White Paper on the Security Impact from the Federal Aviation Administration's Airport Improvement Program: Policy Regarding Access to Airports From Residential Property

Summary: The U.S. Federal Aviation Administration (FAA) proposes to prohibit future residential through-the-fence operations by airports who receive Airport Improvement Program (AIP) funds. The FAA seeks to modify Grant Assurance 5 for airport sponsors such that new airport hangar homes and residences having access to the airport taxiway and runway surfaces would no longer be allowed. This proposal is inconsistent with Homeland Security Presidential Directive 16, its supporting Domestic Outreach Plan and previously approved public policy as provided to and approved by the U.S. Congress in the form of the *2009-2013 National Plan of Integrated Airport Systems (NPIAS)*. Therefore, Planehook strongly recommends the FAA abandon this proposed policy.

Background: On September 9, 2010 the FAA published a notice of proposed policy (NPP) concerning through-the-fence access to federally obligated airports from private residences. [1] The proposed policy would prohibit airports sponsors who are obligated by FAA grant assurances from allowing occupants of residences located adjacent to the airport from having direct access to their runways and taxiways. The means sought by the FAA to enact this policy would come from a modification of the current Airport Improvement Program's (AIP) Grant Assurance 5. [2]

The U.S. Department of Transportation lists security among its five strategic goals in the 2009-2013 NPIAS.[3] The FAA, according to the NPIAS, "gives safety and security development the highest priority to ensure rapid implementation and to achieve the highest possible levels of safety and security."[4] "Security projects include perimeter fencing, security devices, and other security enhancements."[5] However, among the security projects there is no mention of people as security. There is no detection of a breach of security without people to assess whether an observation or alarm is an actual security event requiring a response or merely a false alarm.

There is no security without people.

Analysis: The FAA acknowledges that there is a security benefit derived from human presence by having residences on and near airports.[6] Full-time surveillance is not likely to be the result of residential presence; Planehook concurs with this statement by the

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[1] "Airport Improvement Program (AIP): Policy Regarding Access to Airports From Residential Property" Notice of Proposed Policy. *Federal Register* 75 (9 September 2010): 54946.

[2] "Assurances, Airport Sponsors." *Grant Assurances (Obligations)*, 2005. Federal Aviation Administration (4 October 2010): 4.
< http://www.faa.gov/airports/aip/grant_assurances/media/airport_sponsor_assurances.pdf >.

[3] Dept. of Transportation, 2009-2013 National Plan of Integrated Airport Systems (NPIAS) (Washington: GPO, 2008): 2.
<http://www.faa.gov/airports/planning_capacity/npias/reports/media/2009/npias_2009_narrative.pdf >.

[4] Ibid, 66.

[5] Ibid.

[6] "Airport Improvement Program (AIP): Policy Regarding Access to Airports From Residential Property" Notice of Proposed Policy. *Federal Register* 75 (9 September 2010): 54949.

FAA. During normal work hours many occupants of residential dwellings are at work. The more residential dwellings, the greater the likelihood that one or more members of a household remain at home during this time. So while it is likely that some people will remain at home in through-the-fence residential communities, as the FAA states, that "does not automatically translate into full-time surveillance."[7] But that is not the point.

Airports are businesses. They tend to be fully staffed during normal business hours—just as through-the-fence residences tend to have fewer occupants during the day. But after normal business hours airport staffing drops, sometimes to zero; however, occupancy of through-the-fence residences goes up. So the airport derives a clear security benefit after normal business hours from increased human presence. Each additional residence provides greater depth in this form of security.

Human presence is a powerful form of security and tends to deter or detect an adversary. This form of security is commonly referred to as Crime Prevention Through Environmental Design, or CPTED. CPTED makes use of three basic elements: natural access control, natural surveillance and territorial reinforcement. [8] It is this human presence on and around an airport that creates security without investments in closed-circuit television (CCTV) cameras and barbwire fences.

Natural surveillance and territorial reinforcement, benefits derived from through-the-fence and on-airport residences, represent effective forms of security while still providing airports a means of becoming or remaining self-sustaining as a result of the access fees which are common in a through-the-fence residential arrangement. The overlapping security capability created between normal work hours manning and after-hours residential occupancy is a means of reducing airport vulnerability to exploitation by criminals and terrorists.

