

Committee Meeting

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of

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS COMMITTEE

"Regulation of general aviation airports
in the State with an emphasis on safety issues"

LOCATION: Council Chambers
Municipal Building
Parsippany-Troy Hills, New Jersey

DATE: April 13, 1994
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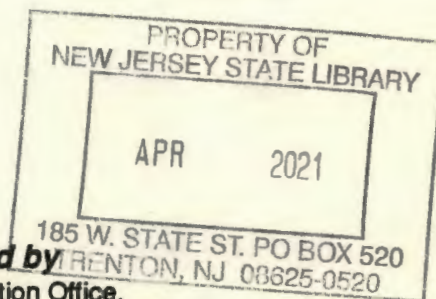
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MEMBERS OF COMMITTEE PRESENT:

Assemblyman Alex DeCroce, Chairman
Assemblyman Ernest L. Oros, Vice-Chairman

ALSO PRESENT:

Amy E. Melick
Office of Legislative Services
Aide, Assembly Transportation and
Communications Committee



Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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JOSEPH CHARLES, JR.
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New Jersey State Legislature

ASSEMBLY TRANSPORTATION AND
COMMUNICATIONS COMMITTEE
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COMMITTEE NOTICE

TO: MEMBERS OF THE ASSEMBLY TRANSPORTATION AND
COMMUNICATIONS COMMITTEE

FROM: ASSEMBLYMAN ALEX DeCROCE, CHAIRMAN

SUBJECT: COMMITTEE MEETING - April 13, 1994

*The public may address comments and questions to Amy E. Melick,
Committee Aide, or make bill status and scheduling inquiries to Kim Johnson,
secretary, at (609) 984-7381.*

The Assembly Transportation and Communications Committee will meet to take testimony on the regulation of general aviation airports in the State with an emphasis on safety issues on **Wednesday, April 13, 1994 at 3:00 PM at the Council Chambers, Municipal Building, 1001 Parsippany Boulevard, Parsippany-Troy Hills, New Jersey.**

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**Assistive listening devices available upon 24 hours prior notice
to the committee aide(s) listed above**

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ASSEMBLYMAN ALEX DeCROCE (Chairman): Good afternoon, everybody. Today, the Assembly Transportation and Communications Committee is here to take testimony on the regulation of general aviation airports in the State. We are taking testimony from the agencies responsible for aviation safety so that we can learn exactly what is being done to promote safety.

As you are aware, in this State, last year was one of the worst in recent history with regard to accidents of general aviation aircraft. Approximately 40 aircraft were involved in 39 accidents, resulting in 8 fatalities. These numbers are from the National Transportation Safety Board. The northern part of the State seemed to have more than its share of these tragic accidents.

Our purpose today is to learn how general aviation airports, aircraft, and pilots are trained and certified, what ongoing safety training is required, and which regulatory agency has the responsibility.

To that end, we have invited representatives of the New Jersey Office of Aviation, the Federal Aviation Administration, the National and State Aircraft Owners and Operators Associations and the National Transportation Safety Board to brief us on their role in aviation safety. Unfortunately, the National Transportation Safety Board was unable to send a representative, but they have submitted a written statement which will be incorporated into the record.

With that, I will call our first witness. But in the meantime, I just want you to know that both Assemblyman Oros and myself are supportive of general aviation in the State of New Jersey. We believe it is an asset to the State, and necessary to the economic conditions of our State. Frankly, though we work mainly with DOT, we work with anything that moves. Obviously, aviation moves. We want to have it continue

to move, but we want to learn a lot more about it than we have done in the last several years. Therefore, this meeting.

As our first witness, I will call upon Dr. Emmett O'Hare, the Director of the Office of Aviation in the New Jersey Department of Transportation. Dr. O'Hare, thank you for coming today.

E M M E T T N. O ' H A R E, Ph.D.: Good afternoon, Mr. Chairman, Assemblyman Oros. We thank you for the opportunity to present testimony before you regarding aviation in New Jersey.

My name is Emmett O'Hare. I am the Director of Aviation for the Office of Aviation in the Department of Transportation. I am joined today by Mr. Gil Maupin, Chief, Bureau of Aircraft Operations and Safety for the Office of Aviation. Unfortunately, Mr. Maupin, and Dr. Matthews, from the FAA, are en route. I expect them momentarily.

Aviation safety is a multijurisdictional function. Protection of the flying public and the general public is a responsibility of all facets of government and commercial aviation. The National Transportation Safety Board's role is that of accident investigation, primarily for the purpose of preventing future accidents. The Federal Aviation Administration is responsible, as Dr. Matthews will later testify, for a wide-ranging segment of aviation safety. They are involved in many, many areas. One of those areas is accident investigation and accident prevention.

At the State level, our role focuses on the on-the-ground aspects of aviation safety. If we draw a line a few feet above ground level and say, "Everything up there belongs to the FAA," everything down here belongs to the State. That is where our responsibility lies. There are some gray areas where there is overlapping responsibilities, but primarily ours is on the ground.

The Office of Aviation licenses aeronautical facilities of all types in the State of New Jersey. At present, we license over 600 such facilities. I believe you have just been given one of these (holds up material).

ASSEMBLYMAN DeCROCE: Yes.

DR. O'HARE: It lists the types of aeronautical facilities we have in the State, from private use, one man/one airplane facilities to the largest air carrier airport in the State at Newark International. Some of our airports are privately owned and open to the public; others are publicly owned and open to the public. Overall, we license 604 facilities of one type or another, plus a number of temporary facilities. These numbers fluctuate because of additional facilities coming and going for private use.

In addition to licensing these facilities, it is the responsibility of the Office of Aviation to annually inspect each and every one of those facilities. We have three full-time aeronautics inspectors and the Bureau Chief, whose sole responsibility it is to go out and inspect these facilities and make sure that everything on the ground at each and every one of these facilities is safe for aviation operations.

We are to run an Aviation Safety Program. It is legislated that we have a program to ensure the safety of aviation throughout the State. Unfortunately, budget cuts have restricted us from doing that as far as we would like. In 1990, the budget cuts caused us to have an early retirement program. The gentleman who was doing that work for us in aviation safety and promotion retired, and we have been unable to backfill that position. We do feel it is important, however, and we take the other members of the Office of Aviation's staff and have them work with the Aircraft Owners and Pilots Association, the Federal Aviation Administration,

and the individual airport owners to run safety seminars and safety programs throughout the State, throughout the year.

In addition, to ensure that our airports maintain a safe role, we furnish them with funding through the Airport Safety Fund for capital improvements at those airports. These capital improvements would be anything from runway lighting, to improved pavements, to added apron area, to additional taxiways for the benefit of aircraft operations.

ASSEMBLYMAN DeCROCE: May I cut in on you?

DR. O'HARE: Pardon me, sir?

ASSEMBLYMAN DeCROCE: May I cut in on you for a moment?

DR. O'HARE: Yes, you may.

ASSEMBLYMAN DeCROCE: How about buffer areas?

DR. O'HARE: Right now, we don't have a provision in the program for that. We are hoping to do that in the future.

ASSEMBLYMAN DeCROCE: Okay.

DR. O'HARE: Another area that we get into within the Office of Aviation is to promote a public understanding of the importance of aviation to the economy of the State. A study completed by the Office of Aviation in 1992 showed that overall \$4.1 billion of annual economic revenues came to the State of New Jersey as a result of aviation, and that over 100,000 persons were employed as a result of the aviation industry being in the State of New Jersey.

We evaluate and coordinate obstruction analysis and obstruction removal to protect aeronautical facility approaches and departures. While we are not able to maintain that to the point where we could own the buffer zone, or have some sort of control over the buffer zone in the approach areas to our airports, we do ensure that the obstructions -- trees, buildings, antennas, or what have you -- in those areas are prevented.

With the Office of Aviation staff, as it is currently set up, we also have a staff person responsible for working 6

with communities and zoning to ensure that the State's Air Safety Zoning law and its provisions are enforced, and that if anyone wants to build or construct something in the air safety zone, and it does not comply with the regulations, they have to come back to us, through the municipality, and ask for a waiver to those. So we do evaluate those on a continuing basis.

Another role we have within the Office of Aviation includes accident and incident investigation. Our Office works with the National Transportation Safety Board and the Federal Aviation Administration any time there is an accident anywhere in the State of New Jersey, or an incident. The numbers you have received from the National Transportation Safety Board differ slightly from the numbers you see from the records we have, and they may differ from those of the Federal Aviation Administration.

I would like to take just a moment to explain just why that is, and tell you that we are not wrong or right on the numbers. The National Transportation Safety Board's numbers are normally for those accidents that have been finally determined. If they are still under investigation, they may not log them as accidents. Some of the accidents they list aren't really accidents as far as an aircraft crashing. There are specific definitions in Part 830 of the regulations under NTSB that explain what an accident can be. It can go as far as someone tripping and breaking a leg on an air carrier jet at Newark Airport. That would be considered an accident, while an aircraft that bellies into a small airport and damages the entire underside of the plane because the gear collapsed, may not be an accident. So because of those definitions, there are differences here.

I believe the information we have prepared and submitted has been coordinated with the FAA's statistics and is accurate from both the FAA's standpoint and the State's standpoint.

In addition to investigating accidents, our staff investigates aircraft incidents that may occur on or near any aeronautical facility in the State. We do that to ensure that if there was something on that facility that was a causal factor in the incident, that it can be corrected so that we don't have those problems in the future. By the same token, if something happens at a facility in one part of the State, it is our intention to ensure that people throughout the State understand what happened, and that we inspect every other facility to ensure that we do not have those problems there.

The State of New Jersey is a little unique, in that you cannot just land anywhere in the State. If you have a problem in an aircraft and you land-- Let's say, for example, you run out of fuel, or you have a fuel problem with your aircraft, you land, and while you are on the ground you check it out, everything seems fine, and you want to take off again. In the State of New Jersey, you cannot do that. In many of our neighboring states, you land, you have a problem, you fix it, and you take off and go. In New Jersey, we have to have an inspector on-site to ensure that the takeoff can be accomplished without any kinds of problems to others on the ground, or damage to the area, or the potential of the aircraft creating another problem.

Finally, the Office of Aviation staff investigates all types of complaints regarding aviation operations occurring anywhere in the State. These operations -- and this is where we get into the gray area of, is it the FAA's responsibility or the State's responsibility-- If an aircraft is flying low over an area -- buzzing, if you will -- the FAA has regulations which prohibit that. Unfortunately, those regulations are not criminal in nature. Those are civil type actions that can be brought against the pilot. In the State of New Jersey, through the Office of Aviation and the legislation that was passed -- the enabling legislation for our operation -- we have the power

to arrest in those cases. It is a criminal offense. So the overlap of responsibility in that particular case is beneficial. We have had in the last -- well, since I have been with the Department, about four years-- In that time period, we have had two instances where pilots have done something and the FAA requested our assistance, because the pilot was being given civil penalties, was being fined, was being told his license was going to be revoked, and that was all they could do to him. They felt it was more important that he be taken out of the skies and physically locked up for what he was doing. We certainly helped them in both of those cases, and both situations have been corrected.

Are there any questions you may have, sir?

ASSEMBLYMAN DeCROCE: Yes. Two incidents in four years is not really all that many for people flying low and actually buzzing tops of homes, or businesses, or what have you. It is really not a big thing, is it?

DR. O'HARE: No, sir, it is not.

ASSEMBLYMAN DeCROCE: So it's not really a habit. It is maybe once in awhile on a Sunday afternoon, someone is doing a little recreational flying and takes advantage of the situation.

DR. O'HARE: In many cases, student pilots with an instructor are learning to accomplish emergency landings, and they do that in practice. In doing those practices, they try to get out over areas that are not populated -- open field areas. Occasionally, someone will see them there, and will say, "Oh my God, there's a plane, and he's buzzing," when, in fact, the pilots involved thought they were over a completely open area when they were doing that. Where we are talking about actual buzzing, it is, "I am going to go do this." In one case, it was a person who had had some psychological problems and was buzzing his psychiatrist's house and his ex-wife's house. In the other case, it was a young man trying

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to impress his girlfriend continuously for three weeks. Both situations have been corrected. In the one case, it was every Saturday. By the third Saturday, we had become involved and were able to take care of the situation.

ASSEMBLYMAN DeCROCE: Another thing you mentioned earlier was that when local airports -- Lincoln Park, Somerset, what have you -- if they want to expand anything on their facilities, they have to do it with permission or a waiver from their local municipalities?

DR. O'HARE: No, sir. That would be if someone outside the airport wanted to build a building. For example, an owner who wanted to build a structure, a business office, across the street from Essex County Airport off the end of the runway. He could not do so, because it is not a permitted zoning use in that area. If he wanted to do that, he would have to get the permission of the township, and most townships will come to the State and say, "This guy wants a waiver. Are you willing to give it to him?" Of the last three or four waivers we have had come through, most of them have been denied.

ASSEMBLYMAN DeCROCE: Okay, because I know we had a lot of problems in the Fairfield area.

DR. O'HARE: Yes, sir.

ASSEMBLYMAN DeCROCE: There is one more thing I recall. You indicated that-- Really, I should have written it down. I'm sorry, I have lost my train of thought, but there was something else I wanted to question you on.

Do you have anything?

ASSEMBLYMAN OROS: I just have one question at the moment: Does there seem to be a trend at all in closing local or private airports? Are we losing any?

DR. O'HARE: Yes, sir, we are. In the last 20 years, we have lost, on average, one airport a year, and these are public use airports. There is a tremendous difference between the privately owned airport and the public use airport.

Privately owned airports-- If you have enough land on your property and you decide that you want to bring your airplane in there, you can come to us and get a license to do that. We will inspect it to make sure it is safe. We will ask you to go to the municipality and get their approval, and you can use that facility for your own personal use, but for no one else. Those come and go on a continuing basis. The ones we are really concerned about are the public use airports in the State.

What I would like to do is show you a slide. You know I am a former professor, so you are in trouble. I am back up here now. (laughter)

Okay. This is Newark Airport at the center. With this being the center of the hub, you can see a number of airports around Newark Airport. We go down to Linden Airport. We've got -- which is almost impossible to read-- Let me see if I can clear this up a little bit. (referring to slide and projector) There we go, much better. Okay, that helps.

