



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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**Statement of Craig L. Fuller, President
Aircraft Owners and Pilots Association**

before the

**Committee on Transportation and Infrastructure's
Subcommittee on Aviation
U.S. House of Representatives**

concerning

**Residential Through-the-Fence Agreements at
Public Airports: Action to Date and Challenges**

September 22, 2010

Good morning. My name is Craig Fuller, and I am President and Chief Executive Officer of the Aircraft Owners and Pilots Association (AOPA), a not-for-profit individual membership organization representing more than 410,000 members, nearly three-quarters of the nation's pilots. AOPA's mission is to effectively represent the interests of its members as aircraft owners and pilots concerning the economy, safety, utility, and popularity of flight in general aviation (GA) aircraft.

Although GA is typically characterized by recreational flying, it encompasses much more. In addition to providing personal, business, and freight transportation, general aviation supports such diverse activities as law enforcement, fire fighting, air ambulance, logging, fish and wildlife management, news gathering, and other vital services.

Each year, 170 million passengers fly using personal aviation, the equivalent of one of the nation's major airlines, contributing more than \$150 billion to U.S. economic output, directly or indirectly, and employing nearly 1.3 million people whose collective annual earnings exceed \$53 billion. General aviation serves 5,200 public use airports as well as more than 13,000 privately owned landing facilities.

We are pleased to see the Committee hold these hearings to better understand the complexities of residential through-the-fence issues that come into play at public use airports that are either eligible for or have received development funds from the Federal Aviation Administration (FAA).

The FAA has recently published a revised policy in the Federal Register and is seeking comments from the public for a period of 45-days. AOPA believes the FAA is moving in the correct direction with both the revised policy and publication notice with 45-day comment period.

Of the nation's 5,200 public use airports, there are about 3,400 existing and proposed airports that are identified in the FAA's National Plan of Integrated Airport Systems (NPIAS) as significant to national air transportation and thus eligible to receive Federal grants through the Airport Improvement Program. As we understand it, the FAA has identified approximately 70 of these that have some residential through-the-fence access.

Clearly, when the FAA initially issued their revised policy on residential through-the-fence access at the end of 2009, the agency did not actually have a good understanding of the scope or variety of residential through the fence access agreements and other access agreements that had been issued to adjacent property owners, or the legal ramifications of the agency's actions to force the airport sponsor to terminate those agreements or face a finding of non-compliance by the FAA.

Prior to and over the ensuing year after the issuance of the initial draft policy in 2009, AOPA has worked to help the FAA Airports staff better understand the nature of the residential through-the-fence access issue, and that a “one size fits all” policy would not provide a workable solution in dealing with this issue. We are pleased to note that since our discussions began, the FAA has undertaken an aggressive effort to gain a deeper understanding of these issues and the challenges that are attached to residential through-the-fence access agreements.

It is our understanding that the FAA has now identified approximately 70 publicly funded airports that have residential through-the-fence access to the airport infrastructure from land adjacent to the airport – out of over nearly 3,400 in the NPIAS. These airports represent a small percentage of the total number of federally supported airports, and the individual nature of each of their circumstances requires the FAA to deal with them on a case-by-case basis. Again, we are pleased that the newly revised policy recognizes this concern that was raised by AOPA in our discussions.

Additionally, we are pleased to see that the newly issued FAA policy recognizes the need to maintain these airports and a willingness to accept existing access agreements. We also believe that the agency must work with each airport sponsor to implement a plan to ensure the safety and security of the airport and the public.

While the latest policy indicates that the FAA will not accept any new proposals for residential through-the-fence access, AOPA believes that the agency should not close the door completely to such proposals. There may be circumstances in the future where an agreement to allow such access would bring significant economic development opportunities to the airport without the need for significant federal investment in the airport infrastructure. Such opportunities could be valuable in ensuring the financial health of the airport, and allow it to make its highest contribution to the community. In doing so, AOPA believes that the FAA has the ability and responsibility to set the standards for such requests at a very high level in order to protect the airport, any existing federal investment, and the future safety and growth potential of the airport.

As we look forward, AOPA hopes that the newly revised policy will do much to satisfy the legitimate concerns that had been raised over the more restrictive initial draft. Individuals who seek through-the-fence access to an airport do so because they value access to an airport, and have a strong interest in keeping the airport open and in use. AOPA is far more concerned about the many residential developments that have been and continue to be built near airports that are occupied not by pilots, but by families

As we settle the issue of aviation-related residential through-the-fence development adjacent to these NPIAS airports, we hope to focus more attention on a far greater menace to the federal investment in public-use airports.

AOPA has been concerned that the time and energy focused on residential through-the-fence access, an issue that affects less than 3% of NPIAS airports, could have been better spent on the many other airport sponsors who allow non-aviation related residential development to take place around their airports. Such development is an incompatible land use that presents a grave threat to the ongoing unrestricted use of these airports. We look forward to continuing our work with the FAA and this Committee in fighting this growing problem for America's community airports.