
Commission Meeting

of

NEW JERSEY GENERAL AVIATION STUDY COMMISSION

LOCATION: Committee Room 16
State House Annex
Trenton, New Jersey

DATE: March 4, 1998
1:30 p.m.

MEMBERS OF COMMISSION PRESENT:

John J. McNamara Jr., Esq., Chairman
Frederick Telling, Ph.D., Vice-Chairman
Abraham Abuchowski, Ph.D.
Linda Castner
Jack Elliott
Peter S. Hines
Suzanne Solberg Nagle



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APPENDIX:

JOHN J. McNAMARA JR., ESQ. (Chairman): I'm Jack McNamara, and I'd like to call this meeting to order. It's March 4, 1998 at 1:35. I'd like to call to order the meeting of the New Jersey General Aviation Study Commission.

For the record, the Commissioners in attendance are Ms. Nagle, Messrs. Hines, Elliott, Telling, Abuchowski, and McNamara. In the audience is Mr. Stephen Ketyer, the attorney who prepared a legal memorandum for us.

Does anybody have any problem of notice of this meeting that they'd like to bring up at this time?

DR. TELLING: Notice was fine.

MR. McNAMARA: There being none, no problems expressed, we'll go right on to the first order of business, which will be to address the-- We want to actually address two things today. First, very briefly the second draft of the report of our Commission and immediately after that the executive summary. The second draft of our report we can dispatch with instantly because we-- This morning--

DR. TELLING: Where is it, Mr. Chairman?

MR. McNAMARA: Exactly. It's not here. We don't have it.

MR. HINES: I was going to say. I mean, did I get it?

MR. McNAMARA: We have it prepared. However, this morning when I called down to the Office of Legislative Services to get it copied, our regular contact there was not available, and he's not available all day today. And he's the fellow who makes the arrangements for getting it copied. And in his absence, it didn't seem like it could be copied, and I pressed to find some way to have that done and asked that that be looked into and that I be called

back and advised what the results of that inquiry would be. By the time I got the call back -- apparently, I was called back -- I already left to come down here.

What we will do with this-- I don't regret substantially that it turned out this way because there were some very minor additional things that we would like to do to the draft, for instance, mark it as a second draft. What I'll do is deliver it down here on Monday to Harry White, and Harry will have it copied and shipped out to all of the Commissioners Monday afternoon. If that meets with everyone's approval, we'll let it rest at that point and get into the more substantive area of the meeting.

Are there any comments on it so far? (no response)

Okay. Then I would turn to our Vice-Chairman, who has -- I guess you've already distributed to everyone.

DR. TELLING: Well, as people were coming in, we had a little time. I gave a couple of them out.

MR. McNAMARA: Did Suzie-- Did you get-- Okay. And I appreciate a clean copy.

Well, that's the other thing. With a clean copy, I can scan this in the report. We didn't have-- The report, as it stands at this moment, does not have this Executive Summary in it.

DR. TELLING: I offer this with all the humility that goes with anybody's efforts that try and capture the sense of a conversation that occurred two months ago that I took good notes at but, obviously, probably not perfect notes. But out of that conversation -- and it's unfortunate I missed the last meeting -- the sense was when we looked at the last Executive Summary that

there were probably three broad areas where many of our recommendations centered. And the notion of trying to capture in short form something that the legislators or the public or others could easily focus on -- appreciate what the broad findings were of the group, not with a desire to bar them from reading the entire report, but to at least get their interest heightened on the key findings and then the related recommendations that were made after it.

I've pulled this together. Rich Bagger gave me some insights and some improvements from a legislator's point of view, and then Jack was kind enough to take an opportunity to go through it and make some additional edits. And so, frankly, I offer this in the spirit of just a step forward as a potential structure for a revised Executive Summary to the report. We can discuss any or all of it now. It may appear that we now have the time. So I throw it open to people's discussions and comments. The issues we want to capture are the things that we would want to add to it. Is this even the right approach? There is where, in a sense, I left off from the meeting before last as -- and I agreed to try to do.

MR. McNAMARA: I think-- What do you think?

DR. TELLING: Give everybody a few minutes to--

MR. McNAMARA: Let's take it a finding at a time. Why don't we do it that way. We'll take and review Preserve Public-Use Aviation Facilities; read it, discuss it, and go on to the next.

Take a minute to read it. (members comply)

DR. TELLING: Has everybody had a chance to look at the first section? Comments? Questions? Improvements?

MS. NAGLE: I have a comment on recommendations under 1, the second bullet. If the State assesses this property tax, where does this tax go to? Would any go to the local host municipalities?

DR. TELLING: Good question. It was never dealt with as a Commission. By implication, I guess, one could concede, certainly with the kind of testimony that we took -- would suggest, I would think, that we strongly feel that there ought to be some contribution to the local municipalities, and that's clearly consistent with what we've said and represented in other parts of this document. But I don't know that I can represent, as a Commission view. That's my personal review based on what I've heard here.

MR. McNAMARA: Well, we-- I think we got the understanding from the work that was done for us by McCarter and English that under circumstances where the State would assess and collect the real property tax, the State would have perhaps not the obligation, but it would seem to have the obligation to pay back a certain amount of the tax collected to the municipality--

MS. NAGLE: Right.

MR. McNAMARA: --which is what they do, I guess, with the railroads.

MS. NAGLE: Okay.

MR. McNAMARA: And that's what I had thought. That's actually what I personally had thought would be done, that a certain amount of the tax collected would be paid back to the municipality.

MS. NAGLE: Now--

MR. McNAMARA: But the municipalities would not be looking-- Remember always that the municipalities do not believe that real estate taxes paid by privately owned airports are a very substantial element of their municipal income. They all came in and told us if they were -- used terms like minuscule or insignificant, etc. However, whatever the municipality would receive back from the State under this format would be much less than what they're collecting now because now they're collecting taxes on all of the improvements and even the most poultry airport could have a half of million dollars worth of improvements in just old runways and old taxiways and an old terminal so that it's got to be much less. And probably, as a practical matter, I would think it tends toward true insignificance when you consider what they'd be paid back by the State after the taxes were substantially reduced.

MS. NAGLE: Do we know what the uniform statewide rate would be because now there's a big variation on what each airport is?

MR. McNAMARA: No. I think that the Legislature has to just make it, that kind of determination.

DR. TELLING: But to your economic point a moment ago, the resumption is that it would be on average a significantly or substantially lower rate on average than is the current burden. I mean, that's the whole thrust.

MR. McNAMARA: If it were not, there would be no point in doing it at all.

Pete.

MR. HINES: The point of sharing the taxes collected by the State with the municipalities is fine, but why couldn't we also justify the collection by the State to offset the cost of improving the runways and the taxiways and

the snowplowing, and what have you? Because we're asking, later on here, for the State to assume that responsibility.

MR. McNAMARA: In other words, not be concerned or perhaps even-- We have not recommended a payback to the municipality, but find some justice in the fact that the State is collecting these taxes because they're going to have to provide some services in addition.

DR. TELLING: I've drafted it based on what I'd heard. You've used exactly the right phrase. The writing of this elects to be silent on both of those points. Feeling first and foremost it's the prerogative of the Legislature to decide, there's no question if anybody actually takes interest in this report when we get done. And if we choose to give testimony, one is going to be asked both of those questions. And so, I think, it's an excellent point for us to have some -- if we can, arrive at some view or consensus that the Commission happens to believe.

I would propose that the answer would be along the lines that -- one, that the rate on average would be substantially lower. And frankly, I think the problems of redivision with what is not going to be a particular large amount of money back to the municipalities is fraught with more problems than benefits. So my personal view is I'd be inclined to leave it in the State's hands, whether they choose to dedicate it, for example, to the Division of Aeronautics or Internal Improvements. That's pretty much their business. But that would be sort of the sense that I have heard I think -- at least that I feel what we've heard here throughout a lot of the testimony. But the document is silent, so the question is, if we believe that, do we want to make the document not silent, number one, and--

MR. McNAMARA: My feeling on it is that this, number one, is perfectly drafted. That you almost can't improve on it. And to elect to be silent on those points, I think, is the appropriate thing to do.

MR. ELLIOTT: I think that the less money the municipality gets, the more unfriendly they're going to become to airports. They have a means of expressing that feeling through the League of Municipalities, and I think they could draft some kind of proposals through the League of Municipalities to try and curb airports. And when they make the statement that the taxes they collect are insignificant, that's only another indication of their negative attitude towards airports saying, you know, "There isn't any reason for us to support them. They don't support us."

MR. McNAMARA: Well, Jack--

MR. ELLIOTT: And if they get even less than they're getting--

MR. McNAMARA: --they were under oath when they came in here, and they all made these statements under oath.

MR. ELLIOTT: They did make them under oath, but--

MR. McNAMARA: These were statements of fact. We can't--
We can't--

MR. ELLIOTT: It's a statement of fact that they don't consider them significant, and they're not significant, and they're not significant, but if they become even lower, I think we're going to be building up opposition. We need friends.

MR. HINES: I disagree with that a little bit, Jack, in the sense what we're saying also here is that the land and improvements not used for

airport purposes will be taxed at the local rates. We're not taking all the monies away from them.

MR. ELLIOTT: Yes, but we--

MR. HINES: And really, as far as the amount of money that we're talking about here that the communities have been getting, I have to agree that it wasn't that much to begin with, according to them. And, secondly, we could always, as far as this is concerned -- they still have the option to tax the remaining property not used for airport at the highest and best-use rate.

MR. ELLIOTT: Well, I think it was proposed that there be a special rate for those other lands that might be comparable to, let's say, farmland assessment, which would lower the tax rate.

The other point I would make, and it was just brought up -- was maintaining the property through snowplowing, etc., and I'm not sure I understand what the justification is for the State to maintain somebody else's private property. It is private property. It's not public property.

DR. TELLING: I think that--

MR. ELLIOTT: I can see them maintaining public property.

