

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

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

13  
14 The meeting was convened, pursuant to notice, at  
15 1:01 p.m., TONY FAZIO, Moderator, presiding.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1 PANEL MEMBERS:

2 TONY FAZIO,

3 Director, Office of Rulemaking, FAA (presiding)

4 NANCY KALINOWSKI,

5 Director, System Operations Airspace and

6 Aeronautical Information Management, FAA

7 DOUG GOULD,

8 Manager, Strategic Operations Security, FAA

9 THOMAS SMITH,

10 Manager, Operations Regulatory Analysis Branch, FAA

11 MICHAEL CHASE,

12 Manager, Air Traffic and Airman and Airport

13 Certification Law Branch, FAA

14 MARK RANDOL,

15 Acting Director of Counterterrorism Plans, DHS, COL.

16 RANDY MORRIS, Director, Air Component Coordination

17 Element, Homeland Security for First Air Force, DOD

18 ROBIN DOOLEY,

19 Customs and Border Protection, Air, CBP

20 NELSON GARABITO,

21 United States Secret Service

22 MICHAEL MORGAN,

23 Advisor, Office of Security Operations, TSA

24 ALSO PRESENT:

25 NOREEN HANNIGAN, FAA

26

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

2 MR. FAZIO: Good afternoon, ladies and gentlemen.

3 My name is Tony Fazio. I'm the Director of Rulemaking at the  
4 FAA. I will be the moderator of today's program. On behalf of  
5 the FAA and the other federal agencies here with me today, I'd  
6 like to welcome you to this public meeting, the purpose of  
7 which

8 is to receive comments on the notice of proposed rulemaking  
9 titled "Washington, D.C., Metropolitan Special Flight Area."

10 To begin this afternoon, I'd like to take a few  
11 moments to introduce our panel and then go over the meeting  
12 procedures. To my immediate left here on the end is Nancy  
13 Kalinowski, Director, Systems Operations Airspace and  
14 Aeronautical Information Management at the FAA; Nelson  
15 Garabito,

16 United States Secret Service; Doug Gould, Manager, Strategic  
17 Operations Security, FAA; Colonel Randy Morris, Director, Air  
18 Component Coordination Element, Homeland Security for First Air  
19 Force; Michael Morgan, Senior Advisor, Office of Security  
20 Operations, TSA; Mark Randol, Acting Director of  
21 Counterterrorism Plans, Department of Homeland Security; Tom  
22 Smith, Manager, Operations Regulatory Analysis Branch at the  
23 FAA; Michael Chase, Manager, Air Traffic, Airman, and Airport  
24 Certification Law Branch, FAA; and last, Robin Dooley, Customs  
25 and Border Patrol, Air.

26 I would also like to acknowledge that we have

1 additional federal government officials here today from other

2

1 agencies, such as the FBI and the Department of Justice, and  
2 they are in attendance and will be listening to your comments  
3 and suggestions. Again, I will be serving as your  
4 moderator today.

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

16 The FAA is holding this meeting in order to provide  
17 the public an opportunity to present comments regarding the  
18 NPRM. The panel members are here to listen to the  
19 presentations  
20 and to ask presenters questions and request additional  
21 information for clarification if needed.

22 The meeting is being recorded by a court reporter,  
23 here on my right. A verbatim transcript of this meeting will  
24 be  
25 available after January 27th and can be ordered directly from  
26 the court reporter. Ordering information is available at the

1 registration desk. A copy of the transcript of this meeting  
2 will be placed in the public docket. Other documents that are  
3 available at the registration table outside are the notice of  
4 proposed rulemaking, the agenda for this meeting, and a general  
5

1 information sheet.

2 Please note that there is no admission fee or  
3 charge

4 to participate in this meeting. The session is open on a  
5 space-available basis to each person who registers. An  
6 attendee

7 list will be prepared and placed in the docket. If you have  
8 not  
9 signed in, please do so at the break.

10 Speakers appearing on the agenda have submitted  
11 requests to the FAA according to the procedures outlined in the  
12 notice of public meetings published in the Federal Register. I  
13 will call on the speakers in the order in which they appear on  
14 the agenda. If I call on a speaker and the speaker is not here  
15 at that time, I will go on to the next scheduled speaker.

16 Periodically I will go back over the agenda to see if the  
17 absent  
18 speaker has arrived.

19 Each speaker will present his or her information at  
20 this podium here. For the benefit of the court reporter,  
21 before

22 presenting your statement please clearly state your name and  
23 indicate if you are representing an association, an  
24 organization, or yourself, and please speak clearly into the  
25 mike.

26 You'll notice that the agenda is quite full, so I

1 will be requesting that each speaker stay within the allotted  
2 time. I apologize ahead of time if some of you may not have  
3 been provided the amount of time you originally requested. We  
4 have attempted to accommodate as many presentations as possible  
5



1 in the scheduled time frame. Please know that if it is  
2 necessary to interrupt your presentation you are certainly  
3 invited to submit further written comments to the docket.

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

8 Again, please know that we welcome your comments

9 and

10 that if we run out of time at this session you can sign up and  
11 we will try to accommodate you. If not, you may submit your  
12 comments in writing at any time.

13 At the end of your presentation, members of the  
14 panel may have follow-up questions for speakers. Questions are  
15 intended to clarify or focus on particular elements or concepts  
16 expressed in the presentation and to offer you a further  
17 opportunity to elaborate on those areas. Questions are not  
18 intended to be cross-examination. In the event that questions  
19 are asked beyond clarification, I will exercise the prerogative  
20 of the chair and interrupt.

21 I would also remind speakers that panel members are  
22 here to listen and gather information. Therefore they will not  
23 respond to questions posed by speakers or make any attempt to  
24 debate the proposals in this forum. Comments, questions, or  
25 statements made by the panel members are not intended to be and  
26 should not be considered a final position of the member's

27

1 agency.

2 Last but not least, I would like to remind you that  
3 this is a public forum and as such any security-sensitive  
4 information should not be presented.

5 One last request. If there are members of the  
6 press

7 and would like to speak to a member of the panel, the FAA and  
8 DHS have press officials here and they will accommodate those  
9 requests, as does the NORAD-DOD. All other agencies do not and  
10 wish that you contact their agency directly.

11 I would now like to call our first scheduled  
12 speaker, Mr. Robert Montgomery.

13 STATEMENT OF ROBERT MONTGOMERY

14 (Screen.)

15 MR. MONTGOMERY: Good afternoon. My name is Robert  
16 Montgomery. I'm a flight instructor based out of, I guess, up  
17 in Sanford, Maine. I came down today to talk a little bit  
18 about

19 how the ADIZ works and talk a little bit about some of the  
20 observations I've made.

21 If we can go to the next slide, please.

22 (Screen.)

23 By trade, I'm an engineer. By avocation, I'm a  
24 commercial pilot and flight instructor, as I think a lot of  
25 people here are. I'm also an aviation safety counselor

1       affiliated with the Portland FSDO up in New England, and as  
2 part  
3       of that I do a lot of the ADIZ training for the local pilots in  
4

1 the region.

2 While I live up in Rochester, I do happen to be

3 both

4 a former resident of the Washington, D.C., area, and I also

5 have

6 family down here. So as you can probably imagine, as the ADIZ

7 came into effect, I come from the point of view of having two

8 competing interests. First of all, I love general aviation.

9 General aviation is obviously one of the driving motivations of

10 my life right now. But on the other hand, I also have family

11 down here and, to be honest, if the ADIZ did something to

12 protect that family, I might think a little bit differently

13 about it.

14 What I did in trying to resolve this was to go out

15 and take a look at some of the, just some of the background

16 behind the ADIZ, some of the situation which we're in, and

17 tried

18 to basically resolve the conflict. What I want to do today is

19 just kind of share some of the results of some of the work, of

20 some of the research that I've done over the last probably

21 three

22 and a half, four years, in trying to resolve that.

23 (Screen.)

24 In order for any kind of restriction, specifically

25 something along the lines of the Air Defense Identification

26 Zone

1 or a Flight Restricted Zone or even a temporary flight  
2 restriction, to make sense, in my opinion four criteria need to  
3 be met. The first is obviously there must be a threat.  
4 Secondly, the restriction must mitigate the threat. Obviously,  
5

1 if the restriction doesn't do anything to counter the threat  
2 there's no point in having the restriction.

3 The third thing is safety must be balanced. Now,

4 we

5 all stand up and say, well, if there's any decrease in safety

6 then perhaps that's not what we're looking for. In practice,

7 perhaps even a little bit of a decrease in safety would be

8 okay,

9 but only and only if it was more than offset by an increase in

10 security.

11 The final thing, obviously the restriction has to

12 be

13 legal.

14 Now, the good news for the panel here is that I'm

15 not a lawyer and I don't know much about legal things, so I'm

16 not going to address that last point. But what we want to do

17 is

18 just kind of walk through fairly quickly the previous, the

19 three

20 previous points.

21 (Screen.)

22 So the first question, is general aviation a threat

23 or is there a security threat? Well, according to the Federal

24 Register the FAA seems to believe that the most likely

25 organization to attack us is Al-Qaeda. Whether or not you

1 believe that, one of the things I think you can consider is  
2 that  
3 the methodologies used by Al-Qaeda are very consistent with how  
4 other terrorist organizations work. You look at a great level  
5 of simplicity in how they operate. If we look at 9-11,  
6 basically we had four airliners were hijacked using not much  
7

1 more than hand tools and sprays. If you look at the Madrid or  
2 the London bombings, we see very small amounts of explosives  
3 were used to massive effect. It was very carefully placed,  
4 very  
5 carefully orchestrated, but the beauty of the attack, if  
6 you'll  
7 allow me to use that term, is not in how spectacularly  
8 complicated it was; it was in how simple it was.

9 The chances are that we're looking at organizations  
10 that are going to try to attack us using the simplest and least  
11 risky means that they can possibly use, simply because things  
12 do  
13 go wrong and, as with the rest of us, they really can't afford  
14 to have things go wrong.

15 So how has general aviation been used? Well, as  
16 everybody has probably heard more often than they care to  
17 remember, no general aviation aircraft has ever been used in a  
18 terror attack. But in looking at the history of things, we can  
19 also turn around and look at violent crime. I've gone through  
20 the NTSB database, as I'm sure many people have, and I've  
21 noticed a trend. While we've seen many cases where general  
22 aviation aircraft have been used in the commission of a violent  
23 crime -- we see things such as the Tampa, Florida, attack; we  
24 see things such as the 1994 attack against the White House; we  
25 see things up in my neck of the woods, we had an aircraft  
26 crashed into a house -- yet I've been unable to find a single



1 case where the aircraft has actually been successfully used to  
2 commit a homicide.

3

1           So as a result, I think it's reasonable to say that  
2    using a general aviation aircraft, especially a small general  
3    aviation aircraft, as a means of attack is probably a little  
4    bit  
5    more difficult than one might expect.

6           As far as the other types of attacks, going beyond  
7    say a traditional impact attack, we also have the probability  
8    of  
9    perhaps a nuclear attack or a chemical weapon or a biological  
10   weapon or even a dirty bomb, a radiological device. The  
11   problems that you run into here mainly are that when it comes  
12   to  
13   chemical and biological weapons, or even radiological weapons,  
14   aircraft make very poor delivery methods because you really  
15   need  
16   to be down inside of the boundary layer. It's a lot more  
17   difficult than you might expect to use an aircraft to deliver  
18   those types of weapons.

19           As far as a nuclear weapon goes, for a nuclear  
20   weapon of any significant yield, frankly, it completely and  
21   totally overwhelms the load-carrying capacity of most general  
22   aviation aircraft.

23           What it boils down to here is, while I don't think  
24   I  
25   can stand here and say that there's absolutely zero threat from  
26   any general aviation aircraft, but I think it's very clear that

1 the threat level is consistent with the amount of energy that's  
2 passed along by the aircraft.

3 So if we can go ahead with the next one.

4 (Screen.)

5

1                   So how does the ADIZ work? Well, the ADIZ is  
2           fundamentally designed to keep, shall we say, unknown aircraft  
3           from operating in the vicinity of the area. Well, let's say  
4   for  
5           the sake of argument that I wanted to fly into the ADIZ. All I  
6           would have to do is file a flight plan -- I could use anybody's  
7           name -- hop into my airplane, call air traffic control, and  
8           squawk a transponder code. At that point I'm able to get to,  
9   up  
10          to the interior boundary of the Flight Restricted Zone, as long  
11          as I have the equipment necessary to meet that.

12                   (Screen.)

13                   Well, if we sit down and we actually do a little  
14   bit  
15          of mathematics and we say that the threat level posed by an  
16          aircraft roughly correlates to the kinetic energy carried by  
17   the  
18          aircraft, we can actually draw a nice little graph here, which  
19          shows that for a Gulfstream G-IV, it poses dramatically --  
20          fairly -- comparatively, I should say, substantial threat. Yet  
21          it can penetrate to the center of the Flight Restricted Zone  
22          within two and a half minutes from deviation. That's including  
23          a standard rate turn from a tangential course.

24                   If we turn around and look at perhaps an Ironka  
25          Champ, an Ironka Champ isn't able to get within 30 miles of the  
26          FRZ and we're looking for over 20 minutes for the Ironka Champ

1 to get into the center. I think it's obvious to show that,  
2 looking at how the ADIZ operates, basically the protection is  
3 backwards. We're protecting against the aircraft that are  
4 least  
5

1 able to cause harm.

2 (Screen.)

3 There's also the question of safety impacts. Let's  
4 say for the sake of argument somebody does violate the ADIZ, as  
5 happens. So far it hasn't been terror-related. We've seen  
6 cases, two cases already where we've had aircraft almost shot  
7 down in the D.C. area. We've had another case actually that  
8 nobody seems to talk about any more, down in Peru where a U.S.  
9 government aircraft was involved in bringing down accidentally  
10 a  
11 group of missionaries under very similar circumstances.

12 What's the impact of the downing? Well, first of  
13 all the aircraft comes down. But the thing which nobody ever  
14 talks about are the munitions that are used to bring the  
15 aircraft down. I think we can ask the people in Baghdad or the  
16 people in Hanoi what it's like when surface-to-air missiles are  
17 coming down on top of them.

18 There's also the other side of this. What about  
19 separations? Air traffic control, the folks from Potomac  
20 Approach, they have seen about a 30 percent increase in the  
21 amount of traffic. I understand somebody from the National Air  
22 Traffic Controllers Association is going to be here to talk  
23 about this. What are the chances of an accident?

24 The third thing which we've already seen are  
25 deviations. If I'm held outside of the ADIZ, at some point I  
26 need to make a decision to divert to another airport. Well,

27

1 you're right, that's the pilot's responsibility. But the last  
2 thing we want to do is get down to the point where we're a  
3 single decision away from an accident. And with the fuel meter  
4 and equipment that we have on most general aviation aircraft,  
5 it's very difficult to make an accurate decision on when it is  
6 that I need to divert. We've already seen one aircraft --  
7 fortunately, nobody was hurt. We've already had one aircraft  
8 wind up off-airport.

9 (Screen.)

10 So what do we come up with? Well, basically  
11 general  
12 aviation poses virtually no threat and what threat there is  
13 correlates to large aircraft. The ADIZ is not effective  
14 against  
15 those large aircraft. It does absolutely nothing, as far as I  
16 can tell, except perhaps give two and a half minutes warning,  
17 which, I'm not an expert in that subject, but I would question  
18 whether a decision can be made to down an aircraft in two and a  
19 half minutes.

20 The third thing is, what is the impact on safety?  
21 My opinion again, I believe that there's a very negative impact  
22 on safety.

23 So finally, I would propose to the panel and  
24 propose  
25 generally that the proposed ADIZ is flawed, that what we have  
26 right now should be promptly abolished, and I would strongly

1       recommend that the proposed rulemaking be, shall we say, not be  
2       made permanent.

3



1           So that's all I have, if there are any questions.

2           MR. FAZIO: Thank you for your remarks.

3           Any questions from the panel?

4           (No response.)

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

6           (Applause.)

7           MR. FAZIO: Mr. William Brody, please.

8           STATEMENT OF WILLIAM BRODY, PRESIDENT,

9           JOHNS HOPKINS UNIVERSITY

10           MR. BRODY: Thank you, Mr. Fazio, members of the  
11 panel. I am William Brody and on the program I am listed as  
12 the

13 President of Johns Hopkins University, which is true, but I  
14 have to tell you that I am here as a private citizen and all  
15 the

16 views are my own. They're not necessarily endorsed by my  
17 university.

18           I also want to tell the group here that are  
19 assembled on the podium that this is a very difficult task you  
20 all face, and I know that if anything goes wrong either way  
21 you're called on the carpet.

22           So I just want to talk a little bit about the ADIZ  
23 from a perspective of a private pilot. How do I move the  
24 slides?

25           STAFF: You nod at me.

26           (Screen.)

1 MR. BRODY: Nod, all right, great.

2

1                   I'm an ATP and a rated pilot, also a CFII, based  
2 out  
3 of Martin State, and I fly exclusively for business a  
4 single-engine turboprop. All my flights are on a flight plan  
5 and I fly 100 to 400 hours a year. I've also served on  
6 President Bush's Foreign Advisory Board and am currently on the  
7 National Security Higher Education Board. So I have some  
8 passing familiarity with the intelligence issues.

9                   From flying out of Martin State 100 percent on an  
10 IFR flight plan, you'd say, well, the ADIZ really doesn't  
11 affect  
12 me, and for the most part that's true. So I'm giving my  
13 perspective more largely from the view of a citizen looking at  
14 both issues of safety and economic development, as well as  
15 security. I will comment, however, that I like to fly on  
16 cloudy  
17 days because on a beautiful VFR day, particularly if I'm  
18 leaving  
19 for a business trip on the weekend and the sun is out, it's  
20 almost impossible to get a clearance in a timely fashion, and  
21 ATC is absolutely cluttered with all the thousands of VFR  
22 pilots  
23 who are forced to deal with the ATC system. But that's not  
24 what  
25 I'm here to talk about specifically.

26                   Next slide, please.

1 (Screen.)

