

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 4040.38

National Policy

05/27/16

Cancellation Date
05/27/17

SUBJ: FAA Aircraft Management Program Consolidation

1. Purpose of this Notice. This Notice defines flight program consolidation and serves to establish/realign certain roles and responsibilities for the management and oversight of the FAA Aircraft Management Program. This Notice applies to the six current FAA flight programs established in Order 4040.9E, Chapter 1, Section 5, Paragraphs 33 – 38.

Flight program consolidation separates flight program operations from flight program regulatory oversight functions in two separate lines of business (LOB) with equivalent organizational reporting levels for the executives responsible for flight program operations and flight program oversight. The six current flight programs are realigned into a single operations organization under the governance of the Air Traffic Organization (ATO). Regulatory oversight functions are realigned to a single regulatory oversight office under the governance of the Office of Aviation Safety (AVS), Flight Standards Service (AFS).

2. Audience. The primary audience is FAA Aircraft Management Program flight programs and flight program personnel, including flight program participants and other personnel involved in the operation of aircraft, simulators, flight training devices (FTD), and aircraft-related services.

3. Where Can I Find This Notice? This notice can be found on the FAA Website at: https://employees.faa.gov/tools_resources/orders_notices/. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov/fsims/fsims.nsf/home>. Operators may find this information on the Federal Aviation Administration (FAA) Web site at <http://fsims.faa.gov>.

4. Effective Date. This Notice takes effect June 1, 2016.

5. Background. The FAA has six separate flight programs that operate under four different LOBs/staff offices (SO) and perform nine missions (approved uses of FAA aircraft as set forth in Order 4040.9E, Chapter 3, Section 2, Paragraph 5(a) – (i)). Flight program consolidation will realign operations and oversight functions.

This Notice establishes authority and responsibilities of the Director, Flight Inspection Services (AJW-3), predecessor position to the new Vice-President, Flight Program Operations Services, as the Flight Program Executive. In addition, this Notice clarifies authority and responsibility of the Director, Flight Standards Service (AFS-1) as the Oversight Executive.

Upon completion of the transition period, operational control for all FAA flight program operations will be delegated through the Air Traffic Organization (ATO) to the Flight Program Executive. There will be no FAA aircraft flight operations (to include owned, leased, and rented) conducted under the operational control/auspices of any organization other than the new consolidated flight program operations organization. All LOBs/SOs requiring aircraft services (including aircraft rental, proficiency flying, or any other activity) will enter into an agreement with the new operations organization to obtain such services.

6. Transition Period. The transition period is effective immediately until the new consolidated flight program operations organization is established. During the transition period, Order 4040.9E is being revised. Some sections, particularly Chapter 1, are out of date and do not necessarily reflect the current FAA organizational structure. To the extent this Notice does not address discrepancies, please refer any questions to the Flight Program Executive.

7. Flight Program Delegated Authority. Management personnel specifically designated in Order 4040.9E, Chapter 1, Section 5, Paragraphs 33 – 38 are responsible for management of their respective flight programs. Delegated authority is realigned for the following flight programs:

a. Washington Flight Program (Hangar 6). The Chief Operating Officer of the Air Traffic Organization (AJO-0) is responsible for this program. The authority in Order 4040.9E, Chapter 1, Section 5, Paragraph 34 is delegated to the management personnel listed from AJO-0 (as appropriate).

b. WJHTC Flight Program. The Assistant Administrator for NextGen (ANG-1) is responsible for this program. The authority in Order 4040.9E, Chapter 1, Section 5, Paragraph 37 is delegated to the management personnel listed from ANG-1 (as appropriate).

c. FAA Academy Flight Program. The Assistant Administrator for Finance and Management (AFN-1) is responsible for this program. The authority in Order 4040.9E, Chapter 1, Section 5, Paragraph 38 is delegated to the management personnel listed from AFN-1 (as appropriate).

8. Roles and Responsibilities. The roles and responsibilities defined in Order 4040.9E, Chapter 1, Section 4, Paragraphs 26 – 30 and Chapter 6, Section 2, Paragraph 9 are realigned as follows:

a. Flight Program Executive. The Director, Flight Inspection Services (AJW-3) is named the Flight Program Executive and Senior Management Official (SAMO) in accordance with 41 CFR 102-33.30, until such time as the ATO establishes the Flight Program Operations Services organization. Upon the establishment of the new organization, the Vice-President, Flight Program Operations Services, will assume the duties of the Flight Program Executive and SAMO.

(1) The Flight Program Executive will meet the qualification requirements of Title 14 of the Code of Federal Regulations (14 CFR) 119.67(a) and be the focal point for all matters related to FAA flight program operations during the transition period and after the consolidated operations organization is established. During the transition period, the FAA Senior Flight Safety Officer (SFSO) and flight program managers are responsible to the Flight Program Executive for FAA Aircraft Management Program policies and issues (other than regulatory oversight).

