

United States Senate

WASHINGTON, DC 20510

March 24, 2005

Honourable Norman Y. Mineta
Secretary
Department of Transportation
Nassif Building
400 Seventh Street, S.W.
Washington, DC 20590

Dear Secretary Mineta,

As you know the Federal Aviation Administration recently reported a disturbing rise in operational errors at the New York TRACON, the air traffic control facility that guides thousands of planes to safe landings at New York area airports. There are multiple factors causing this crisis that must be rooted out and rectified with all due speed, but exacerbating this problem is a dangerously intense labor management struggle at this facility. I write today to express my grave concern regarding this ongoing disagreement between managers and air traffic controllers at the New York TRACON and to respectfully request your immediate intervention to mediate a solution to this dispute before a serious accident occurs. After speaking at great lengths with both the union officials and Federal Aviation Administration managers and staff, it appears clear to me that this dispute has reached a fever pitch, with both sides pointing fingers and workable solution moving further away.

There are several contentious points the union and the FAA disagree on that require your attention and resolution. I believe these disagreements must be resolved before any solution can be reached and a higher level of stability and safety can be achieved at the TRACON.

As I am sure you are aware, operational errors are up at the New York TRACON, with more than 117 reported errors just this year, up from only 24 all last year. The FAA says that the dramatic increase in operational errors is highly suspicious and comes from a few "disgruntled" employees. However, last year the DOT Inspector General found significant underreporting of errors at the NY TRACON. The FAA claims that now this is a coordinated effort by the union to increase the number of errors to make the safety situation at the TRACON seem worse than it is.

The union contends that FAA regulations require them to report potential errors to the FAA and that it is up to the FAA to determine whether the errors actually occurred and the degree of severity. I urge you objectively evaluate the error reports and scenarios to determine whether the FAA's claims are accurate or if we are facing a possibly serious safety situation in the skies over New York.

One of the disputes centers on how much overtime should be made available at the NY TRACON. The FAA says the union is simply trying to maintain unneeded overtime. The FAA argues that they spend a far greater amount on overtime at the NY TRACON than they do at comparable facilities (almost \$4 million last year compared to a little more than \$1 million at the Southern California TRACON which employs a similar number of controllers). The union contends that the \$4 million figure is not accurate and includes other facilities not involved in air traffic operations. The union has consistently said that its primary objective is to increase staffing levels to a level capable of dealing with the increased traffic flows into the New York area, not to retain overtime. Inherently, any increase in staffing would result in a corresponding decrease in the need for overtime to supplement staffing shortages. This is the hottest disagreement and is at the heart of the debate about whether there are enough controllers watching the scopes.

I believe, right now, there is a staffing crisis at the New York TRACON. They are authorized to have 270 certified professional air traffic controllers on staff. However, they currently only have 205, and that number is decreasing every month. In addition, I find it very distressing and potentially disastrous that 20-percent of TRACON controllers could retire tomorrow and there would be no one to replace them. This would bring air traffic to a halt over New York and send ripples through our nation's transportation system that could cost billions of dollars and put lives at risk. All this while traffic is on the rise.

We have worked very closely in the past to enhance New York's transportation system, especially with respect aviation, and I truly appreciate your attention, commitment and concern. This situation needs your experience, expertise, and cool hand to prevent a disaster. I pledge my full support toward resolving this conflict and look forward to working with you to make New York's skies the safest and most efficient in the world.

Sincerely,

A handwritten signature in black ink that reads "Charles E. Schumer". The signature is written in a cursive, flowing style with a large initial "C".

Charles E. Schumer
United State Senate