MR. McNAMARA: They're doing it already.

MR. ELLIOTT: What?

MR. McNAMARA: They're doing it already.

MR. ELLIOTT: They did it on one occasion in emergency circumstances only because of Jack Penn. They don't normally do that. There was an occasion when they had to get an airport open, and Jack Penn said, "I will see that it gets open," and he sent trucks there that happened to be available at the time. But that is not a policy and is not a usual procedure.

MR. McNAMARA: But Jack then told us -- well, right on the record, at one of our hearings -- that the State offered that service.

DR. TELLING: I would, if I could add -- and certainly that was the impression that I walked away with, and I could well be wrong, but that was the impression that I had.

But I think you raise a very important point, and in the end, there's no question there are aspects of this that are going to involve the municipalities. Any success of this approach essentially requires and it underpins much of what we talked about. It requires the State to say the preservation of these airports is a matter of State interest -- fundamental State interest. And just as we deal with other forms of transportation and subsidy, in a sense, we are going to treat these up to -- and are largely private airports, which we've kind of treated sort of outside the pale of our domain, as inside and desirable entities to be sustained and nurtured. And I think that's a matter of legitimate public policy debate, and that's exactly the debate that the Legislature would have to take on head on. You'd need some set of legislators who say, "We agree. This is important. We recognize in the short term and the long term there are going to be some municipalities that are going to feel some degree of economic pinch." But, you know, the municipalities get lots of other benefits out of the State Transportation budget in other aspects. In the end, if this is what the Commission wants to recommend, the Commission is essentially saying, "That's the premise we want to put forward." Then let the debate happen.

So I don't disagree with you. I think you raise exactly the right issue, and I think it's important as Commissioners, if we agree, that we

appreciate the -- sort of, the logic that we're taking and having this whole report underpinned on. And that's why the kinds of concerns that you raised the last time at the last tax proposal, Suzie, I think were very important because as representatives of people who deal with private airports-- State protection is a dangerous thing, you know. Once you go down and you receive some of these benefits, with it come other things. And I don't know how acceptable that is in the long run or desirable that is from your point of view.

MS. NAGLE: I just want to address what Jack was saying about why would the State come in and snowplow the runway on private property. And to me, the fact that it's on private property is immaterial. It's a--

DR. TELLING: It's a public-use facility.

MS. NAGLE: --road. The runway is just like a highway, and the taxiway is just like an exit ramp.

MR. ELLIOTT: The highway is not private property. It's public property.

MS. NAGLE: Yes, but that's just a benefit that you get. It's still open 24 hours a day, seven days a week, for anybody to come in.

MR. ELLIOTT: Yes, because it's maintained publicly because it's public property.

MS. NAGLE: Yes, but what difference does it make whether the land itself is--

MR. McNAMARA: But I don't know that you're correct. Is it maintained because it's public property?

MR. ELLIOTT: Well, somebody had to--

MR. McNAMARA: If it is public property, I believe it's maintained -- the road in front of my house is a county road. It is not public property. It's got a public right-of-way over my property and the property of my neighbor across the street, and I would almost wager that's the story on the road in the front of your house.

MR. ELLIOTT: It's not private property.

MR. McNAMARA: It is private property subject to a public right-of-way. And I believe it is maintained because it is a public right-of-way. And I believe that what we are -- our focus or sort of the philosophy that we have come to after all this is that these runways, wherever they're located, if they're used publicly, they take on the characteristics of being a public right-of-way.

MR. ELLIOTT: Well, would you then plow Teterboro Airport, Newark Airport? That would amount to millions and millions and millions of dollars. The equipment that these airports have is worth many millions. The personnel that they have to keep to maintain that equipment and to operate that equipment -- you're talking about big bucks now. Would that apply to the airports in the category of Teterboro?

MR. McNAMARA: I believe that the public is already plowing those runways.

MR. ELLIOTT: No. Johnson controls, owns, and--

DR. TELLING: Operates.

MR. ELLIOTT: --operates all that equipment.

MR. McNAMARA: Well, okay. Johnson controls -- are the operator, I guess, are the tenant of the Port Authority of Teterboro.

MR. ELLIOTT: Right. That's correct.

MR. McNAMARA: And I assume that Port Authority owns the equipment at Newark. Is that correct?

MR. ELLIOTT: Yes.

DR. ABUCHOWSKI: But that's a publicly owned airport, as opposed to a privately owned airport.

MR. McNAMARA: Right.

MS. NAGLE: Well, and did they get Federal funds for the equipment?

DR. TELLING: Well, I don't know what the artful distinction is. I confess I'd leave that to lawyers, but the country view I have is no. It's a distinguishable case. We're talking about private facilities operated for public-use benefit. The public-use benefit becomes a critical one. And if we can't find more artful distinctions like these, or other than fact, really, publicly owned facilities, then you just draw the line basically at those under some income thresholds -- make an economic case.

MR. ELLIOTT: You could do that.

DR. TELLING: We've never done that.

These are exactly the kinds of questions that I always wished we would have more discussion amongst ourselves about because we've never really resolved that. But in my mind, that's the way that I've been thinking about it as I've been listening to all this testimony. We're not trying to ask the State to take on any greater obligations than they already are for some of the larger facilities.

MR. HINES: Well, is it not true that, as far as Newark and Teterboro are concerned, that they don't pay any taxes at all?

DR. TELLING: I think that's -- certainly that's the case of what we heard from Teterboro.

MR. ELLIOTT: That's right. They--

DR. TELLING: Because they're the ones who made that \$60,000 municipal contribution that the municipalities was so up in arms was insufficient.

MR. HINES: Well, they're not paying anything.

DR. TELLING: Right.

MR. HINES: So let them plow their own runways. I don't think, frankly -- when they see this thing about plowing the runways and what have you, I think some guys are going -- will get very upset in the Legislature, if they get that far with it. But nevertheless, if there is something that we can have out there and they want to throw it away later on in discussion and be paid, let them throw it away.

DR. TELLING: Yes. I agree. If somebody wants to ask the question, as this Commission sought to ask, and maybe you'll learn more than we have about what the current state is, fine.

MR. McNAMARA: Are there other comments on one?

DR. ABUCHOWSKI: I would suggest also that the statewide tax be reserved for the DOT for airport use. I don't think that there's anything that can be done in the process that we are in to make the local municipalities any happier at this stage. I think that the goal is to protect the airports, and the best way is to reserve the property tax for airport use and not use any of

it to go back to the local communities. I think the local communities will get something, as Peter said, from the local property taxes on the remaining property. I think on the public-use property the tax should be used for airport purposes, from my own perspective. I don't see any benefit in giving any percentage of that back to the local community.

DR. TELLING: I certainly say -- again, I sense that that really is the sense of the group, and so we've agreed. Now the question is, should we be explicit about it in recommendation on the report?

MR. McNAMARA: I don't think that if we-- I don't think we should-- I think we have to ask ourselves, as a practical matter, if we tell the Legislature to collect a tax, or if we get as far as having them draft a statute to assess a tax on the general aviation airports' nonpublic-use assets that have aviation applications, as a practical matter, is it important at that point to tell them what to do with the money they collect? Do you really think that--

DR. TELLING: Would you-- Would you--

MR. McNAMARA: What I'm concerned about in one sense is, will they think that that should become the aviation trust -- maybe it should go into the aviation trust fund? But if it's to become the entire aviation trust fund, we'll get back to -- or if it's to become the source of revenues for capital expenditures, we're going to get back into a situation where we will have an inadequate budget.

We're supposed to have a budget of over \$20 million a year under the Transportation Trust Fund. At \$20 million a year, of my calculations, we're going to be \$10 million a year short of what we need to do to maintain

just the general aviation airport system for capital expenditures. I don't know if we'd achieve anything by going beyond silence on this point. It scares me.

DR. ABUCHOWSKI: Do you believe-- Is there a possibility that the money will end up in the general coffers and used for something else?

MR. McNAMARA: It's possible--

MR. HINES: So what.

MR. McNAMARA: --but I don't think it's going to be that much.

DR. ABUCHOWSKI: Okay.

I have a question on No. 3.

MR. McNAMARA: Bullet point 3?

DR. ABUCHOWSKI: Bullet point 3. Are we recommending making this as a recommendation or a firm establishment, because is it possible that it can be established by the legislative action to establish -- local airport communities can be forced or can they simply be recommended?

MR. HINES: Where are we at here?

DR. ABUCHOWSKI: No. 3.

MS. NAGLE: Second page.

DR. ABUCHOWSKI: I'm just looking at the wording.

MR. McNAMARA: You're over here? (indicating)

DR. ABUCHOWSKI: No. No. No. I'm on the top of Page 2.

DR. TELLING: Establish local airport committees and programs.

DR. ABUCHOWSKI: Are we doing that by legislative action, or are we doing that by recommendation?

DR. TELLING: By recommendation.

DR. ABUCHOWSKI: Okay.

DR. TELLING: These are all recommendations and one of the things-- This is one of the few, but one of the things that we've talked about was there were some things that we're recommending, certainly the testimony that the Commission has taken have indicated, in many instances, have helped promote good relations. This was one of them that didn't actually cost anybody anything. What I didn't put here, and was debated, was you could add to this and direct the Division of Aeronautics to serve to put some resources behind doing this -- helping people establish them.

DR. ABUCHOWSKI: Okay.

DR. TELLING: I didn't do that. It was discussed amongst ourselves. In many ways, as you can tell, when we tried to cut through this, I tried to assemble a document which captured the issue -- avoided aspects of it that were potentially contentious. But frankly, through this kind of discussion, if we think this is taking off and there will be any testimony, those are exactly the kinds of questions the people are going to ask. So, I mean, I think it would be good to get some sense of the group on this. Right now, this is just an open-- It would be nice to do. That's all we're really saying.

