January 14, 2019

To: Commissioners of St. Mary’s County, Maryland

Subject: Proposed Airport Rules Ordinance and Standard Operating Procedures for St. Mary’s County Regional Airport (2W6)

The Soaring Society of America (SSA) is an organization with approximately 10,000 members that was created in 1932 to foster and promote all phases of gliding and soaring. The Society, its affiliates, and members are involved in safety programs and flight training, technological research and development, and representation to various Federal, State, and local agencies. The SSA submits the following comments on the proposed St. Mary’s County Regional Airport operating rules.

Glider operations are conducted in a safe and reasonable manner daily on airports throughout the US. The FAA recognizes gliders as aircraft and licenses and regulates them in accordance with the Federal Aviation regulations (FARs) the same as any other aircraft.

In your proposal for Standard Operating Procedures for St. Mary’s County Regional Airport, on page 7, subsection M(3) states:

“Any Person or organization wishing to use the Airport to launch and recover gliders shall obtain a Special Event Permit from the Airport Manager prior to engaging in this activity in accordance with the Airport Rules. Gliders will land on paved runway under normal operations and clear the runway as soon as possible. Unpaved areas will only be used in emergencies or to avoid conflicts with powered aircraft.”

The FAA does not consider normal glider operations on publicly funded airports to be “special events” and has long recognized that gliders have the same rights as other aircraft to use airspace and airports. In fact, they have written regulations confirming that aeronautical activity such as glider flying cannot be discriminated against or banned from federally funded airports such as St. Mary’s. The FAA in Order 5190.6b (Airport Compliance Manual, https://www.faa.gov/documentLibrary/media/Order/5190_6b.pdf), in its summary of airport obligations (page 2-15) states:

“(2) Obligation: To operate the airport for the use and benefit of the public to make it available to all types, kinds, and classes of aeronautical activity on fair and reasonable terms and without unjust discrimination.”

The Order further states (page 8-2,3):

“In accordance with the Airport and Airway Improvement Act of 1982 (AAIA), 49 U.S.C. § 47101, et seq., the Federal Aviation Act of 1958 (FAA Act) 49 U.S.C. § 40103(e), and the Airport Improvement Program (AIP) grant
assurances, the owner or operator of any airport that has been developed or improved with federal grant assistance is required to operate the airport for the use and benefit of the public and to make it available for all types, kinds, and classes of aeronautical activity and without granting an exclusive right.”

The Order also defines and prohibits an “exclusive right” (page 8-1):

“Definition of an Exclusive Right. An exclusive right is defined as a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege or right. An exclusive right may be conferred either by express agreement, by imposition of unreasonable standards or requirements or by another means. Such a right conferred on one or more parties, but excluding others from enjoying or exercising a similar right or right, would be an exclusive right.”

The SSA concludes that the “Special Event Permit” required by the “Standard Operating Procedures” in order to operate gliders at the St. Mary’s County Airport constitutes an “unjust discrimination” and the “imposition of unreasonable standards or requirements”. It is therefore specifically prohibited by the FAA, as outlined in the airport obligation section of Order 5190.6b.

Sincerely,

Stephen Northcraft, Chairman
Government Liaison Committee
Soaring Society of America