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DEPT. OF TRANSPORTATION
DOCKETS

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October 18, 2002

Docket management System
U.S. Department of Transportation
Room 401 Plaza Level
400 Seventh Street SW
Washington, DC 20590

RE: Docket Number FAA-2002-13235 - 4

The Aircraft Owners and Pilots Association (AOPA), representing over 385,000 members nationwide, submits the following comments in response to the Notice of Proposed Rulemaking (NPRM) to codify current flight restrictions for aircraft operating in U.S. airspace in the vicinity of Niagara Falls, NY. AOPA concurs with the codification of the Temporary Flight Restriction at Niagara Falls. The restrictions specified in the TFR are necessary to prevent congestion and reduce the risk of collision between aircraft engaged in sightseeing over the Falls.

However, AOPA is opposed to the provisions in the proposal that go beyond a simple codification of the existing TFR. These provisions would mandate actions that are currently recommended practices and are outside the scope of the restricted airspace. The proposed items are advisory and therefore inappropriate for inclusion in this regulation. Specifically, the provisions that should remain as recommendations and advisories are: 93.71(e) and (e)(1); 93.71(e)(2); 93.71(e)(3); 93.71(e)(6); 93.71(e)(7); 93.71(f); and 93.71(g).

Including the aforementioned advisory provisions in the rule is unnecessary and inappropriate and mandating them would likely create compliance and enforcement problems. Furthermore, there is no evidence that safety problems have occurred as a result of the procedures being recommended rather than mandated. In fact, the FAA states in the Economic Evaluation section of the NPRM that there have been no mid-air collisions since the issuance of the TFR and it is the FAA's belief that the current procedures have resulted in improved aviation safety.

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AOPA appreciates the opportunity to respond to this important airspace issue and we encourage the FAA to separate those items that should remain advisory from those that are regulatory in the final rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Heidi J. Williams", followed by a long horizontal line extending to the right.

Heidi J. Williams
Associate Director Air Traffic, Regulatory & Certification Policy