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FEDERAL AVIATION ADMINISTRATION

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WASHINGTON, D.C., METROPOLITAN AREA

SPECIAL FLIGHT RULES AREA

- - -

PUBLIC MEETING

AFTERNOON SESSION

Washington Dulles Airport

Marriott

45020 Aviation Drive

Dulles, Virginia 20166

Wednesday, January 18, 2006

The meeting was convened, pursuant to notice,  
at 1:05 p.m., IDA KLEPPER, Facilitator, presiding.

1 PANEL MEMBERS:

2 IDA KLEPPER, Manager, Airman and Airspace Rules  
3 Division,

4 Office of Rulemaking, FAA

5 NANCY KALINOWSKI, Director, System Operations Airspace  
6 and Aeronautical Information Management, FAA

7 DOUG GOULD, Manager, Strategic Operations Security, FAA

8 THOMAS SMITH, Manager, Operations Regulatory Analysis  
9 Branch, FAA

10 MICHAEL CHASE, Manager, Air Traffic and Airman and  
11 Airport  
12 Certification Law Branch, FAA

13 MARK RANDOL, Acting Director of Counterterrorism Plans,  
14 DHS

15 COL. RANDY MORRIS, Director, Air Component Coordination  
16 Element, Homeland Security for First Air Force, DOD

17 ROBIN DOOLEY, Customs and Border Protection, Air, CBP

18 NELSON GARABITO, United States Secret Service

19 MICHAEL MORGAN, Advisor, Office of Security Operations,  
20 TSA

21

22

23 ALSO PRESENT:

24 NOREEN HANNIGAN, FAA

25

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## 1 P R O C E E D I N G S

2 MS. KLEPPER: Good afternoon, ladies and  
3 gentlemen. My name is Ida Klepper. I am the Manager  
4 of the Airman and Airspace Rules Division of the Office  
5 of Rulemaking of FAA, and I'd like to welcome you to  
6 this public meeting. The purpose of the meeting is to  
7 receive comments on the notice of proposed rulemaking  
8 titled "Washington, D.C., Metropolitan Special Flight  
9 Rules Area."

10 To begin this afternoon, I'd like to take a  
11 few moments to introduce our panel members and then to  
12 go over the meeting procedures. Today's panel members  
13 are: Nancy Kalinowski, Director, Systems Operations  
14 Airspace and Aeronautical Information Management, FAA;  
15 Nelson Garabito, United States Secret Service; Doug  
16 Gould, Manager, Strategic Operations Security, FAA;  
17 Colonel Randy Morris, Director, Air Component  
18 Coordination Element, Homeland Security for First Air  
19 Force; Michael Morgan, Senior Advisor, Office of  
20 Security Operations, TSA; Mark Randol, Acting Director  
21 of Counterterrorism Plans, Department of Homeland  
22 Security; Tom Smith, Manager, Operations Regulatory  
23 Analysis Branch at the FAA; Michael Chase, Manager, Air  
24 Traffic and Airman and Airport Certification Law  
25 Branch, FAA; Robin Dooley, Customs and Border Patrol,  
26

1 Air.

2 I'd also like to acknowledge that we have  
3 additional federal government officials from other  
4 agencies, such as FBI and Department of Justice, that  
5 are in attendance and are listening to your comments  
6 and suggestions also.

7 My name is Ida Klepper and I will be serving  
8 as the facilitator.

9 Immediately following the attacks of 9-11,  
10 the federal government established an area of  
11 restricted airspace to mitigate the threat of an  
12 airborne attack against key assets and critical  
13 infrastructure in the National Capital Region. At the  
14 request of DHS and DOD, on August 4, 2005, the FAA  
15 published a notice of proposed rulemaking proposing to  
16 codify the current flight restrictions for certain  
17 aircraft operations in the Washington, D.C.,  
18 metropolitan area.

19 The FAA is holding this meeting in order to  
20 provide the public an opportunity to present comments  
21 regarding the NPRM. The panel members are here to  
22 listen to the presentations and to ask presenters  
23 questions and request additional information for  
24 clarification if needed.

25 The meeting is being recorded by a court  
26

1 reporter. A verbatim transcript of the meeting will be  
2 available after February 2nd and can be ordered  
3 directly from the court reporter. Ordering information  
4 is available at the registration table. A copy of the  
5 transcript of this meeting will be placed in the public  
6 docket. Other documents that are available at the  
7 registration table are the notice of proposed  
8 rulemaking and the agenda for this meeting.

9 Please note that there is no admission fee or  
10 charge to participate in this meeting. The session is  
11 open on a space-available basis to each person who  
12 registers. An attendee list will be prepared and  
13 placed in the docket. So if you have not signed in,  
14 please do so at the break.

15 Speakers appearing on the printed agenda have  
16 submitted requests to the FAA according to the  
17 procedures that were outlined in the notice of public  
18 meetings published in the Federal Register. I will  
19 call the speakers in the order in which they appear on  
20 the agenda. If I call on a speaker and the speaker is  
21 not here at that time, I will go on to the next  
22 scheduled speaker. Periodically I will go back over  
23 the agenda to see if the absent speaker has arrived.

24 Each speaker will present their information  
25 at this podium here. For the benefit of the court

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1 reporter, before presenting your statement please  
2 clearly state your name and indicate if you are  
3 representing an association, an organization, or  
4 yourself.

5           You'll notice that today's agenda is quite  
6 full, so I will be requesting that each speaker stay  
7 within the allotted time. I apologize ahead of time if  
8 you may not have been allotted the amount of time that  
9 you had originally requested. We have attempted to  
10 accommodate as many presentations as possible in the  
11 allotted time that we have today. Please know that if  
12 it is necessary for me to interrupt your presentation  
13 you are certainly invited to submit further written  
14 comments to the docket.

15           If there are additional speakers requesting  
16 to make a presentation, please inform the staff at the  
17 registration table. We will add your name to the  
18 agenda if time permits after we have heard from all the  
19 other scheduled speakers.

20           Again, please know that we do welcome your  
21 comments and that if we do run out of time you may  
22 submit your comments in writing.

23           At the end of your presentation, members of  
24 the panel may have some follow-up questions for the  
25 speakers. Questions are intended to clarify or focus  
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1 on particular elements or concepts expressed in the  
2 presentation and to offer you an opportunity to  
3 elaborate on those areas. Questions are not intended  
4 to be a cross-examination. In the event that questions  
5 are asked beyond clarification, I will exercise the  
6 prerogative of the chair and interrupt.

7 I'd also remind speakers that panel members  
8 are here to listen and to gather information.  
9 Therefore they will not respond to questions posed by  
10 speakers or make any attempt to debate the proposals in  
11 this forum. Comments, questions, or statements made by  
12 the panel members are not intended to be and should not  
13 be considered a final position of any member's agency.

14 Last but not least, I would like to remind  
15 everyone that this is a public forum and as such any  
16 security-sensitive information should not be presented.

17

18 At this time I'd like to call on our first  
19 scheduled speaker this afternoon, Mr. Phil Boyer.

20 (Screen.)

21 STATEMENT OF PHIL BOYER, PRESIDENT,

22 AIRCRAFT OWNERS AND PILOTS ASSOCIATION

23 MR. BOYER: Well, thank you. As Ida said,  
24 I'm Phil Boyer, President of the Aircraft Owners and  
25 Pilots Association. I feel like I brought the wrong

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1 speech because I'm speaking to a lot of our members  
2 straight ahead, but my speech is the business-like one  
3 I want to present to the panel here today.

4 Just to refresh your memory, AOPA is the  
5 Aircraft Owners and Pilots Association. It was  
6 established in 1939 and many people indicate that it is  
7 the key representative of the pilots in this country.  
8 Over 400,000 are members and that's two-thirds of the  
9 nation's pilot population.

10 I would very definitely like to thank all of  
11 you for being a part of this public meeting,  
12 particularly thank Administrator Blakey, who took a  
13 request from AOPA for at least two of these meetings,  
14 and you've fulfilled that pledge and promise. The  
15 reason was because so many of the members have come to  
16 me over the last three to four years about the ADIZ and  
17 I thought that the faces, the voices, the appeals they  
18 might have would mean more than perhaps one of the  
19 largest outpourings of comments, however, that have  
20 ever occurred in the written form from our members  
21 around the country, and not just here in the D.C. area.

22 90 percent of the comments to the docket have come  
23 outside of the Washington area, mainly because they  
24 fear the same thing that was done to class B airspace  
25 here in this city could happen 29 other places around

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1 the country.

2 I was in Hawaii last week giving a pilot town  
3 meeting, a speech I do, on Thursday night and I know  
4 there many of the pilot members had written and I'm  
5 sure probably after I spoke many more are filing  
6 comments to the docket, which closes in early February.

7 But for a moment I'd like to do a pretty  
8 unbecoming thing and turn to the airlines, which are,  
9 somewhat like general aviation, they all have wings,  
10 they all fly in the air, but at the same time look at  
11 the huge difference that has occurred since the tough  
12 security rules were placed into effect right after 9-  
13 11. There's a difference between the risk-based  
14 approach you're now taking on airline security than the  
15 one we started with on 9, let's say, 15 of '01. As a  
16 result, you've allowed other things to happen.

17 What did we do? We created the TSA, the  
18 federal screener program went into effect, hardened  
19 cockpit doors were put in place. There was the watch  
20 list, very controversial, but the watch list which was  
21 put in place. Then the federal air marshal program.

22 So just as I experienced on several airline  
23 flights that I took in the last week, there is a  
24 different kind of security paradigm for the airline  
25 passenger today and the airline community than occurred

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1 right after 9-11.

2           So now let's jump back to GA security. We've  
3 been vetting the pilot database from day one and  
4 actually now have formal rules as that's concerned. We  
5 scrutinize all individuals taking flight training.  
6 Because of AOPA and the criticism, many from the media,  
7 that there was no photo on a pilot's ID, we came up  
8 with a very simple solution that every pilot, in  
9 addition to their medical and certificate, had to carry  
10 a government-issued photo ID. Can you believe, it took  
11 is nine months to get that simple idea even  
12 implemented? But today there's a photo ID.

13           The AOPA airport watch program -- and don't  
14 just credit us. Credit the 600,000 pilots of this  
15 country that, like a neighborhood watch, are looking  
16 around the airport for untoward things happening. And  
17 the TSA, the very agency represented on this panel, has  
18 an 800 toll-free number that they answer with a live  
19 operator to take any calls from people who are in the  
20 airports.

21           How about the TSA security guidelines, which  
22 many aviation organizations participated in, that are  
23 now standard at airports around the country. I'm sure  
24 you'll probably hear today from one of the panelists  
25 that Virginia, for an example, where we are now, have

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1 completed a GA security audit. The security awareness  
2 training rule, another TSA program, is all in place.

3 So as we look at that then and see all of  
4 this has gone in, then why in the world are we looking  
5 at toughening the ADIZ? In other words, we also have  
6 put in the National Capital Region, we've put in the  
7 National Capital Region such things as the command  
8 center, surface to air missiles, the visual warning  
9 system. We have the FRZ, the Flight Restricted Zone.

10 So a lot has happened, just like it has  
11 happened for the airlines, since 9-11 on GA security.  
12 And it's not just been airspace-related, it's been  
13 related to the kinds of things you took into account as  
14 you changed some of the passenger screening rules.  
15 Now, at the same time let me tell you that AOPA fully  
16 understands the need to protect our nation's capital  
17 and its valuable infrastructure. So just as the  
18 airline screening has changed, we'd like to see a  
19 change in the way we're treating the temporary rule  
20 which was put in in February of '03.

21 Now, it's not just us. You know, we turn and  
22 look at the government officials, and if you look at  
23 some of the reports that have come out, most recently  
24 the General Accountability Office now put out a full  
25 study on the ADIZ and they concluded, and I quote: "GA

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1 is unattractive to terrorists."

2           The very distinguished Congressional Research  
3 Service has just issued two reports. The latest one  
4 that just came out, quote: "The ADIZ is unnecessary.  
5 A risk assessment is needed and GA is a small risk  
6 compared to even trucks." The report also indicates  
7 that the DHS has not provided the FAA or Congress with  
8 justification for the ADIZ, something that must be done  
9 according to legislation passed two years ago.

10           Then we listen to the Secretary of Homeland  
11 Security, a Cabinet-level official, and I quote from  
12 Michael Chertof: "DHS must base work on priorities  
13 driven by risk. Our goal is to maximize our security,  
14 but not security at any price. Our security strategy  
15 must promote Americans' freedoms, privacy, prosperity,  
16 and mobility." Well, shouldn't the Secretary's  
17 statement also apply to general aviation pilots in this  
18 area?

19           You know, in the rulemaking that just came up  
20 there were 70 members of Congress, Congressmen and  
21 Senators, that expressed an interest in this very  
22 issue, including a promise for a hearing. DHS has not  
23 given Congress any risk justification for the ADIZ.  
24 The FAA has not complied, by the way, with legislation  
25 that asked for a periodic reporting requirement for the  
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1 justification.

2 I personally have a commitment from Senator  
3 Stevens and also from the House T and I Committee, so  
4 the powerful Chairman of the Senate Commerce Committee  
5 and its equivalent in the House, that early this spring  
6 we will have hearings in Congress on the ADIZ.

7 I appeal to you, to your bosses, to those who  
8 make the decisions. Let's solve this problem before  
9 Congress gets involved.

10 The ADIZ impacts you're going to hear from  
11 others on the panel to the businesses, to the pilots.  
12 You've heard them at the Columbia meeting also from the  
13 air traffic controllers. I was going to summarize  
14 those, but rather I'd like to go off script for just a  
15 second, at the fear of course of my staff that's here  
16 also, and relate a personal story. I have not related  
17 this publicly.

18 In the summer of '03 after the ADIZ was put  
19 into place, my wife and I -- and by the way, if I were  
20 the head of the PGA I'd want my wife to be a golfer.  
21 Well, I'm head of the Aircraft Owners and Pilots  
22 Association, so I got my wife finally to learn to fly a  
23 plane. We have an older 172, a typical member plane.

24 On a Sunday afternoon we flew from Frederick,  
25 which is not in the ADIZ, to Westminster and back, a

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1 typical flight to just practice touch and go landings.

2 Nowhere near the ADIZ. When we landed the FBO, the  
3 fixed base operator at the airport, said: You are to  
4 call Potomac TRACON.

5 A fearful call. I was sitting in the right  
6 seat. She was pilot in command and I made her well  
7 aware of that, so I said: You better call. And she  
8 called. She went through hell for 15 minutes, first of  
9 all explaining: I understand what the ADIZ is. And  
10 the gal says: You have flown into the ADIZ, you've  
11 gone down south of Gaithersburg, you've been tracked; I  
12 want all your pilot information, etcetera. Very rude.

13 We requested that phone call and subsequent  
14 radar tracks from the FAA, but a deal I made with the  
15 devil, I pulled back that request because I didn't  
16 personally want to win this one; I wanted our members  
17 to win. The FAA said: We will solve this so it  
18 doesn't happen again, put on about eight staff people.

19 It's happened many times -- Arizona, locally,  
20 etcetera.

21 But she went through hell. This is with her  
22 husband standing at her side who's the president of the  
23 organization that's done more education on the ADIZ  
24 than anything.

25 The next day they decided: We will use -- we  
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1 will not let this go; we are going to go ahead and call  
2 this an enforcement action. Nowhere near the ADIZ.  
3 The airplane happened to be equipped, by the way, with  
4 a state of the art system for tracking that we're going  
5 to use in the future called ADSB. Some of you may have  
6 heard of it. And I requested those tracks and it  
7 clearly said the plane was never near the ADIZ.

8 My wife, once again who it took many years to  
9 get to learn to fly, has probably flown less than ten  
10 hours in the last two years. Why? Because of this  
11 single experience. It's operationally unsound.

12 So in conclusion, the ADIZ we feel is not  
13 justified by the facts and risk analysis. There should  
14 be alternatives and benefits that are risk-based. We  
15 should look at the ADIZ requirements in light of  
16 everything else that's been done with general aviation  
17 at this time. And rest assured that our ultimate goal  
18 would be to have the ADIZ eliminated instead of going  
19 180 degrees.

20 But we also are an organization to offer  
21 alternatives. If the ADIZ is not eliminated, which is  
22 our first choice, then the FAA should recognize the  
23 size and scope of a general aviation airplane. I've  
24 given you an example here of a typical 172, my wife's  
25 former plane, on top of an air transport category

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1 aircraft and the size and scope of what we're talking  
2 about in terms of delivery of explosives, in terms of  
3 damage, etcetera.

4           There may be other mitigation besides perhaps  
5 weight and speed requirements. Once again, we're a  
6 solutions-oriented organization. We're not somebody  
7 saying we don't want anything to happen. We are aware  
8 of the nation's infrastructure. So we would like to  
9 work to solve a problem that is a problem for a great  
10 number of pilots, businesses and also our air traffic  
11 control system.

12           Once again, on behalf of our over 400,000  
13 members, all concerned, very concerned with the outcome  
14 of this matter, let me thank you for your attention and  
15 consideration and implore you not to take a bad idea  
16 and make it permanent.

17           Thank you.

18           (Applause.)

19           MS. KLEPPER: Thank you, Mr. Boyer. If  
20 you'll wait for just a moment, let me make sure. Do  
21 any of the panel members have any questions?

22           (No response.)

23           MS. KLEPPER: Thank you, Mr. Boyer.

24           Our next scheduled speaker is David  
25 Wartofsky, Potomac Airfield.

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1 (Screen.)

2 STATEMENT OF DAVID WARTOFSKY, POTOMAC AIRFIELD

3 MR. WARTOFSKY: Uh-oh, it's Wartofsky again.

4 Okay, the initial slide here is just  
5 basically to give you an idea, for those of you who are  
6 unfamiliar with the airspace, with the 15-mile FRZ, the  
7 ADIZ outside, and our rather unusual location,  
8 conveniently between Andrews Air Force Base and the  
9 White House.

10 Next slide.

11 (Screen.)

12 Basically, I'm going to briefly review: Is  
13 there a threat? If there is, what can we do about it?  
14 How can we make it work? And I'm also going to  
15 briefly review what doesn't work.

16 Next slide.

17 (Screen.)

