



FINAL APPROACH

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Association, NBAA Join Forces To End Restrictions Grounding Part 91 Carriers

Bi-Partisan New Jersey Delegation Responds With Support

The catastrophic events of September 11 had an immediate impact on aviation facilities in the State. The FAA quickly invoked a 25-mile no fly rule for Part 91 operations. Stretching in a circle from the Kennedy International VOR, the edict had a dramatic effect at Teterboro and Linden Airports as well as Long Island's Islip Republic airport.

The rule did not apply to Part 135 carriers and the impracticability of the approach soon became apparent. Charter operators, whose crews are subject to more restrictive security measures, continued to fly, while corporate aircraft owned and operated by major American firms were grounded. Teterboro was soon down to 25 percent operating capacity while Linden was virtually inoperable.

The negative effects on the regional economy surfaced within hours. Calls from numerous businesses around Teterboro were registered at Port Authority and AMPORTS offices. Hotels, limousine operators, vendors as well as on-airport FBO's were forced to consider layoffs and closings unless the FAA lifted the restrictions.

The Association, coordinating its efforts with the NBAA, responded by urging specific members of the New Jersey Congressional Delegation to petition the FAA to either lift the prohibition or quickly issue new operating rules to allow Part 91 operations. Jack Olcott, NBAA President and NJAA Board Member said that his organization's around the clock efforts were being negated since industry representatives were barred from FAA meetings with the National Security staff – the decision point for these issues.



A 25-mile no-fly zone for Part 91 carriers in the New York area reduced TEB's traffic to 25% of normal capacity. Lobbying efforts by NJAA and others helped open the facility to flights on October 5. (Photo courtesy of Creative-Force)

Association President Tom Carver contacted members of the New Jersey Delegation. Senators Bob Torricelli and Jon Corzine responded rapidly and effectively. Their respective staffs called the Association office for additional information to use in meetings with the FAA. Other members of the delegation, particularly Congresswoman Marge Roukema joined in pressuring FAA Administrator Jane Garvey for relief. NJAA also called on Congressmen Bob Menendez, Frank LoBiondo, Bill Pascrell, Mike Ferguson, and Steve Rothman. Rothman represents the Teterboro area while Menendez, LoBiondo, Pascrell and Ferguson sit on the House Transportation Committee.

A press release detailing the Association's requests to the delegation also prodded the media into covering the story. *The New York Times*, Associated Press and *The Record*, a

Bergen County daily ran major stories on the economic downturn. New Jersey Nightly News, ABC New York's Channel 7, and New Jersey's largest radio station, NJ101.5, interviewed Carver and a Port Authority representative about the economic effects on the region.

The joint Association-NBAA effort began on September 25th. The rule was lifted the following Friday. "These events proved Jack Olcott's vision of State-Federal partnership within the industry," Carver stated. "Perhaps even more important, it has provided empirical evidence of the importance airports like Teterboro play in the State's daily economy. This wasn't about economic charts; it was about people's livelihoods. Perhaps this message will finally get through. Unfortunately, it took a tragic event to begin the process," Carver said.

Helicopter Operations Save Lives, Foster Economic Development, But Anger Some Neighbors

New Jersey boasts over 400 heliports (a site dedicated to helicopter operations) and helistops (a dual use site, which often double as a parking lot or ball field), most of which are dedicated to hospitals, State Police and military, and corporate use. Despite the beneficial nature of helicopter operations, local opposition has grown to these flights, causing local officials and media to cast often inaccurate and misleading information about the regulation and impact of helicopter operations.

Although the FAA is the final authority on the safe and efficient use of airspace and aircraft operations, including public use airports (*see page 3*), it serves a limited role for helicopter operations. The FAA provides an analysis of the potential impact of helicopter operations on other airspace users, and of safety concerns for persons and property on the ground. The agency also advises on heliport design and operations, and determines guidelines for routing.