We've got Morristown Airport off to the west; we've got Essex County Airport and Teterboro Airport over here. These are fairly large, very busy airports. What we like to try to do, and one of the things that I really try to promote, is segregation in aviation. I want the big air carrier jets right there at Newark and further south in Atlantic City. I don't want them at some of the other airports.

Corporate aviation -- the corporate jets and the large corporate twins belong at Teterboro and Morristown, and to the south, Allaire Airport, which is just off the bottom of the chart here. We do not want those with the air carrier jets, but by the same token we do not want the small airplanes with them. We need to furnish the pilots in the State of New Jersey with good, safe facilities outside of this ring. We would like to have a second ring that actually goes beyond the screen here. You can see a number of airports out around the outer

loop. Those are the airports that we have to improve. We have to make them enticing to the pilots, so that the pilots will leave places like Essex County, will leave places like Morristown, and go there. We want to do that to get the smaller airplanes in that yellow circle, the second ring out from Newark; the bigger aircraft, the larger corporate planes in the inner circle.

So we are trying to segregate these aircraft, and one of the ways to do it is to make sure that we have good quality airports in that second ring. Unfortunately, as your question goes, we are losing some of those airports in that ring, and other airports out beyond that. So there is a problem that causes a lot of the aircraft to move from those facilities into the already crowded facilities closer in toward Newark.

ASSEMBLYMAN OROS: Why are we losing them?

DR. O'HARE: I guess the easiest answer is money. Many of these airports-- In fact, New Jersey is unique, in that more than two-thirds of all of the publicly owned -- I'm sorry, public use airports in the State are privately owned. These private owners are approached by businesses, by firms that want to buy the property to put in some sort of large business complex. One that I can think of on U.S. 1-- There used to be a Forrestal Airport. It is now Forrestal Complex.

There are quite a number of them. Flanders Field used to be a public use field west of here. That is now closed. Many of them have closed for money reasons, where the owners were looking to sell. They were hoping to sell to other people who were interested in maintaining the public use airport, and they found that if you want to buy an airport to use it as an airport, you are willing to pay "X" number of dollars. But if you want to buy it and transition it to some other type of use -- business use, corporate park, or something -- you can get much more money for it. Many of these people said, "I can't afford not to give it up."

A second problem we are having is that when airports in the State were first opened, they were in completely rural areas with nothing around them. Unfortunately, many of these areas have become populated, large homes, people who wanted to live in outer suburbia, if you will. They have moved into these areas. With that home infusion outside -- or around the airports, we have found that many communities now don't want the airports in their areas. So we have a problem of pressure on the airports from the municipalities. We are getting pressure on the airport owners from both sides.

They need to improve the airports to accept the traffic that we want to push away from Newark, and by the same token, the pilots want good quality facilities. When the airports try to build these good quality facilities, in many cases they are thwarted from doing so by the municipalities, which do not want the airports there.

ASSEMBLYMAN DeCROCE: Let me just take a moment now to introduce to everybody my very good friend, the Mayor of Parsippany-Troy Hills Township, the Honorable William B. Clark.

MAYOR WILLIAM B. CLARK: Thank you, Alex.

I'm sorry I'm late. I was tied up at a meeting. I will try to catch up as we go on.

ASSEMBLYMAN DeCROCE: Thank you, Mayor.

Thank you, Doctor.

DR. O'HARE: Yes, sir.

ASSEMBLYMAN DeCROCE: Is Dr. Matthews here yet?

DR. O'HARE: No, sir, he's not. I am a little concerned. I will try my best to get a hold of him.

ASSEMBLYMAN DeCROCE: If you can, fine.

How about John Steuernagle? John Steuernagle, Director of Program Development for the Aircraft Owners and Pilots Association's Air Safety Foundation.

JOHN W. STEUERNAGLE: Yes, sir.

ASSEMBLYMAN DeCROCE: We're glad to have you.

MR. STEUERNAGLE: Thank you.

I have a few slides, so I will see if I can maybe move downstream here and take one of the microphones along.

Gentlemen, good afternoon. My name is John Steuernagle. I am an Airline Transport-rated pilot, Certificated Flight Instructor, Designated Pilot Examiner, and the Director of Program Development for the AOPA Air Safety Foundation. I am here in a strictly apolitical sense. The Foundation was chartered 50 years ago with a mandate to improve aviation safety through education, research, and training efforts. We don't really look at political issues, unless we absolutely have to. We are just looking at how we can improve safety, what the safety position is now, and what we can do to influence it--

ASSEMBLYMAN DeCROCE: Will you speak up a little bit, sir, so that everyone can hear you?

MR. STEUERNAGLE: Okay. And what we can do to influence it in a positive manner. In that regard, I am going to present some information from the National Safety Council, and also from our aviation safety database in Frederick, that has to do with a comparison of automobile and airplane accidents. This is nationwide data we have here for 1992. The source of this is NSC.

We were trying to look at collision potential, so we looked at midair collisions -- nationwide, we had 25 of them; we have about 25 a year -- and compared that with head-on collisions of automobiles -- never mind the converging or the rear ends, or that sort of thing, just head-on collisions. We found that, nationwide, we had 25 midair collisions, as opposed to 4500 head-on automobile collisions. As a result of aviation accidents, in 1992 there were seven ground fatalities. Of those seven, five were pilots who had walked into propellers, who came out on the short end of that particular stick.

By contrast, there were 5546 pedestrian fatalities. Granted, some of these people may have been at fault -- some of the pedestrians -- but this was the number of fatalities we had in 1992 as a result of pedestrians getting together with automobiles. So it would seem, looking at those numbers, that the airplane threat is rather minuscule, especially to people who are on the ground.

To take a look at New Jersey's accident experience versus the rest of the country's, we developed a couple of graphs that look like this. I will try to get it all on here. (referring to slides) Here we are looking at general aviation accidents by the pilot's state of residence. We see that California comes in, hands down, the top state for aviation accidents, Rhode Island being the safest state, but it does have to do with the aviation activity in that state, of course. New Jersey is well below the national average there in 1991. I have data for 1992 and 1993 that places New Jersey in the same spot. So their experience, when compared with the rest of the nation, is that this is a safer place to be, both in the sky and on the ground, with respect to general aviation accidents.

Just for fun, or to look at it a different way, we looked at it per 1000 resident pilots. We found that New Jersey held its good position. It has actually improved that position a little bit. It is much better than most of the country. Alaska, with many pilots and lots of general aviation operations, comes in way at the top. So obviously, there is a lot more work to be done in Alaska than there is here in New Jersey, which is not to belittle any experience that you have here. Just a little bit of putting that into perspective.

I would now like to get into pilot certification. I may be covering old ground here, but I will go through it rather quickly. We will take a look at the pilot certification process.

The FAA regulates all pilot activities and all aviation mechanics and inspectors, and they certify aircraft designs as being airworthy, so they are a broad brush in aviation safety. But with respect to pilots, before one can solo an airplane, one must have a student pilot certificate. Before one can have a student pilot certificate, they have to submit to a medical exam. They will do that at least every two years, sometimes more frequently, depending on the operations they conduct, as long as they choose to exercise the privileges of the certificate they hold.

Once you are getting ready to solo, you have to meet 18 criteria that are set forth in the FARs -- the Federal Aviation Regulations -- that describe what you must learn before you can solo an airplane, and you must be proficient in all of those areas. In addition, you must have a written test accomplished, and then you get signed off by your flight instructor to fly solo. Even though you are the sole occupant of the airplane and the pilot in command de facto, the flight instructor is responsible for the safety of that flight.

Cross-country flying: Generally, you will spend five to ten hours of dual cross-country, and then do at least ten hours of solo cross-country to accomplish a private certificate. Each one of those solo cross-countries is reviewed and signed off by a flight instructor, and critiqued after the fact.

For a recreational pilot certificate, you don't have the cross-country requirements, but these people are neither allowed to fly into tower-controlled fields nor allowed to fly more than 50 miles from their base -- the airport where they are based -- and they are limited as to the number of passengers they can carry and the type of airplanes they can fly. So they are very limited. They can accomplish a certificate in as little as 30 hours. There were only about --

the last time I checked -- 190 of these people in the country, so it is a very small part of the pilot population.

Private pilots can accomplish their certificate in as little as 40 hours. However, there are performance criteria to be met, and to meet those criteria generally takes between 50 and 60 hours of experience. So we are not putting people out there with limited experience.

ASSEMBLYMAN DeCROCE: Could you give us a little of that criteria that is required?

MR. STEUERNAGLE: What is required for a private pilot certificate for the 40 hours?

ASSEMBLYMAN DeCROCE: Yes, 40 hours.

MR. STEUERNAGLE: You have to have experience in landing and takeoff, in maneuvering the airplane at altitude, in cruising flight configuration, in emergency configurations, in very slow speed configurations, where the airplane is a little difficult to handle and can enter a stall regime. You must have experience in cross-country planning, navigation, communication, radio navigation, visual navigation with respect to the ground, what we call "dead reckoning," where you take what you expect your wind to be at the altitude you are going to be flying, the distance you are going to go, and you compute an angle to fly to that wind to arrive at your destination, and all that sort of thing.

You must accomplish a written examination that covers all of the Federal Aviation Regulations, all of the aircraft performance data. You have to be intimately acquainted with the airplane, much more so than you would for an automobile -- for a driver's exam, which is not to say that all pilots are mechanics. That is another safety issue; that there are only certain things that pilots can do to airplanes in a mechanical sense. Mechanics must sign off all the critical work, and that sort of thing.

That is a brief overview of what has to be done in order to achieve a pilot certificate.

Once a certificate has been granted, then we get into currency requirements. Every 90 days, you must have three takeoffs and landings in the type of airplane you are going to be flying, in order to act as pilot in command of that airplane carrying passengers. Every 24 months -- every two years -- you have to have a complete review with a certificated flight instructor -- it used to be called the "Biennial Flight Review"; now we just call it the "Flight Review" -- and there is a similar 90-day night flying requirement.

For instrument pilots there are six-month currencies, which I will not get into unless you want to explore them. They are even more stringently regulated and they have greater currency requirements, because the piloting tasks they do are more demanding.

So it is not an easy process to become a pilot, and then there is a certain amount of currency that you have to maintain after the fact, in order to maintain that certificate.

That is all we have in the way of slides. I will come back over here.

ASSEMBLYMAN DeCROCE: In your general opinion, do you think 40 hours is enough for a student pilot? It seems as though most of the accidents, certainly those that seem to have happened here in northern New Jersey-- In most cases, they were student pilots, or there was student pilot involvement.

MR. STEUERNAGLE: Well, a student pilot is working under the supervision of a flight instructor, so it is really a team you have there. More than that, the flight instructor is working to a syllabus of instruction which was developed from a curriculum of instruction. You have all of those components working together to get somebody out the other end, a safe certificate, a private pilot.

The student process is somewhat more dangerous than regular flying, because you are going to be operating the airplane closer to its limits than you will in everyday flying. So there is a certain amount of risk there. It is not too surprising to me that you would find a preponderance of student pilot accidents. Generally, those are things that occur on a runway -- loss of control on the runway. They are expensive, in that it costs a lot to fix the airplane, but they are not generally fatal. So it is sort of, we could improve. We are looking for ways to improve on the training process. I think there are some things on the horizon, such as computer-based simulations, that sort of thing, whereby we could mitigate some of that risk. We can do a lot of things in a simulator and get a lot closer to a World War III catastrophe, without hurting anybody.

So that is on the horizon, as a technological answer to that particular problem, but for right now, I think the standards are adequate, especially when you view the fact that it is not just 40 hours, but you have to have a minimum of 40 hours, and then you have to satisfy all the performance criteria that are set forth. So it is not that you just have 40 hours and no matter how poorly you fly you can qualify for a certificate.

ASSEMBLYMAN DeCROCE: I see.

MAYOR CLARK: The accident that happened the other day in Farmingdale, New York, where they had the midair collision and a student pilot and four people were killed-- Just for my information, when you get the private pilot's license, after 40 hours and you go through the criteria and the currency, does that allow you-- I don't know anything about it. Does that allow you to train someone else?

MR. STEUERNAGLE: No, it does not.

MAYOR CLARK: You have to have an instructor's license. Is that how that works?

MR. STEUERNAGLE: Yes, it is. To qualify for an instructor's certificate, you must be a commercial pilot, at least. That means that you will have had at least 250 hours of experience.

MAYOR CLARK: Oh, I see. Okay.

MR. STEUERNAGLE: Additionally, you must be an instrument pilot if you are going to instruct in airplanes. That means that you had an additional 40 hours, minimum, of instrument instruction. So these people are a great deal more qualified than a private pilot right off the street. The only exception to that would be balloon pilots. Since there are so few of them, the FAA has allowed commercially rated balloon pilots to train other balloon pilots. Everybody else has to be trained by a flight instructor. A flight instructor certificate -- just as a sidelight -- is the only certificate that has an expiration date. They are only good for two years. Every two years, you must be recertified to teach, and there are recertification requirements. You have to go through recurrent training, go through a formal training program, in order to get your flight instructor certificate renewed.

ASSEMBLYMAN DeCROCE: Assemblyman Oros?

ASSEMBLYMAN OROS: In this day of precaution, or overprecaution -- call it what you will -- a pilot, when he asks for and receives permission to get a pilot's permit, are there any checks made on him prior to his beginning his course, or study -- call it what you will -- his training?

MR. STEUERNAGLE: Do you mean as a background check?

ASSEMBLYMAN OROS: Yes. Is there any check made on him at all before he is given a chance to fly?

MR. STEUERNAGLE: Anyone can go fly with a flight instructor at any time without a pilot's certificate. No problem. We could begin training this afternoon if we had weather conditions that would permit it, which, unfortunately, we do not. But in order to solo that airplane, to be the sole

occupant, you must have a medical certificate. In order to have a medical certificate, you must go through an examination, a very small part of which is a minimal psychiatric evaluation, and a medical history, including traffic accidents, traffic violations, drug history, and any drug or alcohol convictions. That sort of thing would be disqualifying.

So, yes, in a sense, but it is not like a background investigation to work for the CIA.

ASSEMBLYMAN OROS: But if I went in today and applied for a permit, I would have to take the medical examination prior to--

MR. STEUERNAGLE: You would have to do that before you could get--

ASSEMBLYMAN OROS: That is the first thing I have to do.

