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EXPANSION OF AIRPORT CAPACITY IN THE CHICAGO, ILLINOIS AREA

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

MARCH 21, 2002

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ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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EXPANSION OF AIRPORT CAPACITY IN THE CHICAGO, ILLINOIS AREA

THURSDAY, MARCH 21, 2002

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 9:30 a.m. in room SR–253, Russell Senate Office Building, Hon. John D. Rockefeller IV, presiding.

OPENING STATEMENT OF HON. JOHN D. ROCKEFELLER IV, U.S. SENATOR FROM WEST VIRGINIA

Senator ROCKEFELLER. We have a fairly hefty group of witnesses this morning, and we are going to start off having just two Members here now. We are going to start off with our statements, my statement and Senator McCain's statement, and then we are going to go to the Members of the Senate and the House in that order, and then we will proceed on to our several panels. So, I will start.

Last June, Senator McCain and others went to Chicago, including myself, to talk about the airport expansion. It was already a critical issue. Delays at that time were front page news across the country. We knew we had to add 50 miles of runway nationwide if we were going to do any kind of delay reduction at all. This Committee has been working all year on proposals to streamline the airport construction process environmentally and otherwise, including a bill that Senator Hutchison and I were jointly pursuing. Unfortunately, the City of Chicago and the State of Illinois have been debating and fighting over this issue for more than 10 years, which has a bad effect on the Nation as well as on that area.

And so, planes were sitting on the runway, people were waiting to take off, people were talking and arguing, and no progress was being made. As a result of this, Senator McCain and I went to Chicago and we both asked the State and the City to stop the infighting over airport expansion and to move on. We did a little bit more than that.

We gave them to September 1st as a deadline, and more or less said that if it was not done by then, it would be done by us, but we were not going to stand by and watch the Nation's air system shut down by an argument.

Well, there was a lot of good faith going on locally, so we agreed that negotiations and the planning would continue for a longer period of time.

All of us are tremendously aware of Chicago's importance to the national air transportation system. It is both local and it is na-

tional. It affects my State as much almost as it does Chicago, to be blunt about it. We are at the end of the food chain, Chicago is at the beginning of the food chain, and it makes a very big difference as to whether or not planes come into places like West Virginia, Iowa and other places.

So it is imperative that Chicago's expansion plans match that of the needs of the country as a whole, and we expressed those views out in Chicago last June. Now we have had a temporary reprieve from the worst of the delay problem, but that is not endemic to the system, that is primarily because of 9/11 and it is only temporary. So the problems are real.

Projections are that air travel will be around a billion passengers sometime around 2013. O'Hare is one of the largest hubs, and we cannot stand by without, at least in this Senator's judgment, without expanding. The urgency for action is everywhere. Too many people in small communities, as I indicated, are suffering and we are. We are. For those from Chicago who think this is a Chicago problem, it is enormously a nationwide problem, and I do not think anybody could dispute that.

So, I want to give the Governor and the Mayor enormous credit, because they have really done the hard work on this.

They are the ones who came through. They came up with an agreement, and we all owe them, I think, a lot of thanks. They will be testifying happily this morning. On December 5th, they reached what is known as a genuine compromise, one that does not make everybody entirely happy on either side, does not satisfy all needs, but it is an achievement that we must all recognize.

Now they need Congress to do our part to facilitate this major project with legislation. Let me say to Senator Durbin and Congressman Lipinski, who is my House counterpart in terms of the Aviation Subcommittee, their efforts to make sure that this agreement goes forward are absolutely correct. I realize that my colleague and friend, and whom I am sure will show up, Senator Fitzgerald, does not necessarily agree with this approach, and I respect that, but we are committed to moving forward in this matter with deliberate speed.

One thing that I learned is that even when the local powers agree on a new runway or a new airport, it can take a decade or more for anything to happen. That is just the way it works. Funding, environmental construction, all the rest of it, it just takes forever, should take shorter. We have legislation that we are working on for that too, but the clock is ticking, we have an agreement, it is time to act.

Senator McCain.

STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA

Senator MCCAIN. Thank you, Mr. Chairman. I appreciate your holding this hearing, and your involvement in this important issue. I appreciate your leadership very much. I want to welcome the witnesses today, including Governor Ryan and Mayor Daley.

As you mentioned, Mr. Chairman, we did have a hearing last June on the issue of Chicago O'Hare, and in early December the

Governor of Illinois and the Mayor of Chicago reached agreement on expanding capacity of the Chicago region.

A bill was introduced. I objected to the bill at that time because I thought it should go through the committee of jurisdiction, and I know my friend Senator Durbin understood that, and there have been some changes in the bill since last December.

Mr. Chairman, I do not want to take long here, because we have, I think, eight Congressional witnesses who are notoriously brief in their statements, and we do want to hear from the Mayor and the Governor. But let me just say, it is not an accident that my friend from Iowa is here, my friend from Indiana is here, and others, because the issue of air transportation through Chicago is not just a Chicago issue, it is a national issue.

When Chicago O'Hare shuts down, Phoenix shuts down, Des Moines shuts down, Gary, Indiana shuts down, Indianapolis shuts down. So this is an important and vital issue to the people of Chicago and Illinois, but it is also a very very important issue to people who travel throughout the country and are required to go through O'Hare Airport and in the future may go through O'Hare, Peotone, or wherever these decisions are made.

So, I want to emphasize that I believe Members of this Committee understand the importance of this issue, and we want to help in every way that we can to get it resolved as quickly as possible so that we can move forward to the benefit not just of the people of Illinois, but the people of this Nation in recognition of the vital importance of the air transportation system in Chicago.

I thank you, Mr. Chairman.

Senator ROCKEFELLER. Thank you, Senator McCain.

Senator Fitzgerald.

STATEMENT OF HON. PETER G. FITZGERALD, U.S. SENATOR FROM ILLINOIS

Senator FITZGERALD. Thank you, Mr. Chairman. I also thank the Ranking Member, Senator McCain. I know both of you have been very active in aviation issues and you have been very concerned, rightly so, with the problems we have at Chicago's O'Hare Airport. I appreciate all those who are testifying here too.

Let me just say at the outset that I absolutely agree that O'Hare is the crown jewel of Chicago area's economy. It is a wonderful resource. It also has a clear effect, an important effect on the national aviation system. I do agree that we need to address the issue of delays at O'Hare. I also believe that the runways and the terminals need to be modernized. The biggest jets cannot taxi around at O'Hare because the taxiways are too narrow. The new Airbus that will handle 600 people will not be able to land at O'Hare. We need to address that issue. We have some outdated terminals. Terminals 2 and 3 are in deplorable shape and they need to be modernized.

But what I question here is whether Congress should be legislating in this area, in effect substituting a political judgment for a technical one. Congress has enacted detailed statutes and has created an agency, the FAA, which has the expertise and the experience as well as the resources to make complex aviation, technical aviation decisions and determinations. The FAA also has well-es-

tablished procedures and standards for reviewing and approval of airport development projects.

In my business, Congress, and we in the Senate and those of you in the House, we have no business making technical aviation decisions. We do not have expertise, we do not have experience, we do not have the qualifications and we do not have the resources to make those decisions.

Whether the O'Hare redevelopment plan proposed by Mayor Daley is safe, efficient, environmentally sound and cost effective should be determined by the experts at the FAA, not by us. We do not have that expertise.

This proposal is probably the most complicated aviation development issue our country has ever faced, or the FAA has ever faced in its over 50-year history. It deserves more than a perfunctory review. Under ordinary circumstances, the FAA would not make a decision on what was best for Chicago on a plan of this magnitude and significance without exhaustive study, debate and analysis. The FAA would develop a factual record that would take up that entire witness table and probably be filled halfway to the ceiling, before they made a decision that we are being called upon to make today.

And what do we have here? What is our factual record? This little 11-page glossy pamphlet that somebody with a PC and an HP Bubble Jet printer put together, this is our factual record. And we are being called upon here to make the most complicated technical aviation decision ever in the history of the country, and this is our factual record. We do not have any details disclosed. The need has not been documented. The environmental impact has not been determined. Alternatives and cost benefits analysis have not been done. It has not been evaluated.

In my judgment, with all due respect to my colleague from Illinois, I believe we would be irresponsible to circumvent the experts at the FAA. Now, I have reviewed Senator Durbin's new bill with very great care. I spent several hours last night, and I know that he made changes in good faith, and I am sure, knowing Senator Durbin, that he was very well-intentioned.

But, in my opinion, he made the bill worse, not better. He still puts a straightjacket on the FAA, puts a gun to their head, and says they must approve O'Hare's redevelopment plan. And he still exempts in a roundabout way O'Hare from the Clean Air Act. But instead of just putting a gun to the FAA's head for one airport and exempting one airport from the Clean Air Act, the bill now does it for two, making it twice as bad.

Now it will be disputed that this bill puts a gun to the head of the FAA, but let me tell you how they do it, and I guess this is what I am troubled by. I would not mind if the Mayor and the Governor came to us and said "we want to pass a bill that strips a future governor of the authority from changing their mind." That would be great. They could just introduce such a bill. But this bill does far more than that, and it is full of deceit, because instead of saying that directly, it does it indirectly by putting binding findings in Section 2 of the bill that stack the deck, that rig the game, that make all the calls for the referee before the game even begins, in a very roundabout way.

And I think if they want to do that, they ought to be up front about what they are doing so that you do not need to have aviation attorneys to explain it to everyone. And I think it is very misleading to the public.

So with that, I know my time is up. I am sure we will have more time. I do appreciate Senator Rockefeller's interest in the area, and thank you all for coming here today.

Senator ROCKEFELLER. Thank you.

Senator Ensign.

Senator ENSIGN. No statement.

Senator ROCKEFELLER. In terms of the Members, we are going to start with Senator Grassley, and I have a list here. For whatever reason, we are going to start with Senators and Members of the House, will follow that, and I hope they will not hate us forever. You will be, unfortunately, limited to 3 minutes, which is a discipline that we all need, and then I would hope that Members of the Committee would, if they have questions, submit those questions in writing, because we have panels, we have a vote at 9:55, we have a lot of work to do this morning.

So Senator Grassley, we welcome you.

STATEMENT OF HON. CHUCK GRASSLEY, U.S. SENATOR FROM IOWA

Senator GRASSLEY. OK. What I will do then, Mr. Chairman is I will put my statement in the record. And I would just simply say that the leadership of Senator Durbin on this issue has been very effective, particularly in the rewrite of this legislation. I thank Senator Durbin for his leadership.

I also want to make very clear that when there are problems at O'Hare, they affect the entire Nation, and the best way I say that in my remarks is to simply say that when O'Hare sneezes, the rest of the country gets flu. You will see that in the large number of cancellations, more at O'Hare last year than at any other airport. And so getting to the bottom of this, having this legislation being very direct in solving politics that create economic problems, I think is the thrust of the legislation, it ought to be the thrust of the legislation, and we ought to move forward. Thank you.

[The prepared statement of Senator Grassley follows:]

PREPARED STATEMENT OF HON. CHUCK GRASSLEY, U.S. SENATOR FROM IOWA

Mr. Chairman and Members of the Senate Commerce Committee, thank you for the opportunity to speak today about the important National Aviation Capacity Expansion Act of 2002.

O'Hare International Airport is a key national and international hub. Millions of travelers in Iowa and across the country depend on the airport for business and family travel. In 2001, it was the world's busiest airport. It was also one of the worst commercial airports for delays, and it was the worst airport in the Nation in terms of cancellations. These delays and cancellations impact the whole Nation. When O'Hare sneezes, the rest of the country gets the flu.

Modernization of O'Hare is important to the economy of Iowa, as well as the Nation. The economic vitality of Iowa's communities is directly linked to their access to proper commercial air service. The success of commercial air service throughout Iowa depends in a large part on the efficient operations at O'Hare. I'm committed to enhancing air service to Iowa. That is why I am committed to the modernization of O'Hare.

This legislation will help prevent future congestion problems and the delays that have for too long plagued air travelers. It will make air travel swifter, more effi-

cient, and less frustrating. It will be easier and more pleasant for air travelers. More on-time flights will be a great boon for the business traveler for whom time is money.

Modernization of O'Hare, based on the agreement of the Governor of Illinois and the Mayor of Chicago, will make O'Hare a safer airport. All of us are more focused on air safety after September 11. Air travel security means more than screening passengers and baggage. It means safe take-offs and landings. The current runway configuration at O'Hare is not as safe as it could be. The new runway configuration will be much safer by providing for more parallel runways, eliminating dangerous cross-runways. It will also allow for the use of more modern electronic instrumentation by all concerned.

I commend the Governor and the Mayor for coming together and working out an acceptable plan. I also commend Senator Durbin who has worked diligently on resolving many of the outstanding concerns regarding this issue. When I began pressing for a solution to the O'Hare problem last spring, I knew it would not be an easy process for any of us. But it has been a very successful process. It has produced a compromise of which we are all very proud. It is important to note that the solution has overwhelming support, specifically from the airlines, airline pilots, and air traffic controllers.

Congress must now do its part to improve air transportation in the United States and insure the success of this hard work. That means immediate passage of the Durbin-Grassley legislation. I look forward to working with my colleagues to make this happen.

Senator ROCKEFELLER. Thank you.

I have been reminded that there is a rather senior Member of Congress here, and Congressman Hyde, I am sure that Senator Bayh will survive the experience of yielding to you in your seniority, and we look forward to hearing from you.

STATEMENT OF HON. HENRY J. HYDE, U.S. REPRESENTATIVE FROM ILLINOIS

Mr. HYDE. Senator, we do not use the term "senior citizen," we say "chronologically gifted."

[Laughter.]

Well, thank you, Senator. I am very grateful, and I will try to abbreviate my remarks within the 3 minutes, and if I transgress, just let me know. I am sure you will.

First, I would like permission to introduce into the record an opinion by Professor Ronald Rotunda of the University of Illinois, on the unconstitutionality of the legislation; a letter from some clergymen about two cemeteries that will be directly affected by this; and a letter from the president of the Illinois Legislative Senate opposing this.

If I may have permission to introduce those in the record.

Senator ROCKEFELLER. Of course.*

Mr. HYDE. Thank you. We need increased air capacity. By the way, I represent O'Hare Field. It is in my district. It is in Senator Durbin's district because he has the whole State, but in a concentrated way it is in my district, and so perhaps I should have a louder voice than some on this issue.

We need enhanced aviation capacity, no question about it. The question is where. And it has been my contention that a new airport, Peotone or some other place—it does not have to be Peotone—could handle this environmentally, could handle it without disrupting other homes and businesses, and could have the possibility of expansion in future years.

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*The information referred to was not available at the time this hearing went to press.

From a safety point of view, O'Hare is already the busiest airport in the country, if not the world, and to double its capacity does not make sense. It makes economic sense, I suppose, to some people. It certainly helps United and American, who have the dominant position there, and who charge through the nose. If you want to save money, do not fly out of O'Hare. You had better go to Midway or up to Mitchell Field or somewhere they have a reasonable price. But they have a lock on the tickets at O'Hare.

Putting 1.6 million planes a year into O'Hare, that is already servicing 900,000 flights, does not really make sense. You risk a tremendous accident. O'Hare is completely land-locked by developed urban and suburban regions, and you cannot physically expand the airport, which means the additional 2 runways would have to be squeezed into an already overburdened area.

Think about it. By the time the runway project is completed in 20 years, O'Hare would again need more space. Why not think ahead and build a third airport that could handle approximately 1.6 million flight operations annually at a lower cost? I have always felt the City of Chicago, which objects to having this complex outside its boundaries, and I can understand why, because it was for a third airport when it was within the City limits. I think the State legislature should set up a commission to run the airports in Illinois, and give the City of Chicago a strong voice on that commission so that the City is—they are not losing by Peotone or some other place being established.

The cost, they tell us is $6 billion. I am suggesting that it is closer to $10 billion. I am suggesting a new airport could be built in one-third the time that it is going to take to reconfigure the runways that already exist at O'Hare plus create two more. So on the questions of time, questions of cost, questions of convenience, it just does not make any sense.

I see my time is up and I will not invite the gong, but I just suggest that this is a very serious proposition, there is another way to do it, and I hope you will consider that. I thank you, and I thank Senator Fitzgerald for his impassioned plea on the side of the angels.

Senator ROCKEFELLER. Thank you, Congressman. We are very honored that you are here, sir.

Senator Bayh.

STATEMENT OF HON. EVAN BAYH,
U.S. SENATOR FROM INDIANA

Senator BAYH. Thank you, Mr. Chairman. I too have a statement I would ask to be——

Senator ROCKEFELLER. All statements will be included.*

Senator BAYH. Thank you. It is a privilege for me to be here today before this Committee and with the other distinguished Members who are with us.

I have two essential points, Mr. Chairman. The first is to agree with the comments that you made in your opening remarks about the importance of getting on with this work. I have a tremendous sense of deja vu here today. As Mayor Daley will testify, we have

*The information referred to was not available at the time this hearing went to press.

been struggling with this issue for many years. During my first 2 years, not as Senator, but Governor of our State, we actually cut the Gordian Knot, reached an agreement to deal with this dilemma. But for reasons beyond his control, my control, or the control of the then-Governor of Illinois, it came to naught. If we had gone forward with that proposal, in all likelihood we would be well on our way to resolving this problem today.

We need to get on with this problem and come up with a regional solution that will help alleviate congestion in the greater Chicago area. It is a tremendous economic challenge and transportation challenge for our country. Billions of dollars of investment, Mr. Chairman, will not take place if this issue is not addressed. Thousands of jobs will not be created if we do not deal with the airport incapacity that currently exists. We need to get on with expanding the airport capacity in this essential region of our country if we are going to see the kind of economic growth, not just for our region, but for the country as a whole that we long to see. That is my first point, it has been too long, and we must get on with this important work.

Second, I am here to advocate for Gary/Chicago Regional Airport. Gary can play an important role, both in the intermediate term and in the long term in helping to address this challenge. Gary Regional Airport is not a corn field. It is a fully functioning airport. It is capable of handling up to 150,000 flights a year today, not 7 years, not 8 years, not 10 years from now, but today. So there is an important role that Gary can play in alleviating the congestion that currently exists, and allowing some of the economic growth to take place, and I urge the Committee to give Gary full and fair consideration in that regard.

In the longer term, Gary is located merely a half-an-hour from downtown Chicago. The convenience is there, the proximity is there, it can serve in the long term much as Newark currently serves the greater New York metropolitan area to help address their air transportation needs. So those of us from Indiana request that Gary receive full and fair consideration, that the FAA give priority treatment to implement the master plan for Gary, as they have been able to do for Peotone, and that this issue be resolved in the best interests of all of the airline traveling public and the economic interests of the region.

So Mr. Chairman, I appreciate the ability to be here today. Again, I commend you for addressing this critical issue. We must move forward after all of these years and resolve it, and we feel very strongly that Gary has a positive and constructive role to play. I appreciate your forbearance and this is a first for me, I made it in within 3 minutes.

Senator ROCKEFELLER. Less in fact. Senator, thank you very very much.

Congressman Visclosky, you and I have cooperated on a number of different issues, and we are delighted to have you here this morning, sir.

STATEMENT OF HON. PETER J. VISCLOSKY, U.S. REPRESENTATIVE FROM INDIANA

Mr. VISCLOSKY. Mr. Chairman, thank you very much for the opportunity to attend. I simply for the record would state that in its current form, I am opposed to Senate Bill S–1786 introduced by my good friend Senator Durbin.

Senator Fitzgerald touched upon a number of national issues of concern relative to this legislation. I would want to talk about a parochial interest I have, and join with Senator Bayh in referencing the airport at Gary, Indiana. I would agree with everyone's contention that this is a national air capacity problem, it does need to be solved, and as I think everyone here understands, years have been covered as far as negotiations and trying to seek a solution.

At one time, there was a tri-state commission between Wisconsin, Illinois and Indiana to try to resolve differences.

There has been a bi-state commission study between the two States of Illinois and Indiana, and we now have a unilateral decision made by public officials within the State of Illinois.

I too would commend the Mayor of the City of Chicago, as well as the Governor, for trying to come to grips with this, but I think it is inappropriate to impose their will through this legislation, short of advancing through the administrative process. The fact is, Gary, Indiana has gone through the administrative processes. On November 27th of last year the FAA approved its 20-year master plan.

Short of that, if there is a problem that officials have with the process, any doubt as to whether or not if can effectively resolve differences, I would stress to the chair, Mr. McCain and the Members of the Committee, that a regional approach needs to be taken, and from my perspective it is not taken in this legislation. You have a 17-page bill before you. The Gary Airport is referenced once; it is in Section 2 in the findings and it takes up seven pages.

Senator Durbin did add language relative to the bill introduced in the House, but essentially the added language says by fully utilizing and enhancing these existing and immediately available facilities, Gary, Chicago and Greater Rockford Airports, can help provide relief to congestion that may occur, permissive language, during the modernization and reconfiguration process at O'Hare.

My question, given that language, is then what happens? As Senator Bayh pointed out, we have an operational airport at Gary. We do have commercial service at Gary. Gary should not be an afterthought. They should have a regional perspective and a regional solution to this very real national problem that does need to be resolved. So I would hope as the Committee considers this legislation, it consider the role that Gary plays, and that there be a true regional solution to this problem that does effectively and meaningfully include the Gary Airport.

I thank you very much for the permission to testify today.

[The prepared statement of Rep. Visclosky follows:]

PREPARED STATEMENT OF HON. PETER J. VISCLOSKY, U.S. REPRESENTATIVE FROM INDIANA

Mr. Chairman, Mr. Rockefeller, thank you for allowing me the opportunity to submit testimony regarding S. 1786, the National Aviation Capacity Expansion Act,

and to discuss the important role of the Gary/Chicago Airport (GCA) as a regional partner in resolving the Chicago Metropolitan Area's capacity problem. I am opposed to S. 1786 in its current form.

Over the last decade-and-a-half, the future lack of air capacity in the Chicago Metropolitan Area, and its negative impact on our Nation's air transportation system has been recognized. In the past, the States of Wisconsin, Indiana, and Illinois attempted to achieve a consensus solution. Subsequently, Indiana and Illinois entered into a bi-state initiative. The legislation before us today is a unilateral response to this problem, and therefore, I find it wanting.

I am a supporter of increased airport capacity in the Chicago Metropolitan Area, and I commend Senator Durbin for seeking solutions that will increase our regions capacity. Increasing air capacity in the Chicago Metropolitan Area is a national concern. Air congestion is a regional problem, not just a Chicago problem, or an Illinois problem. It demands a regional answer to address this national concern. As a resident of Northwest Indiana, and the Representative of Indiana's First Congressional District, I feel that my constituents and I have a vested interest in the air traffic congestion challenges facing the region.

The Chicago Metropolitan Area is facing a severe air traffic capacity shortage. The growing demand that has been placed on Chicago's O'Hare International and Midway Airports has stretched the resources at those facilities to their limits. O'Hare has been able to grow by 1 percent or less for the past 3 years, and Midway, absorbing the excess, is estimated to have an additional one million passengers per year for the next 2 years. As capacity has become maximized at those facilities, GCA, located 25 miles from downtown Chicago, in Gary, Indiana, has played an increasingly valuable role in delivering passenger and cargo service to the area. With highway connections that include I–90, I–80/94, I–65, U.S. 12, and U.S. 20, GCA offers convenient access to the entire Chicago Metropolitan Area.

Let me be clear: there already is a third commercial airport now servicing the Chicago Metropolitan Area. In 1995, Chicago Mayor Richard M. Daley joined Gary Mayor Thomas Barnes to form the Chicago-Gary Regional Airport Authority Compact. Consequently, GCA became the reliever airport for the congestion in the Chicago Metropolitan Area. Subsequently, commercial service was introduced in Gary in 1999, and in 2000, GCA was designated as a primary airport in the State of Indiana. Last year, Congress allocated $1,000,000 for improvements at GCA. Those funds have allowed the airport to make significant enhancements in the service it provides by improving security and expanding the general use apron, providing approximately 11,000 square yards of pavement, enough frontage for two medium sized hangars.

This piece of legislation suggests that part of the solution to the problem of congestion in the Chicago Metropolitan Area is to build another airport, roughly 40 miles away from the Loop. I believe that building another airport at this time would mean unnecessarily spending millions of taxpayer dollars and destroying irreplaceable acres of green space. Additionally, this crisis cannot wait the length of time that it necessitates to build another airport. The region's current capacity shortage can not wait 20 years for a solution.

S. 1786 would create unfair funding preferences by moving the expansion of O'Hare and the construction of Peotone to the top of the Federal Aviation Administration's (FAA) funding priority list. Airport Improvement Program (AIP) funding is very limited, and under current law, the FAA must use its judgment to determine which projects will have the greatest benefit to the national transportation system. Although the O'Hare project may prove the most beneficial for the national transportation system, this bill would not allow the FAA to come to that decision, rather, it would dictate that decision to the FAA. As a result all other airport projects in the country would suffer by having their funding either severely limited or reduced.

Under current law, the people of Illinois have the option of deciding which emissions will be allowed, in order to comply with the Clean Air Act. S. 1786 would eliminate this option. The Environmental Protection Agency would be required to develop a plan that will ensure that the added emissions, which will result from construction and operation of the O'Hare project, will be allowed, and that necessary offsets will be created by limiting emissions from other transportation and business activities.

GCA, located only 30 minutes from downtown Chicago, is well positioned to provide immediate relief from many of the congestion issues currently facing O'Hare and Midway Airports. GCA can already land any plane Midway is now handling. At 7,000 feet, GCA's runway is already 450 feet longer than Midway's longest runway. GCA currently offers daily passenger service, and has the ability to triple its number of flights without additional capital expenditures. The airport is severely

underutilized, and without further construction, or additional funding, GCA could accommodate as many as 150,000 flights per year.

On November 27, 2001, the Federal Aviation Administration approved GCA's 20-year Master Plan. The Master Plan outlines the airport's existing facilities, ability to handle air traffic, growth and economic forecasts, and identifies the short and long-term infrastructure needs that will facilitate continued growth and expansion. GCA has 8,200 acres of an Airport Development Zone, offering tax and investment benefits for businesses, and over 13 acres available for developing air cargo operations. Additionally, GCA is designated as a foreign trade zone. As capacity has become maximized at O'Hare and Midway, GCA has played an increasingly valuable role in delivering passenger and cargo service to the area.

In a June 12, 2001 meeting with the Secretary of Transportation Norman Mineta, I expressed the importance of the role GCA already plays in reducing congestion in the Chicago Metropolitan Area. As you continue your efforts to address Chicago's capacity issues, we urge you not to ignore GCA as a critical element in resolving many of these challenges.

I thank you for your time and your consideration in this very important matter. I look forward to continuing to work with you to find a practical solution to this very serious problem.

Senator ROCKEFELLER. Thank you, sir.

Congressman Manzullo.

STATEMENT OF HON. DONALD A. MANZULLO, U.S. REPRESENTATIVE FROM ILLINOIS

Mr. MANZULLO. Thank you very much for the opportunity to testify today. I had the opportunity, I believe it was last summer when you came to Chicago, to testify about the great benefits of the Greater Rockford Airport. Our airport is about an hour from the O'Hare Airport. In the past 6 years, $150 million worth of improvements have gone into Rockford. It has a 10,000-foot runway; 8,200-foot runway; a Category III ILS, state-of-the-art Glycol Detention and Treatment facility, plus a 24-hour FAA air traffic control tower. There is unlimited air space. The airport can handle up to a million passengers annually, and with little investment it can go up to 15 million passengers.

I want to commend Senator Durbin and Congressman Lipinski for their leadership in crafting a very difficult bill. Unlike my colleague from Indiana, I am satisfied with the language that appears on page 4, paragraph 12 of the findings, that Congressionally recognizes the following facts: Number one, Rockford Airport is a primary airport; number two, it has the capability and the capacity to handle a tremendous amount of air traffic in and out of that area; and number three, it serves as a clarion to any future airlines that would be interested in coming to northern Illinois, that the airport is all set with an official sanction, as it were, by the U.S. Congress, and hopefully as would be signed by the President.

But more importantly, with all deference to my colleague from the State of Illinois, I would rather have Congress resolve this than the FAA. I would rather have elected officials that are close to the people. I am a pilot. I understand a lot of the stuff that is going in this bill, and I would rather that the people that elect me, that I represent, have me as part of the solution, than people that can sit around for 10 years and not ever come up with a solution. That is why Senator Durbin acted properly and promptly by doing this. He knew it would take so long to have the FAA move on this thing that he sat down with the mayor of Chicago and sat down with our input and said: "Look, we need a solution, let us get on board."

So this bill expands O'Hare. That will tremendously help economic growth in the whole northern part of the State, as far as I am concerned. The more planes that can come in, the more commerce that can come in, the better off it is for the people in Winnebago County who are now suffering close to 8 percent unemployment.

As the tide rises, so do all the ships. And as O'Hare is improved, that places, as far as I am concerned, greater emphasis upon the Rockford Airport for some of the commuter airlines, the commuter jets, the 50- and 60-passenger jets that can have their own independence in the new era of air traffic.

So, we are delighted with the bill, we think the bill makes sense. I would add this. We would love to have you come out to Rockford. That 10,000-foot runway will handle a 747; you can fly out there in probably about an hour-and-15-minutes. We would have you tour the facility. Senator Durbin and I would be there to personally greet you and give you a guided tour.

Thank you for letting me testify, and I would like to have my complete statement made part of the record.

[The prepared statement of Rep. Manzullo follows:]

PREPARED STATEMENT OF HON. DONALD A. MANZULLO,
U.S. REPRESENTATIVE FROM ILLINOIS

Mr. Chairman. I want to thank you for the opportunity to testify before you today on the proposed O'Hare expansion bill. I commend this Committee for addressing this important issue. O'Hare airport has suffered some of the worst flight delays in the Nation over the last several years. This is a chronic problem that impairs the entire air transportation system in the United States because our Nation's two largest airlines have hub operations at O'Hare. The continuous delays slow U.S. commerce and shipping, as well as the traveling public.

The congressional district I represent in northern Illinois includes our State's second largest city—Rockford. Rockford is home to the Greater Rockford Airport, which is about an hour's drive northwest of O'Hare Airport. Over the past 6 six years, the Greater Rockford Airport has undergone more than $150 million of infrastructure improvements. These improvements include a new 10,000-foot runway that can land any jet aircraft flying today, a Category III Instrument Landing System, a Glycol Detention and Treatment facility, and upgrades to the taxiway system to accommodate wide-body aircraft. The airport's other runway is 8.200 feet long. The airport also has an FAA 24 hour air traffic control tower.