2 So the challenge, of course, is to prevent another  
3 9-11 attack with an airplane, either GA or airliner, used as a  
4 ballistic weapon. Next slide.

5 (Screen.)

6

1           The characteristics of a security measure -- and  
2       there's a little bit of overlap from the previous speaker --  
3       but

4       it should be both -- next --

5           (Screen.)

6           -- the most effective, it should have a high  
7       probability of preventing an attack or a low probability of  
8       missing an attack, which is called a false negative; and it  
9       should be efficient. In other words, the cost of implementing  
10      should be reasonable. It should minimize the impact on other  
11      permitted civilian activities. Finally, the number of false  
12      positives, that is aircraft who are detected as posing a  
13      problem

14      that aren't actually detecting a problem should be low.

15           Next slide.

16           (Screen.)

17           The present National Capital Region ADIZ in my view  
18      fails on both accounts. It's both an inefficient operation, it  
19      doesn't have demonstrated effectiveness, and the biggest  
20      negative impact is that on the sector of aviation that, as the  
21      previous speaker indicated, is the lowest threat risk. So it  
22      sort of is asymmetrically impacting that part of general  
23      aviation that is lowest risk to our security.

24           Next slide.

25           (Screen.)

26           Of course, we started -- if you'll just hit the

1 button as we go along.

2

1           Prior to September 11, the Capital Region Zone was  
2 relatively open except for protected zones over the Capitol and  
3 the White House. Then post-9-11, the No Fly Zone, or FRZ, was  
4 established initially as a 25 nautical mile radius and then  
5 reduced to a 15 nautical mile radius in December of 2001. This  
6 area encompasses about 700 square miles, nautical miles.

7           Next slide.

8           The ADIZ was implemented in February 2003, more  
9 than  
10 a year after the implementation of the FRZ and almost a year  
11 and  
12 a half after 9-11. It was part of, as I understand it,  
13 Operation Liberty Shield, launched by DHS, Homeland Security,  
14 and was set up as a temporary flight restriction both in the  
15 Baltimore-Washington region as well as New York City, and on a  
16 smaller scale in Chicago.

17           Subsequently, the ADIZ in Chicago and New York City  
18 have been rescinded, even though one could argue that those  
19 cities have incredibly rich targets, if you will, for the  
20 Al-Qaeda terrorist organization.

21           Next slide.

22           (Screen.)

23           The Washington ADIZ area is described as a 30  
24 nautical mile radius around Washington, but in fact the  
25 boundaries are substantially larger. Of course, those of you  
26 who fly know that it's not only the 30 nautical mile radius

1 around the National Airport, but the additional airspace

2



1 extending a 20 nautical mile radius around BWI and Dulles,  
2 extends from the surface to 18,000 feet, and encompasses an  
3 area  
4 of about 3,000 square nautical miles. Why this particular area  
5 is chosen is opaque to me, but that's what we ended up with.

6 Next slide.

7 (Screen.)

8 So the threat: As you heard before, if you have a  
9 3600-pound Piper Saratoga, which is lighter than an SUV and  
10 doesn't go that much faster, it takes about 20 minutes if you  
11 go  
12 from the northern entry point in a straight line to downtown  
13 Washington. Conversely, as you heard, a Gulfstream or any kind  
14 of jet plane could enter the ADIZ legally with terrorists and  
15 explosives on board and pose in my view a much higher threat.

16 The cost of the ADIZ has been estimated about \$11  
17 million a year by the FAA. It is a high burden not only  
18 financially and operationally as well on general aviation. It  
19 congests the ATC traffic system due to higher volume of  
20 traffic,

21 particularly pilots who are not particularly skilled at  
22 negotiating the ATC system, and small aircraft operators are  
23 most impacted while these pose the lowest security threats.

24 Airports and FBO's are losing revenues. A study  
25 that was sponsored by AOPA by an outside consultant estimated  
26 that the negative economic impact to Martin State Airport was

1       about \$6 million per year in lost revenue.

2                   Next slide.

3

1 (Screen.)

2 If you look at the number of takeoffs and landings  
3 at Martin State Airport, you can see a substantial decline.  
4 Now, whether this is causally related to the ADIZ of course  
5 we'll never know unless we eliminate the ADIZ and then we can  
6 see whether those numbers go back up. But I can tell you a  
7 number of my private pilot friends like to avoid the ADIZ  
8 because they are not comfortable dealing with air traffic  
9 control and all the overhead that goes along with it.

10 (Screen.)

11 The costs of course in addition include curbing  
12 airspace violations, which is difficult when you have a large  
13 and complex geographic area. There were more than a thousand  
14 incursions in the airspace and one out of every five or six  
15 requires an intercept. All but one was inadvertent and  
16 non-terrorist related, and in three of these, of course, the  
17 U.S. Capitol was evacuated.

18 Next slide.

19 (Screen.)

20 So the benefits in my view have not been  
21 demonstrated. Why is the ADIZ an improvement over just the No  
22 Fly Zone has not been clearly shown. Where is the rationale  
23 supporting the need for such a large area, and if it's that  
24 important why is it here and nowhere else? And why should  
25 small, general aviation prop aircraft be subjected to ADIZ

26

1 flight restrictions when they pose no significant security  
2 threat.

3 Recent reports by both the GAO and the  
4 Congressional  
5 Research Service support this perspective. I would argue that  
6 we need to find the right balance between national security and  
7 transportation needs, between airspace restriction and other  
8 security measures, such as vetting and security screening of  
9 flight ops, optimizing the size of the ADIZ, and stratifying  
10 the  
11 risk of various general aviation aircraft.

12 I'd just like to close with two quotes from  
13 reports.

14 Next slide.

15 (Screen.)

16 The first is from the GAO -- from the Congressional  
17 Research Service report of 9-1, which said: "Detailed  
18 risk-based assessments examining the various different types of  
19 GA operations conducted in the NCR may be undertaken to  
20 identify  
21 airspace controls and alternative security measures that strike  
22 an appropriate balance" -- and I think that's the important  
23 part  
24 -- "an appropriate balance between meeting security needs and  
25 maintaining a vibrant GA industry in the region."

26 The next, final slide --

1

(Screen.)

2

-- is from the GAO report. It calls on the FAA,

3

through Secretary of Transportation Mineta, "to establish a

4

documented process to justify the initiation and continuance of

5

1 flight restrictions for extended periods."

2 Thank you very much for the opportunity to speak.

3 (Applause.)

4

5 MR. FAZIO: Thank you, Mr. Brody.

6 Any questions from the panel?

7 (No response.)

8 MR. FAZIO: If not, then I call David Wartofsky,  
9 please.

10 (Screen.)

11 STATEMENT OF DAVID WARTOFSKY, POTOMAC AIRFIELD

12 MR. WARTOFSKY: Hello, I'm David Wartofsky, the  
13 owner of the Potomac Airfield and, as you can see, conveniently  
14 located in the middle of the FRZ. Today I'm basically going to  
15 present some seeds for you to consider. Two things I thought I  
16 should say in advance. First off, you can't regulate terrorism  
17 and no amount of regulation will address terrorism. The second  
18 thing as an overview is the task is to be able to have  
19 confidence in the radar targets, not by what rules someone  
20 voluntarily flies by.

21 Anyhow, next slide, please.

22 (Screen.)

23 So the fundamental questions are -- I guess I can  
24 look at my printout: Is there a threat? Does the ADIZ reduce  
25 any threats? What is a better solution, if any? And what are

26

1 the next steps?

2 Next.

3 (Screen.)

4 Is there a threat? Not very likely. In fact,

5 since

6 September 2002 there has been on the web site for Potomac  
7 Airfield a threat analysis done by a senior analyst at Defense  
8 Intelligence Agency that concludes, as many terrorists have,  
9 that there's the good old reliable truck as a lower-risk,  
10 higher-delivery mechanism. I thought it was summed up rather  
11 nicely at a conference by TSA in front of NASAA in Iowa, which  
12 is the state aviation administrators, that: Frankly, we don't  
13 see a threat; we're just looking for a good story for Congress,  
14 which I guess recognizes there are two aspects. There's  
15 security and there's politics.

16 The fact of the matter is that no one's willing to  
17 assume the risk that there might be a threat, which leads then  
18 to the next slide.

19 (Screen.)

20 Since an air attack is likely to remain of concern  
21 until a higher authority, either the executive office or the  
22 legislative branch, tells all of the government agencies that  
23 are compelled to do something about it to stand down -- next  
24 slide --

25 (Screen.)

26 -- we might as well do something that is effective,

27

1 efficient, sustainable, credible, and reasonable, and, to quote  
2 Jim Loy, "and demonstrates good stewardship of public  
3 resources," the objectives being to achieve real security  
4 objectives, to address public concerns, to protect aviation  
5 commerce, and, to quote the President, "to get on with your  
6 lives."

7 So overall -- oh, next slide. Okay.

8 (Screen.)

9 The objectives are to enhance security by  
10 maximizing  
11 the physical threat against a terrorist, because nothing else,  
12 frankly, matters; and simultaneously to protect freedom and  
13 commerce by minimizing the impacts on the sanctions and the  
14 impediments against legitimate operators.

15 So I guess to start let's go with starting with  
16 some  
17 of the basic facts. First question. This is not quite SSI  
18 because to anyone who is a pilot it's transparently obvious,  
19 and  
20 it's obviously in the public domain: Where can a hostile  
21 aircraft come from?

22 Next slide.

23 (Screen.)

24 Oh, okay. Well, yes, there we go. Jet aircraft  
25 require runways long enough to take off. Like GA aircraft,  
26 doing a wide brush, basically they need about 3,000, 2 to 3,000



1       feet of runway. When you get into smaller aircraft, you  
2       require  
3       no runway. A grass field or a country lane is perfectly  
4

1 adequate for takeoff, which leads to the next slide.

2 (Screen.)

3 This is the current representation of TSA policy on  
4 general aviation, controlling the entry of aircraft from the  
5 ground into the airspace. Which airport? There are in fact an  
6 infinite number of places to take off within the NCA.

7 Next slide.

8 (Screen.)

9 And in fact, an aircraft that wants to enter  
10 airspace is not precluded physically by anything, except later  
11 on in the slides. So the question is where can they come from?  
12 The fact of the matter is they can come from anywhere.

13 Next slide.

14 (Screen.)

15 Hey, I'm even in sync.

16 Next question: Can airport security control a  
17 threat? The only thing constrained by airport security are in  
18 fact legitimate pilots who are willing to come to a point of  
19 control, but any real threat remains free to come and go at  
20 will. In effect, the door is heavily locked and all the  
21 windows

22 are wide open. As you can see, I've used a sort of a cartoon  
23 analogy here where anyone who wants to, they can fly over  
24 anything on the ground, they can access an aircraft from any  
25 number of places, they can coerce a pilot under duress, they  
26 can

1        jump fences. Just for a little amusement, I've got a picture

2    of

3

1 a bunch of security agents around a child playing with an  
2 airplane.

3 Next slide.

4 (Screen.)

5 Securing against air attack through airport  
6 security

7 -- well, not against this aircraft you're not.

8 Next slide.

9 (Screen.)

10 So the answer to question number one is a hostile  
11 pilot using a small aircraft remains free to take off from  
12 anywhere at any time. Airport security cannot control the  
13 threat, not even at that airport, and ground security can  
14 easily

15 be bypassed or easily overflown, which is why an aircraft is of  
16 interest in the first place, which leads to the next slide.

17 (Screen.)

18 Question number two: How to detect a possible air  
19 attack? It all boils down to being able to have confidence in  
20 your radar blips. I tell my children that every day. A real  
21 attacker, you only know two things about them: they must be  
22 airborne and they must be attacking, which requires them,  
23 strangely enough, to be flying toward their target.

24 A real defender, like those fellows in blue over  
25 there, watches airspace. They're looking for movements in the  
26 airspace. All they see are radar blips. They don't know

1       whether you're operating under Part 91, 135, 121, or whether

2   you

3

1 brushed your teeth that morning. So they're looking for  
2 airborne movements approaching the area, with or without a  
3 transponder.

4 Next slide.

5 (Screen.)

6 So the next task becomes sorting of nearby radar  
7 targets of interest.

8 Next slide.

9 (Screen.)

10 So when the alarm goes off -- in effect, airspace  
11 is

12 nothing more than I guess an administrative deterrent, but  
13 primarily it's a motion detector, like an alarm at your house.  
14 When the alarm goes off you have basically three possibilities.  
15 The first is someone who is positively identified, a trusted  
16 agent, has control of the aircraft. Once they're tagged and  
17 bagged, you don't care.

18 The second possibility is you have someone who you  
19 don't have confidence in who's at the controls of that radar  
20 target. That boils down to two possibilities: either Dudley  
21 Dooright on the left, who's lost, or the bad guy on the right.  
22 You can't know from the radar blips, so you're left with the  
23 next step is to either see whether they cooperate with air  
24 traffic control -- hey, buddy, go left -- or you chase them off  
25 through air interdiction before you end up in the CBS Evening  
26 News.

27

1           A threat is essentially defined as an unidentified  
2 intruder who's determined to approach despite all challenges,  
3 at  
4 which point then you have a reason to be anxious, which goes to  
5 the next slide.

6           (Screen.)

7           And I'm still in phase.

8           Okay, how do you defend against a possible air  
9 attack? Next slide.

10          (Screen.)

11          Regulators cannot defend against a possible air  
12 attack. If a threat is inbound, who can defend? It basically  
13 boils down to either airborne destruction, air to air defenses  
14 or surface to air defenses. That's the universe. There's  
15 nothing else. You can throw all the paper balls you want at  
16 them, it won't do anything. To the real attacker, nothing  
17 except physical destruction gives them pause for attacking.

18          Next slide.

19          (Screen.)

20          So a security strategy needs to detect and sort  
21 targets, to keep the innocents from coming to harm, and to make  
22 defense sustainable, because if it's not sustainable they only  
23 have to wait around a little bit. So it's the combination of  
24 probable detection, potential destruction, that's what  
25 eliminates the bad guy. You see the drawing underneath  
26 basically says the fence is not vertical, because that's what

27

1     you can fly over; the fence is horizontal -- you can't enter  
2 the  
3     airspace.

4             Now to make it sustainable. Next slide.

5             (Screen.)

6             Oh, it's got active gif's.

7             Basically, closing airspace is nonsustainable  
8 economically, politically, and otherwise. So that leads to the  
9 next question, number four: How do you make security  
10 sustainable. Slide.

11            (Screen.)

12            Your options are: to continue the ADIZ; you can  
13 expand the FRZ; or you can do something else.

14            (Screen.)

15            Next -- oh, you've got it there, okay.

16            The fundamental point is that the ADIZ does not  
17 sort  
18     airborne targets.

19            Next slide. There you go.

20            (Screen.)

21            In the ADIZ, the defenders cannot tell the  
22 difference between friend or foe. They're just a bunch of  
23 radar  
24 blips following the rules. A friend and a foe both follow the  
25 same identical procedures, so the radar targets have no  
26 distinguishing characteristics whatsoever. So friend and foe



1       are following the same public rules. You can't tell them  
2 apart.

3                       Next slide.

4

1 (Screen.)

2 The ADIZ fails as a motion detector and it fails to  
3 sort targets. It detects everything without discrimination.

4 It

5 cannot distinguish friend from foe. It just makes a lot of  
6 work.

7 Next slide.

8 (Screen.)

9 The notorious FRZ. Within the FRZ, defenders can  
10 tell friend from foe. A friend is preapproved for a security  
11 clearance and the approved pilot has a means to authenticate.  
12 In the military, we call these safe passage procedures. The

13 sum

14 of which is that it assures in-cockpit control by a trusted  
15 agent of that particular green blip floating around on the  
16 radar

17 screen. The good thing is that air traffic control really  
18 doesn't care whether you brush your teeth.

19 The foe is unable to get the security clearance and  
20 is therefore unable to authenticate safe passage past the  
21 defenses. So the good guys are identified -- you don't care.

22 The bad guys can't get the keys to the airspace, and for the  
23 bad

24 guys the defended airspace essentially remains too dangerous.

25 Next.

26 (Screen.)

1                   Let's just summarize. FRZ is what are called safe  
2 passage procedures, only given to preapproved pilots. All  
3 pilots are welcome to apply; simple to use for approved pilots.  
4

1                   Next.

2                   (Screen.)

3                   The FRZ succeeds in discriminating as a detector,  
4                   reduces unknown targets, and separates friend from foe. The  
5                   problem, of course, is that a continuous 30-mile FRZ would be  
6                   economically, politically, and operationally catastrophic,

7                   which

8                   leads to something else, and I have 37 seconds.

9                   (Screen.)

10                  The next steps replace something not secure, which  
11                  is the ADIZ, with something more secure, which is essentially a  
12                  national security airspace that doesn't have the regulatory  
13                  luggage of an ADIZ, but only when you really need it. The idea  
14                  is to give people who actually are in the security business the  
15                  opportunity to pull an emergency handle that's actually  
16                  connected to something, and by that action it allows other  
17                  actions to stand down.

18                  (Screen.)

19                  There you go. EA almost got it right. Basically,  
20                  you replace the ADIZ with national security airspace, you

21                  define

22                  it as a navigable circle that provides a predictable boundary  
23                  for an emergency airspace. Pilots at any point are welcome to  
24                  apply for a clearance, in case that airspace expands. The FRZ  
25                  expands only during -- not casually, not permanently. When  
26                  there's no emergency, good guys can come and go. When there is

1 an emergency, good guys come and go and bad guys cannot come --

2

1 bad guys are precluded from coming and going by the threat of  
2 destruction. It becomes effective and sustainable.

3 (Screen.)

4 Then there's a simple summary addressed: Is there

5 a

6 threat? Maybe. Does the ADIZ reduce any threats? Adds

7 nothing

8 to security. What's a better solution? Answer: Essentially,

9 a

10 pop-out NSA or FRZ during a declared emergency, which puts the

11 authorities in the right place. Then the next step is

12 essentially to replace the airspace.

13

14 I guess that's it. Thank you.

15 (Applause.)

16 MR. FAZIO: Are there any comments, any questions?

17 (No response.)