“There is a major misconception that the FAA controls helicopter routing,” says New Jersey’s foremost helicopter and heliport expert Raymond Syms of Long Branch. “Although it recommends guidelines for the design of the heliport and sets the departure path and minimums, it only sets guidelines for routing. It’s the New Jersey Division of Aeronautics who license heliports and regulate routing in New Jersey. I’ve found that NJDOA is very sensitive to community impact and will suspend a heliport operating license if an operator is in violation. Routing in and out of heliports must be followed. ‘Fly Neighborly’ routes are developed by the NJDOA and the heliport operators, which often exceed the FAA minimum altitudes for safe flight.” (*Morristown voluntarily raises departure minimums. See page 4.*)

Syms noted NJDOA also gets more involved than the FAA in heliport design, and conducts annual inspections of heliports.

Additionally, the Division monitors users of heliport facilities. “Heliports are not like public use airports that anyone can fly into,” says

Syms, who has designed over 250 heliports. “Private use heliports have a dedicated, licensed operator who generally require advance notice from another helicopter operator before they land, except in emergency situations. These guest users must abide by the rules set by the state and local governments in terms of hours of operation and routing.”

On the local level, heliports are subject to zoning restrictions. Municipalities can manipulate land use plans to control location, hours of operation and volume of traffic. For heliports in residential areas, Syms has found that being upfront with the State and local

ing minimums, resulting in a jurisdictional battle with area municipalities.

The heliport’s owner, who has allowed Broadcast Helicopters, Inc. to use the facility for 12 years, last summer allowed two additional helicopter services to use the heliport for New York commuters coming to and from the Shore. Those operators did not abide by the routing schemes, prompting residents in neighboring Oceanport to complain. West Long Branch and Oceanport officials took these complaints to the NJDOA, who threatened to shut the facility down if helicopters did not fly the prescribed route along Route 36.



The NJ Division of Aeronautics is the primary regulatory body overseeing heliports. Complaints most often are the result of operators who don't follow predetermined routes.

authorities is the best way to site a facility. “It’s not unreasonable for a municipality to place some restrictions on operations in a residential area which permits helicopters, and for the State to impose certain routes or design requirements to ensure safety and address noise concerns.”

Statewide, the most significant test of regulatory oversight of helicopter operations recently played out at Monmouth Park Corporate Center in West Long Branch. NJDOA played a strong role in exercising its regulatory responsibilities in a situation where several helicopter operators were not flying the approved routes nor observ-

Further complicating the matter, the heliport was in existence prior to the enactment of local zoning laws. The heliport, created 40 years ago and licensed 30 years ago, qualified as a pre-existing, non-conforming use for the site. Many opponents, however, argued it violated zoning laws and called for its closure regardless of the fact that NJDOA, not local governments, regulate licensed heliports. NJDOA won the legal battle and the heliport remained open.

Prior to NJDOA taking formal action against the heliport operator, the two offending

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Q&A with Arlene Feldman, FAA Regional Administrator



Prior to the tragic events of September 11, *Final Approach* discussed several important general aviation issues with Arlene Feldman, Regional Administrator of the FAA. Ms. Feldman shared the following points with us:

Q. What role does the FAA play in regulating airports in NJ?

Public use airports that have accepted grant funds from the FAA under the Airport Improvement Program (AIP) enter into an agreement to abide by the responsibilities and obligations contained in the Grant Assurances. These Assurances obligate the airport owner to operate and maintain the airport in accordance with FAA safety and design standards and to treat all fairly.

Q. What role does the FAA play in regulating the types of aircraft flying into NJ's GA airports?

The FAA does not regulate the types or numbers of aircraft flying into New Jersey General Aviation Airports unless there is an issue with safety.

Q. What are the reliever airports in NJ and what are some of the rules these airports must abide by?

Reliever airports are general aviation (GA) airports in the vicinity of commercial airports, which have been identified as having sufficient facilities to attract general aviation aircraft away from the busier and more complex commercial airport. By attracting general aviation aircraft away from the commercial hub, capacity and safety at the hub is enhanced.