MR. STEUERNAGLE: --before you could solo. No, you could begin training right now. You can train at any point, but you cannot solo the airplane until you have the student pilot certificate. Generally, people will wait. You know, they don't want to invest in that routine-- In this part of the country, it is probably a couple of hundred dollars to get one of those certificates. They may go and fly for five or ten hours with an instructor to see if they like it, before they go ahead and invest in the medical. But they absolutely must have it, and they must retain that through their flying career.

ASSEMBLYMAN OROS: I was curious, because someone approached our office the other day about school bus drivers. You know, I mean, it just goes on and on and on. I just thought I would ask the question.

ASSEMBLYMAN DeCROCE: They don't check DMV, do they -- by chance?

MR. STEUERNAGLE: They cross-check.

ASSEMBLYMAN DeCROCE: Oh, do they? Good.

MR. STEUERNAGLE: What they will do -- and I do not know the mechanics of it; perhaps the FAA could answer that -- you make representations on the form that you fill out that, "Yes, I have had a traffic conviction," or, "No, I haven't," and they will check that. If you have, then they will consider whether to allow the certificate. If you check, "No, I haven't," and, in fact, you have, they will disallow it on the basis of that falsification.

ASSEMBLYMAN DeCROCE: I see. Okay.

Thank you. We appreciate your coming.

MR. STEUERNAGLE: Thank you very much.

I think the only other thing I would say -- I would like to say, if I may -- is that I think the FAA does, essentially, a good job of enforcement of their own regulations, and I think that the regulations that have been promulgated are sufficient. In fact, every time you have an accident, very rarely will it not involve breaking a regulation that already exists.

ASSEMBLYMAN DeCROCE: Let me make it clear: We are here to learn, not necessarily to change things.

MR. STEUERNAGLE: Okay. So those things are out there. There is a good system that should ensure safety. I would think that additional regulation would not be the answer, but rather that pilot education would. Of course, that would be logical coming from me, because that is what I do. But we look at accident data in our database and try to see trends. Then it is my job -- once we have the trends analyzed -- to design training curricula that will mitigate those trends.

Part of what we do is seminars. I think we did seven here in New Jersey last year. We are negotiating with a New Jersey company to fund another series of seminars this year. We have been in partnership with a number of states, Pennsylvania being the closest one to you, and their Departments of Transportation to provide pilot education

seminars. So, certainly, we would be interested in talking with New Jersey about doing that, if they felt they wanted to do that.

ASSEMBLYMAN DeCROCE: I suggest you speak to Dr. O'Hare, obviously because he is here with us today, but--

ASSEMBLYMAN OROS: I have one more question, which would relate to what we talked to Dr. O'Hare about: Does it bother you about the airport closings?

MR. STEUERNAGLE: As a pilot, yes, it does.

ASSEMBLYMAN OROS: Oh, it does. Public use airports we're talking about.

MR. STEUERNAGLE: It is a knotty problem, it really is, because the residents are entitled to pursue their lifestyle. At the same time, general aviation is a tremendous benefit to the country. One airport won't be missed; two airports maybe won't be missed. But if we keep knocking them off, and knocking them off-- That is part of the problem.

ASSEMBLYMAN DeCROCE: Thank you very much.

MR. STEUERNAGLE: Thank you, sir.

ASSEMBLYMAN DeCROCE: Thank you, Mr. Steuernagle. We appreciate it.

Dr. Robert Matthews. I believe he is here. Dr. Matthews is Special Assistant to the Associate Administrator for Aviation Safety, Federal Aviation Administration.

Thank you for coming. You had a rough trip up, I hear.
R O B E R T C. M A T T H E W S, Ph.D.: I'm afraid so. The air may be okay for us, but the roads kill us, I guess. (laughter) I took your basically unguided tour of the area. In any event, my apologies for being late like this.

ASSEMBLYMAN DeCROCE: That's quite all right.

DR. MATTHEWS: I heard a little bit of John's presentation, so I will try not to repeat what John has already said. I guess I was hoping to make at least two central points here today. The first -- and John has already touched on this

a bit -- the FAA regulates, or operates virtually every element of the system. If we don't regulate, we operate it directly, like the traffic control system.

I guess the basic second point I hope to make is that aviation really is safe. It is a good success story. I mean, the trends have been so positive for so long, that it becomes almost a broken record. Every year I am afraid that I spin out the same words, "Last year was the safest year on record." And it is always true. Every year it continues to get better and better.

First, if I may, I guess I want to try to outline what we do for a living in FAA. You know, we regulate -- you name it. We regulate the aircraft; we regulate the pilot; we regulate the people who teach the pilot; we regulate the exams, we prepare the exams; we regulate repair stations. You know, no one can just hang out a shingle and call themselves an "airplane mechanic." We regulate airports that receive Federal aid.

For example, if a company wants to propose a new aircraft, the first thing they have to do is get a design approval from the FAA. Then they have to build a prototype of the aircraft based on that approved design. That prototype is exposed to a pretty extensive test flight. That test flight is designed: 1) to see if you identify any problems that you could not identify on paper; and 2) to require that the manufacturer show you that that thing is going to fly safely.

Then the manufacturer comes back in with a process that they propose to the FAA that says, "Okay, you have approved our design. You have approved our prototype aircraft. Now, this is how we propose to continue manufacturing that aircraft at that level of quality." It is only then that a manufacturer can produce the aircraft and sell them on the market.

After that, the FAA continues to regulate that process -- that manufacturing process -- throughout the life of production of that airplane. When the airplane is sold, the FAA requires that it be registered in Oklahoma City, at our Center there. Any time the aircraft changes ownership, that has to be registered. Typically, you would be able to get-- Hopefully, if everything works right, you can get a complete ownership record of an aircraft; a complete accident record of an aircraft. Then the pilots are required, basically, to ensure that they are operating a basically safe aircraft.

My point simply is, we really regulate that airplane from the time it first hits the paper until it is no longer in the fleet. John outlined, in good detail, how we regulate pilots. Again, we regulate a pilot throughout his or her flying career. The 40 hours that was discussed for a bit, as John said, that is the minimum. Typically, nationwide-- The typical new pilot already has 80 hours of flight time before he gets a license. We continue to surveil, or to monitor that pilot, again, through his or her flying career. We do that with what we lovingly call "FSDOs" -- that is, Flight Service District Offices. We have 90 of these offices around the country, with something on the order of 2500 general aviation safety inspectors. Those folks are out every day checking the tires. They are out every day monitoring flight schools, flight instructors. They are monitoring airports. Well, other inspectors are monitoring airports.

But they also show up to do what we call "ramp checks." That is, they will basically show up unannounced at an airport and randomly start checking pilots' logbooks, checking to make sure that a pilot has a current medical certificate, that the pilot has had his required recurrent training, and so on. Pilots know that they are subject to that. It is not going to happen every day of their lives. It

may never happen in their career, but they know they are subject to that.

I guess the other kind of surveillance, if you will, is pretty informal, but it is real. That is, the FAA operates 400 air traffic control towers around the country. Let's say a controller sees some evidence that a pilot is behaving pretty erratically, either in the air or on the ground-- This happens daily. They will get on the phone to the local safety inspectors and tell them, "Get someone over to the airport right now, because somebody is not doing something right." It is not just, "Someone made a mistake," but, you know, if they see something that really makes them nervous. Airport operators do the same thing pretty regularly. Other pilots do the same thing pretty regularly. It is not in anybody's interest to have someone out there who shouldn't be out there.

Perhaps the most visible thing we do for a living that most folks see, is the traffic control side. As I said, we operate 400 towers around the country. We operate something on the order of 30,000 facilities that support the air traffic system. Those facilities can range from literally hundreds of pieces of equipment at an airport like Newark, or Kennedy, or what have you, all the way down to some radio beacon on some isolated mountaintop. We have what we call our "airways facilities technicians," and that is a workforce of about 8500 people all over the country who maintain those facilities.

Again, we really do regulate virtually every aspect of the system. If we are not regulating it, we are actually running it ourselves.

The safety trends: That is a nice easy story to tell, as I said earlier. Again, the records really do get better every year.

ASSEMBLYMAN DeCROCE: There are more and more flyers every year, wouldn't you say?

DR. MATTHEWS: It is really an interesting item in aviation. Right now, it is kind of going the other way.

ASSEMBLYMAN DeCROCE: Is that right?

DR. MATTHEWS: Yes. The number of pilots has continued to go down for the past decade or so. The number of new pilots entering the system continues to reduce. There are probably lots of explanations for that. Many pilots -- certainly not all -- initially learned to fly in the military. Over the past two or three decades, most pilots out there probably learned to fly in World War II, Korea, or Vietnam. Now that is changing. It is just simply getting very expensive. It is slowly -- and maybe not so slowly -- being priced beyond an awful lot of folks' reach.

ASSEMBLYMAN DeCROCE: Are there any FAA funds that are available, on a matching basis, for states like New Jersey?

DR. MATTHEWS: For airport development?

ASSEMBLYMAN DeCROCE: Yes, safety measures.

DR. MATTHEWS: I guess probably the most direct thing we do in funding with the states for safety, is airport inspection, where the FAA requires that every airport be inspected at least once a year. The fact is, we don't have the workforce to do that. So the FAA tends to focus on those airports that receive Federal aid funds for construction. Typically, they are the larger airports -- not always, but typically. For other airports, over the past -- I am not sure just how many years, maybe the past eight or ten years -- we have contracted with the National Association of State Aviation Officials -- NASAO. NASAO, in turn, contracts with the various states to inspect airports for us. In most states, in fact, they are going to inspect airports anyway for their own interests; you know, to exercise their own police powers.

New Jersey has participated in that program in the past. That is really changing, too. I mean the State role in aviation has changed a lot in just the past several years.

ASSEMBLYMAN DeCROCE: For the better, or for the worse?

DR. MATTHEWS: For the better.

ASSEMBLYMAN DeCROCE: Because New Jersey seemed to put a lesser amount of money into general aviation, frankly, as I recall Dr. O'Hare saying.

DR. MATTHEWS: Frankly, I don't know. I mean, in general-- It wasn't too long ago where if you spoke about the states in aviation, you were really speaking about a handful. We may now only be speaking about half the states, but, you know, that is enormously better than it was just a few years ago. A lot of states are getting more and more active in preflight information, weather briefings, activities that really are pretty important, especially to general aviation. The larger carriers, of course, have their own systems, and they take care of those themselves. But more and more states are getting into things that are very important to general aviation.

In preparation for today, I did go through the past six years of accident records from New Jersey -- fatal accident records. I just chose six years arbitrarily, trying to find a balance by getting enough cases to make some sense out of it, and not overwhelming myself, frankly. Over those six years, I found a total of 30 fatal general aviation accidents. I don't know if others have quoted numbers to you yet. If you find differences of ones and twos, I wouldn't be surprised. You know, it is the function of when people file reports, and all kinds of things.

But in any event, I identified 30 accidents, an average of what, 5 a year, with an average of 8 1/2 fatalities a year. I mean, with all due respect to those folks who were among those 8 per year, I think that is probably a pretty good record. I did not find anything, really, that suggested that New Jersey had something radically different from the rest of the country in those accidents. Last year appears to have been

a particularly bad year. In the preceding five years, I found an average of only four fatal accidents a year; last year I found eight -- in 1993, and twice as many fatalities as normal as well.

So, last year was not a good year, and I am sure that that explains a lot of the concern. There are a few things that would really maybe add or contribute to that difference last year, when you had a single accident with six fatalities. You know, when you are working from base numbers like four, six, and seven, it doesn't take much to make it a different year.

I looked at several measures that I thought would be reasonable to see if New Jersey was radically different, or just noticeably different from the rest of the country, like average flight hours for those pilots involved. Typically, you get something of a "U" curve in flying experience involved in accidents. As John said, you get-- It is probably no surprise, you get a disproportionate share of new pilots, or student pilots involved in accidents. But, you know, the bad news is, I guess anybody can make a mistake.

In any event, on average, I found that the median, the halfway point, if you will, among the flying experience, was just a little over 1200 hours. So it really does indicate, I think, that anybody can make that mistake once.

ASSEMBLYMAN DeCROCE: It seems that there really hasn't been a-- I really hate to even mention this, but it seems like there haven't been any fatalities in commercial airlines in New Jersey in at least two years.

DR. MATTHEWS: That's right.

ASSEMBLYMAN DeCROCE: That is a credit, really, to the Port Authority, which runs the airport, the FAA, which regulates, and the Pilots Association for training the pilots on an orderly basis. So you're pretty good.

DR. MATTHEWS: Yes, the commercial record has been -- you know, knock on wood, as we say -- just astounding in recent years. It has been over two years since we have had a fatal accident anyplace in this country involving passengers. There have been other events that were classified as fatal accidents. Typically, they are what I would consider occupational safety incidents, but things that I think most people would define as airplane accidents. It has been two years and a month, two years and two months-- In fact, the last one, I think, was at LaGuardia.

ASSEMBLYMAN DeCROCE: What do you attribute that to? I mean, is it better safety measures, would you say?

DR. MATTHEWS: I think it is really a lot of things. It is not only the commercial side. I think some of these things are true in general aviation, as well. The aircraft are just getting more and more capable. Even prior to the past two years with no fatal accidents, the numbers have almost always been pretty low. So again, it does not take much to go from a four to a six, or what have you.

I think there are lots of factors really influencing it. That is one, I think -- the aircraft. Frankly, I think some of the weaker carriers are gone and that probably helps. I guess the honest truth is that there may be a little bit of luck in it, too, because there does seem to be a certain randomness about the accidents.

ASSEMBLYMAN DeCROCE: How about general maintenance on commercial aircraft? I really don't want to get into commercial aircraft, but since we are talking about it--

DR. MATTHEWS: Really, to the best of my knowledge, it continues not to be a significant problem. I mentioned that we have some 2500 general aviation inspectors. We have even more commercial inspectors, because, you know, that is where the public really wants the attention paid. The experience is much the same there; that is, these folks are out there kicking the

tires every day, too. Honestly, I think it is fair to say that generally the behavior of the carriers is first class. I mean, there will be the occasional nightmare story, but generally their own concern, for obvious economic reasons -- you know, their own concerns drive them to make sure that they operate as safely as possible. I know that is a "motherhood" statement and it is not always believed, but I think it is really true.

ASSEMBLYMAN DeCROCE: I think it has to be said once in awhile.

Assemblyman Oros, any questions?

ASSEMBLYMAN OROS: Just good morning, Dr. Matthews.

ASSEMBLYMAN DeCROCE: Mayor, do you have any questions?

