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December 21, 2009

Mr. Charles Erhard
Federal Aviation Administration
ACO-100
800 Independence Ave., SW
Washington, DC 20591

RE: Compliance Guide Letter (draft) 2009-1, *Through-the-Fence, an On-Airport Residential Access to Federally Obligated Airports*

Dear Mr. Erhard:

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before the Congress, federal agencies and state governments. NATA's over 2,000 member companies own, operate and service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

On behalf of NATA and its members, I would like to thank you for providing the opportunity to review and comment on the draft Compliance Guide Letter, Through-the-Fence, an On-Airport Residential Access to Federally Obligated Airports. The topic of Through-the-Fence (TTF) operations is an important one, as improperly constructed or poorly thought out TTF agreements can hinder an airport's ability to comply with federal grant assurances and also put on-airport service providers at an economic disadvantage.

NATA has spent considerable time and resources encouraging federally obligated airports to develop and implement comprehensive minimum standards. NATA believes that properly constructed and enforced minimum standards create conditions that provide positive growth benefits to airports, on-airport service providers, communities and the nation. Because of the threat that improperly constructed or incompatible TTF agreements pose to the growth and utility of federally obligated airports, NATA supports the majority of the draft Compliance Guide Letter as written.

Non-Residential Compatible TTF Access

NATA agrees with the FAA position regarding non-residential compatible TTF access. This type of access is usually only considered when sufficient on-airport space is unavailable. Therefore, the primary purpose of this type of TTF access is to allow additional and compatible use of the airport facility which, without TTF access, would not be possible. Therefore, as long as the agreements are properly structured, they should not negatively impact the future utility or growth of the airport.

Aeronautical Service Providers TTF

NATA believes that in most cases the granting of TTF access for aeronautical service providers undermines the airport sponsor's authority and ability to prevent economic discrimination against current on-airport providers. NATA is pleased to see that the FAA does not support this type of TTF access. Similar to airport minimum standards, the test of FAA's statement that it does not support this type of TTF access, will be in how the provisions and procedures outlined in the Compliance Guide Letter are enforced.

Residential TTF Access

In the Compliance Guide Letter FAA states that "residential use adjacent to an airport is an incompatible land use" and "There are no acceptable forms of residential TTF agreements." While NATA generally agrees with these statements, there is a broad spectrum of federally obligated airports operating with varied circumstances, therefore, such a one-size-fits-all approach may not be appropriate. NATA encourages the FAA to work with the industry to ensure that the guidance regarding residential TTF access does not actually reduce the utility of some airports.

Procedures for Establishing TTF Access

NATA is pleased to see the FAA outline comprehensive procedures and provisions for the establishment of TTF agreements at federally obligated airports. NATA does question whether the Access Agreement Provisions in section B are intended to be mandatory or merely suggestions. The current language implies that the provisions are merely to be considered by the airport sponsor and not necessarily required in any final TTF agreement. NATA believes that the language in section B should be modified to clarify that these provisions are required in TTF agreements to ensure compliance with grant assurances.

NATA is pleased to see the FAA address the issue of airport Through-the-Fence access with this Compliance Guide Letter. Providing clear guidance will help ensure that in the future TTF issues no longer threaten the utility and growth of federally obligated airports.

Best Regards,



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