18 MR. FAZIO: Our next speaker, please. Mr. Scott

19 Proudfoot, please.

20 (Screen.)

21 STATEMENT OF SCOTT PROUDFOOT, NATCA REPRESENTATIVE

22 MR. PROUDFOOT: Good afternoon. My name is Scott

23 Proudfoot. I'm here today representing NATCA, the National Air

24 Traffic Controllers Association. I am an air traffic

25 controller

26 at Potomac TRACON and actively traffic that navigates the Air

1 Defense Identification Zone.

2 The Washington, D.C., Air Defense Identification

3 Zone has done nothing to enhance air security or air traffic

4

1 safety around the D.C. area and should be abolished. Since the  
2 inception, it has been nothing but a burden on the users,  
3 including pilots and controllers. There have been numerous  
4 requests from NATCA for the FAA to establish safe guidelines  
5 for  
6 controllers to use when handling ADIZ traffic. To this date,  
7 safety is still compromised due to the fact that the FAA has  
8 failed to meet these requests of the controllers who work the  
9 ADIZ on an hourly and daily basis.

10  
11 Potomac TRACON opened in 2003. In that year 729  
12 pilots were issued violations for illegally entering the ADIZ.  
13 In 2004 there were 570, in '05 there were 429, and so far for  
14 this year there have been 11. It's one per day. Any time an  
15 aircraft illegally enters the ADIZ, the aircraft is tracked  
16 until such time it can be identified. If it cannot be  
17 identified and still poses a threat, military aircraft will  
18 scramble on a target of interest and try to identify it  
19 visually.

20 When this happens, traffic at the three major  
21 airports -- Baltimore, Dulles, and Reagan National -- is  
22 stopped. Every controller's attention has to be diverted to  
23 the  
24 target of interest, along with the traffic that is currently  
25 under their control. As you can imagine, workload for everyone  
26 increases with every scramble.



1                   When fighters scramble on a target of interest,

2

1 fighters operate on their own frequency. They are in  
2 communication with the Northeast Air Defense. Controllers have  
3 little to no knowledge of the fighters' intentions while they  
4 fly through their airspace chasing after the violator.

5 As you all know, radar is not perfect and sometimes  
6 it shows something that isn't really there. We know of two  
7 cases at Potomac where the military has tried to intercept two  
8 flights of Canadian geese, one case of intercepting a large  
9 truck on Interstate 395.

10 When pilots call Potomac to obtain their ADIZ  
11 beacon  
12 code, sometimes they're met with a busy signal on the other  
13 end.

14 The FAA has been promising new equipment, specifically a call  
15 director to accept the pilot's call and place them on hold.

16 The  
17 call would be answered in the order it was received.  
18 Controllers have also been promised funding for the extra  
19 positions that need to be developed in order to handle the ADIZ  
20 traffic. They were promised extra staffing to handle the ADIZ.  
21 As of this date, controllers are still using the same  
22 procedures, the same equipment, as when the ADIZ began.

23 Prior to the ADIZ, the Chesapeake Area, which works  
24 Martin State Airport, Gaithersburg, Fort Meade, this area, at  
25 Potomac TRACON handled approximately 200 VFR aircraft per day.  
26 Now, on a good VFR day such as today, on the weekend that same

1 area handles over 800 aircraft in a 12-hour span.

2 Due to the lack of specific guidelines to enhance

3

1 safety, each controller at Potomac TRACON handles the ADIZ in a  
2 different manner. Pilots get confused on what to expect  
3 because

4 today they were told something different than yesterday.

5 The FAA believes and trains its controllers that if  
6 ADIZ pilots are not told that they are radar-identified the  
7 controller does not have to issue traffic advisories and safety  
8 alerts to these aircraft. By not radar-identifying ADIZ  
9 aircraft, controllers are able to work more traffic and  
10 therefore ADIZ traffic will not hinder or delay itinerant IFR  
11 traffic. On the other hand, pilots believe they are receiving  
12 radar services since they are talking to ATC.

13 Try to picture two ADIZ aircraft heading towards  
14 each other at the same altitude. The alarm at the controller's  
15 position will be activated, alerting him or her to a possible  
16 collision. As the controller who is talking to those aircraft,  
17 I am not supposed to warn either pilot of each other because  
18 they were not radar-identified and I have been trained not to  
19 do

20 so. The Air Traffic Handbook tells controllers that one  
21 of their first priorities is to issue traffic advisories and  
22 safety alerts to pilots. Is what we are being trained as  
23 controllers safe? Personally, I don't believe so.

24 Pilots are forced to constantly make sure they are  
25 on their assigned transponder code and talking to ATC. This  
26 issue has taken their eyes out of the window of the aircraft,

1 where they should be looking for other traffic to see and avoid

2

1 while in the ADIZ. Pilots under the current NOTAM are forced  
2 to  
3 keep in contact with ATC. By doing this, pilots are not able  
4 to  
5 change to the local unicom at their destination in a timely  
6 manner to see what other air traffic is in the pattern at the  
7 time. This creates an unsafe situation for the pilot.

8 The idea that the ADIZ creates an enhanced level of  
9 security is an inaccuracy. I urge you as the representative of  
10 15,000 controllers to abolish the ADIZ and continue using and  
11 refining procedures that relate to the FRZ, Flight Restricted  
12 Zone, 15 DME from DCA. The ADIZ is not only a burden to its  
13 users; it is an unsafe mixed bag of personal controller  
14 technique without even a veneer of procedure or common sense.  
15 The ADIZ was conceived in haste and implemented poorly. The  
16 ADIZ costs the cash-strapped Federal Aviation Administration  
17 millions of dollars annually due to the unnecessary pilot  
18 violations that are processed and costs the users of the system  
19 an untold but certainly incredible amount of money by causing  
20 them to waste fuel waiting for entry into the ADIZ.

21 The ADIZ does not fulfil its intended purpose. The  
22 ADIZ is a bad policy idea, perpetuated by fear and allowed to  
23 continue, not because it is worthy or effective, but due to  
24 bureaucratic inertia, and prevents common sense, good judgment,  
25 and logical methods from trumping dread and doubt. The ADIZ  
26 does not contribute to, but rather weakens, safety and

1 efficiency, while creating a false sense of security in today's

2

1 air traffic environment.

2 Our union's motto is "Safety Above All." Please  
3 abolish the ADIZ for safety, security, and efficiency's sake.

4 I brought along also a transcript of some  
5 controller-pilot interaction. I'd just like you to hear what  
6 controllers have to deal with on a daily basis.

7 (An audio recording was played, as follows:)

8 Controller: 1-alpha-tango, stand by.

9 7381-papa, your transponder's observed, pursuing  
10 course for College Park. Remain clear of Bravo airspace.

11 Pilot: 7381-papa, for College Park, remain clear  
12 of

13 Bravo. Thank you.

14 Pilot: (inaudible).

15 Controller: (inaudible), Potomac, stand by.

16 (inaudible) Annapolis, did you get a call sign?

17 (Mr. Proudfoot speaks:)

18 MR. PROUDFOOT: All the "stand by's" he's issuing,  
19 he's looking for beacon codes.

20 (Audio recording resumes:)

21 Controller: 68735 Potomac.

22 Pilot: (inaudible).

23 Controller: Number 68735, ident.

24 Pilot: 68735 (inaudible).

25 Controller: 68735, your transponder's observed.

26 Proceed on course. Remain clear of Bravo airspace.

27



1 Pilot: 68735 (inaudible).

2 Pilot: (inaudible), 364, (inaudible).

3 Controller: 364, this is Potomac. Transponder  
4 observed. Proceed on course. Remain clear of the Bravo  
5 airspace.

6 Pilot: (inaudible).

7 Pilot: (inaudible) 1377, about 20 miles northwest  
8 of Gaithersburg. Request ADIZ code.

9 Controller: 1377, this is Potomac. Roger. Stand  
10 by.

11 Pilot: (inaudible), 92704, about three miles north  
12 of Westminster.

13 Controller: (inaudible) 92704, Potomac. Stand by.

14 (End of audio recording.)

15 MR. PROUDFOOT: For every one of those  
16 transmissions, the controller has to take his eye off his  
17 traffic that he is working, the airlines, the air carriers, the  
18 Gulfstreams you talked about. He has to go look for a beacon  
19 code to be assigned for each one of these aircraft. That's  
20 what  
21 makes the system unsafe.

22 Thank you.

23 (Applause.)

24 MR. FAZIO: Thank you.

25 I think we have a question. Colonel?

26 COLONEL MORRIS: I do have one point of  
27

1 clarification. Any time the fighters are airborne, they are  
2 under FAA control as well as receiving tactical information  
3 from  
4 their tactical air defense sector. So they have to work with  
5 both agencies.

6 MR. FAZIO: Thank you.

7 Our next speaker, please, William Finagin.

8 STATEMENT OF WILLIAM FINAGIN, DENT-AIR, LIMITED

9 MR. FINAGIN: I don't have a Powerpoint, so you can  
10 close your eyes, but keep your ears open, if you would.

11 Ladies and gentlemen of the panel, I am Dr. Bill  
12 Finagin. Today I'm here in the capacity of, or should I say,  
13 probably three different roles: first, an aircraft authorized  
14 factory dealer; second, as a spin training and aerobatics  
15 instructor; and third, as a pilot who has been severely  
16 impacted  
17 in general aviation flying.

18 I also will say that I'm not going to be here in a  
19 role of another part of life, which I occupied an office as a  
20 flag officer in the Pentagon just hundreds of feet from where  
21 that impact was, and a good personal friend of mine, Bud Flagg,  
22 was seated in seat 3 and his wife in seat 4 of the airplane  
23 that  
24 made the impact. So I have a personal experience there.

25 But in dealing with the first role that I'm here  
26 today for, as a factor authorized dealership I've been an

1 authorized dealer for Aviat Aircraft for almost 20 years and  
2 have been the number one Pitts BiPlane sales force of each of  
3

1 the last 15 years prior to 9-11. However, in 9-11 our sales  
2 suddenly plummeted in excess of a million dollars a year, until  
3 this year we have sold not one airplane.

4           Why? It all points to the ADIZ restrictions,  
5 sometimes true and sometimes untrue stories about the ADIZ  
6 regulations that have been generated. On too many occasions,  
7 once the potential customer finds out that we're within this  
8 ADIZ they give me a polite "no, thanks" and they will not fly  
9 into the ADIZ area and they are not comfortable in taking even  
10 a  
11 demonstration ride because of the perceived regulations.  
12 They're frankly very scared.

13           Additionally, we're seeing several -- significantly  
14 less inquiries from other major areas, and that fear has been  
15 told to me, that they're fearful of ADIZ regulations being  
16 instituted for those areas.

17           Relating to my second role, that of a flight  
18 instructor and known, I would say, throughout the United States  
19 and the world for safety, training, unusual attitude and spin  
20 training -- and I'll put in a plug: I don't own "Plane and  
21 Pilot," but I happen to be on the cover of "Plane and Pilot"  
22 this month just by coincidence. We have trained thousands of  
23 people and our average training has been 495 hours per year for  
24 the preceding 15 years prior to 9-11.

25           It's drastically dropped off so that now we're  
26 lucky

1 -- this year we're only at 100 hours of instruction. We have

2 to

3

1 resort to other ways. We go out to Cambridge or Easton outside  
2 of the ADIZ. We hold two and three-day seminars as far away as  
3 Florida, Pennsylvania, Ohio, Virginia, South Carolina, North  
4 Carolina.

5           Needless to say to you that this significantly  
6 impacts my business income. How much? Well, I will give you  
7 an  
8 easy figure. I added it up the other night and it's a loss of  
9 \$118,000 or more per year. I would pose to you, how would you  
10 like to have that taken out of your wallet?

11           Thirdly and perhaps most importantly, I feel that  
12 pilots are being treated as though we're terrorists. I  
13 honestly  
14 didn't see any of the previous presentations, but it's amazing  
15 how well or closely I parallel the Johns Hopkins presentation  
16 and the number one presenter. I think it might be that those  
17 facts are really true. It's amazing.

18           We're all suffering as though we as pilots have  
19 committed a crime and we're being penalized. For the first  
20 time  
21 in U.S. history, our government has in effect said that we now  
22 have two classes of people as far as defending their safety.  
23 The people that reside theoretically within the ADIZ zone here  
24 have more protection, if you will, and I'm being somewhat  
25 facetious, than the people that live in Los Angeles, Chicago,  
26 or

1 New York.

2 Ah, somebody might say it's because of the

3 President. Well, we did the math just like the president of

4

1 Johns Hopkins did. When the President is located at Camp  
2 David,  
3 we have a ten-mile prohibited zone. That works out to, for the  
4 math majors, a little more than 315 square miles. So I could  
5 see that, and we would roughly say that's somewhat like the FRZ  
6 zone.

7           However, my math came up almost identical to the  
8 other: It's over 3,000 square miles that the ADIZ encompasses.  
9 I would submit that perhaps that's overprotection. Now, not  
10 all  
11 of the hundreds of ADIZ violations and all the pilots that have  
12 had their licenses revoked, suspended, and marks put on their  
13 records -- or out of all these people, I should say, there has  
14 not been one, not one, found to be a terrorist.

15           Why has all this happened? Well, I would submit  
16 that from my knowledge that the people that made this initial  
17 decision maybe didn't understand general aviation. Did they  
18 consider its limitations. Was the speed of the average two or  
19 four-place general aviation plane discussed? Moreover, did  
20 anyone consider the possibility of the payload of weaponry?

21           In the worst case scenario, how much payload could  
22 a  
23 light plane carry? Not nearly the equivalent of that that  
24 could  
25 be placed in the rear end of a light delivery truck or a panel  
26 truck, which, incidentally, can travel to within blocks of the



1 White House, the Capitol, or drive on the street adjacent to  
2 the  
3 Senate or the House office building.

4 I submit here that the pilots' freedoms are being  
5

1       blatantly discriminated against. For example, let's suppose  
2 the  
3 152 takes off from Lee, a very similar explanation as before.  
4 23-1/2 miles to the White House. It takes a minimum of 20  
5 minutes. Let's contrast that with a Falcon 30 leaving Easton,  
6 that nobody is looking at, nobody is talking to, and he's out  
7 there totally free. But when he hits the ADIZ line, he has  
8 less  
9 than eight minutes before he could impact the White House. I  
10 just fail to understand why the 20-minute Cessna flight is more  
11 important to the government than the 8-minute flight.

12               Now, let's look at the way it's impacting cost.  
13 It's taking huge resources to man telephones, record flights,  
14 then accept second telephone calls, getting clearances from  
15 each  
16 and every general aviation pilot who may want to take nothing  
17 more than a friend or his son for a 15-minute. Certainly,  
18 someone has to admit that there's some overkill here.

19               In reference to that, what would we do about that?  
20 There is that open question: Would somebody be shot down if  
21 they got closer? I don't know. I don't have that answer. You  
22 do.

23               I'll leave some of this out because I want to get  
24 to  
25 the last final part here. I did include somewhat of a barbed  
26 comment here. In preventing terrorists from hitting the White

1 House, I think that that 152 if it did get there probably could  
2 have all the damage cleaned up by either using a bandaid or a  
3 Curad.

4

1                   Businesses that are suffering and the pilots that  
2           are fearful from the FAA enforcement actions that have been  
3           really automatic. I've talked to FSDO's in Richmond,  
4           Harrisburg, Baltimore, and Dulles and they have all told me  
5   they  
6           have been given no latitude. They must cite the pilot, with  
7   the  
8           possible exception of some mechanical malfunctions. Some  
9   people  
10          have told me it's reminiscent of Gestapo tactics. I don't  
11   think  
12          I would go that far.

13                   Finally, let me relate two experiences. The first  
14          one: I contacted TSA and I tried by every way I could. There  
15          was no answer by phone, no answer by email, or no answer by  
16          snail mail. They all stated that they could not get meaningful  
17          responses even when Congress contacted them.

18                   I've been up several times on personal flights  
19   where  
20          I have had to land to refuel because I could not get clearance  
21          into the ADIZ. A specific time last summer when it was busy,  
22   my  
23          son in a Piper Lance, held for 20 minutes before he was  
24          acknowledged by TRACON. Then he was held another 20 minutes  
25          before he was allowed to enter the ADIZ. The reason cited

1 afterwards was the ADIZ was saturated. Many people in this  
2 room  
3 that fly in the summertime have heard that same thing: You  
4 cannot come into the ADIZ; it's saturated.

5 I propose that the safety of flight would be  
6 enhanced, the terror threat would not be any greater, and we  
7 could recover our business disasters by removing the ADIZ  
8

1 regulations. The ADIZ has only created tremendous ill will.  
2 Continue the FRZ and enhance on-ground defense systems if the  
3 perceived terror threat is still high. Light planes simply do  
4 not pose the threat that someone thought existed.

5 America, yes, the same place that in 1798, with the  
6 government then in power, passed the Alien and Sedition Act.

7 There was a very similar situation. Politicians and  
8 bureaucrats

9 capitalized on the fear of the enemy. Were our rights  
10 curtailed? Yes. Incidentally, they never were repealed. They  
11 were just simply allowed to quietly die. and pose the  
12 question:

13 Will history repeat itself or will somebody act and repeal the  
14 ADIZ?

15 Thank you.

16 (Applause.)

17 MR. FAZIO: Thank you.

18 Any questions?

19 (No response.)

20 MR. FAZIO: Our next speaker, please, Jim Diehl.

21 STATEMENT OF JIM DIEHL

22 (Screen.)

23 MR. DIEHL: Thank you. Members of the panel, I  
24 have

25 a seven-slide Powerpoint which we'll step through. I'm here  
26 representing myself. I own an airplane which I base at Lee

1     Airport in Annapolis. I operate in the ADIZ frequently. My  
2     profession is I'm an information systems engineer. I work  
3

1 primarily in the air transportation industry. I'm going to  
2 give  
3 you some alternative concepts of how I think we could be  
4 looking  
5 at this problem based on what I've read in the rulemaking.

6 Next slide, please.

7 (Screen.)