18 In the TSA's statement for the State of  
19 Aviation Administration Conference in Iowa was:  
20 "Frankly, we don't see any general aviation threat.  
21 We're really just looking for a good story for  
22 Congress."

23 A threat analysis that was done by a senior  
24 Defense Intelligence Agency analyst that is available  
25 on my web site, [potomacairfield.com](http://potomacairfield.com), dated February

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1 2002, concludes that a ground vehicle is a better  
2 delivery platform than a light aircraft and, given  
3 their limitations as vehicles of destruction, security  
4 risks from GA aircraft are negligible.

5 But there still may be a threat and the fact  
6 that that exists basically creates a political reality  
7 and a moral obligation that requires us to address that  
8 threat, however small it may be, in the National  
9 Capital Area, which then leads to the next slide.

10 (Screen.)

11 Which is, what can we do about it  
12 realistically? Before I go into this question, I have  
13 to ask the question: Is there anyone in the audience  
14 that actually thinks that rules or little marks on a  
15 map stop a terrorist?

16 (No response.)

17 Okay, we've gotten past that point, good.  
18 What actually stops a terrorist is what's outlined  
19 here, which is actually what's inside that airspace.  
20 What really stops a terrorist is basically air-to-air  
21 defense or surface-to-air defense, the threat of  
22 destruction. Nothing else really matters to real  
23 terrorists.

24 Next slide.

25 (Screen.)

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1           Things can go wrong. This is to be avoided  
2     at all costs. A missionary family was shot down in  
3     Peru in April 2001. Quote: "A Peruvian interceptor  
4     jet opened fire on a Cessna 185 float plane. The  
5     American missionary Veronica Bowers and her seven-  
6     month-old baby daughter Charity were killed instantly  
7     as bullets tore through the fuselage."

8           Next slide.

9           (Screen.)

10          So the real problem -- and this is really,  
11     this is nothing that no one on the panel doesn't know,  
12     but this is for the public to understand. The real  
13     problem is that the armed defenders cannot tell friend  
14     from foe. As you can see in this example, a radar  
15     system merely provides a bunch of little targets that  
16     has different information attributed to it, and the  
17     problem is is that if you actually are dealing with a  
18     concern that you have, the fellow in the red on the  
19     right and the fellow in green on the left, is how to  
20     tell the difference.

21          Next slide.

22          (Screen.)

23          So as a conceptual review, what we'd really  
24     like to see is sort of what I call a magic radar. The  
25     magic radar, instead of providing radar targets, would

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1 actually provide information that would tell you friend  
2 from foe.

3 Next slide.

4 (Screen.)

5 So there are essentially three options, and  
6 I'll go into the magic radar in a little more detail.  
7 Solution number one is basically you have this magic  
8 radar that works by special procedures that allows  
9 those who are observing and defending the area not to  
10 worry about friendlies, to focus on unknown radar  
11 targets, to shoot only the targets known to be a  
12 threat. That's essentially the Flight Restricted Zone.

13 (Screen.)

14 Solution number two, the ADIZ, is to make  
15 everyone follow the same rules, to suspect everyone, to  
16 penalize anyone that makes a mistake against those  
17 rules, and you really have no idea what the differences  
18 are. In fact, a friend suggested I take the mailbox  
19 off because the only form of defense in the defense in  
20 the ADIZ is a nasty letter from the FAA.

21 (Screen.)

22 The third option essentially is to restrict  
23 all movement, suspect everyone, shoot anyone that  
24 enters the area. The problem with that obviously is  
25 that's not supported by anyone. There would be a lot

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1 of paperwork.

2 So let me go back.

3 (Screen.)

4 So let me describe what I call the magic  
5 radar. Within this area, the FRZ defenders can tell  
6 friend from foe. That's the difference. Friends get  
7 what the military calls safe passage past the real  
8 defenses. Pilots are preapproved for a security  
9 clearance that is actually quite reasonable if  
10 implemented correctly, and approved pilots are given  
11 means to authenticate so that their movements in that  
12 area are of no concern. Again, the military calls  
13 these safe passage procedures. What this does, for  
14 those who are looking at radar scopes and concerned  
15 about having to shoot something down, is it assures in-  
16 cockpit control by a trusted agent.

17 In that same area, your foe without the  
18 security clearance has no ability to generate  
19 authenticated airspace clearance and cannot obtain safe  
20 passage past the defenses, essentially making the  
21 defended FRZ airspace too dangerous for anyone without  
22 the clearance.

23 Next one.

24 (Screen.)

25 So what goes on is in this magic radar,

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1 essentially a real attacker, you only know two things  
2 about them: they must be airborne and they must be  
3 attacking. They're not a threat if they're having  
4 lunch. This requires that they're flying toward their  
5 target. So the first objective of a real defender is  
6 to watch airspace, looking for airborne movements  
7 approaching the area with or without a transponder.

8 Next one.

9 (Screen.)

10 Yeah, okay. What this magic radar does  
11 essentially for the person at the radar scope is it  
12 allows them to pinpoint threats. The first task, which  
13 is otherwise mostly workload, is to identify trusted  
14 agents in control of the aircraft. You can subject  
15 them out from workload; they're not a threat; you know  
16 who they are.

17 The second category of radar target you see  
18 is something that is unknown. Chances are they're just  
19 lost. In fact, what's the count, 2,000, 3,000 now?  
20 The objective there is, since you don't know who they  
21 are, not really, all you can do is basically head them  
22 off, and they either cooperate with air traffic control  
23 or they're chased off by nice shiny Blackhawks.

24 If they fail to be chased off or they fail to  
25 cooperate with air traffic control, now they're

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1 beginning to convey intent to commit imminent harm and  
2 they're more likely a threat. Basically, you have  
3 escalating responses to that threat that actually can  
4 do something about it.

5           Let's see. Yes, okay. So the Flight  
6 Restricted Zone essentially is the magic radar. It  
7 answers the fundamental question for the radar observer  
8 and for the defender: Who goes there? It removes the  
9 friendlies as a concern and makes unknown radar targets  
10 more obvious. The FRZ is nothing more than an airspace  
11 boundary warning pilots not to enter the area without  
12 authorization and it provides a safety buffer around  
13 armed defenses. It's been working essentially since  
14 February '02, with a little confusion here and there.

15           Next.

16           (Screen.)

17           The next solution is essentially the ADIZ,  
18 where the same rules apply for everyone. The ADIZ  
19 defenders cannot tell friend from foe. All they know  
20 is that people have followed the rules. The friend and  
21 foe follow the same ADIZ procedures and the radar  
22 targets remain totally unknown. There's a very high  
23 workload in the ADIZ and there's actually no security  
24 benefit, just workload.

25           Next.

26

1 (Screen.)

2 So this magic radar, this FRZ, enhances  
3 security and it restores needed access, but, like  
4 everything, there's a catch. The catch is that a  
5 continuous 30-mile FRZ would be economically  
6 catastrophic and operationally catastrophic for those  
7 of you air traffic controllers in the room.

8 (Screen.)

9 So the modest proposal essentially is to pop  
10 out this FRZ or to pop out this magic radar when  
11 needed. You replace the current ADIZ with something  
12 called National Security Airspace. It merely defines  
13 the boundary of airspace that under emergency  
14 conditions the airspace would go to. You make it easy  
15 to avoid by defining it as a circle around a NAVAID,  
16 which is the way pilots actually navigate. It expands  
17 to a predictable boundary during an emergency and all  
18 pilots are welcome to apply for clearance at any point,  
19 so that should this airspace have to go up they will  
20 not be interfered with because they are not a threat,  
21 which is the point of the security clearance.

22 The pilot approvals could also be used for  
23 passage through other areas of concern. The FRZ only  
24 expands during declared emergencies, not casually, not  
25 permanently. When there's no emergency, good guys come  
26



1 and go normally. In fact, implemented correctly, it's  
2 child's play. I've briefed almost 500 pilots on it.  
3 When the emergency is declared, the good guys can still  
4 come and go easily, but the bad guys dare not because  
5 the defenses go active, which becomes a real solution  
6 that is effective and is sustainable.

7 (Screen.)

8 Which leads then to the next question -- a  
9 little history. In the Clinton administration,  
10 Presidential Decision Directive 62 made the Secret  
11 Service lead agency in national security special events  
12 in the National Capital Area. The Secret Service is  
13 knowledgeable about threats and one of the objectives  
14 was to provide a means to the executive office to  
15 exercise the emergency executive authority as  
16 necessary. A similar policy continues.

17 So the answer to who decides is the executive  
18 office declares the emergency.

19 Who should lead in determining friend from  
20 foe? Customs and Border Patrol/AMO -- I know the name  
21 keeps changing; I think I've got it right now --  
22 basically already coordinates radar and pilot  
23 information in the National Capital Area, already has  
24 operational assets for doing all of this for both  
25 airborne tracking and interdiction, has access to all

26

1 relevant intelligence in the matter. CBS -- I'm sorry  
2 -- CBP knows the friendlies, they know when not to  
3 shoot, which is rather important, they know what really  
4 counts operationally and, frankly, they've been doing  
5 it for decades around all the borders around the  
6 country.

7 So the second part of that is Customs is the  
8 one who decides when not to shoot.

9 Now I'm going to take a moment to explode  
10 some myths. Next.

11 (Screen.)

12 What was the basis of the 15-mile FRZ? It  
13 was basically built on false assumptions. It was used  
14 to buy down the 25-mile temporary flight restriction  
15 against Washington, D.C., and it was offered as a  
16 political compromise. It was tolerated for reasons  
17 frankly of military preparedness and the false  
18 assumptions were tolerated basically to allow a  
19 prototype for emergency airspace.

20 Where did the ADIZ come from? The ADIZ came  
21 from a moment of hysterical -- of historical hysteria,  
22 nothing more than a false half-move forward by -- well,  
23 frankly, it was a move that stunned the security  
24 agencies. During the emergency they expected airspace,  
25 the FRZ, to pop up so that it would reduced

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1 unidentified airborne targets in the National Capital  
2 Area.

3 Next slide.

4 (Screen.)

5 What doesn't work? I have to do this.

6 Next slide.

7 (Screen.)

8 The ADIZ procedure fails. It only assures  
9 everybody follows the same rules, which may be  
10 important to the FAA, but is not a matter of national  
11 security. It cannot tell apart friend from foe. It  
12 cannot authenticate pilots and it cannot assure in-  
13 cockpit control.

14 Next slide.

15 (Screen.)

16 Airport security fails where only legitimate  
17 pilots are following rules or constrained by ground  
18 security. As you will notice the little heads, they  
19 can jump over fences, they can enter airports any  
20 number of ways. So airport security fails.

21 Next slide.

22 (Screen.)

23 The other question is, airport security  
24 where? Terrorists using an aircraft can take off from  
25 anywhere, at any time. Predictable security at a few

26

1 specific locations on the ground is ineffective.

2 Next.

3 (Screen.)

4 Where can an air attack come from? From  
5 anywhere.

6 Next slide.

7 (Screen.)

8 So what should be done is to move to the more  
9 effective airspace protocol, essentially a pop-out FRZ,  
10 move away from ineffective ground security, stop doing  
11 things that don't work, such as security at a few  
12 airports during limited hours, filing flight plans  
13 without authentication, tagging radar targets with no  
14 objective, penalizing the innocent for government-  
15 induced confusion. Give one agency the lead to  
16 identify friend or foe so that they don't shoot the  
17 innocent.

18 Next.

19 (Screen.)

20 Something the public needs to understand is  
21 that government agencies are politically compelled to  
22 keep doing something more until they're told  
23 specifically to do otherwise. The only way they can be  
24 told specifically to do otherwise, for your information  
25 -- stop and think about it -- is by the people, through  
26

1 either due process, rulemaking such as this, public  
2 oversight, public accountability, or through their  
3 elected officials, which is the U.S. Congress, issuing  
4 specific legislation, or the executive office issuing a  
5 White House directive.

6 Next slide.

7 (Screen.)

8 I'm going to review just briefly to put the  
9 current ADIZ in perspective. What can go wrong? This  
10 is the missionary family shot down in Peru. My  
11 printout is messed up, so I'll read it this way. A CIA  
12 surveillance plane alerted the Peruvian Air Force to  
13 the presence of the Cessna, which they believed to be  
14 flying without a flight plan. The Cessna pilot had  
15 been in contact with the tower and had even been given  
16 a landing slot. The question is raised, how could they  
17 be in contact with the civil authorities and their  
18 military not even know?

19 The high-speed intercepting jet made efforts  
20 to communicate with the Cessna. As there was no  
21 response, the interceptor opened fire.

22 Some quotes from a priest in the area said:  
23 "To shoot down a plane is to condemn its occupants to  
24 death without giving the benefit of the doubt. To  
25 shoot down civilian planes is the equivalent of  
26

1 extrajudicial execution."

2 The Peruvian Air Force has promised to  
3 investigate and deeply regretted the loss of life.

4 Next slide.

5 (Screen.)

6 Security, is it really priceless?

7 This presentation and the previous  
8 presentation on the 12th are both available on the web  
9 site at [potomacairfield.com](http://potomacairfield.com). Thank you.

10 (Applause.)

11 MS. KLEPPER: Thank you, Mr. Wartofsky.

12 Our next speaker is Matt Zuccaro, President  
13 of HAI.

14 (Screen.)

15 STATEMENT OF MATT ZUCCARO, PRESIDENT,

16 HELICOPTER ASSOCIATION INTERNATIONAL

17 MR. ZUCCARO: Good afternoon. My name is  
18 Matt Zuccaro. I'm President of the Helicopter  
19 Association International and I appreciate the  
20 opportunity to convey my thoughts and ideas. HAI, as  
21 you know, is the international trade association for  
22 the civil helicopter industry and our 2,500-plus  
23 members safely and professionally operate more than  
24 4,500 helicopters approximately 2 million hours every  
25 year. We're dedicated to the promotion of the

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1 helicopter as a safe method of commerce and the  
2 advancement of the civil helicopter, the civil  
3 helicopter industry.

4 Speaking on behalf of the membership, I thank  
5 you for giving me the opportunity to be heard regarding  
6 the airspace restrictions around the nation's capital  
7 and the negative impact they are having on the  
8 helicopter industry. This past summer, in response to  
9 Hurricane Katrina, helicopters clearly demonstrated  
10 their value in time of need and validated the fact that  
11 helicopters do indeed save lives. As we watched in  
12 awe, they performed numerous missions, from rescue,  
13 firefighting, and delivery of emergency goods.

14 The main value of the helicopter is its  
15 mission versatility and the ability to provide point to  
16 point transportation. We can go places no one else can  
17 go. We can do things no one else can do. Helicopters  
18 can do just about anything. They are the time machine  
19 of our generation.

20 Unfortunately, there is one thing that we  
21 currently cannot do. We cannot operate helicopters  
22 within the air space of our nation's capital nor  
23 utilize the airports and the heliports located therein.

24 The ADIZ restrictions have been in place for several  
25 years and have effectively shut down the civil

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1 helicopter operations in the D.C. area. Not only has  
2 the negative impact been on operators within the ADIZ;  
3 it also affects those operators located within the  
4 Northeast Corridor who have business needs to access  
5 the D.C. airspace and the various facilities within  
6 this area.

7           Some examples of this: Crab Aviation,  
8 located in Mechanicsville, Virginia, has curtailed a  
9 portion of its regular wildlife surveys for the state  
10 of Virginia along the Potomac River corridor at loss of  
11 5 to \$6,000 and has lost additional potential income.  
12 Heliware, headquartered in the Richmond area, has  
13 suffered significant economic loss due to the ADIZ and  
14 it's my understanding that further details regarding  
15 their operation will be provided shortly by their  
16 representative.

17           Chesapeake Bay Helicopters uses seven  
18 helicopters to conduct low-altitude utility line  
19 patrols and they have found it impractical to perform  
20 the patrol work and still meet the communications  
21 requirements of operating in the ADIZ. Accordingly,  
22 they have foregone flight operations on some 1,000  
23 miles of pipeline and power lines.

24           Heliflight Shares, based in New Jersey,  
25 provides executive helicopter transport via the

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1 fractional ownership protocols as well as on-demand  
2 charter services. They estimate a \$2 million loss due  
3 to their inability to meet the needs of the current  
4 client base, which relates to the inability to operate  
5 to and from airports and heliports within the ADIZ. A  
6 major part of their business plan involves the  
7 establishment of an operations base in the D.C. area  
8 from which to conduct both scheduled and charter on-  
9 demand services. Due to the current restrictions  
10 preventing their access to this, it prevents their  
11 attainment of this goal and the development of an  
12 expanded client base. They estimate a loss of  
13 potential revenue in the amount of \$3 million.

14 One of the most significant losses  
15 experienced in the helicopter industry is that of  
16 Glenwood Aviation, operating as America Rising.  
17 Several years ago they undertook an ambitious effort to  
18 establish daily scheduled helicopter service between  
19 downtown Manhattan and Washington, D.C. In the process  
20 they obtained DOT-FAA certification as a Part 135  
21 operator approved to conduct scheduled helicopter  
22 service. Since access to the air space and a city  
23 center heliport were critical to the success of their  
24 business plan, they took over the management of the  
25 Washington, D.C., South Capitol Street Heliport in

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1 2002.

2           Subsequently, they commenced negotiations  
3 with the FAA and TSA to gain access to the heliport.  
4 Initially negotiations to allow some 15 of the 40  
5 previous clients who operated there and had been using  
6 the heliport prior to 9-11 appeared to be favorable.  
7 Unfortunately, they never produced the desired results.

8       In the summer and fall of 2003, discussions with the  
9 TSA were again renewed in the hopes of commencing  
10 scheduled service to and from the heliport as a  
11 certificated scheduled air carrier, since airline  
12 service was already allowed at Reagan Airport.

13           The anticipated timing of the TSA decision  
14 was October 2003. In November 2003, TSA asked for an  
15 additional revised heliport security plan demonstrating  
16 that security at the heliport was at the most stringent  
17 level. The plan was submitted for approval and review  
18 in January of 2004. In the spring of 2004 America  
19 Rising, unable to finalize TSA approval, submitted a  
20 revised plan to limit the activity to document and  
21 package scheduled service not involving passengers. In  
22 June 2004 it was the understanding that TSA planned to  
23 take the revised America Rising proposal and review it  
24 in house and hopefully approve it. Unfortunately, the  
25 governor of Kentucky incident occurred, which adversely

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1 affected the review process and placed everything on  
2 hold.

