

General Aviation Security – LASP

We are all familiar with the security requirements for passengers on airlines, and some of us are familiar with security requirements for charter operations. Historically, changes in general aviation (GA) security measures have not added significant costs in terms of time and money, but this may soon change. The Transportation Security Administration (TSA) published a Notice of Proposed Rulemaking (NPRM) on October 30, 2008 that proposes new security requirements to all aircraft with a maximum take off weight of more than 12,500 pounds. This NPRM, if adopted, will also impose additional security requirements on airports serving large aircraft.

The large aircraft security program (LASP) addressed in the NPRM would require operators to adopt a security program, to contract with TSA-approved auditors for audits of the security program, and to contract with TSA-approved watch-list service providers to verify that passengers are not on the No Fly and/or Selectee portions of the government's terrorist watch-list. Operators would also require that all crew members be subject to a fingerprint-based criminal history check.

One of the main objectives of the proposed rule is to merge the existing aircraft security programs into one program and to expand its scope to include general aviation. The LASP would apply to Part 91 operations, including aircraft owned and flown purely for personal and recreational purposes. The TSA anticipates that the proposed rule will require approximately 10,000 aircraft operators and 315 airport operators to implement security programs. Fractional ownership programs will also be affected. It appears that an aircraft owner in a fractional program may be able to delegate performance of security tasks to the program manager, but the aircraft owner and the program manager are jointly and individually responsible for compliance.

Although it is clear that the LASP would require aircraft operators to incur additional costs, it is not clear how much the third party watch-list service providers and auditors will charge. It is also not known how much advance notice would be required for a flight in order to have the passengers approved by the watch-list service provider.

Public meetings allowing comments on the proposed rule were held throughout January, 2009. Most comments were negative, but no effects of the comments are known at the time of this writing.

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