The Greater Rockford Airport is primarily a cargo airport and home to United Parcel Service's second largest hub. The airport also houses a modern passenger terminal that can immediately handle up to 1 million enplaned passengers annually. There is sufficient room for expansion that would accommodate up to 15 million passengers a year.

While the proposed construction at O'Hare may go on for years, Rockford stands ready today to help relieve the tremendous congestion at O'Hare. The Greater Rockford Airport has unconstrained airspace and with modest investments can accommodate up to 3 million enplaned passengers annually.

Some have said that the Greater Rockford Airport is too far from Chicago to offer serious relief to O'Hare. However, more than 400,000 people ride the bus each year from Rockford to O'Hare. Another 800,000 people drive out of Rockford's market service area each year to fly from O'Hare and other airports. More than 2.2 million people live and work within a 45-mile radius of Rockford.

Many do not realize that more than half of the 34 million people who fly into O'Hare each year are connecting passengers. About 16 million passengers originate their flights out of the Chicago region. When you consider transferring 3 million of those originating passengers to an airport such as Rockford, you are talking about relieving up to 20 percent of the congestion at O'Hare. Again, that is an immediate 20 percent reduction in congestion at O'Hare.

The Greater Rockford Airport is ready to take on additional air passenger service today. In fact, the Rockford Airport is already used as a backup for the Chicago airports during bad weather.

I call on this Committee, the Department of Transportation and the airlines to do the right thing for the traveling public and fully utilize existing airports that are capable of immediately reducing congestion and delays at our Nation's major airports. In the Chicago region, that airport is the Greater Rockford Airport.

Thank you once again for this opportunity to testify. I look forward to working with you in the future on this important legislation, and I invite you, Chairman Hollings, Ranking Member McCain and all other Members of this Committee to Rockford to see our first-class airport and what it can do to alleviate O'Hare's congestion.

Senator ROCKEFELLER. All statements will be, and I thank you. We have 10 minutes left before the vote.

Congressman Kirk.

STATEMENT OF HON. MARK STEVEN KIRK, U.S. REPRESENTATIVE FROM ILLINOIS

Mr. KIRK. Very quickly, thank you, and congratulations, Senator McCain, on a big win yesterday.

Senator MCCAIN. Thank you, Mark.

Mr. KIRK. I sit on your sister Committee in the House, and have joined with Congressman Lipinski in moving the O'Hare bill. We have had hearings in the House and we are hard at work with your Democratic counterpart, Congressman Oberstar, to support the environment in this bill, as Senator Durbin has done.

As a new Member of Congress, I represent probably more frequent flyers per capita than anyone else in the country. We know that at O'Hare you have probably a one-third chance of having your flight delayed when you visit that airport in the current configuration.

I think the intersecting runways also represent a safety concern, and the new plan would address that with parallel runways. This plan would eliminate much of the noise over my communities in Arlington Heights, Palatine, Des Plaines and Mt. Prospect, and it would be a visible improvement in environmental quality of life for people that I represent in northern Illinois.

But I want to pay particular attention to the work of a group in my district. About half of the impacted communities have formed a Noise Compatibility Commission. They have led the fight against the noisy Stage-two aircraft, and for the AFTPRO, accurate departure procedures to make sure the aircraft fly over unpopulated areas when they leave O'Hare.

We have eliminated the Stage-two aircraft, especially welcomed the demise of the 727 hush-kitted aircraft, and that is a visible improvement for the people that I represent. We are aggressively moving forward on a Stage-four implementation for quiet engine technology.

And if I could make one request, I would like the consent of the Committee to submit the statement of the Mayor of Arlington Heights, Arlene Mulder, who is also the Chair of the Noise Compatibility Commission, if there is any objection.

Senator ROCKEFELLER. Thank you very much, Congressman.

Mr. KIRK. I just wanted to make sure that the statement of the Noise Compatibility Commission is part of your record.

Senator ROCKEFELLER. It is. Everything is part of the record.

[The material referred to follows:]

PREPARED STATEMENT OF HON. ARLENE J. MULDER, MAYOR, VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS; CHAIRPERSON, O'HARE NOISE COMPATIBILITY COMMISSION

The O'Hare Noise Compatibility Commission was formed in November 1996 so that suburbs and school districts could more effectively work with the Chicago Department of Aviation, the FAA, the Air Traffic Controllers, the airlines, the pilots and many other companies and organizations in the aviation industry on meaningful noise reduction in communities around O'Hare International Airport. The O'Hare Noise Compatibility Commission, is the only group of its kind in the Chicago area addressing the aircraft noise issues associated with O'Hare.

The O'Hare Noise Compatibility Commission's work is a matter of public record and open meetings. The 34 municipal and school district members of the Commission are represented without compensation by dedicated, locally-elected officials and appointed representatives. Most of the delegates who attend the regular monthly Commission meetings and frequent committee meetings are mayors and school superintendents.

The Commission is committed to achieving a balance between the regional economic engine that is O'Hare and the quality of life issues that are vital to the residents living near the airport. The Commission achieves its goals through cooperative relationships and constructive dialogue rather than confrontation.

The Commission works primarily through three standing committees.

The Technical Committee examines and promotes the use of cutting edge technologies and procedures aimed at reducing aircraft noise at its sources.

The School Sound Insulation Committee oversees the world's largest school sound insulation program. To date, more than $216 million have been spent on effectively sound insulating schools around O'Hare, with 77 completed and 28 in design or construction.

The Residential Sound Insulation Committee oversees the most aggressive home insulation program in the world. By the end of the 2002 program year, the Committee will have directed the insulation of more than 4,700 homes at an average cost of $33,000 each, totaling over $157 million.

While the O'Hare Noise Compatibility Commission is vitally interested in the reconfiguration proposal for O'Hare and the National Aviation Capacity Expansion Act, the Commission chooses to neither officially endorse nor oppose the reconfiguration proposal.

The Commission prefers to remain focused on aircraft noise issues related to the current configuration of O'Hare, analyze the potential aircraft noise issues related to the proposed reconfiguration and be engaged in discussions and programs aimed at mitigating any future aircraft noise impact on O'Hare communities.

It is important for the Members of this Committee to understand that aircraft noise can and has been reduced at O'Hare. It has been an evolutionary process that continues to result in subtle day-to-day changes, but over time has produced significant, measurable outcomes.

Since the O'Hare Noise Compatibility Commission's inception, the cumulative Day-Night Average Sound Level (DNL) for aircraft as recorded at all the permanent noise monitors decreased 3.8 decibels (dB) between 1997 and 2001. Because noise is measured on a logarithmic scale, a nearly 4 dB reduction in noise is considered a significant decrease.

The Commission desires to see this progress continue, regardless of the runway configuration at O'Hare.

The Commission applauds Mayor Richard Daley and Governor Ryan for responding to the Commission's requests by including $450 million for sound insulation in the proposal for O'Hare. The Commission encourages this continued strong financial commitment to O'Hare residential and school sound insulation programs. However, the Commission does not want this pledge viewed as a cap on sound insulation funding. It is too early in the development of the O'Hare proposal to determine the exact impact of aircraft noise from a reconfigured O'Hare runway system, and it is too early to assess the exact cost of mitigation efforts.

In addition, the Commission encourages a strong commitment by Congress to continued aircraft noise mitigation through increased, funding for NASA Quiet Aircraft Technology (QAT) Programs and funding for development and implementation of advanced flight management system technology, including global positioning system software in all commercial aircraft.

The Commission also urges the federal government to take a strong stand on the new international Stage-4 aircraft noise standard by demanding a 14 dB reduction instead of the proposed 10 dB decrease. As noted earlier, a 4 dB reduction is a significant difference when measuring noise.

These and other steps must be taken to safeguard the quality of life for residents living around O'Hare and the Nation's other airports. As the process for considering the reconfiguration of O'Hare moves forward, the O'Hare Noise Compatibility Commission will continue its role in noise mitigation and will remain focused on enhancing the quality of life in communities around O'Hare.

Through its Technical Committee, the Commission will aggressively seek more data and answers with the goal of ensuring that aircraft noise issues are addressed comprehensively.

While safety must be the top priority when considering airport design, the O'Hare Noise Compatibility Commission urges all decision makers in the process to consider quality of life issues at the same priority level as airport efficiency.

In addition, the Commission will continue to address the aircraft noise issues that exist today around O'Hare and it urges the Members of this Committee to remain concerned with everyone who must live and learn in homes and schools around America's airports today and well into the future.

Mr. KIRK. That is great. And I would urge that the Committee also follow the direction of our House committee, to make the life around O'Hare compatible, but also any other aircraft and airport situation. The House will be moving to boost funding for NASA's quiet engine technology program, and I would hope that this Committee would take that on as well, so that when we conference this bill, we can make sure that we give hope to communities around the country that the Stage-four, and hopefully someday, a Stage-five aircraft can be designed and built.

With that, I want to express my appreciation to you, to Senator Durbin, Congressman Lipinski. This legislation enjoys bipartisan support, and I hope it can happen, and I applaud the leadership of our Governor and Mayor Daley.

Senator ROCKEFELLER. Mr. Congressman, thank you. The statement was excellent, but it did however shut down Senator Durbin for a few moments while we go vote, it that is all right with Senator Durbin.

Senator DURBIN. That is fine.

Senator ROCKEFELLER. So, we will be in recess, vote, and we will be right back.

[Whereupon, the hearing was in recess.]

Senator ROCKEFELLER. Thank you for your patience.

We call upon Senator Durbin for your statement.

STATEMENT OF HON. RICHARD J. DURBIN, U.S. SENATOR FROM ILLINOIS

Senator DURBIN. Thank you very much, Mr. Chairman.

First let me thank the Committee and particularly you, Senator Rockefeller, Senator McCain, and my colleague Senator Fitzgerald. Last June, you came to Chicago, you understood the challenge that we faced with one of the busiest and most congested airports in the Nation, that was having a negative impact on aviation nationwide. And Senator McCain and Senator Rockefeller explicitly issued a challenge to the State and local officials in Illinois. I reread your words.

And you said to us, "get your act together, reach an agreement, or we are going to do it for you; we have reached the limit of our patience." And I think that that was a challenge that was not only heard and understood and appreciated, but it was responded to in an historic fashion. Sitting behind me in this room today are two individuals who have gone so far in reaching this historic agreement.

The Governor of our State, Governor George Ryan, whom I salute for his really unheralded efforts in many regards to keep this on track and moving forward. And the Mayor of the City of Chicago, who understands better than anyone else not only the importance of O'Hare to the Nation, but to the local economy. These two men broke through 25 years of inertia, and showed the political courage to put this agreement on the table.

Now frankly, I think it is an excellent agreement. It not only modernizes O'Hare and makes it safer, there is a commitment to keep Meigs Field open, which is important for commuter traffic, and also a commitment for a south suburban airport. Those three things are integral for the aviation future of our part of the country.

So the obvious question that has been asked by my colleague and others, well, if you reached the agreement, why are you here? Why do you need us? At one point in the testimony here, I think the Federal Aviation Administration is going to say, you know, we could do this directly with the State and with the City. But the fact of the matter is, we understand that because of our laws in Illinois, the fate of this project hinges on every election cycle. A new mayor, new governor, new people in control could take an agreement 5 or 10 years in the works with Federal commitments, and stop it cold in its tracks.

The reason we are here today is to lock in place an agreement reached by State and local officials, an agreement you challenged us to come forward with, and we have. The revision which I have shared with you over the last day or two has tried to address every responsible good faith criticism of the original bill.

And let me say that I must take really strong exception to the remarks of my colleague earlier, who suggested that we are circumventing the Federal Aviation Administration with this legislation. Section 3 of this agreement explicitly says, the Federal Aviation Administration will have the very last word on all questions of runway design, environmental compliance, and safety. There is absolutely no pre-emption whatsoever. So the fact that we are not before you with a table full of documents merely reflects that fact that any new airport or airport expansion is going go take years of preparation and engineering, and efforts to find this compliance.

I see that my time is running out, but I want to say this in conclusion. O'Hare is the aviation bridge for America. When that bridge is clogged, congested or closed down, aviation backs up all across the United States. We have a responsibility in Congress to keep that bridge open, to make it lighter and stronger for the 21st Century. That is essential for the economy of this Nation and it is critical for the economy of Illinois. Make no mistake. Walking away from O'Hare modernization is walking away from good paying jobs, strong businesses, and economic growth that our State needs. I think this historic agreement, bipartisan agreement, deserves the ratification of Congress so that we can move forward.

I thank the Committee for all of their fine work in giving us this hearing today. Thank you, Mr. Chairman.

[The prepared statement of Senator Durbin follows:]

PREPARED STATEMENT OF HON. RICHARD J. DURBIN,
U.S. SENATOR FROM ILLINOIS

Chairmen Hollings and Rockefeller, Senator McCain, thank you for the opportunity to share my views with you today.

I commend the Committee for taking the time to review the historic aviation agreement reached by your two primary witnesses—Illinois Governor George H. Ryan and Chicago Mayor Richard M. Daley. Governor Ryan and Mayor Daley put partisanship and regional differences aside to reach an agreement on Chicago-area aviation capacity that had eluded other leaders for more than two decades. They deserve great credit for being the architects of a plan that will move the region's aviation system fully into the 21st Century.

I have introduced legislation that would codify this historic agreement. It is called the National Aviation Capacity Expansion Act of 2002, S. 2039. It is a revision of legislation introduced late last year with Congressman Bill Lipinski that had gained bipartisan support from 24 Senators and nearly 100 House Members. And groups, ranging from the AFL–CIO to the U.S. Chamber to the Air Traffic Controllers to the pilots to general aviation have enthusiastically endorsed this important legislation.

But, this hearing is about more than cosponsors and endorsements, it's about the very future of the Chicagoland area and its role in our Nation's aviation system. Last year, O'Hare International Airport regained its distinction as the "world's busiest," but moved up the most congested/most delayed list—a dubious honor.

According to the FAA, O'Hare is the third most delayed airport in the U.S., behind New York LaGuardia and Newark. O'Hare delays ripple through the national aviation system causing downstream flights to also experience delays. When O'Hare sneezes, the entire U.S. aviation system catches a cold.

In good weather, O'Hare's runway capacity is 200–202 operations per hour. In reduced weather, 157–160 per hour. Current airport operations are very close to these numbers and, in fact, exceed the benchmarks approximately 3.5 hours/day in good weather and by as much as 8 hours in reduced conditions. The FAA Benchmark Report contends that the only real way to significantly increase capacity is by adding runways. The State-City agreement and the implementing legislation proposes parallel O'Hare runway configurations that would reduce bad-weather delays by 95 percent. Overall, the runway configuration would reduce 79 percent of the delays that have plagued O'Hare.

For the first time in 25 years, we have a chance to build capacity in the Chicago region and help put an end to frustrating delays and crippling congestion that have reverberated through our national aviation system.

Quite simply, this legislation would modernize O'Hare; move forward with a south suburban airport near Peotone, Illinois; preserve historic Meigs Field; and maintain the quality of life around these airports.

O'Hare is one of the largest employers in the Chicago region, with more than 50,000 direct employees and 365,000 O'Hare-generated jobs. The Airport generates more than $37 billion in annual economic impact, including about $10 billion in annual payroll. And the Airport, commercial and public infrastructure around O'Hare—including hotels, highways, and transit access—has an estimated value of $50 billion. This is an investment we cannot and must not abandon.

The agreement would increase O'Hare-generated employment by 195,000 jobs, grow annual economic benefits by an estimated $16–$20 billion, and save passengers $380 million annually through reduced delays. Failure to grow O'Hare will deprive Chicago's economy of $8–$10 billion annually in economic output by 2015.

The proposed south suburban airport near Peotone is the largest single economic development and jobs initiative in that region's history. The proposed airport could generate as many as 236,000 jobs for the area and $10 billion in new economic activity for the State. Common sense dictates that we'll need the capacity that this airport could provide in the near future.

We have revised this legislation to address concerns raised by our Senate and House colleagues as well as by other affected groups. Let me simply say that modernizing O'Hare and building a south suburban airport will go through the same safety, environmental, and funding review that any other airport project in this country would endure. Safety is not debatable. The FAA is, and always will be, the final arbiter. The FAA will review and must ultimately sign off on the O'Hare reconfiguration plan. Environmental laws, including the National Environmental Policy Act and the Clean Air Act, will be followed.

Financing will come from many sources, including the Federal Government. However, funding applications will still be required to go through the same process as any other airport improvement project. There will be no Federal funding guaran-

tees. That's why the City of Chicago and the State of Illinois have found a number of other funding sources, including General Airport Revenue Bonds, Passenger Facility Charges (PFCs), landing fees, and airport concessions. These points have been clarified and strengthened in the new legislation.

The State and City want to work with the Federal Government to increase aviation capacity in the region while maintaining quality of life.

I have said all along that the implementing legislation that Congressman Lipinski and I introduced is not the Ten Commandments. Far from it. We continue to accept constructive criticism and suggestions from those who want to see the status quo changed. But, indecision, inaction, and interference are simply not acceptable.

Mr. Chairman, I stand ready to work with this Committee as Congress continues to consider how best to address the aviation capacity crisis that has plagued the Chicago region.

I would like to add a word of welcome to former Secretary Sam Skinner who has made the trip from Chicago to be here today to testify in support of this agreement and legislation.

I thank you again for this opportunity to offer my views today.

Senator ROCKEFELLER. Thank you, Senator Durbin, very much. We are very honored now to go—well, we are not so honored to go to the first panel, but we are very honored to have on the first panel the Governor of the State of Illinois, George H. Ryan, and also the Mayor of the City of Chicago, Richard M. Daley. We would ask them to come forward.

And Governor, we would welcome you, and if you would make your comments, sir, we would be very grateful.

STATEMENT OF HON. GEORGE H. RYAN, GOVERNOR, STATE OF ILLINOIS; ACCOMPANIED BY HON. KIRK BROWN, SECRETARY OF TRANSPORTATION

Governor RYAN. Thank you very much, Mr. Chairman, for the opportunity to be here, and Senator McCain and Senator Fitzgerald, I appreciate the opportunity to be with you. And Senator Hutchison, nice to see you here this morning. We want to thank you for the opportunity.

I am sure you remember, Mr. Chairman, that sometime back you and Members of this Committee came to Chicago, it was early last summer, to hold hearings on the state of aviation in Chicago and the Midwest region. You heard testimony from travelers that were tired of the delays of getting in and out of O'Hare. You heard, as the Mayor and I have heard, from business executives complaining that business travel was increasingly frustrating.

And if you will recall, Mr. Chairman, many Members of this Committee that were there expressed their own frustrations with the delays at O'Hare, and the lack of services to cities in their home States.

This Committee challenged the local leaders in Chicago, basically they Mayor and myself, to solve the aviation problem of gridlock at O'Hare Airport. And you made it very clear, as you recall I'm sure, that unless we fixed the problems ourselves, you would impose a solution upon us.

In the more than 3 years that I've been Governor, Mayor Daley and I have taken on a lot of big problems and we have worked together to solve those problems. The Mayor and I have worked together on some big challenges, but the biggest challenge yet, an issue that had eluded previous mayors and governors for more than 20 years, is the airport challenge.

Present at this Committee today, we bring to you a regional aviation plan. We didn't wait for you to step in, because we got your message loud and clear while you were there. And by the time this panel came to Chicago last June, I had already had a conversation with the Mayor and asked him to present a proposal for expanding O'Hare Airport.

Being one of a handful of governors in the United States with the power to approve or disapprove runway expansion at our State airports, I had sometimes been accused of standing in the way of O'Hare, even though I had never been presented with a plan to accept or reject. And I don't believe any governor has had a plan to accept or reject for O'Hare, a plan in the last 20 years. It was just assumed that it would be rejected.

But the Members of this Committee, and perhaps, because of the long running aviation stalemate in Chicago, were somewhat skeptical. So today I'm delighted to report that Mayor Daley and I did our job, and we did I think everything that you asked us to do and wanted us to do.

Our agreement calls for O'Hare's 7 runways to be reconfigured, and the new plan allows for simultaneous arrivals and departures. And the plan that we bring to you today will almost completely eliminate weather delays at O'Hare. It also insures O'Hare's continued pre-eminence as an international hub.

The Mayor got his plan to my desk by the first of July, and because of the importance of this issue, I held hearings throughout the State of Illinois and around the Chicago O'Hare area throughout the summer, to give residents an opportunity to express their opinions about the O'Hare plan and about the region's other aviation needs. The hearings were attended, I might add, by thousands of area residents throughout the Chicagoland area.

But we also had meetings with local mayors and Members of Congress, and State legislators, and the meetings and hearings made a strong case for improving O'Hare. Business leaders and labor leaders strongly stated O'Hare's importance to the economy of Illinois and the entire Midwest region.

And I heard what you have probably heard, that people are fed up with the delays. I heard about nightmares of canceled flights that ruined family events and business meetings. But I think the most troubling thing I heard, Mr. Chairman and Members of this Committee, I heard from business leaders in the Chicago area and in Illinois, that said that they were no longer going to expand their companies in our State, and that they were no longer even holding business meetings there, because the delays wouldn't allow their meetings to start on time or even start in some cases. That's why they just figured the problem at O'Hare wasn't worth the problems that they were having.

I heard about the critical role that O'Hare plays in the world's aviation system. Chicago, as you know, has always been a transportation hub, and Chicago has always played a central role in moving the goods and services and people of this great country. And today from O'Hare you can travel to virtually every point across the globe, and when flights are canceled at O'Hare, flights are canceled all across America.

In fact, because of its important role as a hub to points across the globe, delays and congestion at O'Hare are of an international concern.

So important was our role as an aviation center, that I heard again and again about the need to build additional capacity with a new airport in south suburban Peotone. In fact, business, labor and community leaders told me that we needed both an airport at Peotone and improvements at O'Hare in order to secure our economic and transportation future.

At our hearings I also heard from residents concerned about their quality of life, and in the suburbs near O'Hare they were concerned about noise and air quality from increased traffic. In the south suburbs, some of the poorest communities in the metropolitan area are located, and I heard about their desperate need for economic development. At every hearing I heard about the need to keep our economy strong, whether they were business leaders or union members. They all recognized the importance of O'Hare and Midway and Meigs Field to our economy.

The Chicago airport, without question, is a major economic engine, and to secure our future, we needed the Mayor and I to agree on a plan for growth and opportunity.

After the public hearings I presented my counter-proposal to the Mayor, one that called for a new airport in Peotone and included substantial parts of Mayor Daley's plan for the O'Hare Airport. It also included keeping Meigs Field open in downtown Chicago.

Then the terrorist attacks of September 11th occurred.

For the first time since the dawn of commercial aviation, our Nation's air transportation system was grounded, and suddenly our airports were empty, and so were our hotels and our restaurants, and our convention halls. And our economy sputtered. It hurts yet today as a result of that.

Revenues for our State budget continued to decline. They fell by hundreds of millions of dollars. I decided that now more than ever, that we needed to develop the boldest plan possible for the airport, and I had some reservations. I was concerned about the plan for a new south runway that was in the Mayor's O'Hare plan, which would dislocate some homes and some businesses. So I went up to the control tower at O'Hare and visited with the controllers.

And I visited with them and asked what the program was.

They took the time to show me the current configuration of the airport and how the mayor's plan would work. They told me they needed the south runway proposed by the mayor for safety reasons. So the mayor and I got to work on negotiating our aviation plan, and it was hard work.

But we put together a very comprehensive package, and I agreed to the entire proposal for O'Hare to make it more modern and certainly to make it more efficient. Once completed, it will reduce weather delays by 95 percent. More than one day out of 10, O'Hare suffers bad weather, and that accounts for most of the delay problems. And I know that's been a major concern.

With regard to noise abatement, this agreement will expand the soundproofing to every home and school impacted by jet noise, and with this agreement we have certainly addressed economic development issues.

Now I am going to close, Mr. Chairman, without finishing my written statement because it's too long, but I want to say that this issue is probably one of the most important issues that can be addressed, and for 20 years it hasn't been addressed, because the governor of the State and the mayor of the City couldn't come to an agreement. This is the first time.

If we don't take this opportunity to do what needs to be done, it could well be another 20 years before we can correct the problems that need to be corrected at O'Hare Field.

So I thank you for the opportunity to be here to present our program, and we look forward to the passage of this legislation. Thank you.

[The prepared statement of Governor Ryan follows:]

PREPARED STATEMENT OF HON. GEORGE H. RYAN,
GOVERNOR, STATE OF ILLINOIS

Thank you very much, Senator Rockefeller, Chairman Hollings and the distinguished Members of this Committee.

I want to thank you for the opportunity to come before you today.

Mr. Chairman, Members of this Committee came to Chicago early last summer to hold hearings on the state of aviation in Chicago and the Midwest region.

You heard testimony from travelers, tired of the delays getting in and out of O'Hare. You heard from business executives, complaining that business travel was increasingly frustrating.

As you will recall, many Members of this Committee expressed their own frustrations with the delays at O'Hare and the lack of air service to cities in their home States.

Mr. Chairman, this committee challenged local leaders in Chicago and Illinois to solve the problem of aviation gridlock in Chicago.

You made very clear that unless we fixed the problem ourselves you would impose a solution for us.

But, in the more than 3 years that I have been Governor, Mayor Daley and I have taken on a lot of big problems and worked together to solve them. The Mayor worked with me to rebuild the infrastructure of Illinois with a $12 billion investment program. Mayor Daley has been a great partner with me to ensure we create and retain jobs in Chicago and throughout the State.

So we were ready to work together on the biggest challenge yet, an issue that had eluded previous Mayors and Governors for more than 20 years. We were ready to try to craft a regional aviation plan.

We didn't wait for Washington to step in.

By the time this panel came to Chicago last June, I had already asked the Mayor to present a proposal for expanding O'Hare.

Being one of a handful of Governors with the power to approve or disapprove runway expansion at our State airports, I had sometimes been accused of standing in the way of O'Hare—even though I had never been presented a plan to accept or reject.

But, the Members of this Committee, perhaps because of the long-running aviation stalemate in Chicago, were skeptical.

Today, I am delighted to report, the Mayor and I did our job. We did everything you wanted.

Our agreement calls for O'Hare's 7 runways to be reconfigured from an intersecting configuration to one in which 6 runways run parallel in an east-west configuration. Two cross-wind runways remain. The new plan allows for simultaneous arrivals and departures in all weather.

The plan we are bringing to you will almost completely eliminate weather delays at O'Hare. It also ensures O'Hare's continued pre-eminence as an international hub.

This was the O'Hare plan Mayor Daley got to my desk by July 1.

Because of the importance of this issue, I held hearings throughout the summer so that residents could express their opinions about the O'Hare plan and about the region's other aviation needs.

The hearings were attended by thousands of area residents throughout the Chicagoland area. We also held meetings with local mayors, Members of Congress and State legislators.

The meetings and hearings made a strong case for improving O'Hare. Business and labor leaders strongly stated O'Hare's importance to the economy of Illinois and the entire Midwest region.

I heard what you have probably heard, that people were fed up with delays. I heard about nightmares of cancelled flights that ruined family events or business meetings.

Most troubling, I heard from business leaders that they were no longer expanding their operations in the Chicagoland area because the delays at O'Hare had become intolerable.

I heard about the critical role O'Hare plays in the world's aviation system. Chicago has always been a transportation center, from the first canoe which paddled down the Des Plaines River, to shipping on Lake Michigan; from the railroads to today's jumbo jets. Chicago has always played a central role in moving the goods, services and people of this great country. Today, from O'Hare you can travel to virtually every point across the globe.

When flights are cancelled at O'Hare, flights are cancelled across the country.

The problems at O'Hare were of national concern. In fact, because of its important role as a hub to points across the globe, delays and congestion at O'Hare are of international concern.

So important is our role as an aviation center that I heard again and again about the need to build additional capacity with a new airport in South Suburban Peotone.

In fact, business, labor and community leaders told me we needed both an airport at Peotone and improvements at O'Hare in order to secure our economic and transportation future.

At our hearings, I also heard from residents concerned about their quality of life. In the suburbs near O'Hare they were concerned about noise and air quality from increased air traffic.

In the South Suburbs, where some of the poorest communities in the metropolitan area are located, I heard about their desperate need for economic development.

At every hearing, I heard about the need to keep our economy strong. Whether they were business leaders or union members, they all recognized the important role O'Hare, Midway and Meigs Field play in our region's economy.

The Chicago Airport system is a major economic engine.

To secure our future, we needed to agree to a plan for growth and opportunity.

After the public hearings, I started to work on my counter-proposal, one that called for a new airport in Peotone and included substantial parts of Mayor Daley's plan for O'Hare. It also included keeping Meigs Field open.

Then the terrorist attacks of September 11th occurred, killing thousands of innocent people.

It has almost become a cliche for people to talk about the lessons learned from that tragic day. But, I think everyone in Washington will agree it highlighted both the vulnerability of our aviation industry and the critical importance of air travel to our economy.

For the first time since the dawn of commercial aviation, our Nation's air transportation system was grounded.

Suddenly our airports were empty. So were our hotels and convention halls.

Our economy sputtered, revenues to our State budget dropped off by almost $800 million as of this month.

I decided that now, more than ever, I needed to work with the Mayor to develop the boldest plan possible.

I had some reservations. I was concerned about the plan for a new south runway in the Mayor's O'Hare plan—which would dislocate some homes and businesses. I was giving that runway a lot of thought.

After the Mayor and I joined President Bush at a rally for the workers of United and American at O'Hare, I visited the control tower.

The controllers took the time to show me the current configuration and how the Mayor's plan would work.

They told me they needed the WHOLE plan proposed by the Mayor for safety reasons and to increase capacity. That included the southernmost runway.

So, the Mayor and I got to the hard work of negotiating an aviation plan.

Mayor Daley shared my vision that now, more than ever we need to build the air capacity we need for the future. The post-September 11th slowdown in the economy was no excuse to delay.

It was hard work. But I think we put together a comprehensive package.

I agreed to the entire proposal for O'Hare, to make it modern and efficient.

Once completed it will reduce weather delays by 95 percent.

More than one day out of ten, O'Hare suffers bad weather and that accounts for most of its delay problems.

The delays at O'Hare slow up everything across the country. If you are trying to fly to Phoenix, Arizona; Columbia, South Carolina; or Clarksburg, West Virginia, you are at the mercy of O'Hare.

I know that has been a major concern of Members of this Committee and the entire Congress. Not only do you represent the flying public, you are frequent fliers yourselves.

You well know the problem of delays and the inconvenience of not having adequate air service.