MAYOR CLARK: Just one question: We talk "aircraft." Does this include helicopters, private or commercial?

DR. MATTHEWS: Yes, it does. The design and manufacturer system applies to every aircraft.

ASSEMBLYMAN DeCROCE: Thank you, Dr. Matthews, for coming.

DR. MATTHEWS: Okay.

ASSEMBLYMAN DeCROCE: I'm sorry the weather is the way it is, but that is beyond our control.

DR. MATTHEWS: Again, my apologies for being-- I managed to be, what, an hour late?

ASSEMBLYMAN DeCROCE: That's all right. Don't worry about it.

Mr. Robert Bogan, Vice President, Aero New Jersey; also, Assistant Manager, Morristown Airport. Is Mr. Bogan here? (affirmative response from audience) Oh, I'm sorry.

R O B E R T L. B O G A N: Good afternoon. My name is Bob Bogan. I am the Assistant Airport Manager of the Morristown Municipal Airport. I am also Vice President of Aero New Jersey. I am here today representing Aero New Jersey, which is the State airport association. President Naomi Neirenberg is here. She is the co-owner of Princeton Airport. We are here

to describe the effort airport operators put forth on a daily basis to ensure safe aircraft operations arriving and departing our facilities.

To begin, let me provide you with the distinction between what we refer to as "towered" and "nontowered" airports. A towered airport is the type the traveling public may be more familiar with; one with a control tower, with FAA employees who control the flow of traffic into and out of, over and around a specified radius, usually five miles surrounding the facility.

The air traffic controllers serve as traffic safety officers at the busier public use airports, directing pilots to take off and land, effectively having control over all operations within their control zone. Pilots must contact the tower prior to entering the area, state their intentions, and receive instructions from the tower.

Nontowered airports, on the other hand, are sometimes congested, but by no means less subject to standard operating procedures for inbound and outbound pilots. These procedures include following what is called a "standard traffic pattern," or another designated pattern as outlined in several ways.

The FAA's Facility Directory, published on a regional basis and updated several times a year, provides all the information a pilot needs to know to travel to any public use airport. The Committee has an example of how New Jersey airports are shown in this Directory.

Other ways a pilot operating in the vicinity of a nontowered airport is informed include visual cues on the airport that indicate pattern and landing direction, as shown in the diagram which you also have from the "FAA Airmen's Information Manual."

In addition, all pilots are trained in standard communication procedures on designated radio frequencies for

nontowered operations, where they state their intentions to other pilots operating in the vicinity of the airport.

I would now like to discuss the airport owners' and operators' role in aviation safety. Perhaps the best summary of our mission is that airport owners and operators do not make safe pilots. We make pilots safer. Airport operators cannot guarantee safe pilots any more than local, county, and State governments can ensure an automobile's driver is a safe driver. However, just as these government bodies are charged with making certain roads safe for the drivers who use them, we provide a safe operating environment for pilots. Drivers rely on road crews to repair potholes, mark curves and hazards, and maintain safe thoroughfares. Pilots expect their safety and that of their passengers or cargo to be protected by well-maintained runways, appropriate signage and lighting, and limited obstructions on and near the airport.

Airport operators make no assumptions regarding the safety of runways and taxiways. Operating surfaces are inspected every day to identify deficiencies in the airfield pavement, lighting, and navigational aids. To learn whether an airport has any circumstance that deviates from normal operation, such as equipment out of service or areas under repair, pilots, again, have several resources. Pilots are alerted by NOTAMs, short for Notices to Airmen, that are available during FAA pilot briefings, and ATIS, the Automated Terminals Information Service broadcasts that update weather and runway information. That is a radio broadcast on a particular frequency. And they receive information from tower and airport personnel by radio contact.

Certain weather conditions can also command immediate attention. Perhaps the best examples, given this year's unusually harsh winter, are snow accumulation and the creation of ice on operating surfaces. Airport operators are sensitive to the degradation of aircraft landing gear braking action

caused by these weather conditions. Special equipment is used to measure the coefficient of friction that exists on the runway. In the event braking action is substantially impaired, airport operators take immediate action to correct the problem.

Due to the corrosive nature of salt and its hazardous effect on landing gear hydraulics and other aircraft parts, airports must turn to other, probably more expensive, chemicals and specialized equipment to remove slush, compacted snow, and ice. Slush is a serious concern because of the risk of engine ingestion and subsequent shutdown, and the possibility of the landing gear freezing in the up, and therefore useless, position.

In fair weather, particular attention is given to removing foreign object debris from runways and taxiways that might cause damage to an aircraft in motion. Objects as small as nuts and bolts can pose a serious threat to safe takeoffs and landings. Constant monitoring of the airfield is also required to deter runway incursion by wildlife. Birds and deer can stop an aircraft on takeoff and force an aircraft off the runway on landing. Airports in the State make every effort to protect wildlife, but some of us do have permits to shoot animals that place pilots and passengers at risk.

Another facet of aircraft safety is fuel quality control. It is easy to understand the importance of clean fuel to safe aircraft operations. Contaminants in fuel will cause an engine to stop at any time and prevent it from restarting. Airport operators and their fuel suppliers take the lead in establishing procedures to assure product delivered to their fuel storage facilities is clean and free of contaminants. The product is inspected for particulates, water, and specific gravity. The product is then filtered before it enters airport fuel storage tanks, and it is filtered again before it is delivered to an aircraft. Our fuel storage system in

Morristown is inspected daily, and the system purged of water developed from condensation inside the tanks.

Within the airport boundary, airport operators are responsible for maintaining clear zones consistent with Federal standards. This means we cut down or trim trees and exclude the construction of buildings which would pose a hazard to aviation. Unfortunately, airports depend solely on local zoning ordinances to protect runway approaches outside the airport perimeter. Many airports in the State have experienced severe encroachment by commercial and residential development inconsistent with airport land use compatibility.

In effect, many communities are experiencing what they view as healthy growth. In some communities, parcels of land that were once vacant or farmed, located right under flight paths that have existed for decades, have been rezoned to allow for residential development. The unfortunate result is that the new neighbors call for restricting airport operations, or outright closure of an attractive ratable that demands little in terms of a community's local services. In contrast, community leaders with foresight have encouraged development that is highly compatible with the existing use of an airport. Airports can, and do serve as the anchor for office parks, residential air parks, light manufacturing, warehousing, and other commercial activities pivotal to business growth in the community.

A step in the right direction was the Legislature's passage of the Air Safety and Zoning Act, which established restrictions on construction on and near airport runways. Unfortunately, this legislation came too late to cure many airports' community encroachment problems being experienced today.

In summary, airport owners and operators are the people charged with safety from the time pilots start their engines until they are beyond our airport boundaries, or on

their arrival from the time they are on final approach over the airport boundary until they have taxied to the ramp and shut down their engines.

Like any industry or activity, there are new developments that have the ability to make us safer. Improvements in lighting and navigational aids, and more authority to remove obstructions and hazards from the runway ends, are just a few. But I believe we do an excellent job with the financial resources provided by State and Federal authorities to furnish the air traveling public with a high degree of safety.

On a closing note, I would just like to say that Aero New Jersey is supportive of efforts to increase available funding for safety improvements, as envisioned by pending State legislation.

Thank you.

ASSEMBLYMAN DeCROCE: Mr. Bogan, do you recall the number that both the State and Federal governments put into funding certain safety measures in the State of New Jersey?

MR. BOGAN: A total number for the State?

ASSEMBLYMAN DeCROCE: Yes.

MR. BOGAN: We don't have that number, no.

ASSEMBLYMAN DeCROCE: You have no idea what that might be.

Emmett, would you have that?

DR. O'HARE: (speaking from audience) I'm sorry. I was sitting underneath an air conditioner, and I only caught part of what you said.

ASSEMBLYMAN DeCROCE: Do you know what New Jersey puts into the funding of safety measures to local airports for the State of New Jersey? It is not a lot of money, as I recall.

DR. O'HARE: No, it's not. We have under a million dollars a year put into it, and with that we try to garner as much Federal funding as possible. In the last 10 years, about

\$9.5 million worth of State money has gotten us nearly \$100 million in total projects, with matching Federal 90 percent wherever possible, and bringing in the local 5 percent share.

ASSEMBLYMAN DeCROCE: Can you tell me: Are there municipalities-- I'm sorry. Certainly, join us.

Are there local municipalities that are engaging in the takeover of local airports in order to maybe either control them better or to make sure they are operated a little better?

MR. BOGAN: There are, sir. In fact, Lincoln Park is at present doing a study to determine whether it would be more feasible for the Borough of Lincoln Park to operate the Lincoln Park Airport than to have it privately owned.

In Washington Township in Mercer County, they are asking the FAA for funds to conduct a study to see how they can operate the Trenton/Robinsville Airport. On several occasions, the Trenton/Robinsville Airport has gone out of business. It went bankrupt in the last several years twice, and it has just been resold. The Township wants it as an airport. They see it as an extremely beneficial facility for them economically.

In the eastern part of the State, we have Lakewood Township. The Industrial Development Commission there is extremely interested in taking over the airport, which is up for sale. In the south end of the State, Salem County is undertaking a study to determine where they should have a county airport. They are looking at two facilities right now, primarily Old Man's Airport, which is a public use airport that is up for sale. They are extremely interested, because they, too, see the economic benefit of the airport to the community and to the region.

ASSEMBLYMAN DeCROCE: It would seem to me that it would be beneficial, because our water ports are looking at economic districts in their immediate areas. It seems to me that local airports, such as Lincoln Park-- They do a little construction around there, a little airport, to gain a few

ratables here and there to help offset some of their costs. Again, I don't know how that is operated. I am not familiar with the operation of that particular--

DR. O'HARE: You are absolutely right, sir. A very disheartening example occurred in the area north of Lakewood and south of Allaire Airport. In the last few years, Allaire Airport had its main runway closed for construction, and a firm that was distributing software nationwide was located in that area. They started off using Lakewood Airport with small aircraft to distribute to the Northeast Region. They found that their business was so good that they went to a major cargo carrier bringing in small airplanes. Then they had to move to Allaire Airport, because the business got so good. Unfortunately, when Allaire had its main runway shut down for construction, the aircraft had to go into Mercer County. That was the closest airport that could handle it. Because of that, the business started dropping off. They were not able to make their connections. Planes were late; the trucks coming from Lakewood getting over there were late.

An airport in a community in Ohio came in and talked to the firm, and enticed them to Ohio, and we lost several hundred jobs and many millions of dollars of economics that just went a couple of states away. Had we been able to get in and do something to help them find a location here in the State, or to make some improvements to some of our airports, I would think we could have saved that business for New Jersey.

ASSEMBLYMAN DeCROCE: Mr. Bogan, you indicated there was legislation pending that would be beneficial to small airports. Do you recall the number?

MR. BOGAN: We think it will be beneficial to all airports in the State. That is the Fuel Tax bill.

ASSEMBLYMAN DeCROCE: What does that bill do?

MR. BOGAN: Well, basically-- Do you have the bill? (speaking to unidentified person in audience) It is Bill No. 1153.

ASSEMBLYMAN DeCROCE: That's 1153? That gives one or two cents per gallon. Is it one or two?

DR. O'HARE: I believe what that proposes to do, sir, is to take an existing two-cents-per-gallon fuel tax and reduce it to one cent per gallon, and remove an existing exemption for international airports. By doing so, we are taking user fees, in essence, because none of these come from the general tax revenues -- these are fuel taxes on aircraft only -- and uses that money for the benefit of general aviation and, in fact, all the airports in the State.

ASSEMBLYMAN DeCROCE: For what purpose?

DR. O'HARE: Primarily for capital improvements.

ASSEMBLYMAN DeCROCE: Thank you. I thank both of you.

ASSEMBLYMAN OROS: I have one question.

ASSEMBLYMAN DeCROCE: Oh, I'm sorry.

ASSEMBLYMAN OROS: In one of the articles here, it said that DOT was siphoning off some of your funds. Is that a true statement?

DR. O'HARE: The current program is authorized at \$1 million a year. Three hundred thousand dollars of that money goes to the operation of the Office of Aviation. As the wording is right now, it is indirect, so some people felt that it was a siphoning off of the funds.

In the proposed bill, it is actually stipulated that not more than 15 percent of the annual revenue will go to operate the Aviation Office within the State. It actually spells it out, so that people do not feel that the money is being siphoned off.

In other states, neighboring states that have such fuel taxes -- Virginia and Pennsylvania -- their operations are funded almost totally from those sources.

ASSEMBLYMAN OROS: I'm not sure we are talking about the same thing. This was a letter to the editor, really. It said: "One of the more serious problems; however, was never

mentioned. This is the problem of the New Jersey Department of Transportation diverting some of the scarce funds from the Airport Safety Fund to its own unauthorized use."

Is that a true statement? Or you don't know of it?

DR. O'HARE: I don't know of anything other than the \$300,000. There were some people who were adamantly opposed to operating the Office of Aviation from user fees.

ASSEMBLYMAN OROS: This was signed by a Vice President of the Mid-Atlantic Aviation Coalition.

DR. O'HARE: Yes, sir. I have had many discussions with Kevin. His position is definitely that. He did not feel it was appropriate for that fund to be used for the operation of the Office of Aviation.

ASSEMBLYMAN OROS: Oh, okay.

ASSEMBLYMAN DeCROCE: Thank you.

DR. O'HARE: There may be representatives here from the Mid-Atlantic Aviation Coalition, who might wish to address that, too, sir.

ASSEMBLYMAN DeCROCE: Okay, thank you. Thank you for coming.

I have a Mr. Albert Douglas next, representing Chapters 7 and 238, Experimental Aircraft Association.

A L B E R T D O U G L A S: Yes, sir, we are private pilots and plane owners.

ASSEMBLYMAN DeCROCE: Welcome, Mr. Douglas. How are you?

MR. DOUGLAS: I would like to speak for a minute about the perception in New Jersey that aviation is dangerous. This is, of course, primarily expressed by people living near the airports. It has already been shown that we have had no fatalities on the ground of private--

ASSEMBLYMAN DeCROCE: Will you please speak up a little bit, so everybody can hear you?

MR. DOUGLAS: We do not have private citizens being killed by airplanes. The perception is that aircraft are very dangerous. The people living near airports are very vocal about getting rid of the airports. This is true of, I think, every airport in New Jersey. Until we can get some sense that airports do not kill people and they are not the terrible threat that they seem to be, we will always have a problem with airports.