DR. ABUCHOWSKI: No. I agree that we should recommend that these committees be established. I guess what I don't want to see happen is that the legislation establish them or say to the airport that this must be done as a contingency for other things.

DR. TELLING: All right.

MR. McNAMARA: I would disagree with you on that. I think that this is the most important -- well, one of the most important recommendations of this Commission. The success of these committees -- at

least the evidence of the success of these committees is overwhelming. At Teterboro, how Phil Engle is able to maintain good relationships with that number of communities operating the busiest general aviation airport with modern business aircraft in the country is -- in New Jersey -- it's close to a miracle.

DR. ABUCHOWSKI: No. I'm not--

MR. McNAMARA: And what we see is Montgomery Township with Princeton. After the very turbulent history of that relationship for 15 years, they have come now, again with Phil Engle's guidance, to establishing an airport committee, and they seem to be on a track -- or two very volatile entities are beginning to get along. And I think that if Somerset Airport and Bedminster Township and Solberg Airport and Branchburg and Readington Townships and Trincate (phonetic spelling) Airport -- is it in Milford?

MS. NAGLE: Tranquility or--

MR. McNAMARA: What?

MS. NAGLE: Tranquility.

MR. McNAMARA: Is that it, wherever. If they are all forced from an outside agency to sit down at the table and talk, that all of the -- that the cause of general aviation in the State of New Jersey will take a major step forward.

DR. ABUCHOWSKI: I would agree with that if, when you say force, the onus is on both the airport and the municipality. My concern was that if the onus is simply on the airport, then the municipality can use it against the airport by simply refusing to be on this committee.

MR. McNAMARA: No, no, I agree. It has to be on both together.

DR. TELLING: Actually, I share both Abe's concern and, if I can say, skepticism, but I'll say my skepticism. This is -- by the way I've drafted this, it's important to recognize I've drafted this with an eye toward any hearing document. The implication is, if you look at four, we've clearly said -- No. 4 -- used as a condition of State aid. In other words, we've positived it as a mandate. By definition, any place where we're not so positive as a mandate by implication, it is not to be amended. And I'm just dyed in the wool opposed to, basically, unfunded mandates, which is what this would be.

I think that the Commission's view is that we shouldn't be adding unfunded mandates. It's not appropriate either in this political climate, nor do I think it's appropriate in practice. The problem of onus and burden politically, as Abe raises, is very real. But the other worry that I have is, if we mandate this legislatively, then yet another -- a small set of rules and regulations and bureaucracy will surround the question of, what is an appropriately constituted committee? How often does it have to meet? What is the nature of its findings? And it's like -- good God -- more trees die needlessly. You know, what makes these things work has been the voluntary nature, and I think that's what we're trying to signal. All of our testimony is really sad. These things work.

The place that I would propose -- if we wanted to strengthen this, I think the form of the strengthening -- certainly the most I would personally like to support, but this is up to the Commission to decide as a group -- that it would be in a sense to expressly convey that the Division of Aeronautics have some mandate to assist in these. In other words, that they could solicit

support, and so on. More than that, I would hate to have this legislatively mandated. That's kind of my understanding.

DR. ABUCHOWSKI: I agree. I absolutely agree with that.

MR. McNAMARA: My view is a little stronger than that. I'm slightly disquieted that it isn't a condition of receiving State aid. I believe that in the event it will be, because State aid comes in conjunction with Federal aid. The Federal aid requires a master plan. To the master plan requires this kind of committee to be established. However, as a concession to the concerns of my fellow Commissioners, I won't argue for it to be -- or prolong the argument that it should be imposed legislatively. But if it isn't somehow imposed, I don't think-- This is the situation that we have now, where it's a good idea and when it's done, it works, but it's not imposed, so very, very few of them exist.

MR. ELLIOTT: I think Fred put his finger on it when he mentioned the word voluntary. Both sides have to want to sit down together and work out problems. To force them, I think, retards the benefits that might accrue to such a meeting.

MS. NAGLE: How would you force a municipality to set up an airport committee? What would be the way to enforce it? Would you say that you can't get any State aid for this, if you don't do this? I mean, could they do that?

MR. McNAMARA: Well, I think they force municipalities to do things all the time. They just adopt a law that says you have to have an independent accountant, you have to have a town clerk, you have to have -- and the municipalities have that. In this case, one would presume that the people who would be part of the committee are already in place -- the mayor,

the chairman of the planning board, the township attorney, the township engineer -- today.

DR. TELLING: I think, Jack, there is a couple of points. My concern--

MR. McNAMARA: Let the record show that Mrs. Castner is also in attendance.

DR. TELLING: My concern is, one, in a State that has such a strong home rule notion, this is going to fall prey to two particular problems. One is, if you do mandate it, then its own bureaucracy, as we discussed earlier or as I proposed earlier, will kind of grow up around it. And the second is that it's just one more burden on towns if they don't want to do it. And if you're going to tell them to do something, then, now legislatively, you're going to sort of have to specify what its function is. What power does this committee have? Well, I don't want to give the elected officials in this case any more powers than they already have. The whole general tenure of this report is, frankly, to reserve powers to the State more than we may have done in the past and to let the private operators sort of get on and free them up of some regulations. So I mean, it's not dramatically different than, I think, the whole line that Abe correctly started at a moment ago, but it is a bit of an elaboration on that. I just think it's a very slippery slope with limited benefit.

And to your other point on -- under some of these others programs, a master plan, and so on, they may have some obligations and do some of this anyway. If so, and if that's true -- I'm not just knowledgeable enough -- why add to it?

DR. ABUCHOWSKI: I think, also, that if this type of legislation were to be created that the local communities would see these committees as an opportunity to--

DR. TELLING: Exert control.

DR. ABUCHOWSKI: --exert their opinions in terms of the airport. I think that is a consequence of merely the legislation you would see these committees be formed. So I don't think they need to be legislated.

MR. McNAMARA: In no case is there an airport committee that exerts control, as far as I know. I think it's all in the nature of being advisory. The control that it exerts is a very soft control -- a majority vote. An airport could have some representatives that vote for a municipal proposal and some that vote against it, and then you have a majority vote, so to speak, contrary to the airport's representative, but in no case does that control either the airport -- it doesn't control the airport's policy any more than the airport can control the town's policy.

DR. ABUCHOWSKI: But at minimum, it improves communication, and that's what we want.

MR. McNAMARA: Yes, that's what we want.

Let me just ask this. I think it's very valuable, as Fred says, to have these discussions because it gives us an opportunity to kind of discover the conscious of the Commission in the event we ever have to represent it. Does anybody propose any change to the wording of this provision?

DR. TELLING: I do now.

MR. McNAMARA: Do you?

DR. TELLING: Bullet 3. I have to tell you, the whole sense of this conversation urges me to want to propose adding after the third word, airport -- to add "advisory". So establish local airport advisory committees.

MR. McNAMARA: I think that's a good change.

DR. TELLING: Because the one thing I would never want to inadvertently give rise to is any notion that these are anything but advisory. And I think Jack Elliott had it just right. The ones that are working, I mean they're working because the people want to work at it. So that would be my proposal.

MR. ELLIOTT: I would certainly agree with that.

DR. TELLING: Anything else for Roman Numeral I? As a little catch-up, this was an effort to try and capture, as I said I would, a meeting ago -- I missed the one in between, I guess -- to try and take all the recommendations and findings so that legislators or other interested parties who wanted to read it would not only know what we thought we learned, but what we recommend in light of what we think we learned. In a way, that would be more focused and enable them to really, hopefully, be quite interested and go on to the rest of the report.

MR. McNAMARA: We wonder if it should be encourage establishment.

DR. TELLING: Okay. Why don't you raise that?

MR. McNAMARA: Mr. Ketyer has, I believe, rightly observed that we probably want to word the first two words of No. 3 as "encourage establishment of" -- the first three words -- the local airport advisory committees.

MS. CASTNER: Mr. Chairman, did this take into account--

MR. McNAMARA: This is a follow on to yours.

MS. CASTNER: Okay. So you read what I rewrote?

MR. McNAMARA: I did.

MS. CASTNER: No. Does this incorporate--

MR. McNAMARA: I'm sure he did. You got it last time you were here.

MS. NAGLE: He wasn't here at the last meeting.

DR. TELLING: I wasn't at the last meeting, and I don't recall the fax. If I got it, I read it, but I don't remember. Where, in the words of-- We're being recorded, so no jokes are allowed.

I have no recollection of your fax.

MR. McNAMARA: This is, I think, almost -- it's not identical to yours, but it's the same as yours.

MS. CASTNER: And as I don't have mine here, is there anybody else who has another one?

DR. TELLING: Yes. You just-- (receives paper) I hadn't seen this. (indicating paper) I wish I had. You would have saved me some effort.

MR. McNAMARA: Didn't you send this to everyone?

MS. CASTNER: No. I faxed it to you, and you were going to bring it to that meeting that I couldn't come to.

MS. NAGLE: He did.

MR. McNAMARA: Okay. I did.

MS. NAGLE: But Fred wasn't there.

DR. TELLING: And I didn't come to it.

MR. McNAMARA: Is this an extra one?

MS. CASTNER: That's my copy.

MR. McNAMARA: Okay. This is Suzie's.

DR. TELLING: Well, I'm glad both of us were toiling away and we've arrived at a somewhat similar place. It's a testament to find mine's in good fortune.

MS. NAGLE: An accurate representation, right.

MR. McNAMARA: Well said.

DR. TELLING: I regret I didn't have the benefit of it. So in given what you've done, I just want to glance at it, and obviously, as I said at the outset when you weren't here, anything that-- We're proposing things people want to make, and any improvements you've got -- yours -- we should incorporate them.

MR. McNAMARA: All right. If we are done with Roman I, let's take a moment to read Roman II and then go over it. (members comply)

DR. ABUCHOWSKI: I have just a quick comment.

