Date: 03/15/2013
To: Part 139 Airport Operators
Subject: Final Rule: Safety Enhancements, Certification of Airports (78 FR 3311)

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1. BACKGROUND:
The FAA published a Notice of Proposed Rulemaking (NPRM) February 1, 2011, on Safety Enhancements to Part 139. The Final Rule adopts the current industry practice of requiring annual driver’s training for all personnel with access to the movement area. The portions of the NPRM concerning Surface Movement Guidance and Control System (SMGCS), Non-Movement Area Safety Training and Runway Pavement Surface Evaluation, were not adopted in the Final Rule.

The Final rule also clarifies language in Part 139.1 that the regulation is based only on passenger seats in passenger-carrying operations determined by regulations or the aircraft type certificate. This caused confusion and eliminated the operation of a particular aircraft type, the Cessna 208B or Caravan. When used as revenue service it operated with more than nine seats, but in non-revenue service, it operates with 8 seats. Additionally, the Final Rule includes a new definition of “joint-use airport” in Part 139.5 to correspond with the FAA Modernization and Reform Act of 2012’s definition of a “joint-use airport.” The Final Rule on Safety Enhancements was published January 16, 2013, and is effective March 18, 2013.

2. AIRPORT OPERATOR ACTIONS

- Airport operators need to review the changes to Part 139 with airport staff that have responsibilities in the airport certification program and ACM.
- Airport operators need to review pedestrian/ground vehicle training programs to ensure that all persons who are authorized to operate on the movement area or safety area without an escort are properly trained at least once every 12 consecutive calendar months. If persons are escorted by trained individuals they do not require training; however, the escort is responsible for ensuring safe movement at all times.
• If not already included in the ACM, Airport operators of Class IV airports will need to add a new section to their ACM addressing Pedestrian and Ground Vehicles in accordance with Part 139.329.
• Airport operators must change the language in Sections 139.303 and 139.329, as revised in the new rule.
• Airport operators may consider revising their ACM to add a new Section 139.115 (Falsification, reproduction, or alteration of applications, certificates, reports, or records) to ensure that airport personnel are aware of the new Part 139 requirement.

The full text of the Final rule is available at:

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