Our plan will ensure that you can fly from Chicago to virtually every market across the country and around the globe. An expanded O'Hare, a new airport in Peotone and a renewed Midway Airport will provide ample capacity for growth in air service.

We address the quality-of-life concerns with this agreement. Any homes and schools located within the 65 day-night noise level near O'Hare during each phase of the construction plan will be soundproofed.

That is a major commitment. It builds upon the efforts by the Mayor over the last several years to address quality of life issues in the communities surrounding O'Hare and Midway airports. By working with commissions made up of local mayors and school district superintendents, the City of Chicago has already soundproofed thousands of homes and scores of schools.

With this agreement we will expand the soundproofing to every home and school impacted by jet noise at O'Hare.

With this agreement, we have certainly addressed the economic development issue.

In addition to the increased air service and reduced delays, this agreement will produce nearly 200,000 jobs and $20 billion in annual economic impact.

That to me, was the most compelling reason to make this agreement.

It creates JOBS.

Anyone who tells you otherwise about this project is simply not telling the truth.

This package will keep Illinois residents working.

I would think that every Illinois elected official would support this agreement just for that reason alone—it will create jobs for our residents for many years to come.

We also developed the Peotone Airport, which in the short term will be a key supplemental airport providing needed additional capacity for the region. In the long run, it will help meet the tremendous increase in demand that the FAA forecasts over the next 11 years.

We believe Peotone can be up and running in 5 years.

Most importantly, it can serve one of the fastest growing areas in the region—Will County.

The Peotone Airport will create thousands of construction jobs and thousands more permanent jobs.

It will be a tremendous shot in the arm to the economy of the South Suburbs, where they are badly in need of economic development.

It will provide convenient air service to South Suburban residents—the 2.5 million people who live within 45 minutes of the proposed site.

And finally, with this agreement, the Mayor has agreed to keep Meigs open until, at least, 2006. After 2006, the City would need the Illinois General Assembly to pass a law to close the airport and have that signed into law by the Governor.

The City will otherwise keep Meigs open until 2026. That is a major concession by Mayor Daley and I want to commend him for agreeing to that.

The Mayor has had a great vision for his City and takes great pride in the fact that the lakefront is free, open and clear, just as famed city planner Daniel Burnham wished. Miles of lakefront are accessible for all Chicagoland residents, it is part of what makes Chicago a world-class City.

But keeping Meigs open is important to business leaders and aviation enthusiasts. As I heard at the public hearings, it is also important to our region's search and rescue capability and for medical flights. I want to thank the Mayor for agreeing to this aspect of the plan.

Senate Bill 1786, and its companion piece of legislation, House Bill 3479, are being shepherded through Congress by two strong leaders, Senator Richard Durbin, Illinois' senior Senator, and in the House, Congressman Bill Lipinski of Chicago.

They have worked extremely hard to round up support for these bills which codify the agreement between the Mayor and me.

I want to thank them for their efforts. They have long called for the Mayor and I to come to an agreement. Both Senator Durbin and Congressman Lipinski fully appreciate the fact that this agreement will create hundreds of thousands of jobs and billions of dollars in economic opportunity.

We have worked closely with them and with your staffs to address concerns and clarify our intent.

For example, both the Mayor and I are strongly in favor of environmental protection. This bill has now been clarified to reflect our desire to have these aviation projects go through the important environmental review process.

We have clarified our continued commitment to the National Environmental Protection Act and the Clean Air Act. We encourage the best practices and the use of technology to mitigate air emissions.

At the same time, we hope to coordinate all of the various reviews and to keep them on track. We believe this can be achieved and we hope the Administration and Congress would help.

If the project gets bogged down for some reason, this bill could require the FAA to report to Congress to explain why permits and approvals have not been made. I believe this is important to the Members of this Committee, Mr. Chairman, just as you urged the Mayor and I to come up with an aviation plan, you can see to it that the plan gets done and gets done right.

We really don't have time to delay. While we have a temporary economic slowdown, it is clear that air travel demand will continue to rise, and rise dramatically.

Last week, the FAA revised its forecasts. Over the next 11 years, the number of air travelers will grow from a peak of 695 million in 2000, to more than a 1 billion by 2013. The time to act is now. With your help, over the next 11 years, we can construct significant portions of the O'Hare plan while Peotone can be up and running. We will be well-positioned to meet demand and serve travelers well.

Mr. Chairman, Members of Congress came to Chicago last year and demanded action. We have now delivered everything you wanted.

For years, the aviation debate has been caught in a kind of gridlock.

No one ever wanted to discuss it, let alone propose a comprehensive plan such as the one the Mayor and I developed.

One group, the Suburban O'Hare Commission, from whom you have probably heard, has tied the City up in litigation for years over this issue.

They are currently spending hundreds of thousands of taxpayer dollars on lobbyists, lawyers and image consultants to fight any growth at O'Hare. You have probably heard from them.

What you may not know is that over the past several years, six communities have abandoned this organization.

It is down to 10 communities and two townships.

By contrast, the O'Hare Noise Compatibility Commission works cooperatively with the City of Chicago. It develops a soundproofing plan and spends tens of millions of dollars soundproofing homes and schools each year. This commission is growing. There are nearly 40 members, mayors and school superintendents.

These community leaders enjoy being at the table with Chicago and working with their colleagues to bring home soundproofing projects and discuss concerns about airport operational issues.

Until the Mayor and I reached this agreement, as we have on several other major economic development projects, the aviation debate was mired in partisan politics.

This bill would prevent future Governors from undoing our agreement. O'Hare expansion has been a politically volatile issue for more than 20 years.

It has been a litmus test for candidates for Governor and the General Assembly.

The small but vocal minority of well-organized opponents have helped to create a stalemate.

In more than 20 years, there has never been a Mayor and a Governor that could agree on an aviation plan. Never.

While there is no chance the Mayor or I will break our agreement in the remainder of my term, I am not running for reelection. It is a very real possibility that future Governors or State legislatures would attempt to undo this agreement.

How can you plan a long-term capital project when it can be stopped at any time because of politics?

This bill would not affect the power of future Governors to make decisions about future airport expansion plans in Illinois.

It merely helps to make our final agreement for O'Hare, Peotone and Meigs truly final.

Mr. Chairman, we have done our job, just as Congress demanded. Now is the time for Congress to act.

Delays and congestion at O'Hare are a national crisis. The strength of the Nation's air transportation system is a national priority. Chicago's aviation system affects interstate commerce.

Modernizing O'Hare and developing more capacity with a supplemental airport in the Chicago area are issues of national concern. Our plan is a long-term investment

in keeping our Nation's aviation system strong. Approving our agreement will well-serve the American people, our air transportation system and this Nation's economy.

Thank you.

Senator ROCKEFELLER. Thank you, Governor, very much, and your statement as with all witnesses, will be included in the record, as well as any other attachments.

We welcome the Mayor of the City of Chicago.

STATEMENT OF HON. RICHARD M. DALEY, MAYOR, CITY OF CHICAGO, IL; ACCOMPANIED BY JOHN HARRIS, FIRST DEPUTY, DEPARTMENT OF AVIATION, CITY OF CHICAGO

Mr. DALEY. Thank you, Mr. Chairman, Members of the Committee, Senator Fitzgerald, Senator Durbin. I would like to introduce John Harris, to my right and your left. He is the First Deputy, Department of Aviation. I want to thank you for the opportunity to testify to enable to modernization of O'Hare Field and provide aviation capacity for Chicago, Illinois, and the Nation.

I respectfully request permission for my written testimony to be submitted in the record.

I first want to express my appreciation for the excellent work of this Committee in addressing the Nation's critical infrastructure needs in aviation as well as modes of transportation.

As Mayor of Chicago, I am responsible for O'Hare Airport, the world's busiest. Last year it handled more than 67 million passengers, more than half of whom were connecting between flights. I'm also responsible for Midway Airport, one of the fastest growing airports in the country, and of course, Meigs Field on Chicago's lake front.

Governor Ryan and I are here today because on June 15th, 2001, this Committee traveled to Chicago to ask us to come up with a solution. The FAA has identified O'Hare correctly as one of the major choke points in the Nation's aviation system.

O'Hare is the Nation's third most delayed airport. Because of its location at the center of the continent, its delays ripple through the Nation's entire aviation system. Governor Ryan and I have worked out a solution of O'Hare's problems on our own, which is far preferable than having it imposed by the Federal Government.

When the Governor and I announced our plan on December 5th, 2001, I called it one of the most significant agreements ever reached between a Chicago Mayor and the Illinois Governor, and it is. Two concerns were raised about the initial version of the legislation that codified our agreement and we have made changes to address both of them.

First, we wanted to be clear that environmental safeguards will be fully adhered to while modernizing O'Hare Field and building Peotone. Second, we have removed the provision that could have enabled the Federal Government to build O'Hare's runway if the project was unreasonably delayed.

This agreement is a compromise. In the spirit of compromise, the Governor and I each support provisions of this legislation to which we would not have otherwise agreed. For example, as many of you know, I would rather have Meigs Field become a beautiful park on the lake front. The Governor supported the entire modernization

plan, including the southernmost runway. I agreed to the provision in the legislation in supporting a new airport in Peotone as well as keeping Meigs Field open.

This legislation benefits the entire region. I know these benefits are clear to Mayor Scott King of Gary. We worked closely with Gary on the development of the Gary-Chicago Airport. In fact, today is the seventh annual meeting of Gary-Chicago. We have shared financial, technical, operational and marketing resources to develop air service for the people of southeastern Chicago and northwestern Indiana.

We look forward to that relationship.

The Governor and I have reached this agreement because it will strengthen the economy of Chicago, which is very important to the Governor and myself. It will vastly improve the efficiency of the Nation's aviation system, which is important to Congress and the Nation.

Our plan calls for changing O'Hare's outmoded airfield design by building a new runway, relocating three existing runways for the efficiency of the airport. The result will be an airport with 6 east-west parallel runways, similar to the runways at Atlanta's airport, which handles approximately the same number of operations as O'Hare with fewer delays, despite having three fewer runways.

This is a safe design, one that is common at modern airports across the country. The modernization of O'Hare will reduce bad weather delays by 95 percent, overall delays by 79 percent. These are huge improvements. They will be accomplished without the use of local or State taxes.

We expect the O'Hare project to create 195,000 new jobs and generate an additional $18 billion in annual economic activity. This agreement is a package, delay reduction, capacity enhancements, increase economic activity and job creation. For example, developments of western access requires the closing of existing runway, which in turn requires the building of east-west runways, including the southernmost.

In order to expand O'Hare's sound insulation program and reduce noise capacity, the airport needs to be fully modernized. All the benefits of this agreement are realized by the complete implementation. So it should come as no surprise that our plan enjoys wide support in northeastern Illinois. Business, labor, community and religious organizations, chambers of commerce, airlines, airports, as well as countless other industries that depend upon strong aviation. This agreement has the strong support of many national organizations, AFL–CIO, U.S. Chamber of Commerce, Air Traffic Controllers, Air Transport Association, Airports Council, International North America, American Association of Airport Executives, and Aircraft Owners and Pilots Association.

Opposition to this agreement, of the O'Hare project does exist. Much of this centers on the need to relocate homes and businesses near the airport. This is a challenge faced by every major transportation or infrastructure project. Homes and businesses will be relocated in strict accordance with Federal procedures, and an open public way to insure fair and adequate compensation.

It is very puzzling why so much of the criticism of the O'Hare modernization project is based on opposition to relocating homes

and businesses. The alternative proposal, the airport in Peotone, would ultimately displace 1,200 homes, as compared to O'Hare's 500 homes. Businesses at Peotone, 145, as compared to 99 at O'Hare. Acreage, 433 acres at O'Hare, 23,000 acres at Peotone.

Despite the narrowly focused opposition, I can speak not only for myself, but Governor Ryan. We are very proud to have solved this problem locally without forcing the Federal Government to step in and solve it. I firmly believe that the modernization, the commitment to Peotone, as well as the opening of, or keeping of Meigs is a solid agreement.

I thank you for allowing me to make my presentation. I will submit the rest of it into the record. Thank you.

[The prepared statement of Hon. Daley follows:]

PREPARED STATEMENT OF HON. RICHARD M. DALEY, MAYOR, CITY OF CHICAGO, IL

Mr. Chairman and Members of the Committee, thank you for the opportunity to appear before this Committee and testify in support of legislation that will enable the modernization of O'Hare International Airport and the expansion of aviation capacity to meet the needs of the Chicago region, Illinois and the Nation.

Before I begin, I would like to express on behalf of the people of the City of Chicago our tremendous respect and appreciation for all the great work of this Committee in addressing critical infrastructure needs. Whether it has been passage of the landmark Passenger Facility Charge (PFC) legislation in 1990 or increasing the PFC and fully funding the Airport Improvement Program (AIP) in 2000, Members of this Committee consistently have been strong bipartisan supporters of airports and a robust, competitive national aviation system. Indeed, this Committee's commitment to improvements in our Nation's transportation infrastructure insures that the lifeblood of our Nation's economy flows freely, and for that you deserve our Nation's gratitude.

Whether by boat, train, truck, or plane, Chicago has always been at the center of our national transportation system. The City of Chicago is the owner-operator of O'Hare and Midway International Airports. O'Hare is the world's busiest airport, and Midway remains one of the fastest growing airports in the country.

Prior to the tragic events of September 11th, the aviation congestion crisis was the single greatest transportation problem confronting our Nation, and Chicago was again at the center. This Committee led the charge in finding solutions to aviation delays and congestion by holding a field hearing in Chicago on June 15, 2001. I am here today because Members of this Committee and others in Congress asked Governor Ryan and me to solve O'Hare's delay and congestion problem, which was tying up the Nation. We know, as you do, such a solution is uniquely necessary and uniquely important.

O'Hare truly serves the Nation. Despite the aftermath of September 11th, O'Hare handled more flights in 2001 than at any other time in its history and regained the title of World's Busiest Airport. Last year, more than 67 million passengers passed through O'Hare on 911,917 flights. O'Hare averages more than 2,500 commercial flights each day to 174 non-stop markets, provided by 45 different passenger airlines, as well as cargo flights by 19 different cargo carriers. We offer non-stop flights to 47 of the 50 States—serving more destinations than any other airport in the Nation. More than half of those passengers depend on O'Hare to connect between flights.

We in Chicago share travelers' frustration with airport delays around the country and, perhaps most particularly, at O'Hare. As recently as 2000, one in four flights in the U.S. was delayed or cancelled—an unacceptable statistic. The frustration of passengers, including many Members of Congress who connect through O'Hare, was understandable. Furthermore, delays cost money.

In 2000, O'Hare had 908,977 operations, and 57,545 delays, or 63.3 delays per 1,000 operations. Flights at O'Hare had an average delay of 7.60 minutes per operation, which translates into a daily delay cost of $480,084 and an annual delay cost of $166,446,704 to the airlines (based on an average operation cost of $25.17 per minute of delay for the nationwide fleet). Travelers across the Nation experience untold lost time, aggravation, and inconvenience.

Last year, at the urging of this Committee, the FAA issued its Aviation Capacity Benchmark Report. It documented that O'Hare's current scheduled traffic meets or exceeds good-weather capacity 3.5 hours of the day and exceeds bad-weather capac-

ity 8 hours of the day. The FAA identified O'Hare—unfortunately the Nation's third most delayed airport—as one of the choke points in the national aviation system. As FAA Administrator Garvey has observed many times, and you no doubt know from your own experience, delays at O'Hare ripple throughout the entire aviation system. However, unlike some of the Nation's delay-plagued airports, O'Hare has the physical space to modernize its airfield and provide needed aviation capacity for decades to come.

Congress has held several hearings searching for a solution. These hearings provided ample evidence of national frustration with O'Hare congestion. Last year at this time, Members of this Committee and several other Senators demanded that Illinois and Chicago agree to a solution or face a solution imposed by Congress.

O'Hare's antiquated runway layout is the primary cause of flight delays. O'Hare struggles with an old-fashioned, inefficient airfield design. O'Hare's 7-runway, intersecting airfield configuration is consistently cited in the FAA Monthly Summary of Air Traffic Activity and Delays in the National Airspace System as a primary cause of delays reported in the Runway Delay category. O'Hare's runway geometry, while modern in the propeller age, is now out-of-date in the jet age.

In contrast, Atlanta's Hartsfield Airport, with half the acreage and just over half the runways (4 instead of 7), handles approximately the same number of operations as O'Hare with fewer delays. Modern runway design uses parallel approaches in instrument flight rule conditions. With parallel runways, O'Hare would be far more efficient. The whole national air transportation system would benefit.

We need to modernize O'Hare's airfield. We will dramatically reduce delay and congestion by building one new runway and relocating three existing runways. We will have 6 parallel runways, similar to the efficient runway systems in Atlanta and Dallas/Fort Worth. Like DFW, we will also have two crosswind runways. This modern airfield will reduce bad weather delays by 95 percent, and overall delays by 79 percent. It will be phased in, with each step bringing demonstrable reductions to O'Hare congestion.

As Congress demanded, the Governor and I have come to an agreement on how best to modernize O'Hare. But we cannot do it alone. We can solve the problem Congress wants solved. That is why we are here today.

We need your help to memorialize the agreement between the City of Chicago and the State of Illinois that will enable O'Hare modernization, facilitate construction of an airport in Peotone, keep Meigs Field open, create a western airport entrance to O'Hare, and provide noise mitigation in communities neighboring O'Hare. Our local agreement, reached at Congress's insistence, is a balanced approach achieved through compromise. Federal legislation is required to protect this agreement and provide some certainty to the people of Illinois, the traveling public, O'Hare's passenger and cargo airlines, and many others who will rely on our agreement. This legislation will end a decades-long impasse.

The legislation will protect our plan to provide congestion relief for the over 100 million passengers who will travel through O'Hare annually in future years. It will secure O'Hare modernization, which in turn will create 195,000 new jobs and produce an additional $18 billion in economic activity each year. O'Hare is central to the economy of Northeastern Illinois and Northwestern Indiana, generating approximately $35 billion in economic activity annually and producing more than 400,000 jobs.

Congressional action will ensure that this nationally important project cannot be subject to cancellation by a new State administration. Governor Ryan and I agree on this congestion relief plan. However, any of his successors can tear up this agreement, renew the stalemate and there by keep the region and the Nation mired in airport congestion and delay.

Illinois is one of a number of States that provides some degree of airport approval power to State Executive authority. Even though O'Hare does not receive any State money, governors have claimed the power to deny O'Hare runway improvements. Of the most delayed airports in the country, only a handful are in States with executive approval power over runway construction. Of those, only O'Hare has been prevented from implementing a runway plan because of State opposition. O'Hare is truly in a unique situation.

The Governor and I agree that the State should play an important role as we solve airport capacity problems in our region. With or without the proposed legislation, both the O'Hare and Peotone projects will be subject to State regulation under environmental and other laws. We both expect those laws to be fairly administered in good faith. However, for twenty years, Illinois governors vowed absolutely to stop any relief of O'Hare delays, regardless of the cost to the State and the Nation. They based their threat on a single State law that focuses on aviation safety. We are confident our projects would survive a fair review. But two decades of governors have

made it clear that O'Hare improvements will not get a fair review. Governor Ryan's administration and mine have invested a great deal of time, money and effort to realize these projects developed at the urging of Members of this Committee and in Congress. Without this legislation, future governors can arbitrarily undo the progress we have made without hope of a solution.

O'Hare users, airlines and the Federal Government should be able to count on the State's commitment. Contracts will be let, bonds sold, people hired, all assuming that we can finish what we start. These investments should not be put in jeopardy.

Let me further explain the legislation and the O'Hare modernization plan.

First, under this legislation the modernized O'Hare will be safe. The FAA must follow its customary procedures and apply its safety standards. It must determine that the O'Hare plan is safe before approving it.

Second, this legislation does not change the rules for Federal funding. O'Hare projects get no preference from this bill. AIP grants will follow the usual rules. The project will be funded through airline-backed bonds and PFC revenues, with less than 10 percent coming from AIP grants. Half of the AIP funding will be entitlement funds that O'Hare would customarily receive and we envision that the other half will be discretionary funds, for which the City must compete with every other eligible airport for in accordance with congressionally directed procedures. No local or State tax dollars will be used on the O'Hare project.

Third, our proposal does not change or evade environmental laws or standards. It does not change the Clean Air Act or air quality standards. It only requires that the State act in good faith when enforcing air quality rules. This bill prevents the State from misusing those rules to stop O'Hare development. We are confident the O'Hare and Peotone projects will fit comfortably within the rules. We need the protection of this bill to insure that a future governor does not change those rules in order to interfere with the projects.

Fourth, this legislation and the project it enables provide significant noise relief for O'Hare neighbors. Noise impacts under the proposed plan should be less than O'Hare noise impacts in 2000. If not, the legislation gives the FAA Administrator broad power to enforce a noise cap. Chicago's cooperative efforts to minimize noise impacts in the communities neighboring O'Hare will be continued under this legislation by broadening our existing sound insulation program. Through 2001, Chicago has spent more than $130 million insulating over 3,900 homes and over $190 million on schools. Aircraft noise will be all but eliminated in many communities neighboring O'Hare when the plan is completed because of the new runway alignment.

Fifth, western roadway access to O'Hare will at long last become a reality. There is no other way to achieve this long-needed project except through our plan. That second door to the airport will bring better access, road congestion relief and economic development opportunities to communities in DuPage County and farther west. Those airport-related developments will increase tax revenue for schools, parks and other City services. Better access to O'Hare will relieve jammed roadways, reduce emissions and enhance the quality of life for airport neighbors.

This agreed upon O'Hare plan is a package. The delay reduction and capacity enhancements, as well as the job creation and economic activity are made possible by the development of the entire plan. For example, western roadway access to the airport requires the closure of an existing runway, which in turn requires the building of all the east/west runways including the southern-most. And, in order to expand the sound insulation program and reduce the noise impacts, the modernization needs to be implemented in its entirety. All the benefits of this agreement are only realized by the completion of all the elements of this agreement.

Modernization of O'Hare will enhance competition in the Chicago aviation market. Chicago already benefits from competition between its two hub airlines. With the proposed plan, O'Hare capacity would grow. Competition cannot thrive in a constrained airport.

Access to small- and medium-sized communities would also be enhanced. O'Hare serves as a gateway to international markets for many cities without international service benefiting travelers throughout the United States. Increased capacity at O'Hare allows communities throughout the U.S. additional access to the worldwide hub networks of the Nation's two largest air carriers and greater service to destinations throughout the world.

Noise relief, western access and better air travel go a long way toward explaining why there is widespread and growing support for the modernization of O'Hare. Keeping O'Hare competitive insures the vitality and future of these neighboring communities and they know it.

Few issues are supported by the City, State and most suburbs; by business and labor, community and religious organizations; by airlines and airports, and countless industries dependent on efficient air transportation, such as shipping and

freight-forwarding, conventions and tourism. The Chicago City Council and more than three dozen surrounding communities have expressed support for our agreement through their Mayors, Village Presidents or City Councils. African-American, Hispanic, Asian, and women's organizations and contractors have all loudly voiced their support.

Our agreement has earned the strong endorsement of national organizations as diverse as the AFL–CIO and the U.S. Chamber of Commerce. The aviation industry is also in agreement. Air Traffic Controllers, the airlines represented by the Air Transport Association, and airports represented by Airports Council International-North America and the American Association of Airport Executives, as well as the Aircraft Owners and Pilots Association all have expressed their support for this legislation and modernizing O'Hare.

Here in Congress, the legislation already enjoys significant support with nearly 100 cosponsors in the House and 23 in the Senate. The Governor and I have met individually with Members of this Committee and of the Senate, Members of the House and the Administration. In recent weeks, nearly 70 people representing all of these groups have come to Washington, DC. and met with more than 50 Members of Congress to advocate their support and seek cosponsorship for this legislation.

Opposition to this legislation and the O'Hare project does exist; however, the focus and area of concern is narrow. Much of the opposition centers on the need to relocate homes and businesses near the airport. This is a challenge faced by every transportation or infrastructure project undertaken. Homes and businesses will be relocated in strict accordance with Federal procedures, in an open and public way to insure fair and equitable compensation. Communities neighboring the airport will most directly benefit from the hundreds of thousands of new jobs, billions of dollars in additional annual economic activity, and infrastructure improvements associated with O'Hare's modernization.

From an economic stimulus perspective, can any other project provide as much benefit to the Nation for such a small price? As I have noted, this legislation does not obligate or secure funds for O'Hare and the anticipated Federal discretionary portion of the O'Hare project will be sought following customary congressional approvals and reviews. It may well be worth pointing out, should Congress choose to approve $300 million over the life of this project, it will in turn create 195,000 new jobs and generate an additional $18 billion in annual economic activity. I am not aware of any other proposal being discussed or debated that would provide such a dramatic return on investment.

Finally, I want to say something about the importance of making a clear statement about the bright future of aviation. This project will tell the traveling public, the Nation and the world that Congress and the President have confidence in the future of commercial aviation. The tragic events of September 11th will not deter America. No single industry was harder hit than aviation. No other development project could send a stronger message. Governor Ryan and I have done what you asked us to do to move this project and this Nation forward. We need you help to make our agreement secure.

Senator ROCKEFELLER. Thank you, Mr. Mayor.

Let me just take up the subject with both of you gentlemen on the matter of pre-emption, and pre-emption really affects only one area here, but we have done this before, the Federal Government. The Airline Deregulation Act that prohibits States from opposing a passenger facility, charges, diverting airport revenue, there are a number of examples.

Ordinarily, Governors and Mayors do not like to be pre-empted on anything, and particularly by the Federal Government. And so I am just interested as each of you, as Governor and as Mayor, how you squared that.

Governor RYAN. Well, I think, Mr. Chairman, that the need speaks for itself pretty much, and pre-emption is not, as you said, this is not a precedent. It's been set, we do it at the State level on occasion, we pre-empt communities on several things. But the need is here, and it doesn't just impact Illinois, it impacts the Nation, it impacts world travel.

This is an issue that needs to be addressed, it has failed to be addressed for some 20 years, and if it means pre-emption, then I

guess that's what it means. But it still leaves the authority in the Governor's hand for other aviation projects, to have the control that is needed there. This is an exception.

Mr. DALEY. Also, I would like to say that responsibility of managing the airport is ours, but the real responsibility comes with the FAA, planes landing, taking off, noise, all basically on the operation side is really the FAA. We have responsibility to manage the airport. In this situation, very few governors have this unique power.

The reason I'm coming forward, I had an experience with a governor in about 1991 or so. It dealt with a downtown circulator. I think all Senators understand, every city wants a downtown circulator. And so we had an agreement prior to the new governor with Governor Thompson and myself that we had a local tax for a downtown circulator. The State said they are committed to put funding in it. We went to the Federal Government on that position.

The Federal Government committed money to us. We in turn spent money. New governor gets elected. He makes the oral commitment, "move ahead on engineering, move ahead and spend taxpayers money," which we did. The final hour came, the governor said no. I believe we spent $50 to $70 million of taxpayers money, and what a waste. And in turn, what happened, we had to return not only Federal money, we had to return local taxpayers money.

In this situation, it is imperative, because if the next governor gets elected, he may agree one month, he will disagree in the second month, and he will tear the agreement up. There is no agreement and basically he says, I'm not participating. I think it is really vital to the jobs, the present jobs, and the future of Illinois. And we see pre-emption in highways, in railroads, and, of course, airports, and not just a local airport, basically it's part of interstate commerce.

Senator ROCKEFELLER. And the governor, as I understand it, Mr. Mayor, can unilaterally stop a runway.

Mr. DALEY. That's right.

Senator ROCKEFELLER. Simply on his or her decision.

Governor RYAN. Right.

Senator ROCKEFELLER. Mr. Mayor, on noise effects, Chicago has been working on that, but you have to assume it is a factor here, and I would just be interested in what Chicago has done.

Mr. DALEY. I think John Harris, my First Deputy, we have spent more money than any other airport. We have led the Nation in regards to the noise abatement, and I will have John just give you a few facts on that.

Mr. HARRIS. Thank you, Mr. Chairman. Mayor Daley commissioned the O'Hare Noise Compatibility Commission to lead the way and serve as a model to other airports around the country for providing noise mitigation relief to impacted areas. We have spent over $236 million insulating over 4,000 homes around O'Hare and 99 schools. All these spending decisions are made by the surrounding elected officials that comprise the Noise Compatibility Commission, as well as the hard work of this Committee and your partners in the House passing the Noise Compatibility Act, the reduction of noise with the advent of Stage-three and improved air-

craft technology, have resulted in over a 40 percent reduction in the impacted area.

This proposal takes that relief even further. At the end of the day, the impacted area would be reduced by over 34 percent and the number of dwellings by nearly 49 percent, and that material is reflected in your information packets.

Senator ROCKEFELLER. That is all the questions I have at this point.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman, and I want to congratulate the Governor and the Mayor for the kinds of cooperation that we have seen displayed here. And indeed, there is an obligation I believe on the part of this Committee to do whatever we can to see that an agreement is assisted here. There may be modifications to it, which obviously is a responsibility given the Federal dollars and the FAA involvement. But the Governor is correct when he said we did come to Chicago, not because we wanted to interfere with what goes on in Chicago or the State of Illinois, but because of the importance of O'Hare Airport to the Nation, and I appreciate their efforts.

Mayor Daley, Chicago O'Hare is presently dominated by two airlines, American and United. We hear and have had many complaints over the years about the lack of access to Chicago O'Hare by other airlines, which would have reduced costs and fares. Study after study indicates that where one or two airlines dominate a hub, prices are higher than those where there is competition. Are you committed to trying to insure access by other airlines to O'Hare once it is expanded?

Mr. DALEY. Yes, I am. Not only once it's expanded, as quickly as possible. We not only have two hubs, which we are really fortunate, both United and American, but we have had an opportunity in the last few years, other airlines, new airlines seeking gates at O'Hare Field, and I am one who will agree with you, that more competition is better for all.

As you know, Midway Airport is in deep competition with O'Hare Field with both Southwest and ATA and other airlines.

And I have said, we are fortunate to have two hubs, and yes, I am in agreement to have those gates opened more to other airlines.

Senator MCCAIN. In your testimony you note that the legislation as introduced does not obligate or secure funds for O'Hare, and that the Federal discretionary portion of the project will be sought following customary Congressional approval and reviews. I know that you know that Congress is not supposed to approve or review individual discretionary airport grants, and I spend a great deal of my time fighting against such pork barrel spending, and I would oppose any specific earmarking on behalf of O'Hare.

