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Ms. Aleksandra Damsz
U.S. Department of Transportation
Docket Operations, M-30
1200 New Jersey Avenue S.E.
West Building Ground Floor, Room W12-140
Washington, DC 20590-0001

Re: FAA Docket No. FAA-2015-3597; Notice No. 15-06; Notice of Proposed Rulemaking for Update of Overflight Fee Rates

Dear Ms. Damsz,

The Aircraft Owners and Pilots Association (AOPA), the world's largest aviation membership association, submit the following comments in response to the Notice of Proposed Rulemaking (NPRM) for updating the overflight fee rate. AOPA is concerned the proposed rule will impose a new user fee on U.S. general aviation flights operating in the Caribbean where the FAA is the International Civil Aviation Organization designated provider of air navigation services. We believe the rule as written would discourage U.S. general aviation from flying in the Caribbean and negatively impact safety for those who would now, because of this rule, not utilize air traffic services.

Applicability of Overflight Fees to General Aviation

The authority provided by the FAA Reauthorization Act of 1996 (P.L. 104-264) that enabled the FAA to collect overflight fees was not intended to impact U.S. registered general aviation aircraft. The floor debate of the original legislation was focused on commercial air carriers and did not mention general aviation, which speaks to the Congressional intent. Following that bill's passage, the leadership of the House Transportation and Infrastructure Committee, and its Aviation Subcommittee, wrote to the FAA stating "imposing a fee on general aviation was certainly not our focus when we drafted the Federal Aviation Administration Reauthorization Act."

It is clear that Congress intended U.S. general aviation to be exempted from the overflight fees. AOPA contends that to expand this rule, or by its effect, to include U.S. registered general aviation aircraft would be beyond the scope of the authority for this rulemaking.

Cost Recovery

The Overflight Fees Aviation Rulemaking Committee (ARC) that assisted in drafting the proposed pricing scheme is composed entirely of foreign air carriers and their trade associations. According to the data provided in Tables 4 and 5, 99% of all fees collected are from foreign operators. The intent of the overflight fee rule is to capture the cost of use of FAA provided air traffic services by those aircraft that are not based out of the U.S., which is demonstrated by the FAA provided data. From the information included in the NPRM, it would appear the FAA's cost recovery model is based on the primary user, the foreign air carriers, and so should not needlessly be expanded to include U.S. general aviation that, as a minority user of the air traffic services, would not provide considerable financial assistance. A negative economic impact could be foreseen as an outcome of the expansion of this rule as general aviation pilots would be discouraged from traveling to the Caribbean or at least from using air traffic services.

The lack of representation of general aviation stakeholders on the Overflight Fees ARC is deeply concerning should the FAA impose these fees on this user group. The pricing scheme does not include any tiers so there is no acknowledgement of the difference between commercial and non-commercial operators. A Piper Seminole

with two individuals on board traveling for non-commercial purposes would incur the same fee as that of a 747 carrying 400 paying passengers.

Increase in Overflight Fees Must Correspond to Increased Exemption

Any increase in the overflight fee would need to be tied directly to an increase in exemption for U.S. registered general aviation aircraft. The proposed increases should be commensurate with an increased exempt sum as otherwise there is an increased likelihood of pilots not utilizing the service and thus a negative safety implication. AOPA is opposed to any FAA imposed general aviation user fee for air traffic control services as it would negatively impact safety and go against the Congressional intent of the original law.

The proposed reorganized Part 187.55 that deals with overflight fee billing must be changed to capture the necessary U.S. general aviation exemption. AOPA proposes language should be included in this section providing an exemption for U.S. registered aircraft operating for non-commercial purposes, whether or not they land or depart from the U.S., within the areas designated as overflight fee areas. Part 187.55(b) must also be changed to reflect the increased charges proposed by the FAA in the NPRM to ensure general aviation will still have access to air traffic services. We propose the amount set forth in Part 187.55(b) should be increased from \$250 to \$450 to ensure that general aviation is not impacted by this proposed rule.

Conclusion

Currently, general aviation is largely exempt by the relief provided in the rule that states charges less than \$250 per month are not to be collected. The new rule's increase in fees but lack of increase in exempt amount removes this relief and negatively impacts many general aviation pilots. The Congressional intent was not to impose a fee on U.S. general aviation that would be counter to economic development and safety. The current rule and the proposed rule both fail to offer the exemption that Congress had intended for U.S. general aviation. The FAA should revise their current proposal to ensure it meets that intent.

AOPA supports the FAA's goal of being fiscally sound; however, we believe this rule would negatively affect general aviation and safety and should therefore be modified. Thank you for the opportunity to comment on this important issue. Please feel free to contact me if you have any questions.

Sincerely,



Rune Duke
Director, Airspace and Air Traffic

The Aircraft Owners and Pilots Association (AOPA) is a not-for-profit individual membership organization of General Aviation Pilots and Aircraft Owners. AOPA's mission is to effectively serve the interests of its members and establish, maintain and articulate positions of leadership to promote the economy, safety, utility and popularity of flight in general aviation aircraft. Representing two thirds of all pilots in the United States, AOPA is the largest civil aviation organization the world.