that there should be a fine-tuning or a recognition that there
25 are differences, one size doesn't fit all, and precedent
26 exists,

1 like in the aircraft screeners, for changing the rules to match
2 reality, like this change that now you can carry your little
3

1 scissors or something like that. So these kinds of things
2 would
3 make the ADIZ more acceptable and understandable. It works
4 that
5 way.

6 Basically, that's the message I wanted to say, but
7 I
8 have one message for the panel. As a very senior aviator
9 around
10 here, I want to close with a final caution. The people that
11 are
12 involved in the policing of the ADIZ bear a very heavy
13 responsibility. If there's ever a shooting down of an innocent
14 civilian aircraft in the United States, there are going to be
15 terrible consequences. I don't know whether you're involved
16 with the policing, but I would like that message to get across
17 to the people who are doing that.

18 That's all I have to say. Thank you very much.

19 (Applause.)

20 MR. FAZIO: Our next speaker is Frank Schmidt.

21 STATEMENT OF FRANK SCHMIDT, MANAGER,

22 DAVIS AIRPORT

23 MR. SCHMIDT: Hello, my name is Frank Schmidt. I'm
24 the manager of Davis Airport, which is a little grassroots
25 airport on the edge of the ADIZ in upper Montgomery County.
26 Davis Airport was founded in 1946 as a training field primarily

1 and it's remained a little grassroots airport, mostly for --

2 mainly it has a flight school and a maintenance facility.

3 We've

4 turned out a lot of really good pilots and over the years a lot

5 of them have ended up with the airlines. Some of them ended up

6

1 in the military flying. We lost a couple people in Vietnam
2 flying helicopters that started at Davis. We've had airline
3 pilots that have got their start there, ended up retiring in
4 recent years. We also had a student a few years ago, a young
5 lady that started out there, and she ended up flying C-5's in
6 Desert Storm.

7 I've been instructing at Davis Airport since 1967
8 and I've been managing it for the past five years. During
9 this,

10 after 9-11 business went way down. Practically, the
11 instruction

12 business is probably a tenth of what it was. Some of the
13 airplanes we were flying over the years, the J-3's, no longer
14 can fly in this area because you can't equip them for that. We
15 have pilots who are very responsible people. We still have
16 three World War II veterans flying there, we have some Vietnam
17 veterans, a Korean War vet. These are all very solid citizens.

18 Now, a lot of them are very nervous about flying
19 today, for good reason. When I get a new student today, in
20 fact, one of the requirements that I suggest is that they get
21 the AOPA legal plan, because I say they're not safe flying in
22 this airspace without. It's about as important as your medical
23 certificate. Of course, I won't -- it's not a shield, but it
24 does mitigate any risk you're taking.

25 We've had intercepts there. We've had some people
26 who are afraid to take their planes off the ground. Anybody

1 that's going up for pleasure, that is a very -- it doesn't

2

1 happen very often. We get people that are coming in from
2 outside of the area, which also doesn't happen very often
3 because it's one reason the business is down. Where we used to
4 have itinerant aircraft, nobody wants to go into this airspace.

5 Once in a while we'll get a phone call from
6 somebody
7 who wants to come into my airport because it's convenient.

8 Just
9 a little while back they called me and he said, he's coming in
10 from Ohio. I asked: Do you know the procedures getting in
11 here? He says: I can figure them out. I said: No, you
12 can't.

13 (Laughter and applause.)

14 So I gave him a good briefing on it, and he came
15 in,
16 had dinner with his family, who lived close by, and he came
17 back. He said: Hey, thanks a lot. That was the day that the
18 Cessna 150 incursion occurred.

19 I had another incident where I had somebody at
20 Frederick Airport that I had sold an airplane to, and he was a
21 very experienced pilot. He was from United. He had retired
22 from United Airlines a few years before and he was going to
23 Alaska with the airplane to use it for bush flying. I asked
24 him, I said: You know the procedures getting out? He says:
25 Well, I've got a chart there, somewhere in his case. I said:
26 You ought to have an up to date chart. Then he says: Well,

1 I've got a GPS. Okay. I said: How are you planning on
2 getting
3 out? He said: Straight south. And we'd been discussing the
4 incident from Smoketown right before this.
5

1 So you have a big problem with pilot education
2 throughout the country. Your license isn't just tied into
3 flying in this area. You're going to have -- people are either
4 going to be afraid to fly here, into here, or they're going to
5 violate the airspace. I'm totally against the ADIZ. I don't
6 think -- I don't think light aircraft are any kind of threat.

7 I
8 mean, I've been around them for enough years. I've been flying
9 them for close to 50 years now, and I cannot see -- I'm more
10 afraid of the government response than I'm afraid of terrorists
11 or anything else.