The towns are really the things that hold the life of the airports in their hands. If they want to wipe them out, they can do it in various ways. Like Lincoln Park-- I am sure the town wants to get control over it, because they have had a number of accidents recently. Those accidents did not hurt anyone on the ground, but the people there think they are a major threat. Morristown has gone through this for many years. It has calmed down now. They had a very vocal group. It is true all over the State.

I personally believe that the best way to foster aviation, if that is the goal, is to somehow reduce the taxes on airports, because the people on airports don't make much money. They do it for the love of doing what they are doing, and if they could do it without going broke, they would continue to do it, and they might pass up the million and a half they could get for the property.

See, developers love airports. They have no trees on them. They are flat. All they have to do is race in there and build houses and roads -- no problem. The State can work people away from this, I think, if they have some kind of a program toward that end.

ASSEMBLYMAN OROS: Most of the people I know that fly private planes, if everyone could meet those guys-- They are the safest guys I have ever met in my life. They are great people. I can't say enough for them.

MR. DOUGLAS: Just an anecdote: In Bedminster, Somerset Airport-- I think the man was on the Town Council -- he also flew -- but he buzzed the town. He did that to stir up the people more than they were already stirred up. Someone saw this occurring, followed him, found out where he landed, and found out who he was. He was actually trying to sabotage the airport.

ASSEMBLYMAN DeCROCE: His own airport? It wasn't his airport?

ASSEMBLYMAN OROS: He probably wanted to buy it, right?

MR. DOUGLAS: It wasn't his, no. He was one of the vocal people around the airport. Bedminster has been quite a hotbed recently for this sort of activity.

ASSEMBLYMAN DeCROCE: I see.

MR. DOUGLAS: Thank you for the few minutes.

ASSEMBLYMAN DeCROCE: Thank you for coming.

Is there anyone else who would like to testify before us? Mr. Michael Stoddard, I see.

M I C H A E L S T O D D A R D: Mr. Chairman, I want to apologize for appearing without a written statement. I wrote up an 11-page statement for you, and the man who was copying it for me never appeared. I think he did it because you asked him not to appear with 11 pages, but--

ASSEMBLYMAN DeCROCE: Knowing your background, Michael, as I do, 11 pages is far too long. (laughter) No, go right ahead. Just give us a summary of what you were thinking about. Speak up, though, Mike.

MR. STODDARD: Okay. I am the Vice President of the Mid-Atlantic Aviation Coalition. Mr. Redden's position -- which you referred to, Assemblyman Oros -- did not represent the position of the Mid-Atlantic Aviation Coalition. He had a view that any money that went into aviation had to be given to the airports for hardware. That was not our position. If you

used the money for aviation, it was a legitimate use, and we regretted that there wasn't more money.

The Coalition has come out in favor of 1153, and the primary thrust of my appearance here was to ask you to support 1153. This bill would put enough money into aviation to give us safer airports, because that money could be used for automatic weather observation stations, which enormously simplify the job of going to an airport knowing what the weather is. As you know, the thing that kills more pilots than anything else is bad weather. If you know what the weather is at your next airport, you are a lot safer.

The other thing is, I wanted to point out to you, on behalf of the Coalition, that we want the Assembly to put some teeth into the Air Safety Act. Many municipalities have refused to accept your law. You have asked them to have zoning that would accept the fact that airports are there, and designate areas around the airports. Municipalities have refused to do it, and there is no one who has the enforcement ability, other than you.

ASSEMBLYMAN DeCROCE: When you say that, are you saying that they have allowed local growth to continue right around the boundaries of the airport? Is that what you mean?

MR. STODDARD: Yes.

ASSEMBLYMAN DeCROCE: No buffers?

MR. STODDARD: No buffers. Many of the municipalities adjacent to airports are actively fighting the Act. Rather than adopting it and then fighting it, they have refused to adopt it. I think that is a serious oversight in the law of New Jersey. You have made the law; I would expect the municipalities to comply, and they haven't.

Readington Township, which adjoins the Solberg/Hunterdon Airport, has refused to comply. I think there are others around Somerset. I don't think Pequannock has complied, in Morris County. Each of them, in turn, has allowed

more residential development closer to the airport, where you have more people who feel threatened by aircraft. The mere noise-- I think there is a provision in the Act right now that says all Realtors selling property within three miles of an airport must notify the purchaser. But I have heard-- I have gone to some Realtors and asked about the airport, and I have been told, "The airport only operates on Sunday. The airport is closing. The airport is not a factor," when, in fact, the airplanes are overhead.

We had really wanted to have you support the Zoning Act, and we had wanted you to come out and support the bill that would put more money into aviation by leveling the fuel tax, going from the two cents on general aviation, and repealing the exemption of the international airports, bringing it down so that everyone is paying a one-cent tax. That would put a tremendous amount of money, from our perspective -- not much from the State's perspective -- into aviation.

I also, Mr. Chairman, belong to several chapters of the Experimental Aircraft Association. I am the Subcommittee Chairman on Air Quality of the Newark International Airport Advisory Committee, and I am a member of the New Jersey State Aviation Advisory Council. I am a licensed pilot, a licensed mechanic, a licensed ground instructor. I was engaged in aviation for many years before you knew me. I think for the record it should be said that I was once employed by Assemblyman DeCroke in his former life when he was a Freeholder.

ASSEMBLYMAN DeCROCE: That's right. I didn't know you were involved in all those things in those days, to be honest with you.

MR. STODDARD: No, I never told you about it. I didn't think it was any of your business. (laughter)

ASSEMBLYMAN DeCROCE: Mike, I am familiar with the bill you are talking about. I wanted to point it out before,

and I wanted somebody else to bring out the measures in the bill with regard to the penny-per-gallon fuel tax.

MR. STODDARD: Yes. I hope I explained it satisfactorily.

ASSEMBLYMAN DeCROCE: You did; so did the previous speaker. I think it is something that is worthy; I think it can be helpful. I think it is something I can support. I think there has been agreement upon that particular bill with the commercial owners, and it is something, I think, that we can all live with, frankly. I don't know when it will come to pass, but I think it will be shortly. We will be hearing more about it. In fact, it was originally sponsored by Assemblyman Penn, who is now Assistant Commissioner Penn, as I recall. Am I right -- for aviation?

DR. O'HARE: Tomorrow, he will become the Executive Director.

ASSEMBLYMAN DeCROCE: Tomorrow he will be?

DR. O'HARE: Executive Director.

ASSEMBLYMAN DeCROCE: Executive Director, okay. I had my titles wrong.

UNIDENTIFIED SPEAKER FROM AUDIENCE: You stole his thunder.

ASSEMBLYMAN DeCROCE: That's okay. I had my titles wrong. He did originally support the bill. I have forgotten who has taken it over, but--

MR. STODDARD: Bateman.

ASSEMBLYMAN DeCROCE: Assemblyman Bateman, I think -- Kip Bateman. I think we are going to continue with the bill.

MR. STODDARD: Well, we would be eternally grateful to you. As a matter of fact, I'll even offer you an airplane ride over the Statue of Liberty. (laughter)

Last Sunday, I was fortunate enough -- not last Sunday, I'm sorry, a week ago -- to be able to take a German visitor to this country in Ms. Jaffe's airplane-- We took him

New Jersey State Library

for a ride over the Statue of Liberty and up New York, over the Hudson River, at 900 feet. He suddenly got a view of the United States that very few people are fortunate enough to get. So I invite both of you. You can come with me anytime you want to go.

ASSEMBLYMAN DeCROCE: Okay, Michael. Thank you.

MR. STODDARD: If you have any questions, I will be glad to help you.

ASSEMBLYMAN DeCROCE: Assemblyman Oros?

ASSEMBLYMAN OROS: No. I think I understand this a little bit better now.

ASSEMBLYMAN DeCROCE: Thank you very much.

MR. STODDARD: Thank you.

ASSEMBLYMAN DeCROCE: Is there anyone else who would like to come before us? Yes, sir? Please state your name and who you represent, sir.

R O B E R T J. B O R G H I: My name is Robert Borghi. I am a pilot. I really do not represent anybody. I am just a pilot, and an average citizen.

As I said, my name is Robert Borghi. I have been a pilot for five years. I trained as a student pilot for a year to get my pilot's certificate. As a student pilot, and as a private pilot, the emphasis through all of my training has been, and continues to be, safety.

This is a fact for all pilots I know. We attend regularly scheduled safety seminars sponsored by the FAA. We subscribe to aviation publications, which devote 75 percent of their subject matter to safety-related topics. We belong to associations like the Aircraft Owners and Pilots Association, which stress safety, and which dedicate substantial funds to safety education. We participate in recurrent training, like the FAA Wings Program, which encourages pilots of all abilities to take annual flight training in order to be safer pilots. We belong to local pilot groups like the Mid-Atlantic Pilots

Association, whose slogan, "No destination is so important, and no trip is so urgent that we cannot take the time to plan our trip to fly safely." This slogan appears on each of our monthly newsletters.

As a result of this emphasis on safety education in aviation, the accident rate and the fatality rate for general aviation has consistently declined every year over the past 30 years, and is currently at its lowest rate in history. I have no doubt that it will continue to decline.

As an aircraft owner, I can tell you that the FAA regulations regarding ownership and operation are unbelievably stringent, and are costly as a result. An annual inspection on a small aircraft often costs in excess of \$1000 or \$2000. That is an annual expenditure. Many parts are lifetime limited, and must be replaced or overhauled as scheduled by the FAA and other authorities. Other systems' tests must be performed on the aircraft on a biennial or 100-hour basis. Airworthiness directives are often issued by the FAA requiring immediate or urgent action in replacement of suspected parts or inspection of critical areas found to be problems in other aircraft.

Regulations governing rental aircraft are even more rigorous. In addition, the pilot must have a biannual medical exam and flight test. Additional regulation by yet another authority is really the last thing we need in general aviation. Support in safety education is always welcome.

The FAA and the aviation community have been working hard on safety and safety education for many years. While I am sure we can do better, I am also sure that any additional attempts at regulation by a well-meaning State agency will only add confusion to an already existing volume of rules, fuel further rises in costs, and drive more people out of an already ailing industry.

I was going to talk a little bit about accidents in the State of New Jersey, but I think we have covered that

pretty well. I would just like to say that aviation accidents always seem to make the front page, and buried on page 6 or page 7 is the report of someone killed in an automobile accident. I think we tend to look at aviation accidents as, you know, "Those kooks with the scarfs and the goggles are terrorizing the community again."

I appreciate your concern for safety in general aviation, but I believe that any attempt to regulate on a State or local level is totally unwarranted, would be extremely costly, and would create only a duplication of effort, at best, and most likely result in a turf war between State and Federal authorities. General aviation would be the loser, in that case.

Finally, sir -- Mr. Chairman -- I would be happy to take you or any of your Committee members on a flight to show you the wonderful and safe world of aviation and, as suggested, we will go around the Statue of Liberty.

ASSEMBLYMAN DeCROCE: You have to be careful. Ernie likes to play golf in Ohio. (laughter)

MR. BORGHI: We can go to play golf. Trenton/Robbinsville is an excellent location. I base my aircraft at Teterboro, and they are celebrating their 75th anniversary of service.

ASSEMBLYMAN DeCROCE: I want to thank you for coming. Let me just assure you, in no way are we looking to do any additional regulation of the industry. Frankly, if anything, if we don't have to, I would like to do a lesser amount.

We want to learn more about you, so that we will have a better understanding. We really have not had an opportunity to get into this. Frankly, through Dr. O'Hare, Dr. Matthews, and those who have come before us today, we are trying to learn as much as we can to get a better understanding. We do have a responsibility to aviation in New Jersey. Frankly, I want you to know that I kind of sympathize with those owners of local airports who are trying to do the better things that they can

do to enhance their airports, so they get a lesser amount of criticism from their neighborhoods.

But, unfortunately, there is not always enough money; therefore, the need for additional legislation in certain cases to give them a few extra bucks here and there, so maybe they can do a few enhancements. In that regard, both Assemblyman Oros and myself thought this might be a good opportunity for us to learn what you are really all about by having all of you participate in this program.

I really thank you for coming and allowing us to be informed. Thank you.

Is there anyone else who would like to speak before us? We have a few minutes. Yes, ma'am?. Would you please fill out a form for us before you leave?

KATHY JAFFE: I will do that, okay.

I am Kathy Jaffe. I am the Secretary of the North Jersey 99s. We are an organization of woman pilots.

ASSEMBLYMAN DeCROCE: Somehow I knew there had to be an association of woman pilots.

MS. JAFFE: Can you believe it? I knew I was going to get that.

Anyway, what we do is-- It is an organization which was started back in the '20s to help woman pilots not to lose each other after the air races. It has grown over the years from 125 applicants and 99 who actually joined, thus the name. Now we have thousands of people from all over the world.

Our mission is education and safety. We do fund-raisers. In fact, we have one coming up where pilots will fly to five different airports with a poker run, and collect cards. But what we are really doing is teaching people about navigation; new pilots reminding older pilots that there are airports out there that maybe they haven't gone to for awhile. It is a way that we keep policing ourselves and keeping ourselves going.

As was stated earlier -- and it is true -- pilots are very much interested in policing themselves. I am a mother; I am a housewife; and I fly an airplane. I am not a monster. If people knew how much myself and many other pilots-- I see faces in here-- I know most of the folks in here, because we fly to other airports. We belong to organizations. I belong to numerous organizations. I am constantly learning, studying, talking, and trying to relate safety to other people, and they to me. We are reinforcing each other all the time. In fact, I was talking to a friend this morning. I said, "You know, I wonder how many doctors keep up with medical information the way that pilots do." We do. It is incredible.

As far as why we are all here today, I know that your constituents are concerned. It is understandable, but the thing I wonder about is when they have priorities in safety. If you really look-- Just driving here today, how many of us were in uncomfortable situations because we couldn't see the other drivers out there? They didn't turn their lights on. If we had half the stipulations for driving cars as we do for flying airplanes, there wouldn't be accidents. If we were trained anywhere near as much, if our cars were maintained as well--

I, for instance, have a plane that is almost 50 years old. People say, "How do you dare to go up in a plane that is 50 years old?" Because very little of it is 50 years old anymore. Things are constantly being monitored, repaired, and replaced. So that is one thing. When people say, "It is an old airplane," it is not really. Most of it is a new airplane. If there is any question-- I don't want to fall out of the skies; believe me, I don't want to fall out of the skies. If there is a problem, we constantly go through checks. When I am flying, I am looking. If the engine goes out, can I land here, can I land there. You are looking for

airports. It is a very nasty feeling to see airports disappearing. It is one more safe zone that is gone.