3           The cost of this effort of America Rising  
4 estimated a \$5 to \$6 million loss. But in the terms of  
5 lost potential and lost opportunities, the costs are  
6 even higher. If the America Rising business plan could  
7 have reached maturity, it had the potential to generate  
8 an estimated \$75 million gross revenue. The operation  
9 would have involved the purchase of six transport  
10 helicopters, 250 jobs, and the potential for similar  
11 service in 21 other city pairs.

12           Within the last few months, America Rising  
13 has sold most of its assets and terminated the service  
14 of its last employees. This was a dream that was not  
15 realized.

16           Associated with this story is the heliport  
17 facility itself. The South Capitol Street Heliport,  
18 Washington, D.C., is the only public heliport in the  
19 area. Numerous helicopter operators, both commercial  
20 and corporate, have utilized the facility previously.  
21 The South Capitol Street Heliport was established in  
22 the 1960s as a private use facility. In 1988 Air  
23 Pegasus, an experienced heliport fixed base operator  
24 and helicopter operator with heliport facilities in New  
25 York City, assumed the management of the facility and

26

1 approval to operate as a public heliport.

2 The heliport experienced growth after  
3 significant involvement, improvement, and an expansion  
4 initiative was undertaken by Air Pegasus. Over the  
5 years the heliport attracted a core group of 40 regular  
6 users as well as transient and tenant. Currently the  
7 D.C. Metropolitan Police helicopter unit is the tenant.

8

9 The number of operations at the heliport went  
10 from 210 operations into the thousands by 2001. In  
11 that same time frame, revenues generated jumped to  
12 \$250,000 a year.

13 The unfortunate occurrence of 9-11 resulted  
14 in the immediate prohibition of access to the heliport,  
15 which remained in place due to the ADIZ. There was a  
16 very brief period of relief which allowed approximately  
17 15 operators to access the heliport under waivers.  
18 However, since the installation of the current ADIZ  
19 civil helicopter activity at the heliport has been  
20 virtually zero and will remain so unless something is  
21 changed and goals are achieved.

22 It is not just a question of experienced  
23 financial loss, which has been substantial. What is  
24 more important is the loss of future potential and  
25 growth and opportunities.

26

1           I think it's important to also reflect on the  
2 actual ADIZ concept itself. I would pose some basic  
3 questions and thoughts in the hopes of achieving a  
4 mutual goal. The current system of access allows  
5 general aviation access to Reagan National Airport,  
6 which is in fact a good start, although it is via what  
7 I can only characterize as a convoluted, overburdened  
8 system which is not really reliable.

9           When making a decision as to how to best  
10 serve the needs of your passengers, helicopter  
11 operators must weigh the process of access to Reagan  
12 National to access provided at less desirable  
13 alternatives, such as Dulles or an available small GA  
14 airport. On a typical flight from New York City, one  
15 of New York City's three heliports, which is a common  
16 origination point for a flight to D.C., the process to  
17 fly to Reagan National is impractical at best.

18           Some of the elements are: the development by  
19 the operator of an internal security program, criminal  
20 background checks, and security clearance for crew;  
21 advance 24-hour request for the intended flight, which  
22 must be conducted under IFR; detour to a desired  
23 gateway airport to undergo security screening of crew  
24 and passengers; the placement of an armed security  
25 person in the small confined cabin of the helicopter;

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1 the uncertainty of the mission completion in that the  
2 clearance might be cancelled; and the operator is  
3 responsible for all the fees associated with the  
4 process.

5 The uncertainty and additional burdens, both  
6 operational and economic, associated with this process  
7 do not offer a rational alternative to other available  
8 options, although less desired.

9 We should also discuss the ADIZ and what it  
10 does and does not do. From a realistic point of view,  
11 the ADIZ does little to reduce the potential of a  
12 terrorist threat attack within the D.C. metro area, nor  
13 increase the security of the nation's capital utilizing  
14 small GA aircraft or helicopters.

15 What it does do is treat innocent,  
16 compliance-oriented general aviation pilots and  
17 operators like the bad guys and subjects them to  
18 potential enforcement actions as they struggle to deal  
19 with a complex, illogical matrix of airspace and  
20 operational procedures. The ADIZ also increases the  
21 workload on an already overburdened ATC system,  
22 creating the potential for compromise of safety. It  
23 requires a significant increase in the money spent by  
24 the government agencies to manage and maintain its very  
25 existence. The ADIZ has caused and will continue to

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1 cause economic hardships and losses among pilots and  
2 operators alike.

3 The very justification for the ADIZ is being  
4 necessary to deter terrorist attacks on the Capital  
5 District and provide a means of intervention should  
6 such an attack be undertaken by terrorists. What is  
7 the actual history and future potential for terrorists  
8 to utilize helicopters and small GA aircraft to carry  
9 out their attacks?

10 Let's look at the very documents that were  
11 provided regarding the ADIZ plan in these very  
12 hearings. As noted in those pamphlets, it's quoted  
13 that "Although there is no information suggesting any  
14 imminent plan by terrorists to use airplanes to attack  
15 targets in the Washington, D.C., metropolitan area, the  
16 success of the September 11, 2001, attack on the  
17 Pentagon and reports demonstrating groups' enduring  
18 interest in aviation-related attacks indicate the need  
19 for continued vigilance and aviation security." I  
20 would remind you that the success of the 9-11 attacks  
21 were due to the use of large transport category  
22 aircraft, not helicopters.

23 The NPRM further states: "While the DHS has  
24 no specific information that terrorists groups are  
25 currently planning to use general aviation aircraft to  
26

1     perpetrate attacks against the U.S., it remains  
2     concerned in light of completed and ongoing security  
3     enhancements for commercial aircraft and airports that  
4     terrorists may turn to GA as an alternative method to  
5     conducting the operations."

6             I would pose for consideration that the use  
7     of existing methodologies might be more likely the  
8     alternative, such as trucks, automobiles, and body  
9     packs. Of interest is that these methods have been  
10    used and are currently being used to effectively carry  
11    out the terrorist mission, as in Oklahoma City, London  
12    subways, and the first World Trade Center attack.

13            Although there is a history of use regarding  
14    these methodologies, I'm not aware of any requirement  
15    of preregistration of intent for the operation of the  
16    trucks, the autos, or access to most public  
17    transportation systems. Nor are they subject to in-  
18    depth inspections, restrictions of operation, or a  
19    requirement to be accompanied by an armed guard. Yet  
20    the GA aviation community, which was not utilized in  
21    any terrorist attack nor is any specific information  
22    available that they will be, is subject to the most  
23    stringent requirements and restrictions.

24            Another excerpt from the NPR: "According to  
25    the testimony before Congress of the then-Director of  
26



1 Central Intelligence George Tenet, September 11th  
2 mastermind Khalid Shaykh Muhammad originally proposed  
3 using multiple small aircraft packed with explosives to  
4 conduct the 9-11 attacks. Osama bin Laden reportedly  
5 suggested the use of larger aircraft instead." This  
6 would seem to indicate that the thought of using small  
7 GA aircraft has already been rejected by the terrorists  
8 due to the realization that such use would not achieve  
9 the desired goal.

10 One of the final thoughts I have regarding  
11 the ADIZ is that helicopters, due to the very nature of  
12 their operational capability, could be -- and I don't  
13 believe this would happen because the actual truck  
14 would be more valuable -- could be transported into any  
15 area of the ADIZ zone undetected via ground transport  
16 and subsequently launched from any site within the zone  
17 if so desired.

18 The very fact that the intent of the ADIZ to  
19 prevent the use of helicopters for terrorist purposes  
20 does not work in reality should cause a review of the  
21 program and its very existence. Working together, I am  
22 sure we can in fact find an agreeable goal.

23 From a personal perspective, I had the good  
24 fortune to work for the Port Authority of New York and  
25 New Jersey as a helicopter pilot and aviation manager  
26

1 during the 1970s. As part of my duties, I was involved  
2 in the development and construction of the emergency  
3 heliports placed on top of the World Trade Center. I  
4 am also one of the two pilots who have conducted the  
5 test landings on these heliports. In previous years I  
6 witnessed the construction of the towers as I would fly  
7 by each day.

8           Along with the rest of you, I watched in  
9 horror as many of those I knew and worked with perished  
10 and those glorious buildings were reduced to rubble.  
11 This is indeed a tragedy and I'm going to remember it  
12 for the rest of my life.

13           In the ensuing years I have come to heed the  
14 President's advice. We must keep living. We must  
15 conduct our lives as before and not avoid or constrain  
16 our activities. To this end, I would submit to you  
17 that we should not allow general aviation to be  
18 unreasonably constrained or eliminate its future. This  
19 would be another tragedy I'd rather not have to watch.

20       Should this happen, the terrorists would surely have  
21 won without doing anything.

22           I want to thank you for your interest and  
23 this opportunity to speak before you. I know we are  
24 all sincere in our efforts and we share common goals.  
25 To that end, let us work together to achieve mutually

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1 beneficial goals so that we can protect the future of  
2 the helicopter industry and other segments of general  
3 aviation while also protecting our nation's capital.

4 Thank you very much.

5 (Applause.)

6 MS. KLEPPER: Thank you, Mr. Zuccaro.

7 Our next scheduled speaker is Whit Baldwin.

8 (Screen.)

9 STATEMENT OF WHIT BALDWIN,

10 HELO AIR

11 MR. BALDWIN: First of all, thank you all  
12 very much for allowing us all to have an opportunity to  
13 speak to you today. Matt covered some of the things  
14 that I'm going to cover, so, not to be too repetitive  
15 or to repeat what he said, I kind of want to start out  
16 with the ADIZ operational challenges.

17 I have a personal story I'll tell you very  
18 briefly. On July 26th, coming back from a NASCAR event  
19 in Pocono, I entered the ADIZ around the Aberdeen  
20 Proving Grounds, exited about Mechanicsville, Maryland,  
21 got the phone call, we got the radio call: Call us  
22 when you land. Made the call, said: You had  
23 unauthorized improper entry into the ADIZ.

24 I said: I talked to three different approach  
25 controllers at Potomac, had the squawk, the whole

26

1 thing. After a five-month investigation, I got the  
2 letter that said: Oh, by the way, there were no  
3 violations.

4 This is just one story of many that all of us  
5 pilots can tell about the operational challenges that  
6 we have with operating in and around the ADIZ when  
7 we're allowed to fly. That's just my personal story.  
8 As a matter of fact, I have a letter here from the FAA  
9 that says that. No, you guys can't have it; it's mine.

10 I want to talk about the economic impact on  
11 the aviation industry as a whole since 9-11. Tom  
12 Blank, who was then the Transportation Security  
13 Administration Association Under Secretary for  
14 Security, Tom Blank, stressed that his duties with the  
15 TSA were to work collectively and collaboratively with  
16 GA on security issues that affect your businesses,  
17 speaking about guys like me. He conceded, and I quote  
18 as printed in Aviation International News, he conceded  
19 that, "Other than the victims of 9-11, no one has  
20 suffered more as a whole than the aviation community."

21 I would tend to agree with that.

22 We all know that four of the largest seven  
23 airliners in this country are currently under  
24 bankruptcy protection. That's just not good for the  
25 industry as a whole. On the helicopter community,

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1 which is what I'm here to talk about -- and Matt  
2 touched on a couple of these -- who used to be my  
3 competitors, Million-Air in Richmond had two  
4 helicopters. They're no longer in business. Capital  
5 Helicopters, which was based in D.C., has gone from six  
6 helicopters to one. Glenwood Aviation Matt has already  
7 talked to you about. Richmond Helicopters in Richmond  
8 has sold their only helicopter. Whirlwind Aviation,  
9 which was based at Martin State, are no longer in  
10 business.

11 So pre-9-11 I had four real competitors and  
12 now I have none. In my opinion, although it's nice to  
13 say that as a businessman, I think it's a very bad  
14 economic signal that the aviation community is having  
15 to face right now.

16 Now, what about the economic impact on me?  
17 My company is based in Richmond. We have offices  
18 throughout the Southeast. We were based at National.  
19 We had to move out to Manassas and we've had a  
20 tremendous economic impact of operating from D.C. and  
21 getting in and out of D.C.

22 The first year -- and I put together a study  
23 for GCA. The first year net revenue loss was \$177,000,  
24 with income of about \$30,000 lost. That proceeded up  
25 to now, to about \$750,000, and this is just for a small  
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1 business guy in Virginia.

2 Matt talked about America Rising, Steve  
3 Walker, who has invested an incredible amount of money  
4 in the helicopter industry to try to get a helicopter  
5 airline. The \$75 million number I think would be an  
6 understatement if anything, Matt, because that would  
7 have been a great economic opportunity for both that  
8 company and the industry as a whole.

9 So we've also lost contracts with a lot of  
10 great companies. Some of those companies include  
11 Dominion Resources, Circuit City, Home Depot -- real  
12 companies with real economic interests in this area.  
13 Those of you that work in the D.C. area know you really  
14 can't drive there during the day. If you have a  
15 meeting, you've got to come up the night before. So it  
16 impugns their ability to create some of the economic  
17 impact on the area as well.

18 But more importantly than that -- and Matt  
19 touched on this as well -- what are the lost business  
20 opportunities for companies like mine that can't get in  
21 and out of the airspace? They're almost in my opinion  
22 immeasurable, because I also think that small  
23 businesses -- and a lot of those are represented here  
24 today -- are the economic engine of this country. We  
25 just want the opportunity to put gas in that engine.

26

1           So we're here today to talk about the ADIZ  
2           and the threats. Well, I submit that we are not the  
3           threat. We have a room full of experienced aviators  
4           who most likely all have been vetted, which I have, all  
5           have gone through security clearances, all of whom are  
6           probably incident, accident, and violation free, which  
7           fortunately our company is.

8           We heard a nice technical representation  
9           about ways to do things, but the whole point of what I  
10          want to try to convey to you today is that we are not  
11          the adversary; we are the ally. We want to work with  
12          you to make the National Capital Region safer, not more  
13          dangerous. And you can utilize us, because we are on  
14          your team. We want the bad guys gone. Hayden Schafer  
15          flies into D.C. If I get my hands on that guy -- I  
16          hope he's not here today. But if we were out there  
17          with him, as opposed to Whit Baldwin on the ground in  
18          Richmond, Potomac Airfield not able to fly, America  
19          Rising with no helicopters in the sky, we probably  
20          could have helped you prevent that entire incident.

21          So I'm not a policymaker, I'm a businessman.  
22          You folks write that policy. I'm suggesting to you  
23          that the members of the aviation community, and  
24          specifically for me and Matt in HAI the helicopter  
25          aviation community, can be your asset, not your  
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1 adversary. Give us the chance to do that. That's all  
2 we ask.

3 Thank you for your time.

4 (Applause.)

5 MS. KLEPPER: Thank you, Mr. Baldwin.

6 Any questions from the panel?

7 (No response.)

8 MS. KLEPPER: No, okay. Thank you.

9 Our next scheduled speaker is James Coyne.

10 STATEMENT OF JAMES COYNE,  
11 NATIONAL AIR TRANSPORTATION ASSOCIATION

12 MR. COYNE: Thank you very much, Ida. My  
13 name is Jim Coyne. I'm the President of the National  
14 Air Transportation Association. We represent the  
15 aviation businesses at airports. These are the  
16 businesses that support general aviation users by  
17 providing fuel, maintenance, flight training, charter  
18 aircraft. Obviously, in order for these businesses to  
19 survive, to serve their customers, to grow, they need  
20 to have access in and out of their airports.

21 What we see with this ADIZ, simply put, is a  
22 proposal by making it permanent that will make it much,  
23 much more difficult for these businesses and their  
24 customers to do what they want to do. It's important  
25 to understand what this permanent ADIZ does and what it

26



1 doesn't do. With regard to what it does, it makes it  
2 more difficult for pilots to fly into and out of the  
3 ADIZ. Now, you can sweet talk it all you want and make  
4 it sound like, well, it's not that much more difficult.

5 But believe me, it is more difficult. It involves  
6 more time, more confusion, more possibility for error,  
7 and more cost in many cases.

8 What this does therefore is it reduces the  
9 attractiveness of flying to those people who want to  
10 fly in and out of our nation's capital. Simply put,  
11 the ADIZ will make flying permanently more difficult  
12 here. There's no denying that fact.

13 Now, let me also tell you what the ADIZ does  
14 not do. It does not in any way, in any way, reduce the  
15 ability of a terrorist to fly into this area. All a  
16 terrorist has to do is to call up the flight service  
17 station, pretend he is me, use my name and my  
18 information, make a flight plan legally into the ADIZ,  
19 and he's in the ADIZ. So it does nothing, zero, to  
20 reducing the ability of a terrorist to fly into the  
21 ADIZ area, any more than it will reduce the ability of  
22 me to do it.

23 The only difference is the terrorist is  
24 willing to put up with the hassle. The terrorist is  
25 willing to put up with the extra cost. The terrorist  
26

1 is willing to put up with the extra time and  
2 inconvenience. The rest of us, the Americans, the law-  
3 abiding people, when we are faced with this extra  
4 hassle, cost, and inconvenience, we stop flying.

5 So this is the simple, very simple reality of  
6 what this ADIZ does and what it doesn't do.

7 Now, of course, also in the presentation of  
8 the arguments for the ADIZ the government says that the  
9 goal of the proposed rule is to reduce the number of  
10 careless and inadvertent encroachments into the  
11 airspace restricted area. It will not do that. The  
12 way to reduce the number of careless and inadvertent  
13 encroachments into the restricted area is to do away  
14 with the ADIZ and to get back to the form of  
15 understandable rules and limits on the valuable  
16 airspace that was restricted before. We've had  
17 prohibited areas around the White House for 50 years.  
18 We've had all sorts of restricted areas that law-  
19 abiding people avoided and have developed an  
20 understanding of how to avoid that.  
21 But the new ADIZ makes it more easy for people to get  
22 confused.

23 So we have a process which is going to  
24 produce exactly what you want to reduce. You're going  
25 to get more careless and inadvertent encroachments in  
26

1 the ADIZ than you would if you did away with it,  
2 guaranteed.

