

Statement of Paul Bradbury, P.E.
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On Behalf of the American Association of Airport Executives
Before the Subcommittee on Aviation
Committee on Transportation and Infrastructure
“Turbulence Ahead: Consequences of Delaying a Long-Term FAA Reauthorization Bill”
November 30, 2023

Chairman Graves, Ranking Member Cohen, and members of the subcommittee, thank you for inviting me to participate in this hearing on the consequences of delaying a long-term Federal Aviation Administration (FAA) reauthorization bill. It is an honor for me to be with you today.

My name is Paul Bradbury, and I am the Airport Director of the Portland International Jetport (PWM) – a vibrant and growing small hub commercial service airport in the largest city in the great state of Maine, affectionately known as “Vacationland.” We had almost 983,000 enplanements in 2022. With increasing numbers of business and leisure passengers, especially during the busy summer travel season, we expect that our 2023 enplanements will total nearly 1.1 million and be in line with the record we set in 2019.

I am testifying today on behalf of the American Association of Airport Executives (AAAE), where I proudly serve as a Vice Chair of the association’s Federal Affairs Committee. AAAE is the world’s largest professional organization representing individuals who manage and operate more than 875 public-use commercial and general aviation (GA) airports across the country.

While I am eager to highlight some of the disruptions that temporary extensions of FAA programs have on my airport and others across the country, I would note that the National Airspace System Review Team recently issued a report that documents how unpredictable funding adversely impacts system safety and efficiency. It also highlights issues with air traffic controller staffing and the disruption to necessary equipment upgrades.

The independent report points out that the start-and-stop funding “makes it extremely difficult for the FAA to effectively conduct long-term business planning and execution.” With traffic levels growing and operations becoming ever more complex across the national airspace system, Congress shouldn’t be content to leave the FAA operating on autopilot or interrupt funding for critical programs especially while the agency and aviation stakeholders continue to focus on aviation safety.

Unfortunately, repeated short-term FAA extensions have been the norm in recent years. The resulting funding disruptions are particularly hard on PWM and other airports in locations with short construction seasons, and I applaud this subcommittee’s efforts to get an FAA reauthorization bill enacted into law as soon as possible. AAAE and airports across the country are eager to continue working with you to achieve that goal and to avoid disruptions in infrastructure investments and policy initiatives aimed at enhancing aviation safety, improving the passenger experience, and promoting increased efficiency across the aviation system.

H.R. 3935, the Securing Growth and Robust Leadership in American Aviation Act

Mr. Chairman, let me begin by commending and thanking you, Chairman Sam Graves, Ranking Member Larsen, Ranking Member Cohen, and members of the Transportation and Infrastructure Committee for

your outstanding work in crafting H.R. 3935, the Securing Growth and Robust Leadership in American Aviation Act, and for shepherding it through the House prior to the initial expiration of FAA programs on September 30. The fact that your bipartisan bill sailed through the full committee with unanimous approval and received overwhelming bipartisan support on the House floor is a testament to the determination and leadership of the committee.

The FAA reauthorization bill is a shining example of how lawmakers can reach across the aisle, find common ground, and work together to produce strong, forward-looking, bipartisan legislation. The T&I Committee has a rich history of working collaboratively to develop and advance meaningful legislation. The leaders and members of the committee deserve immense credit and our gratitude for honoring that tradition and legacy.

The legislation developed by this committee is strongly supported by the airport community and would benefit the entire aviation industry. After the House approved the measure in June, full committee Chairman Graves correctly pointed out that the legislation will improve “the safety of our system, our airport infrastructure, and the quality of service for passengers.”

I completely agree with that summary and his further assessment that the legislation includes key provisions that will help address the shortage of pilots, air traffic controllers, mechanics, and other aviation workers. That’s a top priority for the entire aviation industry and particularly for smaller commercial service airports that have experienced air service reductions due, in part, to the shortage of commercial airline pilots.

Helping Commercial Service and General Aviation Airports

Airport Infrastructure Funding: H.R. 3935 includes an extensive list of provisions to help commercial service and GA airports. AAAE and Airports Council International – North America (ACI-NA) have made increasing funding for airport infrastructure projects one of our top priorities for the FAA bill. Airports appreciate that the House-passed measure proposes to increase annual Airport Improvement Program (AIP) funding from \$3.35 billion to \$4 billion annually and authorize \$100 million per year for supplemental AIP discretionary grants.

