

February 27, 2009

Thank you for allowing me to comment on Docket No. TSA-2008-0021. I'm happy that we live in a country in which government works with industry to co-develop the best possible regulations. Please consider these comments in that context.

I'm the 2008 National Certificated Flight Instructor of the Year, selected by the general aviation industry to represent the 92,000 flight instructors in the U.S. I have communicated directly and indirectly with several hundred flight instructors and pilots throughout the United States on the TSA's Large Aircraft Security Program. I've found the views of the flight instructors I represent to be consistent with those of pilots, of whom there are approximately 590,000 in the country. I've also read dozens of the nearly 4,000 comments that have been filed on this docket.

There is a common underlying theme among all flight instructors, pilots, and people who've filed comments regarding the NPRM. It is that this NPRM is universally opposed. It's the first time in my life that I've come across a set of NPRM comments that appears to have no one speaking in favor of a proposal. As you know, it's hard to get 100% of any group to agree on anything. Yet this proposal is so fundamentally flawed that it's supported by no one in the general aviation industry.

If, as Lincoln said in his Gettysburg Address, our "government of the people, by the people, for the people shall not perish from this earth," then I ask the TSA to strongly consider the following:

- 1) The TSA works for the U.S. government which works for the people.
- 2) The people have spoken loudly and clearly on this NPRM. It is fundamentally flawed and unacceptable.
- 3) Recognizing its obligation to the people, it's incumbent upon the TSA to scrap this NPRM and start anew.

From a top down view, the LASP proposal is totally contrary to the TSA's Mission statement: "The Transportation Security Administration protects the Nation's transportation systems to ensure freedom of movement for people and commerce." Yet the LASP proposal does nothing "*to protect the Nation's transportation system.*" General Aviation aircraft are quite secure. Most of the aircraft covered by this proposal are worth at least a few million dollars. Their owners have already taken strong measures to protect the aircraft. In fact, the general aviation industry has consistently led the development of security measure for our industry and feels that the present measures are appropriate.

Rather than "*ensuring freedom of movement for people and commerce,*" the LASP proposal totally restricts the free movements of pilots and aircraft. Essentially, it requires aircraft to get the permission of the government before conducting a flight. This would highly constrain the flexibility of aircraft and reduce their value as business tools. The theme of "loss of freedom" is one that appears frequently in the comments submitted on this docket. Our country was founded

on the principle of freedom and our citizens treasure it dearly. Your proposal to eliminate freedom partially explains why it is so vigorously opposed.

An argument could be made for the loss of these freedoms, if a program were to provide offsetting benefits, such as the reduction in risk from a known threat. Sadly, this proposal does not provide any tangible benefits.

The proposal is based on the premise that small aircraft could be used by terrorists as missiles. However, that premise is flawed. The U.S. government has already spent millions and concluded that our nuclear facilities are safe from aircraft used as missiles (see reference below). As you know, the terrorist weapon of choice has been rental trucks, which have many times the weight carrying capacity of small aircraft.

In the benefits section, the proposal says “At this time, TSA cannot quantify these benefits.” Nonetheless, the proposal includes planes as small as 12,500 pounds because “TSA has concluded in this NPRM that the security benefits of the lower weight threshold of 12,500 pounds are justified by the risk...” The proposal loses credibility by stating that there is a benefit to including 12,500 pound planes when: 1) It doesn’t state how it was concluded that there is a security benefit and 2) It states that it can’t quantify the benefits of the overall program.

The proposal is also flawed in that it takes a ‘one size fits all’ approach to aviation security. The proposal does not recognize the differences between the capabilities, mission and economics of the airlines and general aviation and “is proposing one security program that would apply to all large aircraft operators” for both the airlines and general aviation. General aviation is inherently different. The people who fly on board these planes are known to the pilot and the aircraft do not have the capability to inflict serious damage. Having a single program looks nice on paper; any business school graduate would applaud that principle. However, it appears that a single program was proposed for the TSA’s convenience to simplify the management of their programs. While convenient for TSA, this approach would saddle the general aviation industry with an ineffective program that would severely constrain our ability to conduct business.

In the view of pilots I’ve communicated with, the proposal represents the worst of government in action: it provides no increase in security, takes away the freedom of pilots to fly when and where they choose and does so at cost of \$1.9 billion, to be borne by pilots and operators.

Please recognize that there is a sea change occurring in this country and this proposal is running counter to that tide. In the wake of 9/11, the American people supported absolute security with little regard to the economic cost and reduction of freedom. Using that philosophy and the LASP proposal as a framework, a good case could be made for regulation requiring that all drivers be screened before getting into their cars and driving somewhere. In fact, most cars can carry far more weight than most general aviation aircraft, so there’s a better case to be made for securing cars and rental trucks than there is for securing general aviation aircraft.

Our new President has stated that he believes we can achieve security while protecting freedom. Yet this proposal neither increases security nor protects freedom. Implementing this proposal in

its present form would be contrary to the will of the people and would be vigorously opposed by the flight instructor and pilot communities.

I respectfully recommend that TSA engage with the general aviation industry to form a joint committee to replace this proposal in its entirety with new regulations proposed by that committee. I do not believe that mere modification of the current proposal could result in effective regulation. Thank you for listening and for striving to provide the best solutions.

Sincerely,

Max Trescott

2008 National Certificated Flight Instructor of the Year

#### References

Nuclear Energy Institute: Analysis of Nuclear Power Plants Shows Aircraft Crash Would Not Breach Structures Housing Reactor Fuel  
<http://www.nei.org/newsandevents/aircraftcrashbreach/>