I am sure that such a project, however, would fare very well under the FAA, because of the importance that all of us have recognized. It can be argued that this legislation does, in fact, obligate the FAA to give O'Hare preferential treatment in the competition for Federal funds. The bill says that the FAA, "shall implement the Federal policy, that redesign and reconstruction of O'Hare is required to relieve congestion in the national aviation system." How does that not obligate the FAA?

Mr. DALEY. Well, that is not our intent. Our intent is to have this agreement to move forward, so it prevents a governor from—basically, we start proceeding, and then in turn to deny us the right to modernize the airfield, and move forward with Peotone, and keep Meigs Field open. This is not our intent. Our intent here is to have this agreement, and then in turn follow the same procedures that other airports will follow, dealing with modernization of an airport or the implementation and building of a new airport. We get in line like anyone else and proceed like anyone else.

Governor RYAN. I'd like, if I could add to that Senator, Section 4 of the bill, application of existing law, spells that out pretty clearly. It says, "nothing in this Act shall give any priority to or affect availability or amounts of funds under Chapter 471 of Title 49, U.S. Code, to pay the cost of the O'Hare runway redesign plan, or noise mitigation described in Section 3." So I think we are in line with your procedures here.

Senator MCCAIN. Thank you, Governor. When would this plan call for when Peotone would be in operation?

Governor RYAN. We think that Peotone can be up and running, depending on how fast things happen here, within 5 years.

Senator MCCAIN. Five years?

Governor RYAN. Right.

Mr. DALEY. Also, the Governor has committed State funding on that. I had not opposed it and nobody has made any opposition to it in Illinois. So the taxpayers of Chicago are paying for that. This is the Governor's plan, he submitted it, he is buying land already. There is no opposition at all in regards to purchase of land in Peotone.

Senator MCCAIN. Governor, prior to your agreement with the Mayor, you were opposed to the expansion of O'Hare. How did you find yourself on the road to Damascus?

Governor RYAN. Well, I see the light occasionally, Senator on issues that come to my attention. I looked at the seriousness of this problem and heard from a lot of people.

And when the business community came to me and said "we're not expanding, we had a plant we wanted to bring in, we can't because air transportation is bad, we won't even have meetings at O'Hare. We won't even bring our people in to meet there because we are not sure they are going to be there on time." I had an obligation, frankly, to sit down and rethink my position, and that's what I did, and I thought without question that it was time to continue with the Peotone construction and to start to reconfigure O'Hare Airport, and I think it's vital to our economy and the State.

Senator MCCAIN. Well, I thank you. As I mentioned in my opening comments, I thank you both for this spirit of cooperation over a very, very, very difficult issue in Chicago and in the State of Illinois.

Finally, Mayor, if I might mention, there are some specifics here like the number of taxiways, et cetera. I am sure that you understand that a decision by the FAA would govern, because the FAA is the safety, the last word on safety, so if there are modifications that the FAA deems necessary, those would not be particularly resisted. Is that right?

Mr. DALEY. Yeah, none whatsoever. FAA has the sole responsibility to do that.

Senator MCCAIN. I thank the witnesses, and I also thank them for their patience this morning.

Thank you, Mr. Chairman.

Senator ROCKEFELLER. Senator Fitzgerald.

Senator FITZGERALD. Thank you, Mr. Chairman. And Governor Ryan, Mayor Daley, thank you for all being here today. I appreciate your coming and pushing this idea.

Although I disagree with the need for the bill, I think the City of Chicago could simply file a proposal with the FAA.

Now I want to ask you a question that follows up on what Senator McCain was asking you. In your testimony you have encouraged the perception that all this bill does is pre-empt a future governor from changing the State's mind on the issue, and you deny that the bill does anything to hamstring or predetermine the outcome of the FAA studies. If that is the case, can we not just leave in the two or three paragraphs that deal with pre-empting the Governor's control over this and get rid of the 15 or so other pages that I would argue create binding findings that the FAA would have to follow, it would essentially predetermine the outcome of all the FAA studies, and the FAA would have to approve your plan. Would that be OK if we removed all those findings, if all you really want to do is just pre-empt the Governor's authority, why do we not just do that?

Governor RYAN. Well, I think there's several proposals here. Meigs Field is one, Peotone is another. It isn't just O'Hare that's affected here, Senator.

Senator FITZGERALD. OK. So if we did——

Governor RYAN. And I want to tell you, I'm only a pharmacist, I'm not a lawyer, and I deal in the world with lawyers every day. Senator Fitzgerald and Congressman Lipinski are the sponsors of this legislation, and they could probably best answer that question. Now I am not trying to dodge your question, but I never seem to win any arguments with lawyers. If it takes 15 pages for a guy like me, it probably takes 30 for people like that. So, I can't tell you why it is that way.

But I can tell you that there isn't any way that the Mayor, I think would appeal directly to the FAA, knowing that a future Governor may come in and say "no deal," and that's the concern here, and that's why the pre-emption.

Mr. DALEY. Right. And also, it's not just the modernization of O'Hare Field, it's the commitment for Peotone and also of course, keeping Meigs Field, which is very difficult for me, both in supporting Peotone and also keeping Meigs Field open, a beautiful piece of property on the lake front. Like anything else, you need a compromise. Like anything else, we have noise mitigation. We have to make sure that that money is committed and that western access is committed. There are provisions to deal with not only O'Hare Field, but Peotone and Meigs as well.

Senator FITZGERALD. Would you object to putting in a paragraph then, that none of the findings in Section 2 of the bill would be binding on the FAA?

Mr. DALEY. We will have to find out and listen to people on that.

Senator FITZGERALD. Mayor Daley, does the City of Chicago advocate the planning of a third airport in the south suburbs?

Mr. DALEY. We are supporting—it is not in the south suburb area, excuse me, it's in Will County, that's another county. South suburban area is——

Senator FITZGERALD. But the City does advocate the planning of that airport?

Mr. DALEY. Not in south suburban area, no. It's in Will County.

Senator FITZGERALD. So you support——

Mayor Daley: It's not in the suburbs of Chicago, it's in Will County.

Senator FITZGERALD. But you do advocate an airport within 50 miles of Midway?

Mr. DALEY. Yes, we're supporting.

Senator FITZGERALD. Is Southwest OK with that?

Because I have the City's agreement with Southwest whereby——

Mr. DALEY. As long as it doesn't interfere with basically their landing and taking off.

Senator FITZGERALD. So we can send your testimony to Herb Kelleher and he will not have a problem with it?

Mr. DALEY. You can send it to anyone.

Senator FITZGERALD. All right. Mayor, I assume that prior to requesting that Congress mandate a 6-runway configuration, the City of Chicago did extensive studies demonstrating that this is the optimal solution for Chicago, the region and the Nation. Is that correct?

Mr. DALEY. I think in the last 50 years there's been so many studies, not only for O'Hare Field, but in the last 10 or 15 years, for Peotone and keeping Meigs Field open.

Senator FITZGERALD. But this proposal that came out last December, did you do studies that decided that that 6-runway configuration was optimal?

Mr. DALEY. Well basically when you look at the parallel runways, you look at what's taking place in Atlanta and Dallas and all the other airports. It is very important. The number of planes landing and taking off, the number of passengers, that runway is needed.

Senator FITZGERALD. So you did or you did not do any studies?

Mr. DALEY. I think there has been a lot of reviews. I could not tell you if——

Senator FITZGERALD. Can you share those reviews with this Committee?

Mr. DALEY. I'm reviewing it right now. I've told you, there are many viewpoints on this, and they have been there.

Senator FITZGERALD. The FAA, prior to approving a plan such as this, would be required to analyze the alternatives, other sites, other runway designs, and a no-build option. Did your review perform such analyses?

Mr. DALEY. Gee, I really don't know.

Senator FITZGERALD. OK. Mayor, I also note that the bill just forbids the Governor of the State of Illinois from changing the State's mind on this issue. But over the years, you have supported the construction of an airport in Lake Calumet, and then you have opposed the construction of a third airport. You have supported the

closure of Meigs and then opposed the closure of Meigs. You have opposed the expansion of O'Hare and now you support the expansion of O'Hare. Why not put it in the bill that the Mayor of the City of Chicago cannot change his mind?

Mr. DALEY. I think I have to point out, Senator, that dealing with the building of a Lake Calumet Airport, I did not oppose it. The Republican Party in the Illinois Senate basically defeated a bill that the former Governor Etiger and myself, and Governor Bayh agreed upon. It had nothing to do with me. Basically they defeated the bill, and that's why——

Senator FITZGERALD. But you have changed your mind over the years on these issues?

Mr. DALEY. I hope that people in government and politics always have better understandings to be able to change their minds.

Senator FITZGERALD. Why not put into the bill that the City would be bound by this agreement and not be allowed to change its mind? It could change its mind with respect to Peotone, couldn't it?

Mr. DALEY. Well, once we put the agreement forward, we move forward, and I will be Mayor for a long time coming.

[Laughter and applause]

Senator FITZGERALD. Governor, with respect to Peotone, if they double the size and capacity of O'Hare, how is the State going to pay for Peotone? What airlines are going to go there when they have this already established airport that now has plenty of space?

Governor RYAN. I'm going to leave that to the experts, and the experts all tell me that Peotone is a good addition to the air transportation system that we are providing in the metropolitan area of Cook County and the surrounding areas.

There are about 2.5 million people that live in that area that are not serviced by anything other than O'Hare and Midway at this point, and the need is there. And we will have to convince airlines, and I think that's possible to do, and that's what we are going to do.

And we certainly encourage your help in doing that, Senator.

Senator FITZGERALD. Governor Ryan, did the State do any studies before agreeing to this?

Governor RYAN. I would introduce the Secretary of Transportation, Kirk Brown. Tell us about the studies, Kirk.

Mr. BROWN. All the studies that you are asking for are still required to be done by the legislation. There hasn't been a master plan done yet for O'Hare. The City will file an application and they will follow all Federal environmental standards, all guidelines, do all the studies that you're requesting, Senator.

Senator FITZGERALD. Could the FAA change the plan?

Mr. BROWN. Certainly. The legislation gives full authority to the FAA to make all final decisions, requires that all FAA standards are followed in the development of O'Hare.

Senator FITZGERALD. So it doesn't have to be the 6-runway design that you're proposing.

Mr. BROWN. That's what is accepted for the Governor, for the State, getting rid of our disapproval power, the 6-runway plan.

Senator ROCKEFELLER. We can have another round if anybody wishes one.

I just have one question that I would ask to the Mayor, and it is in a sense the same question that Senator McCain asked the Governor. I just happen to know the very, very strong feelings you had about Meigs Field and that, you know, that is an unbelievable lake front and that park would have been—I just wonder how the dynamics worked so that you could do this, make the change.

Mr. DALEY. One thing about Chicago, our beautiful lake front is protected by our laws without any development along the lake front, and it was always a dream of mine and a commitment to basically make that a beautiful park for the people of the City of Chicago, the State of Illinois, and the Nation. We have the most beautiful lake front. No other city, I believe in the world, can really compete with our open space, the idea of how important open space is to an urban community, which is enjoyed by the surrounding communities.

And that was a difficult, difficult compromise for me to make. I really believed that this should have been a park, and that was one thing that was a major issue between the State and the City of Chicago. And like anything else, you have to compromise, and I compromised on that issue, and I compromised on Peotone, in a commitment to support the building of Peotone airport.

Senator ROCKEFELLER. Thank you.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I defer to Senator Fitzgerald.

Senator FITZGERALD. Governor, I am wondering if any Governor of the State of Illinois has ever used the veto power that is at issue in this bill to deny or block an expansion of O'Hare?

Governor RYAN. I can't answer that, but I don't think there has ever been a proposal presented to any governor, at least any modern-day governor that would have been around when O'Hare was, I don't think there has ever been a proposal presented because the atmosphere was just never there for that to happen. You had a Republican governor for the last 26 years and a Democrat mayor, and it was just kind of an unwritten thing that there would be no plan, so there was never any proposed, and that's how we got to this stage as a matter of fact. The business community complained, people complained that they weren't getting the air service. The Congress came in, the Senate came in to Illinois and told us we had to do it, and that's how we got to the proposal, or part of the reason we got there. But I had asked the Mayor to present a proposal because I hadn't had an opportunity to accept or reject a plan.

Senator FITZGERALD. And you could, if Mayor Daley were to give you a plan, you could issue permits today for it, couldn't you?

Governor RYAN. I could.

Senator FITZGERALD. You do not have a plan, do you, and we are being asked to approve a plan that really does not——

Governor RYAN. Yes, we have a plan.

Senator FITZGERALD. It has not been nailed down, all the details have not been nailed down.

Mr. DALEY. I don't think we can nail details down in the sense that the FAA has almost full responsibility. We may submit a plan in concept and like anything else, as we go forward, to me, I learned from the circulator. You understand that. Wasting tax-

payers' money on a whim in going forward and spending hundreds of millions of dollars of taxpayers' money.

Senator FITZGERALD. Why not go to the Illinois General Assembly and ask them to repeal your veto authority in the Illinois Aeronautics Act? Why come to Congress and ask us to use the supremacy clause of the Constitution to change a State of Illinois law?

Governor RYAN. Well, first let me ask you, or let me tell you, Senator, they tell me that most of the permits, the permits won't be issued in any of these projects until the environmental study has been completed, and that's basically what we are waiting for. I think it goes back to what we said, that the Illinois law could change back again if that's the case, depending on who the governor is and who controls the General Assembly.

This makes this more permanent, I think safer for the concerns that the Mayor has about what could happen in the future, and I think it's a role that the Federal Government should play, frankly. I'm not for giving a lot of issues to the Federal Government, but this is one I think that speaks pretty loudly as to the need.

Senator FITZGERALD. So your deal is really just a deal between you and Mayor Daley, it's not an agreement between the State of Illinois because you have never presented this plan to the State Legislature and they haven't signed off on it.

Is that correct?

Governor RYAN. Well, formally I can't say that I've presented it to the Legislature, but I've talked to the legislative leaders, we've had meetings with legislators and they were asked for their input to put into it, but no, I have never really officially presented it to the Illinois General Assembly.

Senator FITZGERALD. And you both—I guess I just want to be very clear on this. The way I read the findings section of your bill, there are two things that would have to be done in the NEPA process. There has to be a finding of the need and purpose, and alternatives have to be ruled out. And I find that in my judgment, the findings section of your bill does those analyses for the FAA and puts in statute a Congressional finding as to the need and purpose for the O'Hare redevelopment plan, and it statutorily rules out alternatives.

Will you state clearly for the record whether that is the intent of this bill? Do you not intend to have any binding language in the findings sections that would bind the FAA with respect to the NEPA requirements, the need and purpose, and the alternatives?

Governor RYAN. I'm going to defer to my attorney, Secretary of Transportation, Secretary Brown.

Mr. BROWN. Let me respond to Peotone and we will let the City respond for O'Hare. We are completing a full environmental assessment for that process considering everything that has to be considered under NEPA, and we expect to have Federal approval of that for the first tier, for the siting of that facility, this spring. And so let me clearly state for the record that we intend to follow every NEPA——

Senator FITZGERALD. Will the FAA be free to find that there is not a need and purpose?

Mr. BROWN. Yes.

Senator FITZGERALD. They would be. And would they be free to do an alternative plan?

Mr. BROWN. The FAA is free to do whatever they choose.

Senator FITZGERALD. After this bill is adopted.

Mr. BROWN. Yes, sir.

Senator FITZGERALD. So they wouldn't have to construct the 6-runway plan.

Mr. BROWN. Yes, sir.

Senator FITZGERALD. Now with respect to Peotone, you are fairly more balanced in this version of the bill than earlier iterations with respect to Peotone, but the one thing the bill doesn't do is pre-empt the governor's authority with respect to Peotone. After this bill passes, a future governor, say a Governor Blagojevich——

Mr. BROWN. Well, I would say that there is an election.

There is Jim Ryan, who is presently Attorney General, running as a Republican, very well qualified, and Rod Blagojevich, Congressman, Democrat, well qualified, are running.

Senator FITZGERALD. I hope Jim Ryan wins. I am a Republican, but it is possible the Democrat could win, and he would be free to stop going forward with Peotone. Is that not correct, after this bill, so Peotone is not even——

Governor RYAN. The Mayor would never let that happen.

Senator FITZGERALD. Would you ever let that happen, Mayor Daley?

Mr. DALEY. No, that would never happen.

Senator FITZGERALD. Then why not put it in the bill that a future governor couldn't change its mind with respect to Peotone?

Governor RYAN. I don't have a problem with that. I don't know if the Mayor does.

Mr. DALEY. You would have to have an appropriation as you know, Senator, you're a former Senator in the Illinois Senate. Appropriations are reviewed by a legislative body which is part of the three branches of government.

Senator FITZGERALD. Well, I see my 5 minutes are up.

I appreciate the patience of you two gentlemen, and thank you for coming to Washington.

Senator ROCKEFELLER. I thank both of you. I remember, if I remember correctly, when we met in June at the hearing, the Chairwoman of the State Legislative Aviation Committee appeared and testified that she hoped that the Governor and the Mayor would work toward a compromise, so that said a lot to me. Gentlemen, I want to thank the two of you, all four of you very much for your courtesy and for an extremely effective first panel.

Governor RYAN. Thank you very much.

Mr. DALEY. Thank you.

Senator ROCKEFELLER. Our second panel consists of Mr. John Geils, who is Chairman of the Suburban O'Hare Commission; a fairly familiar face, Mr. Sam Skinner, who was our former Secretary of the Department of Transportation, I am very happy to see you, sir, now with U.S. Freightways, out of Chicago; and Ms. Woodie Woodward, who is Associate Administrator for Airports from something called the FAA.

Secretary Skinner, we will start with you, sir.

STATEMENT OF SAMUEL K. SKINNER, CHAIRMAN, PRESIDENT AND CEO, USFREIGHTWAYS; ON BEHALF OF THE CIVIC COMMITTEE, CITY OF CHICAGO

Mr. SKINNER. Thank you, Mr. Chairman, I'm delighted to be here again, and Members of the Committee, I guess the Members of the Committee have all left, but I appreciate the opportunity to speak with you for a few minutes today.

I am here on behalf of the Civic Committee of the City of Chicago. This is an organization of chief executive officers from virtually all of the major corporations within Chicago and its suburbs. We classify the suburbs, by the way, not only in Cook County, but suburban Lake, DuPage, Will County, and all of the greater suburban area of Chicago.

We are in full support of the National Aviation Capacity Act. We want to commend Senator Durbin, who just left, and the bipartisan group of Senators who are supporting it. As you know, this is the result of a bipartisan agreement between a Republican Governor and a Democratic Mayor. As a former Secretary and now chief executive officer of a major Chicago-based transportation company, I think I do have an understanding of the needs of our system and for a strong and efficient aviation system.

I worked diligently with this Committee and others, but unsuccessfully when I was Secretary, for a plan similar to this. And unfortunately, we were not able to reach an agreement because we couldn't get that regional consensus that was necessary, the same regional consensus that we had in Denver when we built the Denver Airport with the support of this Committee and the Appropriations Committee, which is now one of the world class airports in the United States and the world, and it is doing exactly what we intended.

We also I believe, in this plan, they have developed and expanded not only O'Hare, but they have also put real teeth and a real plan together to develop an airport on the south side in the south suburban area near Peotone. And of course they preserve beautiful Meigs Field. While a park is beautiful, there are many of us in aviation that believe that Meigs Field is equally beautiful. And I know your love for the parks and your family's love for Chicago and what you have committed to that, but I can assure you we have a lot of great lake front left even without the park at Meigs Field, and many of the people at the University of Chicago enjoy that lake front every day, thanks to your grandparents.

Senator ROCKEFELLER. Mr. Secretary, I took off for my honeymoon from Meigs Field.

Mr. SKINNER. After being married at the chapel, as I recall.

Senator ROCKEFELLER. That is correct, yes.

Mr. SKINNER. But this plan is not only good for Illinois, but it's really good for the entire Nation. Our Civic Committee has corporations that have employees, customers and suppliers that use O'Hare every day, and on an annual basis hundreds of thousands of our employees and other associates use O'Hare. It is absolutely key, not only to us maintaining our businesses in Chicago, but growing our businesses in Chicago, and that's why the Committee feels so strong about the support for this plan.

As you know, this plan is a modern plan. The configuration at O'Hare is not a modern configuration. It will allow us to do at O'Hare what we have done at Denver, I mean at Dallas, and what they do at Atlanta, where they can handle a lot more traffic. It is a plan that can work not only with the technology that's available, but frankly, it will be a safer plan for aviation. And of course, it will eliminate lot of the delays that have been almost an everyday occurrence at O'Hare.

It also, I believe, does something more importantly. It establishes once and for all that not only will we make a commitment to O'Hare, but we are making a substantial commitment to a south airport in Peotone, and I believe that that airport will grow, because I think that's where the population of the State of Illinois will grow in that southern area. We can't grow a whole lot to the north, but between Springfield and Bloomington and Chicago, there's tremendous opportunity, and I think by putting that airport there, you will see the entire economic activity in that suburban area grow, just as it did at Dulles. We flew in from Dulles last night, and at least some of us remember when that was in the middle of nowhere. I believe that Peotone in the next 50 years will represent the same thing for that area that Dulles has done for the Washington area.

This agreement is necessary. We worked in 1990, Senator, you and I, and Senator Ford, your predecessor as Chairman of the Committee, on a very important act, an act that expanded capacity. It gave us noise protection and delineated a lot of the noise problems throughout this country, and we did it on a bipartisan basis. The President was a Republican and a Democratic Congress passed that legislation.

And yes we did in certain area pre-empt State law and local law, and it was necessary to enhance the system of this Nation, and as we look back 10 years or 11 years later, we see it has not only worked, it has worked well. The skies are quieter, we have more capacity, and frankly, everybody is better off as a result of that.

I think it is also important as we go forward that we pass legislation, because unfortunately, these things are susceptible to political undercurrents, and situation get sometimes beyond a particular control of a particular legislator or a particular governor. Think for instance if we had started the project known in Boston by the nickname the "Big Dig," the $14 billion public works project, and halfway through, some governor or a mayor had just decided for probably even smaller petty reasons to stop it. We would have spent billions of dollars and then we would find ourselves in a real mess. We can't allow that to happen at O'Hare, and I think this legislation makes sure that it won't happen.

And finally, it protects all of the rules and requirements for environmental studies. It protects all of the requirements for noise studies, for environmental protection statements, and all of that will go forward as occurs in a normal basis, and it doesn't take funds away.

These airports will be competitive. Obviously, the FAA and the Administrator here can talk a little bit more about that, but the competition is obviously fierce. We decided in 1989 and 1990 to prioritize the funding through a competitive process at Denver, and

we allocated more money to Denver because it went through the competitive screen and it was decided that that was the appropriate value that should be placed on that airport in that scheme, and that's the same thing that will go on. Obviously, O'Hare is the largest airport in the United States and the one that's critical to interstate commerce throughout the Nation and is obviously going to be a very competitive airport, and I believe the one at Peotone will as well under this formula.

[The prepared statement of Mr. Skinner follows:]

PREPARED STATEMENT OF SAMUEL K. SKINNER, CHAIRMAN, PRESIDENT AND CEO, USFREIGHTWAYS; ON BEHALF OF THE CIVIC COMMITTEE, CITY OF CHICAGO

Chairman Rockefeller and Members of the Subcommittee: On behalf of the Civic Committee of The Commercial Club of Chicago—a group of approximately 70 senior executives from the Chicago region's leading corporations, businesses, and professional firms—I respectfully submit this statement in support of S. 1786—the National Aviation Capacity Expansion Act. The member companies of the Civic Committee have offices and plants throughout Chicago and its suburbs, as well as across the country and the world. We have employees who use O'Hare for business and/or personal travel. We clearly have a huge stake in the economic and aviation future of the region and the Nation.

This legislation will ratify in Congress the bi-partisan agreement reached by Chicago Mayor Richard Daley and Illinois Governor George Ryan on December 5, 2001, to expand aviation capacity in the Chicago region. The agreement between Governor Ryan and Mayor Daley was historic. In making this pact they overcame a decades-long political stalemate that had blocked meaningful and much-needed improvements in the Chicago region's aviation system. The Civic Committee commends the Governor and Mayor for setting aside political differences to settle this issue locally.

For nearly 20 years, the Civic Committee has been advocating expansion and modernization of O'Hare Airport. The agreement between the Governor and Mayor not only provides for such improvements at O'Hare, but also provides for a new point-to-point airport in south suburban Peotone, and the preservation of Meigs Field in Chicago; and we wholeheartedly support the terms of this agreement.

As a former U.S. Secretary of Transportation and now as the CEO of a Chicago-based transportation company, I have a deep understanding of the importance of a strong and efficient aviation system. The airport agreement between Governor Ryan and Mayor Daley is good not just for Illinois, but for the entire county. Accordingly, the Civic Committee respectfully asks Congress to approve the agreement to ensure that it is not reversed or undermined by future political discord in Illinois and to expedite the implementation of these projects. O'Hare Airport is the busiest airport in the world and a key hub in the national aviation system, and we believe that Congressional action to improve the airport is both justified and necessary.

In the absence of Congressional approval, any Federal funding allocated to these projects could be wasted if construction were begun and then halted by future Illinois officials. Worse yet, O'Hare modernization, which is at least 10 years overdue, and the construction of a new point-to-point airport in the region could be delayed indefinitely. This is not the proper way to improve the Nation's aviation infrastructure.

O'Hare provides thousands of daily flights to over 165 domestic and over 70 international destinations. Both United and American Airlines operate strong networks of connecting flights and schedules at O'Hare; and over 60 other commercial, commuter and cargo airlines operate out of the airport. Only about half of the passengers using O'Hare originate or terminate their trips at the airport; the other half of the passengers use O'Hare as a connecting point to another destination. Similarly, many air freight shippers use O'Hare as an intermediate point for their freight shipments. In short, O'Hare provides a vital service in the movement of both passengers and cargo across the country.

However, O'Hare operates with an out-dated design of intersecting runways, which makes the airport vulnerable to significant delays, especially in bad weather. Flight delays and declining service at O'Hare adversely impact not only the people of Northern Illinois, but also the citizens and businesses in other States, creating a ripple effect throughout the country. Chicago has not added new runway facilities at O'Hare for decades.

The agreement between Governor Ryan and Mayor Daley to expand and modernize O'Hare to allow for 8 total runways, 6 of them parallel, would provide sub-

stantial benefits to the national aviation system. It would dramatically reduce congestion and increase safety at O'Hare, freeing up the national system as a whole, and would provide the needed capacity for additional flights around the country and the world. The agreement also provides for a new airport in Peotone, which would allow the Chicago region flexibility to accommodate the significant growth projected in point-to-point traffic, and preserves Meigs Field, a valuable general aviation asset for Chicago and the Nation.

The airport agreement between the Governor and Mayor is also notable for its provisions to address quality of life issues. For years, little progress had been made with respect to increasing runway capacity at O'Hare because of concerns about noise in the communities around the airport. Before reaching his agreement with the Mayor, Governor Ryan held four public hearings around the region to listen to citizens concerned about these issues. In the end, the Mayor and Governor recognized that these communities have a stake in the future of the airport, and in their plan they committed additional funding for soundproofing schools and single-family homes around O'Hare. Chicago has already spent over $130 million to soundproof 3,934 homes as part of the most extensive airport noise abatement program in the country. In an era where airplane noise is decreasing significantly due to advanced aviation technology, the Civic Committee commends the Governor and Mayor for addressing these quality of life issues.

For a few years now, the aviation community at-large has been stressing the need to close the gap between demand and capacity in the national system with new runways and improved technology. That need still exists today, even though the aviation industry continues to recover from the economic slowdown brought about by the terrorist attacks. Indeed, the FAA, which last week released its commercial aviation forecasts, projected ever-stronger growth in air travel between 2004 and 2013 that will overwhelm the aviation system unless it is improved.

With this measure before you, Congress has an opportunity to take an important step to address this critical issue. The Civic Committee respectfully urges this Committee to approve S. 1786—the National Aviation Capacity Expansion Act—and send it to the Senate floor for favorable consideration.

Senator ROCKEFELLER. Thank you, sir.

Mr. Geils.

STATEMENT OF JOHN C. GEILS, CHAIRMAN, SUBURBAN O'HARE COMMISSION; ACCOMPANIED BY HON. RONALD WIETECHA, MAYOR, PARK RIDGE, IL

Mr. GEILS. Thank you, Mr. Chairman and Senator Fitzgerald. My name is John C. Geils, and my colleague to my left is Mayor Ron Wietecha, the Mayor of Park Ridge. I am the President of the Village of Bensonville, one of the communities living in the shadow of O'Hare International Airport. I am also the President of the Suburban O'Hare Commission, a consortium of 14 local governments adjacent to O'Hare that represents the interests of 1.5 million citizens.

On behalf of the Suburban O'Hare Commission, I am grateful for the opportunity to present our views concerning the Chicago area's airport capacity needs.

I understand, Mr. Chairman, that SOC's written statement will be entered into the record, and I thank you for that.

Senator ROCKEFELLER. That is correct.

Mr. GEILS. Thank you. I would also like to elaborate on a few key points. Legislation is being proposed that would fast track a massive new 6-runway redevelopment plan for Chicago O'Hare International Airport. This would significantly interfere with the established requirements for review of the airport development projects by the FAA and the environmental agencies.

I understand that on the eve of this hearing a revised bill was submitted, and we have heard a lot of testimony pertaining to it this afternoon, softening some of the most blatant language that

guaranteed the O'Hare expansion would be forced through. This amendment, however, in our opinion is nothing more than a clever attempt to wrap sheep's clothing around the wolf. The purpose and intent of the bill are exactly the same.

Congress would be directing the FAA in no uncertain terms to proceed with a massive reconstruction of O'Hare, and to forego alternatives that many of us in the Chicago area community believe would be vastly superior. Through the proposed findings, Congress would prejudge all the most significant issues affecting the development of Chicago's airport system. This would eliminate the longstanding neutral and expert role of the FAA in evaluating and approving airport development projects.

Rather than giving the $15 billion airport development project the hard look it deserves, the FAA would be relegated to wetting the ink on the rubber stamp.

At the outset, we believe it is important for you to understand that SOC, the Suburban O'Hare Commission, stands for what we stand for and what it does not. SOC is not opposed to airport development, nor the need to improve the capacity and efficiency of Chicago's airport system. To the contrary, we agree that the Chicago area needs significant new airport capacity. What SOC does oppose, however, is a narrow minded focus on expansion of O'Hare when there is a better, faster, safer, less expensive and more environmentally sound alternative, the construction of a third new Chicago area airport at Peotone.

