




Federal Aviation Administration

Policy Guidance

Date: March 10, 2023

To: Airports Regional Directors
610 Branch Managers
620 Branch Managers
Airports District Office Managers

From: 
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Subject: Engineering Policy Memo 23-01: Sponsor Status Updates for an Existing
Approved Modification of Standards

Purpose

This Engineering Policy Memo (EPM) revises the policy for duration of a Modification of Standards (MOS) approval as currently established in paragraph 8.f of FAA Order 5300.1G, *Modifications to Agency Airport Design, Construction, and Equipment Standards*, dated September 29, 2017.

Effective Period of EPM

EPM #23-01 becomes effective upon signature and remains in effect until the Office of Airport Safety and Standards (AAS) revises Order 5300.1G, *Modifications to Agency Airport Design, Construction, and Equipment Standards*.

Background

Misunderstandings related to Federal Aviation Administration (FAA) MOS approvals has resulted in confusion about the purpose and duration of approval actions. In some instances, Airport Sponsors (Sponsors) with a previously approved MOS incorrectly assumed the action represented a permanent approval. The FAA bases the approval of an MOS on factors

present at the time of the project implementation. However, such factors, which include risks to safety and opportunities to mitigate, can change over time.

Misunderstanding the purpose and applicability of an MOS may lead a Sponsor to reduce emphasis on planning and funding future projects to correct a nonstandard condition. Additionally, Sponsor personnel turnover at an airport often results in the new staff not being fully aware of previously approved MOSs or the existence of nonstandard conditions at the airport.

To counter such misunderstandings, Order 5300.1G implemented an approval duration condition: it requires resubmittal and re-approval of previously approved design MOSs every five (5) years. The intent of the MOS approval duration provision was to:

1. Maintain Sponsor awareness of the existence of previously approved MOSs.
2. Focus Sponsor attention on developing a path toward correcting nonstandard conditions through a re-evaluation process.
3. Serve as a point to re-assess whether mitigation conditions imposed by the MOS approval remain effective in maintaining an acceptable level of safety and efficiency.

Need for Policy Revision

Feedback received by AAS indicates that MOS resubmittals on a five-year frequency create an undue resource burden on Sponsors and Regional/Airport District Office (ADO) staff, with little resulting benefit. This feedback reflects a common opinion that an MOS resubmittal will not lead to immediate corrective action beyond what the normal planning process already provides.

AAS revisited the MOS policy to assess a different method of tracking and monitoring FAA-approved design MOS. As a result, AAS is revising the current MOS policy by replacing the five-year MOS re-submittal provision with a five-year status update reporting provision.

The Sponsor MOS status update will:

1. Enhance awareness of existing MOSs and associated nonstandard conditions.
2. Allow monitoring of the residual risk resulting from application of the MOS conditions to determine if additional measures are necessary.
3. Focus Sponsor attention on identifying potential opportunities to correct nonstandard conditions through appropriate capital improvement planning.

Policy Revision

This EPM revises the current MOS policy as follows:

- Replaces paragraph 8.f., Duration of an MOS Approval, (shown below) in its entirety with a new paragraph 8.f., Sponsor Actions Post MOS Approval.

- Adds a new paragraph 8.k addressing Region/ADO responsibilities after MOS approval.
- Replaces the third bullet in paragraph 9, Approval Letters, with a new bullet requiring the Sponsor to submit a status update on each approved MOS every five years.
- Revised policy language is reflected in italics in the table below.

Current Text	New Text
<p>8. Policy</p> <p>f. Duration of an MOS Approval:</p> <p>(1) MOS that are applicable to material and/or construction standards are approved for the life of the project.</p> <p>(2) All MOS associated with design standards expire no later than 5 years from the approved date. The airport must re-submit the MOS for review and approval if an extension is requested.</p> <p>(3) All MOS associated with design standards must be reviewed whenever there is an opportunity to meet standards, when situations change, or if a MOS is no longer required.</p>	<p>8. Policy</p> <p><i>f. Sponsor Actions Post MOS Approval</i> <i>MOS approvals will include the following provisions, as applicable, addressing actions required of Sponsors post MOS approval.</i></p> <p><i>(1) <u>All Design MOSs</u>: The Sponsor will provide a status update on the nonstandard condition every five years through the MOS tool in the web-based Airport Data and Information Portal (ADIP). The ADIP system will generate a notification email to the Sponsor and applicable FAA office 90 days before the reporting deadline and a second reminder email 30 days before the reporting deadline.</i></p> <p><i>(2) <u>Construction Method and Material MOS that Require Monitoring (Optional Condition)</u>: The Sponsor will provide a status update of the nonstandard condition every five years through the MOS tool in ADIP.</i></p> <p><i>(3) <u>All Design MOSs</u>: In conformance with Grant Assurance No. 29, Airport Layout Plan, the Sponsor will indicate the approved design standard MOS within the nonstandards table on its current airport layout plan.</i></p> <p><i>(4) To the extent practical, the Sponsor will give high priority within its capital improvement plan to funding projects that mitigate the associated nonstandard condition whenever the opportunity to meet standards becomes feasible. As applicable, the Sponsor will provide the FAA with its rationale for not identifying projects within its capital improvement plan that correct a nonstandard condition.</i></p>

