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July 1, 2009

Ms. Catherine Lang
Acting Associate Administrator, Airports
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Ms. Lang:

The Aircraft Owners and Pilots Association (AOPA) represents the general aviation interests of more than 415,000 members, more than two-thirds of the nation's pilots. On behalf of our membership, AOPA is committed to ensuring the future viability and development of general aviation airports and their facilities as part of a national transportation system.

AOPA members are a passionate group of aviation enthusiasts spanning a cross section of airport users from the recreational flyer to the small business owner routinely using his personal aircraft for transportation to and from destinations across the country.

I recently met with the Federal Aviation Administrations' (FAA) Manager of Airports for the Northwest Mountain Region to discuss through the fence issues which has been at the forefront of our members concerns in that part of the country. Our understanding is that the FAA is attempting to conduct an inventory and develop a corrective action plan to eliminate all residential through the fence operations at public use airports with Airport Improvement Program (AIP) funding investments.

AOPA recognizes the need for the FAA to conduct a thorough analysis of through the fence activities and to establish a corrective action plan to establish parity among users and ensure rights and powers of the airport sponsor are preserved. However, we are concerned with the broad brush application of a one size fits all approach to residential through the fence activities and would strongly recommend the FAA seek input and collaboration with the aviation industry prior to a written agency policy on through the fence operations.

Of specific concern to AOPA members is the agency's intent to completely eliminate all through the fence operations that currently exist. Based on the correspondence and corrective action plans the agency has approved, airport sponsors are being required to eliminate through the fence access at the end of an agreement term or future AIP funding will be in jeopardy. Such is the case at several airports currently within the northwest mountain region.

While we understand the FAA has discouraged residential through the fence for many years, there is no written policy guidance or change that the industry is aware of that would require an airport sponsor to completely eliminate residential through the fence operations. It appears that the flexibility the agency once adopted in looking at through the fence operations on a case

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by case basis has been eliminated. Without full consideration of the legal consequences, some within the agency have made the point that by forcing the elimination of through the fence access upon a property transfer where deeded access or avigation easements exist could be considered a federal taking of property.

In many ways, residential airparks or hangar homes can provide security and economic benefits to the airport and support an overarching goal of helping the airport become self sustaining. In fact, Independence Airpark in Oregon is a stellar example of the economic benefit the adjacent airpark offers in creating a self sustaining state owned and operated airport. AOPA does recognize that there must be parity among airport users whether based on or off the airport. To that end, we support the FAA's effort to conduct an inventory of residential through the fence operations to ensure economic parity and preservation of the airport sponsors rights and powers.

However, we strongly recommend the FAA reinstitute greater flexibility into the corrective action plan process instead of attempting to implement a one-size-fits all approach by eliminating all existing residential through the fence operations. Further, we would offer that AOPA and the aviation industry could be of great support to the agency through collaboration on a policy that could potentially benefit both the airport and users in the future. To that end, we look forward to working with the agency as they adopt a policy that resolves agency concerns and recognizes the benefits that flexibility and working through these residential through the fence issues on a case by case basis offers.

Sincerely,



Heidi J. Williams
Senior Director
Airports

cc: Ms. Donna Taylor, FAA
Mr. Charles Erhard, FAA