8 I started by defining what I thought would be a  
9 success criteria for a good rule. What would we be looking for  
10 in a good rule? Of course, I've got some buzzwords down here  
11 that I think we would agree with: national security, capacity,  
12 federal workload, and cost-safety, delays and inconveniences.  
13 As we go through the rest of the presentation, I'm not going to  
14 come back to this slide, but think about how the things I  
15 describe would measure up against criteria like this.

16 Next slide, please.

17 (Screen.)

18 What do I think we need to get there and,  
19 alternatively, what do we not have now which is keeping us from  
20 getting there? I think we need a systems approach, which is  
21 not  
22 evidenced in the rule. Now, a systems approach, there are a  
23 lot  
24 of different ways of defining it, but part of it is defining  
25 the  
26 system we're talking about, what's included, what's not



1 included, what are the problems we're focusing on, is it  
2 multiple problems, what's the risk analysis that supports the  
3 description of those problems, are there multiple risks, how do  
4 those risks relate to each other, what is the risk mitigation,  
5

1       how do those risk mitigations work. Some of the risk  
2       mitigations may be risks we decide to accept, some may be risks  
3       we will not accept under any circumstances. There's going to  
4       be  
5       a big middle ground there of what's in play.

6               The system approach, the terrorist threat is long  
7       term. It's going to be here for 20 years. We've said we need  
8       to triple our system capacity by 2025. This is going to hurt  
9       us. This needs to be considered as part of our safety  
10      solution.

11       It needs to be part of that system.                               The GAO  
12      says our federal budget is challenged and we're spending our  
13      aviation trust fund down. So all this has got to work together  
14      in a system approach.

15               One of the things we're doing is we're using a  
16      fairly low-tech approach here, and we've got some higher  
17      technology that we could be using: the web, public key  
18      infrastructure, artificial intelligence, broadcast  
19      surveillance.

20       We've got a new element here and that's collaboration with the  
21      security stakeholders. In the aviation system we're very  
22      comfortable with collaboration, but as far as the security  
23      stakeholders go this is kind of a new game for us. I think  
24      part  
25      of our problem is we've not effectively -- I'm talking on the  
26      national airspace side -- brought the aviation stakeholders --

1 the security stakeholders in.

2 Next slide, please.

3 (Screen.)

4

1                   So my analysis of the present ADIZ -- and this is  
2       complicated by my not knowing exactly what problem we're  
3       solving  
4       -- but I think the present ADIZ gives us some security  
5       enhancement, but it's not the best. Now, my term is it's an  
6       untrusted operation. It relies on claimed identity. You rely  
7       on me calling flight service and then me calling Potomac TRACON  
8       and telling you who I am. You don't know whether I'm a  
9       terrorist or not. You know what I've told you.

10  
11                   Well, the way you mitigate that risk is you require  
12       100 percent escorted access within the ADIZ. I'm using an  
13       analogy to physical access. When I'm in the ADIZ, you escort  
14       me  
15       in the form of tracking. You can't take your eyes off me  
16       because you can't trust me. Now, this gives you some benefit  
17       from a security sense in focus, reaction time, and warning, as  
18       other speakers have pointed out, but it's a very expensive form  
19       of security because of the transaction processing we've  
20       created.

21       It's workload-intensive, delay-prone, fails to use emerging  
22       technologies.

23                   What would I suggest as an alternative  
24       consideration? Next slide, please.

25                   (Screen.)

26                   I've used the term "trusted ADIZ benefits" to use

1     some of the terms that the Department of Defense came out with  
2     in the mid-eighties in the trusted computer security evaluation  
3

1 criteria, basis of establishing trust among users. I'm  
2 suggesting the technology is available and achievable today to  
3 do a pilot identity verification that would establish the  
4 identity of the pilot beyond doubt and would create a basis of  
5 trust. This particular approach is mandated by Homeland  
6 Security Presidential Directive 12, not in the aerospace  
7 concept, but it's currently being implemented across the board  
8 in the federal departments right now, and I think there's an  
9 analogy that would let it work in the airspace.

10 Two physical access analogies. The airspace is  
11 really a physical access that we're trying to protect. The  
12 first is the sterile area or identification and display area of  
13 an air carrier airport, which we're familiar with. Thousands  
14 of  
15 people go in and out of there every day. They're all trusted.  
16 They're not escorted once they're in there. There are  
17 literally  
18 thousands of people. It's a high trust situation. They're  
19 vetted I believe by TSA, or at least according to TSA rules.

20 Another is a federal building, which is being  
21 addressed by HSPD-12. All the federal employees, all the  
22 federal contractors, they're trusted once they're inside.  
23 There's no-escort access.

24 I understand we have 10,000 pilots in the ADIZ  
25 areas  
26 operating out of -- operating about 2100 aircraft out of 19

1 airports. Credentialing 10,000 pilots sounds like a big task,  
2 but when you look at DOD trying to credential between 3 and 4  
3

1 million employees with the HSPD-12 program, it's a drop in the  
2 bucket.

3                   If you could put automated readers in places, you  
4 could use biometrically verifiable authentication. You've got  
5 a  
6 very high confidence of pilot identification. You know who  
7 that  
8 person is. From a transaction processing point of view, with a  
9 little bit of automation in the flight service system -- this  
10 is  
11 pretty modest -- and some automation in the TRACON support  
12 systems, we could eliminate up to two million phone calls per  
13 year -- that's based on a million operations -- eliminate  
14 delays  
15 and costs and eliminate the controller workload of  
16 escort-required tracking.

17                   So it's an alternative concept that I think would  
18 give real security at lower cost. If you looked at a benefit  
19 versus cost ratio here, that's another consideration. I think  
20 I'm increasing the benefit and I'm reducing the cost.

21                   Next slide, please.

22                   (Screen.)

23                   How would I do it? Well, we've gotten down to the  
24 rulemaking. We've got four alternatives in the rulemaking,  
25 which are really outcomes, they're not technological choices or  
26 alternatives. I think I don't hear a lot of disagreement to



1 making the FRZ permanent. As a matter of fact, I haven't seen  
2 a  
3 lot of opposition to that. I think that would be a win  
4 situation in this rule.  
5

1           I think your rulemaking needs to be restructured to  
2     give us an invitation to explore the role of technology to  
3     provide security assurance within the ADIZ and give us a  
4     success  
5     criteria which asks us to simultaneously reduce the FRZ  
6     workload, taxpayer cost, delays and inconvenience to public use  
7     of navigable airspace.

8           Next slide, please.

9           (Screen.)

10           How would I suggest pursuing that alternative?  
11     Create an inter-agency task force. You probably already have  
12     one. Facilitate collaborative approach. It's something that  
13     the FAA's very comfortable with, but the new security  
14     stakeholders, that's a new environment and I think that's maybe  
15     where more work needs to be done, bringing in the security  
16     stakeholders into how business is done in the national airspace  
17     system.

18           Set airspace goals, strategies, initiatives, and  
19     measures to enhance security. This is basically the plan under  
20     the FAA Flight Plan 2006 to 2010, gets every FAA business unit  
21     involved.

22           A screening information request to industry is very  
23     commonly used, at no cost to the government, to get industry to  
24     tell you what technologies and what capabilities they have to  
25     solve your problem. With a well-defined problem description,  
26     which I don't think we have right now, I think you would get

27

1 good results in a screening information request to industry.

2 Stakeholders participate in the exploration and  
3 evaluation of promising alternatives. I think you could adjust  
4 your final rule then for a all-win except the terrorist  
5 situations. What I ask you to do as you think about the things  
6 you discuss is compare them against the success criteria or an  
7 alternative success criteria and see if you think there might  
8 not be a higher outcome in this situation.

9 Thank you. Are there any questions?

10 MR. FAZIO: Thank you.

11 Are there any questions from the panel?

12 (No response.)

13 MR. FAZIO: No. Thank you.

14 (Applause.)

15 MR. FAZIO: Russell Madsen, please.

16 STATEMENT OF RUSSELL E. MADSEN

17 MR. MADSEN: Thank you. My name is Russell Madsen.

18 I'm here representing myself today as a private citizen. I'm

19 an

20 instrument-rated commercial pilot and I own and operate an  
21 aircraft based within the Washington, D.C., ADIZ at Montgomery  
22 County Airpark in Gaithersburg, Maryland. My comments on the  
23 current ADIZ and the proposed special flight rules area address  
24 the following points: the financial impact on myself and my  
25 business; the impact on Montgomery County Airpark, where I base  
26 my aircraft; maintenance issues; safety issues; ineffectiveness

27

1 of this proposal to limit terrorist activity; the loss of  
2 personal freedom; and some proposed alternatives.

3 Let's talk about financial impact. The FBO that  
4 performed maintenance on my aircraft closed because of lack of  
5 business, forcing me to fly my aircraft to Frederick, Maryland,  
6 for maintenance at additional expense and inconvenience. Trips  
7 to Williamsburg, Virginia, where we own a second home, now take  
8 50 percent longer than before. With fuel costs at over four  
9 dollars a gallon, this adds over \$50 to the cost of each visit.  
10 Effectively, it's no longer possible to fly southbound without  
11 circumnavigating the ADIZ.

12 Routine flights are sometimes delayed, waiting for  
13 access to flight service to file the required ADIZ flight plans  
14 or waiting for a clearance from Potomac clearance delivery or  
15 approach, resulting in additional fuel costs.

16 Regarding the impact on Montgomery County Airpark,  
17 several businesses have closed, including Congressional Air  
18 Charters and Basic Avionics Corporation. Other businesses have  
19 suffered significantly because of reduced revenue. One study  
20 shows that Montgomery County Airpark has lost 72 jobs,  
21 equivalent to about \$2.5 million in annual lost revenue.

22 Let's talk about maintenance issues. A transponder  
23 problem effectively grounds any aircraft based within the ADIZ,  
24 and since there is now no avionics shop at Montgomery County  
25 Airpark, a repair technician must travel to remove and  
26 reinstall

27

1 the transponder, which must be repaired and tested at an  
2 offsite  
3 location. This adds significantly to the repair cost and the  
4 time that the aircraft is unusable.

5 Now we'll talk about some safety issues. Safety is  
6 compromised by the ADIZ and will continue to be compromised  
7 with  
8 the implementation of the special flight rules area. The ADIZ  
9 has added approximately 30 percent more traffic to the Potomac  
10 TRACON, but controller staffing levels, as you've already  
11 heard,  
12 remain the same today as they were prior to the ADIZ  
13 implementation. Controllers have no responsibility to provide  
14 VFR aircraft on ADIZ flight plans any services, such as traffic  
15 separation advisories or safety alerts. Since no VFR or  
16 flight-following separation is provided within the ADIZ and  
17 because pilots must remain in contact with ATC while monitoring  
18 the emergency communications frequency, pilots are unable to  
19 monitor unicom or the common traffic advisory frequencies from  
20 which they might learn the position of other aircraft near  
21 them,  
22 creating an unsafe condition.

23 Recurrent training is also adversely affected. It  
24 is no longer feasible to conduct practice instrument approaches  
25 into Gaithersburg, so they must be done elsewhere. Thus,  
26 familiarity with the approaches to one's home airport is

1       diminished.  Similarly, biennial flight reviews and instrument  
2       proficiency checks cannot be performed locally.

3                       The ADIZ and the proposal is ineffective in  
4       limiting

5

1 terrorist activities. The proposed rule does little to  
2 increase  
3 national security. Discrete transponder codes do not ensure  
4 positive identification or control of all aircraft within the  
5 airspace. There are many more viable and effective attack  
6 options open to motivated terrorists than those of light  
7 aircraft. These include biological agents in the Metro system,  
8 detonation of car and truck bombs in downtown Washington, D.C.,  
9 and the use of transponders not in aircraft to confuse and  
10 distract defense and security personnel while carrying out  
11 attacks by other means or in other areas of the FRZ. From a  
12 risk analysis standpoint, there is potentially far more d  
13 nger from ground-based vehicular traffic than from light  
14 aircraft.

15 Now I'd like to discuss briefly loss of personal  
16 freedom. Freedom -- limiting the freedom to fly is the  
17 essential problem with the notice of proposed rulemaking.  
18 Benjamin Franklin said: "They that can give up essential  
19 liberty to obtain a little temporary safety deserve neither  
20 liberty nor safety."

21 Our freedoms come in many varieties, but they're  
22 all  
23 precious. The founding fathers knew this. In the Declaration  
24 of Independence, they expressed the belief that people are  
25 endowed with certain unalienable rights, including life,  
26 liberty, and the pursuit of happiness. To pilots, flight is a

1 precious freedom. It makes us happy. We enjoy taking off on a

2



1 clear sunny day to see the countryside from a few thousand  
2 feet.

3 Often we don't have a good idea where we're going when we  
4 launch. We let the route unfold as we go.

5 For those of us based within the ADIZ, having to  
6 file two flight plans, call ATC for clearances at specific  
7 times, and fly specific routes removes much of the joy of  
8 flying. We might as well book an airline flight.

9 If the flight restrictions proposed in the NPRM  
10 become permanent, the stage is set to expand those restrictions  
11 to other places. At first it will be to major metropolitan  
12 areas, such as New York, Boston, Chicago, and Los Angeles.  
13 Then, slowly but inexorably, special flight rules areas will  
14 spread to all class B airspace. Finally, every airport with a  
15 control tower will be surrounded by some form of security area  
16 requiring flight plans and transponder codes.

17 It can be argued that these flight restrictions  
18 increase security. Perhaps they do, but is the loss of freedom  
19 worth the cost? James Madison once said: "I believe there are  
20 more instances of the abridgment of the freedom of the people  
21 by gradual and silent encroachments of those in power than by  
22 violent and sudden usurpations." He was right.

23 Well, what are the proposed alternatives? Of the  
24 alternatives listed in the NPRM, the best choice would be  
25 alternative 4, retaining the FRZ and eliminating the ADIZ.  
26 However, that alternative does not provide for the flow of

27

1 north-south VFR traffic through the class B airspace since it  
2 blocks the charted VFR corridor.

3           The best alternative is simply eliminate the ADIZ  
4 and reduce the size of the FRZ to a radius of seven nautical  
5 miles, moving its locus to coincide with the inner ring of the  
6 existing class B airspace centered on the DCA VOR. This  
7 provides an FRZ with easily identifiable boundaries that will  
8 minimize inadvertent incursions. It opens the existing class B  
9 VFR corridors and it frees the Maryland DC-3 airports, College  
10 Park, Hyde Field, and Potomac Airpark, from the FRZ.

11           P-40 has a radius of only five nautical miles when  
12 active and three nautical miles when inactive. If adequate  
13 warning and protection can be achieved in a zone with a radius  
14 of five nautical miles, the same features that make P-40  
15 effective should be sufficient to provide even better levels of  
16 security within the special use airspace surrounding  
17 Washington,  
18 D.C., if it is established with a radius of seven nautical  
19 miles.

20           Finally, use the resources that would have been  
21 expended on implementing the permanent special flight rules  
22 area  
23 to increase security in the areas of public transportation and  
24 vehicular traffic, which a simple risk analysis would show have  
25 far more potential for causing harm, damage, and public panic  
26 than light aircraft in the airspace near Washington, D.C.

1 Thank you.

2

1 (Applause.)

2 MR. FAZIO: Any questions from the panel?

3 (No response.)

4 MR. FAZIO: We have none.

5 Eric Flamino.

6 STATEMENT OF ERIC FLAMINO,

7 TIPTON AIRPORT PILOTS ASSOCIATION

8 MR. FLAMINO: Good afternoon. I want to thank  
9 everyone for having us today -- I know this is something near  
10 and dear -- and also thank Noreen Hannigan, who helped me  
11 greatly over the phone.

12 I could echo quite a bit of the comments that have  
13 already come today, and I'm here speaking on behalf of the  
14 Tipton Airport Pilots Association. The management from Tipton  
15 I  
16 believe is going to speak this afternoon, but I just wanted to  
17 speak on a pilots level. I myself am a private pilot, one of,  
18 as the doctor from Johns Hopkins said, one of those VFR pilots  
19 who are stuck on the phone quite a bit.

20 Again, my name is Eric Flamino. I'm president of  
21 the Tipton Airport Pilots Association, or TAPA. We're a group  
22 of general aviation pilots based at Tipton, or Fort Meade, as  
23 it  
24 is also referred, in Odenton, Maryland. For those of you who  
25 don't know, Tipton Airport is a former Army airfield at Fort

1 Meade which after a recent round of federal base realignment  
2 has  
3 seen a resurgence as a general aviation airport serving the  
4

1 communities of Anne Arundel and Howard Counties in Maryland.

2 TAPA has nearly 70 members of both aircraft owners  
3 and partners, pilots who fly rental aircraft from one of the  
4 many flight schools or pilots from a Department of  
5 Defense-sponsored flying activity at Fort Meade. We even have  
6 a  
7 few helicopter pilots and a number of the news agencies based  
8 at  
9 Tipton. We come from all walks of life and all economic  
10 backgrounds. We're the proverbial melting pot.

11 But after the attacks on our nation on September  
12 11,  
13 2001, we all came together to form a pilots association, which  
14 eventually became TAPA, with one cause: to promote general  
15 aviation at Tipton with safety and security as our number one  
16 commitment. You have to realize, this was right after  
17 September 11th. Our nation was under attack and we were all  
18 grounded. Everybody remembers that. We even knew back then in  
19 order for us to continue to enjoy our freedoms and fly general  
20 aviation aircraft things had to be different. We just didn't  
21 have any idea how, what would take place, or how bad things  
22 would become.

23 Believe me, the members of TAPA agree we must all  
24 be  
25 vigilant for national security, but feel that the airspace  
26 changes with the ADIZ are counterproductive and even unsafe.

1 Tipton lies near the center of the ADIZ, between Baltimore's  
2 and  
3 Washington, D.C.'s class bravo airspace. The VFR ingress and  
4 egress to Tipton is via a VFR corridor which was just  
5 mentioned,  
6

1 used mainly by pilots transitioning from the northwest to the  
2 southeast and vice versa. The Flight Restricted Zone, or FRZ,  
3 around Washington has narrowed this corridor from about 12  
4 nautical miles in width down to 5 nautical miles. So now you  
5 have most of the VFR traffic to and from the Eastern Shore  
6 flying west and southeast flying through this very narrow  
7 airspace now. It not only puts more aircraft in a smaller  
8 area,  
9 but, with ATC or air traffic control spending all their time  
10 dealing with transponder codes simply to meet the requirements  
11 of the ADIZ, it is virtually impossible, as mentioned earlier,  
12 to receive traffic advisories, which ATC's sole function should  
13 be.

