

Testimony of  
Shelly Lesikar deZevallos  
to the  
Transportation Security Administration  
In regards to  
Proposed Large Aircraft Security Program  
Docket No. TSA-2008-0021

Houston, Texas      January 28, 2009

My name is Shelly Lesikar deZevallos. I am here on behalf of the Aircraft Owners and Pilots Association (AOPA) as the Southwest Regional Representative and as part of a family who owns and operates West Houston Airport, one of the 421 airports the TSA has recommended to be a part of the Airport Security plan outlined in this NPRM should this NPRM be implemented.

AOPA is the world's largest general aviation association and has worked with and on several committees regarding aviation issues across the country. For instance, the Aviation Security Advisory Committee Working Group on General Aviation Airport Security. In this capacity AOPA recognizes the TSA's mission. We also realize, that the proposed Large Aircraft Security Program as written is not at all appropriate for general aviation.

One perspective I chose to look at was the current public policy in place regarding general aviation to determine if the TSA LASP was in alignment with other governmental sources:

- *The 9/11 Commission report (issued July 22, 2004) recommended that the US Strategy for transportation security be predicated on a risk-based prioritization for allocating limited resources to protect transportation infrastructure in a cost-effective manner...*<sup>1</sup> **With numerous layered security measures already enacted across the United States at general aviation airports, what is more likely, a terrorist renting or stealing a rental truck, or getting on board my privately owned airplane?**

- *A 2004 GAO report regarding general aviation stated, "Increased Federal Oversight is needed, but Continued Partnership with the private sector is Critical to*

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<sup>1</sup> National commission on Terrorist Attacks Upon the United States. The 9/11 Commission Report, p. 391.

*Long-Term Success.*" <sup>2</sup> **No offense, folks, but after reading the LASP 260 page document, it is obvious there was not any Partnership with the general aviation Private Sector at all.**

- *In 2005, the ASAC concluded that "...a flexible, common sense approach to general aviation airport security is mandatory...."*<sup>3</sup> **This document has NO flexibility...it is a one size fits all...and that size happens fit if the airports are servicing commercial airline aircraft like a 737, 767 or 777 boarding at a commercial service airport.**

- *The National Strategy for Aviation Security (2007) identifies three origins or sources of threats to the air domain: terrorist groups, hostile nation-states, and criminals.*<sup>4</sup> **The FAA pilot list, which is matched against the TSA list on a periodical basis, as well as with all the other layered security approaches, have guaranteed me that the less than 600,000 American pilots today are not terrorists, nor part of a hostile nation-state or a dangerous criminal. Otherwise, we wouldn't be doing our job.**

- *According to the 9/11 Commission: America's homeland defenders faced outward (prior to 9/11). The most serious weaknesses in agency capabilities were in the domestic arena. The FBI did not have the capability to link the collective knowledge of agents in the field to national priorities. Other domestic agencies deferred to the FBI. FAA capabilities were weak.... Yet the FAA did not adjust Either its own training or training with NORAD to take account of threats other than those experienced in the past.* <sup>5</sup> **Since the issuance of this commission report, our governmental agencies have focused inward with a layered**

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<sup>2</sup> GAO. Report to the Subcommittee on Homeland Security, Committee on Appropriations, House of Representatives (November 2004). General Aviation Security.

<sup>3</sup> Elias, B. (Dec 15, 2005). CRS Report for Congress. Securing General Aviation. CRS-7.

<sup>4</sup> U.S. Department of Homeland Security, the National Strategy for Aviation Security. March 26, 2007. P. 9.

<sup>5</sup> National Commission on Terrorist Attacks Upon the United States. The 9/11 Commission Report, p. 10.

**security approach that have kept this country safe. They have placed emphasis on intelligence as a priority, where we should be spending money. If a flight training school were to call the FBI today as one did prior to 9/11, they'd be taken much more seriously.**

My point in citing all this: The TSA is not in congruence AT ALL with the past eight years of general aviation public policy according to the GAO, CSR and the National Strategy for Aviation Security. This NPRM should not have been written this way in the first place. It should have been written with industry and association cooperation, with the idea that a 'one size does not fit all' and with the realization that layered security in the general aviation field has been put in place and is effective.

As for my personal experience: I have been a pilot for over 20 years, I have worked at my family's privately-owned/public use airport "reliever airport" and am an American Citizen, born and raised here in the fine state of Texas. And I am appalled at what the TSA is proposing. For the following logical reasons:

- 1) The costs will be astronomical to my industry and are not properly addressed in this proposal.
- 2) The proposal you ascertain does not take into consideration that these are privately owned aircraft; these aircraft are NOT aircraft available to the public.
- 3) The proposal uses 3<sup>rd</sup> party audits – the outsourcing of security is contrary to other national security implementations – like federal screeners.

The costs: As if all the above comments could not make a difference, lets take a look at the proposed costs according to the TSA for my airport alone:

-Designated Airport Security Coordinator: According to the NPRM, I would need to hire a security coordinator. Since we are opened 24 hours a day, if I didn't

hire three additional personnel to be present at all times, I could be in violation of the NPRM. The average salary of security coordinator personnel is approximately \$23,500<sup>6</sup>, not including benefits.  $\$23,500 \times 3 = \$73,500$  additional cost per year in salary alone.

- TSA's estimate of training: \$1,800. Course fee of \$350, travel expenses of \$450 and ASC compensation of \$1,000. The reality: Hotel at the Crown Plaza per AAAE website training of ASC is \$129 per night – excluding taxes, etc. Since Southwest doesn't fly into Memphis, TN (using the last AAAE class on their website) I used Continental airlines as a means of travel. The rate – 3 weeks in advance – came to \$430 round trip. Already, my travel expenses are higher than TSA's....  $(129 + 430 + 50 \text{ (food allowance)}) = \$609$  by over 30%!

- Costs for implementing a secure area: physical separation from aircraft over 12,500 and those under who are not under the same rulemaking will require tens of thousands of dollars to keep the two types of aircraft separated. And will require substantial changes in our terminal building – at a cost not even included by this proposal.

Oh, did I mention, we do not received any federal funding?

These aircraft that this NPRM would apply to are privately –owned. Like my car, my plane is privately owned. In other words, I lock my plane. I have the key – no one else does. No one else flies it but my family and me. No one gets on board but my friends and family. This is NOT an aircraft available to the public in any manner.

The rules and regulations proposed are for public transportation, where people do not know each other, where the pilot does not know their passengers. Where the crew and passengers are strangers to each other.

This rulemaking has the equivalent of trying to apply rules to my privately owned SUV - is that the next step by the TSA? To monitor privately owned trucks,

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<sup>6</sup> [http://www.payscale.com/research/US/Job=Security\\_Officer/Hourly\\_Rate](http://www.payscale.com/research/US/Job=Security_Officer/Hourly_Rate)

vans and tractor-trailers– which can carry more fuel and explosives weight than most of the aircraft that would be affected by this NPRM<sup>7</sup>.

In conclusion, the NPRM as written is not a realistic rulemaking policy for the general aviation arena. I respectfully request that the TSA remove this proposal and call upon an Aviation Rulemaking Committee that will allow industry and the TSA to work together.

Thank you.

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<sup>7</sup> Elias, B. (Dec 15, 2005). CRS report for Congress. Securing General Aviation.