What is in its place? There is nothing worse than-- One day when I was learning to fly -- learning to fly as a student pilot, coming in on final -- short final-- At this point, I do not remember what airport it was. There was a swing set at the end of the runway. I looked at my instructor and said, "I can't land here." He said, "Come on. I have brought Schwartz" -- which is an airplane -- "into smaller airfields than this." I said, "I can't. It is a child's playground. I can't do this." I went to another airport. It was very difficult for me.

As far as areas around here, just the other day I was landing at an airport where the houses are right next to the field. I understand that people are complaining now. They want the airport shut down. They are still building beautiful, brand-new houses. This is something that has to be looked into.

We are becoming an endangered species; we really are. There are very few pilots. We are regulated so much that a lot of people give up the learning process, because it is just too much to learn, and it is a lot to keep up with. If you are not willing to keep up the education, you can't do it. I know many pilots who have quit, because they just couldn't keep up with it.

As far as your work with what you are doing here, I would be very happy to be a liaison as a private pilot with people in your area. So if you would like, I will give you information, and I would be happy to help you out.

Thank you very much.

ASSEMBLYMAN DeCROCE: Thank you very much. If you will put your name and address down, we would appreciate it.

MS. JAFFE: I will.

ASSEMBLYMAN DeCROCE: To all of those who have testified here today, if you have magazines of any nature, or

you think we should be placed on your mailing list, certainly alert us to the fact, or get us on your mailing list. Sometimes we are invited to some of your affairs, but because of our schedules, we cannot always attend. There are two or three other members who wanted to be here today -- Democratic members, as well as Republican members -- who just could not because of their obligations. We are represented by staff members on either end. If you think there is something you want to be notifying us of, we would like to be notified. From time to time, maybe one of us, or one of our staff members, could attend.

Yes, ma'am?

P A T R I C I A M A Y N A R D: (speaking from audience) Just as a matter of public record, I am Patricia Maynard. I represent the Port Authority.

ASSEMBLYMAN DeCROCE: Why don't you come up to the microphone?

MS. JAFFE: You have to fill out a piece of paper.

ASSEMBLYMAN DeCROCE: Ms. Maynard, who served with me as a Freeholder years ago, knows the rules.

MS. MAYNARD: Mr. Chairman and Assemblyman Oros, I think it is important to put in the public record today that the Port Authority is very interested in a healthy system of airports in the State of New Jersey. We can't have Newark International, which we think is the jewel in the crown -- and I know many legislators think so, too -- if there is not a system of reliever airports to take all types of aircraft in the State.

The Port Authority owns Teterboro. We do not operate it; Johnson Controls does. But a healthy system in this State is absolutely necessary for the health of Newark International. We support, generally informally, all of the general aviation airports, and certainly, Dr. O'Hare and former Assemblyman Penn.

Thank you.

ASSEMBLYMAN DeCROCE: Thank you, Ms. Maynard.

Let me just alert everybody that we do have a bill -- AR-51 -- which is sponsored by myself, Kip Bateman, and Assemblyman DiGaetano, that designates May 14 through May 22 as Aviation Awareness Week in the State of New Jersey. That will probably -- hopefully -- pass the Legislature in the next several weeks.

We do have several bills which will be coming before this particular Committee. Frankly, there are some that have some extensive appropriations, which I am not so sure will go very far. As you know, we have a tight money situation in the State of New Jersey, and not all of the bills that come in with half-a-million-dollar appropriations on them are going to go anywhere, frankly.

So some will pass, some will not. But we will be hearing aviation bills from time to time. If you want to get on our list, I would suggest that you contact Ms. Amy Melick, who is to my left -- your right -- and she will keep you advised of when our hearings are. If you want to come down to testify in Trenton, or wherever we may be, on a particular bill, please feel free to come down and do that. We welcome your participation. We want the general public to be involved.

With that, unless there is anyone else who might want to testify, I am prepared to close the meeting. (no response)
No one? All right, thank you for coming.

(MEETING CONCLUDED)

APPENDIX



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

March 1, 1994

Honorable Alex DeCroce, Chairman
Committee on Transportation and Communications
New Jersey General Assembly
Legislative Office Building, CN-068
Trenton, New Jersey 08625

Dear Chairman DeCroce:

Thank you for your invitation to testify before the Transportation and Communications Committee hearing on the regulation of general aviation airports and related safety issues. I regret that no Safety Board representative is available to testify at your hearing. However, I would like to share with you and the other Committee members the National Transportation Safety Board's perspectives regarding general aviation.

The National Transportation Safety Board is an independent Federal agency charged by Congress to investigate transportation accidents, determine their probable cause and make recommendations to prevent their recurrence. The Safety Board investigates selected accidents in all modes of transportation, but is required to determine the probable cause of every aviation accident that occurs in this country. The recommendations that arise from our investigations and safety studies are our most important product. The Safety Board does not have any regulatory authority over any mode of transportation, nor does it operate any safety programs.

Aviation's accident statistics dramatically improved in 1993. General aviation accidents registered historic lows in the number of accidents (2,022), fatal accidents (385), and fatalities (715). This continues a long term trend of declines in both total general aviation accidents and fatal accidents. Over the past ten years, there has been a consistent decline of about four percent per year.

Although the rate of accidents per 100,000 aircraft hours increased slightly in 1993 (from 8.71 to 8.79), the rate of fatal accidents dropped to 1.67 per 100,000 aircraft hours from 1.87 in 1992. Enclosed is the Safety Board's recent press release on 1993 aviation accident statistics that provides further information on 1993 and previous years. The general aviation data is contained in Table 7 attached to the release.

The most recent year for which complete data regarding accident causes is available is 1990. In that year, the pilot was cited as causing or contributing to the cause of 87 percent of the fatal accidents, while weather conditions were a factor in approximately 26 percent of fatal accidents. (Multiple causes and related factors are frequently cited in any given accident.)

Although the regulation and certification of pilots, aircraft and airports is within the jurisdiction of the Federal Aviation Administration, the Safety Board did identify one important area for State involvement in a 1992 safety study on the role of alcohol in fatal general aviation accidents.

About six percent of the fatally injured pilots in the study were flying while impaired. The mean blood alcohol concentration of the alcohol-positive pilots was 0.15 percent, nearly four times the 0.04 percent BAC offense level. Although the study provided information about fatal general aviation accidents, little is known about non-fatal accidents because few toxicological tests are performed after these accidents and not all of them are reported to the FAA.

The low rate of testing pilots involved in non-fatal accidents occurs because many states, including New Jersey, do not have implied consent laws requiring pilots to submit to toxicological testing. Under the Federal regulations, pilots must submit to toxicological testing for alcohol only if a test is requested by a law enforcement officer under the provisions of State law. But, under most State laws, an officer may not request a test unless an offense has been committed in the presence of the officer or the officer has cause to believe that an offense has been committed. States cannot adequately identify pilots who fly under the influence of an impairing substance, and corrective actions cannot be taken, without comprehensive laws that establish a specific BAC offense level, have an implied consent provision, and require the reporting of test results and refusals to the FAA.

It appears that New Jersey law (NJS Ann 6:1-18) prohibits flying while impaired, but it does not specify a BAC offense level or contain the other provisions necessary to make the law effective. Thus, I urge you to review your law, and to revise it appropriately. Enclosed for your information is a copy of the safety study and the recommendation letter sent to the states.

I hope that this information is valuable to you and the Committee as you review the safety of general aviation in New Jersey. Please do not hesitate to contact me if there is any way that the National Transportation Safety Board can be of further assistance.

Sincerely,



Carl W. Vogt
Chairman

Enclosures



National Transportation Safety Board

Washington, D.C. 20594
Safety Recommendation

Date: December 17, 1992

In reply refer to: A-92-113

To the Governors and Legislative Leaders
of the States
(See mailing list attached)

The Safety Board recently completed a study on alcohol and other drug involvement in fatal general aviation accidents that occurred from 1983 through 1988.¹ Despite a downward trend in alcohol-involved fatal general aviation accidents, about 6 percent of the fatally injured pilots in the study were flying while impaired. The mean blood alcohol concentration (BAC) of the alcohol-positive pilots was 0.15 percent, nearly four times the 0.04-percent BAC offense level established by current Federal Aviation Administration (FAA) regulations. More than 95 percent of the alcohol-positive pilots had a BAC that exceeded the 0.04-percent BAC offense level, more than 74 percent had a BAC that exceeded the 0.10-percent level established as illegal for drivers by most of the driving-while-intoxicated laws enacted by States, and more than 47 percent had a BAC that exceeded 0.15 percent.²

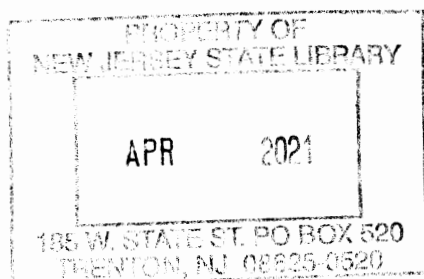
The high BAC levels found in this study are similar to the high BAC levels found in a 1984 Safety Board study.³ The Board is concerned about alcohol involvement in general aviation accidents because of its adverse

¹ National Transportation Safety Board. 1992. Alcohol and other drug involvement in fatal general aviation accidents, 1983 through 1988. Safety Study NTSB/SS-92/03. Washington, DC.

² State laws use various terms to describe alcohol-impaired operation: driving while impaired, driving while intoxicated, or operating under the influence of alcohol. Similar variations in terminology are found in State laws describing alcohol-impaired flying. As used in this letter, driving while intoxicated (DWI) and flying while intoxicated (FWI) refer to any of these terms.

³ National Transportation Safety Board. 1984. Statistical review of alcohol-involved aviation accidents. Safety Study NTSB/SS-84/03. Washington, DC.

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effect on performance. Research has demonstrated that BACs below 0.04 percent can produce impairment.

Although the recent study provides information about fatal general aviation accidents for the 1983 through 1988 period, little is known about nonfatal general aviation accidents because the number of toxicological tests performed after these accidents has been small (about 1.0 percent of the 13,677 accidents that occurred from 1983 through 1988) and some test results may not be reported to the FAA.

The low rate of testing pilots involved in nonfatal general aviation accidents is the result of the absence of an implied consent provision (requiring a pilot to submit to toxicological testing) in many existing State flying-while-intoxicated (FWI) laws, and the absence of FWI laws in some States.

Under the Federal regulations pertaining to alcohol and drug testing in civil aviation (Title 14 Code of Federal Regulations Part 91.17), which include general aviation pilots, pilots must submit to toxicological testing for alcohol only if a test is requested by a law enforcement officer under the provisions of State law. Under most State laws, an officer may not request a test unless an offense has been committed in the presence of the officer or the officer has cause to believe (based on the odor of alcohol on the pilot or other evidence at an accident) that an offense has been committed. The authority to request such a test is dependent on the existence of a State law pertaining to flying while intoxicated.

Although 44 States have some form of law related to flying while intoxicated, the provisions of the laws vary from State to State. Only 16 States with FWI laws have an implied consent provision (for chemical testing) and establish a BAC level at which a pilot is presumed to be impaired: Arizona, California, Colorado, Georgia, Idaho, Michigan, Minnesota, Montana, New Hampshire, Oklahoma, and South Carolina establish a BAC of 0.04 percent; Nebraska 0.05 percent; Alaska, Kansas, Louisiana, and Massachusetts 0.10 percent.⁴

It is important to note that a State law requiring a person to submit to a chemical test (for alcohol) may not require a toxicological test. The term "chemical test" means that the law enforcement officer is legally permitted to request a test, usually breath, for alcohol. A toxicological test involves laboratory testing of biological specimens. State law defines the

⁴ (a) Information on all States except Kansas was obtained from an analysis of State flying-while-intoxicated laws by the Illinois General Assembly. (Huang, Wen. 1992. Laws against flying under the Influence. Legislative Research Unit File 10-376. Springfield, IL: Illinois General Assembly.) (b) Information on the Kansas law was provided to the Safety Board in July 1992 by the Kansas Department of Transportation.

specimen(s) that can be obtained--such as breath, blood, urine, and/or other bodily substance--and whether multiple tests (for alcohol and for other drugs) may be performed.⁵

If a toxicological (or a chemical) test for alcohol is requested from a pilot by a law enforcement officer, the pilot is required by Federal regulation to report the results to the FAA, whether the results are positive or negative. Of the 16 States with FWI laws that include an implied consent provision and establish a BAC offense level, 15 also require reporting of test results to the FAA; the Kansas FWI law does not require reporting of test results to the FAA.⁶ Thus, the law enforcement officer may or may not report test results to the FAA, depending on the provisions of the State law. The FAA may also request test results if it is aware of the aviation accident. If the pilot refuses the test or fails to provide a specimen for testing, the pilot is required to notify the FAA. In either case, the FAA may then take action against the pilot's airman certificate. Refusal to submit to a lawfully requested test may result in sanctions by the FAA and, in States with implied consent laws that apply to aviation, the State may impose a sanction provided by State law.

Although a State with an FWI law may take some type of action, it may not take any action against the pilot's Federally issued airman certificate. For example, conviction under the Minnesota FWI law may result in prohibiting the pilot from flying in Minnesota airspace but would not prohibit the pilot from flying in the airspace of other States. Conviction under California law may result in a prison sentence (30 days to 6 months) and a fine (\$250 to \$1,000). Conviction in Alaska, a State with a comprehensive law on operating under the influence, may result in suspension or revocation of the pilot's drivers license; Alaska's law is comprehensive in the sense that it pertains to the operation of all motorized vehicles, aircraft, and watercraft while intoxicated or impaired.

States cannot adequately identify pilots who fly under the influence of an impairing substance and corrective actions cannot be taken without comprehensive laws that establish a specific BAC offense level, have an implied consent provision to obtain biological specimen(s) for toxicological tests for alcohol and other drugs, define the specimen(s) that may be obtained, and require reporting of toxicological test results and refusals to submit to testing to appropriate authorities. Most State driving-while-intoxicated (DWI) laws include these provisions. The Safety Board believes that State FWI laws should include similar provisions.

⁵ A blood test is likely to be requested in States with an implied consent law and when the pilot is unconscious or unable to give consent.