14 I myself have requested flight-following and  
15 traffic  
16 advisories on numerous occasions and have been told: unable at  
17 this time because this is an ADIZ frequency. I've actually  
18 heard a controller respond to a like request from another pilot  
19 to give traffic advisories because he said he wasn't even at a  
20 radar station, he was at a desk. I don't know if that's true  
21 or  
22 not, but that certainly would have safety implications.

23 It is our opinion that since much of the local air  
24 traffic control's time and effort is going to ADIZ procedural  
25 tasks and not controlling aircraft, that this wasted time and  
26 energy is a real safety concern for pilots in the area. It is



1 not safe and it is not necessary. There have been many  
2 incidents involving ADIZ in the past which have been  
3

1       sensationalized by the news media, but most are insignificant,  
2       minor infractions that were never a security risk at all.  
3       Unfortunately, we have a few pilots in TAPA that have had their  
4       licenses suspended for minor infractions, but again most were  
5       for trivial matters. Squawking the wrong transponder code for  
6       less than a minute, by mistake, all the while talking to and  
7       being controlled by ATC in my opinion is not that much of a  
8       national security threat.

9                 Any one of us can leave here today in our  
10       automobiles, break some sort of procedure, and at most may have  
11       a picture of their license plate taken. But can you imagine  
12       losing your license and even staring down the nose of a  
13       military  
14       fighter for something just as trivial?

15                 The burdensome procedural task of dealing with the  
16       ADIZ has actually limited the flying activity of many pilots at  
17       TAPA. In preparation for today's meeting I performed an  
18       informal poll. Although not scientific, I found that most of  
19       the people are flying less and, more importantly, training  
20       less.

21                 The joy of merely spending a couple hours flying a  
22       pattern to hone your crosswind skills is joyless now, once you  
23       have to file a flight plan, be put on hold, and get a squawk  
24       code. Once those hurdles are overcome and you are airborne, be  
25       sure not to squawk the wrong code, make the wrong radio code,  
26       or

1       violate any of the number of procedures, for fear of losing  
2       your  
3       license or, worse, being intercepted. You can see why folks  
4

1 would easily make the decision to forego that crosswind landing  
2 practice.

3 In two stronger cases, one older gentleman has not  
4 flown in over a year and is contemplating selling his prize  
5 possession, his Piper that he's owned for nearly two decades.  
6 In other cases, an Army officer stationed at Fort Meade has  
7 decided to take his retirement after 30 years of serving his  
8 country so he can move he and his family to a place where he  
9 can

10 fly is ultra-lights and his home-builts again.

11 Many of us don't want to go that route, however.

12 We

13 want to do the right thing and fly safely with security in  
14 mind.

15 TAPA holds monthly membership meetings and monthly safety  
16 seminars with the ADIZ and national security as the topic of  
17 discussion. We know that the ADIZ is an additional workload  
18 for

19 ATC personnel and have even visited the new TRACON in Virginia  
20 to gain a better understanding of their circumstances.

21 TAPA co-hosts an annual airport open house every  
22 year where we introduce the neighbors and local communities to  
23 general aviation. In the past three years we have given over  
24 100 Young Eagle rides to local children in partner with a local  
25 EAA chapter in suburban Laurel, Maryland. We have also hosted  
26 Wings-accredited safety seminars by the local FSDO's and we are

1     also part of the AOPA Airport Watch Program.  Needless to say,  
2     we have a vested interest in the safe and secure, efficient  
3     operation at Tipton Airport.

4

1                   We at TAPA know all too well the restrictions and  
2 unnecessary aggravations in this airspace. Many pilots spend  
3 time and money burning fuel unnecessarily while waiting on the  
4 tarmac or in the air trying to gain clearances strictly for the  
5 burdensome procedures of the ADIZ.

6                   The commercial and economic success of Tipton and  
7 the businesses located on the field risk great harm  
8 economically  
9 by the formation of the ADIZ since many pilots avoid Tipton and  
10 the onerous restrictions of the ADIZ.

11                   I and the members of TAPA strongly urge the  
12 prevention of the permanent ADIZ around Baltimore-D.C.  
13 Washington airspace. Thanks for your time.

14                   MR. FAZIO: Thank you.

15                   (Applause.)

16                   MR. FAZIO: No questions?

17                   (No response.)

18                   MR. FAZIO: No questions. Thanks.

19                   Our next speaker, please, Al Secen.

20                   STATEMENT OF AL SECEN

21                   (Screen.)

22                   MR. SECEN: Thank you and thank you for taking time  
23 and allowing me to address you and my concerns before this  
24 board.

25                   My background: I have worked in aviation for about

1 23 years, on the ground and in the air. I'm a graduate of

2 Emory

3

1 Riddle Aeronautical University. I have a commercial pilot's  
2 license and a flight instructor rating.

3 Next slide, please.

4 (Screen.)

5 For several years I worked as an automation  
6 specialist in the Oakland Air Traffic Control Center in  
7 Fremont,

8 California. I currently fly out of Gaithersburg, Montgomery  
9 County Airpark.

10 Next slide, please.

11 (Screen.)

12 How the ADIZ affects my flying is that the ADIZ has  
13 greatly curtailed my flying and my instructing. Fear of  
14 student

15 mistakes, my mistakes, equipment failure, system failure,  
16 transponder outages, radio outages, and even data tag-swapping  
17 on the radar displays all carry too high a price when I'm in  
18 the

19 air. I minimize my flying to just my instrument proficiency  
20 check and my biennial flight review, and because I don't fly my  
21 students don't fly either. I've the old them all that I've  
22 ceased instructing until the ADIZ has been eliminated. Flying  
23 isn't my livelihood, so I can afford to walk away, but I feel  
24 for those who can't do the same.

25 If I could, I'd like to offer a little bit of  
26 background on my thoughts, facts, if you will, as I understand



1       them, and let you understand my conclusions that I've reached.

2       Since 1926, the main government role in aviation through the

3   Air

4

1 Commerce Act was the standardization of aircraft and the rules  
2 and the growth of the aviation industry. The vestiges of that  
3 particular rule are still with the FAA. From the FAA web page  
4 on "What We Do" is the quote: "The safe and efficient use of  
5 navigable airspace is one of our primary objectives." I think  
6 it's needless to say that an ADIZ in the center of a major East  
7 Coast traffic corridor is not exactly efficient.

8 Next, please.

9 (Screen.)

10 The ADIZ true purpose, by the way, the continental  
11 ADIZ, which is the ADIZ which surrounds the continental United  
12 States, is actually a Cold War relic used to identify incoming  
13 hostile bombers. It has been adopted to identify contraband  
14 runners in latter years. The ADIZ is an offshore, several  
15 miles, and it's designed to take advantage of coastal  
16 surveillance, to provide ample time to see, recognize, and  
17 react  
18 to intruders before they reach landfall. It's a joint effort  
19 between the military and the FAA. Flight plan data, beacon  
20 code  
21 data, and radar data is exchanged between the two agencies.

22 Now, there are general ADIZ procedures that have to  
23 be followed to penetrate both the domestic and the continental  
24 ADIZ. An ICAO flight plan or a defense VFR flight plan has to  
25 be entered into the NAS software, through a variety of means.  
26 If penetration into the ADIZ is indicated through the route of

1 flight filed, appropriate messages are forwarded on to the DOD

2

1 that details the aircraft, the fix, and the ETA at that fix,  
2 and  
3 the beacon code.

4 If one of these parameters of off for a continental  
5 intrusion, typically a call is initiated between the DOD and  
6 the  
7 FAA to determine what the discrepancy is. If more than two of  
8 these parameters are off, then it is possible that an  
9 interception is warranted.

10 These same procedures are used both for  
11 international arrivals on the continent and for operating out  
12 of  
13 the ADIZ, two different types of operations, quite frankly.

14 So we can compare the effects of this. On the  
15 continental ADIZ, most flights entering the continental ADIZ  
16 are  
17 in fact IFR flights. There are some VFR flights from offshore  
18 islands, such as the chain that's in the southeast of the  
19 United  
20 States. Most of the crews flying these aircraft are  
21 professional crews. It's an automatic process, as we found.  
22 They file their flight plan and the data is automatically  
23 transmitted, and they don't even know they're penetrating an  
24 ADIZ unless there is a problem. Interception procedures  
25 usually  
26 require that the interceptor stay behind the aircraft that's

1 penetrating the ADIZ to get an identification unless they  
2 actually want to contact the pilot.

3 With 50 years of experience with the incursions

4 into

5 the continental ADIZ, my guess -- I don't have any empirical

6 data here, but my guess -- is that not all intruders are

7 assumed

8

1 to be incoming hostiles. Yet all incursions into the domestic  
2 ADIZ are treated as hostiles.

3 So let's look at the -- oh, the agencies that  
4 administer the continental ADIZ are the FAA, the DOD, and the  
5 Immigration and Customs Enforcement -- basically, a transparent  
6 thing to the user.

7 Let's look at the domestic ADIZ. Many of the  
8 flights are VFR, if not most. Most of the crews are  
9 nonprofessionals and it's an extremely manual process that  
10 requires the filing of two flight plans if you're going to file  
11 a VFR flight plan, one to get out of the ADIZ and one to get to  
12 your destination, and then another flight plan to get back into  
13 the ADIZ.

14 The interception is the resolution method, not too  
15 much time to make phone calls and to make inquiries as to  
16 what's  
17 going on. The agencies involved are the FAA, the Department of  
18 Defense, the Secret Service, the Immigration and Customs  
19 Enforcement, the Capitol Police, and the Transportation  
20 Security  
21 Administration. Then during major events or surge operations,  
22 that could also include the FBI, the U.S. Park Police, the U.S.  
23 Coast Guard, and local law enforcement. Incredibly, as of the  
24 summer of 2005, none of these agencies could agree on what  
25 actually constitutes a threat in the ADIZ and each  
26 independently

1 worked their responses after informing each other.

2 The upshot to this is that it's an extremely

3 onerous

4

1 process to the user and eliminates flying. Bear in mind one  
2 last thought about the effects of the domestic ADIZ, that a  
3 sector controller must handle not only the flights for the IFR  
4 flight plans coming in, but also all of the ADIZ plans. As  
5 we've heard from the controller and other pilots here, the NAS  
6 and the ATM procedures that are in place right now were never  
7 designed to require an air traffic controller to handle or talk  
8 to every single pilot or every single aircraft in their  
9 airspace. It can lead to overworked controllers, overly  
10 congested radio frequencies, exhaustion of the beacon code  
11 pool,  
12 possible re-sectorization into smaller sectors, and all of  
13 these  
14 add cost to an already hairy system.

15 So has it helped? My calculation is a little bit  
16 different from everyone else's. I calculated volume, cubic  
17 volume. It's cordoned off approximately 20,000 cubic miles of  
18 airspace if you take into account a veil around the ADIZ and  
19 the  
20 P-40. Between January 2003 and July of 2005, there were close  
21 to 3,500 incursions, 655 intercepts, and 3 Capitol evacuations,  
22 and no threats were identified at all from any of those.

23 The fact of the matter is that media play and  
24 public  
25 outrage over simple navigation errors has driven Congress to



1       distraction in trying to impose unnecessary and exorbitant  
2 fines  
3       and punishments to pilots.  Ironically, anywhere else in the  
4 United States, should these types of errors be made -- and they  
5 are made probably on a daily basis -- they go virtually  
6

1 unnoticed. It's fair to say that it's not just the act  
2 of  
3 the pilot that causes the public outrage, but it's the  
4 overreaction of the security forces also.

5 Next, please.

6 (Screen.)

7 So the results of the domestic ADIZ are that flight  
8 planning is more complex, private pilots suffer the most,  
9 mistakes are more costly, the controller workload is increased,  
10 and security is not improved. I think it's important to note  
11 here also, as several speakers have, that these observations  
12 are

13 true not just of Washington, D.C., but anyplace that you would  
14 try to impose a domestic ADIZ, whether it be Chicago or Los  
15 Angeles or New York. These same factors would come into play.

16 (Screen.)

17 In conclusion, the application of the ADIZ  
18 procedure  
19 domestically was actually, I believe, a mistake. At first  
20 blush  
21 it looks like similar problems. They are very different  
22 circumstances, though. The continental ADIZ works because it  
23 was designed for a specific purpose and to be transparent to  
24 the  
25 users. Applying an offshore identification mechanism to a  
26 crowded metropolitan area's airspace is just wrong. It doesn't

1 work and it infringes on free navigation rights.

2                   So the choice before us is to keep the ADIZ and  
3 watch GA slowly disappear on the ground and in the air from the  
4 airspace, with no demonstrable gain, which is in direct  
5 contrast

6

1 to the FAA's mission of fostering and nurturing aviation in the  
2 United States; or work with the GA community, with  
3 organizations  
4 like AOPA, that can help craft useful, efficient, and less  
5 costly changes that actually work.

6 Again, thank you very much for letting me take the  
7 time to speak to you today. If you have any questions.

8 MR. FAZIO: Thank you.

9 Any questions?

10 (No response.)

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

12 (Applause.)

13 MR. FAZIO: May I ask Wesley Jones to come up,  
14 please.

15 STATEMENT OF WESLEY JONES, ULTRA AVIATION

16 MR. JONES: It's always intimidating to be the last  
17 guy before the break, especially when time needs to be made up.  
18 But I'll make my remarks brief: Ditto.

19 (Laughter and applause.)

20 I can't help but think as I've listened to all the  
21 presentations given so far about the effectiveness of the ADIZ  
22 and what it does and doesn't do that in the minds of a lot of  
23 people in the agencies represented here, their response is:  
24 Yeah, but you don't know what I know, even if it's what I know  
25 is my boss told me to do something.

1 My purpose, though, in here today, in appearing

2 here

3

1 today, is to provide comments reflecting insight as an aviation  
2 business owner and pilot into the expense demanded by the  
3 Washington ADIZ. These costs manifest themselves, not only in  
4 the form of economic impact to pilots and businesses, but also  
5 in terms of reduced safety to VFR operations inside the ADIZ.

6 So firstly to talk about increased risk to VFR  
7 operations. Due to the present Potomac TRACON procedures in  
8 dealing with the increased demand of handling VFR traffic  
9 codes,

10 frequently a special VFR ADIZ frequency controller is used  
11 which

12 actually controls no airspace. Now, that doesn't necessarily  
13 pose a problem to the training flights that operate in and out  
14 of the airports, particularly on the east side of town where  
15 I'm

16 based, out of Tipton, by the way. But if you're leaving Tipton  
17 in a 200-knot plus aircraft and merging into this narrow  
18 traffic

19 area that you're forced into between 1100 and 1400 feet, you're  
20 operating close to the ground, many, many tens of knots faster  
21 than the aircraft that you're funneled into in a narrow zone,  
22 significantly increasing the risk of these flights.

23 Pilots participating in the VFR ADIZ air traffic  
24 system are rarely afforded the benefit of traffic advisories.  
25 Less than a handful of times in the last three years -- and I  
26 fly several times a week in and out of Tipton -- have I gotten

1 traffic advisories when there were aircraft close enough to see  
2 who was piloting the other airplane.

3 Far too many pilots have been confronted also with

4 a

5

1 risk to their pilot's licenses by the draconian enforcement  
2 measures in use for such trivial incidents such as transponder  
3 violations. It's difficult to understand how it compromises  
4 the  
5 security of the Washington, D.C., area for a pilot who is in  
6 two-way communication with ATC, operating exactly where ATC  
7 believes they should be, and inadvertently squawks VFR for a  
8 few  
9 seconds before landing. Yet these pilots are almost always  
10 confronted with enforcement actions that include license  
11 suspensions.

12 I'm going to relay a personal anecdote here. I was  
13 involved in a Young Eagles rally that was flown out of Tipton  
14 Airport where there were 20-some odd aircraft that were  
15 involved  
16 in this rally, flying hundreds of kids all day long. So as a  
17 convenience measure Potomac TRACON gave us all a transponder  
18 code that would be good all day for the aircraft that we were  
19 flying. I was flying such a mission and the very first mission  
20 that I flew I took off from Tipton, squawking my assigned code  
21 that I was going to be using all day, and flew my -- talked  
22 with  
23 Potomac ATC and got acknowledged, flew my Young Eagles  
24 planeload  
25 of kids over Annapolis and back.



1                   When I landed, I was met by the airport manager  
2 with  
3 the dreaded phone number to call at Potomac, where it was  
4 explained to me upon that call that not once in my flight did  
5 they get a transponder code response from me and that a  
6 Blackhawk helicopter in Citation had been scrambled to confront  
7

1 my flight and identify me, and so on and so forth. Now, this  
2 was done while I was in contact with ATC, I was exactly where  
3 they knew I was supposed to be. I reported my return back over  
4 from Annapolis. It turned out to be a transponder  
5 equipment failure on the airplane. It was the first time I'd  
6 flown this rental airplane.

7 So it begs the question about the safety of that  
8 response to what was going on that day.

9 To move on to economic costs, as the owner of an  
10 aircraft re-marketing and new aircraft sales business, much  
11 like

12 Dr. Finagin, operating inside the ADIZ, we're confronted with  
13 increased direct costs resulting from the ADIZ. Pilots  
14 unfamiliar or just plain frightened by what they've heard about  
15 operations inside the ADIZ are unwilling in many cases to fly  
16 into our home airport at Tipton. This forces us to relocate  
17 aircraft in the course of our routine business, resulting in  
18 increased annual costs which would exceed in the amount of  
19 business that we do a commission on an aircraft sale. So it's  
20 quite substantial.

21 Just this past weekend, a couple of acquaintances  
22 of  
23 mine from Atlanta flew an airplane up here that they had for  
24 sale and just wouldn't fly inside the ADIZ. I met them at  
25 Cambridge Airport, helped them file an ADIZ flight plan, and

1       they flew back in formation flight with me to Tipton to come  
2 in.