12 This is, you have this fear factor. It's
13 permeating
14 everything. The flight instruction, figure you're not going to
15 have pilots any more if you don't have flight instruction, and
16 you won't have airline pilots one of these days. We feed
17 people
18 into other systems and they work their way up. Like I say,
19 it's
20 a grassroots airport. That's why they call them that. That's
21 where your aviation gets started.

22 If this were made permanent, we might as well shut
23 our doors. Right now, we've been hanging on with our
24 fingernails, and I'm sure the other airports around here are
25 really in kind of a holding pattern.

26 So that's about what I have to say about it.

1 (Applause.)

2 MR. FAZIO: Vince Massimini.

3 (Screen.)

4

1 STATEMENT OF VINCE MASSIMINI,
2 ASSOCIATE MANAGER, KENTMORR AIRPORT

3 MR. MASSIMINI: Hi, I'm Vince Massimini. I live at
4 Kentmorr Airpark. Go ahead and switch to the next slide.

5 (Screen.)

6 We're over about 30 miles east of the Washington
7 Monument, again just a grass strip. We all live on it, 14
8 neighbors. We have some interesting airplanes. We have the
9 airplane that Ann Lindberg learned to fly in. We can't fly it
10 right now because it doesn't have a transponder. Miss Lindberg
11 got along without a transponder, but we can't.

12 What I want to talk about -- next slide, please.

13 (Screen.)

14 What I want to talk a little bit about is to kind
15 of

16 build on what Lee Schick and Mike Henry said. We're going to
17 have some kind of airspace restrictions here in Washington.
18 Clearly that's probably too much to hope for, that they would
19 all go away.

20 Go ahead, next.

21 (Screen.)

22 And we've all had these tens of thousands of
23 comments on some of the bad ideas that are at the ADIZ right
24 now, and there are a lot of bad stuff and a lot of bad
25 execution. But to me the real problem with the ADIZ here is
26 you

1 can't get anything changed or it's extremely difficult. I'm

2

1 going to give you a little example of a small change that we
2 actually made with the authorities for the ADIZ. It was quite
3 positive, and it was nearly impossible.

4 But there are a few things. I mean, we've got
5 1205,

6 to have the fringe airports be able to depart without
7 contacting

8 ATC. We've had minor changes to our Bay Bridge procedure over
9 at Kentmorr. Those are all good things. There's been hundreds
10 of other suggestions trying to improve the ADIZ, and I'm not
11 going to go into them, but they've basically been met with
12 silence. I don't even think we get a no on most of them. We
13 just don't get an answer.

14 Next slide, please. Next. Hit it again, please.

15 (Screen.)

16 There are some better things we could do with the
17 ADIZ. Does Upperville really need to be restricted the same
18 way

19 that, for example, Lee is? Upperville is on the western
20 portion, west of Dulles. Does airports like Wolf and again
21 Upperville that are small airports, you can't even fly a big
22 airplane into them, do they need to be restricted the same way
23 that, for example, Gaithersburg does?

24 The ADIZ, does it really make sense to have it
25 asymmetric, where an airport like Martin State, that's almost

26 45

1 nautical miles from Washington, has the same, similar
2 restrictions as, for example, Gaithersburg? Could we do more
3 with arrival corridors? We're somewhat fortunate at Bay Bridge
4

1 in Kentmorr. We can go out to the east and come in to the
2 east.

3 We need a transponder, but we don't need a flight plan. Of
4 course, woe be to you if you forget to change your code when
5 you

6 come in. But nonetheless, we can at least -- don't have to
7 call

8 Potomac and get codes to depart and enter.

9 Next slide, please.

10 (Screen.)

11 As I mentioned, we've tried to make changes. I'll
12 give you an example in a second. You can't seem to get it
13 done.

14 This is under a case of a TFR and the TFR and a NOTAM can be
15 changed literally with the stroke of a pen by the FAA. Of
16 course, there's other government agencies involved. However,
17 if

18 we implement into a rule, when you want to change a rule now
19 you

20 have to start doing things like public meetings and the whole
21 rulemaking process. That's the point I'm trying to make here,
22 is that we're going to have airspace restrictions; let's at
23 least get something that works and is sensible before we put
24 something into a rule.

25 Next slide, please.

26 (Screen.)

1 Just a quick example of some changes that we did
2 make actually at Kentmorr and Bay Bridge. This is Kentmorr.
3 I'll get it here. It's right here (indicating), and we have a
4 cutout. This is a cutout of the ADIZ, and we can enter and
5 depart from the east, a relatively good deal.
6

1 When the ADIZ was first created, the edge of the
2 cutout, the line of death here, was only about 7 or 800 yards
3 from the airport. We initially had a left-hand pattern to land
4 on runway 28, but that really was not advisable, considering
5 the
6 F-16's and things like that. So our manager changed it to a
7 right-hand pattern. Well, that was fine, except now when we're
8 landing on runway 28 with a right-hand pattern and Bay Bridge
9 is
10 landing runway 28 with their left-hand pattern, we're out here
11 nose to nose.

