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FEDERAL AVIATION ADMINISTRATION

- - -

WASHINGTON, D.C., METROPOLITAN AREA

SPECIAL FLIGHT RULES AREA

- - -

PUBLIC MEETING

EVENING SESSION

Washington Dulles Airport Marriott

45020 Aviation Drive

Dulles, Virginia 20166

Wednesday, January 18, 2006

The meeting was convened, pursuant to
notice, at 6:32 p.m., IDA KLEPPER, Facilitator,
presiding.

1 PANEL MEMBERS:

2 IDA KLEPPER, Manager, Airman and Airspace Rules

3 Division, Office of Rulemaking, FAA

4 NANCY KALINOWSKI, Director, System Operations

5 Airspace and Aeronautical Information Management,

6 FAA

7 DOUG GOULD, Manager, Strategic Operations Security,

8 FAA

9 THOMAS SMITH, Manager, Operations Regulatory

10 Analysis Branch, FAA

11 MICHAEL CHASE, Manager, Air Traffic and Airman and

12 Airport Certification Law Branch, FAA

13 MARK RANDOL, Acting Director of Counterterrorism

14 Plans, DHS

15 COL. RANDY MORRIS, Director, Air Component

16 Coordination Element, Homeland Security for

17 First Air Force, DOD

18 ROBIN DOOLEY, Customs and Border Protection, Air, CBP

19 NELSON GARABITO, United States Secret Service

20 MICHAEL MORGAN, Advisor, Office of Security

21 Operations, TSA

22 ALSO PRESENT:

23 NOREEN HANNIGAN, FAA

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

2 MS. KLEPPER: Good evening, ladies and
3 gentlemen. My name is Ida Klepper. I am the
4 Manager of the Airman and Airspace Rules Division
5 of the Office of Rulemaking at the FAA, and I'd
6 like to welcome you to this public meeting. The
7 purpose of the meeting is to receive comments on
8 the notice of proposed rulemaking titled
9 "Washington, D.C., Metropolitan Area Special Flight
10 Rules Area."

11 To begin this evening, I'd like to take a
12 few moments to introduce the panel members and then
13 I'll go over the meeting procedures. This
14 evening's panel members are: Nancy Kalinowski,
15 Director, System Operations, Airspace and
16 Aeronautical Information Management, FAA; Nelson
17 Garabito, United States Secret Service; Doug Gould,
18 Manager, Strategic Operations Security, FAA;
19 Colonel Randy Morris, Director, Air Component
20 Coordination Element, Homeland Security for First
21 Air Force; Michael Morgan, Senior Advisor, Office
22 of Security Operations, TSA; Mark Randol, Acting
23 Director of Counterterrorism Plans, Department of
24 Homeland Security; Tom Smith, Manager, Operations
25 Regulatory Analysis Branch, FAA; Michael Chase,

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1 Manager, Air Traffic and Airman and Airport
2 Certification Law, FAA; Robin Dooley, Customs and
3 Border Protection, Air.

4 I'd also like to acknowledge that we have
5 additional federal government officials from other
6 agencies, such as FBI and Department of Justice,
7 that are in attendance this evening and will be
8 listening to your comments and suggestions also.

9 Again, my name is Ida Klepper and I'll be
10 serving as the program facilitator.

11 Immediately following the attacks of 9-11,
12 the federal government established an area of
13 restricted airspace to mitigate the threat of an
14 airborne attack against key assets and critical
15 infrastructure in the National Capital Region. At
16 the request of DHS and DOD, on August 4, 2005, the
17 FAA published a notice of proposed rulemaking
18 proposing to codify the current restrictions for
19 certain aircraft operations in the Washington,
20 D.C., metropolitan area.

21 The FAA is holding this meeting in order to
22 provide the public an opportunity to present
23 comments regarding the NPRM. The panel members are
24 here to listen to the presentations and to ask
25 presenters questions and request additional

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1 information for clarification if needed.

2 The meeting is being recorded by a court
3 reporter. A verbatim transcript of the meeting
4 will be available after February 2nd and can be
5 ordered directly from the court reporter. Ordering
6 information is available at the registration table.

7 A copy of the transcript of the meeting will be
8 placed in the public docket. Other documents that
9 are available at the registration table are the
10 notice of the proposed rulemaking and the agenda
11 for this meeting.

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

18 Speakers appearing on the agenda have
19 submitted requests to the FAA according to the
20 procedures that were outlined in the notice of
21 public meeting published in the Federal Register.
22 We have had several changes to the agenda that I'll
23 make a note of right now for this evening. We've
24 had a couple of switches. Our first speaker, Scott
25 Proudfoot, has agreed to switch with Randall
26

1 Burdette, so Randall Burdette will be the first
2 speaker. And we've had another speaker switch, of
3 Neil Singer switching with Kendall White. We have
4 had one cancellation from our scheduled speakers
5 and that is Alfonso Diaz del Castillo.

6 I will call on the speakers in the order in
7 which they appear on the agenda. If I call on a
8 speaker and a speaker is not here, at that time I
9 will go on to the next scheduled speaker.
10 Periodically I will go back over the agenda to see
11 if the absent speaker has arrived.

12 Each speaker will present his or her
13 information at the podium. For the benefit of the
14 court reporter, before presenting your statement
15 please clearly state your name and indicate if you
16 are representing an association, an organization,
17 or yourself.

18 You'll notice that the agenda is quite
19 full, so I will be requesting that each speaker
20 stay within the allotted time. I apologize ahead
21 of time if some of you that may have asked for time
22 may not have been allotted quite the amount of time
23 that you had requested. But we have attempted to
24 accommodate as many presentations as possible in
25 the allotted time that we have today. Please know

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1 that if it is necessary that I interrupt your
2 presentation you're certainly invited to submit
3 further written comments to the docket.

4 If there are additional speakers requesting
5 time to make a presentation, if you inform the
6 registration staff at the registration table we'll
7 add your name to the agenda and if time permits
8 after we have heard from all of the scheduled
9 speakers we will call on you.

10 Again, please know that we do welcome your
11 comments and if we run out of time you may submit
12 comments in writing to the docket.

13 At the end of your presentation, members of
14 the panel may have some follow-up questions for
15 speakers. Questions are intended -- or they are
16 intended to clarify or to focus on a particular
17 element or concept expressed in your presentation
18 and to offer you an opportunity to elaborate on
19 those areas. Questions are not intended to be a
20 cross-examination.

21 I would also remind panel -- excuse me. I
22 would also remind speakers that panel members are
23 here to listen and to gather information.
24 Therefore they will not respond to questions posed
25 by speakers or will not make any attempt to debate
26

1 the proposals in this forum. Comments, questions,
2 or statements made by the panel members are not
3 intended to be and should not be considered a final
4 position of the member's agency.

5 Last but not least, I'd like to remind
6 everyone that this is in fact a public forum and as
7 such any security-sensitive information should not
8 be presented.

9 At this time I'd like to call on our first
10 scheduled speaker, which according to our switch in
11 the agenda is Mr. Randall Burdette.

12 (Screen.)

13 STATEMENT OF RANDALL BURDETTE,
14 DIRECTOR OF AVIATION, COMMONWEALTH OF VIRGINIA

15 MR. BURDETTE: Good evening, ladies and
16 gentlemen. I'm Randy Burdette. I'm Director of
17 Aviation for the Commonwealth of Virginia. We were
18 able to get our comments read onto the docket
19 earlier this afternoon, but I'd like a couple
20 comments in summary and then I'd like to defer the
21 remainder of my time to the Virginia Aviation
22 Business Association, which we weren't able to get
23 in earlier this afternoon.

24 In summary, in Virginia we believe the
25 Washington airspace needs to be fairly evaluated

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1 with a focus on providing appropriate security
2 while balanced with safety and public access for
3 our airports and for the good economic health of
4 the Commonwealth. We do believe that one size does
5 not fit all. We heard earlier testimony this
6 afternoon about helicopters and other special
7 operations.

8 The second point is the Commonwealth
9 Department of Aviation would like to be involved
10 and participate in the process whenever possible.

11 The third thing we'd like to again
12 recommend is that VFR corridors be looked at for
13 Manassas and Leesburg because those are needed now
14 to relieve access problems and to help reduce the
15 ATC workload.

16 The full comments are already on the
17 registry for those who would like to see them, and
18 with that I'd like to introduce Ron Gatewood from
19 Virginia Aviation Business Association. Ron.

20 STATEMENT OF RONALD L. GATEWOOD,
21 VIRGINIA AVIATION BUSINESS ASSOCIATION

22 MR. GATEWOOD: Thank you, Randy.

23 Thanks for the opportunity to express our
24 concerns from the Virginia Aviation Business
25 Association. I am Ron Gatewood. I'm the Secretary

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1 of the Virginia Aviation Business Association, and
2 the Virginia Aviation Business Association
3 represents the concerns of aviation business in the
4 Commonwealth of Virginia. There are over 250
5 aviation businesses in Virginia that employ over
6 10,000 taxpayers. Virginia aviation is a vital
7 link to the air national transportation system and
8 contributes billions of dollars to the United
9 States economy. Over 20 percent of the businesses
10 will be directly affected by the proposed permanent
11 change to the airspace surrounding the Washington,
12 D.C., metropolitan area.

13 This proposed rule seeks to permanently
14 codify existing flight restrictions in the vicinity
15 of the Washington, D.C., area. The stated goal of
16 the proposed rule is to reduce the number of
17 careless and inadvertent encroachments of these
18 airspace restrictions and therefore minimize the
19 number of aircraft interceptions and other
20 consequences by codifying the existing temporary
21 restrictions into a permanent SFRZ.

22 Careless and inadvertent encroachments have
23 very little to do with preventing acts of
24 terrorism, the reason, the original reason for
25 establishing an ADIZ and the Flight Restricted Zone
26

1 in the very beginning. The VABA strongly supports
2 and is a proponent of increased national security.

3 We are opposed, however, to any permanent ADIZ
4 that restricts aviation businesses, thus affecting
5 the ability of businesses and our constituents and
6 those out of state individuals desiring to do
7 business in the state of Virginia.

8 We feel, however, that there should be a
9 fair balance between taking responsible security
10 precautions and eliminating or limiting the
11 valuable aviation resources that we have, the
12 airspace.

13 For 13 years I managed the Warrenton-
14 Fauquier Airport, which is 50 miles south of the
15 Washington Monument, as a small business operator.

16 I was on duty on 9-11 when we ceased all
17 operations and that remained in effect for over a
18 month. I immediately had to lay off more than 50
19 percent of our staff. Many uncounted individuals
20 quit flying. Some sold their airplanes as a result
21 of the necessary restrictions at the time and the
22 increased demands on flying and the cost of flying.

23 Let's not revert to those downward trends
24 of the past. The United States is one of the few
25 countries in the world that has a vibrant general

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1 aviation industry, managed by one of the finest
2 federal aviation agencies in the world, and that,
3 along with the many small businesses that make our
4 system work. Unnecessary regulations will dampen
5 any aviation industry, as has occurred in so many
6 countries. China, for example, is trying to
7 develop currently what we have. Let's not lose it.

8 General aviation is not a threat to
9 national security. The resources allocated to
10 monitoring this segment of our society could better
11 be spent on the real threat of terrorism. While
12 many citizens will feel more secure if no airplanes
13 flew around our nation's capital, the cost of
14 monitoring the flow of traffic does not
15 significantly reduce the threat of terrorism.

16 Many airports and businesses that will be
17 directly affected by these changes may cease to
18 exist, causing a noticeable gap in the access to
19 our booming Northern Virginia area. In addition,
20 all Virginia aviation business will suffer from the
21 negative impact if these changes are implemented.

22 The VABA is willing and ready to work with
23 any and all parties to reach a satisfactory
24 conclusion to this issue. Thank you.

25 MS. KLEPPER: Thank you, Mr. Gatewood.

26

1 Any questions from the panel?

2 (No response.)

3 MS. KLEPPER: No. Thank you very much.

4 Our next speaker is Charles Abell.

5 STATEMENT OF CHARLES ABELL, MANAGER,

6 FREDERICK AIRPORT

7 MR. ABELL: My name is Charles Abell. I'm
8 the Airport Manager for Frederick Municipal Airport
9 in Frederick, Maryland. I want to thank the FAA
10 for listening to the requests of concerned pilots
11 and for holding a public forum to allow us to voice
12 our concerns about the proposal to make the
13 Washington, D.C., ADIZ TFR permanent. I also want
14 to thank and express my appreciation to the AOPA,
15 which has its home, headquarters, in Frederick,
16 Maryland, for getting the message out to the
17 membership and to all pilots to send letters to you
18 and to voice their concerns and request that FAA
19 not make the Washington, D.C., ADIZ a permanent
20 restricted area as proposed.

21 I understand that around 20,000 letters
22 were submitted regarding the proposed rulemaking.
23 This is an outstanding response and I am pleased
24 that the FAA is listening to the message.

25 As the manager of one of Maryland's busiest
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1 airports, around 150,000 annual operations, I have
2 asked myself, what can I suggest or tell you that
3 could make things better? How can we improve the
4 system to make it better? What steps need to be
5 taken to keep the skies safe? What do we need to
6 do to make people believe that general aviation is
7 not a threat to our national security that it is
8 perceived to be? It is my understanding that
9 penetrations into the restricted airspace have been
10 unintentional for the most part and the only harm
11 caused has been to show a weakness in our aviation
12 airspace communications system.

13 Frederick Municipal Airport is located
14 outside of the Washington, D.C., ADIZ and is
15 currently a non-towered airport. Keep that in
16 mind. On May 11, 2005, when the little Cessna 150
17 piloted by two individuals from Pennsylvania flew
18 near the White House and was subsequently forced to
19 land at Frederick, we all heard about the
20 helicopter attempting to communicate with the
21 aircraft and failing to make voice contact with the
22 pilots by radio. Even their signs were of little
23 help.

24 We have heard about the F-16's armed with
25 missiles and shooting flares across the path of the
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1 150 aircraft and how close it came to being shot
2 out of the sky. We have heard about the evacuation
3 of the White House and the government buildings in
4 Washington, D.C. A real chaos took place.

5 Keep in mind that Frederick does not have a
6 control tower. What was not heard was the chaos
7 that took place at Frederick Airport that day. It
8 was a real show production for an exciting movie.
9 Somebody obviously called the state police, county
10 police, city police, Secret Service, FBI, and other
11 undercover law enforcement officials, because they
12 all descended in their police vehicles upon
13 Frederick Airport's ramps, taxiways, and runways
14 without any regard to aircraft safety whatsoever.

15 Overhead, the U.S. Customs helicopter was
16 declaring the airport closed. Keep in mind, we
17 don't have a control tower. General aviation
18 aircraft such as Cessnas and Pipers were in the sky
19 seeking to land and aircraft were waiting to take
20 off. The little Cessna was forced to land on
21 Runway 23 and was immediately stopped and
22 surrounded by marked police cars as well as
23 unmarked cars. They were all over the place.

