



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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January 10, 2005

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, S.W.
Washington, DC 20590-0001

Re: TSA-2004-19515 “Air Cargo Security Requirements”

The Aircraft Owners and Pilots Association (AOPA) representing more than 400,000 pilots nationwide submit the following comments on the Transportation Security Administration’s (TSA) Notice of Proposed Rulemaking (NPRM) for Air Cargo Security Requirements as published in the Federal Register on November 10, 2004.

AOPA contends that the TSA’s approach to air cargo security will result in adverse impacts for general aviation. The proposed cargo rule limits access and movement of people and aircraft at both TSA regulated 49 CFR §1542 air carrier and non-air carrier airports in a manner that imposes additional requirements and restrictions on general aviation operators. Based on the justification for the proposed rule, the general aviation impacts may not be intentional but must be addressed as TSA develops a final rule.

We appreciate that TSA followed the NPRM process, rather than issuing a direct and final rule. The NPRM process provides the opportunity for comments and feedback to the rule before implementation.

The NPRM applies to scheduled air cargo operations and any resulting final rule should also be limited only to scheduled operations. These security requirements should not apply to on-demand cargo operations. The random schedule of on-demand cargo operations would require virtually every airport in the national air transportation system to implement a plan to receive that operation at a moments notice. This is both impractical and not necessary for security purposes.

Impact on General Aviation Operators at TSA 1542 Airports

The NPRM requires TSA regulated 49 CFR §1542 air carrier airports with existing Security Identification Display Area (SIDA) required by §1544.205 to encompass air cargo operations (areas of the airport regularly used for cargo operations), if these areas are not already included in the SIDA. While this may not impose direct mandates for general aviation areas at TSA 1542 regulated airports. AOPA is concerned that the

practical implementation of these requirements will lead to many general aviation areas at air carrier airports to be included in the SIDA.

To maximize security, the emphasis of airport design and approved security programs has historically been to separate air carrier operation areas from general aviation and to not include these in the SIDA. General aviation areas are unique because individuals needing access to aircraft are generally not employees of companies based at the airport, but individual pilots. Many airports have found it a better use of resources to exclude general aviation areas from the SIDA because of time and distance separation from the air carrier areas. This layered approach to security, limits access points, the number of individuals needing the background check and identification requirements for the SIDA and establish clear distinctions of security areas. This has proven to be an effective and efficient manner to control access at airports and manage operations. AOPA supports this principle of airport design and encourages the TSA to consider this long-standing policy of not including general aviation in the SIDA.

Requiring these primarily general aviation areas to be included in a SIDA because of the presence air cargo operations is not necessary and we believe security can be achieved using other means. AOPA is also concerned that airports may overzealously identify the cargo SIDA or attempt to connect multiple SIDAs as a result of this requirement. This could result in unnecessarily designating general aviation facilities and parking areas as a SIDA.

At some air carrier airports, the general aviation area serves as a loading or unloading point for smaller cargo operators. Redesigning cargo/general aviation areas to apply air carrier like security measures will be costly. AOPA's concern is echoed by comments filed in the docket by Sioux Falls Regional Airport Authority that states, "to reconfigure that part of the airport completely to put all the cargo areas together and reroute general aviation traffic would be about \$750,000." The resulting re-design of airports to accommodate these new security measures will be costly, impracticable and offer no real security improvement.

AOPA Recommendation:

The TSA should use the "operational area of the aircraft" principle for air cargo operations at general aviation areas at TSA 1542 regulated airports similar to that proposed for operations at non-Part 1542 TSA regulated airports. This "operational area of the aircraft" should include the immediate footprint of the cargo aircraft and handling area with a procedure to limit unauthorized persons in the vicinity of the aircraft while it is being loaded and unloaded. This is a far better alternative than requiring the general aviation areas to become SIDA.

Docket Management System

Page 3

January 10, 2005

Impact on General Aviation Airports

The NPRM requires operators at non-air carrier airports to prevent unauthorized access to the operational area of the cargo aircraft while it is being loaded or unloaded. In addition, the operator would need to arrange for a law enforcement presence to respond to any situations that may arise.

AOPA believes the law enforcement presence will be costly and difficult to manage for smaller communities and general aviation airports. In addition, we believe TSA should clarify the term “operational area of the aircraft” so as to not unjustly limit general aviation tenants from accessing their aircraft.

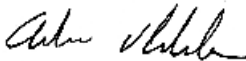
AOPA Recommendation:

AOPA recommends that TSA clarify that “operational area of the aircraft” is meant to only include the area directly around the aircraft and does not encompass the entire ramp area.

In addition, AOPA is concerned about the cost and need for requiring law enforcement presence for cargo operators at non-air carrier airports. In lieu of a law enforcement presence, TSA could establish reporting guidelines for a designated supervisor regularly employed by the cargo operator or the airport. While still performing their regular duties, this designated supervisor could be responsible for challenging an unauthorized person in the vicinity of the aircraft while it is being loaded and unloaded.

In conclusion, we strongly believe that TSA must consider the impacts to general aviation operators at both TSA 1542 airports and non-air carrier airports. It is imperative that TSA allow flexibility to ensure that airports and operators are permitted to address the unique security needs of their facilities without unjustly hindering general aviation.

Sincerely,



Andrew V. Cebula
Senior Vice President
Government and Technical Affairs