The proposed legislation claims to support the construction of both airports, but the economic and practical reality is that a massive 6-runway redevelopment plan at O'Hare and a new airport at Peotone are mutually exclusive. A massive expansion of O'Hare would make it difficult if not impossible to justify the construction of the new airport.

There is no need for extraordinary legislation in our mind. If the O'Hare Airport development project has sufficient merit, the appropriate mechanisms already exist for approval and construction. Congress should not interfere with that process by injecting a political decision concerning what does or does not make sense for the citizens of Illinois that are most directly affected by the Chicago region's airport development needs.

The runway capacity needs of Chicago's multi-airport system must be considered interdependently and not independently of one another. The proposed legislation specifies a 6-runway O'Hare layout plan creating artificial constraints on the FAA's airport planning judgment for the Chicago region. The FAA would be required to think "in the box" in terms of a massive O'Hare expansion. Without a legislative imperative to expand O'Hare, the FAA might well give Peotone higher priority than O'Hare based on very real safety, efficiency, cost benefit, public interest and environmental considerations.

Furthermore, by prejudging the issue and specifying the construction of an ill-conceived O'Hare runway design plan, Congress would condemn the Chicago region and the national air transportation system to a future of interminable delays.

Cramming too many flights into a 6-runway O'Hare super hub would create the biggest and most delay-prone airport in the country.

Worse yet, the proposed runway plan will produce a system that is guaranteed to fail miserably whenever the weather turns bad. The closely spaced parallel runways cannot be used for simultaneous operations when the weather requires pilots to use instrument procedures. This means that half of the expensive new concrete poured at O'Hare will need to be taken out of service exactly when it is needed most, under poor weather conditions when O'Hare experiences most of its delays.

Congress should not be involved in the business of engineering Illinois airports. Indeed, for Congress to impose its' will in this matter would strip away the fundamental authority of the State of Illinois with respect to the exercise and delegation of State power to build airports.

This would directly violate, in our opinion, the Tenth Amendment, and as represented by Congressman Hyde, we have expert opinion from Professor Rotunda on that matter.

I would also like to emphasize a few very important issues from my community of Bensonville and other Suburban O'Hare Commission members, the impact of the proposed project on the environment, jobs, and the quality of life.

Even in its current pre-expansion condition, O'Hare is the largest source of toxic emissions and hazardous air pollutants in the State of Illinois. O'Hare also impacts large numbers of Chicago area residents with significant and undesirable noise exposure. Adding hundreds of thousands of new flights will make matters much worse.

The proposed legislation will preclude further consideration of these important issues, cut off public comment, and curtail the thorough evaluation of the public health and environmental considerations. The bill pays lip service to complying with NEPA, but there is simply no way that a project of this scope and scale could be subject to meaningful NEPA review before the legislative imposed construction date of 2004.

The legislation would also inflict serious job destruction on my community of Bensonville and neighboring Elk Grove Village. Under the O'Hare redesign plan, the western ring access road would be pushed west immediately into the developed industrial and residential areas of our communities.

This would precipitate huge losses in jobs, tax revenues, adversely impacting economic development, schools, and our residential quality of life.

In summary, I would like to reiterate that the Suburban O'Hare Commission opposes this bill because it seeks to avoid the careful framework established for the review of airport development by the FAA in cooperation with State airport sponsors. SOC urges the Commerce Committee to reject any legislation to establish a unique set of rules to fast track construction at O'Hare and preclude the consideration of more sound alternatives for Chicago's future airport capacity needs. Thank you very much.

[The prepared statement of Mr. Geils follows:]

PREPARED STATEMENT OF JOHN C. GEILS, CHAIRMAN, SUBURBAN O'HARE COMMISSION; ACCOMPANIED BY HON. RONALD WIETECHA, MAYOR, PARK RIDGE, IL

Mr. Chairman, and Members of the Senate Commerce, Science and Transportation Committee, the Suburban O'Hare Commission (SOC) is a consortium of 14 local governments adjacent to O'Hare International Airport that represents the interests of over 1.5 million citizens. SOC is grateful for the opportunity to present its views concerning Chicago area airport capacity.

Legislation is being proposed that would fast-track a massive new 6-runway redevelopment plan for the Chicago O'Hare International Airport. This would significantly interfere with the established requirements for review of airport development projects by the Federal Aviation Administration (FAA) and the environmental agencies. Through its findings, Congress would have effectively prejudged all of the most significant issues—thus curtailing the neutral and expert role of the FAA in evaluating and approving airport development projects. The bill would silence further meaningful public debate concerning the future and direction of Chicago's airport needs. The legislation would also substantially erode the protections of the National Environmental Policy Act ("NEPA") that safeguard the environment and the public health and welfare.

At the outset, it is important to understand what SOC stands for, and what it does not. SOC is *not* opposed to airport development, nor the need to improve the capacity and efficiency of Chicago's airport system. To the contrary, there is broad regional consensus—including among the members of SOC—that the Chicago metropolitan area needs significant new airport capacity.

What SOC does oppose, however, is a narrow-minded focus on the expansion of O'Hare—when there is a better, faster, safer, less expensive, and more environmentally-sound alternative: the construction of a third new Chicago-area airport at Peotone. Although legislation has been introduced that purports to support the construction of both airports, the economic and practical reality is that a massive 6-runway redevelopment at O'Hare and a new airport at Peotone are mutually exclusive.

There is no need for extraordinary legislation. These types of regional airport development issues are matters that are best left to the expert judgment of the Federal Aviation Administration. If the O'Hare airport development project has sufficient merit, the appropriate mechanisms already exists for approval and construction. Congress should not interfere with that process by injecting a political decision concerning what does—or does not—make sense for the citizens of Illinois that are most directly affected by the Chicago region's airport development needs. Congress has neither the specialized aviation and airport environmental expertise of the FAA, nor the local knowledge necessary to make these determinations.

The runway capacity needs of Chicago's multi-airport system must be considered *inter*dependently, and not *in*dependently of one another. The proposed legislation specifies a 6-runway O'Hare layout plan, creating artificial constraints on the FAA's regional airport planning judgment. The FAA would be required to think "in the box" in terms of a massive O'Hare expansion. Consequently, consideration of important alternatives that could produce a more optimal distribution of runway (and airspace) capacity for the Chicago region would be blocked.

The decision of which and how many runways to build within Chicago's multi-airport system is one that should by made by the FAA through the exercise of its substantial expertise—not by Congress. Without a legislative imperative to expand O'Hare, the FAA might well determine to give Peotone a higher priority than O'Hare, based on very real safety, efficiency, cost-benefit, public interest and environmental considerations.

Furthermore, by prejudging the issue and specifying the construction of an ill-conceived 6-runway O'Hare design plan, Congress would doom the Chicago region and the national air transportation system to a future of interminable delays. Cramming too many flights into a 6-runway O'Hare super-hub would create the biggest and most delay-prone airport in the country. Worse yet, the proposed runway plan will produce a system that is guaranteed to fail miserably whenever the weather turns bad. The closely-spaced parallel runways cannot be used for simultaneous operations when the weather requires pilots to use instrument procedures. This means that half of the expensive new concrete poured at O'Hare would need to be taken out of service exactly when it is needed most—under poor weather conditions when O'Hare experiences most of its delays.

Congress should not be involved in the business of engineering Illinois' airports. Indeed, for Congress to impose its will in this manner would strip away the fundamental authority of the State of Illinois with respect to the exercise and delegation of State power to build airports. This would directly violate the 10th Amendment.

Chicago's power to build airports stems not from some inherent authority of Chicago independent of State law. Rather, Chicago is a creation of State law and is exercising State power to build airports that has been delegated by the Illinois Legislature. As a creature of State—not Federal—law, Chicago can only exercise those powers relating to airport construction that have been delegated to Chicago by the State of Illinois, and Chicago's delegated powers are necessarily limited by the conditions imposed on the delegation of power by the Illinois Legislature. Any legislation that attempts to interfere with the delegation of State power to a State political subdivision would be fraught with constitutional problems and would have national implications affecting every State.

SOC opposes this bill because it seeks to avoid the careful framework established for review of airport development by the FAA in cooperation with State airport sponsors. The O'Hare redevelopment plan is one of the largest proposed airport expansions in aviation history. A project of this size, scope, and cost deserves more than a *post hoc* rationalization by the FAA. Before turning to a more thorough evaluation of the legislation, I would like to highlight a few of our key concerns.

S. 1786 is unprecedented. It would:

- Declare it to be "Federal policy" to construct the O'Hare expansion project (expected to cost *$15 billion* or more). The FAA would be required to take extraordinary steps to usher the project along if the City has not commenced construction by 2004;
- Accord the O'Hare runway project special statutory priority over other airport projects in the Nation;
- Violate the 10th Amendment by pre-empting the State of Illinois from controlling and limiting the delegation of the State law power to build airports to one of its political subdivisions;
- Prejudge and interfere with the FAA's statutory responsibility to evaluate the air safety, efficiency and public benefits/costs of airport development projects.
- Prejudge and interfere with the environmental review process under NEPA and the Clean Air Act State Implementation Plan (SIP).

For these reasons, SOC strongly urges the Commerce Committee to reject any legislation to establish a unique set of rules to fast-track construction at O'Hare, and preclude the consideration of more sound alternatives for Chicago's future airport capacity needs.

I. The O'Hare Redevelopment Plan Would Be a National Air Transportation Blunder of Epic Proportions

The O'Hare "runway design plan" expressly specified in the legislation calls for a massive expansion of O'Hare by tearing up the existing runway complex and laying down 6 new parallel runways. However, in terms of well-established FAA safety and efficiency standards, several of the runways are too closely spaced (separated by only 1,400 feet) to allow for independent simultaneous arrivals or departures. The runways can only be used for simultaneous operations if one runway is used for arrivals and the other is used for departures—and even then only if the weather is good. Whenever cloud cover and visibility conditions require the use of instrument landing procedures (a chronic situation at O'Hare), these closely spaced parallel runways could not be used simultaneously at all.[1] By prejudging both the need and design of the proposed runway construction project, Congress would relegate FAA's role in evaluating this massive airport project to a mere rubber stamp. The FAA would not be able meaningfully to exercise its discretion to determine whether the proposed runway system is safe and whether it would in fact add capacity to the region.

The proposed legislation would have Congress make findings that the national air transportation is "dependent" on O'Hare and that "the reliability and efficiency of interstate air transportation for the residents and businesses in many States depend on the efficient processing of air traffic operations at O'Hare." (Sec. 2). While the bill's promoters, most notably the City of Chicago, would no doubt prefer that interstate air traffic have no alternative but to flow through O'Hare, in reality, this is far from the truth.[2]

Passengers traveling via O'Hare have their option of any number of viable connecting hubs. Rather than trying to cram more flights through O'Hare, SOC believes that the best way to enhance the Chicago region's role as a pivotal hub in the na-

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[1] *See*, November 30, 2001 letter of National Air Traffic Controllers Association to Senator Peter Fitzgerald. Attached.

[2] There is general consensus that O'Hare can accommodate the needs of local Chicago traffic until at least 2020; thus, the purpose of any current expansion at O'Hare is to carry more connecting traffic, which constitutes over half the passengers using the airport.

tional air transportation system is through the development of a modern alternate third airport at Peotone. Chicago's large population and economic base makes it an attractive hub, and a new South Suburban airport will attract more air carrier service and more connecting passengers.

The proposed legislation pays lip service to the development of a new airport at Peotone, but in practical effect would thwart the development of a South Suburban Airport. If O'Hare is massively expanded with the six parallel runway plan called for in the proposed legislation, the viability of a new airport would be undermined. Such a massive (and misguided) expansion of O'Hare would make it difficult or impossible to justify the construction of the new, more modern, more economical, more environmentally sound, and more efficient airport at Peotone.

The runway capacity needs of Chicago's multi-airport system must be considered *inter*dependently, and not *in*dependently of one another. The legislation's findings expressly calling for a 6-runway O'Hare layout create artificial constraints on the FAA's judgment, forcing the FAA to plan "in the box" of a massive O'Hare expansion—and not to consider critical alternatives that would produce a more optimal distribution of runway (and airspace) capacity for the Chicago region at a new South Suburban Airport. As a result, the legislation guarantees the expansion of O'Hare, but leaves Peotone to wither as a secondary afterthought.

The allocation of new runway capacity within Chicago's multi-airport system is a determination that should not be made by Congress, but rather by the FAA through the exercise of its expertise. Absent the legislative directive, the FAA might well determine to give Peotone a higher priority than O'Hare, based on very real safety, efficiency, cost-benefit, public interest and environmental considerations.

Worse yet, by prejudging the issue and specifying the construction of an ill-conceived 6-runway O'Hare design plan, Congress would be condemning the Chicago region and the national air transportation system to a future of interminable delays. Attempting to cram too many flights into a 6-runway O'Hare super-hub would create the biggest and most delay-prone airport in the country. Moreover, the Achilles Heel of the O'Hare redevelopment runway plan is that the system is guaranteed to collapse in bad weather. Since safety standards require that the closely-spaced parallel runways could not be used for simultaneous operations when the weather requires pilots to use instrument procedures, half of the expensive new concrete poured at O'Hare would effectively be taken out of service exactly when it is needed most—to alleviate bad weather backups, which are a leading cause of delays.

Far from enhancing capacity and efficiency, if Congress were to adopt this legislation it would saddle the national air transportation system with an enormously expensive and delay-prone airport. That is why SOC believes this is a matter best left to the FAA's expert judgment, instead of the legislative process.

II. Laying New Concrete on Top of Functional Existing Runways Flunks the Cost-Benefit Test

There is compelling evidence demonstrating that the development of a third Chicago airport at Peotone would provide more effective capacity expansion for the region, and could be brought on line more quickly, at less cost, with less disruption to existing operations, and with less environmental impacts, than the proposed mandatory development project at O'Hare.

Cost estimates released by the State of Illinois indicate that a new 6-runway airport at Peotone would cost in the vicinity of $5 billion. Cost estimates for new runways at O'Hare are between $1 to $2 billion per runway. Chicago itself estimates that terminal expansion at O'Hare would cost another $6 billion, bringing the total tab for the O'Hare expansion project to a whopping $15 billion. Even this massive figure does not include the additional cost of access roads, parking facilities, and mitigation measures for the immediately impacted communities.

Given that Peotone would provide substantially more *new* incremental capacity at substantially *less* cost, the O'Hare construction plan is a spendthrift nightmare. Under existing law, the FAA is responsible for weighing the "project benefit and cost." 49 U.S.C. § 47115(d)(2). Congress added this responsibility to avoid situations in which taxpayer dollars are expended on projects that do not represent the best use of limited airport development funds. Under the required cost-benefit analysis, the FAA must consider various alternatives and evaluate issues such as whether the addition of new runways at an existing airport is a better or worse investment than building a new airport. SOC submits that the O'Hare construction plan flunks this test.

The legislation also contravenes the established Federal policy to "give special emphasis to developing reliever airports." 49 U.S.C. § 47101(a)(3). By concentrating an ever-increasing number of airplanes in the finite volume of airspace over O'Hare,

Congress would be frustrating the very reliever program it mandated the FAA to promote.

Another important consideration for airport development funding requires the Secretary to be satisfied that "the project will be completed without unreasonable delay." 49 U.S.C. § 47106(a)(4). Attempting a massive redevelopment project at one of the busiest airports in the country is a recipe for project delays and massive disruption to the existing air carrier activities at O'Hare.

III. The O'Hare Expansion Plan Would Result in the Needless Destruction of Jobs by Its Immediate Adverse Impacts on the Elk Grove Village and Bensenville Communities

The legislation under consideration also fails to take into account the "job destruction" that would be inflicted on the regional economy by the demise of valuable and important industrial areas necessary to accommodate a massive expansion of O'Hare. Under the O'Hare redesign plan, the Western Ring access road would be pushed west—immediately into the developed industrial (and residential) areas of the neighboring communities of Elk Grove and Bensenville. This would precipitate huge losses in jobs and tax revenues, and would adversely impact economic development, schools, and residential quality of life.

By contrast, a new airport at Peotone—to be built on currently undeveloped land—would not displace any jobs or businesses. Such a proposal is win-win, as compared to expanding O'Hare. No jobs or residences are destroyed, and a thriving new industrial area is likely to sprout in the South Suburban area, fueled by the large-scale economic development that a new third Chicago Airport would provide.

IV. S. 1786 Constitutes an Unprecedented Interference with FAA's Airport Development Responsibilities

SOC is extremely concerned about the shift in decisionmaking responsibilities over airport development that would be brought about by S. 1786. The bill would drastically interfere with the FAA Administrator's and the Secretary of Transportation's authority to review and approve airport development projects. The exercise by the FAA of independent, objective and expert judgment with respect to airport projects is essential to ensuring that public resources are well-spent to optimize the safety and efficiency of the air transportation system and to protect against harmful environmental consequences—particularly on a highly controverted and extremely costly project such as the O'Hare proposal. For the reasons discussed above, SOC believes that the critical future planning decisions about what Chicago-area airports and which particular runways should be built are best made on the technical merits, rather than through the Federal political process.

Under current law, the FAA and DOT have the responsibility to determine whether any proposed airport development project is consistent with promoting the public interest and the safe and efficient management of the national air transportation system. The proposed legislation would substitute a political judgment by Congress for the expert judgment of the agencies that are charged with that responsibility under the Transportation Code (Title 49 U.S.C. Subtitle VII).

The legislation would erode the FAA's independent and deliberative role in reviewing the O'Hare project. It would have Congress make the decisions now vested in the FAA, even though details of the development plan have yet to be disclosed, the need for the plan has yet to be documented, the environmental impacts have yet to be determined, and the alternatives and cost-benefits have yet to be evaluated.

The legislation is unprecedented. It accords unique and special priority for O'Hare not applicable to any other airport in the country. *This is not streamlining; it is redlining for the benefit of a single airport!*

By directing the FAA to give the O'Hare project special statutory priority for approvals and expenditure of Federal Government resources, other vitally important airport development projects around the country would be adversely impacted. If this legislation is enacted, airport projects at San Francisco, Dallas/Ft. Worth, Los Angeles, Atlanta, San Jose and Seattle may experience FAA review delays or reduced funding in order to accommodate the preference accorded to O'Hare by Congress.

DOT and FAA currently have discretion to approve airport development funding for those projects that will "preserve and enhance capacity, safety and security" at airports throughout the country. 49 U.S.C. § 47115(c)(1). The Secretary is required to take into account "the effect the proposed project will have on the overall national air transportation system and capacity." 49 U.S.C. § 47115(d)(1). In addition, the DOT and the FAA now have the authority to approve changes in an airport's con-

figuration (the airport layout plan) and to review the safety, airspace efficiency and environmental impacts of such changes.

The important issues the FAA is required to consider, but which the proposed legislation prejudges include the following:

• Will the air traffic control airspace resources around O'Hare allow the substantial increase in operations (projected to increase from 900,000 per year to 1.6 million per year)?

• Is the O'Hare expansion plan the best choice to meet the future needs of the Chicago region?

• How much will the O'Hare expansion project cost?

• Will six, closely-aligned parallel runways (several of which are only 1,400 feet apart) be cost-effective to maximize the region's capacity?

• What will be the impact of the proposed project on surrounding neighborhoods?

• Is it possible to tear up two major runways and build four additional runways at the same time O'Hare is attempting to operate at full capacity? What specific, detailed operational plan has been prepared and how does it propose to make these massive alterations while O'Hare continues to function as a key U.S. hub?

• Will the preferences accorded to O'Hare in the legislation effectively preclude the development of Peotone? Will such preference impact future developments at Midway or Milwaukee or other airports in the Great Lakes region?

• What impact would the expenditure of billions of dollars for, and according special Congressional preference to the O'Hare project have on critically needed airport development and aviation security projects for other major airports throughout the Nation?

The legislation would erode the FAA's independent and objective role in reviewing major airport expansion projects, since, under the legislation, Congress will substitute its determination for that of the FAA on all of these important policy questions.

It is critical for the expert Federal agencies entrusted with responsibility in this area to evaluate and make a determination on whether the crowded skies over O'Hare—with the closely-abutting busy airspace used by Midway, Meigs and other very active general aviation airports in the area—are the safest, and most efficient conduit for additional air traffic moving to and from Chicago and through the national air transportation system, as opposed to the development of a new airport in the South Suburban area.

V. S. 1786 Shortcuts NEPA and a Host of Other Statutes that are Essential to the Protection of the Environment and the Public Health and Welfare

This is result-driven legislation that would curtail meaningful evaluation of the environmental consequences in order to lay runways and pavement at O'Hare. The legislation would shunt aside vital considerations that, under current law, would otherwise require careful scrutiny by the FAA and other agencies, including such issues as: the tremendous noise impacts over surrounding communities, the massive amounts of ozone and other airborne pollutants that would be emitted into the Chicago-area airmass, the millions of additional gallons in toxic deicing fluid and other chemical runoff that would flow into waterways, and the impact of the project on wetlands, endangered species and other natural resources.

Even in its current pre-expansion condition, *O'Hare is the largest source of toxic emissions and hazardous air pollutants in the State of Illinois.* Moreover, monitoring data shows that O'Hare impacts large numbers of Chicago area residents with significant and undesirable noise exposure. Adding hundreds of thousands of new flights will make matters much worse. SOC is extremely concerned that the proposed legislation will effectively preclude further consideration of these important issues, cut off public comment, and curtail thorough evaluation of the public health and environmental considerations NEPA was enacted to protect.

While the legislation pays lip service to compliance with NEPA, there is simply no way that a project of this scope and scale could be subject to meaningful NEPA review in the scant period of time the legislation allows before the FAA is compelled to begin runway construction "as a federal project." Airport development projects of this magnitude ordinarily take several years to complete the NEPA process under current law and procedures.

Thus, while the bill states that implementation of the O'Hare construction plan "shall be subject to application of Federal laws with respect to environmental protection and environmental analysis including [NEPA]," as a practical matter the artificial urgency of a 2004 construction deadline would make it impossible for FAA to conduct the necessary NEPA review. Courts have held that when Congress imposes a mandatory action under an impossible deadline, NEPA has, in effect, been legisla-

tively overruled. *See, Flint Ridge Development Co.* v. *Scenic Rivers*, 426 U.S. 776 (1976). That is exactly what Congress would be doing here, despite token language to the contrary.

The FAA is the lead agency responsible for coordinating NEPA review of airport construction projects, along with the involvement of other Federal agencies and the public. In discharging these obligations, the Transportation Code and NEPA charge the FAA with the duty to objectively and independently analyze the proposed airport expansion, and its impact on the environment, without prejudging the outcome.

Section 3(f) of the bill—which compels the Administrator to begin building the runway development plan at O'Hare by 2004 if the City has not begun construction—effectively eliminates that independence. FAA would do all it could to avoid having to assume construction of O'Hare as a Federal project. A statutorily-imposed construction ultimatum by Congress would have the effect of forcing the environmental review process to be so truncated as to effectively preclude meaningful evaluation by the FAA of the environmental consequences.

The massive 6-runway redevelopment and expansion plan at O'Hare raises serious and significant adverse environmental questions bearing on air quality, other pollutants, and noise. If an application has significant adverse environmental effects, under the Transportation Code, the FAA Administrator may grant approval "only after a finding that no possible prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect." 49 U.S.C. § 47106(c). The proposed legislation would foreclose consideration of the otherwise legally-required alternatives.

Indeed, the alternative endorsed by SOC—that of a new South Suburban Airport—can readily be shown to produce far fewer negative environmental impacts. A new airport at Peotone would have an extensive non-residential environmental land buffer to mitigate the noise and air pollution created by the facility. In contrast, the environmental "buffer" for O'Hare currently consists of Bensenville, Wood Dale, Elk Grove and a host of other DuPage County communities—a residential "buffer" that would be severely negatively impacted if hundreds of thousands of more flights are added at O'Hare.

It is highly significant that Congressman Hyde and Congressman Jackson, two Chicago area Congressmen from different districts, different political parties, and with different political philosophies, are united against the O'Hare expansion project, based, in large part, on the disastrous environmental impacts to the region. Allow me to quote here from their open letter to State and Regional Leaders:

"Rather than build an environmentally sound new airport, Chicago wants to add new runways at O'Hare.

"Adding runways at O'Hare would compound what is already an environmental disaster. Even Chicago in its Master Plan acknowledged that adding runways would allow a level of air traffic that would be environmentally unacceptable. Despite this environmental unacceptability, Chicago is aggressively fighting a new airport and is actively pushing the option of new runways at O'Hare."

[Hyde/Jackson Open Letter, October, 1997 at 9.]

These are precisely the types of critical environmental issues that NEPA requires to be thoroughly examined prior to a major Federal action like the O'Hare redevelopment project. However, NEPA and its companion environmental statutes would be effectively gutted by the proposed legislation. Viable, prudent, and indeed more desirable environmental alternatives exist than re-developing an inherently delay-prone airport in close proximity to the City. This legislation eliminates the FAA's independence and forces the FAA, as the lead agency on this project, to short-circuit its environmental review.

A. National Environmental Policy Act (NEPA) and its Companion Environmental Statutes Would Be Rendered Ineffective by the Proposed Legislation

NEPA (42 U.S.C. § 4321 et seq.) would either be eliminated or so truncated by S. 1786 as to preclude meaningful review by the FAA Administrator, coordinating Federal agencies and the public. NEPA is the Nation's core environmental statute that requires Federal agencies to give careful consideration to the potential environmental impacts of the project, to consider practical alternatives to the project, and to give the public adequate opportunity to participate in the review process.

The Department of Transportation, in its May 21, 2001 Report To Congress on Environmental Review of Airport Projects, recognizes the important role of NEPA and public participation as critical to the airport development process:

• "[NEPA] requires Federal agencies to prepare [Environmental Impact Studies] for projects significantly affecting the environment. Since most new commercial service runways and major runway expansions produce significant environmental impacts, an EIS is usually required. (Page iii).

• "Public involvement is an essential part of the environmental review process. . . .There is usually a high degree of public interest in airport projects, including a certain amount of public opposition." (Page v).

• "[P]ublic opposition to airport projects continues to rise. The NIMBY effect should not be dismissed as an environmental fringe element. It is based on real environmental concerns and has an increasingly broad-based constituency." (Page iii).

S. 1786 is diametrically opposed to the objectives of NEPA and the important public policies recognized by the Department of Transportation in its Report. For starters, the airport environmental review process for a runway expansion project of this magnitude requires the preparation of an EIS, as well as the opportunity for substantial public involvement. That cannot happen under the timetable contemplated by the proposed legislation, and the public's right to participate in the NEPA process would be rendered meaningless.

In addition to the FAA's express NEPA obligations, the Clean Air Act further authorizes the EPA Administrator to conduct a NEPA review on Federal projects for construction and major Federal actions that are subject to NEPA. If the EPA Administrator determines that the proposed action is unsatisfactory from the standpoint of public health and welfare, or environmental quality, she must make public that determination and refer the matter to the Council on Environmental Quality for mediation. The mandatory 2004 Federal construction deadline under the legislation for the O'Hare project forecloses meaningful review.

B. State Implementation Plan (SIP) Conformity Determination [Clean Air Act]

The Chicago O'Hare area is classified as a severe nonattainment area for ozone, and parts of the Chicago region are designated as moderate nonattainment for particulate matter. Without amendment of the Clean Air Act, the O'Hare expansion program would face difficult or insurmountable burdens under that statute.

O'Hare is a huge polluter, and will be far worse if expanded to nearly double the level of flight operations. Air pollution from O'Hare consists of burned and unburned jet fuel aerosols containing dozens of carcinogenic organic compounds—including Benzene and Formaldehyde. If flights are expanded from 900,000 to 1.6 million annually, O'Hare and its immediately surrounding communities will experience an inevitable and unacceptably high concentration of Ozone and a host of toxic pollutants hanging in toxic cloud over O'Hare. By contrast, a South Suburban Airport would have a significant land buffer to assist in the dispersal of these toxic pollutants and to keep them away from residential areas. No such buffer exists at O'Hare.

As required by Section 176 of the Clean Air Act, the State of Illinois has, after extensive public consultation and comment, developed a State Implementation Plan (SIP), which is the State's plan to come into compliance with the national air quality standards under the Clean Air Act. The SIP reflects a careful balance between the protection of the public health and welfare from air pollution, on the one hand, and the need for commerce and other activities, on the other hand. Each Federal agency involved in an airport expansion project must make a determination that the proposed action conforms to the SIP.

Because of the huge increase in air pollution, there is a major inherent conflict between the existing SIP and O'Hare expansion. Under normal SIP processes, the City of Chicago, the airlines, the State of Illinois, the U.S. EPA, the FAA, other Federal agencies, and the public would work together to amend the SIP to accommodate O'Hare's needs while balancing competing interests. S. 1786 completely avoids that consultative and deliberative process.

If this legislation is enacted, the City would be empowered to define O'Hare's SIP allocation, without the normal public participation process and without the participation of the State and Federal agencies and other interested parties. Moreover, the legislation directs the Administrator of the EPA to amend the SIP to accommodate O'Hare's expansion (Section 3 (a)(5): ". . . the Environmental Protection Agency shall forthwith use its powers under the Clean Air Act respecting approval and promulgation of implementation plans to cause or promulgate a revision of such implementation plan sufficient for the runway redesign plan to satisfy the requirements of section 176(c) of the Clean Air Act.") This is unprecedented legislation. There is no public process, no balancing, only O'Hare claiming for itself the level of emissions it wants.

Under the proposed statute, O'Hare's needs (as determined by the City) are accepted as given, and the EPA would force other institutions to reduce their emissions pursuant to the EPA's judgment on how to reach SIP goals. This fails to allow other businesses and the public the critical opportunity to contribute to and participate in the process. Power companies, railroads, truckers, buses, heavy industry, and the Peotone Airport will, in all likelihood, have their target emissions cut by the EPA to satisfy O'Hare's runway plan. And, because this is a legislative mandate,

none of those other vitally interested parties would be allowed to challenge O'Hare's claims or the EPA Administrator's solutions.

The proposed legislation would radically alter the SIP and would drastically impact other industries. The statute before Congress would do tremendous damage to the existing processes and the other businesses impacted by this unique power granted the City.

