



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, D.C. 20591

JAN 28 2002

The Honorable Henry A. Waxman
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Waxman:

Thank you for your letter dated November 28, 2001, sharing your concerns about the potential impact that one provision of our proposed rule to regulate fractional aircraft ownership (DOT docket number FAA-2001-10047) may have on some of your constituents who live near Santa Monica Airport (SMO). You expressed concern that the proposal to permit aircraft to use 85 percent of the runway space for landing may allow more aircraft access to SMO. The proposed rule could thus indirectly raise safety, noise, and pollution issues. You asked for an environmental and community review of the rule.

Like you, we are aware of the benefits, and sensitive to the burdens, of aviation to the communities it serves. The proposed rule on fractional ownership is intended to provide a much needed regulatory structure for a growing section of the aviation industry. It is primarily a safety rule, intended to make our national air transportation system safer and more efficient. However, as you have pointed out, rules that improve aviation safety on a national level can sometimes indirectly affect local communities in ways that are not only related to safety.

The current "60 percent rule" is an example of a rule that no longer serves the safety function for which it was intended. It prohibits an air carrier from flying an airplane to a destination airport unless the airplane is capable of a full stop landing at the airport within 60 percent of the effective length of the runway. There is no similar requirement for general aviation operators.

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The 60% rule reflects our understanding of airplane landing performance that existed during the 1930s and 1940s. Since the 1940s, there have been significant advances in the accuracy of aircraft performance data and substantial technological improvements in aircraft stopping-system engineering and design. Consequently, the Fractional Ownership Aviation Rulemaking Committee recommended changing the landing distance limitations from 60 percent to 85 percent. We invited comments on this recommendation and will consider the information that you have provided as we prepare the final rule for publication.

We also considered whether an environmental assessment under the National Environmental Policy Act (NEPA) would be required. We determined that this rulemaking action qualifies for a categorical exclusion as a rulemaking that does not have the potential for significant impacts. However, we specifically solicited comments on potential environmental impacts. We will include your comment in the docket on the proposed rule. We will consider your comments and concern that the proposed rule would dramatically increase flight traffic by large business jets at Santa Monica Airport and will determine whether this issue should be revisited before we publish the final rule.

The proposed rule is intended to make our national air transportation system safer. When the rule is implemented, we will be in a better position to understand how it may impact communities near airports such as SMO. We can then determine any further regulatory action that may be appropriate to minimize the impact on the community that is served by SMO.

You also raise the issue of runway safety areas (RSA) at SMO. Runway safety area dimensional standards have increased over the years, subsequent to the construction of SMO. The present RSA design standard for SMO is 150 feet wide, extending 300 feet beyond each runway end. The existing RSA extends less than 100 feet beyond each end. It has been difficult for a number of existing airports to expand to conform to the revised standards, due to physical and economic constraints. The Federal Aviation Administration does not have the authority to require a change in runway length or the acquisition of additional real property to achieve current runway safety area standards at airports. FAA recommends attainment of standards, advises airports on the benefits of various

safety enhancements, and in many cases responds to federal funding requests to achieve this objective.

The runway safety area is considered a safety area enhancement that is beneficial if something abnormal occurs during the takeoff or landing. However, an airport with a safety area that does not meet current FAA design standards is not inherently unsafe. Prior to conducting an aircraft operation on a runway, a pilot is responsible for determining that the runway length and width is sufficient for safe aircraft operations. The presence or absence of a runway safety area is not part of this determination.

If I can be of further assistance, please contact me or Mr. Quentin L. Burgess, Acting Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

Sincerely,


Jane F. Garvey
Administrator

