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June 17, 2011

Ann Urban  
Rhode Island Airport Corporation  
2000 Post Road  
Warwick, RI 02886

Re: Public Notice of Proposed Rule-Making dated May 17, 2011

Dear Ms. Urban:

The Aircraft Owners and Pilots Association (AOPA) is pleased to provide you with additional comments regarding the Rhode Island Airport Corporation's (RIAC) proposed aeronautical regulations. We appreciate your taking our previous comments into consideration in preparing the current proposal.

After reviewing the current proposed regulations we do have some concerns with Section 14 Manned Free Hot-Air Balloons. We believe that the RIAC may be overstepping their bounds in regulating balloon flights. Specifically, that the Federal Aviation Administration (FAA) has jurisdiction in the following sections:

Section 14.3.1 – In AOPA's view, 14 CFR Part 31 is specifically related to airworthiness standards for certification of balloons and is not an operational regulation per se. If RIAC wishes to require balloons operated within the State of Rhode Island to meet 14 CFR Part 31 airworthiness standards they should state that. Otherwise 14 CFR Part 91 governs balloon flight operations.

Section 14.3.3 – Our reading of the FAA's regulations, specifically 14 CFR Part 91, does not include any provision in which the operation of manned free balloons at night is prohibited. Since the FAA has jurisdiction over the National Airspace System, the RIAC seems to have overstepped its authority with this regulation. We suggest changing the wording of this section to require that balloonists operate their aircraft in accordance with applicable FAA regulations.

Section 14.3.5 – This regulation again strays into an area exclusively regulated by the FAA, and also strips the Pilot-in-Command of his or her authority under 14 CFR Part 91.3a which states "(a) The pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft." While it may be prudent to wait for wind velocities less than 10 knots, it is the PIC's determination if his balloon and crew are capable of launching in such conditions.

AOPA also recommends that RIAC specifically contact the Boston FAA Flight Standards Office to ensure that these regulations are not in contradiction to these or other existing FAA regulations or operating policies.

Again we appreciate the opportunity to comment on these proposed regulations on behalf of our 795 members in the State of Rhode Island, and appreciate your cooperation. If we can be of further assistance please contact our staff at 301-695-2200.

Sincerely,

Gregory Pecoraro  
Vice President, Airports and State Advocacy