C. Other Impacted "Cross-cutting" Environmental Laws

In addition to NEPA, Congress has passed a number of environmental laws addressing Federal responsibility for recognizing and protecting special national resources. These laws, referred to as "cross-cutting" laws, require Federal agencies to consider the impact that their programs and some private actions might have on such national resources. They include the Endangered Species Act, 16 U.S.C. § 1531 *et seq*., the Clean Water Act, 33 U.S.C. § 1251 et seq., the Floodplains (Executive Order 11988). If enacted, this legislation would result in the approval of the O'Hare project without adequate consideration of the potential impacts under these important environmental laws.

VI. S. 1786 Would Violate the Tenth Amendment of the United States Constitution

SOC believes that it is inappropriate and unlawful for the Federal Congress to decide which airports and what runways should be constructed within the borders of the State of Illinois. Decisions involving airport and infrastructure development have historically been delegated to the States. S. 1786 would strip the State of Illinois of its vested authority to delegate and authorize the City of Chicago to construct airports in the State. Doing so would be a clear-cut violation of the Tenth Amendment.

Under the framework of federalism established by the Constitution, Congress is without power to dictate to the States how the States delegate power, or to limit the delegation of that power, to their political subdivisions. Unless and until Congress takes over complete responsibility to build airports, airports will continue to be developed by States, or their delegated agents, as an exercise of State power and law. The construction of airports by State political subdivisions such as Chicago is by definition an exercise of State power to build airports delegated to the political subdivision. Compliance by the political subdivision with the conditions imposed by the State as limitations on the delegation of the State power to build airports is an essential element of State authority and power and an essential element of the power of the political subdivision to undertake the proposed action.

The proposed legislation would strip away such State authority over the delegation of State power, fundamentally intruding upon the State's sovereign authority to take action under its own laws. The legislation would prohibit the State from restricting or limiting the delegated exercise of State power by the State's political subdivision. It would nullify the decision of the State of Illinois legislature allocating the State's authority with respect to construction of airports located within the State, particularly the limitations and conditions imposed by the State on the delegation of that power to the City. The law is clear that Congress does not have the power to intrude or interfere with a State's decision as to how to allocate State power.

Under the U.S. Constitution, the State's authority to create, modify, condition, and impose limitations on the structure and powers of the State's political subdivisions is a matter left to the exclusive control of the States:

"Municipal corporations are political subdivisions of the State, and created as convenient agencies for exercising such of the governmental powers of the State as may be entrusted to them. The number, nature and duration of the powers conferred upon these corporations and the territory over which they shall be exercised rests in the absolute discretion of the State. The State, therefore, at its pleasure may modify or withdraw all such powers, may take without compensation such property, hold it itself, or vest it in other agencies, expand or contract the territorial area, unite the whole or a part of it with another municipality, repeal the charter and destroy the corporation. All this may be done, conditionally or unconditionally, with or without the consent of the citizens, or even against their protest. In all these, respect for the State is supreme, and its legislative body, conforming its action to the State constitution, may do as it will, unrestrained by any provision of the Constitution of the United States." *Commissioners of Highways* v. *United States*, 653 F.2d 292,297 (7th Cir. 1981) (quoting *Hunter* v. *City of Pittsburgh*, 207 U.S. 161, 178 (1907) (emphasis added).

Under State of Illinois law, the delegation of State powers from the State to its political subdivisions to construct or alter airports and runways is subject to the re-

quirements of the Illinois Aeronautics Act. This Act requires that the State issue a permit approving airport alterations. The proposed legislation would expunge this State oversight in violation of the Tenth Amendment. The law would commandeer the City of Chicago, which is an instrumentality of the State of Illinois, to do what the State has prohibited it from doing: *i.e.*, expanding the airport without receiving a permit from the State. Under State law, any airport construction without the required State permit would be unlawful.

Congress does not have the authority to interfere with the State of Illinois' determination as to how to allocate State power to the City of Chicago. By impairing the State's delegation, the legislation would have the effect of undermining the delegation of the authority from the State to the City and thereby extinguish that delegation. As a result, any effort by the City to build new runways would be without the required State delegation and *ultra vires* under State law.

The national implications of this legislation are profound and go well beyond Illinois, impacting States throughout the Nation. Many States have laws providing for some level of oversight over airport expansions, including State environmental laws and permitting requirements. Indeed, some 26 States have laws requiring local airport authorities to submit applications for Federal funds through the State, rather than directly to the FAA. This legislation would set a dangerous and unlawful precedent nullifying State oversight laws.

VII. Conclusion

SOC strongly urges the Committee to reject any legislation fast-tracking an ill-conceived runway construction project at O'Hare, that would be inconsistent with the careful Federal framework established to govern the review and approval of airport development projects. Congress should not prejudge and interfere with the FAA's ability to exercise its expert independent and objective oversight functions with respect to airport development projects, to carry out its environmental review responsibilities under NEPA, and to make sure that whatever airport development is undertaken will be the best possible solution for the Chicago region and the national air transportation system.

The proposed legislation removes the FAA's neutrality and discretion. SOC believes that a rational and reasoned evaluation will establish that the development of a new South Suburban Airport is superior to O'Hare in every respect—that a new airport at Peotone would offer more capacity, and can be built at less cost, more quickly, and with fewer adverse environmental consequences. These are extremely important considerations which need to be resolved though the established Federal review process. Congress should not attempt to resolve them here by political *fiat*.

Senator ROCKEFELLER. Thank you, Mr. Geils.

Ms. Woodward.

STATEMENT OF WOODIE WOODWARD, ASSOCIATE ADMINISTRATOR FOR AIRPORTS, FEDERAL AVIATION ADMINISTRATION

Ms. WOODWARD. Mr. Chairman, Senator Fitzgerald, it is a pleasure to appear before you here today. I think it is very fitting that my first appearance before this Committee in my new position as Associate Administrator for Airports is to discuss the issue of increased airport capacity in the Chicago region. Helping to enhance airport capacity system wide is one of my office's main functions.

The situation in the Chicago metropolitan area brings into sharp focus all of the elements of managing the growth of our aviation system, adequate planning for growth, modernization of facilities, environmental protection, safety, financing, and the role of local, State and Federal Government authorities. The effort to address those challenges with both short and long-term solutions will not only benefit the Chicago region, but will reverberate throughout the system by reducing delays. On behalf of Secretary Mineta and Administrator Garvey, I wish to commend the Committee for its interest and leadership in bringing attention to these issues.

Aviation security has understandably been the focus in recent months, but the capacity of our aviation system, one of the underlying causes of aviation delays, is also critical to the efficient and safe operation of the system. Although air travel is down due to last year's recession and the terrorist attacks of September 11th, we must still focus on the future needs of our system.

Last week the FAA released its most recent annual airspace forecast, 2001 through 2003, which predicts that the decline in passenger traffic will continue through this year, but will be followed by strong recovery in 2003. By fiscal year 2004 we expect a return to more normal levels of growth.

That is 3 years later than predicted in last year's forecast; however, as Administrator Garvey emphasized, regardless of the short-term decline in air traffic, our forecast underscores the need for the government and the aviation industry to continue adding capacity to our system to meet the demands that will return and grow.

It is important to understand our many ongoing efforts to address the challenges posed by congestion. Our airport capacity benchmark report 2001 documents that there are a handful of airports, including Chicago's O'Hare International Airport, at which demand exceeds capacity and where in adverse conditions the resulting delays have impact throughout the national airspace system. In 2000, O'Hare was ranked as the second busiest and the third most delayed airport in the country. For example, in bad weather, our report indicated that scheduled traffic at O'Hare exceeds capacity for 8 hours of the day. We concluded that the imbalance between capacity and demand growth over the next 10 years can be expected to significantly increase delays at O'Hare.

Over the years, there has been considerable controversy about how the Chicago region should deal with this imbalance.

Broad consensus proved elusive, until last December. The FAA applauds both Governor Ryan and Mayor Daley for reaching an agreement regarding the redesign of Chicago's O'Hare runways and the development of a south suburban airport. We believe the agreement marked significant progress toward increasing aviation capacity that will not only benefit the people of Chicago's metropolitan area, but air travelers nationwide.

Chicago is a vital link in our aviation system. A resolution of the longstanding debate over Chicago's congestion is what all parties discussed and we were hoping for when this Committee held its hearing last June on the capacity needs of the Chicago metropolitan region. We think that it is key that the agreement provides the region with both near and long-term airport capacity expansion.

The City has put in a great deal of effort and developed its preferred concept for redeveloping O'Hare. While that concept has been well received, it is important to remember that it is still a concept. There are established procedures for technical and environmental reviews which are as appropriate for improvements in Chicago as they are elsewhere.

While these reviews take time, they are worthwhile, and I assure you that the FAA is doing all it can to move the process ahead, while maintaining a strong focus on reducing environmental impacts. We will employ the environmental streamlining initiatives

that we described in our May 2001 report to Congress toward that end.

With regard to legislation to implement the agreement, our informal discussions with City and State officials have been both informative and productive. We received a revised draft bill shortly before this hearing and will be reviewing it. We are very pleased that the proponents appear to have taken into account many of our concerns. We look forward to working with them and the Committee as action on the legislation develops.

However, I want to emphasize that the FAA is already working to move forward on the aviation goals of the Mayor and the Governor. Two weeks ago we issued a $4.5 million AIP grant for development of an airport master plan that will evaluate the O'Hare reconfiguration. We anticipate that the master plan study and associated airport layout plan will address many of the proposals outstanding issues, included anticipated benefits, schedule, forecast, and runway safety concerns.

We plan to work in partnership with the City, State and other stakeholders to expedite the master plan review and environmental process. The FAA must also address significant airspace reconfiguration associated with the proposal.

We are also working hard on the environmental review related to the proposal for a new south suburban airport.

Illinois Department of Transportation requested FAA to prepared a tiered EIS for designating the location as a future airport site and for land banking at State expense. The decision to construct a new airport to provide additional capacity in the south suburban area of Chicago will have to be addressed in a future tiered EIS is and when a decision is made to proceed with development.

We have all possible resources working on the tier one EIS to complete it as fast as possible. It is one of our high priority airport proposals nationwide, where FAA has established an elite EIS team to guide and expedite the work.

In our view, discussion about increased use and/or improvements to any or all of the Chicago metropolitan airports, including increase in the capacity of airports through runway construction, is welcome and necessary.

Improvements to the region's other airport facilities can proceed along with the ongoing consideration of a possible new supplemental airport for the region. Here in Chicago, as elsewhere, it does not have to be an either/or position.

Mr. Chairman, it is a very positive development that the City and State have come together to reach consensus for both near and long-term measures to deal with the predicted growth in operations at the region's airports. We stand ready to assist in any way we can. Thank you very much for the opportunity to be here today.

[The prepared statement of Ms. Woodward follows:]

PREPARED STATEMENT OF WOODIE WOODWARD, ASSOCIATE ADMINISTRATOR FOR AIRPORTS, FEDERAL AVIATION ADMINISTRATION

Chairman Hollings, Senator McCain, and Members of the Committee:

It is a pleasure to appear before you today. I think it is very fitting that my first appearance before this Committee in my position as Associate Administrator for Airports is to discuss the issue of increased airport capacity in the Chicago region.

Helping to enhance airport capacity system-wide is one of my office's main functions.

The situation in the Chicago metropolitan area brings into sharp focus all the elements of managing the growth of our aviation system: adequate planning for growth, modernization of facilities, environmental protection, safety, financing, and the role of local, State and Federal government authorities. The effort to address those challenges with both short and long-term solutions will not only benefit the Chicago region but will reverberate throughout the system by reducing delays. On behalf of Secretary Norman Mineta and Administrator Jane Garvey, I wish to commend the Committee for its interest and leadership in bringing attention to these issues.

Aviation security has understandably been the focus in recent months, but the capacity of our aviation system—one of the underlying causes of aviation delays—is also critical to the efficient and safe operation of the system. Although air travel is down due to last year's recession and the terrorist attacks of September 11th, we must still focus on the future needs of the system. Last week the FAA released its most recent annual *Aerospace Forecasts, 2001–2013,* which predicts that the decline in airline passenger traffic will continue through this year but will be followed by a strong recovery in 2003. By fiscal year 2004, we expect a return to more normal levels of growth, expanding at an average annual rate of 4 percent for the next ten years, reaching 1 billion passengers in fiscal year 2013. That is three years later than predicted in last year's *Forecast*. However, as Administrator Garvey emphasized: "Regardless of the short-term decline in air traffic, our *Forecast* underscores the need for the government and the aviation industry to continue adding capacity to our system to meet the demand that will return and grow."

It is important to understand our many ongoing efforts to address the challenges posed by congestion. The *Airport Capacity Benchmark Report 2001*, which the Secretary released last April, documents that we are faced with very challenging capacity issues. It provides valuable data that has helped the FAA, airports, airlines, and other system users make informed decisions and investments to better meet the ever increasing demand for capacity and relieve the causes of delays. Our report documents that there are a handful of airports—including Chicago's O'Hare International airport—at which demand exceeds capacity and where, in adverse conditions, the resulting delays have impacts throughout the National Airspace System (NAS).

In 2000, O'Hare was ranked the second busiest and the third most delayed airport in the country. Overall, slightly more than 6 percent of all flights were delayed significantly (*i.e.* more than 15 minutes). On good weather days, scheduled traffic is at or above the capacity benchmark (200–202 flights per hour) for 3½ hours of the day and about 2 percent of the flights are delayed significantly. In adverse weather, which may include poor visibility, unfavorable winds, or heavy precipitation, capacity is lower (157–160 or fewer flights per hour) and scheduled traffic exceeds capacity for 8 hours of the day. Furthermore, the number of significantly delayed flights jumps to 12 percent. Although the report uses year 2000 data, its conclusion, that the imbalance between capacity and demand growth over the next ten years can be expected to significantly increase delays at O'Hare, is still valid.

As we all are aware, there has been considerable controversy over the years about how the Chicago region should deal with this imbalance. There was a lack of consensus on capacity increases at O'Hare, a suitable site for a new airport, the size of airport infrastructure, the role of existing airports, and the degree to which air carriers may institute service at a new site. Studies were conducted, task forces formed, alternatives were debated, but resolution was elusive—until last December. The FAA applauds both Governor George Ryan and Mayor Richard Daley for reaching an agreement regarding the redesign of Chicago O'Hare's runways and the development of a south suburban airport near Peotone, Illinois. As we understand it, under the agreement, both the Mayor and Governor will support the reconfiguration of O'Hare's runways and the addition of a new southern runway in accordance with the Mayor's plan, construction of a western entrance to O'Hare, and investment of an additional $450 million in soundproofing homes and schools near O'Hare. They will also support application for Federal funds for the construction of a new airport near Peotone, Illinois, and agree that Chicago Meigs Field (Meigs) could be closed anytime after January 2006, with the State's concurrence but, barring no opposition, it could remain open until January 1, 2026, under certain prescribed conditions (enforced by partial withholding of AIP grant funding).

We believe the agreement marks significant progress toward increasing aviation capacity that will not only benefit the people of Chicago's metropolitan region but air travelers nationwide because Chicago is a vital link in our aviation system. A resolution of the long-standing debate over Chicago's congestion challenges is what

all parties discussed and were hoping for when this Committee held its hearing last June on the capacity needs of the Chicago metropolitan region. We think that it is key that the agreement provides the region with both near and long term airport capacity expansion. It does so in the near term, meaning over the next 10 to 20 years, by redesigning O'Hare's runways and maintaining Meigs Field as an open and viable facility, and the longer-term by the plan for additional capacity through the construction of a new south suburban airport.

The City has put in a great effort and developed its preferred concept for redeveloping O'Hare. While that concept has been well received, it is important to remember that it is still a concept. It should now be subject to a variety of reviews and analyses, and it is possible that it will be further refined and improved. There are established procedures for technical and environmental reviews, which are as appropriate for improvements in Chicago as they are elsewhere. While these reviews take time, they are worthwhile, and I assure you that the FAA is doing all it can to move the process ahead as quickly as possible, while maintaining a strong focus on reducing environmental impacts. We will employ the environmental streamlining initiatives that we described in our May 2001 report to Congress towards that end.

I assure you that we at the FAA will continue to work closely with both City and State officials as they move from the planning stage to implementing the agreement. As you know, the current Airport Improvement Program (AIP) is well suited to assist State and local governments make needed airport capacity improvements not only in Chicago, but nationwide. Although Federal funding and standards are a significant component of this successful formula, the State and local decisionmaking that shapes projects is key to balancing needs across the country. Above all, under current law, States and localities can be confident that, as they formulate plans, the overall Federal resources and commitment are available to their projects under uniform statutory criteria.

There is legislation to codify and implement this agreement, introduced by Senator Richard Durbin, S. 1786, now pending before this Committee and there is a companion bill in the House, H.R. 3479, introduced by Representative William Lipinski, which was the subject of a recent House hearing. However, we understand that the proponents of the bills are considering changes in light of informal discussions with government, industry, and environmental interest groups, and that a revised proposal will address many of the concerns that have been raised. Those areas where we have concerns include unique priorities for the O'Hare redesign, changing how the project would be considered during environmental reviews, and providing for Federal responsibility for "enforcing" the agreement by federalizing the construction of the project and transferring noise mitigation responsibility from local authorities to the FAA. Our discussions with City and State officials about the legislation have been productive and we will continue to work with them and the Committee to resolve remaining issues.

Federal legislation is not necessary for the FAA to work with the parties and begin to implement some capacity solutions in the Chicago region. The fact that eight, and soon nine, major runways are now being built in major metropolitan areas at large hub airports provides clear evidence that major airport redevelopment can occur when there is local political consensus. In the case of Chicago, the FAA is already working to move forward on the aviation goals of the Mayor and Governor. Two weeks ago, the FAA issued a $4.5 million AIP grant for development of an airport Master Plan that will evaluate the O'Hare reconfiguration. We anticipate that the Master Plan study, and associated airport layout plan (ALP), will address many of the proposal's outstanding issues including anticipated benefits, schedule, forecasts, and runway safety concerns. Prior to receiving Federal funding for development, the FAA must approve an ALP and an Environmental Impact Statement (EIS). We plan to work in partnership with City, State, and other stakeholders to expedite the Master Plan review and environmental process. The FAA must also address significant airspace reconfiguration associated with the proposal.

We are also working hard on the environmental review related to the proposal for a new south suburban airport. In early 2000, the Illinois Department of Transportation (IDOT) presented a proposal to the FAA to landbank a new airport site near Peotone. IDOT requested FAA to prepare a "tiered" EIS for designating the location as a future airport site and for landbanking at State expense. IDOT's intent is to develop airport infrastructure at the site as aviation demand develops.

The Tier 1 EIS addresses the Federal action of site approval for a potential, future air carrier airport in the south suburban area of Chicago. The decision to construct a new airport to provide additional capacity in the south suburban area of Chicago will have to be addressed in a future tier EIS, if and when a decision is made to proceed with development. We have all possible resources working on the Tier I EIS to complete it as fast as possible. It is one of the high priority airport proposals na-

tionwide where FAA has established an elite EIS team to guide and expedite the work. The Tier 1 EIS is currently on schedule for a Spring 2002 completion. In advance of the FAA Tier 1 EIS/Record of Decision, and at its own risk, the State of Illinois has started the initial phase of land acquisition within the boundary of the proposed airport site. The Illinois legislature has appropriated $75 million for that purpose.

In our view, discussion about increased use and/or improvements to any or all of the Chicago metropolitan airports, including increasing the capacity of airports through runway construction, is welcome and necessary. Improvements to the region's other airport facilities can proceed along with the ongoing consideration of a possible new supplemental airport for the region. Meaningful discussion must include both near and long-term plans for improvements to the system. Here in Chicago as elsewhere, it does not have to be an "either/or" proposition.

Mr. Chairman, it is a very positive development that the City and State have come together to reach consensus for both near and long-term measures to deal with the predicted growth in operations at the region's airports. We stand ready to assist in any way we can.

That concludes my prepared statement. I will be happy to answer any questions at this time.

Senator ROCKEFELLER. Thank you, ma'am. Thank you, Ms. Woodward, very very much.

Secretary Skinner, you indicated yourself that you were a key player in 1990, and there was a lot of really good repercussions out of that. And something that people, I do not actually think has been mentioned that much, is that a lot of the Stage-two aircraft and a lot of the noise reduction is not just what is being done by local governments, but also the fact that Stage-two began to go and Stage-three began to come on. And in essence, the passenger facility charges matter also, both of these things created in my judgment great benefits, but they were pre-emptive actions.

And so, going from that to this legislation, if we were not to pass this legislation, what in your judgment would be the effect on interstate commerce and commerce in general?

Mr. SKINNER. Well, I think it would put an uncertainty into the entire process that would probably slow the process just by the nature of the uncertainty, as many as several years. And that does not mean that somebody would have to take an overt action, a governor or a mayor would have to take an overt action to stop it. Just the threat of it would put a cloud over the entire project and in doing so, would slow down the development, and by slowing down the development, we would lose another 5 to 10 years.

We lost 10 years. We came close 10 years ago on a project similar to this at a different location and it did not work out. We have lost 10 years, 10 valuable years. It could put it back.

The marketplace wants certainty, and uncertainty creates, or slows the entire process down, so I think we need certainty. And when we passed the Act in 1990 with your support and as I said, Senator Ford's support, your predecessor as the Chairman of the Subcommittee, we balanced, and this Committee balanced that, and they made the important decision that we needed to balance the individual interests with the interests for the Nation as a whole, and it has turned out to be one of the most significant pieces of legislation this Committee has passed, I would suggest, in the past 30 years.

And I think this is appropriate here because of the nature of O'Hare, which is so unique, in the middle of this Nation, half of the passengers going through there are going somewhere else, and

we just cannot delay this system or this project any longer, and it needs certainty. This legislation, without compromising the process of government, gives it certainty.

Senator ROCKEFELLER. I thank you, sir.

Mr. Geils, virtually, and I am just taking right off of what the Secretary indicated, virtually everybody here has talked about O'Hare as a national as well as an international facility, and in fact, there has been as much talk about that implicitly as there has been about as a local facility affecting a series of counties or even the State of Illinois.

I said in my opening statement something which you may not understand because of the advantages of air transportation that are available to you. People mentioned regional jets in a very casual way. When we say regional jet in West Virginia, we go bananas with happiness. You know, I am accustomed to propellers and it takes 2 or 3 days for my spine, at 66½, to unwind after just a trip back. So, I am really interested.

If O'Hare is as people appear to be saying that it is, you know, a national asset with national responsibilities, I mean, it is a little bit like we do not, as far as I have been able to determine, have any large oceans or lakes in West Virginia. I have looked carefully and I have not found any, but we do also participate in paying for the Coast Guard, because part of our duty as a State as part of a Nation.

Now what would you say to the folks from Iowa and West Virginia and all kinds of rural end of the food chain in terms of aviation people from all over this country, who in fact, depend upon what happens at O'Hare, or in the current situation suffer? If you have bad weather at O'Hare because of runway configuration or whatever, the very first people who suffer are not your constituents, they are mine, and that is true in all other rural communities that live off of feeding into and out of O'Hare. What would you say to them?

Mr. GEILS. Well, it is a very good question, Senator, and I would say this. That we agree that the modernization of O'Hare Field is very important, not only to the region, to the State, but to the Nation. Unfortunately, I think we need to look at an integrated airport system in Illinois and how it impacts the Nation's needs as well. We believe very strongly with the development of a third airport, we can increase capacity by 1.6 million operations, and would have a tremendous advantage over trying to cram 700,000 more operations into O'Hare Field.

We can build it faster, we can build it for less money, it can be environmentally sound. We can work in coordination with Midway, O'Hare Field, a modernized O'Hare Field, and a Peotone airport, and take care of all the capacity demands for the region from this point forward. And we think that would be a very advantageous position for those in Iowa, those in West Virginia, those throughout the Nation who want to use this particular hubbing area as a transfer site for future destinations.

Senator ROCKEFELLER. So you are predicating your answer on O'Hare's not being reconfigured, but simply having another facility to be built, if at all, and hopefully it would be, 10 or 12 years from now, or some say 5, and I have never heard of an airport being

built in 5 years, but I would like to think about that, and Kay Bailey Hutchison and I are working on exactly that.

But is that true, in other words, you are saying leave O'Hare, let the problems continue for West Virginia and Iowa, and then the other airport, wherever that may be, will take care of it when it comes on line?

Mr. GEILS. Well, Senator, we would agree that delays are an important consideration, and if that is what you are alluding to, I can only say this. Based on the best information we have from the City and the State, under this configured plan, this proposed 6-runway configured plan, in bad weather situations delays would, in fact, increase, not decrease, because of the close proximity of the interior parallel runways.

In addition, as we look to the whole system of delays and networking to try to reduce those delays, we need to find an alternative plan that will also allow us to address the capacity needs of the region to keep delays at a minimum in the future. If you look in the fine print of Chicago and the City's analysis, you will find that the delay factors that they suggest are being reduced by 79 to 95 percent are predicated on the current capacity of the airfield at 900,000 operations. They are not projecting this delay reduction based on the potential for large increases, as much as 700,000 operation increases, in that airfield design.

So, we don't really know all the facts and we have been saying all along, full disclosure, lay the alternatives side by side, let the best plan for the region, for the State, for the Nation win, and we will support that plan. We just want to see what the other alternatives are, and make those comparisons in detail before we pass judgment and ask Congress to effectively usurp the Illinois Aeronautics Act and essentially have Congress be the decisionmaker instead of the FAA and the environmental agencies, to move a design forward.

Senator ROCKEFELLER. Before I go on to Senator Fitzgerald, I want to say for the record, I am trying to figure out if what you said gives some comfort to the people that I represent. I am working on that and I will reread your testimony to see if I can find something, because I happen to believe that our people that live in Iowa and West Virginia, this is just as important to the people that you represent.

But I also will introduce into the record a complete contradiction about what you said about the parallel runways and the danger there, and simply make the point that the FAA would never allow anything like that to happen. I mean, I think that is one of the most case closed type situations possible.

Senator Fitzgerald.

Senator FITZGERALD. Well, thank you. All of you, again, thank you for being here. I do want to follow up on what Mayor Geils was saying, because I do believe that the delays would be worse under the Mayor's revised plan, because the runways would not be able to be used in bad weather for the simultaneous takeoffs and landings. There would have to be a 4,300-foot separation and they only have a 1,300-foot separation. But that is why we need expert testimony, I think, in a future hearing to resolve that, if we are going to go forward and substitute ourselves for the experts at the FAA.

But Ms. Woodward, I wanted to follow up with you. I noted in your testimony, you said that Federal legislation is not necessary here. I wholeheartedly agree with that. No one is standing in the way of Mayor Daley from submitting a plan to the FAA and letting you approve it, and I fear that if we give a special dispensation to this one project, then we are going to have Dulles Airport in, they are going to want priority consideration; we are going to have LAX, we are going to have Seattle, we are going to have San Francisco, we are going to have Atlanta; we will probably have Dallas/Fort Worth in. Everybody will want this special deal that rigs the game and puts a gun to the FAA's head and says, you must improve this.

Now I want to explore specifically the language in the bill, because I believe it really is an extraordinary Congressional intervention into the FAA's airport development and funding process. In particular, the bill proposes to make findings that the FAA would usually make in the course of its exercise of its existing authority, and I would like to discuss some of those points with you.

The bill says that it finds that it is the policy of Congress that given the agreement between the Governor and the Mayor, the redesign and reconstruction of Chicago O'Hare in accordance with the runway design plan and the development of the south suburban area are each necessary to improve the efficiency of and relieve congestion in the national air transportation system. Then it says, the "Administrator of the FAA shall implement this Federal policy by facilitating approval funding, construction and implementation of those two projects."

Now I would like to explore your understanding of the term facilitate. Has Congress ever directed the FAA to facilitate its consideration of an airport's design review, environmental review, funding, et cetera, to your knowledge?

Ms. WOODWARD. Senator, I think that is an excellent question. As you know, the new legislation was just introduced yesterday so we have done a quick read of it, but our initial reading of it is that it allows us—and in effect, requires us to proceed with all of the current requirements that we have in terms of environmental reviews, safety reviews from an air traffic operations and procedural standpoint, and every other kind of review that not only the FAA, but other Federal agencies and the State agencies will do. So I do not view this as giving it any preferential treatment. We will treat all of these airports as we do in any case, and treat them the same. They will have to make their own cases. We will review all alternatives. We will look at everything as we do traditionally and have throughout the years.

The one thing I will say, as I said in my testimony, which is, we are feeling somewhat under pressure from Congress and others to expedite environmental assessments in the building of runways and airports in general. So we are looking for ways to do that, but not to diminish in any way our oversight, and we will not shortchange the environmental process or any other operation.

Senator FITZGERALD. Would the FAA not be concerned that if they had this Congressional directive to facilitate this project, that other airports would want to come in with a Congressional directive that their projects be facilitated?

Ms. WOODWARD. I understand there are folks that think that. From our reading, however, I think this follows the traditional roles that we have seen in airport development projects. In this case, the local and State governments have come to us with a proposal which is the traditional role, and we will fulfill our traditional role and carry out our responsibilities under the law.

Senator FITZGERALD. Now would the FAA not normally make its own finding of purpose and need?

Ms. WOODWARD. Yes, and we will in this case.

Senator FITZGERALD. But it has already been done for you in the findings section of this bill if this bill passes, has it not?

Ms. WOODWARD. As I said, we reviewed it very very quickly, but our reading is that it does not do that and that we have the full authority as we have in any other project to fulfill the environmental laws as it relates to purpose and need.

Senator FITZGERALD. So I would think the City would be willing to take out all these findings which I feel would be argued, or they could use to argue in court that you are in fact bound by these findings. If everybody is saying that they do not mean anything, I would think the City would want to take these out.

Ms. Woodward, do you know a fellow by the name of Rich Giuliano?

Ms. WOODWARD. Yes, I have met him, yes.

Senator FITZGERALD. Does he work in the Department of Transportation?

Ms. WOODWARD. Yes, I believe he works in the Secretary's office in some capacity.

Senator FITZGERALD. You do not know what that capacity is?

Ms. WOODWARD. Not any more. I know he was on the job originally and he is——

Senator FITZGERALD. Has he ever talked to you about this issue in Chicago's aviation?

Ms. WOODWARD. He has attended a couple of meetings. In fact, I think he was at a meeting that I attended with you and Secretary Mineta several months ago, he sat in on meetings, but I have never one-on-one talked with him about it, no.

Senator FITZGERALD. And you have not talked with him recently about it?

Ms. WOODWARD. No, not at all.

Senator FITZGERALD. What about the bad weather delay issue? There is a little bit of a controversy here. Do you allow simultaneous instrument landings on runways that are 1,400 feet apart with big jumbo jets?