3 Now, I also have an obligation to talk to you  
4 about the impact on the businesses and the citizens of  
5 our nation's capital. There are some people inside the  
6 Beltway who believe that the only purpose of the  
7 nation's capital is government. Believe it or not,  
8 there are a lot of other people in this area besides  
9 government people. There are a lot of people who try  
10 to make a living in just ordinary ways, and many of  
11 those people find that having access to a general  
12 aviation airport is a very, very important part of  
13 their business and their life. It's part of the  
14 quality of their life, it's a part of their ability to  
15 produce a standard of living.

16 You're looking at one. I bought my first  
17 airplane almost 30 years ago, over 30 years ago,  
18 because of my business. Guess what, I got elected to  
19 Congress, and what did I do with my airplane every  
20 week? I flew down to Washington to represent the  
21 people of my district in Pennsylvania, in a small,  
22 little, 6,000-pound general aviation aircraft, and did  
23 it virtually every other day or so, back and forth from  
24 Pennsylvania to Washington.

25 In the 30 years since then, I've based my  
26

1 airplane here in Washington at four different airports.

2 It's a kind of a sad story, as the airports are  
3 getting further and further away from Washington, D.C.

4 Originally I was at Washington National, then moved to  
5 Gaithersburg, then to Leesburg. Now I'm in Frederick.

6 Pretty soon I'll be in Martinsburg, Morgantown,  
7 Columbus. My grandson in Seattle is very much looking  
8 forward to the day when I'll have to base my plane in  
9 Seattle.

10 This is really an idiot's game. All we're  
11 doing is punishing law-abiding people, and the honest  
12 people in America deserve better than what we're being  
13 given. We deserve something that the President I think  
14 appreciates, and that is to begin to get this country  
15 back to normal.

16 We're starting to see the airlines going back  
17 to normal. They're allowing fingernail clippers and  
18 things like that. Who knows, before long they may  
19 allow you to turn on your laptop or your cell phone  
20 while you're within 30 miles of Washington or whatever.

21 But we're not seeing any progress in general  
22 aviation, except for the small little change at  
23 National Airport. I want to correct somebody who said  
24 we've reopened National Airport to general aviation.  
25 We really haven't done that. All we've done is stopped

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1 it from being closed, if you understand the difference.

2 We have got to do the same thing here at the  
3 ADIZ. We've got to reopen America's capital to general  
4 aviation aviation -- general aviation, and I hope that  
5 you take the message back.

6 One final comment. There was a time when the  
7 FAA took the responsibility of promoting aviation very  
8 seriously. That's part of their job, promoting  
9 aviation. I still believe that. I think there are a  
10 lot of people in this audience that believe that as  
11 well. What this act would do with a permanent ADIZ  
12 around Washington, what you'd be doing is demoting  
13 aviation in our nation's capital. Let's get back once  
14 again to promoting it.

15 Thank you.

16 (Applause.)

17 MS. KLEPPER: Thank you, Mr. Coyne.

18 Our next scheduled speaker is Michael  
19 Mulligan.

20 STATEMENT OF MICHAEL MULLIGAN

21 MR. MULLIGAN: Thank you. My name is Mike  
22 Mulligan. I'm representing myself, so the numbers and  
23 the examples I'll give you are about my own operation  
24 and the operation at the airport that I'm based. I'm a  
25 private pilot. I live in Annapolis, Maryland. I own

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1 two aircraft, a Bell Jet Ranger helicopter and a TBM-  
2 700, which is a single-engine turboprop. I base these  
3 aircraft at Tipton Airport, which is about seven miles  
4 southwest of BWI.

5 I want to talk about a couple issues. First,  
6 hangar development. Airport development has become  
7 next to impossible within the ADIZ. I belong to the  
8 pilot association at Tipton Airport. It's called TAPA,  
9 the President Airport Pilot Association. About a year  
10 ago we worked with the airport authority to find a  
11 developer to build tee hangars at Tipton. We found an  
12 interested developer, Windwood Aviation, and  
13 coordinated a deal to market and build tee hangars at  
14 Tipton. The hangars were to be financed -- this was  
15 all with private financing.

16 The developer signed an option on the land.  
17 The hangars were to be financed via the pre-sale of  
18 long-term leases. Marketing began in the spring of '05  
19 and area pilot interest was high. 40 deposit checks  
20 were received. This would have resulted in \$3 million  
21 of private investment at the airport.

22 In August of '05, the NPRM was issued  
23 proposing to make the ADIZ permanent. Over the next  
24 several weeks, 26 of the original investors dropped  
25 out. According to Windward Aviation, all dropped out

26

1 as a result of the ADIZ and concern over the long-term  
2 viability of the airport. Certainly there may be other  
3 factors, but the reversal of interest was  
4 unprecedented.

5 At present, the lost investment is \$1.6  
6 million. The developer is hoping to continue the  
7 project on a severely reduced scale. Frankly, I'm not  
8 optimistic. If, as I suspect, the entire project  
9 folds, the lost investment will be \$3 million.

10 Let me talk about penalties a little bit  
11 because with the permanent ADIZ there's been talk of  
12 lots of new and stiffer penalties. Frankly, the  
13 penalty of death ought to be enough. Large financial  
14 penalties and long suspensions will drive aircraft out  
15 of the ADIZ. I don't defend navigational errors  
16 because of the proliferation of GPS. However, there  
17 are technical and human failures that aren't  
18 preventable. Transponder failures, either mechanical  
19 or human, while outside the FRZ shouldn't result in  
20 stiff penalties.

21 I can guarantee that I won't inadvertently  
22 fly into the ADIZ or the FRZ, but I can't guarantee  
23 that my transponder won't fail or that I won't  
24 inadvertently hit the VFR button when trying to hit the  
25 IDENT button in a turbulent flight.

26

1 Flying is a skill that requires continuous  
2 practice and training. A long suspension would cause a  
3 pilot to become dangerously rusty. I won't take that  
4 risk. Personally, I will with certainty move my  
5 aircraft outside the ADIZ should large penalties and  
6 long suspensions go into effect. My annual spending at  
7 ADIZ airports is roughly \$40,000, \$18,000 in hangar  
8 expense and about \$22,000 in fuel expenses.

9 Finally, an operational issue. At Tipton the  
10 only way to get an IFR clearance is by phone and the  
11 only way to get an IFR release is by cell phone from  
12 the cockpit. In pre-ADIZ days it was fairly simple:  
13 Call to get clearance, then start your engines, taxi to  
14 the departure end of the runway, and use a cell phone  
15 to call for release.

16 Now with the ADIZ, the phone and manpower  
17 capacity at Potomac TRACON has become the scarce  
18 resource. Given the difficulties of getting through on  
19 the phone to TRACON, I've changed my operational  
20 procedures to do everything with one phone call: Start  
21 engines, taxi to departure runway, call for clearance  
22 and release. This results in both increased costs and  
23 risks. It's averaged an additional 15 minutes of  
24 engine running time prior to departure per flight. In  
25 the last year that cost has been approximately \$1600.

26



1           The increased risk comes from needing to  
2 input in-flight any differences between the filed  
3 flight plan and the clearance. This is an opportunity  
4 for error.

5           Thank you for the opportunity to comment.

6           (Applause.)

7           MS. KLEPPER: Thank you, Mr. Mulligan.

8           Our next scheduled speaker is Mariano  
9 Pernigotti.

10                   STATEMENT OF MARIANO PERNIGOTTI

11           MR. PERNIGOTTI: Good afternoon, everybody.

12           As the speakers before me have said, thank you to the  
13 Administrator for holding these meetings. Thank you,  
14 everybody here at the panel, for being here.

15           I am a private citizen. My name is Mariano  
16 Pernigotti. I am a commercial instrument multi-rated  
17 pilot, trained by Eastern Airlines back in the late  
18 eighties, and I've been flying for 18 years, have over  
19 2200 flight hours. I'm an aircraft owner based out of  
20 Manassas and I've been an aircraft owner about two and  
21 a half years.

22           So far since the spring of 2003, when the  
23 ADIZ was enacted, thousands of law-abiding pilots have  
24 been affected. In addition, it could be said that  
25 controllers at Potomac TRACON have also been severely

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1 affected by this regulatory nightmare. Just ask them  
2 or, better yet, grab a hand-held transceiver and tune  
3 in most any time, but especially on afternoons or clear  
4 weather weekends. You're likely to hear a Cessna on a  
5 training flight trying to slowly check in with Potomac  
6 approach while the controller is trying to handle and  
7 coordinate multiple arrivals headed into Dulles at the  
8 same time two or three other GA aircraft are circling  
9 over Casanova VOR, trying to get a word in edgewise  
10 between other calls to Potomac waiting for their squawk  
11 codes, while two more aircraft are trying to depart  
12 Manassas to the southwest, checking in as they get  
13 their clearance.

14 Now throw in a little weather, a little low  
15 visibility, and you have chaos. This scenario plays  
16 out every day, with great potential to be called the  
17 perfect storm of sorts, a storm of unsafe, expensive  
18 frustration. The exchanges are awkward, the exchanges  
19 on the radio. They're time-consuming and frustrating,  
20 especially when it's busy and there's weather in the  
21 area. It used to be if you were departing Manassas you  
22 could stay below Class Bravo airspace and keep from  
23 littering the airwaves with useless check-ins with air  
24 traffic control. With the ADIZ in place, more  
25 attention is spent talking and tuning into different  
26

1 frequencies and less is available for navigating and  
2 for collision avoidance because you're looking in the  
3 cockpit.

4           The effects of the ADIZ. Mr. Boyer sent out  
5 an email -- I'm an AOPA member as well -- sent out an  
6 email to us a couple of months ago and asked us to  
7 submit comments to the NPRM process, and also to be  
8 specific about its effects, the ADIZ's effects on my  
9 life. I can say that it's affected me specifically and  
10 succinctly here in two ways, financially and from a  
11 safety standpoint.           Those are the ones I'm  
12 going to mention here to you before -- here to you  
13 today.

14           Again, it's a heartfelt presentation. I hope  
15 I don't come across as boring, but bear with me here.  
16 It took me a little while to write all this down to try  
17 to convey it to you in accurate details.

18           My wife and I purchased our single-engine  
19 Piper Arrow about two and a half years ago when the  
20 owner in Annapolis, which is under the ADIZ, said he  
21 was giving up flying. He cited the extensive,  
22 expensive, and downright burdensome regulations brought  
23 about by the ADIZ. I thought he was being a little bit  
24 rash and thought I'd take an opportunity of getting a  
25 good price on an airplane. Now I question my decision.

26

1           After being in effect almost six months at  
2     the time, I believed at the time that the temporary  
3     ADIZ had overstayed its welcome and would be disbanded  
4     any day. I would not have purchased an airplane and  
5     spent many thousands of dollars on our local economy  
6     had I known a temporary solution would be left in  
7     effect this long and only now would an attempt be made  
8     to make it permanent.

9           Make the ADIZ permanent and I will be forced  
10    to sell my airplane because it is too unsafe and  
11    burdensome and expensive to abide by the procedures,  
12    whose only aim is to effectively punish me. That's  
13    right, punish, for I firmly believe not doing anything  
14    -- it's not doing anything to improve our national  
15    security.

16           Fast forward two and a half years. My wife  
17    and I have lots of family in Pennsylvania and as a  
18    result we tend to fly up there often. The drive with  
19    traffic is four hours at times; flying with no wind,  
20    one hour and six minutes. So this is where I base my  
21    calculation on the effects of the ADIZ.

22           Our flights to and from Manassas, however,  
23    take 20 to 25 minutes longer, so an average an hour 30,  
24    an hour and 35. Sometimes we get vectored outside of  
25    the Mode C, the Mode C ring around the nation's

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1 capital, which is approximately 30 miles, regardless of  
2 whether it's IMC or not.

3 Alternatively, if we're VFR we inevitably  
4 have to circle Potomac until it's less busy and they  
5 can work us in or until a transponder can be observed.

6 But it's surprising -- I'll speak a little bit quicker  
7 here. But it's surprising that my transponder works  
8 perfectly from Boston to Kansas City to Orlando, to fly  
9 all over the country, but it's only in this area that  
10 it has problems being picked up randomly.

11 (Applause.)

12 It's true, it really is true.

13 And here's some other financial observations.

14 It suddenly stops replying to interrogations. And did  
15 I mention that I had to buy a new transponder because I  
16 believed my old one was defective? I really thought it  
17 was unsafe and that one day I would see the inevitable  
18 Blackhawk coming up on my wing. Luckily, I have my  
19 little card from AOPA that I can follow. I was really  
20 preparing to fly those procedures when intercepted.

21 So I bought a new transponder. It's over  
22 \$1,000, including installation. So these 20 to 25  
23 minutes per direction to and from the ADIZ adds up to  
24 about 40 to 50 minutes round trip. At \$100 an hour for  
25 a single-engine complex airplane, retractable gear,

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1 this equates to between 66 and \$84 an hour, so let's  
2 just say \$75 for even math.

3 In the past year -- in the past three years  
4 or two and half years, I've flown 100 times in and out  
5 of Manassas, over 200 hours. So I calculate that I've  
6 spent about \$7500 in direct flying expenses by circling  
7 and having to circumnavigate all the way outside the  
8 ADIZ. So that's \$8500 so far and increasing every time  
9 I fly. Fuel is now over four dollars a gallon and it's  
10 only going north, not south, unfortunately.

11 So I'd say -- well, that amount could buy a  
12 new engine analyzer. It could buy many, many things  
13 for my airplane, but I don't have that money to spend  
14 because it went straight out the tailpipe.

15 Lastly, I can't prove this assertion, but it  
16 feels like Potomac is fed up with us little guys. I  
17 hate to say it, but it's causing them so much  
18 additional workload that they seemingly don't hear us  
19 when we check in. This might be the reason to need to  
20 circle and wait so long waiting for our code to be  
21 allowed home. Their job is to keep aircraft separated,  
22 not to identify and talk to every single airplane in  
23 the sky, which is essentially what they're being forced  
24 to do.

25 Now, from a more subjective, intangible  
26

1 perspective, safety. I've mentioned my financial  
2 implications, the financial implications. Now my  
3 safety ones. I'm going to try to be succinct here.  
4 As I mentioned before, the circuitous routes that I'm  
5 given to fly bring me in when I'm IFR, flying IFR over  
6 Martinsburg, and if you can see way up in the upper  
7 left-hand corner, it's on the west side of the  
8 mountains and way beyond the ADIZ. Unfortunately, it's  
9 unsafe for a single-engine airplane. I try to fly  
10 after the big arrival pushes here at Dulles so that I  
11 don't conflict or get in the way of Dulles, but it  
12 doesn't seem to help.

13           You might be tempted to say this sounds more  
14 like an IFR routing issue, but I can tell you that  
15 prior to the ADIZ this did not take place. Martinsburg  
16 is almost 40 air miles from Dulles. Yet we continually  
17 and routinely get vectored out that way.

18           When VFR, the main issue is circling  
19 immediately outside the ADIZ boundary with everybody  
20 else who is in a single-engine airplane circling over  
21 Casanova or up over Westminster, and we're all below  
22 3,000 feet. Literally, it's like flying into Oshkosh,  
23 which I did for my first time this year, and it's not  
24 quite an experience as Oshkosh is, but you can  
25 certainly see aircraft in close proximity to you, and I

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1 feel that's dangerous.

2 Let me go right down to the solutions because  
3 this isn't just a complaint. The democratic process  
4 that you guys have set up allows me to voice a  
5 solution, and it's similar and parallel to whatever the  
6 people have presented. As AOPA has stated, small  
7 aircraft pose far less of a threat, if any at all, from  
8 a payload perspective than your ubiquitous Chevy  
9 Suburban, not to mention being more expensive and way  
10 more complicated to use.

11 Make the FRZ permanent and strictly enforced.

12 The targets of opportunity lie within that area, not  
13 the 90-plus nautical miles that the ADIZ delineates.  
14 This would allow those folks at Needs and Bice to focus  
15 on far fewer moving targets. Pilots should be warned  
16 and educated to give the smaller circumference of the  
17 freeze wide berth because of serious repercussions,  
18 them being more severe. It is much easier to steer  
19 away from a 15 nautical mile radius of the FRZ than  
20 it is to circumnavigate the behemoth ADIZ.

21 I'm almost complete. There should be no  
22 reason for the aircraft to be pointed in the direction  
23 of the FRZ without clearance.

24 Another solution is training. Training is  
25 the key. Through AOPA's Air Safety Foundation web

26



1 site, we should be required to complete the FRZ  
2 training course, print the completion certificate,  
3 bring a copy of it to our medical examiner, and submit  
4 it with our next physical with our paperwork for the  
5 next physical. That would go on file with Oklahoma  
6 City. Consider it national security training. I'm  
7 willing to do that.

8 I cannot readily think of any reason a  
9 specifically trained pilot would incur into the ADIZ  
10 aside from an actual emergency condition. There's no  
11 excuse.

12 Which brings me to my final thoughts, which  
13 are punishment. With the smaller footprint of the FRZ,  
14 it would be far easier to avoid as a pilot. I'm  
15 incident, accident, and everything-free, by the way.  
16 The first time a pilot drove into the FRZ without  
17 clearance, there should be no pardon. The  
18 opportunities to cooperate and participate with a  
19 national safety effort of this magnitude would be  
20 plentiful and painless to abide by. As a result, fines  
21 should be severe and certificate revocation, not  
22 suspension, should be put on the table.

23 Even with the most recent penetration of the  
24 ADIZ last May with that single-engine 152 with the two  
25 people in it, I read that the gentleman was able to --

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1 is going to be able to reapply for his license soon.  
2 It doesn't make sense to me. The consequences have to  
3 be that severe for people to pay attention and that's  
4 what we're trying to get them to do. Otherwise they'll  
5 continue breaking the rules and making it harder for  
6 the rest of us to fly.

7 So it seems to me much fairer than repeatedly  
8 imposing barriers to flying, like the procedures of the  
9 ADIZ require, to follow procedures like that. Punish  
10 those people, not the law-abiding ones. The ADIZ is  
11 only serving to procedurally punish those that fly  
12 according to the rules, like me. It makes flying less  
13 safe, more complicated, and much more expensive than it  
14 already is. It serves no other purpose.

15 Flying is the one American freedom I cherish  
16 most. Please focus on a way to minimize the  
17 impediments against it.

18 Thank you very much for my overtime.

19 (Applause.)

