



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: Program Guidance Letter #17-01
Aircraft Rescue and Firefighting (ARFF)
Equipment Above Minimum Part 139
Index Requirements

Date: June 27, 2017

From: Director, Office of Airport Planning and
Programming, APP-1

Reply to
Attn. of: Nancy S. Williams, APP-501

To: PGL Distribution List

FAA Order 5100-38D (“Airport Improvement Program Handbook”), Table C-3 (“Examples of Prohibited Projects/Costs for Equipment”) states that the FAA cannot provide AIP funding for ARFF vehicles for “More than the minimum number, type, and size required by the ARFF index.” (Line 6)

Nothing in this Program Guidance Letter (PGL) changes the minimum requirements set forth in 14 CFR Part 139, and particularly paragraphs 139.315 and 139.317, which determine the ARFF index and the minimum equipment and agents for each index.

However, this PGL establishes a process by which a Region may consider (and Washington Headquarters may approve or disapprove) an airport operator’s¹ request for AIP funding in support of ARFF equipment (and, by extension, supporting facilities) beyond the minimum requirements set forth in Part 139.

Because the FAA established the minimum ARFF requirements under Part 139 to protect the safety of the traveling public, the FAA has developed this process to ensure that under unusual circumstances, additional ARFF equipment might qualify for additional consideration.

Background

The FAA’s authorizing statute permits AIP funding for safety equipment that the Secretary approves as contributing significantly to, or requires by regulation for, the safety of individuals and property at the airport. The applicable regulation is 14 CFR Part 139,

¹ For the purposes of this PGL, the terms “airport,” “airport operator,” “certificate holder” and “airport sponsor” are used interchangeably.

sections 139.315 and 139.317. The AIP Handbook currently limits AIP eligibility to the minimum equipment and agents that Part 139 requires.

Based on FAA’s statutory authority, this PGL provides a process for documentation, review and approval when circumstances warrant AIP support for ARFF equipment and agents, (and supporting infrastructure where necessary), beyond the minimum index requirements.

Policy and Process

Nothing in this PGL creates a requirement for an airport to provide equipment or agents beyond the minimum requirements set forth in Part 139. At the same time, nothing in this PGL relieves the certificate holder of their legal responsibility to provide the necessary equipment and agents, at all times, to meet the minimum requirements set forth in Part 139.

However, if a Part 139 certificate holder believes there is justification for AIP funding for equipment or agents beyond the minimum requirements in Part 139, then:

1. The certificate holder must submit a request (signed by the same individual who has the authority to request and accept Federal funds for the airport—typically the Director of Aviation or equivalent) to the appropriate FAA office.

The FAA encourages certificate holders to submit a draft of the request for informal review and discussion prior to formal submission. However, any FAA feedback or guidance regarding such requests may not be considered to be either a recommendation or requirement for the airport to secure equipment beyond the minimum requirements set forth in Part 139.

2. The ARFF index is based on a minimum of five (5) average daily departures by aircraft meeting certain length characteristics. The certificate holder’s request must outline the specific types and frequency of aeronautical activity that the airport believes would justify additional capability beyond the minimum requirements in Part 139.

A certificate holder may request AIP funding for equipment and supporting facilities beyond the minimum requirements to mitigate site-specific risks and/or protect passengers based on one or more of the following conditions:

- a) There is other significant aeronautical activity (including but not limited to frequent charter or Air Mobility Command flights) by larger passenger aircraft that would otherwise raise the ARFF index level if it were more frequent.

In general, in this particular context the FAA “significant aeronautical activity” and “frequent” should generally involve regular activity averaging at least two flights per month or at least 25 flights annually, with due consideration of seasonable variation;
OR

- b) The airport is still supporting scheduled operations of air carrier aircraft with more than nine (9) seats, but has experienced a reduction in either the number or type of operations supporting the existing ARFF index within the last five (5) years, and can

demonstrate a reasonable expectation (to the FAA's satisfaction) that the activity will return to previous levels within the next five (5) years.; **OR**

- c) The airport demonstrates a projected need for the higher ARFF Index within 5 years of the equipment acquisition; **OR**
- d) There are other unique circumstances that the certificate holder believes make it necessary to consider ARFF equipment beyond the minimum required by Part 139. Illustrative examples could include (but not be limited to) limitations on the airport's ability to rely upon local mutual aid agreements due to proximity, meteorological conditions or other factors; limitations on the airport's ability to resupply ARFF vehicles with water in a timely manner; or other unique circumstances; demonstrated frequent need to accommodate diversionary landings as part of an established irregular operations plan for a larger nearby airport; etc.

Regardless of justification, the certificate holder must submit comprehensive supporting documentation for the basis of their request. See Attachment A for a sample submission.

