

STATE OF ALASKA

THE LEGISLATURE

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30



Relating to proposed amendments to FAA regulations contained in 14 C.F.R. Parts 107, 108, 121, 129 and 135, regarding the security of small commercial aircraft and the airports that serve them.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the Federal Aviation Administration is proposing to adopt regulations contained in 14 C.F.R. Parts 107, 108, 121, 129 and 135, relating to security from criminal violence and air piracy of small commercial aircraft and the airports that serve them; and

WHEREAS these regulations would require a small commercial aircraft operator to develop and submit in writing for FAA approval a security program under which, at a minimum, the small commercial aircraft operator would be required to

- (1) require identification of all enplaning passengers and determine that the passengers do not pose a threat to the safety of the flight;
- (2) insure that baggage of passengers is transported with the passenger;
- (3) contact law enforcement agencies having jurisdiction over airports served by small commercial aircraft operators to arrange for the response of a law enforcement officer in the event of an incident occurring at any airport served by the operator and also to provide crew members with current information concerning procedures for obtaining law enforcement assistance at an airport;
- (4) require identification from persons other than known shippers shipping goods or cargo aboard small commercial aircraft;
- (5) conduct a security inspection of each small

commercial aircraft before placing it in service and after it has been left unattended;

(6) prohibit unauthorized access to small commercial aircraft; and

WHEREAS these proposed regulations would also require airports served by small commercial aircraft operators to submit and obtain FAA approval of a security program ensuring that law enforcement officers be available to respond to incidents in a number and manner judged adequate by the FAA; and

WHEREAS these proposed regulations would also require small commercial aircraft operators to transport firearms of passengers in a part of the aircraft inaccessible to passengers, excluding the flight crew compartment; and

WHEREAS these proposed regulations would apply to about 225 airports in Alaska, many of which are undoubtedly hundreds of miles from the location of a law enforcement officer; and

WHEREAS to require remote airports and small commercial aircraft operators using these airports to arrange for the response of law enforcement officers in the event of a security incident would be highly impractical; and

WHEREAS sporting rifles and shotguns cannot fit in the cargo compartments of most small commercial aircraft operated in Alaska and must be carried in the passenger compartment; and

WHEREAS to prevent unauthorized access to small commercial aircraft would require indoor storage, fencing, or guards at prohibitive expense; and

WHEREAS the information provided by the FAA with the proposed regulations indicates that the impetus for the adoption of the regulations is the growing use by air commuter services of aircraft with 20 or more seats, and although these aircraft are capable of transporting a hijacker to his intended destination, no rationale is presented by the FAA for imposing similar requirements on the operators of small commercial aircraft and the airports that serve them; and

WHEREAS the practical realities of life in Alaska, in which the operator of small commercial aircraft serves in a different role than in the rest of the nation, militate against the commission of the kind of crime these proposed regulations are designed to prevent; and

WHEREAS the cost of complying with these regulations could drive many operators of small commercial aircraft out of business;

BE IT RESOLVED by the Alaska State Legislature that it respectfully requests the Federal Aviation Administration to reject the proposed regulations as they relate to operators of small commercial aircraft and the airports that serve them.

A COPY of this resolution shall be sent to the Office of the Chief Counsel, Federal Aviation Administration; to Robert

L. Faith, District Director, Federal Aviation Administration, Anchorage, Alaska; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U. S. Senators, and the Honorable Don Young, U. S. Representative, members of the Alaska delegation in Congress.