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THE ASSEMBLY
STATE OF NEW YORK
ALBANY

ACTION
is assigned to

CONTROL NO.
990305-019

SIMS S-10

DENIS J. BUTLER
Assistant Speaker Pro Tempore
36th District - Queens County

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CHAIRMAN
Subcommittee on the Special Problems
of the Aging

COMMITTEES
Rules
Aging
Labor
Commerce, Industry, Economic Development
Oversight, Analysis & Investigation

March 1, 1999

Hon. Rodney Slater, Secretary
United States Department of Transportation
400 Seventh Street, SW
Washington, DC 20590

Re: Docket # OST 99-4979

COMMUNICATIONS SECTION
MARCH 17 09 42 AM '99

Dear Secretary Slater:

On behalf of the residents of my district, I am writing to strongly oppose the above referenced application submitted by *Eastwind Airlines*. Specifically, *Eastwind* is requesting an exemption to the High Density Rule (HDR) so that it can initiate an additional 20 flights during peak hours at LaGuardia Airport without the cost of purchasing available slots.

As you know, the High Density Rule was established in 1968 to combat the extreme delays caused by the overwhelming demand for service to LaGuardia and four other heavily used airports by limiting the number of flights at these airports during particular hours. The High Density Rule provided tremendous relief to both air travelers and local residents from the problems that had been caused by airspace congestion and *it remains the only protection that airline passengers and residents have against a return to the problems which plagued the air traffic system in the 1960's.*

Under the High Density Rule, *Eastwind* must meet a two-part statutory test showing: (1) that the proposed service would be in the public interest, and, (2) that there are exceptional circumstances justifying the exemption. In its application, *Eastwind* has failed to satisfy either of these requirements.

As Chair of the Assembly Queens Delegation I am well aware of the benefits, in terms of jobs and tax revenue, generated by LaGaurdia Airport and John F. Kennedy International Airport, both of which are located in Queens. I am just as aware, however of the many burdens placed on Queens residents as a result of these Airports. Local residents suffer from a disproportionate amount of aircraft noise, congestion, increased

vehicular traffic and pollution. Granting more exemptions to the HDR would only serve to increase these burdens, making a bad situation worse.

While I favor improving competition and lowering air travel costs for New Yorkers and those who wish to come here, I believe that increasing the flights beyond the capacity to handle them is not the correct method. Rather than grant exemptions to HDR, I would urge the Department to reconsider reallocating slots to airlines to create a more efficient transportation system.

Therefore, I respectfully ask that you deny *Eastwind Airlines* application and that you reconsider the methodology used for determining the use of slots in this already crowded area. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Denis J. Butler".

Denis J. Butler
Assemblyman – 36th A.D.

DJB/1

cc: Hon. Claire Shulman
Hon. Joseph Crowley
Hon. Carolyn Maloney
Ms. RoseMarie Poveromo