



AIRCRAFT OWNERS AND PILOTS ASSOCIATION  
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**Phil Boyer**  
President

December 1, 2005

The Honorable Marion Blakey  
Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, D.C. 20591

Dear Administrator <sup>Marion</sup> Blakey:

I am writing on behalf of the Aircraft Owners and Pilots Association's (AOPA) more than 407,000 members opposing the permanent "temporary" flight restriction (TFR) currently in effect over Vice President Richard Cheney's private residence located near St. Michael's, Maryland. This new restriction, while small in size, has raised concern within the pilot community because it abuts the 90-mile wide Washington, D.C., Air Defense Identification Zone (ADIZ); is inconsistent with the FAA's regulation on TFRs; and was issued with no opportunity for comments by the affected community. As an alternative, AOPA recommends that the FAA rescind the TFR and replace it with a Notam advising pilots to avoid the area.

As you know, pilots flying in the National Capital area have struggled with the significant operational and economic impacts the ADIZ has created. This is underscored by the nearly 20,000 pilots that have responded thus far to the FAA's proposed rulemaking to make the ADIZ permanent. This recent unilateral action of implementing this TFR only adds to the aviation community's growing exasperation with the complexity of airspace in the area.

This TFR adds to that by adversely affecting a prominent Visual Flight Rules (VFR) route and waypoint used by pilots flying from airports within the ADIZ to Easton, Maryland. In addition, because of the ADIZ, Easton, Maryland's Newnam Field (ESN) has seen a higher concentration of general aviation training activity that routinely transits the area encompassed by this new St. Michael's TFR. Inevitably, this will lead to additional pilot deviations along the Eastern Shore. In addition, AOPA has already heard concerns about access from several residents of St. Michael's who routinely commute to and from the Washington area via air travel.

Marion —  
Obviously this  
letter of opposition  
should come as  
"no surprise"  
How can security  
the FAA — ?  
people take  
AB

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The TFR does not meet the threshold of FAA's own establishment criteria for flight restrictions in the proximity of VIPs. Specifically, Federal Aviation Regulation, Sec. 91.141, Flight Restrictions in the proximity of the Presidential and other parties, states that, "No person may operate an aircraft over or in the vicinity of any area to be visited or traveled to by the President, the Vice President, or other public figures contrary to the restrictions established by the Administrator and published in a Notice to Airmen (Notam)."

While FAR 91.141 does not specify TFR duration, the intent and application have historically limited the effective times of the restrictions to the timeframe when the President or Vice President are at a location being covered by the TFR. This common-sense approach to VIP TFRs has been completely ignored with the issuance of Notice to Airmen (Notam) 5/0860, the "St. Michaels" TFR, located on the outskirts of the Washington, D.C. metropolitan area, regardless of whether the Vice President is in residence.

To resolve the problems associated with the TFR, AOPA recommends that the FAA replace the TFR with a Notam similar to that used for nuclear power plants, dams, bridges and other critical infrastructure. This concept has been used in other areas as a means to discourage pilots from flying within a specific area of airspace; however, it doesn't have the associated penalties that are associated with a TFR. We believe this strikes an appropriate balance between the interest of the security agencies and the aviation community.

AOPA is committed to supporting the efforts of the government related to security of elected officials. While we believe that light aircraft do not pose a threat to our elected officials, we have committed significant resources to notify the pilot community when a VIP Notam is issued. For example, in 2004 we sent out nearly five million emails and this year we have sent 2.3 million to notify pilots when a VIP security TFR is being implemented in their region. However, this latest action has stretched the bounds of reason and we urge the FAA to take an alternative approach.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Boyer". The signature is fluid and cursive, with a large initial "P" and "B".

Phil Boyer