The Aviation Crime Prevention Institute, Inc. of Ormond Beach, Florida in its latest web-based reporting shows that seven (7) aircraft are reported stolen from airports within the United States from 2006 to 2010.[9] None of the seven airports from which these aircraft were reported stolen have residential through-the-fence operations. This information suggests that there is a higher perceived risk for aircraft thieves at airports with

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[7] Ibid.

[8] *Natural access* is the CPTED method of denying an intruder or abnormal user access to an area or environment due to activities and conditions which cause that person to feel that they are at risk of exposure or interdiction. *Natural surveillance* is the practice of improving lines of sight in an area so that normal users and observers have an increased opportunity to see-and-interdict or see-and-report to law enforcement the presence of the abnormal user. *Territorial reinforcement* is the sense of ownership of their surroundings that normal users have and their willingness to defend it against intruders and abnormal users.

[9] Aviation Crime Prevention Institute, Inc., ed. ACPI, 2010, Ormond Beach, Florida, 8 September 2010, < http://www.acpi.org >. Aircraft examined in this analysis: aircraft N211DA reported stolen from Kendall-Tamiami Executive Airport (KTMB) on or about 7 January 2010; aircraft N2183P reported stolen from Boundary County Airport (65S) on or about 26 September 2009; aircraft N759VA reported stolen from Casa Grande Municipal Airport (KCGZ) on or about 18 January 2008; aircraft N652AM reported stolen from American Falls Airport (U01) on or about 5 October 2007; aircraft N35347 reported stolen from Falcon Field (KFFZ) on or about 1 May 2007; aircraft N9168M reported stolen from Hillsboro Municipal Airport (KINJ) on or about 24 May 2006; and aircraft N3199F reported stolen from Marana Regional Airport (KAVQ) on or about 28 February 2006.

residential through-the-fence operations than for those who steal aircraft from airports without an adjacent or on-airport residential presence. This information further suggests that a residential through-the-fence airport enjoys a higher level of criminal deterrence.

Overlapping security—in this case created by the meshing of workday and after-hours human presence—is a requirement laid out in Homeland Security Presidential Directive 16 (HSPD-16) and The National Strategy for Aviation Security. "The Nation must use the full range of its assets and capabilities to prevent the Air Domain from being exploited by terrorist groups, hostile nation states, and criminals to commit acts against the United States, its people, its infrastructure, and its other interests."[10] This broad principle, used to guide national aviation security strategy, is further amplified in a strategic objective statement concerning our nation's ability to deter and prevent terrorist attacks and criminal and hostile acts involving aviation: "The United States will work to: detect adversaries before they strike…."[11] This objective cannot be achieved for all 3300 airports listed in the NPIAS without intelligence derived from surveillance. Surveillance, full-time or not, requires people. ***People*** is what our national security gets with through-the-fence and on-airport residences.

"Potential adversaries will attempt to exploit existing vulnerabilities, choosing the time and place to act according to the weaknesses they perceive."[12] Having residences on or near airports reduces vulnerabilities to adversaries by shrinking the times adversaries have to exploit them.

The FAA has specified roles and responsibilities as outlined in the Domestic Outreach Plan, a supporting plan to The National Strategy for Aviation Security. "A key consideration in the implementation of the aviation supporting plans is the benefits that could be potentially gained by engaging stakeholders in security enhancement efforts."[13] As stakeholders in their airports, sponsors provide security enhancement through providing after-hours surveillance of their airports by adopting through-the-fence and on-airport residential dwellings and communities.

Therefore, this FAA policy proposal contradicts previously established national policy and bears no evidence of having been coordinated through the Aviation Government Coordinating Council and the Aviation Sector Coordinating Council.

Recommendations: Planehook recommends the FAA abandon the proposed policy which contradicts existing U.S. National Policy. Planehook further recommends the FAA examine legal structures and develop contractual agreements within the land use laws of each state which will support effective airport protection and future growth as well as create security environments supportive of U.S. National Policy.

[10] Dept of Homeland Security, National Strategy for Aviation Security(Washington: GPO, 2007): 7.
[11] Ibid, 12.
[12] Ibid, 20.
[13] Dept. of Homeland Security, Domestic Outreach Plan: Supporting Plan to the National Strategy for Aviation Security (Washington: GPO, 2007): 6.