⁶ This information is according to the Illinois analysis of FWI laws and the Kansas Department of Transportation.

Therefore, as a result of its safety study, the National Transportation Safety Board recommends that each State:

Enact comprehensive laws pertaining to alcohol and drug use in aviation, or amend existing laws as appropriate, to include: (a) an implied consent provision to obtain biological specimen(s) for toxicological tests, for alcohol and other drugs, of pilots involved in accidents that result in death, serious injury, or substantial aircraft damage; (b) definition of the specimen(s) that may be obtained--such as breath, blood, urine, and/or other bodily substance; (c) a blood alcohol concentration that defines the offense; and (d) a requirement to report to the Federal Aviation Administration toxicological test results and refusals to submit to testing. (Class II, Priority Action) (A-92-113)

As a result of its safety study, the Safety Board issued recommendations to the Governors and Legislative Leaders of the States, the Federal Aviation Administration, the Aircraft Owners and Pilots Association, the Experimental Aircraft Association, the National Agricultural Aviation Association, the National Air Transportation Association, the National Association of Flight Instructors, and the National Association of State Aviation Officials.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "...to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation A-92-113 in your reply.

Chairman VOGT, Vice Chairman COUGHLIN, and Members LAUBER, HART, and HAMMERSCHMIDT concurred in this recommendation.



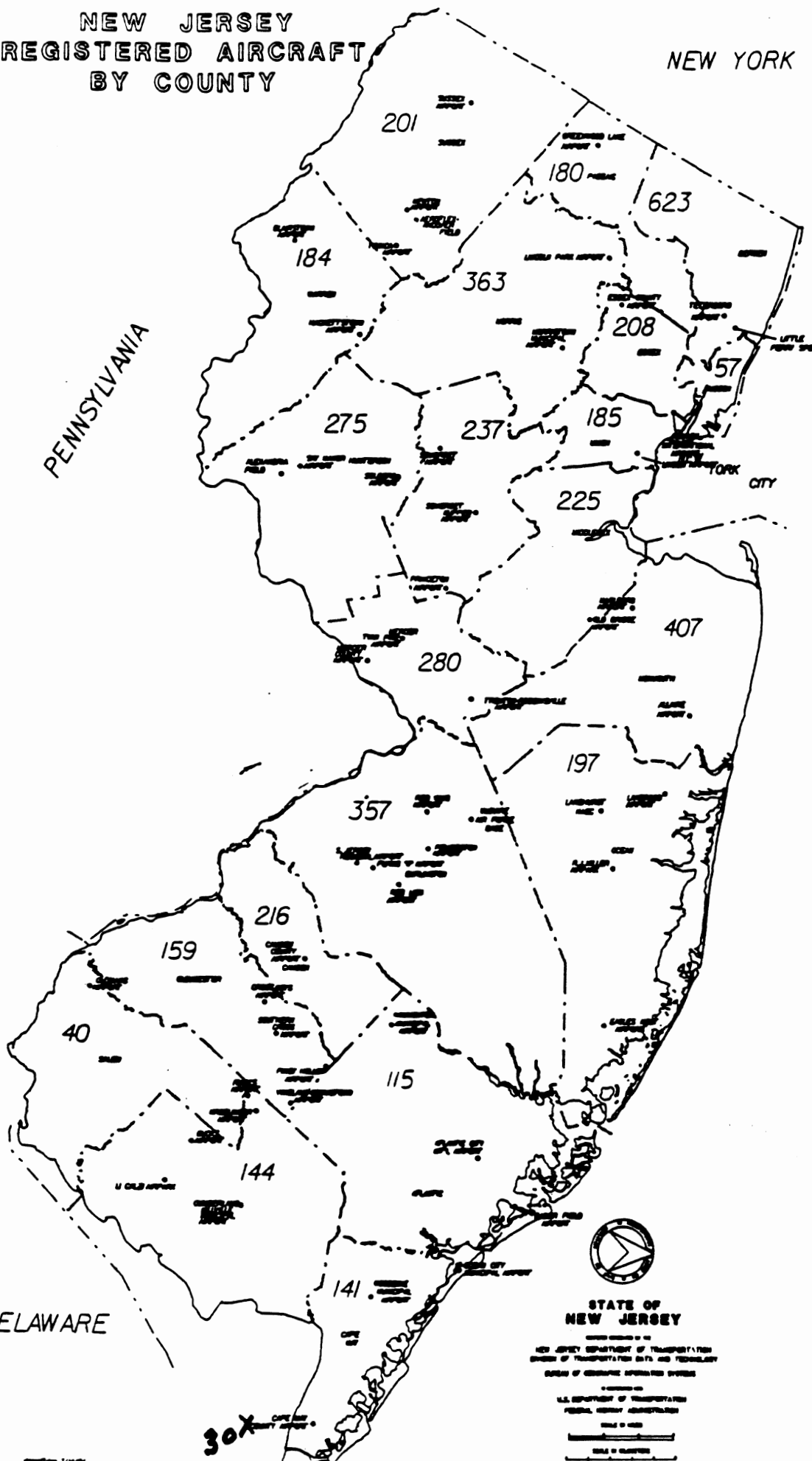
By: Carl W. Vogt
Chairman

NEW JERSEY REGISTERED AIRCRAFT BY COUNTY

NEW YORK

PENNSYLVANIA

DELAWARE



NJ AIRCRAFT ACCIDENTS/INCIDENTS

YEAR	* TOTAL ACCIDENTS/ INCIDENTS	FATAL ACCIDENTS	**INJURED	FATALITIES
1987	50	7	12	12
1988	44	4	15	7
1989	36	6	6	12 (5 in one a/c) (3 in one a/c)
1990	29	3	6	4
1991	22	5	3	8
1992	31	5	11	6
1993	19	8	5	15 (6 in one a/c)

SOURCE: NJ Office of Aviation Log

*NOTE: Includes all reported Accidents/Incidents (gear up/forced landings, minor damage, etc.) may not be reflected in NTSB statistics.

**NOTE: Includes minor injuries, not reportable under NTSB Guidelines.

REGISTERED AIRCRAFT IN NEW JERSEY BY COUNTY

Atlantic	115	Somerset	237
Bergen	623	Sussex	201
Burlington	357	Union	185
Camden	216	Warren	184
Cape May	141	TOTAL	4,794
Cumberland	144		
Essex	208		
Glouster	159		
Hudson	57		
Hunterdon	275		
Mercer	280		
Middlesex	225		
Mounmouth	407		
Morris	363		
Ocean	197		
Passaic	180		
Salem	40		

AS OF JANUARY 1994



AIR SAFETY FOUNDATION • 421 Aviation Way, Frederick, MD 21701 • (301) 695-2000

Comments for New Jersey Hearing
April 13, 1994

My name is John Steuernagle. I am an Airline Transport rated pilot, Certificated Flight Instructor, Designated Pilot Examiner, and the Director of Program Development for the AOPA Air Safety Foundation. Chartered in 1950 we are a non-profit foundation dedicated to the improvement of general aviation safety through research, education, and training. Statistics cited in my presentation are provided by the National Safety Council and our own General Aviation Accident Data Base.

General aviation is a safe mode of transportation, particularly for those on the ground. NSC data for 1992 show that 25 mid-air collisions occurred nationwide and there were only 7 ground fatalities resulting from aviation accidents. During that same year there were 4,500 head-on auto collisions and 5,546 pedestrians were killed by automobiles. Using these numbers it is apparent that for every ground fatality resulting from an aviation accident there were 792 pedestrian deaths from automobile accidents.

Looking at the nation's general aviation data for the years 1991, 1992, and 1993 we see that New Jersey falls significantly below the national average in all three years. With respect to general aviation accidents New Jersey is a safer place to live than most of the United States.

I would now like to briefly review some established Federal Aviation Administration requirements for pilot certification and recency of experience. In order to qualify for a Private Pilot Certificate a pilot must acquire not less than 40 hours of flight experience. A comprehensive medical examination is required before solo and at least biannually for as long as a pilot elects to exercise the privileges of his certificate.

Students usually solo after completing 15 to 20 hours of dual instruction and after passing a pre-solo written examination. Applicants for Private Pilot Certificates have 20 to 25 hours of cross-country flying experience at least 10 hours of which is solo. Each local or cross-country flight is supervised by a certificated flight instructor.

Typical students accomplish 2 to 3 hours of ground study for each hour of flight. Although one can be certificated in as little as 40 hours, the national average is currently 50 to 60 hours of flight experience prior to certification.

Recreational pilots need not meet cross-country training requirements and consequently have fewer hours of flight experience before certification. They are, however, significantly limited as to the types of pilot operations they may conduct and the airspace in which they may fly. They are fully qualified to conduct permitted flight operations.

After acquiring a pilot certificate one must meet recency of experience requirements set forth in Federal Aviation Regulations and all pilots must accomplish a flight and ground review every two years.

It is clear that the FAA takes seriously its' responsibility to public safety. Federal Aviation Regulations promulgated and enforced by the agency address all flight operations conducted in the United States. The agency also certifies aviation maintenance technicians and inspectors as well as regulating aircraft maintenance and inspection intervals, standards, and procedures. The Air Safety Foundation believes that the level of regulation is adequate to insure safe flight operations. Indeed the preponderance of aviation accidents involve the breaking or disregard of at least one FAR.

While it is true that general aviation flight operations are safe, especially when compared with automobile accident statistics, it is also true that they can be made safer. Clearly additional regulation is not the answer. How then can we improve the general aviation accident picture?

Pilot education is the best means of improving general aviation safety. Through research in the Air Safety Foundation's General Aviation Accident Data Base, common causal factors are identified. It is then my job to design training programs to address those factors. These programs are presented and distributed nationwide through a network of ASF and FAA personnel. Pilot education programs are working. The national general aviation accident rate has steadily declined since the inception of the FAA Accident Prevention Program and ASF's seminar outreach program. Funding for ASF pilot education projects is provided by state and federal aviation agencies, corporate grants, and individual contributions from pilots.

ASF applauds New Jersey's concern for aviation safety and would be pleased to discuss ways and means of making more pilot education available to New Jersey pilots. We are negotiating a grant for seminar presentations from a New Jersey corporation. This grant will be used to provide additional pilot education in the state during 1994. Funding of seminars has been provided by a number of states and could be a possibility in New Jersey as well. Working together, New Jersey and the AOPA Air Safety Foundation can make a good accident record even better.

AOPA AIR SAFETY FOUNDATION

The AOPA Air Safety Foundation was established in 1950 by the Aircraft Owners and Pilots Association to help pursue a better accident record following serious safety problems with the massive expansion of general aviation after World War II.

The AOPA Air Safety Foundation develops educational materials and conducts pilot seminars specifically aimed at improved flying safety. Air Safety Foundation seminars last year were attended by a record 31,446 aviators, an increase of five percent from 1992. The Foundation also provides materials and support to the FAA's safety seminar program.

The Air Safety Foundation offers the nation's largest program of flight instructor recertification training, teaching one-quarter of those revalidating their FAA flight instructor credentials in the latest regulatory and training developments.

The non-profit AOPA Air Safety Foundation is financed with grants from corporations and foundations active in aviation safety, and by donations from individual pilots. Last year, pilots themselves gave a record \$1.2 million to support the Air Safety Foundation's work.



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**John W. Steuarnagle
Director of Program Development
AOPA Air Safety Foundation**

John Steuarnagle, Director of Program Development for the AOPA Air Safety Foundation, is responsible for many Foundation efforts to educate the pilot community in all aspects of video and print media and develops curricula, syllabi, and student manuals for several Foundation safety courses. He also edits the Flight Instructor Safety Report, which is sent quarterly to all certificated flight instructors with a current medical and current address on file with the Federal Aviation Administration.

John holds an Airline Transport Pilot certificate and flight instructor ratings for single- and multi-engine airplanes, and has accumulated more than 7,000 hours of flight time since earning his private certificate in 1970. He is an FAA Accident Prevention Counselor, a Designated Pilot Examiner, and a member of the Central Pennsylvania Flight Safety Committee.

Prior to joining the staff of the Air Safety Foundation in 1991, John served as Chief Flight Instructor and Director of Charter Operations at Lancaster Aviation in Lancaster, Pennsylvania. He has also served as Vice President of PhotoSonics, Inc. Audiovisual Production Service, in Arlington, Virginia, where he specialized in training and instruction.

A Pennsylvania native, John majored in music and theater at Pennsylvania State University, and subsequently served in the U.S. Army as a bandman until 1969.

John Steuarnagle's combined skills and experience qualify him to direct programs to further aviation safety through education.

APRIL 13, 1994

**STATEMENT BEFORE THE TRANSPORTATION COMMITTEE
NEW JERSEY GENERAL ASSEMBLY**

**DR. ROBERT MATTHEWS
SPECIAL ASSISTANT FOR AVIATION SAFETY,
FEDERAL AVIATION ADMINISTRATION, WASHINGTON, D.C.**

My name is Robert Matthews. I am the Special Assistant to the FAA's top safety official, the Associate Administrator for Aviation Safety, Charles Huettner. Mr. Huettner had planned to be here, but he is in St. Louis to participate in the Flight Safety Foundation's Annual Corporate Aviation Safety Seminar. In any event, FAA believes the States are valuable partners in aviation safety, so we appreciate the opportunity to participate today.

I hope to make two central points today: (1) the Federal Government regulates safety more comprehensively in aviation than in any other mode of transportation; and (2) aviation is safe, whether we speak of New Jersey or of the entire country.

Regulating Aviation Safety

Under the Federal Aviation Act of 1958, the U.S. Congress directs FAA to ensure safety in every aspect of aviation. FAA regulates the design and manufacture of aircraft and spare parts, initial pilot qualifications, medical qualifications for pilots, recurrent training for pilots, qualifications of other crew members, qualifications of those who train and retrain pilots, qualifications of mechanics who maintain the aircraft, safety practices of airport operators, and safe operation of aircraft.

FAA also directly operates much of the air transportation system in the United States. The most visible element of FAA to the general public may be our air traffic control towers at 400 airports around the Nation. However, we also operate 22 en route centers that handle the Nation's high-altitude traffic, and 137 flight service stations, which offer flight planning, weather information, etc. In addition, FAA technicians maintain about 30,000 facilities all over the country, ranging from major sites, like Newark International Airport, to radio beacons on isolated mountain tops. Like pilots and other airmen, these FAA work forces must continuously meet minimal physical requirements, must receive extensive initial training, and must remain current throughout their careers. The same is true of FAA safety inspectors.

