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April 27, 2009

**Via Facsimile and U.S. Mail**

Lynne A. Osmus  
Acting Administrator  
Federal Aviation Administration  
800 Independence Avenue Southwest  
Room 1010  
Washington D.C. 20591

Dear Ms. Osmus:

New Yorkers were surprised to see a low-flying aircraft trailed by two fighter planes near lower Manhattan this morning, and even more surprised to hear that it had been authorized by the FAA.

This aerial mission – which took place without any prior notice to most New Yorkers – caused unnecessary fear, and forced thousands to evacuate their buildings in both New York and New Jersey. In light of the heightened sensitivity to low-flying commercial planes in the New York City area since 2001, I would expect that the FAA would not allow military aircraft to accompany what appeared to be a commercial jet unless there was a pressing military need.

To the contrary, the mission has been described alternately as a “photo op” and an “aerial photo mission,” neither of which would have prevented advance notice to the public. It is my further understanding that The Port Authority of New York and New Jersey, which operates our bridges, tunnels and airports, also had no advance knowledge of the mission. The FAA has said that it had “coordinated” this mission with local authorities – but that was of little use because your Agency simultaneously directed the New York City Police Department not to disclose information about this mission to the public.

Because they were caught off guard, workers at the New York Mercantile Exchange, Goldman Sachs, Merrill Lynch, and other institutions evacuated their buildings, and hundreds of others called 911 when they saw the low-flying

plane. Thousands of people filled the streets in lower Manhattan, fearing the worst. Of course, if New Yorkers had advance warning, it would have considerably minimized the high level of concern that existed this morning.

I understand that there is a need to conduct military activity – and even, under some circumstances, near lower Manhattan. However, this does not appear to have been a serious military exercise that would have required a “need to know” classification. Additionally, if this was indeed an “aerial photo mission,” it defies reason why your Agency would approve such an exercise for a Monday morning.

I ask that you urgently advise New Yorkers of the purpose of this exercise, why it needed to be undertaken in New York, and without any public notice. I also ask that you commit to considerable public advance warning before undertaking similar activities in the future.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Dan R. Garodnick", with a stylized flourish at the end.

Daniel R. Garodnick