

February 26, 2009

The Honorable Gale Rossides
Acting Administrator
Transportation Security Administration
601 South 12th Street (TSA-1)
Arlington, VA 22202-4220

Dear Acting Administrator Rossides:

The State of Alaska is the largest owner and operator of airports in this country. I felt it necessary that Alaska's significant concerns regarding the proposed changes to Large Aircraft Security Program not come just from our Department of Transportation and Public Facilities but come from me. Enclosed are the comments I have submitted.

I would appreciate your personal attention to the issues raised. Please contact me when you have reviewed these issues.

Sincerely,

Sarah Palin
Governor

Enclosure

cc: John Katz, Director of State/Federal Relations & Special Council, Office of the Governor
Leo von Scheben, Commissioner, Department of Transportation and Public Facilities

February 26, 2009

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue Southeast
West Building Ground Floor, Room W12-140
Washington, DC 20590-0001

Re: Docket No. TSA-2008-0021, Large Aircraft Security Program (LASP), Other Aircraft Operator Security Program, and Airport Operator Security Program

The Large Aircraft rules proposed by the Transportation Security Administration (TSA) will have a significant negative financial impact on Alaskan aircraft operators and on the State of Alaska, which is the largest owner and operator of airports in North America. No apparent effort was made to determine how the rules would be implemented in Alaska or to consult with state or local governments before the rules were developed. While I support TSA's efforts to reduce terrorist threats, I am concerned that implementing a broad unfunded mandate in Alaska without first understanding how it will meet Alaska's unique challenges will place a financial burden on the State of Alaska (State) and its aircraft operators without any evidence that, as applied to Alaska, it is necessary to or will protect Alaskans or national security.

Alaskans depend on aircraft and air carriers more than residents of other states. Air transportation is essential due to the great distances, remote rural villages, and lack of road systems for access to many of our communities. For many of our State residents, aircraft provide their only year-round access to basic supplies, travel, fuel, and medical services. Those most dependent on air transportation live in remote rural villages where jobs are scarce. The cost of air travel to these villages is already high. The proposed rules would increase these costs if the operators of large aircraft pass the cost of compliance with the new rules on to their rural passengers. The rules would also impose an unfunded mandate on the State of Alaska and the Municipality of Anchorage by increasing the cost of operating airports within the State.

The State of Alaska owns, operates, and maintains over 258 airports. The TSA has included six of these airports on the list of those that would be directly affected by

the new security requirements. The Municipality of Anchorage owns and operates another airport, Merrill Field, which is also on the list. But this list greatly underestimates the number of Alaska airports that serve the "large aircraft" to which the proposed rules would apply, and those additional airports would also be impacted by the proposed rules.

The TSA's actions could have profound and disastrous impacts on Alaska's vast aviation network, small air carriers, and airports, especially if they become a barrier to the use of the State's affected airports where compliance is impossible. Security law enforcement plans, personnel, training, and response would be required at airports receiving regularly scheduled flights of "large aircraft," which includes the popular Beech 1900. While two of the affected airports, Lake Hood and Merrill Field, are in Anchorage, most of the remainder are in the State's rural areas. A majority of Alaska's rural villages do not have any local law enforcement officers (LEOs) or facilities at all, or even full-time airport employees to perform the security actions that would be required by the proposed rules. Currently, the State experiences great difficulty finding candidates to serve as LEOs and staffing to maintain our larger Part 139 certificated airports that do meet current security standards. An estimated cost for security implementation under the proposed new rules falls in the range of \$400,000 per small general aviation airport. The costs could be greater for some of the State's more remote airports where even photo identification and reliable immediate electronic communication may be an issue.

Compliance with the rules may be economically unachievable for small Alaskan airports. The rules as written would put the State in a position of having to immediately apply for approvals of alternate measures. Airport LEO requirements and related costs were not addressed in the rules or with the airport operators impacted and needs to be a consideration. Since the new rules will impose substantial compliance costs on the State, and on at least one Alaska local government, that will not be reimbursed by the federal government, we ask TSA to comply with Executive Order 13132 and prepare a federalism summary impact statement after consulting with state and local government before implementing the new rules.

It is also important to point out that the lack of a road network linking many of our communities also eliminates the usual alternative of driving a little further to use a larger airport that already has a TSA approved security program. The lack of land access and small local populations would also seem to make rural Alaska airports very unlikely choices for terrorist activity.

I am also concerned that the new rules would ban all items on the TSA's current "prohibited items list" from all aircraft cabins in the future. The list contains a multitude of items that are of great importance to Alaskans, yet would be prohibited. For example, survival gear, including things on the "prohibited items list," is required by Alaska Statute to be kept on in-state aircraft for use in case of remote emergency landing. A firearm is also highly recommended on all in-state aircraft in order to defend oneself and passengers from predators. Having survival gear is both a requirement and a matter of survival due to our frequently harsh and rugged conditions and the vast distances separating our remote communities. Since many Alaskan rural communities are accessible only by air, served largely by aircraft with limited cargo space or no cargo-passenger compartment separation, implementation of the "prohibited items list" would not only conflict with emergency gear requirements, but also greatly burden transport of people and commerce. On aircraft where there is no such thing as separated "checked baggage," workers in Alaska must still transport tools and liquids that would be prohibited under the proposed rules. Considering the variety and size of items that may require such transport, a locked box is not a realistic alternative. Even emergency medical evacuation aircraft in Alaska, flying ambulances, would face passenger list approval and prohibited item issues, with no time to spare for either.

The proposed rules will impose numerous unnecessary and costly requirements on both airports and aircraft operators that are already struggling in the wake of both national and industry economic crisis. The rulemaking impacts are much more dramatic and unrealistic for implementation in Alaska where aviation is critical to our State economy and the health and safety of its people, there frequently being no alternate mode of transportation. I am concerned that the stringent measures proposed may result in air service reductions, closure of some airports, and unnecessary expenditures of limited resources in operating our airports.

In these challenging economic times, we need to carefully weigh the theoretical benefits against the costly unintended consequences when considering the imposition of new unfunded programs on airports and aviation, particularly in Alaska. It is important that practical aviation security solutions be developed that reflect the true risks to our nation.

I strongly urge the TSA to perform a thorough analysis of the actual security risks and potential threats, and gain a better understanding of the costs of this proposal prior to implementation.

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I also respectfully request that TSA establish a technical rulemaking committee that includes stakeholders, for developing appropriate and sensible security solutions that can be implemented in the future.

Thank you for your consideration.

Sincerely,

Sarah Palin
Governor

cc: The Honorable Lisa Murkowski, United States Senate
The Honorable Mark Begich, United States Senate
The Honorable Don Young, United States Congress
Gale Rossides, Acting Administrator, Transportation Security Administration
John Katz, Director of State/Federal Relations and Special Counsel, Office of the
Governor
Leo von Scheben, Commissioner, Department of Transportation and Public Facilities