24 Overhead, several news media helicopters
25 were hovering like vultures over a dead animal,
26

1 broadcasting the scene to the world. I wonder, how
2 in the world does the news media get this
3 information so fast?

4 Police removed the pilots from the
5 aircraft, handcuffed them behind their backs, and
6 forced them to lie on the pavement like hardened
7 criminals. They were eventually taken away for
8 interrogation. People were ordered to stay clear
9 of the aircraft because it might have a bomb in it.

10 Police then requested the assistance of a bomb
11 squad to inspect for bombs. Then it was decided to
12 tow the aircraft clear of the runway to a secure
13 area away from the media during the inspection for
14 the bomb.

15 The airport runway was shut down for about
16 two hours. The police escorted the towing of the
17 aircraft supposedly carrying the big bomb right
18 past a fuel storage tank, where it was of course
19 searched and no bomb was found. I've never seen an
20 airplane taken apart so thoroughly. It couldn't be
21 flown after that.

22 Meanwhile, the news media continued to
23 circle in an attempt to penetrate the airport to
24 get close to the aircraft.

25 As was suspected, the pilots made serious
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1 errors in their judgment when they without
2 sufficient knowledge, training, and planning flew
3 an aircraft into the Washington ADIZ and No Fly
4 Zone. While they created quite a stir, they were
5 never any threat to national security. But the
6 damage was done.

7 A similar incident repeated itself on a
8 different day in July 3, 2005, July 4th weekend. A
9 local husband and wife, after a hard day's work in
10 their business in Frederick, decided to go for a
11 night flight to see the fireworks between
12 Frederick and Hagerstown. Well, as you might
13 imagine, P-40 had been expanded. As part of their
14 planning efforts, the pilots' husband called and
15 checked for NOTAM's. While he didn't specifically
16 ask if P-40 had been expanded, flight service
17 didn't mention it either. It had been expanded ten
18 miles.

19 During his flight he decided to go to
20 Washington County Airport in Hagerstown -- dumb
21 move -- and shoot three touch and go landings and
22 takeoff operations. Since the control tower at
23 Hagerstown had closed at 10:00 p.m. and the pilot
24 simply advised his attentions on the Hagerstown
25 unicom frequency, no other traffic was talking.

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1 Each time he made his touch and go on Runway 9, he
2 headed straight into P-40, which is the extended P-
3 40 restricted area. He did this three times.

4 Of course, the end result was he was chased
5 by the helicopter and the F-16's. When he landed
6 back at Frederick Airport, he was immediately
7 surrounded by the police and law enforcement
8 authorities. Immediately the husband and wife were
9 ordered from the aircraft and handcuffed and
10 interrogated, only this time the police were a
11 little more respectful. It was very easy to figure
12 out that the local people had rented the aircraft
13 from the local flight school and they were released
14 fairly quickly. This incident took place between
15 10:00 and 12:00 midnight.

16 If we had a control tower at Frederick
17 Airport, it would make logical sense to keep the
18 Frederick tower and the Washington County towers
19 open and in operation 24 hours a day during that
20 period when the President is at Camp David. This
21 could be a big factor in preventing P-40 airspace
22 violations. According to the Hagerstown tower, one
23 of the operators that I talk to, they've prevented
24 a large number of potential violators from entering
25 P-40. I believe that number is around 66. That's
26

1 a big number.

2 While it seems that these type of
3 penetrations to the restricted areas have decreased
4 since 9-11, perhaps it's the media's attention
5 that's causing our government to overreact to the
6 situation by proposing to make the Washington ADIZ
7 a permanent restricted area. Will this stop the
8 terrorists? No. We know it won't, but what else
9 can we do?

10 Here are some things to consider.
11 Education, training. FAA has already started an
12 excellent ADIZ training program online called
13 "Navigating the D.C. ADIZ, TFR, and Special Use
14 Airspace." This is a great start. We need to
15 promote and expand that program to flight schools
16 and fixed base operators so that every pilot in the
17 nation gets that kind of training.

18 We all understand the need to protect the
19 Washington, D.C., airspace as well as the Camp
20 David presidential retreat P-40 and other important
21 areas. We currently spend millions to protect the
22 President. It would make sense for the FAA to fund
23 100 percent construction and operation costs for an
24 air traffic control tower, particularly at
25 Frederick Airport and at other GA airports

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1 surrounding the Washington, D.C., area, such as
2 Carroll County, Easton, Leesburg, Virginia. The
3 construction and operation costs for the ATC towers
4 would be a relatively small cost in comparison to
5 the huge cost for security protection that we now
6 spend for the protection of the President and
7 others. A control tower at these important GA
8 airports will increase safety as well as the
9 security, and the control towers will provide a
10 vital communications link around the Washington,
11 D.C., airspace.

12 There needs to be an improvement in
13 communication between law enforcement agencies,
14 airport managers, and FAA agencies that deal with
15 the movement of our nation's officials. Notice of
16 expanded TFRs should also be communicated directly
17 to the airport manager. I don't get any notice.
18 The only notice I get is through AOPA website.
19 That's a shame.

20 At Frederick we use the AWAS. When we get
21 the information, we put it on the AWAS and we
22 broadcast it over that broadcast system. We also
23 put out written notices to our tenants.

24 Through a network of control towers around
25 Washington, D.C., GA airports, we can expand the

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1 use of radio and radar to assist the aviators who
2 fly into the Washington, D.C., airspace. These
3 measures would be an effective means of improving
4 our communications system to combat potential
5 terrorism activity.

6 Thank you for the opportunity to present my
7 views and I hope you review my suggestions.

8 MS. KLEPPER: Thank you, Mr. Abell.

9 Any questions? Yes.

10 MR. GARABITO: For the record, the aircraft
11 on May 11th also flew directly over P-56B, the Vice
12 President's residence. Thank you.

13 MS. KLEPPER: Our next scheduled speaker is
14 Herbert Rosenthal.

15 (Screen.)

16 STATEMENT OF HERBERT ROSENTHAL,
17 TSS FLYING CLUB, GAITHERSBURG AIRPORT

18 MR. ROSENTHAL: Good evening. My name is
19 Herbert Rosenthal and I am speaking on behalf of
20 more than 70 members of the Takoma-Silver Spring,
21 or TSS, Flying Club, which is based in Montgomery
22 County Airport in Gaithersburg. We have six
23 aircraft based in Gaithersburg and our membership
24 ranges from zero time students to airline first
25 officers. I personally have over 4500 flight hours

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1 and hold commercial and flight instructor
2 certificates for airplanes and instruments. I've
3 been flying out of Gaithersburg since 1973. In
4 this room tonight, the TSS Flying Club members
5 present, who are going to stand, have over 10,000
6 hours of combined flight time.

7 For more than 50 years, TSS has continually
8 operated a fleet of airplanes for the benefit of
9 its diverse membership. We have airline pilots,
10 current and former FAA officials, flight
11 instructors, software engineers, aviation
12 journalists, law enforcement officers, aviation
13 attorneys, former NTSB investigators, FAA-
14 designated medical examiners, pilots certified by
15 Homeland Security to fly Angel flights, military
16 pilots and former staff of the Civil Aeronautics
17 Board.

18 With our six planes based entirely within
19 the Washington area ADIZ, our members collectively
20 enter and exit the ADIZ thousands of times each
21 year, and we hate the ADIZ. The TSS Flying Club
22 implores the government to terminate this
23 rulemaking without action and to rescind the ADIZ
24 NOTAM.

25 In retrospect, the ADIZ has become a cruel
26

1 hoax. To the extent that the inhabitants of
2 Washington metropolitan area believe that they are
3 safer because of the ADIZ, we believe this is a
4 hoax. The ADIZ offers nothing in the way of
5 improved national security and costs us a lot for
6 F-16's and Blackhawk helicopters. Yet the law-
7 abiding pilots who are forced to navigate the ADIZ,
8 our flying life has suffered cruelty, uncertainty,
9 and unpleasantness because of the ADIZ.

10 As others have told you, the ADIZ does very
11 little, if anything, to enhance national security.

12 It wastes taxpayer dollars as F-16's chase hapless
13 Cessna 172's into Hays Airfield, a short grass
14 airfield, while dozens of other planes continue to
15 circle and loiter outside the ADIZ waiting to get
16 their transponder codes so they can come home. I
17 was a near-witness to one of these events and
18 waited 15 minutes flying around in circles in order
19 to get back home to Gaithersburg. Unlike a
20 highway, there are no shoulders up there to pull
21 off while we're waiting for ATC to call us.

22 Tonight I want to focus on two things: the
23 added cost of flying and flight training caused by
24 the ADIZ; and the threats to general aviation
25 safety because of the ADIZ. The ADIZ raises the

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1 cost of flight training and proficiency flying.

2 Next slide, please.

3 (Screen.)

4 Before the ADIZ, flight training of student
5 and other pilots and proficiency flying could take
6 place five miles or so north of Gaithersburg, well
7 out of the way of the airline traffic using
8 Baltimore and Dulles. Now, because of the ADIZ, as
9 a practical matter, except for traffic pattern
10 work, flight training cannot take place south of I-
11 70, which is kind of the border of the ADIZ. This
12 means that every training flight must spend 20
13 minutes or so going north out of the ADIZ and
14 beyond, and then if we're lucky only 20 minutes
15 coming back through the ADIZ back to Gaithersburg.

16 During these periods, only minimal flight
17 training or proficiency flying can take place
18 because ATC and the AWACS eye in the sky will
19 consider you a target of interest if you do steep
20 turns or other maneuvers on your way north or on
21 your way back home.

22 At a rate of at least \$100 per hour for
23 airplane costs and a flight instructor, this adds
24 about 40 minutes to every instructional flight
25 outside the traffic pattern. That's \$66. One of

26

1 our members took 100 hours to get his license. He
2 began flying as a zero time student with TSS after
3 the ADIZ was in place. He checked his log book for
4 me last Saturday. He had 53 training flights that
5 required him to transit outside the ADIZ. 53 times
6 66 is 3,498 additional dollars he had to expend to
7 obtain his license.

8 Even if a pilot needs only 30-some
9 instructional training flights, that's 30 times
10 \$66, or \$1,980 additional money spent. Not too
11 long ago, one could get a private license for 3 or
12 \$4,000.

13 Another one of our members on her first
14 solo cross-country flight had to wait 20 minutes
15 circling near Frederick to get her transponder code
16 to come back home. That was such a terrifying
17 experience for her that she has basically stopped
18 taking lessons as a result, and we're working hard
19 to encourage her to re-start her flight training.

20 For many pilots, the ADIZ has taken the fun
21 out of flying. Flying on the spur of the moment on
22 a nice day is chilled by the hassle of filing a
23 flight plan, getting a transponder code and
24 frequency, contacting ATC, worrying that a
25 transponder problem will cause an F-16 intercept or

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1 a license suspension action, worrying that a
2 miscall from ATC will lead to dire consequences,
3 and the fear of, quote, "Will I have a mid-air
4 while I am circling to pick up my ADIZ transponder
5 code on this sunny weekend day," close quote, to
6 get back to home base. If there were no ADIZ,
7 flying in this area would be fun again.

8 (Screen.)

9 The slide that's on the screen indicates
10 how the ADIZ increases the chances of mid-air
11 collisions. Flight training for six airports --
12 Gaithersburg, Frederick, Davis, Hays Field,
13 Clearview, and Carroll County -- is now
14 concentrated between the Frederick and Westminster
15 -- can you go back one slide --

16 (Screen.)

17 -- is now concentrated between the
18 Frederick and Westminster VOR's and a bit north.
19 Before the ADIZ, students and proficiency flyers
20 had double or triple the airspace available in
21 which to practice, even with the class B airspace.
22 Now we are wedged into that red area on the slide.
23 We have to share this airspace with airline and
24 general aviation traffic going to and from
25 Baltimore and airline traffic heading to Dulles.

26

1 Of equal concerns -- next slide.

2 (Screen.)

3 -- are what I call the circles of death
4 surrounding the Frederick and Westminster VOR's.
5 It is in this area that we general aviation pilots
6 circle aimlessly waiting to get a word in edgewise
7 on 12675 -- that's the ATC frequency -- so we can
8 get a transponder code and get back home. And
9 those departing Gaithersburg often transit those
10 VOR's as they're ADIZ exit points. Both the
11 Frederick and the Westminster areas are also
12 training grounds for instrument flying and this
13 adds to the congestion.

14 Next slide.

15 (Screen.)

16 This is what I call the quadrilateral of
17 death, another place where aircraft circle and
18 loiter waiting to get a transponder code to enter
19 the ADIZ to return to home base.

20 Next slide.

21 (Screen.)

22 This slide combines those areas of
23 loitering while waiting for a transponder code, the
24 concentrated flight training areas used by pilots
25 from six airports, and the exit points for aircraft

26

1 leaving Gaithersburg.

2 I want to thank you for listening and we
3 hope you'll terminate this rulemaking and rescind
4 the NOTAM. Thank you.

5 (Applause.)

6 MS. KLEPPER: Thank you, Mr. Rosenthal.

7 Our next speaker is Neil Singer.

8 STATEMENT OF NEIL SINGER

9 MR. SINGER: Hi. My name is Neil Singer
10 and I am a student pilot with Dulles Aviation,
11 based out of Manassas Regional Airport. I have
12 completed the school's course of study and I am
13 soon to test for my private pilot certificate. All
14 of my flight time has originated within the
15 Washington, D.C., ADIZ. I've become pretty well
16 acquainted with the ADIZ and the required
17 procedures.

18 I want to thank Mr. Rosenthal -- I hope I
19 got that name right. I want to thank Mr. Rosenthal
20 for his comments. As a new pilot, I'm a little
21 nervous and uncertain being up here and I wanted to
22 intrude myself onto the schedule and your attention
23 with the idea that perhaps not so many student
24 pilots would speak in a forum like this. But Mr.
25 Rosenthal's comments really resonated for me as a
26

1 student pilot and I want to say that many of my
2 comments are going to be about how the exact same
3 issues are in play on the other side of the ADIZ
4 flying south out of Manassas Regional Airport as he
5 so capably described on the northwest side.

6 My comments are going to include the
7 additional cost the ADIZ imposes on me personally
8 and on my business, the additional threat the ADIZ
9 presents to flight safety, and the failure to
10 achieve important national security goals.

11 A normal lesson takes an hour of flight
12 time. As Mr. Rosenthal said, it does take us about
13 20 minutes to get out to our designated practice
14 area from Manassas Regional and, again if we're
15 lucky, 20 minutes to get back, although I've never
16 made it back in 20 minutes ever in my flight time
17 so far. I have waited as often as a half an hour
18 circling, trying to get the attention of the
19 authorized person so that I could get a transponder
20 code and get back into the ADIZ.