20 MS. KLEPPER: Thank you, Mr. Pernigotti.

21 Our next speaker is Dennis Boykin.

22 MR. BOYKIN: Do you plan on taking a break  
23 first?

24 MS. KLEPPER: I'd like to go ahead and keep  
25 on. We'll have you and then we'll do a break.

26

1 (Screen.)

2 STATEMENT OF DENNIS BOYKIN, VICE CHAIR,  
3 LEESBURG EXECUTIVE AIRPORT COMMISSION

4 MR. BOYKIN: Somebody taught me in the Army  
5 once, never give out your briefing materials first  
6 because they'll sit there and read that. Colonel  
7 Morris didn't get his copy yet and so I have to explain  
8 it. Tabbed in here are the Town of Leesburg's  
9 response, starting with a letter behind the first tab  
10 from the mayor, and the briefing which I'll take you  
11 through, then the resolution from the County Board of  
12 Supervisors and the Town Council.

13 MS. KLEPPER: Mr. Boykin, can you use the  
14 microphone, please.

15 MR. BOYKIN: Then the economic impact study  
16 done by the Airport Association.

17 (Screen.)

18 We'll start with the second tab. My name is  
19 Dennis Boykin, B-o-y-k-i-n for the recorder. I am not  
20 the vice president of anything, but I am the Vice Chair  
21 of the Leesburg Executive Airport Commission, and I'd  
22 like to thank the panel for the time and your patience  
23 in sitting up here. I know that's hard.

24 I am, amongst other things, the GA  
25 coordinator for the Dulles Family Day for the Special

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1       Olympics, and I've worked in the area of airspace  
2       security for both coordinating general aviation fly-ins  
3       to the Family Day as well as with the Airport  
4       Commission.

5               The ADIZ has a personal impact on all of us  
6       who are involved in the airport. We're going to talk  
7       today for a little from Leesburg's point of view about  
8       the business impact and the impact on our tenants. My  
9       personal impact really isn't germane to this meeting,  
10      but just to kind of give you a little background of the  
11      fact that everybody at our airport is impacted by the  
12      ADIZ, usually negatively.

13              If you got a special airworthiness  
14      information bullet regarding your GarmIn transponder,  
15      my fault. I did it. It was my transponder that didn't  
16      transmit the correct code. In fact, the first time I  
17      met Ms. Morgan we were in a meeting on that faithful  
18      day when two gentlemen took off from Smoketown. I  
19      didn't get a full meeting time. They were in a hurry  
20      to leave. So it impacts everyone.

21              Next slide, please.

22              (Screen.)

23              But today we're going to talk about the  
24      town's impact and the town's impact is severe. This is  
25      our agenda. We're going to talk about our status very

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1 briefly, the impact on local operations, which are both  
2 competitive and financial, and I'll explain competitive  
3 in a minute. And I'm going to explain transient  
4 operations impact, and this is particularly significant  
5 to us. Then we'll make our recommendation.

6           The contents of this briefing are drawn  
7 primarily from briefings that we have given to town  
8 officials and county officials regarding land use  
9 development and operations at the airport, as well as  
10 directly from the proclamation signed by the town  
11 council and the mayor and endorsed by the Loudoun  
12 County Board of Supervisors.

13           Next slide, please.

14           (Screen.)

15           Very briefly, Leesburg Executive Airport has  
16 a history from no less a personage than Mr. Arthur  
17 Godfrey, who owned the cow pasture on the east side of  
18 town and said: I'll split the money from the sale with  
19 you if you build a bigger airport so I can fly my  
20 airplanes in there. That's how we got started.

21           About the mid-1990s, we really started  
22 turning up the volume. The previous FBO, Mr. Jim  
23 Hanes, running that airport there turned it into a  
24 business operation. We competed for and convinced the  
25 FAA to move a flight service station there. We began

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1 an expansion process. The majority of our expansion  
2 has been private development, not publicly funded  
3 development, with the exception of the infrastructure  
4 support, most of which has been federally funded.

5 We currently have -- it is currently a  
6 department of the town. It's run by a town staff. It  
7 is base to -- and that's not a typo -- now only 220  
8 based aircraft, and we're going to talk about that,  
9 flight schools, medevac helicopters, corporate aircraft  
10 operators. We think we'll break 100,000 operations  
11 this year, depending on how the CAP count comes out.  
12 We operate day-night, and we'll talk a little bit more  
13 about that.

14 You heard Mr. Coyne testify to you that he's  
15 gone through a displacement of airports and has moved  
16 on to Frederick from Leesburg. He used to be one of  
17 our tenants. We'll talk more about that later.

18 Next slide.

19 (Screen.)

20 We are a designated reliever airport within  
21 the National Airspace System. We have completely  
22 rehabilitated a 5,000-foot runway, now 5500 feet, and  
23 plan on extending it to 6,000 feet with federal  
24 assistance. We've built a brand new terminal building.  
25 We've developed corporate pad sites for rental, and

26

1 that's an important part of this discussion, put in new  
2 runway lighting, and are now putting in an ILS. In the  
3 picture here you see Mr. Frank Wolf, Representative  
4 Wolf, announcing the new funding for ILS to be  
5 installed over the next 18 months in our new terminal  
6 building, which is also pictured there. We've done  
7 a lot of development and we've partnered with the FAA  
8 to do that.

9 Next slide, please.

10 (Screen.)

11 I'm not going to spend too much time on this,  
12 but obviously you've heard about nothing but economic  
13 impact except from one or two speakers so far today.

14 Next slide, please.

15 (Screen.)

16 Let's talk about local operations impact.  
17 Our student starts have declined. We said three flight  
18 schools. We now only have two. One had to go out --  
19 had to close his location and contract his operations  
20 because he didn't have enough students. Our renter  
21 pilots have declined. I have several friends who own  
22 aircraft on leaseback, multiple aircraft, and of the 15  
23 or 16 aircraft that they represent on leaseback, they  
24 are now considering selling them, mostly as a result of  
25 the fact that they don't see business getting better;

26

1 they see it getting worse, especially if the ADIZ  
2 becomes permanent.

3 Our 100 low-lead fuel sales have not  
4 recovered. For your research later on, you'll see a  
5 four-page letter from the Airport Commission which  
6 details in a bar graph exactly what our 100 low-lead  
7 fuel sales have done, which are our best and most  
8 accurate indicator of piston engine operations at the  
9 airport. And they haven't recovered. They are going  
10 down again in 2005. We'll talk about that again in  
11 terms of transients.

12 Our tie-down list is now nearly nonexistent.

13 At one point we had over 50 people on the tie-down  
14 list. When we asked for applications with deposit, we  
15 had about 45. We now have 18 people on the tie-down  
16 list. If you want to park your airplane at Leesburg  
17 today, bring a check for \$100 and your application;  
18 we'll hand it to you because we have ten vacant.  
19 That's costing us \$1,000 a month in income.

20 Our demand for hangars is so low that right  
21 now the one developer who's leased a corporate pad site  
22 is not moving forward with his application.

23 Now, that's local operations. Don Robb from  
24 Aviation Education or Bob Hepp from Aviation Adventures  
25 would be happy to tell you all about their problems.

26



1 They in fact have filed written comments. I would be  
2 happy to take you out and take you for a ride in my new  
3 Piper Comanche, new to me, very old, airplane and show  
4 you what it's really like to operate in that, and I'll  
5 offer that to any member of the panel. I've already  
6 offered it to one of them. We just can't get the  
7 scheduling straight.

8 Let's talk about -- that's local operations.  
9 Let me tell you the competitive implications of that.  
10 Next slide.

11 (Screen.)

12 You're going to see some things that might  
13 pique your interest here. Why would I use these words?

14 But at Leesburg Executive Airport, when we're talking  
15 about personally owned aircraft, not being used for  
16 business use, which is a major portion of our  
17 demographic, we have three primary competitors. We  
18 have the fringe airports, and we've lost a lot of based  
19 aircraft to fringe airports. We have Loudoun Motor  
20 Sports and then we have any marina on Chesapeake Bay,  
21 because we're competing for a certain number of dollars  
22 that could be in many cases discretionary spending.

23 If you are threatened with Black Helicopters  
24 with machine guns to exercise your avocation -- not  
25 your hobby of flying, but it's an avocation for pilots;

26

1 it's not just a pastime -- or you could go spend your  
2 money and buy a boat and not worry about being  
3 intercepted by fighters, not to disparage any fighter  
4 pilots on the panel, the choice is usually for me very  
5 simple: I'll go risk the Captain Morrisses of the  
6 world. Not for everybody, and we've lost a lot of  
7 people that way.

8 Now, the bottom line, pilots really do fear  
9 the government. They really do. This gets pointed out  
10 when we talk about our transient discussion later on.

11 Next slide, please.

12 (Screen.)

13 Now, we're not proud of this next piece of  
14 information. We have a plan at the Leesburg Executive  
15 Airport Commission to make the Leesburg Executive  
16 Airport self-sufficient. Right now some of our staff  
17 is paid for by the town budget. We don't recover all  
18 of our expenses. We had a plan to make that happen.  
19 Now we're not sure. We have not found a developer  
20 willing to invest in our South End development process.

21 Now, here you'll see in the picture at the  
22 bottom side, you'll see the new hangars built about  
23 five years ago. At the top end you'll see a large  
24 amount of grassy area and the two horizontal hangar  
25 buildings, one of which has since fallen down and we're

26

1 about to tear the other one down. We're ready to  
2 develop that property.

3           Unlike a lot of airports in the area, we  
4 don't have much property. You're basically looking at  
5 all the property we have, not counting the woods to  
6 your right. So we have to maximize the potential to  
7 earn income to support the airport. Right now we've  
8 had two developers go forward with plans for self-  
9 service fuel and stop and, like Tipton, we've had  
10 developers come in and say, we want to build hangars,  
11 and have said, ah, not really. We even have people who  
12 are currently paying ground lease who are not pushing  
13 forward enthusiastically with their development plans  
14 because they're afraid of the marketplace. What  
15 they've seen is what we've seen: a downturn in demand.

16           Now, understand the airport that we are  
17 talking about is in the middle of one of the fastest  
18 growing counties in the nation and, according to one of  
19 the recent financial reviews, one of the five  
20 wealthiest counties in the nation. And we have vacant  
21 tie-down spots? The question the town asks is: What's  
22 wrong with this picture? The problem with that  
23 question is those are town council members asking the  
24 chairman and I: What's wrong with what you're doing.

25           So we're not looking for a handout here from  
26

1 the federal government. We're not asking you to  
2 subsidize us. What we're asking you to do is take the  
3 yoke off our back and let us run our business  
4 enterprise and get on a self-sufficient status.

5 Next.

6 (Screen.)

7 Now let's talk about transient operations.

8 This is a real pet peeve for me. The FBO has reduced  
9 his line staff by 60 percent since February of 2003.  
10 Our 100 low-lead sales are down, as I said. The  
11 aircraft owners and pilots association did a very  
12 detailed and thorough survey with a set of consultants,  
13 who talked about what's called a bounceback for some of  
14 the airports in the region. We haven't experienced  
15 that. There's no bounceback in operations for us.  
16 We've seen a steady decline in operations.

17 So I asked some pilots as part of this survey  
18 -- I'm also -- you'd think I'd have a real job, but I  
19 have a whole lot of part-time jobs, too. I'm also one  
20 of the coordinators for the Cherokee Pilots Association  
21 National Convention and Fly-In. As I'm talking to  
22 pilots around the country, convincing them to come  
23 spend their money and join us in sunny Osage Beach,  
24 Missouri, in June, I ask them: If you spent your money  
25 to travel, where would you go? To a person, they all

26

1 say: We're not going to the National Capital Region.  
2 I've read about the National Capital Region  
3 coordination center and the command post and the  
4 helicopters, and I've read about all the draconian  
5 things that happened, and I've seen all the postings on  
6 the web sites and I've read the articles, and you know  
7 what, I don't want to risk my pilot's license or my  
8 family's life with people with armed aircraft running  
9 around in close proximity to my Cherokee Bonanza,  
10 Sundowner, fill in the blank.

11 So there's a real fear. An interesting quote  
12 from a gentleman in Georgia, who comes from Saint  
13 Simon's Island, who said: "I fly to the Bahamas all  
14 the time in my Lance. I know what an ADIZ is and what  
15 y'all have up there ain't an ADIZ." He's right. It's  
16 not. It's special, and special is bad, because for the  
17 past 30 years I've been flying airplanes under a set of  
18 rules that developed over time. I used to fly in the  
19 TCA. Now I fly in class B airspace, but I kept up with  
20 those changes. I think it was easier if you learned  
21 later rather than earlier. This is too hard a change.  
22 It's too radical.

23 An interesting comment from a gentleman in  
24 Kentucky who's doing our barbecue coordination, who  
25 said: "Thanks to my governor, I'm not spending my  
26

1 money over there."

2 All of this comes to the fact because I'm  
3 waiting for somebody to ask me about the Udvar-Hazy  
4 Museum. This is the real pet peeve. We have within a  
5 mile of here arguably the finest aviation museum in the  
6 world. Now, the gentleman who founded Red Bull would  
7 say no, come to Austria, I'll show you a better one.  
8 And it's cool. But if you've not been to Udvar-Hazy  
9 you're missing something.

10 Do you know how many aircraft have visited  
11 Leesburg Executive Airport since the inception of the  
12 ADIZ to go to Udvar-Hazy? Do you know how many? One,  
13 and that was the C-47 from the Glenview Museum.

14 Now, as a guy who personally has piloted his  
15 Piper Cherokee before I bought a Comanche to Green  
16 County Airport, India 19 outside Dayton, Ohio, just so  
17 I could rent a cheap little Enterprise rent-a-car and  
18 go to the U.S. Air Force Museum, I cannot imagine why  
19 we do not have general aviation aircraft stopping at  
20 Leesburg and renting a car, another Enterprise rent-a-  
21 car, from our FBO and driving down here.

22 But I called the folks over at Capital  
23 Aviation and said, what've you got going over there in  
24 Manassas? They said: We don't see any visitors to  
25 Udvar-Hazy; they don't come here. Why don't they come

26

1 here? As the gentleman from Kentucky said: My  
2 governor screwed it up for me; I'm not going there.

3           It's so bad now at Leesburg that we have to  
4 continually -- the management stuff of Piedmont  
5 Hawthorne, now Landmark Aviation, does a great job for  
6 us as an FBO. They have to continually remind their  
7 line staff that just because it's a piston single  
8 landing doesn't mean he's local. It's so bad that when  
9 the line guys see a Bonanza coming in they immediately  
10 assume it's one of theirs and they don't jump out like  
11 you normally do for transient aircraft.

12           In fact, we kind of sort of get beat up by  
13 some people around here if we don't give real good  
14 transient service, especially at two minutes to 9:00  
15 p.m. So we're real sensitive about that. We want to  
16 give good transient service. We just don't have the  
17 customers.

18           Next to last slide.

19           (Screen.)

20           It's all about interstate commerce. That's  
21 really what we're talking about here. This very busy  
22 slide is intentionally busy because it's a busy place  
23 to fly. One gentleman referred to the fact that he's  
24 not sure it's all that safe, and I'd have to agree with  
25 him.

26

1           Everybody I know has been touched by this.  
2     The gentleman who bought my airplane is a 6,000-hour  
3     retired Marine Corps aviator, clipped the southern  
4     boundary of the ADIZ last week. He was on the phone  
5     not two hours ago with the Standardization Branch going  
6     through his procedures. Everybody I know has been  
7     contacted.

8           When you get to that level, you begin to  
9     wonder if the rule really makes sense. Many of us have  
10    already made up our mind, as you can hear.

11          One thing I want to point out. In the slide  
12    I talked about local operations in seven states. I  
13    think the FAA -- certainly, military flying clubs  
14    define local operations as within 50 nautical miles. I  
15    think the ADIZ impacts at least seven states and  
16    districts. That's a big, big impact.

17          Last slide.

18          (Screen.)

19          These words are taken directly from the  
20    resolutions that are in your handout books. It was  
21    resolved unanimously by the town council in Leesburg  
22    and endorsed unanimously by the county board of  
23    supervisors that they strongly urge the FAA to withdraw  
24    the NPRM in its entirety and to reduce the restrictions  
25    on airspace over Leesburg. For space, I took out some

26



1 of the words talking about practicability and national  
2 security. Those words are in your pamphlet.

3           These are carefully chosen words. We mulled  
4 these words over very, very carefully in the airport  
5 commission. We reviewed them with the mayor. They  
6 have been reviewed by the town attorney. It is our  
7 opinion that the council -- that the FAA must consider  
8 the economic and political impacts of airspace  
9 restrictions that reduce interstate commercial  
10 activity. That's very, very important to us. We have  
11 seen the impacts. There are many, many more details in  
12 your packet.

13           I thank you very much for your time. I've  
14 obviously taken much more. Subject to your questions.

15           (Applause.)

16           MS. KLEPPER: Thank you, Mr. Boykin.

17           Are there any questions from the panel?

18           (No response.)

19           MS. KLEPPER: None. Thank you.

20           By my watch it's about 2:40. We will go  
21 ahead and take a ten-minute break now, but I would like  
22 to start back in ten minutes. Thank you all.

23           (Recess from 2:39 p.m. to 2:59 p.m.)

24           MS. KLEPPER: If everyone will take their  
25 seats, we'll get started again.

26

1                   Our next scheduled speaker on the agenda this  
2                   afternoon is Ford Ladd.

3                   (Screen.)

4                                   STATEMENT OF FORD C. LADD

5                   MR. LADD: Good afternoon. Thank you for  
6                   this opportunity to speak to you. I speak to you today  
7                   in my individual capacity as a single-engine pilot.  
8                   But I bring with me my experience as an AOPA panel  
9                   attorney, familiar with the enforcement proceedings  
10                  that occur in this area, and as a mission pilot with  
11                  the Civil Air Patrol, familiar with the flight  
12                  operations in and out of not only the ADIZ but the FRZ,  
13                  and as well as the former CAP cadet orientation flight  
14                  coordinator for the National Capital Region here.

15                  (Screen.)