12 So we didn't like that very well. Also, right
13 after
14 we took off you really had to make a pretty aggressive turn to
15 the east in order not to bust the ADIZ. Well, I had a Maul.
16 It
17 was no problem for me. It gets right up and a turn. But other
18 airplanes are not so effective at turning. So you've got kind
19 of a low-altitude turn situation here, with a little bit of
20 pressure if some guy's going to come after you with a
21 helicopter
22 or a fighter.

23 So we tried to get this changed. Next slide,
24 please.

25 (Screen.)

26 So what we suggested was, gee, could you move this

1 boundary out just a little bit farther away, and maybe could
2 you
3 move the boundary to the south, maybe down towards the tip of
4 Kent Island? That way we could have our left-hand pattern, you
5 could also know where the boundary was. We talked to the FAA
6

1 about this. We went to AOPA, did a lot of work on it. Nobody
2 who heard it thought it was a bad idea.

3 We had not an urgent safety thing, but some
4 relatively significant safety implications. And you know, we
5 actually got it changed.

6 Give me the next slide, please.

7 (Screen.)

8 A little bit different scale map, but it moved the
9 line down here to the bottom of Kent Island and we moved the
10 boundary out towards the middle of the bay. This only took two
11 years.

12 Now, and I appreciate primarily some folks at
13 Potomac TRACON that I believe got this done for us. We
14 sincerely appreciate that. It's the kind of little improvement
15 that helped things safety-wise and helps us live with the fact
16 that we're living in Washington.

17 Put this ADIZ into a rule, I doubt that we'd ever
18 get this changed, because now we have to go through another
19 layer of bureaucracy to actually change a rule, rather than
20 changing a flight restriction. So this is my message tonight.
21 We're probably going to need some final rule some time, but
22 let's at least get this airspace to something sensible, that
23 works and that works with the users and with the government,
24 before we try to implement something like a special flight
25 rules
26 area.

27

1 Next slide.

2 (Screen.)

3 Just real quick -- I already summarized that. Next
4 one.

5 (Screen.)

6 Just our effect. We can't fly our non-electric
7 aircraft. We have had a couple of innovative folks who put a
8 battery-powered transponder in them, but we just basically
9 can't
10 fly our non-electric aircraft.

11 Next one.

12 (Screen.)

13 The ADIZ adds about five to ten miles for us to get
14 out of it before we can go anywhere other than east, so that's
15 a
16 couple of gallons per flight.

17 Next slide.

18 (Screen.)

19 Reduction of overall flying. Many of you all know
20 who have been into Kentmorr, we've got the best crab cakes
21 probably on the Eastern Shore, a good restaurant, and
22 unfortunately now we're down from about 20, 25, 30 aircraft a
23 weekend to one or two, and that's only on a good weekend that
24 we
25 get one or two.

26 (Screen.)

1 Okay, thank you very much.

2 (Applause.)

3

1 MR. FAZIO: James Reed.

2 STATEMENT OF JAMES REED,

3 JIM REED ENTERPRISES

4 MR. REED: Good evening. My name is Jim Reed. I'm
5 representing myself and Jim Reed Enterprises. We're a small
6 company. I retired from the Naval Research Lab after 30 years
7 as a senior electronics technician, where I worked as an
8 electron microscopist and a radiological safety officer. I've
9 been involved in aviation for 43 years. I'll say at the outset
10 I oppose the notion that we need to extend this FRZ and ADIZ.

11 I'm based at 2 Whiskey 5 and my aviation experience
12 is as follows. I fly approximately 400 hours a year now, which
13 is down considerably from what I was doing pre-9-11. I
14 basically fly about 600 flights a year in the ADIZ at this
15 time.

16 I have an ATP rating, airplane single-engine (inaudible),
17 aircraft single-engine C, instrument CFI, advanced ground
18 instructor, instrument ground instructor ANP, with an
19 inspection
20 authorization, and I am an aviation safety counselor in the
21 Washington, D.C., FSDO, an avionics technician. I hold an
22 experimental aircraft builder's license for Pitts, a similar
23 license for Thorpe TAT, another home-built aircraft. I'm an
24 assistant chief flight instructor for a Part 141 school at my
25 local airport. I'm a chief pilot for my company, Jim Reed
26 Enterprises. And I was an airshow performer up until 9-11. I

1 did airshows for 18 years.

2

1 I operate a small aviation business located within
2 the bounds of the ADIZ. I have contracts to aerial inspect
3 power lines for several power companies in the area including
4 the FRZ, and I'm a contract pilot for a federal law enforcement
5 agency which operates in the FRZ as well. I contract with
6 professional aerial photographers and other small companies who
7 conduct flights into the restricted areas. I'm an active
8 instrument-certified flight instructor providing flight
9 training
10 from primary through air transport ratings, and I maintain a
11 small maintenance shop for my own equipment, and I serve
12 certified transponders and do other avionics repairs and
13 certifications under repair station license at my local
14 airport.