21 I have personally seen stacked traffic that
22 reminded me -- and I'm not exaggerating -- of the
23 one time I was fortunate to fly on a commercial
24 flight into O'Hare and saw the spiraling array of
25 planes going down into O'Hare, literally dozens of

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1 planes visible out the window of the jet that I was
2 riding as a passenger. I'm reminded of that
3 experience trying to get back into the ADIZ to
4 return to Manassas Regional Airport.

5 You have professional pilots, you have
6 pilot-owned business flights and GA aircraft, you
7 have student flights like myself, some of whom are
8 on a first solo, all trying to funnel in through
9 the same narrow gap and all having to circle,
10 approaching from different directions at different
11 altitudes and at wildly different speeds, all
12 having to dodge each other, most of us not having
13 the benefit of any type of alert system that
14 there's other traffic in the air, except for the
15 one alert system, which is theoretically the
16 controller is supposed to advise us if we're
17 crossing the path of other traffic, except of
18 course none of us can actually talk to those
19 authorities because they're too busy fielding all
20 of these other calls.

21 So in addition to the cost and delay of
22 traveling to the practice area for lessons, please
23 add the following. One, the time on the ground to
24 secure an authorization for two ADIZ flight plans -
25 - that's out and back in -- the risk of having to
26

1 cancel a lesson once we're already in the air
2 because controllers have "lost" our flight plans
3 filed on the ground. For the purpose of the
4 record, I put quotes around the "lost" because I
5 doubt that they ever actually lose a flight plan.
6 I think sometimes they just choose not to give one
7 to us because we're student pilots and they just
8 would rather send us back to the airfield instead
9 of bothering to merge us with the rest of the
10 traffic.

11 I'll apologize to ATC people because I just
12 cast an aspersion on them. And again, I'm a novice
13 pilot, so I'm a little nervous about that, too.

14 Then the time to get clearance back into
15 the ADIZ at the end of a lesson. So all of that is
16 quite a bit more time. The result is that my cost
17 to obtain a private pilot's license is double what
18 it would be if the ADIZ was reduced or eliminated.

19 This cash cost alone significantly raises the bar
20 for any potential student and reduces the amount of
21 new students and therefore new private pilots. And
22 I've got to tell you, the students who started with
23 me over a year ago when I began my course of study
24 to try to attain my private pilot's license, almost
25 two-thirds of them have just decided that they

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1 couldn't afford it. We all had our calculators out
2 and did the math for how many hours FAA requires
3 for us to be able to take the test, and we went
4 through the lesson books and tried to figure out
5 how many lessons could we get through with each
6 practice and so forth.

7 But none of the math that is available to a
8 student pilot to try to predict what the cost is
9 going to be holds water, because there's the
10 ultimate uncertainty of the whim of a bureaucracy
11 that has nothing to do with weather, nothing to do
12 with the capabilities of the pilot, nothing to do
13 with the airworthiness of the airplane.

14 Now I'm ranting. I'm getting a little bit
15 off topic, so I'll refocus on my comments.

16 The impact on scheduling is more than
17 double. I wanted to make this contrast because
18 it's different from the impact on the cost. Just
19 in terms of the scheduling, the restrictive nature
20 of the rules has forced me to cancel scheduled
21 lesson time. In each case this was only because
22 the time it takes to sit on hold and wait to file
23 flight plans has eaten up my scheduled time for the
24 aircraft and the instructor.

25 Again, a normal lesson should only take an
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1 hour. We budget two hours at our flight school,
2 and even then, if you sit on hold for a half an
3 hour -- and I have been on hold for 45 minutes
4 trying to file ADIZ flight plans to do my lesson.
5 And then I don't have time. I cancelled the
6 flight. There's no reason for it, other than there
7 is unrealistic and unpractical burdens placed on
8 these controllers to try to handle the volume of
9 calls where you have student pilots with an
10 instructor in a plane, in a Cessna 152, flying west
11 from Manassas at 90 knots and someone thinks that
12 we represent a threat to somebody, much less a
13 flight to somebody in Washington, D.C., whatever,
14 40 miles away, is just silly.

15 I'm on a steep learning curve trying to get
16 my head into all things aviation. I'm a member of
17 the EAA and I'm a member of the AOPA and trying to
18 learn all I can. I read a lot from the postings
19 from the docket you mentioned. I have to say that,
20 with my limited experience, it just doesn't make
21 sense.

22 Now, as a businessman, as the owner of a
23 small business and an employer of a staff in
24 Vienna, Virginia, I can be much more certain and
25 tell you in very clear terms that the ADIZ has a
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1 clear negative impact on my business and is a
2 significant incentive for me to relocate my
3 business and the positions that are available for
4 employees in the D.C. area to an area that is less
5 restrictive.

6 One of the reasons for my earning a private
7 pilot certificate is that I am a small business
8 owner in Vienna, Virginia. I have clients
9 throughout the eastern seaboard and the rest of the
10 country. Gaining the ability to operate my own
11 general aviation aircraft will significantly
12 benefit my access to my customers and increase the
13 level and quality of service I can provide. It
14 will aid my ability to grow my business and
15 ultimately to employ additional staff in Northern
16 Virginia. I'm even considering opening a second
17 office in Manassas to be closer to the airport just
18 for the benefit that it would provide to me.

19 There are additional costs and risks above
20 simply being able to make a flight on time. One of
21 the things when I was writing up my notes, thinking
22 about what I wanted to say today, I didn't want to
23 make it seem like I'm just saying I'm being
24 inconvenienced and I have to spend more money, as
25 if that's the only problem, because those are the

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1 least of the problems that the ADIZ represents. If
2 it was just a hassle, if it was just more
3 expensive, I would bite the bullet just because I
4 love to do it. But there's so much more at stake
5 than that.

6 Okay, back to my notes. I apologize if I
7 run over ten minutes.

8 Fuel reserves for every flight must be
9 above the minimums required by practical flight
10 planning and established policy. Every flight into
11 the ADIZ must have extra reserves to account for
12 possible delays entering the ADIZ to make sure the
13 aircraft stays above minimums by the time it lands.

14 This means more stop, more expense, more time en
15 route, reduced fuel efficiency, and more risk
16 through additional takeoff and landing procedures
17 for anyone flying to Manassas or any other
18 destination through or within the ADIZ.

19 One thing that I have learned as a flight
20 student is the most dangerous thing you can do as a
21 pilot is take off and land. There's going to be a
22 heck of a lot more of that because of the ADIZ.
23 There certainly has been up to this point. If you
24 make these things permanent, there's going to be a
25 heck of a lot more. I wish I could speak in

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1 stronger terms, but later if I buy you a beer I'll
2 speak in stronger terms.

3 All these factors affect the business
4 equation and reduce the benefit of business flight
5 out of Manassas. Everything has a profit-loss
6 equation and the ADIZ almost eliminates the
7 positive side of that equation for small business
8 people who want to use general aviation to promote
9 their business and the local economy through their
10 efforts.

11 The existing and proposed rules in no way
12 address the significant negative economic impact I
13 am personally observing in the D.C. area. As a
14 small business owner, I can unequivocally state
15 that my business is directly and negatively
16 impacted by this rulemaking philosophy. It
17 represents a significant incentive for me to
18 relocate my business and the staff positions at my
19 company to another, less restrictive area. The new
20 rules are hurting my business and also providing no
21 security benefit to me or to the area.

22 I also want to speak about the threat to
23 flight safety. In addition to the restraint of
24 trade, the result of the ADIZ's effect on practical
25 barriers to obtaining a discrete transponder code,
26

1 filing flight plans, communicating with flight
2 service and other controlling authority from the
3 air, the ADIZ is itself a threat to aviation
4 security that creates a very dangerous air
5 situation.

6 Stacked airplanes circling outside the ADIZ
7 waiting for permission to enter, all approaching
8 from different altitudes, vectors, and speeds, all
9 attempting to enter using common reference points
10 such as the Casanova VOR -- and again, thank you
11 for the "circle of death" metaphor; I will never
12 forget that. In addition to professional pilots,
13 pilot-owned planes on business flights, touring
14 planes arriving from other cities, there are also
15 student pilots such as myself, some of whom are on
16 their first solo, having to blend themselves into
17 the same funnel.

18 It is a testament to the quality of flight
19 schools and the professional approach of pilots
20 that there has not been a disaster among planes
21 stacked to enter the ADIZ. Flight safety in
22 Virginia is based upon pilot vigilance and is in
23 spite of the burden of the ADIZ, not assisted by
24 it.

25 National and area security are well served
26

1 by the 15-mile Flight Restricted Zone as it is
2 augmented by the current and planned expansion to
3 physical defense measures, such as missile defense
4 systems, helicopter, and military jet interdiction
5 and laser warning systems. The FAA and Congress
6 must implement measures that meet security goals
7 and are not simply additional administrative
8 barriers to lawful use of general aviation.
9 Rational security procedures do not restrict small
10 light aircraft operating at slow speeds.

11 I said this before; I'm going to repeat it.

12 A student flying with a licensed instructor in a
13 Cessna 152, operating at 90 knots eight miles west
14 of Manassas, do not represent a threat to anyone,
15 much less anyone in the District of Columbia. No
16 general aviation aircraft has ever been used in a
17 terrorist attack. There has been a clear
18 determination that there has never been an ADIZ
19 violation involving general aviation aircraft that
20 was related to terrorism in any way.

21 The federal bureaucracy is attempting to
22 solve a problem that does not exist, in a way that
23 only benefits the bureaucracy itself.

24 That's the end of my prepared comments, but
25 I want to add: Being a member of the EAA and being

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1 a member of a local chapter means I've had the
2 benefit of meeting some wonderful people and some
3 incredibly accomplished pilots. I've met very
4 professional people that I would entrust with in
5 any situation my safety in an aircraft if they were
6 the pilot in command, who, taking off from a local
7 airport, while juggling all of the requirements of
8 being pilot in command and having an in-flight
9 emergency, then having to turn and return to the
10 airport, but during that situation infringed over
11 the border of the ADIZ and have now spent the last
12 year battling, with legal fees and all the hassle
13 and all the risk to them and their license and all
14 the expense and investment that they made in
15 aviation and all of their history and so forth.

16 It just seems to me, again as a novice, but
17 also as a business person, that when there is no
18 intention to do harm and in fact no harm is done,
19 perhaps it's not appropriate for the most extreme
20 penalties to be applied. That's all I have.

21 (Applause.)

22 MS. KLEPPER: Thank you, Mr. Singer.

23 MR. SINGER: Sock it to me, guys. You got
24 anything?

25 (No response.)

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1 MR. SINGER: Nothing?

2 MS. KLEPPER: No questions, no. Thank you
3 very much.

4 MR. SINGER: The last thing that I have to
5 say is I hope that, as a taxpayer and seeing that
6 I'm going to sit through the rest of this meeting
7 because I'm very curious, I really want to hear
8 some questions from you guys. Thank you.

9 (Applause.)

10

11 MS. KLEPPER: Our next scheduled speaker is
12 Patrick Merkle.

13 STATEMENT OF PATRICK MERKLE

14 MR. MERKLE: Good evening. Good evening,
15 members of the panel here working overtime to
16 listen to us pilots and business folks that are
17 involved in the Washington airspace.

18 I will speak tonight on basically two
19 points: the impact of this ADIZ and alternatives
20 thereto. How many of you, getting your pilot's
21 license, were thrilled to be able to take somebody
22 to that pretty little airport, Whiskey 29, at the
23 foot of the Bay Bridge and come out of your
24 airplane, pick up the phone off of the operations
25 building, and have the folks at Hemingway's or

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1 maybe the Kent Manor Inn come over and pick you up
2 and take you over to their restaurant for dinner?
3 It was a pretty neat date, and I enjoyed it and I'd
4 love to do it again with my wife. I'd love to do
5 it with my kids.

6 But they don't answer the phone any more
7 and they haven't been answering that phone for
8 about three and a half years. In fact, those lines
9 are disconnected now, and if you want to fly into
10 Bay Bridge Airport the only way out is to make a
11 phone call, which may or may not get answered when
12 you place that call. So when you're going to
13 dinner at Hemingway's, be careful about the amount
14 of time you spend coming back, because if you're
15 flying into the Flight Restricted Zone, like
16 College Park Airport, you've got noise limitations
17 that kick in at 10:00 o'clock.

18 There's a lot of factors that are new in
19 the pilot world out there and not all of them are
20 necessary in regard to the unpleasantness for us
21 and the difficulty that it poses to us to just get
22 in the airplane and go for a ride.

23 The 94th Aero Squadron at College Park
24 Airport no longer has pilot fly-in breakfasts. In
25 fact, their picture windows, which overlook the
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1 runway, are pretty much just overlooking a stretch
2 of asphalt now. They might see five or six
3 operations a day on a good day at College Park
4 Airport for the diners at the 94th Aero Squadron.
5 This is a restaurant which celebrates the role of
6 aviation in protecting our freedom, and it is now a
7 monument or a mausoleum of sorts to the death of
8 that freedom.

9 I learned to fly at Hyde Field, Hyde
10 Executive, Clinton, Maryland, a historic place
11 where I met Tuskegee airmen in the late 1980s who
12 were based there. Just a fun, old-fashioned place
13 to fly. When you go there today, the only thing
14 that you recognize as having anything about flying
15 is that there's a big long stretch of asphalt. The
16 airport is a disgrace to the aviation community.
17 No offense to your present management, no offense
18 to the present pilots that are based there. It's
19 just so impossible to go to an airport which has so
20 little utilization that basically all the airplanes
21 there now are the project planes which were
22 probably there when I was learning to fly in 1987.

23 So I ask you to consider when you are
24 looking at the impact that you have in making an
25 ADIZ permanent for the Washington area, you're
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1 taking out the economic vitality and the fun that
2 mixes aviation with economics for the local
3 airports here.

4 The impact is felt outside the FRZ. In
5 fact, it's felt at Maryland Airpark, it's felt at
6 Gaithersburg. To be able to have a destination,
7 \$100 hamburger airport in the ADIZ was always fun.

8 94th Aero Squadron was exactly that type of a
9 restaurant. Bay Bridge today should still be, with
10 the great restaurants in that vicinity. But it's
11 just impossible to do that.

12 I now fly up to York for my \$100 hamburger.

13 I've got a great little place up there called
14 Orville's.

15 Are the people making this decision
16 themselves routinely flying 5,000-pound gross
17 weight or less aircraft? Could you appreciate for
18 yourself, because you fly a general aviation
19 aircraft, what kind of threat you pose to the
20 general public with your aircraft?

21 Now, when we look at the impact we've got
22 to consider alternatives. Most of us who came in
23 here from the District were able to use the Dulles
24 Access Road. But if you drove down here on the
25 Dulles Toll Road you had the opportunity to have an

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1 EasyPass and use a high-speed lane over there by
2 the first toll, where you could actually go 55 or
3 faster and have your toll electronically deducted
4 from your account at a high rate of speed.