16                  First I want to put some numbers to the  
17                  threat assessment. We've talked about the typical  
18                  aircraft, which are typically 172's and 182's that are  
19                  operating in and out of this area, along with other  
20                  aircraft like Piper Warriors and Arrows. If you take  
21                  the useful load as published in the pilot information  
22                  manual, subtract from it 180 pounds for a pilot and 240  
23                  pounds for 40 gallons of fuel, and you're looking at a  
24                  range of lift capability of approximately 490 to 960  
25                  pounds. That's about what you can carry in a  
26

1 motorcycle and a lot more than what you can carry in a  
2 car, SUV, truck, and other vehicles that can be located  
3 with much greater certainty and, more importantly from  
4 the perspective of a terrorist, where there is a means  
5 of escape as opposed to being in the left seat or right  
6 seat of an aircraft.

7           With regard to the flight operations, we've  
8 already heard other people comment about the NOTAM  
9 causing an increase in ATC workload and resulting  
10 delays and unsafe congestion over various reporting  
11 points, including near-misses over Casanova and other  
12 locations. Air traffic control -- and by the way, I  
13 wish to thank those members here, and on behalf of all  
14 the pilots I'm sure we wish to thank them -- they've  
15 developed a series of procedures that they've given in  
16 local safety briefings. These aren't briefings that  
17 are published in the AIM, nor in the FARR, or these  
18 procedures aren't, I should say. In fact, they  
19 somewhat run counter.

20           If I fly into a sector, say Casanova, and the  
21 radio frequency is congested, I'm to call another  
22 sector. That's not something I should do at another  
23 area of the United States, but I'm supposed to do it  
24 here. If I am supposed to report -- I filed a flight  
25 plan to come to Casanova, I don't fly to Casanova; I'm

26

1 to fly somewhat in the area, like maybe ten miles away,  
2 to avoid the congestion. That's not something I'm  
3 trained to do or have been trained to do in my normal  
4 piloting training that I've had otherwise, and it's not  
5 something that a pilot coming into this area would  
6 expect. But that's what's been briefed, and it's been  
7 briefed because that's what the controllers are trying  
8 to do to make it safe for the pilots.

9 Now, prior to that what we had was increased  
10 congestion out over Casanova. To put some numbers on  
11 it for you gentlemen, if you fly below 2,000 feet  
12 you're going to be told they can't get you on radar.  
13 So you're typically around 2500 and you don't want to  
14 go much above 3,000. The reason you don't want to is  
15 because you're going to impact with the Class Bravo  
16 airspace if you're coming in to Manassas. As a result  
17 of that, you're going to have many operations,  
18 including student pilots, flying in all different  
19 directions all over Casanova.

20 You've got the recipe for a mid-air, which is  
21 why many pilots I know, some of which have come into my  
22 doors as a client, have chosen to fly along the ADIZ  
23 relying upon pilotage with known reference marks on the  
24 ground, cross-referenced with GPS and DME. They know  
25 they've been outside, but the FAA has still told them  
26

1 to give a call to tower and they were charged with an  
2 ADIZ violation, notwithstanding the fact that FAA  
3 publications state that the radar ranges can vary as  
4 much as 3 percent on the range, which would mean .6  
5 nautical miles if the sensor is at Dulles and more if  
6 it's at another location, say like National.

7 I am aware that there are larger  
8 discrepancies that have been observed during tests of  
9 the FAA radar for the GCNSS. I have asked to get that  
10 information, but it has not been provided to me in  
11 several cases that I have pending.

12 But to give an idea of how these  
13 discrepancies I've outlined and so that it will be more  
14 clear to you, if will look, if you can put up the  
15 ADIZ.

16 (Screen.)

17 I had one pilot, high time, IFR, flying at  
18 1400 eastbound, flying outside the ADIZ, south side of  
19 the Potomac, north of Brook VOR, if you can see that.  
20 The FAA said he was on the north side of the Potomac.  
21 Now, certainly a pilot flying VFR at 1400 feet knows if  
22 he's on the south side or the north side of the Potomac  
23 over the Brook VOR. But that's what you had. The  
24 pilot when we went over it was basically told: We're  
25 going to go forward with the full enforcement action

26

1       against you -- and by the way, the enforcement  
2       proceedings here are done a little bit differently, as  
3       I'm going to talk in a moment -- or we'll agree to  
4       dismissing a couple of the charges or a couple of the  
5       violations and let you just plead out on a failure to  
6       follow NOTAM.

7               The individual chose to take that position  
8       rather than wasting the time, at least we perceived to  
9       be a waste of time.

10              The overload of air traffic control has also  
11      caused another problem. Many pilots that take off out  
12      of Manassas to practice IFR -- to practice approaches  
13      on the 3-2 at Winchester, will find that if they follow  
14      the published procedure and the winds are blowing out  
15      of the west at more than 15 knots that they will find  
16      themselves somewhere over Upperville, approximately .2  
17      to .5 nautical miles inside the ADIZ. I've got several  
18      clients, including instructors, who have been in that  
19      position.

20              Unfortunately, when they leave the ADIZ,  
21      because of the workload, and they've asked for flight  
22      following, they're not given it. They're told to  
23      squawk 1200, remain clear.

24              The same thing goes with regard to pilots are  
25      flying commercial flight operations at low altitudes

26

1 over Stafford. Because they don't get radar coverage  
2 down there, they've been told, no, we won't give it to  
3 you. Yet they've been violated.

4 Similarly, if you follow the GPS approach at  
5 Shannon Airfield, you'll find yourself inside the ADIZ.

6 Now, the current enforcement procedures are  
7 quite simple, gentlemen. So that everybody out here is  
8 fully aware of how it's done, it's this. First  
9 offense, it's typically 30 days; second offense, it's  
10 120; and third day they're giving notice that they're  
11 going to revoke the license.

12 When you do have an event, they come after  
13 you with three, sometimes four, charges. The first one  
14 is 91-13 for careless and reckless operation. The  
15 second one is 91-139(c) for the emergency air traffic,  
16 basically failure to follow the NOTAM; and finally, the  
17 99-7, ADIZ, which I'll come back to in a brief moment.

18 Then every once in a while, such as in the case I'm  
19 going to illustrate in a moment, they'll come in and  
20 they'll add 91-123 Bravo for operating contrary to ATC  
21 instruction.

22 The FAA attorneys have repeated and there is  
23 reported directives out that state that they are not  
24 given the discretion to settle an ADIZ violation with  
25 an administrative action. Other attorneys have also

26

1 stated that they are not -- excuse me, I'll come to  
2 that in a moment.

3 This has resulted in situations where pilots  
4 have been coerced into accepting violations of 139 to  
5 avoid the punitive effects that a reckless operation or  
6 99-7 can have.

7 (Screen.)

8 Let's go to one of the cases. I'm not going  
9 to identify the pilot, but it's Enforcement Action 25-  
10 EA-130036. This was a Siris aircraft on IFR to  
11 Leesburg. It was brought up the VFR corridor up the  
12 east side of Dulles, across the Potomac on the north  
13 side, vectored west, told to descend to 3,000.  
14 Finally, over Leesburg he was vectored back to the  
15 southeast.

16 The pilot said their attempts to cancel his  
17 flight plan were blocked because of congestion on the  
18 frequency. But it was as he was right over the turn  
19 from downwind to base for 17 on Leesburg that he was  
20 asked by the controller -- or he was told he was  
21 cleared for the visual, stay on code, be advised  
22 multiple traffic in the area, and frequency change  
23 approved.

24 Very shortly after that -- and we haven't  
25 been able to sync up exactly the timing, and we can get  
26



1       into that later off other time if you want -- he had an  
2       airplane cross in front of his flight path, which  
3       required a deviation. Finally, he had another twin-  
4       engine Cheyenne rolling right at him. It resulted in  
5       almost a near-midair.

6               The FAA radar data shows that there was 200  
7       feet vertical separation between these aircraft and .2  
8       nautical mile horizontal, but that pilot and the  
9       passenger with him saw the rivets on the airplane and  
10      is certain that the aircraft came in much closer  
11      proximity.

12              When we went in for the enforcement  
13      proceeding -- by the way, during the course of those  
14      evasive maneuvers the pilot reached over to reduce  
15      power, and right near there is the transponder and the  
16      best we can figure his hand inadvertently struck the  
17      VFR button. He was already on CTAF frequency and so he  
18      was off on 1200 squawk before he changed a few moments  
19      later.

20              The FAA stated that they will not consider an  
21      emergency situation like that for removing the charges.

22      They also stated in a situation where you've had your  
23      IFR flight plan cancelled and you switch to 1200 that  
24      there's a special directive, but they couldn't reduce  
25      that either or remove that charge.

26

1           So he ended up pleading out. The reason for  
2 it is quite simple. SFAR-94, which is no longer in  
3 effect but does provide guidance under the new 49 CFR  
4 1562, states that a pilot can land at one of the DC 3  
5 with one 91-139, but if they get one 99-7 they're out.

6       So the pilot asked me: Can you guarantee me that you  
7 will not -- that I will prevail on the emergency  
8 exception if I take it into court? I couldn't. He  
9 pled.

10           There's confusing uses of the words in the  
11 FAA NOTAM, such as paragraph 5 states that "A pilot  
12 cannot enter Class Bravo, Charlie, or Delta airspace  
13 within the ADIZ unless they receive a separate ATC  
14 clearance." Now, for many of us pilots that are VFR  
15 pilots that means something magic to us and we equate  
16 it to the terminology used for a separate clearance  
17 entering Bravo. But once again, the controllers here  
18 have given separate briefings and have told us, no, you  
19 will not get a separate clearance to enter the Delta  
20 airspace when going into Manassas.

21           The ADIZ, I assert to you, is also wrong.  
22 The ADIZ regulation, Part 99, defines the ADIZ as  
23 having been designated -- or those areas designated in  
24 subpart B which are the contiguous areas over the water  
25 around the outside areas of the United States, Alaska,

26

1 Guam, and Hawaii, not over Washington, sir.

2 The proposed regulation, 99.3, is going to  
3 compound and aggravate these situations much further by  
4 calling for criminal fines and penalties. They are  
5 calling for the criminal charges under 49 U.S.C. 46307,  
6 which is a class A misdemeanor punishable by 12 months  
7 in jail, up to a \$100,000 fine. If you look -- if a  
8 judge were to apply the uniform sentencing guidelines,  
9 the first question he was ask would be what would be  
10 the base level of this offense. I've asked the FAA  
11 what that number is. I'm not -- they have not provided  
12 that information to me.

13 I have asked -- I have been told that that  
14 would probably be designated by the Department of  
15 Justice. When I called up the United States Attorney's  
16 Office for the Eastern District of Virginia and got the  
17 day attorney, I was told that they could not provide  
18 that information to me, that as a member of the general  
19 public I have to get that information on my own, which  
20 it's not available. It's going to be what you guys  
21 advocate.

22 So if we look to comparable things, like mass  
23 transportation incidents, we start looking at threat or  
24 base offense levels that are in the high 30's, which  
25 would call for a minimum sentence of 168 months, which  
26

1 would mean a judge looking at this, if you were to  
2 apply it by analogy or use it for guidance, would say:

3 I'm going to throw the book and put the guy in jail  
4 for the full 12 months. That's what a pilot is going  
5 to look at.

6 Now, I understand that that's been on the  
7 books, but when you put that new 99-3 into effect and  
8 you look at the fact that the ADIZ violations are  
9 backed out so that the FAA attorneys being assigned to  
10 these cases -- and I get them from Kansas City and  
11 other points west because the ones local are so booked  
12 -- they're going to use these, just as they do in any  
13 other attorney's offices, in the prosecutor's offices,  
14 to induce more rapid settlement and resolution of the  
15 cases.

16 These practices have a chilling effect not  
17 only on the flight operations you've heard, but also  
18 Colonel Moseley with the Civil Air Patrol has written a  
19 written comment describing how it affects our training  
20 operations and missions here.

21 But also I'm going to speak to you as the  
22 former cadet orientation flight coordinator for NATCAP  
23 and also as a mission pilot. I can tell you that there  
24 are pilots that have flown for many years that won't  
25 fly here any more because they're looking at losing

26

1 their license or soon looking at the imposition of  
2 criminal penalties.

3 As a former mechanical -- and by the way, as  
4 a former cadet orientation flight coordinator, I can  
5 tell you that we had available funding and couldn't  
6 find pilots to fly to take cadets up. We used those  
7 cadet orientation flights to get cadets to join the  
8 Civil Air Patrol and learn about first aid and to stay  
9 in school, stay away from drugs, and get motivated in  
10 pursuing their studies. The flight orientations  
11 have been a highly important factor in motivating those  
12 people and now we can't find pilots to fly them,  
13 certainly not to the numbers.

14 As a former mechanical -- as a mechanical  
15 engineer, graduate of Purdue University, and having  
16 been with the board there, I can state that a majority  
17 of U.S. citizens that were in engineering school when I  
18 was there and even through until most recent years are  
19 motivated by small planes. You put this thing into  
20 effect here in Washington, you're going to have one in  
21 Chicago and every other city. We all know the comments  
22 that have been made by Mayor Daley and others.

23 The most important impact that you haven't  
24 described is not just the direct economic impact, but  
25 the fact that when you look back over the past 75 to  
26

1 100 years in this country it has been aviation that has  
2 led technology development in all phases of our  
3 economy, whether it be from developing computers and  
4 semiconductors to new materials and manufacturing  
5 processes, that have allowed us to enjoy a standard of  
6 living above anywhere else in the world. Yet today, as  
7 we have throttled general aviation, we now see that  
8 it's foreign engine manufacturers that are showing in  
9 air shows in the United States and elsewhere new diesel  
10 engines suitable for insertion inside an aircraft flown  
11 here and elsewhere, general aviation aircraft, that if  
12 you scale them down to 80 horsepower and then put those  
13 inside hybrids will generate mileages that will outdo  
14 anything any of our auto industry can do. These are  
15 the hidden economic impacts that you haven't  
16 considered, I haven't seen written, and that to me are  
17 most troubling, along with what we're doing with our  
18 youth.

19 If you're looking at it from a public  
20 relations standpoint, think of the image we've  
21 projected around the world, the image being that while  
22 we're on fear factor yellow we have police standing out  
23 in the streets screaming at everybody else: Run for  
24 your lives. It isn't al-Qaeda that's going to defeat  
25 us; it's going to be our own fear.

26

1           Yes, I understand that there was concern  
2   after 9-11, and yes, I can understand some of the  
3   reasons why you have acted or why certain rules have  
4   been enacted, but it's time now to recognize that it  
5   was an overreaction and to realize that they have  
6   resulted in regulations that limit our freedoms, impose  
7   costs, and have impaired our development so that we  
8   will not be able to compete in the world market as  
9   effectively as we have and enjoy the standard of living  
10  for our children that we ourselves have benefited from.  
11  We will ultimately collapse from our own  
12  overregulation on these points.

13           You, ladies and gentlemen, have the  
14  opportunity to change that legacy for our children. I  
15  ask that you rise to this occasion and recommend that  
16  the present notice of proposed rulemaking be withdrawn,  
17  that the ADIZ be withdrawn, and if you do have to look  
18  at any form of restriction that it be imposed not on  
19  the light general aviation aircraft, but rather on  
20  large or heavy aircraft, because those are the only  
21  ones that could inflict damage.

22           Thank you.

23           (Applause.)

24           MS. KLEPPER: Thank you, Mr. Ladd.

25           Our next scheduled speaker is Tom Bush.

26

1 (Screen.)

2 STATEMENT OF TOM BUSH

3 MR. BUSH: Thanks for having me today. My  
4 title slide there, "Eminent Domain in the Third  
5 Dimension." That's something we've seen in the news  
6 quite a bit, so I think it was rather fitting. I think  
7 I actually have the origin on that phrase, too. I  
8 might put a trademark on that. I haven't heard it  
9 before.

10 All right. I come here today as a private  
11 citizen, but in reality I'm going to show you the two  
12 faces of me. But once again, I remind you I am a here  
13 as a private citizen.

14 Next slide, please.

15 (Screen.)

16 Let me introduce you to Dr. Jekyl. Dr. Jekyl  
17 is a nice guy. He flies F-18's for a living and as of  
18 today has been in the Navy for 20 years and 4 days.

19 (Applause.)

20 Thank you. I will continue to stay in the  
21 Navy and with any luck have command of a squadron of  
22 these things in a few years. Right now, though, I'm  
23 working for the NRO. That's the National  
24 Reconnaissance Office. It's headquartered a few miles  
25 from here. That's what I do on what we call our shore  
26



1 duty tour while I'm waiting to go back to a seagoing  
2 billet.

3 I travel frequently through the ADIZ, land at  
4 Dulles, by the way. I'll get to that in a minute. I  
5 have had many occasions to travel and land to airports  
6 inside the ADIZ, and very passionate about the subject.

7 Once again, I'm here as a private citizen because I'm  
8 concerned about our freedom and don't want it to go  
9 away.

10 Next.

11 (Screen.)

12 Here's Dr. Jekyll seeing his family after  
13 getting back from a six and a half month deployment  
14 over Iraq. If you could bottle up the feeling he's  
15 feeling right now after seeing his family from being  
16 gone that long, you could sell it for about a million  
17 bucks a pop.

18 Next.

19 (Screen.)

20 Now let me introduce you to Mr. Hyde. Mr.  
21 Hyde flies a Mooney. That Mooney is sitting about a  
22 mile from here at Landmark Aviation on the ramp. I  
23 flew it here today from Virginia Beach, which I don't  
24 recommend doing, by the way. It's pretty rough out  
25 there. About a 30-knot crosswind landing on Runway 1-

26

1 Left.

2 Here's what I want to tell you about Mr.  
3 Hyde. Mr. Hyde takes great offense to having to deal  
4 with procedures. I hold the highest clearances the  
5 nation can offer, but yet I have to deal -- or get  
6 treated like a criminal and feel kind of dirty and  
7 guilty every time I fly into the ADIZ, like I'm not  
8 supposed to be there.

9 Next.

10 (Screen.)

11 There's Mr. Hyde and his family going to Palm  
12 Springs on his way out to Naval Aviation Safety School,  
13 where he's going to spend a month. That's back in  
14 2003.

15 Next.

16 (Screen.)

17 And there's Mr. Hyde's daughter obviously  
18 hatching an evil terrorist plot in the back there of  
19 the airplane. She really is evil sometimes. She's got  
20 about 200 hours, by the way, in the Mooney, as do both  
21 my kids.

22 Next.

23 (Screen.)