15 So I wear many hats. Not many of them fit well any
16 more. Much has already been said and written about this ADIZ
17 and the FRZ, and it states clearly that it's costly and
18 provides
19 nearly safety nor security for the area. Many reasons have
20 been
21 cited about why this useless, expensive, feel-good solution to
22 a
23 real or imagined threat against our citizens, and I agree with
24 most of what's been said and I won't address that any further
25 here.

1 The conception and implementation of the initial
2 The
3 FR was a knee-jerk to do something now by a hysterical group of
4 people who were placed in charge of our wellbeing, well-meaning
5 people. It was a "lock the barn door after the horse has been
6 stolen" kind of way of thinking. The sad thing is the follow-
7 on
8

1 ADIZ and the FRZ is just an extension of the ill-conceived TFR.

2 Still more frightening is the notion that it's a
3 good thing and ought to be extended and made permanent. Once
4 the foot is in the door, the danger is that there will be a
5 call

6 for -- shades of Mayor Daley of Chicago -- an ADIZ around every
7 major population. He wanted one around his city at one time,
8 as
9 I recall.

10 As noted by others, the cost to general aviation
11 has

12 been enormous. We cannot get real numbers for the dollar
13 losses

14 in the D.C. area. Dick Meade pointed out that those numbers
15 were ignored and that they did a study on the DC-3 and nothing
16 else. Just think of the consequences of having multiple ADIZ's
17 around all of our major cities. How will that affect the
18 commerce and freedoms of our citizens? It will be the demise
19 of
20 general aviation in the U.S. as we know it.

21 I have seen many small aviation businesses in this
22 area fail and others that are barely hanging on in the hope
23 that

24 things will get better. I'm one of those still hanging on.

25 The

26 only reason I'm still working and in business is because of my

1 ability to readjust to different segments of turn aviation,
2 turn
3 my hat in a different direction.

4 I cannot remain rational when I try to relate the
5 various problems that have confronted me while flying in the
6 D.C. area, so I won't go there. I won't get livid. Suffice to
7 say that ATC needs help. The radar coverage or, more
8 precisely,
9

1 the lack of radar coverage and radio communications that we now
2 have in most sectors of the FRZ and the ADIZ remain basically
3 the same as they were pre-9-11, few enhancements. VHF
4 communication remains a major problem within the area for small
5 GA pilots. As noted, people are orbiting around waiting for
6 clearances.

7 TSA empire-builders tend to spend large amounts of
8 money on staff and their new office space, feathering their
9 nests, so to speak, instead of providing AT with the tools
10 necessary to make the system work better. Simple, inexpensive
11 things like additional radar sites are needed to provide
12 adequate coverage or control outlets or hotlines to TRACON from
13 small airports to improve communications would be useful.

14 One excuse I got from a bureaucrat several years
15 back was: No money available. I laughed at him. No money.

16 We
17 were talking about billions pouring in the coffers of TSA. In
18 retrospect, he was right. He was probably right, since there
19 has been little or no improvements made in this area since 9-
20 11,
21 and if there's no funding available then the system needs to be
22 scrapped because it's unworkable in its present form and won't
23 improve in the future.

24 Let me put this thing in perspective. Some of you
25 guys are not pilots. Suppose you had to do this every time you
26 wanted to take a trip to downtown D.C. Just suppose you have a

1 job there and you have to do this every time you want to take

2

1 your vehicle, no matter for what reason, go to work, cruise up
2 or down the river in your boat, a night out, a movie. First
3 you've got to call some federal agency and tell them when,
4 where, what route you'll take, how long it will take you to get
5 there, and how many people are going with you; have him verify
6 that he has your driving plan on file.

7 Second, call some other federal agency, tell him or
8 her -- we'll call them "them" or "they" from now on -- that you
9 are now leaving your area to go to your destination. They'll
10 check to see if your plan is on file, and if it didn't get lost
11 they will give you a phone number or advise you of some other
12 communication medium for the agency to contact them on.

13 You must contact this agency before entering the
14 ADIZ boundary, you phone or whatever, and be authorized to
15 enter. You must maintain contact with this agency at all times
16 while you are en route. If you lose contact for any reason,
17 you
18 must, under the threat of death -- maybe you're going to be
19 intercepted by a SWAT team, since we're on the ground -- exit
20 the area via the shortest route out of town, and don't stop
21 until you are outside of the ADIZ boundary. That's 30 miles or
22 more from downtown.