Ms. WOODWARD. Senator, I am not the air traffic expert here, but I will assure that if you have a specific case, I know there are some proposals in the O'Hare plan dealing with simultaneous takeoffs and landings both in adverse and good weather conditions, and that will be part of the air traffic review, to make sure that they are totally safe.

Senator FITZGERALD. Has the City given you any studies here that it has done with respect to its proposed redesign of O'Hare?

Ms. WOODWARD. We are just beginning that review. As I said, about 2 week ago we began the master planning process, so we are just in the very initial stages of the review, and that is being han-

dled in our Great Lakes region with our oversight from headquarters.

Senator FITZGERALD. So you have not seen a master plan for the O'Hare project?

Ms. WOODWARD. That whole process is just beginning. I have seen their original configuration, but that is just a starting point for the discussion.

Senator FITZGERALD. I know that Senator——

Senator ROCKEFELLER. I was just going to say, I will be glad to come back for a third round if you wish, but Senator Hutchison, who I refer to as, we are co-chairs of the Aviation Subcommittee, and she has a lot to say and may want to say it.

STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM TEXAS

Senator HUTCHISON. Thank you, Mr. Chairman. I appreciate that, and I have been wanting all morning to be here to make a statement, and I am sorry I had other commitments. I am very interested in this legislation.

Certainly I want to do what the local community leaders ask for us to do. If my governor and the mayor of a City came before Congress to try to get help in putting forth a project, I would be certainly amenable to supporting what the local people want.

I think that this bill has some good potential aspects, and I hope that we can work together to put it forward. But it needs some work and it needs to be changed in several ways.

Now first I would say that we must work language that does not put this project ahead of any other project in our country or give it any advantage that other airports would not get. Second, there is no circumstance in which I would support a bill that would have a Federal takeover of the project.

So we must work on those issues and certainly I hope that the issue of the other airport will become satisfactory to others in the delegation who have disagreements with this approach, and hopefully there would be something that would be able to go forward that would plan ahead for the Chicago area.

I can tell you from my experience in working with airports that you can never plan soon enough for a new airport. So making sure that your airport has the maximum capacity, O'Hare, is very important, but also anything that is done for the next generation of airports is always going to be behind when you really needed it. And I speak from experience in the DFW area where we are still behind in the number of airports that we could use in the region.

That is one part of my view of what would make this bill be able to go forward. The second part is that Senator Rockefeller and I have worked very hard to have the expedited environmental reviews and other ways of streamlining the process of building new runways and new airports. We passed a bill through this Committee and I think it has all of the right environmental protections, but it also allows the reviews to be done at the same time rather than one stacked on another, so that we will not have a 20-year wait. Because if an area needs a new airport or new runway, they have already started too late, you can count on that. Ask the people at Phoenix about the airport there, and there are several in Cali-

fornia, but if you have to wait 20 years beyond when you start, you are going to have a glut in the air traffic system.

So even though air traffic is down today, it is going to be back up next year and it will be in a crisis very shortly thereafter, and we need to plan ahead rather than always coming in when it is too late and we are in a crisis mode.

So, it is going to be very important to me that Senator Rockefeller's and my bill, which is S–633, move forward as this bill moves forward. We have already gotten our bill out of Committee, I would like to see it move ahead of this bill, and I think it would help the Chicago situation, but it would also help other airports that will be looking at new runways in the very near future.

So, I want to say that I hope we can push our bill onto the Senate floor. This bill and our bill are compatible if everything else is worked out in this bill.

With that, Mr. Chairman, I am not going to ask questions, because I know you have had many panels before I was able to get here and many of the questions have been answered. But, I will work with you on this bill and I certainly hope, Mr. Chairman that your bill and my bill can be brought to the Senate floor very soon so that we can get it passed and help every airport in our country deal with the glut that we are going to have in the system, probably starting again next year. Thank you.

Senator ROCKEFELLER. Thank you, Senator Hutchison.

Ms. Woodward, there has been sort of the feeling here that airports are just kind of being built everywhere, and that is not my impression. Now what we did when we passed the reauthorization of the FAA under most extraordinary circumstances, what the Congress was saying is come on, we have got to build runways. We have delays and we love to complain about it, but when it comes to the Congress doing anything about it, please do not look to us. Well, who are we meant to look to? There is nobody else to look to. We have to provide the funding. And so, we went ahead and did it, not sufficient, but substantial.

One of the absolutely cruelest ironies to me would be if we, having that aviation which is already what, 2 years old, that legislation already 2 years old, if we passed it and then nothing happened. And I am sort of predicating for a response out of you, that in this sort of Seattle is doing this, St. Louis is doing that, and this and that, but in essence, we really have not done anything, and Secretary Skinner can reflect on this too. I mean, he referred to the Denver airport, and we really have not done anything in a major way since the completion of Denver, and that was 5 or 6 years ago.

So, I mean this sort of concept that somehow airports just kind of pop up and get built, and runways get built, and we solve the Nation's air traffic, one, I would stipulate is not true. and second, are we in the process were this approach here not to prevail, of simply saying oh yeah, we will appropriate the money, but good heavens, please do not expect us to build any airports or do any runways.

Now no age in that question, you understand, but I just wanted to——

Ms. WOODWARD. Well, I think while progress has definitely been slow, we are seeing a lot right now, I do believe. We have two new

runways that have been opened since the year 2000, Phoenix and Detroit. We just opened the Detroit one in December. We have eight airports with new runways under construction right now. We have Denver, Orlando, Miami, Houston, all to come on line in 2003, so about a year from now. We have Minneapolis in 2004, Atlanta in 2005, and Seattle and St. Louis in 2006. We have two airports that just got environmental EISs approved. In fact, Cincinnati will be doing their groundbreaking very soon. And we have five other airports considering new runways or reconfiguration.

So while this has taken a while, I think we are going to see some progress. We did in this past year, and in the next couple of years we are going to see considerable progress, which is a good sign that your money is being well spent.

Senator ROCKEFELLER. All right.

Secretary Skinner.

Mr. SKINNER. Well, I think you are correct. We built one new airport really, Denver. We did make a major commitment, Northwest Regional in Arkansas, and we have the new airport, Alliance Airport down near Dallas/Fort Worth.

But other than those, we have basically been doing runway configurations and reconfigurations, and the busiest area for aviation in the country is off that list as of now, because we are not dealing with it, and the time has come to deal with it.

Congress does not develop airports. Local municipalities working together develop airports. They have now done it.

All this legislation does is make sure, just as everybody has said, that everybody understands the importance of it, and make sure it gets through its normal process, but it is done so in a way that at least places some kind of importance as they are doing on other airports, to accelerate the process, similar to what you have already done when you have suggested, and as Senator Hutchison suggested, we want to send a message to the FAA and the Administration that analyzing airports in their normal process is not good enough. We have to take all of these projects, prioritize them, and basically put them as a group, not individually picking them out to the top of the analysis bin, so to speak, so we can move forward.

And it is a long process, and this legislation will help do that. Not only will I suggest will it help for O'Hare and Peotone, it will also help for all these other airports that are being held up.

Senator ROCKEFELLER. Thank you, sir.

Senator Fitzgerald.

Senator FITZGERALD. Thank you.

Mr. Skinner, I want to welcome you here. You have had a very distinguished career in Chicago and nationally too, having been Secretary of Transportation, President of Commonwealth Edison, now President of U.S. Freightways, and probably you were most distinguished as U.S. Attorney going way back when, in Chicago.

But I do want to ask you questions about the environmental part of this bill, because the way I read the bill, it exempts two airports from the Clean Air Act, both O'Hare and Peotone. I know that Senator Durbin was trying to change that, and I am sure that he was very well intentioned and well meaning here, and I am not sure that he recognizes how diabolical the attorneys who drafted the revised language actually are. I want to be clear on what the bill

does. I believe the revised bill makes the Clean Air Act problem in the bill worse, not better.

The key provision in the substitute bill is Section 3(a)(5). This section literally states that an implementation plan shall be prepared by the State under the Clean Air Act for the new airports, but that the State shall, "take no action with respect to the implementation plan that interferes directly or indirectly with timely construction of the O'Hare runway redesign plan or the south suburban airport."

Let me make clear for you what this means in plain English. The State of Illinois, which is responsible for bringing the Chicago area into compliance with EPA health standards, will be required to change its Clean Air Act plan to permit the two new airports, and in revising the plan, it cannot reject or require any kind of a change to either of these airport projects. And in effect, the State is required to give Clean Air Act approval to both airport projects.

Now, other parts of Senator Durbin's bill pay lip service to the Clean Air Act and to not changing the law, but nonetheless, the effect of this provision is to turn the Clean Air Act on its head. If the State literally cannot require any change to either airport plan for Clean Air Act purposes, if it cannot do anything that would even indirectly affect timely construction of the new O'Hare runways or Peotone, then these projects have effectively been exempted from the Clean Air Act. The bill effectively requires the State to approve both projects and then adjust its Clean Air Act plan after the fact.

Now, I am interested in hearing how you feel as President of U.S. Freightways, are you prepared to put the burden for reducing emissions in the Chicago area, the increased burden once O'Hare has doubled in size and Peotone is added, are you prepared to accept that burden for your shareholders at U.S. Freightways so that you do an additional load in reducing emissions in the Chicago area?

Mr. SKINNER. Well, I don't read—we are both lawyers and I suppose we could have an interesting dialog on what this means or doesn't mean. Neither one of us have been judges so I guess it will eventually probably go to the courts, I would guess based on what I have seen. But I noted the language at the bottom of that section you were quoting that says, "nothing in this section shall be construed to affect the obligations of the State under Section 176(c) of the Clean Air Act." I would say that language probably modifies whatever is up here above and I would suggest that I know it is not the intention of anyone to get around the Clean Air Act, the environmental impacts statements, or the requirements of analysis based upon noise or safety. What they are trying to do is make sure that an obstructionist, an obstructionist whose purpose is not good, but partisan, does not unnecessarily use his—you know, fail to fulfill his obligations by doing nothing.

Senator FITZGERALD. But they will have to put the burden of reducing emissions off on other industries, on trucks, on Commonwealth Edison, on power plants——

Mr. SKINNER. No, I don't think that's right. I think they have an analysis to make, they will make it as they are required by law, the State is. It will be reviewed at the Federal level and they will

then make a determination whether it is appropriate. There is nothing in this legislation, Senator that says that they are going to shift the burden or bypass the process.

Senator FITZGERALD. So you believe the State could require O'Hare to reduce its emissions?

Mr. SKINNER. Well, I think they clearly have it required under this Act. If the Federal law requires the State as part of this process to submit an environmental review and put certain requirements on the airport dealing with emissions or in the EIS, then they will meet those requirements.

Senator FITZGERALD. I am just asking about whether it is placing a burden on them, and you do not think that is a possible interpretation?

Mr. SKINNER. Well, I think the interpretation is they can't sit on a study that they are obligated by law to do, and slow up the project because they haven't done what they are supposed to do under the Federal law.

Senator FITZGERALD. And you do read this as saying that the State could require O'Hare to lower its emissions?

Mr. SKINNER. Well, I think the State could require O'Hare to do whatever they are obligated to do as part of a plan that they have submitted under Federal law under this legislation, whether it is before or after the passage.

Senator FITZGERALD. Well, I believe this will put the burden for reducing nitrous oxide emissions on other industries. O'Hare is the leading source of pollution in the State of Illinois and if O'Hare as I read this, must be accommodated in the State's Clean Air Act implementation plan, then other industries such as yours will have to reduce their emissions to accommodate O'Hare. That is the way I read this, and I think that a lot of businesses in Chicago are not aware that they are going to be paying a lot of the price.

Mr. SKINNER. I don't read it that way and as I say, maybe we will have to get an independent arbitrator.

Senator FITZGERALD. Maybe they can just take this provision out if none of these provisions are supposed to mean anything.

Mr. SKINNER. Well, I think, Senator, I know that you would like the bill to be a lot shorter and cleaner than it probably is, and no pun intended by the way, we all want it to be cleaner. But what I think we really are striving for is to make sure that the necessary findings are in here to justify the legislation so that when it is challenged, as it will be, that we made the proper Congressional findings, and that is what they are doing in the front of this bill. At the same time they are putting language in there that says that doesn't mean that you don't have to follow Clean Air, that you don't have to file an EIS.

It asks that it receive normal consideration. O'Hare is going to go to the top of the pile under any scenario because of the magnitude of what's happened, the fact we haven't done anything for 20 years, and the fact that we have 15 airports that have runways under construction, and we have zip.

Senator FITZGERALD. So the findings, you believe, would be binding in a later court challenge, but you do not think they are binding on the FAA?

Mr. SKINNER. Well, I think they are binding as to the purpose that the Congress took when they enacted this legislation. They are findings that said this is why we are doing what we are doing. It does not mean they are binding on the FAA because the language in there says it is not binding on the FAA.

Senator FITZGERALD. Well, it does not quite say that.

It says, "this does not abrogate current laws," and it doesn't, because the FAA has to have a finding of purpose and Congress has done the finding of purpose for them.

Ms. Woodward, if those findings were binding on you, would you object to them then?

Ms. WOODWARD. Senator, unlike you and Secretary Skinner, I am not an attorney. I will have to have somebody look at that.

Mr. SKINNER. You can take my advice, Woodie, come on.

[Laughter.]

Senator ROCKEFELLER. If you want to have a third round——

Senator FITZGERALD. We pretty much covered most of the ground, Mr. Chairman, I think. These witnesses have been very patient, and you have been very generous with your time sitting through all this and being in Chicago last year, and I appreciate your interest, and I hope we can figure out a way of getting more flights to your State and accommodating delays too.

Senator ROCKEFELLER. If we improve the delay situation, Secretary Skinner, do we not save a little bit of fuel, which cleans up the air just a bit?

Mr. SKINNER. There is all kinds of advantages. The lost productivity. We have already placed, correctly so, we have already placed additional challenges to the air traffic system and the traveler today with the passage of our new security requirements. That means productivity. I mean, one of the reasons this country has done so well in a very difficult downturn, and we have held inflation down, is increases in productivity across this Nation. We want to make sure that those people, our customers, our employees, our vendors, are productive. It is hard to be productive when you are sitting at O'Hare waiting on a delay, and we are hopeful that this legislation will help us eliminate that, increase productivity for the Nation, and still keep our air clean, our environment quieter, and our Nation more productive.

We thank you very much. I do on behalf of the Civic Committee and all of us in Illinois and Chicago, we thank you especially for your consideration. You came to Chicago, you put this in a proper priority on your agenda and we appreciate it, and we look forward to working with the Committee, with the Governor, with the Mayor in making this happen, and even working with Senator Fitzgerald, although he and I seem to have a disagreement here that I am not sure we are going to resolve today. Thank you very much.

Senator ROCKEFELLER. Thank you. You know, I have to put in a plug for the Mayor, because I was told after he left that his wife was heavily involved, potentially in charge of the making of the parks at Meigs Field. Is he still here, the Mayor?

Mr. GEILS. No.

Senator ROCKEFELLER. So that really impresses me.

[Laughter.]

I mean, you talk about making a tough compromise. I mean, this man had to do it.

Mr. SKINNER. That explains why it was one of the last items on the table.

Senator ROCKEFELLER. I want to thank all three of you very very much. Mr. Secretary, it was great to see you again.

Mr. SKINNER. Good to see you, Senator. Thank you very much.

Senator ROCKEFELLER. Mr. Geils, thank you very much.

Ms. Woodward, you passed with flying colors your first testimony, and we look forward to working with you for years to come.

Ms. WOODWARD. Thank you.

Senator ROCKEFELLER. Thank you. This hearing is adjourned.

[Whereupon, the hearing adjourned at 12:15 p.m.]

A P P E N D I X

PREPARED STATEMENT OF GERALD J. ROPER, PRESIDENT AND CEO, CHICAGOLAND CHAMBER OF COMMERCE

Good morning and thank you for the opportunity to speak on behalf of the Chicagoland business community.

I'm Jerry Roper, President and CEO of the Chicagoland Chamber of Commerce. The Chicagoland Chamber of Commerce has served independent business throughout the Chicagoland region since 1904. The Chamber's over 2,600 members employ more than one million workers in the region.

I come before you today to reiterate our full support of the National Aviation Capacity Expansion Act—a comprehensive plan to address congestion and delay in our Nation's aviation system.

Modernizing O'Hare International Airport and adding aviation capacity in the Midwest is not just a regional economic issue. It is a national crisis.

Congestion and delays at O'Hare, the world's busiest airport, disrupt the entire Nation's aviation system and cost businesses millions of dollars in lost productivity. Improving O'Hare will yield annual passenger-delay savings of over $300 million and will drastically reduce weather-related delays that have plagued the national system for years.

In addition to improved operational efficiency, modernizing O'Hare and adding capacity in the south suburban Peotone, IL, will create thousands of jobs and spur economic growth throughout the State and the entire Midwest region.

Chicago's airports—O'Hare, Midway and Meigs—inject over $35 billion annually to the Nation's economy and sustain over 500,000 jobs. No other activity or industry has a greater impact on our regional economy.

If O'Hare is left in its current State, our national aviation system will continue to suffer delays and businesses around the Nation that rely on an efficient and stable transportation system will continue to endure millions of dollars in' lost time and revenue. In today's economy, every business competes in a global market and must have the ability to efficiently ship goods, services and employees across the Nation and around the world. Costs imposed by an inefficient air transportation system hamper American businesses in the international market.

I am pleased the debate has begun in Congress and I'm encouraged by the reception the National Aviation Capacity Expansion Act has received thus far. I look forward to further public debate on this legislation because I feel the benefits of the plan will become apparent to all who seriously consider the proposal. This plan is essential to creating a strong national aviation system. The cost of inaction is too high and this issue is too important to be delayed any longer. Failure to pass the National Aviation Capacity Expansion Act will cost this Nation billions of dollars and hundreds of thousands of jobs.

We have developed a strong coalition of Business, organized Labor, transportation officials, professional associations and economic development experts in support of the plan. Both the U.S. Chamber of Commerce and the AFL–CIO support the measure, and I believe that speaks volumes about its importance.

Members of Congress from around the Nation have called on our region to develop a consensus solution to this issue and we have done so. We ask that you now act to support this essential piece of the national aviation system and our economy. We stand ready to support you in this effort. Thank you again for your concern and effort regarding this matter.

PREPARED STATEMENT OF JOHN W. CREIGHTON, CHIEF EXECUTIVE OFFICER, UNITED AIRLINES

Chairman Hollings, Ranking Member McCain, and other Members of the Committee, on behalf of United Airlines' 84,000 employees worldwide, thank you for the opportunity to submit testimony for this critical infrastructure hearing. As Chicago's

and Illinois' hometown airline, we appreciate the chance to explain why we strongly support the National Aviation Capacity Expansion Act, and believe swift passage of this legislation is vital to the United States and Chicago area economies, consumers and our air transportation system.

At the outset, I wish to express United's gratitude to four individuals who have made the National Aviation Capacity Expansion Act and this hearing possible. Senator Durbin has worked tirelessly to ensure that the Chicago region remains the pre-eminent aviation crossroad both domestically and internationally. We greatly appreciate his steadfast leadership for Chicago aviation and his efforts writing this legislation and shepherding it through the Senate. Presiding Chairman Rockefeller, thank you for holding this timely hearing. You have been one of the most outspoken Congressional aviation leaders supporting much needed capacity expansion in the national aviation system. We are grateful for that leadership. Last but certainly not least, I wish to express our deep appreciation to Chicago Mayor Richard Daley and Illinois Governor George Ryan whose historic agreement is the foundation of this legislation. It took a great deal of political courage, vision and hard work to reach this agreement paving the way forward for Chicago aviation to fully meet its needs up to 2030. After nearly two decades of inaction and political gridlock, thank you for helping position Chicago aviation to soar even higher.

A little over six months ago, aviation debate in the United States focussed largely on the long overdue need to expand national air transportation system capacity. The state of United States aviation conjured up images of gridlock, system choke points and congestion-related cancellations and delays. The horrific events of September 11 necessarily refocused national aviation policy. None of us ever imagined that a time might come when we looked back nostalgically on the chance to focus on system capacity as our Nation's key aviation priority.

Mr. Chairman, while the downturn in commercial flights resulting from September 11 has temporarily masked our Nation's air transportation infrastructure challenges, the need to address them remains more critical than ever before. As an industry, we are seeing a gradual increase in flights from September 11-related lows. As the economy recovers and the travelling public continues to gain confidence in heightened security measures, I predict that commercial flights will resume the steady path of annual growth that has been the hallmark of our industry since deregulation over two decades ago. While now certainly is the time to continue focussing on security and other impacts of September 11 on our industry, United Airlines believes it also is the time to look forward and proactively address aviation capacity challenges that inevitably will reemerge. Now, during this temporary capacity pause, Congress has the opportunity to take historic action.

That brings me to the situation at our hometown airport, Chicago's O'Hare

International Airport. As Secretary Norman Mineta and others have acknowledged, O'Hare is the single worst choke point in our Nation's air transportation system. Too many flights operating on inefficiently designed runways have proven to be a recipe for O'Hare-related congestion cancellations and delays that literally ripple nationwide.

Simply put, O'Hare is a remarkable facility but badly in need of modernization. Despite the inefficient design of its seven, runways, O'Hare has once again earned the title of the world's busiest airport back from Atlanta's Hartsfield International Airport. However, most telling is the fact that Hartsfield runs neck-and-neck with O'Hare in terms of total annual operations with just four efficiently designed parallel runways while O'Hare competes to stay ahead while operating seven runways based on an outdated and inefficient design.

The runway capacity shortage at O'Hare did not sneak-up on United Airlines, Senator Durbin or the City of Chicago. The need for additional runway capacity at O'Hare has been recognized for years. For instance, in 1991, the Chicago Delay Task Force in its final report concluded that new O'Hare runways "represent the greatest opportunity to reduce delays in Chicago, particularly during bad weather conditions."

More than a decade ago, a Task Force that included Chicago's Department of Aviation, the Federal Aviation Administration, airport users and air traffic controllers correctly diagnosed the problem. This group prescribed precisely the right remedy. Yet, while O'Hare-related delays increasingly rippled throughout our national air transportation system, no corrective action was taken.

The problem was political gridlock. For nearly two decades, differences in opinion among local and State officials prevented a solution from being reached to meaningfully address capacity problems confronting all Chicago airports. This impasse finally ended when Governor Ryan and Mayor Daley agreed on a historic runway redesign plan to modernize O'Hare. It is a hard fought and delicately balanced agreement between two leaders with strong views on how best to meet the air transpor-

tation needs of the Chicago area and the entire region, as well as the State. It is an agreement that United Airlines, the Chicago-area business community and an overwhelming large percentage of local residents strongly support.

The National Aviation Capacity Expansion Act simply codifies the Ryan-Daley agreement into Federal law. Importantly for any Senator sensitive that the legislation may raise Federalism issues, it does not impose a Federal decision on local decisionmakers. To the contrary, it codifies a local decision. By making the Ryan-Daley agreement Federal law, the National Aviation Capacity Expansion Act ensures that O'Hare expansion will become a reality in the near future by prohibiting the next Governor or Mayor from changing the terms of the agreement. The stars aligned when Governor Ryan and Mayor Daley brought their unique leadership skills to bear to meet Chicago's current and future aviation challenges. It took nearly two decades for this to happen. In the absence of Congressional action, there is no guarantee a future Governor or Mayor will not modify the agreement in a way that leads back to political gridlock, inaction for perhaps decades and continuing harm to our Nation's air transportation system and the traveling public.

As Chicago's hometown airline, United Airlines obviously has a significant interest in the modernization of O'Hare. O'Hare is the anchor of our global network so the efficiency of O'Hare and the efficiency of our network are inextricably linked. Moreover, United's ongoing ability to fully respond to the traveling needs of our valued customers depends on O'Hare becoming a 2111 century airport. If the Ryan-Daley agreement is permitted to modernize O'Hare, United Airlines finally will have the operational flexibility to fully expand competitive service offerings.and small community flights as market conditions warrant. Importantly, modernization of O'Hare is also an important part of United's financial recovery plan and critical to our long-term success.

Mr. Chairman, aside from the interest of United Airlines and our customers in the modernization of O'Hare, there is a broad array' of other stakeholders who are depending on the Ryan-Daley agreement. I would like to take a few moments to briefly mention some of the other stakeholders in the National Aviation Capacity Expansion Act.

First, modernizing and expanding O'Hare is a national economic issue and should be considered to be a national economic priority. One fact that was reinforced in the aftermath of September 11 is that commercial aviation is an economic engine. When our national air transportation system is vibrant and efficient, the United States' economy benefits. When it is not, our economy suffers.

I think few would argue with the fact that O'Hare congestion-related cancellations and delays are not just frustrating and inconvenient, they also negatively impact our economy. It is impossible to place an economic value on the disappointment a parent traveling on business feels when an O'Hare-related congestion problem prevents her from participating in an important family event in Orlando. However, it is possible to quantify some of the many economic costs of congestion delays. For instance, initial analysis showed delays in 2000 cost the airlines an estimated $6.5 billion, up from $5.4 billion in 1999. A sizeable portion of that amount is attributable to O'Hare. This is just one economic cost of delays, and does not include the cost of missed sales meetings, cancelled appointments, and lost productivity resulting from delays. Passage of the National Aviation Capacity Expansion Act will help eliminate the myriad of national economic losses resulting from O'Hare-related congestion and that clearly is in the best interest of our country.

Second, the Chicagoland regional economy is a very significant stakeholder in passage of this legislation. In fact, swift passage of the National Aviation Capacity Expansion Act would be tantamount to approving an economic stimulus bill for the United States' economy, with the Chicago area and our entire economic region being the principal beneficiaries. O'Hare is one of the largest employers in the Chicago region with more than 50,000 direct employees and an additional 365,000 jobs that indirectly depend on it. Currently, O'Hare generates more than $37 billion in annual economic impact, including about $10 billion in annual payroll. It has been estimated that modernization would increase O'Hare related employment by nearly 200,000 jobs and increase annual economic benefits by an estimated $16–$20 billion. Conversely, it is estimated that failure to modernize O'Hare will deprive Chicago's economy of $8–$10 billion annually in economic output by 2015.

Third, consumers are key beneficiaries and stakeholders in the passage of this legislation. In the first phase of. the Ryan-Daley plan alone, it is estimated that O'Hare customers will see a 36 percent decrease in overall delays. Additionally, 50 percent of bad weather delays will be eliminated. Moreover, it is estimated that the first phase will bring $171 million in annual passenger delay savings. The consumer benefits of this legislation are even more dramatic when the projected benefits of the fully implemented Ryan-Daley plan are considered. It is estimated that by its

final phase 95 percent of bad weather delays will be eliminated. At the same time, consumers will experience a 79 percent decrease in overall delays and enjoy $380 million in annual passenger delays savings.

Finally, our national air transportation system will benefit greatly if this legislation is passed. Given its importance as a national and international hub, improving and modernizing O'Hare is essential for a safe, efficient and on-time national aviation system. From a national system standpoint, if O'Hare were to remain a congestion choke point, this likely would marginalize any congestion relief progress we make elsewhere in system. Simply put, while solving the O'Hare congestion problem is not a silver bullet for all capacity challenges in our system, it is difficult to imagine any meaningful progress on a system-wide basis if the O'Hare problem is not addressed.

Let me summarize my remarks and conclude them. In the summer of 2001, this Committee issued a challenge to the leadership of the State and local governments to end the political gridlock and to craft a realistic blueprint for modernizing O'Hare. Governor Ryan and Mayor Daley rose to the occasion and met that challenge. Now, United Airlines believes it is time for Congress to do its part by passing the National Aviation Capacity Expansion Act to codify their agreement and ensure their vision for putting Chicago aviation back on-course until 2030 becomes a reality. It has been a very long journey for the traveling public to this point. Passage of this legislation will guarantee there is light at the end of the tunnel.

Mr. Chairman, United Airlines believes the National Aviation Capacity Expansion Act is in the best interest of the United States economy since it will help eliminate the substantial nationwide adverse economic costs O'Hare-related congestion imposes on our air transportation system. It will provide very welcome economic stimulus for the national economy, the Chicago area and our entire region. It also will significantly benefit consumers, represents a huge step forward in addressing our national aviation infrastructure challenges, and is critical to United's continuing ability to fully and efficiently serve our customers. For all these reasons, we strongly support the National Aviation Capacity Expansion Act and urge this distinguished Committee to seize this historic opportunity to modernize O'Hare by supporting its swift passage in the Senate.

PREPARED STATEMENT OF R.E. RUTHENBERG B.S.E.E., PRINCIPAL STAFF ENGINEER, MOTOROLA, INC.

Illinois cancer incidence statistics from the Illinois State Cancer Registry were examined for all zip code areas within a 10 mile radius of O'Hare airport, to attempt to determine whether there appear to be any zip code-based "hot spots" with significantly higher than average area incidence rates, that might be related to O'Hare emissions. Source data can be obtained at: *http://www.idph.state.il.us/about/epi/cancer.htm*

Zip code area identification resulted in 69 areas, after deleting zero-population areas (e.g. major corporate sites). Year 2000 population for each area was obtained and combined with the sorted cancer incidence statistics to create the final comparison figures.

All figures in this report summarize *the 5-year period 1994–1998.* The State overall rates for this period were: LCI=1.981 percent, Mean: 1.998 percent, UCI: 2.015 percent. That is, a mean 1.998 percent of the State population experienced cancer incidence during this period, with a 95 percent confidence level range of 1.981–2.015 percent. ["LCI/UCI"=Lower/Upper Confidence Interval, here for 95 percent probability.]

A word on statistical methods is in order here. A "Normal Distribution" is often experienced in nature or in statistics involving large quantities that are randomly distributed around some mean level. The data set for the entire State is large enough (some 280,000 incidences) that a normally distributed result would be expected. However, a normal distribution cannot be assumed for the results of this analysis because (a) the number of zip code areas (69) is small and (b) the actual variation across the zip code set is presumed to have a high probability of a decidedly non-random variation.

Thus, median levels are used here instead (half of the points greater than and half less than) and "standard deviations" and confidence intervals based on a "normal" distribution assumption are not established.

The median cancer incidence rate for the 69 zip codes within 10 miles of O'Hare is determined to be 2.57 percent for the 5-year period [see Appendix for specific data.] This is about *29 percent greater* than the 2 percent Illinois State; average and as such would already be considered high. Further, since these large population areas

make up a part of the State average, it would be expected that areas outside; of the Chicagoland urban pollution influence might be experiencing substantially lower rates than that average (perhaps around 1.5 percent).

