

**STATE OF ALASKA
SENATE**

2009

Source
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**Senate
Resolve No.**
4



Opposing a rule proposed by the Transportation Security Administration that would require certain security measures under a Large Aircraft Security Program for general aviation and commercial aircraft with a gross take-off weight of 12,500 pounds or more.

BE IT RESOLVED BY THE SENATE:

WHEREAS the federal Transportation Security Administration has proposed a new rule that would establish a Large Aircraft Security Program for general aviation and commercial aircraft larger than 12,500 pounds gross take-off weight, requiring aircraft owners to implement the same security measures used on commercial passenger and air cargo aircraft operating in the United States; and

WHEREAS the rule would require pilots and mechanics to undergo criminal background checks; and

WHEREAS the rule would require pilots to check the passengers on a flight against the federal "no fly" list before departure; and

WHEREAS, under the rule, some flights would, at the discretion of the Transportation Security Administration, require a federal air marshal to fly with them; and

WHEREAS the rule would require flights using aircraft covered by the rule to be approved by the Transportation Security Administration before departure; and

WHEREAS the rule assigns the same level of threat potential to business and personal airplanes that are in the transport category as to airliners, although even small airliners, such as the Boeing 737, weigh more than 100,000 pounds; and

WHEREAS the arbitrary threshold of 12,500 pounds would include a Beech King Air 350 turboprop, which has a gross take-off weight of 15,000 pounds, but not the King Air 200, which has a maximum weight of 12,500 pounds, causing many aircraft owners and operators to fear that the Transportation Security Administration would soon extend the rule to even smaller aircraft; and

WHEREAS the proposed rule would impose a financial hardship on private and commercial aircraft owners and pilots, as well as on airports that serve aircraft covered by the rule; and

WHEREAS the cost of conforming to the rule would be exorbitant and would likely cause many small air carriers and private aircraft owners to stop flying; and

WHEREAS the Department of Transportation and Public Facilities estimates it would cost up to \$400,000 to upgrade each affected airport, including Aniak, Dutch Harbor, Galena, Merrill Field and Lake Hood in Anchorage, Palmer, Kenai, and Unalakleet, among others; and

WHEREAS aircraft operators would not be able to use airports that require upgrading until the changes are made, requiring them to move airplanes and operations to other airports to continue operating; and

WHEREAS Alaskans are more reliant on air travel than any other state's population, and the proposed rule would have an immediate negative effect on air travel; and

WHEREAS the Transportation Security Administration's own estimate is that the new rule would cost \$1,900,000,000 to secure 10,000 aircraft nationwide, more than 80 percent of the cost of which would be borne directly by the aircraft owners; and

WHEREAS more than 100 aircraft in Alaska, operated by 25 separate owners, would be immediately affected by the rule; and

WHEREAS the proposed rule is in direct conflict with AS 02.35.110, which requires pilots in Alaska to fly with certain emergency and survival equipment on board that would be

prohibited by the Transportation Security Administration; and

WHEREAS the Transportation Security Administration is accepting public comments on the proposed rule until February 27, 2009;

BE IT RESOLVED that the Senate requests the Transportation Security Administration to cease consideration of the proposed rule to require security measures under a Large Aircraft Security Program for general aviation and commercial aircraft having a gross take-off weight of at least 12,500 pounds.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Janet A. Napolitano, United States Secretary of Homeland Security; and the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.