Increasing AIP funding will help airports accommodate rising infrastructure needs, increase capacity, reduce airline delays, and improve the passenger experience for our customers. The FAA’s latest National Plan of Integrated Airport Systems (NPIAS) indicates that federal infrastructure investments will also allow airports to “enhance airfield safety and support the Agency’s goal of reducing accidents, fatalities, and runway incursions.”

At a time when Congress, the FAA, airports, and other aviation stakeholders are rightfully focused on addressing near misses and runway incursions, this federal investment will provide airports with a boost in annual AIP funding that will enhance aviation safety. Among other important upgrades and enhancements, additional AIP funding will help airports improve runways, taxiways, and lighting to reduce the chances of runway incursions.

These critical investments on the ground at airports complement other provisions in the House bill that will enhance safety in the skies. A modest increase in traditional AIP funding will also reverse a longstanding trend of flat or reduced AIP authorization levels in recent years and acknowledge the enormous infrastructure needs that airports are facing.

According to the NPIAS, airports have \$62.4 billion in capital needs – or approximately \$12.5 billion annually – over the next five years. Those estimates include projects that are eligible for funding under AIP and the Bipartisan Infrastructure Law. However, the overall capital need is significantly greater when you factor in other necessary infrastructure projects that aren't eligible for federal funding. The proposed AIP funding in the FAA reauthorization legislation along with the BIL resources will help airports meet some of those rising needs.

The House bill also includes multiple AIP formula changes that would update the way the FAA distributes federal funds to commercial service and GA airports. These proposed formula changes combined with higher annual funding levels would help airports of all sizes and ensure that the AIP funding formula is keeping up with evolving financial needs.

For instance, H.R. 3935 would reduce the so-called “PFC turnback” for large and medium hub airports. This proposal would allow larger commercial service airports that collect Passenger Facility Charges (PFCs) to keep a greater share of their annual AIP entitlements. The proposal comes at a time when airports have current and future PFC collections pledged to existing projects and are precluded from generating more local revenue for infrastructure projects due to the arbitrary and outdated federal cap on local PFCs.

The House bill would also help smaller commercial service airports. Under the current AIP formula, the minimum entitlement for commercial service airports with more than 10,000 annual enplanements is \$1 million. The House-passed bill would increase that amount to \$1.3 million and eliminate the financial “cliff” for airports that fall below the 10,000-enplanement threshold. Both proposals would translate into more infrastructure funds for smaller commercial service airports.

We commend you and your colleagues for including a GA title in the bill and for acknowledging the important role that the country's nearly 3,000 nonprimary airports in the NPIAS play in the aviation industry. The House-passed bill proposes to help GA airports by proposing to increase the nonprimary entitlement from 20 percent to 25 percent of available AIP funds – a significant bump.

Coupled with an increase in overall AIP funding, these two steps will help funnel more federal funds to GA airports that need additional assistance. These important airports are in communities across the country and serve many important purposes as AAEE highlighted in testimony before the committee earlier this year.

Regulatory Reform: During consideration of the last FAA bill - H.R. 302, the FAA Reauthorization Act of 2018 - Congress expanded PFC streamlining provisions that previously had been available only to non-hub airports to small, medium, and large hubs to help reduce the time it takes airports to navigate the PFC application process. Unfortunately, the FAA decided to apply the expedited procedures to only a narrow range of projects at those airports.

Airports are pleased that H.R. 3935 would take corrective action and fulfil the intent of the previous FAA reauthorization bill by allowing airports of all sizes to “file a notice of intent to impose a PFC rather than file an application to do so.” This welcome provision would reduce unnecessary federal red tape and process requirements and dramatically speed up the time it takes airports to move forward with PFC-funded projects while lowering their overall costs.

The previous FAA bill included another important regulatory change designed to give airports more control over nonaeronautical land that they purchased without federal funds. Rather than implementing the proposal as intended to remove federal intervention where it was not warranted and give airports more control over land procured on their own without federal assistance, the FAA has added new process requirements that have slowed project approvals. H.R. 3935 includes welcome language that would revisit this issue by prohibiting the Department of Transportation (DOT) from regulating the acquisition, use, lease, transfer, or disposal of property that airports purchased without federal funds except to ensure safety and efficiency and that fair market value is received.

Airports are also pleased that the bill includes steps to reduce unnecessary red tape. For instance, the bill directs the FAA to take the lead on coordinating and scheduling the environmental review process with other federal agencies. And it increases the number of airport projects that are presumed to be covered by categorical exclusions. Both are reasonable steps to help prevent delays in critical safety and other airport infrastructure projects.