MR. McNAMARA: Why don't we hold it until we--

DR. ABUCHOWSKI: Okay.

MR. McNAMARA: Is everybody ready?

Pete, all set?

MR. HINES: Yes.

MR. McNAMARA: Go ahead.

DR. ABUCHOWSKI: With regard to No. 4, do we expect any issues from real estate brokers or agencies that might be -- groups that might

be represented at the Legislature that may not want that because it will put additional requirements on them as selling their brokers?

MR. McNAMARA: Well, there is already a provision like this. Isn't that correct?

MS. NAGLE: I don't know.

MR. ELLIOTT: I think it's three miles.

MR. McNAMARA: In the Air Safety Act, when we revised it.

MR. ELLIOTT: I don't think we can be concerned with whether they want it or not. I think it's something we have to fight very hard for.

MR. McNAMARA: One thing that we have--

MR. ELLIOTT: If it's necessary, it creates problems for the airport, as well as people who move into the area. And all you're asking is to hope--

MR. McNAMARA: If we had--

DR. ABUCHOWSKI: I'm not in any way against it. I'm just saying could there be opposition.

MR. ELLIOTT: No. Well, there might be opposition, but there will be opposition to other things, too.

MR. McNAMARA: The one question-- Where did we get the five? For instance, did we raise it from three to five?

MR. HINES: We talked about the airport zone itself. The airport zone is five miles out.

MR. ELLIOTT: No, but there wasn't--

DR. TELLING: It used to be, then they changed that to four nautical miles.

MR. HINES: Well, it could be, but it's usually five miles. Aircraft approaching an airport would have to call in prior -- particular the control tower -- at that airport, probably all of them, right.

DR. TELLING: I'd have to say--

MR. HINES: They should call at least five miles out, let them know where you are, and let the other traffic know where you are.

DR. TELLING: For the record, I would say, there is no testimony that we took, when I went through it, that comes up in the file. I plucked it out of the air based on exactly the same good logic you're outlining. We know the current one's sort of insufficient. If you think about how far out they are that they're starting to get lower to bother people and you figure let's go for five, so there's no more math behind it than that.

MR. ELLIOTT: Well, that seems to me to be very reasonable, and I think that real estate brokers are currently required to notify within three miles. Isn't that correct?

DR. TELLING: Three miles. That's right.

MR. ELLIOTT: Expanding it to five miles makes sense to me.

DR. TELLING: The suspicion is that they're not doing very well.

MR. ELLIOTT: Well, then it ought to be--

DR. TELLING: And I think to your point is that why could it be a protest -- to a certain extent, the one benefit that could arise from a protest is, I suspect, any inquiry by an interested legislator would rapidly reveal the current compliance is insufficient. And I think that works in favor of us in the long run. I mean, it works in favor of the case that it would make legislators say, "By God, we passed a good piece of legislation to begin with. We believe

in it. It's not being adequately addressed, and this is clearly in the spirit of it." So in the long run, I think it would work for our benefit if somebody did choose to challenge.

MS. NAGLE: I would just recommend that we do check with the Act itself to see exactly how it reads. Because I thought they just had to notify if the house is in the airport safety zone. That was my understanding. And in the Readington example, they haven't adopted the zone, so they don't have to do it.

MR. McNAMARA: The one thing that-- There are two things that come to my mind. One is that when Pete Hines did the -- lined up the townships for our neighboring municipality survey, when we went three miles out, we had X number of townships, and when we went five miles out, we had three X . So it increases the township involvement by a multiple of three.

The second thing, just for the record, if we paste together what we can consider the colloquy we overheard between Princeton, Montgomery Township, and the Nierenbergs: The Nierenbergs got notice that a parcel of land next to their airport -- I guess 300 or 400 acres -- was going to be developed residentially sometime in the afternoon of the day that the ordinance was adopted. They took umbrage with that, and that property then-- The reason that they were upset about that is that that was going to be right under their traffic pattern and there would be 300 houses in there and there would be a greater source of complaints about airport noise. And then Montgomery Township came in and said, "Well, everybody who bought a house in that area, by mandate of a municipal ordinance, had to be notified that they were in the vicinity of the airport." And then at another point in

their testimony they said, “The fewest number of complaints about Princeton Airport come from that area.” So we have some evidence that says this works.

MS. NAGLE: It would be wonderful if people that moved in within the five-mile radius were not as sensitive to aircraft noise as other people.

DR. TELLING: You can go on. I’m just trying to find a reference or a document.

MR. McNAMARA: I don’t think you’ll--

DR. TELLING: I thought I had it.

MS. NAGLE: Do you have the Act there?

DR. TELLING: No, no. I’m just going through some of the zoning pieces that we had in the footnotes.

MR. McNAMARA: Okay.

DR. TELLING: Please continue.

MR. McNAMARA: Are there other comments on II?

MS. NAGLE: Just a typo. Is it environmental, or is it environment? Department of Environment Protection, or is it environmental?

MR. McNAMARA: In where?

DR. TELLING: Environmental.

MS. NAGLE: Environmental.

MR. McNAMARA: Thank you very much.

Where do you see that, Suzie?

MS. NAGLE: Under Findings, the first paragraph.

MR. McNAMARA: Okay. Any other comment? (members have a discussion amongst themselves)

Why don't you go ahead.

DR. TELLING: We have some new language which was just improved-- In the first instance, and we'll just do that, we've corrected the Department of Environmental Protection and Energy, which I didn't know. To clarify at the bottom, this is five statute miles. And then with risk to returning to Bullet No. 3 up above, there maybe some clarifying statute which does require the establishment of these committees for some particularly large facilities. And if we can find it, we might amend that segment to make it clear this would only apply to those which are not otherwise covered.

MR. McNAMARA: And perhaps--

DR. TELLING: No. I just said I would adopt the language that was proposed.

MR. McNAMARA: Okay.

MS. CASTNER: Mr. Chairman, are we adopting this as-- Are we reviewing this as the piece that is the recommendation piece, or are we taking this and looking at the concepts that are on it, as well as the stuff I wrote before Thanksgiving, and coming up with a piece for that?

MR. McNAMARA: We are adopting this as the piece. This is the insertion into our report.

MS. CASTNER: This doesn't have a couple of things that I recommended--

MR. McNAMARA: Okay, let's--

MS. CASTNER: --so I definitely want to discuss it.

MR. McNAMARA: --get through where we are and then get to that.

DR. TELLING: And so, hence, what I would love to see is let us -- please raise them and let us debate them.

MS. CASTNER: Well, I think we did that the week I wasn't here.

DR. TELLING: Well, I wasn't here either, so you and I get to debate them all over again. How about that?

MR. McNAMARA: Well, to a certain extent, but-- If we have some substantial disagreements, we'll try to resolve them, but let's get through this because we had some lengthy -- we were here to have some lengthy argument on some of these points last month, and we can't keep going back. However, I will say that last month was pretty much focused on real estate taxation.

DR. TELLING: The points that we got -- pretty well covered in item No. 1.

MR. McNAMARA: Okay. Let's take a minute to read Roman III, and then we'll discuss it. And then after that, Linda, anything that isn't addressed, if you'd bring that up? (members comply)

Everybody ready? Okay, comments on Findings and Recommendation under Roman III?

DR. ABUCHOWSKI: No. 5, for some odd reason, while that seems to feel good and we've discussed this as the appropriate thing to do, when you look at it in the context of all the other recommendations and other plans that are in here, it almost seems like an outlier. It almost seems like it should be eliminated in its entirety because I think it's subsumed within the State Development and Redevelopment Plan. No. 6, develop a plan as part of

the State Transportation Plan for airports. Provide incentives for economic developments, No.7. I think No. 5 almost becomes counterproductive.

MR. McNAMARA: I agree.

DR. TELLING: I have no problem with it because-- Plus, I don't have a recommendation on what a proper mix is.

MR. ELLIOTT: Exactly.

MR. McNAMARA: I think we went over it last month, in fact, and I think that's where we came to.

Do you remember that, Jack or Pete?

MR. ELLIOTT: Yes, I recall.

MR. McNAMARA: Somebody said we didn't understand it.

MR. ELLIOTT: Well, the point that Fred just brought up, I think, was brought up last time. What is a proper mix? No one has been able to define that.

DR. TELLING: We have expressed in the report that we are overly dependent upon private facilities and service. So by implication, you're saying we're already extreme in the respect for, but there's nothing in our testimony that we've taken that has really taught us what a better mix is because the bulk of the State is actually at the other end of the spectrum with heavy county-supported airports in almost all instances.

MR. ELLIOTT: But what would be the mechanics for changing it? We decided that we didn't have a proper mix.

DR. TELLING: Right. If someone would ask, the mechanics are somewhat imbedded, and this is to Abe's point -- assuming they're imbedded --

if the State does the other things we talk about, it probably would result in some shift to this over time.

MR. ELLIOTT: No. 6, the objectives are admirable, but my feeling is that it's somewhat unrealistic, that we propose something that is unrealistic, we somehow reduce our credibility. Number one, I question-- A 7000-foot runway is a jet runway. Whether we need 21 jetports in this State -- and I personally don't think we do-- Number two, how would this be financed? I don't know of any way in which 21-- Well, it says "where feasible," and admittedly, there are many places and many counties where it's just plain not feasible because there isn't any land available. You need a lot of land for a jetport.

MR. McNAMARA: I think that before we discuss No. 6, we've got to focus on what it says. It says, "Develop a plan for the year 2050."

MR. ELLIOTT: But in 2050, you're going to have less of an opportunity to put such an airport into counties like--

MR. McNAMARA: Bergen.

MR. ELLIOTT: --Union, Bergen, Hudson. There isn't any land now, and in 2050, the land will be less available. There is still land in certain areas; for example, Solberg has -- got lots of open space. That's practical. It could be done there. But in the many, many counties, it's not practical because the land is not there now and is not suddenly going to become available.