(2) The Flight Program Executive assumes all of the duties of the Flight Program Oversight Executive (FPOE) as set forth in Order 4040.9E, Chapter 1, Section 4, Paragraph 26 and all related responsibilities (including the responsibility for internal oversight as described in Chapter 1, Section 3, Paragraph 14 and Chapter 7, Section 3).

(3) The Flight Program Executive is accountable for all aspects of FAA flight program operations, compliance, and policy (including, but not limited to, operation, safety, training, maintenance, administrative services, financial and business management, acquisition, reporting, regulatory compliance, internal and other requirements).

(4) The Flight Program Executive is responsible for all functions associated with reporting flight program data and managing the FAA automated aircraft management information systems as set forth in Order 4040.9E, Chapter 1, Section 3 and further described in Chapters 2 through 5 and Appendices C, D, and F.

(5) The Flight Program Executive ensures compliance with all applicable Federal directives (as listed in Order 4040.9E Appendix E), and serves as the focal point for Office of Management and Budget (OMB), General Services Administration (GSA), and Department of Transportation (DOT) requirements.

(6) During the transition period, Flight Inspection Services (AJW-3) is the office of primary responsibility (OPR) for FAA Order 4040.9 (current edition), FAA Aircraft Management Program, as well as all FAA flight program forms, directives, and operations policies and procedures. All forms, directives, and operations policies and procedures will be transferred to the new Flight Program Operations Services upon its establishment.

(7) During the transition period, the Flight Program Executive is responsible for the maintenance, review, and revision of the Safety Program as described in Order 4040.9E, Chapter 6, with the exception of accident/incident investigation. Upon the establishment of Flight Program Operations Services, the Flight Program Executive will be the Accountable Executive (in accordance with 14 CFR Part 5) for the Flight Program Operations Services Safety Management System (SMS).

(8) During the transition period, the Flight Program Executive assumes the FAA SFSO responsibilities related to the National Safety Council, Internal Evaluation Program (IEP), and accident/incident notification and reporting including those responsibilities set forth in Order 4040.9E, Chapter 6, Section 2, Paragraph 9(a)(1), (6), (8), (12) – (16) and Appendix G.

(9) Upon the establishment of Flight Program Operations Services, the Flight Program Executive will have operational control of all FAA flight program operations conducted in owned, leased, and rented aircraft, and establish a clear line of delegation for operational control of such flights.

b. Oversight Executive. The Director of the Flight Standards Services (AFS-1) serves as the Oversight Executive.

(1) The Oversight Executive is the focal point for all matters related to FAA flight program regulatory oversight. During the transition period, the FAA Flight Program Oversight Office (FPOO) Manager and flight program managers are responsible to the Flight Program Executive for FAA Aircraft Management Program policies and issues (other than regulatory oversight).

(2) The Oversight Executive assumes the regulatory oversight/external evaluation responsibilities of the FPOO/FPOO Manager (including the responsibility for external oversight as described in Chapter 1, Section 3, Paragraph 14 (a), Chapter 1, Section 4, Paragraph 28(c) – (d), and Chapter 7, Section 2).

(3) The Oversight Executive designates a Certificate Management Unit (CMU) within an AFS field office to conduct regulatory oversight of the six FAA flight programs during the transition period, as well as the successor consolidated flight program operations organization.

(4) During the transition period, the Oversight Executive works with the Flight Program Executive to realign the FAA SFSO duties related to accident/incident investigation, as described in Order 4040.9E, Chapter 6, Section 5, to the CMU (as appropriate).

c. Flight Program Oversight Executive (FPOE). The FPOE position is abolished as of the date of this Notice.

d. Flight Program Policy Committee (FPPC). The Flight Program Executive and Oversight Executive will ask the current members of the FPPC to support flight program consolidation in an advisory role during the transition period. Upon completion of the transition period, the FPPC will be abolished.

e. FAA Senior Flight Safety Officer (SFSO). The FAA SFSO reports to the Flight Program Executive during the transition period. The duties of the FAA SFSO are realigned in accordance with this Notice.

(1) The SFSO duties (including those duties and functions in Order 4040.9E, Chapter 6 and Appendix G) that involve compliance with regulatory requirements and accident/incident investigation are realigned to the Oversight Executive.

(2) The SFSO duties (including those duties and functions in Order 4040.9E, Chapter 1, Chapter 6, and Appendix G) that involve National Safety Council, Internal Evaluation Program (IEP), and accident/incident notification and reporting are realigned to the Flight Program Executive.

f. FAA Flight Program Oversight Office (FPOO)/FPOO Manager. As of the date of this Notice, the functions of the FPOO and duties/responsibilities of the FPOO Manager are realigned as set forth below. To the extent possible, FPOO responsibilities are realigned and the FPOO will be abolished by July 1, 2016.