Small Community and Workforce Development Programs: Small commercial service airports work hard to retain and attract commercial air service to ensure their communities have access to reliable air service. The House-passed bill authorizes funds for the Essential Air Service and Small Community Air Service – two longstanding programs designed to help airports in rural and less populated areas.

We're also grateful that H.R. 3935 would take important steps to expand the aviation workforce. The measure would authorize \$15 million annually for three Aviation Workforce Development Programs aimed at increasing the number of pilots, mechanics, and manufacturing workers.

FAA Contract Tower Program: I would like to thank members of this committee for being strong supporters of the FAA Contract Tower (FCT) Program – a successful public private partnership that enhances aviation safety at GA and commercial service airports around the country. Both the House-passed bill and the pending Senate FAA reauthorization bill include welcome bipartisan proposals to address controller staffing and equipment needs at contract towers.

The recent National Airspace System Review Team report highlights the air traffic controller staffing crisis and the impact it is having on our aviation system. The report mentions that “the instability of the air traffic controller workforce in the FAA is also leading to increased instability at the FAA Contract Tower Program, which results in both greater churn and higher costs in these towers.”

Both the House and Senate versions of the FAA reauthorization bill include provisions to help address the staffing challenges at contract towers. For instance, H.R. 3935 would require DOT to work with the Department of Labor to review the outdated wage determination for controllers who serve at contract towers. Controller wages have not kept up with inflation, and we believe this review would be a key step toward fixing that deficiency.

The House-passed bill also calls on the DOT Inspector General to initiate an audit of the workforce needs of the FCT Program. The Senate version of the bill would go a step further by requiring DOT to coordinate with contractors to create air traffic controller training programs that would allow contractors to train certain controllers to stringent FAA standards.

We strongly believe that these thoughtful proposals would help address staffing challenges at contract towers. They would also help enhance the pipeline of controllers who work at FAA-staffed facilities since so many younger contract tower controllers go on to work at larger airports. In other words, proposals that help improve staffing at contract towers ultimately help enhance staffing at FAA-staffed towers.

The House and Senate bills would also take important steps to upgrade equipment in contract towers to increase situational awareness for controllers and enhance aviation safety. Considering the rise in operations at contract towers and the variety of commercial, private, student, and military pilots who use contract tower airports, it is critical that their towers have the same type of technology found in FAA-staffed towers.

Environmental Initiatives: Finally, the legislation includes provisions to help reduce greenhouse gas emissions and several initiatives to mitigate aircraft noise on local communities as AAAE and ACI-NA recommended. For instance, the bill would allow AIP funding to flow to environmental initiatives such as resiliency projections. It also proposes to expand the Voluntary Airport Low Emission program to all commercial service airports including those outside of non-attainment areas. And it calls on the FAA to coordinate with the Army Corps of Engineers to examine the resiliency of coastal airports.

Short-Term Extensions Adversely Impact Airports

Mr. Chairman, I commend the House for passing its version of the FAA reauthorization bill well before the initial September 30 deadline. Although Congress has had to pass one short-term extension, I am hopeful that you and your Senate colleagues will be able to pass a final five-year reauthorization bill before the current extension expires on December 31.

As you know, it took Congress three years and six short-term extensions before completing the previous FAA reauthorization bill in 2018. Congress passed 23 separate, short-term extensions over four-and-a-half years before it cleared the prior FAA reauthorization bill in 2012. Those numerous stop-gap measures, coupled with partial FAA shutdowns, were disruptive to airport operators who routinely saw their AIP grants delayed because of prolonged uncertainty in Washington. (Attached is a list of FAA extensions during the last 20 years that was provided by the Eno Center for Transportation.)

In previous years, the FAA has indicated that the agency needs one extension or multiple extensions with a duration of at least six months before the agency can begin distributing AIP entitlement grants to airports. And even with six months of authorization and appropriations in place, airports would only be eligible to receive a portion of their AIP entitlements early in the year.

Previously, the FAA gave airports three options during these scenarios: 1) take their AIP grants based on prorated calculations; 2) wait and see if Congress passes a multi-year FAA reauthorization bill or more extensions to get through the fiscal year; or 3) declare their intention to defer or carryover their AIP entitlements. None of those options are particularly good choices for airports.