MR. McNAMARA: Well, wait a minute. We've not made a finding to that effect. I was talking this past week with Phil Predo (phonetic spelling). You remember that he came in and gave testimony to us in the early

going. He's the one that responsible-- He's the FAA employee who is responsible for airports in New York and New Jersey. And he said today if you're going to build an economically viable airport for the modern business aircraft, you're looking at 7000 feet of runway with 1700-foot clear areas at both ends and a 4000-foot crosswind with the same clear areas. You're looking at, in addition to the setback space, which would be 750 either side of center line, for the long runway, which would be a precision approach runway, and 500 feet for the crosswind, which would be a nonprecision approach runway-- You would have to have an additional zone of 500 feet on both sides to accommodate business that would make the airport viable, economically viable. Adds up to 800 acres.

We don't have any findings that says there are 800 acres that can be assembled in any county in the State. If we want to make a wager, I would faster wager on Sussex and Cumberland and Burlington and -- than I would on Union and Bergen and Essex.

MR. ELLIOTT: I'd agree with that.

MR. McNAMARA: But we've not made any finding, as a Commission, that that isn't there. Even if we did make a finding that that is there, I don't think that it would change this proposal. This proposal is for a plan. Is this necessary? As one commissioner, I profoundly believe it's necessary. If we genuinely believe that our economic health of the State is in part dependent upon a healthy air system, then we've got to be looking in this direction.

They are manufacturing business jets today at a rate of 500 a year. That almost equals-- The business fleet today exceeds in size either the major

airline fleet or the regional airline fleet -- the business jet fleet. And it is growing at an enormous rate. Businesses -- this is their mode of travel. We have extensive evidence to this effect.

MR. ELLIOTT: Where such airports would be most needed would be in the highly industrialized areas of the State. And those areas -- Essex County, Bergen County, Hudson County, Union County -- that's where you would need such airports.

MR. McNAMARA: Burlington County.

MR. ELLIOTT: Number one, there is no land there.

MR. McNAMARA: Salem.

MR. ELLIOTT: Now, in order for this plan to work, to be economically viable, you have to have enough business to make it economically viable. Now, there is-- No matter how many aircraft they're producing, I don't think you could put 21 airports in this State -- jetports -- that there could be 21 economically viable jetports in this State.

DR. ABUCHOWSKI: Jack, I don't think--

MR. ELLIOTT: There wouldn't be enough traffic to make them economically viable.

MR. McNAMARA: You're looking at today backwards.

MR. ELLIOTT: But I'm looking at 50 years from now, and I would still think it.

MR. McNAMARA: You've got to look today forward.

MR. ELLIOTT: You have Teterboro, and Teterboro can cover a vast amount of area. People can get from Teterboro to three or four of the highly industrialized counties. People come into Teterboro to go to New York.

MR. McNAMARA: Let me ask you a question.

MR. ELLIOTT: I don't think you need it any more than you need a bus terminal, like the 42nd Street Terminal, in every county in New Jersey.

MR. McNAMARA: Don't we have 206 corporate jets based in New Jersey right now?

MR. ELLIOTT: There are roughly 100 at Teterboro.

MR. McNAMARA: About 150 at Teterboro and the rest adds up to 206.

MR. ELLIOTT: It might be close to that.

MR. McNAMARA: On the average, there are 5000 corporate jets in the fleet. That would be essentially 10 per state. Right? Five thousand would be 100 per state. So we go at twice the rate of the national average. If of the 500 that are manufactured each year, the national average is 10, we would get 20. So in 10 years, we are going to need capacity for twice what we have today. And in 50 years, we are going to need capacity for 10 times what we have today.

MR. ELLIOTT: But how are you going to put them in the areas where you need them where there is no land available today? Is there going to be land available 50 years from now?

MR. McNAMARA: There won't be unless we plan for it now. And by the way, I would take issue with you. I would not say that the only place to put these are in the heavily industrialized counties. I would say one of the best places to put an airport is where you have unemployment -- good transportation and unemployment.

MR. ELLIOTT: Well, you have to have companies willing to come in there.

MR. McNAMARA: And we have found from the evidence that we have taken that in North Carolina, in Ohio, in Wisconsin, and in Pennsylvania, they are finding -- and now in Virginia -- that they are finding that by building good airports, they're able to invite in--

MR. ELLIOTT: Ohio found this out in 1963. Ohio had land. All the land on which those airports were built were paid for by the citizens. They raised the money to buy the land, and the state offered to build a runway 3000 feet long, which was long enough in those days to accommodate a DC-3, which then it was queen of the fleet--

MR. McNAMARA: Right.

MR. ELLIOTT: --but the situation is not the same today. You're not going to get citizens to raise money to buy land for airports.

DR. TELLING: No, no. I don't want to interrupt.

MR. McNAMARA: Go ahead.

DR. TELLING: I think your points are well taken. It's problematic. What I was going to start to say a second ago is in some cases-- Think of Essex County. They're just shy of 7000, whether in fact you could extend that, you could.

MR. ELLIOTT: Today you can't, unless you could close down the golf course and a lot of other privately owned properties, but I don't think people are willing to sell.

DR. TELLING: Either that or go north. But the point is, you've got--

MR. ELLIOTT: North you have a highway.

DR. TELLING: Things are going to reroute it. I mean, this wouldn't be the first place. Teterboro is living on an extension that--

In all cases, I don't think we're talking about new airports, and number two, I think that there is evidence that build them and they will come. We're looking at and talking about the year -- 50-plus years out from now. And even 20 years ago, Paramus was -- 25 years ago, as you well know -- appeared as sort of empty wasteland and fields. Look at it today. Just imagine what the current rate of growth we're going to be seeing in the future.

I think from a point of view of preserving opportunity and growth for the future, this is a sound recommendation. I would feel personally a lot happier about the recommendation if I thought I had a strong basis for why 7000. That's where I have a problem.

MR. McNAMARA: I'll give you a strong basis for it.

DR. TELLING: Wait a second. Wait a second. A second ago, you just accused Jack of living in the past, and I'm going to accuse you of living in the past. Your recommendation is built around current--

MR. McNAMARA: I was going from today backwards.

DR. TELLING: Okay, well -- is built on current characteristics. I mean, whether the fact you start shifting to bell-tilt rotors in the future, I have no idea what will be operating in and out of these facilities. We know of necessity they're going to end up being quieter. You're probably going to have regional aircraft. The problem is I don't have a good -- and we have no testimony to say what's magic about 7000. We have, as you say, Jack, the basis for why we ended up there at the moment, but if this recommendation

stands, all I'm saying is imagine now you're testifying. We haven't got the best case for why that specific number to build.

MR. ELLIOTT: I think there is a good case, because you're talking about jetports. And the jetports at -- 7000 is a pretty good number for a jetport.

MR. McNAMARA: Jetport has a bad tone.

MR. ELLIOTT: Yes, it does.

MR. McNAMARA: Could we call them business aircraft or airports?

MR. ELLIOTT: I agree -- jetport -- but that essentially is what we're talking about.

MR. HINES: I don't think we're talking about jetports as such.

MR. ELLIOTT: You don't need 7000 feet to land my house.

MR. HINES: This is just a plan. Any plan is going to include the demographics of the state, how industry is moving around, how the population is moving around, where it's economically feasible and practical. This is what the plan should call for down the road.

DR. TELLING: I don't think, as a Commission, we should be building this around business corporate aircraft. I mean, that's -- talk about opportunities to lose commitment and consensus in the general populace. Ferrying a bunch of well-heeled executives around is not exactly a high mover for most legislators.

MR. McNAMARA: Yes, but we have--

MR. ELLIOTT: But it attracts business. It will attract employment, and it brings tax base.

DR. TELLING: It does, but I think these are facilities, which have got to be legitimately useful facilities for a wide range of aircraft. What I'm envisioning is-- We've had-- This dream has been had before and not come to fruition. In economy, that it's ultimately going to be utilizing more distributed air transportation. We've basically moved since World War II to highly concentrated, current lug-and-spoke structure with very large facilities, which requires all this traffic to go to a handful of small places. Over time, I think that's-- Are you going to want to schlepp from the other side of New Jersey on into Newark to keep getting your flights? This to me envisions a world which is much more distributed distributions, you know, transportation system. That's the logic that I think we got to be advocating. And that's why I come back to 7000. I don't want to build this around jetports, as you said. We're just well-heeled corporate executives.

MS. CASTNER: Don't you think there's more issue or at least equal issue to every county?

MR. McNAMARA: Let me just, Linda-- Abe has been--

DR. ABUCHOWSKI: I think we're taking too hard of a read on No. 6. No where in this thing does it mandate that there be 21 airports in the state. And I think it says it very correctly, and Peter has said it as well, develop a plan that incorporates all the issues that we are discussing. It may turn out that you can't do 21. Maybe the plan ultimately comes to the point where you can only do 5 or 4 or 10. I don't know how many that will be, but we certainly need some -- more than we have now. And the issue is to begin looking at the plan. If we have support, and I think we have support for the 7000-foot runway, all these issues will be taken in account in the plan, the demographics,

the land availability, the existing airports, everything. And the results of that plan and that study will dictate how many of these types of airports can, indeed, be built. That's the way I remember No. 6. And if that's the way it is meant, I'm in agreement with No. 6. I do not read it as mandating 21 airports in this state.

MR. ELLIOTT: Oh, I agree, I'd like to see that. The question is, how practical is it?

DR. ABUCHOWSKI: Well, the plan will tell us. The plan will tell us.

MR. HINES: That's for the people to determine.

MR. ELLIOTT: You can't compare New Jersey to Ohio or Florida or Virginia or North Carolina, which have no land problems.