Though this (high) median incidence level and its relativity to the State average is of interest, the primary objective here is to look for geographical variation patterns within the 10 mile radius area and to determine if there appears to be any O'Hare proximity correlation.

The first examination is characterized in figure 1, which plots the overall incidence rate (again, the reader is reminded that this is a 5 year rate) for each of the 69 zip code areas, generally comprising a 1–4 percent range. The Harwood Heights 60706 zip code area shows an extreme incidence of 7.43 percent, well beyond the range of the other areas and, after rechecking source data, the reason for this anomaly remains unknown. Figure 1 generally demonstrates a middle range of incidence rate data points between 2–3 percent, a low range of <2 percent and a high range of >3 percent.

Another broad scale data examination for potential O'Hare correlation is shown in figure 2, where cancer incidence rates are plotted versus the zip code area's distance from the airport. No clear correlation appears. This might be expected, as distance by itself is not the only key variable to pollutant travel; direction relative to prevailing winds as well as pollutant distribution in and near the airport confines will affect results. Thus two areas of equal distance but on opposite sides of the airport could experience significantly different pollution levels with correspondingly different pollution-caused cancer rates. Any such trends are hidden in figure 2 by the congestion of all the data points.

The figure 3 area map brings direction as well as distance into the data examination. Zip code based incidence rates (rounded to one decimal place) were classified into the three previous categories i.e. Middle=2–31 percent (median=2.57 percent), Low=<2 percent and High=>3 percent. Though somewhat arbitrary, it is felt that reasonable people would consider a range of 33 percent–50 percent (4 percent/3 percent range upper limits and 3 percent/4 percent lower limits) increase in incidence rates versus the middle range to be very "high" relative to that rangeand rates less than the State average of 2 percent to be "low". BAs compared to the 2 percent State average level, the "High" rates would be considered "Very High" (50–100 percent greater).]

The 12 High incidence rate areas are plotted on the map, as these are the areas of interest. The 9 Low and 47 Middle range areas are not plotted, as they can generally be visualized as "everything else".

The mapped results clearly show a preponderance of cancer incidence "hotspots" to the northeast of the airport. This airport correlation may not be surprising considering that the prevailing winds here, especially in the summer when people are outdoors more, tend to blow toward the northeast. Also, inversion layers occurring over the lake or breezes off the lake (land/water temperature difference) may tend to create "walls" that traps pollutants in the area between the airport and the lakefront.

There also are some hotspot areas directly south of the airport and these would tend to correlate with the relatively heavy flight traffic to the south. A good way to see where the average airport traffic flows are is to look at the figure 4 noise contour map, as the contours tend to follow the flight pattern intensity. Further, the contours inherently factor in aircraft altitudes, as higher aircraft create less noise and considering that ground level pollution is the primary concern, higher altitude aircraft will result in longer "drift" distances before their emission by-products reach the ground (with correspondingly greater dispersion). It would be expected that the greatest emission concentrations would be at or near "ground zero" i.e. the airport confines and perhaps a few mile radius (departing aircraft will generate greater net emissions, including from ground idling/run-up, but will reach greater altitudes at a given distance than arriving aircraft).

CONCLUSIONS

Mapping of the cancer incidence data for the 5-year period of 1994–1998 appears to show a clear tendency for the incidence rates to be significantly higher in and correlated to the O'Hare airport "downwind" areas to the northeast. Those living in the northeast areas are experiencing between 50–100 percent greater cancer incidence rates than the State average and 33–50 percent greater than the local area median.

There seems on the surface to be no other logical reason for this incidence concentration; automobile traffic distributions are fairly even throughout the general area and the "hotspot" areas are relatively dispersed such ass to mitigate any ex-

treme local conditions e.g. a nearby manufacturing facility. Though not studied, age and life style distributions would seem to be fairly uniform throughout these similar neighborhoods.

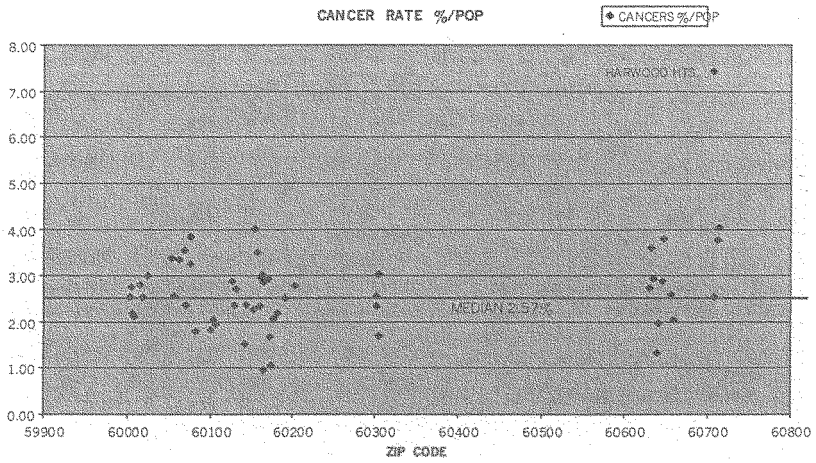
The cancer incidence rates studied here are reported from the 1994–1998 period, which is about 6 years ago already. Cancer due to pollution exposure is generally not an instantaneous function. That is, there is some latency exposure period, with the time frame generally measured in years and latency an inverse function of the pollution concentration. Thus, the cancer incidences of 1994–1998 were a result of pollution exposure years or even decades prior to that time. It can be safely stated that the levels of airport pollution are much higher today than decades ago and if airport traffic continues to expand, will be substantially higher in the future.

Thus, the high cancer (hotspot) incidence rates summarized here are probably precursors of much worse times to come, if nothing changes, since children and the middle-aged are already exposed to increasingly higher pollution levels than years/decades ago (the elderly's fate is pretty much already determined).

The odds are not good, remembering that the incidence rates here are not cumulative i.e. they are for one 5-year "window". Thus if the High rate is nominally 3.5 percent per 5 years, today's 5 year old child can look forward to a cancer probability of 14 percent at age 25, 28 percent by age 45 and 42 percent upon retirement at age 65! But the situation is actually worse, because the pollution levels are already much higher than during the exposure period related to the 3.5 percent rate.

It seems clear that O'Hare airport pollution generation must be substantially reduced (50:1?) in the near future in order to avoid future medical crises.

FIG 1



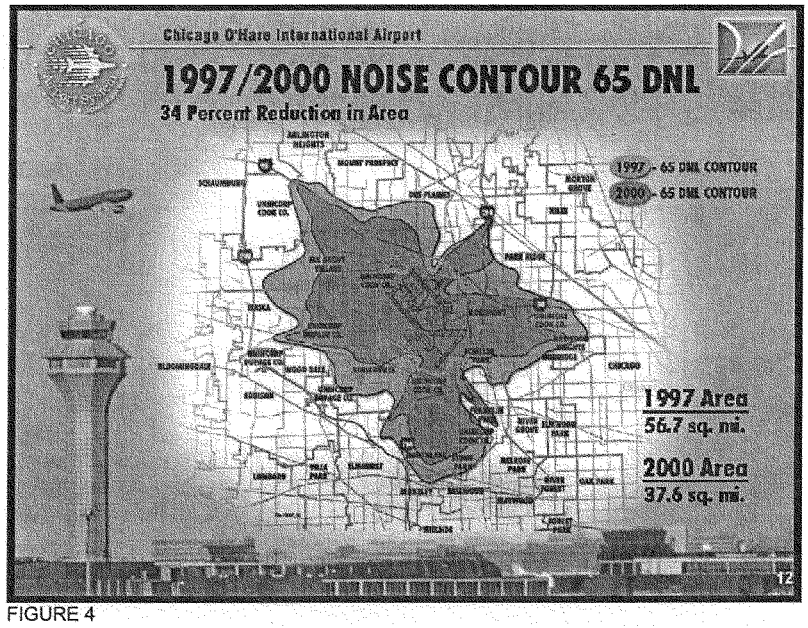


FIGURE 4

Appendix

[Statistics Summary by Zip Code Area]

ZIP	City	Miles	POP	Total No. Cancers	Percent Total Cancers/POP
60004	Arlington Heights	9.1	52,962	1343	2.54
60005	Arlington Heights	7	31,504	872	2.77
60007	Elk Grove Village	5.6	36,390	800	2.20
60008	Rolling Meadows	9	22,859	486	2.13
60016	Des Plaines	3.8	59,046	1654	2.80
60018	Des Plaines	1.5	28,814	729	2.53
60025	Glenview	7	48,580	1453	2.99
60026	Glenview Nas	7.8	1,476	0	[0]
60029	Golf	7	70	12	[17.14]
60053	Morton Grove	6.5	23,032	779	3.38
60056	Mount Prospect	5.6	55,508	1420	2.56
60062	Northbrook	9.6	41,363	1383	3.34
60068	Park Ride	3.1	37,274	1319	3.54
60070	Prospect Heights	8	16,156	383	2.37
60076	Skokie	9	33,874	1104	3.26
60077	Skokie	7.7	24,507	941	3.84
60082	Techny	8.8	1,385	25	1.81
60101	Addison	7	17,583	685	1.82
60104	Bellwood	7.6	20,492	421	2.05
60106	Bensenville	3.8	22,614	437	1.93
60126	Elmhurst	7.2	44,761	1289	2.88
60130	Forest Park	9.2	15,446	366	2.37
60131	Franklin Park	4	19,874	536	2.70
60141	Hines	9.9	976	15	1.54
60143	Itasca	6.5	10,248	243	2.37
60153	Maywood	8.4	217,415	624	2.28
60154	Westchester	9.6	16,656	670	4.02
60157	Medinah	8.4	2,321	81	3.49
60160	Melrose Park	6.5	22,823	536	2.35
60162	Hillside	8.1	7,971	236	2.96

Appendix—Continued

[Statistics Summary by Zip Code Area]

ZIP	City	Miles	POP	Total No. Cancers	Percent Total Cancers/POP
60163	Berkeley	7.3	5,195	157	3.02
60164	Melrose Park	5.1	21,545	613	2.85
60165	Stone Park	6.1	4,927	47	0.95
60171	River Grove	5.2	10,896	320	2.94
60172	Roselle	9.2	25,849	433	1.68
60173	Schaumbur	8.8	11,479	122	1.06
60176	Schiller Park	2.6	11,701	241	2.06
60181	Villa Park	8.8	31,046	683	2.20
60191	Wood Dale	4.8	14,394	363	2.52
60203	Evanston	10	4,540	126	2.78
60301	Oak Park	8.6	1,944	50	2.57
60302	Oak Park	8.6	33,021	776	2.35
60304	Oak Park	9.8	17,541	300	1.71
60305	River Forest	7.8	11,665	353	3.03
60630	Chicago	7.1	53,732	1468	2.73
60631	Chicago	4.3	29,179	1051	3.60
60634	Chicago	5.9	74,513	2186	2.93
60639	Chicago	8.7	96,666	1282	1.33
60641	Chicago	8.2	74,270	1459	1.96
60645	Chicago	10	45,174	1301	2.88
60646	Chicago	7.1	27,019	1022	3.78
60656	Chicago	4.1	35,744	920	2.57
60659	Chicago	9.8	41,504	844	2.03
60666	Amf Ohare	0	1,739	0	0
60706	Harwood Heights	4.6	12,277	912	7.43
60707	Elmwood Park	6.2	44,733	1132	2.53
60712	Lincolnwood	8.2	12,321	465	3.77
60714	Niles	4.9	30,935	1252	4.05
	TOTALS		1,549,529	40720	
				Median=	2.57%

PREPARED STATEMENT OF NATIONAL AIR TRANSPORTATION ASSOCIATION

Mr. Chairman and Members of the Subcommittee:

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before Congress, Federal agencies and State governments. NATA's 2,000 member companies own, operate and service aircraft. These companies provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 ondemand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry that provides services to the general public, airlines, general aviation, and the military. On behalf of these members, thank you for the opportunity to present this statement.

Our members are pleased that Chicago's Mayor Daley and Illinois Governor Ryan were able to reach an effective compromise on Meigs Field before the current agreement on the Airport expired last December. NATA has always maintained that Meigs is not only a vital resource for the City of Chicago but also truly a national one warranting long-term preservation. It is an asset for all of general aviation but especially for critical activities like the City's emergency services including search and rescue operations.

S. 1786, offered by Senators Richard Durbin (D–IL), Tom Harkin (D–IA), and Charles Grassley (R–IA), and H.R. 3479, offered by Congressman William Lipinski (D–IL)—more commonly known as the "National Aviation Capacity Expansion Acts"—provide for the long-term viability of Meigs Field. Ensuring the continued viability of Meigs should at the same time alleviate congestion at Midway and O'Hare and help enhance aviation's access to the Chicago area.

Under the legislation, the Airport must be kept open through 2006; development of an additional airport near Peotone, Illinois, may proceed; and a 4-runway expansion of O'Hare International Airport is guaranteed. After 2006, the State legislature

has the ability to close the Airport, although that possibility is considered remote because the legislature has traditionally been supportive of maintaining Meigs. Barring any unforeseen problems, Meigs would then be open through at least 2026.

NATA believes there are several critical factors arguing for enactment of this legislation to solidify the agreement between Governor Ryan and Mayor Daley:

• As a critical reliever airport to O'Hare and Midway airports, Meigs Field plays an integral role in our national air transportation system by providing quick access to Chicago's downtown business district and for emergency support services.

• Closing Meigs would result in more congested airspace at and around O'Hare and Midway and would undoubtedly reverberate in the form of additional delays at America's airports.

• With its air traffic control tower, the continued operation of Meigs enhances aviation safety in and around the downtown area by providing positive aircraft control.

• A 4-runway expansion of O'Hare International Airport is desperately needed to alleviate future nationwide congestion and delays.

• Development of an additional airport near Peotone, Illinois, will play a critical role in easing congestion and delays throughout our Nation's air transportation system in the decades ahead.

NATA congratulates Mayor Daley and Governor Ryan on their efforts to craft an effective compromise on Meigs field before the current agreement on the Airport expired. We anxiously look forward to enactment of the concepts embodied in S. 1786 and H.R. li 3479 as the means by which Meigs Field may be preserved and the long-term viability of air transportation to and from Chicago may be enhanced.

Thank you for the opportunity to present this statement. We stand ready to answer any questions the Members may have.

PREPARED STATEMENT OF PHIL BOYER, PRESIDENT, AIRCRAFT OWNERS AND PILOTS ASSOCIATION

Chairman Hollings, Ranking Member McCain, and members of the Committee, I would like to thank you for the opportunity to submit written testimony for today's hearing. My name is Phil Boyer, and I am President of the Aircraft Owners and Pilots Association (AOPA). AOPA enjoys the financial support of over 380,000 dues-paying members. Our objective as an association is to promote the interests of those who contribute to our economy by taking advantage of general aviation aircraft to fulfill their business and personal transportation needs. More than half of all pilots in the United States are members of AOPA, making it the world's largest pilot organization.

I am very pleased to have the opportunity to submit comments for the record regarding the National Aviation Capacity Expansion Act. On December 5, 2001, Illinois Governor George Ryan and Chicago Mayor Richard Daley inked an historic political deal that will preserve Chicago's flagship GA airport Meigs Field for another 25 years, expand O'Hare International, and expedite the creation of a new airport at Peotone. AOPA is a strong supporter of this agreement, focusing on its importance to preserving Meigs Field. We believe it is vital that the Governor and Mayor's compromise agreement be embodied in Federal legislation. AOPA has pledged its support to both Senator Dick Durbin and Representative William Lipinski and continues to work to ensure passage of the National Aviation Capacity Expansion Act.

CONGRESSIONAL LEGISLATION

The Senate and House bills (S. 1786/H.R. 3479), identical in title and similar in content, sponsored respectively by Senator Dick Durbin and Representative William Lipinski, would codify the agreement reached by Governor Ryan and Mayor Daley. The congressional decision to address the agreement legislatively reflects the importance of Chicago's airports in the National Aviation System. Not just an Illinois issue, there are national benefits to meeting capacity needs by keeping Meigs Field open, expanding O'Hare, and building a new airport at Peotone.

Chicago Area Airport Capacity is a National Issue

Chicago area airport capacity affects air transportation virtually everywhere in the United States and has an impact on international flights. Chicago is a key transportation center, both as an originator of traffic and a connecting point for flights. Chicago airports are national airports and essential to the flow of traffic throughout the United States and around the world—delays in the Chicago area affect airports across the country and around the world.

System Capacity Enhancements are Critical

The National Aviation System capacity is returning to crises proportions. According to the Federal Aviation Administration, traffic is quickly returning, by as much as 99 percent of the levels reported prior to the events of 9/11. February traffic levels were actually higher in 2002 than last year. Additionally, more people are turning to general aviation. This combination of factors means that the Nation is once again going to face the need for comprehensive planning that affects the Nation's air traffic and transportation. Earlier this year Secretary Norman Mineta stated that 50 miles of new runways in this country need to be added in the next 10 years to handle the growth of aviation. Without Meigs Field, the amount will increase to 51 miles—shutting down a perfectly good airport makes little sense when we are desperately trying to expand capacity.

Capacity enhancements require massive amounts of Federal funds; and the Nation must ensure that these investments are managed in the most efficient and effective manner. Chicago O'Hare is designated as one of the Nation's four slot-controlled (High Density Traffic) airports, where the Federal government limits the number of large aircraft taking off and landing. The O'Hare slot controls, which will be eliminated by July 1, 2002, as outlined in provisions contained in AIR–21, clearly illustrate a national interest in the Chicago area's aviation improvements. Additionally, hundreds of millions of Federal dollars have already been spent in soundproofing and other local investments, clearly illustrating a national interest in the Chicago area's aviation improvements. It is proper in these times of fiscal accountability for the U.S. Congress to provide strong assurances for Federal investments in the aviation infrastructures in the Chicago area.

HOW THE CONGRESSIONAL LEGISLATION AFFECTS THE GA COMMUNITY

Chicago's airports, some of the busiest aviation hubs in the nation, are also among the most delay ridden. With the ongoing concern with respect to capacity problems in the Chicago area and nationwide, it is logical to keep Meigs Field—Chicago's premier GA airport—open. The 14 general aviation airports in the area, including Meigs Field, are part of the solution to airspace congestion in the Chicago area and the overall system. AOPA was happy to learn that the Senate version of the legislation concerning Meigs Field has been amended to reflect that of the House bill, requiring funding for Chicago's O'Hare airport to be withheld by the FAA unless the Administrator is reasonably satisfied that Meigs Field either is being operated by Chicago as an airport or has been closed by the FAA for reasons beyond Chicago's control.

Meigs Field serves as an important air transportation access point for both airplanes and helicopters to Chicago's business district, and State office building. The close proximity of the airport saves over an hour for those conducting business in the Loop—closing it has been compared to eliminating a perfectly good off-ramp from the interstate highway system. No other facility provides access to downtown like Meigs Field—it is an essential part of Chicago's economy.

HISTORY OF CHICAGO'S MEIGS FIELD—ICON THE GA COMMUNITY

Opened in 1948, Chicago's Merrill C. Meigs Field is an important reliever airport to Midway and O'Hare Airports for business and general aviation aircraft—with approximately 50,000 operations per year. Located on Lake Michigan, aircraft safely arrive and depart over the water rather than the City itself, with the noise footprint over the lake rather than over inhabited areas.

In 1994, however, Mayor Daley announced that Meigs would be closed and the grounds turned into a park. This prompted an outpouring of support for the airport by the aviation community as well as a lawsuit by the State of Illinois against the City. The airport actually closed for a brief period of time but with the settlement of the suit, the City agreed to leave it temporarily open until February 2002. It is only with the codification the agreement between Mayor Daley and Governor Ryan that this airport will remain open.

AOPA has waged a 6-year battle to save Meigs Field. The association has participated in lawsuits, lobbied the Illinois legislature and the United States Congress, produced television commercials and newspaper ads to gain legislative and public support, and worked with Chicago area citizens on an extensive local effort to preserve the historic airport. Wherever I go, the status of Meigs is one of the first questions I always get. This little airport is important to the Nation and important to the general aviation community.

Thanks to support from the aviation community and the leadership of Mayor Daley and Governor Ryan, Meigs Field will remain open for at least another 25

years if the Governor and Mayor's agreement on Chicago airports is signed into Federal law.

Mr. Chairman, thank you again for the opportunity to present our views.

PREPARED STATEMENT OF JACK SAPORITO, PRESIDENT, US-CITIZENS AVIATION WATCH ASSOCIATION

Locally, the Alliance of Residents Concerning O'Hare (AReCO) represents members in 41 communities, including Chicago, that are affected by O'Hare Airport operations.

Nationally, US-Citizens Aviation Watch Association is the leading public-advocacy group focusing on aviation issues, representing various municipalities and organizations; it speaks for about 1.5 million individuals in the United States. Internationally, the Association is also a nongovernmental organization, representing member and associate organizations in 27 countries. Its mission is "Protecting the public's health, environment, and property; promoting safety; and advocating a sustainable, equitable and accountable aviation industry."

Among others, our membership includes physicians and individuals who are employed in the aviation and aerospace industries: pilots, air-traffic controllers, employees of NASA and Boeing, Williams Aviation Consultants, and Baylor University's School of Aviation and Air Sciences, as well as cities, citizens and civic groups. As a result, we have in-depth knowledge of the issues, bringing strong factual evidence to the table.

First, one must ask the question, "How could putting in more runways and hundreds of thousands of more flights into O'Hare relieve congestion?"

According to the Government Accounting Office,[1] building more runways is not the answer to O'Hare congestion. Among other problems stated in the report, they would be overcrowded before they were finished, and there are. questions as to whether the mandated runway design would cause more weather delays, as the airport is situated in the northern climate zone.

We oppose the expansion of Chicago's O'Hare Airport for. the many reasons. For one, setting this airport expansion into Federal law sets a horrible precedent for all States, airports and communities in our Nation. According to the Government Accounting Office, over 2,000 airports in the United States are either planning or already expanding[2] to handle the predicted massive increase in flights. You cannot just steamroll the rights of the American people!

Airports rank among the top ten industrial emission sources, and yet they are virtually unregulated. We are extremely concerned about serious public health, environment, noise, and other quality of life problems that are related to air transport operations and the limited protections for them that the O'Hare expansion bills will strip away.

Our organizations have a vital interest in assuring that any modifications of the airport comply with all existing laws and regulations. We oppose this bill and any attempt to force any more flights, in addition to the almost one million flights a year that Chicago O'Hare International Airport now has, especially since there are better options for the communities and air travelers.

Along with noise, airport and aircraft operations produce. massive and unusual types of air, water, and ground pollution . . . all of which are serious and deadly. As a result, we already have a significant public health problem that is, epidemic in nature, affecting a large percentage of the population that lives even many miles away from the airport. This includes those living in the flight tracks of this mega-airport that has already about three times the number of flights than most other major airports.

According to O'Hare's own data,[3] it already produces more than 18 percent of known carcinogens[4] in Cook County (pop. 5.4 million); Cook is the second largest producer in the Nation. That is enormous! It should come as no surprise; we already suffer from some of the highest cancer and respiratory rates in the Nation. Adding more flights is inhumane.

As evidence that aircraft emissions are the culprit and not other sources, we and introducing to the Senate select pages from an U.S.-Environmental Protection Agency 10-mile vicinity cancer study of Chicago's Midway Airport, showing that it is the

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[1] GAO. *National Airspace System: Long-Term Capacity Planning Needed Despite Recent Reduction in Flight Delays.* GAO–02–185. Dec. 2001.

[2] GAO. *General Aviation Airports: Unauthorized Land Use Need Highlights Need for Improved Oversight and Enforcement.* GAO/RCED–99–109, May 1999.

[3] See attachment #1.

[4] Industrial carcinogens

aircraft engines and not the cars and trucks that are problematic to public health: "Overall, emissions from aircraft operated at Midway in 1990 contribute up to 99 percent of the total cancer cases. This was expected since the vehicular emissions estimated at Midway are insignificant compared to the aircraft emissions at Midway." (see: attachment #2)

Also, as evidence that flight. operations at O'Hare Airport must be reduced, not increased as has been proposed, we are introducing a new study of O'Hare Airport cancer epidemic problems: INVESTIGATION OF THE CANCER INCIDENCE RATES IN THE VICINITY OF O'HARE AIRPORT. 3/19/02. (see: attachment #3)

While the Midway Airport study predicted the rates of cancers, the following O'Hare Airport cancer incident study shows the high numbers of actual cancers and concludes that it is O'Hare Airport-aircraft operations that are a major cause of the cancer epidemic.

The conclusions of the O'Hare Airport cancer study are as follows:

"Mapping of the cancer incidence data for the 5-year period of 1994–1998 appears to show a clear tendency for the incidence rates to be significantly higher in and correlated to the O'Hare airport "downwind" areas to the northeast. Those living in the northeast areas are experiencing between 50–100 percent greater cancer incidence rates than the State average and 33–50 percent greater than the local area median.

There seems on the surface to be no other logical reason for this incidence concentration; automobile traffic distributions are fairly even throughout the general area and the "hotspot" areas are relatively dispersed such as to mitigate any extreme local conditions e.g. a nearby manufacturing facility. Though not studied, age and life style distributions would seem to be fairly uniform throughout these similar neighborhoods.

The cancer incidence rates studied here are reported from the 1994–1998 period, which is about 6 years ago already. Cancer due to pollution exposure is generally not an instantaneous function. That is, there is some latency exposure period, with the time frame generally measured in years and latency an inverse function of the pollution concentration. Thus, the cancer incidences of 1994–1998 were a result of pollution exposure years or even decades prior to that time. It can be safely stated that the levels of airport pollution are much higher today than decades ago and if airport traffic continues to expand, will be substantially higher in the future.

Thus, the high cancer (hotspot) incidence rates summarized here are probably precursors of much worse times to come, if nothing changes, since children and the middle-aged are already exposed to increasingly higher pollution levels than years/decades ago (the elderly's fate is pretty much already determined).

The odds are not good, remembering that the incidence rates here are not cumulative i.e.—they are for one 5-year "window". Thus if the High rate is nominally 3.5 percent per 5 years, today's 5 year-old-child can look forward to a cancer probability of 14 percent at age 25, 28 percent by age 45 and 42 percent upon retirement at age 65! But the situation is actually worse, because the pollution levels are already much higher than during the exposure period related to the 3.5 percent rate.

It seems clear that O'Hare airport pollution generation must be substantially reduced (50:1?) in the near future in order to avoid future medical crises."

O'Hare is located in an area of dense development. At least several hundreds of thousands of Chicago-area residents oppose O'Hare expansion. Many others, including policy makers, are being fooled by the heavy lobbying and marketing of this ill-conceived scheme.

Letters from and newspaper articles about Craig Burzych, President of National Air Traffic Controllers Association at O'Hare, state the expansion plan is unsafe. Obviously, as a professional, he is profoundly aware of the imposition on flight safety by the proposed doubling of aircraft operations and the resulting communication congestion in both the approach to the O'Hare airspace and approach and landings at the airport. The plan is unsafe in an already congested airspace around O'Hare and would add to the fear of the controllers of impending disaster. Other experts too, have voiced their concern.

The O'Hare expansion plan places reported backroom deals above our health and that of our children's health and future. The politically connected, pushing O'Hare expansion, are acutely aware of the damage it does and that is why they have introduced the Ryan-Daley deal and the language with associated case law that will take away the meager protections that do exist. We understand at this late date (March 19, 2002) that Senator Durbin has introduced revised legislation that is attempting to pacify the significant environmental concerns; however, that cannot be done.

Constructing new runways or reconfiguring the existing O'Hare (basically building a new airport) will significantly harm communities, including neighborhoods, schools, businesses and homes, because of the airport and aircraft's extraordinary

amounts and types of noise, water, ground and toxic air pollution, property takings, tax base losses and other. quality of life issues. These problems should be reduced or eliminated, not unacceptably increased, as this O'Hare expansion does, especially since there are better alternatives.

AReCO and US–CAWA believe that exposing babies and young children to excessive noise and toxic air pollution and the other significant health and quality of life problems that O'Hare Airport and its aircraft already causes is a form of child abuse. Adding to that is despicable.

The bills and/or the "Daley-Ryan" plan that have been introduced would set O'Hare expansion into Federal law would take away the right of the people to self govern, pulling away local, controls. They undermine the state-federal balance of power regarding airports and other land-use and environmental issues.

Again the Daley-Ryan deal and the Durbin bill would/could take away the only two real public health and environmental protections that would apply to the planned O'Hare expansion project—the Clean Air Act conformity requirements and the National Environmental Policy Act's environmental impact evaluation and mitigation process. These bills and the deal would also drastically limit the people's right to bring suit against this misguided expansion, by removing all causes of action, except for the Federal Aviation Administration's narrow, limited administrative process.[5]

Further, this deal would give the Federal Aviation Administration almost total control over the environmental protection process, forcing the Army Corp of Engineers to shortcut its wetland permitting process. It prohibits the Environmental Protection Agency from determining and publishing findings as to whether expanding O'Hare would be unsatisfactory from the standpoint of public health, welfare or environmental quality.

Even the jobs that back roomers are using to try to bribe the public are little more than hot air. The questionable Booze-Allen report that the Chicago Chamber of Commerce promotes, paid for by United Airlines and other expansionists, shows a couple of hundred thousands jobs that would be created, about the same that the State of Illinois projects for a new south suburban airport; yet, even if correct, they do not say that they would be mainly temporary jobs. Any reasonable person understands that we already have a mega-airport; how many more jobs could be added by just one more runway, versus building another brand new airport? No matter what lip service this bill pays to building a reliever airport for O'Hare, an airport that will provide more capacity than O'Hare, the proposed mammoth O'Hare expansion would eliminate the need for the reliever.

Oppose O'Hare expansion! Instead, support the reasonable alternatives that the O'Hare expansion bill(s) would take away. These include operational and management controls; as well as, sending unnecessary flights to other airports such as Wayports, "Highways in the Skies". That would make room for the desired, new international flights that will result from the economic globalization treaties, which will create meaningful jobs. And for the long-term, provide that our country and our region build a world-class high-speed rail system that will complement commercial air transport to achieve a balanced and sustainable intermodal transportation system that will benefit all of us.

Protect our children from airport child abuse, protect our communities, safeguard our lives and future—defeat the O'Hare expansion plan and support better alternatives.

Thank you.

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[5] Prior to Senator Durbin's bill revision but as written in the House companion bill introduced by Congressman Lipinski.