



May 23, 2012

Dear House Conferee, Surface Transportation Reauthorization:

On behalf of AOPA's 400,000 members, I'd like to bring to your attention a concern we have with Section 100301 of S. 1813, the Moving Ahead for Progress in the 21st Century Act. This section gives unprecedented authority to the National Park Service (NPS) to regulate air tour operators and the airspace over national parks and tribal lands. We believe that this authority will effectively eliminate the air tour industry and we urge you to oppose Section 100301.

As you know, the Federal Aviation Administration (FAA) is the agency responsible for regulating air tour operators, certificated air carriers, and ensuring our airspace is safe -- not the NPS. Following a fatal accident over the Grand Canyon National Park in 1986, the National Transportation Safety Board (NTSB) determined that the FAA failed to exercise appropriate oversight over air tour operations in park airspace. Further, the NTSB determined that the NPS had inappropriately influenced the selection of air tour routes. In response, Congress enacted The Air Tour Management Act of 2000 to both protect our national parks and ensure a safe and viable air tour industry.

The Air Tour Management Act of 2000 offered a reasonable structure for allowing the NPS and the FAA to work collaboratively on park overflight issues. This Act was well thought out and came after many within the general aviation industry met over a period of nearly two years to help craft language that allowed each agency to have a very clear role in addressing air tours over the park without giving sole discretion or jurisdiction to either agency. It was somewhat precedent-setting in requiring both the Administrator of the FAA and the Secretary of the Interior to sign off on a document for each park as well as working collaboratively through the National Environmental Protection Act (NEPA) process. Left to their own devices, neither agency has proven effective in addressing these overflight issues which is why Congress saw fit to structure the Act the way it did. Section 100301 seeks to undo that philosophy by giving nearly sole discretion to the NPS.

Although the title of Section 100301 claims to make only "technical corrections" to the oversight of the air tour industry, it is nothing short of a full-scale, twenty-six page rewrite of existing law and sets a dangerous precedent for allowing any agency outside of the FAA to regulate aviation overflights of land they own or manage. Furthermore, we believe that the NPS will not be satisfied with simply regulating commercial air tours. Our experience has shown that their ultimate desire is to prohibit air tour and general aviation overflights of national park units.

We urge you to oppose Section 100301 and help protect the air tour industry and avoid setting a troubling precedent for the regulation of the nation's airspace.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorraine Howerton", written in a cursive style.

Lorraine Howerton  
Vice President  
Legislative Affairs



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Dear General Aviation Caucus Member:

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