



## AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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September 4, 2007

Ira M. Wallach, Esq.  
Associate Chief Legal Counsel  
Massachusetts Port Authority  
One Harborside Drive, Suite 200S  
East Boston, MA 02128

Re: Draft Regulations 740 CMR 30.00 AIRPORT SECURITY

Dear Mr. Wallach:

The Aircraft Owners and Pilots Association (AOPA) submits the following comments for inclusion in the record of the public hearing regarding the proposed airport security regulations for Massachusetts Port Authority-operated airports. AOPA represents more than 413,000 owners and pilot members nationwide including 7,250 in the Commonwealth of Massachusetts.

As we mentioned in our letter of August 30<sup>th</sup>, AOPA is concerned with Massport's consideration of implementing airline-style security requirements at the two general aviation airports, L.G. Hanscom Field and Worcester Regional Airport in your system. Instead of applying a one-size-fits-all approach, we believe it is appropriate to evaluate the security needs at each airport, and if necessary develop regulations specific to those needs.

With respect to the draft regulations, the following areas are of specific concern to us.

### ***30.03: Sterile Area Property Screening***

*No Person shall transport any Property into a Sterile Area or onto an Aircraft at the Airport unless such Property has first been screened by the TSA, or a Person authorized by the TSA to conduct such screening, except with the prior authorization by Massport or the TSA.*

### **AOPA's Comments**

AOPA is concerned that the clause "or onto an Aircraft at the Airport" extends the requirement for property screening beyond the reasonable federal requirement for the Sterile Area to instead cover the entire airport. The Transportation Security Administration (TSA) currently has no program in place that would authorize the TSA to conduct 100% screening of all passengers for weapons, incendiaries and explosives before boarding a general aviation aircraft. Without Congressional or regulatory oversight, the TSA has no basis to conduct 100% screening of general aviation passengers even if requested to do so by Massport.

### ***30.04: Firearms, Ammunition and Dangerous Weapons***

- (a) *No Person except federal or state law enforcement officers, United States Postal Service, United States Customs and Border Patrol and Air Carrier employees, members of the Armed Forces of the United States and Massachusetts National Guard on official duty and licensed armored truck service guards with the prior approval of the Authority, who are authorized and validly licensed to carry firearms, ammunition and explosives) shall carry any firearms or explosives on the Airport. All Persons, other than those in the excepted categories listed above, shall, while on the Airport, surrender all firearms, ammunition and/or explosives in their possession to the Officer in Charge of the State Police.*
- (b) *No Person except federal or state law enforcement officers, U.S. Postal Service, United States Customs and Border Patrol officers, or member of the Armed Forces of the United States and Massachusetts National Guard on official duty, unless authorized by the Authority, shall carry in a Sterile Area of the Airport any item or material prohibited by federal transportation security regulations (including but not limited to 49 CFR Part 1540, 49 CFR 1542) or any TSA regulation, standard, order, directive or other published guidance from being carried onto an Aircraft. No Person shall possess, either on the individual's Person or on or in her accessible Property within a Sterile Area of the Airport, any item prohibited by TSA regulations, standard, order, directive or other published guidance from being carried onto an Aircraft.*

### ***30.05 Firearms, Ammunition, Explosives, and Hoax Devices***

*Except as provided above, no Person shall possess, transport or carry a firearm, ammunition, explosive, explosive device or hoax device (as that term is defined in M.G.L. c. 266 102A1/2) on the Airport. The penalty for violation of this section shall be the maximum fine the Authority is authorized to assess.*

### **AOPA's Comments**

The ability to utilize general aviation aircraft for personal transportation is a primary reason for coming to Hanscom and Worcester airports. It is common for sportsmen who are also pilots to fly themselves on hunting trips. This will require them to access the airport with their hunting equipment to include firearms and ammunition. As currently written the draft regulations would prohibit that practice. We respectfully request that this section be rewritten to conform to current commonwealth law regarding possession and transportation of firearms to allow general aviation pilots and passengers to exercise their rights to carry firearms in personal transportation.

### ***30.27: General Aviation and Charter Passenger Screen***

*Regardless of the location of enplaning, private charter and general aviation Aircraft operators and FBO's serving private charter and/or general aviation operations at the Boston-Logan International Airport shall ensure that all Persons and property boarding private charter or general aviation Aircraft are screened for weapons, incendiaries and explosives.*

*TSA personnel or other Persons approved by the TSA, shall conduct such screening.*

*Special Aircraft operations, the security for which is provided or sanctioned and assured by a duly authorized department or agency of the federal government (e.g., United States Secret Service, Department of Defense, Department of State), at the request of such department or agency and based on the national interest, may be excepted from any or all the requirements of this section.*

### **AOPA's Comments**

#### General Aviation

TSA currently has no program in place that would authorize the TSA to conduct 100% screening of all passengers for weapons, incendiaries and explosives before boarding a general aviation aircraft. Without Congressional or regulatory oversight, the TSA has no basis to conduct 100% screening of general aviation passengers even if requested to do so by Massport.

#### Private Charter

The Transportation Security Administration has in place two programs that establish security procedures for aircraft providing charter. Massport Regulations should at most only reflect the requirement already established by the TSA. These programs are as follow:

#### TWELVE-FIVE STANDARD SECURITY PROGRAM (TFSSP)

Section 132(a) of the Aviation and Transportation Security Act (ATSA) required the Under Secretary of Transportation for Security to implement a security program for charter air carrier with a maximum certificated takeoff weight of more than 12,500 pounds. On February 22, 2002, a final rule was published in the Federal Register that required that operators conducting operations“ in scheduled or charter service, carrying passengers or cargo or both in aircraft with a maximum certificated takeoff weight of 12,500 pounds or more carry out security measures. These security measures, among others require that “certain aircraft operators conduct criminal history records checks on

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their flight crew members, and restrict access to the flight deck.” The program that outlines the security measures and requirements for these operators is known as the Twelve-Five Standard Security Program (TFSSP).

#### PRIVATE CHARTER SECURITY RULE

In the October 19, 2004, Federal Register (Vol. 69, No. 201) the TSA provided notice that requires aircraft operators using aircraft with a maximum certificated takeoff weight over 12,500 pounds, that are certificated by the FAA under 14 CFR part 125, to meet the requirements of 49 CFR 1544.101(e) or (f) and operate under a TSA security program. Part 121, 125 and 135 operators that charter aircraft with a maximum certificated takeoff weight greater than 45,500 kg (100,309.3 pounds), or with a passenger seating configuration of 61 or more, must ensure that all passengers and accessible baggage are screened prior to boarding the aircraft. Additionally, these operators must have a security program that establishes the required security components for private charter operations. The program must include use of metal detection devices, use of X-ray systems, security coordinators, law enforcement personnel, accessible weapons, criminal history records checks, training for security coordinators and crewmembers, training for individuals with security-related duties, bomb or air piracy threats, security directives, and all of subpart E of 49 CFR Part 1544 concerning screener qualifications when the aircraft operator performs screening.

Thank you for your consideration of our concerns with these draft regulations. If we can be of further assistance to you as you evaluate the general aviation security needs at Hanscom and Worcester please contact us at 301-695-2200.

Sincerely,



Bill Dunn  
Vice President  
Airports