DR. ABUCHOWSKI: You are assuming a priority that these issues will stop the development of these airports. I'm saying, let's look at the issue. Let's take it separate from our Commission. Let's have somebody else look at a plan that now looks out 50 years ahead and looks at the demographics and makes a decision based on fact as to how many airports of this type, or whatever type we choose, are appropriate within this state. And I don't think that we're at a point, as a committee, to make that decision here, but I think it is appropriate for us to say it's something that should be studied.

MR. McNAMARA: Linda.

MS. CASTNER: Could we change the wording on it? I'm looking at what I wrote on mine, and it said, "Develop a plan as part of the State Transportation Plan where the airport is strategically located with a 7000-foot runway," instead of putting in "located in each county." Because I think the

argument is coming as to -- is that saying that you really are looking for 21. Just put "strategically," and then the whole plan will bring it up.

MR. McNAMARA: I am, of course, the author of this proposal. And in my thinking, the concept is to have a plan that will accommodate each county, not that they shouldn't be strategically located, and maybe it's not going to be possible to accommodate each county. But I think it is important, when we have a means to disperse the economic benefit, to move the jobs around to locate at least one of those sources in each county.

MS. CASTNER: I agree with Jack on that part. I don't-- It might just be me sitting in an airport every day, all day, but to think that you could even attempt to build an airport with a 7000-foot runway, a new one or even extend one -- knowing what we have seen in the paper -- in every county, especially going to the east, is-- I don't think it is a good thing to put in the recommendation, because it just ain't possible.

MR. McNAMARA: I disagree with you that it just ain't possible.

MS. CASTNER: We don't know until they look at it.

MS. NAGLE: I think it makes us look like pie in the sky.

MR. McNAMARA: I don't think we have--

MS. NAGLE: I think it makes us look like you're making requests for "Jack and the Beanstalk" things. I think putting in "strategically located" and giving it to a committee that will discover on their own whether it can go into 21 counties or not.

MR. McNAMARA: Is there a way to resolve it with wording?

DR. TELLING: Well, I think, actually we have an interesting question here that's worth pursuing. The concern I have about this -- the

wording that you have in yours, as I read it, is, if I were reading that and not having heard this debate, I would imagine one or two new airports by the year 2050. That's what that wording tells me. One or two -- actually one strategically located someplace, which is to me a continuation of a current kind of failed planning approach. I am personally a staunch advocate for a more dispersed, or distributed, transportation structure. I think it's going to be essential. I think if it has a snowball's chance in hell of having it happen, we have to begin to do things now, and that's what this plan calls for. So on one level, I think there is a fundamental difference here about whether or not you want to go for the vision and find out, even though there's lots of evidence that it is doable, or more safe worded. I'm just thinking that it's a difference of opinion. I think it's worth debating.

MS. CASTNER: I think it's worth-- I don't think it's safe or not safe. I think it's wording that lets people know that you are aware that this is not an easy task, and so you're not asking for something that you need a genie to have it happen.

DR. TELLING: Well, the wording to the extent that I have, Mr. Chairman -- a wording proposal -- plays off this notion of trying to build back into this some of its purpose. It's the idea the first part would be exact as is, "develop a plan as part of the State transportation system," and plug in something like "that supports a more dispersed distribution, a transportation structure wherein" and then go back here. So all that I'm proposing doing in some sentences is plug in the objective under which people consider the rest of the context of the plan. I think it tempers it somewhat. I think it gives it a modestly improved logic, but beyond that doesn't do a hell of a lot.

DR. ABUCHOWSKI: Just to do a little word smithing, “wherein an airport is located in each county,” and add “and where feasible with a 7000-foot runway.” There we’re saying we want 21 airports.

MR. McNAMARA: I wouldn’t. I wouldn’t.

DR. ABUCHOWSKI: No.

MR. McNAMARA: Let me just tell you this. We have, I believe, on the record already some testimony to support the 7000-foot number. And I just would quickly call to your attention if you were to take the corporate jet fleet, the business aircraft fleet, from Bombardiere (phonetic spelling), Cessna, DeSo (phonetic spelling), Gulf Stream, Isrejet, and Rathyeon, you have -- and you wanted to operate them on a summer day in New Jersey and it was a 90-degree day, you would need to have 7000 feet to accommodate those aircraft. Now, is it true that you could accommodate a lot of them if you had 6500 feet? Yes, it is. And you could accommodate a lot of them with 6000 feet, yes, that’s true, too. But if you are making a plan, I think the plan ought to be made so that you can have what we know to be the corporate fleet today accommodated on a typical summer day at each one of these airports.

I would just refer to one other item of evidence that we have got well documented, and that is that I don’t think we find that the -- what we refer to today as the business jet or the modern business aircraft is an aircraft that services a few privileged corporate executives. I think that the testimony that we have received from the National Business Aircraft Association substantiates that these are essential tools of capitalism. They have become essential tools of capitalism. Our own commissioner, Hank Rowan, points out that he uses them to go and make sales calls and bring prospects to New Jersey.

And in the years that he's done that with his Lear jet, there's only been one occasion when he didn't make a sale.

Jack Alcot (phonetic spelling) testified before us and made the point when corporate flight departments were at their lowest was coming into the beginning of 1990, and then the corporations all went through an exercise in right-sizing. They had fewer key executives left, and they had to get more production out of them. The corporate flight departments began to grow geometrically after that because they had to move these important executives about.

There are major companies now like General Motors and others, Coca-Cola, that are buying corporate aircraft without executive seating in them and moving larger groups of employees -- sometimes 12 to 25 employees -- and running their own transportation service.

So these are becoming essential corporate tools, and the states are coming to realize that they can lure industry and jobs into themselves by providing accommodations for them. We want to be one of those states. We want to be the state-- We're a sea level state. That's an advantage. We want to be able to say to the corporations, "You can operate out of our state on any day of the year." And that's the reason that that was drafted with a 7000-foot provision.

Abe.

DR. ABUCHOWSKI: I agree with the 7000 foot.

Just bear with me for a second, I just wanted to say what the addition of "and" means to me here. It is quite different to me. The way it is stated right now -- we want a plan where, as we said, every county has a

7000-foot runway. By putting in the word “and,” it says that we want an airport in every county, and where feasible that those airports can have a 7000-foot runway we do it. It doesn’t say that now. It’s an either-or situation now: either it has a 7000-foot runway or there’s no airport in the county. And I’m not sure how we feel about it, but I’m just trying to say what the word “and” does in there. To me, I think that whoever is going to make the plan up -- whatever group is going to be constituted to do this plan -- if it is our intent that there be an airport in every county, at least an airport of some type in every county, and where feasible the airport should have 7000 feet, then that little change would do that. If it is that every airport should be 7000 feet--

MS. CASTNER: How close are we to that right now?

DR. ABUCHOWSKI: I don’t know.

MS. CASTNER: Is there an airport in every county?

MR. McNAMARA: Yes, there is. There’s some counties that have more than one.

MS. CASTNER: Okay. So maybe the wording should reflect that, of course, we do not want to lose any of those that are there. So the ability to work with one that’s there is a more logical thing than building a brand-new one. I think that we would all -- I would agree with that that it would be easier. It’s still not going to be easy, but it would be easier to take one that’s there and try to work with it than it would be to go buy a property and-- I don’t want us to look naive about it. It isn’t just for me to expand mine 125 feet. People are saying you’re going to expand it, you’re going to expand it. So to put something in that’s 7000 feet would be a real hard test.

So I agree with Abe, then, that I would go along with an airport in every county, absolutely. Work with them to increase, at least one of them, to a size of 7000 feet, if that can be done. But to go in and say that we think you should have one in every county at 7000 feet, I just think makes you look like an idiot, that you don't know the facts.

DR. TELLING: There's a slim difference between visionary and idiocy so-- (laughter)

MS. CASTNER: That's what they tell me. One day I'm a visionary and the next day I'm a idiot, but that's the truth.

MR. McNAMARA: Is that a jury question? (laughter)
Pete.

MR. HINES: You know, I have to be concerned that 7000 feet, I don't think, has to be a magic number, if we handle this properly. And we're talking about a plan here -- we're going to have planners involved here, and we should be encouraging them or I think we should encourage them to develop this plan to accommodate the aircraft to be used by industry in the foreseeable future by the year 2050. Then maybe determine at that point or so we only need 4000 feet. I don't know what's coming down the pike, but with the change in airfoils and power plants and everything else, you may not need 7000 feet. On the other hand, you may need 10,000 feet. We really don't know for sure. I would suggest that put experts to this and let them determine out to that point in time what we think we need in each county and not specify a 7000-foot runway, per se. Yes, you need 7000 feet to accommodate the aircraft we now have, and we may need that for a while yet,

but you're not going to see these airports being built within the next 10 years either. You're looking beyond that.

MS. CASTNER: I'm not sure 7000 feet is a bad number to put in there, though, because if you look at the manufacturing of airplanes, aircraft, I mean, we're flying junk around every day. We're flying junk around. So I think 7000 -- it's reasonable to think that those aircraft that require 7000 feet now are still going to be used in 20 or 30 years with some type of good mechanic working on it.

DR. ABUCHOWSKI: Yes, I think the question is, how is this going to be received?

MS. CASTNER: Right.

DR. ABUCHOWSKI: I think we're saying the exact same thing. Is it going to be better received by saying -- instead of saying 7000 feet, to say accommodate existing business aircraft? And then when one looks at that, it will be 7000 feet because clearly it is. And you're putting the definition in, as opposed to the answer. And the issue may be that if you put in 7000 foot and a 100,000-pound capacity, you may have some legislators roll their eyes and say, "How are we going to do this?"

MR. McNAMARA: On the other hand, we are appointed very specifically as experts, all right. We know this. I mean, everybody sitting at this desk understands that that's what it's going to take.

DR. ABUCHOWSKI: Yes, there's no doubting that that's what it's going to take. It's the presentation of that number. Do we present it as a number, or do we present it as an ideology?

