

# IAHA

## INDEPENDENCE AIRPARK HOMEOWNERS ASSOCIATION

PO Box 31, Independence, OR 97351

September 3, 2012

**To:** Randall S. Fiertz  
Director, Office of Airport Compliance and Management Analysis  
Federal Aviation Administration  
800 Independence Avenue SW  
Washington DC 20591  
Sent via Email per Government-wide rulemaking  
Website

**Subj:** Comments regarding **Docket Number FAA-2012-0754**  
Residential

**From:** Gary Van Horn, President  
Independence Airpark Homeowners Assn., Inc.  
Norm Rainey, President  
Independence North Park Annex Addition Homeowners Assn., Inc.

The Independence Airpark Homeowners Associations represent 213 single family lots/residences located next to the Independence State Airport in Independence, Oregon. Since 1974 the State has maintained an Ingress/Egress Agreement with the Homeowners of the Airpark through the Oregon Department of Aviation (as Airport Sponsor) allowing Residential Through The Fence (RTTF) operations. The FAA originally recognized that agreement in 1974 and reconfirmed the acceptability of that agreement in March of 2010 following a site visit and Airpark tour.

The comments we would like to submit for the record regarding Docket Number FAA-2012-0754 include:

- It is positive that the FAA has dispensed with the planned 2014 review process;
- We want to recognize the FAA's efforts and extend our appreciation for extension of the comment period (per EAA's verbal request) to September 14, 2012;
- We want to indicate our support for the EAA's comments and conclusions as forwarded in this comment process.

- We also want to share some concerns from an overview perspective:
  1. The intent of Congress, embodied in the February 2012 legislation regarding RTTF, we believe, was pretty simple. Yet to our view the documents produced by the FAA appear to have added significant complexity along with associated opportunities for a whole lot of subjective determination and this includes some apparently new requirements not set forth in the law which was passed by Congress and signed by the President.
  2. An example of a new requirement would be the call to present any proposed new RTTF agreement or contract for “pre certification.” This seems unnecessarily wasteful for both Federal and local resources and significantly extends the time required to receive a nod of pre-approval before anything can be done by the respective applicants/sponsors. The EAA proposes to sunset this provision but we believe it to be completely unnecessary if a clear listing of the requirements is available from the FAA at the front-end. The current agreement with the Oregon Department of Aviation can be used as a model for those conditions.
  3. It seems unrealistic to exclude future airport improvements and changes required by new regulations to be excluded from funding via Federal Airport Improvement Funds. If a tenant on an airport would not be charged for required changes or improvements specified by the FAA it seems counter-intuitive to say that someone paying fair market value for access to the airport should not be accorded the same consideration. There should be no differentiation between the parties because all up-front costs of access connections and maintenance of existing sites will have already been paid for as part of the requirements the FAA is establishing for RTTF access agreements.
  4. While it may not be covered in this exercise to implement the 2012 Federal legislation, we remain concerned that the FAA is apparently not taking a proactive approach in local land use planning and zoning activity as a means to protect our national airport system. And, in fact, the FAA would appear to be promulgating rules which are negative instead of positive in helping local economic development offices attract new aviation related businesses which may want to be located adjacent to existing airports where land was available and appropriately zoned for their use. It would be good to see the rules used to help support economic development and growth instead of (appearing at least) to place barriers in place.

Please accept our sincere appreciation for the opportunity to comment.