5 That's a passive tax. It's almost
6 painless. I suggest that what we need to do, if in
7 fact there is any sort of threat, what we need to
8 do is protect the nation's airspace, not just here
9 in the Washington area, but in New York and Boston
10 and Chicago and L.A. and Denver. The only way
11 you're going to do that is to know who's in the
12 air. If you're going to do it with air traffic
13 controllers, you're going to bust the budget worse
14 than it already is.

15 But if you do it with a passive tool, such
16 as an EasyPass type technology, which records
17 aircraft taking off and landing at an airport,
18 you'll know who's in the air because those
19 EasyPasses, they know where I am. They can tell me
20 where I've been moment by moment, from the Big Dig
21 in Boston all the way out to Ohio now, down to the
22 Chesapeake Bay Bridge Tunnel.

23 The technology is in place today for high-
24 speed readout on a passive basis of where are these
25 planes. That is not an expensive item. In fact, I
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1 can get four EasyPasses for free just for signing
2 up for an account.

3 Now, if you needed to go a little further
4 than that and you were concerned about not just the
5 aircraft and identifying an aircraft, but also the
6 pilot, since I'm one of the pilots who can fly out
7 of College Park. In fact, I have my Cessna based
8 in College Park and so I have to know how to use
9 the protocols there. I tell you the truth, I've
10 flown out of -- I've had my airplane at College
11 Park for four months and just because of the
12 hassles there my son, who is 15 years old, learning
13 to fly -- flies my Cessna more than I do. It's
14 perhaps also nice to know that I have a plane in
15 Montgomery County and I'm able to get in and out a
16 little bit easier there, without having to actual
17 make it a phone call and identify myself as a
18 pilot, but rather identify the aircraft using the
19 Potomac delivery frequency.

20 But by treating every aircraft like it's
21 IFR, we have dramatically increased the workload on
22 air traffic controllers, who I believe are unified
23 in their opposition to this ADIZ. We've greatly
24 burdened the pilots. And this idea of having to
25 circle to come in, it's very, very real. I've had
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1 200, 300-foot encounters. I've had two encounters,
2 one at 200 feet, another about 300 feet, flying
3 just north of Davis Airfield, in between the
4 Frederick and Westminster VOR, because we were
5 sitting there waiting while an aircraft on one
6 occasion, an aircraft that did not have a working
7 transponder, was nonetheless allowed into the
8 airspace, followed by radar, which of course is a
9 very real possibility. You can still see the
10 target; you just don't see a readout of the
11 transponder.

12 But that actually brings me to the next
13 idea of an alternative. I know that there is a
14 system by which you would sign these numbers on
15 your transponder to the aircraft on any given day.

16 But what if you had every aircraft or every pilot
17 issued a discrete transporter code. You increase
18 the number of positions on a transponder, perhaps
19 made it alphanumeric, that would be a financial
20 burden on the aircraft owners, a one-time burden of
21 upgrade. But then you would know from the readout
22 who you've got in the air and their altitude at any
23 given time. Remember, that would be a one-step
24 process of knowing who's in the air. The EasyPass
25 system would simply tell you that an aircraft

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1 operation has occurred with respect to a particular
2 aircraft.

3 But essentially that's what you're about.

4 In order to get where you want to be, which is
5 knowing where the terrorist threat is, you
6 basically want to know who's in the air. By
7 telling Patrick Merkle or Neil or any of these
8 other folks out here that they have to be making
9 affirmative -- taking affirmative steps to identify
10 themselves now before they can take off and then
11 re-enter the ADIZ, what you're saying is we want to
12 know who's up there. I say you can do it
13 passively. The technology exists to do it
14 passively. It's a little bit more Big Brother. I
15 don't really agree with it, but I would much rather
16 spend another couple thousand dollars on a new
17 transponder which had a dedicated number in it for
18 my aircraft or I had a dedicated number for me as a
19 pilot, and when I fly you see it. Your computer
20 tells you that's who it is. And if it doesn't
21 register or if that particular target is a
22 terrorist risk and is on some watch list, you'll
23 find out a whole lot faster than somebody who has
24 complied with all the rules of making the phone
25 calls, getting their code, and decides to fly into
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1 the White House anybody, because truly what you're
2 doing now by knowing who's in the air doesn't
3 protect you against counterfeiting.

4 (Screen.)

5 So we've touched on the safety aspect of
6 it. We've touched on the inefficiency and the cost
7 nature of it. And I believe we can show, if you
8 will position yourselves, for those of you who have
9 not been routinely flying small aircraft, if you
10 will position yourself in a small aircraft mentally
11 and think to yourself, what can I really do with
12 this to hurt anybody besides myself, I think you'll
13 realize we're not protecting the public against a
14 terrorist threat here. What we're doing is we're
15 creating an idea of protection without really
16 delivering it for the public.

17 Thank you very much.

18 (Applause.)

19 MS. KLEPPER: Thank you, Mr. Merkle. Thank
20 you.

21 Our next scheduled speaker is Richard
22 Barhydt.

23 (Screen.)

24 STATEMENT OF RICHARD BARHYDT

25 MR. BARHYDT: Good evening. I'd like to --

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1 I'm Richard Barhydt. I'm just speaking as an
2 individual tonight. I'd like to thank the FAA for
3 coordinating this meeting and I'd really like to
4 thank all of our panel members for taking the time
5 to come out here this evening and for the hard work
6 that all of you do in protecting our national
7 security.

8 Next slide, please.

9 (Screen.)

10 I am going to focus my talk this evening on
11 four reasons why I believe that we should not go
12 from the current ADIZ, which is provided as a
13 NOTAM, to a permanent regulation. We've heard a
14 lot of comments tonight on problems with the ADIZ
15 as it exists right now. I'm instead going to be
16 focusing on why I believe we should not convert it
17 from a NOTAM as it exists right now to a permanent
18 regulation.

19 The first one is I don't believe that
20 changing it to a regulation will in any way
21 increase the security benefits that it provides or
22 to deter terrorism. Also, I think the flexibility
23 of the NOTAM system is more appropriate for dealing
24 with dynamic situations such as security than would
25 be a new regulation. Changing the ADIZ from a

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1 NOTAM to a regulation I believe will likely
2 increase the number of airspace deviations and also
3 I think that the reduction in airspace deviations
4 can more effectively be handled through pilot
5 education programs rather than through a new
6 airspace regulation.

7 Next slide, please.

8 (Screen.)

9 As far as no additional security provided,
10 again this is only making the comparison between
11 the ADIZ as it exists today and the proposed
12 regulation. The NPRM claims that the new
13 regulation will enhance security efforts. Yet all
14 of the major areas appear to be identical to what
15 we have in the NOTAM today. The airspace, the
16 outer area would have the same boundaries as the
17 current ADIZ. The inner zone, the Flight
18 Restricted Zone, would also be the same.

19 The procedures, the pilot procedures for
20 filing a flight plan, for contacting air traffic
21 control and for getting a transponder code, are the
22 same. Also the procedures for the fringe airports
23 are the same. In addition, the government response
24 as far as intercept procedures and sequences of
25 airspace deviations are also the same.

26

1 Next.

2 (Screen.)

3 The NOTAM system I believe offers much
4 greater flexibility for being able to deal with
5 dynamic situations such as security. Since 9-11
6 we've seen a number of changes to the security-
7 related airspace and I think that the fact that we
8 have changing threat levels and that we have seen
9 these changes in the airspace since 9-11 indicate
10 that security represents a very dynamic situation,
11 that has threats that go up and down and that
12 needed to be handled accordingly. So I believe
13 that the NOTAM system is better equipped to handle
14 that than a regulation.

15 My other real concern with the regulation
16 as indicated in the NPRM is that a number of
17 specifics appear to be hard-coded to the current
18 situation. Examples are the specific dimensions of
19 the outer and the inner airspace areas, procedures
20 at the fringe airports. Those have both changed
21 quite a few times since 9-11. They've also been in
22 place to some extent in New York and other areas
23 and have changed or been eliminated in other areas.

24 So I'm concerned that if we have a hard
25 regulation that specifies those things in detail

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1 that when the security situation changes that it's
2 going to be very difficult to make a change to the
3 regulation. In that case I think what we'll have
4 is a regulation of which significant portions
5 become obsolete.

6 (Screen.)

7 I think we have a potential for more pilot
8 deviations if we go to a permanent regulation. As
9 has been pointed out, I think, a vast majority of
10 airspace incursions have been due to pilot error.
11 If we enact the proposed regulation, then, as I
12 mentioned, I think the changing security needs will
13 -- because it will become very difficult to change
14 the regulation itself, instead we will have to
15 enact a NOTAM that is superimposed over that
16 regulation.

17 In that case what you'll have is pilots who
18 have gone through the effort to learn a very
19 complex regulation, and then they will have to
20 learn a NOTAM on top of that. They will have the
21 regulation and then superimpose the NOTAM over
22 that, and it will force them to understand the
23 NOTAM in the context of the regulation.

24 All of this in my view will greatly
25 increase the complexity of the procedures in the
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1 airspace and will greatly increase the probability
2 that we'll have operational errors. That's
3 speaking from my experience as a flight instructor.

4 The current NOTAM system also has wide and
5 regular dissemination that will not exist for a
6 regulation. I know this is probably not consistent
7 across the board, but at least in my experience --
8 and I'm based out of Newport News in southeastern
9 Virginia -- even for local flights down there and
10 flights where I have flown even down to the Outer
11 Banks, hundreds of miles away from Washington,
12 D.C., I have always been reminded about the
13 Washington ADIZ by the flight service station
14 personnel. The pilots who
15 appropriately get weather briefings, as they should
16 before their flights, are reminded about that
17 likely every time.

18 Next slide.

19 (Screen.)

20 Instead of creating a permanent regulation
21 for the ADIZ, I would strongly recommend the FAA to
22 instead focus its efforts on improving pilot
23 education of the procedures that we have right now.

24 That will be the case whether we have the current
25 procedures or new procedures as they change in time

26

1 to meet the security needs.

2 So I have a few specific areas that
3 hopefully the FAA will consider, either in total or
4 in part, to address the training area, the training
5 need, I believe in this case. Security-related
6 airspace procedures and regulations could be
7 specifically covered as part of the biennial flight
8 review that's required by 61-56. We could also add
9 security-related material to the aeronautical
10 knowledge prerequisites of all pilot certificates
11 and ratings, and also in addition we could amend
12 the knowledge test and practical test standards for
13 those certificates and ratings to have specific
14 areas that would cover security-related material.
15 It could be written in a general fashion so that
16 the examiners or the testing personnel could
17 provide questions that relate to the security
18 procedures in place at that time.

19 We could also add security-related material
20 to flight instructor refresher course curriculum.
21 As you may be aware, flight instructors are
22 required every two years to renew their flight
23 instructor certificates. Many of them do so by
24 taking a refresher course, and I think we could
25 cover it in that area as well.

26

1 One thing I would mention for the flight
2 review area. If we do it like that, the flight
3 instructor would have the opportunity to cover
4 relevant security-related procedures for that
5 particular pilot and his or her operations. In
6 Washington, D.C., that could cover the ADIZ. In
7 other areas of the country where we have security-
8 related TFRs, it could cover those specific areas,
9 make sure that the pilot has an understanding of
10 the security-related airspace restrictions relevant
11 to the type of flying they do and the airspace they
12 fly in.

13 As has already been mentioned, there are
14 additional training options as well and I think the
15 FAA may consider either strongly recommending
16 additional training or possibly even requiring it.

17 The FAA's safety website has a very good course on
18 the ADIZ. In addition, AOPA has a very good course
19 as well. I have taken both courses. I think
20 they're very effective in covering ADIZ procedures
21 and also reminding, in the case of the FAA one,
22 reminding pilots about their responsibilities for
23 other airspace areas as well, like prohibited
24 areas, restricted areas, military operating areas.

25 So in conclusion, I believe that we should
26

1 not go forward with this proposed rule to make the
2 ADIZ permanent. Instead, I think we should focus
3 our efforts on what I believe is the real problem,
4 which is a problem with pilot education. If we
5 focus instead on pilot education, I think that we
6 will serve everybody's interests by reducing the
7 number of ADIZ violations and also maintaining the
8 flexibility needed to cope with changing security
9 needs.

10 Thank you very much and I certainly
11 entertain any questions that the panel may have.

12 MS. KLEPPER: Thank you, Mr. Barhydt.

13 (Applause.)

14 Our next speaker is Scott Proudfoot.

15 STATEMENT OF SCOTT PROUDFOOT,
16 NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION

17 MR. PROUDFOOT: Good evening. How are you.

18 My name is Scott Proudfoot. I'm here as a
19 representative of the National Air Traffic
20 Controllers Association, also known as NATCA. Mr.
21 Singer, I want your N-type number.

22 (Laughter.)

23 I'd like to address a couple issues you
24 brought up. The reasons why you're told flight
25 plans aren't in the system sometimes? Sometimes
26

1 flight service will file your flight plan
2 incorrectly. You have to file it as an ADIZ flight
3 plan. Sometimes they'll file it as a VFR flight
4 plan, that doesn't pop up as an ADIZ flight plan in
5 our system. So it is very likely that your flight
6 plan doesn't show up in our system because it's
7 somewhere else that hasn't been processed
8 correctly.

9 Also, the reason you're not getting traffic
10 advisories and safety alerts as a pilot, we've been
11 directed by the FAA not to issue traffic advisory
12 and safety alerts. It increases our workload. If
13 we don't issue traffic advisories and safety
14 alerts, you may notice that you will not be advised
15 of radar identification. You will not be told
16 radar contact. That will enable us not to give you
17 traffic advisories and safety alerts. So be
18 advised, while flying in the ADIZ you do not
19 receive traffic advisories and safety alerts, so
20 look out for other aircraft while in the ADIZ. If
21 you do, you're lucky.

22 I am an active controller at Potomac
23 TRACON. I actively work traffic that transit the
24 ADIZ on a daily basis. I did speak already at the
25 first public meeting, held in Columbia, Maryland.

26

1 I was going to read my statement again this
2 evening, but then I realized I'd be speaking to
3 people who I've already spoke to, and you already
4 have my statement on the record. So I'll forego
5 that tonight.

6 But I did bring copies of my statement and
7 I'd like you all to be aware of the National Air
8 Traffic Controllers Association's position on the
9 ADIZ. We are strongly against it. We think it
10 compromises safety. I will be available for
11 questions if you have any. I'd really like to talk
12 to the Gaithersburg guys because I do work the
13 Chesapeake area that handles that airport and
14 during the break or afterwards, if you have any
15 questions about the controllers' viewpoint of the
16 ADIZ, feel free to contact me. I have 40 copies of
17 the statement I read back in Columbia. I'll feel
18 free to hand them out until they're gone.

19 That's all I got.

20 (Applause.)

21 MS. KLEPPER: Thank you, Mr. Proudfoot.

22 I think we'll go on to our next scheduled
23 speaker before we take our break this evening. The
24 next scheduled speaker is Jay Wells, if he's here.

