



AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES

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Transportation Security Administration Proposed Rule on General Aviation “Large Aircraft Security Program”, American Association of Airport Executives

On October 30, 2008, the Transportation Security Administration (TSA) released the Large Aircraft Security Program Notice of Proposed Rulemaking (LASP NPRM). The proposed LASP regulation would require all U.S. operators of aircraft exceeding 12,500 pounds maximum take-off weight to implement security programs that would be subject to compliance audits by TSA.

For airport operators, the proposed regulation would require airports servicing such large general aviation (GA) aircraft to implement inappropriate regulatory programs and operations. TSA anticipates that the LASP would affect 270 FAA designated reliever airports and an additional 42 non-federalized airports that regularly serve large aircraft with scheduled or public charter service as well as approximately 10,000 aircraft operators.

The LASP NPRM would have a significant financial and resource impact on GA airports across the U.S., fundamentally altering or in some cases causing the closure of GA operations without adding meaningful benefits or improvements to security. The LASP NPRM proposes several unnecessary requirements on a community of airports already struggling in the wake of a national economic crisis. As the leading trade association representing airports nation-wide, AAAE proposes that TSA reconsider the LASP as written and work closely with the GA community to establish real, practical and cost effective solutions to enhance aviation security.

The NPRM stated *reason for the proposed rule* appears to contradict TSA’s own intelligence evaluation and conclusions.

- In the NPRM, the TSA asserts “The TSA is aware that, as vulnerabilities within the air carrier and commercial aviation industry are reduced, GA operations become more attractive targets.” However, this is in direct contradiction with other, more recent intelligence analysis conducted by TSA, which concludes, “there is little evidence to suggest that terrorists are turning their attention specifically to the general aviation sector in the Homeland.”¹ This assessment appears to directly contradict the NPRM and brings into serious question the basis for this proposal.

The NPRM proposes to make mandatory what is already in place without demonstrating the efficacy of the existing combination of mandatory and voluntary initiatives.

- TSA appears to have issued this NPRM without a comprehensive vulnerability assessment of the GA industry that takes into account the effectiveness of all mandatory and voluntary initiatives implemented to date.
- The NPRM does not include a cost/benefit analysis that justifies the cost of implementing the NPRM against the efficacy of the existing voluntary and mandatory security measures in place at GA airports.

¹ (U) Civil Aviation Threat Assessment. Transportation Security Administration, Office of Intelligence. December 30, 2008 (U/FOUO).



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- The NPRM may force GA airports unable to comply with the NPRM to violate FAA Grant Assurances and be in non-compliance with federal law, possibly resulting in becoming ineligible for AIP funding or becoming subject to other punitive actions.

The NPRM constitutes an Unfunded Mandate pursuant to the Unfunded Mandate Act of 1995.

- The TSA estimates that it will cost affected GA airports \$5.5 million over 10 years, while estimating its own costs to implement the program at \$136.6 million.
- Based on a AAAE survey of 45 Reliever Airports affected by the NPRM, the TSA substantially underestimates implementation costs while overestimating airport revenues.
- In the NPRM, the TSA completely omitted one of the largest cost to GA airports, namely LEO training and on-call deployment expenses.
- Unlike the commercial air carrier aviation sector, TSA does not propose to reimburse any costs to GA airport operators to implement the NPRM or to improve security.

AAAE conducted a survey in which over 90 airports participated, including 45 of the 273 of the known Reliever Airports (“RAs”) that will be subject to the NPRM.

Highlights of the results from the AAAE survey show that:

- 24% of RAs operate 24/7 but do not have full time staff on hand;
- 64% of RAs report having to add staff to meet ASC requirements;
- 22% of RAs may have to consider giving up RA status or ban large aircraft;
- 15% of RAs will either close or consider closing if they cannot meet requirements;
- 88% of RAs will pass the cost on the aircraft operators;
- 60% of RAs estimate the annual NPRM cost more than \$40K, many over \$200K;
- 71% of RAs believe the NPRM will not improve security.