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January 18, 2019

Mr. Jamie A. Flanders
Airspace Manager
NGB/A2/3/6/10TA
3500 Fetchet Ave
Joint Base Andrews, MD 20762

Re: *Proposal by the District of Columbia Air National Guard 113th Wing, the United States Air Force, and the National Guard Bureau to Expand, Modify, and Establish Air-to-Air Training Airspace Areas Over Northern Virginia and West Virginia.*

Dear Mr. Flanders,

The Aircraft Owners and Pilots Association (AOPA), the world's largest aviation membership association, submits the following comments in response to the initial proposal by the District of Columbia Air National Guard 113th Wing, the United States Air Force, and the National Guard Bureau to expand, modify, and establish Special Use Airspace (SUA) over Northern Virginia and West Virginia. We understand from our meetings with the military that the existing Evers MOA does not facilitate the training space required for surrounding units, and that the surrounding SUA also does not meet mission requirements. The military's proposal would expand the area of the Evers MOA from 635 square miles to a complex of adjoined MOAs that would be over 5,000 square miles in size – a 700% increase. We support the military's mission and their need to have airspace that meets their unique requirements; however, we believe the proposed expansion of the Evers MOA will have an excessive impact on General Aviation and on surrounding airports. The location of the SUA expansion is a highly trafficked area; therefore, AOPA requests the military reduce the size of their requested SUA to efficiently accommodate civil airspace users and to limit any economic impact, or to consider alternative SUA elsewhere.

New permanent airspace must be justified

As the Evers MOA expansion is still at an informal stage, we have yet to see documentation detailing airspace utilization rates or the specific justifications for why other preexisting SUA could not be utilized by military units. This information and justification is important, especially for an airspace proposal that is requesting an area nearly eight times as large as what is charted today. Additionally, it is not clear if the military aircraft that utilize the Evers MOA have changed or if their mission has changed such that it necessitates a noticeably different sized SUA. Clarification on what has changed is also important given the Evers MOA has been its current shape for many years.

Location of new airspace will have negative impact

The location of the proposed airspace expansion, although over primarily a rural area, is a highly trafficked area by transient General Aviation. Most of these aircraft are flying through that airspace going to and from the Washington, DC, area and north-south along the eastern United States. For example, the expanded airspace would limit the utilization of V-37, the 64th busiest airway in the United States. This airway alone was filed and flown thousands of times in 2015. We question why the military would expand the Evers MOA versus look to less trafficked areas that would also offer accessibility to

surrounding units. The military must note what alternative areas or preexisting SUA were also discussed for either establishing new SUA or expanding other existing SUA.

The FAA's guidance on SUA, *Procedures for Handling Airspace Matters*, JO 7400.2L, is specific on avoiding establishment of SUA in congested areas. Per para. 21-1-7, Optimum Use of Airspace, it states, "SUA should be located to impose minimum impact on nonparticipating aircraft and [air traffic control] operations. This should be balanced with consideration of the proponent's requirements. To the extent practical, SUA should be located to avoid airways/jet routes, major terminal areas, and known high volume VFR routes." Evidence points to the Evers MOA area being one of the busier airspaces for transient General Aviation and air traffic control. The burden is on the military to show why this SUA will have a minimum impact on General Aviation.

Additionally, para. 25-1-5, Location, states "MOAs should be located to create minimum adverse impact on nonparticipating aircraft operations...To the extent possible, locate MOAs...Within 100 miles of the user's base of flight origin...Outside terminal area airspace, Federal airways, charted terminal VFR routes, and known high volume VFR flyways." Joint Base Andrews (ADW), the home of the 113th Wing, is over 100 NMs from the new SUA and other unit's bases are even further. The rationale for not meeting this documented standard should be addressed. There are many existing SUA areas within 100 NMs of ADW that should be given preferential consideration and that could be shared with other military branches.

