



421 Aviation Way  
Frederick, Maryland 21701

T. 301-695-2000  
F. 301-695-2375

[www.aopa.org](http://www.aopa.org)

October 22, 2010

Peter A. Frazier  
General Counsel  
c/o Rhode Island Airport Corporation  
2000 Post Road  
Warwick, RI 02886

Dear Mr. Frazier:

The Aircraft Owners and Pilots Association (AOPA) represents the general aviation interests of 405,000 members, more than two-thirds of the nation's pilots – including 818 members in the state of Rhode Island. AOPA is committed to ensuring the future viability and development of general aviation airports and their facilities as part of a national transportation system.

We would like to take the opportunity to comment on the proposed Aeronautics Regulations and refer to each section by specific number. The Association is greatly concerned that there are some areas in which the Rhode Island Airport Corporation (RIAC) appears to be attempting to preempt federal regulations and promulgate other proposed rules that may have unintended consequences.

Section 5.1.1.4.1 – The requirement in this Section for a Private Landing Field owner to notify “the police and fire department of the town or city where the Landing Field is located at least twenty-four (24) hours prior to the date and time of each use or operation at the Landing Field” is analogous to the Rhode Island Water Resources Board requiring each home owner to notify their local Sewer Authority 24 hours prior to each use of their toilet. We believe this requirement is a gross intrusion into the use of private property and contrary to common sense.

Section 5.2.3 – While AOPA agrees that it is the Pilot in Command's responsibility to conduct each flight safely and in accordance with federal and state regulations, this rule improperly assigns the pilot responsibilities better assigned to the Landing Field operator.

Section 5.2.7 – Unless the RIAC intends to provide each pilot with the conditions imposed by them in the Certificate of Approval for each Landing Field, the pilot of an aircraft using the airport will have to rely on the airport owner to ensure compliance.

Section 11.1.1 – AOPA is concerned with the RIAC taking it upon themselves to inspect aircraft. What is the RIAC looking for? The RIAC is authorized to inspect aircraft operating documents such as airworthiness certificates and registration, but their capacity for inspection of aircraft is not clear to us. Do they have the training and understanding of aircraft to conduct any type of inspection outside of paperwork? If not, AOPA suggests that operational inspection of aircraft be left to the FAA's Flight Standards Inspectors who are specifically trained to conduct these types of inspections, and are charged with this responsibility under Federal regulations.

Section 12 – The entire section can be boiled down to one sentence that ultra-lights within the State of Rhode Island will be operated in accordance with 14 CFR Part 103.

Peter A. Frazier  
Page 2  
October 22, 2010

The need to notify the airport manager of the date and time of specific ultra-light operations required in Section 12.4.0 is unnecessary if the pilot of the ultra-light is complying with 14 CFR Part 103.17 as the FAA only requires prior authorization from the Air Traffic Control facility having jurisdiction over certain types of airspace (Classes A, B, C or D.) It is our opinion that this section is a violation of federal grant assurances that require the airport to be available for public use without unjust restrictions against any category or type of aircraft.

Section 12.4.7 – Terminating ultra-light operations at an airport within Rhode Island must be done in accordance with applicable FAA policy. At federally obligated airports it is important to work with the Regional Airports Office and the Flight Standards District Office to ensure that the RIAC and Airport Manager's actions are reasonable and not unjustly discriminatory. The FAA is the only agency charged with determining potential safety conflicts and allowing a cessation of a specific type of activity at the airport.

Section 12.5 – This section should be separated from the Ultra-light section as a stand-alone section.

Section 12.5.3 – There is no provision made for self-launching gliders which unfairly restricts access to the State's airports in contravention of FAA policy and grant assurances 22 a and 22 i. In addition this increases costs to glider operators who now have to pay a tow plane and pilot instead of using a winch or tractor launch at a much significantly lower cost.

Appendix – We are very concerned that the RIAC is using the aircraft registration process to impose an insurance requirement on all aircraft based in Rhode Island. We can find no authority or justification under the Rhode Island General Laws for imposing such a requirement. In addition we have serious reservations about requiring the applicants to name the State of Rhode Island and the RIAC as additional insureds, and in some cases Landmark Aviation as an additional insured on the applicant's insurance policy. We contend that this is an unreasonable requirement and assigns too great a share of any potential insurance benefits to parties not necessarily deserving of them, especially for aircraft not based at an RIAC owned or operated airport, which includes almost 45% of the total aircraft in Rhode Island.

On several of the forms in the Appendix specific personal information is requested that in an age where identify theft is a serious concern could open airmen and aircraft or airport operators to compromised personal security. We believe these forms would be public information and could be requested under a public records act request. Unless RIAC can guarantee the safety of personal information, including dates of birth, this information should not be requested on these forms since it does not appear to be relevant to the application process. Additionally, we would be interested in hearing what steps is the RIAC taking to protect this personal information.

In summation we suggest that prior to adopting these regulations appropriate offices of the FAA be asked to review them from a compliance perspective.

Thank you for your consideration of our views on these regulations. If we can be of further assistance please contact us at 301-695-2200.

Sincerely,

  
Gregory Pecoraro  
Vice President  
Airports and State Advocacy