

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue, SE8
West Building, Ground Floor
Room W12-140
Washington, DC 20590-0001

RE: Notice of Proposed Rule Making (NPRM)
Docket No. TSA-2008-0021

This letter is in response to the above-referenced Notice of Proposed Rulemaking (NPRM), and shall serve as my official comment as provided for in the rule making action.

I am a (*tenant or business operator*) at the Page Field General Aviation Airport (FMY), in Fort Myers, Florida. Page Field is a designated reliever airport and provides an operational base for area business aircraft. As such, Page Field will be adversely and significantly affected by the NPRM.

The proposed rule will require Page Field to comply with arbitrary and expensive security measures, specifically:

- Development and implementation of a security program.
- Training and hiring of an Airport Security Coordinator.
- Training and hiring of additional law enforcement officers.

The airport operator, The Lee County Port Authority, has analyzed these requirements and has determined that the associated cost to meet these regulations would likely be in excess of \$150,000 annually. Page Field, along with the majority of general aviation airports, have experienced a significant decline in aircraft operations and sales during the last two years and, accordingly, airport revenues have suffered. The NPRM proposes to implement all of these costly regulations without any means of funding. This action alone constitutes an Unfunded Mandate pursuant to the federal government Unfunded Mandate Act of 1995. Airports such as Page Field will have no alternative except to pass these excessive costs along to aircraft operators and airport tenants.

The NPRM applies to airplanes as small as 12,501 pounds and provides no analytical support for the selection of this threshold. As such, the regulations would apply to some very small airplanes owned by individuals and small companies. The weight selection by the TSA appears to be more appropriately aligned with existing FAA safety and operational regulations, and was not demonstrated by the TSA to be based on a valid threat that these aircraft may pose to national security. Page Field regularly serves many aircraft weighing more than 12,500 pounds, yet less than 90,000 pounds.

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In light of these facts, it would seem reasonable to realign the application of these rules to aircraft weighing more than 100,000 pounds, thus targeting a fleet that may more likely be used to inflict harm or damage on a community and averting undue restrictions and cost on our airport.

The TSA would require all pilots of "large aircraft" to undergo a fingerprint-based criminal history records check. All passengers including aircraft owners on these aircraft would have to be checked against a no-fly list, via an approved third-party vendor. All baggage and cargo on these aircraft would have to be screened by a designated in-flight security coordinator and each aircraft operator would be subject to biennial third-party audits.

Finally, the NPRM includes a list of more than 80 "prohibited items," some of which may be routinely carried aboard business aircraft, every day hand tools are an example. This list should not simply replicate the prohibited list of commercial carriers; rather it should be eliminated or tailored in light of the unique nature of business aircraft operations.

The intent of the NPRM was stated as a measure to increase security for general aviation airports and aircraft operators. It seems that the TSA may be acting without sufficient study or an adequate understanding of the unique nature of the general aviation industry. The proposed rule is expansive, burdensome, and costly and appears to be targeted at an industry that has never been demonstrated as a threat to the nation's security.

It is vitally important that the TSA and the general aviation community work together to develop appropriate general aviation security rules that do not needlessly restrict or harm our industry. Until such time, I must voice strong objection to the TSA's NPRM and ask that the process continue until such time that the general aviation industry, airports, professional associations, and the TSA can all agree upon an effective and efficient application of security on a vital national industry.

Sincerely,