



Federal Aviation Administration
Eastern Region
Office of the Regional Administrator

1 Aviation Plaza
Jamaica, NY 11434

JUL - 7 2005

Mr. Anthony R. Coscia
The Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, NY 10003

Dear Mr. Coscia:

Thank you for your letter of June 8 outlining your proposal to increase aircraft operating restrictions at Teterboro Airport (TEB). I note that you have also expressed concern about operations at TEB in recent testimony and in statements to the press.

In your letter, you describe the Port Authority's intention to expand existing noise restrictions on Runway 24 to all runways at TEB. In other recent statements, I understand you have mentioned increasing restrictions on nighttime operations, lowering the maximum landing weight of aircraft to no more than 80,000 lbs., and increasing airport fees. While in some of your comments you have suggested that the proposed restrictions are related to safety, we do not see any relation between safety and the kinds of restrictions on airport use you are proposing. As you know, the Federal Aviation Administration (FAA) and the Port Authority are taking various measures to enhance safety at TEB, including the installation of engineered material arresting systems at the end of runways with nonstandard runway safety areas. We will also address any recommendations by the National Transportation Safety Board that follow from the investigation of recent incidents at the airport. We will continue to look for ways to enhance safety at the airport, but we do not view the restrictions proposed in your recent comments as part of that effort.

As you know, improvements at TEB and other airports operated by the Port Authority have been made with Federal financial assistance. The Port Authority, as the sponsor of these Federal grants, assumed certain obligations to maintain and operate TEB for the use and benefit of the public and to make it available to aeronautical activity on reasonable terms and without unjust discrimination. Federal grant assurance 22 implements the

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requirements of 49 U.S.C. § 47107(a)(1) for reasonable, not unjustly discriminatory access. In addition to the grant assurances, the Airport Noise and Capacity Act of 1990, 49 U.S.C. § 47521, *et seq.* (ANCA), imposes certain requirements for the adoption of an airport noise or access restriction that affects Stage II or Stage III aircraft. Because the proposals mentioned in your letter and other statements would involve restrictions on use of the airport, I would like to review the general procedures that would apply under Federal law to the review, approval, and implementation of each of the proposals.

Noise restrictions. An existing Port Authority rule prohibits Runway 24 operations that exceed 90 dB on take off in the daytime and 80 dB at night. This prohibition has been in effect since before 1990. Because other runways are open to aircraft that exceed this noise level, the FAA would normally not categorize this type of limitation as an *airport* access restriction. However, because you propose to extend those restrictions from Runway 24 to all runways at TEB, this amendment to your existing limit would constitute a restriction subject to ANCA and implementing Federal Aviation Regulations, Part 161 (see § 161.3(b)). I note that in your description of the limitation, you characterized this proposal as a Stage II ban. Actually, the takeoff noise limits presently in effect for Runway 24 would also affect some Stage III aircraft, unless Stage III operations are exempted.

While the Port Authority's expansion of the existing noise restriction does not appear to be 'grandfathered' under ANCA, we would certainly consider any more detailed information the Port Authority would like to present on this point to show that the restriction was proposed before October 1, 1990, if it affects only Stage II aircraft, or that the restriction was already fully in effect before that date if it affects Stage III aircraft (§ 161.3(a) and (b)). Alternately, you may present evidence to us that these limitations are exempt under § 161.7. As mentioned above, any proposed new restriction would be subject to review for consistency with the requirements of your grant assurances, including assurance 22, in addition to the ANCA process. A proposal to make mandatory any currently voluntary night curfew is also an amendment to an existing limit that is subject to ANCA, because it would have the effect of reducing the total number or hours of aircraft operations at the airport (§ 161.3(b)).

Aircraft weight limits. The Port Authority currently limits operations at TEB to aircraft with a maximum weight of 100,000 pounds, based on the Port Authority's position that that is the appropriate limit considering the weight-bearing capacity of the airport's pavement. A reduction in that limit, as we understand you have proposed, would appear to have no physical basis in the capacity of the airport's pavement. As a result, it would also be considered a noise or access restriction subject to the requirements of ANCA and Part 161. (See § 161.5, "Noise or access restrictions"). Again, all operating rules at TEB are subject to review for consistency with the Port Authority's Federal obligations under grant assurance 22, as well as ANCA.

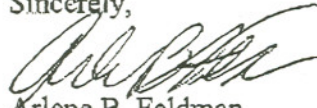
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Airport fees. We understand you have mentioned a proposed increase in airfield fees. Any new airport fee could be subject to our review or challenged by airport users for consistency with Federal law and policy. Also, we would encourage that any such fee be adopted only through a transparent process in consultation with airport users.

Finally, in your testimony, you also noted that the Port Authority would look for ways to adjust aviation capacity in the region, including the possibility of a fourth airport. The FAA, in its Flight Plan 2005-2009, has stated a goal of working with local governments and airspace users to provide capacity in the national airspace system to meet projected demand in an environmentally sound manner. In support of that goal, the agency has identified the New York region as one of eight metropolitan areas in the United States for special emphasis to increase and improve aviation capacity. The FAA is working on the redesign of airspace and air traffic flows in the region, and we are working with the Port Authority and other airport sponsors to identify airport improvements that would have the most benefit in reducing the major causes of delay. We would like to continue to work with you to address the long-term capacity needs of the region.

We would be pleased to talk with you further about the policies summarized in this letter. You may call me at 718-553-3000 or Bill Flanagan, Manager, Airports Division at 718-553-3330 to arrange a meeting if that would be helpful.

Sincerely,



Arlene B. Feldman
Regional Administrator