DR. TELLING: I think it's exactly the right way to go, which is -- and I would propose language that reads around this notion of accommodating aircraft necessary for business. I want to plug in here the regional transportation needs. I mean, to build this whole case around business, while an important piece, I just think is a nonwinnable legislative point.

We then have a choice, just as we have in other cases. It's a conscious decision. You can say parens and plug in seven, or you can be silent on the seven, as we've chosen to be on the tax rates and other things, and know -- I mean, at which point there's other work that we have to do -- when asked, the Commission's answer is our experience and our testimony has taught us that that means we think this and this and this. But that doesn't take into account advances in aircraft design, airflow, and other things, so that may change. So then the headline doesn't read, "Commission supports 21 business jetports." You know, "Jack McNamara, advocate, 21 business jetports."

MS. NAGLE: He likes it.

DR. TELLING: He likes that. (laughter)

MR. McNAMARA: I advocate your work. (laughter) This is just a start.

DR. TELLING: But it may not help.

MR. McNAMARA: Let me say this, that the great fear of the municipalities is that they're going to get airline service. I don't think that they have a resistance to-- I don't think when they get right down to understanding it that there is resistance to business aircraft service. The

occasional jet operation, if there's one or two an hour, this is something that I believe they can learn to live with.

DR. TELLING: I don't know if I think there's a consensus on that point.

MR. ELLIOTT: There is not. I guarantee you.

MS. CASTNER: There is not.

DR. TELLING: So, fine. So I won't even try.

MR. McNAMARA: Let me ask, where is the consensus breaking down? Is it that--

DR. TELLING: Most of these people--

MS. CASTNER: Jack, if you said--

DR. ABUCHOWSKI: Do you believe that municipalities have an understanding or can be convinced of something?

DR. TELLING: Hardly--

DR. ABUCHOWSKI: I believe they have no understanding of aviation. I think they have an irrational fear of aviation, and I think that's the way it's going to stay. I don't think there is any way that they are going to understand any aspect of what's in this recommendation.

MS. CASTNER: I honestly think that if you found the cure to cancer in the cracks of 7000-foot runways, and if you grew it on the 7000-foot runways it would cure cancer, you'd still have people negative to building that airport.

MR. McNAMARA: It's characteristic of New Jersey's history that with every new mode of transportation there has been popular dissension. When we first had Indian Pass turned into roads, it--

DR. TELLING: Just trusted them bicycles. (laughter) And cars.

MR. McNAMARA: They resisted the rules that required the maintenance of the roads by the private people on the sides. They resisted the trolley from running to Camden. They said it would be -- what was it? -- the road to hell. Montclair had a 21-page ordinance after the 10-year fight to keep the trolley out of Montclair so that sick babies from Caldwell wouldn't be coming into Montclair, as I recall the quote. We resisted Interstate 78 and 287. One engineer had his whole career just as the engineer on Interstate 278 from the time he started out at Rutgers till the time he retired. He did nothing but build 78. That's because of the resistance.

The State of New Jersey has never been daunted by this resistance. It keeps going, and we have become, maybe more than any other state, a transportation state. We can't, I don't think, make State policy because some people are going to object to making the correct policy. I think we have to propose the correct policy, and then let the legislators cope with the objections. And the correct policy, I think, is that policy. I think we generally agree on that. The only question is, I think, just the question of putting in some comment about regional airline service because then municipalities are looking at scheduled service.

MS. CASTNER: Can we take a little hand vote here?

Does everybody agree that we should be asking for -- to maintain an airport in every county or to develop an airport in every county that has a 7000-foot runway?

MR. MCNAMARA: Okay. Let's say that they're not distinguishable. It's at either-or: either develop it from what you've got or develop it anew.

MS. CASTNER: But this doesn't say that. I think this has to say that.

MR. McNAMARA: Okay. Well, I don't mind that.

MS. CASTNER: Because there's already one in every county. It's already there.

MR. McNAMARA: Not one of these in every county.

MS. CASTNER: No, but there is an airport in every county.

MR. ELLIOTT: Is there an airport in Hudson County?

MR. McNAMARA: Yes, I believe so. I counted-- I made a little table for myself, and I counted the counties, and I had 21.

DR. ABUCHOWSKI: An airport in every county and where feasible--

MS. CASTNER: Right.

DR. ABUCHOWSKI: --with a 6000-foot runway. I mean 7000.

MS. CASTNER: I don't want it to look like you want to build one.

DR. TELLING: I don't want to look like we don't want--

DR. ABUCHOWSKI: Whether we build one or don't build one--

MS. NAGLE: Are we putting the number in, or are we going to say to accommodate the--

DR. ABUCHOWSKI: That's the second issue.

MR. McNAMARA: I think that that's a wording I think Fred's got a good approach to. You leaving the number in but saying-- Fred's brought up a very good point. I think it's really the one point that we've got to resolve that we want to propose this as a sort of a business airport in each county, or do we want to propose it for as both sort of an industrial park and regional airline service?

MS. CASTNER: You see, that's why we can't do that.

MR. ELLIOTT: Regional transportation is a better term.

MR. McNAMARA: Right.

MR. HINES: Regional transportation, not regional airline.

MR. McNAMARA: But is regional airline what you have in mind?

DR. TELLING: Could be fancy-smanchy charter. I don't know.

I mean, the point is it's other than just to the handful of limited--

MR. McNAMARA: Well, I guess under that -- I would agree with your wording.

DR. TELLING: I recognize there's a lot of sensitivity around "more" airlines. I mean, an airline in every county is not what people want.

MR. ELLIOTT: There are--

DR. TELLING: Trenton would be happy just to have an airport with regional transportation.

MR. ELLIOTT: We already have in North Jersey two major business airports, Teterboro and Morristown.

DR. TELLING: Right. Caldwell's growing.

MR. ELLIOTT: It's growing but not towards being able to-- Trenton is underutilized. Morristown is still underutilized. So there are two

in North Jersey, one in Trenton and Central Jersey. In South Jersey, you have Pomona, which is very underutilized. You have Millville, which is still underutilized. And you have Cape May, which could certainly be easily--

DR. TELLING: Upgraded.

MR. ELLIOTT: --upgraded into a major 7000-foot airport. Then you would have-- Right there, you already have three in the South, one in the Central Jersey, and two in North Jersey. I don't say that you don't need more, but we already have that. That's established. You wouldn't have to build new airports. Those airports are there. You could expand Cape May. Millville needs a little upgrading also, but it's there and can handle aircraft. I don't know what the longest runway is, but they have a major jet overhaul facility there, and they fly the airplanes in.

MS. CASTNER: Somebody propose wording here?

MR. McNAMARA: Millville has 916 acres and a 6000-foot runway. There's \$185 million of economic impact.

DR. ABUCHOWSKI: I think we got a lot of words -- a lot of mechanisms to correct this out.

DR. TELLING: May I suggest -- I don't have the exact wording, so if you give me license to do three things to this. One, get in this objective notion that we have of we are trying to encourage a more dispersed air transportation system, and it does have at the end of this, which we'll keep, that this should be tied to the intermodal -- the rest of the intermodal transportation system. Two, I would recommend we adopt Abe's suggestion. I don't quite know where the "and" exactly goes, but the notion is we certainly want an airport in every county--

Love it, this is going to be in the headlines, Jack, 7000-foot airport in every county.

--and the notion of what its capabilities are. On the area of capabilities, which can accommodate aircraft necessary, and I'm going to probably stick with something like for business and regional transportation needs or to support business and regional transportation needs.

First instance, I'll give it back to you with this thing shown as the specs, which are 7000 feet and 10,000 (*sic*) pounds. But I have to tell you a point of fact, I personally believe that in the spirit of the rest of the document, we'd be better off to strike that. Let it be in the testimony, let it be in the text later, but I'm not hot on it one way or another. So with that kind of license, I can rework this.

MR. McNAMARA: I think I can live with that. I think we can live with that and we can take the numbers out. Because if we're going to address regional transportation needs, which I really hadn't conceived it this way-- I really am thinking of competing with North Carolina and Virginia and others that are putting in airparks and air industrial parks and are sending brochures to companies in our state trying to lure them away. And I had been thinking of-- The reason for 100,000 pounds, of course, is you can accommodate everything up to every business aircraft except for -- now Boeing has turned their 737 into a business jet and the airbus has their A319, which are both 140,000-pound aircraft, plus or minus. The reason for that was to demonstrate to the locale of the airport that this would not be airline service. This would be simply jobs, economic impact, and the minimal utilization made by business aircraft. I say minimal, comparatively minimal. However, I would

defer to the-- I would like to hear a consensus on this point one way or the other. And let's just go around the table -- on the issue whether this plan should incorporate accommodations for regional airlines.

DR. ABUCHOWSKI: Regional transportation.

MR. McNAMARA: Okay. That's different?

DR. ABUCHOWSKI: Yes.

MR. McNAMARA: Okay. Generally--

DR. TELLING: It's broader. It may well include regional airlines.

MR. McNAMARA: All right. Don't mention the 100,000 then.

MS. CASTNER: Can I read a change? All right. Develop a plan as part of the State Transportation Plan wherein we maintain an airport as currently located in each county. So you saying that you're going to maintain one, and they're already there. All right, does that take care of the question of building a new one?

DR. TELLING: To me, it limits it.

MS. CASTNER: Well, you have an option to build a new one. What I'm saying is you're not saying that you're going to create -- you're going to demand that they create 21 new airports. What you're saying is we currently have one in every county. Can't you say where--

DR. ABUCHOWSKI: But this really doesn't demand that. Be careful, it doesn't say that.

MS. CASTNER: It does say it the way it--

MR. McNAMARA: Let's let Fred--

MS. CASTNER: Work on it.

MR. McNAMARA: --develop this language on this--

DR. TELLING: I'll take the language and really work on it.

MR. McNAMARA: --and we'll see it. It will come out in the second draft. We can all are going to review and comment on the second draft, and we'll meet and discuss that, hoping that the difference between the second draft and the third draft is minimal.