23 No one cares about your problems. You just go
24 away,
25 that's the mentality here.

26 Third, if your destination is within ten miles of

1 the center of town it gets more complicated. You have to have

2

1 an FBI background check and it is required and you will be
2 cleared -- you will be issued a PIN number or vetted, as some
3 people hear the word. You have to call yet another federal
4 agency, give them your PIN number, inform them of your
5 intentions, your route of flight, how many people are with you,
6 where are you going. Your passengers will have to be listed on
7 an initial plan and have an FBI background check, your
8 passengers checked.

9 This is really neat stuff, huh? It gets worse.
10 You're not downtown yet. Hang in there with me. If your
11 destination falls within seven miles of the center of downtown,
12 you're required to have an approved law enforcement officer
13 riding along with you. We do that in our airplane. At all
14 times he has to be in there with you along your route.

15 Of course now, if you want to leave downtown and
16 come home, guess what, folks? We get to do this whole
17 procedure
18 back again.

19 Sounds ridiculous? Does it? This is similar to
20 the
21 procedure set aside for us pilots who operate in the area. It
22 seems like infringement of some very basic freedom. It seems
23 like that to me. What do you think? I can drive my car, my
24 van, my truck, my motorcycle or boat right down the middle of
25 D.C. No one asks me anything about you intentions. Why should
26 I have such freedom to do that? Hello, it's still me. I'm the

1 same guy, flying a little airplane. What's the problem, folks?

2

1 Thank you.

2 (Applause.)

3 MR. FAZIO: Terrence Russell.

4 STATEMENT OF TERRENCE RUSSELL

5 MR. RUSSELL: Ladies and gentlemen, my name is
6 Terrence Russell. I'm a flight instructor, a full-time flight
7 instructor in your Washington ADIZ. I'm a one-person,
8 one-airplane flight school based at Michael Wassel's Tipton
9 Airport. I want to tell you a true story about flying in the
10 ADIZ. To protect the innocent, I won't give you any specific
11 names, times, or locations, but this is a true story of a
12 full-time flight instructor with several thousand hours who
13 flies in the ADIZ six days a week, a few thousand hours of
14 instruction. He is based inside the ADIZ and he's convinced
15 that there are some unexplained, important glitches in
16 Potomac's
17 equipment that are causing some pilots major problems under
18 ADIZ
19 rules.

20 About a year ago, this friend crossed into the ADIZ
21 on his assigned discrete code, transponder code, assigned to
22 him
23 by Potomac. After a couple of minutes after entering, Potomac
24 radios to him and says: Airplane heading southeast at 2,000
25 just north of ABC, squawking 1200, identify yourself.

1 So he looks around. There's nobody there. He
2 looks
3 at his transponder. It's not 1200; it's 4321. So he says:
4 Hey, Potomac, I'm on 4321, but I'm at about that location.
5 They
6

1 say: No, you're not; you're on 1200. He says: No, I'm on
2 4321. No, you're not. Yes, I am. No, you're not.

3 So anyway, the controller insists that he's
4 receiving a 1200. Now, a little later the controller says:
5 Okay, well, I think we've found the problem; you can resume
6 your

7 own navigation. Report to field in sight. So he navigates, he
8 reports to field in sight and says -- he says, okay, bye. The
9 controller says: All right, see you.

10 Then November 12345, you still there? Yes. Hey, I
11 got a phone number for you. All right, so the whole time my
12 friend he's cranking out his code, 4321, on out, with a reply
13 light. It's an 18-month old analogue unit, no automatic VFR
14 button, almost a foolproof unit. But there he is, he's getting
15 written up, facing a 30-day violation, facing 30 days of
16 unemployment, falsely accused, 1200.

17 All right, well. He takes the plane and the
18 transponder to the nearest avionics tech. He has it looked at.
19 He's just hoping, just hoping that the tech is going to find
20 something wrong with the box. Not me, it's the box. Can't
21 violate me; it's the box.

22 But they don't find anything wrong with the box,
23 nothing wrong with the transponder. All right. So he can feel
24 a little more protected, our friend starts to use a digital
25 voice recorder. Now he's taping everything from startup until
26 shutdown, entire flight. He tapes the whole flight.

27

1 Several months later, exact same problem happens.
2 This time he's recording the whole conversation, the whole
3 in-flight. You're on 1200; no, I'm not; yes, you are; no, I'm
4 not. All right, well, he lands. Hey, I've got a phone number
5 for you again. All right.

6 Well, he takes it to the same avionics tech. They
7 can't find anything wrong. He takes it all the way around the
8 ADIZ to another avionics tech. They still can't find anything
9 wrong.

10 Several months go by. Another colleague has the
11 exact same problem: You're on 1200; no, I'm not; yes, you are;
12 no, I'm not. Then finally, one day out of the blue another
13 letter comes from the FAA: November 12345, you're on -- was
14 observed on 1200 code. Who's the PIC?

