

# THE BAIT AND SWITCH

## Air Traffic Control “Reform” and the Business Aviation Community

For more than 20 years, several big airlines have sought to seize control of our nation’s air traffic control (ATC) system so they can effectively determine where and when general aviation operators can fly. These airlines want the ability to control where investments in our aviation system are made which represents a significant threat to general aviation. Proponents of the airline backed ATC plan on Capitol Hill have created talking points to push their goal to privatize the system. We have taken their statements and labeled them as “myths” and debunked them with the truth.

### MYTH

“One of our top priorities this year is FAA reauthorization and reform of our nation’s ATC operations. Specifically, the reform would remove ATC operations from FAA and into a not-for-profit corporation, with the goal of modernizing operations.”

### TRUTH

The 21st Century AIRR Act (H.R. 2997) goes well beyond just removing ATC operations from FAA and turning them over to a private not-for-profit corporation. In addition, services such as flight information, weather briefings, aeronautical information, airport advisory services, and responsibility for navigational aids would be removed from FAA. Congressional oversight of air transportation taxes, allocation of resources, and most importantly access decisions would be given to a not-for-profit corporation. This corporation would be able to tell all general aviation stakeholders where and when they could fly.

### MYTH

“Reforms would improve the certification process, as well, by streamlining the FAA’s aircraft certification processes so that manufacturers can get their products to market faster and operators can benefit from greater, more efficient approvals of new equipment and technologies.”

### TRUTH

Certification reform can be done without removing ATC from FAA and giving it to a not-for-profit organization. This “myth” is conflating two separate and distinct issues.

## MYTH

“There is a fair amount of misinformation surrounding how reform of the air traffic control system will impact the business aviation community.”

“For example, some claim that this new reform would give sweeping latitude over aviation system governance to airlines, which would allow them to restrict where and when companies using business aviation can fly and how much they pay. These accusations are completely false for the following reasons:

- The proposal struck a balance on the board of the new not-for-profit corporation, giving equal representation to both the airlines and the general aviation community. Each sector has four seats on the board.
- Additionally, executive business jets were also exempt from user fees. Only Congress would have the power to determine who pays a fee, not the Corporation.
- Finally, this new entity will be prohibited from restricting airspace access for ATC services provided.
- Not only are concerns about the new system unfounded, the business aviation community and employees on business travel stand to benefit from the new system.”

## TRUTH

Under H.R. 2997, the ATC corporation could use an administrative process to restrict general aviation access to airports and airspace. So long as the restriction didn't adversely impact safety it could be approved. The economic or operational costs of major decisions such as closures of ATC facilities, changes to airspace classification or modifications to navigational procedures would not be considered.

The bottom line for general aviation- hiring expensive lawyers and enduring lengthy legal proceedings would be the only way to challenge airport and airspace restrictions. In other countries with privatized ATC systems we have observed access restrictions for general aviation operators, and believe that same thing could happen in the U.S. if ATC privatization occurs.

Under H.R. 2997 a 13 member board would oversee the private corporation charged with running our nation's ATC system. The board would include two seats for general aviation and four seats for the scheduled airlines and their employees. However, by aligning forces with the hub airports, the air traffic controllers union and the at large board members, the airlines could dominate the board.

## MYTH

“According to the U.S. Bureau of Transportation Statistics, since 2004, ATC delays are nearly 19% longer in 13 out of the 20 largest U.S. hubs. There are examples showing that it takes between 4 and 20-percent more time to fly between certain cities today than it did in 1990 despite newer airplanes and supposedly “modernized” ATC.”

“Time is money. Delays and cancelled flights have real impacts for business travelers and the bottom line for their employers. According to FAA, airline delays and cancellations cost the U.S. economy nearly \$30 billion annually.”

## TRUTH

According to the Bureau of Transportation Statistics, air carrier delays and weather accounted for nearly 80% of flight delays in 2016. When an aircraft was late arriving and caused the next flight to be delayed, airlines were directly responsible the majority of the time. Airlines have also been increasing scheduled flight times for over 20 years to boost on-time performance and account for ground congestion caused by their scheduling practices. Finally, airline IT disruptions cause significant delays across the system – there have already been 17 major outages in 2017.

## MYTH

“This approach to air traffic control is ultimately good for the business aviation community as well as passengers flying on business travel.”

## TRUTH

We believe business aviation and general aviation will be severely disadvantaged under air traffic control privatization legislation as we have seen in other countries that have moved to privatized systems.

## MYTH

“Efforts to modernize our ATC system under the FAA from a WWII-era inefficient, radar-based system to a modern, satellite-based system, have failed, running up against billions in cost-overruns, and decades of delay.”

## TRUTH

According to the FAA Administrator, over the past five years, NextGen has delivered benefits to the aviation industry and traveling public that are on time and on budget. Significant progress has occurred on modernization programs including ADS-B, a GPS-based surveillance technology that provides direct routings and GPS tracking of aircraft. The FAA also created 4,000 GPS approaches offering precision guidance to the runway without the need for ground based equipment.

In recent Congressional testimony, the President of the National Air Traffic Controllers Association said, “The U.S. National Airspace System (NAS) is the safest, most efficient, most complex, and most diverse system in the world.”

## MYTH

“Overwhelming evidence from the U.S. government and other reports shows separating operations has led to better performance on safety, service quality, cost, and financial stability and has the potential to save businesses billions of dollars that are currently lost to system inefficiencies, cancelled and delayed flights and reduced employee productivity.”

## TRUTH

According to a recent Congressional Research Service report, “There does not appear to be conclusive evidence that any of these (privatized ATC) models is either superior or inferior to others or to existing government-run air traffic services, including FAA, with respect to productivity, cost effectiveness, service quality, and safety and security.” In 2016, the Government Accountability Office also found that, “To maintain operations, the Canadian ANSP (Nav Canada) cut costs and raised its user fees.”

## MYTH

“Modernizing the system would result in more direct flight routes and shorter flight times.”

## TRUTH

Department of Transportation data shows that our ATC system is not the primary cause of airline flight delays – airline scheduling practices are. Moreover, direct routings are possible with GPS technology, however as of 2015, only six percent of the commercial airline fleet was equipped to take advantage of ADS-B technology. Over scheduling by the airlines at hub airports causes delays that have nothing to do with our ATC system.