(1) The responsibility for regulatory oversight and/or external evaluation of the FAA Aircraft Management Program/six current FAA flight programs is transferred from the FPOO/FPOO Manager to the Oversight Executive, including the duties specifically listed in Order 4040.9E, Chapter 1, Section 4, Paragraph 28(c) – (d) and as generally set forth in the order.

(2) Roles and responsibilities related to maintenance and custodianship of Order 4040.9, the Interagency Committee for Aviation Policy (ICAP), FAA Aircraft Management Program policy (other than regulatory oversight policy), flight program internal and external reporting, and recordkeeping requirements related to reports/flight program operations are realigned to the Flight Program Executive, including the duties listed in Order 4040.9E, Chapter 1, Section 4, Paragraph 28(b), (e), and (g) – (l) and as generally set forth in the order.

(3) Responsibility for compliance with non-regulatory requirements, including Federal directives (e.g., OMB Circular A-126 and DOT Order 6050.1B) are realigned to the Flight Program Executive, including the duties listed in Order 4040.9E, Chapter 1, Section 4, Paragraph 28(f) and as generally set forth in the order. The Flight Program Executive is responsible for ensuring such requirements are integrated in the internal audit/evaluation component of the Flight Program Operations Services SMS.

g. Flight Program Manager. During the transition period, each Flight Program Manager continues to exercise the duties and responsibilities specifically set forth in Order 4040.9E, Chapter 1, Section 4, Paragraph 29 (a) – (g) and Chapter 6, Section 2, Paragraph 6 and as generally set forth in the order.

(1) During the transition period, each Flight Program Manager is responsible for operational control of all flight program flights conducted in FAA aircraft (owned, leased, and rented) with the exception of the AFS King Air C90 GTx aircraft. During the transition period, the nine FAA-owned King Air C90 GTx aircraft currently under the operational control of the AFS Flight Program Manager will be transferred to the operational control of the Flight Program Executive.

(2) During the transition period, each Flight Program Manager is expected to continue operations in a manner that maintains the highest level of safety during the transition period and operate FAA aircraft (owned, leased and rented) while implementing mitigation strategies to ensure the flight program operates such aircraft at the lowest acceptable level of risk to the agency.

(3) During the transition period, each Flight Program Manager will provide the Flight Program Executive with information regarding all matters pertaining to aircraft acquisition and disposal, including information associated with these actions.

h. Flight Program Flight Safety Officer (FPFSO). During the transition period, each flight program flight safety officer continues to exercise the duties and responsibilities set forth in Order 4040.9E, Chapter 6 and defined by the Flight Program Executive, in relation to the Safety Program. Each FPFSO (or appropriate representative) will also support the Flight Program Executive in the establishment of a single SMS for Flight Program Operations Services.

i. Flight Program Participant. During the transition period, each flight program participant continues to exercise the duties and responsibilities set forth in Order 4040.9E.

9. Interim Guidance. During the transition period, all FAA flight programs and flight program participants are required to comply with the guidance and directive(s) issued by the Flight Program Executive. The Flight Program Executive is responsible for resolving inconsistencies in Order 4040.9E and this Notice through the issuance of interim guidance and/or directive(s).

a. Until such time as Order 4040.9E is revised, the Flight Program Executive will issue interim directive(s) to ensure flight program standards are established for all FAA aircraft (owned, leased, rented, etc.) consistent with the highest equivalent operational requirements under 14 CFR (e.g., 14 CFR Part 91, 121, 135, 141, 142).

b. During the transition period, the Flight Program Executive may issue guidance and directive(s) related to the Safety Program, as well guidance and directive(s) required to establish a single Safety Management System (SMS) consistent with 14 CFR Part 5 for the consolidated Flight Program Operations Services organization.

c. During the transition period, the Flight Program Executive may issue guidance and directive(s) as necessary to ensure the safe operation of FAA aircraft (owned, leased and rented) operated by FAA flight program participants.

10. Distribution. This notice is distributed to the office level in Washington headquarters; division level in regions and centers; to the Operations Centers; branch level in AFS, Flight Inspection Services, the Mike Monroney Aeronautical Center FAA Academy Regulatory Standards Division, AIR, and WJHTC Flight Program; AFS Field Offices; Flight Inspection Field Offices; Aircraft Certification Offices (ACO); the Washington Flight Program; the FAA Flight Program Oversight Office; and the Des Moines Flight Standards District Office, which currently serves as the FAA Flight Program CMU.



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