Now, more importantly, those things we didn't address that you want addressed.

MS. CASTNER: In No. 7 of the current one we're looking at, where it says, "Provide incentives for the economic development of airports and surrounding geographic areas," is that -- because I've heard you say that you took into account developing new business bases, the tourism component, that I have in my Opportunity on the last page.

MR. McNAMARA: I don't believe that that is addressing that. I believe it's rather addressing the immediate environs.

MS. CASTNER: Well, this looks like my wording here on the third one down. This is providing incentives for the economic development for airports under supporting geographic areas in an economically reasonable manner which encourages their--

MR. McNAMARA: Where are you, Linda?

MS. CASTNER: On my sheet.

MR. McNAMARA: Oh, wait a minute.

MS. CASTNER: The third one down. That's the same sentence that you've got in seven.

DR. TELLING: I just borrowed all the recommendations--

MS. CASTNER: It's a good way. You can borrow it. What I'm saying is, the next one down, because I feel so strongly that we are overlooking--

MR. McNAMARA: Tourism.

MS. CASTNER: --the ability, the connection between tourism as the second-largest business and the money they throw into it, and the ability to take an open space and do something that couldn't be done in the future because the open space is not going to stay that way. Tourism and airports have a natural connection. And in our particular state, we happen to have Cape May that has the biggest tourism attraction down there in an airport right there. We have Sussex at the other end that's had the best little air show in the world for how long. Solberg's had the balloon festival for 15 years. Mine's having its 10th anniversary this year.

DR. TELLING: I would recommend we adopt the language on tourism and amend it to this.

MS. CASTNER: Thank you.

DR. TELLING: I hear second it.

MR. McNAMARA: All done. Is that it?

MS. CASTNER: Tourism is the only one. The rest is here.

DR. TELLING: We already debated the proposals, just do it.

MR. McNAMARA: What was the wording?

DR. TELLING: Don't worry, I'll fix it.

MR. McNAMARA: No. No. The wording that you gave earlier?
Great minds fortunately--

DR. TELLING: Great minds and good fortune.

MR. McNAMARA: Great minds and good fortune.

Okay, is there any other business that we need to address today?

DR. TELLING: Yes. I just want to be clear on a couple of things. Assuming I can get these changes done by the next day or two, you can incorporate them into document out to everybody. Can we set a target date that is, hopefully, a drop dead date by which all commissioners get their comments back to you, Jack, I assume, and I would propose to give them a week at minimum and two weeks at maximum, because I don't want to drag this -- think we ought to drag this out. So it's one issue that I would like to raise. What do people think?

MR. McNAMARA: I agree entirely.

DR. TELLING: Okay. Two weeks from the date you mail?

MR. McNAMARA: Well--

DR. TELLING: I tell you what, you set it within that and we're the only ones who will know, but put it on the cover note on top.

MR. McNAMARA: Right.

DR. TELLING: I think we have a series of other things to do. Once we get this done and any of the edits, ideally as we've discussed here -- and I don't know if somebody is willing to take this one, but I would hope so -- behind each of these, as we've said, are many embedded proposals which are not captured anywhere. Just as we've debated about each one of these. What we think the tax rate will be? What we think we might do with it? It strikes me that we need in a sense a type-related document, which supports, basically, what are our detailed proposals, if someone chooses to ask. That and some sort of legislative-talking point paper because I'm assuming this will generate

interest, and we will want to meet with at least the head of the Assembly and some of the other people. Bagger gave me a list of people he'd recommend we talk to and with Donny on the Senate side and Senate leadership to at least brief them. So we need a briefing paper, which really says to the leadership, here's what we had in mind. Here's why we did it and here's what we did. But again, this is a legislatively requested--

MR. McNAMARA: Assignment.

DR. TELLING: --assignment.

MR. McNAMARA: The Governor appointed five of us.

DR. TELLING: Well, you may feel under a personal obligation to the Governor. I have no disrespect to the Governor. Our obligation, our mandate legislation is to the Legislature. That's what I'm saying. I think we have to do that first and then decide how we go from there.

But anyway, talking points in the group, we've got to put together on this. We've got to think about who and how we want to organize this meeting or meetings. I raised it a couple of times before. I think it would be very nice if we could get a summary along the lines of what's here and a letter of explanation about what the Commission did with all this testimony to mail to all the people who testified. I personally find I've testified in lots of places and often wonder did anything ever happen. Many of them may agree and find things in this they liked. Many of them will find things they don't like. But I think it would be to the benefit of the Commission and its proposals if all of them got a letter.

Number one, I'd think they'd be delighted just that we even got back to them and thanked sincerely for what I think in many cases was quite

good testimony coming from many parts of the state. It definitely helped the deliberations.

I think the document and record would show, even in its summary form, we listened. And even if the Legislature does take it up, even if ultimately some of the proposals that are debated they disagree, at least I think we also have the benefit of removing from them the ability to say, "Well, I told those people before, and nobody listened to me then," which if you leave in that position, sort of enhances their situation.

So that's another follow-up I'd like to raise with the Commission. Because if we're going to undertake it, then that's yet one more piece of work we have to do. Let alone-- I've thought about it, but I don't know what is involved in the logistics of mailing out to all those people. Frankly, I'm not positive we know where they all are. We know where many of them are.

MR. McNAMARA: I think it's essential to do everything that you've said so far, and in some cases, I've already written thank you notes to some of the witnesses. However, what we ought to do when we finalize our report is to mail a letter with a copy of the report to each one of them. That's what I fully had intended to do. I think we will achieve it by giving a mailing list to the Office of Legislative Services and a letter, and we can do it that way.

DR. TELLING: Well, I don't want to unnecessarily kill a lot of trees. I think that many of the people who testified aren't going to want the whole report. I really would advocate some form of summary document, cover letter, thank you note, explaining the key findings, explaining what we hope to do with it once we've consulted with the Legislature.

DR. ABUCHOWSKI: It's going to be easier-- It depends.

MR. McNAMARA: It would quite likely be easier just to send them the report with a letter. I think it's very important that we have legislative -- sort of a talking point paper and that we define with a little greater definition some of the things--

DR. TELLING: Capture the facts we talked about.

MR. McNAMARA: Right.

DR. TELLING: Well, those are the things that I think we do now. What I'm looking for, as you are, is volunteers along the way or other things we ought to think about doing.

DR. ABUCHOWSKI: Before I volunteer for anything, the other aspect I'm thinking of is public relations. Once media picks this thing up--

DR. TELLING: Right. We're going to have press talking points.

DR. ABUCHOWSKI: Do we need press talking points, and we have to decide who is going to be the spokesperson.

MR. McNAMARA: Yes, I think that that's a--

DR. ABUCHOWSKI: How do we handle if we, as individuals, are contacted by local papers or whatever?

MS. CASTNER: Somebody did already.

DR. ABUCHOWSKI: What?

MS. CASTNER: Somebody called from the *Courier* the other day, and they were doing an article on the APL Program, and it was really a Solberg article.

MR. McNAMARA: Before we go further with this -- I think there are considerations that range the whole gamut from saying nothing at all to having no restrictions. And I think, if there were no restrictions, we still would

want to develop a policy. I think that the legislative-talking point paper and a press release type of document that isn't a press release, but one that the Commission would approve to be delivered if your local paper called you up and said, "You are a Commissioner and what did you do?" You can say, "Well, I'll send you over a report." If we are going to do that, then we ought to have that report prepared. And I think that a substantial amount of this work is already done.

In terms of our talking point paper, it's going to be a pick up from the executive summary that you've done. In terms of writing thank you letters, I can do that. To cover whatever we send in terms of any kind of-- I'm not sure-- We want to talk with Roy Touchton and get some legal advice before we charge ahead on things like press releases and just make sure. I would prefer it if we were more like the justices of a more respected court than Judge Ito's court and maintained a more of a silence about it. It may be that the best thing to do is to prepare a press release. Let's leave that determination of policy to another time and just give it some thought.

Is that satisfactory to you, Fred?

DR. TELLING: Yes. As I understand, you'll check with the individual you named and find out what advice they have vis à vis for a release in press. And I would welcome the opportunity to talk about these things again, but we have a series of items in work. That's all I wanted to outline to the Commission given what we've done so far.

If we wish this to be well received, I think it's essential that we have a unified voice -- and I don't say that with an attempt to muzzle -- because, in point of fact, I think the Commission broadly is in high level of

consensus in many points. There are numbers that we've talked about today where, I think, on specifics we're not necessarily. But I do think it is very desirable for us to have some major simple message points so that people amongst ourselves aren't all recreating the same thing. Because if we get called, we're going to have to scramble to do it.

And then, I think beyond that, to a certain extent, I do think, without dictating the answer, that ultimately it ought to come back to either you, as Chairman, or the Division of Aeronautics, but we ought to direct it back or direct it to the legislative people who request it. And that's the sort of thing I'm saying. I think we ought to talk through because many of the, ultimately, decisions, like how we dealt with the tax debate in this, you know, we don't want to be stepping on the legislators' prerogative in the press. And all of this is with the spirit of planning. I mean, maybe nobody will call. But to me, that's the worst of all worlds, so I'd rather plan for the world in which they might.

MR. McNAMARA: I get a call once every fortnight from a reporter in Morristown who seems to be -- whose name is Chris Graves (phonetic spelling) -- pro-aviation. She wants to know when the report is coming out and what it says. And I keep putting her off saying the report will come out when the Commissioners determine what the report's to say, and prior to that, I can't tell you a thing, which is the response that I've gotten very comfortable in giving over the years as an attorney. But the time is going to come when we are going to have to do something. Maybe just give the press a copy of the reports. The report will be a public document, and they'll have it anyway.

Let's just think about all of that.

Is there anything else from anyone? (no response)

It's now quarter of four. I declare we're adjourned.

(MEETING ADJOURNED)