Oregon

Theodore R. Kulongoski, Governor

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Ms. Deandra Brooks
Acting Manager, Airport Compliance Division
Federal Aviation Administration
800 Independence Ave. S.W.
Washington, DC 20591

Dear Ms. Brooks,

Oregon Aviation Board of Directors welcomes the opportunity to comment on the revisions of the Federal Aviation Administration (FAA) Airport Compliance Manual Order 5190.6B. The board believes a key element of the compliance manual discouraging Commercial Through the Fence (TTF) at federally funded airports is inconsistent with FAA goals of safety and self sustainability. Section 2-6 of the Order titled *Priorities and Emphasis* states "The most important objective in FAA's oversight of the compliance program is to ensure and preserve safety at all federally obligated airports." One of the grant assurances sections under *Fee and Rental Structure* requires federally funded airports to be "as self-sustaining as possible."

Order 5190.6B section 12-7 states *"As a general principle, the FAA does not support agreements that grant access to the public landing area by aircraft stored and serviced offsite on adjacent property"* citing such agreements as *"potentially contrary to an airport's federal obligations."* At face value, this seems contradictory to discourage commercial TTF investment at a time when aviation struggles at all levels to be profitable. It does not set the conditions for success at a time when support of private investment is critical to the aviation industry and especially for general aviation.

Oregon's system of airports is mostly rural with minimum opportunity to become self sustaining. Among the reasons is the small footprint of developable land, limiting opportunity for on-airport aviation related businesses and noncommercial tenants. In addition to the 12 state owned NPIAS airports, the same is true for many of the 97 public use airports throughout the state. Commercial TTF operations at some airports is a viable option to ensure robust economic private investment well in excess of what either FAA or State/local funds could produce to meet FAA compliance goals of self sufficiency.

The Oregon Aviation Board of Directors (OAB) strongly believes that private enterprise is at the heart of long term aviation success. One Oregon federally funded airport with a robust commercial TTF business base has over 1,000 employees and contributes both to making the airport more self sufficient and boosting the tax base and economic vitality of the local communities surrounding the airport as well. Aviation related businesses have organized an "aviation industries cluster" that has helped stimulate economic development in the region and around the state. This has worked to minimize the impact of the economic recession on Oregon

aviation. Oregon has an Administrative rule (OAR 738-014-0010) and statute ("Senate Bill 680") which established a pilot TTF program designed to "*encourage development of through the fence operations designed to promote economic development by creating family wage jobs, by increasing local tax bases and by increasing financial support for rural airports.*"

The Oregon Aviation Board respectfully requests that FAA compliance manual reconsider verbiage that discourages Commercial Through the Fence. OAB suggests a more flexible policy that stays true to the first priority of promoting safety at federally funded airports and still allows states the flexibility to economically develop federally funded airports without compromising either safety or grant assurances.

Thank you again for allowing Oregon Aviation Board to comment. The state of Oregon stands ready to work to assist you in developing a workable policy solution for commercial Through the Fence operations.

Sincerely,

Doug Hedlund
Interim Director
Department of Aviation

Mark Gardiner
Board Chair
On Behalf of the Oregon Aviation Board

cc: J. Randolph Babbit, FAA Administrator
Jeff Merkley, US Senate
Ron Wyden, US Senate
Earl Blumenauer, US House of Representatives
Peter DeFazio, US House of Representatives
Kurt Schrader, US House of Representatives
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