

**U.S. Real Estate Industry Supports Bipartisan Cohen-Duncan  
“One Engine Inoperative” Amendment to FAA Reauthorization**

February 11, 2016

The Honorable Bill Shuster  
Chairman  
Transportation and Infrastructure Committee  
U.S. House of Representatives  
2251 Rayburn House Office Building  
Washington, DC 20515

The Honorable Peter DeFazio  
Ranking Member  
Transportation and Infrastructure Committee  
U.S. House of Representatives  
2164 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Shuster and Ranking Member DeFazio:

The undersigned organizations, representing the U.S. commercial, residential, hospitality, industrial, retail and other sectors of real estate, urge the Committee’s support for the bipartisan “Cohen\_091 Amendment” to the Aviation Innovation, Reform and Reauthorization Act of 2016. The amendment is sponsored by Representatives Steve Cohen (D-TN) and John Duncan (R-TN).

This amendment would require the Federal Aviation Administration (“FAA”) to follow notice and comment procedures that must accompany any agency rulemaking, in the context of a rule change regarding its so-called One Engine Inoperative (“OEI”) standards for navigable airspace. The amendment would also direct the White House Office of Management and Budget (“OMB”) to conduct, pursuant to applicable Executive Order, a cost-benefit analysis that assesses the full range of economic impacts that may arise from any ultimate OEI rule changes.

These agencies to date have skirted these rulemaking and cost-benefit requirements. The Cohen-Duncan amendment provides that any OEI changes can become final action only if they are adopted with procedural safeguards and economic analyses required by pertinent federal laws and orders.

The text of the amendment tracks bipartisan language introduced as H.R. 365, sponsored by Reps. Cohen, Gosar (R-AZ), Salmon (R-AZ), Schweikert (R-AZ) and Wilson (D-FL).

As currently drafted, the FAA reauthorization bill includes precatory language that simply requests consideration of stakeholder input in establishing OEI policy. With respect, our organizations recommend inclusion of the Cohen-Duncan amendment because it compels the FAA and OMB to take actions that ensure requisite rulemaking procedures are respected and cost-benefit analyses are completed.

We appreciate your consideration of our request, and urge that the Transportation and Infrastructure Committee vote “YES” on the Cohen-Duncan amendment.

**[SIGNATORIES ON FOLLOWING PAGE]**

**American Hotel & Lodging Association**

**American Resort Development Association**

**Building Owners and Managers Association (BOMA) International**

**CCIM Institute**

**International Council of Shopping Centers**

**Institute of Real Estate Management**

**NAIOP, the Commercial Real Estate Development Association**

**National Apartment Association**

**National Association of Home Builders**

**National Association of REALTORS®**

**National Association of Real Estate Investment Trusts**

**National Multifamily Housing Council**

**The Real Estate Roundtable**