Q. How does this differ from other, smaller airports?

The rules are the same for every public use airport that has accepted AIP funds and is obligated by the grant assurances. The Assurances contain provisions that the airport owner agrees to operate the airport in a safe and efficient manner, for all users, in accordance with FAA standards. Airports that have not received AIP funds are not bound by FAA design standards.

Q. Why do we need reliever airports?

Reliever airports serve the purpose of allowing General Aviation aircraft to avoid the busier commercial service airport and the complex mix of traffic and provides greater capacity at the major hub.

Q. How does the FAA fund airport operations and/or development?

The funding of airport planning and development is provided by the Airport Improvement Program while capital improvements may receive up to 90% of funding under the AIP program for project costs. The FAA does not participate in the cost of the maintenance or operation of the airport except for FAA owned navigational equipment and facilities.

Q. What is the formal relationship between the FAA and airport operators?

The formal relationship between the airport sponsor and the FAA is based on the Grant Agreements that obligate the Federal Government to providing funding for the proposed project and airport sponsors to comply with all applicable Federal Aviation Regulations. These are referred to as Grant Assurances.

Q. What role do GA airports have in the air route study?

The Airspace Redesign Project encompasses parts of five different states. (CT, NY, PA, NJ, DE) All airports in this designated area will be reviewed. General Aviation Airports are important part of the Nation's aviation infrastructure system. They reduce congestion at major air

carrier airports by providing facilities for recreational and business flyers. They also serve as training centers for pilots, mechanics and airport management personnel. For more information of the Airspace Redesign Project, go to www.faa.gov/programs/airspace.htm.

Q. From a routing and delay perspective, what would the impact be on the NY-area airports if Teterboro was closed or sharply restricted?

Teterboro Airport is the primary corporate airport for the New York/New Jersey metropolitan area. In FY 2000, there were approximately 282,847 operations into/out of TEB. Approximately 40% of this traffic were IFR, corporate jet operations. If the airport is closed or restrictions imposed, these users would operate into/out of Newark and LaGuardia Airports. Both these airports are operating at or near capacity. This increase would delay millions of passengers and severely impact the National Airspace System.

Q. Can the FAA dictate specific routes for helicopters flying in and out of heliports located in residential areas?

The FAA develops helicopter routes with helicopter operators. These routes are designed to avoid congested airspace, meet the needs of the helicopter operators, and have the least impact (noise) on surrounding communities. However, helicopters are not limited to using these helicopter routes.

Q. What regulatory oversight does the FAA have over heliports and helicopter operations?

If federal funds were received by a heliport the requirements to meet FAA regulations would be the same as with an airport. FAA licenses helicopter pilots and oversees the maintenance of helicopter operators. Additionally, FAA has established recommended routes for helicopters, however, helicopters are not limited to operating on these routes.

Morristown Lays Foundation For New Era

Improvements To Include New Hangars, Control Tower

A former Bell Labs radar test site during WW II, Morristown Municipal Airport (MMU) is poised to enter a new era with infrastructure improvements to aid airmen, aircraft owners, the community and even the local deer population.

The centerpiece of the improvements is the construction of a 90,000 square foot facility by Signature Flight Support. The facility will have two hanger bays, a comfortable and modern lobby, Signature's offices, and 20,000 square feet for tenant offices and shop space.

In conjunction with the Signature facility a new flight training center located near the small aircraft tiedown area will be built to serve the needs of flight schools at MMU. It will include 8,000 square feet of hanger space and 17,000 of office space, including a modern flight planning room for tiedown pilots and flight school students, as well as meeting space for airmen and Civil Air Patrol members.

The control tower, built on a swamp in the 1960's, has been subject to such severe settling that windows occasionally pop out. Not only is this a hazard to controllers and staff, it could potentially result in an unsafe condition for aircraft and the surrounding community. With a \$2.5 million grant from the FAA, MMU is conducting a feasibility and site selection study to locate a new tower, which should be completed in late fall. The FAA will contribute approximately \$4 million for construction once the site is selected and approval is completed.

In the midst of planning these new facilities, airport operators have had to address problems resulting from deer. The situation was complicated by environmental regulations since more than half of MMU's 639 acres are deemed wetlands.