Current Text	New Text
<p>8 Policy k. (New sub-paragraph)</p>	<p>8. Policy k. Region/ADO Actions Post MOS Approval <i>The ADO office will:</i></p> <ul style="list-style-type: none"> (1) <i>Verify the Sponsor identifies approved design-MOSs as part of its airport layout plan on file. If the current ALP does not reflect an MOS, notify the Sponsor of the nonconformance with Grant Assurance No. 29.</i> (2) <i>Assess opportunities within the Sponsor's Airport Capital Improvement Plan (ACIP) to mitigate nonstandard conditions in whole or incrementally over time. Where there is a reasonable opportunity to correct a nonstandard condition, advise the airport to identify the project within its ACIP.</i> (3) <i>Review the Sponsor's MOS status updates to determine if current local conditions necessitate a new aeronautical study (e.g. SF 7460-1) to evaluate current risks associated with the nonstandard condition. This may include:</i> <ul style="list-style-type: none"> a) <i>Documented incidents associated with the nonstandard condition.</i> b) <i>Pilot reports of issues and concerns related to the nonstandard condition.</i> c) <i>Substantive increase in operations of aircraft larger than the critical aircraft.</i> <p><i>The Regional Office will:</i></p> <ul style="list-style-type: none"> (1) <i>Review the ADO's recommendation for a new aeronautical study.</i> (2) <i>Confirm or dismiss the need for an aeronautical study.</i> <p><i>The ADO/Region may terminate the need for future status updates only:</i></p>

Current Text	New Text
	<p>(1) <i>After receiving a current status report deemed satisfactory to the FAA, and</i></p> <p>(2) <i>Subject to one of the following reasons:</i></p> <ul style="list-style-type: none"> a) <i>The ADO/Region establishes the nonstandard condition no longer exists.</i> b) <i>The ADO/Region determines the residual risk associated with use of nonstandard pavement design or construction methods and materials will remain at an acceptable level.</i>
<p>8.</p> <p>1. <i>(New subparagraph)</i></p>	<p>8 Policy</p> <p>1. New Development</p> <p><i>FAA approval of an MOS for a future project remains valid for up to five years from the date of issuance. A Sponsor will need to resubmit its request if it does not initiate the associated project within the five-year timeframe.</i></p>
<p>9. Approval Letters. MOS approval letters must contain the following for each modification:</p> <ul style="list-style-type: none"> • A reference to the standard being modified • Conditions associated with the MOS approval, when necessary • The effective period of the modification • A statement that the modification is subject to review at any time if conditions originally justifying the modification changes, or if the FAA deems re-evaluation as being in the public’s best interest. 	<p>9. Approval Letters. MOS approval letters must contain the following <i>elements</i> for each modification:</p> <ul style="list-style-type: none"> • A reference to the standard <i>the Sponsor is requesting FAA to modify.</i> • Conditions associated with the MOS approval, <i>as applicable.</i> • <i>Design MOS: A provision requiring the Sponsor to provide the FAA with a status update on the approved MOS every five years through the ADIP MOS tool.</i> • <i>Select Construction Method and Materials MOS: A provision requiring the Sponsor to provide the FAA with a status update on the approved MOS every five years through the ADIP MOS tool. (The Region has the discretion to add this provision when durability and service life are a concern.)</i>

Current Text	New Text
	<ul style="list-style-type: none"> <li data-bbox="857 254 1398 453">• A statement that the <i>nonstandard condition associated with the MOS</i> is subject to review at any time <i>there are changes to the conditions justifying the MOS</i> or if the FAA deems re-evaluation as being in the public’s best interest.

Questions

Please contact Mike Rottinghaus, AAS-110, at (202) 267-3622 or by email at mike.rottinghaus@faa.gov if you have questions about this policy revision.

Attachment A

Status update form questions available online in ADIP and accessed via email link.
Information collection covered by ADIP PRA information collection

Status Update Form Modification of Standards - Design

Does the nonstandard condition associated with the MOS still exist? Yes No

Provide brief explanation if response is no.

Date Stamp	Name	Response

Have you implemented applicable conditions associated with the MOS approval? Yes No.

Please provide detail on actions taken.

Date Stamp	Name	Response

Does the table for nonstandard design elements on the latest FAA approved Airport Layout Plan (ALP) reflect the approved MOS? Yes No

If no, explain planned action to correct ALP.

Date Stamp	Name	Response

Have there been any operational incidents, pilot complaints or other feedback associated with the non-standard condition? Yes No

If yes, please provide details.

Date Stamp	Name	Response

Describe actions you have taken to develop a plan to correct the non-standard condition. As applicable, identify future project opportunities and anticipated date for corrective action.

Date Stamp	Response

Certification

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Status Update Form
Modification of Standards – Construction Methods and Materials

Does the pavement section addressed by the MOS remain in a serviceable condition for the safe operation of aircraft? Yes No

Describe current condition of pavement

Date Stamp	Response.

Are there any signs of significant pavement distress (e.g. Cracking, spalling, joint damage, rutting, etc.)?

Yes No

If yes, please provide details.

Date Stamp	Response.

Does your pavement maintenance plan include conducting periodic pavement inspections? Yes No.

Indicate frequency of inspections and describe system for archiving inspection reports.

Date Stamp	Response.

Does your current capital improvement plan include any pavement rehabilitation or reconstruction activity associated with the pavement addressed by the MOS? Yes No

If yes, please provide details.

Date Stamp	Response.

Certification

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.