As previously noted, there are several airways that transit the proposed Evers MOA complex. The Victor Airways will be canceled as their governing VORs are decommissioned as part of the FAA's VOR Minimum Operational Network initiative. AOPA supports the VOR MON and agrees that most pilots are flying point-to-point using GPS; however, at a December 2018 meeting at the Washington ARTCC to analyze the impacts of these decommissioning's, there was concurrence that there will be a need for T-Routes to transit this area as it is designated as mountainous per 14 CFR 95 and icing is routine during winter months. The working group identified several new T-Routes that would transit the proposed airspace. These routes were drawn without consideration of the military's proposal, which may adversely affect the military's proposal and the customer of the T-Routes: General Aviation. Mitigations to address the impact of this SUA on the airways has not yet been identified. The military must be proactive and collaborate with the FAA and civil users to identify T-Routes that will ensure efficient routing and minimize the effects of any new SUA, regardless of whether it is in the Evers MOA area or somewhere else.

Aircraft circumnavigating the increased size of the proposed Evers MOA complex will increase the cost for pilots flying in this area. A flight may need to fly tens of nautical miles out of their way to avoid active SUA. The cost per hour for operating a fighter jet is not insignificant, nor is the per hour cost of a Cessna 208. We discussed this proposal with several of AOPA's Airport Support Network volunteers that are located in proximity to Evers MOA. The responses indicated concern for the large size of the SUA and for it being at the altitudes many General Aviation aircraft normally cruise at. The military should consider moving the eastern boundary of the Evers South, Evers Center, and Evers North MOA boundaries to be in line with the western boundary of the Evers Low MOA. This reduction in size would shave many miles off a reroute for civil aircraft and create a mitigation worth thousands of dollars.

Pilots need advanced notification of activation

We understand the proposal includes varying times of use:

The airspace will be charted sunrise-sunset, daily, other times by NOTAM. The military anticipates 1-2 hours of activation per day. The units expect to conduct night flying by NOTAM less than 10% of the time.

The proposal states activation of the MOAs could take place by NOTAM but fails to state how much advance notice pilots would receive. Pilots cannot adequately flight plan should this airspace be activated after they depart. Modern General Aviation aircraft can have over six hours of fuel endurance; however, having to deal with a long reroute can lead to issues of the pilot not having enough fuel and thus being forced to divert for fuel. At least four hours advanced notice is necessary to assist pilots with their flight planning and to help them avoid costly reroutes or the need for fuel diversions. This amount of time is included in many SUA legal descriptions. Furthermore, the FAA states in para. 21-2-4(b)(3)(e), “the minimum advance notice should be at least 4 hours prior to the activation time.” Therefore, we believe the times of use should be changed to “...other times by NOTAM at least 4 hours in advance.”

Any change in airspace configuration must coincide with the VFR charting cycles to ensure the flying public is aware of the change. Safety could be significantly impacted should the airspace change be made before the change is charted and widely disseminated to pilots. We appreciate the ANG’s long-standing commitment to General Aviation to ensure these steps do take place.

Requirements for lights-out training

The Evers MOA is listed as approved for lights-out training per FAA exemption 7960I, issued August 10, 2017. Lights-out training allows military aircraft to turn off their exterior lights. In this exemption the FAA notes that the use of night vision goggles limits a pilot’s ability to perform see-and-avoid; therefore, monitoring activities must be conducted to ensure participating aircraft are alerted to the presence of non-participating aircraft.

AOPA considers lights-out training to be hazardous for non-participating aircraft. First, the mitigations in place for non-participating VFR traffic are one sided. In other words, every strategy has been predicated on the ability of the military pilots to see-and-avoid civilian traffic, and for controllers to de-conflict traffic they may not be talking to. This seems to be the logical focus, as lights-out operations would make it impossible for civilian pilots to meet their obligation to perform see-and-avoid. However, the inability of the General Aviation pilot to protect himself or herself is the cornerstone of our objection. It is concerning for a pilot to completely relinquish their responsibility for their safety, and the safety of their passengers, to the pilot of another aircraft, especially one with whom they have no contact (visual or otherwise).