With so many challenges facing airports and the entire aviation industry, we simply cannot afford to go through years of multiple short-term extensions. Repeated short-term extensions and FAA shutdowns make it exceptionally challenging for airport operators to plan and complete their capital projects. Funding uncertainty is particularly difficult on smaller airports and those with short construction seasons.

Impacts on Portland International Jetport: Funding uncertainty is a particular challenge for PWM and other northern tier airports with limited construction seasons and tight operational windows to complete their projects. But other airports around the country are also impacted by annual weather constraints including those in the west located at high elevations and those in the southeast and other areas of the country impacted by hurricanes.

In Portland, we need to start our pavement projects in early spring, typically in mid-May, and complete them by the end of September when the weather worsens. With such a tight operational window, even a small delay could force us to postpone a project until the next construction season in the following year. We are unable to start a paving project in Portland that can't be completed and ready for operation by the time our nearby paving plants close in the fall. The postponement of any paving project affects the operational efficiency of the airport, delays necessary safety enhancements, and dramatically increases our costs.

Some of the largest expenses tied to a major airfield project are startup costs related to mobilization, safety, and security measures, which can amount to 15 to 20 percent of the overall cost. For instance, contractors work to have all their equipment, safety/security fencing/barriers, materials, and support facilities on site, installed, and ready to go before the actual airport construction project begins. But if a construction project is delayed and contractors are forced to remobilize in the next construction season these startup costs are doubled.

Next year is a critical construction season for PWM since we are planning to reconstruct our taxiway A. This is the parallel taxiway for our primary runway 11/29 that moves aircraft from the runways to our terminal apron. We must start this \$13.3 million project on time because we have a tight seasonal weather schedule and a narrow operational timeline due to our extremely busy summer tourism season, which runs from June to October. With construction slated to begin early next year, we are already coordinating with our airline partners so they can adjust their May flight schedules and move equipment to accommodate the project.

PWM's taxiway project is just one project at one airport that could be impacted by funding delays. But it is not unique. There are many airports across the country with similar critical projects that can't move forward without funding certainty. At the end of the day, a series of short-term FAA extensions mean that airport capital projects that improve our national aviation system's efficiency and enhance aviation safety will be delayed or deferred.

From past experiences I know it is not cost effective, practical, or in some cases even possible to construct a project based on funding that is administered in partial year allotments. As you can imagine, airports are unable to use a portion of their AIP funding to purchase half of an Aircraft Rescue and Fire Fighting vehicle. And it's hard for airports to construct their infrastructure projects with only half of an already short construction season. That is why it critical that Congress pass a long-term FAA reauthorization as quicky as possible and remove the uncertainty surrounding AIP funding.

Price of Inaction

The impacts I described above are just some of the reasons why a series of short-term extensions is bad for airports like PWM that are trying to plan and complete airfield and other infrastructure projects. But there is the price of inaction, too. I already mentioned some of the provisions in the House-passed bill

that will help airports meet their infrastructure needs and improve their facilities. But those proposals will sit on the sidelines until a final FAA reauthorization bill is enacted into law.

One of the top issues facing the aviation industry today is the shortage of aviation workers. Unfortunately, proposals in the House-passed bill to help increase the pipeline of pilots, controllers, and aerospace workers will also be stuck in neutral until a final bill is cleared. The changes that lawmakers have proposed to enhance aviation safety, including those aimed at improving safety at contract tower airports, will be delayed until the FAA reauthorization bill is completed.

This year, the FAA and the aviation industry have witnessed an uncharacteristic rise of near misses and runway incursions across the National Airspace System. AAEA has joined with FAA and National Transportation Safety Board officials for discussions about the challenges the aviation industry is facing and the actions that are necessary to ensure that our system continues to operate safely.

The aviation system is in a period of intense challenge and opportunity. We have new workers and leaders, new entrants that are fundamentally changing our aviation system, and new products and technologies that can help reduce the impacts of aviation on the environment. But during this time of rapid change, we need stability and long-term certainty to carry out our traditional and future missions. Passing a multi-year FAA reauthorization bill before the current extension expires at the end of the year would help us secure that much-needed predictability.

