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Docket Management System
U.S. Department of Transportation
Room PL401
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Washington, DC

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RE: Docket Number FAA-2001-8690 - 45

The Aircraft Owners and Pilots Association (AOPA), representing the interests of over 370,000 general aviation and professional pilots nationwide, respectfully submits the following comments to the Notice of Proposed Rulemaking (NPRM) on National Parks Air Tour Management. In general, AOPA supports the incorporation of the National Parks Air Tour Management Act of 2000 (the Act) into FAA regulation. However, AOPA strongly opposes the proposed 5,000 AGL overflight altitude. AOPA contends that the proposed altitude is arbitrary, will create excessive administrative and operational difficulties, and may be used to justify future restrictions on aircraft overflights.

The pre-amble does not accurately reflect the contentious nature of the National Parks Overflights Working Group (NPOWG) discussion and recommendation in proposing the 5,000 feet AGL overflight altitude. AOPA participated on the NPOWG, as I did while representing another organization. Throughout discussions, the working group had difficulty reaching a consensus regarding the overflight altitude and recommended a "place holder" altitude in concert with an explanation of various triggering altitudes that could be considered along with a recommendation that the FAA solicit comments in order to determine an appropriate triggering altitude. The FAA has ignored this by not correctly reflecting the views of the NPOWG members.

Likewise, the preamble implies that the Act incorporates the 5,000 triggering altitude. As one of the NPOWG members that worked with Congress on the Act, the controversy surrounding the NPOWG's discussion on this issue was reflected by the lack of a specific altitude being signed into law.

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Originally AOPA advocated for a 2,000 foot triggering altitude to complete the definition of "commercial air tour operation." Our advocacy efforts were done in consideration of current guidelines that call for GA aircraft to overfly environmentally sensitive areas at 2,000 feet or more. After additional discussion within the working group, the Association recommended a triggering altitude of 3,000 feet AGL. This altitude is in concert with VFR cruising altitudes as established by the Code of Federal Aviation Regulations 91.159, VFR cruising altitude or flight level.

Significant benefits are gained by using the 3,000 feet triggering altitude. This would capture commercial air tour operations while allowing for separation of air tour traffic and the majority of overflight traffic. In contrast using a triggering altitude of 5,000 feet would result in the intermixing of operations in the additional altitude stratum. This would present a scenario in which separation of transient overflights and air tour operations could become extremely difficult. In addition, an arbitrary and excessive altitude of 5,000 feet AGL would create a precedent that could be used in the future to justify restrictions to other overflight operations.

We commend the FAA for the inclusion of the limited exemption for Part 91 operators codified in the Act. AOPA supports this provision developed by the NPOWG and accepted by the National Park Service (NPS) and the FAA as a means to meet the needs of these unique operators.

AOPA appreciates the opportunity to provide comments in reference to the proposed overflight altitude and urges the FAA and NPS to establish 3,000 feet as the triggering altitude for proposed air tour operations over national parks.

Sincerely,



Andrew V. Cebula
Senior Vice President
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