25 (Pause.)

26

1 MS. KLEPPER: Sorry I caught you off guard
2 there. You were ready for a break, weren't you.

3 STATEMENT OF JAY WELLS

4 MR. WELLS: Good evening, ladies and
5 gentlemen. Thank you for the opportunity to speak
6 here tonight and address this problem. Like most
7 of you, I'm sure you'd rather be home with your
8 families rather than dealing with this, so I won't
9 go on at length. But I do have a few things I'd
10 like to say.

11 I appear tonight representing myself. Some
12 of you may know me as I have a position in an
13 aviation trade association, but I'm also a
14 commercial pilot, flight instructor, and I've been
15 flying around this area for about 20 years. I
16 currently own two aircraft. One's based on
17 Leesburg, one's based in Easton. Over the time
18 I've been flying here, I've flown for personal
19 transportation, business transportation, of course
20 proficiency and flight training. During my time
21 here, for a day job I've worked for the federal
22 government, the Justice Department Aviation
23 Section, where I represented air traffic
24 controllers.

25 By the way, I think it deserves to be
26

1 stated on the record, I think as a pilot who's been
2 flying here, the controllers are doing a pretty
3 darn good job in the ADIZ with what they've got to
4 work with, but they're doing something they really
5 weren't designed to do and that's causing us all
6 some problems.

7 Before I came here tonight I looked at my
8 log book. One of the things it was suggested in
9 this process that we might look at is how the ADIZ
10 might affect our personal flying. What I found is,
11 compared to the year 2000, for example, my local
12 flying, proficiency flights, the flights around the
13 airport, are down about 80 percent. That was a
14 surprise to me. I expected it to be more in the
15 range of 50 percent.

16 We've always had in the 20 years or so I've
17 been flying here a vibrant aviation community
18 around the Washington area. It's really been a
19 great place to enjoy aviation and use aviation for
20 personal transportation and business. I've had the
21 opportunity to fly with high-level government
22 officials, generals, FAA lawyers, Congressional
23 staff, K Street lobbyists, Civil Air Patrol flight
24 cadets, and NASA scientists.

25 I've owned five airplanes in the area.

26

1 I've flown out of Leesburg, been based at Hyde
2 Field, flown out of Potomac. I've used all the
3 area airports -- Manassas, Easton, so on and so
4 forth.

5 But I have to say, in the past three years
6 I feel like I've probably experienced about all the
7 problems with the ADIZ you can experience. I'll
8 just run through them briefly. I won't beat up on
9 you too much. I know you've heard a lot of this,
10 but this is something we've all dealt with, which
11 is: poor radar coverage at low altitude, poor VHF
12 communications, long ground waits, long telephone
13 waits to file a flight plan, lost flight plans,
14 circling to get in the ADIZ, can't get through to
15 controllers due to frequency congestion -- that's
16 something that happens frequently -- and being
17 kicked out of the ADIZ when you're trying to either
18 stay in or go somewhere else.

19 I'll just give you a brief example of that
20 is, I had a post-maintenance flight one time and I
21 thought I'd coordinated with Potomac TRACON to go
22 about five miles away from the airport and circle
23 and do some performance checks on the airplane.
24 Then I took off and got up there and they told me
25 to get out. So this was a flight at dusk. Now

26

1 I've taken an airplane right out of maintenance --
2 and I know, Colonel, you've taken airplanes right
3 out of maintenance. Now it's dusk and I'm headed
4 west towards Virginia in this airplane. Everything
5 appeared to be fine, but it's a post-maintenance
6 flight, so you didn't want to go wandering off too
7 far from the airport. Now I'm flying up to West
8 Virginia.

9 The last thing, and then I'll get off of
10 this because I know you've got a lot of evidence on
11 this, is you can plan a flight plan, but, as you
12 know, when you take off the controllers will often
13 tell you to go a direction other than you've
14 intended to go. My pet peeve is trying to get to
15 the east side of the Chesapeake Bay and being given
16 a vector 270 out of Leesburg and clear the ADIZ.
17 I'm sure a lot of you have probably experienced
18 that.

19 From my own experience at Leesburg -- and
20 most of my 20 years of flying in the area has been
21 out of Leesburg -- I would say that my observation
22 is the VFR takeoffs and landings are down about 50
23 percent. The number of empty spaces on the airport
24 is up dramatically. There used to be quite a wait
25 to even get a tie-down space at the airport. I

26

1 don't know of you've heard from someone with the
2 Leesburg Airport. I think maybe you have, so I
3 won't dwell on that too much.

4 But as a Leesburg-based pilot now, I can
5 tell you there's two problems that are a pet peeve
6 from my standpoint. One is, a typical flight for
7 me is to go eastbound or come back westbound from
8 Delaware or from Maryland, and there's an east-west
9 corridor there. With the FRZ the way it is, you've
10 squeezed a lot of VFR traffic into a very narrow
11 corridor there between Baltimore and Washington.
12 It's also a corridor that the controllers get
13 nervous about sometimes.

14 There are no real well-defined landmarks as
15 you enter the corridor. Now, when the class B
16 airspace was put in here in either the late
17 eighties or the early nineties, a lot of
18 consideration was given to VFR traffic flow and two
19 VFR corridors were put in there. The need for
20 those corridors still exists, yet the traffic --
21 sometimes I feel like half the traffic on the East
22 Coast is pinched into a spot between Baltimore and
23 Washington.

24 Now, what you need to do, looking at the
25 chart, is you need to either reduce the Flight
26

1 Restricted Zone a little bit on the north side and
2 open up that corridor or push the ceiling of the
3 airspace up towards Baltimore. I've been flying
4 that corridor for most of 20 years. I'm not used
5 to being able to see the hair color of the other
6 pilots as I pass. That's something you can do now.

7 Now, there are other concerns here, I know,
8 with the FRZ, but one of the other things to
9 consider is most of us have GPS now, but down low
10 as we are, navigating by pilotage. A controller
11 asked me one day how I was navigating through there
12 and I told him pilotage. I thought he was going to
13 have a cow. Maybe some other technical solutions,
14 as one of the earlier speakers suggested, need to
15 be looked at.

16 You remember the old beacon ranges where
17 ground-based strobe lights and navigation systems
18 were put in and aircraft could navigate around the
19 country through corridors by the use of beacons?
20 Maybe that's something that could be worked here.
21 You could put some beacons on towers to mark the
22 edge of the restricted areas, because with this new
23 system the Department of Defense has, by the time
24 you get the green and white stop lights in the face
25 you're already violated. So why not just put some
26

1 towers on the ground, where you can see where the
2 edge of the Beltway is, and you can stay away from
3 it. Those of us who've been flying around here
4 for years, we circled the Beltway. That's how we
5 got around. That's one pet peeve.

6 The other pet peeve -- and I'll be fairly
7 brief after this -- for a Leesburg-based pilot is
8 on those flight training and proficiency flights
9 where you're going westbound, like the gentleman
10 said out of Manassas earlier, at 90 knots and
11 you're going to go out there and you're going to
12 either take a sightseeing flight with some friends
13 or a proficiency flight or something, you run into
14 a problem with the air traffic controllers if
15 they're too busy to deal with you. They just want
16 you out of the ADIZ.

17 So it seems like to me that even under the
18 existing procedure that a procedure could be put
19 into place where you would get a transponder code,
20 like you do in the traffic pattern. If you were
21 going to fly north or west from Leesburg -- and I
22 would suggest the RML zero radial and the 270
23 radial, in that sector -- if you had a transponder
24 code where you could go out there and come back in
25 and not go east of the Leesburg Airport or south
26

1 down there, that's certainly something that ought
2 to be workable. It would certainly lighten the
3 controller workload and then you wouldn't have to
4 fly over to the Shenandoah Valley to do a little
5 maneuvering flight.

6 Like I said, my own proficiency flying is
7 down substantially. I didn't realize how much
8 until I actually looked at my log book. So mainly
9 when I leave here, I'm leaving the ADIZ, I'm going
10 somewhere now. There's not much local flying being
11 done.

12 There's one last comment I want to make.
13 I've gotten the feeling around the airport that
14 something's been different for the last three
15 years. Ladies and gentlemen, take a look at your
16 audience. These are the people you're seeing at
17 the airport now. What it is, the children are
18 gone, the families are gone from the airport. You
19 know, it used to be you would go out there on a
20 nice sunny day and people would be giving rides,
21 people would be coming to the beach and everything.

22 What you have now are a bunch of determined old
23 guys that are determined to stick this out.

24 (Laughter and applause.)

25 My youngest son had 30 hours in the back
26

1 seat of an airplane before he was three months old.

2 I grew up in the back of an airplane. I really
3 think that you've got a pilot population here
4 that's maybe not representative of America, people
5 that are used to dealing with red tape, that are
6 willing to be tough about it, that are going to put
7 up with some inconvenience. I really think you
8 need to take a good look at what you're doing to
9 the pilot population.

10 Thank you.

11 (Applause.)

12 MS. KLEPPER: Thank you, Mr. Wells.

13 By my watch it's approximately 7:55. Let's
14 take a short ten-minute break and we'll get started
15 back again. Thank you.

16 (Recess from 7:55 p.m. to 8:09 p.m.)

17 MS. KLEPPER: We're back on the record.

18 Our next scheduled speaker is Bob Blouin.

19 STATEMENT OF BOB BLOUIN, GREATER

20 WASHINGTON BUSINESS AVIATION ASSOCIATION

21 MR. BLOUIN: Thank you, Ida. Thank you to
22 the panel members for taking your time out this
23 evening. My name is Bob Blouin. I'm the President
24 of a small regional association called the Greater
25 Washington Business Aviation Association. This

26

1 association was formed just last year, January of
2 '05, and it is centered around the national capital
3 area. We represent operators who fly business
4 aircraft in Maryland, Virginia, and D.C.

5 We've heard a lot about flight instructors
6 and single-engine aircraft and so you would ask why
7 a business aviation guy should care, because most
8 of my guys surely fly IFR in and out of the
9 airports anyway. Well, I tell you what. They all
10 started somewhere. They were all student pilots.
11 They all had to be in a single-engine airplane to
12 get started, and this affects our business as much
13 as it affects any one of your businesses. We have
14 to have pilots coming up. We have to have new
15 recruits in the cockpit to fly the airplanes, just
16 like an airline, just like the military, and indeed
17 just like people who want to fly for recreation or
18 for business.

19 So what really doesn't come across tonight
20 and what won't come across in the public record is
21 the emotion involved in all of this, the emotions
22 that we've heard from people who fly. Flying is an
23 emotional experience for most of us. Just for a
24 show of hands, how many pilots are in the room?

25 (Show of hands.)

26

1 Thank you. Randy raised his hand, didn't
2 he? I mean, we're all pilots, and we all had to
3 start somewhere. I've always believed, remember
4 everybody on the way up because you might see them
5 on the way down.

6 So the bottom line is we need the ADIZ not
7 to be permanent for that very reason. It's a huge
8 chunk of airspace. I'm not going to go into the
9 minutia of it. I have prepared comments that'll go
10 on the record, and the association prepared
11 comments early on, even before we were appraised of
12 the public meetings.

13 But what I do want to bring up tonight is
14 something that I think, there are just really two
15 points. This sets a hell of a bad precedent for
16 the rest of the country.

17 (Applause.)

18 The reason why it sets a precedent, let's
19 take a little bit of time to remember what happened
20 after September 11th. You had his honor, the Mayor
21 for life Daley in Chicago, do what? I want a
22 restricted zone around Chicago. And pretty soon we
23 heard St. Louis, and pretty soon we heard San
24 Diego, and pretty soon we heard Los Angeles and
25 Salt Lake. It's a terrible precedent, absolutely

26

1 terrible precedent.

2 People on the panel -- I won't point them
3 out -- actually worked very hard to make sure that
4 didn't happen and are probably still working pretty
5 hard to make sure that didn't happen. So good for
6 them, good for us, and good for the fact that we're
7 able to keep it as bad as it is today.

8 But the second point I want to make tonight
9 is that it is pretty bad today, but it was worse
10 for a lot more of the industry. I'll give you an
11 example. After September 11th, what did we do with
12 National Airport? We shut it down. It's an easy
13 fix. Just shut it down, it's too close to the
14 National Capital Area.

15 The airlines went nuts. What, are you
16 trying to kill us? And they were right, and they
17 were right. So what did our government do? They
18 listened and they took action. They listened to
19 the airlines and, guess what, they didn't get back
20 like that. It took some time. The airlines came
21 back in a phased-in approach to DCA. Some of the
22 mitigating circumstances were such that they had to
23 change the procedures as they went along.

24 I think a lot of these people will admit to
25 you they were making it up as they go, but that's
26

1 okay. This is an unprecedented time in aviation
2 and certainly an unprecedented time for the U.S. in
3 general when we had the terrorist events of
4 September 11th.

5 So there were a lot of missteps. There
6 were a lot of, let's just shut it down, it's easier
7 to just shut it down. And that's what we have
8 today with the ADIZ. It's just easier for us to
9 keep you out. It was just easier for us to keep
10 the airlines out, but then what happened? We
11 started listening to the people who create work and
12 create jobs and create industries, and pretty soon
13 the airlines were back.

14 They weren't back right away. They didn't
15 get all their city pairs back. They were phased
16 back in. You can go back through the record and
17 see how that happened.

18 So the next thing that we looked at was,
19 what other parts of the community used National
20 Airport? The business aviation guys used National
21 Airport. Single-engine aircraft pilots, owner
22 pilots, use National Airport. So what has our
23 government done? They've put things in place now.

24 It's not perfect, but they've put things in place
25 now that will phase back in traffic into DCA.

26

1 That's a good thing.

2 So these are signals I think we should all
3 pay attention to. These are precedents now that
4 are being done for the airlines, being done for the
5 business aviation community and the turbojet
6 operators, and should in fact be considered of all
7 of aviation.

8 So tonight I don't have a lot of
9 complaining or anything else. What I really want
10 to do is challenge and encourage those on the panel
11 to respond positively by working with the aviation
12 community. You heard from the Gaithersburg folks,
13 you heard from folks at Manassas. There was one
14 suggestion where we do VFR corridors. These are
15 all good things. There are other suggestions to
16 scallop out airports out of the ADIZ, and indeed I
17 think we need to look at all of those things.

18 So I would challenge the panelists to look
19 at how other parts of the country have handled this
20 sort of thing. There are VFR corridors here that
21 were in place before the ADIZ. There are VFR
22 corridors that are in place, for example over to
23 Los Angeles basin. If you want to see a perfect
24 example of how people can get in and out of a
25 congested area safely, go to Oshkosh and go to

26

1 Ripon and see where the aircraft stage themselves
2 to get in and out of Oshkosh. It's amazing. We
3 had a delegation of Chinese aviators and they all
4 sat at Ripon looking at the aircraft and they said:

5 You mean they're not talking to anybody at all?
6 And we said: Absolutely not. They all know what
7 to do. They all have been trained. EAA does a
8 great job of putting that out.