Chairman Graves, Ranking Member Cohen, and members of the subcommittee thank you again for inviting me to participate in today's hearing and thank you for the work you have done to advance a bipartisan multi-year FAA reauthorization bill. Like my colleagues at airports around the country, I look forward to working with you and your Senate counterparts to ensure that the next FAA reauthorization bill is enacted into law as soon as possible so we can meet the challenges ahead and avoid unnecessary disruptions and delays.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION LAWS SINCE 2003

<u>Congr.</u>	<u>Bill Number</u>	<u>Time Period Covered</u>	<u>Duration</u>	<u>Signed Into Law</u>	<u>Public Law #</u>
The "Vision 100 - Century of Aviation Reauthorization Act"					
108th	HR 2115	12/12/2003 - 9/30/2007	3.8 years	12/12/2003	108-176

Short-Term Extensions of the "Vision 100 - Century of Aviation Reauthorization Act"

1	110th	HJRes 52	10/1/2007 - 11/16/2007	1.5 months	9/29/2007	110-92
2	110th	HR 3222	11/17/2007 - 12/14/2007	1 month	11/13/2007	110-116
3	110th	HJRes 69	12/15/2007 - 12/21/2007	1 week	12/14/2007	110-137
4	110th	HJRes 72	12/22/2007 - 12/26/2007	1 week	12/21/2007	110-149
5	110th	HR 2764	12/26/2007 - 2/29/2008	2 months	12/26/2007	110-161
6	110th	HR 5270	3/1/2008 - 6/30/2008	4 months	2/28/2008	110-190
7	110th	HR 6327	7/1/2008 - 9/30/2008	3 months	6/30/2008	110-253
8	110th	HR 6984	10/1/2008 - 3/31/2009	6 months	9/30/2008	110-330
9	111th	HR 1512	4/1/2009 - 9/30/2009	6 months	3/30/2009	111-12
10	111th	HR 3607	10/1/2009 - 12/31/2009	3 months	10/1/2009	111-69
11	111th	HR 4217	1/1/2010 - 3/31/2010	3 months	12/16/2009	111-116
12	111th	HR 4957	4/1/2010 - 4/30/2010	1 month	3/31/2010	111-153
13	111th	HR 5147	5/1/2010 - 7/3/2010	2 months	4/30/2010	111-161
14	111th	HR 5611	7/4/2010 - 8/1/2010	1 month	7/2/2010	111-197
15	111th	HR 5900	8/2/2010 - 9/30/2010	2 months	8/1/2010	111-216
16	111th	HR 6190	10/1/2010 - 12/31/2010	3 months	9/30/2010	111-249
17	111th	HR 6473	1/1/2011 - 3/31/2011	3 months	12/22/2010	111-329
18	112th	HR 1079	4/1/2011 - 5/31/2011	2 months	3/31/2011	112-7
19	112th	HR 1893	6/1/2011 - 6/30/2011	1 month	5/31/2011	112-16
20	112th	HR 2279	7/1/2011 - 7/22/2011	3 weeks	6/29/2011	112-21
(There was a two-week Airport and Airway Trust Fund shutdown in late July and early August 2011)						
21	112th	HR 2553	8/5/2011 / 9/16/2011	2 months	8/5/2011	112-27
22	112th	HR 2887	9/17/2011 - 1/31/2012	4.5 months	9/16/2011	112-30
23	112th	HR 3800	2/1/2012 - 2/17/2012	2 weeks	1/31/2012	112-91

The "FAA Modernization and Reform Act of 2012"					
112th	HR 658	2/14/2012 - 9/30/2015	3.5 years	2/14/2012	112-95

Short-Term Extensions of the "FAA Modernization and Reform Act of 2012"

1	114th	HR 3614	10/1/2015 - 3/31/2016	6 months	9/30/2015	114-55
2	114th	HR 4721	4/1/2016 - 7/15/2016	3.5 months	3/30/2016	114-141
3	114th	HR 636	7/16/16 - 9/30/2017	14.5 months	7/15/2016	114-190
4	115th	HR 3823	10/1/2017 - 3/31/2018	6 months	9/29/2017	115-63
5	115th	HR 1625	4/1/2018 - 9/30/18	6 months	3/23/2018	115-141
6	115th	HR 6897	10/1/2018 - 10/7/2018	1 week	9/29/2018	115-250

The "FAA Reauthorization Act of 2018"					
115th	HR 302	10/5/2018 - 9/30/2023	5 years	10/5/2018	115-254

Short-Term Extensions of the "FAA Reauthorization Act of 2018"

1	118th	HR 5860	10/1/2023 - 12/31/2023	3 months	9/30/2023	118-15
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(Source: Eno Center for Transportation)