15 So our flight instructor goes, he finds out his
16 student, his student was on a cross-country. His student
17 swears
18 up and down that he got his code before taking off, it was
19 programmed, he checked in with the controller, he never touched
20 the transponder, he monitored ATC and guard like he was
21 supposed
22 to, and the controller never mentioned a problem.

23 But unfortunately, because the controller never
24 mentioned a problem, the voice recorder that we had with our
25 whole ATC tape, well, it was erased. Why are you going to keep
26 something if there's nothing wrong? Well, okay.

1 So now -- let's see. So anyway, we take the

2

1 transponder back to the tech. They send it to the factory.

2 The

3 -- sorry. Anyway, we know that -- I personally know that the
4 student did not have a 1200 in because I personally heard this
5 student being cleared out of the ADIZ. I heard the controller
6 tell my student that, you are clear of the ADIZ, squawk 1200,

7 no

8 phone number -- not usual practice.

9 So anyway, so the latest news is the FOIA, Freedom
10 of Information Act, has no radio tapes for the incident. The
11 FAA proposes to violate the student. The student has stopped
12 taking flight lessons and now the instructor, our friend, now
13 stores all digital voice recordings for 60 days just in case he
14 gets a letter after 30 days and has bought a videotape, a
15 \$1,000

16 video camera, so he can tape the GPS and the transponder at all
17 times from start, from takeoff to landing.

18 Not only that, but I guess, getting carried away, I
19 forgot to tell you that the flight instructor spent an
20 additional \$2,500 to change the transponder after the second,
21 the second problem. So when the third problem came in it
22 wasn't

23 the same transponder; it was another transponder.

24 So that's all to say that there are glitches out
25 there. Machines have bugs, and you've got to take that into
26 consideration before you start violating everybody, because

1 people do have jobs and we do try to earn a living out here and
2 it makes it very difficult, very discouraging.

3 Thank you.

4

1 (Applause.)

2 MR. FAZIO: Roger Guest.

3 STATEMENT OF ROGER GUEST,

4 MANAGER, KENTMORR AIRPORT

5 MR. GUEST: Thank you. My name is Roger Guest.

6 i'm

7 the manager of Kentmorr Airpark. Kentmorr is a residential
8 airpark located on the eastern edge of the ADIZ. It was
9 established in 1945 across the Chesapeake Bay Bridge from
10 Annapolis as a residential and a recreational airpark.

11 Currently we have 15 homes there, 17 aircraft, 5 with no
12 radios, therefore they are unable to fly.

13 The ADIZ has had a significant impact on the
14 quality

15 and frequency of our flying activities at Kentmorr Airpark.

16 Bay

17 Bridge procedure area allows us to come and go without filing
18 an

19 ADIZ flight plan, but we must exit the ADIZ to the east. All
20 other operations require an ADIZ flight plan and unique
21 transponder code, even to just fly in the pattern.

22 The residents established their homes at Kentmorr
23 for the convenience and pleasure of flying, to enjoy local
24 flying around the bay area, to share flying with friends and
25 neighbors, and to watch airplanes come and go.

26 This past summer, a group of six biplanes from

1 Pennsylvania wanted to visit Kentmorr, but were unable to
2 because they were not all equipped with transponders. After
3 talking to them, they decided they didn't want to fly into the
4

1 ADIZ anyway, after I talked to them.

2 Many of the aircraft that used to fly into Kentmorr
3 are older, antique and classic aircraft without electrical
4 systems. Friends used to fly in to visit, but not much any
5 more. Professional pilots avoid the ADIZ. They can't risk a
6 violation. Even FAA friends are reluctant to enter the ADIZ.

7 A

8 violation might tarnish their career.

9 Kentmorr was a favorite destination for the \$100
10 crab cake at the Restaurant on the Bay, as many as 30
11 transients

12 on a nice Saturday or Sunday. Now we might see two or three
13 occasionally.

14 The ADIZ has had a big impact on our quality of
15 flying, but that's why we moved to Kentmorr, the convenience
16 and

17 pleasure of flying. Flying is still doable for the residents,
18 but not nearly as convenient and enjoyable as before, and most
19 other pilots find less risky destinations to visit.

20 Then there is the anxiety factor, too. If anything
21 goes wrong while you are in the ADIZ, it's almost certain, a
22 certain federal offense.

23 Before making the ADIZ permanent forever, could an
24 attempt be made to develop a more satisfactory implementation
25 for general aviation? Does the ADIZ need to extend 45 miles to
26 the northeast or 40 miles to the west? There are six major

1 general aviation airports around the Washington metro area --
2 Montgomery County in Gaithersburg, Tipton at Fort Meade, Lee at
3

1 Annapolis, Maryland Airport near Waldorf, Maryland, Manassas in
2 Manassas, Virginia, and Leesburg in Leesburg, Virginia.