24 A little airspace review -- can I take this  
25 mike out?

26

1           All right, a little airspace review for  
2 overall orientation. I'm normally based out here at  
3 Papa Victor Golf -- that's Hampton Roads, Virginia --  
4 and Navy flying-wise flew out of NS Oceana. My route  
5 of travel normally takes me up into the ADIZ, and I  
6 prefer to land at Dulles because it's about a five  
7 minute drive to get to where I need to go several times  
8 per month. I've had many other occasions to transfer  
9 in and around the ADIZ. One of them is to go to some  
10 friends, other active duty Navy pilots, that reside in  
11 the Dogwood Airpark just on the outer fringe of the  
12 ADIZ, and as such I've had to take long routes around  
13 the ADIZ to get to it on travels that I've taken from  
14 points north.

15           Then I also -- just using this to tell you  
16 just how much airspace we have. I've heard square  
17 miles numbers and what-not. We're talking right here  
18 about 80 nautical miles at its furthest east to west  
19 point. That is more airspace than many of the military  
20 training ranges I fly in when I'm flying my Hornet. I  
21 would love to have 80 miles to do our air-to-air  
22 intercept training in, but I rarely get that. It's  
23 about 70 miles north to south.       That is a huge chunk  
24 of airspace.

25           Next.

26

1 (Screen.)

2 I know you probably can't see this too well.

3 This is just going to lead me into my next point, that  
4 Mr. Coyne probably much more eloquently stated, and  
5 that is the ineffectiveness of the ADIZ. This is the  
6 Barin One arrival into Dulles. In this case I'll use  
7 Runway 19 as an example.

8 I flew up to the NRO last Friday and was put  
9 on this arrival. It was IMC conditions and I'm on an  
10 IFR flight plan. As I am flying up, I noticed just how  
11 close -- you're essentially on a left downwind for  
12 Runway 19. When you're between the Tring and the Stayo  
13 intersections, you're literally -- if you are exactly  
14 on this course centerline here, you are only about 13  
15 nautical miles from the White House lawn. Remember  
16 that, please.

17 Next slide.

18 (Screen.)

19 So as to what Mr. Coyne was talking about and  
20 why the ADIZ is ineffective, here I am on this line.  
21 There's Stayo. This track represents my flight path  
22 right here. At this point, let's say I was a bad guy  
23 with evil in his heart and I wanted to do our nation  
24 harm. I could just hang a right right here -- and this  
25 isn't a state secret; it's just a math problem -- a

26

1 bearing of basically east 13 nautical miles or, at 180  
2 knots with a prevailing westerly tailwind, any high-  
3 performance, 200-horsepower, single-engine airplane  
4 like there are a million of out there -- and oh, by the  
5 way, there's private jets that can halve this time --  
6 can be on the White House lawn in less than four  
7 minutes or right about four minutes.

8 That's no kind of threat or anything like  
9 that. That is simple arithmetic.

10 So meanwhile, to get there I had, as a good  
11 guy, I had to jump through all kinds of administrative  
12 hoops, file a flight plan, trying to do the right  
13 thing, and yet so can a bad guy. He can do the same  
14 procedures, do everything right, and then just hang  
15 that right turn right there and be a threat to the  
16 Capital Region.

17 Now, what am I saying? I'm saying that  
18 freedom and security are polar opposites. The more you  
19 have of one, the less you have of another. And I am  
20 not willing to give up my freedom for the sake of  
21 terrorists.

22 Next.

23 (Screen.)

24 Here's another example of an ADIZ impact  
25 right here. What I really would like the panel to know

26

1 is that many people engaged in general aviation and  
2 private aviation do so on the very fringes of  
3 affordability. A guy like me, my wife's a stay-at-home  
4 mom for our two kids. I'm an active duty officer. We  
5 do this on a shoestring budget and we try and keep  
6 things as safe as we can and fly as much as we can.

7 It's also a lifestyle, one we chose. People  
8 are into boats, people are into various other hobbies.

9 This is what we do. This is what we are.

10 A good friend of mine lives up in  
11 Williamsport, Pennsylvania. He's a fellow Hornet  
12 pilot. Actually, his family lives there and he visits  
13 there several times a year. I go up there to visit him  
14 whenever he is home. If you look at this route of  
15 flight, normally what would I do pre-ADIZ? I'd go  
16 right over the top of the class B, above 10,000 feet,  
17 and fly essentially VFR direct.

18 Now, due to the Pax River airspace  
19 restrictions down here and this huge swath of the ADIZ,  
20 look what I have to do to get around this. I can  
21 either go all the way around the Eastern Shore or I can  
22 do this dog-leg here. I actually crunched the numbers  
23 and it is round trip about \$40 more out of my pocket to  
24 make that trip, and that is not insignificant to many  
25 people, and that's flying a Mooney.

26

1 (Screen.)

2 All right, some quotes out of the notice of  
3 proposed rulemaking, a very well-researched document.  
4 Before I throw a couple spears, to its credit, all the  
5 agencies represented on this panel are extreme  
6 professionals. The controllers out there far and wide,  
7 the people you deal with are extremely good at their  
8 job and they want this country to remain to be the  
9 beacon of freedom that it is just as much as I and  
10 everybody else probably does. But I think the measures  
11 we've taken are a little too much.

12 So some quotes. You read the document, it's  
13 got some excellent data and facts in there, but when  
14 you look at it a little closer you can kind of glean  
15 some points out of here that kind of don't pass the  
16 smell check. All right: "Because of its status as  
17 home to all the three branches of the federal  
18 government as well as numerous federal buildings,  
19 foreign embassies, multinational institutions, and  
20 monuments, the D.C. metro area continues to be an  
21 obvious high-value target for terrorists." Well, you  
22 could say that about virtually any city in our country.

23 So that's the point that's been made several times.  
24 Kind of like a courtroom, you set the precedent and  
25 this thing will come to other cities. I know it will,

26

1 and I'm not willing to let that happen.

2 Next.

3 (Screen.)

4 Another one: "While the DHS has no specific  
5 information regarding GA aircraft . . . to perpetrate  
6 attacks, terrorists may" -- "may" -- "turn to GA as an  
7 alternative method for conducting operations." I may  
8 get struck by lightning when I walk outside. I may  
9 contract a disease that kills me. If I am willing to  
10 turn over for every rule that gets made that restricts  
11 my freedom, I may as well crawl under a rock somewhere  
12 and wait to die. That's not what freedom is all about.

13 Freedom is about --

14 (Applause.)

15 Thank you.

16 "The outer area" -- this is another quote --  
17 "which closely mimics the current Washington tri-area  
18 class B airspace is called ADIZ and requires ID of all  
19 flight operations within the airspace in order to  
20 ensure" -- my emphasis -- "the security of protected  
21 ground assets." "Ensure" is not the verb to be using  
22 there. It is not -- it's not reality.

23 As I showed in my example, you don't ensure  
24 anything based on administrative procedures. Anybody  
25 hear the saying, "Locks are for honest people"? If a

26



1 bad guy wants to do something, he's going to make the  
2 attempt to do it, unfortunately.

3 Next.

4 (Screen.)

5 All right. "Given the myriad of possible  
6 scenarios, the costs of an act of terrorism against a  
7 nationally prominent target or critical government  
8 infrastructure is extremely difficult to quantify."  
9 Well, that may be true, but what I can tell you is very  
10 easy to quantify, and it's been spelled out in the NPRM  
11 itself and by many speakers, is the definite economic  
12 impact that is occurring this minute and every second  
13 of every day that this ADIZ is in place.

14 I can tell you there is one single piston  
15 engine airplane sitting on the ramp right over here at  
16 Landmark right now and that's mine. I flew it here. I  
17 used to fly here. My uncle is a retired Army O-5,  
18 lives in McLean. Then he retired out of the Nuclear  
19 Regulatory Commission. I've been up here several times  
20 in many years, over many years, to see him, and it used  
21 to be the whole two back rows filled with GA airplanes.

22 You just don't see it now. It doesn't take a million  
23 dollar study to figure out that the impacts are there.

24 Next.

25 (Screen.)

26

1           Another one: "The FAA acknowledges that  
2     there will be non-quantifiable benefits" and, read on  
3     down there, "this would allow the government to know  
4     the pilot's intentions by the fact that they're talking  
5     on ATC." Once again, that is not a proper statement.  
6     You don't know the intentions of the pilot just because  
7     he happens to be squawking what you told him to squawk.  
8     You can't know that. Does anybody remember what the  
9     terrorist said on the intercom once they started  
10    talking to the passengers: Everybody sit down, we are  
11    returning to the airport. Yeah, right. That's what  
12    the terrorist said. You don't know anything in that  
13    case.

14           Next.

15           (Screen.)

16           This is a quote from me, rather kind of in-  
17    your-face. Politically correct not spoken here. I am  
18    an American living in America and I am unwilling to  
19    give up my rights and freedoms to idiot terrorists, and  
20    I'm disappointed in my government for currying to the  
21    perceived pressure to take ineffective measures at the  
22    expense of liberty.

23           We're the country that shunned British rule,  
24    tamed the West, won World War I, World War II, put men  
25    on the moon, and stared down the Soviets, and it's time  
26

1 to act like that.

2 Next.

3 (Screen.)

4 (Applause.)

5 All right, alternatives as listed, directly  
6 quoted right out of the proposed rulemaking. You've  
7 got alternative one, rescind the TSA as it stands  
8 basically. That of course is probably everyone in this  
9 room's desired alternative to pursue today. Our  
10 government has gotten along for 229 years without that  
11 ADIZ being there, 226 really to be exact. 100 of those  
12 years have been with manned flight around. I think we  
13 can exist further on without them.

14 Security is kind of like a warm blanket. You  
15 create measures that seem like they may be doing  
16 something or maybe they're not and you kind of feel  
17 cozy with it after nothing's happened, and then when it  
18 comes time to take those measures away you feel kind of  
19 naked and exposed. Such it is with this ADIZ.

20 Alternative two: Codify the existing flight  
21 restrictions over the D.C. area, so kind of status quo  
22 there as things are. It's the FAA's primary choice  
23 and, according to them, a better option than the --  
24 this is their quote -- "more draconian measures." So  
25 they're recognizing that the ADIZ is draconian, all

26

1 right, and we'll get to the more draconian measure  
2 next.

3 Which is: Close all airports within the  
4 proposed ADIZ permanently. College Park, oldest active  
5 airport in the world. I would hate to see that happen.

6 All right. Alternative four, and I  
7 respectfully ask, if you must keep the ADIZ or must  
8 keep a measure in place, exercise option four and  
9 retain the FRZ, but eliminate the ADIZ, or at least  
10 give pilots something reasonable to allow overflight of  
11 that huge swath of airspace.

12 Next.

13 (Screen.)

14 Kentucky Governor Ernie Fletcher has been  
15 mentioned a few times. How many people know where he  
16 was going that day? He was going to Ronald Reagan's  
17 funeral, at an airport named after him. So how do you  
18 think Ronald Reagan, the man who said to Mikhail  
19 Gorbachev "Mr. Gorbachev, tear down this wall," how do  
20 you think he would feel? How do you think Ronnie would  
21 feel, President Reagan, if we had shot down one of our  
22 own on that day? I think he'd be rolling over in his  
23 grave. To Ms. Blakey I say: Tear down that ADIZ,  
24 tear down this wall.

25 (Applause.)

26

1 MS. KLEPPER: Thank you, Mr. Bush. No  
2 questions from the panel. Thank you.

3 Our next speaker is Randall Burdette.

4 (Screen.)

5 STATEMENT OF RANDALL BURDETTE, COMMONWEALTH OF  
6 VIRGINIA, DEPARTMENT OF AVIATION

7 MR. BURDETTE: Good afternoon, ladies and  
8 gentlemen. I am Randy Burdette. I'm Director of  
9 Aviation for the Commonwealth. Secretary Holmer and I  
10 would like to thank you for the panel, for Secretary  
11 Mineta, for holding this public hearing. Although  
12 public hearings were not part of the original plan, I  
13 was very impressed when I received a call from Ms. Ida  
14 Klepper of the FAA responding to the letters Secretary  
15 Holmer and I wrote to the FAA Administrator requesting  
16 the public hearings. We were very pleased the  
17 administration was listening to the requests of the  
18 state and local governments, AOPA, NBAA, NATA, and  
19 numerous other organizations, as well as thousands of  
20 pilots, in the call for public hearings.

21 It's our request that this not be the end of  
22 the process, but a continuation of listening to the  
23 people that we serve and providing them the best  
24 solution possible. We don't believe the ADIZ in its  
25 current configuration is the best solution possible.

26

1 We believe that the best solution would be a balanced -  
2 - a solution that balanced the needs of security,  
3 safety, and public access to our airports.

4 The Commonwealth airport system is comprised  
5 of 67 public use airports with over 19,500 Virginia-  
6 based pilots and over 5,700 based aircraft. Of course,  
7 this is only a small portion of the community served,  
8 as every day thousands of aircraft and travelers come  
9 into Virginia to visit and do business using our  
10 airport system. Our last economic study in 2004  
11 revealed that the system contributed over \$10.8 billion  
12 in economic activity to the communities it serves, over  
13 \$4.8 billion of that in wages, with over 16,000 --  
14 excuse me -- 164,000 jobs in the Commonwealth.

15 You heard today numerous situations of  
16 economic loss as impacted by the ADIZ and only minimal  
17 safety and security provided by the ADIZ. Does the  
18 ADIZ have economic impact? Today you have heard  
19 representatives from two of the Virginia airports most  
20 significantly impacted by the current configuration of  
21 the ADIZ, Manassas and Leesburg. You have heard the  
22 presentation of Leesburg, a very good presentation.

23 You'll also hear from the Virginia Aviation  
24 Business Association, or VABA, as well as numerous  
25 other organizations and individuals which will report

26

1 real economic losses -- you've heard some of these  
2 dollar numbers -- and real lost opportunities as  
3 businesses and individuals alike look to locate outside  
4 the ADIZ. This is not just small traffic. We heard  
5 from Stafford County Airport and several other airports  
6 outside of the ADIZ that major corporations are looking  
7 to invest outside of the ADIZ because they feel the  
8 ADIZ is cumbersome to their business and an impedance  
9 to the operations they want to conduct.

10 As early as March of 2004, then again in  
11 August of 2004, the Commonwealth proposed VFR corridors  
12 to both Manassas and Leesburg to the FAA. Our purpose  
13 was to regain some of the lost accessibility to those  
14 airports and reduce the workload of the controllers  
15 responsible for those areas. We want those requests to  
16 be reconsidered as a significant part of the ADIZ  
17 evaluation.

18 In summary, I believe that the Washington  
19 airspace needs to be fairly evaluated, with a focus on  
20 providing appropriate security measures while balanced  
21 with safety and public access to our airports. This is  
22 not a one size fits all. You've heard from the  
23 helicopters, the special capability they provide, the  
24 special needs. You also heard from the communities and  
25 some of the special needs that they have in serving

26

1 their community and their constituents.

2 The Commonwealth Department of Aviation would  
3 like to participate in this process and we would ask  
4 you that the VFR corridors into Manassas and Leesburg  
5 are needed now to restore some of the access and reduce  
6 the ATC workload with minimal impact on security of our  
7 nation.

8 Thank you.

9 (Applause.)

10 MS. KLEPPER: Thank you, Mr. Burdette.

11 Our next scheduled speaker is John  
12 Palatiello.

13 (Screen.)

14 STATEMENT OF JOHN PALATIELLO,

15 EXECUTIVE DIRECTOR, MAPPS

16 MR. PALATIELLO: Good afternoon. Thank you,  
17 Madam Chairman, members of the panel. My name is John  
18 Palatiello. I'm Executive Director of MAPPS, the  
19 Management Association for Private Photogrammetric  
20 Surveyors. We are an association of private companies  
21 that are engaged in the business of what's commonly  
22 known as aerial surveying, aerial photography and  
23 aerial surveying, for planimetric and topographic  
24 mapping.

25 Our organization represents over 150 member  
26



1 companies that use a variety of conventional aerial  
2 photo and more contemporary remote sensing technologies  
3 to acquire data about the land from the air.

4           There's hardly a part of everyday life that  
5 our members are not engaged in in enhancing the quality  
6 of life and serving our clients and the public in  
7 everything from homeland security itself to the  
8 environment, to our built infrastructure, the water you  
9 drink in the morning, the radio that comes on and wakes  
10 you in the morning. All is dependent upon the kind of  
11 data that our members collect.

12           Next, please.

13           (Screen.)

14           One of our largest clients is the federal  
15 government itself. Again, everything from  
16 infrastructure to environmental to national defense and  
17 intelligence, the homeland security, and the typical  
18 alphabet soup of agencies, as well as state and local  
19 government, again for a variety of everyday  
20 applications, including our air system itself. The FAA  
21 and local airports are major clients and users of our  
22 members' data.

23           Next.

24           (Screen.)

25           Private and industrial clients, engineering  
26

1 surveying, and every type of project and industrial or  
2 utility company we work for as well.

3 (Screen.)

4 At your first hearing in Columbia, Mr.  
5 Richard Kreis, who is with us today, spoke to you. He  
6 is a member of our organization. He talked a little  
7 bit about the economic impact on his own company. I'd  
8 like to share with you a little bit of data about the  
9 impact on our economy overall.

10 Aerial photography is a very small part of  
11 any kind of capital improvement project. In fact, the  
12 aerial photography is about 5 to 10 percent of the cost  
13 of mapping, the mapping is 5 to 15 percent of the cost  
14 of engineering, the engineering is 6 to 8 percent of  
15 the cost of construction, and the construction cost is  
16 about 90 percent of the cost of a capital project.

17 (Screen.)

18 This is an illustrative example. This was a  
19 project in Kentucky, where you can see that the aerial  
20 photography was a very small part of the project. But  
21 when you look at the total cost of the construction and  
22 you look at the downstream economic benefit from that  
23 road project, you have a multiplier effect of over  
24 9,000 times. So the very small investment that's made  
25 in aerial photography has a huge downstream impact on

26

1 all the things that we rely upon for our quality of  
2 life.

3 (Screen.)

4 I'd like to talk specifically about the  
5 waivers process and get into the specific language in  
6 the proposed rule. After 9-11 -- well, let me back up  
7 and say, before 9-11 the only thing we had to deal with  
8 in this area was P-56. Was that inconvenient? Yes.  
9 Was it a way of life and something that we could deal  
10 with? Absolutely. And there was a very good  
11 partnership between our community, Secret Service, air  
12 traffic control, all of the relevant agencies, and the  
13 system worked.