9 We have the tools to phase back in the use
10 of the airspace that we lost with the ADIZ. We
11 have the tools. All we need is the will on both
12 the government's part and on the user community
13 part. It's not just their doing, folks. We need
14 AOPA involved, we need local associations involved,
15 we need the airports involved. I again challenge
16 us all to respond to that, to reach out to those
17 user groups, to assist with the work necessary to
18 successfully reopen access to the national capital
19 area.

20 Thank you very much.

21 (Applause.)

22 Questions?

23 MS. KLEPPER: Thank you, Mr. Blouin.

24 Any questions from the panel?

25 (No response.)

26

1 Thank you.

2 Our next speaker is Kendall White.

3 (Screen.)

4 STATEMENT OF KENDALL WHITE

5 MR. WHITE: I'd like to thank you all for
6 allowing me to be here. I'd like to really thank
7 AOPA for getting the ball rolling on this so we
8 have an opportunity to speak and voice our views,
9 and I'd like to thank the FAA and all the other
10 government agencies for hearing our views.

11 I think what Bob Blouin just said about
12 Oshkosh is a great example. I've been there
13 several years and it's a wonderful experience. I
14 think if you want to see aviation in motion, go to
15 Oshkosh.

16 I want to talk a little bit about a
17 question. I want to really kind of go through a
18 little question period here. I'll give you a
19 little background on myself. I'm a private pilot.

20 I'm representing myself. I'm an instrument-rated
21 pilot, single and multi-engine land, been flying
22 for about 27 years. I come from a long line of
23 military people in my family and veterans, combat
24 veterans. I didn't go in the service because when
25 I went to go in in '78 it was the tail end of

26

1 Vietnam. I wanted to fly and my first student
2 medical certificate was from the Marine Corps and I
3 wanted to be a Marine Corps aviator. I didn't get
4 a chance to do that, but I've had an uncle that
5 died in combat, World War II. My grandfather
6 served in World War I. So we've got a long line of
7 people who have been dedicated to this country and
8 what it stands for.

9 The question I want to really ask and
10 challenge our panel and our pilots is, is a
11 permanent ADIZ around Washington, D.C., a good
12 idea? I ask the question because in my
13 postgraduate study a question is really a search
14 for truth, and we should enter into a discussion or
15 a question with a clear and open mind as a search
16 for truth.

17 Next slide, please.

18 (Screen.)

19 There are some cold hard facts we have to
20 really look at in terms of what happened. I
21 remember that day, I'm sure as most of you do. I
22 was going to go flying. I had purchased an
23 experimental plane, a Glassair. It was a beautiful
24 day because in September around here the weather is
25 clear still sometimes, and it was a beautiful day.

26

1 I didn't go flying that day because I saw what
2 happened, what unfolded. In the background there,
3 of course, is a picture of New York City, just in
4 case you didn't realize. That's post-9-11.

5 But what happened on that particular day,
6 really was it the fault of general aviation? Did
7 we cause that problem? Was it the fault of the
8 controllers? I think they did an excellent job to
9 do what they did. They coordinated with the
10 military: Hey, something's wrong here; we've got
11 to fix it. Was it the fault of the
12 citizen airline passengers? No, probably not.

13 So we have to look at that. But look who
14 has borne the brunt of the responsibility here.

15 Next slide, please.

16 (Screen.)

17 The solution that we have to look at is a
18 very delicate balancing act. I envy the position
19 that all of you are in, because you have to look at
20 how do we protect our national treasures while
21 preserving civil liberty, but we also have to keep
22 in mind that civil liberty is a national treasure.

23 If we're going to let that be violated, what's all
24 this fuss about? We can enter the slippery slope
25 to become a military state, and I don't think any

26

1 of us want that.

2 Next slide, please.

3 (Screen.)

4 After 9-11 everything was pretty helter-
5 skelter because, as was pointed out, it was pretty
6 new, uncharted ground. We really hadn't been
7 attacked on our soil like this before. So
8 everybody said: Let's do something; we've got to
9 do it now. So they shut down the airspace. Was it
10 effective? Yes, for the moment. Was it expedient?
11 Yes. Was it politically correct? Probably so.
12 Was it just window-dressing? Not at the time.

13 But some of the things that we're doing
14 now, is it window-dressing? I'm not going to
15 answer that just yet. But what are we really
16 guarding against? In Columbia, Maryland, one
17 gentleman did actually -- he was probably a
18 physicist -- talked about the kinetic energy of a
19 Cessna 172 as compared to a 757. As he pointed
20 out, for those of you who weren't there, a Cessna
21 172, it would take 630 Cessna 172's hitting the
22 same place at the same time to cause the same
23 amount of damage. Can't do it.

24 So some people say, well, let's just
25 restrict general aviation. It's an easy target

26

1 because we're a lot of dispersed people. We don't
2 have the voice of the airline where we can say:
3 Hey look, we're a billion dollar industry, we
4 employ thousands and thousands of people, hundreds
5 of thousands of people, we'll write our
6 Congressmen, we'll do all those things like that.
7 We didn't have the small voice -- but it was shut
8 down regardless of circumstance, regardless of the
9 impact we can make.

10 But as time went on, cooler heads
11 prevailed. Things got relaxed. The airspace
12 gradually began to reopen. If you'll recall, we
13 had a constant CPA, which is Combat Air Patrol, 24-
14 7. Then they found out: Hey, you know what, our
15 planes weren't designed to fly around 24 by 7,
16 burning up engine time, stuff like that. But you
17 had to have them going because if you have a
18 threat, it's not like a Prius, where you just hit
19 the little "On" button and you can just take off.
20 You can't do that. So it was pretty expensive.
21 But later we reassessed that and it was deemed it
22 was unnecessary.

23 Hang in with me. I'm going somewhere with
24 this.

25 We limited flying. Thanks to the AOPA, we
26

1 had a flush plan, because everybody who's plane was
2 trapped within that 25-mile ring, we couldn't get
3 our planes out even though they opened the airspace
4 around the country. New York and D.C. were
5 trapped.

6 Then they allowed IFR flying between 18 and
7 25 miles. Fortunately, I was an IFR pilot; I could
8 go flying for a little while. Then later we had
9 the enhanced class B. So the solution kept
10 evolving, as was pointed out earlier today.

11 Lastly, we got the FRZ, we've got the DC 3,
12 we've got the ADIZ around D.C. But this ADIZ is
13 not really what it was designed for and controllers
14 and pilots alike are paying the price.

15 But I think the key take-away from the
16 slide was there was an initial response, but then
17 there was room for adjustment. In the business
18 world we call it process improvement. Mr. Deming
19 talked about process improvement.

20 Next slide, please.

21 (Screen.)

22 So there was a major impact: reduced
23 flight hours to general aviation pilots, increased
24 workload for the FAA controllers, reduced revenue
25 in the local economy, increased spending for the

26

1 FAA. People quoted figures and it's on the record
2 as to how much that's actually costing. Increased
3 frustration for airline passengers, taking off your
4 belts, taking off your sneakers, confiscation of
5 your fingernail clippers, women having their
6 underwear examined. I saw once in Arizona a little
7 kid had to go to the mat, stretch their arms out,
8 an eight-year-old, go through the whole wand
9 exercise. It was appalling. But some of that's
10 been relaxed and changed.

11 I also want to point out that College Park
12 -- we used to have a fly-in at College Park, an
13 expo. That was the oldest continually operating
14 airport in the world. I thank Patrick Merkle for
15 some of his comments about College Park and some of
16 the good old days, because those were the good old
17 days. I learned to fly in Los Angeles, that VFR
18 corridor they had in Los Angeles, and then I came
19 here back in about '86 or so. But I grew up two
20 and a half miles from College Park Airport.

21 Next slide, please.

22 (Screen.)

23 Let's talk a little bit about personal
24 impact. I too looked at my log book and
25 personalized this. I flew about 75 flights a year

26

1 and I've reduced it down to about 20 flights a
2 year. Pleasure flights have been virtually
3 eliminated. In fact, one of the speakers talked
4 about the Kent Manor Inn. This little person right
5 here is the result of a flight I took to the Kent
6 Manor Inn --

7 (Laughter.)

8 -- because that's -- with my wife, before
9 she was my wife.

10 So I only fly now pretty much when I'm
11 traveling, and I've moved my airplane from Fort
12 Meade to BWI. I've flown out of College Park, I've
13 flown out of Hyde, and I've flown out of Freeway,
14 and now I'm based at BWI.

15 The second airplane I had, an experimental
16 Glassair, I sold it because it was no longer
17 practical. It was cheap to fly. I was going to do
18 aerobatics and all that kind of stuff. But it just
19 wasn't practical with the ADIZ because it was no
20 longer any fun trying to go through all the codes
21 and not being able to get back home and all that
22 kind of stuff like that.

23 So I basically have decreased the utility
24 of my flights. I work down at Pax River, Maryland.

25 I could fly to work and save myself about 30
26

1 minutes in each leg. But when I factor in calling
2 for a code, waiting for a code, circling around
3 about 2 Whiskey 6 trying to get back in, it's not
4 worth it. I've done it a couple times when I have
5 meetings down there, but it's not really that good.

6 But I also fly IFR unnecessarily when it's
7 severe clear outside, and that impact goes well
8 beyond the Potomac TRACON airspace, because when
9 I'm coming back from 600 miles away I'm following
10 IFR and I'm working controllers in severe clear
11 weather when I could fly direct. So really, my
12 range is about 750, 800 nautical miles, so with all
13 your factoring in of reserves I figure it's about a
14 700-mile impact.

15 My daughter loves to fly, but her flight
16 time has been drastically reduced because it's
17 family travel and my wife claims right seat.

18 Next slide, please.

19 (Screen.)

20 So let's talk about some potential
21 solutions. I don't want to bellyache about what I
22 think is wrong. You've heard about the corridors.

23 What I've looked at here in addition to the
24 corridors is assigning special codes in the
25 corridors, because right now under the current

26

1 rules you get a discrete transponder code and in
2 the discrete transponder code there's no difference
3 between a regular target and an IFR target. I've
4 worked some air traffic control. I've seen some
5 air traffic control work at some of the TRACONS as
6 well as on an aircraft carrier. I got a chance to
7 ride one. It was great, by the way, the TRUMAN.

8 But this way, you would know if an aircraft
9 with 125 leaving out of Leesburg, if he was all the
10 way over here, hey, something's wrong. So
11 therefore it would give controllers better
12 situational awareness about what to do. So you can
13 build these ingress and egress routes out of these
14 border airports, as well as create a traversal
15 route to cross this airspace here, because that's
16 very important.

17 Next slide, please.

18 (Screen.)

19 So what are some of the considerations and
20 consequences? I'm going to try to wrap up real
21 quick here. Pilots fly under very severe financial
22 penalty as well as the threat of death. You know,
23 a mistake or a mishap up there can cost somebody
24 their life. But let's examine what happens if
25 there is a shutdown. Can you imagine if the

26

1 Governor of Kentucky got shot down?

2 One thing is that planes don't disintegrate
3 when they're shot down. They fall apart and they
4 fall on somebody's house. They don't evaporate,
5 they don't go up into space. They come down on the
6 ground.

7 If there was a shootdown, there's going to
8 be an investigation. Then there are going to be
9 questions: Was it an accidental incursion? Could
10 it have been prevented? Were there equipment
11 malfunctions, like the helicopter not being able to
12 talk to the pilot? Was it justified? So many
13 questions are going to be asked. Even the
14 psychological damage to the pilot, to the shooter;
15 what is he going to think for the rest of his life?

16 I shot down an innocent citizen. The commander
17 who said, hey, I give you the authorization to
18 shoot.

19 So they're going to be asking, what other
20 considerations have we looked at. It's basically
21 very similar to a friendly fire incident.

22 Next slide, please.

23 (Screen.)

24 So I recommend a solution process where we
25 convene a multidisciplinary team to examine the

26

1 threat, review the information, and develop a
2 comprehensive solution. In America, we say we're
3 the home of the free and the brave. We have the
4 smartest and probably the most innovative people in
5 the world. Surely we can do better.

6 A team should consist of members from AOPA,
7 NBAA, ALPA, the Air Line Pilots Association, FAA,
8 TSA, local governments, DOD, Secret Service, and
9 all the stakeholders. But the key take-away here
10 is that we need to continually reassess the
11 effectiveness of the solution.

12 Next slide, please.

13 (Screen.)

14 Here, I was doing something here -- an
15 epiphany that happened on the way down here was,
16 you kind of look at regular stimulus feedback
17 response loop. You stimulate, you look at
18 feedback, you do your analysis, you respond, you
19 have process improvement, and this loop keeps going
20 around and we keep getting better.

21 If you make a permanent deal, you cut this
22 off and you don't have any chances to get better,
23 as was pointed out.

24 Next slide, please.

25 (Screen.)

26

1 So why no permanent ADIZ? You eliminate
2 these opportunities to reassess the threat, measure
3 the effectiveness of the solution against your
4 objectives, make refinements, to improve security,
5 safety, efficiency, and effectiveness. We all want
6 to do that.

7 Next slide, please.

8 (Screen.)

9 So I go back to the question: Is a
10 permanent ADIZ around D.C. a good idea?

11 VOICE: No.

12 MR. WHITE: Next slide.

13 (Screen.)

14 A better solution is just an idea away.

15 Next slide.

16 (Screen.)

17 Thank you.

18 (Applause.)

19 MS. KLEPPER: Thank you, Mr. White.

20 Our next speaker is Matt Crabbe.

21 STATEMENT OF MATT CRABBE, PRESIDENT

22 VIRGINIA AERIAL APPLICATORS ASSOCIATION

23 MR. CRABBE: Boy, this has been
24 educational. I'd like to thank you all, first off,
25 for hearing all of our comments and our beliefs.

26

1 My name is Matt Crabbe. I'm the President of the
2 Virginia Aerial Applicators Association, past
3 secretary of the National Agriculture Aviation
4 Association, a representative of the Northeast
5 Agricultural Aviation Association, and an owner-
6 operator of an aviation business in Hanover,
7 Virginia.

8 I'm here today to express my industry's
9 concern on the economic hardships that the
10 Washington, D.C., ADIZ is imposing on our business.

11 I personally work and fly through the ADIZ on a
12 regular basis. Since the airspace has been in
13 place it has affected my business income as well as
14 my colleagues'.

15 The main part of my operation is aerial
16 application, crop dusting as many of you know it,
17 and low-level wildlife surveillance work for the
18 states of Virginia, Maryland, and other
19 conservation groups. One of the problems we
20 experience in the ADIZ is the undue burden on the
21 ATC. Mr. Proudfoot, any comments I make, I
22 certainly apologize. I'm not bad-mouthing you
23 guys. You do a great job. I know you're
24 overloaded.