3       They were that -- and the comment, this is from a several  
4

1 thousand hour CFI, wasn't that he was afraid he would do  
2 something wrong. He was afraid he wouldn't do something right,  
3 because it's so difficult to understand, not only the rule but  
4 the procedures that the TRACON follows for dealing with it.

5 Our business, the business that I'm involved with,  
6 is making a substantial financial investment on the property at  
7 Tipton Airport. We're becoming a major leaseholder on the  
8 airport and making quite substantial capital improvements in a  
9 facility on the airport. Our ability to leverage those  
10 investments bears directly on everything that you've heard  
11 today.

12 In summary, these substantial costs which I've  
13 described are being paid by general aviation businesses and  
14 pilots to provide protected airspace from a threat that every  
15 study has shown to be insignificant. General aviation is not  
16 now nor it ever has been a substantial threat to security to  
17 our  
18 nation's capital and it would be irresponsible to make this  
19 temporary and problematic construct of our region's airspace  
20 permanent.

21 Thank you.

22 (Applause.)

23 MR. FAZIO: Thank you.

24 Any comments, questions?

25 (No response.)

26 MR. FAZIO: We have reached the halfway point

27

1 through the agenda and I'd like to break, if we can, take about  
2 a ten-minute break and adjourn at, say, 2:50.

3 (Recess from 2:36 p.m. to 2:54 p.m.)

4 MR. FAZIO: As soon as everyone takes their seats,  
5 we'll get started. We have a slight change in the agenda.

6 Richard Meade has ceded his time to Gordon Anderson. Gordon  
7 has

8 a flight to catch. Gordon, do you want to go ahead?

9 STATEMENT OF GORDON ANDERSON

10 MR. ANDERSON: My name is Gordon Anderson. I've  
11 been flying light aircraft for 63 years. I'm based at Lee,  
12 where I fly a Mooney, and I also run a hot air operation.

13 I'd like to talk to you about enforcement. A year  
14 ago on the 7th of January, I filed ADIZ flight plans to go to  
15 Frederick from Lee and have dinner with my son and then return.

16 The flight up was real good. By the way, I had made -- prior  
17 to

18 this flight, I've never had any FAR violations and I've made 51  
19 exits and entries prior to that date, and since then I've done  
20 another 43.

21 I filed the ADIZ flight plans, went up, and then  
22 when I came back I took off and I immediately contacted the  
23 controller in Potomac on the proper frequency. He was very  
24 busy

25 and he said: Where you going, direct to GAI? I said: No,  
26 I've

1 got a direct ADIZ flight plan back to Lee. Then he was busy  
2 with Southwest and all the other people, and before he gave me  
3 a  
4 squawk code I had gone two minutes into the ADIZ.  
5

1                   When he turned me over to the next controller, the  
2                   next controller gave me the good old number to call when I got  
3                   on the ground, because I had gone four miles in in less than  
4                   two  
5                   minutes.

6                   Here's what happened. I get a phone call from  
7                   Harrisburg and then I get a letter, and I wrote back to  
8                   Harrisburg and explained what had happened. Then I heard from  
9                   Kansas City and they told me that I was a reckless and careless  
10                  flyer and that I had violated the airspace, the ADIZ, with two  
11                  different notice to airmen. Of course, I responded to that and  
12                  they said: Well, you've got to come in and talk to us; when do  
13                  you want to do it?

14                  I said: I want to do it in Washington. So they  
15                  sent everything to Washington. I went on in for an informal  
16                  conference, and there was a charming young FAA lawyer and then  
17                  an aviator along with her, I guess to witness. We talked about  
18                  it and she said: Well, we'll drop the careless and reckless  
19                  operation since you were already talking to the controller, but  
20                  he didn't give you the ADIZ squawk code in time, but we'll give  
21                  you a 21-day suspension on the other two without appeal.

22                  So I had to make a decision. I talked to the AOPA  
23                  about bringing a lawyer with me and I figured, this is  
24                  ridiculous, this bureaucratic stuff that's going on. So I took  
25                  the 21-day suspension without appeal. I had no idea that a  
26                  two-minute incursion into the ADIZ would end up with all this

27

1 stuff, and it finally wrapped up in about ten months.

2 In my opinion, no one exercised any common sense to  
3 say: Hey, listen, two minutes in there, and I was right on  
4 course. I was not heading towards the White House or anywhere  
5 else, but I was heading back to Annapolis. Two minutes would  
6 result in all this paperwork and work for the lawyers in the  
7 FAA.

8 In my opinion, the FAA is being subjected to  
9 intimidation by the Homeland Security Department and Secret  
10 Service in its ability to exercise common sense in quickly  
11 resolving such a minor incident without all this hassle.

12 Now, I also run a hot air balloon business and I  
13 have to go to the Eastern Shore to fly hot air balloons, but I  
14 don't have many customers, either for instruction or for  
15 pleasure rides. All I can say is that there's an awful lot of  
16 bureaucracy and cost involved in chasing down all these minutia  
17 incursions, and please don't make this thing permanent.

18 Thank you very much.

19 (Applause.)

20 MR. FAZIO: Thank you. No questions.

21 Stan Rodenhauser.

22 STATEMENT OF STAN RODENHAUSER, PRESIDENT,

23 FREEWAY AIRPORT

24 MR. RODENHAUSER: Hi. My name is Stanley  
25 Rodenhauser and I'm the owner of Freeway Airport in Bowie,

26



1 Maryland, right along Route 50, that I'm sure everybody has  
2 seen.

3 I had just this past Christmas with my daughter and  
4 after Christmas dinner we were looking at pictures, and here  
5 there's this gentleman that's holding my daughter -- she's  
6 grown, but holding my daughter, and this guy's got black hair.  
7 I say: Who is this guy? Well, that picture was taken in  
8 Christmas of 2000 and that guy turned out to be me. So I'm  
9 going to tell you why I've got grey hair.

10 (Laughter.)

11 Tony, I'm Italian from my mother's side, so you  
12 know

13 I had black hair.

14 Everything started, as with all of us, during 9-11.  
15 We were going great guns. We've been in business since 1947.  
16 My family has owned the property in that area since 1903, so  
17 I'm  
18 a long-time resident. I grew up with aviation and flying.  
19 Right out of college I got into the business and I've been in  
20 the business for over 40 years.

21 9-11 set us back so far, it's unbelievable. We had  
22 money in the bank. I was doing well. Today I have got a  
23 \$200,000 line of credit on my house. We've got credit cards up  
24 the ying-yang, and we've even got some credit cards where our  
25 interest is 23.78 percent. And I call and I say: Why is this?  
26 They say: Well, your income to debt ratio doesn't match. So

1 we're paying 23.78 percent, and it's all because of 9-11, it's

2

1 all because of the ADIZ, because we're not free to run our  
2 business. If my business is going to fail, let it fail because  
3 I'm not a good businessperson, but not because of the ADIZ.

4 The ADIZ is useless. It does nothing for us.  
5 General aviation aircraft are not a threat to the security of  
6 our country. We cannot have the freedom of flying any longer  
7 and because of that we've lost so much business. Before 9-11,  
8 we had 118 airplanes based at the field. Today we have 58  
9 aircraft based at the field because no one wants to deal with  
10 the ADIZ. We are a Mooney service center and we've been a  
11 Mooney service center since 1962, so we do a lot of Mooney  
12 servicing. We have to go out of the -- we have to go literally  
13 and pick up the airplanes to bring them in because our  
14 customers  
15 will not -- they don't want to deal with the ADIZ. So that  
16 costs us money.

17 We have well over 25 employees. Our payroll is  
18 approaching almost \$750,000. So we are a viable business. But  
19 with the debt that we have because of 9-11 and the ADIZ, we're  
20 not going to be around much longer.

21 I beg of you to let us run the business, all of us,  
22 the way we used to be able to do it. Get rid of the ADIZ. The  
23 other thing that the ADIZ has done, it has taken away business  
24 from the airports and businesses that have been in the ADIZ,  
25 and  
26 the ADIZ has plopped this pot of gold on these airports outside

1 of the ADIZ. Frederick Airport is overwhelmed. They're busier

2

1       than they can be. Easton Airport is busy. Westminster is  
2 busy.

3       Saint Mary's County is busy. Then the airports in Virginia  
4 are  
5 busy.

6                   The airports in the ADIZ, we're all hurting.  
7 Fortunately, we own our own property and it's worth millions of  
8 dollars, but that's not what I want. I love general aviation  
9 and this is what I want to do.                   So I just beg of you  
10 to please, let's rescind the ADIZ.

11                   Just a few instances, since I do have some more  
12 time. The cost of the ADIZ to our pilots -- just about a month  
13 ago, one of our customers was flying back from the Eastern  
14 Shore, got within five miles of our airport, and they said:  
15 We've lost transponder code. They made him turn around and fly  
16 back out. He had to land at Easton, call someone to pick him  
17 up. Then they found out that there really wasn't anything  
18 wrong  
19 with the transponder once the avionics shop at Easton checked  
20 it  
21 out.

22                   Our chief mechanic right now is fighting a  
23 violation  
24 because -- and he test flies our airplanes at least every day  
25 and he knows what he's doing -- went up for a test flight and  
26 was talking to the controllers, flying around the airport, just

1 testing the airplane out, and when he got on the ground he had  
2 a  
3 telephone, you know, call this number. So he called and they  
4 said: You weren't talking to the controllers, you weren't  
5 squawking -- you were squawking 1200.  
6

1                   In reality he wasn't, because he was talking to  
2           everybody and they were receiving his squawk code. But some  
3           little glitch or something happened and they must have lost it,  
4           and now he's faced with losing his license, which he cannot  
5           afford because that's his livelihood. So he's had to go out  
6           and  
7           hire an attorney to fight this. Like Mr. Anderson said  
8           earlier,  
9           it's a losing proposition because they're never wrong, but  
10          we're  
11          always wrong.

12                   So I guess that's about it. I've said enough. I  
13          still have some time left, but thank you ever so much. I  
14          appreciate it.

15                   (Applause.)

16                   MR. FAZIO: Thank you for your comments.

17                   Questions?

18                   (No response.)

19                   MR. FAZIO: Larry DeAngelis.

20                   STATEMENT OF LARRY DeANGELIS

21                   MR. DeANGELIS: Hi. My name's Larry DeAngelis and  
22          I've been a pilot, mechanic, and flight instructor for over 50  
23          years, and I'm currently representing Professional Flight  
24          Service that I've had for about 40 years. I'd like to say that  
25          things were going great until we were torpedoed by 9-11. Of  
26          course, the whole country was hurt. We all know that.

1                   But as time went by, I was before at Potomac  
2     Airfield and I decided to move to Maryland Airport about 15  
3



1 years ago because Maryland was expanding and it was growing  
2 nicely. But since then, after 9-11 Maryland Airport has really  
3 started downhill like a cement truck. It's been losing  
4 business. It's only sold half the fuel in 2005 that it sold  
5 the  
6 year before 9-11. Maryland's supposed to become a reliever  
7 airport for Washington Reagan Airport, but if it keeps going  
8 the  
9 way it is maybe Maryland won't be a reliever airport. Maybe it  
10 won't be anything.

11 So if the founding fathers could ever see what it  
12 looks like today with the ADIZ, they'd be severely  
13 disappointed.

14 Just remember, sometimes people don't think much of the small  
15 plane airmen today, but just remember in the beginning of World  
16 War II. If it weren't for us having so many small plane pilots  
17 that trained the pilots that helped train other pilots that won  
18 World War II for the most part, we might be goose-stepping  
19 today.

20 I don't have really any more to say, but I think  
21 this is a big mess and I think that some way, somehow, somebody  
22 ought to get things together to straighten it out. I don't  
23 know  
24 who or how.

25 Thank you very much.

26 (Applause.)

1 MR. FAZIO: Thank you for your comments.

2 Richard Keith -- Kreis, sorry.

3 STATEMENT OF RICHARD KREIS, PRESIDENT

4

1 SKYBIRD AVIATION

2 MR. KREIS: Good afternoon. My name is Dick Kreis.  
3 I'm owner and operator of Skybird Aviation, a small aircraft  
4 maintenance shop based at Hays Field Airport in, well, West  
5 Columbia, really in Clarksville, just a few miles from here.  
6 I'm basically just going to tell you this afternoon in a few  
7 minutes a little bit of the history of our business since prior  
8 to 9-11.

9 In a baseline time of 1999 and 2000, considering it  
10 100 percent, from that point on, in 2001 when 9-11 hit through  
11 2005, our business has declined 57 percent. Today -- I  
12 shouldn't say "today." In 2005, last year, we had 43 percent  
13 of  
14 the business that we had in 2000, 1999 and 2000 baseline area.  
15 You can imagine -- well, obviously that translates directly to  
16 income.

17 In 2005, we had to eliminate fuel sales at the  
18 airport. Our fuel system required maintenance. The business  
19 that it generated or the income that the fuel sales generated  
20 did not justify or permit repairing the system. We eliminated  
21 the fuel sales. What's next? I'm not sure. It may be the  
22 entire operation.

23 The entire airport itself -- I'm not going to say  
24 too much about the airport itself because we have our airport  
25 owner and operator following me and he'll tell you pretty much  
26 about the airport. But at one point we had somewhere around 50

27

1 airplanes plus a waiting list that wanted to base their  
2 airplanes at Hays Field. The last time I counted noses on the  
3 flight line, I think there were 23.

4 I haven't seen a transient airplane come through  
5 Hays Field since the ADIZ existed, not one. I could be off on  
6 that, but I haven't seen one.

7 Most pilots have significantly reduced flight time.  
8 I'm talking 80 percent, 90 percent. When I do an annual on an  
9 airplane, I hardly believe the number of airplanes that I see  
10 that have under ten hours of operating time since last annual,  
11 ten hours. How does that pilot stay current? But who gets the  
12 blame for the accident when it happens?

13 I have to admit, too, generally speaking flying in  
14 the pattern at the airport in close proximity to the field and  
15 departing the ADIZ generally speaking is not too much of a  
16 problem. It usually gets done, with the exception of waiting.  
17 I have seen phone calls up to 20, 30, 40 minutes trying to get  
18 hold of Potomac for an exit clearance. That's -- I will admit  
19 it's not an everyday occurrence, but it does occur.

20 The big, big problem is coming back in. Most  
21 people  
22 are terrified of not being able to get back into the ADIZ. If  
23 you're coming in from New York, Philadelphia, somewhere, you  
24 can't get in, you have to divert to Frederick, it's not that  
25 great big a problem. You rent a car and you drive a few  
26 minutes

1 further. But if you're just going out for a hamburger, for a

2

1 cup of coffee, take your kids for a ride, your friends for a  
2 ride, not being able to get back home is a major, major  
3 inconvenience.

4           Constantly circling outside the ADIZ at the  
5 checkpoints -- in our particular case, it's typically Frederick  
6 or Westminster vicinity -- constantly circling, waiting for  
7 contact, waiting for clearance, causes flight hazards. I'm  
8 amazed that we haven't had more than we have, close calls than  
9 we have. I'm dearly afraid that we will have more mid-air in  
10 the future. I certainly hope not, but I'm afraid that there is  
11 certainly a potential.

12           Pilots are also deathly afraid of the FAA's  
13 draconian enforcement action, as several folks have mentioned.  
14 A license suspension for an improper squawk code, that's  
15 preposterous. But it happens.

16           Overall, so many things we could mention. Most  
17 people who have spoken have already said so much, I won't  
18 reiterate. I will just ask you members of the panel, please be  
19 part of a movement to make some sense out of this security  
20 problem. Pilots are not unwilling to be cooperative, but we'd  
21 like to see some common sense and some practicality to the  
22 process.

23           Thank you.

24           (Applause.)

25           MR. FAZIO: Thank you.

26

1 Alfred Bassler. Mr. Bassler.

2 STATEMENT OF ALFRED BASSLER, OWNER,

3 HAYS FIELD AIRPORT

4 MR. BASSLER: Good evening. I am Alfred Bassler

5 and

6 I own Hays Field Airport just west of Columbia, near here.

7 Dick

8 was a good speaker. He's going to be a hard act to follow here  
9 really. While I'm speaking in front of all these pilots, we've  
10 got lots of tiedown room if any of you all want to come in.

11 (Laughter.)

12 I've been a recreational pilot for 50 years and we  
13 took 17 years to get a permit from the county to have Hays

14 Field

15 Airport right in the middle of Howard County, went to court in  
16 Annapolis five times, went to court in Howard County three  
17 times, had two or three regulation adoption hearings, and wound  
18 up with a permit for 50 airplanes, but now we have room for 40  
19 because a lot of them's empty. We did have a waiting list.

20 Now

21 we have empty spaces.

22 As Dick said, there's about 23 there now and some

23 of

24 them don't have batteries. They're J-3 type recreational  
25 airplanes, fly a short distance for a short while and land.

26 It's a big deal now. You have to carry a small makeshift radio

1 with you which probably works most of the time. A lot of the  
2 flying has ceased, needless to say, and it has taken the  
3 pleasure out of pleasure flying.

4 I guess I have heard a lot of talk over the TV of  
5



1       having your rights taken away, they're listening to your phone  
2       calls. Well, they can monitor my phone calls all they want,  
3       but

4       I hate them messing with my flying actually.

5                   The pilots that still fly don't fly near as much  
6       for

7       that reason. We feel like we're helping secure the Capital  
8       Area

9       by being alert to who wants to rent an airplane or tie down an  
10       airplane or just look around the airport, really. We have  
11       called Homeland Security and talked to Greg or Bryan or Joe  
12       Miller and have good conversations with them, and they follow  
13       up

14       on license plates and such things. Nothing ever came of it,  
15       but  
16       we're alert in that way.

17                   I can see more reason for the 25-mile -- I mean,  
18       the

19       inner circle, whatever you call that, than the 25-mile area  
20       like

21       the ADIZ. We in the ADIZ would at least like to have some  
22       corridors out of there where you can go out and not have to  
23       even

24       have a battery in your airplane, rather than all of the  
25       commotion that we have to go through now.

