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October 25, 2010

Randall S. Fiertz, Director
Office of Airport Compliance and Field Operations
Federal Aviation Administration
800 Independence Avenue
Washington, DC 20591

Re: Docket Number FAA-2010-0831 Airport Improvement Program (AIP): Policy Regarding Access to Airports From Residential Property

Dear Mr. Fiertz:

The Aircraft Owners and Pilots Association (AOPA) appreciates the opportunity to comment on the updated policy regarding access to airports from residential property. On behalf of our more than 405,000 members nationwide we submit the following comments for your consideration.

General Comments

In general AOPA believes that the updated policy is a much better treatment of existing Residential Through-The-Fence (RTTF) access than the previous draft compliance guidance letter from October 2009. We commend the Federal Aviation Administration (FAA) for carefully and thoughtfully examining the input provided by the aviation community and for making field visits to better understand the nuances of RTTF access as it exists today.

As you prepare to issue the final of the policy, we suggest these points for your consideration:

- We do not believe it is necessary to consult the Transportation Security Administration (TSA) on RTTF access plans, except at those few GA airports at which they may have some operational jurisdiction. Asking them to review these plans as a matter of policy creates an unnecessary intrusion into the FAA's authority, and may have unintended consequences for the future. (Para IV.A.1)
- AOPA believes the FAA must ensure that the Regional Airports Offices and ADO's understand and explain to the airports under their purview with RTTF the specific conditions and timelines for complying with the new policy as it relates to AIP projects at those airports. (Para IV.A.2)
- The draft policy states that the FAA may decline to provide AIP funds for costs associated with formal ALP revisions at airports with RTTF access. This seems contradictory in nature to having these airports come into compliance by submitting an access plan and documenting such access. Additionally, many of these airports would need to do an update of their ALP which would be both desirable from the point of view of the FAA, and eligible for funding by the agency if there wasn't RTTF associated with the airport. (Para IV.A.3)

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- We are concerned over the fate of airports that for some reason cannot meet these compliance standards for continued inclusion in the NPIAS. While compliance with these standards may be difficult or impossible for some airport sponsors due to legal or financial challenges, we suggest that their removal from the NPIAS should be based solely on the criteria that would be used for any airport's inclusion in the NPIAS, without reference to any RTTF access that may exist at the time this policy is promulgated. (Para IV.A.6)
- When considering additional RTTF access at airports covered by this policy the FAA should require an airport sponsor to acquire avigation easements from landowners that run in perpetuity with the land and are favorable to the airport. (Para III)

New Residential Through-the-Fence (RTTF) Access

While the updated policy maintains a prohibition on new RTTF access, there may be opportunities where such access could benefit a NPIAS airport. The flexibility to explore that situation is lost with the proposed additional paragraph to Grant Assurance 5, Preserving Rights and Powers. AOPA concurs with the agency that once established RTTF access is difficult to change. For that reason we suggest that the Agency establish criteria for new RTTF access similar to those outlined in Section III of the proposed policy for airports proposing additional RTTF access, to include determining that residential development would not occur within the 65 DNL dB noise contour or minimum metric exists at the time of proposal. Additionally, submission of documentation showing compliance with these criteria, the FAA's standards for compliance for any sponsor of an airport with existing through-the-fence access (Section II of the proposed policy) and a review by the FAA Airports District Office and/or Regional Airports Division and acceptance by the Manager of Airport Compliance should be an absolute prerequisite for consideration of granting RTTF access, and must be submitted and have received FAA approval prior to any advertising, IPO and/or construction taking place.

Based on the above recommendation, AOPA suggests modifying the proposed paragraph g to Grant Assurance #5 by adding "unless the Manager of Airport Compliance reviews and accepts said arrangement as meeting the Agency's requirements for residential through-the-fence access" at the end of the sentence.

Thank you for your consideration of the Association's views on this issue. If we can be of further assistance please contact us at 301-695-2200.

Sincerely,



Gregory Pecora
Vice President
Airports & State Advocacy