3 I would like to suggest using these airports to
4 define a new perimeter for the Washington ADIZ and allow
5 unrestricted access to these airports, but not beyond the
6 airports into the ADIZ. The aircraft operating in and out of
7 these airports are mostly smaller general aviation aircraft,
8 which are not considered a significant threat to the Washington
9 area. Airports remaining within the ADIZ could be assigned a
10 unique transponder code with an ingress-egress corridor
11 established for access to each airport. This system has been
12 in
13 operation for some time at Bay Bridge and Kentmorr Airports and
14 has worked very well.

15 Less traffic and a smaller ADIZ would reduce the
16 workload for Potomac TRACON, flight service stations, and ICE
17 operations. Less traffic, less confusion in the ADIZ, would
18 provide better overall security for the area and help to reduce
19 the number of false alarms.

20 I was provided several questions that I was told
21 that the FAA would kind of like some specific responses to. One
22 dealt with relocation of aircraft outside the ADIZ. Several
23 years ago we bought an airplane for my son to learn to fly in
24 and we based the airplane at Easton just to facilitate his
25 flight instruction. As some of the people have mentioned, when

1 you're trying to teach flying it's kind of hard when you have

2 to

3

1 wait for flight service and TRACON and transponder code and fly
2 in and out. It was just easier for them to go to Easton and do
3 it.

4 One Sunday morning I drove to Easton -- it's about
5 a
6 35-minute drive from Kentmorr -- to use his airplane. When I
7 returned to Easton about noon, it took me almost two hours to
8 drive back to Kentmorr because of the Ocean City beach traffic
9 on U.S. 50. So having to relocate your airplane really is --
10 makes things much more difficult and it's pretty frustrating
11 when you happen to live on an airport.

12 Loss of time and curtailing flying. I occasionally
13 fly from Kentmorr to Winchester, Virginia, to visit family.

14 The
15 only practical way to get there is through the ADIZ. Two calls
16 to flight service to file flight plans, two calls to Potomac
17 TRACON for a squawk code, and you've heard about the delays,
18 and
19 they're real. Then you hope nothing stops working in the
20 airplane and the controllers are having a good day. It's an
21 anxious flight.

22 The percentage of reduction in overall flying.

23 When
24 the Bay Bridge procedure area was established, it was at least
25 50 percent. With the Bay Bridge procedure area -- and if you
26 recall from Vince's slide, that has given us a unique code to

1 come and go without requiring a flight plan or a transponder
2 code. We have our own unique code designated for the airport.

3 It's really nice.

4

1 But we can't do anything else. We still are not
2 able to do short hops around the island with friends and
3 neighbors. Again, as I said, we moved to Kentmorr to enjoy
4 flying, to share it with our friends, and we're stuck because
5 we
6 can't move the airport out of the ADIZ.

7 Thank you.

8 MR. FAZIO: I'd like to call our last speaker of
9 the
10 evening, Steve Inkellis.

11 (Screen.)

12 STATEMENT OF STEVE INKELLIS, VICE PRESIDENT,
13 MONTGOMERY COUNTY AIRPORT ASSOCIATION

14 MR. INKELLIS: Ladies and gentlemen: Thank you for
15 giving us the opportunity to present our views on the proposal
16 to make the ADIZ permanent. My name is Steve Inkellis. I'm a
17 private instrument-rated pilot with over a thousand hours
18 flight
19 time and substantial experience in the Washington, D.C., ADIZ.

20 I'm representing tonight the pilots and businesses
21 who are members of the Montgomery County Airport Association at
22 the Montgomery County Airpark, also known as Gaithersburg. As
23 you know, Gaithersburg is one of the airports most affected by
24 the ADIZ and the freeze. We are opposed to making the ADIZ
25 permanent or even to continuing the ADIZ on a temporary basis.
26 Weighing the ADIZ benefits against its costs, it's clear the

1 costs substantially outweigh any real benefit to security it

2 can

3 provide.

4

1 Next slide, please.

2 (Screen.)

3 Listed here are the benefits of the ADIZ in
4 preventing terrorist attack by air on the Washington, D.C.,
5 metro area. That's the slide. The ADIZ's utility rests on the
6 hope that the next Mohamed Atta will come breezing in squawking
7 1200.

8 (Laughter and applause.)

9 That just doesn't seem very likely.

10 On the other hand, the ADIZ has clear costs. Next
11 slide, please.

12 (Screen.)

13 These costs include substantially reduced air
14 safety
15 in and around the ADIZ boundaries, substantial economic costs
16 to
17 pilots and businesses, and substantial economic costs to the
18 government.

19 Next slide, please.

20 (Screen.)

