

Congress of the United States
Washington, DC 20515

August 8, 2008

The Honorable Mary Peters
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Peters:

We write you today to share our bipartisan opposition to the Department's announcement that you intend to auction slots at Newark Liberty International Airport by September 3, 2008. Delays and congestion at Newark Liberty, the most delayed airport in the nation for much of the last 15 years, will not be reduced as a function of the slot auction. If anything, an additional daily arrival and an additional daily departure using the auctioned slots will only increase congestion.

The auctioning of slots at Newark or any airport has nothing to do with managing congestion and delay nor will it reduce the congestion. As you may recall, we collectively supported the capping of Newark Liberty last fall when the Aviation Rulemaking Committee (ARC) you convened was considering capping JFK. We believed then and continue to believe now that capping EWR has prevented the delays and congestion from getting any worse. Had JFK and LGA been capped and EWR remained "open", airlines desiring to increase service at Newark/New York would have had no choice but to fly to Newark Liberty, and it is likely that gridlock would have followed. While the delays are no better at EWR this summer, they are not significantly worse.

We recognize that some may argue that the auctioning of slots is necessary to ensure competition and reduce fares in an environment where the airport is capped, but this is simply not true. In fact, many predict fares will only go up because of auctions. As was predicted by the industry, there is a robust secondary market now that Newark is capped. In fact, a relatively new carrier, Porter, has been able to obtain several slots being given up by one of the major legacy airlines because that legacy carrier is reducing service in an effort to reduce losses that result from the high price of oil. The secondary market at Newark – which does not create the serious legal issues slot auctions would—is functioning as well and as predicted and increasing competition at the airport.

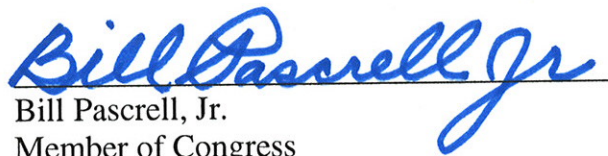
Of greatest concern to us is the possibility of the Department beginning a process that leads to increased flights at a time when the FAA's own statistics show that Newark Liberty is not operating well. Operations at the airport this summer have not improved even though DOT has claimed that they have. Ground delay programs have increased substantially year over year and the number of long taxi out times, those over 40 minutes; have increased to nearly 29% of flights from just under 27% last year. Interestingly, average taxi in times during one of the hours you are proposing to add an arrival slot – 5pm – increased by 10% in the first month after caps were

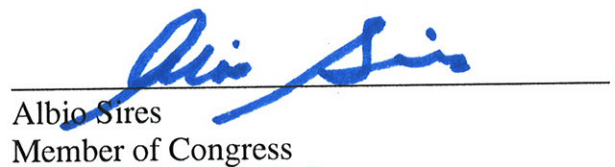
in place. Adding even one flight during the peak hours of the afternoon could have unacceptable operational ramifications.

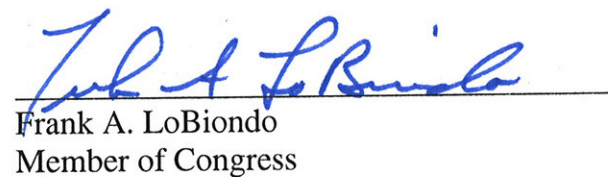
Rather than begin the process of a slot auction—an untested theory that will clearly not reduce delay or congestion—we suggest that the Department refocus its efforts on the list of 77 initiatives endorsed by the ARC. We commend the FAA for getting 12 of the “top 17” completed already, but focusing financial and personnel resources toward others on that list of 17 will be far more productive than auctioning a single slot.

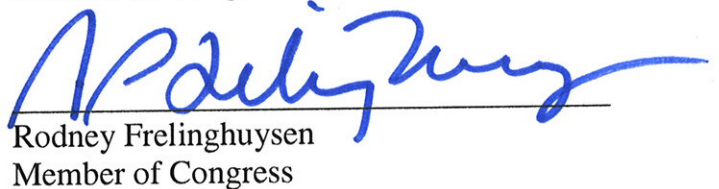
We recognize that many in the industry and on Capitol Hill are questioning whether DOT even has the authority to conduct such an auction. Those issues will be settled by the courts or through the passage of legislation by the Congress. As representatives of the great state of New Jersey, we care that the people who travel in and out of Newark Liberty, the people who work at Newark Liberty and the people who live in the vicinity of Newark Liberty are not subjected to increased noise and delays and congestion. No one can declare a victory if noise and delays and congestion are increased. We urge you to refrain from moving forward with the slot auction process. It holds no benefit for our constituents in New Jersey.

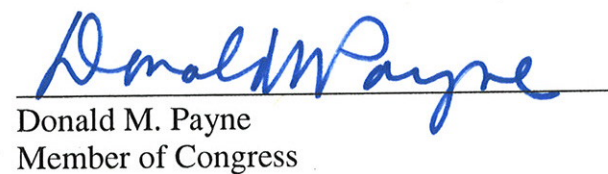
Sincerely,

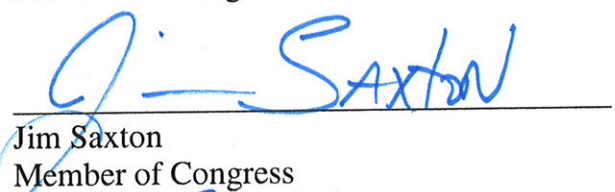

Bill Pascrell, Jr.
Member of Congress

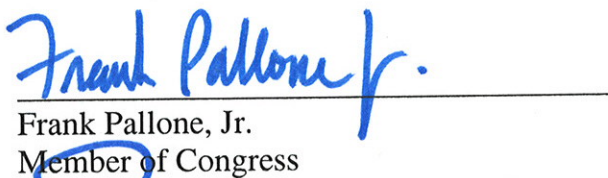

Albio Sires
Member of Congress

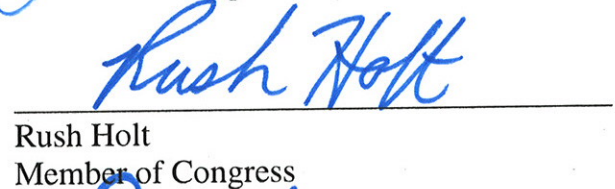

Frank A. LoBiondo
Member of Congress

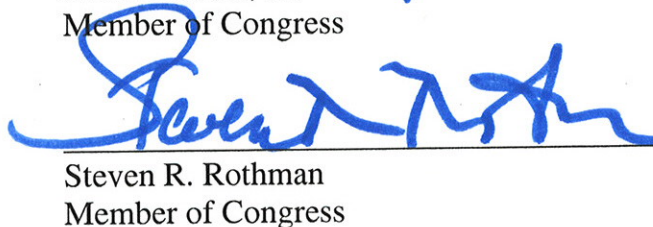

Rodney Frelinghuysen
Member of Congress

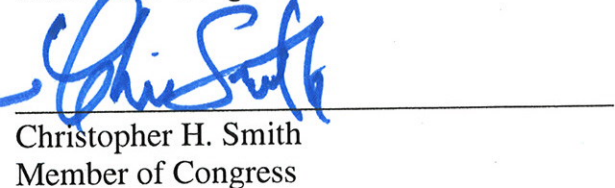

Donald M. Payne
Member of Congress


Jim Saxton
Member of Congress


Frank Pallone, Jr.
Member of Congress


Rush Holt
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Steven R. Rothman
Member of Congress


Christopher H. Smith
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