Constructing a fence to keep the large local deer population off airport property became a bureaucratic nightmare due to building material restrictions. The solution: composite plastic fence posts (treated wood posts are not allowed in wetlands) and cattle guard-type restraints at end of Runway 5.

In other MMU news:

✦ Eight Morristown High School graduates and four from Whippany Park High School were recipients of scholarships from Morristown Municipal Airport, funded by D.M. Airport Developers, Inc., operators of the airport.

Bill Barkhauer, Airport Director, stated "As a corporate neighbor with feet planted in both Morristown, who serves as our landlord and Hanover, our closest neighbor and the municipality that benefits from taxes collected from the airport and its tenants, we wanted to exhibit our commitment to the communities. We believe there's no better way to do that than by supporting students and their future."

New Jersey Assemblyman Rick Merkt and Morristown Mayor John Delaney also joined the airport in congratulating the students and their families. Mayor Ronald F. Francioli of Hanover did not attend or acknowledge the invitation to the event.



Old hangars are cleared from the site for the new, 90,000 sq.ft. facility of Signature Flight Support.

The majority of MMU's noise complaints emanate from Hanover.

✦ As part of voluntary noise abatement program, helicopter operators agreed to climb to 1,000 – 1,200 feet before leaving the airport property. "The airport and our corporate tenants want to be responsive to the community and are always looking for improvements in our noise abatement program," said Bob Bogan, the airport's Deputy Director. "This will significantly reduce helicopter noise."

The Bulletin Board

Trenton-Mercer Airport's scheduled carrier, Shuttle America, has become a US Airways Express carrier. Shuttle America currently operates daily flights between TTN and Boston's Hanscom Airfield in Bedford, MA.

TTN's manager, Justin Edwards believes the US Airways designation coupled with a capital infusion into Shuttle America may bring bigger and better things to the airport.

"The marketing capabilities, frequent flyer affiliation and connections to the US Airways system is a definite coup for Shuttle America," said Edwards. "The airline has also received a sizable capital investment from Wexford Capital, LLC, which we anticipate will translate into more flights and routes to/from our facility. Although nothing is finalized at this point, we have the capacity for additional flights. We have an enormous population base which doesn't want to drive to Philadelphia or Newark. There is demand for flights to US Airways strongholds of Washington, Charlotte, Pittsburgh and Boston/Logan. These latest developments could significantly assist the airport in reaching its potential and linking Trenton with air transportation throughout the world."

PRESIDENT'S UPDATE

The publication of this edition of the *Final Approach* marks the first anniversary of the New Jersey Aviation Association. I had intended to reflect on the accomplishments of our inaugural year and contemplate our agenda for the year to come. The events of the last several weeks, however, have necessitated a different missive.



Tom Carver

September 11, 2001 has joined November 22, 1963 and December 7, 1941 as a day of infamy for America. But September 11 was different. The events in New York and Washington pierced not only our defenses but also our psyche. Acts of war, bombings, were no longer moments on television or recollections on the History Channel. The dead and maimed were not strangers from another country but our sons and daughters, neighbors and friends. They were the non-combatants caught in a horror we did not understand.

We must analyze the events from our individual perspectives and, in responding to President Bush's plea that we return to our ways of life, we must not only begin again but also adjust to a new set of realities. The fact is we are very susceptible to those whom would do us harm. The reality is that we shall have to adapt to real and perceived threats to our safety.

What does all this mean to our industry? Some have argued our reactions should be confined mainly to commercial aviation and related facilities. Certainly the emphasis will logically be placed in those areas. We must upgrade passenger and baggage screening. Federalization of the process in some manner is not only logical but also a long overdue common sense approach. The introduction of a passenger charge to pay for increased security would be supported by the traveling public.

We respectfully disagree with those who argue that security is not as critical at general aviation facilities. Improving security at such facilities will not require the same set of answers applied at commercial airports but new thinking will be required.