As the Evers MOA would be increased significantly in size and would be used for lights-out training, the military should identify how this monitoring activity will be performed to ensure no increase in risk to General Aviation aircraft flying through the airspace VFR at night. A MOA floor of 1,000 feet AGL is effectively a floor to the surface given this is mountainous terrain and for safety reasons, such as known wind shear in the area, pilots will not be flying under the MOA – they will need to fly through it. Additional justification is needed on why lights-out training could not be limited to a finite area of the complex, such as the Evers Center MOA, instead of the entire complex. Limiting the area where this activity takes place would reduce the extent of the hazard. Regardless, communicating the activities

taking place in MOAs, per FAA requirements, is important so that General Aviation pilots are aware of any hazards.

Underlying airports affected by new airspace

In reviewing the airspace proposal, we note additional public-use and private airports would underlie the SUA. In accordance with para. 25-1-4, MOA Floor, “if the MOA floor extends below 1,200 feet AGL over a charted private airport, coordination should be effected with the airport operator to determine whether there would be any conflict between the MOA activity and airport operations.” We believe it is a responsibility for the military to coordinate their proposal with Singleton Airport (97VA) and we encourage the military to engage with other private airports affected by this proposal. As a good neighbor, communicating with those affected assists with understanding the proposal and why the military is requesting the establishment of this airspace.

By increasing the dimensions of the SUA from 16 NMs by 30 NMs to 44 NMs by 80 NMs, several additional public-use airports will have overlying SUA, including: Upshur County Regional (W22); Elkins-Randolph County (EKN); Greenbrier Valley (LWB); and Ingalls Field (HSP). Although the MOA may not affect instrument approaches at these airports or the ability to fly there VFR, charting SUA can have the adverse effect of discouraging use of an airport as a fuel stop. There is documented evidence of there being a negative economic impact from establishment of military airspace over civil airports. The military should limit the size of SUA proposals to avoid overlying civil airports.

Airspace dynamic deactivation needs documentation

During preflight planning pilots can access SUA information via NOTAMs and schedule information via SUA.FAA.gov. If a pilot sees the SUA along their route of flight is scheduled to be active, the pilot has no choice but to amend their flight to fly through that area before the SUA’s activation or after it is scheduled to be inactive. The General Aviation flying public does not have access to Letters of Agreement or other information that states air traffic control will coordinate with the military to give way to IFR General Aviation aircraft to allow them access during a SUA’s scheduled utilization. It is not reasonable to think a pilot will expend the money and time to fly IFR under the possibility the scheduled time in SUA.FAA.gov is incorrect. Pilots flying IFR are trained that they should plan to not have any access to that airspace when the SUA is active, and they will delay their flight if their destination is located below the SUA.

If there is to be “flexible use” or “dynamic deactivation” of the airspace formally documented with the FAA, that arrangement should be publicly disseminated so pilots can be informed that they will be provided access with minimal delay. Without clear communication of a mitigation to the pilot community, it is effectively non-existent and ineffective. Any arrangement must be noted for each airport in FAA publications utilized by pilots.

Conclusion

AOPA recognizes and fully supports the military’s need to train as they fight. We appreciate being engaged early in the process and your willingness to enter into a dialogue about this new airspace. As we have noted, we expect significant impacts from several aspects of the proposed SUA, but we offer our ideas for mitigations and alternatives that we believe would still allow the military to conduct their mission successfully and would alleviate our concerns. Unfortunately, due to the government shutdown, we were unable to gather additional insight from the FAA so could not provide a complete assessment of the proposal.

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We look forward to future discussions and, should the proponent move forward with the proposal, submitting formal comments on the environmental and aeronautical impacts of the SUA as viewed by our many thousands of Virginia and West Virginia members. Thank you for reviewing our comment on this important issue. Please feel free to contact me at 202-509-9515 if you have any questions.

Sincerely,

A handwritten signature in blue ink, consisting of a series of connected loops and a final horizontal stroke.

Rune Duke
Senior Director, Airspace and Air Traffic