

AMY KLOBUCHAR, MINNESOTA
BRIAN SCHATZ, HAWAII
EDWARD MARKEY, MASSACHUSETTS
GARY PETERS, MICHIGAN
TAMMY BALDWIN, WISCONSIN
TAMMY DUCKWORTH, ILLINOIS
JON TESTER, MONTANA
KYRSTEN SINEMA, ARIZONA
JACKY ROSEN, NEVADA
BEN RAY LUJAN, NEW MEXICO
JOHN HICKENLOOPER, COLORADO
RAPHAEL WARNOCK, GEORGIA
PETER WELCH, VERMONT

TED CRUZ, TEXAS
JOHN THUNE, SOUTH DAKOTA
ROGER WICKER, MISSISSIPPI
DEB FISCHER, NEBRASKA
JERRY MORAN, KANSAS
DAN SULLIVAN, ALASKA
MARSHA BLACKBURN, TENNESSEE
TODD YOUNG, INDIANA
TED BUDD, NORTH CAROLINA
ERIC SCHMITT, MISSOURI
J.D. VANCE, OHIO
SHELLEY MOORE CAPITO, WEST VIRGINIA
CYNTHIA LUMMIS, WYOMING

LILA HELMS, MAJORITY STAFF DIRECTOR
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

April 5, 2023

The Honorable Pete Buttigieg
Secretary
Department of Transportation
1200 New Jersey Avenue, NW
Washington, D.C. 20590

Dear Secretary Buttigieg:

Last month, the Federal Aviation Administration (FAA) asked air carriers to reduce their flight schedules by 10 percent in the New York region during peak summer travel from May 15 to September 15 due to an air traffic controller staffing shortage.¹ The FAA issued a notice on March 22, 2023 to waive the slot usage requirements and prevent air carriers from being penalized for complying with requested flight reductions. The FAA claimed this staffing shortage is from the effects of the COVID-19 pandemic, however, this problem is a direct result of the FAA's own failure to solve long-running staff shortages in the New York-New Jersey Terminal Radar Approach Control (TRACON). As a result, the price of airfare will almost certainly rise and competition will decrease at some of our country's busiest airports.

The New York airspace has faced staffing challenges for over two decades. According to a 2008 Government Accountability Office study, congestion issues in the New York metropolitan area airspace have been well-known since the late 1990s.² Recognizing the challenges in the New York/New Jersey/Philadelphia airspace, in 2007 the FAA proposed a new integrated airspace that would increase efficiency and address staffing challenges. In 2022, after considerable political pressure, the FAA abandoned those plans within the New York/New Jersey/Philadelphia Airspace Redesign project.³ The FAA's March 22, 2023 notice notes that air traffic control (ATC) staffing at the New York Terminal Radar Approach Control facility (N90) is only at 54 percent, far below the national average of 81 percent. The notice also finds that training efforts to reduce the staffing backlog at N90 have failed.

While I recognize the FAA's Fiscal Year 2024 budget request includes hiring 1,800 additional controllers, 300 more than Fiscal Year 2023 levels, the shortage, particularly in the New York region, has been well-known for many years. According to the FAA, during the summer of 2022, there were more than 40,000 delays at JFK, LaGuardia, and Newark airports for which ATC staffing was a factor. Despite this poor performance, the FAA estimates delays could be even

¹ Federal Aviation Administration. [FAA Efforts to Keep Air Travel Safe, Smooth in NYC This Summer](#). March 22, 2023.

² Government Accountability Office. [FAA Airspace Redesign; An Analysis of the New York/New Jersey/Philadelphia Project](#). GAO-08-786. July 2008.

³ Federal Aviation Administration. [New York/New Jersey/Philadelphia Airspace Redesign](#). December 30, 2020.

worse this summer. With air travel continuing to rise past pre-pandemic levels, the FAA should present a targeted and sustainable solution across the National Airspace System (NAS).

In order to properly understand the challenges facing the Air Traffic Organization ahead of a FAA reauthorization effort, please provide written responses to the following questions by no later than April 19, 2023:

1. What mitigation steps have the Department of Transportation (DOT) and FAA taken prior to asking air carriers to reduce their flight schedules?
2. Has the DOT conducted a cost-benefit analysis to project the financial impact on consumers?
3. What safeguards have been implemented to prevent similar requests to air carriers to reduce their schedules?
4. Does the DOT intend to request slot reductions during other peak travel times such as Thanksgiving or Christmas?
5. Will the planned shift of the Newark radar sector to Philadelphia help to mitigate N90 staffing issues or associated delays?
6. What long-term adjustments or consolidations should be made to improve the New York/New Jersey/Philadelphia airspace?

Thank you for your attention to this matter.

Sincerely,



Ted Cruz
Ranking Member