14 We learned a very valuable lesson on 9-11 and  
15 that is that, because the system was working so well,  
16 we were not as an association engaged with FAA, and we  
17 were pressed into emergency service after 9-11 when the  
18 class B airspace was closed down, and we were just  
19 delighted at the responsiveness of FAA. We went in,  
20 made a presentation. In fact, some of the slides here  
21 were part of that presentation. I think it was within  
22 a week or ten days of that presentation our members  
23 were back up, and we are grateful for that.

24 After 9-11, in New York and Washington in  
25 particular, a waiver process was implemented. Again,  
26

1 was it inconvenient? Yes. Was it different than what  
2 life was like before 9-11? Absolutely. But it was a  
3 process that we felt there was some certainty to and it  
4 was something did add time, did add cost, but it was  
5 something that we could live with.

6 (Screen.)

7 This is the current wording of the TFR, and  
8 it has a specific reference to the "specifically  
9 authorized by waiver from the FAA," and that's the  
10 process that had been in place.

11 Next slide.

12 (Screen.)

13 The proposed wording says "unless the  
14 specific flight is authorized by the FAA."

15 Next.

16 (Screen.)

17 Why is this wording significant? Aerial  
18 survey missions have been requested within Disney TFRs  
19 in Orlando and Anaheim. The TSA agrees that the same  
20 waiver process used for the Washington FRZ should also  
21 be used for the Disney TFRs. If it's good enough for  
22 the nation's capital, it ought to be good enough for  
23 Disney. I think the more flippant comment would be if  
24 it's good enough for protecting the President of the  
25 United States it ought to be good enough for protecting

26

1 Mickey and Minnie and their friends.

2           The specific wording of the Disney TFRs,  
3 whether intentional or not, whether an oversight or  
4 not, has prohibited our members' operations in those  
5 areas, including some requests where our client was the  
6 City of Anaheim. So this is a situation that would  
7 just be untenable for us here in the Washington area.

8           (Screen.)

9           So what is the solution? I've had a very  
10 honest professional conversation, debate, if you will,  
11 with my members. Obviously our members would like to  
12 have a solution that is go back to the way life was  
13 before 9-11. I have counseled my members that that's  
14 not realistic, that's not going to happen; we're going  
15 to have to live with something different than what was  
16 in place before 9-11.

17           But the ADIZ and temporary flight rules  
18 established after 9-11 have had a negative impact on  
19 aerial survey operations in the Washington area. That  
20 fact and whether the ADIZ and TFRs should be made  
21 permanent have been addressed separately. The point of  
22 our comment today is to bring to your attention the  
23 fact that the proposed wording differs from the wording  
24 in the TFRs and unless there is a change in the meaning  
25 there is no need to change the wording with respect to

26

1       waivers. We request that the same wording that's used  
2       for the TFR specifically with reference to the waivers  
3       for flights in the Washington FRZ replace the wording  
4       of Part 93.41.

5               Next.

6               (Screen.)

7               That's really our entire point in a nutshell.

8       Again, you look at the new Governor of Virginia is  
9       embarking upon a very ambitious transportation program.

10       Pardon the pun, but he's never going to get it off the  
11       ground if we can't fly and collect the data to help  
12       build the roads that he wants to build. It's an  
13       important quality of life issue. We understand there's  
14       going to be more regulation.

15               Our members do not pose a threat. We're  
16       willing to go through a process, whether it's having  
17       the law enforcement officers on board, having a special  
18       certification. We're willing to live with those kinds  
19       of increased regulation. But give us a chance to do  
20       our business and serve the public and our clients.

21               Thank you again.

22               (Applause.)

23               MS. KLEPPER: Thank you, sir.

24               MR. PALATIELLO: I'll answer any questions.

25               MS. KLEPPER: Any questions?

26

1 (No response.)

2 MS. KLEPPER: No. Thanks.

3 Our next scheduled speaker is Fred Wimberly.

4 (Screen.)

5 STATEMENT OF FRED WIMBERLY

6 MR. WIMBERLY: You can probably see from the  
7 title of my little talk here that my speech is going to  
8 be a little bit different. I'm Fred Wimberly and I'm  
9 here representing myself. I'm a CFII. I've been  
10 flying in the D.C. area since 1966. I own one airplane  
11 that's based at Manassas, Virginia, and I own another  
12 two airplanes based at Hyde Field, which is inside the  
13 FRZ.

14 Next slide.

15 (Screen.)

16 Many of the presenters have spoken about how  
17 the ADIZ is personally affecting them. They have  
18 described financial ruin, business failures, fear of  
19 the government, loss of flight privileges for minor  
20 infractions of ADIZ rules, and on and on. Everything  
21 from minor inconveniences to major safety problems  
22 caused by the ADIZ have been addressed. I, like most  
23 of these folks, have also been affected and my problems  
24 have been similar to most of them, although they are  
25 much more eloquently described by the other people.

26

1           I therefore want to try and express why I  
2 believe there is such a feeling of negativity in the  
3 whole civil aviation community over the ADIZ in  
4 particular and aviation security in general. Over and  
5 beyond the 20,000 individual cases of concern which  
6 were expressed by the commenters to the NPRM, there's a  
7 collective frustration which the government seems to be  
8 ignoring. I think that frustration is partly fueled by  
9 the process which we are now having to endure in order  
10 to attempt to reach a resolution for a major problem  
11 for general aviation.

12           Next slide.

13           (Screen.)

14           My daughter told me that, dad, if you've got  
15 to put a disclaimer up there you probably shouldn't be  
16 saying these things. But I think some of the things  
17 that I'm going to say need to be said anyway, so we'll  
18 go ahead. My apologies to the panel. I'm not throwing  
19 any rocks at anybody over there.

20           Next slide.

21           (Screen.)

22           The intent of the ADIZ is up here on the  
23 board. By the way, these are all my opinions. There  
24 may be people that disagree with this, but I know there  
25 are a lot of noble words that have been put out

26



1 concerning the need to protect the assets of the  
2 federal government and the D.C. metro area. All that  
3 aside, the message that is being received by us guys in  
4 general aviation is to get away from D.C. and, oh,  
5 don't bother coming back.

6           And yes, it really is working. All you got  
7 to do is go out and look at some of the airports and  
8 things that are happening in the ADIZ, listen to the  
9 people that have described their problems flying here,  
10 and you know that it is beginning to work. There's a -  
11 - if you go, you see airports beginning to look like  
12 third world countries out there. There are airplanes  
13 sitting around, decrepit things, flat tires, no  
14 activity, businesses are closed -- all the things that  
15 have been described by various presenters here.

16           Next slide.

17           (Screen.)

18           So is this a reasonable approach? Well, when  
19 20,000 folks all oppose something, you would think it  
20 would make a difference, especially in a country that  
21 is supposed to be a democracy. That is probably the  
22 most troublesome aspect of this entire situation. A  
23 lot of aviators just think this is a dog and pony show  
24 and it's not going to make any difference. I certainly  
25 hope that they're wrong. But unfortunately, when it

26

1 comes to the rulemaking system majority opinion does  
2 not seem to matter. We don't get a vote. The  
3 government thinks it's smarter than we are and knows  
4 what's best.

5 Now, "flawed" might not be the exact word for  
6 the NPR system, but you got to admit there's certainly  
7 something wrong when regulations can be imposed  
8 regardless of overwhelming public opposition.

9 Next.

10 (Screen.)

11 One problem is, you know, we don't get any  
12 feedback. There's no dialogue. We don't know who  
13 we're addressing and it's impossible to have any  
14 confidence in what we're doing, attempting to do, which  
15 is to get things change, will have any effect at all.

16 I can say, however, that the past history of  
17 this sort of proceeding shows that the government will  
18 impose whatever restrictions it desires, regardless of  
19 public input. Case in point is the establishment of  
20 the prohibited area P-50 to be implemented over King's  
21 Bay Submarine Base down in Georgia. I happen to know  
22 about this because I work for the office that  
23 established that facility down there. There were 124  
24 commenters opposed to the establishment and one  
25 commenter in favor. I don't really have time to

26

1 discuss this, but the FAA response to the comments and  
2 the establishment of this prohibited area, it could be  
3 a model in how to word engineer to justify what's  
4 basically unjustifiable. We'll talk about Congress a  
5 little bit later.

6 Just go to the next slide, please.

7 (Screen.)

8 The government has other motivations, and by  
9 saying it makes their job easier what I really mean is  
10 if you're a security guy and you're worried about  
11 little airplanes attacking the Capitol, hey, if you  
12 eliminate the little airplanes you don't have any worry  
13 any more, so that's definitely making your job easier.

14 As far as job security, how long do you think  
15 a security bureaucrat would keep his job if he walked  
16 into his boss and said: Hey, boss, I've actually got  
17 an idea of how we can increase the number of little  
18 airplanes flying around Washington. He isn't going to  
19 get any attaboys for that, I'll tell you that right  
20 now.

21 As far as the decisionmakers being personally  
22 affected by their actions, I have to say that I made  
23 that statement without any real knowledge because I  
24 don't know who the decisionmakers are. I don't know  
25 whether they are pilots. I don't know whether they own

26

1 aircraft. I don't know whether they're financially  
2 impacted. But I'd be willing to bet that very few, if  
3 any, will suffer any adverse consequences as a result  
4 of their decisions.

5           Now, the self-congratulatory feelings, which  
6 I call the Elephant Anti-Defecation Law, can best be  
7 described by saying that a town passed a law saying  
8 there'll be no elephants defecating on Main Street, and  
9 ten years later when they reviewed that law, sure  
10 enough, no elephants had crapped on Main Street. So  
11 they all congratulated themselves and said: Hey, you  
12 know, we obviously did the right thing. You know,  
13 there's no elephants have crapped on Main Street. But  
14 they totally overlooked or chose to ignore the fact  
15 that there hadn't been an elephant on Main Street in  
16 ten years.

17           The ADIZ is the aviation equivalent of the  
18 Elephant Defecation Law.

19           (Applause.)

20           The government is telling us: Hey, we've  
21 gotten it right; since we've put the ADIZ and the FRZ  
22 in place, we haven't had a single terrorist Cessna  
23 crash into the White House. Hey, how can you overcome  
24 that kind of logic?

25           Next slide.

26

1 (Screen.)

2 You can read this up here. The numbers may  
3 not be accurate, but my feeling is that politicians  
4 react to the number of voters that are concerned with  
5 an issue. You know, this is a real nit to most of  
6 them. I do realize that a lot of people in Congress  
7 are aware of the problems that we're having and I also  
8 realize that the enhanced class B's that were put in  
9 place after 9-11 were in large -- well, they went away  
10 because Congress said, if you can't justify these then  
11 they're going to expire on the 19th of November, I  
12 believe it was, 2001. Sure enough, nobody could  
13 justify them, so they went away. They couldn't be  
14 justified because, just like the present ADIZ, they  
15 couldn't justify it any more than we can justify what's  
16 happening here now.

17 Next slide.

18 (Screen.)

19 Do you think you'd trust somebody that came  
20 out and said, hey, I want to park on your grass for a  
21 little bit, and then a couple years later they were  
22 still parked there, and then they come and say, oh, by  
23 the way, we've been parking here so long now that we're  
24 going to pour a concrete pad there and park our car  
25 there forever because we now own it?

26

1           Well, that's what's happened in the ADIZ. It  
2 was put in place as a temporary thing. A couple of  
3 years later it's still there, and now they're going to  
4 cast it in concrete and call it a special airspace  
5 place. So you really can't trust that kind of thing.

6           Draconian methods of enforcement have been  
7 discussed. Same thing about the enforcement. It seems  
8 to be it's more important than the security that all  
9 the rules are followed correctly.

10           Go to the next slide, please.

11           (Screen.)

12           Aviation security I believe has to be a  
13 balance between reasonable mitigation of a threat and  
14 the requirements of a viable industry and citizens'  
15 rights. The question the government is not asking is,  
16 why is it better to gain questionable -- or why is it  
17 better to gain questionable security improvements by  
18 the implementation of a unjustifiable do-something  
19 policy that sacrifices civilians, citizens, livelihoods  
20 and perhaps the entire general aviation industry and  
21 infrastructure.

22           In the case of the political, aviation  
23 security being politicized, my feeling is that the TFRs  
24 over sports stadiums don't do anything except it keeps  
25 the banner planes and the little guys from being up

26

1       there and having unsponsored advertising. The Disney  
2       TFRs: Yeah, we're special, we need special protection.  
3       Mayor Daley piling up Meggs Field, we all know this  
4       has nothing to do with security and we need to get away  
5       from that sort of stuff.

6               Next slide.

7               (Screen.)

8               The government plan to implement more  
9       security for questionable gain will gradually, slowly,  
10      but very effectively, strangle general aviation. What  
11      the government has started with the ADIZ is the gradual  
12      elimination of access to our metropolitan areas by  
13      general aviation, and this is where most people live  
14      and this is where the need for the aviation  
15      infrastructure is the greatest. So this is simply not  
16      an acceptable plan for the future, and I certainly hope  
17      that you take this message back to whoever the  
18      decisionmakers are.

19              Thank you.

20              (Applause.)

21              MS. KLEPPER: Thank you, Mr. Wimberly.

22              Our next speaker is Tom Collier.

23              (Screen.)

24              STATEMENT OF TOM COLLIER, OPTMX, LLC

25              MR. COLLIER: Good afternoon. You can relax,  
26

1 it's almost over and I won't take very long. Forgive  
2 me, I'm not a public speaker and I'm a little bit  
3 nervous. My name is Tom Collier and I don't claim to  
4 speak for anyone but myself. I hold a single-engine  
5 private pilot's license which I acquired in 2000. I  
6 used to fly out of the Frederick Municipal Airport just  
7 outside of the ADIZ up here in Maryland.

8 I gave up flying a couple years back because  
9 of the growing complexity and risks of flying in and  
10 near the Washington ADIZ, brought on by ridiculous and  
11 unworkable ATC procedures, numerous near-mid-air  
12 incidents from so many airplanes holding outside the  
13 ADIZ waiting for clearances and squawk codes, and the  
14 risk of repercussions from draconian enforcement  
15 measures in response to absurd perceptions of the  
16 dangers of allowing small airplanes to fly in the  
17 vicinity of our nation's capital.

18 Before giving up on flying, I was actively  
19 preparing to obtain my instrument rating, going so far  
20 as to complete ground school and pass a written exam  
21 with a score of 100 percent correct answers. I owned  
22 my own engineering business for 16 years and was  
23 planning on purchasing an airplane after selling that  
24 business. As a passionate enthusiast, I was seriously  
25 considering a post-retirement career in aviation,  
26



1 including flight instruction and some form of  
2 commercial flying.

3 I have subsequently sold the business and,  
4 although I now have both the time and the means, I have  
5 no current plans to purchase an airplane or even to fly  
6 again unless and until the FAA, the TSA, Homeland  
7 Security, and the other agencies responsible for this  
8 absurdity come to their senses and do away with these  
9 nonsensical and dangerous flight restrictions.

10 Now, that might seem a bit drastic to you,  
11 but I see this as just the tip of the iceberg, and if  
12 it continues I don't think I want to be around for what  
13 comes next. Now, I realize that I'm only one person,  
14 but here's a sampling of the results of my decision to  
15 withdraw from flying. I no longer pay the flight  
16 school or its instructors for lessons. The FBO has  
17 lost the airplane rental, fuel sales, flight supplies,  
18 and other business I used to do there. The on-field  
19 restaurant no longer benefits from my patronage. The  
20 aircraft industry has lost a potential buyer of an  
21 airplane, which means the airport has lost a hangar  
22 rental and a supporter of airport improvement  
23 initiatives. The repair and maintenance facility and  
24 the avionics shop at the airport have lost a customer.

25 The aircraft insurance industry has lost a renter and

26

1 a potential owner as a customer. The flight planning  
2 and charting service's businesses have lost a customer.

3 The aviation authors, software publishers, and pilot  
4 shops have lost a customer. The PCATD, GPS, NAVCOM,  
5 and other equipment manufacturers have lost a customer.

6 Future aviators have lost an instructor and whatever  
7 efforts I would have put toward a business in aviation  
8 will now go elsewhere.

9 The truck I drive weighs more than the  
10 airplanes I used to fly. It can carry about four times  
11 the payload and I drive it into downtown D.C. on a  
12 regular basis without absolutely no restrictions that I  
13 can measure. As evidenced in Oklahoma City and at the  
14 World Trade Center in 1993, I could do a hell of a lot  
15 more harm with my truck than with my GA airplane.

16 I find it patently absurd that simply because  
17 the weapons the terrorists used on 9-11 had wings  
18 instead of tires, the entire GA population and our  
19 activities are labeled as dangerous and our rights as  
20 American citizens are severely impinged without any  
21 thought whatsoever to the message the action sends.  
22 Frankly, and not meaning this personally, the message  
23 that is sent is that the government's being run by a  
24 bunch of yahoos.

25 (Applause.)

26

1           Do not make the ADIZ permanent. Reverse this  
2 process and recognize general aviation as the  
3 beneficial and patriotic community that it is.

4           Thank you and God bless America.

5           (Appause.)

6           MS. KLEPPER: Thank you, Mr. Collier.

7           VOICE: Any questions?

8           MS. KLEPPER: No questions for Mr. Collier.

9 Mr. Collier was the last scheduled speaker on this  
10 afternoon's agenda. We do have a number of people that  
11 have signed up, but we are right at 4:00 o'clock. So  
12 at this time I would just remind those people that we  
13 certainly do welcome their comments. They're welcome  
14 to submit written comments to the docket.

15           I'd also like to remind everyone that there will  
16 be a verbatim transcript of the meeting. It'll be  
17 available after February 2nd, and information on  
18 ordering a transcript is available in the agenda.

19           Also, Docket No. 17005 will remain open for  
20 comment until February 6, and information on submitting  
21 comments is also printed in that agenda.

22           By my watch it is now 4:01 and this meeting  
23 is now adjourned. Thank you all for coming this  
24 afternoon. We appreciate it.

25           (Whereupon, at 4:01 p.m., the meeting was  
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1 adjourned.)

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