26                   Some of the airplanes that's there have moss on

1     their propellers on the north side, so to speak. I talked to  
2     other people to come and give their comments, even airport  
3     owners, other airport owners. Oh, no, that's useless; you'll  
4     get nothing; good luck, but no. I said: Well, we've got a  
5     government of the people, by the people, and for the people,  
6     and  
7     the wheel that does the squeaking is the one that gets the  
8     grease, and if you don't squeak you get no grease. So your  
9

1 government is having a hearing and it's to make a decision, so  
2 come and say what needs to be said and they will hear it.

3 So this is the essence of my speech. Thank you.

4 (Applause.)

5 MR. FAZIO: Thank you, Mr. Bassler. Don't forget  
6 your photographs, Mr. Bassler. Thank you.

7 Mr. Mike Pangia.

8 STATEMENT OF MIKE PANGIA

9 MR. PANGIA: Hello, everyone. I'm speaking for  
10 myself here and for many of my fellow pilots. I was formerly  
11 the Assistant Chief Counsel for Litigation at the FAA and  
12 before

13 that the head of the Aviation Unit of the Justice Department.

14 I'm a member of the legal council -- or the Legal Advisory  
15 Council for the Experimental Aircraft Association, counsel for  
16 the International Society of Air Safety Investigators.

17 I base aircraft within the current ADIZ and I  
18 served

19 as an FAA accident prevention counselor for many years, flying  
20 in the Washington, D.C., area probably for the last 30, 35  
21 years. I have an Airline Transport Pilot Certificate and I  
22 practice aviation law based in Washington, D.C. I've  
23 established a personal and professional rapport with a  
24 significant number of pilots who fly in this area who are based  
25 at various airports located within the ADIZ. I've represented  
26 and counseled many pilots concerning infractions of this

1     airspace.  Some are sitting in this audience.

2

1           The configuration of the current ADIZ was based  
2 largely on class B airspace, and it was done as an emergency  
3 measure. However, over time, as a result of the continuance of  
4 this measure, hundreds of square miles extending 30 miles north  
5 of Baltimore, 30 miles west of Dulles, are unnecessarily  
6 restricted, which has needlessly burdened aviation, the pilots,  
7 air traffic control, and literally destroyed many associated  
8 businesses in the area.

9           Now, back then there was little time to give  
10 thought  
11 and study to what was actually needed on a permanent basis.

12 But now there has been time to think and time to take  
13 meaningful  
14 and effective steps to protect our Capital Area without  
15 needlessly hurting an important industry and an asset to the  
16 surrounding area. But in all this time, in all this time,  
17 nothing seems to have been done except to rationalize the need  
18 to continue the present configuration just because it's there.

19           Instead, the needs, and often the changing needs,  
20 that have been identified have been addressed by one bandaid  
21 fix  
22 upon another, resulting in a system few if any of us in the  
23 aviation community seem to understand. Now, as pilots we  
24 certainly appreciate the need to provide security for the  
25 Nation's capital. However, the way in which this airspace has  
26 been conceived and handled, coupled with oppressive enforcement

1 policies for even the most minor and insignificant  
2 transgressions, has instilled in many pilots a fear and loss of  
3

1       respect for the FAA and the TSA.

2                   I have significantly curtailed my flying  
3 activities.

4       I think about it very carefully before I fly out of one of  
5 these airports: Is it really necessary? I just don't want to  
6 expose myself.

7                   You know, we must remember that pilots are among  
8 the  
9 most law-abiding members of our society, and yet there have  
10 been  
11 literally thousands -- yes, thousands -- of violations of this  
12 ADIZ airspace since its inception. The FAA has been quick to  
13 label in writing every one of those pilots, every one of those  
14 pilots, as, quote, "careless and reckless." I've even heard  
15 the  
16 label "stupid" from the FAA.

17                   When you have thousands of violations in one area  
18 of  
19 the country by law-abiding citizens who are certified pilots,  
20 none of whom have ever been identified with an act of  
21 terrorism,  
22 perhaps it is time to think that maybe something is wrong with  
23 the design of the system.

24                   Now, there's a proposal to make this permanent  
25 under  
26 the present configuration and even raising the level of fear

1 among us by increasing the sanctions, and there has been even  
2 some talk about criminalizing the inadvertent incursions.  
3 Thought should be given instead to some of the proposed  
4 alternative plans that you've been hearing and some we hope  
5 that  
6 you're trying to formulate, that would be easier to follow and  
7 provide the necessary security without undue infringement on  
8 our  
9



1 freedoms. Making the present ADIZ permanent is  
2 counterproductive to that goal.

3 There is even something more significant here which  
4 has been a concern expressed by many pilots about these  
5 hearings. We question the real purpose of these hearings.

6 I've  
7 heard: They're going to do the same old thing anyway; what the  
8 heck is the difference? How many people here, a show of hands,  
9 have that concern? How many people?

10 (A show of hands.)

11 Let the record reflect that most of the people in  
12 this audience have raised their hands. Please take that back  
13 with you.

14 We are instructed that we cannot raise questions,  
15 that we will not have the opportunity of speaking with the  
16 persons who are responsible for policy decisions, and that

17 these  
18 hearings may not even be attended by people who are ultimately  
19 responsible for making and changing policy. We cannot even

20 seem  
21 to identify the person or persons responsible for making or  
22 changing policy concerning the ADIZ.

23 There are many better alternatives. Making the  
24 present system permanent is clearly unsatisfactory. Government  
25 in a true democracy should never be wiser than the public.

26 Please assure us that this is not what is happening with this

1 ADIZ or any other security issues in this country.

2 Thank you.

3

1 (Applause.)

2 MR. FAZIO: Thank you for your comments.

3 Richard Crouse.

4 (Screen.)

5 STATEMENT OF RICHARD CROUSE,

6 RICHARD CROUSE AND ASSOCIATES

7 MR. CROUSE: Hi, I'm Richard Crouse. I'm the owner  
8 of Richard Crouse and Associates. We're an aerial survey firm.  
9 We fly out of Frederick, Maryland, about 1800 hours a year. We  
10 transition over the mid-Atlantic region mainly, and we  
11 encounter

12 the ADIZ about 200 times per year. Our aircraft include Piper  
13 Navajos, Aztecs, as well as a small Jet Ranger helicopter.

14 (Screen.)

15 We employ sophisticated sensors, which include  
16 cameras, remote sensing devices, which are used for mainly  
17 mapping purposes. Go to the next slide, please.

18 (Screen.)

19 Topographic mapping, road and utility construction,  
20 geographic information systems, many environmental projects.

21 We

22 have helped determine our nation's boundaries for NOAA. We

23 have

24 provided geographic information systems, that is information

25 for

26 cities, states, to determine all kinds of geographic connected

1 items, road construction and other such things.

2                   If you want to determine how many acres of aquatic

3 vegetation are in the bay, you use aerial photography for

4

1 environmental assessment. If you want to build a new road, a  
2 road is a series of cut and fill; you use aerial photography,  
3 first to plan where you're going to put the road and then  
4 eventually to figure out in the construction phase where to  
5 move  
6 the dirt. If you want to build a sewer system, you have to  
7 figure how things are going to flow, and they're all going to  
8 flow downhill into a sewer system. When you flush the toilet,  
9 you want to be relatively assured that that goes in the right  
10 direction. And these are all things that are accomplished  
11 using  
12 aerial survey and geospatial information that we provide.

13 Next slide, please.

14 (Screen.)

15 These services that we provide are critical to our  
16 nation's infrastructure and restricting our movements  
17 interferes  
18 with the ability for these things to be done in a proper  
19 fashion, and as such we are opposed to the ADIZ. The ADIZ  
20 affects our operation in many ways. One is the flight filing  
21 process. We don't simply go from airport to airport. We  
22 collect work and then when the days are suitable for flying and  
23 imaging we will take maybe 10 or 20 projects scattered all  
24 about  
25 the area and go flying. Well, we have to of course relay all  
26 this to a briefer, which takes considerable amount of time,

1 especially after you've been on hold for a certain time.

2 We work seven days a week, so in the event that the

3 clear days occur on the weekends and then there's all the other

4

1 VFR traffic, it can take a long time.

2 We have been denied service completely because the  
3 airways were just too congested on that particular day. So all  
4 this just adds to the cost of what we're doing.

5 Once we take off out of Frederick, where we're  
6 based, we just can't fly straight down to Washington and pick  
7 up

8 a radio frequency with which Washington can work with us.

9 We're

10 generally circling and waiting and trying to get in on the  
11 process. So it takes extra time. Prior to 9-11, we could just  
12 take off and fly and head to Washington or Dulles. It wouldn't  
13 be any big deal. By the time that we had radar contact to get  
14 into the class B, we would be well on our way and not

15 interfered

16 with. Now it's waiting and circling.

17 I've sat in a small helicopter for a half an hour  
18 over Frederick at a couple thousand feet, hovering, just  
19 waiting

20 for clearance, only to find out that our flight plan is lost or  
21 some other such thing. We have been flying projects over the  
22 Dulles region at 15,000 feet and then told: Well, we're going  
23 to have a presidential movement; everybody has to leave; you  
24 have to go away. I don't know how we get to the point that an  
25 aircraft, a Piper Navajo at 15,000 feet, is a threat to the  
26 President of the United States, but this is the case.

1           Go to the next slide.

2           (Screen.)

3           So I did a little bit of math. Last year we flew

4



1 about 500 total trips from Frederick, of which nearly 200 of  
2 them are affected by the ADIZ.

3 Next slide, please.

4 (Screen.)

5 We did a little math on what it cost us to file a  
6 flight plan, what it costs us to operate our aircraft, and we  
7 came up with a number of about \$40,000. This is only the tip  
8 of

9 the iceberg. It doesn't outline the costs of failed projects,  
10 such as the one that I just explained, and these costs multiply  
11 out into delays for our customers and other things. Of course,  
12 we pass on most of those costs, but it ends up that we all pay  
13 these extra things.

14 (Screen.)

15 We understand the heavy responsibility -- or I wish  
16 I could say I understood the heavy responsibility borne by many  
17 of the committee members here. I certainly appreciate the fact  
18 that you all go to sleep at night with this burden of making  
19 sure that we're all secure. We also appreciate the help that  
20 we've had to date through our professional organization, MAPS,  
21 and our ability to do the things that we have done in the FRZ  
22 and other things.

23 The effectiveness of the ADIZ to date in thwarting  
24 terrorism is a decision that will have to be borne by people  
25 that have knowledge, and I don't have that knowledge. My  
26 opinion is I don't see the threat. From what I know, I agree

27

1 with the other members or the other speakers that from a public  
2 standpoint and the information that has been available publicly  
3 it's difficult to conceive that a threat exists that would be  
4 thwarted by the ADIZ.

5 So we all agree that protecting our interests or  
6 our  
7 security interests is vital, but it's also very important that  
8 we are able to conduct our business in spite of that. So we  
9 need to have a system where we can work together and we can  
10 solve the issues of how and why we fly and the things that we  
11 do  
12 and the things that we need to do while still protecting  
13 ourselves.

14 Any questions?

15 MR. FAZIO: Thank you.

16 Any questions?

17 (No response.)

18 MR. FAZIO: No, there are none.

19 (Applause.)

20 MR. FAZIO: May I ask Richard Meade, please.

21 STATEMENT OF RICHARD MEADE

22 MR. MEADE: Hi, my name is Richard Meade. I'm here  
23 as a private individual. I'm a retired federal employee with  
24 about 32 years of combined military and civilian experience.  
25 I've held Top Secret, SCI security clearance with both my  
26 military and civilian employment and I served as senior

1 intelligence analyst in the military and as an operations

2

1 officer and senior intelligence officer in the United States  
2 Customs Service, now part of Department of Homeland Security.

3 I served as the intelligence project officer for  
4 the  
5 development and implementation of the U.S. Customs command,  
6 control, and communications system, which was a system  
7 developed  
8 in the eighties to provide for the detection, monitoring,  
9 interception and interdiction of illegal drug and contraband  
10 smuggling general aviation aircraft. This system was similar  
11 in  
12 concept and execution to the system supporting the current  
13 Washington Flight Restricted Zone and air defense system  
14 requirements.

15 I'm also a private pilot with my first solo flight  
16 in 1959. I own my own aircraft, based within the ADIZ, and  
17 have  
18 lived within the area now covered by the ADIZ for about 40  
19 years. I fly in the ADIZ about once a week right now, which is  
20 a reduction over my previous time.

21 Rather than try to repeat a lot of the things that  
22 were said earlier and I agree with -- and I unfortunately had a  
23 lot of the same ideas as a lot of the other good people here --  
24 I'm going to try to simply emphasize some of the things that I  
25 don't think were completely covered and that I'm particularly  
26 interested in.

1                   The first one is a look at the rationale for a  
2 permanent Washington, D.C., metropolitan special flight rules  
3 area, or the ADIZ, which I prefer to talk to. I think prior to  
4

1 any action on making the current restrictions permanent or in  
2 fact to even continue them on any long-term temporary basis,  
3 it's essential for the government to review the rationale for  
4 the imposition of the flight restrictions.

5 The NPRM clearly states the flight restrictions  
6 were

7 initially implemented at the request of the Department of  
8 Defense and Department of Homeland Security, and that these  
9 same

10 agencies requested the restrictions be made permanent. The  
11 NPRM

12 justifies these airspace restrictions by citing various pieces  
13 of "intelligence" -- we put that in quotes -- which were  
14 designed to show the terrorists' commitment to airborne  
15 terrorism. Most, if not all, of the examples of intelligence  
16 given in the NPRM are historical and many are pre-9-11.

17 Most of the examples show an interest in aerial  
18 terrorism, not the intent, much less the capability, to carry  
19 out attacks in the United States today. Especially misleading  
20 were the references to general aviation in the context of  
21 airborne terrorism. An example of the misleading nature of the  
22 intelligence is the reference to a plot to crash an  
23 explosive-laden small aircraft into the U.S. consulate in  
24 Karachi, Pakistan. First, this activity had nothing to do with  
25 the United States. Second, it ignores the fact that the attack  
26 was aborted and disrupted, even in the dangerous security

1 environment of Pakistan.

2 The NPRM goes on to cite the fact that, quote,

3 "Some

4

1 of the September 11th hijackers have trained on small  
2 aircraft."

3 This reference ignores several key facts. First, almost every  
4 pilot in the world has trained on small aircraft, because it's  
5 the way initial flight training is normally done. The training  
6 in and of itself does not indicate an interest in small general  
7 aviation aircraft.

8 Second, the fact that a fairly large number of Arab  
9 and other Islamic men were receiving flight training and  
10 exhibited suspicious behavior was reported by the general  
11 aviation community to the U.S. government. The government  
12 failed to follow up on the single most important piece of  
13 information which might have prevented 9-11.

14 A further example cited the fact that Khalid Shaykh  
15 Muhammad, mastermind of the 9-11 attacks, originally proposed  
16 using multiple small aircraft to conduct the attacks. Osama  
17 bin

18 Laden reportedly suggested the use of larger aircraft. The  
19 fact

20 is that the proposal was rejected by bin Laden because he felt  
21 only larger aircraft could do significant damage. He was  
22 right.

23 The NPRM goes on: "Department of Homeland Security  
24 has no specific information that terrorist groups are currently  
25 planning to use general aviation aircraft to perpetrate attacks



1       against the United States. It remains concerned that, in  
2 light  
3 of completed and ongoing security enhancements for commercial  
4 aircraft and airports, terrorists may turn to general aviation  
5 as an alternative method for conducting operations."  
6

1                   This information implies that somehow that concern  
2           should dictate how we deal with potential threat. We should  
3           evaluate threat based on actual risk: Do general aviation  
4           aircraft have the inherent potential to cause significant  
5           damage, which is a tactical evaluation? Pardon me, I'm a  
6   little  
7           dry. Do the terrorists have the intent and the capability to  
8           effectively use general aviation? And finally, have our  
9           countermeasures eliminated, reduced, or mitigated the risks  
10          associated with general aviation?

11                   The risks should then be compared to areas of risk  
12          not limited to aviation. The application of resources should  
13   go  
14          to the highest risk area. Before we incur hundreds of millions  
15          of dollars, perhaps billions, of cost, we should evaluate  
16          comparative risk. According to the Washington Post's reporting  
17          of this year, over \$18 billion has been spent on aviation  
18          security so far, but only \$250 million on public transportation  
19          security, including subways and buses. To emphasize my point  
20   on  
21          this, between 4.5 and 4.7 million people ride the New York  
22          subway system on an average weekday. There are less than two  
23          million domestic air passengers per day in the peak season for  
24          the entire United States.

25                   Recent terrorist attacks in both London and Madrid

1 on the public transit system leads me to believe that we need  
2 to  
3 look closely at our real risks and security priorities. I  
4 believe that the current and historical intelligence related to  
5

1       this rationale, the rationale for making permanent the ADIZ,  
2       needs to be examined in depth prior to any further attempt to  
3       make this permanent.

4                       I suggest a methodology that's used in the  
5       community  
6       right now. It's called the National Intelligence Estimate. It  
7       takes into consideration all-source intelligence from the  
8       entire  
9       government. It's peer reviewed and when it is finally issued  
10      it  
11      represents a consensus opinion. To the best of my knowledge,  
12      the current plans and airspace restrictions that we currently  
13      have were put in place prior to any detailed threat assessment  
14      being accomplished due to the exigent circumstances following  
15      the 9-11 attacks and immediately prior to the Iraq invasion.

16                      As President Bush stated, 9-11 changed everything.  
17      Following the 9-11 attacks, the United States has made a huge  
18      commitment to homeland security. The large portion of the  
19      funding and programs targeted aviation security. The post-9-11  
20      emphasis on aviation security has clearly reduced the risks of  
21      airborne terrorist attack, but I believe the new lower level of  
22      risk is not reflected in the ADIZ and FRZ restrictions covered  
23      in the NPRM.

