

# Congress of the United States

Washington, DC 20510

June 24, 2019

Mr. Daniel K. Elwell  
Administrator  
Federal Aviation Administration  
800 Independence Avenue SW  
Washington, DC 20591-0004

Dear Administrator Elwell:

We are writing regarding the “Prohibited Area 56 National Security Project” that the FAA and the U.S. Secret Service (USSS) presented to the DCA Community Noise Working Group (CWG) on May 23, 2019. The proposal would alter Runway 19 approach and departure procedures at Ronald Reagan Washington National Airport in order to reduce incursions into restricted airspace.

The FAA’s presentation has raised several concerns about the agency’s failure to give meaningful consideration to community interests, the absence of an environmental review, and the negative impact of proposed changes to approach procedures over residential areas.

The FAA’s Community Involvement Manual states that “the FAA is committed to open and effective public participation and regards community involvement as an important consideration in decisions that affect the public.” As presented at the CWG meeting on May 23, 2019, the FAA was notified by the USSS about the restricted airspace incursions and asked to take action in August 2018. In December 2018, the FAA invited commercial airline stakeholders for input on how to address the incursions. Astoundingly, the CWG was neither notified nor asked for input until the FAA’s presentation on May 23, 2019.

The FAA also reported at the CWG meeting that a new RNAV (GPS) approach procedure would be implemented on August 15, 2019 and that no consideration would be given to suggestions to address the negative impact on affected communities. This is especially troubling because the procedure in question has been proposed to the CWG several times in the past and was repeatedly rejected because it would further concentrate air traffic over neighborhoods and schools in Maryland, Virginia, and DC.

We have been advised that the FAA plans to use a categorical exclusion to overlay an RNAV (GPS) procedure on top of the existing Runway 19 approach procedure in order to bypass regulations outlined in the National Environmental Policy Act. As you are aware, Maryland Attorney General Brian Frosh has challenged the existing procedure. Members of the CWG have noted that it appears the FAA is using the USSS’s directive to circumvent the will of the CWG and any potential ramifications of current court proceedings. In addition, they are disturbed that the FAA is not using this opportunity to make the flight path changes that the CWG has been recommending.

Bill Wise, NATCA Performance-Based Navigation Lead for the Eastern Service Area at the FAA, explained at the CWG meeting on May 23, 2019 that more than 80% of restricted airspace

incursions occur on departures from DCA. It is unclear, then, how adding an RNAV GPS procedure to arrivals will address the problem of incursions. In fact, the FAA admitted that it does not plan to implement any changes to departures until next year. The FAA has also failed to identify the criteria it will use to evaluate the effectiveness of the planned DCA Runway 19 RNAV (GPS) approach procedure in avoiding restricted airspace.

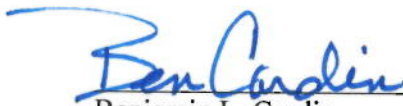
We urge the FAA to halt implementation of the proposed changes to DCA flight procedures until it can review and address the concerns of the affected communities. In addition, we are requesting the following information for each of the years 2010-18 regarding incursions into restricted airspace:


- 1) How many incursions into restricted airspace have occurred on arrivals? How many have occurred on departures?
- 2) Out of the total number of approach incursions, which incursions involved an aborted landing, a missed approach, and/or a go-around?
- 3) For each incursion, please identify:
  - a) which area the aircraft entered (P-56A or P-56B)
  - b) how far into P-56A or P-56B did the aircraft fly
  - c) which approach procedure was used by the aircraft (River Visual, RNAV (RNP), LDA-Z, LDA-Y, a "special" unpublished procedure, or another procedure)
  - d) the type of aircraft
  - e) the airline to which the aircraft belonged
  - f) the FAA's determination of the cause of each incursion (e.g., pilot error, flight management system error, etc.).

We would appreciate a written response with your findings, answers to the questions above, and a proposed solution by July 19, 2019. We are still awaiting an update on the FAA's compliance with noise and pollution mitigation measures found in the FAA Reauthorization Act of 2018. As the deadline for the proposed RNAV (GPS) procedure draws near, we trust that we will receive a prompt response to this inquiry.

We look forward to meeting with you this week to discuss solutions to the negative effects of this flight path and other performance-based navigation procedures in Maryland and across the country.

Sincerely,

  
Benjamin L. Cardin  
United States Senator

  
Chris Van Hollen  
United States Senator

  
Jamie Raskin  
United States Congressman