25 To handle our aircraft at low-level flights
26

1 in performing many of these important and necessary
2 jobs, some of these types of work I and my
3 colleagues perform in the wildlife surveys,
4 applying erosion control products for conservation,
5 protecting agricultural plants, trees, from pests,
6 and to help public health issues, such as West
7 Nile-carrying mosquitoes.

8 After meeting with two of my colleagues
9 over the last couple weeks, we have deducted that
10 the ADIZ has cost the three of us together over
11 \$500,000 in lost revenue in a year. I need the
12 business. I know the rules, I know the airspace
13 rules, but it scares me along with my colleagues to
14 enter into this airspace. If I enter into the
15 airspace and follow the rules that are currently in
16 place, I may and have actually been lost in the
17 control system.

18 I perform, like I said, quite a bit of
19 wildlife survey work. I've been doing it for 15
20 years. I have worked the Potomac River shoreline
21 numerous times. I have flown all the way up to the
22 Washington National Airport. After 9-11, as many
23 of you know, our policies changed. I jumped
24 through quite a few hoops. In May of '04 I had an
25 eagle survey and we were coming to Davidson. I

26

1 filed all the appropriate paperwork. I called
2 mission control, I called Potomac Approach TRACON,
3 I filed with flight service, and I received my
4 waiver number to enter into the FRZ.

5 On my way up I picked my flight plan up
6 from Williamsburg, which I picked up from Norfolk
7 ATC. I flew, got handed off three times until I
8 got to the ADIZ. My entry point was Dahlgren. I
9 proceeded forward from that point. One of the
10 controllers at ATC at Potomac TRACON said: I don't
11 think I am going to be able to handle you at your
12 low level. Normally when we do this we're 500 feet
13 and below.

14 I said I concurred with him, because I have
15 of course done this in the past. I said, it might
16 be best if you pass me to Quantico because I know
17 the Quantico approach is not as busy as Potomac is.

18 He said that would be a great idea.

19 I told him where I would be on the Potomac,
20 very explicit with flight service, with Potomac,
21 with mission control. When I got right at the FRZ
22 zone, Quantico handed me back to Potomac. At this
23 point I was lost. They came back -- it was a nice
24 lady. They were very overwhelmed. As you all
25 know, you fly in the airspace, your ears feel like

26

1 they're going to bleed after about five minutes of
2 listening to that.

3 But she was very nice, politely told me: I
4 don't have any paperwork on you. Now, I have two
5 clients sitting in the aircraft with me. I'm
6 sitting there circling at 1500 feet, waiting to get
7 to my work area, which was just outside of the FRZ
8 -- inside the FRZ, but just outside of the seven-
9 mile zone.

10 I told the lady, I said: Ma'am, I have
11 gone through all the appropriate measures. I have
12 gotten my waiver. I have filed, I have called
13 everyone that I'm supposed to. Now, I would
14 greatly appreciate it if you went and looked for my
15 paperwork again, because I have two clients sitting
16 in here that are paying me to be here.

17 She went, about 15 minutes later I would
18 say came back as I'm still circling in this
19 airspace, and found my paperwork. I proceed to
20 work from that point south. I was handed over to
21 Davidson, where I got -- Davidson came on and said:

22 96 Bravo, you need to call Potomac approach when
23 you land.

24 I said: Well, would you like for me to
25 land now and call them or do I need to call them

26

1 when I'm finished my survey, which would have been
2 about another two and a half hours. He said: No,
3 you can land; when you land, you call Potomac
4 approach; they want to talk with you. I said okay.

5 So I had that to think about for the next
6 two and a half hours, whether I was going to be
7 able to get my clients home or whether I was going
8 to be able to even finish the contract for the
9 survey.

10 Every handoff I got from that point on, no
11 one knew who I was, had no idea. I had to explain
12 myself to each and every controller I talked to
13 from that point. One of the Quantico approach guys
14 -- at this time I was getting a little frustrated -
15 - told me -- he was very nice, but I wasn't. He
16 said: 97 Bravo, can you keep your transmissions
17 short. I said: Sir, if you hadn't lost my
18 paperwork I wouldn't have to say anything to you.
19 That didn't work out either, long story short.

20 (Laughter.)

21 When I got to the ground I called Potomac
22 and I talked to one of your managers there, a very
23 polite fellow, gentleman, also. I sat and listened
24 to him explain to me the procedures of coming into
25 the ADIZ. Once I listened to his speech I told

26

1 him: Sir, I have done everything you've just told
2 me to do. At that point he said: We do have a
3 situation that we're trying to work with now with
4 working inside of the ADIZ. He said: We're
5 designed to pass through, but not to come in and
6 stay.

7 The aerial application business, as most of
8 you know, is very tedious work. It's very low-
9 level flying and it takes high concentration.
10 Dealing inside the ADIZ is quite a struggle. It
11 takes dealing with the controllers, trying to fight
12 with them hearing us, us hearing them. When we
13 land, which we do quite often, sometimes as many as
14 40, 50 times a day, it does get difficult having to
15 deal with this situation.

16 I have several friends that are in this
17 airspace, several business owners. Approximately
18 15 of them, I sat just thinking, that are close in
19 proximity and have business in the Washington,
20 D.C., area. I've only heard from three of them.
21 When it costs you over half a million dollars a
22 year with just three operators, you can imagine
23 what the other 15 are experiencing also.

24 I do have some requests. If removal of the
25 airspace is not possible to this council, then may
26

1 you consider reducing the area of the ADIZ
2 encompassed to a seven-mile range from DCA? The
3 organizations I represent are concerned that making
4 the Washington, D.C., ADIZ a permanent airspace
5 will result in other metropolitan areas following
6 suit, further damaging the aviation industry.

7 If there will be no removal or reduction in
8 this airspace, we ask you to revise a more workable
9 plan that does not economically harm legitimate
10 aviation businesses conducting important and
11 necessary aerial services in this airspace.

12 On a personal note, ladies and gentlemen,
13 we're in a demanding business and it is changing.
14 We all, as has been said earlier tonight, need to
15 work together. But there is a solution to keep us
16 in business and that is what our main concern is.
17 It's not only about our freedoms, but it is our
18 freedom, but it is about staying in business as a
19 small business owner.

20 I thank you all for hearing me.

21 (Applause.)

22 MS. KLEPPER: Thank you, Mr. Crabbe.

23 That concludes our formal agenda of
24 speakers. Now, we did have quite a few additional
25 speakers that had signed up. What I'd like to ask
26

1 first is if there is anyone present this evening
2 that had actually been here this afternoon and
3 signed up to be a speaker at the session this
4 afternoon and are still here? We had a number of
5 those speakers, but we couldn't get to them in the
6 time we had allotted, so I wanted to give them
7 first opportunity. Anyone that had signed up for
8 this afternoon's session and is still here and
9 would like to make a presentation?

10 (No response.)

11 Seeing no hands -- yes, sir?

12 VOICE: Two of us signed up for the
13 evening.

14 MS. KLEPPER: Yes, sir. No, there were
15 also people that had signed up for this afternoon.

16 VOICE: Oh, I'm sorry.

17 MS. KLEPPER: That's who, I wanted to get
18 to those folks first if they had stayed here for
19 this evening. I wanted to give them first
20 opportunity.

21 (No response.)

22 We also have a number of additional people
23 that have signed up to speak this evening. What
24 I'd like to ask, because there are quite a few of
25 you, if you can possibly keep your remarks brief, I

26

1 would say about two minutes, because I'd really
2 like to cover as many folks as we possibly can.

3 But I'll start to go over that list now.
4 The first person that had signed up for this
5 evening is Mr. Warren Reames. If those people that
6 had signed up for this evening, if you would start
7 to move up to maybe this first row of empty seats,
8 that would help us get through as many people as
9 possible in the amount of time that we still have
10 left for this evening.

11 Thank you very much. I appreciate it.

12 STATEMENT OF WARREN REAMES

13 MR. REAMES: Hi. My name is Warren Reames.

14 I'm a private pilot, VFR, visual flight rules
15 only. I'm not instrument-rated. I've only got 130
16 hours. I'm one of those low-time pilots that the
17 insurance companies kind of shy away from.

18 I've always enjoyed aviation. I was a
19 helicopter mechanic in the Army and I remember our
20 Army Reserve unit and National Guard units used to
21 take flights down the Potomac River, and I thought:
22 What a pleasant way to spend an afternoon. Now, I
23 knew I couldn't do that in a fixed wing aircraft,
24 or I probably couldn't back in the 1980s. But I
25 always had dreams of bringing my family into the

26

1 Washington area, maybe going to College Park
2 airport, things like that.

3 As typical middle class families go,
4 sometimes your priorities go in other places. I'm
5 not wealthy. I live in Stafford County, Virginia,
6 and I make the average income for that
7 neighborhood. I am an aircraft owner and, contrary
8 to the misconceptions spewed out by a lot of
9 newspapers out there, I paid less for my airplane
10 than many people did for their cars. I paid
11 \$20,000 for a 1969 airplane.

12 Yes, it costs a lot for me to keep it
13 running. I use six gallons of gas an hour at three
14 dollars a gallon, which is a conservative estimate.

15 That's \$18 an hour just in gasoline to enjoy my
16 dream. And it's a little two-seat aircraft. I
17 kind of jokingly call it "The Target." I think you
18 can figure out why.

19 I've put up with a little of jokes at work
20 and from family about the incident that happened
21 back in May, and was that my airplane and am I
22 going to be the next guy to do that kind of thing,
23 and why do I still fly. We all have hobbies, we
24 all have dreams, and this was mine, to share my
25 flying with my family. This isn't an economic

26

1 thing I'm talking about today. This is something
2 emotional.

3 The people in this room are pilots because
4 they know what it feels like. I invite anybody on
5 the panel -- and I'm sure many in this room would
6 do the same thing -- invite you to come out and
7 have a discovery flight. My wife would probably
8 kill me because I don't have a lot of money for a
9 lot of flying, but it's hard to explain that I live
10 right near Stafford County Airport and I don't dare
11 fly north of the airport because I might go into
12 the ADIZ.

13 Yes, I did sign up for and I got vetted for
14 the flying into Hyde Field. But underneath,
15 something's broken on the inside, something about
16 the way I feel about my government. You know,
17 every day -- and I work for a railroad, so I can
18 say this. Every day thousands of illegal aliens
19 cross our borders. Now, any one of them -- I'm not
20 getting into the illegal alien issue, but any one
21 of them could be someone with dastardly designs on
22 our bridges, our water supply, our railroads. And
23 yet they go virtually unstopped.

24 So here in Frederick, Maryland, we have a
25 scene of a 69-year-old man face-down in handcuffs
26

1 on the ground, his aircraft confiscated, for what?

2 The law-abiding citizen got lost. I'm not going
3 to go into the fact that he did screw up. We all
4 know that. But this is the way Americans treat
5 fellow Americans and it doesn't make me proud.
6 This is the way my government is going to treat me
7 if I get lost. This is the way the police might
8 treat me if I get lost.

9 We heard from another person here, the
10 manager of Frederick Airport, something that
11 happened on July 3rd, another family led off in
12 handcuffs for simple mistakes.

13 I'm at a loss for any more words. This
14 really gets me upset. Thank you.

15 (Applause.)

16 MS. KLEPPER: Thank you, Mr. Reames.

17 The next speaker is Jack McCarthy.

18 STATEMENT OF JACK McCARTHY

19 MR. McCARTHY: Jack McCarthy's the name.
20 I've been flying in the Washington, D.C., area
21 since 1950. Now, that's probably longer than most
22 of the panel is old. I had a successful career as
23 a flight instructor, airplane power plant mechanic,
24 airline pilot, and I'm now retired. I've been
25 flying 100 hours a year until the ADIZ came in. I
26

1 used to fly from 3 Whiskey 3 to 2 Whiskey 5 every
2 Sunday. I would meet four of my friends there. We
3 all flew 100 hours a year. To date, three out of
4 the four have quit flying. My flying is 25 hours a
5 year at most. His flying, the other fellow, is 25
6 hours a year at most. That's a potential of ten
7 gallons an hour for the 500 hours of 5,000 gallons
8 of fuel. Well, now only 500 gallons of fuel gets
9 sold. That's 4500 gallons of fuel that somebody
10 didn't make any money on. There was no profit for
11 a mechanic or any other accessories. That
12 basically covers that portion of it.

13 I have at the present time an airplane I
14 built for \$7,000, powered with a Ford Model A
15 engine, 1929 design. It cost me 7,000 bucks to
16 build it. It cost me \$5,000 to make a radio
17 package to hang on the side of it to go flying.
18 This airplane was a two-place airplane. It's now a
19 single-place.

20 What kind of ticks me off about the whole
21 thing is the fellows with the Blackhawks. But I've
22 got a compliment for the man at the end of the
23 table, in the end. I'm getting awful tired of the
24 way that people are treated. We don't treat the
25 rapists down in D.C. as badly as you treat the

26

1 pilots when they just screw up a little bit.

2 (Applause.)

3 I've watched personally a young fellow, a
4 law student who had been vetted out of Hyde Field,
5 goofed up a little bit, wound up, he's got two
6 machine guns pointed at him. The chief inquisitor
7 is waving his side arm as he tries to hold his
8 papers down to check them. The whole thing reminds
9 me of the newsreels I saw in 1941 when I was nine
10 years old as I watched the SS troops come through,
11 gather up the Jews, and tell them: You'll love it
12 in the ghetto, and then we've got the ovens for you
13 later. This is the feeling I get when I watch
14 these guys.

15 The most recent that I know of problem was
16 the fellow with the electrical failure, a vetted
17 pilot out of Hyde Field. He landed at 2 Whiskey 5.

18 Prior to his landing or he landed after was a
19 Satabria with an Air Force major in it, I believe,
20 and his two children. The Blackhawks land, the
21 machine guns are out, the side arms out, and they
22 went to the wrong airplane.

23 Now, here's two little kids with machine
24 guns pointed at them. What do we tell our
25 children? Hey, you got a problem, see the cop.

26

1 Well, don't see the copy any more for those kids.

2 They all got guns and they point them at you.

3 Now, after about ten minutes they finally
4 figured out, ah, wrong man. There's the other guy
5 over there, got his papers out; he's all ready to
6 talk to them.

7 Now, the compliment is the Blackhawk guy
8 after ten minutes finally apologized to the guy. I
9 think that's very nice. And they didn't handcuff
10 the kids either. So good for the Blackhawk crews,
11 and maybe we'll start treating people a little
12 nicer.

13 Thank you.

14 (Applause.)

15 MS. KLEPPER: Thank you, Mr. McCarthy.

16 Next, Donald Schwentker.

17 STATEMENT OF DONALD SCHWENTKER

18 MR. SCHWENTKER: I'm old, but I can still
19 run.

20 My name is Don Schwentker and I'm
21 representing myself. I'm a pilot and I have a
22 commercial license, single, multi-engine land,
23 flight instructor, instrument flight instructor.
24 I've been flying 45 years, something over 5,000
25 hours. I don't keep track any more. I'm an
26

1 aircraft owner and my Turbo Arrow's based at
2 Manassas, Virginia. I'm a former regulatory
3 attorney with the FAA Office of General Counsel,
4 but that was 40 years ago, before many of you were
5 born.

