



Aviation Alert from Hardy Law

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The Blocked Aircraft Registration Request (BARR) program has been a valued security and business confidentiality tool for many years for private aircraft operators. But critics argue it is being abused to prevent legitimate public and private scrutiny of aircraft use. Is the program in jeopardy?

BARR Program in Jeopardy?

With the technological advances of aircraft, FAA systems and private internet merchants, it has become possible for any person to track the flights of most U.S. aircraft, real-time, on the internet. Accordingly, The National Business Aircraft Association (NBAA) spearheaded a program a number of years ago to allow operators to block the public from (1) tracking flights, and (2) obtaining information about an aircraft's owner from the FAA records. Known as the Blocked Aircraft Registration Request (BARR) program, the stated purpose was to afford businesses and individuals a measure of physical security and business confidentiality.

Critics of the program point to investigations of televangelists using aircraft for flights that may be outside the scope of their tax-exempt status, and other questionable flights, as indicators that the program is being abused.

Last year, a private organization won a court battle to obtain ownership information under a Freedom of Information Act request. But that did not impact the ability to block flight information. Now, however, the U.S. Department of Transportation (DOT) is considering adding eligibility requirements in order for an operator to block online flight information.



There is still uncertainty on any proposals, but the DOT is purportedly considering that an aircraft operator show a specific security concern-- not just a general concern for a passenger. For example, an actual threat of physical harm or kidnapping.

The NBAA is working with the Department of Transportation to preserve the program intact as much as possible. And the NBAA, which administers the program for the FAA, is still accepting requests to join the block list. As of yesterday, the DOT communicated to the NBAA that any proposed changes would be submitted for comment by interested parties.

Will the BARR program be severely restricted? Left alone? Nobody knows right now. But operators currently on the list should be considering alternatives if their ownership and flight information go public. And aircraft owners not familiar with this program before should understand that their ownership information and real-time flight information is (and may continue to be) a matter of public record available to anyone at any time.

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