In essence, we must create a new culture of alertness. It is not only important but also imperative that we know who is walking the ramp, fueling, loading and flying the aircraft. These actions do not require law enforcement presence or oversight. But they will require a change in thinking. In any case, the facts prove that not everyone knows everyone. Perhaps even at small airports it is time we did. If this requires positive, reliable identification, then so be it.

Our Association is committed to working with all interested parties in improving both security and safety. We do not view this as a contest between constitutional freedoms and security. Accepting inconvenience is not surrendering freedom. We are a free people and if we voluntarily give up our freedoms for greater security we shall have made a very poor trade.

Ben Franklin said it best "People who give up freedom for security usually have neither."



I lost several former colleagues in the World Trade Center disaster. Most were members of the Port Authority of New York and New Jersey Police Force. We served together at both Kennedy and Newark International Airports. We were younger then, but I vividly recall the emergencies, the rare air crash, the calls for "officer down" or "shots fired." Most of all I remember gruff and tough men, good and true, who were given to great acts of tenderness, kindness and bravery when events dictated. They died as they lived – a band of brothers. It is my eternal blessing to have once stood shoulder to shoulder and back to back with such men.

Thomas D. Carver, President

Helicopter Operations Save Lives But Anger Neighbors

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helicopter services removed their commuter service to other heliports in the area. Broadcast, which operated within the regulatory structure, cooperated with State and local officials, further agreeing to limit flights between 7:00 am and 7:00 pm, and no weekend flights.

Currently there are 12 applications pending for heliports in New Jersey, with the largest

growth area in corporate parks. Advance planning and close contact with State and local officials has proven to be the key to securing licenses.

At the Garden State High Tech Center in Neptune, for example, the project's owners wanted the heliport sited and built at the start of the project in order to shuttle-in potential tenants and give them a birds-eye view of the complex site. Garden State worked closely with local officials on restrictions and State officials on

routing and design, and the heliport was up and running within nine months.

"Cooperation is the key," says Syms. "Helicopter operations are a vital link in the State's transportation infrastructure. Not only for public safety but for commerce and economic development, too. Helicopters can coexist safely with residential populations, and there is no reason we can't have more heliports in the State, but operators need to continue to fly within the boundaries of good operational and 'Fly Neighborly' procedures."

Lawmakers Pledge Help For General Aviation

U.S. lawmakers have promised to help financially plagued general aviation businesses, which have been operating under a cloud of airspace restrictions since the September 11 terrorist attack. All told, GA losses are estimated in excess of \$400 million since September 11.

"I think a compelling case can be made for financial compensation for general aviation just as was done for [the airlines]," said Representative James Oberstar (D-MN), the ranking Democrat on the Transportation and Infrastructure Committee.

One such vehicle for financial aid is Representative William Shuster's (R-PA) bill (H.R. 3007), which would provide up to \$450 million in grants and deferred-interest loans from the Small Business Administration (SBA).

The bill has garnered 40 co-sponsors, including New Jersey's Frank LoBiondo (R-2nd).

In the Senate, Senators Tom Harkin and Jim Inhofe introduced their version of a general

aviation financial aid package (S. 1552), which would provide SBA grants of up to \$400 million (and \$6 million for individual companies) to aviation businesses. The Senate package has 10 co-sponsors, none of whom are from New Jersey.

"When many of the large passenger airlines were in trouble, we knew we had to act quickly to support this vital industry," said Senator Harkin. "The situation in the general aviation industry is equally, if not more, precarious. And the services general aviation businesses provide are no less critical to our economy."

"It is imperative that we act now to prevent the ongoing hemorrhaging in the aviation industry," said NJAA President Tom Carver. "We must call upon our Congressional representatives for their support and action."

To find out the address, phone numbers and e-mail addresses for U.S. Senators, please go to www.senate.gov. For the House of Representatives, the address is www.house.gov.



Lawmakers in both the U.S. Senate and House of Representatives are currently considering legislation that would provide much needed financial assistance to a wide range of general aviation businesses. Many businesses within our industry have been hit hard by the effects of airspace restrictions after the terrorist attacks, as well as the recent economic downturn.



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