21 This slide shows the reverse side of the
22 Baltimore-Washington terminal area. Marked in the dark blue
23 area just above Gaithersburg toward the center is the old
24 student practice area for Gaithersburg. It's actually still
25 defined on the chart as the student practice area, but nobody
26 is

1 allowed to use it any more by ATC since it's inside the ADIZ.

2 It was and it is well clear of the way of Dulles and BWI

3

1 arrivals and departures and it's clear of other traffic, but we
2 can't use it any more.

3 Student pilots today have to fly out of the ADIZ,

4 up

5 into that larger red circle or space just outside the ADIZ. In

6 red, that area is between Westminster and Frederick, where

7 today

8 VFR traffic is concentrated for ingress, egress, and training,

9 and where no traffic separation or announcement is provided for

10 or available.

11 This is a scary place for pilots worried about

12 flying the airplane, avoiding hair-trigger ADIZ violation

13 penalties, and trying to avoid mid-air collisions with

14 similarly

15 situated souls.

16 The second red area is the now extremely narrow

17 transit corridor from the west side of the ADIZ to the Eastern

18 Shore. Here pilots must fly at low altitudes, 1500 feet or

19 2,000 feet, with no traffic, radar traffic advisory service,

20 and little time to react in the event of equipment failure.

21 Before the ADIZ, pilots could usually expect help from ATC in

22 the form of higher altitudes and traffic separation services.

23 These red zones are potential deathtraps and no

24 pilot I have ever talked to believes that the ADIZ provides any

25 offsetting benefit.

26 Next slide, please.

1 (Screen.)

2 The ADIZ costs pilots and businesses real money, as

3

1 has been documented by the AOPA study. These are not trivial
2 amounts. Gaithersburg has lost jobs, businesses, and based
3 aircraft. People are afraid to fly in the ADIZ because
4 hair-trigger enforcement stories are legion in the pilot
5 community.

6 Next slide.

7 (Screen.)

8 The ADIZ is costing and will cost the government
9 substantial sums. Enforcement action, which mostly is for
10 trivial infractions, wastes resources. To make the ADIZ safe
11 will require tremendous additional ATC resources, which seem
12 unlikely to be made available, at least not until some flaming
13 aluminum falls from the sky. We think it's just a matter of
14 time.

15 Next slide.

16 (Screen.)

17 We urge you to consider significant reductions in
18 the burdens of flight plan filing, communication, and code
19 requirements. Aircraft landing and departing Gaithersburg
20 should be able to squawk a pre-specified code and be on their
21 way. If they deviate from the pre-specified departure and
22 arrival paths, then they can become targets of interest. Since
23 you can't know today who's really filing or whether they will
24 fly their filed flight plan, this wouldn't detract in any way
25 from the current level of security.

26

1 Next slide, please.

2 (Screen.)

3 Make the FRZ enhanced class B from the surface.

4 Squawk and talk in the FRZ, but eliminate the flight plan
5 filing

6 requirement. Any aircraft deviating from ATC vectors in the
7 FRZ

8 then becomes a target of interest.

9 Next slide.

10 (Screen.)

11 This is important. End the ADIZ after a fixed time
12 period if it's going to be continued. The burden should be on
13 the government to show that its continued existence is
14 justifiable. It shouldn't be the other way around.

15 (Applause.)

16 Next slide, please.

17 (Screen.)

18 Eliminate the proposed rules to make violations of
19 the ADIZ criminal. As currently written, even a failure to
20 comply with class B, C, and D rules would be criminalized by
21 this proposal. Believe me, the fear of an interceptor missile
22 far exceeds any deterrent effects from criminalizing what have
23 been overwhelmingly trivial violations to date.

24 We expect our government to take reasonable
25 measures

26 to protect the public from potential terrorist acts. However,

1 we don't want our government to take wasteful and dangerous
2 actions just to be seen as doing something. Please eliminate
3

1 the ADIZ and consider modifying the FRZ.

2 Thank you.

3 (Applause.)

4 MR. FAZIO: Thank you.

5 We've concluded with our list of pre-registered
6 speakers and we've also reached the conclusion of our evening.

7 I have three individuals who had asked for time and
8 unfortunately we don't have that. So if you're still
9 interested

10 in speaking, there is time available next week at the Dulles
11 session.

12 Let me remind you once again that we have a
13 transcript of tonight's meeting and today's meeting and they
14 will be available after January 27th. The information on how
15 to
16 get that transcript is in your handout there that we gave you
17 earlier today. You can also get a copy from the docket. The
18 docket number is 17005 and that will remain open until February
19 6th. You can also get information on how to submit any
20 comments
21 if you haven't submitted comments yet to date.

22 I'd like to thank everyone for coming this evening.
23 We appreciate your comments. We appreciate the speakers for
24 staying on time.

25 It is approximately 9:00 o'clock exactly and we are
26 adjourned. Thank you for coming.

1 (Whereupon, at 9:00 p.m., the meeting was
2 adjourned.)