6 I'm mindful of the security threat, but how
7 to address this threat with minimal disruption. I
8 support establishment of a corridor from Casanova
9 VOR to and from Manassas Airport or some other
10 appropriate routing, perhaps with an appropriate
11 transponder code to be used by aircraft in this
12 corridor. A common discrete radio frequency and
13 altitudes could be designated. I think such a
14 corridor would reduce the workload of ATC and of
15 flight service stations, who now have to take the
16 flight plans that we file by telephone and hope
17 don't get lost.

18 I think this could be done, in my view,
19 without diminishing security. The Dulles Flyway
20 and the LAX VFR corridors worked similarly.
21 Clearly, a terrorist could file an ADIZ flight plan
22 to Manassas Airport and could overfly the airport
23 heading to P-56, the Pentagon, or any other target.

24 An aircraft overflying the airport after
25 transitting a VFR corridor wouldn't result in an

26

1 increased risk, I don't believe, because the F-16's
2 would have the same amount of time to address the
3 problem in either case.

4 Some of us remember a general aviation
5 aircraft's violating the then-LAX terminal control
6 area -- it's now called class B airspace -- and
7 colliding with an AeroMexico DC-9 airliner,
8 resulting in fatalities to all aboard. The FAA's
9 action following the crash purporting to address
10 the issue was it enlarged the TCA. How did that
11 help? The pilot violated the TCA. He flew into
12 it. So making it larger doesn't help, and I don't
13 think this is going to help either.

14 On my most recent flight a few days ago,
15 upon reporting in to Potomac approach control to
16 activate my ADIZ flight plan back to Manassas over
17 Casanova, I was told by the controller that he
18 wasn't getting my mode C altitude readout on my
19 transponder. He was just not getting the altitude
20 readout, and he said without it, quote, "I can't
21 let you into the ADIZ," close quote.

22 Well, I can't understand how a lack of
23 confirmed altitude readout affects security. What
24 was I supposed to do? My car was at Manassas
25 Airport. That's where my airplane's been based for
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1 years. Was I supposed to go fly somewhere and buy
2 a new transponder and encoder? I don't know what I
3 was supposed to do. Finally he said: Oh,
4 yeah, I'm getting it now; okay, you're clear to
5 enter.

6 I too have had flight plans lost, even
7 though I had a copy on my lap. I've filed IFR
8 flight plans, I had a printout on my lap, and was
9 told when I called clearance delivery: We can't
10 find a flight plan on you. I've also been told I
11 couldn't be cleared the way I filed because I filed
12 direct. And I said, no, I didn't, and I read out
13 the routing that I had filed, and had that on my
14 lap as well. They said: No, according to us you
15 filed direct. So something's slipping through the
16 cracks.

17 Finally, I hope the panel is interested in
18 what we have to say here. I have to say if you are
19 you're sure hiding it well.

20 (Applause.)

21 I share Neil Singer's concern about the
22 lack of panel questions and comments. I think it
23 would be nice if you at least acted like you were
24 interested with an occasional comment or question.

25 We heard one comment and it was about the errant

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1 pilot who also flew over the Vice President's
2 compound. That was the only comment I heard here
3 this evening and I've been listening very
4 carefully.

5 In over 40 years of Washington legal and
6 regulatory experience on both sides of the table --
7 I've been on the government side, I've been on the
8 other side representing major automobile
9 manufacturers in public hearings, and I have
10 participated in lots of public meetings. But I've
11 got to tell you, I've never participated in one
12 where I got the impression that the panel really
13 didn't have much interest in what was being
14 addressed to them. I hope I'm wrong.

15 (Applause.)

16 MS. KLEPPER: Thank you, Mr. Schwentker.
17 Let me just say that we are trying to hear from as
18 many people as possible. This is your opportunity
19 to speak to us, and so that is why we are trying to
20 get through as many people as possible this
21 evening.

22 The next person on this additional list
23 that I have is Rebecca Wagner.

24 STATEMENT OF REBECCA WAGNER

25 MS. WAGNER: Good evening, ladies and
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1 gentlemen. I'm Rebecca Wagner. I'm a pilot in the
2 local area. I teach at the Quantico Flying Club.
3 I hold an airline transport pilot's license, a
4 certified flight instructor certificate with single
5 and multi-engine land ratings, and instrument
6 airplane.

7 I cannot in two minutes possibly address
8 everything that needs to be addressed about the
9 ADIZ, but you've already heard a great deal of it,
10 so I want to focus on three points. First, in this
11 area we already have Class Bravo airspace. Class
12 Bravo airspace requires a clearance to enter the
13 airspace. The ADIZ does not require a clearance.
14 It requires that you file a flight plan, you get
15 your discrete squawk, and you be in radio
16 communications. So in some ways the Class Bravo
17 airspace is more restrictive than the ADIZ is.

18 I would submit that we can do everything we
19 need to do security-wise with the Class Bravo
20 airspace. If, heaven forbid, we had to run this
21 Class Bravo airspace to the ground out to its
22 lateral limits, that's still much better than the
23 ADIZ that we have to deal with.

24 (Applause.)

25 Controllers don't just issue you a
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1 clearance into the Class Bravo and forget you.
2 They're tracking the aircraft. If anybody comes
3 into the Class Bravo airspace who has not followed
4 all of the proper procedures, they're immediately
5 tagged by the controllers. So you've got the same
6 response that you can get with the ADIZ with the
7 Class Bravo airspace which already exists.

8 The second point that I would like to make
9 is that this notice of proposed rulemaking makes
10 any ADIZ violation a criminal offense. Take for
11 example an aircraft owner keeps their aircraft in
12 airworthy condition, they comply with all of the
13 required rules and regulations, they have all the
14 inspections, all the preventive maintenance done on
15 their aircraft. They go out to fly. They want to
16 come in the ADIZ, so they file their flight plan,
17 they get discrete squawk. They talk to ATC.

18 ATC says: Yes, your squawk is observed,
19 because they can tell us that without giving us
20 traffic separation. So the controller will tell
21 you: We're observing your squawk on radar; we see
22 you, we see the numbers, so you can come into the
23 ADIZ. This person then comes into the ADIZ because
24 they've been told by the controller that they're
25 seeing their transponder squawk.

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1 Now, once inside the ADIZ, that person's
2 transponder fails. In spite of all the maintenance
3 that has been done, every bit of preventive
4 maintenance, every inspection that could be done to
5 determine if there's a problem with that
6 transponder, it fails after that person is in the
7 ADIZ. That individual is now a criminal. They
8 have a criminal record. They can lose their job
9 because they are now a criminal. They can be
10 denied future employment because they are a
11 criminal.

12 I think it is very important that we not
13 make this a criminal offense. It is very, very
14 important that we remove that portion of the NPRM.

15 The third point that I would like to make
16 is that there is no time limit on the sanctions in
17 this proposal. For example, your first two
18 violations of the current ADIZ are suspensions.
19 The third one is going to be a revocation, period,
20 end of discussion, no flexibility. So we have a
21 gentleman who's been flying in the Washington area
22 for 56 years, so if in his 56th year of flying he
23 has his third mechanical problem and gets his third
24 ADIZ violation the FAA is going to take his license
25 permanently, not just suspend it. They're going to
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1 take it away permanently. He will have to go -- if
2 he wants to fly after the one-year period that he
3 has that he can't fly once his license has been
4 revoked, then he has to go back to the beginning
5 and start taking flying lessons again and go out
6 and demonstrate to an examiner all the private
7 pilot maneuvers first. Then they have to
8 demonstrate all the instrument -- all the
9 commercial maneuvers to get an instrument license
10 back. And if you're going for an ATP, then you've
11 got to demonstrate the ATP maneuvers. I would
12 submit that that is not an appropriate use of the
13 law.

14 So again, in conclusion my three points
15 are: Number one, we have Class Bravo airspace. We
16 can do everything security-wise that we need to do
17 with the Class Bravo airspace and the FRZ that
18 already exists.

19 Number two, this NPRM makes a violation a
20 criminal offense. That is very wrong.

21 Number three, there's no time limit. There
22 should at least be some kind of time limit. If you
23 get your third offense within ten years, then maybe
24 your license can be revoked. But there should be
25 some reasonable limit. If you look at DMV, there

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1 are limits on how long your offenses can build up
2 on your driving record before certain sanctions are
3 taken, and after a certain time they go away. This
4 should be the same way. It should not be endless
5 out to eternity.

6 Thank you very much for your time, ladies
7 and gentlemen.

8 (Applause.)

9 MS. KLEPPER: Thank you.

10 Malcolm Teas.

11 STATEMENT OF MALCOLM TEAS

12 MR. TEAS: My name is Malcolm Teas. I fly
13 out of Leesburg. I'm representing myself. I have
14 only a few points to make.

15 The ADIZ does not make flying safer in the
16 area. It does not make flying more secure in the
17 area. All you have to do is listen to all of the
18 testimony given today and other days to demonstrate
19 this. But there's a simpler way. Tune in on any
20 ATC frequency in the area on any reasonable
21 business day and listen to the traffic. Does this
22 sound safe? Does this sound secure? This is self-
23 evidently wrong. The ADIZ does not make us safer.

24 The ADIZ does not help us make -- does not
25 help make anything more secure, either. The only

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1 planes that were involved in the 9-11 incidents
2 were commercial scheduled aircraft flying under IFR
3 flight plans. Commercial scheduled aircraft flying
4 under IFR flight plans or any aircraft flying under
5 IFR flight plans are not significantly affected by
6 the ADIZ in any way.

7 The planes, the airplanes and the air
8 traffic significantly affected by the ADIZ are the
9 unscheduled general aviation aircraft. These
10 airplanes, general aviation aircraft, the small
11 aircraft like this, have never been to my knowledge
12 involved in any terrorist incident, period. There
13 is one case in Tampa where a young deranged young
14 man crashed a general aviation aircraft into an
15 office building. He demolished the aircraft,
16 killed himself, and pretty well trashed the office.

17 The hallway, according to published news reports,
18 the hallway outside that office was undamaged.

19 The small aviation -- small general
20 aviation aircraft do not have the speed, do not
21 have the velocity, have the energy, to create an
22 impact of any significant damage on any large
23 scale. They do not carry the fuel that was so
24 destructive, especially in the World Trade Towers
25 collision. Much of the damage and the eventual

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1 collapse of the World Trade Towers was due to the
2 fires caused by the fuel blowing through, blowing
3 through the building and setting a fire.

4 Small planes do not have the speed or fuel
5 capacity you to do any significant damage on any
6 scale similar to this. Yet the planes that are
7 flying, the planes that have virtually no
8 significant restrictions in the ADIZ, are the ones
9 permitted to fly into National Airport, seconds
10 away from downtown Washington, D.C. If security
11 were a major factor in the ADIZ, National Airport
12 would be a parking lot; it would not be an
13 operating airport.

14 There has been concerns about people -- I
15 remember in the early days of the ADIZ there were
16 officials, government officials, that stated:
17 Well, somebody could hide something in a small
18 aircraft. Anybody who has done a weight and
19 balance on any small aircraft realizes that you can
20 stand on a street corner and look at all the
21 vehicles going by and if you omit the bicycles and
22 the motorcycles, virtually any car, any vehicle you
23 see, can carry more weight than a small aircraft
24 can. You can't carry full fuel and four adults in
25 a small aircraft. There is pushing it in a lot of
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1 them.

2 So the idea that this promotes safety just
3 seems just ridiculous at the obvious -- at the face
4 of it, really. Small planes do not, cannot, do
5 this kind of thing. As was pointed out, if you've
6 got 90 knots heading west out of Manassas, it's not
7 going to get to Washington and create a problem.

8 The whole ADIZ has been envisioned and
9 implemented poorly, I think, in my own personal
10 opinion. If you look at the -- taking a look at
11 any sectional chart or terminal area chart, it
12 shows you an automatic red flag of this. If you
13 look at the western edge of the FRZ you see that
14 the otherwise fairly circular area has a kind of an
15 odd line to it. If you go back and look at the
16 original terminal area chart -- the original
17 sectional, sorry -- that the ADIZ and the FRZ were
18 drawn on, you'll find that that line coincides with
19 an igonic line, which is a line that allows you to
20 mathematically figure the difference between true
21 north and magnetic north. It is not a navigable
22 feature either for a visual flight pilot or for an
23 instrument flight pilot. It has no bearing on any
24 navigational aspect. This shows you that the ADIZ
25 and the FRZ were set up initially without really

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1 thinking about how to navigate with this, without
2 really thinking about the impact on pilots, without
3 really thinking about the impact on air traffic
4 control personnel.

5 The implementation of the ADIZ itself has
6 gone through a variety of variations and versions,
7 and we've been trying to adapt and figure out what
8 really works. At one point early in -- my own
9 personal flight training overlapped the
10 implementation of the ADIZ. Early in the ADIZ
11 history, I was on a solo flight out of Leesburg and
12 I got lectured by an air traffic controller on the
13 air because I was doing things the wrong way. The
14 way that he thought it should be done and -- but we
15 were all trying to figure it out. He was trying to
16 do his best, I was trying to do my best.

17 A week later, I was on another flight. I
18 got lectured the opposite direction. It was pretty
19 clear that nobody knew quite what was going on.
20 Nobody had the policy straight.

21 Things have settled down a lot since then.

22 Actually, my radio technique has gotten quite good
23 with all the practice I get with air traffic
24 control. These guys are doing a great job.
25 They're not -- and you can look at the

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1 implementation of the ADIZ and find out, they're
2 not being supported well. Air traffic control is
3 not being helped. Pilots and air traffic control
4 together are working to make this mess of a
5 situation work out. It's not helping security and
6 it's costing the government money, it's costing the
7 economy money. It's not getting us anywhere.

8 Thank you very much.

9 (Applause.)

10 MS. KLEPPER: Thank you, Mr. Teas.

11 We are now past our allotted time for
12 speakers. So at this point I would say for the
13 remaining speakers that had signed up to be able to
14 speak this evening if there was time, that in fact
15 we have now run out of time. We do welcome you to
16 send additional written comments if you would like
17 to do that.

18 I would also like to remind everyone that
19 there will be a verbatim transcript of this
20 meeting. It'll be available after February 2nd.
21 There's information on ordering the transcript in
22 the printed agenda. Docket No. 17005 will
23 remain open for comment until February 6th.
24 Information on how to submit your comments is also
25 in that printed agenda.

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1 I'd really like to thank everyone for
2 coming this evening and for your participation.
3 We really do appreciate your comments.

4 By my watch it's approximately 9:10 and we
5 are adjourned. Thank you all very much for coming.

6 (Whereupon, at 9:10 p.m., the meeting was
7 adjourned.)

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