24                      Rather than beat that to death any further, I'd  
25      just  
26      like to summarize it and say I believe it is essential that we

1 reevaluate the risk of aerial terrorism to the National Capital  
2 Region before we implement a twenty-first century aerial  
3 Maginot  
4 Line that is not based on the current threat, consumes huge  
5

1 amounts of tax dollars perhaps more wisely spent in higher-risk  
2 areas, and gives a false sense of security to the public.

3           Having said that, I'd like to move on to some of  
4 the  
5 impacts of the ADIZ if I could. Excuse me for skipping around  
6 on this, but again I'm cutting out portions of what I intended  
7 to say, and that may be to your benefit, frankly, but we'll  
8 find  
9 out.

10           Impact of the ADIZ on pilots and FAA air traffic  
11 control. Aircraft entering and exiting or operating within the  
12 ADIZ are subject to special requirements unique to the ADIZ  
13 which do not exist anywhere else in the United States airspace  
14 system. For practical purposes, the ADIZ procedures have the  
15 most significant effect on small general aviation aircraft  
16 operating under visual flight rules at relatively low altitudes  
17 within the ADIZ and below the Washington tri-area class B  
18 airspace.

19           The only general requirement for VFR operations  
20 within this airspace prior to the implementation of the ADIZ  
21 was  
22 for VFR aircraft to have an altitude reporting mode C radar  
23 transponder in operation. There was no requirement for any  
24 contact with FAA air traffic control system for these  
25 operations. The impact on FAA ATC of ADIZ VFR operations is  
26 now

1 significant and costly and raises important safety concerns.  
2 Prior to the establishment of the ADIZ, the FAA ATC system had  
3 little if any role in the conduct of the overwhelming majority  
4

1 of VFR flights conducted within the 3,000 square miles of  
2 airspace comprising the ADIZ.

3 Now FAA ATC and the FAA automated flight service  
4 stations are heavily involved in each and every one of the  
5 estimated 125,000 -- that's FY 2003 data -- ADIZ VFR flights  
6 each year. I think our friend from the Air Traffic Controller  
7 Association has clearly indicated their position on this issue,  
8 that it's an overwhelming number that was never accommodated in  
9 the design of the system they're currently operating in.

10 These procedures and activities impose a  
11 significant  
12 requirement for pilots that is both time-consuming, complex,  
13 and  
14 not based on a properly defined national defense need. The  
15 cost  
16 and time requirements for pilot compliance with the proposed  
17 permanent ADIZ have not been properly documented in the FAA  
18 regulatory evaluation.

19 The impact on FAA ATC is a very significant  
20 increase  
21 in workload, which has been estimated in the FAA regulatory  
22 evaluation to cost over \$128 million over ten years. I believe  
23 the FAA costs and costs to the general aviation community have  
24 been grossly understated. These costs should be updated with  
25 the most complete current year's data and recalculated using  
26 actual workload data. I think that's necessary. It's obvious



1 from a lot of the regulatory evaluation data that was in here  
2 that it was hurried and the data was incomplete in looking at  
3 it  
4 and it needs to be looked at again.  
5

1           The ADIZ VFR procedures described in the NPRM and  
2           the FAA ATC system for the active monitoring of flights for  
3           national defense reasons, the FAA ATC radar and radar equipment  
4           currently in place have technical limitations in accomplishing  
5           that mission. At a minimum, FAA should provide increased radio  
6           coverage to support the ADIZ mission, specifically for  
7           low-altitude aircraft operating at the approaches to and within  
8           the ADIZ below class B airspace. Radar should be optimized  
9           and-or supplemented to ensure appropriate coverage for the  
10          approaches and within the ADIZ itself. The costs for the  
11          upgrade necessary to accomplish the ADIZ mission should be  
12          included in the overall cost data.

13           There are some unintended consequences of the ADIZ  
14          which have been generally addressed, but we'll beat it a  
15          little  
16          bit more. The implementation of the ADIZ in February of 2003  
17          has had significant unintended consequences. Statistics  
18          provided by the National Capital Region Coordination Center  
19          stated that there have been 3500 or 3495 incursions into  
20          restricted airspace in the National Capital Region between  
21          January of 2003 and July of 2005. These incursions included  
22          approximately 150 violations of the FRZ an unknown number of  
23          Camp David restricted airspace violations, but the vast  
24          majority  
25          of all violations were ADIZ violations.

26                  655 of the 3495 violations resulted in the decision

1 to launch or divert government assets to intercept an aircraft.

2

1 Three of these incursions resulted in evacuation of the White  
2 House and Capitol complexes. Only one of the 3495 incursions  
3 has been determined to have been deliberate and information on  
4 that case has not been made public to the best of my knowledge.  
5 I'm unaware of what the deliberate incursion was all about.

6 Of the three incursions that resulted in the  
7 evacuation of the White House and-or Capitol, one was clearly  
8 due to a miscommunication or lack of coordination with the  
9 government agencies involved in managing the ADIZ and FRZ. The  
10 second intrusion was due to a lost pilot, the famous Smokehouse  
11 150. In my opinion, he probably should have been sorted and  
12 classified as non-threatening and the evacuation should not  
13 have

14 occurred. Again, that's an opinion. The final one was  
15 purported to be a weather-related diversion by a corporate  
16 aircraft and little public information was available on that  
17 actual intrusion.

18 FAA has estimated that the total ten-year cost for  
19 all aspects of processing these incursions, regulatory  
20 enforcement costs, at over \$71 million. These costs were to be  
21 incurred as a direct result of the imposition of the Washington  
22 ADIZ and FRZ and the subsequent violations. Since no terrorist  
23 act and only one deliberate violation has been observed, a  
24 reevaluation of the expenditure of tax dollars in this area  
25 needs to be done.

1                   In stating the overall costs in this area, the  
2 costs  
3

1 to the aviation community have not been included, specifically  
2 those costs incurred by pilots in defending themselves against  
3 violations found to be without merit, and there seem to be a  
4 significant number of those.

5 To restate what was said earlier, and I'd like to  
6 emphasize this, the large number of violations of the ADIZ as  
7 stated above suggests that, in addition to, quote, "pilot  
8 error"

9 and all its manifestations, the design, implementation, and  
10 operational management of the ADIZ has led in part or whole to  
11 the large number of violations.

12 The significant impact is there's a great fear in  
13 the aviation community to fly in the ADIZ because it places  
14 pilots at risk of loss or suspension of their licenses based on  
15 technical violations such as equipment failure, over which they  
16 have little or no control. The knowledge that interception by  
17 armed aircraft is possible is probably also a major  
18 disincentive  
19 to many people for operating in the ADIZ area.

20 I'd like to move on to something that I don't think  
21 has been touched on. There are certain requirements for  
22 publishing a rule that have to be met and I'm going to suggest  
23 to you that they haven't been properly met by the FAA in  
24 proposing this rule. To wit, the first thing that has to be  
25 met

26 is the Executive Order 12866, which directs: "Each federal

1     agency shall propose or adopt a regulation only upon reasoned  
2     determination that the benefits of the intended regulation  
3

1 justify its cost."

2 Second, the Regulatory Flexibility Act of 1980  
3 requires agencies to analyze the economic impact of the  
4 regulatory changes on small entities.

5 Third, an analysis of the regulation under the  
6 Trade  
7 Agreements Act must be conducted.

8 Fourth, the agency must assess the regulation for  
9 compliance with the Unfunded Mandates Act of 1995.

10 I am of the opinion the FAA has not met the  
11 requirements of two of these four required analyses, the  
12 requirements of Executive Order 12866 and the Regulatory  
13 Flexibility Act. If I could just summarize my views on those:  
14 Under the Executive Order 12866, the costs. The impact on FAA  
15 --

16 MR. FAZIO: Excuse me, Mr. Meade.

17 MR. MEADE: Yes?

18 MR. FAZIO: We have one other speaker here and  
19 we're  
20 approaching our conclusion here, so if you could sum up I'd  
21 appreciate that.

22 MR. MEADE: Yes, I see six minutes. Thank you.

23 Let

24 me see if I can summarize it by quickly looking at it.

25 The most significant item under this is the failure  
26 of the FAA to include the costs in analysis for the airports



1       within the ADIZ. In their regulatory analysis they only looked  
2       at three airports, the DC 3 airports, in fact really only  
3       looked  
4

1 at two. Of the analyses, one of them I believe is flawed and  
2 understates the costs. There are by FAA's account 150 airports  
3 within the ADIZ area that should have been reviewed. I would  
4 suggest that there are probably really only 17 public use  
5 airports which should be looked at and they haven't been. If  
6 they were looked at, I suspect the actual costs to small  
7 businesses out there would exceed \$500 million as opposed to  
8 the  
9 number that FAA has postulated in the regulatory analysis.

10 Let me skip over. On the benefit side of this, FAA  
11 state in their regulation: "It is intended to provide  
12 increased  
13 level of safety and security against the threat of airborne  
14 terrorist attack against targets in the National Capital Area."  
15 As I mentioned earlier, the NPRM does not demonstrate that the  
16 proposal is based on a validated threat assessment and that the  
17 response is proportional to the risk, nor do they demonstrate  
18 that the approach that they have selected is the best approach  
19 to providing security against airborne terrorist attack.

20 Second, the regulatory evaluation drafted by the  
21 FAA  
22 further states that "The objective of the rule is to reduce the  
23 risk of airborne terrorist attack initiated from airports  
24 situated very close to important national assets within the  
25 NCR." They fail to justify that particular requirement.

26 Again, I apologize for skipping around. I'm trying

1 to shorten this up.

2 Third, the projected cost savings or cost avoidance

3

1 to be derived from the implementation of the SFRA was some  
2 unidentified fraction of the total costs of the 9-11 attacks.  
3 The total costs were estimated at \$50 to \$66 billion for the  
4 attacks on the WTC and the Pentagon, as well as an undefined  
5 portion of the \$10 billion in District of Columbia tourism  
6 revenue lost due to the attacks. I think that their benefit is  
7 overstated. I think a more reasonable estimate of the costs  
8 would be based on the cost of the attack on the Pentagon and  
9 they probably fall within a \$2 to \$4 billion range.

10 I'd further like to state that, based on the new  
11 security measures put in place, any attack on the Washington  
12 area would be unlikely to be as successful as the attack on the  
13 Pentagon and the subsequent costs or, if you wish, the benefits  
14 from that, the costs wouldn't be as high as that attack.

15 Thank you. I'll try to cut it. Since you asked me  
16 to cut it off, I will do it.

17 MR. FAZIO: Thank you. You are welcome to submit  
18 your comments to the docket.

19 MR. MEADE: I have submitted my comments to the  
20 docket. They are 12490.

21 MR. FAZIO: All right, thank you. Thank you for  
22 your comments.

23 (Applause.)

24 MR. FAZIO: Our last speaker of the day is David  
25 Manion.

26

1 STATEMENT OF DAVID MANION

2 MR. MANION: I hope that's the good news.

3 Actually,

4 I think you've got an evening to go to yet, too.

5 Good afternoon, I'm David Manion. I'm representing  
6 myself. I'm a young private pilot with 220 hours flying  
7 experience. I learned at Stan's airport, Freeway, out in  
8 Bowie.

9 I briefly remember what it was like to fly in the  
10 ADIZ before the temporary ADIZ was implemented. It's existed  
11 for the majority of my flight experience from Freeway, Fort  
12 Meade, and BWI. My comments today surround a general theme  
13 that

14 I've heard pretty much all afternoon, is to do what makes  
15 sense.

16

17 As pilots, we follow a repetitive process of  
18 evaluation, followed by appropriate actions to reach our  
19 destinations. Most pilots that I know survive by doing the  
20 things in a sequence that makes sense. Understanding why  
21 something is necessary first leads to acceptance, which then  
22 leads to practice because it achieves the desired result. It  
23 makes sense.

24 From my point of view, the repetitive process  
25 should

26 be applied to all systematic solutions. Do what makes sense.

1 My father beat that into my head years ago. I want to blame

2 him

3 or thank him. I'm not sure which yet.

4 When threats to security are identified, experts in

5 the business are supposed to follow a similar process:

6 identify

7

1 the threat, assess the vulnerabilities, devise a cost-effective  
2 mitigation strategy that reduces the probability of occurrence,  
3 and evaluate the residual risk of the threat should the  
4 mitigation strategy be employed. The key emphasis in this  
5 process is to develop a strategy that addresses the threat, the  
6 vulnerability, and the probability within realistic cost  
7 constraints.

8 It should be noted that no amount of money or  
9 mitigation can address every threat. So this simple threat,  
10 vulnerability assessment, mitigation process that we've been  
11 hearing about all day, if it did it it would make sense. So  
12 that's the right place to go. But listening to what I've heard  
13 to all day and listening to, following a process of doing what  
14 makes sense, I come to my first question: Can someone within  
15 the FAA or the DHS or whomever is involved in setting the ADIZ  
16 or SFRA in place, can they explain from a threat,  
17 vulnerability,  
18 mitigation, cost analysis viewpoint why this is going to work?  
19 The NPRM as written did not.

20  
21 The purpose of this public hearing is to get  
22 feedback and comments from the flying public. In my opinion  
23 and  
24 from what I've heard and from what I've read, the proposed SFRA  
25 around Washington, D.C., does not address any realistic threat  
26 vulnerability assessment, but is being established to address a

1     soft political need, at the expense of the general aviation

2



1 population, regardless of the cost associated with the  
2 implementation. It does not thwart any credible threat  
3 scenario

4 that I can postulate, nor would it have prevented the attacks  
5 that we experienced on 9-11.

6 It should be remembered that the SFRA does not  
7 address commercial aviation, which already files and follows  
8 IFR

9 flight plans and they're always already talking with ATC. For  
10 those who can't remember, the terrorists of 9-11 used  
11 commercial

12 aircraft to accomplish their acts of terror. Commercial  
13 airliners are significantly larger in mass and speed and  
14 fuel-carrying capacity over general aviation aircraft. It  
15 doesn't take a degree in physics to recognize that a 2,000-  
16 pound

17 plane flying at 130 mile per hour can't do as much damage as a  
18 commercial airliner weighing 250,000 pounds flying at 450.

19 It is very important to point out, for those of you  
20 who don't understand physics, that what brought down the Twin  
21 Towers of the World Trade Center was not the impact of the  
22 aircraft. It was the fires that were fueled by the fuel on  
23 board the airplanes that brought the towers down. Oddly, the  
24 proposed SFRA doesn't address that class and category of  
25 airplane.

1                   Again, my question: What is the threat? How is  
2 the  
3 proposed SFRA to reduce the risk? What is being proposed in  
4 the  
5 NPRM doesn't address that. It doesn't make sense.

6                   As a pilot flying within the existing rules, I  
7 would  
8

1 like to know that the rules that we are being asked to comply  
2 with make sense and serve a real purpose. If the penalties for  
3 minor infractions are going to remain and continue to be  
4 severe,

5 the threat should be justifiable and explained. At a minimum,  
6 the mitigation strategy should adequately address the threat.

7 I am concerned, however, that the process of the  
8 public hearings is being exercised to meet the process  
9 procedures required by law, but the decision has already been  
10 made. I am also concerned that the decisionmakers have  
11 invested

12 too much time and energy in the existing plan and again are  
13 making -- excuse me -- are proceeding forward implementing a  
14 security solution to a problem that doesn't seem to exist.

15 In closing, I'd like to try to repeat my  
16 fundamental

17 questions: What is the threat? How does the proposed SFRA  
18 reduce the risk? I believe that we as pilots have a right to  
19 know. The SFRA does little or nothing to improve the nation's  
20 security. I am very concerned that the people who are devising  
21 our national security mitigation strategies, such as the ADIZ  
22 or

23 SFRA, are doing so against unrealistic and unprobabilistic  
24 threats. I do not believe that they understand general  
25 aviation

26 nor do they understand simple physics. If they did, they would

1 stop every truck for inspection as it entered Washington, D.C.

2           The terrorists of 9-11 knew better than to use  
3 general aviation aircraft for their purposes. Why can't our  
4 security experts come to that same level of understanding?

5

1 I'm hoping that this public hearing will inject  
2 rational thinking into the process and that the recognition of  
3 what makes sense becomes apparent to those who believe that the  
4 proposed mitigation action will protect us. The existing ADIZ  
5 and the proposed SFRA does not. It is an embarrassing  
6 emotional  
7 reaction to a non-problem. I don't believe that it makes  
8 sense.

9 I want to thank you today for the opportunity to  
10 speak and I'm hoping that what we have presented today helps  
11 you, the representatives of our decisionmakers, to do the right  
12 thing, revoke the ADIZ and recall the SFRA NPRM. Thank you.

13 (Applause.)

14 MR. FAZIO: Thank you.

15 Are there comments or questions?

16 (No response.)

17 MR. FAZIO: There are none.

18 We've concluded with our list of preregistered  
19 speakers. Unfortunately, we are right at our scheduled time.  
20 There are seven speakers or seven additional individuals who  
21 have asked to speak. We cannot take you at this time and I  
22 apologize for that. There is another session this evening.  
23 We're very tight there. You're welcome to stay. I can't  
24 guarantee that there would be an opportunity to speak then.

25 There is also a session next Wednesday at Dulles.  
26 The information -- and we do I believe have several slots

1       available. Is that correct, Noreen?

2

1 MS. HANNIGAN: At this point it's not as tight.

2 MR. FAZIO: It's not as tight. So there are some  
3 slots available. If you would like to speak, just let us know  
4 after the conclusion here and we'll try to accommodate you with  
5 that. If not, you're welcome to submit your comments to the  
6 docket, which will remain open until February 2nd.

7 MS. HANNIGAN: 6th.

8 MR. FAZIO: 6th, excuse me.

9 I'd like to remind everyone that the transcript  
10 will

11 be available after January 27th. It will be placed in the  
12 docket. You'll have access to that electronically through the  
13 electronic docket system at the DOT. The docket number is  
14 17005

15 and that will remain open until February 6th. You can also get  
16 information on how to submit further comments if you'd like.

17 At this time I'd like to thank everyone, in  
18 particular each of the presenters. You kept us right on  
19 schedule. I appreciate that.

20 It is currently 4:03 and I would like to close this  
21 meeting and thank you all for coming.

22 (Applause and, at 4:03 p.m., the meeting was  
23 adjourned.)

24

25

26