3. The Regional Office must then review the request and document their review and concurrence for the AIP grant file. Regional Offices are urged to compile documentation of affirmative review and concurrence by the designated Airport Certification and Safety Inspector, the Manager of the Airport Safety and Standards Branch (or equivalent) and the Manager of the Airports District Office (for regions with ADOs).
4. The Regional Airports Division Manager must then submit a signed recommendation to the Director of the Office of Airport Safety and Standards (AAS-1).
5. The Director of the Office of Airport Safety and Standards (AAS-1) must then review the request and (if in agreement) provide a signed, written determination to the Director of the Office of Airport Planning and Programming (APP-1) that the proposed equipment is justified by contributing significantly to safety at the airport beyond what is required by the minimums under 14 CFR Part 139. This determination must be location-specific based on the particular justification provided by the certificate holder.
6. APP-1 will then review and either approve, disapprove or request additional information in support of the requested deviation.
7. If APP-1 approves the request, then the Region or ADO must include a special condition in the grant, stating that:

“This grant is based in part on mitigating site-specific risks and protecting passengers based on current or reasonably forecast aeronautical activity levels. The certificate holder (the airport sponsor) will have and maintain a sufficient number of adequately trained personnel and sufficient financial resources to operate and maintain the associated equipment for its intended, on-airport purpose. This grant does not set a precedent for future FAA support of similar equipment, particularly if aeronautical activity levels change.”

8. The Regional Office or ADO must then notify the airport sponsor of the outcome of the request. Regions and ADOs must flag the presence of the special condition in the grant offer by highlighting it in the transmittal letter or through other means.

The Region or ADO must retain records of all of the preceding documentation in a readily accessible location, for as long as the associated ARFF equipment remains in operation.

Neither airports nor FAA personnel can use this PGL to justify modifications to standards or specifications that could limit competition or otherwise affect the procurement requirements established by statute and regulation.

Responsibilities of the Certificate Holder

As noted previously, nothing in this PGL relieves the certificate holder of their legal responsibility to provide the necessary equipment and agents, at all times, to meet the minimum requirements set forth in Part 139, regardless of the availability of Federal financial assistance.

Therefore, if a certificate holder has an emerging functional issue with their existing ARFF equipment, then the certificate holder must take corrective steps in a timely manner, regardless of FAA disposition of any request for equipment above the minimum requirements set forth in Part 139. Most notably, if replacement equipment is needed, then the certificate holder must begin that procurement process (or secure temporary equipment) as necessary to meet operational safety standards in a timely manner, based on the minimum index requirements in Part 139, in parallel with any request for AIP funding consideration beyond those minimum requirements.

In general, from the time when a certificate holder submits an official, signed request for funding consideration beyond minimum Part 139 requirements, the FAA will strive to reach a decision within 30 calendar days. However, that target timeframe depends heavily upon the certificate holder submitting clear, well-organized justification and supporting documentation.

The FAA will take reasonable steps to consider such requests in a timely manner, but this process does not relieve the certificate holder of their obligation to meet the minimum requirements of Part 139 at all times, regardless of the FAA's ability to consider financial assistance.

**ATTACHMENT A
SAMPLE REQUEST LETTER**



ABC Sample Municipal Airport

ABC Airport Authority
1234 Main Street
Anytown, XX 99999
Telephone (888) 555-1212

May 30, 2017

John Doe
Manager, [insert] Airports District Office
Federal Aviation Administration
1000 Aviation Avenue
City, State 99999

**Subject: Request for Financial Support for Aircraft Rescue Firefighting (ARFF)
Equipment Beyond Minimum Part 139 Requirements**

Dear Mr. Doe:

The purpose of this letter is to request FAA consideration for Airport Improvement Program (AIP) grant funding in support of ARFF equipment that goes beyond the airport's current ARFF index requirements.

As you may recall, our ARFF Truck Number 2 (purchased in 2005 with AIP funding assistance) is now 12 years old and has begun to experience significant maintenance issues. We anticipate needing to begin the procurement process within the next 12 months in order to have a replacement vehicle delivered within the next 24-30 months.

When we purchased the above listed vehicle, the airport was at ARFF Index D, based on the scheduled air carrier service at that time. There have been significant changes in the scheduled air carrier service in and out of ABC since that time, with the result that the airport is now designated ARFF Index B.

However, ABC continues to support significant unscheduled activity, most notably frequent operations by the Air Mobility Command (AMC). Over the last three years, AMC has flown in and out of ABC on average 28 times annually (meaning 28 arrivals and 28 departures), using a modified Boeing 747-200 and carrying more than 300

ATTACHMENT A
SAMPLE REQUEST LETTER (continued)

military personnel. I am attaching a report documenting this activity, as well as a letter from the AMC indicating their intent to continue these operations for the foreseeable future.

Based on the airport's current ARFF Index B, the airport would normally qualify for Federal financial support for only the two remaining vehicles that meet Index B. This would not likely provide sufficient resources in the event of an incident involving a 747-200.

Accordingly, we are requesting consideration for AIP funding for equipment commensurate with ARFF Index D. The airport is fully prepared to maintain the necessary staffing to operate and maintain this equipment, and we are prepared to accept a special condition in the grant (if awarded) to memorialize that commitment. Naturally, when it comes time to rehabilitate the ARFF building, we will also need to size that structure to support this equipment.

Please let me know if you need any further information in order to consider this request for AIP funding for ARFF equipment beyond minimum standards. Otherwise, we will include a copy of this letter and its attachments with the standard grant application materials. We may also consider using Passenger Facility Charge (PFC) revenues to help cover the local share for this acquisition, in which case we will also include a copy of this letter and its attachments in the relevant PFC application.

Thank you for your consideration.

Sincerely,

[SIGNED]

Jim Roe
Airport Manager

cc: Jane Snow, Chair, ABC Airport Authority
Jill Crow, Regional Airports Division Manager, FAA Sample Region