FAA also operates extensive general aviation outreach programs in which we offer continuing safety education to all pilots. This involves safety seminars all over the country, targeted and informative brochures, professionally produced video tapes, etc. We get valuable help in this effort from organizations like the Aircraft Owners Association, which is represented here today, plus others like the Experimental Aircraft Association, Helicopter Association International, etc. These groups typically have extensive networks of local chapters, complete with members who volunteer as safety consultants to pilots and others.

In short, unlike any other mode of transportation, the Federal Government asserts a public interest in every aspect of aviation. As your committee is most interested in general aviation, let me outline how the FAA regulates that industry.

REGULATING THE AIRCRAFT.

FAA requires aircraft to meet certain results, such as handling characteristics, performance of avionics systems, etc. Before an aircraft enters the market, a manufacturer submits its designs and documentation to FAA for detailed review and a "Finding of Compliance," which says all designs and proposed processes will meet the required results. This is typically a negotiating process in which the FAA and manufacturer go back and forth several times.

After FAA approves the design, the manufacturer produces a prototype aircraft, which is subjected to extensive test flights. The basic purpose of the test flights is straightforward: the manufacturer must demonstrate that the aircraft meets the required results. In short, paper work notwithstanding, "will it fly?" If all goes well, the aircraft receives a Type Certificate.

The manufacturer then must show, in detail, how its quality assurance program will maintain quality equal to that of the certificated prototype when the aircraft enters production. FAA must find that the process meets all requirements. The manufacturer then receives a production certificate, but FAA

provides continued surveillance of the manufacturer's system as long as the aircraft remains in production.

Later, if production processes are not followed, or if a new problem emerges after an aircraft enters service, FAA issues Airworthiness Directives, which direct specific action to correct a problem. Finally, if all else fails, FAA can suspend or revoke a manufacturer's production certificate for one or all aircraft. The very presence of this authority gets manufacturers' attention!

When an aircraft enters the market, FAA again regulates closely. First, aircraft must be registered with the FAA. Second, pilots must maintain log books and maintenance records. Third, those who maintain aircraft must meet FAA requirements.

Just to be sure I do not misrepresent the nature of the industry, no manufacturer has a market interest in producing an aircraft that is unsafe. Nevertheless, the point here is that the aircraft--the vehicle--is regulated throughout its life.

REGULATING PILOTS.

Pilots also are regulated throughout their flying careers. To get a license, a pilot must complete an FAA-approved ground school to learn the principles of flight, aircraft instruments, FAA regulations, weather systems, communications, etc. The pilot then must pass a comprehensive written test administered by FAA. This entitles the pilot to a student's license, which limits the airspace and type of aircraft in which he or she can fly.

The pilot then must pass a physical exam by a physician approved by the FAA, and must complete a minimum of 40 hours of flight time under the guidance of a certified flight instructor (CFI) to get a private pilot's license. However, few, if any, pilots get a license after just 40 hours; most need 70 to 80 hours. At this point, the pilot is ready for a flight test, which can be administered only by the FAA or by a CFI.

If all goes well, the pilot gets a license. However, he or she is limited to operating single-engine aircraft under visual flight rules. To fly multi-engine aircraft, or to fly under

instrument flight rules, a pilot must receive separate "ratings," each of which requires more education and more training by a CFI who is approved to train pilots for the respective rating.

After obtaining a license or advanced ratings, pilots then must pass biennial physical exams to ensure they are physically fit to operate an aircraft. Pilots also must document that they have remained "current" by passing a biennial "checkride" with a CFI.

In short, pilots are well trained, and must continue to meet standards throughout their careers. When pilots operate their aircraft, they must do so in compliance with extensive FAA regulations on aircraft separation, air traffic procedures, the type of equipment and type of communication needed to enter different classes of airspace, or the altitudes at which they can fly in different classes of airspace. Pilots also must operate their aircraft according to their respective owner's manuals.

CONTINUOUS FAA SURVEILLANCE.

To ensure that regulations are followed, FAA has 2,500 general aviation inspectors, who operate from 90 Flight Standards District Offices (FSDOs) around the country. Inspectors spend much of their time surveilling CFIs, ground schools and repair stations, all of whom must continuously meet FAA standards. However, they also conduct "ramp checks," in which one or more inspectors show up unannounced at an airport and randomly review pilots' documentation, the condition of their aircraft, logbooks, etc.

Finally, if pilots operate to or from an airport with an FAA tower, they face another source of de facto surveillance: when controllers witness unusual behavior on the ground, or erratic flying by a pilot, they call the local FSDO to get an inspector on site quickly. Similar surveillance is common among airport operators and other pilots; no one wants an unsafe pilot to fly.

RECREATIONAL PILOT'S LICENSE.

FAA also has begun issuing a new "recreational pilot's license." This is less demanding than the private pilot's license,

but the license is very restrictive. Recreational pilots can land only within 50 miles of the airport from which they take off, can operate only in visual flight rule conditions, must remain free of clouds, cannot exceed 2,000 feet above ground level, cannot enter airspace that requires communicating with ATC, and can take off only from airports at which they have received training.

The intent of this new license is to make limited flying and some level of aviation experience more affordable. The system outlined above for the private pilot's license is not cheap. By the time perspective pilots complete ground school, up to 80 hours of aircraft rental and instructional fees, plus fuel and other costs, they can expect to spend \$6,000 or more, depending on local prices. That puts aviation beyond the reach of many citizens. The recreational license makes aviation experience available to more people at a more affordable price, but within strict safety limits.

FAA PRESENCE IN NEW JERSEY.

FAA has a strong presence in New Jersey. The agency operates 6 air traffic control towers with a total of 140 controllers and other employees, and an automated flight service station with 60 employees who handle 800,000 flight plans a year.

Another 85 FAA employees work as technicians in the State, maintaining nav aids and other FAA facilities. We also operate a Flight Standards District Office (FSDO) in Millville with 40 safety inspectors and other employees, plus a Tri-State sector in Trenton. FSDOs in Philadelphia and Allentown also cover areas of New Jersey adjacent to Southeastern and Northeastern Pennsylvania.

In addition, FAA's Technical Center is located in Atlantic City, where the agency conducts research and development with 1,600 FAA employees, plus 1,000 full-time and part-time consultants. (See Table 1.) New Jersey also is home to a Civil Aviation Security Field Office and to a Flight Inspection Field Office, which flight-inspects FAA nav aids to assure they operate within tolerances).

FAA also has a strong presence along New Jersey's borders. FAA operates major towers at Philadelphia, Laguardia, JFK and White

Plains, and an Air Route Traffic Control Center at MacArthur Airport, which handles high-altitude traffic for much of the Northeastern U.S. JFK is also home to FAA Eastern Region Office.

In all, FAA has about 2,000 employees in New Jersey. Another 1,000 or so FAA employees in adjacent States also provide safety services directly to New Jersey pilots.

THE SAFETY RECORD IN GENERAL AVIATION

At the risk of sounding rhetorical, aviation safety may be the least told success story in the entire arena of public policy. FAA recognizes that many people can lay legitimate claim to some of the credit for this success, including State aviation officials and non-profit aviation groups like AOPA. However, we like to believe that FAA, too, has had some influence on this story.

Long-term trends in accident rates for all classes of aviation have improved persistently since reliable data first was recorded shortly after World War II. In the past 15 to 20 years, aviation has consistently recorded new "safest years ever;" 1993 was no exception. In general aviation (GA), the fatal accident rate reached an all-time low, as did the number of fatal accidents and fatalities. (See Table 2.)

AOPA will review in some detail the accidents that occurred in New Jersey, so I will defer to AOPA on this. However, I will tell you that the fatal GA accidents in New Jersey do not show anything unique to New Jersey. No particular type of accident appears more commonly here than elsewhere, and the distribution of several measures reflect the national experience, including causal factors, pilot age, pilot experience, and number of engines.

For example, over the past 6 years for which we searched the data in preparation for today, 77 percent of the GA aircraft in fatal accidents in New Jersey were single-engine aircraft, versus 87 percent nationally. Experience levels among pilots in accidents in New Jersey also are typical. Pilots involved in fatal GA accidents in New Jersey averaged 2,363 total flight hours, with a median of 1,190 hours. Half of them had 1,200 hours or more, and

30 percent had 4,800 hours or more. In short, new pilots, like new drivers, are more prone to fatal accidents, but the ability to make a fatal mistake is very democratic; anyone can do it once.

In the past 6 years, the number of fatal GA accidents in New Jersey in fact has remained stable at low levels. In the past 6 years, New Jersey averaged 5 fatal GA accidents and 8.5 fatalities. The fact is, a fatal airplane accident is a rare event in New Jersey. (See Table 3.) Compared to the number of aircraft registered in the State, New Jersey has a lower accident rate than the rest of the country.

To put New Jersey's GA fatalities in some sense of scale, New Jersey now averages about 775 highway fatalities a year, versus 8 in general aviation. These numbers include an average of 175 pedestrian fatalities. In contrast, GA accidents involved no fatalities of unlucky bystanders on the ground in the past 6 years.

Yet, 1993 was an unusual year in several respects for GA in New Jersey, and this helps to explain the increase in public concern. The State had 8 fatal GA accidents and 15 fatalities, compared to an average of 4 fatal accidents and 7 fatalities for the preceding 5 years.

However, 6 of the 15 fatalities last year occurred in a single accident. Other unusual characteristics in 1993 involved: 2 fatal accidents at one airport (Lincoln Park), including New Jersey's only midair collision in the 6 years examined; 2 fatal accidents in homebuilt aircraft; and at least 2 accidents with very low-time pilots. Yet, we have no reason to believe this indicates a new trend in the State; with base numbers as low as 4 to 5 accidents and 7 to 8 fatalities, a single event can distort reported trends.

Yet, I do not mean to make light of your State's experience last year. While we recognize accidents as a fact of life in any mode of transportation, be it flying, driving, rail, or even walking, everyone in aviation aspires to a year with no fatalities; FAA sincerely believes one fatality is one too many.

CONCLUSIONS

I have tried to show that general aviation is safe in New Jersey as well as in the United States, and that an extensive regulatory and private-sector system exists for the continued surveillance of aviation safety. We have no reason to believe the long-term improvements in aviation safety are being reversed either in New Jersey or in the country at large.

FAA believes everyone has a contribution to make in aviation safety, including the States and other organizations represented here today. We are open to any recommendations from anyone, and we welcome any comments this committee may have.

Thank you.

TABLE 1
FAA PRESENCE IN NEW JERSEY

AIR TRAFFIC CONTROL TOWERS

Atlantic City
Caldwell
Morristown
Newark
Teterboro
Trenton

**AIRWAY FACILITIES SECTOR
FIELD OFFICES (Technicians)**

Atlantic City
Millville
Morristown
Newark
Teterboro

FLIGHT SERVICE STATION

Millville
(2 nearby in Pa)

CIVIL AVIATION SECURITY

FILED OFFICE
Newark

**FLIGHT STANDARDS DISTRICT
OFFICE (Safety Inspection)**

Teterboro
Trenton (Tri-State Sector)

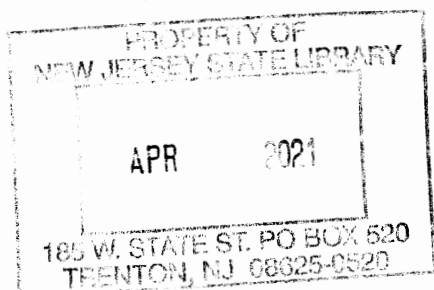
**FLIGHT INSPECTION FIELD
OFFICE (Assure nav aids to
be within tolerances)**
Atlantic City

**RESEARCH & DEVELOPMENT, AND
TECHNICAL SUPPORT: FAA
TECHNICAL CENTER: Atlantic City**

TABLE 2
GA ACCIDENTS, FATAL ACCIDENTS & FATALITIES: 1978-1990

	<u>Accidents</u>	Fatal Accidents	Fatalities
1978	4216	719	1556
1979	3818	631	1221
1980	3590	618	1239
1981	3500	654	1282
1982	3233	591	1187
1983	3077	556	1069
1984	3016	545	1042
1985	2738	498	955
1986	2582	474	967
1987	2494	447	838
1988	2386	460	800
1989	2230	431	768
1990	2214	442	766
1991	2170	431	781
1992	2074	447	758
1993	2022	385	715

Sources of data used in this statement. Highway and pedestrian fatalities are from annual Highway Statistics, Federal Highway Administration, U.S. DOT; aviation numbers, including this table, are from the National Transportation Safety Board's Annual Bulletin (annual January release).



47x

not more than one pax

PIC only within 50 nautical miles of an airport at which a pilot has received ground and flight instruction from an authorized instructor. The flight must land at an airport within 50 nautical miles of the departure airport.

Logbook must be endorse by CFI.

Cannot pilot an aircraft certificated for more than 4 occupants; cant have more than one power plant; 180 HP; cannot have retractable gear; no glider, airship or balloon; no pax or property for compensation or hire;

between sunset & sunrise

airspace in which communication with ATC is required;

not over 10,000 MSL or 2,000 AGL (higher)

Vis must = 3 statute miles or more

VFR to the surface

2810 forms

NMAC - 1 page

Op error -- 15/20 pages (27%)

1988	4 (2-2)	7 fatal
1989	6 (4-2)	12 fatal
1990	3 (1-2)	4 fatal
1991	5 (0-5)	8 fatal
1992	5 (0-5)	6 fatal
1993	8 (1-7)	15 fatal
	1 (0-1)	52

31 fatal accidents in 6 years; 52 fatalities

32 aircraft; 8 (25%) twin engine

Homebuilt: 6 (3 on first flight; 1 fuel)

**TABLE 3: FATAL GENERAL AVIATION ACCIDENTS
NEW JERSEY: 1988-1993**

YEAR	NUMBER OF FATAL ACCIDENTS	NUMBER OF AIRCRAFT	NUMBER SINGLE ENGINE	NUMBER OF FATALITIES
1988	4	4	2	7
1989	5	5	2	11
1990	3	3	2	4
1991	5	5	5	8
1992	5	5	5	6
<u>1993</u>	<u>8</u>	<u>9</u>	<u>8</u>	<u>15</u>
6-YEAR TOTAL	30	31	24	51